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federal register

MONDAY, APRIL 18, 1977

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 3—The President

PROCLAMATION 4501

Small Business Week, 1977

By the President of the United States of America

A Proclamation

Our nation's small businesses employ 100 million Americans and produce nearly half of our gross business product. Small businesses remain healthy in an economic environment that equates size with success because they take an active interest in the customers and communities they serve.

A successful small business is evidence of the independence, initiative and hard work of the man or woman who owns and operates it. Their spirit has been, and will continue to be, a major factor in our nation's growth.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning Sunday, May 22, 1977, as Small Business Week, and I ask all Americans to join me in expressing the pride we take in our nation's small business sector.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-11806 Filed 4-14-77;3:23 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 408, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to Final Rule.

SUMMARY: This amendment increases the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 8–14, 1977. The amendment recognizes that demand for navel oranges has improved, since the regulation was issued. This action will increase the supply of navel oranges available to consumers.

DATES: Weekly regulation period April 8–14, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; (202) 447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information, submitted by the Navel Orange Administrative Committee, established under the marketing agreement and order, and other available information, it is found that the limitation of handling of navel oranges, as provided in this amendment will tend to effectuate the declared policy of the act.

(2) Demand in the navel orange markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit navel orange handlers to ship a larger quantity of navel oranges to market to supply the increased demand. The amendment will increase the quality permitted to be shipped by 100 cartons, in the interest of producers and consumers.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions of the handling of navel oranges.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.708 Navel Orange Regulation 408 (42 FR 18387) are hereby amended to read as follows:

"(i) District 1: 1,254,000 cartons;

"(ii) District 2: 296,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 13, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11212 Filed 4-15-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 3]

PART 1472—WOOL

Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1974–1977); Payment and Deduction Rates for 1976 Marketing Year

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to amend the regulations issued by Commodity Credit Corporation with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for the 1974, 1975, 1976, and 1977 marketing years to include the payment and deduction rates for shorn wool and unshorn lambs (pulled wool) marketed during the 1976 marketing year. The rate of payment for each year is based on the difference between the annual national average price received for wool and the previously announced support price.

EFFECTIVE DATE: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald Schiermeyer, Program Operations Division, ASCS, USDA, 3636 South Building, Washington, D.C. 20013 (202–447–4428).

SUPPLEMENTARY INFORMATION: For the four marketing years 1974, 1975, 1976, and 1977, section 703 of the National Wool Act of 1954, as amended (7 U.S.C. 1782) and 7 CFR 1472.1403 and 1472.1421 provide for a specific support price rate for shorn wool and a support price rate for pulled wool which the Secretary determines will maintain normal marketing practices for pulled wool. The payment rates for shorn wool and pulled wool are determined in accordance with section 704 of the Act, as amended (7 U.S.C. 1783), and 7 CFR 1472.1405 and 1472.1421.

Section 708 of the Act, as amended (7 U.S.C. 1787), authorizes the Secretary of Agriculture to enter into agreements with marketing cooperatives, trade associations and others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats, or the products thereof. These agreements can provide for deductions from support payments to producers to conduct advertising and sales promotion programs for the development and dissemination of information for wool, mohair, sheep or goats, or their products. Deductions for the 1974–1977 marketing years were authorized in the agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture approved by producers in a referendum held November 4 through 15, 1974.

Since there is no latitude for varying the payment rate and since the deduction rate is the same as for the 1974 and 1975 marketing years, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1976. It is, therefore, found upon good cause that compliance with the notice of proposed rule making and public participation procedure is unnecessary, impracticable and contrary to the public interest.

In consideration of the foregoing, Part 1472 is amended by adding a new paragraph (e) to § 1472.1405, a new paragraph (e) to § 1472.1421, and a new paragraph (d) to § 1472.1446 as follows:

1. Section 1472.1405 is amended by adding the following new paragraph (e):

§ 1472.1405 Price support payments.

* * * * * *

(e) *1976 marketing year.* The national average price received by producers for shorn wool marketed during the 1976 marketing year was 67.5 cents a pound, grease basis, which was 6.3 cents a pound below the price support level of 72 cents for that year. Therefore, the rate of payment for the 1976 marketing year is 9.6 percent.

2. Section 1472.1421 is amended by adding the following new paragraph (e):

§ 1472.1121 Price support payments.

• • • • •

(e) *1976 marketing year.* The rate of payment on unshorn lambs sold during the 1976 marketing year is 25 cents per hundredweight of live lambs based on a difference of 6.3 cents a pound between the price support level of 72 cents and the national average price of 65.7 cents a pound received by producers for shorn wool during the 1976 marketing year (§ 1472.1405(e)).

3. Section 1472.1446 is amended by adding the following new paragraph (d):

§ 1472.1446 Deductions for promotion.

• • • • • •

(d) For the 1976 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787, as amended).)

Signed at Washington, D.C., on April 6, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77–11176 Filed 4–15–77;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 760—FLOOD INSURANCE

Flood Disaster Protection Amendments

Correction

In FR Doc. 77–8946 appearing at page 16130 in the issue for Friday, March 25, 1977, make the following correction: on page 16131 in paragraph (a)(3) of § 760.2, the word "financial" should be changed to read "finance".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77–CE–3–AD; Amdt. 39–2875]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 58P, 58PA, 58TC and 58TCA Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to certain Beech Models 58P, 58PA, 58TC and 58TCA airplanes. The AD requires inspection of the engine mount fitting bolts and their replacement if necessary. This action will remove from service any under strength bolts that may have been installed during production of the airplanes. Beechcraft Service Instruction No. 0875–038 covers the subject matter of this AD.

EFFECTIVE DATE: May 26, 1977.

Compliance required within 100 hours' time in service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instruction No. 0875–038 may be obtained from Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374–3446.

SUPPLEMENTARY INFORMATION: On February 17, 1977, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to certain Beech Models 58P, 58PA, 58TC and 58TCA airplanes (42 FR 9680). The AD requires inspection of the engine mount fitting bolts and their replacement if necessary. Beechcraft Service Instructions No. 0875–038 pertains to this AD.

Interested persons were invited to participate in this rule making by submitting written comments on the proposal to the FAA. No comments were received.

This AD is necessary because the manufacturer informed the FAA that AN4 type bolts were inadvertently installed in the engine mount fittings on certain of the aforementioned airplanes. NAS1104 type bolts are the correct bolts for this installation. While the AN4 bolts are strong enough to carry the maximum limit loads that the airplane is expected to encounter in service, they will not carry the ultimate design loads as required by the applicable Federal Aviation Regulations. If the AN4 type bolts are not replaced with the NAS1104 type bolts, separation of the engine mount from the airplane may occur and could result in loss of the airplane. Since the condition described herein is likely to exist in other airplanes of the same type design, the AD is being issued as proposed in the notice.

Accordingly, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR § 39.13) is amended effective May 26, 1977, by adding the following new AD:

BEECH. Applies to Models 58P and 58PA (Serial Numbers TJ–46 thru TJ–74, TJ–76, TJ–78 thru TJ–80, TJ–82 thru TJ–85, TJ–88 and TJ–89) and Models 58TC and 58TCA (Serial Numbers TK–7 thru TK–18, TK–20, TK–21, TK–25, TK–27, TK–30, TK–32, TK–34, TK–37 and TK–38) airplanes certified in all categories.

Compliance: Required as indicated, unless already accomplished.

To assure that the correct bolts are installed in the engine mount fittings, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

A. Inspect, and if necessary, replace the engine mount fitting bolts in accordance with the following procedures:

1. Remove the access covers just aft of the engine firewall on the upper and lower inboard and outboard sides of both right and left engine nacelles to gain access to the engine mount fittings (four per engine).

2. Visually inspect the two attach bolts in each fitting (eight bolts for each engine) to determine that NAS bolts are installed. NAS bolts may be identified by a concave indentation on the bolt head and NAS stamped on the bolt head.

3. If NAS bolts are installed, reinstall the access covers and proceed to Paragraph A.6. below. If NAS bolts are not installed, proceed with Paragraphs A.4. thru A.6. below.

4. Using engine hoist and sling as noted in the engine removal section of the applicable Beech Maintenance Manual, lift the engine weight off of the engine mount fittings.

5. Remove any of the engine mount fitting bolts that are not NAS bolts (remove and replace one bolt at a time). Discard the bolts and self-locking nuts removed and install new NAS1104–7 or NAS1104–7M bolts using new AN960–416L washers and new MS21042–4 self-locking nuts. Torque bolts to 50 to 70 inch pounds. Reinstall access covers and proceed to Paragraph A.6.

6. Make proper entry in the aircraft maintenance records that are to be transferred with the aircraft showing compliance with this AD.

B. Compliance time for this AD may be extended up to 10 hours to a maximum of 110 hours to allow compliance with this AD at previously scheduled maintenance periods.

C. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

D. Beechcraft Service Instructions No. 0875–038 covers the subject matter of this AD.

This amendment becomes effective May 26, 1977.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); § 11.81 of the Federal Aviation Regulations (14 CFR 11.81).)

The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Kansas City, Missouri, on April 6, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77–11079 Filed 4–15–77;8:45 am]

[Docket No. 77–SO–12; Amdt. 39–2873]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Model AA–5A and AA–5B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive which requires an inspection of the alternate static source valves on Grumman American Model AA–5A and AA–5B airplanes. This inspection will eliminate the possibility of excessive grease in the valve which could cause faulty altitude, airspeed, and vertical speed indications to the pilot. An excessive amount of grease was applied to internal parts of some valves during assembly.

EFFECTIVE DATE: April 19, 1977.

Compliance required prior to further flight under Instrument Flight Rules (IFR) or night flight, or within the next 25 hours day Visual Flight Rules (VFR) time in service after the effective date of this AD or the next scheduled inspection, whichever comes first, unless already accomplished.

ADDRESSES: Grumman American Service Bulletin No. 160, dated March 21, 1977, may be obtained from Grumman American Aviation Corporation, P.O. Box 2206, Savannah, Georgia 31402.

FOR FURTHER INFORMATION CONTACT:

G. C. Carver, Systems Section, Engineering and Manufacturing Branch, FAA Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, Telephone (404) 763–7781.

SUPPLEMENTARY INFORMATION: There have been instances of excessive grease being found in the alternate static source valve, identified as Gerdes part number A–1390. This creates a hazardous situation, especially under IFR conditions, since indications in altitude, airspeed, and vertical speed may be affected. An Airworthiness Directive is being issued to require inspection and cleaning of the alternate static source valve.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, adding the following new Airworthiness Directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Model AA–5A, serials AA5A–0001 through AA5A–0340 and Model AA–5B, serials AA5B–0001 through AA5B–0451 airplanes equipped with an alternate static source system.

To prevent faulty altitude, airspeed, and vertical speed indications from being presented to the pilot, accomplish the following: Disassemble, clean, lubricate, and reassemble the alternate static source valve, Gerdes part number A–1390, and leak test the static system in accordance with the following procedure:

1. Remove static source valve knob and jamb nut.
2. Note static line routing and remove lines from valve body.
3. Remove attach screws and valve assembly from aircraft.
4. Disassemble valve by removing hex bushing from forward end of valve and pushing valve shaft through valve body.
5. Wipe and save all grease from valve shaft with a clean lint-free cloth.
6. Clean inside valve body with a lint-free cloth.
7. Blow compressed air through fittings into valve body to clear ports.
8. Reclean inside of valve body.
9. Lubricate O-rings only with a very thin film of grease removed in Step 5. Keep rest of shaft dry.
10. Reassemble valve, mark serial number plate with a red dot, reinstall in instrument panel and reconnect lines to their respective ports.
11. Conduct a static system leak test according to the procedure in Grumman American Service Bulletin No. 160, dated March 21, 1977, or FAA Advisory Circular AC 43–203A (Ref. FAR 23.1325).

Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 (a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

This amendment becomes effective April 19, 1977.

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in East Point, Georgia on April 5, 1977.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc.77–11076 Filed 4–15–77;8:45 am]

[Docket No. 76–EA–96; Amdt. 39–2874]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive which requires an alteration to the mounting bracket of the pilot and copilot microphone and phone jack relay to preclude possible shorting of the relay coil presenting a fire hazard due to the close proximity of fuel lines on Piper PA-31 type aircraft.

DATES: Effective Date: April 20, 1977. Compliance is required within 50 hours in service after the effective date of this AD.

ADDRESSES: Piper Kits and Service Bulletins may be obtained from Piper, 820 East Bald Eagle Street, Lock Haven, Pennsylvania, 17745.

FOR FURTHER INFORMATION CONTACT:

William J. White, Systems and Equipment Section, AEA–213, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212–995–3372.

SUPPLEMENTARY INFORMATION: There has been a report that a jack relay could loosen through vibration from its mounting bracket and the 28V. pin on the relay coil could short against the mounting bracket, presenting a fire hazard. Since this is a deficiency which can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require an alteration to the mounting bracket. Since air safety is involved, notice and public procedure hereon are impractical and good cause exists for making the directive effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 20, 1977, by issuing a new Airworthiness Directive as follows:

PIPER. Applies to PA–31, PA–31–300, and PA–31–325, S/N's 31–2 to 31–7712010 inclusive; PA–31–350, S/N's 31–5001 to 31–7752028 inclusive; PA–31P, S/N's 31P–1 to 31P–7730001 inclusive, and PA–31T, S/N's 31T–7400002 to 31T–7720008 inclusive.

Compliance required within the next 50 hours in service after the effective date of this AD unless already accomplished. To avoid an electrical short between the Pilot/Copilot Microphone and Phone Jack Relay and mounting bracket, comply with the "Instructions" paragraph of Piper Service Bulletin No. 526, dated November 30, 1976, or with an approved equivalent method.

Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, who must also approve equivalent methods of compliance.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Jamaica, New York, on April 6, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77–11078 Filed 4–15–77;8:45 am]

[Docket No. 77–EA–14; Amdt. 39–287]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive applicable to Piper PA–24, PA–30 and PA–39 type airplanes and requires an initial and repetitive inspection of the aileron spar behind the outboard hinge to prevent possible weakening of the aileron to wing attachment.

EFFECTIVE DATE: April 18, 1977. Initial compliance is required within 100 hours in service after the effective date.

ADDRESSES: Piper Service Letter 787 may be obtained from the manufacturer at 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

John Maher, Airframe Section, Engineering and Manufacturing Branch, AEA-212, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the spar behind the outboard hinge bracket. Extended progression of this crack could compromise the attachment of the aileron to the wing. It was determined that a reduction of stresses in the outboard hinge bracket area or a repetitive inspection for cracks would mitigate the deficiency. Since this is a deficiency which can exist or develop in similar type design airplanes, an Airworthiness Directive is being issued which will require a repetitive inspection or replacement of the part.

Since the foregoing affects air safety, notice and public procedure hereon are impractical and good cause exists for making directive effective in less than 30 days.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 18, 1977, by issuing a new Airworthiness Directive as follows:

PIPER. Applies to models PA-24, PA-24-250 and PA-24-260, Serial Nos. 24-1 through 24-5047; Model PA-24-400, Serial Nos. 26-2 through 26-148; Model PA-30, Serial Nos. 30-2 through 30-2000; Model PA-39, Serial Nos. 39-1 through 39-155; certificated in all categories except aircraft incorporating Piper Kit number 760 914.

To prevent possible hazards in flight associated with aileron spar cracks, accomplish the following:

(a) Within the next 100 hours in service from the effective date of this AD or upon the attainment of 1,000 total hours in service, whichever is later, and at intervals not to exceed 100 hours in service from the last inspection, inspect and alter as necessary in accordance with the instructions sections of Piper Service Letter No. 787 dated December 1, 1976, or equivalent.

(b) Upon the incorporation of Aileron Outboard Hinge Bracket Replacement, Piper Kit No. 760 914 or equivalent, compliance with the requirements of this AD may be dispensed with.

(c) Equivalent inspections and alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the inspection intervals specified in this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 313(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on March 30, 1977.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77-11109 Filed 4-15-77;8:45 am]

[Airspace Docket No. 77-SW-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone: Truth or Consequences, New Mexico

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment changes the effective hours of operation of the Truth or Consequences, New Mexico, control zone to coincide with the hours of operation of the Truth or Consequences Flight Service Station. The Truth or Consequences Flight Service Station hours of operation were reduced from continuous to 0600 to 1800 local time. This reduces the availability of special weather observations accordingly and necessitates the change in the control zone hours of operation to conform to the Flight Service Station hours of operation.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F 71.171 (42 FR 355) of FAR Part 71, the Truth or Consequences control zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Special weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A traffic survey was completed on October 29, 1976, which indicated insufficient activity to retain the 24-hour operation. On June 16, 1977, the FSS hours of operation will be reduced to 0600 to 1800 local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 16, 1977, as follows:

In Subpart F 71.171 (42 FR 355), the Truth or Consequences, New Mexico, control zone is amended by adding the following sentence:

This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas, on April 6, 1977.

PAUL J. BAKER,
Director,
Southwest Region.

[FR Doc.77-11077 Filed 4-15-77;8:45 am]

[Airspace Docket No. 77-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of the West Alternate of VOR Airway (V-307)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the west alternate of VOR Airway (V-307) between Pawnee City, Nebr., and Omaha, Nebr. An Air Traffic Use Survey of this alternate airway indicates that it is rarely used; therefore, retention of this airway serves no useful purpose to the flying public.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.123 by revoking alternate airway V-307W between Pawnee City, Nebr., and Omaha, Nebr.

This airspace area is under full radar and radio coverage. Therefore, should an occasional aircraft request to fly through this general area, it can be accommodated quite readily by air traffic control and also be provided more direct routings than the alternate airway presently provides.

Under the circumstances presented, the FAA concludes that this alternate airway can be revoked as it is no longer required. Further, since it has been rarely used, its revocation is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

§ 71.123 [Amended]

Accordingly, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307), is amended, effective 0901 GMT, June 16, 1977, as follows:

In § 71.123, V-307 ", including a west alternate via INT Pawnee 003° and Omaha 226° radials" is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 8, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.77-11069 Filed 4-15-77;8:45 am]

[Docket No. 16659; Amdt. No. 1068]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For purchase—Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By subscription—Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150.00; add $30.00 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *effective June 16, 1977.*

Opelousas, LA—St. Landry Parish, VOR/DME-A, Amdt. 2

* * * *effective June 2, 1977.*

Port Sulphur, LA—Port Sulphur Seaplane Base, VOR/DME-A, Amdt. 2
Port Sulphur, LA—Port Sulphur Seaplane Base, VOR/DME-B, Amdt. 2
Albuquerque, NM—Albuquerque International, VOR Rwy 8 (TAC), Amdt. 17
Deming, NM—Deming Municipal, VOR Rwy 26, Amdt. 6
Bowie, TX—Bowie Municipal, VOR/DME Rwy 17, Amdt. 1
Greenville, TX—Majors Arpt., VOR/DME Rwy 13 (TAC), Amdt. 1
Terrell, TX—Terrell Municipal, VOR/DME Rwy 36, Amdt. 1

* * * *effective May 26, 1977.*

Chicago, IL—Chicago O'Hare International, VOR Rwy 22R, Amdt. 6
Baltimore, MD—Glenn L. Martin State, VOR Rwy 14, Amdt. 1
Wheeling, WV—Wheeling-Ohio County, VOR Rwy 21, Amdt. 6

* * * *effective May 5, 1977.*

Donalsonville, GA—Donalsonville Muni Arpt., VOR-A, Amdt. 1, cancelled
Bainbridge, GA—Decatur County Industrial Airpark, VOR-B, Amdt. 1, cancelled

Donaldsonville, GA—Donaldsonville Muni Arpt., VOR Rwy 27, Amdt. 1, cancelled

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

* * * *effective May 26, 1977.*

Chicago, IL—Chicago O'Hare International, LOC Rwy 4L, Amdt. 13
Trenton, NJ—Mercer County, LOC(BC) Rwy 24 Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *effective June 2, 1977.*

Albuquerque, NM—Albuquerque International, NDB Rwy 35, Amdt. 6
Greenville, TX—Majors Arpt, NDB Rwy 17, Amdt. 1

* * * *effective May 26, 1977.*

Savannah, GA—Savannah Muni Arpt., NDB Rwy 9, Amdt. 14
Chicago, IL—Chicago O'Hare International, NDB Rwy 4L, Amdt. 11
Chicago, IL—Chicago O'Hare International, NDB Rwy 9R, Amdt. 10
Chicago, IL—Chicago O'Hare International, NDB Rwy 14L, Amdt. 19
Chicago, IL—Chicago O'Hare International, NDB Rwy 14R, Amdt. 17
Chicago, IL—Chicago O'Hare International, NDB Rwy 27R, Amdt. 16
Chicago, IL—Chicago O'Hare International, NDB Rwy 32L, Amdt. 14
Chicago, IL—Chicago O'Hare International, NDB Rwy 32R, Amdt. 14
Baltimore, MD—Glenn L. Martin State, NDB Rwy 14, Amdt. 1
Baltimore, MD—Glenn L. Martin State, NDB Rwy 32, Amdt. 1
Charleston, SC—Johns Island Arpt., NDB Rwy 9, Amdt. 1
Bristol, TN—Tri-City Arpt., NDB Rwy 22, Amdt. 14

* * * *effective May 5, 1977.*

San Antonio, TX—San Antonio International, NDB Rwy 3R, Amdt. 32

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *effective June 2, 1977.*

Oxnard, CA—Oxnard Arpt., ILS Rwy 25, Amdt. 2
Albuquerque, NM—Albuquerque International Arpt., ILS Rwy 8, Amdt. 1
Greenville, TX—Majors Arpt., ILS Rwy 17, Amdt. 1

* * * *effective May 26, 1977.*

Savannah, GA—Savannah Muni Arpt., ILS Rwy 9, Amdt. 17
Chicago, IL—Chicago O'Hare International, ILS Rwy 4R, Amdt. 2
Chicago, IL—Chicago O'Hare International, ILS Rwy 9R, Amdt. 8
Chicago, IL—Chicago O'Hare International, ILS Rwy 14L, Amdt. 24
Chicago, IL—Chicago O'Hare International, ILS Rwy 14R, Amdt. 23
Chicago, IL—Chicago O'Hare International, ILS Rwy 22L, Amdt. 1
Chicago, IL—Chicago O'Hare International, ILS Rwy 22R, Amdt. 3
Chicago, IL—Chicago O'Hare International, ILS Rwy 27L, Amdt. 7
Chicago, IL—Chicago O'Hare International, ILS Rwy 27R, Amdt. 18
Chicago, IL—Chicago O'Hare International, ILS Rwy 32L, Amdt. 16
Chicago, IL—Chicago O'Hare International, ILS Rwy 32R, Amdt. 14
Bristol, TN—Tri-City Arpt., ILS Rwy 22, Amdt. 19
Richmond, VA—Richard Evelyn Byrd Int'l Arpt., ILS Rwy 15, Amdt. 1
Wheeling, WV—Wheeling-Ohio County Arpt., ILS Rwy 3, Amdt. 12

* * * *effective May 5, 1977.*

San Antonio, TX—San Antonio International Arpt., ILS Rwy 3R, Amdt. 9

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *effective June 2, 1977.*

Albuquerque, NM—Albuquerque International Arpt., RADAR–1, Amdt. 19

* * * *effective May 26, 1977.*

Savannah, GA—Savannah Municipal Arpt., RADAR–1, Amdt. 1
Chicago, IL—Chicago O'Hare International Arpt., RADAR–1, Amdt. 33

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *effective June 2, 1977.*

Albuquerque, NM—Albuquerque International Arpt., RNAV Rwy 8, Amdt. 3, cancelled

* * * *Effective May 26, 1977.*

Savannah, GA—Savannah Muni Arpt., RNAV Rwy 18, Amdt. 2
Madison, MS—Bruce Campbell Fld, RNAV Rwy 17, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 24 FR 5662 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on April 8, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77–11070 Filed 4–15–77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Economic Regs. Doc. 28256; Reg. ER–992, Amdt. 8]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Charters by Cooperative Shippers Associations and Joint Loading Between Cooperative Shippers Associations and Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: The amended Board regulations under Parts 207 and 208 allow direct air carriers to provide charter air transportation to cooperative shippers associations under the same terms and conditions as apply to air freight forwarders. The amendments to Part 296 of the Board regulations allow such associations to engage in joint loading agreements with air freight forwarders, and provide that such joint loading agreements must be filed with the Board pursuant to section 412 of the Act. These changes were suggested by a cooperative shippers association now operating under Part 296.

DATES: Effective: May 15, 1977; Adopted: April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 (202–673–5442).

SUPPLEMENTARY INFORMATION: On December 16, 1974, Hawaii Air Cargo Shippers Association (HACSA) filed an application for exemption from the restriction prohibiting a cooperative association from forming an agreement to joint load with an air freight forwarder. On September 12, 1975, HACSA filed a petition for rulemaking to allow cooperative shippers associations to charter aircraft from direct air carriers under the same terms as apply to air freight forwarders. By EDR–297, dated May 5, 1976, we issued a Notice of Proposed Rulemaking on both issues, requesting comment from the public.

In accordance with the Notice, comments were filed in general support of the proposed amendments by Aeromar C por A, National Air Carrier Association (NACA), jointly for 6 supplemental air carriers,[1] Aerospace Airfreight Association, Inc., Spiegel, and Portland Shipper's Agents.[2] Comments generally opposed to the changes were filed by Delta Air Lines, Air Freight Forwarders Association, The Flying Tiger Line, Trans World Airlines, and American Airlines.

Upon consideration, the Board has decided to adopt the rules as proposed, with one modification discussed below. The tentative findings and conclusions set forth in EDR–297 are incorporated herein and made final, except as modified, and all requests contained in the comments are denied unless specifically granted herein.

Several comments in opposition state that there is no demonstrated need to amend Parts 207 and 208 to permit cooperative shippers associations to charter aircraft from direct air carriers. Those comments also state that the addition

[1] The carriers joining in NACA's comments were: Evergreen International Airlines, McCulloch International Airlines, Overseas National Airways, Saturn Airways, Trans International Airways, and World Airways.

[2] The Board also received a letter supporting the proposal from the Washington-Oregon Shippers Cooperative Association, Inc.

of the cooperative associations' traffic would further increase the diversion of air freight from scheduled services to charters, harming both the scheduled carrier and the independent shipper.

We no longer see any regulatory need for the present distinction among subclassifications of indirect air carriers regarding charters from the direct air carriers, however, and we believe that the simplification in our rules which this amendment would accomplish is in itself sufficient justification for its adoption. Nor does it appear that, in view of the small number of cooperative shippers associations now operating under Part 296, any significant diversion of freight to charters could likely result from our action here. We thus do not believe that these objections warrant modification of the amendments as proposed.

One opposition comment stated that amending Part 296 to allow cooperative associations to joint load with air freight forwarders could result in a shipper withdrawing his freight from an air freight forwarder, and then quickly forming a cooperative association which would demand the right to participate in a joint loading agreement with the same air freight forwarder.

We do not believe that this problem is likely to occur. Cooperative associations must prepare incorporation papers and by-laws, arrange and execute agent agreements, as well as perform various other functions, all of which must be agreed to by their members, before they can commence operations. We believe that these time requirements would, as a practical matter, preclude the use of an association in the manner which this comment suggests. In any event, the cooperative shippers association would not have the right to joint load with a forwarder against the forwarder's wishes unless the forwarder was already engaged in joint loading: While the Board has traditionally required parties to joint loading agreements to admit other parties on reasonable and nondiscriminatory terms, no forwarder has ever been required to engage in joint loading in the first instance.

As with the charter amendments, several comments also expressed the opinion that there is no demonstrated need for the change in joint loading agreements. We can see no reason, though, why a shipper should be forced to abandon a cooperative association in favor of an air freight forwarder or direct air carrier merely because the association cannot find a joint loading partner among the small number of other associations now in operation.

Almost all comments opposing this proposal requested that the rulemaking be held in abeyance until completion of the *Air Freight Forwarders' Charters Investigation*, Docket 23287. The narrow issue in this proceeding is whether these particular regulatory distinctions between cooperative shippers associations and air freight forwarders are still necessary. This narrow issue is not included in the investigation in Docket 23287, and we therefore see no need to defer this proceeding pending resolution of that one.

In reviewing the proposed rules, we find that, as an editorial correction, the last line, "as defined in § 296.1(c)," of the amendment to § 296.1(g) should be deleted as unnecessary.

Accordingly, 14 CF Part 207 is amended, as follows:

Revise § 207.11(b)(3) to read as follows:

§ 207.11 Charter flight limitations.

* * * * *

(b) * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter for the carriage of property in air transportation; by a cooperative shippers association currently in compliance with the relevant provisions of Part 296 of this subchapter; by a person authorized by the Board to transport used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 296.41 of this subchapter;

* * * * *

(Secs. 204, 401, 403 and 404(b), 72 Stat. 743, 754 (as amended), 758 (as amended) and 760; 49 U.S.C. 1324, 1371, 1373 and 1374.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–11234 Filed 4–15–77;8:45 am]

[Economic Regs. Doc. 28256; Reg. ER–993, Amdt. 8]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Charters by Cooperative Shippers Associations and Joint Loading Between Cooperative Shippers Associations and Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule amends Part 208 of the Board's Regulations to allow supplemental carriers to charter to cooperative shippers associations, for the reasons given in the preamble to ER–992, which is being simultaneously released.

DATES: Effective: May 15, 1977; Adopted: April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428. (202–673–5442).

Accordingly, 14 CFR Part 208 is amended as follows:

Revise § 208.6(b)(3) to read as follows:

§ 208.6 Charter flight limitations.

* * * * *

(b) * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter for the carriage of property in air transportation; by a cooperative shippers association currently in compliance with the relevant provisions of Part 296 of this subchapter; by a person authorized by the Board to transport used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation by any foreign air freight forwarder who has complied with the provisions of § 296.41 of this subchapter;

* * * * *

(Sec. 204, 401, 403 and 404(b), 72 Stat. 743, 754 (as amended), 758 (as amended) and 760; 49 U.S.C. 1324, 1371, 1373 and 1374.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–11235 Filed 4–15–77;8:45 am]

[Economic Reg. Doc. 28256; Reg. ER–994, Amdt. 1]

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Charters by Cooperative Shippers Associations and Joint Loading Between Cooperative Shippers Associations and Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule amends Part 296 of the Board's Regulations to allow cooperative shippers associations to engage in joint loading with air freight forwarders, for the reasons given in the preamble to ER–992, which is being simultaneously released.

DATES: Effective: May 15, 1977; Adopted: April 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Babcock, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 (202-673-5442).

Accordingly, 14 CFR Part 296 is amended as follows:

1. Revise § 296.1(g) to read as follows:

§ 296.1 Definitions.

* * * * *

(g) "Joint loading" means the pooling of shipments and their delivery to a direct air carrier for transportation as one shipment in accordance with the filed tariff rules of the direct carrier, pursuant to an agreement between two or more indirect carriers of the same subclassification established in § 296.2, or between one or more air freight forwarders and one or more cooperative shippers associations.

* * * * *

2. Revise the second proviso to § 296.12 to read as follows:

§ 296.12 Exemption of cooperative shippers associations.

* * * * *

Provided, further, however, That cooperative shippers associations are hereby relieved from the requirements of section 412 of the Act insofar as agreements relate to joint loading, as defined in § 296.1(g), with other cooperative shippers associations.

* * * * *

(Secs. 204, 401, 403 and 404(b), 72 Stat. 743, 754 (as amended), 758 (as amended) and 760; 49 U.S.C. 1324, 1371, 1373 and 1374.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11236 Filed 4-15-77;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-115; Amdt. 60]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTER

Expansion of Delegation of Authority to the Director, Bureau of Operating Rights, To Grant Exemptions Permitting Schedule Changes on Less Than Ten Days Notice; Delegation of Authority to the Director, Bureau of Operating Rights, To Grant Exemptions From Section 403 in Connection With Exemptions Already Handled by Delegated Authority Under § 385.13(a)(2)

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule expands in certain respects the delegated authority of the Director, Bureau of Operating Rights.

DATES: Effective: April 12, 1977; Adopted: April 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Ellenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: 1. Section 405(b) of the Federal Aviation Act requires air carriers to give ten days' notice to the Postmaster General of any schedule changes affecting the carriage of mail, and § 231.5(b) of the Board's Economic Regulations requires air carriers to file schedule changes with the Board at least ten days prior to their effective date. Section 385.13(hh) of the Economic Regulations, adopted during the shortage of aviation fuel in 1973, presently delegates to the Director, Bureau of Operating Rights, authority to approve or deny exemptions from both of these ten-day notice requirements, but provides that approval shall be granted only if required by the carrier's inability to procure fuel.

A substantial number of applications currently received by the Board for exemption from the ten-day notice requirements are, however, based on other types of emergency, such as unforeseen problems with equipment, airport conditions, and strikes. These requests are normally not opposed and involve no significant policy issue or other matters warranting the Board's attention. In the circumstances, the preparation and submission of draft orders imposes an unnecessary workload on the Board's staff, and their review is an inefficient use of the Board's time. Accordingly, the Board hereby delegates to the Director, Bureau of Operating Rights, authority to dispose of all applications for exemption from the ten-day notice requirements of section 405(b) of the Act and § 231.5(b) of the Economic Regulations, without regard to the grounds on which exemption is sought.

2. Section 385.13(a)(2) of the Board's Economic Regulations presently delegates to the Director, Bureau of Operating Rights, authority to approve—when no person disclosing a substantial interest protests—or to deny applications of certificated route air carriers for exemptions to perform certain operations prohibited by a term, condition or limitation in a certificate.[1] These operations may not be performed, however, unless the air carrier has tariffs covering the transportation on file with the Board, as required by section 403 of the Act. In the absence of delegated authority to handle requests for exemption from section 403 to the extent necessary in these circumstances, such requests are submitted to the Board although the questions involved are of a routine nature, are not opposed, and do not warrant the Board's consideration. Although expedition is critical, valuable time is lost and an unnecessary workload is imposed on the staff. Accordingly, the Board hereby delegates to the Director, Bureau of Operating Rights, authority to approve or disapprove—with the concurrence of the Chief, Tariffs Section—applications for exemption from section 403 of the Act to the extent necessary for performance of operations otherwise authorized by exemption granted by the Director under § 385.13(a)(2).

Since these amendments affect rules of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rules may become effective immediately.

Accordingly, the Board hereby amends Part 385 of its Organization Regulations (14 CFR Part 385) effective April 12, 1977, as follows:

1. Amend § 385.13(hh) by deleting the proviso, so that the paragraph reads as follows, and by adding a new paragraph (jj) to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(hh) Approve or deny applications of air carriers for exemptions from the provisions of section 405(b) of the Act and § 231.5(b) of Part 231 of the Economic Regulations to the extent necessary to permit the filing of schedules pursuant to section 405(b) on less than ten (10) days' notice to the Postmaster General and to the Board.

* * * * *

(jj) Approve or deny, with the concurrence of the Chief, Tariffs Section, applications for exemption from section 403 of the Act to the extent necessary to permit performance of air carrier operations otherwise authorized by exemption granted under paragraph (a)(2) of this section. This authority may not be redelegated.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11197 Filed 4-15-77;8:45 am]

[1] Section 385.13(a)(1) delegates to the Director authority to approve or deny applications to serve a point certificated on one segment of an air carrier's route in place of a point certificated on another segment of its route whenever no substantial competition to other lines will result and to perform single flights outside an air carrier's certificate authority. Section 385.13(a)(2) applies to any other operation prohibited by a term, condition or limitation in a certificate. In neither case may the authority be redelegated.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2851]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Louisiana	Washington	Bogalusa, city of	Apr. 11, 1977, emergency		220232
Oklahoma	Osage	Shidler, city of	do	Apr. 9, 1976	400410
Texas	Limestone	Groesbeck, city of	do	Dec. 10, 1976	480912
•	•	•	•	•	•
Georgia	Forsyth	Unincorporated areas	Apr. 12, 1977, emergency	Apr. 23, 1976	130312
•	•	•	•	•	•
Florida	Duval	Jacksonville, Beach, city of	Apr. 1, 1977, suspension withdrawn	June 7, 1974 Feb. 6, 1976	120078A
Georgia	Fulton	East Point, city of	do	June 28, 1974 Jan. 23, 1976	130087A
•	•	•	•	•	•
New Jersey	Middlesex	Dunellen, borough of	Apr. 1, 1977, suspension withdrawn	Aug. 31, 1973	340250A
Do.	Mercer	Hightstown, borough of	do	Jan. 9, 1974	340247B
Do.	Essex	Livingston, township of	do	June 1, 1973	340185
Do.	Ocean	Lakewood, township of	do	Jan. 16, 1974	340378
Do.	Bergen	New Milford, borough of	do		340054
Do.	do	Ridgefield, borough of	do	June 15, 1973	340065A
North Carolina	Carteret	Cape Carteret, town of	do	May 24, 1974 Feb. 21, 1975	370046A
Do.	do	Emerald Isle, town of	do	June 7, 1974 July 2, 1976	370047A
Wisconsin	Waupaca and Outagamie.	New London, city of	do	Nov. 9, 1973	550308
Do.	Sheboygan	Sheboygan, city of	do	June 7, 1974	550430A
Maine	Hancock	Stonington, town of	Apr. 14, 1977, emergency	Feb. 21, 1975 June 4, 1976	230294-A
Do.	Washington	Whiting, town of	do	Feb. 7, 1975	230328
New Hampshire	Rockingham	Salem, town of	Apr. 15, 1977, emergency		330142
Ohio	Licking	Unincorporated areas	do		390328
Colorado	Ouray	Ridgway, town of	Dec. 12, 1975, emergency; Mar. 18, 1977, regular.	Nov. 8, 1974 Jan. 23, 1976	080138-B
Missouri	Barry	Cassville, city of	Aug. 16, 1974, emergency; Apr. 15, 1977, regular.	Aug. 16, 1974 Nov. 28, 1975	290022B
Do.	Saline and Lafayette	Emma, city of	Aug. 26, 1976, emergency; Mar. 25, 1977, regular.	Apr. 18, 1975	290587-A
Do.	Harrison	Ridgeway, city of	July 12, 1976, emergency; Mar. 25, 1977, regular.	do	290543-A
New Jersey	Camden	Haddonfield, borough of	July 14, 1972, emergency; Apr. 15, 1977, regular.	Nov. 30, 1973 Feb. 6, 1976	340501-B
Do.	Essex	Nutley, town of	June 30, 1972, emergency; Apr. 15, 1977, regular.	May 25, 1973	340191-A
Do.	Bergen	Old Tappan, borough of	Oct. 6, 1972, emergency; Apr. 15, 1977, regular.	June 22, 1973	340069-A
Do.	Camden	Pennsauken, township of	Jan. 28, 1972, emergency; Apr. 15, 1977, regular.	Jan. 16, 1974 Mar. 19, 1976	340142-B
Do.	Burlington	Riverton, borough of	Mar. 31, 1972, emergency; Apr. 15, 1977, regular.	Dec. 28, 1973 Dec. 27, 1974	340114-B
Ohio	Licking	Newark, city of	Aug. 25, 1972, emergency; Apr. 15, 1977, regular.	Nov. 28, 1973 Aug. 15, 1975	390335-B
Pennsylvania	Lebanon	Annville, township of	Mar. 16, 1973, emergency; Apr. 15, 1977, regular.	Nov. 9, 1973 Sept. 3, 1976	420570-B
Do.	Chester	East Bradford, township of	Aug. 16, 1974, emergency; Apr. 15, 1977, regular.	Aug. 16, 1974 Oct. 24, 1975	420276-B
Do.	Dauphin	Lower Swatara, township of	Nov. 3, 1972, emergency; Apr. 15, 1977, regular.	Jan. 9, 1974 June 4, 1976	420385-B
Do.	Montour	Mahoning, township of	Mar. 19, 1974, emergency; Apr. 15, 1977, regular.	Sept. 13, 1974 Sept. 24, 1976	421234-B
Do.	Lycoming	Old Lycoming, township of	Jan. 19, 1973, emergency; Apr. 15, 1977, regular.	Aug. 31, 1973 Aug. 13, 1976	420652-B
Do.	Luzerne	Plymouth, township of	Feb. 2, 1973, emergency; Apr. 15, 1977, regular.	Feb. 8, 1973 July 2, 1976	420023-B
Do.	Chester	Pocopson, township of	Jan. 21, 1972, emergency; Apr. 15, 1977, regular.	Nov. 22, 1974	420286-A
Do.	Allegheny	Reserve, township of	June 30, 1972, emergency; Apr. 15, 1977, regular.	Apr. 15, 1977	420068-A
Do.	Northumberland	Riverside, borough of	Nov. 19, 1973, emergency; Apr. 15, 1977, regular.	Mar. 29, 1974 June 11, 1976	420740-B
Do.	Bradford	Sayre, borough of	Feb. 19, 1974, emergency; Apr. 15, 1977, regular.	May 17, 1974 June 4, 1976	420175-B
Do.	Bucks	Solebury, township of	Oct. 20, 1971, emergency; Apr. 15, 1977, regular.	July 6, 1973 Mar. 26, 1976	420202-B
Do.	Centre	Spring, township of	Oct. 13, 1972, emergency; Apr. 15, 1977, regular.	June 21, 1974 June 25, 1976	420269-B
Do.	Dauphin	Steelton, borough of	Jan. 7, 1972, emergency; Apr. 15, 1977, regular.	Aug. 31, 1973 Dec. 26, 1975	420396-B
Do.	Monroe	Stroud, township of	May 9, 1973, emergency; Apr. 15, 1977, regular.	Jan. 17, 1975	420693-A
Do.	Dauphin	Susquehanna, township of	Oct. 29, 1971, emergency; Apr. 15, 1977, regular.	June 15, 1973	420397-A
Do.	Northumberland	West Chillisquaque, township of	Jan. 28, 1974, emergency; Apr. 15, 1977, regular.	May 10, 1974 June 4, 1974	421033-B
Do.	Luzerne	West Wyoming, borough of	Feb. 2, 1973, emergency; Apr. 15, 1977, regular.	May 15, 1977	420629-A
South Carolina	Beaufort	Port Royal, town of	Sept. 10, 1971, emergency; Apr. 15, 1977, regular.	June 14, 1974 Oct. 10, 1975	450028-B
Texas	Hardin	Rose Hill Acres, city of	Mar. 8, 1974, emergency; Apr. 15, 1977, regular.	Sept. 13, 1974 Mar. 5, 1976	480647-B
Do.	Throckmorton	Throckmorton, city of	Feb. 5, 1974, emergency; Apr. 15, 1977, regular.	May 3, 1974 Jan. 2, 1976	480693-B

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968); as amended, 42 U.S.C. 4001–4128; and Secretary's Delegation of Authority to Federal Insurance Administrator, 34 FR 2680, February 28, 1969, as amended 39 FR 2787, January 24, 1974.)

Issued: April 7, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-11085 Filed 4-15-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7481]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Foreign Tax Credit for U.S. Corporate Shareholders in Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the foreign tax credit for U.S. corporate shareholders in foreign corporations. These regulations reflect certain amendments to the tax law which expanded the scope of the credit available to U.S. corporations and changed the rules for its computation.

DATE: The regulations apply to dividends received by a U.S. corporation after 1964. The substantive amendments to the regulations pertain only to dividends paid by foreign corporations after January 12, 1971.

FOR FURTHER INFORMATION CONTACT:

Paul A. Francis of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. (Attention: CC: LR:T), 202–566–6640.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On Wednesday, June 16, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 78, 901, 902, and 960 of the Internal Revenue Code of 1954 (41 FR 24357). The amendments were proposed to conform the regulations to the Act of January 12, 1971 (84 Stat. 2068) and section 602(c)(6) of the Tax Reduction Act of 1975 (89 Stat. 59).

Since no person requested a public hearing, none was held. However, two parties submitted comments which pointed out certain ambiguities in the regulations as they existed prior to publication of the notice and which requested further elaboration of the implications of the proposed amendments with respect to controlled foreign corporations. The points raised in the comments will receive further study, and, if necessary, additional amendments to the regulations will be proposed later. It has been decided to promulgate the rules with which the notice was primarily concerned without further delay at this time. Accordingly, except as indicated below, the proposed amendments are adopted by this Treasury decision without change.

PRIOR RULES FOR COMPUTATION OF CREDIT

The regulations under section 902 of the Internal Revenue Code deal with the foreign tax credit available to U.S. corporate shareholders of foreign corporations. Prior to the Act of January 12, 1971, this credit was computed at two levels. In order to qualify, a domestic corporation had to own at least 10 percent of the voting stock of a foreign corporation at the time it received a dividend from that foreign corporation; a foreign corporation with respect to which a domestic corporation satisfied this requirement was referred to as a first-tier corporation. If a first-tier corporation owned at least 50 percent of the voting stock of another foreign corporation at the time when it received a dividend from the other foreign corporation, the other foreign corporation was referred to as a second-tier corporation. A domestic corporation was deemed to have paid a certain portion of the foreign income taxes paid, accrued, or deemed to be paid, by its first-tier corporation on or with respect to the accumulated profits out of which the first-tier corporation paid the dividend to the domestic corporation. Similarly, a first-tier corporation, with respect to its accumulated profits for its taxable year in which it received a dividend from its second-tier corporation, was deemed to have paid a portion of the foreign income taxes paid or accrued by its second-tier corporation on or with respect to the accumulated profits out of which the second-tier corporation paid the dividend.

COMPUTATION OF CREDIT UNDER ACT OF JANUARY 12, 1971

The Act of January 12, 1971, modified the stock ownership requirement with respect to a second-tier corporation and extended the above computation to a third-tier corporation. The stock ownership requirement with respect to a first-tier corporation was unaffected. The amendments apply to dividends paid by a foreign corporation after January 12, 1971, but only for purposes of applying Code section 902 to a taxable year of a domestic corporation ending after that date. Under these amendments a foreign corporation qualifies as a second-tier corporation if at least 10 percent of its voting stock is owned by a first-tier corporation at the time that the latter corporation receives a dividend from such foreign corporation. The first-tier corporation, however, will be deemed to have paid a portion of the foreign income taxes paid, accrued, or deemed to be paid, by the second-tier corporation only if a new 5-percent indirect ownership requirement is satisfied. Thus, the percentage of voting stock owned by the first-tier corporation in the second-tier corporation at the time the first-tier corporation receives a dividend from the second-tier corporation, when multiplied by the percentage of voting stock owned by the domestic corporation in the first-tier corporation at the time that the domestic corporation receives a dividend from the first-tier corporation, must equal at least 5 percent.

If a second-tier corporation owns at least 10 percent of the voting stock of another foreign corporation at the time it receives a dividend from that other foreign corporation, the other foreign corporation is a third-tier corporation under the new law. However, it also must satisfy a 5-percent requirement. Thus the percentage of indirect ownership arrived at under the 5-percent requirement of the preceding paragraph, when multiplied by the percentage of voting stock owned by the second-tier corporation in the third-tier corporation at the time the second-tier corporation receives a dividend from the third-tier corporation, must equal at least 5 percent.

The notice of proposed rulemaking provided definitions of the terms "second-tier corporation" and "third-tier corporation" which took into account the effective date provisions of the Act of January 12, 1971. Those definitions have been modified in the Treasury decision in order to clarify the application of the effective date provisions.

REARRANGEMENT OF REGULATIONS

Prior to amendment by this Treasury decision, the regulations provided separate rules for two situations. First, §§ 1.902–1 and 1.902–2 dealt with certain pre-1965 dividends to which Code section 902, as in effect prior to its amendment by section 9(a) of the Revenue Act of 1962 (76 Stat. 999), applied. Second, §§ 1.902–3 and 1.902–4 dealt with dividends to which Code section 902, as so amended, applied, and provided rules for the determination of whether or not the first-tier corporation was a less developed country corporation. For this purpose, § 1.902–4 referred to the regulations under Code section 955 for elaboration of the criteria relevant to this determination.

Section 602(c)(6) of the Tax Reduction Act of 1975 (89 Stat. 59) transferred to Code section 902(d) the full statutory provisions of Code section 955 relating to the definition of a less developed country corporation. Section 602(c)(5) of that Act also "repealed" section 955 of the Code. The notice of proposed rulemaking would have incorporated into the regulations under Code section 902 the material in the regulations under Code section 955 to which the present § 1.902–4 makes reference. Upon reconsideration, it was concluded that, by reason of Code section 951(a)(1)(ii), as amended by section 602(c)(3) of that Act, "repealed' Code section 955 and the pertinent sections of the regulations thereunder will remain in effect for the indefinite future, and thus it is unnecessary to duplicate the treatment of the subject. Accordingly, this document retains the present § 1.902–4 except that, for reasons explained below, that section is redesignated as § 1.902–2.

In order to make it easier to determine currently applicable rules, this Treasury decision (as did the notice of proposed rulemaking) restructures the arrangement of the regulations under Code section 902. The present §§ 1.902–1 and 1.902–2, which prescribed rules applicable only to certain pre-1965 dividends, do not appear in the new arrangement; cross-references indicate where those rules may be found. The rules which were prescribed in the present § 1.902–3 have been expanded to conform to the 1971 amendments and ap-

pear in the new § 1902–1. The present § 1.902–4 is redesignated as § 1.902–2. The present § 1.902–5, which related to the effective dates of the various sections, is deleted, and the sections as amended contain effective date provisions.

TAX REFORM ACT OF 1976

These regulations do not reflect the amendment of Code section 902 by section 1033 of the Tax Reform Act of 1976 (90 Stat. 1626).

DRAFTING INFORMATION

The principal author of this regulation was Paul A. Francis of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 1 is amended as follows:

PARAGRAPH 1. Paragraph 2, as set forth in the appendix to the notice of proposed rulemaking, is amended by revising so much of paragraph (a) of § 1.902–1 as precedes subparagraph (1) thereof and by revising paragraphs (a) (3), (4), and (6) and (j) of § 1.902–1. These revised provisions are set forth below.

PAR. 2. Paragraphs 3, 4, and 5, as set forth in the appendix to the notice of proposed rule making, are deleted.

PAR. 3. Section 1.902–2 is deleted.

PAR. 4. Section 1.902–3 is deleted.

PAR. 5. Section 1.902–4 is redesignated as § 1.902–2, and as redesignated is amended as follows:

1. Paragraph (a) is amended by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" after the words "section 955(c)(1) or (2)", the words "section 955(c)(1)", and the words "section 955(c)(1)(B)".

2. Paragraph (b) is amended by deleting the last sentence of subparagraph (1) and of subparagraph (2).

3. Example (1) of paragraph (c) is amended by deleting "paragraph (c) (2) and (3) (ii) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

4. Example (2) of paragraph (c) is amended by deleting "paragraph (c)(1) of § 1.902.3" and inserting in lieu thereof "§ 1.902–1(e)(1)" in the last sentence.

5. Example (3) of paragraph (c) is amended by deleting "paragraph (c)(2) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

6. There is added immediately after paragraph (c) a new paragraph (d) to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 14, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

Part 1 of 26 CFR Chapter I is amended as follows:

Paragraph 1. Section 1.902 is amended by revising section 902(b), section 902(c)(1)(A) and (B), section 902(d), and the historical note to read as follows:

§ 1.902 Statutory provisions; credit for corporate stockholder in foreign corporation.

SEC. 902. *Credit for corporate stockholder in foreign corporation.* * * *

(b) *Foreign subsidiary of first and second foreign corporation.* (1) If the foreign corporation described in subsection (a) (hereinafter in this subsection referred to as the "first foreign corporation") owns 10 percent or more of the voting stock of a second foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such second foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

(A) For purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such second foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

(B) For purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such second foreign corporation from which such dividends were paid.

(2) If such first foreign corporation owns 10 percent or more of the voting stock of a second foreign corporation which, in turn, owns 10 percent or more of the voting stock of a third foreign corporation from which the second foreign corporation receives dividends in any taxable year, the second foreign corporation shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such third foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

(A) For purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such third foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

(B) For purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such third foreign corporation from which such dividends were paid.

(3) For purposes of this subpart, subsection (b)(1) shall not apply unless the percentage of voting stock owned by the domestic corporation in the first foreign corporation and the percentage of voting stock owned by the first foreign corporation in the second foreign corporation when multiplied together equal at least 5 percent, and for purposes of this subpart, subsection (b)(2) shall not apply unless the percentage arrived at for purposes of applying subsection (b)(1) when multiplied by the percentage of voting stock owned by the second foreign corporation in the third foreign corporation is equal to at least 5 percent.

(c) *Applicable rules*—(1) *Accumulated profits defined.* * * *

(A) For purposes of subsections (a)(1), (b)(1)(A), and (b)(2)(A), the amount of its gains, profits, or income computed without reduction by the amount of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income by any foreign country or any possession of the United States; and

(B) For purpose of subsections (a)(2), (b)(1)(B), and (b)(2)(B), the amount of its gains, profits, or income in excess of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income. * * *

(d) *Less developed country corporation defined.* For purposes of this section, the term "less developed country corporation" means—

(1) A foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of paragraph (3) or (4), and

(2) A foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of paragraph (3), and—

(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of paragraph (3)(A), and

(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in paragraph (3)(B).

A foreign corporation which is a less developed country corporation for its first taxable year beginning after December 31, 1962, shall, for purposes of this section, be treated as having been a less developed country corporation for each of its taxable years beginning before January 1, 1963.

(3) The term "less developed country corporation" means a foreign corporation which during the taxable year is engaged in the active conduct of one or more trades or businesses and—

(A) 80 percent or more of the gross income of which for the taxable year is derived from sources within less developed countries; and

(B) 80 percent or more in value of the assets of which on each day of the taxable year consists of—

(i) Property used in such trades or businesses and located in less developed countries,

(ii) Money, and deposits with persons carrying on the banking business,

(iii) Stock, and obligations which, at the time of their acquisition, have a maturity of one year or more, of any other less developed country corporation,

(iv) An obligation of a less developed country,

(v) An investment which is required because of restrictions imposed by a less developed country, and

(vi) Property described in section 956(b)(2).

For purposes of subparagraph (A), the determination as to whether income is derived from sources within less developed countries shall be made under regulations prescribed by the Secretary or his delegate.

(4) The term "less developed country corporation" also means a foreign corporation—

(A) 80 percent or more of the gross income of which for the taxable year consists of—

(i) Gross income derived from, or in connection with, the using (or hiring or leasing for use) in foreign commerce of aircraft or vessels registered under the laws of a less developed country, or from, or in connection with, the performance of services directly related to use of such aircraft or vessels, or from the sale or exchange of such aircraft or vessels, and

(ii) Dividends and interest received from foreign corporations which are less developed country corporations within the meaning of this paragraph and 10 percent or more of the total combined voting power of all classes of stock of which are owned by the foreign corporation, and gain from the sale or exchange of stock or obligations of foreign corporations which are such less developed country corporations, and

(B) 60 percent or more of the assets of which on each day of the taxable year consists of (i) assets used, or held for use, for or in connection with the production of income described in subparagraph (A), and (ii) property described in section 956(b)(2).

(5) The term "less developed country" means (in respect to any foreign corporation) any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of this section. For purposes of the preceding sentence, an overseas territory, department, province, or possession may be treated as a separate country. No designation shall be made under this paragraph with respect to—

Australia	Luxembourg
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
France	Union of South Africa
Germany (Federal Republic)	San Marino
Hong Kong	Sweden
Italy	Switzerland
Japan	United Kingdom
Liechtenstein	

After the President has designated any foreign country or any possession of the United States as an economically less developed country for purposes of this section, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order under the first sentence of this paragraph which has the effect of terminating such designation) unless, at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation. Any designation in effect on March 26, 1975, under section 955(c)(3) (as in effect before the enactment of the Tax Reduction Act of 1975) shall be treated as made under this paragraph.

* * * * *

[Sec. 902 as amended by sec. 6(b)(2), Act of Sept. 14, 1960 (Pub. L. 86–780, 74 Stat. 1016); sec. 9(a); Rev. Act 1962 (76 Stat. 999); Act of Jan. 12, 1971 (Pub. L. 91–684, 84 Stat. 2068); sec 602(c)(6), Tax Reduction Act 1975 (89 Stat. 59)]

Par. 2. Section 1.902–1 is revised to read as follows:

§ 1.902–1 Credit for domestic corporate shareholder of a foreign corporation.

(a) *Definitions.* For purposes of section 902 and §§ 1.902–1 and 1.902–2.

(1) *Domestic shareholder.* In the case of dividends received by a domestic corporation after December 31, 1964, from a foreign corporation, the term "domestic shareholder" means a domestic corporation which owns at least 10 percent of the voting stock of the foreign corporation at the time it receives a dividend from such foreign corporation.

(2) *First-tier corporation.* In the case of dividends received by a domestic shareholder after December 31, 1964, from a foreign corporation, the term "first-tier corporation" means a foreign corporation at least 10 percent of the voting stock of which is owned by a domestic shareholder at the time it receives a dividend from such foreign corporation.

(3) *Second-tier corporation.* (i) In the case of dividends paid to a first-tier corporation by a foreign corporation after January 12, 1971 (i.e., the date of enactment of Pub. L. 91–684, 84 Stat. 2068), but only for purposes of applying this section for a taxable year of a domestic shareholder ending after that date, the foreign corporation is a "second-tier corporation" if at least 10 percent of its voting stock is owned by the first-tier corporation at the time the first-tier corporation receives the dividend.

(ii) In the case of dividends paid to a first-tier corporation by a foreign corporation after January 12, 1971, but only for purposes of applying this section for a taxable year of a domestic shareholder ending before January 13, 1971, or in the case of any dividend paid to a first-tier corporation by a foreign corporation before January 13, 1971, the foreign corporation is a "second-tier corporation" if at least 50 percent of its voting stock is owned by the first-tier corporation at the time the first-tier corporation receives the dividend.

(4) *Third-tier corporation.* In the case of dividends paid to a second-tier corporation (as defined in paragraph (a)(3)(i) or (ii) of this section) by a foreign corporation after January 12, 1971, but only for purposes of applying this section for a taxable year of a domestic shareholder ending after that date, the foreign corporation is a "third-tier corporation" if at least 10 percent of its voting stock is owned by the second-tier corporation at the time the second-tier corporation receives the dividend.

(5) *Foreign income taxes.* The term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(6) *Less developed country corporation.* The term "less developed country corporation" is defined in § 1.902–2.

(7) *Dividend.* For the definition of the term "dividend" for purposes of applying section 902 and this section, see section 316 and the regulations thereunder.

(8) *Dividend received.* A dividend shall be considered received for purposes of section 902 and this section when the cash or other property is unqualifiedly made subject to the demands of the distributee. See § 1.301–1(b).

(b) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* (i) If a domestic shareholder receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations of this section, the foreign income taxes deemed, in accordance with paragraph (b)(2) or (3) of this section, to be paid by such domestic shareholder for such year.

(ii) If dividends are received by a domestic shareholder from more than one first-tier corporation, the taxes deemed to be paid by such shareholder under section 902(a) and this paragraph (b) shall be computed separately with respect to the dividends received from each of such first-tier corporations.

(iii) Any taxes deemed paid by a domestic shareholder for the taxable year pursuant to section 902(a)(1) and paragraph (b)(2) of this section shall, except as provided in § 1.960–3(b), be included in the gross income of such shareholder for such year as a dividend pursuant to section 78 and § 1.78–1. For the source of such a section 78 dividend, see paragraph (h)(1) of this section.

(iv) Any taxes deemed, under paragraph (b)(2) or (3) of this section, to be paid by the domestic shareholder shall be deemed to be paid by such shareholder only for purposes of the foreign tax credit allowed under section 901. See section 904 for other limitations on the amount of the credit.

(v) For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901–3.

(vi) For the nonrecognition as a foreign income tax for purposes of this section of certain income, profits, or excess profits taxes paid or accrued to a foreign country in connection with the purchase and sale of oil or gas extracted in such country, see section 901(f) and the regulations thereunder.

(vii) For rules relating to reduction of the amount of foreign income taxes deemed paid with respect to foreign oil and gas extraction income, see section 907(a) and the regulations thereunder.

(viii) See the regulations under sections 960, 962, and 963 for special rules relating to the application of section 902 in computing the foreign tax credit of

United States shareholders of controlled foreign corporations.

(2) *When first-tier corporation is not a less developed country corporation.* To the extent dividends are paid by a first-tier corporation to its domestic shareholder out of accumulated profits, as defined in paragraph (e)(1) of this section, of a taxable year for which such first-tier corporation is not a less developed country corporation, the domestic shareholder shall be deemed to have paid the same proportion of any foreign income taxes paid, accrued or deemed, in accordance with paragraph (c)(2) of this section, to be paid by such first-tier corporation on or with respect to such accumulated profits for such year which the amount of such dividends (determined without regard to the gross-up under section 78) bears to the amount by which such accumulated profits exceed the amount of such taxes (other than those deemed, under paragraph (c)(2) of this section, to be paid). For determining the amount of foreign income taxes paid or accrued by such first-tier corporation on or with respect to the accumulated profits for the taxable year of such first-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* To the extent dividends are paid by a first-tier corporation to its domestic shareholder out of accumulated profits, as defined in paragraph (e)(2) of this section, of a taxable year for which such first-tier corporation is a less developed country corporation, the domestic shareholder shall be deemed to have paid the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (c)(3) of this section, to be paid by such first-tier corporation on or with respect to such accumulated profits for such year which the amount of such dividends bears to the amount of such accumulated profits. For determining the amount of foreign income taxes paid or accrued by such first-tier corporation on or with respect to the accumulated profits for the taxable year of such first-tier corporation, see paragraph (f) of this section.

(c) *First-tier corporation owning stock in a second-tier corporation—(1) In general.* For purposes of applying section 902(a) and paragraph (b)(2) and (3) of this section, if a first-tier corporation receives dividends in any taxable year from its second-tier corporation, the foreign income taxes deemed to be paid by the first-tier corporation on or with respect to its own accumulated profits for such year shall be the amount determined in accordance with paragraph (c)(2) or (3) of this section. This paragraph (c) shall not apply unless the product of—

(i) The percentage of voting stock owned by the domestic shareholder in the first-tier corporation at the time that the domestic shareholder receives dividends from the first-tier corporation in respect of which foreign income taxes are deemed to be paid by the domestic shareholder under paragraph (b)(1) of this section, and

(ii) The percentage of voting stock owned by the first-tier corporation in the second-tier corporation

equals at least 5 percent. The percentage under paragraph (c)(1)(ii) of this section of voting stock owned by the first-tier corporation in the second-tier corporation is determined as of the time that the dividend distributed by the second-tier corporation is received by the first-tier corporation and thus included in accumulated profits of the first-tier corporation out of which dividends referred to in paragraph (c)(1)(i) of this section are distributed by the first-tier corporation to the domestic shareholder.

Example. On February 10, 1976, foreign corporation B pays a dividend out of its accumulated profits for 1975 to foreign corporation A. On February 16, 1976, the date on which it receives the dividend, A Corporation owns 40 percent of the voting stock of B Corporation. Both corporations use the calendar year as the taxable year. On June 1, 1976, A Corporation sells its stock in B Corporation. On January 17, 1977, A Corporation pays a dividend out of its accumulated profits for 1976 to domestic corporation M. M Corporation owns 30 percent of the voting stock of A Corporation on January 20, 1977, the date on which it receives the dividend. M Corporation uses a fiscal year ending on April 30 as the taxable year. On February 16, 1976, A Corporation satisfies the 10-percent stock ownership requirement referred to in paragraph (a)(3) of this section with respect to B Corporation, and on January 20, 1977, M Corporation satisfies the 10-percent stock-ownership requirement referred to in paragraph (a)(2) of this section with respect to A Corporation. The 5-percent requirement of this paragraph (c)(1) is also satisfied since 30 percent (the percentage of voting stock owned by M Corporation in A Corporation on January 20, 1977), when multiplied by 40 percent (the percentage of voting stock owned by A Corporation in B Corporation on February 16, 1976), equals 12 percent. Accordingly, for its taxable year ending on April 30, 1977, M Corporation is entitled to a credit for a portion of the foreign income taxes paid, accrued, or deemed to be paid, by A Corporation for 1976; and for 1976 A Corporation is deemed to have paid a portion of the foreign income taxes paid or accrued by B Corporation for 1975.

(2) *When first-tier corporation is not a less developed country corporation.* A first-tier corporation which is not a less developed country corporation for its taxable year in which it receives dividends from its second-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (d)(2) of this section, to be paid by its second-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(1) of this section, for the taxable year of the second-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the second-tier corporation exceed the taxes so paid or accrued. This rule shall apply whether or not the second-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such second-tier corporation on or with respect to the accumulated profits for the taxable year of such second-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* A first-tier corporation which is a less developed country corporation for its taxable year in which it receives dividends from its second-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid, accrued, or deemed, in accordance with paragraph (d)(3) of this section, to be paid by its second-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(2) of this section, for the taxable year of the second-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount of such accumulated profits of the second-tier corporation. This rule shall apply whether or not the second-tier corporation is a less developed country corporation for its taxable year. For determining the amount of the foreign income taxes paid or accrued by such second-tier corporation on or with respect to the accumulated profits of the taxable year of such second-tier corporation, see paragraph (f) of this section.

(d) *Second-tier corporation owning stock in a third-tier corporation—(1) In general.* For purposes of applying section 902(b)(1) and paragraph (c)(2) and (3) of this section, if a second-tier corporation receives dividends in any taxable year from its third-tier corporation, the foreign income taxes deemed to be paid by the second-tier corporation on or with respect to its own accumulated profits for such year shall be the amount determined in accordance with paragraph (d)(2) or (3) of this section. This paragraph (d) shall not apply unless the product of—

(i) The percentage of voting stock arrived at in applying the 5-percent requirement of paragraph (c)(1) of this section with respect to dividends received by the first-tier coporation from the second-tier corporation, and

(ii) the percentage of voting stock owned by the second-tier corporation in the third-tier corporation

equals at least 5 percent. The percentage under paragraph (d)(1)(ii) of this section of voting stock owned by the second-tier corporation in the third-tier corporation is determined as of the time that the dividend distributed by the third-tier corporation is received by the second-tier corporation and thus included in accumulated profits of the second-tier corporation out of which dividends referred to in paragraph (d)(1)(i) of this section are distributed by the second-tier corporation to the first-tier corporation.

Example. On February 27, 1975, foreign corporation C pays a dividend out of its accumulated profits for 1974 to foreign corporation B. On March 3, 1975, the date on which it receives the dividend, B Corporation owns 50 percent of the voting stock of C Corporation. On February 10, 1976, B Corporation pays a dividend out of its accumulated profits for 1975 to foreign corporation A. On February 16, 1976, the date on which it receives the dividend, A Corporation owns 40 percent of the voting stock of B Corporation. All three corporations use the calendar year as the taxable year. On January 17, 1977, A Corporation pays a dividend out of its accumulated profits for 1976 to domestic corporation M. M Corporation owns 30 percent of the voting stock of A Corporation on January 20, 1977, the date on which it receives the dividend. M Corporation uses a fiscal year ending on April 30 as the taxable year. On February 16, 1976, A Corporation satisfies the 10-percent stock ownership requirement referred to in paragraph (a)(3) of this section with respect to B Corporation, and on January 20, 1977, M Corporation satisfies the 10-percent stock-ownership requirement referred to in paragraph (a)(2) of this section with respect to A Corporation. The 5-percent requirement of paragraph (c)(1) of this section is also satisfied since 30 percent (the percentage of voting stock owned by M Corporation in A Corporation on January 20, 1977), when multiplied by 40 percent (the percentage of voting stock owned by A Corporation in B Corporation on February 16, 1976), equals 12 percent. On March 3, 1975, B Corporation satisfies the 10 percent stock ownership requirement referred to in paragraph (a)(4) of this section with respect to C Corporation. The 5-percent requirement of this paragraph (d)(1) is also satisfied since 12 percent (the percentage of voting stock arrived at in applying the 5-percent requirement of paragraph (c)(1) of this section with respect to the dividends received by A Corporation from B Corporation on February 16, 1976), when multiplied by 50 percent (the percentage of voting stock owned by B Corporation in C Corporation on March 3, 1975), equals 6 percent. Accordingly, for its taxable year ending on April 30, 1977, M Corporation is entitled to a credit for a portion of the foreign income taxes paid, accrued, or deemed to be paid, by A Corporation for 1976; for 1976 A Corporation is deemed to have paid a portion of the foreign income taxes paid, accrued, or deemed to be paid, by B Corporation for 1975; and for 1975 B Corporation is deemed to have paid a portion of the foreign income taxes paid or accrued by C Corporation for 1974.

(2) *When first-tier corporation is not a less developed country corporation.* For purposes of applying paragraph (c)(2) of this section to a first-tier corporation which is not a less developed country corporation, a second-tier corporation which receives dividends in its taxable year from its third-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid or accrued by its third-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(1) of this section, for the taxable year of the third-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the third-tier corporation exceed the taxes so paid or accrued. This rule shall apply whether or not the third-tier corporation is a less developed country corporation for the taxable year. For determining the amount of the foreign income taxes paid or accrued by such third-tier corporation on or with respect to the accumulated profits for the taxable year of such third-tier corporation, see paragraph (f) of this section.

(3) *When first-tier corporation is a less developed country corporation.* For purposes of applying paragraph (c)(3) of this section to a first-tier corporation which is a less developed country corporation, a second-tier corporation which receives dividends in its taxable year from its third-tier corporation shall be deemed to have paid for such year the same proportion of any foreign income taxes paid or accrued by its third-tier corporation on or with respect to the accumulated profits, as defined in paragraph (e)(2) of this section, for the taxable year of the third-tier corporation from which such dividends are paid which the amount of such dividends bears to the amount of such accumulated profits of the third-tier corporation in which such dividends are paid which the amount of such dividends bears to the amount by which such accumulated profits of the third-tier corporation exceed the taxes so paid or accrued. This rule shall apply whether or not the third-tier corporation is a less developed country corporation for the taxable year. For determining the amount of the foreign income taxes which are properly attributable to the accumulated profits for any taxable year shall be the same proportion of the foreign income taxes imposed on or with respect to the gains, profits, and income for the taxable year as the accumulated profits, as determined under paragraph (e)(1) or (2), as the case may be, bear to the total amount of such gains, profits, and income for such year. Since, in applying the preceding sentence to a first-tier corporation which is not a less developed country corporation (and to any second-tier or third-tier foreign corporation described in paragraph (e)(1) of this section), the accumulated profits, determined in accordance with such paragraph, for the taxable year are always equal to the total amount of the gains, profits, and income for that year, the foreign income taxes imposed on or with respect to such accumulated profits shall be the entire amount of the foreign income taxes paid or accrued for such year on or with respect to such gains, profits, and income. For purposes of this paragraph (f), the gains, profits, and income of a foreign corporation for any taxable year shall be determined after reduction by any income, war profits, or excess profits taxes imposed on or with respect to such gains profits, and income by the United States.

(g) *Determination of earnings and profits of a foreign corporation—(1) Taxable year to which section 963 does not apply.* For purposes of this section, the earnings and profits of a foreign corporation for any taxable year beginning after December 31, 1962, other than a taxable year to which paragraph (g)(2) of this section applies, may, if the domestic shareholder chooses, be determined under the rules provided by § 1.964–1 exclusive of paragraphs (d) and (e) of such section. The translation of amounts so determined into United States dollars or other foreign currency shall be made at the proper exchange rate for the date of distribution with respect to which the determination is made.

(2) *Taxable year to which section 963 applies.* For any taxable year of a foreign corporation with respect to which there applies under § 1.963–1(c)(1) an election by a corporate United States shareholder to exclude from its gross income for the taxable year the subpart F income of a controlled foreign corporation, the earnings and profits of such foreign corporation for such year with respect to such shareholder must be determined, for purposes of this section, under the rules provided by § 1.964–1, even though the amount of the minimum distribution required under § 1.963–2(a) to be received by such shareholder from such earnings and profits of such foreign corporation, or from the consolidated earnings and profits of the chain or group which includes such foreign corporation, is zero. Effective for taxable years of foreign corporations beginning after December 31, 1975, section 963 is repealed by section 602(a)(1) of the Tax Reduction Act of 1975 (89 Stat. 58); accordingly, this

(e) *Determination of accumulated profits of a foreign corporation—(1) When first-tier corporation is not a less developed country corporation.* The accumulated profits for any taxable year of a first-tier corporation which is not a less developed country corporation for such year, and the accumulated profits for any taxable year of a second-tier corporation, or of a third-tier corporation, which are taken into account in applying paragraph (c)(2) or (d)(2) of this section with respect to such first-tier corporation, shall be the sum of—

(i) The earnings and profits of such corporation for such year, and

(ii) The foreign income taxes imposed on or with respect to the gains, profits, and income to which such earnings and profits are attributable.

(2) *When first-tier corporation is a less developed country corporation.* The accumulated profits for any taxable year of a first-tier corporation which is a less developed country corporation for such year, and the accumulated profits for any taxable year of a second-tier corporation, or of a third-tier corporation, which are taken into account in applying paragraph (c)(3) or (d)(3) of this section with respect to such first-tier corporation, shall be the amount of the earnings and profits of such corporation for such year.

(f) *Taxes paid on or with respect to accumulated profits of a foreign corporation.* For purposes of this section, the amount of foreign income taxes paid or accrued on or with respect to the accumulated profits of a foreign corporation for any taxable year shall be so much of the foreign income taxes for such year as is properly attributable to such accumulated profits. For such purpose, the for-

paragraph (g)(2) is inapplicable with respect to computing earnings and profits for such taxable years.

(3) *Time and manner of making choice.* The controlling United States shareholders (as defined in § 1.964–1(c)(5)) of a foreign corporation shall make the choice referred to in paragraph (g)(1) of this section (including the elections permitted by § 1.964–1 (b) and (c)) by filing a written statement to such effect with the Director of the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155, within 180 days after the close of the first taxable year of the foreign corporation during which such shareholders receive a distribution of earnings and profits with respect to which the benefits of this section are claimed or on or before November 15, 1965, whichever is later. For purposes of this paragraph (g)(3), the 180-day period shall commence on the date of receipt of any distribution which is considered paid from the accumulated profits of a preceding year or years under paragraph (g)(4) of this section. See § 1.964–1(c)(3)(ii) and (iii) for procedures requiring notification of the Director of the Internal Revenue Service Center and noncontrolling shareholders of action taken.

(4) *Determination by district director.* The district director in whose district is filed the income tax return of the domestic shareholder claiming a credit under section 901 for foreign income taxes deemed, under section 902 and this section, to be paid by such shareholder shall have the power to determine, with respect to a foreign corporation, from the accumulated profits of what taxable year or years the dividends were paid. In making such determination the district director shall, unless it is otherwise established to his satisfaction, treat any dividends which are paid in the first 60 days of any taxable year of such a corporation as having been paid from the accumulated profits of the preceding taxable year or years of such corporation and shall, in other respects, treat any dividends as having been paid from the most recently accumulated profits. For purposes of this paragraph (g)(4), in the case of a foreign corporation the foreign income taxes of which are determined on the basis of an accounting period of less than 1 year, the term "year" shall mean such accounting period. See sections 441 (b)(3) and 443.

(h) *Source of income from first-tier corporation and country to which tax is deemed paid.*—(1) *Source of income.* For purposes of section 904(a)(1) (relating to the per-country limitation), in the case of a dividend received by a domestic shareholder from a first-tier corporation there shall be deemed to be derived from sources within the foreign country or possession of the United States under the laws of which the first-tier corporation is created or organized the sum of the amounts which under paragraph (a)(3)(ii) of §1.861–3 are treated, with respect to such dividend, as income from sources without the United States.

(2) *Country to which taxes deemed paid.* For purposes of section 904, all foreign income taxes paid, or deemed under paragraph (c) of this section to be paid, by a first-tier corporation shall be deemed to be paid to the foreign country or possession of the United States under the laws of which such first-tier corporation is created or organized.

(i) *United Kingdom income taxes paid with respect to royalties.* A taxpayer shall not be deemed under section 902 and this section to have paid any taxes with respect to which a credit is allowable to such taxpayer or any other taxpayer by virtue of section 905(b).

(j) *Information to be furnished.* If the credit for foreign income taxes claimed under section 901 includes taxes deemed, under paragraph (b)(2) or (3) of this section, to be paid, the domestic shareholder must furnish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it and for which credit is claimed. See § 1.905–2. For other information required to be furnished by the domestic shareholder for the annual accounting period of certain foreign corporations ending with or within such shareholder's taxable year, and for reduction in the amount of foreign income taxes paid or deemed to be paid for failure to furnish such information, see section 6038 and the regulations thereunder.

(k) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Throughout 1975, domestic corporation M owns all the one class of stock of foreign corporation A, not a less developed country corporation. Both corporations use the calendar year as the taxable year. Corporation A has accumulated profits, pays foreign income taxes, and pays dividends for 1975 as summarized below. For 1975, M Corporation is deemed, under paragraph (b)(2) of this section, to have paid $20 of the foreign income taxes paid by A Corporation for 1975 and includes such amount in gross income under section 78 as a dividend, determined as follows upon the basis of the facts assumed:

Gains, profits, and income of A Corp	$100
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	100
Foreign income taxes paid on or with respect to accumulated profits (total foreign income taxes)	40
Accumulated profits in excess of foreign income taxes	60
Dividends paid to M Corp	30
Foreign income taxes of A Corp. deemed paid by M Corp. under sec. 902(a)(1) ($40×$30/$60)	20

Example (2). The facts are the same as in example (1), except that M Corporation also owns all the one class of stock of foreign corporation B, a less developed country corporation, which also uses the calendar year as the taxable year. Corporation B has accumulated profits, pays foreign income taxes, and pays dividends for 1975 as summarized below. For 1975, M Corporation is deemed, under paragraph (b)(2) of this section, to have paid $20 of the foreign income taxes paid by A Corporation for 1975; is deemed, under paragraph (b)(3) of this section, to have paid $12 of the foreign income taxes paid by B Corporation for 1975; and includes $20 in gross income as a dividend under section 78, determined as follows:

B Corporation

Gains, profits, and income	$100
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	60
Foreign income taxes paid on or with respect to accumulated profits ($40×$60/$100)	24
Dividends paid to M Corp	30
Foreign income taxes of B Corp deemed paid by M Corp under sec. 902(a)(2) ($24×$30/$60)	12

M Corporation

Foreign income taxes deemed paid under sec. 902(a):	
Taxes of A Corp (from example (1))	20
Taxes of B Corp (as determined above)	12
Total	32
Foreign income taxes included in gross income under sec. 78 as a dividend:	
Taxes of A Corp (from example (1))	20
Taxes of B Corp	0
Total	20

Example (3). For 1975, domestic corporation M owns all the one class of stock of foreign corporation A, not a less developed country corporation, which in turn owns all the one class of stock of foreign corporation B. All corporations use the calendar year as the taxable year. For 1975, M Corporation is deemed under paragraph (b)(2) of this section to have paid $50 of the foreign income taxes paid, or deemed under paragraph (c)(2) of this section to be paid, by A Corporation for such year and includes such amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

B Corp. (second-tier corporation):	
Gains, profits, and income	$300
Foreign income taxes imposed on or with respect to gains, profits, and income	120
Accumulated profits	300
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits (total foreign income taxes)	120
Accumulated profits in excess of foreign income taxes	180
Dividends paid on Dec. 31, 1975 to A Corp	90
Foreign income taxes of B Corp. deemed paid by A Corp. for 1975 under sec. 902(b)(1)(A) ($120×$90/$180)	60
A Corp. (first-tier corporation):	
Gains, profits, and income:	
Business operations	200
Dividends from B Corp	90
Total	290
Foreign income taxes imposed on or with respect to gains, profits, and income	40
Accumulated profits	290
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	40
Accumulated profits in excess of foreign income taxes	250
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1975 on or with respect to its accumulated profits for such year ($60+$40)	100
Dividends paid on Dec. 31, 1975, to M Corp	125

M Corp. (domestic shareholder):

Foreign income taxes of A Corp. deemed paid by M Corp. for 1975 under sec. 902(a)(1) ($100×$125/$250)	50
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend received from A Corp.	50

Example (4). The facts are the same as in example (3), except that A Corporation is a less developed country corporation for 1975. For 1975, M Corporation is deemed under paragraph (b)(3) of this section to have paid $35.24 of the foreign income taxes paid, or deemed under paragraph (c)(3) of this section to be paid, by A Corporation for such year, determined as follows:

B Corp. (second-tier corporation):	
Gains, profits, and income	$300.00
Foreign income taxes imposed on or with respect to gains, profits, and income	120.00
Accumulated profits	180.00
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits ($120×$180/$300)	72.00
Dividends paid on Dec. 31, 1975 to A Corp	90.00
Foreign income taxes of B Corp. deemed paid by A Corp. for 1975 ($72×$90/$180)	36.00
A Corp. (first-tier corporation):	
Gains, profits, and income:	
Business operations	200.00
Dividends from B Corp	90.00
Total	290.00
Foreign income taxes imposed on or with respect to gains, profits, and income	40.00
Accumulated profits	250.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits ($40×$250/$290)	34.48
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1975 on or with respect to its accumulated profits for such year ($36.00+$34.48)	70.48
Dividends paid on Dec. 31, 1975 to M Corp	125.00
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. deemed paid by M Corp. for 1975 under sec. 902(a)(2) ($70.48×$125/$250)	35.24

Example (5). Throughout 1975, domestic corporation M owns 50 percent of the voting stock of foreign corporation A, not a less developed country corporation. A Corporation has owned 40 percent of the voting stock of foreign corporation B, a less developed country corporation, since 1970; B Corporation has owned 30 percent of the voting stock of foreign corporation C, a less developed country corporation, since 1972. B Corporation uses a fiscal year ending on June 30 as its taxable year; all other corporations use the calendar year as the taxable year. On February 1, 1974, B Corporation receives a dividend from C Corporation out of C Corporation's accumulated profits for 1973. On February 15, 1974, A Corporation receives a dividend from B Corporation out of B Corporation's accumulated profits for its fiscal year ending in 1974. On February 15, 1975, M Corporation receives a dividend from A Corporation out of A Corporation's accumulated profits for 1974. For 1975, M Corporation is deemed under paragraph (b)(2) of this section to have paid $81.67 of the foreign income taxes paid, or deemed under paragraph (c)(2) of this section to be paid, by A Corporation on or with respect to its accumulated profits for 1974, and M Corporation includes that amount in gross income as a dividend under section 78, determined as follows upon the basis of the facts assumed:

C Corp. (third-tier corporation):	
Gains, profits, and income for 1973	$2,000.00
Foreign income taxes imposed on or with respect to such gains, profits, and income	800.00
Accumulated profits	2,000.00
Foreign income taxes paid by C Corp. on or with respect to its accumulated profits (total foreign income taxes)	800.00
Accumulated profits in excess of foreign income taxes	1,200.00
Dividends paid on Feb. 1, 1974 to B Corp	150.00
Foreign income taxes of C Corp. for 1973 deemed paid by B Corp. for its fiscal year ending in 1974 ($800×$150/$1,200)	100.00
B Corp. (second-tier corporation):	
Gains, profits, and income for fiscal year ending in 1974:	
Business operations	850.00
Dividends from C Corp	150.00
Total	1,000.00
Foreign income taxes imposed on or with respect to gains, profits, and income	200.00
Accumulated profits	1,000.00
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits (total foreign income taxes)	200.00
Accumulated profits in excess of foreign income taxes	800.00
Foreign income taxes paid, and deemed to be paid, by B Corp. for its fiscal year on or with respect to its accumulated profits for such year ($100+$200)	300.00
Dividends paid on Feb. 15, 1974 to A Corp	120.00
Foreign income taxes of B Corp. for its fiscal year deemed paid by A Corp. for 1974 ($300×$120/$800)	45.00
A Corp. (first-tier corporation):	
Gains, profits, and income for 1974: Business operations	380.00
Dividends from B Corp	120.00
Total	500.00
Foreign income taxes imposed on or with respect to gains, profits, and income	200.00
Accumulated profits	500.00
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits (total foreign income taxes)	200.00
Accumulated profits in excess of foreign taxes	300.00
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1974 on or with respect to its accumulated profits for such year ($45+$200)	$245.00
Dividends paid on Feb. 15, 1975 to M Corp	100.00
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. for 1974 deemed paid by M Corp. for 1975 under sec. 902(a)(1), ($245×$100/$300)	81.67
Foreign income taxes included in gross income of M Corp. under sec. 78 as a dividend received from A Corp	81.67

Example (6). The facts are the same as in example (5), except that A Corporation is a less developed country corporation for 1974. For 1975, M Corporation is deemed under paragraph (b)(3) of this section to have paid $51 of the foreign income taxes paid, or deemed under paragraph (c)(3) of this section to be paid, by A Corporation on or with respect to its accumulated profits for 1974, determined as follows:

C Corp. (third-tier corporation):	
Gains, profits, and income for 1973	$2,000
Foreign income taxes imposed on or with respect to such gains, profits, and income	800
Accumulated profits	1,200
Foreign income taxes paid by C Corp. on or with respect to its accumulated profits ($800×$1200/$2000)	480
Dividends paid on Feb. 1, 1974 to B Corp	150
Foreign income taxes of C Corp. for 1973 deemed paid by B Corp. for its fiscal year ending in 1974 ($480×$150/$1,200)	60
B Corp. (second-tier corporation):	
Gains, profits and income for fiscal year ending in 1974:	
Business operations	850
Dividends from C Corp	150
Total	1,000
Foreign income taxes imposed on or with respect to gains, profits, and income	200
Accumulated profits	800
Foreign income taxes paid by B Corp. on or with respect to its accumulated profits ($200×$800/$1000)	160
Foreign income taxes paid, and deemed to be paid, by B Corp. for its fiscal year on or with respect to its accumulated profits for such year ($60+$160)	220
Dividends paid on Feb. 15, 1974 to A Corp	120
Foreign income taxes of B Corp. for its fiscal year deemed paid by A Corp. for 1974 ($220×$120/$800)	33
A Corp. (first-tier corporation):	
Gains, profits, and income for 1974:	
Business operations	380
Dividends from B Corp	120
Total	500
Foreign income taxes imposed on or with respect to gains, profits, and income	200
Accumulated profits	300
Foreign income taxes paid by A Corp. on or with respect to its accumulated profits ($200×$300/$500)	120
Foreign income taxes paid, and deemed to be paid, by A Corp. for 1974 on or with respect to its accumulated profits for such year ($33+$120)	153
Dividends paid on Feb. 15, 1975 to M Corp	$100
M Corp. (domestic shareholder):	
Foreign income taxes of A Corp. for 1974 deemed paid by M Corp. for 1975 under sec. 902(a)(2) ($153×$100/$300)	51

Effective date. This section applies to any distribution received from a first-tier corporation by its domestic shareholder after December 31, 1964. For corresponding rules applicable to distributions received by the domestic shareholder prior to January 1, 1965, see 26 CFR 1.902–5 (Rev. as of April 1, 1976).

§ 1.902–2 [Removed]

PAR. 3. Section 1.902–2 is deleted.

§ 1.902–3 [Removed]

PAR. 4. Section 1.902–3 is deleted.

§ 1.902–4 [Redesignated]

PAR. 5. Section 1.902–4 is redesignated as § 1.902–2, and as redesignated is amended as follows:

1. Paragraph (a) is amended by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" after the words "section 955(c)(1) or (2)", the words "section 955(c)(1)", and the words "section 955(c)(1)(B)".

2. Paragraph (b) is amended by deleting the last sentence of subparagraph (1) and of subparagraph (2).

3. Example (1) of paragraph (c) is amended by deleting "paragraph (c)(2) and (3)(ii) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

4. Example (2) of paragraph (c) is amended by deleting "paragraph (c)(1) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(1)" in the last sentence.

5. Example (3) of paragraph (c) is amended by deleting "paragraph (c)(2) of § 1.902–3" and inserting in lieu thereof "§ 1.902–1(e)(2)" in the last sentence.

6. There is added immediately after paragraph (c) a new paragraph (d) to read as follows:

§ 1.902–2 Definition of less developed country corporation for purposes of section 902.

* * * * *

(d) *Effective date.* This section applies to any distribution received from a first-tier corporation by its domestic shareholder after December 31, 1964, whether before or after the effective date of the Tax Reduction Act of 1975. For corresponding rules applicable to distributions received by the domestic shareholder prior to January 1, 1965, see 26 CFR 1.902–5 (Rev. as of April 1, 1976).

§ 1.902–5 [Removed]

Par. 6. Section 1.902–5 is deleted.

§ 1.78–1 [Amended]

Par. 7. Section 1.78–1 is amended as follows:

1. Paragraph (a) is amended by striking out "paragraph (a)(2) of § 1.902–3" from the first sentence and "paragraph (d)(1) of § 1.902–3" from the third sentence and inserting in lieu thereof "§ 1.902–1(b)(2)" in the first sentence and "§ 1.902–1(h)(1)" in the third sentence.

2. Paragraph (e)(1) is amended by striking out "paragraph (a)(2) of § 1.902–3" from the first sentence and "§ 1.902–5" from the last sentence and inserting in lieu thereof "§ 1.902–1(b)(2)" in the first sentence and "the regulations under section 902" in the last sentence.

3. Paragraph (f) is amended by striking out "§ 1.902–3" and inserting in lieu thereof "§ 1.902–1".

§ 1.901–3 [Amended]

Par. 8. Section 1.901–3 is amended as follows:

1. Paragraph (b)(2)(i) is amended by striking out "paragraph (d)(1) of § 1.902–3" wherever it occurs and inserting in lieu thereof "§1.902–1(h)(1)".

2. Paragraph (c) of the example under paragraph (b)(2)(ii) is amended by striking out "§ 1.902–3(d)(1)" and inserting in lieu thereof "§ 1.902–1(h)(1)" and by striking out "(§ 1.902–3(a)(2))".

3. Example (8) in paragraph (d) is amended by striking out "§ 1.902–3(d)" and inserting in lieu thereof "§ 1.902–1(h)" in the third sentence.

§ 1.960–1 [Amended]

Par. 9. Section 1.960–1 is amended as follows:

1. Paragraph (b)(4) is amended by striking out "§ 1.902–4" and inserting in lieu thereof "the regulations thereunder".

2. Paragraph (h) is amended by striking out "§ 1.902–5" wherever it occurs and inserting in lieu thereof "the regulations under section 902".

§ 1.960–3 [Amended]

Par. 10. Paragraph (a) of § 1.960–3 is amended by striking out the last sentence.

[FR Doc 77-11256 Filed 4-15-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 709–1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Texas and New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule accomplishes two actions. It approves priority classification changes for sulfur oxides and changes to Texas' air quality surveillance network. It disapproves priority classification changes for particulate matter and carbon monoxide. The approval actions are being taken in response to priority classification and air quality network changes proposed by the Governor of Texas. The disapproval action is being taken because available data does not support the changes that were proposed. The approval of the sulfur oxides priority classifications will allow a reduction in air sampling equipment requirements commensurate with the air quality in the applicable AQCRs. The approval of the air quality surveillance network change will allow the State quality with available manpower and financial resources.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Oscar Cabra, Jr., Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Texas 75270 (214–749–3837).

SUPPLEMENTARY INFORMATION: The Governor of Texas submitted revisions to the State Implementation Plan (SIP) on March 21, 1975, and on August 2, 1976. The revision submitted in March 1975, concerned re-classification of several Air Quality Control Regions (AQCRs) for particulate matter, sulfur oxides, and carbon monoxide. The revision submitted in August 1976, concerned a change in air quality monitoring equipment requirements for sulfur oxides. Since these changes were based on the proposed priority classifications submitted in March 1975, the two SIP revisions were evaluated together.

EVALUATION RESULTS

The proposed re-classification of AQCRs for sulfur oxides were found to be approvable, while the proposed re-classification of AQCRs for particulate matter and carbon monoxide were found to be unapprovable. The proposed changes to the monitoring equipment requirements for sulfur oxides were found to be approvable. These approval and disapproval actions were proposed by the Environmental Protection Agency (EPA) in the FEDERAL REGISTER on January 28, 1977 (42 FR 5383). The details of the evaluation results which led to these proposed actions were provided in the preamble, and therefore, will not be restated in this action.

PUBLIC COMMENTS

In the proposed rulemaking action, interested persons were given the opportunity to comment on the proposed approvals and disapprovals. One written comment was submitted by Texaco Incorporated, Houston, Texas. In this comment, it was recommended that the approval/disapproval decision for the proposed change in priority classifications for particulate matter be based on 1975 and 1976 air quality data only. It was also recommended that EPA take into account wind blown dust, as specified in § 51.12(d) of 40 CFR Part 51, so that the State and its citizens would not be unnecessarily penalized with regulations more stringent than required.

With regard to the first recommendation, air quality data recorded in 1975 and 1976 for all three AQCRs exceed the particulate matter limits set forth in § 51.3 for a priority III classification. These data, as with previous values, support the current priority classifications for particulate matter. Consequently, there is no reason to believe that the original priority classifications were made in error. With regard to the second recommendation, EPA does allow wind blown dust to be discounted for control strategy purposes, if the contribution from wind blown dust is adequately documented.

CURRENT ACTION

In this action, the approvals and disapprovals are being promulgated as proposed. The disapproval actions do not require further action by EPA since the corresponding portions of the SIP are presently approved. These approved portions of the SIP remain in effect.

This Notice of Final Rulemaking is issued under the authority of Section 110(a) of the Clean Air Act as amended, 42 U.S.C. 1857c-5(a).

Dated: April 1, 1977.

DOUGLAS M. CASTLE,
Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

§ 52.1621 [Amended]

1. In § 52.1621, the table is revised by changing the classification for sulfur oxides in the El Paso-Las Cruces-Alamogordo Interstate Region from "I" to "IA".

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraphs (c)(9) and (10) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(9) A revision of priority classifications for particulate matter, sulfur oxides, and carbon monoxide was submitted by the Governor on March 21, 1975. (Non-regulatory.)

(10) A revision of Section IX, Air Quality Surveillance, was submitted by the Governor on August 2, 1976. (Non-regulatory.)

§ 52.2271 [Amended]

2. In § 52.2271, the section is amended to identify the table as paragraph (a) and the table is revised by changing the classification for sulfur oxides in the Abilene-Wichita Falls Intrastate Region from "II" to "III", in the Amarillo-Lubbock Intrastate Region from "I" to "III", in the Corpus Christi-Victoria Intrastate Region from "I" to "II", and in the El Paso-Las Cruces-Alamogordo Interstate Region from "I" to "IA". A new paragraph (b) is added as follows:

(b) The proposed priority classifications for particulate matter and carbon monoxide submitted by the Governor on March 21, 1975 are disapproved.

[FR Doc.77-11133 Filed 4-15-77;8:45 am]

[FRL 704–5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Oregon Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rulemaking approves revisions to the Oregon State Implementation Plan which were submitted to EPA by the State on August 1, 1975 and February 17, 1976. The revisions substitute a phase down program for control of open field burning for the total ban which was previously approved by EPA. The phase down program, which was initiated at the direction of the Oregon Legislature, reduces the number of acres open burned each year from 235,000 acres in 1975 to no more than 50,000 acres in 1978 and each year thereafter. The rulemaking also approves a request made by the State to extend the date for attaining national secondary ambient air quality standards for particulate matter in the Eugene/Springfield Air Quality Maintenance Area to May 1978.

EFFECTIVE DATE: April 18, 1977.

ADDRESSES: Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101. Environmental Protection Agency, Public Information Reference Unit, Room 2292 (PM 213), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Clark L. Gaulding, Chief, Air Programs Branch (MS 625), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101.

SUPPLEMENTARY INFORMATION: On August 1, 1975 the State of Oregon Department of Environmental Quality (DEQ) submitted, for EPA's approval, the sections of the Oregon Revised Statutes (ORS) relating to field burning, ORS §§ 468.450 through 468.485, as amended by the 1975 session of the Oregon Legislature, and a revised administrative regulation for agricultural burning, Oregon Administrative Rules (OAR), Chapter 340 §§ 26–005 through 26–025. OAR §§ 340–26–005 through 26–025 were amended and adopted on a temporary basis by the Oregon Environmental Quality Commission (EQC) on July 10, 1975.

The administrative regulation, with certain changes, was adopted by the EQC on a permanent basis on December 12, 1975 and submitted to EPA on February 17, 1976. The revised statute and regulation, as the regulation was adopted in December 1975, were proposed by EPA for public comment on August 24, 1976 (41 FR 35725).

Briefly, as approved by EPA in May 1972, the control strategy in the Oregon State Implementation Plan for total suspended particulates (TSP) called for a total ban on open field burning in the Willamette Valley as of January 1, 1975. The 1975 session of the Oregon Legislature, however, amended the applicable statute to eliminate the total ban and to replace it with a program to phase down the number of acres burned each year so that by 1978 and each year thereafter no more than 50,000 acres may be open burned. The subsequent changes to the administrative regulation reflect the legislative changes to the statute.

Section 110 of the Federal Clean Air Act (42 U.S.C. 1857c–5) requires that the Administrator of EPA approve any revision to an implementation plan that meets certain requirements relating to the attainment and maintenance of national primary (health related) and secondary (welfare related) ambient air quality standards. The Administrator has carefully reviewed and evaluated the proposed revisions to the Oregon plan and has determined that they meet the requirements of the Act and 40 CFR Part 51. The Administrator is therefore today approving the revisions to the field burning provisions of the Oregon State Implementation Plan.

The Administrator is also today approving a request made by the State of Oregon to extend the attainment date for total suspended particulate secondary standards in the Eugene Air Quality Maintenance Area to May 31, 1978. This request was made on May 9, 1976 and was also proposed on August 24, 1976 (41 FR 35725). In view of the phase down program the extension of the secondary attainment date to 1978 is considered reasonable and therefore meets the requirements of section 110(a)(2) of the Clean Air Act.

In evaluating the proposed revisions to the field burning regulation, EPA initiated a study of open field burning in the Willamette Valley. The study included an on-site evaluation of the monitoring sites in the Eugene/Springfield area, the area most affected by the field burning; analysis of available air quality data emissions data and meteorological data; analysis of field burning as an emission source; and microscopic analysis of selected hi-vol filters. In addition, current literature on the subject of field burning was reviewed.

Briefly, the study concluded that the existing air quality data show no recent violations of the national primary ambient air quality standards for TSP in the Eugene/Springfield area which could be largely attributed to field burning. However, the secondary standards are more significantly impacted by field burning emissions due to the more restrictive nature of these secondary standards.

Copies of the complete "Technical Support Document on the Phase Down of Oregon Field Burning" are available for review at the EPA Public Information Reference Unit in Washington, D.C. and the EPA Region X Office in Seattle, Washington. The addresses are listed at the beginning of this notice.

In response to EPA's August 24, 1976 request for public comment, over 1,300 responses were received. Approximately one-half of these responses were in the form of signatures collected on petitions. Of the 1,300 responses, approximately 1,000 urged EPA to reject the proposed phase down program and retain the total ban on field burning. Approximately 25 respondents urged that EPA approve the adopted phase down program as it now exists in the State. Other respondents urged various courses of action, including:

1. EPA should approve a phase down program with a total ban on open field burning after 1978.

2. Unlimited burning should be allowed without any regulations whatsoever.

3. An unlimited number of acres should be allowed to be burned in con-

junction with the State's existing smoke management program.

4. EPA should not make any decision until after the 1977 session of the Oregon Legislature meets, since it is likely they will make further changes to the field burning program.

5. EPA should disapprove the proposed administrative regulation on procedural grounds.

The Administrator considered all of the above comments. None of the first three were considered viable alternatives because EPA's approval or disapproval of an implementation plan revision is constrained by the requirements of the Clean Air Act. As stated previously, the Act requires the Administrator to approve any revision to an implementation plan if the revision meets certain requirements, the most significant being that the revision must not interfere with the attainment of the national ambient air quality standards. The study conducted by EPA showed that, on the basis of meeting the national standards, the phase down program was approvable.

The comment that EPA should not take any action on the proposed revisions until after the 1977 session of the Oregon Legislature was considered but rejected because EPA's analysis indicates that the phase down program is presently an important part of Oregon's overall plan to meet the secondary TSP standards by May 1978. Therefore it is appropriate to approve the phase down regulation. This action also is an indication to the State that their existing regulation is fully satisfactory in terms of meeting applicable Clean Air Act requirements.

Two respondents suggested that EPA should disapprove the administrative regulation submitted by the State because the procedures followed by the State in adopting the regulation do not meet the requirements of 40 CFR Part 51. This comment was investigated by EPA and it was concluded that the Oregon procedural requirements followed during enactment of the open field burning regulation meet the applicable federal requirements.

The Administrator finds good cause for making this rulemaking effective immediately since the revisions being approved by the Administrator are currently in effect as a matter of State law and the approval will not result in any additional requirements on the parties affected.

(Sec. 110(a) of the Clean Air Act, as amended. (42 U.S.C. 1857c-5(a)).)

Dated: April 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.1970, paragraph (c) is amended by adding subparagraphs (23), (24) and (25) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(23) Oregon Revised Statutes §§ 468.450 through 468.485 submitted on August 1, 1975 by the Department of Environmental Quality.

(24) Oregon Administrative Rules (OAR) Chapter 340, §§ 26-005 through 26-025, submitted on February 17, 1976 by the Department of Environmental Quality.

(25) Request for an extension to May 31, 1978 of the attainment date for particulate matter national secondary ambient air quality standards in the Eugene/Springfield Air Quality Maintenance Area.

§ 52.1973 [Amended]

2. In § 52.1973, a footnote "d" is added to the May 1975 attainment date for particulate matter secondary standards in the Portland Interstate Air Quality Control Region and footnote "d" is added beneath the table to read as follows:

d. May 1978 for the Eugene/Springfield Air Quality Maintenance Area.

[FR Doc.77-11186 Filed 4-15-77;8:45 am]

[FRL 711-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking approves revisions to the North Carolina State Implementation Plan that the State has adopted. These are miscellaneous changes consistent with the Clean Air Act in attaining and maintaining ambient standards.

EFFECTIVE DATE: April 18, 1977.

ADDRESSES: Copies of the information submitted by North Carolina may be examined by the public during normal business hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30308.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

North Carolina Department of Natural and Economic Resources, 216 West Jones Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT:

Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30308. 404/881-3286.

SUPPLEMENTARY INFORMATION: On December 21, 1976, (41 FR 55561), the Agency announced as proposed rulemaking those implementation plan changes which the State submitted (June 24, 1976) for EPA's approval after notice and public hearing (April 6 and May 10, 1976). Copies of materials submitted by North Carolina were made available for public inspection, and written comments on the proposed plan revisions were solicited. No comments were received, however.

This rule approves revisions to the North Carolina State Implementation Plan that the State has adopted. These include: (1) Adoption of Federal New Source Performance Standards (40 CFR Part 60) by reference (15 NCAC 2D .0524), (2) Revised Air Contaminants—Monitoring, Reporting Regulations (15 NCAC 2D .0600) that would bring present monitoring and reporting requirements in line with Emission Monitoring of Stationary Sources (40 CFR Part 51, October 6, 1975); (3) Extension of Visible Emission Standards for existing sources from July 1, 1976 to April 1, 1977.

With respect to item (3) above, in the previously approved regulation (15 NCAC 2D .0521), installations existing as of July 1, 1971 were to meet a visible emissions standard of Ringelmann No. 2 or equivalent opacity, and were to be in compliance with a visible emissions standard of Ringelmann No. 1, or equivalent opacity, by July 1, 1976. These installations must now be in compliance with the more restrictive visible emissions standard by April 1, 1977.

Accordingly, 40 CFR Part 52 is amended as follows:

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (16) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(16) Regulations extending visible emissions standard, adopting EPA's New Source Performance Standards (40 CFR Part 60) and revising emission monitoring of stationary sources (40 CFR Part 51.19), submitted June 24, 1976, by North Carolina Department of Natural and Economic Resources.

(Sec. 110 of the Clean Air Act (42 U.S.C. 1857c-5).)

Dated: April 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-11199 Filed 4-15-77;8:45 am]

[FRL 711-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking approves revisions to the North Carolina State Implementation Plan that the State has adopted. These are miscellaneous changes consistent with the Clean Air Act in attaining and maintaining ambient standards.

EFFECTIVE DATE: April 18, 1977.

ADDRESSES: Copies of the information submitted by North Carolina may be examined by the public during normal business hours at the following locations: Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30308. Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. North Carolina Department of Natural and Economic Resources, Division of Environmental Management, 216 West Jones Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT:

Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30308, 404-881-3286.

SUPPLEMENTARY INFORMATION: On January 24, 1977 (41 FR 4135), the Agency announced as proposed rulemaking a number of implementation plan changes which the State of North Carolina had adopted (October 21, 1976) and submitted November 1, 1976) for EPA's approval after notice and public hearing (August 24, 1976). Copies of materials submitted by North Carolina were made available for public inspection, and written comments on the proposed plan revisions were solicited. No comments were received, however.

This rulemaking approves revisions to the North Carolina State Implementation Plan that the State has adopted. They include: (1) Copies of Referenced Federal Regulations (two new regulations, one in Emission Control Standards Section, one in Air Contaminants: Monitoring, Reporting Section) (15 NCAC 2D .0103, .0607); (2) Amendments to Episode Criteria (15 NCAC 2D .0302); (3) Series of Minor Amendments to Air Pollution Control Requirements Subchapter with exception of Emission Control Standards Section; (4) Amendments to Particulates from Miscellaneous Industrial Processes (15 NCAC 2D .0515); (5) Amendments to (Permit) Applications (15 NCAC 2D .0603); (6) (Post Attainment Policy) Extensions, Modifications (15 NCAC 2D .0707); (7) Amendments to Control and Prohibition of Open Burning (15 NCAC 2D .0520).

Item (1) gives notice where referenced sections of the Code of Federal Regulations are available for public inspection.

Item (2) changes oxidant emergency levels to conform with the Environmental Protection Agency (EPA) regulatory requirements and North Carolina legislative changes. These levels are: 200 ug/m3 (0.1 ppm), 1-hour average (alert); 800 ug/m3 (0.4 ppm), 1-hour average (warning); and 1000 ug/m3 (0.5 ppm), 1-hour average (emergency).

Item (3) are corrections and clarifications and are not policy or procedural changes in the Emission Control Standard Section.

Item (4) slightly modifies the applicable sources and clarifies other aspects of particulates from Miscellaneous Industrial Processes Emission Control Standards.

Item (5) subjects to public comment permit applications and ambient effect analyses for sources on EPA's list to be reviewed for Prevention of Significant Deterioration as a minimum.

Item (6) sets forth requirements and procedures for extensions and modifications in extraordinary cases.

Item (7) clarifies the exception for fire-fighting instruction and training from Control and Prohibition of Open Burning Emission Control Standards.

Accordingly, 40 CFR Part 52 is amended as follows:

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (17) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(17) Miscellaneous plan revisions, submitted on November 1, 1976, by the North Carolina Department of Natural and Economic Resources.

(Sec. 110 of the Clean Air Act (42 U.S.C. 1857c-5).)

Dated: April 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-11200 Filed 4-15-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Editorial Amendment Concerning Requests for Copies of Materials Available for Public Inspection

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment increases the amount that the Downtown Copy Center charges to the public for 8½" × 11" copies of Commission records. The Commission has renewed its contract with the Downtown Copy Center, and the amount reflects a change in the contract.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Administrative Rules and Procedure Division, Office of General Counsel, 1919 M Street NW., Washington, D.C., Room 604 (202-632-6444).

SUPPLEMENTARY INFORMATION:

Adopted: April 1, 1977.

Released: April 5, 1977.

1. The Commission has extended its contract with the Downtown Copy Center under which copies of Commission documents are furnished to the public for a fee. Under the contract, as extended, the fee for furnishing copies of 8½"×11" pages has been increased from 8½ to 9 cents a page. The fee for furnishing 8½" ×14" pages remains at 9 cents. It is appropriate for Section 0.465(a) of the Rules to be amended to reflect this change.

2. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r) and in § 0.231 (d) of the Rules and Regulations, 47 CFR 0.231(d). Because the amendment is editorial and informational in nature, the prior notice and effective date provisions of 5 U.S.C. 553 do not apply.

3. Accordingly, it is ordered, effective April 18, 1977, that Section 0.465(a) is amended as set out below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.465(a) is revised to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lower cost to the public. The charges are 9¢ a page. Currently, the contractor is Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tel. 202-452-1422). Except as provided in paragraphs (b), (c) and (d) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455 and those made available for inspection under § 0.461, should be directed to the contractor.

* * * * * *

[FR Doc.77-11135 Filed 4-15-77;8:45 am]

[Docket No. 21011; FCC 77-181]

PART 76—CABLE TELEVISION SERVICES

Requirement of Notice of Operator Name, Mail Address, and Status Changes Be Furnished to the Commission

AGENCY: Federal Communications Commission.

ACTION: Final Rule (Report and Order).

SUMMARY: The FCC is requiring cable television operators to notify the Commission within 30 days of any change in operator name, mail address, or operational status, in order to reduce administrative problems.

EFFECTIVE DATE: May 16, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

A. M. Rutkowski, Cable Television Bureau, 202-632-9797.

SUPPLEMENTARY INFORMATION:

1. On November 30, 1976, the Commission issued a Notice of Proposed Rule

Making, 76–1109, 41 Fed. Reg. 54778 (December 15, 1976), wherein it set forth a requirement that cable television operators furnish notice to the Commission when the operational status of a system community changes or when the name or mailing address of the operator itself changes.

2. The only comments in this matter were received from Citizens for Cable Awareness in Pennsylvania Legislative Committee, Philadelphia Community Cable Coalition (Citizens) and from Gateway Communications, Incorporated (Gateway). Citizens notes that this action "is not tantamount to requesting or receiving Commission approval for ownership changes," and urges the Commission hasten its deliberations in the proper forum for that subject, i.e. Docket No. 20023. Citizens further urged that the information which would be furnished to the Commission under the proposed requirement also be furnished to local municipalities. Gateway suggested that whatever notice is furnished to the Commission be available for public inspection at the operator's local business office.

3. The concerns of both Citizens and Gateway relative to this proceeding are satisfied by our existing rule which provides that "(a) copy of * * * all correspondence between the (operator) and the Commission pertaining to reports after they have been filed * * *" shall be maintained for public inspection. See § 76.305(a)(4). The notice furnished to the Commission under our proposed rule fall, within the ambit of that public inspection requirement.

4. The Commission has heretofore had no requirement that cable television operators automatically notify the Commission of changes to, name, mail address, or system operational status. This has often resulted in considerable administrative difficulties. Documents are frequently returned through the mail as undeliverable or information is applied to the wrong record. The resulting confusion, of course, benefits neither the Commission nor the cable operators. As the number of system communities increases, this problem is aggravated.

5. Also, because our new computer data management program involves the solicitation of information by mail, it is necessary that we know the current operator legal name, mail address, and operational status for each system community as identified by its FCC assigned "code," e.g., CA0001. We are therefore adding requirements to inform the Commission of changes in this critical data within 30 days of their occurrence. Such update requirements presently exist for nearly every other communications service regulated by the Commission. It should be noted that submission of data concerning changes in cable operators is not tantamount to requesting or receiving Commission approval for ownership changes. The proper role of the Commission in these transfer matters is under study in Docket 20023.

6. As we indicated in the Notice of Proposed Rule Making, supra, our proposed change notice is purely administrative and long overdue. Its burden on cable operators should be minor. The information which we seek should be in letter form (one copy only), to the Commission as follows: Federal Communications Commission, Cable Television Bureau, Room 6218, Washington, D.C. 20554. It should contain one or more of the following statements:

a. (full legal name of the new operator) is the business entity which now offers for sale, services of a cable television system in the following system communities and should be reflected as the operator in the Commission's records: (community ident, e.g., CA0001) and name of community).

b. (full legal name of the operator) has a new mailing address for purposes of Commission communications: (mailing address with zip code).

This address change applies to the following system communities: (community ident, e.g., CAOOO1) and (name of community).

c. The following system's operational status has changed from (non-operational to, operational, non-operational to less-than-50-subscribers, less than 50 subscribers to 50-or-more-subscribers, less than 500 subscribers to more than 500 subscribers, gone out of business, etc.) effective (year) (month): (community ident, e.g. CAOOO1) and (name of community).

These communications must be signed by an individual having the authority to make such a representation to the Commission.

7. Therefore, *it is ordered*, That Part 76 of the Commission's Rules and Regulations is amended, effective May 16, 1977, as set forth below. Authority for the amendments to the rules adopted below is contained in sections 1, 2, 301, 303, 307 and 403 of the Communications Act, as amended.

(Secs. 1, 2, 301, 303, 307, 48 Stat., as amended, 1064, 1081, 1082, 1083; 47 U.S.C. 151, 152, 301, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended in the following manner:

2. A new section 76.400 is added as follows:

§ 76.400 Operator, mail address, and operational status changes.

Within 30 days following a change of Cable Television System Operator, and/or change of the operator's mail address, and/or change in the operational status of a cable television system, the Operator shall inform the Commission in writing of the following, as appropriate:

(a) The legal name of the operator and whether the operator is an individual, private association, partnership or corporation. See § 76.5(11). If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in each community;

(c) The new mail address, including zip code, to which all communications are to be directed;

(d) The nature of the operational status change (e.g., became operational on (year) (month), exceeded 49 subscribers, exceeded 499 subscribers, operation terminated temporarily, operation terminated permanently);

(e) The names and FCC identifiers (e.g., CA0001) of the system communities affected.

NOTE.—FCC system community identifiers are routinely assigned during pre-operational certification. They have been assigned to all reported system communities based on previous Form 325 data. If a system community in operation prior to March 31, 1972, has not previously been assigned a system community identifier, the operator shall provide the following information in lieu of the identifier: Community Name, Community Type (i.e., incorporated town, unincorporated settlement, etc.) County Name, State, Operator Legal Name, Operator Assumed Name for Doing Business in the community, Operator Mail Address, and Year and Month service was first provided by the physical system.

[FR Doc.77–11173 Filed 4–15–77;8:45 am]

[Docket 20561]

PART 76—CABLE TELEVISION SERVICES

Definition of a Cable Television System and the Creation of Classes of Cable Systems

Correction

AGENCY: Federal Communications Commission.

ACTION: Change of effective date.

SUMMARY: In an order that appeared on page 19329 of the FEDERAL REGISTER of April 13, 1977 (FR Doc. 77–10776), the Commission established a new class of "small" cable television systems. The small systems are exempt from the Certificate of Compliance requirements. This document changes the effective date of that exemption to April 18, 1977.

EFFECTIVE DATE: Effective April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. James A. Hudgens, Cable Television Bureau, 202–632–6468.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 76 of the Commission's rules and regulations with respect to the definition of a cable television system and the creation of classes of cable systems.

1. In the First Report and Order in Docket 20561, FCC 77–205, ____ FCC 2d ____ (released April 6, 1977) the Commission announced the establishment of a new class of "small" cable television systems (limited to systems with 50–499 subscribers, calculated on a headend basis) to which only limited regulation would apply, including exemption from the Certificate of Compliance requirement. The effective date contained in that Report and Order is May 16, 1977 which would technically apply the small system exemption only after the May 2, 1977, date for uncertified systems to file for certificates, had already past. This was not intended, and this Order is accordingly being issued to make it clear that "small" systems as defined in the Report and Order in Docket 20561, are not required to adhere to the May 2, 1977 date and need not file certificate applications by that date.

2. Because this action relieves a restriction where time is of the essence, the 30-day advance public notice provision of Section 4 of the Administrative Procedures Act, Section 553(d), does not apply.

Accordingly, *it is ordered*, That Sections 76.11(a) and 76.11(b) as amended in the First Report and Order in Docket 20561, FCC 77–205, are, to the extent they exempt cable television systems from the Certificate of Compliance filing requirement, effective April 18, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–11341 Filed 4–15–77;8:45 am]

[Docket No. 20886; RM–2472; RM–2476; FCC 77–242]

PART 81—STATIONS ON LAND OR ON SHIPBOARD IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Permission of the Operation of an Automated Very High Frequency (VHF) Radiocommunication Public Correspondence System To Serve Vessels on the Great Lakes

AGENCY: Federal Communications Commission.

ACTION: Final Order amending Parts 81 and 83 of the rules.

SUMMARY: As a result of a petition by Lorain Electronics Corporation, the FCC is amending its rules to permit the operation of a communication system of interconnected stations on the Great Lakes to provide VHF public correspondence radiocommunication services to vessels. The amendments will also permit for the first time new facilities to include facsimile and teleprinter services.

EFFECTIVE DATE: May 16, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Sherman Pratt, Aviation and Marine Division, Safety and Special Radio Services Bureau (202–632–7197).

SUPPLEMENTARY INFORMATION:

Adopted: March 29, 1977.

Released: April 7, 1977.

In the matter of amendment of Parts 81 and 83 of the rules to permit the operation of a communications system on the Great Lakes to provide very high frequency (VHF) regional, and other, public correspondence radiocommunication service to vessels.

1. On August 12, 1976, we released a Notice of Proposed Rule Making (NPRM) in this Docket (FCC 76–755 and 41 FR 34790, August 17, 1976), to amend Parts 81 and 83 of the rules to permit the operation of an automated very high frequency (VHF) radiocommunication public correspondence system to serve vessels on the Great Lakes.

THE PROPOSAL

2. A detailed description of the system and its historical development by the Lorain Electronics Corporation (Lorain) was included in our NPRM. Generally, the proposal contemplates the establishment of an automated VHF maritime radiocommunication system of interconnected and centrally controlled public coast stations to serve most or all of the navigable American waters of the Great Lakes. The system is to provide new services such as dial or automatic calling, teleprinter and facsimile communications on maritime VHF channels 84, 86 and 87 (161.825, 161.925 and 161.975 MHz) respectively for coast station transmission with a paired channel for ship station transmission.

3. To permit the establishment of the system, changes in our rules are necessary with respect to the emissions permissible on these channels, and concerning the allowable overlap of station coverage areas so that applications for stations in the system could be filed without regard to whether a station of this class already is authorized to serve a particular locality.

COMMENTS

4. The time for filing comments and reply comments to our notice has passed. Commenters and the substance of their comments are as follows:

(a) Lake Carriers Association (LCA), Great Lakes Towing Company, American Waterways Operators, Inc. (AWO), Carleton H. Gray, consultant, Alden Electronic and Impulse Recording Equipment Company, Inc., and the Communications Workers of America, these commenters support the proposed rule changes without equivocation. LCA states that most boats using the new system will be commercial vessels, and have mostly used medium and high frequencies for their shore communications; that the new system will operate in the VHF band and therefore will not remove any significant amount of traffic from existing VHF stations, or be a serious detriment to existing stations which depend mostly on yacht traffic. AWO, which has a proposal pending with us for establishment of a similar VHF system on the Mississippi River, did not want the proposal limited at this time to the Great Lakes area.

(b) American Telephone and Telegraph Company (AT&T), (1) does not object generally to the regular operation of the new system with the understanding that it will serve primarily large commercial vessels owned by LCA, and that existing manual stations will continue to serve primarily non-participating commercial vessels and small craft; (2) urges that proposed § 81.303 (d) concerning permissible coverage area overlap, be expanded so that the restrictions on permissible overlap will not apply, not only to Lorain system stations, but also to any other stations insofar as such stations overlap with Lorain system stations; (3) supports IBT position (infra) concerning the continued use of channel 84 at IBT's Waukegan, Illinois Station and (4) stresses that since authorization of the Lorain system will exhaust the supply of VHF public correspondence channels on the Great Lakes leaving no reserve to provide for the assignment of additional channels to existing stations based on specified traffic criteria, the Commission should consider allocating additional channels in the Great Lakes area for public correspondence uses.

(c) WJG, Inc. (WJG), licensee of Public Coast station WJG at Memphis, Tennessee, (1) generally supports the concept of system operation of stations as proposed, but objects to the establishment of a new class of stations for detailed reasons; (2) believes it could result in discriminatory service, a sacrifice in service to the public and high service charges; and (3) wants the Commission to encourage arrangements with existing stations when establishing systems of stations such as is proposed. WJG also expressed concern, inferentially, that action taken by us on this proposal may constitute undesirable precedents for decisions on other similar proposals for different geographical areas.

(d) Central Radio Telegraph Company, (Central Radio) licensee of Public Coast Station WLC at Rogers City, Michigan operating on medium and high frequencies and VHF, and licensee of three VHF stations at other locations on the Great Lakes, (1) asserts that the operation of the Lorain system will have a significant adverse economic impact on its operations; (2) states that if it loses VHF business it must close its MF and HF operations and the total communications service on the Great Lakes will be less than is now available; (3) argues that the VHF radio needs of small vessels will be ignored by the Lorain stations;

and (4) requests a hearing to determine whether the Lorain proposal is in the public interest.

(e) Illinois Bell Telephone Company (IBT) opposes the discontinuation of operations on channel 84 by its coast station at Waukegan, Illinois, which would be necessary if a system station at Ft. Washington, Illinois were to operate on that frequency, because owners of nonparticipating vessels and small craft would have to convert their ship station equipment, at their expense to whatever replacement channel would be assigned to IBT's Waukegan station.

REPLY COMMENTS BY LORAIN

5. Lorain has filed reply comments to the above described comments as follows. With respect to the opposition of AT&T and IBT to the discontinuation of operations on channel 84 by the IBT station at Waukegan, Lorain states, in essence, that while its proposed system could be operated with difficulty by using a frequency other than channel 84 at its Ft. Washington station, it greatly prefers not to do so. Lorain asserts that the use of another, or fourth, channel in its system, in addition to the three proposed in our NPRM, would degrade the system because of "ducting" which would cause electrical interference, illogical channel assignment, the burdensome requirement that the subscribers equip their vessels with an additional channel, and for other stated detailed reasons. Lorain also disagreed that a requirement for IBT's customers in the Waukegan area to change channels would constitute a significant inconvenience or economic burden on the public because the expenditure would be relatively insignificant as compared to the greatly improved Lakes communication services that would be provided by its proposed system.

6. Concerning the comments that Lorain's proposed system will impact adversely on existing VHF public coast stations, Lorain denies this and reiterates that its system is designed mainly to serve the needs of the larger commercial vessels, and not the small commercial or recreational vessels that are now the principle customers of the existing VHF stations. It further asserts that while it will serve anyone upon request, it will not attempt to "promote" its services to operators of vessels other than the large commercial vessels that are subscribers to its system. Lorain also states that its tariffs for manually placed calls will be substantially higher than the ordinary rate now charged by non-system stations and, therefore, the smaller vessel operator that usually places calls in this manner will be more likely, for economic and competitive reasons, to place calls with non-system stations whenever feasible.

DISCUSSION

7. Notwithstanding the comments filed in opposition, in part, we are going to amend our rules substantially as proposed in our NPRM so that Lorain will have the opportunity of introducing into the Maritime Mobile Services some needed kinds of services that have long existed in other radiocommunications services, or in other bands of the Maritime Service. We think this is a necessary and desirable step forward in the field of maritime radiocommunications and will have distinct benefits for the maritime public. While there may be some adverse economic impact by the new system on existing VHF public coast stations on the Great Lakes, we are not persuaded that the asserted impact will be so substantial or crucial as to undermine the economic viability of any existing station. We consider more persuasive the probable overall and long range advantages of the new services to be provided. If future developments indicate the contrary to be true, we can always reexamine the matter when those contingencies occur and are brought to our attention.

8. In reaching a decision in this matter that will best serve the public interest, a particularly troublesome question is the action to be taken concerning the disagreement between Lorain and IBT as to whether the IBT station at Waukegan, Illinois should change its working channel from channel 84 to another channel not used by Lorain in its new system. We are persuaded that the Lorain system would be more efficient, and the system's implementation and operational problems minimized, if channel 84 were released by the Waukegan station for use in the system as proposed by us in our NPRM. On the other hand, we are reluctant, in view of the representations made by IBT, and considering all aspects of the matter, to undertake to compel a change of channels against the will of that licensee.[1] We will, therefore, specify another channel for use in that area by the new system since Lorain has not stated that it could not operate the system with another channel but only that it would be more difficult. We believe channel 85 (161.875 MHz) would best serve this purpose since it is not now assigned on Lake Michigan and there are no international restrictions on its use at Ft. Washington. We will show the frequency in our rules as generally available for use in the Great Lakes system under the conditions specified, although as a practical matter it cannot be assigned elsewhere on other Lakes without the concurrence of Canada because of an understanding with that country to that effect. If, after a reasonable period of time of not less than, say, a full boating season, the use of other than channel 84 in the Waukegan-Ft. Washington area proves to be substantially disadvantageous to the extent that it threatens the feasibility and effective workability of the system, we will, upon request, review the matter to determine if relief can be provided. Any new authorization granted to IBT will be for less than the normal five year period to permit later review and a channel change if necessary.

9. With respect to the comments concerning the need for additional public correspondence working channels, we are aware of this need and we will continue to address ourselves to the challenge of finding a solution to the problem. The problem, however, is not peculiar to only this band, or to this service, or to the Great Lakes navigational area. We call attention, as we have in Docket No. 20838, to the broad reallocation of spectrum being considered in preparation for the ITU 1979 General World Administrative Radio Conference (Docket No. 20271). In that regard, the needs for the maritime mobile service are being expressed through Special Committee 69 of the Radio Technical Commission for Marine Services (RTCM) and we will, of course, consider those needs together with the needs expressed by other radio services. In the meantime, we do not conclude that the public interest would be served by denying now this otherwise worthwhile proposal for a Great Lakes VHF system on grounds that it is to use frequencies that someday may be needed by existing stations for future growth.

10. With respect to the comments expressing apprehension that our action here may constitute undesirable precedents for acting on future requests of this nature, and that we should encourage working arrangements with existing stations when establishing future systems of this kind, we agree with both these positions. We do not agree with AWO's position that our action herein should not be limited to the Great Lakes region. In considering applications for authority to establish similar systems elsewhere, we do not intend to be bound, as an inflexible precedent, to follow the action we are here taking, although we will give appropriate weight to any beneficial experiences gained as a result of the study, development and authorization of the Great Lakes system. For the most part, other navigational areas of the country are unique and different in geographical, commercial, existing service and other respects from the Great Lakes region and each must be considered individually on the basis of the locally applicable facts and circumstances. Moreover, new technological developments and standards are being considered and adopted nationally and internationally and new automated systems must be compatible with this criteria. Concerning the matter of encouraging applicants for systems of this kind to work with existing station licensees or others to resolve any differences of opinion as to whether or how a system should be established, we concur fully in this concept. In the case of the Great Lakes system it was our understanding that overtures of this kind were made by Lorain at the earliest stages of the planning and development of the system and there was a general lack of interest in participating in the system by existing station licensees on the Lakes. We note, too, that no comments were filed in this proceeding by coast station licensees on the Lakes complaining that they have been denied an opportunity to so participate in the system. The only other proposal of this nature before us at this time is by AWO for the establishment of a system on the Mississippi River. That proposal is still under study and on August 18, 1975, our staff did in fact write to WATERCOM and asked for information as to whether consideration was being given to including existing stations in that proposed system. We understand that WATERCOM has adopted this inferential suggestion, has consulted with the licensees of those stations, and that progress in that direction is being made.

11. Finally, with respect to the AT&T comment concerning the application of our new rule for station coverage area overlaps, we will adopt that suggestion, as shown in the new rule 81.303(d), so that the stated exemption applies not only to system stations, but to other stations insofar as their coverage areas overlap with that of system stations. In theory this will permit the establishment of new stations at or near the location of system stations and could benefit the nonsystem participating public by providing a manual placed call service at a rate less than Lorain intends to charge for calls through its stations. We stress however, that this result may be more apparent than real. Even if no new system stations were authorized and placed into operation, the lack of unused assignable frequencies, and the number of existing stations on the Lakes now covering most if not all of the navigable waters, would most likely preclude the authorization of any new stations under coverage area criteria contained in Section 81.303 (b) or the new (d) of our rules.

12. We will not grant Central Radio's request for a hearing on this matter. We do not ordinarily schedule hearings in rule making proceedings of this nature and we do not know what public interest would be served that is already not provided for in our rule making procedures that fully permit all interested parties to be heard by the filing of comments, reply comments, and applications for reconsiderations or reviews.

ORDER

13. *It is ordered*, That the request of Central Radio for a hearing is denied.

14. *It is further ordered*, That pursuant to Section 4(i) and 303 (a) through (h) and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the rules are amended as set forth below, effective May 16, 1977.

15. *It is further ordered*, That the proceeding in this Docket No. 20886, is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[1] The station authorization for class III–B Public Coast station KTD–564 at Waukegan, Illinois, licensed to IBT, expired on January 20, 1977. A timely application for renewal is on file.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 81.106, paragraph (e)(2) is amended by adding a sentence to read as follows:

§ 81.106 Operating controls.

* * * * * * *

(e) * * *

(2) Discontinuing all emission within 5 seconds after emission is no longer required or after the necessity arises for emission to cease. The equipment of an unattended station in an automated multi-station system, as defined in Section 81.303(d), at which restoration to standby is automatic on conclusion of a call, shall be designed so that all emission will be discontinued within 3 seconds of the disconnect signal or, if disconnect signal is not received, within 20 seconds following reception of the final carrier transmission from a ship station.

* * * * * * *

2. Section 81.132(a)(2)(iii) is amended as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(2) * * *

(iii) For frequencies in the band 156 to 162 MHz:

161.825, 161.875, 161.925, and 161.975 MHz.	F3, and when assigned to stations in an automated multistation system, F2 and F4. The authorized bandwidth for F2 and F4 emissions will be the same as for F3 as specified in § 81.133.
All other frequencies.	F3.

* * * * * * *

3. In § 81.303 a new paragraph (d) is added as follows:

§ 81.303 Duplication of service.

* * * * * * *

(d) The restrictions concerning impermissible overlap of coverage areas contained in paragraph (b) above, do not apply to stations operated as part of an automated multi-station system serving the Great Lakes, or to other stations not a part of the system for overlap with system stations. The term automated multi-station system, as used in this part, refers to a system of contiguous-service-area, automated, coast stations, manually or automatically operated, capable of directly-dialed connection between ship station and land telephones, the operations of which are coordinated to provide the same services and service procedures to ships throughout the entire service area of the system's component stations, with assistance or other functions requiring human action provided by operators at a central location.

4. In § 81.304(a) a new condition of use designator 62 is added for the frequencies 161.825, 161.875, 161.925 and 161.975 MHz, and in subparagraph (b) a new subparagraph (63) is added as follows:

§ 81.304 Frequencies available.

* * * * * * *

(b) * * *

* * * * * * *

(63) When this frequency is assigned to stations in an automated multi-station system, the emissions F2 and F4 may be used as provided in § 81.132(a)(2)(iii). The provisions of paragraph (b)(22) above concerning a showing of channel occupancy do not apply for the assignment of a second channel to be used primarily for F2 and F4 emissions.

* * * * * * *

5. In § 81.314 a new paragraph (a)(14) is added to read as follows:

§ 81.314 Station records.

(a) * * *

* * * * * * *

(14) The required entries in the logs of an unattended public coast station in an automated multi-station system, as defined in § 81.303(d), may be made automatically, or manually by an operator at a central control point, in addition to or in lieu of entries recorded in the manner herein prescribed, provided the entries are readily available for inspection upon reasonable request by Commission representatives.

Section 83.132(a)(2)(iii) is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

* * * * * * *

(2) * * *

(iii) For the frequencies in the band 156 to 162 MHz:

157.225, 157.275, 157.325, and 157.375 MHz.	F3, and when exchanging communications with coast stations in an automated multi-station system, F2 and F4. The authorized bandwidth for F2 and F4 emissions will be the same as for F3 emissions as specified in § 83.133.
All other frequencies.	F3.

* * * * * * *

[FR Doc.77-11178 Filed 4-15-77;8:45 am]

PART 87—AVIATION SERVICES

Editorial Amendments Clarifying the Term "Brief Keyed RF Signals"

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: In response to a request from the FAA, the FCC is clarifying its regulation on use of brief keyed RF signals for the control of airport lighting systems from aircraft. This amendment is made to preserve the integrity of air/ground communications.

EFFECTIVE DATE: April 22, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Bruce Franca, Aviation and Marine Division, Safety and Special Radio Services Bureau (202) 632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: April 7, 1977.

Released: April 11, 1977.

In the matter of editorial amendment of § 87.1833 to clarify the term "brief keyed RF signals".

1. The Federal Aviation Administration (FAA) has requested the Commission to take action to prohibit the indiscriminate use of voice and audio tones for the control of airport lighting systems. FAA is concerned about the likely proliferation of audio and voice radio control lighting systems. They feel that the curtailment of radio voice and audio tone control of airport lighting systems is a safety precaution needed to preserve the integrity of air/ground communications.

2. Section 87.183 of the Commission's rules provides for the radio control of airport lighting systems from aircraft by the use of "brief keyed RF signals". It was intended by this rule and has been interpreted by the Commission that the use of these signals be without accompanying audio or voice tones. That is, the radio control is accomplished by keying the transmitter by momentarily depressing the microphone "push-to-talk" button. (Light intensity is varied by the number of times the microphone is keyed.) Since there appears to be some confusion on the meaning of the term "brief keyed RF signals", § 87.183 has been amended to more clearly indicate that the radio control of airport lights shall be without voice or audio tone transmissions.

3. Authority for this amendment appears in sections 4(i) and 303 (b), (f), and (r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is editorial in nature, intended only to clarify an existing rule, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

4. In accordance with the above, *it is ordered*, that § 87.183 of the rules is amended in accordance with the attached text, effective April 22, 1977.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 87.183, paragraph (cc) is amended to read as follows:

§ 87.183 Frequencies available.

* * * * *

(cc) Provided no harmful interference is caused to authorized voice communications, brief keyed RF signals without voice or audio tone transmissions (keying the transmitter by momentarily depressing the microphone "push-to-talk" button), for the control of airport lights from aircraft, may be transmitted on: * * *.

* * * * *

[FR Doc.77-11177 Filed 4-15-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

Corrective and Minor Amendments to Chapter

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: This rule makes corrective and minor amendments to the Commission's regulations "Conduct of Employees," "Standards for Protection Against Radiation," and "Licensing of Production and Utilization Facilities."

EFFECTIVE DATE: April 18, 1977

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C., 301-492-7211.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's regulations 10 CFR Parts 0, 20 and 50.

The amendment of Part 0 makes a minor correction in § 0.735-3(h), correcting the reference therein to "The Solicitor" to read "The General Counsel."

The amendments of Part 20 amend § 20.405(a), Reports of overexposures and excessive levels and concentrations, to provide that such reports shall be made to the Director of the appropriate NRC Regional Office listed in Appendix D of Part 20 with a copy to the Director of Inspection and Enforcement.

The amendments of Part 20 also correct a printing error in footnote 3 to § 20.103(a). "Multiple" is corrected to read "Multiply".

In paragraph 2. of Appendix F, 10 CFR Part 50, the sentence "NRC will take title to the radioactive waste material upon transfer to a Federal Repository". is corrected to read "The Energy Research and Development Administration will take title to the radioactive waste material upon transfer to a Federal Repository.". At the time of implementation of the Energy Reorganization Act of 1974, the above referenced sentence was amended as part of an overall revision of the regulations changing references to "AEC" to read "NRC". In the case of this sentence, however, the reference to AEC should have been changed to the Energy Research and Development Administration as the cognizant Federal Agency.

The amendment of § 50.59(a)(2)(i) corrects the words "accident of malfunction of equipment" to read "accident or malfunction of equipment". The amendment to footnote 2 of Appendix I, 10 CFR Part 50 changes the reference to "Section 50.36a(2)" to read "Section 50.36a(a)(2)."

Because these amendments relate solely to corrections and minor amendments, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 0, 20 and 50, are published as a document subject to codification.

PART 0—CONDUCT OF EMPLOYEES

§ 0.735-3 [Amended]

1. Paragraph 0.735-3(h) of 10 CFR Part 0 is amended by deleting "The Solicitor" and inserting in lieu thereof "The General Counsel".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

§ 20.103 [Amended]

2. Footnote 3 to § 20.103(a)(1) of 10 CFR Part 20 is amended by deleting "Multiple" and substituting in lieu thereof "Multiply".

3. In § 20.405, the prefatory language of paragraph (a) is amended to read as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

(a) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the appropriate NRC Regional Office listed in Appendix D with a copy to the Director of Inspection and Enforcement.

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of: * * *

* * * * *

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

§ 50.59 [Amended]

4. Paragraph (a)(2)(i) of § 50.59 of 10 CFR Part 50 is amended by deleting the words "accident of malfunction of equipment" and substituting therefor "accident or malfunction of equipment".

5. In paragraph 2. of Appendix F of 10 CFR Part 50, the sentence reading "NRC will take title to the radioactive waste material upon transfer to a Federal Repository", is amended by deleting "NRC" and substituting therefor "The Energy Research and Development Administration".

6. Footnote 2 of Appendix I, 10 CFR Part 50, is amended by deleting "§ 50.36a(2)" and substituting therefor "§ 50.36a(a)(2)".

(Sec. 161b., Pub. L. 83-703, 68 Stat. 948; sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 2201(b), 5841).)

Dated at Bethesda, Maryland, this 28th day of March 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-11304 Filed 4-15-77;8:45 am]

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations "Financial Protection Requirements and Indemnity Agreements," to increase the level of the primary layer of financial protection required of certain indemnified licensees, and make certain other minor changes in indemnity agreement forms and in the facility form of nuclear liability insurance policy furnished as financial protection. The Commission is amending its regulations at the present time to coincide, as statutorily required, with the increase in the level of the primary layer of insurance provided by private nuclear liability insurance pools.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ira Dinitz, Antitrust and Indemnity Group, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6961.

SUPPLEMENTARY INFORMATION: The provisions of section 170 of the Atomic Energy Act, as amended, (the Act) require production and utilization facility licensees to have and maintain financial protection to cover public liability claims resulting from a nuclear incident. The Commission has exercised its discretionary authority to require persons licensed to possess plutonium in the amount of 5 kilograms or more and persons licensed to process plutonium in the amount of 1 kilogram or more for use in plutonium processing and fuel fabrication plants to also maintain financial protection at the maximum amount available from private sources. Section 170 of the Act, in conjunction with section 201 of the Energy Reorganization Act of 1974, as amended, requires the Nuclear Regulatory Commission to indemnify the licensee and other persons indemnified, up to the statutory limitation on liability, against public liability claims in excess of the amount of financial protection required. Subsection 170b. of the Act requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection [1] required shall be the maximum amount available from private sources. For other licensees, the Commission may require lesser amounts of financial protection. Primary financial protection may be in the form of private insurance, private contractual indemnities, self-insurance or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are exempted by statute from the financial protection requirements.

The insurers who provide the nuclear liability insurance, Nuclear Energy Liability-Property Insurance Association (NEL-PIA) and Mutual Atomic Energy Liability Underwriters (MAELU), have advised the Commission that effective January 1, 1977, the maximum amount of private nuclear energy liability insurance available was increased from $125 million to $140 million. Pursuant to the provisions of subsection 170b. of the Act, the amount of primary financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to $140 million, effective May 1, 1977. In accordance with recent amendments to 10 CFR Part 140 (42 FR 46, January 3, 1977), licensees of plutonium processing and fuel fabrication plants required to maintain the maximum amount of financial protection will have to comply with this requirement on August 1, 1977. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," reflect this requirement.

Other changes to Part 140 to implement Pub. L. 94-197 relate to the extension of indemnity protection to (1) indemnified shipments of new or spent fuel while outside of the United States and any other nation during transit from one NRC licensee to another and (2) stationary nuclear facilities, such as floating nuclear power plants, licensed by the NRC and located in international waters. There is one slight difference between the endorsement to the facility form of nuclear liability insurance policy submitted by NEL-PIA and the amendments to the Commission indemnity agreement form implementing this change. The endorsement, unlike the indemnity amendments, will not extend coverage at this time to nuclear material being transported to or from a floating nuclear power plant. This coverage would be extended, however, before such a plant would be licensed.

Pub. L. 94-197 also provided that in the event of an "extraordinary nuclear occurrence" the Commission could enforce provisions in an insurance policy furnished as proof of financial protection and incorporated in indemnity agreements, requiring a licensee to waive any defense based upon a statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew or reasonably could have known of his injury or damage, but in no event more than 20 years after the date of the nuclear incident. Before the enactment of Pub. L. 94-197, the extension of the time for initiating of a suit for damages was only 10 years after the date of the nuclear incident. Both the endorsement to the facility form and the indemnity agreement forms implement this change as set forth below.

Apart from the change discussed above, there is one additional nonsubstantive modification in the present waiver of defenses endorsement submitted by NEL-PIA that differs from the waiver of defenses endorsement now contained in § 140.91. The existing endorsement was amended by addition of a new paragraph 6 published in the FEDERAL REGISTER on November 11, 1971 (36 FR 21580). That new paragraph basically provided that a licensee's workers employed at an indemnified site exclusively in connection with the construction of a nuclear reactor for which no operating license had been issued would be permitted to take advantage of the waiver of defenses provisions of the facility form. The nuclear liability insurance pools intended that this paragraph be published as a separate endorsement and not as a part of the general waiver endorsement. Hence, this paragraph is now being retained as a separate endorsement.

This rule does not contain any provisions implementing (or interpreting)

[1] Public Law 94-197 does not by its precise language require maintenance of a "primary" (i.e., nuclear liability insurance) layer and a "secondary" (i.e., retrospective premium) layer of financial protection but merely considers the combination of these two layers as "financial protection." However, the recently published amendments (42 FR 46, Jan. 3, 1977) to 10 CFR Part 140 implementing part of Public Law 94-197, distinguish between primary and secondary layer of financial protection on the basis of their different insurance characteristics. The amendments in this rule relate solely to increases in the primary layer of financial protection.

the amendments to H.R. 8631 introduced by Senator Hathaway, agreed to by the Senate and contained in Pub. L. 94–197 regarding exclusion of the costs of investigating and settling claims from funds used for the payment of claims.

Since the amendments set out below conform the Commission's regulations to a statutory requirement, the Commission has found that good cause exists for omitting public notice of proposed rule making and public procedure theron as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Part 140, Code of Federal Regulations, are published as a document subject to codification.

§ 140.11 [Amended]

1. The present § 140.11(a)(4) is amended by deleting "$125,000,000" and substituting therefor "$140,000,000." Section 140.11(a)(4) which becomes effective on August 1, 1977 is also amended by deleting "$125,000,000" and substituting "$140,000,000" therefor.

§ 140.13a [Amended]

2. Section 140.13a(a) is amended by deleting the term "$125 million" and substituting "$140,000,000" therefor.

§ 140.91 [Amended]

3. In § 140.91, Appendix A, Condition 4 is amended by revising the footnote to read as follows:

For policies issued by Nuclear Energy Liability-Property Insurance Association the amount will be "$108,500,000"; for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be "$31,500,000."

4. In § 140.91, Appendix A, paragraph III of the "Optional Amendatory Endorsement" is amended by revising the footnote to read as follows:

For policies issued by Nuclear Energy Liability-Property Insurance Association the amount will be "$108,500,000;" for policies issued by Mutual Atomic Energy Liability Underwriters the amount will be "$31,500,000."

5. In § 140.91, Appendix A, the "Waiver of Defenses Endorsement" is amended by deleting paragraph 6.

6. Section 140.91, Appendix A, is amended by adding the following endorsements:

NUCLEAR ENERGY LIABILITY POLICY
(FACILITY FORM)

WAIVER OF DEFENSE ENDORSEMENT

(EXTRAORDINARY NUCLEAR OCCURRENCE)

The named insured, acting for himself and every other insured under the policy, and the members of _____ agree as follows:

1. With respect to any extraordinary nuclear occurrence to which the policy applies as proof of financial protection and which

(a) Arises out of or results from or occurs in the course the construction, possession, or operation of the facility, or

(b) Arises out of or results from or occurs in the course of the transportation of nuclear material to or from the facility,

the insureds and the companies agree to waive.

(1) Any issue or defense as to the conduct of the claimant or the fault of the insureds, including but not limited to:

(i) Negligence,

(ii) Contributory negligence,

(iii) Assumption of risk, and

(iv) Unforeseeable intervening causes, whether involving the conduct of a third person, or an act of God,

(2) Any issue or defense as to charitable or governmental immunity, and

(3) Any issue or defense based on any statute of limitations if suit is instituted within three (3) years from the date on which the claimant first knew, or reasonably could have known, of his bodily injury or property damage and the cause thereof, but in no event more than twenty (20) years after the date of the nuclear incident.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action.

2. The waivers set forth in paragraph 1. above do not apply to

(a) Bodily injury or property damage which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant;

(b) Bodily injury sustained by any claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law;

(c) Any claim for punitive or exemplary damages, provided, with respect to any claim for wrongful death under any State law which provides for damages only punitive in nature, this exclusion does not apply to the extent that the claimant has sustained actual damages, measured by the pecuniary injuries resulting from such death but not to exceed the maximum amount otherwise recoverable under such law.

3. The waivers set forth in paragraph 1. above shall be effective only with respect to bodily injury or property damage to which the policy applies under its terms other than this endorsement; provided, however, that with respect to bodily injury or property damage resulting from an extraordinary nuclear occurrence, Insuring Agreement IV, "Application of Policy," shall not operate to bar coverage for bodily injury or property damage (a) which is caused during the policy period by the nuclear energy hazard and (b) which is discovered and for which written claim is made against the insured not later than twenty (20) years after the date of the extraordinary nuclear occurrence.

Such waivers shall not apply to, or prejudice the prosecution or defense of any claim or portion of claim which is not within the protection afforded under

(a) The provisions of the policy applicable to the financial protection required of the named insured;

(b) The agreement of indemnification between the named insured and the Nuclear Regulatory Commission made pursuant to Section 170 of the Atomic Energy Act of 1954, as amended; and

(c) The limit of liability provisions of Subsection 170e. of the Atomic Energy Act of 1954, as amended.

Such waivers shall not preclude a defense based upon the failure of the claimant to take reasonable steps to mitigate damages.

4. Subject to all of the limitations stated in this endorsement and in the Atomic Energy Act of 1954, as amended, the waivers set forth in paragraph 1. above shall be judicially enforceable in accordance with their terms against any insured in an action to recover damages because of bodily injury or property damage to which the policy applies as proof of financial protection.

5. As used herein:

"Extraordinary nuclear occurrence" means an event which the Nuclear Regulatory Commission has determined to be an extraordinary nuclear occurrence as defined in the Atomic Energy Act of 1954, as amended.

"Financial protection" and "nuclear incident" have the meanings given them in the Atomic Energy Act of 1954, as amended.

"Claimant" means the person or organization actually sustaining the bodily injury or property damage and also includes his assignees, legal representatives and other persons or organizations entitled to bring an action for damages on account of such injury or damage.

Effective date of this endorsement _____ to form a part of policy _____ 12:01 A.M. Standard Time

No. _____.
Issued to _____.
Date of issue _____.
Endorsement No. _____.
For the subscribing companies:
By _____,
General Manager
Countersigned by _____.

SUPPLEMENTARY ENDORSEMENT
WAIVER OF DEFENSES

REACTOR CONSTRUCTION AT THE FACILITY

It is agreed that in construing the application of paragraph 2.(b) of the Waiver of Defenses Endorsement (NE–33a) with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Nuclear Regulatory Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the Nuclear Regulatory Commission with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

Effective date of this endorsement _____ to form a part of policy _____ 12:01 A.M. Standard Time

No. _____.
Issued to _____.
Date of issue _____.
Endorsement No. _____.
For the subscribing companies:
By _____,
General Manager
Countersigned by _____.

NUCLEAR ENERGY LIABILITY POLICY
(FACILITY FORM)

AMENDMENT OF DEFINITION OF "NUCLEAR ENERGY HAZARD" (INDEMNIFIED NUCLEAR FACILITY)

It is agreed that: 1. Solely with respect to an "insured shipment" to which the policy applies as proof of financial protection required by the Nuclear Regulatory Commission, subdivision (2) of the definition of "nuclear energy hazard" is amended to read:

(2) The nuclear material is in an insured shipment which is away from any other nuclear facility and is in the course of transportation, including handling and temporary storage incidental thereto, within

(a) The territorial limits of the United States of America, its territories or possessions, Puerto Rico or the Canal Zone; or

(b) International waters or airspace, provided that the nuclear material is in the course of transportation between two points located within the territorial limits described in (a) above and there are no deviations in the course of the transportation for the purpose of going to any other country, state or nation, except a deviation in the course of said transportation for the purpose of going to or returning from a port or place of refuge as the result of an emergency.

2. As used herein, "financial protection" has the meaning given it in the Atomic Energy Act of 1954, as amended.

INSTRUCTIONS.—This form is to be used to modify all Nuclear Energy Liability Facility Forms in force on January 1, 1977 which were issued to become effective prior to January 1, 1977 and which are offered by the named insured as proof of financial protection being maintained as required by the Atomic Energy Act of 1954, as amended.

Effective date of this Endorsement _____ To form a part of _____ 12:01 A.M. Standard Time

policy No. _____.
Issued to _____.
Date of issue _____.
Endorsement No. _____.
For the subscribing companies:
By _____,
General Manager
Countersigned by _____.

NUCLEAR ENERGY LIABILITY POLICY
(FACILITY FORM)

AMENDMENT OF DEFINITIONS OF "NUCLEAR ENERGY HAZARD" AND "INSURED SHIPMENT"
(INDEMNIFIED NUCLEAR FACILITY)

It is agreed that: I. In Insuring Agreement III, "DEFINITIONS"

A. Solely with respect to an "insured shipment" to which this policy applies as proof of financial protection required by the Nuclear Regulatory Commission, Subdivision (2) of the definition of "nuclear energy hazard" is amended to read:

(2) The nuclear material is in an insured shipment which is away from any other nuclear facility and is in the course of transportation, including the handling and temporary storage incidental thereto, within

(a) The territorial limits of the United States of America, its territories or possessions, Puerto Rico or the Canal Zone; or

(b) International waters or airspace, provided that the nuclear material is in the course of transportation between two points located within the territorial limits described in (a) above and there are no deviations in the course of the transportation for the purpose of going to any other country, state or nation, except for a deviation in the course of said transportation for the purpose of going to or returning frm a port or place of refuge as the result of an emergency.

B. The definition of "insured shipment" is replaced with the following:

"Insured shipment" means a shipment of source material, special nuclear material, spent fuel or waste, herein called "material", (1) to the facility from any location except an indemnified nuclear facility, but only if the transportation of the material is not by predetermination to be interrupted by removal of the material from a transporting conveyance for any purpose other than the continuation of its transportation, or (2) from the facility to any other location, but only until the material is removed from a transporting conveyance for any purpose other than the continuation of its transportation.

II. As used herein, "financial protection" has the meaning given it in the Atomic Energy Act of 1954, as amended.

INSTRUCTIONS.—This form is to be used to modify all Nuclear Energy Liability Facility Forms which are issued to become effective on or after January 1, 1977 and which are offered by the named insured as proof of financial protection being maintained as required by the Atomic Energy Act of 1954, as amended.

Effective date of this endorsement _____ To form a part of _____ 12:01 a.m. standard time

policy No. _____.
Issued to _____.
Date of issue _____.
Endorsement No. _____.
For the subscribing companies:
By _____,
General Manager.
Countersigned by _____.

§ 140.92 [Amended]

7. Section 140.92, Appendix B, Article I, the prefatory language of paragraph 5, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

8. Section 140.92, Appendix B, Article II, paragraph 4(c) is amended by changing "ten years" to "20 years."

9. Section 140.92, Appendix B, Article II, paragraph 8(a), is amended by deleting the amount "$96,875,000" wherever it appears and substituting therefor "$108,500,000."

10. Section 140.92, Appendix B, Article II, paragraph 8(b), is amended by deleting the amount "$28,125,000" wherever it appears and substituting therefor "$31,500,000."

11. Section 140.92, Appendix B, Article II, paragraph 8(c), is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

12. Section 140.92, Appendix B, Article III, paragraph 4(b)(2), is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.93 [Amended]

13. Section 140.93, Appendix C, Article I, the prefatory language of paragraph 5 is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

14. Section 140.93, Appendix C, Article II, paragraph 4(c), is amended by changing "10 years" to "20 years."

15. Section 140.93, Appendix C, Article II, paragraph 8, is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

16. Section 140.93, Appendix C, Article III, paragraph 4(b)(2), is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.94 [Amended]

17. Section 140.94, Appendix D, Article I, the prefatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

18. Section 140.94, Appendix D, Article II, paragraph 4(c), is amended by changing "10 years" to "20 years."

19. Section 140.94, Appendix D, Article II, paragraph 6, is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.95 [Amended]

20. Section 140.95, Appendix E, Article I, the prefatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

21. Section 140.95, Appendix E, Article II, paragraph 2(c), is amended by changing "10 years" to "20 years."

22. Section 140.95, Appendix E, Article III, paragraph 4(b)(2), is amended by changing "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

§ 140.107 [Amended]

23. Section 140.107, Appendix G, Article I, the prefatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

24. Section 140.107, Appendix G, Article II, paragraph 6(a), is amended by deleting the amount "$96,875,000" wherever it appears and substituting therefor "$108,500,000."

25. Section 140.107, Appendix G, Artiticle II, paragraph 6(b), is amended by deleting the amount "$28,125,000" wherever it appears and substituting therefor "$31,500,000."

26. Section 140.107, Appendix G, Article II, paragraph 6(c), is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

27. Section 140.107, Appendix G, Article III, paragraph 4(b), is amended by changing the amount $125,000,000" to "$140,000,000."

§ 140.108 [Amended]

28. Section 140.108, Appendix H, Article I, the prfeatory language of paragraph 4, is amended to read as follows:

"In the course of transportation" means in the course of transportation within the United States, or in the course of transportation outside the United States and any other nation, including handling or temporary storage incidental thereto, of the radioactive material to the location or from the location provided that:

29. Section 140.108, Appendix H, Article II, paragraph 6(a), is amended by deleting the amount "$96,875,000" wherever it appears and substituting therefor "$108,500,000."

30. Section 140.108, Appendix H, Article II, paragraph 6(b), is amended by deleting the amount "$28,125,000" wherever it appears and substituting therefor "$31,500,000."

31. Section 140.108, Appendix H, Article II, paragraph 6(c), is amended by changing the amount "$125,000,000" to "an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection."

32. Section 140.108, Appendix H, Article III, paragraph 4(b), is amended by changing the amount "$125,000,000" to "$140,000,000."

Effective date: The foregoing amendments become effective on May 1, 1977.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 170, Pub. Law 85-256, 71 Stat. 576, Pub. Law 94-197, 89 Stat. 1111 (42 U.S.C. 2210); sec. 201, Pub. Law 93-438, as amended, 88 Stat. 1242, 89 Stat. 415 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 14th day of April 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-11340 Filed 4-15-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Notice of Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would establish the quantity of cranberries to be marketed from the 1977 crop. The Cranberry Marketing Committee submitted the proposal based on its evaluation of the demand for cranberries in 1977 and to provide an adequate carryover to the 1978 crop. The proposed action is designed to assure adequate supplies of cranberries and provide orderly marketing.

DATE: Comments must be received on or before April 25, 1977.

ADDRESS: Send comments to: Hearing Clerk, Room 1077, South Building, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Secretary of Agriculture is considering the issuance of a regulation, hereinafter set forth, designed to promote orderly marketing of cranberries grown in the production area.

The proposal was recommended by the Cranberry Marketing Committee. This committee is established pursuant to marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929). This program regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The committee recommended a marketable quantity of 248,604,800 pounds of cranberries for the 1977-78 crop year. This quantity represents estimated sales of cranberries from the 1977-78 crop and provides for an adequate carryover into the 1978-79 crop year. Under the proposal, each producer would have an allotment equal to 95 percent of his base quantity as proivded in § 929.49. The proposal is designed to assure adequate supplies of cranberries and promote orderly marketing of the crop.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 929.304 Marketable quantity and allotment percentage during the crop year beginning September 1, 1977.

(a) The marketable quantity during the crop year beginning September 1, 1977, shall be 248,604,800 pounds.

(b) As provided in § 929.49, the allotment percentage shall be 95 percent.

(c) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: April 13, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11167 Filed 4-15-77;8:45 am]

[7 CFR Part 1006]

[Docket No. A0-356-A16]

MILK IN THE UPPER FLORIDA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Upper Florida Federal milk order. Dairy farmer cooperatives will be polled to determine whether producers favor issuance of the proposed amended order.

The proposed amendment would provide regulated status for a milk plant located in the marketing area, which is operated by a cooperative association as a balancing plant for the market if during the month at least 50 percent of the producer milk of members of the cooperative association is delivered from farms to pool distributing plants or is transferred to such plants from the cooperative association's balancing plant(s).

The order change proposed in this decision would facilitate the efficient handling of the market's day-to-day milk supply needs.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-7311).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued February 3, 1977; published February 8, 1977 (42 FR 7962).

Notice of Recommended Decision—Issued March 17, 1977; published March 22, 1977 (42 FR 15417).

PRELIMINARY STATEMENT

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Upper Florida marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Orlando, Florida, on February 17, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Program Operations, on March 17, 1977, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to whether the order should accord pool status to cooperative association balancing plants.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Cooperative association balancing plants. The order should provide for the pooling of any non-distributing plant located in the marketing area and operated by a cooperative association as a balancing plant for the regulated market if during the month at least 50 percent of the producer milk of members of the cooperative association is delivered from the farms to pool distributing plants or is transferred to such plants from the cooperative association's balancing plant(s). Such pool status should be limited to plants approved by a duly con-

stituted health authority to handle milk for fluid consumption. The plant should not be accorded pool balancing plant status if it meets the pooling standards for a supply plant under any Federal order.

The proposal for pooling a cooperative association balancing plant was made by the major cooperative association in the market. The requirements adopted herein are essentially those proposed by the association, and there was no opposition testimony presented at the hearing.

A spokesman for the cooperative testified that the association, since its formation, has assumed the responsibility of furnishing most of the fluid milk requirements of handlers regulated by the Upper Florida milk order. Also, the association handles practically all of the milk in excess of the fluid handlers' requirements.

The witness stated that as handlers have reduced the number of bottling days, the demand pattern for fluid milk has changed. Currently, one fluid handler bottles six days a week, six handlers bottle five days a week, and three handlers bottle four days a week. This development has tended to concentrate the number of days in the week that the association is called upon to dispose of reserve supplies not needed for fluid use. As there are no butter-nonfat dry milk or cheese plants located in Florida, a large proportion of the milk in excess of fluid requirements must be shipped out of State. About 67 percent of such milk was shipped out of State in 1976.

What has occurred, however, is that the reserve milk that must be handled by proponent association is heaviest on weekends, precisely when relatively nearby manufacturing plants in Tennessee and Louisiana are running at near capacity. Milk must then be hauled greater distances and, on occasion, has had to be taken to Minnesota for disposition. To improve this situation, the association is building a milk receiving and balancing station which is expected to be operative in May 1977.

The operation of a cooperative association balancing plant in the Upper Florida market will provide an efficient means whereby a cooperative association can assemble milk not needed at pool distributing plants. Such milk would be assembled for storage and subsequent disposition to manufacturing outlets, or transferred to pool distributing plants as needed. This method of operation will provide an efficient means whereby handlers buying milk from the cooperative may adjust their receipts from day to day to fit their bottling needs and at the same time have assurance through arrangements with the cooperative association that milk will always be available for fluid use as needed. Milk not needed for fluid use can then be disposed of by the association in an orderly and efficient manner.

To achieve this objective the order should provide for the pooling of any cooperative association balancing plant located in the marketing area if during the month at least 50 percent of the producer milk of members of the cooperative association is delivered from the farms to pool distributing plants or is transferred to such plants from the cooperative association's balancing plant(s). This is the same qualifying percentage that now applies to supply plants.

Without the in-area requirement for a cooperative association balancing plant, there would always be the threat that a multi-market cooperative could use the balancing plant provisions as a means of pooling unneeded milk supplies under the order by requesting the pooling of a plant basically associated with another market. This could be to the detriment of nonmember producers and other cooperatives associated with the Upper Florida market. To maintain the integrity of regulation, it is necessary to insure that only milk which by location or performance is reasonably a part of the market's milk supply be pooled under the Upper Florida order.

There is always the potential that a balancing plant could meet the shipping requirements for pooling either in this market or another Federal order market. In such event, it is intended that the plant be qualified as a pool supply plant under the appropriate order rather than as a pool balancing plant under this order. Testimony of proponent indicated that the balancing plant being constructed for the market will be used primarily for the disposition of milk not needed at pool distributing plants. There would be few if any shipments of milk from the balancing plant to pool distributing plants. If, in fact, the balancing plant should begin functioning as a supply plant it would be reasonable to expect the plant to qualify for pooling under the supply plant provisions already provided in the order.

As a further condition for pooling status, a cooperative balancing plant must be approved by a duly constituted health authority to handle milk for fluid consumption. Such a provision is necessary to assure that the plant can be depended upon for supplemental milk supplies when needed by distributors. Since the provision adopted herein would not require a minimum shipment to the market from a cooperative balancing plant, it is conceivable that the plant could neglect to maintain its health approval, in which case it would be inappropriate to pool the milk supply since it could not be made available to distributing plants for Class I use. Under such circumstances there would be no justification for such milk to share in the pool proceeds.

As a further requirement for pooling a cooperative balancing plant, the cooperative must make a request of the market administrator for pooling status. Only by this means can the cooperative's intention be known to the market administrator. Under certain circumstances, a cooperative might find it feasible not to pool a plant in this market, notwithstanding the fact that the plant was eligible for pooling. If the plant does not meet the shipping requirements for a pool supply plant, there is no necessity that it be pooled against the cooperative's wishes.

Rulings on Proposed Findings and Conclusions

An interested party filed a brief and proposed findings and conclusions. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

No exceptions were received.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Upper Florida marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

January 1977 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Upper Florida marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on April 12, 1977.

Robert H. Meyer,
Assistant Secretary for Marketing Services.

Order[1] Amending the Order, Regulating the Handling of Milk in the Upper Florida Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Florida marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Upper Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Program Operations, on March 17, 1977, and published in the Federal Register on March 22, 1977 (42 FR 15417), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. In § 1006.7, the introductory text is revised by changing the reference to paragraph (c) to paragraph (d), paragraph (c) is redesignated as paragraph (d), paragraph (b) is amended by replacing the period with a semicolon and adding the word "or," and a new paragraph (c) is added to read as follows:

§ 1006.7 Pool plant.

* * * * *

(c) A plant, other than a distributing plant, that is located in the marketing area and is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and 50 percent or more of the producer milk of members of the cooperative association is received at pool distributing plants either directly from farms or by transfer from plants of the cooperative association for which pool plant status under this paragraph has been requested, subject to the following conditions:

(1) The plant is approved by a duly constituted health authority for the disposition of Grade A milk in the marketing area; and

(2) The plant does not qualify as a pool plant under paragraph (b) of this section or under the provisions of another Federal order applicable to a supply plant.

* * * * *

[FR Doc.77-11140 Filed 4-15-77;8:45 am]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 9]

PUBLIC RECORDS

Waiver or Reduction of Fees for Searching and Reproduction of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of comment period on proposed rule.

SUMMARY: This notice extends the comment period on a proposed rule "Waiver or Reduction of Fees for Searching and Reproduction of Records" which was published in the Federal Register on March 31, 1977.

DATE: Comments must be received by May 23, 1977.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, 301 492-7211.

SUPPLEMENTARY INFORMATION: On March 31, 1977 the Nuclear Regulatory Commission published in the Federal Register a notice proposing amendment of the Commission's regulations "Public Records," 10 CFR Part 9, by adding a new § 9.14a, "Waiver or Reduction of Fees."

Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments by May 2, 1977. In response to a request from the Union of Concerned Scientists, the Nuclear Regulatory Commission has extended the comment period to May 23, 1977.

Dated at Washington, D.C. this 14th day of April, 1977.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,
Secretary of the Commission.

[FR Doc.77-11289 Filed 4-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-WE-8-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9, -10, -20, -30, -40, -50 Series and VC-9C(DC-9-32) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposed to add an Airworthiness Directive that would require repetitive inspections, and/or rework or modification of the engine pylon front spar structure and attach-

ments on McDonnell Douglas Model DC-9, -10, -20, -30, -40, -50, and VC-9C (DC-9-32) airplanes, to preclude possible failure of the front spar that could result in detrimental structural damage to the pylon and adjacent fuselage structure.

DATE: Comments must be received on or before May 20, 1977.

ADDRESS: Send comments on proposal to: Department of Transportation, Federal Aviation Administration, Office of the Regional Counsel, Attention: A.D. Rules Docket, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board Federal Aviation Administration P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, 213-536-6351. Richard G. Wittry, attorney, Office of the Regional Counsel, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, 213-536-6274.

SUPPLEMENTARY INFORMATION: There have been reported instances of fatigue cracks and failures of the engine pylon front spar attachments (fasteners) and/or the front spar upper cap. The upper cap structure is made of two angles, P/N's 9958161-5 and -61, and two straps, P/N 9958161-7 and -63. The -61 angle is nested inside the other angle. The cap is installed in an inverted "L" position so that one set of nested angle legs are horizontal and extending to the rear; the other set of legs is in a vertical position (hanging downward). The two horizontal legs of the angles and the -63 strap are bolted together with the strap positioned against the underside of the horizontal leg of the inner nested angle. The vertical set of legs and the -7 strap are bolted to a bulkhead (wall) with the strap positioned against the rear facing surface of the vertical leg of the inner nested angle. As a result of the "nested-angle" type of cap construction, and the method of installation of the pylon/spar, the vertical leg of the -61 (outer) angle is sandwiched between the bulkhead (wall) and the vertical leg of the inner nested angle, making it extremely difficult, to see if the vertical leg has any cracks or otherwise been damaged. In addition, the lavatory forward wall is butted up against the rear facing side of the spar, making it difficult to even see the spar itself. If the angle and attachment cracks or failures are allowed to go undetected and no preventive measures are taken to remedy this problem, the spar cap, spar, pylon and/or fuselage structure could suffer serious damage. The manufacturer has issued All Operators Letter (AOL) 9-835, and Service Bulletin 54-30, to operators of Model DC-9 and Military VC-9C airplanes, outlining procedures for radiographic and ultrasonic inspections, and instructions for rework and modification of the pylon front spar structure and attachments. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetive inspections and/or rework or modification of the pylon front spare per the instructions in Service Bulletin 54-30.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested.

Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before May 20, 1977, will be considered by the Administrator before taking action upon the proposed rule.

The proposals contained in this notice may be changed in the light of comments received.

All comments will be available both before and after the closing date for comments, in the Rule Docket for examination by interested persons.

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDONNELL DOUGLAS: Applies to Model DC-9, -10, -20, -30, -40, -50 series and VC-9C(DC-9-32) airplanes, excepting those cargo and cargo/passenger models with cutback bulkhead.

Compliance required as indicated unless already accomplished.

To detect fatigue cracks and/or failure of the engine pylon front spar attachments and upper cap, accomplish the following:

(a) Within the next 1600 flight hours after the effective date of this A.D., or before accumulating 9600 total flight hours, whichever occurs later, unless already accomplished within the last 1600 flight hours, and thereafter at intervals not to exceed 3200 flight hours from the last inspection, accomplish radiographic and ultrasonic inspections in accordance with the instructions in Douglas Service Bulletin 54-30, dated January 19, 1977, or later FAA approved revision.

For those operators who have conducted only the radiographic inspections per Douglas All Operators Letter, AOL 9-835, dated October 30, 1974, perform the ultrasonic inspection, and thereafter, the radiographic and ultrasonic inspection per the requirements of this A.D., as applicable.

(b) If cracks or failures are found, before further flight, accomplish the modification described in Condition II in Douglas Service Bulletin 54-30 in accordance with the instructions in Douglas Service Bulletin 54-30, dated January 19, 1977, or later FAA approved revision.

(c) If no cracks or failures are found, the inspections required by paragraph (a) may be discontinued for that plyon(s) upon accomplishment of either or both modifications (Condition I; Condition II) specified in Douglas Service Bulletin 54-30, dated January 19, 1977 or later FAA approved revision.

(d) Equivalent inspection procedures and modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this A.D.

(Secs. 313(a), 601(c) and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on April 1, 1977.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.77-11081 Filed 4-15-77;8:45 am]

[14 CFR Part 39]

[Docket No. 77-WE-7-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to add an Airworthiness Directive that would require modifications to flight spoiler actuation and control system on certain McDonnell Douglas Model DC-9 Series airplanes to preclude the possibility of a spoiler segment failing to retract during go-around or takeoff conditions. Failure of a spoiler segment to retract could cause a hazardous amount of unwanted lateral roll during certain critical phases of flight.

DATE: Comments must be received on or before: May 20, 1977.

ADDRESS: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

FOR FURTHER INFORMATION CONTACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, 213-536-6351, or Richard G. Wittry, Attorney, Office of the Regional Counsel, P.O. Box 92007, FAA Western Region, 213-536-6274.

SUPPLEMENTARY INFORMATION: Several instances have been reported of a spoiler segment failing to retract and, in those instances occurring in flight, an unwanted lateral roll condition was created. Such a condition occurring during certain critical phases of flight could be hazardous to the continued safe operation of the aircraft. Investigation of the prior incidents and the spoiler actuator mechanism has determined five potential causes of a spoiler segment remaining deployed. These causes are failure of a leaf spring, improper clamp-up of bushings, cable drum bearing seizure due to lubricant evaporation and/or washout, improper lockwire installation causing restricted operation, and spoiler control cable broken due to corrosion and wear.

The manufacturer has issued DC-9 Service Bulletins 27-96 and 27-157 containing modifications to the spoiler control system to eliminate the above failure causes. Since this condition is likely to exist or develop in aircraft of the same type design, the proposed Airworthiness Directive would require incorporation of the spoiler control system modifications in Service Bulletins 27-96 and 27-157.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of the adoption of the proposed rule is also requested. Communications should identify the airworthiness docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received before May 20, 1977, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in the notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rule Docket for examination by interested persons.

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDONNELL DOUGLAS: Applies to certain Model DC-9, -10, -20, -30, -40, and C-9A and C-9B(DC-9-32F) Series airplanes, certificated in all categories, as indicated below.

Compliance required as indicated, unless already accomplished.

To prevent inadvertent spoiler non-retraction, accomplish the following:

(a) On Model DC -9, -10, -30, and -40 Series airplanes, prior to Fuselage Number 321.

Within the next 1,500 hours time in service after the effective date of this A.D., modify all four DC-9 flight spoiler actuator assemblies in accordance with the provisions of McDonnell Douglas DC-9 Service Bulletin 27-96, Revision 1, dated June 6, 1968, or later FAA approved revision.

(b) On Model DC -9, -10, -20, -30, -40, and C-9A and C-9B (DC-9-32F) Series airplanes, prior to fuselage Number 757.

Within the next 1,500 hours time in service after the effective date of this A.D., modify and reindentify all four spoiler control drum assemblies by installation of grease fittings and modified upper and lower bearings in accordance with McDonnell Douglas Service Bulletin 27-157, dated June 7, 1974, or later FAA approved revision,

(c) Equivalent modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on April 4, 1977.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.77-11111 Filed 4-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No.77-CE-11]

CONTROL ZONE AND TRANSITION AREA AT COLUMBUS, NEBRASKA

Proposed Alteration

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This Notice proposes to alter the Columbus, Nebraska, control zone and transition area due to relocation of the Columbus, Nebraska Very High Frequency Omni Directional Range (VOR) and in order to simplify these airspace desginations. The proposal is necessary to establish controlled airspace to contain the flight of aircraft executing instrument approach procedures at or above 700 feet Above Ground Level (AGL) based on the relocated VOR.

DATES: Comments must be received on or before May 21, 1977.

ADDRESSES: Send comments on the proposal to: FAA, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 77-CE-11, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alden E. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the FAA, Office of the Regional Counsel, Central Region, Attention: Rules Docket Clerk, Docket No. 77-CE-11, 601 East 12th Street Kansas City, Missouri 64106. All comments received on or before May 21, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independent Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering amendments to Subpart F, Section 71.171 and Subpart G, § 71.181 (14 CFR 71.171 and 14 CFR 71.181 respectively) to alter the Columbus, Nebraska, control zone and transition area due to relocation of the Columbus, Nebraska VOR and in order to simplify these airspace designations. The VOR is being relocated in connection with the approved airport development at the Columbus, Nebraska, Municipal Airport. Relocation of the VOR requires adjustment of the instrument flight procedures based on that navigational aid. Alteration of controlled airspace is therefore necessary to compensate for the adjustment of the instrument approach procedures so that aircraft will be afforded continuous airspace protection at or above 700 feet AGL in which to execute the adjusted instrument approaches. Subpart F, § 71.171 pertaining to the Columbus, Nebraska control zone and Subpart G, § 71.181 pertaining to the Columbus, Nebraska transition area were republished on January 3, 1977 (42 FR 371 and 42 FR 475, respectively). Accordingly, the Federal Aviation Administration proposes to amend Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. By amending § 71.171 (42 FR 371) so as to alter the following control zone to read:

COLUMBUS, NEBRASKA

Within a five mile radius of the Columbus Municipal Airport (latitude 41°26'49" N, longitude 97°20'31" W), and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the five mile radius zone to 11 miles northwest of the airport, and within three miles each side of the 157° radial of the Columbus VOR extending from the five mile radius zone to 8.5 miles southeast of the VOR. This Control Zone shall be effective during the times es-

tablished by a notice to airman or as published in the Airman's Information Manual.

2. By amending § 71.181 (42 FR 475) so as to alter the following transition area to read:

COLUMBUS, NEBRASKA

The airspace extending upward from 700" above the surface within a 6.5 mile radius of the Columbus Municipal Airport (latitude 41°26'49" N, longitude 97°20'31" W); and within 4.5 miles each side of the 323° bearing from the Columbus Airport extending from the 6.5 miles radius area to 11.5 miles northwest of the Airport.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on March 31, 1977.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.77-11110 Filed 4-15-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

CERTAIN PREPARATIONS CONTAINING IRON

Proposed Amendment to Child-Resistant Packaging Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed Rule.

SUMMARY: In this document, the Consumer Product Safety Commission proposes a rule that would amend the regulations under the Poison Prevention Packaging Act of 1970 to require special (child-resistant) packaging for certain animal and human drugs and dietary supplements that provide an equivalent 250 milligrams (mg) or more elemental iron per package. The Washington State Technical Advisory Committee on Poison Prevention Packaging petitioned the Commission to take this action. The Commission granted the petition and it believes the rule will protect children under 5 from serious illness or injury from handling, using, or ingesting these products.

DATES: Comments concerning this proposal should be received by May 18, 1977. The proposed effective date is 180 days after publication in the FEDERAL REGISTER of any final regulation.

ADDRESS: Comments to:
Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6470).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Acute accidental poisoning from iron began to occur with greater frequency when iron became widely used as a therapeutic agent for the treatment of anemia in 1947. Since that time, as significant number of iron poisonings in children younger than 5 years of age has occurred.

Acute iron poisoning produces a corrosion of the gastrointestinal tract (primarily the stomach and the ileum). Death may occur from shock within 4 to 6 hours or from cardiovascular collapse within 1 to 3 days.

Data from the National Clearinghouse for Poison Control Centers on accidental ingestions of iron preparations by children under 5 years of age for the latest available period, 1969–1974, show 2,470 such ingestions of which 632 required hospitalizations. Of these victims, 322 exhibited symptoms such as coma, convulsions, lethargy, nausea, vomiting, juandice, diarrhea, abdominal pain, fever in excess of 101° F. hypotension and blood in vomit and stools. Data from the death certificates for the latest available period, 1969–1974, show 54 deaths of children younger than 5 years of age from the accidental ingestion of these products. These data do not specify the exact amounts ingested by the children, nor does the medical literature in the field recognize any precise lethal or toxic dose. Evidence does establish, however, that a 3-gram dose of ferrous sulfate (the most common iron salt) is fatal for a human being. On the basis of this evidence, it has been estimated that a dose of 600 milligrams of elemental iron could produce death in a child younger than 5 years of age. This figure, however, does not leave room for variability in body weight of children under 5 years of age or for variable susceptibility in children of the same size.

Data from the National Electronic Injury Surveillance System (NEISS) indicate that for the latest available period, FY 1975, there were 29 ingestions resulting in 9 hospitalizations of children under 5 years of age as a result of ingesting preparations containing iron. From FY 1973–75 NEISS indicates 3 deaths of children under 5 years of age as a result of iron ingestion.

The Poison Prevention Packaging Act of 1970 (PPPA) (Pub. L. 91-601, 15 U.S.C. 1471–1475) authorizes the Consumer Product Safety Commission (as delegated to the Commission by section 30 (a) of the Consumer Product Safety Act, 15 U.S.C. 2079(a)) to issue standards for the special packaging of any household substance, as defined in the act, if it finds that the degree or nature of the hazard to children in the availability of such substance by reason of its packaging is such that special packaging is required to protect children from serious injury or serious illness resulting from handling, using, or ingesting such substance.

In the FEDERAL REGISTER of June 2, 1976 (41 FR 22261), the Commission issued regulations requiring child-protection packaging for certain drugs and dietary preparations containing 500 mg or more elemental iron per package (16 CFR 1700.1(a) (3) and 1700.14 (a) (12), (13)). These regulations are to become effective June 2, 1977. During the comment period leading to the issuance of the above regulations, a petition was received from the Washington State Technical Advisory Committee on Poison Prevention Packaging requesting the Commission to lower the level of coverage to 250 mg per package. In the preamble to the final regulations issued on June 2, 1976, the Commission observed that the comments received requesting lowering of the level (including, by inference, the Washington petition) tended to support the need to lower the level but that none provided data adequate to establish a precise level lower than 500 mg per package. Further, the Commission stated that it would collect and review all relevant information which might enable it to positively establish the existence of such a need, and, if so, what the level should be. At that time, the Commission specifically invited interested persons to submit documentation to assist it in making the determination.

SUMMARY OF SUPPORTIVE DATA

(1) *Introduction.* Attempts to determine the precise lethal or toxic dosage of a hazardous substance are complicated by the known biological variability in sensitivity to such substances. One may, at best, predict or characterize that dosage or dosage range which is likely to prove harmful or fatal for the majority of the population segment at risk. Because ingestions among children are likely to go undetected until symptoms appear, the level to be arrived at for regulatory purposes must take into consideration the fact that delayed medical treatment may seriously affect the outcome of an iron intoxication in a young child.

(2) *Lethality.* Many estimates exist in the medical literature as to the potential lethal dose of iron in children. Goodman and Gillman[1] report that 2 to 4 grams of soluble ferrous salts (ferrous sulfate is most commonly used in drugs and dietary supplements) are likely to be fatal in children in 50 percent of cases. This would be equivalent to dosages of elemental iron of between 400 and 800 mg. According to McEnery,[2] this estimate reflects only the reporting of deaths and survival of severely poisoned children before physicians were aware of the toxicity of ingested iron products.

Green[3] states that the average human lethal dose of ferrous sulfate is thought to be between 200 and 250 mg/kg (equivalent to 40–50 mg elemental iron per kg). He further notes that as little as 2 grams (400 mg elemental iron) may cause death in a young child if untreated.

Covey[4] reports that in a series of 42 iron ingestions in children (recorded during the years 1947–1956), one-half were fatal. In this series of cases, the smallest dose producing death to a child was 600 mg elemental iron while a child ingesting as much as 3,000 mg survived. (Note: Mortality from iron ingestions has been significantly reduced in recent years. This probably reflects improved medical treatment, specifically the introduction of deferoxamine—a specific iron chelating agent.)

The medical and scientific literature reviewed tend to support a conclusion that the lethal dosage of elemental iron in a young child may lie between 500 and 600 mg if treatment is significantly delayed. Larger doses significantly increase the hazard. It is also apparent that dosages of 400 mg and above must be considered as potentially lethal if untreated.

(3) *Toxicity.* It is generally agreed that iron is toxic to man only when its plasma level exceeds the binding capacity of transferrin (the iron binding protein in the blood). This maximum capacity is generally regarded as between 300 and 400 micrograms percent (mcg percent); however, McEnery[2] states that it may be as high as 500 mcg percent. This value represents the number of micrograms of iron per 100 ml of serum. Transferrin is normally only one-third saturated; thus a certain amount of buffering capacity and protection exists against intoxication as a result of accidental overdosage.

In a series of cases involving 474 patients with acute iron intoxication (469 of whom were less than eight years of age), serious symptoms of shock and coma were present in six percent of the patients who had serum iron levels of less than 500 mcg percent, and in 20 percent of those with serum iron levels between 500 and 1,000 mcg percent. Sixty-two percent of those with serum iron levels in excess of 1,000 mcg percent were in shock and coma. Unfortunately, according to Westlin,[5] estimates of the amount of elemental iron ingested in these cases were unreliable.

In his work Green[3] has included data on 29 iron ingestions in children under five. While the exact amount of iron ingested was not known in all cases (or was estimated with some uncertainty), the data do indicate that initial blood levels in excess of 500 mcg percent generally were associated with ingestions of greater than 900 mg of elemental iron; however, in one case, the amount may have been as low as 600 mg.

While there may not be a precise correlation between serum iron levels and clinical evidence of toxicity, especially at the lower levels of serum iron, McEnery[2] reports that the ingestion of 600 mg elemental iron is sufficient to raise the serum iron to 500 mcg percent in children. Given the symptoms of coma and shock which can occur when the serum blood level of iron is elevated to 500 mcg percent, this level of iron clearly has the potential to produce serious injury or illness to children.

Additional information available to the Commission supports the conclusion that levels of iron less than 600 mg can raise the blood serum level to percentages approaching 500 mcg percent and also are sufficiently toxic to produce serious injury or illness. Vlets, Bilodeau, and Longstaff[6] in their work have reported on two cases of iron ingestion by young children, both involving the sharing of iron-containing vitamin tablets by siblings. In one case involving two and four year old siblings, a total of 960 mg of elemental iron were shared. Both children had serum iron levels of approximately 320 mcg percent, and, according to the James classification of mild, moderate, and severe iron poisoning, were classified as "moderately" intoxicated. While the serum level in this case was less than 500 mcg percent the symptomatology indicates that these children experienced significant toxic effects.

In another case reported by Green[3] the ingestion by a two and one-half year old male of approximately 300 mg elemental iron resulted in a blood level of 462 mcg percent, a percentage very close to that level which has been shown to cause serious injury.

Finally, in another case reported by Vlets, Bilodeau, and Longstaff,[6] a total of 504 mg elemental iron was shared by two children, ages two and three. The two-year-old had a blood level of 425 mcg percent while the three-year-old's blood level was 383 mcg percent. Both children were classified as "moderately" intoxicated. It should be noted that to attain these levels, either both children ingested 250 mg of iron, or one child exhibited an unusually high serum level after ingestion of less than 250 mg.

These data, although limited, further support the conclusion that serious iron-intoxication in young children is likely to occur following ingestions of 250 mg or more elemental iron.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the potential environmental impact of these amendments to 16 CFR 1700.14(a) (12) and (13) requiring the use of child-resistant closures for certain preparations containing iron has been made. The Commission concludes that there are no potentially significant environmental impacts associated with the amendments, and, therefore, there is no need for an environmental impact statement. A copy of the environmental assessment is on file at the Commission and may be inspected at the Office of the Secretary.

CONCLUSION AND PROPOSAL

The Commission has considered the data contained in the record previously compiled in finalizing 16 CFR 1700.14(a) (12) and (13), the data collected and received as a result of the Commission's continued study alluded to above, including written comments received from several prominent pediatricians supporting a substantial lowering of the existing allowable level, and has consulted (pursuant to section 3 of the PPPA) with the Technical Advisory Committee. As a result and pursuant to section 3(a) (1) of the act, the Commission preliminarily finds that the degree and nature of the hazard to children in the availability of any non-injectionable animal and human drug (except animal feed used as a vehicle for the administration of these drugs), and any dietary supplement as defined in 16 CFR 1700.1 (a) (3), that provides an equivalent of 250 mg or more of elemental iron per package in concentrations of .025 percent or more on a weight to volume basis for liquids and .05 percent or more on a weight to weight basis for non-liquids is such that special packaging is required to protect children from serious personal injury or illness resulting from handling, using, or ingesting such substance.

On the basis of contact with a number of packaging manufacturers during the comment period prior to issuing the existing § 1700.14(a) (12), (13) setting the level at 500 mg and again in September and October 1976, and pursuant to section 3(a) (2) of the PPPA, the Commission preliminarily finds that the special packaging requirements proposed herein are technically feasible, practicable, and appropriate.

The Commission preliminarily finds that the special packaging for purposes of the amendments proposed below is technically feasible on the basis of the fact that, as of June 1976, 23 firms had submitted summaries of data from tests conducted in accordance with 16 CFR 1700.20 indicating that one or more designs of special packaging suitable for use with iron preparations meet or exceed the effectiveness specifications of 16 CFR 1700.15(b). These designs include those adaptable to glass and plastic containers, and strip and blister packaging. Further, a survey of 11 manufacturers of child-resistant closures and capping equipment conducted by the Commission in September and October 1976, showed that no problems in producing the necessary additional equipment and closures were anticipated. Likewise, the manufacturers of the regulated products do not expect any major

[1] Goodman, L.S. and Gillman, A., The Pharmacological Basis of Therapeutics, Third Edition, Macmillan Company, New York (1965).

[2] McEnery, J.T., Hospital Management of Acute Iron Ingestion, Clinical Toxicology, 4(4): 603–613; December, 1971.

[3] Green, V.A., Iron Ingestions—The Children's Mercy Hospital, Clinical Toxicology, 4(2): 245–252; June; 1971.

[4] Covey, T.J., Ferrous Sulfate Poisoning, Journal of Pediatrics, 64(2): 218–225; February, 1964.

[5] Westlin, W.F., Deferoxamine as a Chelating Agent, Clinical Toxicology, 4(4): 597–602; December, 1971.

[6] Vlets, C.A., Bilodeau, N., and Longstaff, M.J., Children's Chewable Vitamins With Iron: Their Potential Danger, Canadian Family Physician, January, 1974.

problems in incorporating the child-resistant features.

The above preliminary finding as to practicability is based on the fact that the special packaging proposed below readily lends itself to modern mass production and assembly line techniques. Those designs used on many plastic or glass containers are adaptable to capping and filling equipment already being produced and used in the drug packaging industry, while filling and forming equipment presently exists to produce products packaged in child-resistant strip and blister designs.

The basis for the above preliminary finding as to appropriateness is that the special packaging available will not interfere with the storage or use of iron containing preparations and is not detrimental to their integrity. Of the designs mentioned above, many utilize or can utilize the same packaging materials which come in contact with iron containing preparations in their present packages, and are capable of maintaining the stability of iron preparations.

The Commission observes that packagers were put on notice as early as January, 1975 that special packaging may be required for certain preparations containing iron and suggested in the proposed regulation of January 16, 1975 that they begin to place orders for such packaging. The matter was settled by the Commission's issuance of the final regulations, section 1700.14(a) (12), (13) on June 2, 1976 and the setting of an effective date of June 2, 1977 for special packaging for certain preparations containing 500 mg or more elemental iron per package. The research available at that time indicated that a standard at 500 mg or more would cover a large majority on the preparations containing iron. Consequently, this proposed amendment should have minimal impact on the packaging practices of the industry.

It is the Commission's opinion that the above facts, coupled with the serious danger posed by these iron preparations, necessitate that the regulations proposed below, if adopted, become effective 180 days after publication of any final regulation in the FEDERAL REGISTER and invites comments on this proposed effective date.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72 (15 U.S.C. 1471(4), 1472, 1474)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14 (a) (12) and (a) (13) be amended as follows:

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* • • • (1) • • •

(12) *Iron containing drugs.* With the exception of animal feeds used as vehicles for the administration of drugs, non-injectable animal and human drugs providing iron for therapeutic or prophylactic purposes, and containing a total amount of elemental iron, from any source, in a single package, equivalent to 250 mg or more elemental iron in a concentration of 0.025 percent or more on a weight to volume basis for liquids and 0.05 percent or more on a weight to weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

(13) *Dietary supplements containing iron.* With the exception of those preparations in which iron is present solely as a colorant, dietary supplements, as defined in § 1700.1(a)(3), that contain an equivalent of 250 mg or more of elemental iron, from any source, in a single package in concentrations of 0.025 percent or more on a weight to volume basis for liquids, and 0.05 percent or more on a weight to weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

• • • • •

In publishing this proposal, the Commission, pursuant to section 3(b) of the PPPA, has considered the following: (1) The reasonableness of the proposed amendment; (2) available scientific, medical, and engineering data concerning both special packaging and childhood accidental ingestions, illness and injury caused by certain animal and human drugs and dietary supplements that provide an equivalent of 250 mg or more elemental iron per package; (3) the manufacturing practices of the affected industries, and; (4) the nature and use of the products affected by this proposal.

Interested persons are invited to submit, on or before May 18, 1977, written comments regarding this proposal. Comments received after this date will be considered to the extent practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, during working hours Monday through Friday.

Dated: April 11 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-11230 Filed 4-15-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

GENERAL TAX CREDIT

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the general tax credit. Changes to the applicable tax law were made by the Revenue Adjustment Act of 1975 and the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with those Acts.

DATE: Written comments and requests for a public hearing must be delivered or mailed by June 2, 1977. The amendments are proposed to be effective for taxable years ending after December 31, 1975, and before January 1, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

William E. Mantle of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T, 202–566–3734.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 42 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 3 of the Revenue Adjustment Act of 1975 (89 Stat. 972) and to section 401(a) of the Tax Reform Act of 1976 (90 Stat. 1555). The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

IN GENERAL

Section 42 of the Internal Revenue Code of 1954 provides for a general tax credit to reduce the income tax imposed by chapter 1 for the taxable year. This credit equals the greater of: (1) 2 percent of an individual's taxable income up to $9,000 (or $4,500 in the case of married individuals filing separate tax returns), or (2) $35 multiplied by the total number of deductions for personal exemptions an individual is entitled to claim for himself, his spouse, and dependents.

SPECIAL RULES

These proposed regulations contain a special rule for married individuals filing separate tax returns. Both married individuals may claim the general tax credit on their separate tax returns using either of the methods described in the preceding paragraph. However, in order for either married individual to claim a credit equal to $35 multiplied by the number of deductions for personal exemptions that the individual is entitled to claim, both married individuals must claim the credit in this manner on their separate tax returns.

In general, the credit may not be claimed by an estate, trust, or nonresident alien individual. However, under the proposed regulation the credit is available to a decedent on a final return, to estates of certain persons under disabilities, and to alien individuals who are residents of the United States during part of the taxable year. Rules are also provided for computing the credit when the taxpayer's return covers a period of less than 12 months.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was William E. Mantle of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations. The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.42 [Deleted]

Paragraph 1. Section 1.42 and the historical note are deleted.

Paragraph 2. Section 1.42–1 is amended by revising the heading to read as follows:

§ 1.42–1 Tax credit for personal exemptions for taxable years ending in 1975.

• • • • •

Paragraph 3. The following new section is added immediately after § 1.42–1.

§ 1.42A–1 General tax credit for taxable years ending after December 31, 1975, and before January 1, 1978.

(a) *Allowance of credit.* Subject to the special rules of paragraphs (b), (c) and (d) and the limitation of paragraph (e) of this section, in the case of an individual, there shall be allowed as a credit against the tax imposed by chapter 1 for the taxable year, an amount equal to the greater of—

(1) 2 percent of so much of the individual's taxable income as does not exceed $9,000, or

(2) $35 multiplied by the total number of deductions for personal exemptions to which the individual is entitled for the taxable year under section 151 (b) and (e) and the regulations thereunder (relating to allowance of deductions for personal exemptions with respect to the individual, his spouse, and dependents).

For purposes of applying subparagraph (2) of this paragraph, the total number of deductions for personal exemptions shall not include any additional exemptions to which the individual or his spouse may be entitled based upon age of 65 or more or blindness under section 151 (c) or (d) and the regulations thereunder.

(b) *Married individuals filing separate returns*—(1) *In general.* In the case of a married individual who files a separate return for the taxable year, there shall be allowed as a credit against the tax imposed by chapter 1 for the taxable year an amount equal to either—

(i) 2 percent of so much of the individual's taxable income as does not exceed $4,500, or

(ii) $35 multiplied by the total number of deductions for personal exemptions to which the individual is entitled for the taxable year under section 151 (b) and (e) and the regulations thereunder, but only if both the individual and the individual's spouse elect to have the credit determined in the manner described in this subdivision (ii) for their corresponding taxable years. The elections shall be made by each separately calculating and claiming the credit in the manner and amount described in this subdivision (ii) on their separate returns for their corresponding taxable years. The rules of section 142(a) and the regulations thereunder (relating to individuals not eligible for the standard deduction) shall apply to determine whether the taxable years of the individual and the individual's spouse correspond to each other. For purposes of applying this subdivision (ii), the total number of deductions for personal exemptions shall not include any additional exemptions to which the individual may be entitled based upon age of 65 or more or blindness under section 151 (c) or (d) and the regulations thereunder.

(2) *Determination of marital status.* For purposes of this paragraph, the determination of marital status shall be made as provided by section 143 and the regulations thereunder (relating to the determination of marital status).

(c) *Return for short period on change of annual accounting period.* In computing the credit provided by section 42 and this section for a period of less than 12 months (hereinafter referred to as a "short period"), where income is to be annualized under section 443(b)(1) in order to determine the tax—

(1) The credit allowed by section 42 (a)(1) and paragraph (a)(1) of this section shall be computed based upon the amount of the taxable income annualized under the rules of section 443(b)(1) and § 1.443–1(b)(1), or

(2) The credit allowed by section 42 (a)(2) and paragraph (a)(2) of this section shall be computed based upon the total number of deductions for personal exemptions to which the individual is entitled for the short period under section 151 (b) and (e) and the regulations thereunder (relating to allowance of deductions for personal exemptions with respect to the individual, his spouse, and dependents).

As so computed, the credit allowed by section 42 and this section shall be allowed against the tax computed on the basis of the annualized taxable income. See § 1.443–1(b)(1)(vi).

(d) *Certain persons not eligible*—(1) *Estates and trusts.* The credit provided by section 42 and this section shall not be allowed in the case of any estate or trust. Thus, the credit shall not be allowed to an estate of an individual in bankruptcy or to an estate of a deceased individual. However, in the case of a deceased individual, the credit shall be allowed on the decedent's final return filed by his executor or other representative. Also, the credit provided by section 42 and this section shall be allowed in the case of a return filed by an estate of an infant, incompetent, or an individual under a disability.

(2) *Nonresident alien individuals.* The credit provided by section 42 and this section shall not be allowed in the case of any nonresident alien individual. As used in this subparagraph, the term "nonresident alien individual" has the meaning provided by § 1.871–2. See, however, section 6013(g) for election to treat nonresident alien individual as resident of the United States. The credit shall be allowed to an alien individual who is a resident of the United States for part of the taxable year. See § 1.871–2(b) for rules relating to the determination of residence of an alien individual. For purposes of paragraph (a)(1) of this section, the credit allowed shall be computed by taking into account only that portion of the individual's taxable income which is attributable to the period of his residence in the United States. For purposes of paragraph (a)(2) of this section, the credit allowed shall be computed by taking into account only the total number of deductions for personal exemptions to which the individual is entitled under section 151 (b) and (e) for the period of his residence in the United States. See § 1.871–13 for rules relating to changes of residence status during a taxable year.

(e) *Limitation.* The credit allowed by section 42 and this section shall not exceed the amount of tax imposed by chapter 1 for the taxable year. In the case of an alien individual who is a resident of the United States for a part of the taxable year, the credit allowed by section 42 and this section shall not exceed the amount of tax imposed by chapter 1 for that portion of the taxable year during which the alien individual was a resident of the United States. See § 1.871–13.

(f) *Application with other credits.* In determining the credits allowed under—

(1) Section 33 (relating to foreign tax credit),

(2) Section 37 (relating to credit for the elderly),

(3) Section 38 (relating to investment in certain depreciable property),

(4) Section 40 (relating to expenses of work incentive programs), and

(5) Section 41 (relating to contributions to candidates for public office),

the tax imposed by chapter 1 for the taxable year shall first be reduced (before any other reduction) by the credit allowed by section 42 and this section for the taxable year.

(g) Effective dates: The credit allowed by section 42 and this section shall apply only for taxable years ending after December 31, 1975, and before January 1, 1978.

WM. E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc.77-11231 Filed 4-15-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21197]

FM BROADCAST STATION IN PRESQUE ISLE, MAINE

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making and Order to Show Cause.

SUMMARY: A Notice of Proposed Rule Making is given proposing the assignment of Channel 269A to Presque Isle, Maine as a fourth FM assignment to the community. On Order to Show Cause is issued to Station WUPI in Presque Isle regarding a change of its channel from 216 to Channel 212 to avoid an IF interference problem with the proposed Channel 269A assignment.

DATES: Comments must be received on or before May 23, 1977, and Reply Comments on or before June 13, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Victor D. Ines, Legal Branch, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Presque Isle, Maine), Docket No. 21197.

Adopted: April 7, 1977.

Released: April 14, 1977.

1. *Proposal:* (a) The Commission, on its own motion, gives Notice of Proposed Rule Making concerning amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) as concerns Presque Isle, Maine, by proposing the assignment of Channel 269A as a fourth FM assignment.

(b) In a Notice of Proposed Rule Making (Docket No. 20498, 40 FR 24753), released June 6, 1975, proposing a Channel *291 assignment, the Commission noted that Presque Isle was assigned Channels 237A, 241, and 245. The Notice proposed the deletion of Channel 237A and the addition of Channel *291 as a reserved educational assignment.

(c) On March 10, 1976, a Report and Order (41 FR 11516) was released assigning Channel *291 to Presque Isle as a reserved educational assignment. Additionally, since Channel 237A then assigned to Presque Isle was "unoccupied and unapplied for," the Order deleted Channel 237A to avoid a potentially undesirable intermixture situation. Subsequently, the Commission became aware that Mr. Jack F. Sieber was interested in filing for the Class A assignment. Mr. Sieber, who had not participated in the rule making proceeding, then filed an application for the Presque Isle educational channel, requesting its use as a commercial channel. Although Mr. Sieber's application for a commercial station is not acceptable for filing because the channel in question is reserved for noncommercial educational use, because of Mr. Sieber's continued interest in a Class A assignment to Presque Isle, the Commission feels that the public interest would be served by again looking into the possibility of a Class A assignment to the community.

2. *Demographic Data:* (a) *Location and population:* Presque Isle (pop. 11,452) [1] is situated in Aroostook County (pop. 92,463) approximately 18 kilometers (11 miles) west of the Canadian-United States border and approximately 207 kilometers (135 miles) northeast of Bangor.

(b) *Present aural service:* Local service is provided by 2 unlimited-time AM stations and two commercial FM stations (Channels 241 and 245).

3. *Preclusion considerations:* It appears that Channel ? may be assigned to Presque Isle without creating any significant preclusion. The old channel (237A) cannot be assigned because it would involve an IF interference problem with Channel 291. In order to assign Channel 269A it would be necessary to change the channel of Station WUPI (licensed to the University of Maine) because of an IF problem with its present channel assignment. It is now operating as a Class D station (10 watts) on Channel 216. However, the station could operate on Channel 212 instead.[2] Additionally, any Channel 269A transmitter site must be chosen so as to meet the 193 kilometers (120 miles) spacing requirement to CJBR-FM, Rimouski, Quebec, on Channel 268 and the allocation to Chatham, New Brunswick, on Channel 270.

4. *Additional Comments:* (a) Ordinarily we would not intermix classes of channels in a community, but as we have observed on several occasions, there can be an exception to permit the assignment of a Class A channel even though Class B or C channels already are assigned. Additional service would be provided and Mr. Sieber appears ready to accept the risks posed by this intermixed situation. However, Mr. Sieber should still file appropriate comments reaffirming his intention to apply for the channel if assigned and to withdraw his application for the Presque Isle educational channel.

(b) As also indicated above, since Station WUPI will be required to change frequencies if the proposed assignment is made, it must be given the opportunity to indicate whether it consents to or is opposed to a change to its frequency and this Order to Show Cause is adopted for that purpose.[3] Its general comments on the appropriateness of the proposal are also invited.

PROPOSED AMENDMENT TO THE FM TABLE OF ASSIGNMENTS

5. In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with regard to the community below as follows:

City	Channel No.	
	Present	Proposed
Presque Isle, Maine	241, 245, *291	241, 245, 269A, *291

6. *It is ordered,* That pursuant to section 316(a) of the Communications Act of 1934, as amended, the licensee of Station WUPI (The University of Maine), Presque Isle, Maine, shall show cause why its license should not be modified to specify operation on Channel 212 if the Commission determines that the public interest would best be served by adopting the proposed assignment.

7. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WUPI, Presque Isle, Maine, may, not later than May 23, 1977, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, WUPI may, not later than May 23, 1977, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. In this case, the Commission may call on WUPI to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, WUPI will be deemed to consent to modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

8. *Authority:* The Commission's authority to institute rule making proceedings, showings require, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

9. *Comments and Replies:* Interested persons and parties may file comments on or before May 23, 1977, and reply comments on or before June 13, 1977.

10. *It is further ordered,* That the Secretary of the Commission shall send a copy of this Order by certified mail, return receipt requested, to The University of Maine, Station WUPI, Marriman Main Street, Presque Isle, Maine, 04769, the party to whom the Order to Show Cause is directed.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-11237 Filed 4-15-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21192; RM-2819]

FM BROADCAST STATION IN MACOMB, ILLINOIS

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a second Class A FM channel to Macomb, Illinois. The petitioner, Ralph Trieger, asserts that a second FM station is needed to serve the growing population with additional broadcast service.

DATES: Comments due May 19, 1977, and reply comments due June 8, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION:

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Macomb, Illinois), Docket No. 21192, RM-2819.

Adopted: April 4, 1977.

Released: April 11, 1977.

1. *Petitioner, Proposal and Comments:* (a) Petition for rule making [1] filed December 27, 1976, by Ralph Trieger ("petitioner"), proposing the assignment of Channel 276A to Macomb, Illinois, as its second Class A FM assignment.

(b) The channel may be assigned without affecting any existing FM assignments in the Table. There were no oppositions to the proposal.

(c) Petitioner states that he is prepared to file an application for a construction permit if the proposed assignment is granted.

2. *Community Data:* (a) *Location:* Macomb, seat of McDonough County, is located 147 kilometers (92 miles) southwest of Peoria, Illinois.

(b) *Population:* Macomb—19,643; McDonough County—36,653.[2]

(c) *Present Aural Services:* Macomb presently receives local service from AM Station WKAI (daytime-only) and Station WKAI-FM (Channel 261A), both licensed to William H. Rudolph.

(d) *Economic Considerations:* Petitioner states the Macomb has had a population increase of 21 percent between 1970 and 1975. We are told that Macomb is a major trading center for the entire area of McDonough County. Petitioner adds that several large firms have considerable operations in the community employing large numbers of area residents and that additional industry is expected to settle in Macomb in view of the excellent industrial sites which have recently become available. Petitioner asserts that the spendable income of Macomb and McDonough County has increased 100% over the past six years while retail sales have climbed more than 50%.

3. *Preclusion Studies:* Petitioner's engineering study showed that preclusion would occur on Channels 274, 275, 276A and 277. Six communities with populations greater than 1,000 are located in the precluded area.[3] Of the six communities, Carthage and Canton, Illinois, and Mount Pleasant, Iowa, each have an AM station and a Class A FM assignment; Canton, Missouri, has a Class A FM assignment; and Bushnell and Rushville, Illinois, have no local aural broadcast service. Petitioner should identify in its comments alternate channels that may be used in Bushnell and Rushville.

4. *Additional Considerations:* Petitioner's Roanoke Rapids showing indicates that the proposed assignment would provide a first FM service to 949 persons and a second FM service to 26,980 persons. However, no information was provided as to the size of the area in which this number of persons is said to reside. This information should be submitted. Petitioner should also submit a showing as to the extent of first and second nighttime aural services that would be provided by the proposed as-

[1] Both population figures are from the 1970 U.S. Census

[2] As the petitioner in the Channel *291 proceeding cited previously, the University of Maine had applied (File No. BPED-1742) for a change of frequency from Channel 216 to Channel 212 to avoid the IF interference problem otherwise posed by a Channel 269A assignment. When the Order did not make the 269A assignment to replace the deleted Channel 237A, the University of Maine withdrew its change of frequency request.

[3] The permittee of Channel 269A would be expected to provide reimbursement of the costs of the channel change.

[1] Public Notice of the filing of the petition was given on January 18, 1977 (Report No. 1026).

[2] Both population figures are taken from the 1970 U.S. Census.

[3] *Illinois:* Bushnell (pop. 3,703); Canton (14,184); Carthage (3,350); Rushville (3,300); Iowa: Mout Pleasant (7,007; Missouri: Canton (2,680).

signment. Anamosa-Iowa City, Ia., 40 F.C.C. 2d 250 (1974).

5. Petitioner asserts that, in a city with solid growth as that manifested by Macomb and its surrounding area, a second FM station is needed to serve the growing population with additional broadcasting service. We agree that this matter is worth pursuing.

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Macomb, Illinois, as follows:

City	Channel No.	
	Present	Proposed
Macomb, Ill.	261A	261A, 276A

7. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

8. Interested parties may file comments on or before May 19, 1977, and reply comments on or before June 8, 1977.

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-11238 Filed 4-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 218]

[Docket No. RSOR-3, Notice 7]

BLUE SIGNAL PROTECTION OF WORKMEN

Railroad Operating Rules

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: In an earlier proceeding in relation to blue signal protection of railroad workmen working on, under or between rolling equipment, a commenter raised an issue concerning the alleged redundant protection resulting from a requirement for both the use of an effective locking device and the display of a blue signal at each manually operated switch providing access to a track on which such workmen are located. The Federal Railroad Administration (FRA) did not directly address this issue in the final rule since it was beyond the scope of the notice of proposed rule making issued in that proceeding. The purpose of this notice is to solicit views and comments from the public regarding the advisability of revising the regulation concerning blue signal protection of railroad workmen so as to eliminate this alleged redundancy.

DATES: Written comments must be received on or before May 30, 1977. Comments received after that date will be considered to the extent practicable.

A public hearing will be held at 10 a.m. on May 19, 1977.

Any person who desires to make an oral statement at the public hearing should notify the Docket Clerk before May 18, 1977.

ADDRESSES: Written comments should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

All written comments received will be available for examination, both before and after the closing date for written comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

The public hearing will be held in Room 6200, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. (202-426-8820).

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: John A. McNally (202-426-9178); Principal Lawyer: Anne-Marie Hyland. (202-426-8836).

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

On March 15, 1976, the Federal Railroad Administration (FRA) published a final rule concerning blue signal protection for railroad workmen engaged in inspection, testing, repair and servicing of rolling equipment whose activities require them to work on, under or between such equipment (41 FR 10904). That rule generally required the display of a blue signal at the entrance to the track on which workmen were performing the activities covered by the rule, and the lining of each manually operated switch against movement to that track.

On July 8, 1976, the President signed the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348) which included a provision requiring the Secretary of Transportation to issue rules within 180 days which would provide that the manually operated switch at each entrance to the track on which workmen were performing the activities covered by the rule must be both lined against movement to that track and locked in that position with an effective locking device. In keeping with that statutory mandate, the FRA issued a notice of proposed rulemaking (NPRM, 41 FR 48126) proposing an amendment to part 218 that would require manually operated switches to be lined against movement to an occupied track, locked with an effective locking device and marked with a blue signal.

In the comments submitted in response to the notice of proposed rulemaking, one commenter complained about the redundant protection provided by the requirement of both the lock and the display of the blue signal at each manually operated switch. This commenter expressed the opinion that the requirement that the switch be locked will assure that the intent of the statute is accomplished; that is, that the workmen are protected against the movement of additional equipment onto a track on which they are working on, under or between other rolling equipment. This commenter expressed the opinion that "several warnings about the same hazard tend to detract from each other," thereby reducing rather than enhancing safety.

In the final rule published on January 11, 1977 (42 FR 2320), the FRA recognized that this commenter had identified an issue, but took the position that the issue of the redundancy of the locking and blue signal provisions had not been addressed in the NPRM so as to assure adequate public comment by all interested parties. The preamble to that final rule stated that a further proceeding would be initiated to address this issue directly. This notice is being published to provide all interested parties an opportunity to express their views and comments concerning the alleged redundancy of the requirement of an effective locking device and the display of a blue signal on each manually operated switch providing access to the track on which railroad workmen are working on, under or between rolling equipment.

If the present rule is amended as recommended by this commenter, part 218 of Title 49 of the Code of Federal Regulations would be revised as follows:

1. By revising paragraph (d) of section 218.23 to read as follows:

§ 218.23 Blue signal display.

* * * * *

(d) Whenever one switch of a crossover is located beneath rolling equipment which is under blue signal protection as provided in § 218.25 or § 218.27, the next switch on the crossover providing access to the track must be lined and locked against movement to that crossover.

2. By revising section 218.25 to read as follows:

§ 218.25 Workmen on a track other than a hump-yard track.

(a) When workmen are on, under, or between rolling equipment on a track other than a hump-yard track, each manually operated switch providing access to the track on which such equipment is located must be lined against movement to that track and secured by an effective locking device which may not be removed except by the class or craft of workmen performing the work.

(b) A derail capable of restricting access to that portion of a track on which such equipment is located will fulfill the requirements of a manually operated switch in compliance with this section when positioned at least 150 feet from the end of the rolling equipment to be protected and when locked with an effective locking device in a derailing position.

* * * * *

(e) Workmen may work, on, under, or between a locomotive on designated locomotive servicing area tracks under the exclusive control of mechanical forces after—

(1) The manually operated switches providing entrance to and departure from the designated locomotive servicing area are lined for movement to another track and secured by an effective locking device; and

(2) A blue signal has been attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

(f) A locomotive may not be moved onto or off of a designated locomotive servicing area track under the exclusive control of mechanical forces unless—

(1) The locomotive moved onto the track is stopped short of coupling to another locomotive; or

(2) The blue signal is first removed from the controlling locomotive to be moved before the locomotive is removed from the track.

* * * * *

3. By revising section 218.27 to read as follows:

§ 218.27 Workmen on hump-yard track.

(a) Workmen may not work on, under, or between rolling equipment on a hump-yard track unless—

(1) Each manually operated switch, including crossover switches providing access to that track is lined against movement to that track and secured by an effective locking device; or

(2) A derail capable of restricting access to that portion of a track on which such equipment is located will fulfill the requirements of a manually operated switch in compliance with this section when positioned at least 150 feet from the end of the rolling equipment to be protected and when locked with an effective locking device in a derailing position.

(3) The person in charge of the workmen has notified the operator of the remotely-controlled switches of the work to be performed, and has been informed by the operator that each remotely-controlled switch providing access to the track has been lined against movement to that track and locked as prescribed by § 218.29(a).

ECONOMIC IMPACT STATEMENT

The FRA has reviewed this notice in accordance with the requirements of Executive Order 11821, Office of Management and Budget Circular A-107, and DOT Order 2050.4 and determined that this action does not constitute a "major proposal" for purposes of the economic impact evaluation required therein. In addition, it has been determined that this amendment would not constitute a "major Federal action" and, therefore, is not subject to the environmental impact evaluation required by the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).

DEPARTMENTAL REGULATORY REFORM POLICY

It has also been determined that the regulatory impact of this amendment would be minimal and that an evaluation pursuant to the policy statement published by the Secretary of Transportation (41 FR 16200) is not required.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the regulatory docket number, and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before May 31, 1977, will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

In addition, FRA will conduct a public hearing on May 19, 1977, in Room 6200, 400 Seventh Street SW., Washington, D.C. at 10 a.m. The hearing will be informal, and not a judicial or evidentiary hearing. There will be no cross examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have the opportunity to present their oral statements. At the completion of all initial oral statments, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statments. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Any person who wishes to make an oral presentation at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590 before May 18, 1977, stating the amount of time required for the initial statement.

(Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec. 5(b) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49 (n).)

Issued in Washington, D.C. on April 12, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.77-11175 Filed 4-15-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 651]

ATLANTIC FISHERIES: ATLANTIC GROUNDFISH PLAN

Publication and Request for Comments

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Request for Comments on Proposed Regulations.

SUMMARY: The Secretary of Commerce wishes to clarify for the public that the March 14, 1977, publication of the Atlantic Groundfish (haddock, cod, and yellowtail flounder) Fishery Management Plan (FMP) and emergency implementing regulations (which are to remain in effect up to 45 days unless repromulgated) also constituted publication of the FMP and proposed permanent regulations as required by section 305(a) of the Fishery Conservation and Management Act of 1976 (FCMA). Therefore, the 45 day public comment period for the FMP and proposed permanent regulations also started on March 14, 1977.

DATES: Comments due April 29, 1977.

ADDRESSES: Comments to Director; National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert J. Ayers (202–634–7218).

SUPPLEMENTARY INFORMATION: On Monday, March 14, 1977, notice was published (at 42 FR 13998) that pursuant to the Fishery Conservation and Management Act of 1976 (FCMA) the Secretary of Commerce (Secretary) had approved a fishery management plan (FMP) for Atlantic Groundfish (haddock, cod, and yellowtail flounder) prepared and submitted by the New England Fishery Management Council, in consultation with the Mid-Atlantic Fishery Management Council. The FMP as published by the Secretary was accompanied by emergency implementing regulations (authorized by section 305(e) of the FCMA) which became effective at 12:01 a.m., March 15, 1977, and are to continue in effect for 45 days thereafter unless sooner amended, repealed, or extended by appropriate public notice.

This notice of request for comments does not alter the legal effect or duration of the FMP or its emergency regulations. However, the Secretary wishes to clarify for the benefit of the public that the March 14, 1977 publication of the FMP and emergency regulations also constituted the notice of publication for the approved Atlantic Groundfish Plan and its proposed permanent regulations as required by section 305(a) of the FCMA.

Accordingly, any written data, views and comments concerning the Atlantic Groundfish Plan and permanent regulations proposed to implement that FMP (i.e., the same regulations which are now in effect on a emergency basis) should be submitted during this time by interested members of the public. The Secretary will consider all such data, views, and comments submitted on or prior to April 29, 1977, before final action is taken with respect to the Atlantic Groundfish Plan and implementing regulations pursuant to section 305(c) of the FCMA.

Dated: April 11, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-11156 Filed 4-15-77;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2608]

ALLOCATION OF ASSETS

Supplemental Notice of Proposed Rulemaking Benefits Covered by Insurance Commitments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed Rule.

SUMMARY: The pension plan termination insurance provisions of the Employee Retirement Income Security Act of 1974 require that plan assets be allocated to cover plan benefit liabilities when a defined benefit pension plan terminates. The proposed amendments preclude the allocation of plan assets to certain benefits and identify certain requirements for plans that own insurance contracts. The proposed amendments are necessary to harmonize the proposed rules for allocating a terminating pension plan's assets with the proposed rules for valuing insurance contracts owned by such a pension plan. The effect is to prevent a terminating plan from allocating its assets to pay for benefits that an insurance company is already irrevocably committed to pay, and to alert pension plan administrators to potential statutory violations associated with insurance contracts.

COMMENT DATE: June 2, 1977.

ADDRESSES: Comments should be sent to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K. Street NW., Washington, D.C. 20006. Copies of written comments will be available for public inspection in the PBGC's Office of Communications, at the same address, between 9 a.m. and 4 p.m. Each person submitting comments should include his or her name and address, identify this notice and give reasons for any recommendations.

FOR FURTHER INFORMATION CONTACT:

Judith F. Mazo, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street NW., Washington, D.C. 20006, 202–254–4868.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") published in the FEDERAL REGISTER (41 FR 48492), proposed regulation governing allocation of the assets of terminating pension plans subject to Title IV of the Employee Retirement Income Security Act of 1974 (the "Act"). Today the PBGC is publishing in the FEDERAL REGISTER (42 FR 20158) proposed amendments to its regulation on the valuation of plan assets, 29 CFR Part 2611, which identify insurance contracts that are plan assets for purposes of Title IV of the Act and set forth rules for determining the asset value of insurance contracts. To accommodate the approach embodied in those proposed amendments, certain adjustments in the rules for allocating assets are necessary. The allocation amendments proposed today do not relate directly to the substantive changes proposed on November 3, 1976. As the comment period on the November proposal has expired, the PBGC does not intend to defer adoption of a final rule on allocation of assets because of today's supplemental proposal, which will be considered separately. Therefore, notice is hereby given that the PBGC proposes to amend Part 2608 of Chapter XXVI of Title 29 Code of Federal Regulations, as described below.

BENEFITS COVERED BY AN IRREVOCABLE COMMITMENT

Under the proposed amendment to the asset-valuation regulation, the value of an insurance company's irrevocable commitment to pay benefits to a named participant is not included in the value of a plan's assets, because that commitment cannot be used to satisfy outstanding plan benefit obligations. At the same time, it is unnecessary to allocate plan assets to cover benefits for which the plan has already made provision by purchasing an insurer's irrevocable commitment. For that reason, the proposed amendment to § 2608.3(a) excludes benefits payable by an insurer under an irrevocable commitment from the allocation process, by specifying that such benefits are not "benefits provided by the plan" for allocation purposes.

Benefits are excluded from the allocation only to the extent the benefits are covered by an irrevocable commitment, as in some cases the insurer might not be contractually obligated to continue paying the full benefit to which a participant is entitled under the plan. The concept of an "irrevocable commitment" is more fully examined in the preamble to the proposed amendments to Part 2611 of this chapter.

The proposed amendment to § 2608.9 makes it clear that, when a plan has satisfied part of a participant's basic type benefit before plan termination by buying an insurer's irrevocable commitment or by paying a lump sum to the participant in lieu of a basic type benefit, the benefits that have thus been satisfied are deducted from any remaining benefit the participant may have under the plan that would be eligible for PBGC's guarantee. The procedures described in Part 2609 of this chapter, "Limitation on Guaranteed Benefits,"

are to be used to determine the amount of benefit that was satisfied prior to plan termination. This proposed amendment is necessary to make sure that pre-termination distributions are not used to evade the guarantee limitations set forth in section 4022 of the Act. Depending on the amount of the benefit that was satisfied before plan termination, any additional benefits to which a participant is entitled under the plan might not be guaranteed, although they would be included in the allocation as either vested or accrued benefits.

Although benefits payable under an insurer's irrevocable commitment are, in most respects, disregarded in allocating a plan's assets under Title IV of the Act, in many cases those benefits are guaranteed by the PBGC if the insurer for some reason stops making the required payments.

VIOLATIONS

Present § 2608.5 warns that an allocation of plan assets that does not conform to section 4044 of the Act and Part 2608 of this chapter is a statutory violation. The amendments to Part 2611 of this chapter being proposed today, and proposed Part 2615 of this chapter, "Determination of Sufficiency" (41 FR 48504, November 3, 1976), highlight certain responsibilities of the administrator of a terminating plan under section 4044 of the Act. However, the language of many insurance contracts might not adequately enable the plan administrator to discharge his or her responsibilities under section 4044 of the Act and the implementing regulations. For this reason, the proposed amendments to this part explain that it would be inconsistent with the statute to comply, at plan termination, with insurance contracts that do not contain certain provisions necessary for full compliance with Title IV of the Act, and to distribute contracts without those provisions to participants at any time prior to plan termination.

The PBGC recognizes that, since September 2, 1974, some plans covered under Title IV of the Act might have acted in good faith in conflict with the standards now proposed. Because plan administrators would not have had notice that their acts would contravene Title IV and its implementing regulations, the PBGC will take no action under proposed § 2608.5(c) with respect to the distribution or discontinuance of insurance contracts prior to publication of these proposed amendments.

a. *Cancellation of participation rights.* As more fully explained in connection with the proposed amendments to Part 2611 of this chapter, a plan might have the right under an insurance contract to receive a stream of future earnings from the insurer. (This is called a "participation right" in the proposed amendments.) In most cases insurers are willing to cancel participation rights when a plan terminates, and give the plan credit for the surrender of its rights in the form of a cash refund or the insurer's irrevocable commitment to pay participants' benefits.

Under proposed Part 2615 of this chapter, the administrator of a sufficient plan is required to distribute plan assets unless participants elect otherwise. Such a distribution would be impossible if the plan's assets could not be liquidated. In addition, without a contractual basis for cancellation of participation rights it might not be possible to determine their fair value as plan assets, as required for sections 4041, 4044 and 4062 of the Act. Therefore, the proposed amendments to § 2608.5 point out that the administrator of a terminating plan cannot, consistent with Title IV of the Act, comply with the discontinuance provisions of an insurance contract that does not provide for cancellation of participation rights. Similarly, any participation rights a plan may have under an individual contract that is distributed to a participant must be cancellable at plan termination.

b. *Preservation of settlement options.* Under the proposed amendments to Part 2611 of this chapter, the asset value of an insurance contract as of the plan termination date depends in part on the value that can be realized under the various options that the contract offers for converting the contract to cash. Often the options are only available for a limited time after a contract is discontinued. Section 4041(a) of the Act prohibits a plan from making payments under its termination provisions until the PBGC has determined whether the plan's assets, after allocation, are sufficient to satisfy guaranteed benefits. Section 4044 of the Act prescribes the priority sequence in which the assets of a terminating plan must be allocated. If the settlement options under an insurance contract are allowed to expire before the PBGC and the plan administrator have had a reasonable opportunity to discharge their statutory responsibilities, the effect could be an expenditure of plan assets after termination that is not permitted by sections 4041 and 4044 of the Act.

The proposed amendment to § 2608.5 requires the plan administrator to make sure that all settlement options are preserved for at least 180 days from the date the PBGC receives a Notice of Intent to Terminate the plan. Settlement options need not be preserved unless the insurance contract is being discontinued in connection with plan termination.

DEFINITIONS

The proposed amendments to Part 2608 add definitions of a number of terms used to describe the treatment of insurance contracts under the substantive provisions of the proposed amendments. Those definitions parallel the definitions given in proposed § 2611.6 of this chapter, and the principal terms are explained in the preamble to the proposed amendments to Part 2611.

In consideration of the foregoing, it is proposed to amend Part 2608 of Chapter XXVI of Title 29, Code of Federal Regulations by:

1. Amending § 2608.2 to add the following definitions:

§ 2608.2 **Definitions.**

• • • • •

"Insurance contract" means a valid written agreement pursuant to which an insurer agrees to perform services including the payment of specified benefits in return for the payment of premiums or similar consideration.

"Insurer" means a company authorized to do business as an insurance carrier under the laws of a State or the District of Columbia.

"Irrevocable commitment" means an obligation by an insurer to pay benefits or their equivalent to a named plan participant or surviving beneficiary, which cannot be cancelled under the terms of the insurance contract (except for fraud or mistake) without the consent of the participant or beneficiary and which is legally enforceable by the participant or beneficiary.

"Participation right" means a plan's right under an insurance contract to receive dividends, rate credits, interest, experience credits or other earnings from an insurer.

"Settlement options" means the alternatives available to the owner of an insurance contract under the express terms of the insurance contract with respect to the disposition of funds credited to the insurance contract upon contract discontinuance.

• • • • •

2. Revising § 2608.3(a) as follows:

§ 2608.3 **General rule.**

(a) Upon the termination of a plan to which this part applies, the assets of such plan shall be allocated to benefits provided by the plan in the manner prescribed by this part. For purposes of this part, a benefit payable by an insurer pursuant to an irrevocable commitment that is legally enforceable on the date of the plan asset allocation is not a benefit provided by the plan.

3. Revising § 2608.5 as follows:

§ 2608.5 **Violations.**

(a) It shall be a violation of the Act to allocate plan assets other than as prescribed in section 4044 of the Act and this part, except as may be required under section 4044(b)(4) of the Act.

(b) *Distributions in contemplation of termination.* A distribution, transfer or allocation of assets made to a participant in contemplation of plan termination shall be treated as an allocation of plan assets upon termination of the plan.

(c) *Insurance contracts.* The following are violations as described in paragraph (a) of this section:

(1) Compliance at plan termination with the discontinuance provisions of an insurance contract owned by a plan if the contract does not provide:

(i) For cancellation of all participation rights under the contract upon termination of the plan, and

(ii) That all settlement options may be exercised for a period of no less than 180 days from the date a Notice of Intent to Terminate the plan is filed with the

PBGC pursuant to section 4041 of the Act, if the insurance contract is discontinued in connection with plan termination.

(2) Distribution to a participant of an insurance contract purchased with funds contributed to or under a plan if that contract does not provide for cancellation of the plan's participation rights under the contract upon termination of the plan.

4. Revising § 2608.9 as follows:

§ 2608.9 Priority category 4 benefits.

(a) *Definition.* Except as provided in paragraph (b) of this section, the benefits in priority category 4 consist of all basic type benefits that do not exceed the limitations on the guarantee of benefits set forth in sections 4022(b)(1), 4022(b)(2), 4022(b)(3), 4022(b)(4), 4022(b)(7) and 4022(b)(8) of the Act as implemented by Part 2609 of this chapter, other than basic type benefits assigned to priority categories 2 or 3.

(b) *Benefits previously satisfied.* If, before termination, a plan has provided for an insurer's irrevocable commitment to pay a participant's basic type benefit, or if a participant has received a lump sum in lieu of a basic type benefit, the benefits described in paragraph (a) of this section shall be reduced (to no less than zero) by the amount of the basic type benefit that has been satisfied thereby. The amount of benefit that has been satisfied shall be determined in the manner prescribed by §§ 2609.4 and 2609.5 of this chapter.

(c) *Valuation.* The value of each participant's or beneficiary's benefit described in paragraph (a) of this section shall be computed separately with respect to each participant as follows:

(1) First, determine with respect to each participant the value of all of the participant's basic type benefits that do not exceed the limitations on the guarantee of benefits enumerated in paragraph (a) of this section and that have been reduced as described in paragraph (b) of this section, using the valuation factors established by the Pension Benefit Guaranty Corporation applicable as of the date of plan termination.

* * * * *

(Sec. 4004(b)(3), 4041, 4044, Pub. L. 93-406; 88 Stat.1004, 1020-21,1025-27, (29 U.S.C. 1302(b)(3), 1341(b), 1344.)

Issued in Washington, D.C. this 8th day of April 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Supplemental Notice of Proposed Rulemaking.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.77-11225 Filed 4-15-77:8:45 am]

[29 CFR Part 2611]

VALUATION OF PLAN ASSETS

Proposed Amendments—Insurance Contracts

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The proposed amendments create special rules for identifying insurance contracts or contract rights that are assets of terminating pension plans and for determining their asset value. These special rules are needed because the pension plan termination insurance provisions of the Employee Retirement Income Security Act of 1974 require that the assets of a covered pension plan be valued at plan termination, and the value of insurance contracts is not readily established. The basic effect of the proposed amendment is first, to provide that the value of an irrevocable promise made by an insurance company directly to a pension plan participant is not counted in the value of the pension plan's assets, and second, to provide that an insurance contract is worth the benefits it can be used to provide.

DATE: Comments due by June 2, 1977.

ADDRESS: Comments should be sent to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Copies of written comments will be available for public inspection in the PBGC's Office of Communications, at the same address, between 9 a.m. and 4 p.m. Each person submitting comments should include his or her name and address, identify this notice and give reasons for any recommendations.

FOR FURTHER INFORMATION CONTACT:

Judith F. Mazo, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K. Street, N.W., Washington, D.C. 20006, 202-254-4868.

SUPPLEMENTARY INFORMATION: On May 7, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") published a regulation (41 FR 18992, codified at 29 CFR Part 2611) that prescribes standards for valuing the assets of a pension plan covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") when the plan terminates. Under the regulation plan assets are valued at their fair market value. The preamble to the regulation noted that special valuation considerations apply to insurance contracts held as plan assets, and that PBGC would provide guidance on that issue in the future. Because an insurance contract has a unique value to a plan that is not freely transferable, traditional fair market value concepts cannot measure such a contract's value appropriately. Therefore the PBGC proposes to amend its asset-valuation regulation to provide special rules for computing the value of insurance contracts for Title IV purposes.

Several essentially technical amendments that do not affect existing substantive rules are proposed. They would restructure the present regulation and revise the language of two of its sections. Those amendments are necessary to accommodate the new rules, contained in proposed Subpart C of this part, for valuing insurance contracts. Because proposed Subpart C represents the only substantively significant aspect of the proposed amendments, the remainder of this preamble discusses that proposed Subpart exclusively.

GENERAL APPROACH

1. *Introduction.* A pension plan that owns an insurance contract owns the right to enforce the promises that the insurer has made in the contract. The plan's asset is the insurance contract, rather than the premiums paid to purchase the insurer's contractual obligations. Proposed Subpart C of this part ("Subpart C") measures an insurance contract's value by the value of the benefits that the contract can be used to provide, either directly or after liquidation of the contract for cash.

Subpart C covers individual and group insurance contracts issued by any company authorized to do business as an insurance carrier under State (or District of Columbia) law. Within this broad spectrum, contracts use widely varying language to define similar legal relationships. In addition, Title IV of the Act sometimes expresses uniquely statutory ideas in words that have a different connotation when used in private insurance contracts. To avoid misleading the public and the insurance industry, Subpart C uses its own uniform terms to describe certain fundamental concepts. Those terms and the related concepts are discussed in greater detail below.

2. *What Must Be Valued.* A terminating plan's assets are primarily relevant under Title IV of the Act to the extent they can be used to meet outstanding plan liabilities. Thus § 4044(a) of the Act requires allocation of those assets that are "available to provide benefits," and employer liability under § 4062(b) of the Act is based, in part, on the "current value of the plan's assets allocable to [guaranteed] benefits * * *" For this reason, only those contractual promises that offer a means of satisfying the plan's future benefit payment obligations are included among the plan assets to be valued under Subpart C.

A plan that has distributed an insurance contract to a participant before plan termination does not own that contract on the termination date. A plan that has arranged, under a group insurance contract, for an insurer to make an irrevocable commitment to pay benefits to a specific participant has in effect distributed that commitment to the participant. In either case, the plan cannot

alter the insurer's direct commitment to the participant, or use the value of the commitment to provide benefits for other participants. Therefore, the value of a distributed contract or of an insurer's irrevocable commitment to a participant is not part of the value of a plan's assets under Subpart C. (If, under § 4045 of the Act, a trustee recaptures part of a distribution that was made to a participant in the form of an insurance contract or commitment, the net amount recaptured would be a plan asset. It would not, however, be part of the asset value of the plan's insurance contracts.)

The PBGC is publishing in the FEDERAL REGISTER today (42 FR 20156) proposed amendments to Part 2608 of this chapter, "Allocation of Plan Assets," to make sure that a terminating plan does not allocate its assets to benefits that are or will be paid under an insurer's irrevocable commitment.

One type of promise made to a plan by an insurer has value as a plan asset, even if its value is not part of the asset value of an insurance contract owned by the plan. In connection with the purchase of benefits or services a plan might purchase the right to receive future interest, dividends or similar payments from the insurer. Those payments can be used to provide benefits, and the right to receive that future income (called a "participation right") is a plan asset to be valued under Subpart C.

3. *Valuation Rules.* In many cases an insurance contract owned by a terminating pension plan can be used to provide benefits in two ways: the plan can either direct that the funds credited to the contract be used to buy the insurer's irrevocable commitment to pay participants' benefits, or it can cash the contract in and provide benefits with the proceeds. Under Subpart C, the value of an insurance contract is the greater of the present value of the irrevocable benefit commitments that can be purchased under the contract or the contract's liquidation value. Because insurance contracts do not invariably offer a choice between the purchase of benefit commitments or cancellation for cash, an insurance contract's asset value depends on the alternatives expressly available under the contract as of the valuation date.

Upon termination, a plan covered under Title IV of the Act must allocate its assets to provide benefits in the order prescribed by § 4044 of the Act. Therefore, for valuation purposes, the purchase of irrevocable commitments under a contract must follow the statutory order of priorities, whether or not the particular contract so provides. The cost of those irrevocable commitments is set by the contract. Under Subpart C, the present value of the benefits that can be provided through those irrevocable commitments is determined according to PBGC's rules for valuing plan benefits, which are contained in Part 2610 of this chapter.

In most cases the value of a plan's participation rights will be reflected in the asset value of an insurance contract owned by the plan. Under Subpart C, participation rights that must be valued separately are worth the value of the amount realizable by the plan, in cash or in the form of additional irrevocable benefit commitments, upon cancellation of the participation rights.

As a general rule, under Subpart C each insurance contract is valued separately, and the benefits that it can provide are determined by applying § 4044 of the Act as if the contract were the plan's only asset. If the plan owns two or more contracts that provide for the coordinated purchase of irrevocable commitments in accordance with the statutory allocation requirements, the benefits that the contracts can provide will be determined under that contractual formula. In addition, the plan administrator may elect an optional procedure by which benefits could be provided under separate contracts in any order, as long as a combined allocation of all of the plan's assets complies with the statutory priority scheme. This option is not available unless it would yield benefits worth at least as much as the plan's assets could otherwise provide and, for insufficient plans, unless it had been arranged with the insurer before the plan termination date. To take advantage of the optional valuation procedure the plan administrator must demonstrate exactly how the combined allocation will meet Subpart C's requirements.

BASIC CONCEPTS

1. *Irrevocable Commitment.* Whether a particular commitment made by an insurer is irrevocable depends on the specific contract language. For example, a retired participant may be "eligible" to receive benefits from an insurer but not contractually "entitled" to continue receiving them, because the contract requires an additional premium payment before the entitlement arises. A contract provision limiting the insurer's liability to those benefits for which the insurer actually receives payment could create a similiar problem, if by the plan termination date the funds held under the contract had dropped below the level necessary to cover the cost of annuities for participants who had begun receiving benefits from the insurer. If an insurer claims the right to cut back benefits to any participant in that situation, that would indicate that all similar benefit payment obligations of the insurer under that contract are fully revocable.

An insurance contract might specifically identify a portion of the insurer's commitment as irrevocable. For example, some deposit administration group annuity contracts contain "post-funding riders," which authorize the insurer to pay full benefits to a retired participant while the participant's irrevocable annuity from the insurer is being purchased in installments after the participant's retirement. Under Subpart C, only that portion of the retiree's annuity that had been purchased from the insurer before the plan terminated would be treated as covered by an irrevocable commitment. Similarly, the insurance contract might state that annuity commitments made to certain plan participants are subject to reduction if required by the Internal Revenue Service to prevent prohibited discrimination on plan termination. Unless the benefit cut-back is in fact required, the full annuity commitment would be irrevocable.

An insurer's commitment is considered irrevocable under Subpart C even though it can be cancelled with the participant's consent, as in the case of a commitment that offers the participant an option to receive a lump sum in lieu of future benefit payments. Similarly, an insurer's commitment is not considered revocable solely because it provides for assignment of future benefit payments as authorized or required by law.

2. *Contractholder.* The contractholder is the identifiable owner of an insurance contract purchased with funds contributed to or under a plan. Although plan participants may be third-party beneficiaries of such a contract, the contractholder is the party to whom all of the insurer's promises are made directly, regardless of how that party is designated in the contract. For example, an insurance contract might identify a named corporation as "the Employer," and then define the insurer's obligations in terms of duties owed to, or rights exercisable by, the Employer. The Employer is the owner of the contract, and thus the contractholder within the meaning of Subpart C.

As all insurance contracts that are plan assets need not be held in a trust fund (see, 403(b) of the Act), the holder of a plan's insurance contract is often not a plan trustee. Nevertheless, the contractholder represents the plan's interests with regard to the insurance contract, so Subpart C treats the rights of the plan and the rights of the contractholder interchangeably.

Because a contract that has been distributed to a participant is not considered a plan asset, a plan participant who has become the owner of a contract bought by the plan is not "the contractholder" for purposes of Subpart C.

3. *Contract Assets.* Under many of the insurance contracts in which pension plans invest, the insurer agrees to make a specified amount of money available in the future to support benefit payments. Ordinarily those amounts are based to some extent on the premiums paid by the plan, and are credited to the contract in some defined form, such as the cash surrender value of an individual contract. Group contracts often contain one or more accounts to which funds that will be used to cover future plan liabilities are credited. Subpart C uses the term "contract assets" to describe the funds credited to the plan's account that are available to meet outstanding plan benefit obligations.

Under Subpart C, funds are not treated as contract assets if they have been used to purchase an irrevocable commitment from the insurer prior to the date of plan termination, or if the

insurer has a contractual right to use those funds to pay for previously-issued irrevocable commitments. Money credited to the plan that must be used to pay pretermination plan debts (such as accrued but unpaid benefits to retirees who do not have an irrevocable commitment from the insurer) is also excluded from the contract assets, as are funds to which the insurer is contractually entitled in payment for administrative or other services performed on behalf of the plan. Subpart C makes clear that funds credited to the special accounts kept under some types of group contracts solely for determining the credits due under a plan's participation rights are not contract assets.

The proposed amendment includes as contract assets the additional funds that will be credited to the plan upon cancellation, as provided in the contract, of any outstanding participation rights owned by the plan under the contract. Subpart C values a plan's participation rights, to the extent they are not included in an insurance contract's asset value, at the amount realizable by the plan upon cancellation of those participation rights. An insurance contract might indicate the cancellation value of participation rights, or an insurer might be able to determine their value by comparing the cost of similar contracts issued on a non-participating basis. Nevertheless, the PBGC recognizes that in many cases it might be difficult for the contract-holder to assess the reasonableness of the insurer's determination of the cancellation value of participation rights. The PBGC therefore invites public suggestions on appropriate measures that the PBGC might take to assure that a reasonable value is attributed to a plan's participation rights when those rights must be cancelled at plan termination.

4. *Present Value of Benefits.* Under Subpart C, the value of the irrevocable benefit commitments that can be bought under a contract is to be determined in accordance with Part 2610 of this chapter, "Valuation of Plan Benefits" (at present, proposed Part 2610, 41 FR 48499, November 3, 1976). That part sets forth actuarial factors and assumptions, which are periodically revised, to be used to determine the present value of plan benefits. Proposed § 2610.3(c) contains a special valuation rule for determining plan sufficiency and allocating plan assets under proposed Part 2615 of this chapter, "Determination of Sufficiency" (41 FR 48504, November 3, 1976). Under proposed § 2611.8, propored § 2610.3(c) would apply to determine the asset value of an insurance contract for purposes of proposed Part 2615 as well.

This means that, for a plan that does not receive a Notice of Inability to Determine Sufficiency under proposed Part 2615, an insurance contract's value will be measured in part by the actual cost to the plan of purchasing in the private sector the benefits that the contract could provide. As that cost may have changed by the date that assets must be distributed under proposed § 2615.6(d), a revaluation for allocation purposes may be necessary. For all other plans, the value of the benefits that can be provided by an insurance contract will be determined at PBGC rates applicable for the valuation date, and the contract's value as of the plan termination date will be used for all purposes under Title IV of the Act.

Under customary contract terms, an individual insurance contract cannot be converted into an irrevocable commitment for the benefit of anyone other than the participant covered under the contract. Since each contract held by a plan is valued as if it were the plan's only asset, benefits under most individual contracts cannot be allocated in accordance with § 4044 of the Act. Contract liquidation would therefore be the only acceptable valuation alternative available, unless the plan administrator elects the optional valuation procedure.

5. *Cash Settlement Value.* The contractholder's choices with respect to disposition of contract assets upon discontinuance of an insurance contract are labelled "settlement options" in Subpart C. The value of an option that requires a cash payment by the insurer is its "cash settlement value." Under Subpart C, the greatest cash settlement value (expressly available under the contract as of the valuation date) is compared to the present value of benefits that can be provided under a contract to determine the contract's value as a plan asset.

Individual insurance contracts usually offer one option that entails a cash payment: the cancellation of the contract in return for its cash surrender value, less any outstanding policy loans. A group contract might include several options, depending on whether the cash is withdrawn immediately or in installments. Under the Subpart C, the value of a cash installment option is its fair market value, that is, the amount a willing buyer would pay a willing seller for the right to receive those future payments from the insurance company.

Insurance contracts frequently authorize the transfer of funds to an alternative funding agent, usually upon certification that the transfer will not impair the plan's tax qualification. A terminating plan might wish to exercise that right in order to purchase annuities from another insurer. If the PBGC has become trustee of a terminating plan, it might choose to have the funds transferred to a custodian bank. The cash settlement options to be considered in determining a contract's asset value under Subpart C include the option to have funds transferred to such alternative funding agents, as well as provisions for other types of cash payments.

Many insurance contracts give the insurer some discretion in calculating the cash amount available under settlement options. The PBGC anticipates that most insurers will be fair and reasonable in interpreting and implementing their contracts, and will not discriminate against small employers in discharging their contractual obligations. The PBGC invites suggestions from the public on the need for special safeguards, and the type of safeguards that PBGC might adopt, in this context.

In consideration of the foregoing, it is proposed to amend Part 2611 of Chapter XXVI of Title 29, Code of Federal Regulations by:

§ 2611.2–2611.5 [Redesignated]

1. Redesignating §§ 2611.2–2611.5 as follows:

Old § 2611.2—§ 2611.5.
Old § 2611.3—§ 2611.6.
Old § 2611.4—§ 2611.2.
Old § 2611.5—§ 2611.7.

2. Revising paragraph (a) of § 2611.1 as follows:

§ 2611.1 Purpose and scope.

(a) This part sets forth standards for valuing plan assets in connection with the determination of plan asset sufficiency under section 4041(b) of the Act, the allocation of plan assets under section 4044 of the Act and the determination of employer liability under § 4062 of the Act.

* * * * *

3. Revising § 2611.6 as follows:

§ 2611.6 Valuation of plan assets.

Except as provided in Subpart C of this part, plan assets shall be valued at their fair market value on the valuation date, based on the method of valuation that most accurately reflects such fair market value.

4. Designating §§ 2611.1 and 2611.2 as "Subpart A General;" designating §§ 2611.5–2611.7 as "Subpart B—Assets Other Than Insurance Contracts;" and adding a new Subpart C as follows:

Subpart C—Insurance Contracts

Sec.
2611.10 Definitions.
2611.11 Plan assets.
2611.12 Value of insurance contracts.
2611.13 Contract assets.
2611.14 Value of participation rights.

Appendix A—Examples: Valuation of insurance contracts.

AUTHORITY: Secs. 4002(b)(3), 4041, 4044, 4062(b)(1)(B), Pub. L. 93–406; 88 Stat. 1004, 1020–21, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(B)).

§ 2611.10 Definitions.

For purposes of this subpart, "Act" means the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 et seq.

"Cash settlement value" means the value of any settlement option that requires a cash payment by the insurer.

"Contractholder" means the owner of an insurance contract purchased with funds contributed to or under a plan. References in this subpart to a plan's interests, obligations or rights under an insurance contract include the interests, obligations or rights of the contractholder. A participant who has received an insurance contract from or under a plan is not a "contractholder" for purposes of this subpart.

"Insurance contract" or "contract" means a valid written agreement between an insurer and a contractholder pursuant to which the insurer agrees to perform services including the payment of specified benefits or their equivalent in return for the payment of premiums or similar consideration. References in this subpart to "an insurance contract" include more than one contract, unless the plural is clearly inappropriate in this context.

"Insurer" means a company authorized to do business as an insurance carrier under the laws of a State or the District of Columbia.

"Irrevocable commitment" means an insurer's obligation to pay benefits or their equivalent to a named plan participant, which cannot be cancelled under the terms of the insurance contract without the consent of the participant (except for fraud or mistake) and which is legally enforceable by the participant. An otherwise irrevocable commitment that authorizes the assignment of benefit payments as permitted or required by law is an irrevocable commitment.

"Participation right" means a plan's right under an insurance contract to receive future dividends, rate credits, interest, experience credits or other earnings from the insurer.

"Participant" means a person who is or has been a participant as defined under the terms of a plan, and includes the beneficiary of a plan participant.

"PBGC" means Pension Benefit Guaranty Corporation.

"Plan" means a pension plan to which section 4021 of the Act applies.

"Plan termination date" means the termination date established under section 4048 of the Act.

"Present value of benefits" means the present value determined in accordance with Part 2610 of this chapter, as applicable for the valuation date.

"Settlement options" means the alternatives available to the contractholder under the express terms of an insurance contract, as of the valuation date, with respect to disposition of contract assets upon discontinuance of the insurance contract.

§ 2611.11 Plan Assets.

For purposes of this subpart, the following are plan assets on the date of plan termination:

(a) An insurance contract purchased with funds contributed to or under the plan, if on the date of plan termination the contract has not been distributed to a participant and the insurer's obligations under the contract have not been cancelled.

(b) Participation rights under any insurance contract purchased with funds contributed to or under the plan, to the extent the value of those participation rights is not included in the value of an insurance contract that is a plan asset.

§ 2611.12 Value of Insurance Contracts.

(a) *General.* The value of an insurance contract is the greater of:

(1) The contract's greatest cash settlement value, or

(2) The present value of the benefits that can be provided under the contract by application of the contract assets to the purchase of benefits in accordance with the order of priorities prescribed by section 4044 of the Act.

(b) *Exclusive plan asset test.* Except as provided in paragraph (d) of this section, the benefits that can be provided under the contract shall be determined as if each insurance contract that is a plan asset were the plan's only asset on the date of plan termination. If two or more insurance contracts owned by a plan expressly provide a basis for coordinated allocation of contract assets in conformance with § 4044 of the Act, the benefits that can be provided under the contracts shall be determined as prescribed by the contracts.

(c) *Cash settlement value.* (1) The value of a settlement option requiring an immediate, lump sum cash payment by the insurer is the dollar amount of the cash payment.

(2) The value of a settlement option requiring cash payments by the insurer in installments is the fair market value, determined in accordance with Subpart B of this part, of the right to receive that stream of future payments.

(d) *Optional valuation procedure.* (1) When an insurance contract is not a plan's only asset on the plan termination date, the plan administrator may value the contract by applying the contract assets to purchase benefits under the insurance contract without regard to the order of priorities prescribed by section 4044 of the Act, if the plan administrator demonstrates to the PBGC that:

(i) All of the plan's assets on the date of plan termination, taken together, can be allocated in a manner that complies with section 4044 of the Act;

(ii) Under the combined allocation, the plan's assets will provide benefits with a total present value that equals or exceeds the total present value of the benefits that could otherwise be provided by the plan's assets, and

(iii) In the case of a plan that receives a Notice of Inability to Determine Sufficiency under Part 2615 of this chapter, arrangements for a specific combined allocation that satisfies section 4044 of the Act were made prior to the plan termination date.

(2) A plan administrator who elects the valuation procedure described in paragraph (c)(1) of this section must furnish the PBGC with evidence, including supporting computations, that the optional valuation meets all of the requirements of that paragraph.

(3) When a plan administrator elects the valuation procedure described in paragraph (c)(1) of this section, the total value of the plan's assets is the total present value of the benefits that can be provided through the combined allocation of the plan's assets pursuant to that paragraph.

§ 2611.13 Contract assets.

(a) Contract assets are the funds credited to an insurance contract as of the plan termination date that are available to provide benefits, including funds that will become available to provide benefits upon the exercise of the contractholder's rights under the insurance contract to cancel any participation rights held by the plan under the insurance contract.

(b) Contract assets do not include:

(1) Funds that the insurer is entitled, under the insurance contract, to withdraw in payment for an irrevocable commitment made by the insurer prior to the date of plan termination;

(2) Funds that the insurer is entitled, under the insurance contract, to withdraw to satisfy liabilities of the plan that became due and owing prior to the date of plan termination;

(3) Funds that the insurer is entitled, under the insurance contract, to withdraw to pay for administrative or other services performed by the insurer; and

(4) Funds that have been paid to the insurer prior to the date of plan termination in return for benefits or services, which are credited to an account under the contract solely for the purpose of computing amounts payable pursuant to the plan's participation rights.

§ 2611.14 Value of participation rights.

The value of a participation right is the greater of:

(a) The dollar amount payable by the insurer upon cancellation of the participation right as of the plan termination date, or

(b) The present value of the additional benefits that the insurer offers to provide, pursuant to irrevocable commitments, upon cancellation of the participation right as of the plan termination date.

APPENDIX A—EXAMPLES: VALUATION OF INSURANCE CONTRACTS

The following examples assume that no amounts are recapturable on behalf of the plan under 4045 of the Act.

(a) *Trusteed plan.* Contributions to the ABC plan are deposited in a trust fund, through which the plan's assets are invested in bonds and common stocks. From time to time the trustee uses plan funds to purchase an irrevocable commitment from an insurer for a participant who retires or leaves employment with vested rights under the plan. For purposes of this part, that irrevocable commitment is the property of the participant and is not a plan asset. If the plan has participation rights based on the purchase of that irrevocable commitment, they are plan assets to be valued under § 2611.14 of this part. The plan's other assets will be valued in accordance with Subpart B of this part.

(b) *Fully insured plan.* The trustees of the DEF Plan invest the plan's assets exclusively in individual insurance contracts, each covering a named participant. A portion of the annual premium paid to the insurer is credited to the cash surrender value of the contract, which accumulates cash value at a rate designed to amortize the cost of an annuity for the covered participant at retirement. The insurer makes no irrevocable commitment until an insurance contract is distributed to a participant, either directly or after conversion to an annuity. For purposes of this part, once an insurance contract is distributed to a participant it is no longer a plan asset, although any participation rights the plan may have in distributed contracts are plan assets.

The cash surrender values of the individual contracts held by the plan on its ter-

mination date are the contract assets. Although an individual contract may provide for conversion to an annuity at contractually-specified rates, each contract may only be used to purchase benefits for the participant named in the contract. As the application of the contract assets to purchase benefits through this contractual mechanism would not comply with § 4044 of the Act, under § 2611.12(a) the value of the contracts as plan assets is the sum of their individual cash surrender values on the date of plan termination. The plan administrator could elect the optional valuation procedure described in § 2611.12(d) if that would yield an equal or higher total value for the plan assets.

(c) *Split-funded plan.* (1) The trustee of the GHI Plan uses part of the plan's assets to purchase individual life insurance contracts covering each participant, and holds the remaining plan assets in a "side fund," which it invests in equity and fixed-income securities. When a participant with vested rights leaves employment before retirement age, the trustee gives the participant the insurance contract on his or her life plus a share of the side fund. For participants who retire, the trustee purchases irrevocable commitments from the insurer, using the cash value of the insurance contracts on their lives supplemented as needed by withdrawals from the side fund. The trustee is the contractholder, who owns the individual contracts of insurance on active participants. Those contracts may be cancelled at the contractholder's option even though a covered participant has vested rights under the plan.

For purposes of this part, the assets of the GHI Plan consist of the side fund, the individual insurance contracts held by the trustee, and any participation rights held by the plan. As in paragraph (b) of this Appendix, the value of the individual life insurance contracts is the sum of their cash surrender values on the plan termination date. The assets in the side fund are valued in accordance with Subpart B of this part.

(2) The trustees of the JKL Plan pay all contributions received under the plan to an insurer, which issues individual life insurance contracts to the trustees and credits the remainder of the money received from the plan to a side fund managed by the insurer. As liquidation of the side fund is subject to contractual restraints, the side fund must be valued in accordance with § 2611.8 (a) and (c), rather than Subpart B of this part.

(d) *Deposit administration contract.* The sole asset of the MNO Plan is a group insurance contract of the deposit administration ("DA") type, which the employer purchases directly from the insurer with funds contributed under the plan. The insurer credits premiums (contributions) to an account maintained under the contract (the "active life fund") in which funds for the benefits of active participants accumulate. The insurer makes an irrevocable commitment when a participant retires, withdrawing the amount needed to purchase the promised benefits from the active life fund, pursuant to the contract, at that time.

The active life fund contains the bulk of the contract assets. Because the plan has participation rights based on previously purchased benefits, the insurer maintains an experience account under the contract to compute the earnings due the plan. Under paragraph (b)(4) of § 2611.13, the experience account would not contain contract assets, except for amounts owed to the plan that had not yet been credited to the active life fund.

Under § 2611.13(b)(2), the balance in the active life fund must be reduced to reflect outstanding claims against the fund (e.g., accrued benefits payable to retirees that are chargeable to the fund under the contract). The fund balance may also be increased, pursuant to § 2611.13(a), as the result of liquidation of any separate investment accounts maintained for the plan under the contract or cancellation of the plan's participation rights. The value of the participation rights is included in the contract assets even though the contract states that the earnings may be paid to the employer, because the employer is the contractholder.

Under § 2611.12, the contract is valued by:

(1) Determining the benefits that can be provided by applying the assets in the active life fund (adjusted as described above) to the purchase of irrevocable commitments from the insurer at rates specified in the contract, in accordance with the benefit priority categories established by § 4044 of the Act, and

(2) Comparing the present value of the benefits so purchased with the most valuable cash settlement option available on the date of plan termination.

(e) *Immediate participation guarantee ("IPG") contract.* The Board of Trustees of the PQR Plan has invested all contributions made to the plan in an IPG contract, which is a specialized form of DA contract that enables the contractholder (the Board of Trustees) to share directly in the insurer's experience gains and losses on the plan's retired and terminated-vested participants. Under the plan's IPG contract the insurer issues irrevocable commitments to participants as they retire or leave employment with vested rights under the plan. However, the insurer does not withdraw the cost of the benefits covered by the irrevocable commitments until the contract is discontinued. The insurer maintains an IPG account under the contract, which contains funds to support benefits currently payable to retired participants as well as active participants' future benefits.

Because the PQR Plan's insurance contract entitles the insurer to withdraw from the IPG account the amount necessary to pay for previously issued irrevocable commitments at the date of contract discontinuance, under paragraph (b)(2) of § 2611.13 those amounts are not included in the contract assets. Once the withdrawals are made the discontinued IPG contract operates like a conventional DA contract, and would be valued in the manner described in paragraph (d) of this Appendix.

(f) *Group deferred annuity contract.* The trustees of the RST Plan own a group deferred annuity contract, under which the premiums paid by the plan are used to purchase deferred annuities for active participants in increments as benefits accrue. Before the participants' rights to benefits become vested under the plan, the insurer's commitment to pay the annuities can be revoked. For purposes of this part, the contract assets under the RST Plan's group deferred annuity contract consist of: (1) the cash surrender values of the deferred annuity units purchased to cover benefits that are not vested on the earlier of the date of discontinuance of the contract or the plan termination date, and (2) any participation rights held by the plan.

(g) *Optional valuation procedure.* The XYZ Plan owns two DA contracts, No. 111 and No. 222, each issued by the same insurer and held by the employer as contractholder. In addition, a corporate trustee holds $100,000 worth of plan assets, invested in corporate bonds. Under § 2611.12 (a), (b) and (c), the value of Contract No. 111 is determined by computing the present value of the benefits that could be provided by applying the contract assets to the purchase of benefits in the priority sequence prescribed by § 4044 of the Act, beginning with the first priority category, and comparing that figure with the greatest amount realizable under a settlement option. The value of Contract No. 222 is determined in the same manner. So valued, each contract is worth $100,000.

However, because the rates for deferred annuities are different under the two contracts, benefits in the statutory fourth priority category may be purchased more cheaply from the insurer under Contract No. 222 than under Contract No. 111. If the plan administrator agrees to purchase additional benefits from the insurer with the funds held by the corporate trustee, the insurer is willing to allow the plan to use all of the contract assets under Contract No. 222 to purchase category four benefits, applying the Contract No. 111 contract assets plus the trust fund money to higher priority benefits. This arrangement will enable the plan assets to provide $400,000 worth of benefits.

The plan administrator may elect the optional valuation procedure described in § 2611.12(d), by demonstrating to the PBGC that the result would comply with 4044 of the Act and would equal or increase the total amount of benefits that the plan's assets can provide. If the plan's assets would still not be sufficient to satisfy all guaranteed benefits, in order to qualify for the optional valuation procedure the plan administrator must demonstrate to the PBGC that the arrangement with the insurer had been worked out prior to the date of plan termination.

Issued in Washington, D.C. this 8th day of April 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.77-11226 Filed 4-15-77;8:45 am]

Coast Guard

[46 CFR Part 401]

[CGD 77-045]

GREAT LAKES PILOTAGE RATES

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: The Coast Guard is proposing to increase the basic rates for Great Lakes Pilotage by 15 percent in Districts 1 and 3, by 19 percent in the Welland Canal, and by adding a dock/undock charge of $115 in the Welland Canal. This change in pilotage rates is proposed in order to increase U.S. pilot compensation which presently does not meet U.S. target pilot compensation levels.

DATES: Comments must be received on or before May 18, 1977.

ADDRESSES: Comments should be submitted to and are available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Copies of data referenced in this document are available for examination at the above address. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 77-045), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. The proposal may be changed in light of comments received before final action is taken on this proposal. No public hearing is contemplated at this time. A public hearing may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person raising a genuine issue and desiring an opportunity to comment orally at a public hearing.

DISCUSSION OF THE PROPOSED RATE INCREASE

U.S. pilotage revenues for 1976 have been reviewed, pilotage revenue requirements for 1977 have been developed, and the number of vessels, their size, and route patterns have been analyzed and projected for 1977.

The amount of revenue available for distribution to U.S. pilots as pilot compensation is that amount of revenues remaining after all other costs of providing pilotage services have been paid. The guideline followed in the development of a pilot compensation figure is that the target compensation for U.S. pilots is to be comparable to the earnings of their licensed counterparts on U.S. Great Lakes vessels. With the exception of the U.S. pilots in District 2, U.S. pilots have not attained comparability with their licensed counterparts on U.S. Great Lakes vessels, necessitating this rate increase.

In District 2, the description of the points of origin and destination for which pilotage fees are charged in the designated waters is not easily understood. It is confusing and difficult to determine the appropriate basic rate that applies to a particular transit. For this reason, it is proposed to change the descriptions in the designated waters in District 2 to spell out clearly each specific trip with the corresponding basic rate associated with that trip.

The existing basic rates are in dollars and cents. For ease in computation of the appropriate total charge for any transit the basic rates are rounded off to the nearest whole dollar.

The basic rate for a 6-hour period in Lake Superior is currently $6.25 less than the basic rate for a 6-hour period in Lakes Huron and Michigan. All three age district (District 3) and the pilotage service provided in Lake Superior is comparable to the pilotage services provided in the other two Lakes. Therefore, it is proposed to make the basic rates the same for all three Lakes.

The proposed 15 percent rate increase is not applicable to District 2 for services described in § 401.405(b) (2) through (15). The proposed increase of basic rates of 15 percent for docking and undocking under § 401.410(a), cancellation, delay, and detention under § 401.420, and carrying beyond the normal change point under § 401.428 are applicable throughout the entire pilotage system. The 15 percent rate increase for these pilotage services includes District 2 because it is easier to administer these services when the rates are consistent for all three pilotage districts.

This rule has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200). The estimated cost of this U.S. regulatory proposal (as distinguished from a similar Canadian regulatory proposal) is $426,781. This cost figure is the amount of additional revenue the U.S. pilots should receive under this proposal. The benefit of this rule is the value of avoiding of minimizing costly delays and disruptions in shipping attributable to the failure to be able to retain qualified pilots and to attract new qualified pilots. The overall efficiency of the pilotage system is enhanced by having an appropriate number of pilots available to provide the required services. This estimated cost figure may be overstated because it is unlikely that this rule can be finalized until after the beginning of the 1977 shipping season.

DRAFTING INFORMATION

The principal project manager and lawyer involved in the drafting of this rulemaking are: John J. Hartke, III, Project Manager, and Stephen D. Jackson, Project Attorney.

In consideration of the foregoing, it is proposed to amend Part 401 of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under §401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300:

(a) District 1:

(1) For passage through the District or any part thereof, $5 for each statute mile, plus $68 for each lock transited, but with a minimum basic rate of $151 and a maximum basic rate for a through trip of $664.

(2) For a movage in any harbor, $227.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $19 for each statute mile, plus $70 for each lock transited but with a minimum basic rate of $235 and a maximum basic rate for a through trip of $866. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7, $433.

(ii) Between Lock 7 and southerly limits, $433.

(iii) For each time the pilot docks or undocks a ship for the purpose of loading or unloading cargo, stores, or bunker, effecting repairs, correcting overdraft, or for inspection, $115.

(2) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, $335.

(3) Between points on Lake Erie west of Southeast Shoal, $198.

(4) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $584.

(5) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $335.

(6) Southeast Shoal to Detroit Pilot Boat, $243.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $676.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, $435.

(9) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $335.

(10) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $198.

(11) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $440.

(12) Detroit Pilot Boat to any point on the St. Clair River, $440.

(13) Detroit Pilot Boat to Port Huron Change Point, $341.

(14) Between points on the St. Clair River, $198.

(15) Port Huron Change Point to any point on the St. Clair River, $243.

(c) District 3:

(1) Between the southernly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario, $604.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, $506.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $227.

(4) For a movage in any harbor, $227.

2. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be:

In Lake Ontario, $121.
In Lake Erie, $158.
In Lakes Huron, Michigan and Superior, $121.

for each 6 hour period or part thereof that the U.S. pilot is on board, plus $115 for each time the U.S. pilot performs the docking or undocking of the ship.

* * * * *

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour during which each interruption lasts with a mixmum basic rate of $302.00 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of $302 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $114.

(2) If the cancellation is more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour, with a maximum basic rate of $302 for each 24 hour period.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place, the U.S. pilot shall be paid at the rate of $115 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a)).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended; and OMB Circular A-107.

Dated: April 14, 1977.

O. W. SILVER,
Admiral U.S. Coast Guard,
Commandant.

[FR Doc.77-11358 Filed 4-15-77;10:04 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Texas Grain Inspection Point

Statement of considerations. Pursuant to sections 7(e)(1) and 7A(c)(1) of the U.S. Grain Standards Act of 1976 (7 U.S.C. 71 et seq.), hereinafter the "Act," the Federal Grain Inspection Service is required to provide official inspection and weighing services for all grains required or authorized to be inspected and weighed by the Act, at those export port locations where a state is not delegated to perform these official services (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

The Federal Grain Inspection Service will assume performance of official inspection and weighing services at such export port locations within 18 months of the November 20, 1976, effective date of the amended Act. Provided that, subject to meeting certain requirements of the Act, existing official agencies may continue to function during such transition period.

Houston Merchants Exchange, Houston, Texas, a designated official agency at Harris County, Texas, and Alvin, Texas, ceased providing official inspection services effective midnight, March 12, 1977, in accordance with prior notice to the Federal Grain Inspection Service.

Notice is hereby given that, effective March 13, 1977, the designation of Houston Merchants Exchange, Houston, Texas, as an official agency, has been canceled pursuant to the provisions of section 7(g)(2) of the Act (7 U.S.C. 79(g)(2)).

The Federal Grain Inspection Service, effective March 13, 1977, commenced providing official grain inspection and weighing at that portion of Harris County within the switching limits of Houston, and Alvin, Texas, at those locations where Houston Merchants Exchange previously performed inspection services, in accordance with sections 7(e)(1) and 7A(c)(1) of the Act (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

(Sec. 7, (Pub. L. 94-582), 90 Stat. 2870 (7 U.S.C. 79); Sec. 7A (Pub. L. 94-582), 90 Stat. 2875 (7 U.S.C. 79A).)

Effective date: This notice shall become effective April 18, 1977.

Done in Washington, D.C. on April 12, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-11166 Filed 4-15-77;8:45 am]

Forest Service

SOUTHEAST ALASKA AREA GUIDE

Availability of Draft Area Guide and Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service has prepared a draft area guide and environmental statement for Southeast Alaska, Tongass National Forest, USDA-FS-RIO-DES (Adm)-77-05.

The Guide and Statement proposes a natural resource allocation alternative for the Tongass National Forest through land use designations, describing the forest practice or coordination policies that need to be implemented, and concerns such areas as timber volume outputs, fish and wildlife habitat protection and improvement, wilderness areas, recreation areas.

This draft guide and statement was transmitted to CEQ on April 5, 1977.

Copies are available for inspection during regular working hours at the following locations:

U.S. Forest Service, South Agriculture Building, 12th St. and Independence Avenue SW., Washington, D.C. 20250.
U.S. Forest Service, Alaska Regional Office, Federal Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

A limited number of single copies are available upon request to the Regional Forester, U.S. Forest Service, Federal Building, Post Office Box 1628, Juneau, Alaska 99802.

Copies of this draft guide and statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been specifically requested.

Comments concerning the proposed action and requests for additional information should be addressed to John A. Sandor, Regional Forester, Alaska Region, Post Office Box 1628, Juneau, Alaska 99802. Comments must be received by June 10, 1977, in order to be considered in the preparation of the final area guide and environmental statement.

CARL W. SWANSON,
Environmental Coordinator,
Alaska Region.

APRIL 5, 1977.

[FR Doc.77-11157 Filed 4-15-77;8:45 am]

Office of the Secretary

FOOD SAFETY AND QUALITY SERVICE

Establishment of New Agency

Notice is hereby given that effective March 14, 1977, the Food Safety and Quality Service was established in the Department of Agriculture.

The new agency reporting to the Secretary through the Assistant Secretary for Food and Consumer Services is assigned:

(1) The functions formerly assigned to the Animal and Plant Health Inspection Service relating to meat and poultry inspection, including voluntary inspection programs under the Agricultural Marketing Act of 1946, as amended (except with respect to animal byproducts), and functions under the Humane Slaughter Act, and the present functions of the Agricultural Marketing Service relating to meat and poultry grading and standardization; and

(2) The functions formerly assigned to the Agricultural Marketing Service relating to inspection and grading of dairy products, standardization and inspection for fresh and processed fruit and vegetable products, and those functions authorized by the Egg Products Inspection Act and by Section 32 of the Act of August 24, 1935, as supplemented by the Act of June 28, 1937, and related legislation.

The delegations of authority appearing in 7 CFR Part 2 will be amended to reflect the above assignment.

Done at Washington, D.C., this 12th day of April, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-11165 Filed 4-15-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573, Agreement C.A.B. 26544, R-1 through R-8; Order 77-4-52]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Commodity Rates

Issued under delegated authority April 11, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the

Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

As set forth in the attachment, the agreement names eight additional specific commodity rates under existing specific commodity rate descriptions, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated March 30, 1977.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement C.A.B. 26544, R–1 through R–8, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

Attachment

Agreement	Specific commodity item No.	Description and rate [1]
CAB 26544		
R–1	1951	Ostrich feathers, 350 c/kg,[2] minimum weight 100 kg. From Johannesburg to Miami/New York.
R–2	2102	Cloth, exclusively in bales, bolts, or pieces; not further processed or manufactured, 234 c/kg, minimum weight 100 kg. From Libreville to New York.
R–3	6109	Human blood, 153 c/kg minimum weight 100 kg. From Zurich to New York.
R–1	0003	Foodstuffs, spices, and beverages, 141 c/kg, minimum weight 1,000 kg. From Los Angeles to Noumea.
R–5	9202	Toys, games, athletic, and sporting goods, 205 c/kg,[3] minimum weight 500 kg. From Bombay/Delhi to New York.
R–6	9518	Handicrafts, 276 c/kg, minimum weight 100 kg; 226 c/kg, minimum weight 500 kg. From Dacca to New York.
R–7	2199	Yarn, thread, fibers, textiles, textile manufactures, and wearing apparel, 186 c/kg, minimum weight 100 kg; 157 c/kg, minimum weight 200 kg; 132 c/kg, minimum weight 500 kg. From Sydney to Honolulu.
R–8	9906	Picture hanging kits and/or picture hooks, 189 c/kg, minimum weight 500 kg; 181 c/kg, minimum weight 1,000 kg. From Melbourne to Los Angeles.

See footnotes at end of table.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires June 30, 1978.
[3] Expires Mar. 31, 1978.

[FR Doc.77-11146 Filed 4-15-77;8:45 am]

[Docket 27573, Docket 29123, Agreement C.A.B. 26536, R–1 and R–2, Order 77–4–53]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

South Pacific Passenger Fares and Cargo Rates

Issued under delegated authority April 11, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would increase South Pacific passenger fares and cargo rates by various amounts to compensate for rising fuel prices. In general, all passenger fares would be increased by 1.5 percent of the currently applicable normal economy-class fare. With respect to Hawaii, the amount of increase for Honolulu would apply to all other Hawaiian points. With respect to all other points within TC1 (North and South America, Greenland, Bermuda, and the Caribbean), the amount of increase for Los Angeles would apply. In addition, South Pacific cargo rates would generally be increased by 1.5 percent of the 45-kilogram-and-over general cargo rate for Los Angeles and common-rated points to/from the point concerned within TC3 (Asia and the Pacific).

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and of comments from interested persons. In view of the fact that the Board recently acted on a new South Pacific passenger fare agreement, presently subject to petition for reconsideration, new information pertaining to the instant agreement is required. Furthermore, although the Board has not acted on any South Pacific cargo-rate agreement in the immediate past, we are concerned over the excess-earnings position of these operations reflected in past carrier justifications.

In its justification of the South Pacific fare agreement (Order 77–2–32), Pan American provided forecast data, under present fares, for the year ended March 31, 1978, which reflected fuel expenses of $16,233,000. In order to expeditiously evaluate and process the instant agreement, we would expect Pan American to submit revised data, annualizing the proposed cost and revenue increases, adequately documented to reflect changes in fuel costs and revenue impact, both with and without the proposed increases. These data should be based on the level of traffic stipulated to in Pan American's justification under present fares.

Similar data concerning the proposed increases in cargo rates should also be submitted, using the "space method" in assigning costs.

Accordingly, *It is ordered*, That: 1. Pan American World Airlines, Inc., the only United States air carrier member of the International Air Transport Association providing service within the area concerned by the agreement, shall file prior to April 25, 1977 full documentation and economic justification for the fares and rates embodied in the subject agreement;

2. Comments and objections from interested persons and parties shall be submitted prior to April 25, 1977;

3. Replies to submissions received in response to ordering paragraphs 1 and 2 above shall be submitted no later than May 5, 1977; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement should not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11147 Filed 4-15-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER Thursday, March 17, 1977 (FR Doc. 77-7878) on page 14897 has been cancelled.

Dated at Washington, D.C., April 12, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11145 Filed 4-15-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BROOKHAVEN NATIONAL LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00517. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, New York 11973. Article: Electron Gun, Model 60 KW and accessories. Manufacturer: Kombinat VEG Kokomotivbau-Elektratechnische Werke, East Germany. Intended use of article: The article is intended to be used in research programs to investigate the properties of atom nuclei. In particular, a Tandem Van de Graaf accelerator will be used to produce swift beams of highly ionized atoms over the entire range of the periodic table. A set of experiments will be conducted to measure what happens when these beams collide with energetic beams of electrons. The data obtained will be of interest in the fields of basic atomic physics and the related areas of astrophysics and the magnetic fusion energy program of ERDA.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the Uinted States.

Reasons: The foreign article provides high current output of the gun (60 kilovolts), capability of operation without serious loss of power in a poor vacuum environment (10^{-5} torr), and the ability to focus as well as direct the electron beam. The National Bureau of Standards advises in its memorandum dated March 2, 1977 that (1) features described above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11179 Filed 4-15-77;8:45 am]

HARVARD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00064. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Massachusetts 02138. Article: Electron Microscope, Model EM–400 with High Tilt Goniometer and accessories. Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of microscopic samples of nervous tissue from experimental animals, including brain, spinal cord and peripheral nervous system; in particular the synapses, the sites of transmission of information between nerve cells. Experiments will be conducted with the objective of understanding the structural basis of nervous function in a sensory system, and the mechanisms of development.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 15, 1976).

Reasons: The foreign article is equipped with a high tilt eucentric goniometer stage (±60° tilt) and has a specified resolving power of Å. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 22, 1977 that the high tilt eucentric goniometer stage of the article is pertinent to the applicant's studies. HEW further advises that it knows of no domestic instrument which had scientifically equivalent eucentric goniometer stage at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11180 Filed 4-15-77;8:45 am]

NATIONAL BUREAU OF STANDARDS—D.C.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00077. Applicant: National Bureau of Standards, Bldg. 224, Rm. A365, Washington, D.C. 20234. Article: Zero-Span Short-Span Tensile Tester. Manufacturer: Pulmac Instruments Ltd., Canada. Intended use of article: The article is intended to be used to characterize pulps made from an unknown mixture of paper grades such as found in waste so that higher quality recycled paper can be manufactured from this grade of waste paper. The properties to be determined will be interfiber bond strength, fiber length distribution, the extensibility of the fibers and a measure of the average fiber strength.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to adjust the distance between the jaws of the tester precisely at very small distances (0.05 to 1.0 millimeters). The National Bureau of Standards (NBS) advises in its memorandum dated March 17, 1977 that the capability of the article described above is pertinent to the applicant's intended purpose. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11181 Filed 4-15-77;8:45 am]

PEORIA SCHOOL OF MEDICINE (UNIVERSITY OF ILLINOIS)

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230. Docket Number: 77-00050. Applicant: Peoria School of Medicine (University of Illinois), 123 S.W. Glendale Ave., Peoria, Ill. 61605. Article: Electron Microscope, Model JEM 100C (with associated power supply, pump, box, and compressor). Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of biological, both pathogenic and nonpathogenic, microorganisms (e.g., bacteria, fungus and animal viruses), mammalian tissues derived from experimental animals and of human origin to exhibit normal and pathologic structure. The experiments to be conducted include, (1) experiments to study localization and distribution of enzymes in both microbial and mammalian cell membrane; (2) experiments to elucidate the supramolecular architecture of biological membrane system; (3) experiments to study the physiologic and pathologic changes in cell ultrastructure; and (4) the study of molecular organization of cells and their changes in malignancy and other disease states for diagnosis. In addition, the article will be used in teaching undergraduate and graduate level courses with the objective of training both medical and graduate students to study cell ultrastructure and the application of the knowledge of cell fine structure and function in medical and nonmedical problems.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 23, 1976). Reasons: The foreign article provides a resolution of 3 Angstroms point to point and a magnification range of 90 to 800,000X without a pole piece change. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 21, 1977 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purposes and (2) that it knows of no domestic instrument or apparatus which provided the pertinent features at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11182 Filed 4-15-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Scientific and Statistical Committee of the Gulf of Mexico Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the west coast of Florida, Alabama, Louisiana, Mississippi and Texas. The Council's functions are, among other things, to prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meeting will be held Monday and Tuesday, May 9 and 10, 1977, in the Hilton Inn, Central Room, 901 Airline Highway, Kenner, Louisiana. The Committee meeting will convene at 9:00 a.m. on May 9, 1977, and adjourn at about 12:00 noon, May 10, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Briefing on Research Status.
2. Goals and Objectives of Management Plan.
3. Other Business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about May 1, 1977:

Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Committee meeting.

Dated: April 13, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-11214 Filed 4-15-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the states of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

This meeting of the Council will be held on May 11 and 12, 1977, from 9:00 a.m. to 5:00 p.m. and 8:30 a.m. to 4:00 p.m. respectively, at the Golden Eagle Inn, Beach and Philadelphia Avenues, Cape May, New Jersey.

PROPOSED AGENDA

1. Review of foreign fishing applications, if any.
2. Status of Surf Clam/Ocean Quahog draft management plan.
3. Status of Squid management plan.
4. Status of Mackerel management plan.
5. Other management business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about May 1, 1977:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Delaware 19901.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Bryson at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: April 13, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-11215 Filed 4-15-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Scientific and Statistical Committee on the Mid-Atlantic Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

This meeting of the Scientific and Statistical Committee will be held on May 9 and 10, 1977, from 9:30 a.m. to 4:00 p.m., and 9:00 a.m. to 3:00 p.m., respectively, at the Golden Eagle Inn, Beach and Philadelphia Avenues, Cape May, New Jersey.

PROPOSED AGENDA

1. Organization and Administration.
2. Mackerel Management Plan.
3. Other Business.

This meeting is open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact on or about 10 days before the meeting to receive information on changes in the agenda, if any:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Delaware 19901.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Bryson at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: April 13, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-11213 Filed 4-15-77;8:45 am]

THE COMMISSION OF FINE ARTS

FEDERAL ADVISORY COMMITTEES ACT

Request for Public Comment

Pursuant to Office of Management and Budget Circular A-63, Transmittal Memorandum No. 5, dated March 7, 1977, regarding review of Federal Advisory Committees, the Commission of Fine Arts is soliciting public comment on its continuation as a Federal Advisory Committee. Interested parties should address their views to Charles H. Atherton, Secretary, Commission of Fine Arts, 708 Jackson Place NW., Washington, D.C. 20006. The review period will be open until May 18, 1977.

Dated in Washington, D.C., April 13, 1977.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77-11155 Filed 4-15-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 18, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

This notice supersedes the notice of proposed addition of this service which was published in the FEDERAL REGISTER on December 27, 1976 (41 FR 56216).

It is proposed to add the following service to Procurement List 1977, November 18, 1976 (41 FR 50975):

SIC 7349

Janitorial/Elevator Operator Services, Federal Building, 201 Barick Street, New York, New York.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-11136 Filed 4-15-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 18, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severly Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

This notice supersedes the notice of proposed addition of the first six items listed which was published in the FEDERAL REGISTER on December 10, 1976 (41 FR 54021).

It is proposed to add the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7220

Mat. Floor: 7220-00-457-6046; 7220-00-457-6054; 7220-00-457-6057; 7220-00-457-6063; 7220-00-477-3063; 7220-00-194-1609; 7220-00-151-6517; 7220-00-151-6518; 7220-00-151-6519.

Class 7530

Tape, Paper (GSA Regions 1, 4 (Savannah, Georgia supply distribution facility), 7, 8, 9 and 10 only): 7530–00–286–9052; 7530–00–222–3455; 7530–00–286–9053; 7530–00–286–9054; 7530–00–238–8352; 7530–00–222–3456; 7530–00–286–9055.

C. W. FLETCHER,
Executive Director.

[FR Doc.77–11120 Filed 4–15–77;8:45 am]

PROCUREMENT LIST 1977

Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletion from Procurement List.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1977 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 18, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severly Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703–557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

It is proposed to delete the following commodity from Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7920

Brush, Cleaning, 7920–00–281–7009.

PROPOSED ADDITIONS—AMENDMENT

In FR Doc. 77–10639 appearing on page 18883 in the FEDERAL REGISTER of Monday, April 11, 1977, the title under Class 6230 should read Light, Desk vice Desk Lamps.

C. W. FLETCHER,
Executive Director.

[FR Doc.77–11137 Filed 4–15–77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. 77–1]

CENTRAL TEXTILES, INC.

Notice of Prehearing Conference

On March 8, 1977, the Secretary of the Commission issued a Notice of Enforcement against Central Textiles, Inc., a corporation, and Clinton Butcher and Donald Schneider individually and as officers of Central Textiles, Inc., P.O. Box 314, North Webster, Indiana, 46555, in which the Bureau of Compliance charged Respondents with unlawful acts under Section 3 of the Flammable Fabrics Act. Specifically it is alleged that Respondents produced children's sleepwear which fails to conform to the Standard for Flammability of Children's Sleepwear, size 0–6X, and its rules and regulations, 16 CFR 1615 in that Respondents failed to conduct prototype or production testing, failed to establish garment production units, failed to sample at random for testing, failed to affix appropriate labeling and failed to maintain test records required by the Standard. The Notice also charged Respondents with falsely guaranteeing that their products meet the Standard.

These acts of Respondents are alleged to be unlawful under the Flammable Fabrics Act and to constitute unfair methods of competition and unfair and deceptive acts or practices in commerce under the Federal Trade Commission Act. Attached to the Notice is evidence alleged to constitute a prima facie case and a proposed order to cease and desist from further violations and to recall all products manufactured and sold in violation of the Act from distributors, retailers, and consumers.

On the 30th of March, 1977, Respondents filed an answer denying that the individuals charged were engaged in manufacturing, offering for sale or selling garments in interstate commerce. The corporate Respondent denies that it was selling garments which failed to meet the Standard for Flammability of Children's Sleepwear, sizes 0–6X. The Respondents admit certain technical violations of the Standard, but allege that adequate tests were conducted and that all garments passed the Standard. Respondents also allege affirmatively that they did not falsely guarantee the product since they relied on a registered continuing guarantee from the supplier of the fabric used in the children's sleepwear. Respondents also more that certain of the exhibits attached to the Notice of Enforcement not be considered in evidence. Respondents further assert that they no longer sell, manufacture or distribute any item or products which come under the jurisdiction of the Flammable Fabrics Act nor do they intend to manufacture, sell or distribute any such items in the future. They further allege that the rules and regulations cited by the Commission in the Notice of Enforcement are arbitrary, capricious, invalid and unenforceable, since they are outside of the scope of, and unreasonable under, the legislation they were meant to enforce.

Issue having been joined, a prehearing conference by conference telephone will be held at 11 a.m., (e.s.t.), 10 a.m., (c.s.t.), on April 22, 1977, originating from the third floor of the Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207. The appropriate telephone numbers are: Paul N. Pfeiffer, Administrative Law Judge, 202–634–7171; Alice Wegman, Esquire, Enforcement Counsel, 301–492–6626; and Michael G. Brady, Esquire, Counsel for Respondents, Brady, Kasher and Pavel, P.C., 402–397–1140.

The conference will include a discussion of the following subjects:

(1) The scope of the issues to be heard and the positions of the parties thereon.

(2) Whether, and to what extent, the parties may enter into a stipulation of facts.

(3) The need for discovery, by interrogatories, depositions, requests for admissions of fact, if any.

(4) The possibility of entering into a consent agreement and order disposing of the issues in the proceeding without the necessity of a hearing.

(5) The scheduling of future procedural steps including the establishment of a date, time, and place for hearing.

Any person desiring to participate in the forthcoming hearing should file a petition for leave to intervene in accordance with Part 1025.33 of the Commission's Interim Rules of Practice for Adjudicative Proceedings. The Prehearing Conference is open to the public at the location noted above.

Dated: April 8, 1977.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.77–11360 Filed 4–15–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

Systems of Records Deletions

In Privacy Act Issuances, 1976 Comp., Vol I, pages 378 to 650, the Department of the Air Force set forth the systems of records within the agency prescribed by the Privacy Act of 1974. Notice is given that the following Department of the Air Force systems of records are deleted:

F01001 HC A

System name:

01001 HC A Chaplain Privileged Communication Files (p. 381).

Reason:

Records contained in this system have been determined not to be agency records subject to the provisions of the Privacy Act.

F01001 OJ DP A

System name:

Humanitarian/Permissive Reassignment Files (p. 383).

Reason:

This system has been eliminated.

F01001 OJ DP B

System name:

Special Interest Assignment Files (p. 383).

Reason:

This system is incorporated with F03504 DPMRO D.

System name:

Officer Utilization Records System (p. 483).

F01001 OJ DP G

System name:

Survival Training Elimination Messages (p. 384).

Reason:

This system of records has been eliminated.

F01001 OMLCMMA

System name:

Airman NCO Recognition Program (p. 386).

Reason:

This system no longer exists as a result of inactivation of 2578AFG, Ellington, AFB, TX.

F01101 OCGBUZA

System name:

Reports, Controlled and Uncontrolled (Bad Check Report) (p. 391).

Reason:

This system is incorporated with F17718 OEACYVA.

System name:

Account receivable records maintained by Accounting & Finance (p. 613).

F01101 OIACYVA

System name:

Daily Strength Report (p. 391).

Reason:

Not a system of records under the Privacy Act.

F01101 OJ DP B

System name:

Report of Processing Time for Administrative Discharge Actions (p. 392).

Reason:

This system has been discontinued.

F01101 OJMPLSB

System name:

Source Support and Control Data Special Training Records (p. 393).

Reason:

This system was discontinued when the unit maintaining it was deactivated.

F01101 BOSFXBMA

System name:

Source Support or Control Data (Disciplinary Overweight Chart) (p. 397).

Reason:

No longer in use.

F01101 OUJCGJB

System name:

Career Development Graduates Monthly Report (p. 396).

Reason:

This system is discontinued on the basis that it duplicates data contained in F01101 OUJCGJC. Monthly reports are no longer generated.

System name:

Career Development Course Enrollees (p. 396).

F01102 OKPNQSA

System name:

Air Force Junior ROTC (AFJROTC) Unit Files (p. 404).

Reason:

These files are not retrieved by a person's name, identification number or symbol, or other particular identifier assigned to the individual. They are maintained by the school name and a code identifier for the school.

F01102 OQTMKHB

System name:

Locator or Personnel Data (Lists of Known Criminals) (p. 405).

Reason:

This system is not in existence.

F01101 OUQKKAA

System name:

6987 Security Squadron Office Alpha Roster and Squadron Roster (p. 406).

Reason:

This system has been eliminated.

F03004 OIACYVB

System name:

Personnel Data System (p. 427).

Reason:

Not a system of records under the Privacy Act.

F03004 OJ DP A

System name:

Air Training Command (ATC) Officers Effectiveness Analysis File (p. 427).

Reason:

This system is covered by F03004 AFDPMDB.

System name:

Advanced Personnel Data System (APDS)—ADS: E300 (p. 419).

F03004 OJDPB

System name:

Air Training Command (ATC) Officer Add-on Data (p. 427).

Reason:

This system has been eliminated.

F03004 OJDJDBA

System Names

Advanced Personnel Data System Optional DIN Y06 (p. 429).

Reason:

This system is covered by F03004 AFDPMDB.

System name:

Advanced Personnel Data System (APDS—ADS: E300 (p. 419).

F03004 OJDJDBB

System name:

Advanced Personnel Data System CBPO Optional DINS Y01—Y05 (p. 429).

Reason:

This system is covered by F03004 AFDPMDB.

System name:

Advanced Personnel Data System (APDS)—ADS: E300 (p. 419).

F03501 OKPNQSA

System name:

Review of Application for Correction of Military Personnel Record (p. 455).

Reason:

This system is covered by F03501 DPMAO K.

System name:

Officer Effectiveness Report (OER)/Airman Performance Report (APR) Appeal Case Files (p. 440).

F03501 OKPNQSB

System name:

AU OER–TR Reviewing Sheet (p. 456).

Reason:

This system is covered by F033501 DPMDQIA.

System name:

Military Personnel Records System (p. 441).

F03501 OSGHLNB

System name:

Removal of Government Operators HCCNSC (p. 458).

Reason:

No longer in use.

F03501 OSGHLNC

System name:

Ground Safety Accident Briefing (p. 458).

Reason:

No longer in use.

F03501 OSPCZPG

System name:

Personnel Appearance Commendation Violation Citation (p. 459).

Reason:

This system of records has been discontinued.

F03501 OXOXASX

System name:

Personnel Information File (p. 460).

Reason:

This system is covered by F03501 DP 3.

System name:

Unit assigned Personnel Information File (p. 439).

F03501 XOIACYVV

System name:

Biographical File (p. 475).

Reason:

The system has been deleted.

F03505 OJDJDBA

System name:

Advanced Personnel Data System Consolidated Base Personnel Office optional DIN y07 (p. 494).

Reason:

Information from the Air Force Advanced Personnel Data System is now

used in place of the previous locally developed record system. For that reason, this system has been eliminated.

F03508 OKPNQSA

System name:

Field Grade Officer Promotion Analysis Worksheet (p. 500).

Reason:

This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

F04003 ORKNMDA

System name:

Personnel Appraisal Pacific Air Command (PACAF) Executive Development Program (p. 507).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04003 06SCEYA

System name:

Off Duty Education File (p. 507).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04003 06SCEYC

System name:

Executive Development Council File (p. 508).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04003XOBXQPCA

System name:

Supervisor's Management Training Profile (p. 509).

Reason:

This system of records is covered by F04003 DPCMT A.

System name:

Training and Employee Development Record Systems (p. 506).

F04004 DPCE A

System name:

Arbitration (p. 509).

Reason:

This system is covered by F04004 DPCE C.

System name:

Labor Management Relations (p. 510).

F04008 OMQJKLA

System name:

Employment Orientation Checklist (p. 511).

Reason:

Records contained in this system have been determined not to be subject to the provisions of the Privacy Act of 1974.

F05001 OSCHLND

System name:

Electronic Warfare Officer Examination Answer Sheet (p. 522).

Reason:

No longer in use.

F05003 OKPNQSA

System name:

Air Force Institute of Technology Education (AFIT) Historical File (p. 538).

Reason:

This system of records is not in existence.

F07701 OOJUBJC

System name:

Vehicle Integrated Management System (VIMS) (p. 553).

Reason:

This system is not a system of records as defined in the Privacy Act of 1974.

F11305 OJMPLSA

System name:

Deceased Investigation Dependent Military Burial (p. 582).

Reason:

Records contained in this system have been determined not to be subject to the provisions of the Privacy Act of 1974.

F16808 OSSGBPA

System name:

Medical Service Account—Authorizations for Supplemental Care (p. 599).

Reason:

This system is covered by F16808 SGHC A.

System name:

Medical Service Accounts (p. 599).

F17720 OJACFA

System name:

Security Assistance Training Management Information System (p. 615).

Reason:

This system is incorporated with F17720 OEACYVA.

System name:

Travel Records (p. 614).

F17721 FKRSMA

System name:

Individual retirement record (p. 616).

Reason:

This system is an integral part of F17721 OEACYVA.

System name:

Civilian pay records (p. 617).

F17730XOJ ACFB

System name:

Lackland Entry Airmen Pay System (LEAPS) (p. 624).

Reason:

This system is incorporated with F17725 OEACYVA and F17730 OEACYVA.

System name:

Air Reserve Pay Allowance System (ARPAS) (p. 621) and Joint Uniform Military Pay System (JUMPS) (p. 623).

F26501XOBXQPCB

System name:

Cadet Counseling Interview Files (p. 645).

Reason:

Records contained in this system have been determined not to be subject to Privacy Act of 1974.

F90001 OJ ACMA

System name:

Air Training Command Management Analysis Awards Program (p. 648).

Reason:

This system of record has been discontinued.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OSAD (Comptroller).

APRIL 12, 1977.

[FR Doc.77-11072 Filed 4-15-77;8:45 am]

Department of the Army

PRIVACY ACT OF 1974

Systems of Records; Deletions and Amendments

Following are systems of records prescribed by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) pertaining to the Department of the Army that are deleted and amended.

DELETIONS

In FR Doc. 75-21075 published in the FEDERAL REGISTER (40 FR 35151) of August 18, 1975 and FR Doc. 76-21185 (41 FR 30796) of July 26, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974, the following systems of records are deleted:

A0225.11cAMC

System name:

225.11 ADP Master and Operating Files (40 FR 35174).

Reason:

Records are now covered by A087.14a DAPE (41 FR 30921).

A0601.07AMC

System name:

601.07 Alcohol and Drug Reference Paper Files (40 FR 35214).

Reason:

Records are now covered by A0917.09a DASG (41 FR 30929).

A0607.01cDAEN

System name:

607.01 Accident and Incident Case File, COE (41 FR 30884).

Reason:

Information contained in this system of records is not retrieved by an individual's name or by any identifying number, symbol, code or other identifying particular assigned to the individual and therefore not subject to the Privacy Act.

A0701.07aAMC

System name:

701.07 Financial Counseling Reference Paper Files (40 FR 35218).

Reason:

Records are now covered by A0725.-01bDAAG (41 FR 30917).

A0801.08aAMC

System name:

801.08 AMC Career Intern Training Record and Progress Files (41 FR 30920).

Reason:

Records are covered by United States Civil Service Commission System Notice (CSC/GOVT-3, General Personnel Records (41 FR 42158, as amended by 41 FR 55568) and in Army System Notice A0807.14aDAPE, Department of the Army Civilian Personnel Systems (41 FR 30921).

A1203.19bAMC

System name:

1203.19 Household Shipment Contract Files (40 FR 35274).

Reason:

Records are now covered in A1203.19c-MTMC (41 FR 30964).

AMENDMENTS

The Department of the Army proposes certain amendments in Army systems of records as set forth below. These amendments do not fall within the purview of Office of Management and Budget Circular No. A-108, Transmittal Memorandum No. 1 dated September 30, 1975, which requires submission of a report of an agency's intention to establish or alter systems of records, as required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975. Public comments are invited, however, and may be submitted to The Adjutant General, Department of the Army, ATTN: DAAG-AMR, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314 on or before May 18, 1977. The amendments will be effective, as proposed, without further notice within 30 days of this publication unless comments are received which result in a contrary determination requiring publication.

In FR Doc 76-21185 published in the FEDERAL REGISTER of July 26, 1976, public comments were invited to systems notices published therein. As a result of comments received, the Army favorably considered amendments to systems of records set forth in paragraphs 1 through 4 below. Following the identification of the record system and the specific changes made therein, the complete revised systems are published in their entirety.

1. Comments concerning System Notice A0201.08cOSA SYSNAME Central Files, Office, Secretary of the Army (SAAA) were that the Records Category should be described in greater detail and should reflect the unlimited scope of the category of records in this system. Amendments are as follows:

A0201.08cOSA

System name:

201.08 Central Files, Office, Secretary of the Army (SAAA) (41 FR 30840).

Changes:

Categories of records in the system:

Delete the entire entry and substitute the following: "Originals or copies of letters, reports, complaints, appeals, inquiries, investigations, personnel actions, requests for assistance and any other documents referring to any subject that requires action of, or that should be brought to the attention of the Office of the Secretary of the Army."

2. Comments concerning System Notice A0225.01 aDAPE, SYSNAME-Vehicle Registration System (VRS) and Correctional Reporting System (CRS) were that two distinctly different and unrelated systems were included in the notice. The Vehicle Registration System and the Correctional Reporting System are two of several modules that comprise an automated law enforcement system in the Department of the Army. For the sake of clarity, information regarding the Vehicle Registration System (VRS) has been deleted from System Notice A0225.01aDAPE and incorporated in a system of records directly related; A0509.09aDAPE SYSNAME Traffic Law Enforcement Files (41 FR 30879). The SYSNAME for system notice A0225.01 aDAPE has been amended to delete reference to the Vehicle Registration System. Amendments are as follows:

A0225.01aDAPE

System name:

225.01 Vehicle Registration System (VRS) and Correctional Reporting System (CRS) (41 FR 30842).

Changes:

Name changed to Military Police Management Information System (MPMIS)-Correctional Reporting System (CRS).

Location:

Decentralized Copies: Delete entry. Substitute "CRS is programed for Army installations; the system will be maintained by the installation provost marshal office (PMO). Official mailing addresses are in the Department of Defense directory in the Appendix. The CRS will replace command-unique systems at installations where they exist."

Categories of individuals covered by the system:

Delete entry. Substitute "Any military member confined at any Army confinement facility as a result of, or pending trial by courts-martial."

Categories of records in the system:

Delete entry. Substitute "The CRS data are added to the corrections master file. Following output is produced: a daily 4 part prisoner status roster which provides a by name roster showing social security number (SSN), military occupational specialty (MOS), religion, marital status, education level and offense for which confined. Part 1 provides a history of all prisoners confined in the last 24 hours and shows totals by status (i.e., detained, pretrial, detained post trial, adjudged, etc.). Part 2 shows a recapitulation by custody of total number of prisoners in confinement by this category. Part 3 lists all prisoners that departed the facility in the past 24 hours and lists their disposition. Part 4 indicates those individuals in pretrial confinement in excess of 25 days; a monthly status roster showing, by name, all prisoners confined or released for the reporting period. Report shows detailed additional information including totals of new prisoners, total departures, total escapes, total in hospital and totals by custody grade, race, status and such information as total by types or release, confinement less than 30, 60, or 90 days; the semiannual prisoner profile report produces a series of two-dimensional matrices for each type offense and profiles prisoner age, race, education, marital status, and religion for each offense."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses.

Delete entry. Substitute "The CRS is used to provide, on a daily basis, pertinent information required for proper management of confinement facility population; to provide on a monthly basis, statistical information required by the installation commander provost marshal and confinement facility commander pertaining to the prisoner population, status of discipline and responsiveness of personnel procedures relating to prisoner personnel; to provide the installation with monthly data on the total spectrum of the confinement facility utilization, i.e., population turnover, recidivism, and to identify semiannually, prisoner profiles showing the relationship of particular offenses to age, race, education, marital status and re-

ligion. CRS output will be furnished to criminal justice elements outside Department of Defense (DOD) and Department of the Army (DA) when law enforcement and crime prevention functions fall within their jurisdiction or concurrent jurisdiction is applicable. These include local, state and Federal agencies such as the Federal Bureau of Investigation, U.S. Customs Service; U.S. District Courts, U.S. Magistrates; U.S. Federal Marshals, state police agencies, local police agencies; and in overseas areas, host government law enforcement agencies."

Storage:

Delete entry. Substitute "The CRS master file is stored on disks at the installation data processing activity. The CRS data, produced also in three copies, are maintained at the installation correctional facility in file folders."

Retrievability:

In the second sentence delete the words "VRS or" and add "and policies" to the last sentence.

Safeguards:

At the beginning of the entry, delete the word "Both".

Retention and disposal:

Delete the following "An individual's record is maintained on the Vehicle Registration master file as long as the individual maintains a bona fide registration at a particular installation. Once he no longer meets the criteria as a registrant described in AR 190–5, previously quoted, he is deleted from the Vehicle Registration master file. Consequently, there is no maximum or minimum period of record maintenance for this modula."

System manager(s) and address:

Add "Decentralized to command/installation."

Notification procedure:

Delete "See Exemption." Substitute "Information may be obtained from the command/installation/activity office of record."

Record access procedure:

Delete "See Exemption." Substitute "Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain full name of individual, current address, SSN and specificity as to the information sought."

Contesting record procedures:

Delete "See exemption." Substitute "Rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21."

Record source categories:

Delete "and any other individuals or organizations which may supply pertinent information." Substitute "personnel records of the individual and other individuals and organizations which may provide exempt information."

3. The amendments incorporating the Vehicle Registration System (VRS) deleted from System Notice A0225.01a DAPE and incorporated into System Notice A0509.09aDAPE are as follows:

A0509.09aDAPE

System name:

509.09 Traffic Law Enforcement Files (41 FR 30879).

Changes:

Categories of records in the system:

Add "File may be automated as a part of the Vehicle Registration System (VRS) which is a part of the Military Police Management Information System (MPMIS). The registration information may be coded for entry on the master file, normally updated weekly when a part of MPMIS VRS. The master file is management manipulated to produce the following reports: listing of all registrants and their vehicles on an as required basis by decal number, state license number or name; as required, rosters by unit and decal number showing registrants with safety inspections due and those requiring annual verification of DA Form 3626; monthly rosters of registrants with suspended or revoked driving privileges."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add "VRS is used to insure registrants attest to meeting certain insurance standards; to preclude individuals who have suspended or revoked installation driving privileges from operating motor vehicles or who have vehicles that fail to meet vehicle inspection standards; to assist in rapid identification and apprehension of traffic violators; to provide management data on which to base crime prevention, selective enforcement and improved driving safety."

Storage:

Add "Portions of VRS and index cards may be automated using paper tape, disk, magnetic tape or card."

Notification procedure:

Delete "See Exemption." Substitute "Information may be obtained from the command/installation/activity office of record."

Record access procedure:

Delete "See Exemption." Substitute "Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain the full name of the individual, current address, social security number and specificity as to the information sought."

Contesting record procedures:

Delete "See Exemption." Substitute "The Army's rules for contesting contents and appealing initial determinations are contained in AR 340–21."

4. Comments concerning System Notice A0704.09aUSARECSYSNAME Center of Influence Card Files (USAREC Form 125) were referencing the term "mental category" in the category of records and the entry in the retention and disposal section did not limit the retention of these records. The amendments made as a result of this comment are as follows:

A0704.09aUSAREC

System name:

704.09 Center of Influence Card Files (USAREC Form 125) (41 FR 30894).

Categories of records in the system:

At the end of the second paragraph delete "mental category" and substitute the following: "achievement scores resulting from the Armed Forces Qualification Test (AFQT)."

Retention and disposal:

Delete entry and substitute the following which limits the retention of these records: "Center of influence cards are destroyed by the individual recruiter when they are no longer needed for reference and are not transferred to any other file."

In FR Doc. 75–21075 published in the FEDERAL REGISTER (40 FR 35151) August 18, 1975; FR Doc. 75–22781 (40 FR 41970) of September 9, 1975; FR Doc. 76–21185 (41 FR 30796) of July 26, 1976; setting forth the system of records prescribed by the Privacy Act of 1974 within the Department of the Army, the following systems of records are amended. Following the brief identification of the records systems and the specific changes made therein, the complete revised systems are published in their entirety.

A0301.07aDAAG

System name:

301.07 Army Club Membership Registration System (41 FR 30848).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

After the word "billing" delete the word "purposes" and substitute "by local commercial institutions maintaining credit systems for individual Army clubs or for billing by local finance and accounting office."

A0306.01aDACA

System name:

306.01 Civilian Employee Pay System (41 FR 30852).

Changes:

Storage:

Add "microfilm."

Retention and disposal:

In the paragraph "Individual retirement records file", after the words "upon separation", add "Forward to CSC when employee transfers to another installation with the Defense Establishment

NOT serviced by Army or upon separation from Federal Service. Forward microfilm of manually maintained individual retirement records to NPRC after 3 years."

A0320.01aDAEN

System name:

320.01 Corps of Engineers Management Information System Files (41 FR 30855).

Changes:

System location:

Add "US Army Engineer Division, Europe, Army Post Office (APO) New York; US Army Engineer Division, Middle East, APO New York."

A0412.05aDAIO

System name:

412.05 Press Interest Reference Files (40 FR 41972).

Changes:

Systems exempt from certain provisions of the act:

Delete entire entry. Substitute the word "None."

A0503.08DAMI

System name:

503.08 Unsolicited Correspondence File (40 FR 335204).

Changes:

Systems exempt from certain provisions of the act:

Delete entire entry. Substitute the word "None".

A0508.17aDAPE

System name:

508.17 Military Police (MP) Reporting Files (41 FR 30875).

Changes:

Categories of records in the system:

Add "File may be automated as a part of the Military Police Management Information System (MPMIS)."

Retrievability:

Add "Portions of files and index cards may be automated."

Notification procedures:

Delete "See Exemption"; substitute: "Information may be obtained from the SYSMANAGER or from appropriate decentralized record custodian."

Record access procedures:

Delete "See Exemption"; substitute: "Requests for access may be addressed to the SYSMANAGER or to appropriate decentralized record custodian. Letter must contain the full name, social security number, and signature of the requester and must be notarized."

Contesting record procedures:

Delete "See Exemption"; substitute: "The Army's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER."

The following revised system notices are published in their entirety.

AO201.08cOSA

System name:

201.08 Central Files, Office, Secretary of the Army (SAAA).

System location:

Office, Secretary of the Army (OSA), Administrative Support Group, Rm. 3D–718, The Pentagon, Washington, D.C. Relevant segments of the system are maintained throughout Secretariat offices.

Categories of individuals covered by the system:

Any military or civilian employee or correspondent of the Army who may have been the subject of, or initiated, correspondence referred to the Office, Secretary of the Army.

Categories of records in the system:

Originals or copies of letters, reports, complaints, appeals, inquiries, investigations personnel actions, requests for assistance and any other documents referring to any subject that requires actions of, or that should be brought to the attention of the Office of Secretary of the Army.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Correspondence control and reference files used by action officers in Headquarters, Department of the Army (HQDA), in processing paperwork and documenting actions taken in the Office, Secretary of the Army.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Files are coded, indexed, and filed in alpha-numeric files arrangement under The Army Functional File System.

Storage:

Paper records in file folders are stored in mechanized file shelves.

Retrievability:

Location of file folder is determined by searching files record index sheets, which are filed by numerical code, and alphabetically arranged by subject, with further chloronological breakdown of each entry. Each entry is cross referenced to all previous related entries.

Safeguards:

Files are released only to OSA staff action officers cleared and authorized access. The Pentagon employs security guards. Files area is protected by electronic surveillance system with combination lock doors.

Retention and disposal:

Records are permanent. They are retained in active file until end of calendar year, held 2 additional years in active file and subsequently retired to Washington National Records Center.

System manager(s) and address:

The Administrative Assistant, Office, Secretary of the Army, The Pentagon, Washington, D.C. 20310.

Notification procedure:

Information may be obtained from: HQDA (SASG), Room 3D–718, The Pentagon, Washington, DC 20310. Telephone: Area Code 202 695–2092 or 695–3565.

Record access procedures:

Requests from individuals should be addressed to: Office, Secretary of Army, SASG, The Pentagon, Washington, DC 20310.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Internal action correspondence processed by the Army Secretariat.

Individuals addressing correspondence to Department of Defense or the Secretary of the Army regarding Army matters.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a (j) or (k) as applicable. For additional information, contact the System Manager.

A0225.01aDAPE

System name:

225.01 Military Police Management Information System (MPMIS)—Correctional Reporting System (CRS).

System location:

Primary System: Law Enforcement Division, Human Resources Development Directorate, Office of the Deputy Chief of Staff for Personnel, Department of the Army, (DAPE–HRE). Decentralized Copies: CRS is programmed for Army installations: the system will be maintained by the installation provost marshall office (PMO). Official mailing addresses are in the Department of Defense directory in the Appendix. The CRS will replace command-unique systems at installations where they exist.

Categories of records in the system:

Any military member confined at any Army confinement facility as a result of, or pending, trial by courts-martial.

Categories of records in the system:

The CRS data are added to the corrections master file. Following output is produced: a daily 4 part prisoner status roster which provides a by name roster showing social security number (SSN), military occupational specialty (MOS), religion, marital status, education level and offense for which confined. Part 1 provides a history of all prisoners confined in the last 24 hours and shows to-

tals by status (i.e., detained, pretrial, detained post trial, adjudged, etc.). Part 2 shows a recapitulation by custody of total number of prisoners in confinement by this category. Part 3 lists all prisoners that departed the facility in the past 24 hours and lists their disposition. Part 4 indicates those individuals in pretrial confinement in excess of 25 days; a monthly status roster showing, by name, all prisoners confined or released for the reporting period. Report shows detailed additional information including totals of new prisoners, total departures, total escapes, total in hospital and totals by custody grade, race, status and such information as total by types or release, confinement less than 30, 60, or 90 days; the semiannual prisoner profile report produces a series of two-dimensional matrices for each type offense and profiles prisoner age, race, education, marital status, and religion for each offense.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The CRS is used to provide, on a daily basis, pertinent information required for proper management of confinement facility population; to provide on a monthly basis, statistical information required by the installation commander provost marshal and confinement facility commander pertaining to the prisoner population, status of discipline and responsiveness of personnel procedures relating to prisoner personnel; to provide the installation with monthly data on the total spectrum of the confinement facility utilization, i.e., population turnover, recidivism, and to identify semiannually, prisoner profiles showng the relationship of particular offenses to age, race, education, maritial status and religion. CRS output will be furnished to criminal justice elements outside Department of Defense (DOD) and Department of the Army (DA) when law enforcement and crime prevention functions fall within their jurisdiction or concurrent jurisdiction is applicable. These include local, state and Federal agencies such as the Federal Bureau of Investigation, U.S. Customs Service; U.S. District Courts, U.S. Magistrates; U.S. Federal Marshals, state police agencies, local police agencies; and in oversea areas, host government law enforcement agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The CRS master file is stored on disk at the installation data processing activity. The CRS data, produced also in three copies, is maintained at the installation correctional facility in file folders.

Retrievability:

Access to the data base/master file is restricted. To receive CRS output personnel must utilize a "systems control card." This control card must be prepared for each specific entry and requires unique originator codes. Instructions for creating and using the control card are maintained at two locations; the PMO and the data processing facility. Access to hard copy output is prescribed by installation standard operating procedures (SOP) and policies.

Safeguards:

The data base and output are managed through extensive SOP and policies prescribed in system functional users manuals. Safeguards include: limited output with distribution controlled by the PMO and released only to designated persons; output is controlled at both pick-up and delivery points: the PMO, confinement facility and data processing activity are 24 hour per day operations; consequently, reports are continuously under scrutiny; the confinement facility and the data processing site are considered secure areas with limited access.

Retention and disposal:

Individuals are deleted from the CRS master file upon their departure from the correctional/confinement facility. Certain elements of information, pertaining to the prisoner are posted to a corrections history tape which produces the semiannual prisoner profile report. A prisoner can remain on this history tape for as long as 5 months or until the semiannual report is produced. Once this occurs, he is then deleted from the CRS master file.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, D.C. 20310. Decentralized to command/installation.

Notification procedure:

Information may be obtained from the command/installation/activity office of record.

Record access procedures:

Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain full name of individual, current address, SSN and specificity as to the information sought.

Contesting record procedures:

Rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21.

Record source categories:

Subjects, suspects, witnesses, victims, military police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments, personnel records of the individual and other individuals and organizations which may provide exempt information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C. 552a (j) or (k) as applicable. For additional information contact the SYSMANAGER.

A0301.07aDAAG

System name:

301.07 Army Club Membership Registration System.

System location:

Decentralized at Army installations worldwide; the systems will be maintained by the Officers' or NCO club manager at Army installations having club activities. Official mailing addresses are in the Department of the Defense Directory in the Appendix.

Categories of individuals covered by the system:

Any individual active military, reserve component, retired, civilian, or dependent who voluntarily applies for membership in an Army club.

Categories of records in the system:

File contains name, grade, social security number (SSN), address, phone number, name of spouse, credits, merchandise code, date of purchase, activities code. Card number, club bill, date estimated return from overseas (DEROS) where applicable.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Administration of club membership, billing by local commercial institutions maintaining credit systems for individual Army clubs or for billing by local finance and accounting office, preparation of club membership cards, determination of eligibility for membership, identification for collection of accounts due, and dissemination of information regarding club activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File cards, kardex files, automated files, file folders/jackets, and computer printouts.

Retrievability:

Filed alphabetically by name, SSN, or club membership number.

Safeguards:

Records are maintained in areas accessible only to authorized personnel.

Retention and disposal:

An individual's record is maintained on the individual club membership registration file as long as the individual remains a bona fide member of the particular Army club. Routinely destroyed after three years.

System manager(s) and address:

The Adjutant General, Headquarters, Department of the Army, (DAAG–ZA), Washington, DC 20310.

Notification procedure:

Information may be obtained from: Executive, Club Management Directorate, The Adjutant General Center, Washington, DC 20314. Telephone (Area Code) 202/693–1090.

Record access procedures:

Written requests for information by an individual pertaining to himself should contain the full name of individual, the club at which the individual is a member, current address and SSN. Requests from individuals should be addressed to the respective club at which the individual is a member or has been a member and remains on records as having an account due. For personal visits the individual should be able to provide some acceptable identification (e.g., driver's license, employee identification card).

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Army Regulation 340–21, The Army Privacy Program.

Record source categories:

Information contained in membership registration file is obtained directly from individual making application for membership in the respective Army club.

Systems exempted from certain provisions of the act:

None.

A0306.01aDACA

System name:

306.01 Civilian Employee Pay System.

System location:

Decentralized Segments: Approximately 90 Army Finance Offices and Finance & Accounting Offices (FAO) worldwide having Civilian Payroll activities.

Categories of individuals covered by the system:

Civilians employed by Department of the Army (DA), Department of Defense (DOD); some departments of the Navy and Air Force, contract teachers

Categories of records in the system:

Individual pay record files, signature cards, individual retirement record files, individual retirement control files, Civil Service retirement fund report files, leave record card files, leave record files, authorized timekeeper list files, payroll control files, payroll work files, individual withholding and deduction authorization files, withholding tax exemption certificate files, withholding tax files, subsistence and quarters files, statement of charges files, savings bond reporting files, health benefits files, personal exception and indebtedness files, civilian personnel claims files, repatriated personnel payment files, decedent claim files, and unemployment compensation data request files.

Authority for maintenance of the system:

Title 6, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

FAO: Purpose is to provide a basis for establishment of computation of civilian pay entitlements and deductions, provide a permanent history of pay transactions, maintain a record of leave accrued and taken, keep a record of bonds due and issued, keep a record of taxes paid, and provide information to answer inquiries and process claims pertaining to such entitlements. This information is also used to provide necessary data to the Treasury Department, Social Security Administration (SSA), Internal Revenue Service (IRS), Civil Service Commission (CSC), and those states and cities that have an agreement with the DA to receive taxable earnings information.

Treasury Department: To record check and bond issue data.

IRS: To record taxable earnings and taxes withheld.

SSA: To record earned wages by member under the Federal Insurance Contributions Act.

CSC: To record monies paid into Federal Retirement Fund and to provide information pertaining to health benefits.

States and cities: To provide taxable earnings of civilian employees to those states and cities which have entered into an agreement with DA and Treasury Department.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and in bulk storage, card files, computer magnetic tapes and disks, computer paper printouts, and microfilm.

Retrievability:

Filed by social security number (SSN) within payroll, also filed alphabetically by last name within payroll for manual system.

Safeguards:

World-Wide FAO: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal:

Individual Pay Record Files: Permanent. Forward to National Personnel Records Center (NPRC) after 3 years.

Individual retirement records file: Permanent. Retain at installation while member is actively employed. Forward to new installation when member is transferred to another DA activity or upon separation. Forward to CSC when employee transfers to another installation with the Defense Establishment NOT serviced by Army or upon separation from Federal Service. Forward microfilm of manually maintained individual retirement records to NPRC after 3 years.

Personnel exception and indebtedness files: Permanent. Filed in official personnel folder (OPF). Upon separation or transfer, if OPF is not on file locally, files are forwarded to NPRC, General Services Administration, St. Louis, MO. 63118.

Repatriated personnel payment files: Permanent. Forward to NPRC after 3 years.

Subsistence and quarters rate deviation files: Permanent. Retire on discontinuance of the installation.

Other records: Retention periods vary according to category of record. The minimum retention period is 2 years and the maximum period 12 years, after which records are destroyed.

System manager(s) and address:

Comptroller of the Army, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, DC 20310.

Finance and Accounting Officer. United States Army FAO, world-wide.

Notification procedure:

Information may be obtained from: Comptroller of the Army, HQDA (DACA–FAF–P), Room 2A–664, The Pentagon, Washington, DC 20310. Telephone: Area Code 202/695–1247.

Finance and Accounting Officers at US Army FAO, world-wide.

Record access procedures:

Requests from individuals should be addressed to: Comptroller of the Army (DACA–FAF–P), Room 2A–664, The Pentagon, Washington, DC 20310 or to Finance and Accounting Officers, FAO, world-wide.

Written requests for information should contain full name, SSN and current address.

Information may be obtained by telephone: Area Code 202/695–1247.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is received from DOD staff agencies and field installations, former employers, SSA, financial organizations, Treasury Department and automated system interface.

Systems exempted from certain provisions of the act:

None.

A0320.01aDAEN

System name:

320.01 Corps of Engineers Management Information System Files.

System location:

US Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg,

MS; US Army Engineer Division, Missouri River, P.O. Box 103 Downtown Station, Omaha, NE; US Army Engineer District, Norfolk, 803 Front Street, Norfolk, VA; US Army Engineer Division, North Central, 536 S. Clark Street, Chicago, IL; US Army Engineer Division, North Pacific, 220 N.W. 8th Avenue, Portland, OR; US Army Engineer Division, Ohio River 550 Main Street, Cincinnati, OH; US Army Engineer Division, South Atlantic, 30 Pryor Street, S.W., Atlanta, GA; US Army Engineer Division, South Pacific, 630 Sansome Street, San Francisco, CA; US Army Engineer Division, Southwestern, 1200 Main Street, Dallas, TX; US Army Engineer Data Processing Center, P.O. Box 2828, Washington, DC; US Army Engineer Division, Europe, Army Post Office (APO) New York; US Army Engineer Division, Middle East, APO New York.

Categories of individuals covered by the system:

US Army Corps of Engineers civilian and military employees at locations covered by the system regardless of whether they are employed in the continental United States or overseas; whether employed on a part time, full time or intermittent basis; and regardless of pay plan.

Categories of records in the system:

Files contain employee's travel advance records identified by social security number (SSN). For computation of employee's labor cost, the Finance and Accounting (F&A) Subsystem retrieves 8 of the 62 personal data elements per employee from the Personnel Subsystem files of the Corps of Engineers as follows: name, SSN, pay rates, employing office, organizational breakdown, Fair Labor Standards Act coverage, cost codes and funds (functional designator).

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The employee data elements are retrieved from the Personnel Subsystem of the Corps by employee SSN. These data elements are used to compute and extend the employee labor costs which are charged to the job worked on by the employee identified by cost code and reflected as obligations and expenditures. The computer printouts produced by the common system F&A programs will list the employee labor costs by SSN or name and are used for control and checking costs recorded in accounting records. The acounting records of the F&A Subsystem will identify the employee labor by cost code and/or organization code. Travel advances are recorded and liquidated in the system using the employee SSN. The Corps of Engineers F&A field offices are provided computer printouts which are used to manage and control financial expenditures that will be recorded and updated in the applicable appropriation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer magnetic tape and computer paper printouts.

Retrievability:

By SSN.

Safeguards:

Computers are housed behind locked doors.

Rooms are accessible only to authorized persons possessing a special badge or password.

Unauthorized access to the employee file is precluded through a system of passwords.

The official printouts are used by supervisors, managers, and members of the comptroller's office in carrying out F&A responsibilities.

Retention and disposal:

Corps of Engineers Management Information System Finance and Accounting (COEMIS F&A) files for site audits consist of cost forms as input documents and voucher output listing of employee labor and travel costs. These files are destroyed after 6 years and 3 months. Punch cards that process these data into the computer are destroyed upon completion of General Accounting Office audit.

COEMIS F&A internal or external output files containing this data are destroyed after 30 years.

COEMIS F&A utility files consisting of output reports for maintaining and controlling the F&A Subsystem transactions are destroyed after 5 years.

COEMIS F&A magnetic tape data base files that contain the net result of all transactions processed by the update programs are retained for 30 years.

F&A audit trail tape files contain each valid transaction processed by the update program. These files are retained for 6 years and 3 months.

System manager(s) and address:

Chief, Office of the Engineer Comptroller, Office of the Chief of Engineers, Washington, DC 20314.

Notification procedure:

Information may be obtained from the servicing comptroller office.

Record access procedures:

Requests from individuals should be addressed to the servicing comptroller office. Written requests should contain, as a minimum, the individual employee's name and SSN.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21.

Record source categories:

The Official Personnel Folder (201 File) maintained by the employing Civilian Personnel Office.

Systems exempted from certain provisions of the act:

None.

A0412.05aDAIO

System name:

412.05 Press Interest Reference Files.

System location:

Primary system: Public Information Division, Office of the Chief of Information, Headquarters, Department of the Army (HQDA) (DAIO–PI), Washington, DC.

Decentralized segments: New York Branch, Office of the Chief of Information, United States (US) Army, 663 Fifth Avenue, New York, NY; Los Angeles Branch, Office of the Chief of Information, US Army, 11000 Wilshire Boulevard, Suite 10104, Los Angeles, CA. Information Offices of major subordinate commands to HQDA; HQ 1st, 5th, 6th US Army and major active installations in and outside continental United States.

Categories of individuals covered by the system:

Army members and civilians, active and retired and discharged, who are, have been, or are likely to again become the subject of press interest.

Categories of records in the system:

File contains miscellaneous documents depending on the reason for the individual's coming to the attention of the press. Most common items are query sheets, fact sheets, statements of service, serious incident reports, copies or extracts from investigative reports, news clippings, memoranda and correspondence relating to the individual.

Authority for maintenance of the system:

Title 10, U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To respond to queries from the press relating to the individuals concerned and to respond to queries from the Office of the Assistant Secretary of Defense (Public Affairs) and other agencies or commands in the Army for information about the individual, particularly with respect to the press interest displayed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of individual.

Safeguards:

Building employs security guards. Records are maintained in security containers and accessible only to authorized personnel.

Retention and disposal:

Records maintained as long as individual seems likely to be a recurring

subject of press interest. They are routinely destroyed thereafter.

System manager(s) and address:

The Office of the Chief of Information, HQDA, The Pentagon, Washington, DC 20310.

Notification procedure:

Information may be obtained from: HQDA (DAIO–PI), Room 2E–641, The Pentagon, Washington, DC 20310. Telephone: Area Code 202/695–5136.

Record access procedures:

Requests from individuals should be addressed to: HQDA (DAIO–PI), Room 2E–641, The Pentagon, Washington, DC 20310.

Written requests should include a notarized statement of identity, current address and telephone number.

Personal visits may be made to any of the three Army Information Offices (Washington, New York or Los Angeles). Presentation of acceptable identification required.

Contesting record procedures:

The Army's rule for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Query sheets and fact sheets filed by staff information officers; statements of service from the US Army Military Personnel Center or National Personnel Records Center; serious incident reports through information channels from orignating commands; clippings from published media; copies or extracts of investigative reports from investigating agencies to include US Army Inspector General and Auditor General, US Army Criminal Investigation Command, and US Army Assistant Chief of Staff for Intelligence; memoranda and correspondence from miscellaneous sources relating to the individual case.

Systems exempted from certain provisions of the act:

None.

A0503.08DAMI

System name:

Unsolicited Correspondence File.

System location:

Pentagon Counterintelligence Force, The Pentagon, Washington, DC.

Categories of individuals covered by the system:

Contains information on individuals who voluntarily communicate with United States Army officials to express concern or complaints about Army operations or personnel.

Categories of records in the system:

File contains material forwarded by the individual; summaries of verbal communications with the individual; and investigative reports from other intelligence agencies of the Federal Government and from the Federal, state, and local law enforcement agencies.

Authority for maintenance of the system:

Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide the counterintelligence analyst with a reference file for use in evaluation of information received from sources of unknown reliability.

Referral to other agencies of the Executive Branch when their areas of responsibility are concerned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files are stored as paper records in file folders. Files are reviewed annually for pertinency.

Retrievability:

Information is retrieved on a name basis from alphabetical storage.

Safeguards:

Files are stored in a classified container in a restricted area secured by electronic control and alarm systems. Access to the building is controlled by security guards.

Retention and disposal:

Files may be retained indefinitely, but are subject to annual review for pertinency and retainability. When no longer useful, the files are destroyed by pulping.

System manager(s) and address:

The Assistant Chief of Staff for Intelligence, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310.

Notification procedure:

Requests for information from the files should be addressed to the SYSMANAGER.

To determine if the system contains information pertaining to an individual, the requester should provide his or her full name and address.

Requester may contact the offices of the Pentagon Counterintelligence Force, Room BE–800, The Pentagon, Washington, DC 20310, for information on whether the system contains information on him or her.

Record access procedures:

Requester should contact the SYSMANAGER listed above for access to any files pertaining to him or her. The SYSMANAGER's address is listed in the Department of Defense (DOD) directory. For personal visits, the requester should present such acceptable proof of identity as a driver's license, military identification card, DOD building pass, or other type of identity document containing photograph and identity data.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Information is derived primarily from US Army Intelligence unit reports, with derivative information from other Federal and local agencies resulting from file check requests to those agencies on the individuals concerned.

Systems exempted from certain provisions of the act:

None.

A0508.17aDAPE

System name:

508.17 Military Police (MP) Reporting Files.

System location:

Copies of reports are maintained at the installation producing the report. Official mailing addresses are in Department of Defense directory in the Appendix. Original reports of special categories of military police (MP) investigations, defined in Army Regulation (AR) 190–45, are maintained at Crime Records Directorate, United States Army Criminal Investigation Command (USA CIDC), Washington, D.C. 20318.

Reference card system (manual or automatic) may be maintained at higher command/major command level based on input from subordinate elements where documents originated.

Categories of individuals covered by the system:

Any citizen who is the subject, victim, complainant, or witness in connection with a complaint.

Any citizen or group of citizens who is suspected or involved in a criminal or traffic offense.

Categories of records in the system:

File contains the report (DA Form 3975) with supporting documents such as statements, affidavits, copies of provisional passes, receipts of prisoners or detained persons, disposition, and similar documents. System includes card indexes containing the names of persons who are identified in MP reports as subject, victim, complainant, or witness. Also contains reported traffic violations and reports with supporting documents of criminal activity directed against or involving the United States (US) Army. Has data pertaining to name, grade, organization, social security number (SSN), category of involvement, offense, case report number, disposition. May be related to local criminal information files. File may be automated as a part of the Military Police Management Information System (MPMIS).

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

MP reports contain investigative information acquired pursuant to routine complaints received and incidents observed by or reported to MP. The reports

provide the detailed information necessary for agency officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action, or regulatory order. Routine users within the agency include: Commanders in exercising their authority under the provisions of Title 10, U.S.C., Chapter 47, "Uniform Code of Military Justice"; persons designated by the commander to assist him in carrying out his judicial and administrative responsibilities, i.e., staff judge advocate, investigating officers appointed in accordance with Army regulations, military intelligence personnel in those incidents involving possible or actual sabotage or espionage; other persons having a need for such information, e.g., Army-Air Force Exchange System in reports pertaining to criminal incidents involving the System; USACIDC for those incidents within their jurisdiction for investigation; and law enforcement personnel of other armed services when such service personnel are involved. MP reports will be furnished to criminal justice elements outside of the agency for investigation and prosecution when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; Drug Enforcement Administration: U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; US District Courts; U.S. Magistrates; local law enforcement agencies; local "wildlife conservation" agencies; and in oversea areas, host government law enforcement agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders, reference cards, magnetic tape punch cards and computer printouts.

Retrievability:

Filed chronologically by number, by calendar year, with alphabetical cross reference index file. Portions of files and index cards may be automated.

Safeguards:

Distribution controls are specified by AR 190–45, and only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

Retention and disposal:

Destroyed after 5 years at installations; destroyed 40 years after final action at Crime Records Directorate.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

Crime Records Directorate, USACIDC, Washington, DC 20318.

Notification procedure:

Information may be obtained from the SYSMANAGER or from appropriate decentralized record custodian.

Record access procedures:

Requests for access may be addressed to the SYSMANAGER or to appropriate decentralized record custodian. Letter must contain the full name, social security number, and signature of the requester, and must be notarized.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Subjects, witnesses, victims, MP and USACIDC personnel and special agents, informants, various DOD, Federal, State and local investigative and law enforcement agencies; departments or agencies, foreign governments; and any other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., 552a (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0509.09aDAPE

System name:

509.09 Traffic Law Enforcement Files.

System location:

Files are maintained at the installation producing the files. Official mailing addresses are in the Department of Defense (DOD) directory in the Appendix.

Categories of individuals covered by the system:

Any citizen who, at a military installation, registers a privately owned motor vehicle; is subject of a traffic violation/summons; is a subject, victim, complaint or witness to a traffic accident; or has registered to participate in the installation car pool system or has a parking permit issued.

Categories of records in the system:

Files contain: Documents used to register privately owned motor vehicles and to record moving traffic violations and chargeable accidents of individual drivers; accident reports; traffic violation reports, notices and summons; and documents relating to issuance of car pool or individual parking permits. File may be automated as a part of the Vehicle Registration System (VRS) which is a part of the Military Police Management Information System (MPMIS). The registration information may be coded for entry on the master file, normally updated weekly when a part of MPMIS VRS. The master file is management manipulated to produce the following reports: listing of all registrants and their vehicles on an as required basis by decal number, state license number or name; as required, rosters by unit and decal number showing registrants with safety inspections due and those requiring annual verification of DA Form 3626; monthly rosters of registrants with suspended or revoked driving privileges.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Vehicle registration information is collected to assist the commander in carrying out effective law enforcement, traffic safety, and crime prevention programs. Vehicle registration facilitates Department of Army (DA) compliance with Highway Safety Program Standards (Title 23 U.S.C., Section 402) that have been made applicable to federally administered areas. Information is released only to authorized law enforcement agencies upon request. To assist in identification and apprehension of individuals who commit traffic and criminal offenses. Car pool registrations are utilized to assist person(s) desiring to participate in the program, to be identified with other persons within the same residential geographical area to create or join existing car pools. Car pools parking permits are issued and are a means of identifying those vehicles authorized to park in Car Pool Only parking spaces. Information is released only to any law enforcement agency upon request. Traffic violation reports, notices, and summonses are: basis for disciplinary action by commander in accordance with Chapter 47, Title 10, U.S.C., "Uniform Code of Military Justice"; referred to US Magistrates and US District Courts in accordance with Title 18, U.S.C., Section 13, "Assimilated Crimes"; and referred to DOD agencies and host State Motor Vehicle Departments for appropriate driver improvement measures including suspension/revocation of driving privilege, remedial driver training, counseling, or rehabilitation/treatment. Accident reports, which include violation data described above, are used to identify factors contributing to the causes of accidents, injuries, and deaths as a means for initiating appropriate measures (engineer, enforcement, educational) to reduce the frequency/severity of accidents occurring on military installations. Accident reports are routinely distributed to commanders, safety directors, facility engineers, and staff judge advocates. Disclosure outside the agency is only made upon request. VRS is used to insure registrants attest to meeting certain insurance standards; to preclude individuals who have suspended or revoked installation driving privileges from operating motor vehicles or who have vehicles that fail to meet vehicle inspection standards; to assist in rapid identification and apprehension of traffic violators; to provide management data on which to base crime prevention, selective enforcement and improved driving safety.

Policies and practices for storing, retrieving, accessing retaining, and disposing of records in the system:

Storage:

Paper records in file folders and card files. Portions of VRS and index cards may be automated using paper tape, disk, magnetic tape or card.

Retrievability:

Vehicle registrations are filed alphabetically by name and/or by any category of information contained therein; traffic violations are filed alphabetically by name; and accident reports are filed by location of accident. A cross-reference index is maintained.

Safeguards:

Distribution controls are outlined in Army Regulation (AR) 190–45, and only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled access, and continuous presence of authorized personnel.

Retention and disposal:

Destroyed after two years or discontinuance, unless transferred with individual upon reassignment.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310, and installation commanders producing the records.

Notification procedure:

Information may be obtained from the command/installation/activity office of record.

Record access procedures:

Requests for access should be addressed to the command/installation/activity at which the record is located. Written requests should contain the full name of individual, current address, social security number and specificity as to the information sought.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations are contained in AR 340–21.

Record source categories:

Subjects, witnesses, victims, persons desiring to participate in the car pool system, Military Police personnel and special agents, Federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments and other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., 552a (j) or (k) as applicable. For additional information, contact the SYSMANAGER.

A0704.09aUSAREC

System name:

704.09 Center of Influence Card Files (USAREC Form 125).

System location:

Army recruiting stations reached through the following Recruiting Commands: Northeast Regional Recruiting Command, Ft Meade, MD; Southeast Regional Recruiting Command, 1628 Virginia Avenue, College Park, GA; Southwest Regional Recruiting Command, Ft Sam Houston, TX; Midwest Regional Recruiting Command, Ft Sheridan, IL; Western Regional Recruiting Command, Ft Baker, CA.

Categories of individuals covered by the system:

United States Army Recruiting Command (USAREC) Form 125 Cards are initiated and maintained on persons who actively assist the recruiter by referring applicants for enlistment.

Cards are also maintained on persons who have been or should be cultivated for improvement of community relations. In this category are program directors for radio and TV stations, newspaper editors and important civic persons, such as the town/city mayors (when applicable).

Cards will also contain by name references to person actually referred to the recruiters by the center of influence.

Categories of records in the system:

System contains name, title, address, phone number, and specific data about the person which has caused him to be selected as a center of influence for a specific recruiter, and the manner of assistance and effectiveness of the center of influence.

Additionally, the reverse side of the USAREC Form 125 is used to record the names of persons referred to the recruiter for enlistment by the center of influence. Other information about the person referred includes social security number, date enlisted, option selected, educational level and achievement scores resulting from the Armed Forces Qualification Test (AFQT).

Authority for maintenance of the system:

Title 10 U.S.C., Sections 503, 505, 510 and 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the recruiter to determine which persons are providing recruiting assistance, and to recognize and reward those persons who assist the recruiter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Vertical file cards in metal file card container.

Retrievability:

Filed alphabetically by last name of center of influence.

Safeguards:

Records are maintained by individual recruiter and are considered privileged information.

Retention and disposal:

Center of influence cards are destroyed by the individual recruiter when they are no longer needed for reference and are not transferred to any other file.

System manager(s) and address:

Commandr, USAREC, Ft Sheridan, IL 60037.

Notification procedure:

Individuals who desire information as to whether the center of influence card system contains information about them should write to Commander, USAREC, ATTN: USARCRFM–A, Ft Sheridan, IL 60037.

Requests should include the full name of the individual desiring the information, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

Record access procedures:

Requests from individuals for access to informaiton in these files should be addressed to: Commander, USAREC, ATTN: USARCRFM–A Ft. Sheridan, IL 60037.

Requests should include the full name of the person desiring access to the information, current address and telephone number, and the location of the recruiting station where the information is believed to be stored.

Contesting record procedures:

The Army's rules for contesting content of records and appealing initial determination are contained in Army Regulation 340–21.

Record source categories:

Personal information is solicited directly from the center of influence.

Information about persons referred for enlistment is taken directly from the USAREC Form 200, Recruiting Prospect Card.

Systems exempted from certain provisions of the act:

None.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 12, 1977.

[FR Doc.77–11071 Filed 4–15–77;8:45 am]

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting. This notice is given less than 15 days prior to the subject meeting due to administrative exigencies.

Name of Committee: Board of Visitors, United States Military Academy.

Dates of Meeting: 28 April–29 April 1977.
Place of Meeting: West Point, New York.
Time: At West Point: 1900–2230, 28 April (Hotel Thayer). 0800–1700, 29 April (Superintendent's Conference Room, Bldg 600).
Proposed Agenda: Inquiry into the morale and discipline, the curriculum, instruction, physical equipment fiscal affairs, academic methods and other matters relating to the Military Academy that the Board decides to consider.

All proceedings are open. For further information, contact Major Robert Lockwood, USMA, 914–938–4110.

For the board of visitors.

DANA G. MEAD,
Colonel, USA, Executive Secretary, Board of Visitors.

[FR Doc.77–11364 Filed 4–15–77;10:45 am]

DELAWARE RIVER BASIN COMMISSION

NEW YORK CITY RESERVOIR RELEASES

Notice of Intent

The Commission has prepared an environmental assessment of a proposal to undertake a temporary modification of the present procedures for releasing compensating water from each of the three New York City Reservoirs in the Upper Delaware River Basin. During this temporary modification, an environmental research program is to be initiated in the rivers downstream of the reservoirs. The research will attempt to develop a release program which could be used on a long-term basis for lowering the adverse impacts in downstream rivers from the present release pattern and to improve these areas' fishing and recreational potential.

The assessment has shown that beneficial impacts can be expected during the period of experimental modification, and that the adverse effects to the Delaware River Basin and New York City are not expected to be significant. Because the proposal is an experimental program, requiring no direct, physical modification of the environment, all impacts are expected to be reversible at its conclusion. In addition, the proposal provides an opportunity to develop a greater factual basis for considering long-term programs for modifications to procedures controlling releases from these reservoirs and other reservoirs in the Upper Delaware River Basin.

The environmental assessment finds and concludes that an environmental impact statement is not required.

Notice is hereby given of the Executive Director's intention to issue a Negative Declaration, based upon the environmental assessment, in accordance with Section 2–4.5 of the Commission's Rules of Practice and Procedure, as amended. Objection to the issuance of this Negative Declaration may be submitted by an interested person or agency in a written statement showing cause why an environmental impact statement should be prepared. To be considered, such written statement must be submitted to the Executive Director no later than 5 p.m. on April 26, 1977.

Copies of the environmental assessment, dated April 1977, are available from the Commission on request.

JAMES F. WRIGHT,
Executive Director.

APRIL 11, 1977.

[FR Doc.77–11198 Filed 4–15–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30000/10A; FRL 714–6]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF CERTAIN PESTICIDE PRODUCTS CONTAINING LINDANE

Notice of Extension of Period for Submission of Rebuttal Evidence and Comments

On February 8, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient lindane. This notice was published in the FEDERAL REGISTER on February 17, 1977 (42 FR 9816). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Requests for an additional 60 days in which to present evidence to the Agency have been received from many of the applicants and registrants who were affected by the notice of presumption as well as by other interested parties. Requestors have specified a need for additional time to retrieve, review, and consolidate a wealth of available data to adequately respond to the issues raised in the notice of presumption. In addition, the Agency is aware that the U.S. Department of Agriculture has recently formed a lindane-BHC[1] assessment team. This assessment team will collect and review a considerable amount of information that will require coordination with a number of States and other organizations affected by the notice of presumption. A 60-day extension would permit a more effective in-depth data collection effort.

The agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by those wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until June 20, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP–30000/10". Comments and information received on or before June 20, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after June 20, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Rm. 447, East Tower, during the same time period.

Dated: March 11, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–11134 Filed 4–15–77;8:45 am]

[1] The Agency published a notice of rebuttable presumption against registration and continued registration of pesticide products containing benzene hexachloride (BHC) in the FEDERAL REGISTER on October 19, 1976 (41 FR 46024).

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 853]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 11, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20941–CD–R–77 Patterson Anserphone Communications Enterprises, Inc. d/b/a Anserphone (KIY409). Renewal of License expiring April 1, 1977. Term: April 1, 1977 to April 1, 1979.

21067–CD–AL–77 Radio Telephone Service, Inc. Consent to assignment of License from Radio Telephone Service, Inc., assignor to Radio Telephone, Inc., Assignee. Station: KFQ936, South Portsmouth, Kentucky.

21068–CD–AL–77 Radio Telephone Service, Inc. Consent to Assignment of License from Radio Telephone Service, Inc., Assignor to Radio Telephone, Inc., Assignee. Station: KJU819, Catlettsburg, Kentucky.

21069–CD–AL–77 Radio Telephone Service, Inc. Consent to Assignment of License from Radio Telephone Service, Inc., Assignor to Radio Telephone, Inc., Assignee. Station: KWT851, Catlettsburg, Kentucky.

21070–CD–P–(3)–77 Airsignal International, Inc. (KQB688), C.P. to relocate facilities and change antenna system operating on 72.42, 72.46 and 72.50 MHz, Control from Loc. No. 2 to a new Loc. No. 5: 106 South Main Street, Akron, Ohio.

21071–CD–P–77 Rochester Telephone Company, Inc. (new), C.P. for a new 1-way station to operate on 43.22 MHz to be located 3.25 miles NNW of Rochester, Indiana.

21072–CD–P–77 All City Telephone Answering Service, Inc. (KSA266), C.P. for additional facilities to operate on 152.21 MHz at Loc. No. 2: 20600 West National Avenue, New Berlin, Wisconsin.

21073–CD–P/ML–77 Southwestern Bell Telephone Company (KKV690), C.P. to relocate facilities operating on 35.62 MHz at Loc. No. 4: 510 Crown Street, Houston, Texas.

21074–CD–P–(4)–77 Hawaiian Telephone Company (KUA221), C.P. to relocate facilities operating on 152.57 MHz and for additional facilities to operate on 152.72 MHz at Loc. No. 1: 5.8 mi SE of Waiakoa, Maui, Hawaii; and to relocate 152.57 MHz and for additional facilities to operate on Kaanapali, Hawaii.

21075–CD–P–77 Mobilefone Service, Inc. (KFQ944), C.P. to relocate facilities and 152.72 MHz at Loc. No. 2: Maui Surf Hotel, change antenna system operating on 152.09 MHz from Loc. No. 2 to Loc. No. 1 and also delete Control facilities operating on 454.15 and 454.30 MHz at Loc. No. 1: South Highway 31, 1.1 miles East of Krebs, Oklahoma; and delete Repeater facilities operating on 459.15 and 459.30 MHz at Loc. No. 2: Buffalo Mtn., 8 miles West of Tallihina, Oklahoma.

21076–CD–P–77 Comex, Inc. (KIC)295, C.P. for additional Control facilities to operate on 72.36 MHz at Loc. No. 2: Uncanoonuc Mtn., near Goffstown, New Hampshire.

21077–CD–P–77 Kenneth F. Fischer d/b/a Sierra Communications (new), C.P. for a new 1-way station to operate on 158.70 MHz to be located at NW corner Poplar and Platinum Streets, Deming, New Mexico.

21078–CD–P–77 Radiotelephone Communicators of Puerto Rico, Inc. (KQZ767), C.P. for additional facilities to operate on 2164 MHz, Control at Loc. No. 2: Atop El Yunque Peak, Puerto Rico.

21079–CD–P–(2)–77 Radiotelephone Communicators of Puerto Rico, Inc. (WWA311), C.P. for additional Control facilities to operate on 2164 MHz at Loc. No. 3: Atop El Yunque Peak, Puerto Rico; and for additional Repeater facilities, to operate on 2126 MHz at a new Loc. No. 5: Cerro de Punta, 3 miles South of Jayuya, Puerto Rico.

21080–CD–P–77 AAA Anserphone, Inc., Jackson (KRS618), C.P. to change antenna system operating on 454.325 MHz at Loc. No. 2: 1½ miles NE of Petal, Mississippi.

21081–CD–TC–77 B. P. Radio, Inc. Consent to Transfer of Control from Arnold J. Rubenstein & Libby R. Rubenstein, Transferors to Mara J. Rubenstein and Phillip D. Rubenstein, Transferees. Station: KWH318, Oswego, New York.

MAJOR AMENDMENTS

20439–CD–P–(2)–77 Mobilefone of Erie (new). Amend to change location to Erie (Erie) Pa 5 miles south of Erie, Lat. 42°02'21" N., Long. 80°03'40" W., with a reduction in power and change in antenna system. All other particulars remain as reported in PN No. 838 dated December 27, 1976.

20188–CD–P–(3)–77 AAA Mobilfone Service Company, Inc. Poughkeepsie, New York (KEJ884). Amend to change orientation of antenna to N. 225 degrees E. All other particlars remain as reported in PN No. 832 dated November 15, 1976.

CORRECTION

20188–CD–P–(3)–77 AAA Mobilfone Service Company, Inc. Poughkeepsie, New York (KEJ884). Correct Loc. No. 3 to add operation on 454.175 MHz. All other particulars remain as reported in PN No. 832, dated November 15, 1976.

20997–CD–P–(6)–77 Michigan Bell Telephone Company (KQK580). Correct PN to read: C.P. for additional facilities to operate on 152.54, 152.75, 454.450, 454.550, and 454.650 MHz. Oll other particulars to remain as reported in PN No. 852 dated April 4, 1977.

RURAL RADIO

60252–CR–P–77 The Mountain States Telephone and Telegraph Company (new), C.P. for a new Rural Subscriber Station to operate on 157.98 MHz to be located 23.8 miles east-southeast of Lander, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

1984–CF–P–77 Southern Bell Telephone and Telegraph Company (KJC21) 5.5 miles South of Jasper, Florida Lat. 30°26'17" N., Long 82°56'17" W. C.P. to change polarization from vertical to horizontal on frequencies 3770, 3850 4170, and horizontal to vertical on 3990 MHz all toward Lake City, Florida.

1985–CF–R–77 The Pacific Telephone and Telegraph Company (KMQ44), renewal of developmental radio station license expiring May 4, 1977 term: May 4, 1977 to May 4, 1978.

2004–CF–P–77 Gulf States United Telephone Company (new), 508 E. Corsicana Street Athens, Texas Lat. 32°12'11" N. Long. 95° 50'56" W. C.P. for a new station on frequency 10935V MHz toward Lapoynor, Texas on azimuth 120.5°.

2005–CF–P–77 Same (new), 3.4 miles NW of Poynor, Texas Lat. 32°64'04" N. Long. 95°38"56" W. C.P. for a new station on frequency 11545V MHz toward Frankston, Texas on azimuth 112.4°.

2006–CF–P–77 Same (new), 203 W. Main Street Frankston, Texas Lat. 32°03'04" N. Long. 95°30'32" W. C.P. for a new station on frequency 10935V MHz Lapoynor, Texas on azimuth 292.4°.

2007–CF–P–77 American Telephone and Telepgraph Company (KSH90) Watertown Jct. 4.0 miles NE of Watertown, Wisconsin Lat. 43°14'28" No. Long 88°39'54" W. C.P. to add frequency 3750H MHz toward Fox Lake, Wisconsin.

2008–CF–P–77 Same (KYJ64), 4.5 miles ENE of Fox Lake Wisconsin Lat. 43°57'02" N. Long. 88°49'31" W. C.P. to add frequencies 3710H MHz toward Watertown Jct. and 3710V MHz toward Fisk, Wisconsin.

2009–CF–P–77 Same (KYJ63), 2.0 miles East of Fisk, Wisconsin Lat. 43°57'02" N. Long. 88°38'35" W. C.P. to add frequencies 3750V MHz toward Fox Lake and 3750V MHz toward Hortonville, Wisconsin.

2010–CF–P–77 American Telephone and Telegraph Company (KYJ62), 2.0 miles ENE of Hortonville, Wisconsin Lat. 44°20" 41° N. Long. 88°36"22° W. C.P. to add frequencies 3710V MHz toward Fisk, Wisconsin and 4030V MHz toward Appleton, Wisconsin.

2011–CF–P–77 Same (KJY61), 126 North Superior Street Appleton, Wisconsin Lat. 44°15"45° N. Long. 88°24'30° W. C.P. to add frequency 4070.0V MHz toward Hortonville, Wisconsin.

3873–CF–ML–76 N-Triple-C, Inc. (WOH45), Lewis, Iowa. Mod. of License to correct coordinates to read Lat. 41°18'03" N., Long. 95°00'11" W.; and correct path data towards Bentley to 285.7°; Casey to 70.5°.

3878–CF–ML–76 Same (WOH50), Malcom, Iowa. Mod. of License to correct coordinates to read Lat. 41°44'47" N., Long. 92°34'21" W.; correct path data towards Reasnor on azimuth 247.1°; Williamsburg on azimuth 103.5°.

3881–CF–ML–76 Same (WOH53), Muscatine, Iowa. Mod. of License to correct station coordinates to read Lat. 41°27'34" N., Long. 91°00'26" W.; correct path data towards Iowa City on Azimuth 301.5°; Davenport on azimuth 73.5°.

2024–CF–MP–77 Goeken Communications (WBA739), Chicago, 233 S Wacher Drive, Chicago, Illinois Lat. 41°52'44" N., Long. 87°38'10" W. Mod. of C.P. (4242–CF–P–75) to decrease transmit and receive only antenna structure height; change location of receive station; move antenna on 2177.0H MHz towards Lake Zurich, Illinois on azimuth 318.40°; replace transmitter and increase output power.

2025–CF–MP–77 Same (WBA740), Lake Zurich, 3 miles N of Lake Zurich, Illinois. Lat. 42°14'10" N., Long. 88°03'50" W. Mod of C.P. (4243–CF–P–75) to change location and name of transmit station; change location of receive station; increase transmit structure height; replace transmitter and increase power on 2127.0H MHz towards Chicago on azimuth 138.11°; 2120H MHz towards Somers, Illinois on azimuth 13.25°.

2026–CF–MP–MP–77 Same (WBA741), Somers, 1.5 mile NW of Somers, Wisconsin. Lat. 42°39'03" N., Long. 87°55'50" W. Mod. of C.P. (4244–CF–P–75) to change name and location of transmit station; change location of receive station on 2170.0H MHz to Lake Zurich on azimuth 193.44°; change 2113.0V to 2163.0V MHz towards Milwaukee, Wisconsin on azimuth 3.16°; replace transmitters.

2027–F–MP–77 Same (WBA742), Milwaukee, 305 E Wisconsin Avenue, Milwaukee, Wisconsin, Lat. 43°02'18" N., Long. 87°54'-05" W. Mod. of C.P. (4245–CF–P–75) to change transmit and receive station location; change 2163.0V to 2113.0V MHz towards Somers, Wisconsin on azimuth 183.-18°; replace transmitters.

NOTE.—File Numbers 2024–CF–MP–77 through 2027–CF–MP–77 appeared on April 4, 1977 Public Notice as Major Amendments to the C.P. file numbers being modified; this entry will replace those entries that appeared on page 8 of April 4, 1977 Public Notice.

1983–CF–P–77 Cascade Utilities, Inc. (new), 5½ miles S. of Scottsburg, Oregon, Lat. 43°34'36" N., Long. 123°49'13" W., C.P. for a new station on frequency 2115.6V MHz toward Loon Lake PR on azimuth 296.4° and from passive reflector to Elkton RPTR, Oregon on azimuth 83.3°.

2022–CF–P–77 Same (new) Elkton RPTR 2½ miles SSE. of Elkton, Oregon, Lat. 43°-37'14" N., Long. 123°32'05" W., C.P. for a new station on frequencies 2165.6V MHz toward Loon Lake PR on azimuth 263.5° and from the passive reflector to Ash Valley, Oregon on azimuth 116.4° and 2168.8H MHz toward Elkton Co, Oregon on azimuth 306.5°.

2023–CF–P–77 Same (new) Elkton Co., Highway 38, Elkton, Oregon, Lat. 43°38'13" N., Long. 123°33'55" W., C.P. for a new station on frequency 2118.8H MHz toward Elkton RPTR, Oregon on azimuth 126.4°.

2032–CF–P–77 American Telephone and Telegraph Company (KSJ43), Rib Hill Jct. 2.5 miles SW. of Wausau, Wisconsin, Lat. 44°55'13" N., Long. 89°40'47" W., C.P. to add frequency 4030V MHz toward Medford, Wisconsin.

2033–CF–P–77 Same (KSP41), 6.0 miles East of Medford, Wisconsin, Lat. 45°08'41" N., Long. 90°12'36" W., C.P. to add frequencies 4070V MHz toward Rib Hill Jct. and 4070H MHz toward Bellinger, Wisconsin.

2034–CF–P–77 Same (KSP40), 0.3 mile W. of Bellinger, Wisconsin, Lat. 45°04'29" N., Long. 90°48'21" W., C.P. to add frequencies 4030H MHz toward Medford and 4030H MHz toward Eagleton, Wisconsin.

2035–CF–P–77 Same (KSP38) Eagleton 1.5 miles ENE. of Eagle Point, Wisconsin, Lat. 45°02'21" N., Long. 91°21'16" W., C.P. to add frequencies 4070H MHz toward Bellinger and 3830H MHz toward Eau Claire, Wisconsin.

2036–CF–P–77 Same (KSP39), 304 South Dewey Street, Eau Claire, Wisconsin, Lat. 44°48'41" N., Long. 91°29'49" W., C.P. to add frequency 3790H MHz toward Eagleton, Wisconsin.

2050–CF–MP–77 The Rye Telephone Company, Inc. (WBA877), Beckwith Dr. and Valverde Circle, Colorado City, Colorado, Lat. 37°56'42" N., Long. 104°50'17" W., Mod. of C.P. (1400–CF–P–76) to delete passive reflector from Colorado City and Greenhorn.

2070–CF–AL–(4)–77 Carter Goeken Communications, Application for consent to Assignment of Radio Station Construction Permit or License from Carter Goeken Communications, Assignor, to Goeken Communications, Assignee, for stations WBA739, Chicago, Illinois; WBA740, Chicago, Illinois; WBA741, Chicago, Illinois; and WBA742, Chicago, Illinois.

2051–CF–P–77 Hawaiian Telephone Company (WDD39), 1177 Bishop Street, Honolulu, Hawaii, Lat 21°18'47" N., Long. 157° 51' 43" W., C.P. to add a new point of communication on frequencies 5952.6H, 6071.2H MHz toward Kunia RF, Hawaii on azimuth 308.8°.

2052–CF–P–77 Same (KUR96), 252 Koa Street, Wahiawa, Hawaii, Lat. 21°30'19" N., Long 158°01'35" W., C.P. to replace transmitter and antenna on frequencies 6204.7H, 6323.3H, 11245H, 11365H and 11485H MHz toward Kunia PR, Hawaii.

2053–CF–P–77 Same (KUV95), Kaala 4.3 miles S. of Waialua, Hawaii, Lat. 21°30'51" N., Long. 158°09'08" W., C.P. to replace transmitters on frequencies 6775H, 6885H MHz toward Paumalu and 10715H, 10835H, 10955H MHz toward Kaala PR, Hawaii.

2054–CF–P–77 Same (KUV94), Paumalu 5.3 miles W. of Kahuku, Hawaii, Lat. 21°40' 23" N., Long. 158°02'08" W., C.P. to replace transmitters on frequencies 6595H, 6675H MHz toward Kaala, Hawaii.

2058–CF–P–77 General Telephone Company of the Northwest, Inc. (new), Cust 2nd Between C & B Street, Cusick, Washington, Lat. 48°20'13" N., Long. 117°17'42" W., C.P. for a new station on frequencies 2118.-4H, 2118.4V MHz toward Hoodoo, Mountain, Idaho on azimuth 138.4°, 2128.0V MHz toward Ruby Mountain DPR 353.0° and from passive reflector to Ione on azimuth 345.4°

2059–CF–P–77 Same (new), Main Street Ione, Washington, Lat. 48°44'28" N., Long. 117°25'11" W., C.P. for a new station on frequency 2178.0V MHz toward Ruby Mountain DPR on azimuth 165.4° and from the passive reflector to Cusk, Washington on azimuth 173.0°.

2060–CF–P–77 Same (new), Hoodoo Mountain 4 miles NE. of Blanchard, Idaho, Lat. 48°04'44" N., Long. 116°57'09" W., C.P. for a new station on frequencies 2168.4H, 2168.4V MHz toward Cust, Washington on azimuth 318.6° and 10795.V MHz toward Cral TC, on azimuth 163.8°.

2061–CF–P–77 Same (KZS57), 2115 Government Way Coeur D'Alene, Idaho, Lat. 47° 51'52" N., Long. 116°47'17" W., C.P. to increase antenna structure height and add a new point of communication on frequency 11325.V MHz toward Hoodoo Mountain, Idaho on azimuth 343.9°.

2065–CF–P–77 New England Telephone and Telegraph Company (new), Littleton, No. 2, 33 Pleasant Street, Littleton, New Hampshire, Lat. 44°18'26" N., Long. 71°46'12" W., C.P. for a new station on frequency 2115.2V MHz toward Mt. Washington on azimuth 96.1°.

2066–CF–P–77 Same (new), Mt. Washington Summit, Mount Washington, New Hampshire, Lat. 44°16'14" N., Long. 71°18'14" W., C.P. for a new station on frequency 2165.2V MHz toward Littleton No. 2, Mount Washington on azimuth 276.4°.

2038–CF–P–77 The Western Union Telegraph Company (WQP61), San Francisco, No. 2, 50 California Street, San Francisco, California, Lat. 37°47'39" N., Long. 122°-23'46" W., C.P. to add 6226.9V, 6375.2H, 6404.8V MHz towards Cordelia, California on azimuth 18.6°.

2039–CF–P–77 Same (WQP60), Cordelia, 4.4 miles NW. of Cordelia, C lifornia, Lat. 38°-14'51" N., Long. 122°12'02" W., C.P. to add 5974.8H, 6034.2H and 6063.8V MHz towards San Francisco, No. 2, on azimuth 198.7°; add 10975H, 11135H, 10815H MHz towards a new point of communication at Sky Valley, California on azimuth 9.7°

2040–CF–P–77 Same (new), Sky Valley, 5 miles NE. of Vallejo, California, Lat. 38°-09'39" N., Long. 122°11'18" W., C.P. for a new station on 11425H, 11505H, 11665H MHz towards Cordelia, California on azimuth 352.7°.

2069–CF–P–77 N-Triple-C Inc. (WOH60), Glendale, 1.5 miles NW. of Glendale, Illinois, Lat. 41°54'24" N., Long. 88°06'39" W., C.P. to add 6375.2V, 6197.2V, 6256.5V and 6315.9V towards Lily Lake, Illinois; This replaces that portion which was deleted in application 3965–CF–P–76.

The following timely filed renewals have been received: Western TV Relay, Inc., 7848–CF–R–76, KLF 85, Weatherford, Oklahoma; 7849–CF–R–76, KLT 80, Elk City, Oklahoma.

MAJOR AMENDMENTS (CORRECTIONS)

3324–C1–P–68 Frank K. Spain, d.b.a. Microwave Service Company (new), Frazier Mtn., California (Lat. 34°46'30" N., Long. 118°58'06" W.). This entry, appearing in Public Notice of March 14, 1977, is corrected to show erroneously omitted frequency—6286.2H MHz toward Iron Mtn., California, via power split, on azimuth 5.1 degrees. All other particulars remain the same as previously reported.

304–CF–P–75 Microwave Transmission Corporation (new), Bald Ridge, 5 miles NE of Watsonville, California (Lat. 36°58'00" N., Long. 121°41'31" W.). This entry, appearing in Public Notice of April 4, 1977, is corrected to show frequency(ies) as follows (all via power split): 10735V, 10895V, 10935H, 11095H, 10855H and 11055V MHz toward Capitola, Watsonville, and Salinas, all in California, on azimuths 274.6, 234.8, and 173.1 degrees, respectively; 10735V, 10895V, 10935H, 11095H, 10855H MHz toward Monterey California, on azimuth 198.8 degrees; 11015H MHz toward Monument Peak, California, on azimuth 345.1 degrees; 10855V and 10935V MHz toward Escrito, California, on azimuth 163.8 degrees.

3965–CF–P–76 N-Triple-C, Inc. (WOH60), Glendale, Illinois. Application amended to delete all frequencies toward Lily Lake, Illinois. (All other particulars remain as reported on PN No. 80, dated June 1, 1976.)

CORRECTION

1716–CF–P–77 South Central Bell Telephone Company (KJN28), corrected polarization toward 4090V. All other particulars remain as reported on PN No. 849 dated March 14. 1977.

1765–CF–P–77 Michigan Bell Telephone Company (KQI80), 444 Michigan Ave., Detroit, Michigan, corrected frequency to read 10875H. All other particulars are to remain as reported on PN No. 850 dated March 21, 1977.

618–CF–P–77 South Central Bell Telephone Company (KLW27), corrected coordinate to read Lat. 32°30'37" N. All other particulars are to remain as reported on PN No. 844 dated February 7, 1977.

[FR Doc.77–11201 Filed 4–15–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. Law 92–463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Friday, May 6, 1977, at 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue NW., Washington, D.C.

The purpose of the Committee is to provide the Federal Energy Administration with advice concerning the impact of FEA policies and programs on consumers and special impact groups.

The agenda for the meeting is as follows:

1. Old Business—Report on the Status of CA/SI Advisory Committee Recommendations and Requests and FEA Commitments.
2. Pending Policy Issues.
3. Subcommittee Reports: Energy Efficiency Standards Conservation and Ecology; Energy Consumption Problems and Utilities; Transportation Programs; Energy Legislation and Regulations; Consumer Representation; Energy Consumption and the Disadvantaged.
4. Discussion and Evaluation of the Impact of President Carter's Proposed Energy Policy on Consumers and Special Impact Groups.
5. Items for Discussion at the Next Meeting.
6. Public Comment.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 566–9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on April 13, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–11205 Filed 4–13–77;4:00 pm]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE SUBCOMMITTEES

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the subcommittees of the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, May 5, 1977, at the location and time indicated below.

The objective of the subcommittees is to make recommendations to the parent Committee with respect to matters concerning consumer aspects of FEA policies and programs.

The agenda and schedule of meetings is as follows: *Energy Consumption Problems and Utilities Subcommittee,* Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C. 9:00 a.m.

Agenda: Discussion of President Carter's Proposed National Energy Policy, Utility Issues; Implementation of Section 205 of the Energy Conservation and Production Act; Discussion and Evaluation of the Preliminary Report on Section 203 of the Energy Conservation and Production Act.

Energy Efficiency Standards Conservation and Ecology, Room 5041A, FEA, Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C., 9:00 a.m.

Agenda: Discussion of President Carter's Proposed National Energy Policy, Conservation and Measures; Discussion of President Carter's Proposed National Energy Policy, Consumer Education.

Transportation Programs Subcommittee, Room 5041B, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 9:00 a.m. Agenda: Discussion of President Carter's Proposed National Energy Policy, Transportation Programs.

Energy Legislation and Regulation Subcommittee, Room 5041A, FEA Headquarters, 12th & Pennsylvania Avenue NW., Washington, D.C., 1:00 p.m. Agenda: Discussion of President Carter's Proposed National Energy Policy, Legislation and Regulations; New Legislation Relating to Energy; New Regulations Promulgated by FEA.

Energy Consumption Problems and the Disadvantaged, Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C., 1:00 p.m. Agenda: Impact of President Carter's Proposed National Energy Policy on the Disadvantaged.

The subcommittee meetings are open to the public. The Chairman of each subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with a subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566–9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning these meetings may be obtained from the Advisory Committee Management Office.

The transcript of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on April 13, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–11206 Filed 4–13–77;4:00 pm]

SOLAR ELECTRIC GENERATION SUBCOMMITTEE OF THE ELECTRIC UTILITIES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Solar Electric Generation Subcommittee of the Electric Utilities Advisory Committee will meet Monday, May 9, 1977, 10:30 a.m., Room 300A, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The objective of the Subcommittee is to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the Electric Utilities Advisory Committee.

The agenda for the meeting is as follows:

1. Opening Remarks.
2. Review of Studies Made to Date on the Southwest Project and Discussion of the Project as Related to: Construction Issues; Financial Considerations; Electric Utility Operational Considerations; State Regulatory Programs; Consumer Issues; Environmental Issues.
3. Recommendations regarding the Southwest Project: Within the Scope of the Current Contract; Beyond the Scope of the Current Contract.
4. Comments from the Public.
5. Summation.

The Subcommittee meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 566–9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

A transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on April 13, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-11204 Filed 4-13-77;3:59 pm]

FEDERAL MARITIME COMMISSION

BERMUDA DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 9, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Frederick L. Shreves, II, Esq., Sedam, Herge & Shreves, 7600 Old Springhouse Road, McLean, Virginia 22101.

Agreement No. 10292, between Pan Atlantic Shipping Ltd. and Bermuda Express Service, would permit the parties to discuss problems of common concern and cooperate in developing proposals relating to their respective services in the trade between U.S. Atlantic Coast ports and Bermuda. Topics of discussion and information exchanged between the parties shall be limited to specific operational and energy related problems concerning:

1. Cargo movements and the seasonality and other fluctuations of traffic flow;
2. Sailing and berthing schedules in Bermuda;
3. Negotiations for stevedoring services;
4. The availability and terms of operations associated with inland cartage services in the U.S., demurrage problems, rate levels and practices, handling charges and commissions;
5. Energy conservation measures.

Nothing in the agreement authorizes the parties thereto to carry out any substantive agreement which may be reached except upon the prior approval of the Commission. The agreement shall remain in effect for a period of 18 months from the date of its approval, however, its duration may be extended with the Commission's approval.

By order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11221 Filed 4-15-77;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01011-----	Aktieselskabet Det Ostasiatiske Kompagni: *Sumbawa.*
01017-----	Westfal-Larsen & Co. A/S: *Brimanger.*
01039-----	Den Norske Amerikalinje A/S: *Oslofjord.*
01343-----	Hamburg - Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck: *Columbus Virginia.*
01613---	Reardon Smith Line Ltd.: *Orient City.*
01817---	The Clan Line Steamers Ltd.: *Clan MacGillivray, Clan Grant, Clan MacGregor.*
01854---	Southern Towing Co.: *NBC-801.*
01904---	Waterman Steamship Corp.: *Thomas Nelson.*
01905---	The Ben Line Steamers Ltd.: *Benrinnes, Jeddah Crown.*
01908---	The Union-Castle Mail Steamship Co. Ltd.: *Dover Castle.*
01966---	Estrella Prospera Nav. S.A. of Panama: *Christine.*
02032---	D. B. Deniz Nakliyati T.A.S.: *Amiral Mehmet Ali Ugen.*
02138---	Sioux City & New Orleans Barge Lines, Inc.: *Mr. Cole.*
02194---	Compagnie Generale Maritime: *Fort Ste-Marie, Pointe Marin, Aunis, Atlantic Champagne, Champlain, Pointe Madame, Pointe Des Colibris, Pointe San Souci, Pointe La Rose, Balaou, Baliste.*
02259---	Neste Oy: *Nestefjox.*
02419---	Far Eastern Shipping Ltd.: *Federal Fraser.*
02419---	Simms Bros. Towing Co., Inc.: *RWH 43, JGH 33.*
02862---	Ocean Shipping & Enterprises Ltd.: *Ocean Elite, Thana Varee.*
02911---	Sig. Bergesen D.Y. & Co.: *Larina.*
02930---	Compania Dus Americana De Vapores: *Chaiten.*
03004---	Rederi AB Soya: *Faust, Falstaff.*
03139---	Offshore Marine Ltd.: *Cumbria Shore.*
03460---	Mibae Shosen Kabushiki Kaisha: *Sumida Maru.*
03484---	Sanko Kisen K.K.: *Kako Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Katorisan Maru.*
03516---	Toko Kaiun Kabushiki Kaisha: *Tokai Maru, Toten Maru.*
03637---	P.A. Van Es & Co. N.V.: *Breehoek*
03640---	Pan Ocean Bulk Carriers, Ltd.: *Bum Chin.*
03690---	The Harbor Tug & Barge Co.: *Artic Challenger.*
03708---	Puget Sound Tug & Barge Co.: *Alaska.*
03727---	Continental Oil Co.: *7020.*
03971---	Korea Shipping Corp.: *Korean Runner.*
04226---	National Marine Service, Inc.: *N.M.S. No. 1461, N.M.S. No. 1462.*
04228---	Compagnie Maritime Belge (Lloyd) Royal S.A.: *Teniers.*
04433---	Allied Chemical Corp.: *NMS 1952. NMS 1953.*
04794---	Sea King Corp.: *Grand Unity.*
04803---	Brent Towing Co., Inc.: *B-428.*
04844---	Sloman Neptun Schiffahrts Aktiengesellschaft: *Epsilongas.*
04855---	Maru Shipping Co., Inc.: *Frisky.*
04873---	Compania Espanola De Petroleous S.A.: *Gerona.*
05079---	Van Uden Scheepvaart En Agentuur MIJ. B.V.: *Seinehaven.*
05167---	Consorcio Naviero Peruano S.A.: *Lima, Monte Cristo.*
05180---	Navigazione Arenella: *Punta Stella.*
05617---	Maritima Del Norte, S.A.: *Sierra Estrella, Sierra Espuna, Sierra Escudo.*
05736---	Stellman Transportation Co.: *Tejas 100.*
06248---	Commercial Corp. Sovryflot: *MYS Ermak, Vulkan, Kargat, MYS Bobrova, Medik, MYS Ilmoviy.*
16596---	Issei Kisen K.K.: *Kosei Maru.*
06760---	Athelstane Tankers Co. Ltd.: *Athelmonarch.*
06958---	Crystal Magnolia, Inc.: *Crystal Cherry, Crystal Gardenia.*
06995---	Novorossiisk Shipping Co.: *Kavkaz.*
07271---	Kyowa Suisan Kabushiki Kaisha: *Mitomaru No. 12.*
07527---	Korea Line Corp.: *Silver Bell.*
07880---	Logicon, Inc.: *GTC-5.*
07904---	K.K. Koyo Gyogyo: *Hoyo Maru*
08195---	Aleutian Corp. (Monrovia): *Amak.*
08840---	Bangladesh Shipping Corp. *Banglar Alo.*
08964---	Houlder Brothers & Co., Ltd.: *Dunster Grange.*
08999---	Sause Bros. Ocean Towing Co., Inc.: *Chetco.*
09641---	Bulk Navigation S.A.: *Viking.*
09760---	Amoco Transport Co.: *Amoco Voyager.*
09717---	The Academy of Sciences of the USSR: *Akademik Vernadsky, Mihail Lomonosov.*
09991---	Laurel Limited: *Camellia.*
10093---	Universal Giant Shipping Co. Ltd. S.A.: *Patricia.*
10214---	Arco Iris Naviera S.A.: *Global Splendour, Global Challenge.*

Certificate No.	Owner Operator and Vessels
10400---	Odeco Inc.: *Ocean Liberty.*
10584---	Mobil Tankships (U.K.) Ltd.: *Sachem.*
10854---	The Saudi Arabian Shipping Co. Ltd.: *Bacca.*
10997---	Spanocean Line Ltd.: *Condora.*
11000---	An Lee Navigation Co. S.A.: *Fu Kang.*
11141---	Alpha Maritime Services Inc.: *Lorenzo Halcoussi.*
11258---	J. Jost Ohg. Hamburg: *Brooknes.*
11286---	Binion Marine Service Inc.: *C-201.*
11492---	Wakamatsu Kaiun Kabushiki Kaisha: *Wakayoshi Maru.*
11611---	Amphitrite Shipping and Trading Corp. S.A.: *Petrola's Ocean Master 24, 20 Seamaster, Ikosi-Ena.*
11646---	Swift Marine Inc.: *Ft-18.*
11653---	Utah Transport Inc.: *Lake Arrowhead.*
11728---	Taiko Suisan Kabushiki Kaisha: *Taiko Maru No. 2, Shinsei Maru No. 5.*
11966---	Goshi Gaisha Maruhyo Shoten: *Fukucho Maru No. 23.*
11985---	Mobil Overseas Shipping Co.: *Mobil Kestrel, Mobil Light.*
12010---	Bernhard Hansen & Co.: *Musketeer Fury.*
12105---	Transocean Liners (PTY) Ltd.: *Maritime Courier, Selinda.*
12208---	Manioglu Gemi- Isletmeciligi Ve Ticaret A.S.: *Manizade*
12230---	Dunmanus Bay Shipping Co. Ltd.: *Al Sadiq.*
12252---	Maritime Corp. Dolphin S.A.: *Zacharia Tsirlis.*
12253---	Showa Lease Co. Ltd.: *Hatsufuji.*
12255---	Ugland Management Co. A/S: *Amax Miner.*
12271---	Shyang Mou Ocean Enterprise Co. Ltd.: *No. 12 Shyang Mou.*
12275---	Central Marine Service Inc.: *SYM-5, SYM-6, BP-100.*
12283---	Junzo Sasaki: *Mitomaru No. 82.*
12290---	Et Interessentskab Bestaende Af Aktieselskabet Maersk Oil Drilling Corp. Og Maersk Boreentreprise Aktieselskab: *Maersk Battler, Maersk Beater, Maersk Tackler.*
12298---	Pankada Shipping Co. S.A.: *Agios Nicolaos.*
12300---	Mu Multitank Westfalia Frisia Pioneer Uwe R. Ahrenkiel GmbH & Co., KG. Hamburg: *Multitank Westfalia.*
12303---	Pontones Vigorosos S.A.: *Eagle Turtle.*
12304---	Pontones Robustos S.A.: *Funny Turtle.*
12313---	United Petroleum Shipping Ltd.: *Marakanda.*
12315---	Tregu Compania Naviera S.A.: *Phantom.*
12326---	Marumo Suisan Kabushiki Kaisha: *Seisyo Maru No. 11.*
12327---	Komatsu Gyogyo Kabushiki Kaisha: *Kaiunmaru No. 38.*
12328---	Goshi Kaisha Tashichi Shoten: *Kumano Maru No. 15.*
12329---	Fukushin Suisan Kabushiki Kaisha: *Fukushin Maru No. 5.*
12330---	Daiei Gyogyo Yugen Kaisha: *Manei Maru No. 8.*
12331---	Shintaro Yoshida: *Shinei Maru No. 21.*
12333---	Ampelos Shipping Co. Ltd.: *Irenes Friendship.*
12334---	Compania Maritima Sequoia Lloyd S.A.: *Happy Runner.*
12336---	Tower Corp. Inc.: *Aegean Lion.*
12337---	Patea Shipping Ltd.: *South Star.*
12338---	Tanker Services Inc.: *Oriental Giant.*
12343---	Street of Ships, Inc.: *Robert Fulton.*
12344---	KG Topas Schiffahrtsgesellschaft M.B.H. & Co.: *Ivory Sun.*
12346---	Sagitarius Steamship Corp.: *Sophia II.*
12347---	Partrederiet Tamesis: *Tamesis.*
12348---	Finafin Trust Corp.: *Mystras.*
12349---	Zosma S.P.A.: *Oceano.*
12350---	Seavalor Ocean Transports Corp. of Liberia: *Messiniaki Anatoli.*
12351---	Helicon Shipping Inc.: *Eurosea.*
12352---	Jovial Shipping Corp. Liberia: *Hudson Bay, Pacific Glory, Pacific Pride, Oriental Merchant.*
12353---	Hielomarin S.A. Panama: *St. Marcos.*
12354---	Articomarin S.A. Panama: *St. Raphael.*
12355---	Poloma Co., Ltd.: *Masluck.*
12356---	Orinoco Shipping Co., Inc, Panama: *Dona Placida.*
12357---	Trawler Tide, Inc.: *Tide.*
12358---	Jose Pereira Alvarez: *Puente Minor.*
12359---	Shen Pao Fishery Co., Ltd.: *Shen Pao No. 27, Shen Pao No. 30.*
12360---	Kanenaka Suisan Yugen Kaisha: *Kiku Maru No. 2.*
12361---	Ooishi Gyogyo Kabushiki Kaisha: *Syotoku Maru No. 35, Syotoku Maru No. 36.*
12362---	Konpiramaru Gyogyo Kabushiki Kaisha: *Konpiramaru No. 7.*
12363---	Honma Gyogyo Kabushiki Kaisha: *Manyro Maru No. 31, Manryo Maru No. 32.*
12364---	Nanayo Suisan Kabushiki Kaisha: *Nanayo Maru No. 2.*
12365---	Honma Suisan Kabushiki Kaisha: *Ryoun Maru No. 15.*
12366---	Muroran Kisen Gyogyo Kyodo Kumiai: *Kyoyo Maru No. 2.*
12367---	Kagoshima Prefectural Government: *Satuma Seiun Maru.*
12368---	Collins Shipping Corp.: *Maritime Brilliance.*
12371---	Global Marine Enterprises Corp.: *Atlantica.*
12372---	Kuma Shipping Corp.: *Co-Op Maru.*
12373---	Liberian Anoa Transports, Inc.: *World Prestige.*
12374---	Bayard Line (Maldives), Ltd.: *Mouta Maru, Yuuta Maru.*
12375---	Maritime Cargo Express S.A.: *Canadian Express.*
12376---	Sea Horse Navigation S.A.: *Seaward.*
12378---	Antietam Tankers, Inc.: *Antietam.*
12381---	Aeolis Compania Naviera S.A.: *Elpis C.*
12382---	Regort Shipping Co. S.A.: *Angelike Dynamis.*
12383---	Association M.V. E.R. Legia: *E.R. Legia.*
12384---	Argostoli Compania Naviera S.A.: *Nissos Ithaki.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11219 Filed 4-15-77;8:45 am]

FAR EAST CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 9, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commence.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Agreement 17-36 would permit the Far East Conference to establish a "misrating program" designed to ensure "* * * to the greatest degree possible, that all member lines charge freight strictly in accordance with the tariff rules and regulations." The misrating program would be supplemental to the self-policing activity of the Conference's neutral body.

By order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11216 Filed 4-15-77;8:45 am]

FAR EAST DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 9, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the

commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

H. P. Blok, Secretary, Agreement No. 9981, 417 Montgomery Street, San Francisco, California 94104.

Agreement No. 9981-5, entered into by 23 U.S. and foreign flag common carriers by water, is an application on behalf of the member lines of the Far East Discussion Agreement for an extension of the authority conferred under the terms and conditions of said agreement for a period of one year beyond the present expiration date of June 20, 1977.

By order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11217 Filed 4-15-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1016]

HANRAHAN-EVANS, INC.

Order of Revocation

On April 7, 1977, Hanrahan-Evans, Inc. 9-11 Maiden Lane, New York, New York 10038, voluntarily surrendered its Indepedent Ocean Freight Forwarder License No. 1016 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1016 issued to Hanrahan-Evans, Inc., be and is hereby revoked effective April 7, 1977 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Hanrahan-Evans, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-11222 Filed 4-15-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1650]

INTER-CREST MARITIME & ASSOCIATES

Reinstatement of License

By Federal Maritime Commission Order served March 28, 1977, Inter-Crest Maritime and Associates' Independent Ocean Freight Forwarder License No. 1650 was revoked, effective March 26, 1977, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on April 1, 1977 in 42 FR 17518.

An appropriate surety bond has been received in favor of Inter-Crest Maritime & Associates and compliance pursuant to section 44, Shipping Act, 1916 and § 510.9 of the General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04 (a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 1650 shall be reissued to Inter-Crest Maritime & Associates, effective March 26, 1977. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Inter-Crest Maritime and Associates.

FRANCIS C. HURNEY,
Acting Manager Director.

[FR Doc.77-11218 Filed 4-15-77;8:45 am]

MEDTRANS S.A. AND BLACK SEA SHIPPING CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 28, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Roy R. Sumner, President, Transworld Tariff & Research Services, Inc., 1301 G Street NW., Suite 915, Washington, D.C. 20005.

Agreement No. 10291, between the above named carriers, provides for the interchange of cargo containers and/or related equipment in accordance with the terms and conditions set forth therein. Medtrans operates regularly in the trades between ports in Europe. Blasco operates regularly in the trade between ports in the United States and ports in Portugal and in the Mediterranean and Black Seas.

By Order of the Federal Maritime Commission.

Dated: April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11220 Filed 4-15-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-10; PGA77-4]

ARKANSAS LOUISIANA GAS CO.

Proposed Change in Rates

APRIL 12, 1977.

Take notice that on March 29, 1977, Arkansas Louisiana Gas Company (Arkla) tendered for filing 10th Revised Sheet No. 185 to its FPC Gas Tariff Original Volume No. 3, to become effective May 1, 1977.

Arkla states that the instant tariff sheet is being submitted pursuant to the Purchased Gas Cost Adjustment Clause of its tariff to provide for a current adjustment and a surcharge adjustment in accordance with applicable regulations.

Arkla also states that copies of its filing were mailed to the jurisdictional customer affected and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11187 Filed 4-15-77;8:45 am]

[Docket Nos. CP77-216, CP77-217, CP77-218]

DISTRIGAS OF MASSACHUSETTS CORP., DISTRIGAS CORP.

Extension of Time

APRIL 11, 1977.

On March 22, 1977, Distrigas of Massachusetts Corporation (DOMAC) filed a motion for an indefinite extension of time for filing the first incremental fee required by § 159.2 of the Commission's Regulations under the Natural Gas Act. Notice of DOMAC's application for a certificate of public convenience and necessity was issued February 24, 1977. DOMAC's request is based on a question of Commission jurisdiction over the construction and operation of additional facilities at its Everett, Massachusetts LNG plant, the subject of the pending application in the captioned proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 31, 1977, within which DOMAC shall file the required fee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11192 Filed 4-15-77;8:45 am]

[Docket No. RI77-49]

MAGUIRE OIL CO.

Petition for Special Relief

APRIL 11, 1977.

Take notice that on March 28, 1977, Maguire Oil Company (Maguire), 4200 First National Bank Building, Dallas, Texas 75202, filed a petition for special relief in Docket No. RI77-49 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Maguire seeks authorization to charge 43 cents per Mcf for the sale of gas to Natural Gas Pipeline Company from the Sullivan No. 3 Well located in the Ann-Mag Field, Brooks County, Texas. The subject gas is currently being sold at the rate of 35 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11189 Filed 4-15-77;8:45 am]

[Docket No. RP73-14; PGA 77-2a]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Revised PGA Rate Filings

APRIL 11, 1977.

Take notice that on March 30, 1977 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Substitute Sixteenth Revised Sheet No. 27F to its F.P.C. Gas Tariff, Second Revised Volume No. 1, Michigan Wisconsin proposed on effective date of May 1, 1977 for said revised sheet.

The foregoing tariff sheet replaced one that was filed on March 16, 1977 and which did not include a concurrent filing by Great Lakes Gas Transmission Company of a rate reduction to reflect a decrease in the Canadian currency buying rate to be effective May 1, 1977.

Michigan Wisconsin further states that, as noted in the original filing, it requests a waiver of the requirements of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Substitute Sixteenth Revised Sheet No. 27F to be made and to become effective May 1, 1977. However, in the event the Commission does not accept Substitute Sixteenth Revised Sheet No. 27F to become effective May 1, 1977, Michigan Wisconsin requests that Substitute Alternate Sixteenth Revised Sheet No. 27F be accepted May 1, 1977 and that Substitute Sixteenth Revised Sheet No. 27F be suspended for (1) day to become effective May 2, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). As such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11188 Filed 4-15-77;8:45 am]

[Docket No. CS75-383]

NELEH GAS & OIL CORP., ET AL.[1]

Order Denying Rehearing

APRIL 12, 1977.

On February 24, 1977, Neleh Gas & Oil Corporation, et al. (Neleh), filed an application for rehearing of an order issued January 25, 1977, granting the company a small producer exemption, subject to certain conditions, to cover sales by the joint venturers under Neleh Pipeline Gathering System. Prior to 1967 the Gathering System was wholly owned by Neleh Gas & Oil Corporation, a small producer, which assigned a fifty percent interest to MAPCO, Inc. (MAPCO) a large producer. In 1970 the Commission granted Neleh's request that its remaining interest be covered by MAPCO's large producer certificate and related rate schedule and that Neleh's small producer certificate be cancelled. On February 1, 1975, MAPCO sold its interest back to Neleh Gas & Oil Corporation, which subsequently assigned part of its interest to other joint venturers.

The conditions attached to the Neleh certificate resulted from the Commission's conclusion that under Section 157.40(c) of the Regulations the sale by MAPCO of its interest was no different in effect than a sale of developed reserves in place by a large producer, and such interest was not eligible for small producer treatment. Neleh was permitted to sell the reserves formerly attributable to MAPCO under its newly-issued small producer certificate but only at a rate that was applicable to comparable sales by a large producer. The same restriction would apply to purchases by Neleh from large producers.

Neleh asserts that the Commission erred in making a finding that Section 157.40(c) applied to the fifty percent of the volumes attributable to the former MAPCO-owned interest. Even if that section does apply, Neleh argues that the so-called "large producer" restriction should be withdrawn because the contracts predated the commencement of the small producer exception with the issuance of Order No. 428 or, at worst, should be limited to fifty percent of the volumes derived from contracts made by Neleh-MAPCO with large producers during their joint ownership of the Gathering System. Further, Neleh asserts that the rate restriction should not apply to future contracts.

The main force of Neleh's request is that it acquired from MAPCO an interest in executory contracts and not developed reserves in place, citing as authority the Commission's decision in Suburban Propane Gas Corporation.[2] In Suburban Propane the Commission held that where a large producer became a small producer by virtue of its annual jurisdictional sales falling below the 10,000,000 Mcf limit, reserves developed prior to attaining small producer status were not "acquired" by the company as that term is used in Section 157.40(c) of the Regulations. The effect of this ruling was that Suburban Propane was authorized to sell all of its reserves, whether developed as a large or small producer, at the small producer rate. This interpretation is presently under reconsideration in a pending rulemaking proceeding,[3] but as of this time the Suburban Uropane rule applies and Neleh asserts that it controls the instant proceeding.

In its January 25, 1977 order the Commission interpreted the acquisition of MAPCO's interest in the Gathering System by Neleh as the equivalent of the acquisition of developed reserves in place from a large producer. The decision in Suburban Propane is not contra. In that case the Commission ruled that where a company went from large to small producer status because of a decline in production, there had been no acquisition of reserves since title to the gas supply remained in Suburban Propane throughout. Similarly, where the change in status is due to a loss of affiliation, there would be no acquisition.[4] But, neither of

[1] Neleh Gas & Oil Corporation, TBI Management, Inc., and J. L. Davis

[2] Docket No. CS75-396, order issued November 19, 1975, amended on rehearing, May 27, 1976.

[3] Notice of Proposed Rulemaking, Docket No. RM76-15.

[4] King Resources Company, Docket No. CS73-553, Order Granting Rehearing And Issuing Small Producer Certificate (March 11, 1977). On March 15, 1977, Neleh filed a motion to supplement its application for rehearing by referring to the Commission's decision in King Resources, but that case is distinguishable from the Neleh proceeding for the reasons set forth above.

these situations are presented here. The purpose of the reserve rule was to prevent large producers from selling off their proved properties to small producers at inflated prices rather than selling the reserves at the applicable large producer ceiling.[5] This purpose would be frustrated under Neleh's interpretation of Section 157.40(c).

According to Applicant's argument would actively frustrate the small producer regulation. Financial advantage would tempt large producer plan operators to sell their plants to small producers which could resell all of the plant residue gas at small producer rates. Worse still, there would be added incentive for large producers to do this if they owned substantial reserves behind the plant for they could share in small producer prices by executing percentage sales contracts with the small producer to which the plant would be sold.

The remaining arguments of Neleh stem from a misunderstanding of the conditions imposed by the Commission as a result of the former fifty percent ownership of the Gathering System by a large producer. The effect of the Commission's action was to divide each contract that was executory at the time of the transfer of the interest from MAPCO to Neleh[6] into fifty percent MAPCO and fifty percent Neleh.

As to the MAPCO fifty percent, for contracts of purchase from large producers, Neleh can now collect the appropriate large producer rates, while purchases from small producers at set rates would permit Neleh, as successor to a large producer, to file, if contractually authorized, under Section 157.40 (f) to flow through any small producer rate that the seller could have charged MAPCO. If MAPCO had purchased from a small producer on a percentage sales basis, the resale limit would be the applicable large producer rate, because percentage sales do not qualify under the small producer exemption, pursuant to Section 157.40(a)(1).

Considering the fifty percent continually owned by Neleh, purchases from large producers would be restricted to the large producer rates, while purchases from a small producer could be resold at the applicable small producer ceiling, regardless of whether the purchase was at a fixed rate or on a percentage basis.[7] As to new contracts, those executed after the date of transfer from MAPCO to Neleh, purchases from small producers, fixed or percentage sales, can be resold at the applicable small producer rates, while purchases from large producers come under the limitation of Section 157.40(c), and the resale would be restricted to the appropriate large producer rates.

The Neleh application for rehearing has raised no new facts or legal principles that require us to modify our original order of January 25, 1977. Accordingly, we will deny the Neleh petition for rehearing in its entirety.

The Commission finds: The Neleh petition for rehearing of the order in this proceeding dated January 25, 1977, should be denied.

The Commission orders: The application for rehearing filed by Neleh is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11191 Filed 4-15-77;8:45 am]

[Docket No. CI77-298]

TENNECO, INC.

Further Extension of Time

APRIL 11, 1977.

On March 29, 1977, Sun Oil Company filed a motion for an extension of time to April 29, 1977, to file its response to Tenneco's February 28, 1977, petition for a declaratory order. Continental Oil Company filed a motion on March 30, 1977, requesting an extension to May 1, 1977. By Commission order issued March 8, 1977, responses were due March 14, 1977; by notice issued March 14, 1977, the date for filing responses was extended to April 1, 1977.

Upon consideration, notice is hereby given that the date for filing responses is extended to and including April 20, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11193 Filed 4-15-77;8:45 am]

[Docket Nos. RP71-29, et al. (Phase III); RP75-69, RP75-71]

UNITED GAS PIPE LINE CO.

Extension of Time

APRIL 11, 1977.

On April 5, 1977, Gulf States Utilities Company (Gulf States) filed a motion for an extension of time to respond to the Motion of United Gas Pipe Line Company to Lodge Referral Order, filed March 25, 1977. The motion states that counsel for United has been contacted and has no objection to the extension of time.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 25, 1977, for filing responses to the Motion to Lodge Referral Order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11194 Filed 4-15-77;8:45 am]

[5] Order No. 428, 45 FPC 454, 455-56 (1971).

[6] Neleh mistakenly assert that the contract date controls how the Commission's conditions should operate. What is authoritative is the date of the reassignment by MAPCO to Neleh, since prior to that time MAPCO, a large producer, held a one-half interest in all executory contracts with the Gathering System.

[7] This is distinguished from a similar-type situation for the MAPCO fifty percent, because Neleh, as a small producer, is not restricted in its resales at the small producer rate, provided it has contractual authorization therefor.

FEDERAL RESERVE SYSTEM

[H.2, 1977 No. 13]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending March 26, 1977

ACTIONS OF THE BOARD

Statement by Chairman Arthur F. Burns before the Senate Committee on the Budget.
Statement by Governor Henry C. Wallich before the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking, Finance and Urban Affairs on International lending by U.S. banks.
Mark H. Willes was named President of the Federal Reserve Bank of Minneapolis.
Report on bill H.R. 50, the "Full Employment and Balanced Growth Act of 1977" response to letter requesting the Board's views on the bill.
Report on bill S. 406, the proposed "Community Reinvestment Act of 1977" response to letter requesting Board's views on the bill.
Report on bill H.R. 3816, the "Federal Trade Commission Amendments of 1977" a bill that would subject banks to the FTC's reporting, investigation and enforcement authority by repealing exemptions that have been in the Federal Trade Commission Act since its passage in 1914; views of the Board sent to Chairman Eckhardt, Subcommittee on Consumer Protection and Finance, House Interstate and Foreign Commerce Committee.
Regulation Q amendments, effective March 24, 1977, to § 217.4(d) to clarify the Board's penalty rule for early withdrawals (Docket No. R-0089).
Privacy Act of 1974, proposed new system of records which Board proposes to maintain; public comments are invited on this notice on or before May 2, 1977.
Regulations H and Y, notice of proposed rulemaking, amendments to require State member banks and bank holding companies and certain of their subsidiaries, departments, and divisions which are municipal securities dealers to file with the Board information about persons who are associated with them as municipal securities principals or municipal securities representatives (Docket No. R-0090.).
Citizens and Southern Holding Company, Atlanta, Georgia, extension of time to June 30, 1977, within which to open for business offices of Citizens and Southern Mortgage Company, located in Albany, Columbus and Rome, Georgia.[1]
First United Bancorporation, Inc., Fort Worth, Texas, extension of time to May 15, 1977, within which to open for business Las Colinas National Bank, Irving, Texas, a proposed new bank.[1]
Michigan Financial Corporation, Marquette, Michigan, 90-day extension of time within which to acquire The Iron River National Bank, Iron River, Michigan.[1]
SWB Corporation, Oklahoma City, Oklahoma, extension of time to May 20, 1977, within which to consummate the acquisition of Southwestern Bank and Trust Company, Oklahoma City, Oklahoma.[1]
Deregistration under Regulation G for Republic of Texas Corporation, Dallas, Texas; and for The Howard Corporation, Dallas, Texas.[1]
Termination of registration for Investment Funding Corporation, Memphis, Tennessee.[1]

[1] Application processed on behalf of the Board of Governors under delegated authority.

Citizens Commercial and Savings Bank, Flint, Michigan, to make an investment in bank premises.[1]
Farmers and Merchants Bank of Orfordville, Orfordville, Wisconsin, to make an investment in bank premises.[1]
Northwestern Bank of Commerce, Duluth, Minnesota, to make an investment in bank premises.[1]
Warren Bank, Warren, Michigan, to make an investment in bank premises.[1]
Ewing Bank and Trust Company, West Trenton, New Jersey, six-month extension of time from April 6, 1977, within which to establish a branch office in the Mercer County Airport Terminal, Ewing Township, New Jersey.[1]
Merrill Trust Company, Bangor, Maine, extension of time to May 3, 1978, within which to establish a branch on County Road, Eastport, Maine.[1]
Girard Trust Bank, Bala Cynwyd, Pennsylvania, request for permission to allow its acceptances outstanding to increase to 75 percent of capital stock and surplus.[1]
Bankers National Bank, Elmwood Park, New Jersey, proposed acquisition by Valley National Bank, Passaic, New Jersey, report to the Comptroller of the Currency on competitive factors.[1]
Calder Avenue State Bank, Beaumont, Texas, proposed merger with Beaumont State Bank, Beaumont, Texas, report to the Federal Deposit Insurance Corporation on competitive factors.[1]
Columbus National Bank, Columbus, North Dakota, proposed acquisition by First National Bank of Crosby, Crosby, North Dakota, report to the Comptroller of the Currency on competitive factors.[1]
East Dallas Bank, Dallas, Texas, proposed merger with New East Dallas Bank, Dallas, Texas, report to the Federal Deposit Insurance Corporation on competitive factors.[1]
First State Bank of Sarasota County, Osprey, Florida, proposed merger with First National Bank of Venice, Venice, Florida, report to the Comptroller of the Currency on competitive factors.[1]

To establish a domestic branch pursuant to section 9 of the Federal Reserve act.

APPROVED

The Merrill Trust Company, Bangor, Maine. Branch to be established on Route 1, at Main St., Woodland.[2]
Peoples Merchants Trust Company, Canton, Ohio. Branch to be established at 832 West Maple Street, Village of Hartville, Stark County.[2]
The Community Bank, Petersburg, Virginia. Branch to be established at 2618 South Crater Road, Petersburg.[2]

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To establish an overseas branch of a member bank pursuant to section 25 of the Federal Reserve Act.

APPROVED

Morgan Guaranty Trust Company of New York: re-Branch—British Crown Colony of Hong Kong.

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International investments and other actions pursuant to sections 25 and 25(a) of the Federal Reserve Act and sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

Citicorp: re-Reconsideration of the Board's order requiring divestiture of Ajax Insurance Company LTD and Surrey Insurance Company LTD., both of Melbourne, Australia.
Manufacturers National Bank of Detroit: reinvestment—additional in Atlantic International Bank, London.

To form a bank holding company pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

WITHDRAWN

Kremmling Holding Company, Kremmling, Colorado, for approval to acquire 100 per cent of the voting shares of Bank of Kremmling, Kremmling, Colorado.

APPROVED

Audubon Investment Company, Audubon, Iowa, for approval to acquire 97.83 per cent or more of the voting shares of Audubon State Bank, Audubon, Iowa.
Inland Beloit Corporation, Milwaukee, Wisconsin, for approval to acquire 100 per cent of the voting shares of Financial Network Corporation, Beloit, Wisconsin, and Community Holding Corporation, Beloit, Wisconsin, and indirectly acquire 95.4 per cent of the voting shares of The Beloit State Bank, Beloit, Wisconsin, and 75.3 per cent of the voting shares of Community Bank of Beloit, Beloit, Wisconsin.
American, Inc., Oswego, Kansas, for approval to acquire 85.2 per cent or more of the voting shares of The American State Bank, Oswego, Kansas.[2]
Financial Diversified Investment Corporation, Topeka, Kansas, for approval to acquire 98 per cent (less directors' qualifying shares) of the voting shares of The First National Bank of Wetmore, Wetmore, Kansas.[2]
The Horizon Financial Corporation, Burdett, Kansas, for approval to acquire 80.4 per cent of the voting shares of The Burdett State Bank, Burdett, Kansas.[2]
Union State Bancshares, Inc., Clinton, Missouri, for approval to acquire 80 per cent or more of the voting shares of Union State Bank of Clinton, Clinton, Missouri.[2]

To expand a bank holding company pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Associated Bank Corporation, Mason City, Iowa, for approval to acquire 80 per cent or more of the voting shares of Cresco National Bank, Cresco, Iowa.
Inland Heritage Corporation, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Community Holding Corporation, Beloit, Wisconsin, and indirectly acquire Community Bank of Beloit, Beloit, Wisconsin.
Inland Heritage Corporation, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Financial Network Corporation, Beloit, Wisconsin, and indirectly acquire The Beloit State Bank, Beloit, Wisconsin.
The Jacobus Company, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Community Holding Corporation, Beloit, Wisconsin, and indirectly acquire Community Bank of Beloit, Beloit, Wisconsin.
The Jacobus Company, Wauwatosa, Wisconsin, for approval to acquire the successor by merger to Financial Network Corporation, Beloit, Wisconsin, and indirectly acquire The Beloit State Bank, Beloit, Wisconsin.
King Ranch, Inc., Kingsville, Texas, for approval to retain 1.5 per cent of the voting shares of State Bank of Kingsville, Kingsville, Texas.
Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Dallas National Bank in Dallas, Dallas, Texas.
Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank in Garland, Garland, Texas.

To expand a bank holding company pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Trust Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (the business of acting as agent for the sale of decreasing term credit life and credit accident and health insurance) at 1945 The Exchange, Cobb County; 8 LaVista Perimeter Park, Tucker; 1895 Phoenix Boulevard, College Park; 25 Park Place NE., Atlanta, all located in Georgia and 5444 Bay Center Drive, Tampa, Florida, through a subsidiary, Adair Mortgage Company (3/21/77) [3]

WITHDRAWN

Beatrice State Company, Beatrice, Nebraska, notification of intent to engage in de novo activities (industrial banking activities) at 720 Court Street, Beatrice, Nebraska, through a subsidiary, First Security Savings (3/23/77) [3]

REACTIVATED

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de vovo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to; making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation (a Colorado Corporation) (3/22/77) [3]
BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by Finance-

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

America Corporation) at 520 North Madison Avenue, Greenwood, Indiana, through its subsidiary, FinanceAmerica Corporation (an Indiana Corporation), a subsidiary of FinanceAmerica Corporation (3/22/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for their own account extensions of credit such as would be made or acquired by a finance company; FinanceAmerica Corporaiton will engage in making consumer installment loans and other extensions of credit to small businesses and loans secured by real or personal property; FinanceAmerica Industrial Plan, Inc. will engage in purchasing installment sales finance contracts; both corporations will engage in servicing loans and other extensions of credit; and will act as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation or FinanceAmerica Industrial Plan, Inc.) at 311 West Street, Tupelo, Mississippi, through its subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan, Inc. (Mississippi Corporations), subsidiaries of FinanceAmerica Corporation (2/22/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 6910G Montgomery Boulevard NE., Albuquerque, New Mexico, through its subsidiary, FinanceAmerica Corporation (a New Mexico Corporation) a subsidiary of FinanceAmerica Corporation (3/22/77).[2]

PERMITTED

First Bancorp of N.H., Inc., Manchester, New Hampshire, notification of intent to engage in de novo activities (real estate lending activities including: originating, selling and servicing both residential and commercial mortgages; originating and servicing construction loans; providing placement services for long term real estate financing; and as an incident to the real estate lending and placement activities, providing advice and appraisal services for self and others) at 1000 Elm Street, 20th Floor, Manchester, New Hampshire, through a subsidiary, FirstBank Mortgage Corp. (3/25/77).[2]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (making installment loans to individuals for personal, family, or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; and acting as agent in the sale of insurance protecting collateral held against the extension of credit) at 135 Caldwell Street, Rock Hill, South Carolina, through a subsidiary, Landmark Finance Corporation of South Carolina (3/24/77).[2]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (make secondary mortgage loans secured in whole or in part by mortgage, deed of trust, security agreement, or other lien on real estate situated in the State of South Carolina which property is subject to the lien of one or more prior encumbrances or other leasehold interests; and acting as agent in the sale of credit life insurance and credit accident and health insurance in connection with its extension of credit) at 3710 Landmark Drive, Columbia, South Carolina, through its subsidiary, Union Home Loan Corporation (3/25/77).[2]

Alabama Bancorporation, Birmingham, Alabama, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including issuing letters of credit and accepting drafts such as would be made by a factoring company or a mortgage company; servicing loans and other extensions of credit for any person; leasing personal property and equipment, or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full invetsment in the property; additionally, as an incident to its lending activities and if requested by its customers, such subsidiary will make provision with insurance carrier for credit life/accident and health insurance that is directly related to loans to such customers) at 813 Shades Creek Parkway, Birmingham, Alabama and 1700 Sunset Boulevard, West Columbus, South Carolina, through a subsidiary, Alabanc Financial Corporation. After receipt of the notification the address changed from Homewood, Alabama to Birmingham, Alabama (3/25/77).[2]

Mercantile Bancorporation Inc., St. Louis, Missouri, notification of intent to engage in de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance) at 1990 Vandalia Avenue, Collinsville, Illinois, through a subsidiary, Franklin Finance Company (3/21/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation or FinanceAmerica Industrial Plan, Inc.) at 5108 South Broadway, Englewood, Colorado, through its subsidiary, FinanceAmerica Corporation (a Colorado Corporation) (3/22/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 520 North Madison Avenue, Greenwood, Indiana, through its subsidiary, FinanceAmerica Corporation (an Indiana Corporation), a subsidiary of FinanceAmerica Corportion (3/22/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for their own account extensions of credit such as would be made or acquired by a finance company; FinanceAmerica Corporation will engage in making consumer installment loans and other extensions of credit to small buainesses and loans secured by real or personal property; FinanceAmerica Industrial Plan, Inc. will engage in purchasing installment sales finance contracts; both corporations will engage in servicing loans and other extensions of credit and will act as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation or FinanceAmerica Industrial Plan, Inc.) at 311 West Street, Tupelo, Mississippi, through its subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan, Inc. (Mississippi Corporations), subsidiaries of FinanceAmerica Corporation (3/22/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 6910G Montgomery Boulevard N.E., Albuquerque, New Mexico, through its subsidiary, FinanceAmerica Corporation (a New Mexico Corporation), a subsidiary of FinanceAmerica Corporation (3/22/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, and making loans and other extensions of credit to small businesses; acting as agent or broker for the sale of credit

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(2) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

related life and credit related accident and disability insurance) at Suite 352, 2525 Stemmons Freeway, Dallas, Texas, through its indirect subsidiary, FinanceAmerica Corporation (a Texas Corporation), a subsidiary of FinanceAmerica Corporation (3/26/77).[2]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons) at 1800 St. James Place, Houston, Texas and 600 Montgomery Street, San Francisco, California, through its indirect subsidiary, WF-BGM, Inc. (3/25/77).[2]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; leasing personal or real property or acting as agent, broker, or adviser in leasing such property where the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property and where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, from rentals; estimated tax benefits (investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect) and the estimated residual value of the property at the expiration of the initial term of the lease which in no case shall exceed 20 percent of the acquisition cost of the property to the lessor) at 1206 Van Ness Avenue, Fresno, California, through its subsidiaries, Wells Fargo Leasing Corporation, Wells Fargo Transport Leasing Corporation and Wells Fargo Equipment Leasing Corporation (3/21/77).[2]

APPROVED

American, Inc., Oswego, Kansas, for permission to retain its credit-related insurance agency activities which presently are conducted on the premises of The American State Bank, Oswego, Kansas.[2]

D. H. Baldwin Company, Cincinnati, Ohio, for approval to acquire Louisville, Mortgage Service Company, Louisville, Kentucky which will acquire not more than 5 percent of the voting stock of Heart of Louisville, Inc., Louisville, Kentucky and Applicant will divest of the assets of General Realty Corporation of Kentucky, Inc., Louisville, Kentucky.

Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

Helmerich & Payne, Inc., Tulsa, Oklahoma, prior certification pursuant to § 1101(b) of the Internal Revenue Code, that its proposed divestiture of substantially all of the 85,510 shares of Utica Bankshares Corporation, Tulsa, Oklahoma, presently held by Helmerich & Payne, Inc., through the pro rata distribution of such shares to the common shareholders of Helmerich & Payne, is necessary or appropriate to effectuate the policies of the Bank Holding Company Act. (Legal Division Docket TCR 76-117).[4]

Applications Received

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Forest Hill State Bank, Forest Hill, Maryland. Branch to be established at 138-42 Main Street, Bel Air, Hartford County.

Citizens Commercial Bank of Tallahassee, Tallahassee, Florida. Branch to be established as the Capital Office.

Peoples Trust Company, Brookville, Indiana. Branch to be established at Northeast Corner of Intersection R.R. No. 3, Reservoir Hill Road and State Road No. 101, Brookville, Franklin County.

State Bank of Croswell, Croswell, Michigan. Branch to be established at 5200 East Peck Road, Lexington Township, Sanilac County, Michigan.

Western State Bank, Sioux Falls, South Dakota. Branch to be established at present location and requests permission to move main office.

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Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

Continental Illinois National Bank & Trust Company of Chicago: re—Branch—additional in Dusseldorf, Federal Republic of Germany.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Granite Holding Corp., Granite Falls, Minnesota, for approval to acquire 100 percent of the voting shares of Granite Falls Bank, Granite Falls, Minnesota.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

City National Bank Corporation, Miami, Florida, for approval to acquire 22.5 percent or more of the voting shares of City National Bank of Lauderhill, Lauderhill, Florida.

Michigan National Corporation, Bloomfield Hills, Michigan, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Michigan National Bank—Sterling, Sterling Heights, Michigan, a proposed new bank.

• • • • •

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (leasing real and personal property on a full-payout basis and acting as agent, broker, or adviser in leasing of such property; and making and acquiring, for its own account or for the account of others, loans and other extensions of credit with respect to such property and serving such leases, loans or other extensions of credit) at 4000 Executive Park Drive, Cincinnati, Ohio, through its subsidiary, Manufacturers Hanover Leasing Corporation (3/22/77).[2]

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company; servicing loans and other extensions of credit for any person; and acting as agent or broker for the sale of credit related life/accident and health insurance which is related to extension of credit made and acquired by Ritter Finance Company and/or its direct and indirect subsidiaries) at 110 Courthouse Ave., Burgaw, North Carolina, through its indirect subsidiary, Ritter Finance Company, Inc. of North Carolina (3/22/77).[2]

BankAmerica Corporation, San Francisco, California, for permission for FinanceAmerica Corporation, Allentown, Pennsylvania, to continue to engage in bookkeeping and data processing activities for itself and The Stuyvesant Insurance Company, Stuyvesant Life Insurance Company, Trans-Oceanic Life Insurance Company, and National American Insurance Company of New York

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company and servicing of such loans particularly commercial and residential real estate loans) at 1325 South 800 East Street, Orem, Utah, through its subsidiary, Utah Mortgage Loan Corporation (3/21/77).[2]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company and the servicing of such loans particularly commercial and residential real estate loans) at 1445 South Poplar Street, Rock Springs, Wyoming, through its subsidiary, Utah Mortgage Loan Corporation (3/21/77).[2]

Wells Fargo & Company, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for other persons; acting as an insurance agent or broker with respect to the following types of insurance that are directly related to the extension of credit by Wells Fargo & Company or its subsidiaries: credit life and credit accident and health insurance, mortgage redemption life insurance and group mortgage disability insurance) at 7650 Pacific Avenue, Stockton, California, through its subsidiaries, Wells Fargo Mortgage Company and WFMC Corporation (3/18/77).[2]

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Warner Communications Inc., New York, New York, notification of intent to acquire Malibu Grand Prix Corp., Orange, California (3/25/77).[2]

Arizona-Colorado Land & Cattle Company, Phoenix, Arizona, notification of intent to acquire an interest in Rechem Corp., Douglas, Arizona (3/21/77).[2]

Arkansas Best Corporation, Fort Smith, Arkansas, notification of intent to acquire, through its wholly-owned subsidiary, Arkansas Bandag Corporation, all of the capital stock of Southwest-Bandag, Inc., Houston, Texas (3/21/77).[2]

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[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[4] Processed on behalf of the Board of Governors under delegated authority.

For Certification Pursuant to the Bank Holding Company Tax Act of 1976.

Schnitzler Corporation, Froid, Montana, to divest shares of First State Bank of Newcastle, Newcastle, Wyoming. (Legal Division Docket TCR 76-136).

Mankato Stone Company, Mankato, Minnesota, to divest its nonbanking assets. (Legal Division Docket TCR 76-137).

The Jacobus Company, Wauwatosa, Wisconsin, to divest shares of Inland Heritage Corporation, Milwaukee, Wisconsin. (Legal Division Docket TCR 76-138).

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REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Piedmont Trust Bank, Martinsville, Virginia

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, April 11, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11203 Filed 4-15-77;8:45 am]

CENTRAL BANCO.

Order for Oral Presentation

Central Bancompany, Jefferson City, Missouri, has filed an application pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(3)) for prior approval by the Board of Governors to acquire not less than 57 percent of the voting shares of The First National Bank of Mexico, Mexico, Missouri. Notice of receipt of this application was published in the FEDERAL REGISTER (41 FR 51462) on November 22, 1976. The published notice advised that the application was available for inspection at the offices of both the Board of Governors and the Federal Reserve Bank of St. Louis and designated a period within which comments and views on the proposed acquisition could be filed with the Board of Governors.

Having considered the numerous comments submitted on the proposal, including a request, with accompanying statement of reasons, that an oral presentation be conducted on this application, the Board of Governors has concluded that the public interest would be served by the conduct of an oral presentation with respect to the application.

Accordingly, it is hereby ordered, That pursuant to § 262.3(g)(3) of the Board's rules of procedure (12 CFR 262.3(g)(3)(1976)) a public oral presentation be held with respect to this application before Baldwin B. Tuttle, Deputy General Counsel of the Board of Governors, at the Federal Reserve Bank of St. Louis, 411 Locust Street, St. Louis, Missouri, in such manner and at such date and time as he shall designate after receipt of requests to appear.

It is further ordered, That the proceeding will consist of presentations of statements in either oral or written form, together with any supporting or supplementary written submissions allowed by the presiding officer, all of which submissions are to be addressed to the factors set forth in section 3(c) of the Bank Holding Company Act of 1956, as amended, with respect to this application.

It is further ordered, That any person desiring to give testimony, present evidence, or otherwise participate in the scheduled oral presentation, should file with the Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before May 6, 1977, a written request to appear at said oral presentation, including a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, and a summary of the matters concerning which the petitioner desires to either give testimony or submit evidence. Requests to participate in the proceedings will be submitted to the presiding officer for his determination and petitioners submitting them will be notified of the decision as well as the date and time of the proceeding.

By order of the Board of Governors,[1] effective April 11, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11202 Filed 4-15-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Comments and Data Acquisition Activity Assistant Secretary for Education

COLLECTION OF INFORMATION

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed a collection of information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

This data acquisition activity is subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Description of the proposed collection of information and data acquisition activity follow below.

Written coments on the proposed activity are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 18, 1977, and should be addressed to Administrator, National Center for Education Statistics, attention: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

IRIS GARFIELD,
Acting Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA AQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Third Annual Data Collection in Response to Section 437 of the General Education Provisions Act.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education, Office of Planning, Budgeting, and Evaluation.

3. AGENCY FORM NUMBER

OE 511.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

Responsibility of States to furnish information: (a) The Commissioner shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall:

(1) List all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) Include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

(3) With respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) With respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal fund; and

(5) Be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

(b) On or before March 31 of each year, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom.

[1] Voting for this action: Vice Chairman Gardner and Governors Wallich, Partee, and Lilly. Voting against this action: Governors Coldwell and Jackson. Absent and not voting: Chairman Burns.

((20 U.S.C. 1232f), Enacted August 21, 1974, Pub. L. 93-380, sec. 512(a), 88 Stat. 571.)

8. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

Data collected in this activity will be compiled, analyzed, and publicly disseminated to serve multiple uses:

(a) To respond to the specific Congressional mandate to list all grants and contracts made by the State under their responsibilities to administer certain Federal education programs; to establish the specific program purposes for which such funds are being expended; and to estimate the numbers of program participants or beneficiaries;

(b) To establish a data base for the benefit of program management, assessment of program effectiveness, program evaluation, research, and future legislative actions;

(c) To make this information readily available to the public.

7. DATA ACQUISITION PLAN

(a) Method of Collection: A computer generated data collection form will be mailed to respondents.

(b) Time of Collection: At or before the end of the fiscal year, Sept. 30, 1977; return of completed forms is specified by law for no later than Dec. 31, 1977.

(c) Frequency: Annually.

8. RESPONDENTS

(a) Type: State education agencies.
(b) Number: 51.
(c) Estimated Average Man-Hours Per Respondent: 175.
(a) Type: LSCA program offices not under SEAs.
(b) Number: 25.
(c) Estimated Average Man-Hours Per Respondent: 8.
(a) Type: VEA program offices not under SEAs.
(b) Number: 7.
(c) Estimated Average Man-Hours Per Respondent: 80.
(a) Type: AEA program offices not under SEAs.
(b) Number: 3.
(c) Estimated Average Man-Hours Per Respondent: 5.

9. INFORMATION TO BE CLOSED

Section 437 of the General Education Provisions Act defines two broad classes of data to be collected for State administered Federal education programs. These classes are: (a) State level data, and (b) local level data.

(a) *State level data.* Paragraph (a)(2) requires that the State report "include the total amount of funds available to the State under each such program • • • and specify from which appropriation Act or Acts these funds were available." • • •"

For this data collection we are concerned with Federal funds appropriated for fiscal years 1977 and 1976, respectively. The allocation of fiscal year 1977 funds to States by program is available at USOE; this data will not be collected from the respondents. However, we will ask for a report by State and program of fiscal year 1976 funds carried over for allocation by States in fiscal year 1977.

(b) *Local level data.* Paragraph (a)(1) requires that the respondent "list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year . . ." We are therefore asking respondents to provide such a list of grants and contracts made under applicable programs during fiscal year 1977.

The list should show all grantees which are ultimate recipients of Federal funds, and the amount of such funds. If a State agency makes a grant to another State agency, which in turn further allocates Federal funds, the intermediate action should not be shown, but the final grant activity must be reported. In some programs, Federal funds have been commingled with State funds for convenience. Section 437 requires that Federal funds alone be reported.

We have identified seven classes of recipient agency: local education agency, institution, intermediate administrative agency, State agency, university, public library, and other. These classes will be defined in instructions to be sent to respondents. The list of grantees called for by Paragraph (a)(1) should contain an agency name, and the proper code for agency type. For local education agencies, the standard ELSEGIS code should be included. (Code lists will be sent to respondents.)

The clerical burden of compiling the required list be reduced by USOE's use of a computer-generated data collection form with a pre-printed list of many expected grantees.

Paragraph (a)(3) requires that with respect to the second preceding fiscal year (that is, fiscal year 1976), the respondents will report "the amount of such Federal funds received by each such agency and the purposes for which such funds were expended . . ." This requirement is a report of expenditures made against grants made in fiscal year 1976. These expenditure reports must be aggregated to the total for a recipient agency. Partial reports, or reports of disbursement by project, classroom, school within an LEA, etc., are not acceptable.

The "purposes for which such funds were expended" are defined below for each applicable program.

Paragraph (a)(4) requires that with respect to such preceding fiscal year the respondent must include a statistical report on "the individuals served or affected by programs, projects, or activities assisted with such federal funds • • •"

For this data collection (for some programs only) we require a single program participant count (from best data available to State agencies) along with a code identifying data characteristics. (Code lists will be furnished to respondents.) This participant count will accompany reports of expenditures defined above, for certain applicable programs. (See list below.)

Data collection requirements by program. For the third annual data collection in response to Sec. 437 of the General Education Provisions Act we have identified 25 State administered Federal education programs. There are common collection requirements for all programs (except as noted); however, with respect to program purpose and participant data, collection requirements are varied.

For each of the 25 programs (except as noted) we will require from respondents (where applicable) a list of all grants and contracts made under that program during fiscal year 1977. Each item of the list should show the name of the recipient agency, the agency type code, ELSEGIS code for LEAs, and the grant or contract amount. We will also require a report by individual recipient of expenditures made against fiscal year 1976 grants or contracts.

Program purpose and participant data collection requirements, by program, are shown below:

1. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, Handicapped.* OMB Catalog Number: 13.427

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) State Administration:
(2) Trainable Mentally Retarded;
(3) Educable Mentally Retarded;
(4) Specific Learning Disabled;
(5) Emotionally Disturbed;
(6) Speech Impaired;
(7) Orthopedically Impaired;
(8) Visually Handicapped;
(9) Deaf-Blind.
(10) Deaf;
(11) Hard of Hearing.
(12) Other Health Impaired

2. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, Migrants,* OMB Catalog Number: 13.429.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Local Projects
(2) Instructional Services;
(3) Support Services;
(4) Staff Development;
(5) Other;
(6) State Education Agency.

3. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, State Administration,* OMB Catalog Number: 13.430.

A report of program participants is not required. A breakdown of program expenditures is not required.

4. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children,* OMB Catalog Number: 13.431.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purposes:

(1) Neglected Children;
(2) Delinquent Children;
(3) Children in State Correctional Institutions.

(NOTE.—A new set of expenditure categories of program purpose has been proposed by USOE program offices for several Title I, ESEA, programs. The new categories will be effective for this program during next year's data collection (fourth annual cycle) to show the breakdown of expenditures made against fiscal year 1977 grants. The proposed new categories are:

(1) Limited English Background;
(2) Reading and Other English Language Arts;
(3) Mathematics;
(4) Special Activities for Handicapped;
(5) All Other Direct Educative Services;
(6) Attendance, Social Work, Guidance and Psychology;
(7) Health and Nutrition;
(8) Staff Development;
(9) All Other Supporting Services.)

5. *Elementary and Secondary Education Act of 1965, Title I, Part A—Educationally Deprived Children—Local Education Agencies,* OMB Catalog Number: 13.428.

A report of program participants is required. A breakdown of program expenditures by categories of program purpose is not required for this data collection. However, as noted above, new expenditure categories are now proposed for several Title I, ESEA, programs. The first collection of program purpose data under this program will be made next year for expenditures made against fiscal year 1977 grants. The categories to be used for this program are those shown

above for "Educationally Deprived Children in State Administered Institutions."

6. *Elementary and Secondary Education Act of 1965, Title I, Part B—Educationally Deprived Children—Special Incentive Grants*, OMB Catalog Number: 13.512.

A report of program participants is required. A breakdown of program expenditures by categories of program purpose is not required for this data collection. However, as noted above, new expenditure categories are now proposed for several Title I, ESEA, programs. The first collection of program purpose data under this program will be made next year for expenditures made against fiscal year 1977 grants. The categories to be used for this program are those shown above for "Educationally Deprived Children in State Administered Institutions."

7. *Elementary and Secondary Education Act of 1965, Title II, School Library Resources, Textbooks, and Other Instructional Materials*, OMB Catalog Number: 13.480.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

8. *Elementary and Secondary Education Act of 1965, Title III, Supplementary Educational Centers and Services, Guidance, Counseling and Testing*, OMB Catalog Number: 13.519.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

9. *Elementary and Secondary Education Act of 1965, Title V, Part A, Strengthening State Departments of Education, Grants to States*, OMB Catalog Number: 13.486.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

10. *National Defense Education Act of 1958, Title III, Strengthening Instruction Through Equipment and Minor Remodeling*, OMB Catalog Number: 13.483.

Grants were not made under this program in fiscal year 1977. The list of recipients should show name of recipient agency, agency type code, ELSEGIS code for LEAs, and expenditure amount against grants made in fiscal year 1976. A report of program participants is not required. A breakdown of program expenditures is not required.

11. *Elementary and Secondary Education Act of 1965, Title IV, Part B—Libraries and Learning Resources*, OMB Catalog Number: 13.570.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) SEA Administration;
(2) Public School Library Resources and Other Instructional Material;
(3) Public Textbooks;
(4) Public Equipment;
(5) Minor Remodeling;
(6) Public Testing;
(7) Public Counseling and Guidance;
(8) Private School Library Resources and Other Instructional Material;
(9) Private Textbooks;
(10) Private Equipment;
(11) Private Testing;
(12) Private Counseling and Guidance.

12. *Elementary and Secondary Education Act of 1965, Title IV, Part C—Educational Innovation and Support*, OMB Catalog Number: 13.571.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) SEA Administration;
(2) Strengthening Leadership Resources of SEAs.
(3) Strengthening Leadership Resources of LEAs;
(4) Supplementary Centers and Services: Developmental/Innovative Projects;
(5) Supplementary Centers and Services: Adopter Facilitator;
(6) Supplementary Centers and Services: All Other Programs;
(7) Nutrition and Health;
(8) Dropout Prevention.

13. *Education of the Handicapped Act, Title VI, Part B, Handicapped Preschool and School Program*, OMB Catalog Number: 13.449.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purposes:

Use the same 12 categories shown above for "Title I, Educationally Deprived Children, Handicapped."

14. *Adult Education Act, Title III, Grants to States*, OMB Catalog Number: 13.400.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) State Administration;
(2) Special Projects, Sec. 306;
(3) Teacher Training, Sec. 306;
(4) Research;
(5) Programs of Instruction, Grades 1–8;
(6) Programs of Instruction, Grades 9–12;
(7) State Advisory Councils;
(8) Special Projects, Sec. 309;
(9) Teacher Training, Sec. 309;
(10) Programs for Institutionalized Persons, Grades 1–8;
(11) Programs for Institutionalized Persons, Grades 9–12;

15. *Vocational Education Amendments of 1968, Title I, Part B, Grants to States*, OMB Catalog Number: 13.493.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Adult;
(4) Disadvantaged Secondary;
(5) Disadvantaged Postsecondary;
(6) Disadvantaged Adult;
(7) Handicapped Secondary;
(8) Handicapped Postsecondary;
(9) Handicapped Adult;
(10) Construction Secondary;
(11) Construction Postsecondary;
(12) Construction Adult.

16. *Vocational Education Amendments of 1968, Title I, Part B, Special Needs (Special Program for Disadvantaged, Sec. 102(b))*, OMB Catalog Number: 13.499.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Adult.

17. *Vocational Education Amendments of 1968, Title I, Part C—Research*, OMB Catalog Number: 13.498.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Coordinating Unit;
(2) Grants Secondary;
(3) Grants Postsecondary;
(4) Grants Adult.

18. *Vocational Education Amendments of 1968, Title I, Part D—Innovation (Exemplary Programs and Projects)*, OMB Catalog Number: 13.502.

A report of program participants is not required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Disadvantaged Secondary;
(4) Disadvantaged Postsecondary.

19. *Vocational Education Amendments of 1968, Title I, Part F—Consumer and Homemaking*, OMB Catalog Number: 13.494.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Adult;
(4) Depressed Areas Secondary;
(5) Depressed Areas Postsecondary;
(6) Depressed Areas Adult.

20. *Vocational Education Amendments of 1968, Title I, Part G—Cooperative Education*, OMB Catalog Number: 13.495.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Secondary;
(2) Postsecondary;
(3) Disadvantaged Secondary;
(4) Disadvantaged Postsecondary;
(5) Handicapped Secondary;
(6) Handicapped Postsecondary.

21. *Vocational Education Amendments of 1968, Title I, Part H—Work Study*, OMB Catalog Number: 13.501.

A report of program participants is required. A breakdown of program expenditures is required by the following categories of program purpose:

(1) Student Compensation Secondary;
(2) Student Compensation Postsecondary;
(3) Administration.

For the last four programs, neither a report of program participants nor a report of program expenditures is required:

22. *Library Services and Construction Act, Title I, Grants for Public Libraries*, OMB Catalog Number: 13.464.

23. *Library Services and Construction Act, Title III, Interlibrary Cooperation*, OMB Catalog Number: 13.465.

24. *Higher Education Act of 1965, Title I—University Community Service, Grants to States (Community Service and Continuing Education Programs)*, OMB Catalog Number: 13.491.

25. *Higher Education Act of 1965, Title IV, Part A, Grants to States for State Student Incentive*, OMB Catalog Number: 13.548.

[FR Doc.77–11168 Filed 4–15–77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–458; FDAA–529–DR]

KENTUCKY

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 6, 1977, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Kentucky resulting from severe storms and flooding beginning about April 4, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Kentucky.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Thomas P. Credle, FDAA Region IV, to the act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Kentucky to have been adversely affected by this declared major disaster:

The Counties of:

Bell	Leslie
Breathitt	Letcher
Floyd	Magoffin
Harlan	Martin
Johnson	Perry
Knott	Pike
Knox	Whitley
Lawrence	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 6, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

APRIL 11, 1977.

[FR Doc.77–11162 Filed 4–15–77;8:45 am]

[Docket No. NFD 454; FDAA–530–DR]

VIRGINIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 7, 1977, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Virginia resulting from severe storms and flooding beginning about April 3, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Arthur T. Doyle, FDAA Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Virginia to have been adversely affected by this declared major disaster:

The Counties of:

Bland	Scott
Buchanan	Smyth
Dickenson	Tazewell
Grayson	Washington
Lee	Wise
Pulaski	Wythe
Russell	

The City of:

Norton

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 7, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

APRIL 11, 1977.

[FR Doc.77–11160 Filed 4–15–77;8:45 am]

[Docket No. NFD 459; FDAA–3037 EM]

WASHINGTON

Notice of an Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 31, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Washington is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93–288. I therefore declare that such an emergency exists in the State of Washington.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. William H. Mayer, FDAA Region X, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The Counties of:

Benton	Yakima

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 31, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–11159 Filed 4–15–77;8:45 am]

[Docket No. NFD–455; FDAA–531–DR]

WEST VIRGINIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 7, 1977, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms and flooding beginning about April 3, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of West Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Arthur T. Doyle, FDAA Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of West Virginia to have been adversely affected by this declared major disaster:

The Counties of:

Cabell	Mingo
Greenbrier	Raleigh
Lincoln	Summers
Logan	Wayne
McDowell	Wyoming

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 7, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administrator.

APRIL 11, 1977.

[FR Doc.77-11161 Filed 4-15-77;8:45 am]

[Docket No. NFD-455; FDAA-3021-EM]

WEST VIRGINIA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of West Virginia, dated January 19, 1977, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 19, 1977:

The Counties of:

Fayette	Raleigh
Pendleton	Wyoming

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 8, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11164 Filed 4-15-77;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD 457; FDAA-3036-EM]

IOWA

Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 31, 1977, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Iowa is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Iowa.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Francis X. Tobin, FDAA Region VII, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The Counties of:

Lyon	Sioux
Plymouth	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 31, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11158 Filed 4-15-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

REGULATION OF MOBILE OFFSHORE DRILLING UNITS ON THE OUTER CONTINENTAL SHELF OF THE UNITED STATES

Memorandum of Understanding Between the United States Coast Guard of the Department of Transaction and the United States Geological Survey of the Department of the Interior

I. PURPOSE

This Memorandum of Understanding is entered into by the United States Coast Guard (USCG), Department of Transportation (DOT), and the United States Geological Survey (USGS), Department of the Interior (DOI), for the purpose of coordinating and implementing consistent and comprehensive requirements to maximize safety with respect to the design, construction, and operation of mobile offshore drilling units having United States nationality on the Outer Continental Shelf (OCS) of the United States, to minimize the possible adverse environmental impact of such units, and to minimize duplication and avoid possible inconsistency in the safety standards applicable to these units. A "mobile offshore drilling unit" or "unit" is defined as a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the seabed.

II. AGENCY RESPONSIBILITIES

A. *General.* The Department of the Interior is responsible for initiating the OCS leasing program and coordinating governmental control over this program. The Geological Survey is the Bureau within DOI which regulates all drilling operations conducted on oil and gas leases or under exploration permits issued by DOI. This responsibility includes the review and approval of an Application for a Permit to Drill including exploration and development plans for the leased area. Approvals and permits are granted upon ensuring that the lessee complies with applicable DOI regulations and rules, standards, and OCS Orders issued by the USGS. In addition, the USGS conducts an inspection of each unit before authorizing drilling operations by that unit on the OCS and periodically reinspects such units during drilling operations.

The USCG approves the design and inspects the construction of each United States unit. Upon completion of a unit and compliance with the USCG regulations, certificates are issued including a Certificate of Inspection, a Loadline Certificate, and appropriate international certificates. The USCG periodically reinspects vessels and renews these certificates.

Pursuant to the provisions of this agreement, each Agency will separately enforce the conditions of the permits, licenses, and certificates which it issues, and pertinent regulations or Orders. Enforcement, as used in this Memorandum, means the investigation of a violation of law or conditions of a certificate or license, the issuance of a notice of violation, or the imposition of sanctions as appropriate. To the extent practicable, each Agency will consult with the other with respect to any enforcement action concerning matters which are of mutual concern.

Each Agency agrees, consistent with its respective statutory obligations, to exercise its responsibilities in a manner that will avoid duplication. To this end, each Agency may use personnel, facilities, advice, and information provided by the other Agency for the purpose of carrying out its respective responsibilities. When access to a unit offshore is required in order to conduct an inspection or investigation, either Agency may furnish transportation to appropriate personnel.

B. *Technical review.* The USCG will exercise technical review and approval responsibility relating to the safety and health of personnel, the general safety and integrity of the unit, and the protection of the environment for the following:

1. Structural integrity of the unit.
2. Construction and arrangement including structural fire protection.
3. Stability.
4. Emergency systems including fire protection and lifesaving.
5. Mechanical and electrical standards for machinery installations including propulsion systems and industrial systems.
6. Standards for arc or acetylene welding or cutting operations affecting the structural integrity of installed equipment.
7. Provisions for navigation including lights and other signals.
8. Pollution-prevention measures for sources not associated with the drilling operations, including substances such as domestic and sanitary water, domestic waste, fuel, oil, and hazardous substances.

9. Crane standards.
10. Measures for the transfer, storage, and handling of explosives and other dangerous articles.

The USGS will exercise technical review and approval responsibility relating to safety of operations, the conservation of natural resources, and the protection of the environment for the following:

1. Drilling equipment, drilling safety systems and other well-control equipment, and operational procedures with regard to the drilling operations to be performed.
2. The effects of oceanographical, meteorological, geological, and geophysical conditions at a particular drilling site.
3. Pollution-prevention measures associated with the drilling operation, e.g., drilling fluid, drill cuttings, and well effluents.
4. Proper control of arc or acetylene welding or cutting operations during the drilling mode.
5. The conduct of drilling operations which are to be performed under an approved Critical Operations and Curtailment Plan.

C. *Inspections.* Each Agency will conduct inspections to ensure compliance within its areas of responsibility as set forth under Technical Review above. Either Agency may request inspection assistance from the other Agency and establish field working agreements to accommodate the procedure used by each Agency.

D. *Casualty investigations—USCG.* The USCG will continue its present function of conducting investigations of marine casualties which involve any of the following:

1. Actual damage to property in excess of $1,500.
2. Material damage affecting the seaworthiness or navigational efficiency of a unit.
3. Stranding or grounding except when the unit is grounded to conduct normal operations.
4. Loss of life.
5. Injury causing any persons to remain incapacitated for a period in excess of 72 hours.

If the casualty under investigation occurred while the unit was engaged in drilling operations and in any manner involved the drilling operations, the USCG will consult with the USGS as to the scope of each Agency's respective investigative responsibilities. During an investigation, upon request by the USCG, the USGS may provide assistance and techincal advice in the areas of its expertise.

If a formal investigation or Marine Board of Investigation is convened, the USCG may afford the USGS the rights of a party in interest.

The USCG will provide the USGS Area Oil and Gas Supervisor with copies of USCG reports of investigation for casualties which occurred while the unit was engaged in drilling operations.

E. *Casualty investigations—USGS.* The USGS will investigate all casualties occurring during oil and gas drilling operations which involve possible violation of USGS regulations. These include, but are not limited to, casualties involving:

1. Drilling procedures.
2. Down-hole problems.
3. Loss of well control.
4. Failure or malfunction of drilling or well control equipment.
5. Fire or explosion.
6. Pollution originating from the drilling operation.
7. Loss of life.

The USGS will consult with the USCG as to the scope of each Agency's respective investigative responsibilities. During an investigation, upon request of the USGS, the USCG may provide assistance and technical advice in the areas of its expertise. The USGS may afford the USCG the rights of a party in interest to any formal proceedings convened by them.

The USGS will provide the USCG District Commander copies of USGS investigative reports of casualties.

III. DEVELOPMENT OF STANDARDS, REGULATIONS, ORDERS AND NOTICES

To the maximum extent possible, each Agency shall cooperate with the other in the development of standards, regulations, Orders, and notices concerning mobile offshore drilling units. This includes appearance at public hearings or advisory committees, exchange of expertise, relevant information or data, and cooperation in appropriate research and development activities.

Each Agency shall send copies of all contemplated Notices of Proposed Rulemaking (NPRM's) concerning mobile offshore drilling units to the other for review before publication in the FEDERAL REGISTER. However, publication of NPRM's is not contingent upon the exchange of comments.

In developing and scheduling activities in the rulemaking process, each Agency shall satisfy its own procedural requirements.

Every effort shall be made to promulgate final standards or final rules which are mutually satisfactory with regard to content and jurisdiction.

IV. PROCEDURES

The Director of the USGS and the Commandant of the USCG shall each designate one senior official who shall be responsible for coordinating and implementing the provisions of this Memorandum.

Each Agency shall establish procedures for the development of field agreement to implement this Memorandum.

Each Agency shall interpret its assigned responsibilities in a manner which best achieves the purposes of this Memorandum. In the event a question arises concerning interpretation, the matter shall be brought to the attention of the cognizant USGS Area Oil and Gas Supervisor and USCG District Commander for resolution. If the matter cannot be resolved, it shall promptly be referred to the designated senior Agency officials who shall confer and seek mutual resolution.

A committee composed of representatives of each Agency shall be established to evaluate regulatory policy with regard to mobile offshore drilling units, to review legislative initiatives affecting the scope of this Memorandum, and to coordinate Agency positions regarding legal issues raised in the course of implementing this Memorandum.

V. EFFECT OF OTHER LAWS

Nothing in this Memorandum shall be deemed to restrict, modify, or otherwise limit the application or enforcement of any laws of the United States with respect to matters specified herein, nor the application or enforcement of such laws to matters other than those specified herein, nor shall anything in the Memorandum be construed as modifying the existing authority of either Agency. The Memorandum of Understanding between the Departments of the Interior and Transportation relating to responsibilities under the National Oil and Hazardous Substances Pollution Contingency Plan dated August 16, 1971, will not be affected by this Memorandum.

VI. EFFECTIVE DATE

This Memorandum of Understanding shall take effect upon signature by the parties. It may be amended at any time by mutual written agreement of the Agencies and may be terminated by either Agency upon 30 days notice.

Dated April 11, 1977.

V. E. MCKELVEY,
Director, Geological Survey, Department of the Interior.

Dated April 11, 1977.

O. W. SILER,
Commandant, U.S. Coast Guard, Department of Transportation.

[FR Doc.77-10931 Filed 4-11-77; 1:48pm]

Office of the Secretary

TAOS PUEBLO TRACT C BOUNDARY

Order Clarifying Boundary

SEC. 1 *Purpose.* By virtue of the authority vested in the Secretary of the Interior by 43 U.S.C. 2, 25 U.S.C. 176, 16 U.S.C. 488, and 16 U.S.C. 472, this order is issued to clarify the boundary between certain lands condemned by the United States for Taos Pueblo and the Carson National Forest.

SEC. 2 *Subject.* Pursuant to the opinions of the Solicitor dated September 10, 1976 (M-36884) and December 3, 1976, this order shall recognize the true boundary of Taos Pueblo Tract C.

SEC. 3 *Walker Survey.* The courses and distances of the John H. Walker 1894 Survey of the Antonio Martinez or Lucero de Godoi Grant between Station 80 and the point of intersection of the survey's north boundary with the northwest boundary of Tract C, as described in Section 4 infra are hereby canceled, and artificial monuments between those points, if any, shall be disregarded.

SEC. 4. *True Boundary.* (a) The segment of the survey described above shall

be corrected to follow the true boundary of that portion of the Martinez Grant known as Tract C, which was acquired by the United States in trust for Taos Pueblo by condemnation in 1941. The boundary follows the natural monuments as described by the U.S. Court of Private Land Claims (decree of March 3, 1891, confirming the Martinez Grant), by the plat and field notes of the 1894 Walker Survey, and by the Judgment on Amended Declaration of Taking dated August 29, 1941 in the condemnation proceedings (Cause No. 129 Civil, U.S. District Court for the District of New Mexico). Those natural monuments are:

(1) East Boundary: Rio Lucero to its source;

(2) Northeast Corner: Source of Rio Lucero;

(3) North Boundary: Head of Martinez Canyon, Peak of Vallecito Mountain, Cuchillo del Medio.

(b) The corrected survey shall follow the Rio Lucero from Station 80 to its source on the ridgeline to the north, thence in a westerly direction along the crest of the ridgeline, which itself is a natural boundary, to the head of Martinez Canyon and the peak of Vallecito Mountain, thence on a connecting line between Vallecito Mountain and Cuchillo del Medio to a point of intersection with the northwest boundary of Tract C, which is described in the 1941 condemnation decree as a line, along the bearing south 70°16′ west to the point of beginning.

SEC. 5. *Environmental Impacts.* In accord with the procedures for the preparation of environmental impact statements, an environmental review has been performed on the proposed action. Following that environmental review it was determined that an environmental impact statement is not required, in that the proposed action does not have a significant effect upon the quality of the human environment. The environmental impact assessment and negative declaration are on file at the Bureau of Indian Affairs and will be available for public inspection upon request.

SEC. 6. *Effective Date.* This order shall be effective immediately. Its provisions shall remain in effect until it is amended, superseded, or revoked.

Date: April 11, 1977.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc.77-11148 Filed 4-15-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to authorize operation with: (1) revised core protection limits in response to plant specific analysis for cycle 2, (2) modified fuel rod bow analyses, (3) the revised Babcock and Wilcox Company model for nucleate boiling heat transfer correlation during blowdown, (4) new limiting conditions for operation and surveillance requirements regarding core internal vent valves, and (5) modified operating limits based upon an evaluation of emergency core cooling system (ECCS) performance calculated in accordance with an acceptable ECCS evaluation model that conforms with the requirements of Appendix K of 10 CFR Part 50 of the Commission's Order for License Modification dated December 27, 1974, with the following exception. The Commission's analysis of the electrical single failure criterion is still under consideration and will be the subject of a separate review. The incorporation of the modified operating limits relating to ECCS supersedes the restrictions imposed by the Commission's Order dated December 27, 1974.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (5) above was published in the FEDERAL REGISTER on July 30, 1975 (40 FR 31996). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on item (5) above. Prior public notice of items (1) through (4) above was not required since these actions do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 9, 1975, and December 1, 1976, as supplemented by letters dated August 8 and 22, 1975, October 15, 1975, December 31, 1975, January 13, 1977, February 7, 17, 22, and 24, 1977, and March 1, 9, and 17, 1977, (2) Amendment No. 21 to Facility Operating License No. DPR-51 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of March 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11001 Filed 4-15-77;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

This amendment authorized changes in the Technical Specifications to permit irradiation of the remaining Arkansas Nuclear One—Unit No. 1 (ANO-1) reactor vessel surveillance specimens at Davis-Besse Unit No. 1 (Docket No. 50-346). An exemption to that provision of Appendix H to Title 10 of the Code of Federal Regulations Part 50, which would have otherwise required irradiation of the capsules in the ANO-1 vessel, has been issued as a part of this action. Such action was in response to a generic failure of first-generation design Surveillance Specimen Holder Tubes (SSHTs) at ANO-1 and other operating Babcock & Wilcox 177 fuel assembly factors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License was published in the FEDERAL REGISTER on October 21, 1976 (41 F.R. 46521). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 17, 1976, as supplemented by letters dated December 20 and 22, 1976, and January 13, 1977, (2) Amendment No. 22 to Facility Operating License No. DPR-51 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated in Bethesda, Md., this first day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11035 Filed 4-15-77;8:45 am]

[Docket No. 50-389A]

FLORIDA POWER & LIGHT CO., (ST. LUCIE PLANT, UNIT NO. 2)

Antitrust Hearing

The application of the Florida Power & Light Company for a construction permit for St. Lucie Unit No. 2 under section 103 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. 2133 was docketed on September 4, 1973. The application concerned a proposed 810 megawatt nuclear power reactor to be constructed in St. Lucie, Florida.

Pursuant to Section 105 of the Act, 42 U.S.C. 2135, the Attorney General reviewed information submitted by the Applicant and on November 14, 1973 advised the Atomic Energy Commission[1] that the Department of Justice did not at that time recommend an antitrust hearing. The Attorney General recommended that the Commission abide the outcome of certain considerations then pending.

On November 21, 1973 the Commission published a Notice of the Receipt of the Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters, 38 FR 32159. The Notice provided that any person whose interest may be affected by the proceeding may, pursuant to the provisions of 10 CFR 2.714, file a petition for leave to intervene and request for an antitrust hearing by December 31, 1973. No such petitions or requests were filed during the period specified in the Notice.

[1] Pursuant to the Energy Reorganization Act of 1974, 42 U.S.C. 5801, *et seq.* the Nuclear Regulatory Commission superseded the Atomic Energy Commission in licensing functions.

On August 6, 1976 the Florida Municipal Utilities Association, the Fort Pierce Utilities Authority of the City of Fort Pierce, the Gainesville-Alachua County Regional Electric Water and Sewer Utilities, the Lake Worth Utilities Authority, the Utilities Commission of the City of New Smyrna Beach, the Orlando Utilities Commission, and the Cities of Alachua, Bartow, Bushnell, Chattahoochee, Daytona Beach, Fort Meade, Key West, Leesburg, Mount Dora, Newberry, Quincy, St. Cloud, Tallahassee and Williston, Florida, filed a Joint Petition For Leave to Intervene Out of Time; Petition to Intervene; and Request for Hearing (Joint Petition). Subsequently the Cities of Bushnell, Chattahoochee, and Williston, Florida withdrew as participants in the Joint Petition.

This Atomic Safety and Licensing Board (the Board) was constituted for the purpose of ruling upon the petitions to intervene and antitrust matters in this proceeding. On April 5, 1977 the Board issued its Memorandum and Order granting the joint petition and ordering that an antitrust hearing be held.

Accordingly, notice is hereby given that a hearing will be held, pursuant to section 105c of the Act, to determine whether the activities under the proposed license will create or maintain a situation inconsistent with the antitrust laws.

This hearing will be held by an Atomic Safety and Licensing Board appointed to conduct this proceeding. The members of the Board designated by the Chairman of the Atomic Safety and Licensing Board Panel are John M. Frysiak, Esq., Daniel M. Head, Esq., and Ivan W. Smith, Esq., who has been named Chairman. The time and place of the hearing will be set by the Board.

The record of this antitrust proceeding to date is available for public inspection in the public document room of the Nuclear Regulatory Commission at 1717 H Street, NW., Washington, D.C. Further documents relating to this proceeding will also be placed in the public document room and will be available for inspection by members of the public.

Any person who wishes to make an oral or written statement setting forth his position on the antitrust aspects of this proceeding but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice, 10 CFR Part 2. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing.

Papers required to be filed in this proceeding may be filed by mail or telegram to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Supervisor, Docketing and Service Section, 1717 H Street, NW., Washington, D.C. Pending further order of the designated Atomic Safety and Licensing Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

Issued at Bethesda, Md., this 11th day of April 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc 77-11039 Filed 4-15-77;8:45 am]

[Docket No.50-522, License No XR-111]

GENERAL ELECTRIC TECHNICAL SERVICES COMPANY, INC. (GETSCO)

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on December 23, 1975 (40 FR 247) and the Nuclear Regulatory Commission having found that:

(a) The application filed by General Electric Technical Services Company, Inc., (GETSCO) Docket Number 50-552, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations,

the Commission has issued License No. XR-111 to General Electric Technical Services Company, Inc. (GETSCO), San Jose, California, authorizing the export of two power reactors each with a thermal power level of 2894 kilowatts to ENTE Nationale Per L'energia Electtrica, Rome, Italy.

The export of these reactors to Italy is within the purview of the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community, as amended.

Dated at Bethesda, Md., this 5th day of April 1977.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc.77-11040 Filed 4-15-77;8:45 am]

[Docket No. STN 50-531]

GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT (GESSAR-251 NUCLEAR STEAM SUPPLY SYSTEM STANDARD DESIGN)

Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated March, 1975, and a Preliminary Design Approval No. PDA-9, dated March 31, 1977, for the nuclear steam supply system portion of a nuclear power plant as described in the General Electric Company GESSAR-251 Safety Analysis Report. The GESSAR-251 Safety Analysis Report was reviewed by the NRC staff pursuant to Appendix O to 10 CFR Part 50.

The GESSAR-251 Safety Analysis Report contains preliminary safety-related design information for the nuclear steam supply system portion of a boiling water type nuclear power plant which includes the reactor system, reactor coolant system, emergency core cooling system, instrumentation and control systems, and specified auxiliary systems. The GESSAR-251 reference system is designed to operate at a core thermal power level of 4100 megawatts, but in accordance with Regulatory Guide 1.49, "Power Levels of Nuclear Power Plants," the application for the Preliminary Design Approval was based on a core thermal power level of 3800 megawatts.

The SER documents the results of the NRC staff's review and evaluation of the GESSAR-251 Safety Analysis Report including Amendments 1 through 23 thereto. The SER addresses the comments of the Advisory Committee on Reactor Safeguards (ACRS) as reflected in its report to the Commission dated December 17, 1976. A copy of the ACRS report is included as Appendix C to the SER.

PDA-9 provides NRC staff approval of the preliminary nuclear steam supply system design described in the GESSAR-251 Safety Analysis Report, including Amendments 1 through 23 and described in Sections 1 through 19 of the SER. By the issuance of PDA-9, the NRC staff has determined that the design is acceptable for referencing in utility applications for construction permits. The GESSAR-251 design as described in that document, subject to the conditions of PDA-9, shall be utilized by and relied upon by the NRC staff and the ACRS in their review of facility license applications for construction permits incorporating by reference the GESSAR-251 preliminary standard design unless there exists significant new information which substantially affects the determinations in PDA-9 or other good cause.

Issuance of PDA-9 and the NRC staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves the design of a nuclear steam supply system for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-9 is effective as of its date of issuance and shall expire on March 31, 1980, unless earlier superseded by issuance of an appropriate Final Design Approval (FDA) for the GESSAR-251 standard design or extended by the NRC staff. The expiration of PDA-9 on March 31, 1980 should not affect the use of PDA-9 for reference in any construction permit application docketed prior to that date.

A copy of (1) the Preliminary Design Approval No. PDA-9 dated March 31, 1977; (2) the report of the Advisory Committee on Reactor Safeguards dated December 17, 1976, (3) the NRC staff's Safety Evaluation Report, NUREG-0151, dated March 1977; (4) the General Electric Company GESSAR-251 Standard Safety Analysis Report and Amendments 1 through 23 thereto, and (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants" dated August 1974, and Amendment 1 thereto dated December 1974 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20555. A copy of PDA-9 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report (NUREG-0151) may be purchased at current rates from National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 31st day of March 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors, Branch No. 4, Division of Project Management.

[FR Doc.77-11041 Filed 4-15-77;8:45 am]

[Docket Nos. 50-275-OL, 50-323-OL]

PACIFIC GAS AND ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2)

Order Scheduling a Prehearing Conference

As stated in the Board's Order of March 29, 1977 a prehearing conference will be held on May 12, 1977. The conference will begin at 10 a.m. (local time) in Room 523, Los Angeles County Courthouse, 110 North Grand Avenue, Los Angeles, California.

The purpose of the conference is to consider final language for those issues to be considered in an evidentiary hearing to be scheduled at a later date.

The public is welcome to attend. No limited appearance statements will be accepted at the prehearing conference but will be invited from those persons who have not made such statements at the subsequent evidentiary hearing.

Dated at Bethesda, Md., this 11th day of April 1977.

It is so Ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-11042 Filed 4-15-77;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO. (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Relative to Prehearing Conference

A prehearing conference will be held at 9:30 a.m. (local time) on May 10, 1977 in the Fifth Floor Hearing Room, East-West Towers, 4350 East West Highway, Bethesda, Maryland. This will be a joint prehearing conference with the Maryland Public Service Commission.

The purpose of the conference is to consider the validity of the existing evidentiary record in the light of the changes announced by the Applicant, to discuss the additional issues to be heard and to consider scheduling.

The public is invited to attend. No limited appearance statements will be accepted at the prehearing conference.

Dated at Bethesda, Md., this 11th day of April 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-11043 Filed 4-15-77;8:45 am]

[Docket Nos. STN 50-508, STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, WPPSS NUCLEAR PROJECTS NOS. 3 AND 5

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Washington Public Power Supply System (WPPSS) to conduct certain site activities in connection with the WPPSS Nuclear Projects Nos. 3 and 5 prior to a decision regarding the issuance of a construction permit.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and include the following:

Cutting timber; clearing construction site; excavating site; constructing retention ponds, temporary construction roads and plant access roads, temporary construction offices, warehouse, sanitary facilities, materials laboratory and test facility; installing temporary security facilities, potable water wells, electrical switchyard and load center, electrical distribution facilities and communication systems, concrete mixing plant; and developing on-site aggregate and cement storage facilities.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Washington Public Power Supply System and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A Partial Initial Decision Authorizing Limited Work Authorization on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on April 8, 1977. A copy of (1) the Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement (NUREG-75/053) dated June 1975; and (5) the Commission's letter of authorization, dated April 8, 1977, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington.

Dated at Rockville, Md., this 8th day of April 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-11044 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON SITING EVALUATION

Change in Date and Addition to Agenda

The April 28, 1977 meeting of the subject Subcommittee has been rescheduled for April 27 and 28, 1977. The agenda is modified to include a discussion of safety considerations involved in the siting of liquid metal fast breeder reactors as well as those of light water reactors. This meeting will be open to the public on both days. The meeting is scheduled to start at 8:30 a.m. in Room 1046, 1717 H Street NW., Washington, D.C. 20555 and continue until the conclusion of business on both April 27 and 28, 1977.

All other items included in the notice of the meeting published in the FEDERAL REGISTER, Vol. 42, No. 67, page 18465, dated April 7, 1977, remain unchanged.

Dated: April 12, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11149 Filed 4-15-77;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS COMPANY AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY (VIRGIL C. SUMMER NUCLEAR STATION)

Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating license from South Carolina Electric and Gas Company (applicant) for itself and as agent for the South Carolina Public Service Authority (authority) to possess, use, and operate Virgil C. Summer Nuclear Station, a pressurized water nuclear reactor (the facility), located on the applicants site located in Fairfield County, South Carolina, at a steady-state power level of 2785 megawatts thermal.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facility is being made available at the State Clearinghouse, Division of Administration, 1205 Pendleton Street, 4th Floor, Columbia, South Carolina 29201 and at Central Midlands Regional Planning Council, 800 Dutch Square Boulevard, Suite 155, Columbia, South Carolina 29210.

After the environmental report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Comission will consider the issuance of a facility operating license to South Carolina Electric and Gas Company, acting on behalf of itself and as agent for South Carolina Public Service Authority which would authorize the applicant to possess, use, and operate the Virgil C. Summer Nuclear Station, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation on the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR-94, issued by the Commission on April 2, 1973. Construction of the facility is anticipated to be completed by December 31, 1980.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before May 18, 1977, the applicant, or any person whose interest may be affected thereby, may file a request for a hearing with respect to issuance of the facility operating license. Any person whose interest may be affected by this proceeding and has filed a request for a hearing, shall do so in the form of a petition for leave to intervene. Requests for a hearing and/or petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing and/or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the re-

quest and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

Any petition and/or request must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. Any petition and/or request shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which he wishes to intervene and/or on which he bases his request for a hearing and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by May 18, 1977. A copy of the petition and/or request should also be sent to the Executive Legal Director, United States Nuclear Regulatory Commission, Washington, D.C. 20555 and to Troy B. Conner, Jr., Esq., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006, attorney for the applicant.

A petition and/or request which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)–(4) and § 2.714(d).

For further details, see the application for the facility operating license, dated February 25, 1977, and the applicant's environmental report, dated February 25, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Office of Nuclear Reactor Regulation; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 31st day of March, 1977.

For the Nuclear Regulatory Commission.

JOHN P. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-11150 Filed 4-15-77;8:45 am]

[Special Nuclear Material License Nos. SNM-145, 414]

BABCOCK & WILCOX CO., NUCLEAR MATERIALS DIVISION (FACILITIES AT APOLLO AND LEECHBURG, PENNSYLVANIA)

Notice and Order Scheduling Prehearing Conference

Notice is hereby given that, in accordance with the Commission's "Notice of Hearing", dated April 1, 1977, and published in the FEDERAL REGISTER on April 7, 1977 (42 FR 18456) a Prehearing Conference will be held in the above-captioned proceeding on Friday, April 22, 1977, beginning at 10 a.m. in the Nuclear Regulatory Commission Hearing Room, 5th floor, East West Towers Building, 4350 East West Highway, Bethesda, Maryland.

The Prehearing Conference will deal with the Licensee's and Regulatory Staff's proposed settlement of the issues which are set forth in the Commission's Notice of Hearing. The Conference will also deal with any other pertinent questions which may arise.

A copy of this Notice and Order Scheduling Prehearing Conference will be published in the FEDERAL REGISTER.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of April, 1977.

The Atomic Safety and Licensing Board.

JOHN F. WOLF,
Chairman.

[FR Doc.77-11285 Filed 4-15-77;8:45 am]

BABCOCK & WILCOX CO.

Request For Action Pursuant to 10 CFR 2.206

Notice is hereby given that by letter dated April 8, 1977, the Babcock and Wilcox Company requested the NRC, pursuant to 10 CFR 2.206 of the NRC Rules of Practice, to take certain emergency action with respect to the announced intention of the United Technologies Corporation to acquire controlling shares of the Babcock and Wilcox Company. B&W holds Facility License Nos. R-47, CX-10; Special Nuclear Material License Nos. SNM-778, SNM-1168, SNM-145, SNM-42, SNM-414 and Byproduct Material License Nos. 45-00105-04, 37-7031-1, 37-04456-01, 37-04456-03 and SMB-502. The specific action requested of the NRC is that it:

(1) Seek injunctive relief to prohibit transfer of control to United Technologies Corporation of the above referenced licenses, or take action to; and

(2) Require that applications for transfer of the above referenced licenses be filed with the NRC by United Technologies Corporation.

In accordance with the procedures specified in 10 CFR § 2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 14th day of April, 1977.

For the Nuclear Regulatory Commission.

ERNST VOLGENAU,
Director, Office of Inspection and Enforcement.

[FR Doc 77-11286 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 5-7, 1977, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

Thursday, May 5, 1977: 8:30 A.M.—9:15 A.M.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will also hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the request for a construction permit for the Phipps Bend Nuclear Station Units 1 and 2.

9:15 A.M.—12:45 P.M.: Phipps Bend Nuclear Station Units 1 and 2 (Open)—The Committee will hear presentations and hold discussions with representatives of the NRC Staff and the applicant related to the request for a Construction Permit for this nuclear station. Portions of this session will be closed if required to discuss Proprietary Information related to this station. Portions will also be closed if necessary to discuss security arrangements at this station.

1:45 P.M.—2:15 P.M.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Environmental Subcommittee and consultants who may be present regarding Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations.

2:15 P.M.—3:45 P.M.: Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations (Open)—The Committee will hear and discuss presentations by representatives of the NRC Staff and various other federal and state government and non-government agencies and organizations and ACRS consultants who may be present related to Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations.

3:45 P.M.—6:30 P.M.: Executive Session (Open)—The Committee will hear and discuss reports of ACRS Subcommittees, Working Groups, members, and consultants who may be present related to various generic matters including:

Further development and application of the Reactor Safety Study (WASH-1400), "An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants,"

Interpretation of General Design Criterion-19, Control Rooms,

Proposed Regulatory Guides and Related Regulatory Activities,

Preparation of ACRS annual report on Reactor Safety Research.

Friday, May 6, 1977: 8:30 A.M.—9:00 A.M.: Meeting with the NRC Executive Director for Operations (Open)—The Committee will meet with the Executive Director for Operations and his representatives to discuss NRC/ACRS procedures including:

NRC request for further elaboration of ACRS recommendations,

Proposed NRC Staff interpretation of ACRS report dated March 16, 1977 on the site for the Sundesert Nuclear Power Plant.

9:00 A.M.—11:15 A.M.: Meeting with NRC Staff (Open)—The Committee will hear and discuss presentations regarding recent operating experience at nuclear facilities and licensing actions, generic matters related to reactor licensing, and the future schedule for ACRS activities. This discussion will include:

Repair of the containment liner at the Midland Nuclear Plant,

Criteria regarding defects in primary coolant pump flywheels,

Development and application of IAEA reactor safety standards, and

The NRC Inspection and Enforcement Program.

11:15 A.M.—12:30 P.M: Executive Session (Closed)—The Committee will meet in closed session to prepare reports/comments regarding the following:

Preparation of ACRS report on the Phipps Bend Nuclear Station Units 1 and 2,

Preparation of ACRS supplemental comments regarding the proposed site for the Sundesert Nuclear Plant.

1:30 P.M.—5:00 P.M.: Executive Session (Open)—The Committee will discuss proposed ACRS action regarding generic matters related to the following:

Emergency Planning at Nuclear Facilities and Related Radiation Dose Calculations,

Interpretation of General Design Criterion-19, Control Room,

Development and application of the Reactor Safety Study (WASH-1400), and

Preparation of periodic ACRS report regarding matters which deserve the attention of the Commissioners.

5:00 P.M.—6:30 P.M.: Executive Session (Closed)—The Committee will prepare its report on the Phipps Bend Nuclear Station Units 1 and 2.

Saturday, May 7, 1977: 8:30 A.M.—9:30 A.M.: Executive Session (Closed)—The Committee will prepare its report on the Phipps Bend Nuclear Station Units 1 and 2.

9:30 A.M.—12:30 P.M.: Executive Session (Open)—The Committee will complete preparation of reports/comments regarding generic items discussed during this meeting.

I have determined in accordance with subsection 10(d) of Public Law 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552b.(c)(4)), and to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b.(c)(4)). That portion of the meeting during which the Committee's reports on the Phipps Bend Nuclear Station and the Sundesert Nuclear Plant site are drafted will be closed pursuant to exemption (10) of 5 U.S.C. 552b.(c) since it involves the Committee's participation in an adjudicatory proceeding. Separation of factual information and information considered exempt from disclosure under exemption (4) and exemption (10) of 5 U.S.C. 552b. during these portions of the meeting is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally deal with matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 27, 1977, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C 20555 and at the following Public Document Rooms:

Phipps Bend Nuclear Station, Kingsport Public Library, Board and New Streets, Kingsport, TN 37660.

Sundesert Nuclear Power Plant. Palo Verde Valley District Library, 125 West Chanslorway, Blythe, CA 92255.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety-related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on May 4, 1977, to the Office of the Executive Director of the Committee, 202-634-1371 between 8:15 A.M. and 5 P.M., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on May 4, 1977.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be

permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings of the proceedings will be permitted only during those open sessions when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after August 5, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11324 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, JOINT MEETING OF THE WORKING GROUP ON FIRE PROTECTION AND THE SUBCOMMITTEE ON REGULATORY ACTIVITY

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on Fire Protection and the Subcommittee on Regulatory Activity will hold an open meeting on May 4, 1977 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to review a revision to Regulatory Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants."

The agenda for subject meeting shall be as follows: Wednesday, May 4, 1977, 1 p.m. until the conclusion of business.

Members of the Working Group, the Subcommittee, and their consultants, will hear presentations by and hold discussions with representatives of the NRC Staff, and its consultants, pertinent to a proposed revision of Regulatory Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants."

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Rector Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committees reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committees information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commissions Atomic Safety & Licensing Board as part of the Commissions licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group and Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committees purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 27, 1977 to Mr. Robert L. Wright, Jr., ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group and the Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on May 3, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1919, Attn: Mr. Robert L. Wright, Jr.) between 8:15 a.m. and 5 p.m., EST.

(d) Questions may be propounded only by members of the Working Group, the Subcommittee, and their consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after May 11, 1977 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room 1717 H St., NW., Washington, D.C. 20555 after August 4, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: April 13, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11322 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, MEETING OF THE REACTOR SAFETY STUDY WORKING GROUP

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Reactor Safety Study Working Group will hold an open meeting on May 4, 1977 in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to consider further ACRS action regarding the reactor safety study WASH-1400 (NUREG-75/014).

The agenda for subject meeting shall be as follows: Wednesday, May 4, 1977, 6 p.m. until the conclusion of business.

Members of the Working Group will hold discussions pertinent to the cited reactor safety study.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 27, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on May 3, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. John C. McKinley) between 8:15 a.m. and 5 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group, the Subcommittee, and their consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 11, 1977 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after August 4, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11323 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, AD HOC WORKING GROUP OF THE SUBCOMMITTEE ON THE CLINCH RIVER BREEDER REACTOR

Meeting Postponed

The April 27, 1977 meeting of subject Working Group has been postponed indefinitely.

Announcement of this meeting was made in FR Vol. 42, Monday, April 11, 1977, page 18909.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11319 Filed 4-15-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY ACTIVITIES

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Regulatory Activities will hold an open meeting on May 4, 1977 at 20 Massachusetts Ave., NW., Washington, D.C. 20555.

The agenda for subject meeting shall be as follows: Wednesday, May 4, 1977, 9:00 a.m. until the close of business. (Open.)

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following items:

(1) A Working Paper, Regulatory Guide 1.XX, "Laboratory Investigations of Soils for Engineering and Design of Nuclear Power Plants."

(2) A Working Paper, Regulatory Guide, 1.xx, "Material for Concrete Containment."

Portions of this meeting may be closed if required to discuss proprietary material related to the design, construction, or operation of specific equipment.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it may be necessary to close portions of the meeting as noted above to proprietary data under 5 U.S.C. 552b(c)(4).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(A) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5 p.m., EST.

(B) Questions may be propounded only by members of the Subcommittee and their consultants.

(C) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(D) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. R. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(E) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection at the NRC Public Document Room, 1717 H St., NW.,

Washington, D.C. 20555 on or after May 11, 1977, and August 4, 1977, respectively.

Copies may be obtained upon payment of appropriate charges.

Dated: April 14, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11321 Filed 4-15-77;8:45 am]

[Docket Nos. 50-282; 50-306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2)

Spent Fuel Pool Modification; Order Rescheduling Prehearing Conference

The Prehearing Conference originally scheduled to be held on Thursday, April 21 is hereby rescheduled to be held on Friday, April 22, 1977, at 9:30 a.m., at the U.S. Federal Courthouse, Room No. 584, 316 North Robert Street, St. Paul, Minnesota.

All of the parties to this proceeding shall attend the Prehearing Conference and shall be prepared to discuss all outstanding matters. The parties should be especially prepared to discuss the admissibility of each of the contentions asserted by the Intervenor Minnesota Pollution Control Agency.

So ordered.

Dated at Bethesda, Maryland, this 14th day of April 1977.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chariman.

[FR Doc.77-11320 Filed 4-15-77;8:45 am]

OFFICE OF THE FEDERAL REGISTER

EDUCATIONAL WORKSHOPS ON HOW TO USE THE FEDERAL REGISTER

Region VIII Workshops in Denver, Colorado

The Office of the Federal Register (OFR) will hold two separate workshops on "The FEDERAL REGISTER—What It Is and How To Use It" in Denver, Colorado, as part of the General Services Administration's Consumer Representation Plan. Workshop dates: Thursday, May 19, 9:30 a.m.; Friday, May 20, 9:30 a.m.; (reservations required for each session). Location: Room 2330, Denver Federal Building, 19th and Stout, Denver, Colorado.

For reservations call Ida Martinez or Velita Bonney at 303-234-2216.

AGENDA

The content of each workshop session will be identical. Each workshop will last for approximately three hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.

2. The difference between legislation and regulations.

3. The relationship of the FEDERAL REGISTER and the CODE OF FEDERAL REGULATIONS.

4. Important elements of a typical FEDERAL REGISTER document.

5. An introduction to the finding aids of the OFR and a practical exercise using those finding aids.

The OFR does not interpret specific agency regulations and the workshops will not provide a forum for the discussion of substantitive questions. Rather, the workshops are designed as an introduction for the person who discovers that he or she must use FEDERAL REGISTER publications to keep track and to gain an understanding of Federal regulations.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.77-11171 Filed 4-15-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-0327]

CONCORDE COMMUNICATIONS CAPITAL CO., A LIMITED PARTNERSHIP

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) under the name of Concorde Communications Capital Company, a limited partnership, 425 Park Avenue, New York, New York 10022, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed members of the partnership are as follows:

Miben, Inc., (general partner), 100 West 10th Street, Wilmington, Delaware 19801.
Michael Bennahum, (limited partner), 2 Rue Dufreney, Paris, France.
Peter Victor Miller, (see below), 40 East 84th Street, New York, New York 10028.
Robert Olin McDonald (see below), 2641 Butler Drive, Norman, Oklahoma 73069.

Messrs. Bennahum, Miller and McDonald comprise the officers and shareholders of Miben, Inc., which company is to be the General Partner of the applicant, Concorde Communications Capital Company, a limited partnership.

The applicant proposes to commence operations with a minimum capitalization of $500,000 provided by Miben, Inc. ($250,000), and Michael Bennahum ($250,000), which represents two (2) limited partnership units. The applicant is authorized to issue 48 limited partnership shares for a total of $12,000,000. Applicant intends to conduct its operations principally in New York, New York, and the State of California, as well as in other areas of the United States as may be approved from time to time by the Small Business Administration. While applicant contemplates making investments in all types of qualified small business concerns, it may initially focus on communications oriented businesses.

Matters involved in SBA's consideration of the application include the general business reputation of the partnership and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 2, 1977, submit to the Small Business Administration, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 7, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-11153 Filed 4-15-77;8:45 am]

[Application No. 09/09-5196]

EIGER INVESTMENT CORP.

An Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Eiger Investment Company (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The officers and directors are as follows:

John T. Hall, President and Director, 700 South Flower Street, Los Angeles, California 90017.
Doris C. Hall, Vice President and Director, 2400 Westridge Road, Los Angeles, California 90049.
Vito A. Rotunno, Secretary-Treasurer and Director, 5995 South Sepulveda Blvd., Culver City, California 90230.

The applicant, a California corporation, will maintain an office at 700 South Flower Street, Suite 808, Los Angeles, California 90017, and will begin operations with $505,000 of paid-in capital and paid-in surplus derived from the sale of 50,500 shares of common stock to Mrs. Doris C. Hall.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owner and management and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Applicant intends to concentrate its investments in real estate development of low income, single family, residential dwellings and general contracting. A substantial portion of its investments will be in the form of construction loans or guarantees of such loans made by third-party lenders to the minority-owned business concerns.

Any person may, not later than May 3, 1977, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 11, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-11154 Filed 4-15-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice No. CM-7/57]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on bulk chemicals of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, May 18, 1977, in Room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to discuss preparations for the Third Session of the Intergovernmental Maritime Consultative Organization (IMCO) Subcommittee on Bulk Chemicals, tentatively scheduled for October 17-21, 1977, in London, specifically:

Review the outcome of the second session of the Subcommittee on Bulk Chemicals;

Preparation of Guidelines on Means for Ensuring the Provision of Adequate Reception Facilities in Ports;

Hazard evaluation of noxious substances;

Draft standards for procedures and arrangements.

Requests for further information on the meeting should be directed to Mr. F. Wybenga, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1217.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, JR.,
Acting Director, Office of Maritime Affairs.

APRIL 7, 1977.

[FR Doc.77-11195 Filed 4-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

REGULATION OF MOBILE OFFSHORE DRILLING UNITS ON THE OUTER CONTINENTAL SHELF OF THE UNITED STATES

Memorandum of Understanding Between the United States Coast Guard of the Department of Transportation and the Geological Survey of the Department of Interior

CROSS REFERENCE: For a document concerning the above entitled matter, see FR Doc. 77-10931, in the notices section of this issue under Department of the Interior/Geological Survey.

Federal Aviation Administration

FAA FLIGHT INFORMATION ADVISORY COMMITTEE (FIAC)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting (No. 1-77) of the Federal Aviation Administration (FAA) Flight Information Advisory Committee (FIAC) to be held beginning at 9:30 a.m., e.d.t., May 19, 1977, in Rooms 6 A & B, at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. The agenda for this meeting is as follows:

1. Approval of minutes of meeting 2-76.

2. Approval of the agenda.

3. Report on Survey of members on time of meetings.

4. Status report on consolidating oceanic procedures under one cover. See minutes of meeting 2-76.

5. Status report on profile descents. See minutes of meeting 2-76.

6. Discussion on showing terrain on Enroute Charts. See minutes of meeting 1-76.

7. Discussion on realigning H-2 and Alaska High Altitude Charts. See minutes of meeting 1-76.

a. Pivoting H-2 at the SE corner to accommodate SFO on the same chart.

b. Revising the Alaska Enroute High Altitude Charts from a 2 Chart layout to a single chart, minimizing U.S. and Canada coverage. The revised single high altitude chart will extend from Seattle northward.

8. Status report on converting the revision cycle for instrument approach procedure charts—The present 7 day cycle compared to a 14/28 day cycle. See minutes of meeting 2-76.

9. Status report on IAP Bound Volume. See minutes of meetings 1-76 and 2-76.

10. Discussion on showing waypoints on IAP Charts other than RNAV IAPs.

11. Discussion of proto-type IAP Charts. See minutes of meeting 1-76.

12. Discussion on the charting of Military Training Routes.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than May 5, 1977, and information may be obtained from, Mr. Milton Wassmann, Executive Secretary, 800 Independence Avenue SW., Washington, D.C. 20591, 202-426-3758. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on March 24, 1977.

CHARLES V. HANNAN,
Chairman, Flight Information Advisory Committee.

[FR Doc.77-11080 Filed 4-15-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular, Public Debt Series No. 9-77]

TREASURY NOTES OF APRIL 30, 1979, SERIES P-1979

APRIL 13, 1977.

1. INVITATION FOR TENDERS

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,469,000,000 of United States securities, designated Treasury Notes of April 30, 1979, Series P-1979 (CUSIP No. 912827 GR 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each acepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2. 1. The securities will be dated May 2, 1977, and will bear interest from that date, payable on a semiannual basis on October 31, 1977, and each subsequent 6 months on April 30 and October 31 until the principal becomes payable.

They will mature April 30, 1979, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Securities held in one form (coupon, registered, or book-entry) may be exchanged for like securities held in another form in the same denomination or for different denominations. The transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect of those issued at a later date.

3. SALE PROCEDURES

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, April 19, 1977. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Monday, April 18, 1977.

3. 2. Each tender must state the face amount of securities desired. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers, if the names of the customers and the amount for each customer are furnished. Other bidders are only permitted to submit tenders for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3. 5. Immediately after the closing hour, tenders will be opened. Subsequently there will be a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After determining which tenders to accept, a coupon rate will be established at an increment of ⅛ of one percent which has an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3. 6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5. 1. Settlement for allotted securities must be made or complete on or before Monday, May 2, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Thursday, April 28, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, April 26, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any diffeence between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or their assignees as provided in the general regulations governing United States securities. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

6. GENERAL PROVISIONS

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue appropriate notices, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-11273 Filed 4-15-77;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Pub. L. 94-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, May 5, 1977;
Thursday, May 19, 1977;
Thursday, June 2, 1977;
Thursday, June 16, 1977;
Thursday, June 30, 1977.

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as amended by Pub. L. 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552b(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue NW., Washington, DC.

Dated: April 12, 1977.

MAX CLELAND,
Administrator.

[FR Doc.77-11183 Filed 4-15-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 339]

AMTRAK THROUGH ROUTE AND JOINT FARE STUDY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Request for Comments.

SUMMARY: The Interstate Commerce Commission is conducting a study for submission to the Congress of the United States of through routes and joint fares between the National Railroad Passenger Corporation (Amtrak) and other intercity common carriers of passengers by rail and motor carriers of passengers. Such action is prescribed by section 106 of the Rail Transportation Improvement Act (Pub. L. 94-555). The study would be used to encourage such arrangements.

DATES: Comments must be received on or before 30 days from the service date of the attached order.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Room 5342, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Section of Rates or Harvey Gobetz, Assistant Deputy Director, Section of Rates Office of Proceedings, Interstate Commerce Commission, 202-275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Although the railroads of this nation initially commenced operations as common carriers of both passengers and freight, over the years the railroads discontinued, in whole or in part, their passenger services. Prior to the inception of the National Railroad Passenger Corporation, established by Congress[1] (hereinafter called Amtrak or the Corporation), the trend in railroad intercity operations was one of "persistently declining patronage and revenues." *Interstate Commerce Commission Eightieth Annual Report*, page 86.

The passenger rail system, as it evolved, did not contemplate either its ventual decline or the development of the presently comprehensive intercity bus industry which would serve points no longer served by rail as well as those where rail service still exists. Nor was the eventual need for intermodal connecting services and joint use of passenger terminals in order to facilitate passenger travel contemplated. The Amtrak legislation of 1970, therefore, declared as its purpose the creation of a "modern, efficient, intercity railroad passenger service" as a "necessary part of a balanced transportation system." As the Commission noted in Adequacy of Intercity Rail Passenger Service, 351 I.C.C. 883,891,

Amtrak has achieved very important advances toward creating a credible national system of intercity rail passenger service. But it would be stretching reality much too far to say that Amtrak in the foreseeable future will be playing a major role in a balanced national transportation system.

It is now becoming increasingly apparent that a balanced national transportation system requires that the various modes and carriers engaged in transportation of passengers coordinate their efforts.

AUTHORITY FOR STUDY

Section 306 of the Rail Passenger Service Act (45 U.S.C. 4097) was amended by section 106 of the Rail Transportation Improvement Act (Amtrak Improvement Act of 1976) by adding new provisions which (1) permit the Corporation to enter into agreements with other intercity common carriers by rail and motor carriers of passengers for the establishment of through routes and joint

[1] Rail Passenger Service Act, 45 U.S.C. 4008.

fares and (2) require the Interstate Commerce Commission to submit to Congress no later than September 30, 1977, a study of through route and joint fare arrangements between Amtrak and other intercity common carriers by rail and motor carriers of passengers. Such study shall include, but is not limited to the following:

(1) A history of through route and joint fare arrangements between motor carriers of passengers and carriers of passengers by rail;

(2) Laws and regulations presently applicable or related to such through route and joint fare arrangements;

(3) Analysis of the need for intermodal terminals, through ticketing and baggage handling arrangements, and the means by which such needs should be met;

(4) The extent to which any existing arrangements have improved or lessened, or might improve or lessen, the adequacy of service and passenger convenience;

(5) Methods of formulating joint fares and divisions thereof;

(6) Views of the Corporation, other intercity common carriers by rail, and organizations representing intercity bus operators; and

(7) Recommendations relative to the establishment of through routes and joint fares between railroads, and motor carriers of passengers, including any recommendations for legislation.

Definitions

A "through route" is an agreement, express or implied, between connecting carriers for the continuous travel of persons on a single ticket from a point on the lines of one carrier to a point one the lines of the connecting carrier. A "joint fare" is a single fare extending over the lines of two or more carriers, rather than a combination of fares of the separate carriers and may be established by voluntary agreement or pursuant to an order of the Commission. Through routes generally do not exist without a joint fare.

Rail-Motor Coordination

In considering through routes and joint fares between rail passenger carriers and motor passenger carriers, attention must be given to the basic differences as well as the similarities in the two services. While the requirement of a seat is a common denominator, the facilities required for rail and motor operations are vastly different. While rail carriers require an enormous physical plant and relatively unchanging route network, motor carriers of passengers are able to use existing public highways and allow any number of buildings to serve as a depot. A primary purpose of our report to Congress, therefore, is to develop information relating to true intermodal facilities as opposed to joint-use facilities which offer little more than drive-up arrangements.

Existing Joint Fare and Through Route Arrangements

There currently exist numerous rail-to-bus connections which lack through ticketing and through baggage handling. We have, on a preliminary basis evaluated four cities where Amtrack has undertaken arrangements with passenger motor carriers for the through ticketing of passengers and through checking of baggage. There are: New Orleans Union Passenger Terminal, New Orleans, La.; South Station, Boston, Mass.; Jacksonville Terminal, Jacksonville, Fla.; and Amtrack Kalamazoo Station, Kalamazoo, Mich. Generally, the stations are well lighted, have adequate signs and other informational devices, and provide personnel to assist passengers in making bus-rail or rail-bus connections. The arrangements at these terminals afford connecting passengers the benefit of intermodal transfers although only one, the New Orleans Terminal, is a true intermodal station insofar as it houses facilities for both modes. At the other stations, passengers transferring from rail to bus or bus to rail do so at curbside. Nonetheless, passengers may be ticketed by either mode from origin to destination through the connecting point and are able to travel one-way or round-trip. The ticket developed for joint use by the Corporation and a bus line has the necessary coupons for each mode, allows for the advance reservation of rail accommodations and provides the selling carrier with approximately a ten percent commission from sales over the connecting mode. Through baggage handling, however, is not available in all instances.

In addition, there currently exist connections between the Corporation and routes of three other intercity common carriers of passengers by rail, namely, Southern Railway System, Denver and Rio Grande Western, and the Chicago, Rock Island and Pacific Railroad. The locations of connections include: cities where both the Corporation and the connecting carrier use the same station; cities where each carrier uses a different station; two cities bridged by motor carrier transfer where no direct rail connection exists; and international connections. The operations at these connecting terminals are similar to those at the rail-bus terminals except that through ticketing and through baggage checking as those terms are used in this notice, while available on select movements, are very limited.

Purpose of Study

Ultimately, the purpose of the study is to improve through travel capability, whether the connection be between bus and rail or rail and rail. The easier it is for passengers to obtain a ticket to a final destination and to check baggage through to that destination, making necessary transfers enroute, the more nearly we approach true intermodal capability.

At present, there are numerous limitations placed on passengers traveling by rail and bus because of the limited availability of through routes, joint fares, and intermodal facilities. However, through ticketing, through baggage checking, and joint fares can and have been used in rail-to-rail movements, and although significant differences exist in the manner in which one might travel by rail as opposed to bus, these differences are limited largely to the physical characteristics of the equipment associated with each mode. Because of the fixed routes and established terminals of rail passenger service, rail service will mesh comfortably with the flexibility of routes, equipment, and schedules of passenger motor carriers. The interline agreements undertaken by Amtrak and Greyhound are examples of increased passenger facility which can exist through cooperation and which can alleviate passenger transportation problems including the connection of isolated regional, State, and local communities with the rest of the nation.

Comments Invited

The concept of intermodal passenger transport is not new; however, to aid us in preparing our report to Congress and in assessing present intermodal passenger transportation, we solicit the views of the Corporation, other intercity common carriers of passengers by rail, or motor vehicle, organizations representing intercity bus operators, and the general public in any one of the following areas:

(1) Analysis of the need or demand for intermodal terminals, through ticketing, and baggage handling arrangements, and the means by which such needs should be met;

(2) The socio-economic criteria, if any, which are or should be applied in selecting locations, routes, or fares, and, in evaluating the success of the arrangement;

(3) The extent to which any existing arrangements have improved or lessened, or might improve or lessen, the adequacy of service and passenger convenience;

(4) The extent to which joint fares may be expected to be lower than the combination of the separate modal rates;

(5) Methods and principles which should be adhered to in formulating through routes and joint fares, divisions thereof, and statement of through routes and joint fares once established;

(6) Predictions regarding the ultimate effect of intermodal coordination on consumer demand for travel, quality of service, competition among modes, and structure and financial conditions of the transport system;

(7) Recommendations, both pro and con, relative to the establishment of through routes and joint fares between railroads and motor carriers of passengers, including any recommendations for legislation.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11144 Filed 4-15-77;8:45 am]

[Notice No. 369]

ASSIGNMENT OF HEARINGS

APRIL 13, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124878 (Sub-No. 9), Lapadula Air Freight Transfer, Inc., now assigned May 16, 1977, at New York, N.Y. is canceled and reassigned for May 16, 1977 (1 week), at Philadelphia, Pa., location of hearing room will be by subsequent notice.

MC 22301 Sub 22, Sioux Transportation Company, Inc., and MC 134477 Sub 127, Schanno Transportation, Inc., now assigned May 3, 1977, at Omaha, Nebr., will be held in Room 616, Union Plaza 110 N 14th Street.

MC 136611 Sub 1, Red & White Market & Transfer, Inc., now asigned May 9, 1977, at Hastings, Nebr., will be held in the District Court Room, Adams County Court House, 3rd and Denver St.

MC 120472 Sub 3, Gollott & Sons Transfer & Storage, Inc. now assigned June 6, 1977 at New Orleans, Louisiana is cancelled.

No. MC 106195 (Sub-No. 9), Clark Bros Transfer, Inc., now assigned May 5, 1977, at Omaha, Nebr., will be held in Room 616, Union Plaza, 110 N. 14th Street.

MC 82841 (Sub-No. 175), Hunt Transportation, Inc., now assigned May 4, 1977, at Omaha, Nebr., will be held in Room 616, Union Plaza, 110 N. 14th Street.

MC-C-9547, *Clark Tank Lines Co., Inc.* v. *Wycoff Company*, Inc. and MC-C-9458, *W. S. Hatch Co.* v. *Wycoff Company, Inc.* now being assigned July 7, 1977 (2 days) at Salt Lake City, Utah in a hearing room to be later designated.

MC-F-12826, F-B Truck Line Co.—Purchase (Portion)—Archer Freight Lines, Inc., MC 125433 Sub 69, F-B Truck Line Co., MC-F-12827, Lester Smith Trucking, Inc.—Purchase (Portion)—Archer Freight Lines, Inc. and MC 57697 Sub 2, Lester Smith Trucking, Inc. now being assigned July 11, 1977 (2 weeks) at Salt Lake City, Utah in a hearing room to be later designated.

MC 1074 Sub 16, Allegheny Freight Lines, Inc. now assigned May 9, 1977 at Charleston, West Virginia and will be held in Room D, Bldg. 7, 2nd Floor, 1900 Washington Street East through May 12th and on May 13th, Room E, Bldg., 2nd Floor of the same address.

MC 104623 (Sub-No. 65), Huston Truck Line, Inc., now assigned May 4, 1977, at Dallas, Texas will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 142426, C. T. Dykes, DBA Dykes Garage, now assigned May 5, 1977, at Dallas, Texas will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 120761 (Sub-No. 16), Newman Bros. Trucking Company, now assigned May 10, 1977, at Dallas, Tex. will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 139495 (Sub-No. 165), National Carriers, Inc. now assigned May 11, 1977, at Dallas, Texas will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 340 (Sub-No. 41), Querner Truck Lines, Inc., MC 127042 (Sub-No. 174) Hagen, Inc. and MC 140033 (Sub-No. 15), Cox Refrigerated Express, Inc., now assigned May 12, 1977, at Dallas, Tex. will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 129328 (Sub-No. 6), Pal Tex Transport Co., now assigned May 3, 1977, at Dallas, Tex. will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 129808 (Sub-No. 23), Grand Island Contract Carrier, Inc. now assigned May 9, 1977, at Dallas, Tex. will be held in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 108676 (Sub-No. 97), A. J. Metler Hauling and Rigging, Inc. now assigned May 4, 1977, at Atlanta, Ga. will be held in Room 324, U.S. Court House, 56 Forsyth St., instead of Room 305, 1252 W. Peachtree St., N.W.

MC 85970 (Sub-No. 8), Sartain Truck Line, Inc., now being assigned May 16, 1977 (2 weeks), at the Biltmore Motor Hotel, Highway 51 Bypass, Union City, Tenn.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11223 Filed 4-15-77;8:45 am]

[Notice No. 152]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 30, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-MC-77034, filed March 17, 1977. Transferee: LEONARD-WHERLEY MOVING SYSTEMS, INC., 540 South George Street, York, Pennsylvania 17401. Transferor: Michael L. Wherley, doing business as Leonard's Moving and Storage, 212 North George Street, York, Pennsylvania 17401. Applicant's representative: Christian V. Graf, Esquire, 407 North Front Street, Harrisburg, Pennsylvania 17101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-141440, issued February 10, 1976, as follows: Household goods, as defined by the Commission, between York, Pa., and points in Pennsylvania within 25 miles of York, on the one hand, and, on the other, points in Maryland, Delaware, New York, New Jersey, and the District of Columbia; and between York, Pa., and points within 25 miles of York, Pa., other than Harrisburg and Lancaster, Pa., on the one hand, and, on the other, points in Virginia, West Virginia, Ohio, Michigan, Indiana, and Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77035, filed March 16, 1977. Transferee: New Hampshire Bus Lines, Inc., P.O. Box 325, Dublin, New Hampshire 03444. Transferor: Harold A. Clukay, Dublin, New Hampshire 03444. Applicant's representative: Charles A. DeGrandpre, Attorney at Law, 40 Stark Street, Manchester, New Hampshire 03105. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 49257 issued November 10, 1959, as follows: Passengers and their baggage restricted to traffic beginning and ending at the points indicated in charter operations from points in Hillsboro and Cheshire Counties, N.H., to points in Maine, Massachusetts, Connecticut, Rhode Island, New Hampshire, and points in that part of Vermont south of U.S. Highway 4 and return. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77038, filed March 15, 1977. Transferee: Mi-Glenn Produce Corp., doing business as Mi-Glenn Corp., P.O. Drawer J, South Fallsburg, N.Y. 12710. Transferor: Glenn-Dor Products Corp., 36 Fraser Ave., South Fallsburg, N.Y. 12710. Applicants' representative: Roy D. Pinsky, Attorney at Law, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 56967 Sub-1, and 56967 Sub-4, issued June 21, 1965, and March 11, 1977, respectfully as follows: *Live poultry*, from Watkins Glen, N.Y., to New York, N.Y., serving intermediate and off-route points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line south of Waverly, N.Y., and extending along New York Highway 34 to Venice Center, N.Y., thence in a westerly direction to Benton Center, N.Y., thence along New York Highway 14–A to Pen Yan, N.Y., thence along New York Highway 54–A via Branchport, N.Y., to Hammondsport, N.Y., thence in a southwesterly

direction to Greenwood, N.Y., thence south to the New York-Pennsylvania State line, thence east along the New York-Pennsylvania State line to the point of beginning, south of Waverly, including the points specified, for pick-up only. From Watkins Glen over New York Highway 14 to Montour Falls, N.Y., thence over New York Highway 224 to Van Etten, N.Y., thence over New York Highway 34 to Spencer, N.Y., thence over New York Highway 223 to Candor, N.Y., thence over New York Highway 96 to Owego, N.Y., thence over New York Highway 17 to the New York-New Jersey State line, near Hillburn, N.Y., thence over New Jersey Highway 17 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to Fort Lee, N.J., thence across the George Washington Bridge to New York, and return over the same route with no transportation for compensation except as otherwise authorized. From Watkins Glen to the New York-New Jersey State line, as specified above, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to Jersey City, N.J., thence through the Holland Tunnel to New York, and return over the same route with no transportation for compensation except as otherwise authorized. *Empty egg and poultry crates*, from New York, N.Y., to Watkins Glen, N.Y., serving the intermediate and off-route points in the New York territory described above, for delivery only: From New York, N.Y., over the above-specified routes to Watkins Glen, and return over the same routes with no transportation for compensation except as otherwise authorized. *Groceries*, from New York, N.Y., to Elmira, N.Y., serving no intermediate points: From New York over above-specified routes to Owego, N.Y., thence over New York Highway 17 to Elmira, and return over the same routes with no transportation for compensation except as otherwise authorized. *Honey*, during the season extending from the 1st day of October to the 31st day of December, inclusive. From Watkins Glen, N.Y., to New York, N.Y., serving the intermediate point of Odessa, N.Y., and the off-route point.

No. MC–FC–77041, filed March 15, 1977. Transferee: Centennial Truck Lines, Inc., 2500 89th St., North Bergen, N.J. 07047. Transferor: L J P Truck Lines, Inc., 273 Meserole St., Brooklyn, N.Y. 11222. Applicants' representative: Robert B. Pepper, Registered Practitioner, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought for purchase by transferee of that portion of the operating rights of transferor set forth in Certificate No. MC 27965, issued August 23, 1974, to Concord Motor Lines, Inc., Brooklyn, N.Y., and acquired by transferee herein pursuant to No. MC–FC–76046, approved September 18, 1975, and consummated October 29, 1975, as follows: General commodities, with the usual exceptions, from New York, N.Y., to Boston and Lowell, Mass. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC–FC–77050, filed March 28, 1977. Transferee: Steven A. Rankin, doing business as Steven Rankin Trucking Co., Box 247, Lomax, Illinois 61454. Transferor: Alvin W. Mumm, doing business as Al Arnold Trucking Company, 2108 Ridge Row, Burlington, Iowa 52601. Applicant's representative: Thomas E. Leahy, Jr., Attorney at Law, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 113805 and MC 113805 (Sub-No. 1) issued March 22, 1954 and January 8, 1971, as follows: Brick and tile from points in Marshall, Vermillion, Madison, and Mercer Counties, Ill., to points in Des Moines, Louisa, Lee, Muscatine, Henry, and Washington Counties, Iowa and sand, gravel, and limestone from points in Muscatine, Louisa, Des Moines, and Lee Counties, Iowa to points in Rock Island, Henry, Mercer, Henderson, and Warren Counties, Illinois; and sand, gravel, limestone, and asphaltic concrete between points in Muscatine, Louisa, Des Moines, and Lee Counties, Iowa; Henderson, Warren, Hancock, McDonough, Carroll, Cass, Fulton, Mason, Knox, Bureau, Marshall, Adams, Pike, Morgan, Lee, Whiteside, Mercer, Putnam, Rock Island, and Henry Counties, Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77051, filed March 28, 1977. Transferee: Richard Williams, doing business as Thomas Williams the Mover, 59 Mechanic Street, Westfield, Massachusetts 01085. Transferror: Thomas Williams (Sophie Talashak Williams, Administratix), doing business as Thomas Williams the Mover, 59 Mechanic Street, Westfield, Massachusetts 01085. Applicant's representative: Patrick A. Doyle, Attorney at Law, 60 Robbins Road, Springfield, Massachusetts 01104. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–50878, issued March 11, 1939, as follows: Household goods between Westfield and Springfield, Mass., and environs, on the one hand, and, on the other, points and places in Maine, New Hampshire, Vermont, New York, Connecticut, and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77056, filed March 30, 1977. Transferee: J. A. Grimm & Wheeling Motor Express, Inc., 2995 Grand Avenue, Pittsburgh, Pennsylvania 15225. Transferor: Dorothy H. Loughman, doing business as Waynseburg-Pittsburgh Local Express, R.D. No. 1, Sycamore, Pennsylvania 15364. Applicant's representative: John A. Pillar, Attorney at Law, 205 Ross Street, Pittsburgh, Pennsylvania 15219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–19000, issued December 20, 1965, as follows: General commodities with the usual exceptions over specified regular routes between Waynesburg, Pa. and specified points in Pennsylvania; between Carmichaels, Pa. and Uniontown, Pa.; and over irregular routes, household goods and specified commodities used in the development and operation of facilities for the discovery and production of natural gas between points in Greene County, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, New York, West Virginia, Virginia, Ohio, and the District of Columbia. Transferee is presently authorized to operate as a common carrier under Certificate No. MC–21788. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77057, filed March 31, 1977. Transferee: Joseph S. Horaneck, 416 Belgrove Drive, Kearny, New Jersey 07032. Transferor: Stanley Sieminski, 364 Walnut Street, Newark, New Jersey 07105. Applicant's representative: Nathaniel H. Yohalem, Attorney at Law, Sutton Metropark, Woodbridge, New Jersey 07095. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–14502, issued August 27, 1943, as follows: Leather and material and supplies used in the manufacture of leather goods from New York, N.Y., to Newark, Passaic, and Paterson, N.J. and leather goods from Newark, Passaic, and Paterson, N.J. to New York, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77058, filed March 31, 1977. Trainsferee: Stewart Truck Line, Inc., P.O. Box 109, U.S. Highway 25, Dry Ridge, Kentucky 41035. Transferor: William A. Stewart, doing business as Stewart Truck Line, P.O. Box 109, U.S. Highway 25, Dry Ridge, Kentucky 41035. Applicant's representative. William P. Whitney, Jr., Attorney at Law, Suite 708, McClure Building, Frankfort, Kentucky 40601. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 76429, MC 76429 (Sub-No. 5), and MC 76429 (Sub-No. 6) issued October 29, 1973, December 18, 1973, and July 10, 1975 respectively, as follows: General commodities with the usual exceptions over specified regular routes between Sherman, Ky. and Cincinnati, Ohio; between Sherman, Ky. and Corinth, Ky.; between Corinth, Ky. and Lexington, Ky.; between Holbrook, Ky. and Owenton, Ky. and farm products from E.Y. Randall Farm near Hebron, Ky. to Cincinnati, Ohio; over irregular routes general commodities between points in Kenton County, Ky., on the one hand, and, on the other, Cincinnati, Ohio. Transferee presently holds no authority from

this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77069, filed April 11, 1977. Transferee: H S Universal Tours, Inc., 485 Madison Ave., New York, N.Y. 10022. Transferor: Robert S. LeBeau, Harry S. LeBeau and Winifred LeBeau, LeBeau Tours, Inc., 6 East 43rd St., New York, N.Y. 10017. Applicants' representatives: David A. Sutherlund, Esq., Attorney for Transferee, Fulbright & Jaworski, 1150 Connecticut Ave. N.W., Washington, D.C. 20036. Hynam Wolfson, Esq., Attorney for Transferor, 637 Michelle Place, North Woodmere, N.Y. 11576. Authority sought for purchase by transferee of the stock of transferors in LeBeau Tours, Inc., a broker holding authority from this Commission under License No. MC 12461, issued September 10, 1962, authorizing operations as a broker at New York, N.Y., in connection with the transportation of passengers and their baggage in round trip all-expense tours, beginning and ending at New York, N.Y., and extending to points in the United States (except Alaska and Hawaii.) Transferee presently holds no authority from this Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11224 Filed 4-15-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

COMMISSION MEETING

Notice is hereby given, pursuant to Section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552(b)(e)(3), and 17 CFR 147.4(e), that the Commodity Futures Trading Commission will conduct a meeting of the Commission on April 19, 1977, at 2033 K Street NW., Washington, D.C., in Room 520, beginning at 10:00 a.m. The Commission intends to consider the following items in open session:

1. The Live Cattle Futures Contract.
2. Rosenthal & Co. Request for Exemption from the Segregation Requirement of the Option Rules
3. Section 5a(12) Approval of New Rule 60.13 and amendments to Rule 44.02 of the New York Mercantile Exchange.

The Commission also intends to consider the following items in closed session:

1. Enforcement matters.

Questions concerning the agenda for the April 19, 1977, Commission meeting, or possible changes therein, may be directed to the Commission's Office of the Secretariat at 202-254-6126.

Dated: April 13, 1977.

JANE K. STUCKEY,
Director, Office of the Secretariat, Commodity Futures Trading Commission.

[S-173-77 Filed 4-13-77;3:06 pm]

2

AGENCY HOLDING THE MEETING: Federal Power Commission.

TIME AND DATE: April 20, 1977, 2:00 p.m.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA, 7587TH MEETING—APRIL 20, 1977, REGULAR MEETING—PART I (2:00 P.M.)

G-1 Docket No. RP75-102, Panhandle Eastern Pipe Line Company.
G-2 Docket No. RP76-66, McCulloch Interstate Gas Company.
G-3 Docket No. RP76-13, Cities Service Gas Company.
G-4 Docket No. RP73-89 (PGA76-1), Sea Robin Pipeline Company.
G-5 Docket No. RP76-86, *General Motors Corporation* v. *Natural Gas Pipeline Company of America.*
G-6 Docket No. RI76-144, Aztec Oil and Gas Company.
G-7 Docket No. RI77-11, Gruy Management Service Company (Operator), for V. A. Hughes, et al.
G-8 Docket No. RI77-21, Bettis, Boyle and Stovall (Operator), et al.
G-9 Docket No. RI77-9, Kentucky Ohio Gas Company.
G-10 Docket No. RI76-146, Equipment, Inc. and Annco Petroleum, Inc.
G-11 Docket No. RI77-14, S.S.C. Gas Producing Company.
G-12 Docket No. C174-319, James M. Forgotson, Operator for Gulf Coast Venture.
G-13 Docket Nos. CI76-208, CI76-525, and CI76-627, South Louisiana Production Company, Inc., et al.
G-14 Docket No. CP74-299, Kansas-Nebraska Natural Gas Company, Inc.
G-15 Docket CP77-71, Natural Gas Pipeline Company of America; Docket No. CP77-118, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company; Docket No. CP77-125, Texas Gas Transmission Corporation.
G-16 Docket No. CP76-448, National Fuel Gas Distribution Corporation.
G-17 Docket Nos. CP76-408 and CP75-232, Northwest Pipeline Corporation.
G-18 Docket No. CP77-126, Columbia Gas Transmission Corporation.
G-19 Docket No. CP76-511, Natural Gas Pipe Line Company of America; Docket No. CP77-106, Mississippi River Transmission Corporation; Docket No. CP77-131, Natural Gas Pipe Line Company of America.

MISCELLANEOUS AGENDA, 7587TH MEETING—APRIL 20, 1977, REGULAR MEETING—PART I

M-1 Docket No. RM77-8, Deletion of requirement for physical removal of emergency facilities contemplated in §§ 157.22 and 157.29 of the regulations under the Natural Gas Act.

GAS AGENDA, 7587TH MEETING—APRIL 20, 1977, REGULAR MEETING—PART II

CG-1 Docket No. RP72-110 (PGA No. 77-7), Algonquin Gas Transmission Company.
CG2 Docket No: RP77-38, Texas Gas Transmission Corporation.
CG-3 Docket No. RP77-39, Consolidated Gas Supply Corporation.
CG-4 Docket No. RP76-156, United Gas Pipe Line Company.
CG-5 Docket No. CI76-736, Union Oil Company of California.
CG-6 Docket Nos. G-11854 and CI77-74, Sun Oil Company.
CG-7 Docket No. G-11138, Texas Gas Transmission Corporation, Southern Natural Gas Company.
CG-8 Docket No. CP77-268, CNG Transmission Company.
CG-9 Docket No. CP77-171, Columbia Gas Transmission Corporation.
CG-10 Docket No. CP77-231, Transcontinental Gas Pipe Line Corporation; Docket No. CP77-256, United Gas Pipe Line Company.
CG-11 Docket No. CP77-259, Columbia Gas Transmission Corporation.
CG-12 Docket No. CP77-95, United Gas Pipe Line Company, Mid Louisiana Gas Company.
CG-13 Docket No. CP77-215, Cities Service Gas Company.
CG-14 Docket No. CP77-112, Panhandle Eastern Pipe Line Company.
CG-15 Docket No. CP77-222, Arkansas Louisiana Gas Company.
CG-16 Docket No. CP77-134, Mississippi River Transmission Corporation.
CG-17 Docket No. CP77-211, Consolidated Gas Supply Corporation.
CG-18 Docket No. CP74-126, El Paso Natural Gas Company; Docket No. CP74-162, Natural Gas Pipeline Company of America.
CG-19 Docket No. CP75-137, Granite State Gas Transmission, Inc.
CG-20 Docket No. CP61-79, United Gas Pipe Line Company, Texas Gas Transmission Corporation.
CG-21 Docket No. CP74-177, Washington Natural Gas Company, as project operator.
CG-23 Docket Nos. RP77-26 and RP76-136, Transcontinental Gas Pipe Line Corporation.

KENNETH F. PLUMB,
Secretary.

[S-174-77 Filed 4-13-77;3:40 pm]

3

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

MEETINGS OF THE NUCLEAR REGULATORY COMMISSION DURING THE WEEK OF APRIL 18, 1977 (CHANGE NOTICE)

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies changes in previously announced meetings.

MONDAY, APRIL 18

The Briefing on the Mid-Year Financial Review has been rescheduled to Friday, April 22, at 2:30 p.m. (Public Meeting.)

The Affirmation scheduled for Monday at 4:30 p.m. will be held at 3:00 p.m. Monday. (Public Meeting.)

FRIDAY, APRIL 22

The Discussion of Tarapur Consolidation Petition and Export License scheduled for 10:00 a.m., (closed meeting), and the Briefing on American Physical Society Study on Nuclear Fuel Cycles and Waste Management (public meeting) are cancelled.

The meetings will be held in the Commissioner's Conference Room, 1717 H Street NW, Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634-1410.

Dated at Washington, D.C. this 14th day of April 1977.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S-183-77 Filed 4-15-77;8:45 am]

Federal Register

MONDAY, APRIL 18, 1977
PART II



DEPARTMENT OF TRANSPORTATION

Coast Guard

FLOTATION STANDARDS FOR BOATS

Final Rule

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-168]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Flotation Standards for Boats

AGENCY: Coast Guard, DOT.

ACTION: Final Rule

SUMMARY: These amendments to the Coast Guard flotation standard are designed to increase the visibility and survivability of boaters following a boating accident, by requiring manufacturers to design certain boats less than 20 feet in length to float in an approximately level attitude when swamped, thus providing a platform from which the occupants can be rescued.

EFFECTIVE DATE: This regulation is effective on August 1, 1978, however, manufacturers may voluntarily comply with the regulations at the time of this publication.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking for this amendment was published in the FEDERAL REGISTER on April 29, 1976. The public comment period ended July 30, 1976. All of the comments received were carefully considered, and some changes have been made to the regulation as a result of the comments.

The principal persons involved in drafting this rule are: Mr. Lars Granholm, Project Manager and Lieutenant Edward J. Gill, Jr., Project Attorney.

DISCUSSION OF COMMENTS

Passenger carrying area. One commentor requested that §§ 183.205 and 183.305, which define passenger carrying areas, be modified to include an explanation of how the length of the passenger carrying area is established on a boat that has a cabin. The commentor pointed out that the passenger carrying area extends into the cabin of the boat, but the proposed regulation does not specify how the length of the passenger carrying area inside the cabin is determined. The commentor suggested that the length of the passenger carrying area should extend into the cabin of the boat to a place where there is a clearance dimension of at least two feet between the cabin top and the waterline in the swamped boat. The commentor pointed out that tests with persons demonstrated a strong reluctance by passengers in swamped boats to enter low, cuddy-cabins where the headroom above the water inside the boat is less than 12 inches. However, the tests indicated that people are willing to enter the cabin area if the clearance is more than 12 inches.

The merits of this comment have been evaluated and the comment is accepted. Paragraphs 183.205(c) and 183.305(c) and new illustration, Figure 6, are added to this rule to indicate that the length of the passenger carrying area extends into the cabin to a place where there is a minimum vertical distance of two feet between the inside cabin top and the surface of the water inside the swamped boat.

Test weight. One commentor requested that the requirement in §§ 183.230(c)(2) and 183.330(c)(2), which requires that test weights have their center of gravity four inches above the floor or seat, be reduced to two inches. The commentor had participated in some tests where the weights used had a center of gravity two inches above the floor or seat.

This comment is rejected. The weights are used in the stability test to simulate the center of gravity of persons sitting on the boat seats or kneeling on the floor while helping somebody climb into the boat. If the regulation were changed by making the center of gravity two inches above floor or seats, the test would no longer simulate the distribution and weight of people inside a swamped boat.

One error was, however, noticed in §§ 183.230(c)(2) and 183.330(c)(2). The proposal required that each weight placed on floor or seat must have its center of gravity at least four inches above the floor or seat. This is in error. The intent of the rule is not that each individual weight must meet the requirement, but that the mass of weight, which is composed of all of the individual weights that are placed on a seat or on the floor, have its center of gravity located at least four inches above the floor or seat. Paragraphs 183.230(c)(2) and 183.330(c)(2) are modified by replacing the word "each," which appears before the words "weight placed on the floor in" and "weight placed on a seat," with the phrase "the amount of."

Quantity of flotation required. A manufacturer suggested that a formula for determining the required amount of flotation be included as an alternative to having to test a boat by submerging it in a test tank in order to determine compliance with this rule. The formula approach is based on variable factors such as density of construction material and expansion of flotation foam. Because of these variable factors, this suggestion is not accepted. Unless a manufacturer actually tests his boat by swamping it, he cannot be absolutely sure that the boat has sufficient flotation to comply with this rule.

One commentor asked if the proposed standards have been thoroughly tested to determine whether or not a boat that meets the requirements of §§ 183.202 or 183.302 will be difficult to right if it capsizes. The commentor is concerned, because he feels that a boat that floats level upside down will be difficult to right, and that a boat in this condition will not provide a platform from which the victims can be rescued.

Extensive testing was performed to establish that a boat that complies with these rules is very unlikely to turn upside down and that it can be turned right side up in case it capsizes. For these reasons, the rule is not changed in response to this comment.

One commentor proposed that a label that states how much inherent buoyancy the boat has be placed on the boat. This comment is rejected. A boat's inherent buoyancy is taken into consideration in determining the amount of flotation the boat is required to have under these regulations. The persons capacity is stated on the boat's capacity label. The addition of a boat's inherent buoyancy to the label might mislead the occupants into believing that the boat can carry a heavier load than is safe for it to carry.

Preconditioning for tests. One commentor suggested that §§ 183.220(b)(2) and 183.320(b)(2) be modified by deleting the reference to the weight shown in column 6 of Table 4. Column 6 of Table 4 contains the weight of various sized outboard motors and their related equipment. If the reference to Table 4 is removed from §§ 183.220(b)(2) and 183.320(b)(2), the weight of the motor and its related equipment would not be included when the boat is tested for compliance with these rules. The result of this change would require the persons in a swamped boat to remove the engine before the boat would assume the level floating attitude required by these rules. The commentor argues that this result is desirable because it lessens the weight the boat has to support and because it is easy to jettison an outboard engine from a swamped boat.

If a boat will float level only when the outboard engine is removed, the swamped boat, with the engine attached, will float at an angle with the engine below the water surface. In order to jettison the engine without altering the boat's stability, a person would have to dive down into the water to release the engine from the boat. This would be extremely difficult for a person wearing a personal flotation device (PFD). For this reason, the comment is rejected.

Flotation test for persons capacity. One commentor suggested that the flotation test for persons capacity in §§ 183.225 and 183.325 be changed to include different floating attitude requirements for dinghies than for larger boats. He claimed that it is possible to design a six-foot long boat which would pass the proposed test while floating absolutely upright with the bow pointed to the sky.

This comment is rejected. Under §§ 183.220(f) and 183.320(f) a boat has to be keel down in the water. Furthermore, tests have shown that a boat in an attitude with the bow extremely high does not pass the stability test.

Flotation materials and air chambers. One commentor suggested that the physical properties of foam flotation material be specified in §§ 183.110, 183.222 and 183.322. These sections contain requirements for flotation materials. This suggestion is being studied and may be the subject of future rulemaking.

One commentor suggested that rigid hull boats under 10 feet in length be permitted to use flotation air chambers that are integral with the hull. The commentor's reason is that air chambers provide more buoyancy and are less expensive than foam.

Under these rules, only boats that are rated for two horsepower or less are allowed to use integral air chambers for flotation. The reason for this rule is that because of their slow speed, boats with low horsepower engines are less likely to puncture an integral hull air chamber than are boats with high horsepower engines. If boats are allowed to use integral air chambers regardless of motor size, they will be less safe than if they meet the requirements of this regulation. For these reasons, this comment is rejected.

Table of Outboard Motor Weights. One commentor suggested that Table 4, which lists weights of outboard engines, include an additional category for engines of two horsepower or less. The lowest weights listed in the table are for 3.9 horsepower engines. The commentor claimed that these weights are excessive if a boat is rated for two horsepower or less because it requires the boat to have an unnecessary amount of flotation. This suggestion is accepted. A new weight category for engines rated for two horsepower or less is added to the regulation to give boat manufacturers the benefit of using less flotation in boats rated for two horsepower or less.

Visibility. Another commentor suggested that the Coast Guard initiate a rulemaking project that would require retroreflective treatments on all personal flotation devices. This treatment would enhance the objective of the level flotation regulation by increasing the visibility of a boater in distress at night. This suggestion is being considered in connection with a project on night time visibility.

PREPARATION OF COMPLIANCE GUIDELINE

A grant has been awarded to the American Boat and Yacht Council, Inc. (ABYC) under §§ 25 and 27(d) of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451.) Under the grant, ABYC is preparing a compliance manual for these regulations. The manual will contain explanatory and interpretative information, illustrations, and diagrams to aid manufacturers in complying with the regulations. The manual will not dictate the method a manufacturer must follow to comply with the regulations, but it will be a guide to methods that, if followed, will be acceptable to the Coast Guard as meeting the intent and purpose of the rules. The manual will be distributed by the Coast Guard through the National Technical Information Service and will be available to the public at cost before this rule is effective.

ECONOMIC IMPACT

This rule has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 CFR 16200). The economic impacts, and the evaluation of benefits of these regulations have been carefully evaluated. The regulations should result in a cost to industry of approximately $5 million to 16 million per year. These industry costs should result in an increased cost to the consumer of 1 percent to 5 percent, depending on the size of the boat purchased. The benefit of the regulations is a savings of several hundred lives per year.

AUTHORITY

This regulation is adopted under authority of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454). The authority vested in the Secretary of the Department of Transportation by the Act is delegated to the Commandant of the Coast Guard at 49 CFR 1.46(n)(1).

Accordingly, the amendments are adopted with changes as set forth below.

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: April 8, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Subpart E—Flotation

1. By amending Subpart E by revising § 183.61 to read as follows:

§ 183.61 Applicability.

This subpart applies to monohull boats, the construction or assembly of which is begun after July 31, 1973, but before August 1, 1978, that are less than 20 feet in length, except monohull boats that meet the requirements of Subparts F, G, or H of this Part, sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

2. By adding new subparts F, G, and H to follow Subpart E and to read as follows:

Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

Sec.
183.101 Applicability.
183.105 Quantity of flotation required.
183.110 Flotation materials and air chambers.

Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

§ 183.101 Applicability.

This subpart applies to monohull inboard boats, inboard/outdrive boats, and airboats less than 20 feet in length, the construction or assembly of which is begun after July 31, 1978, except sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.105 Quantity of flotation required.

(a) Each boat must have enough flotation to keep any portion of the boat above the surface of the water when the boat has been submerged in calm, fresh water for at least 18 hours and loaded with—

(1) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) A weight in pounds that, when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation.

(b) For the purpose of this section, "dead weight" means the maximum weight capacity marked on the boat minus the persons capacity marked on the boat.

§ 183.110 Flotation materials and air chambers.

(a) As installed in a boat, flotation materials must withstand—

(1) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(2) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

GENERAL
Sec.
183.201 Applicability.
183.202 Flotation requirements.
183.205 Passenger carrying area.
183.210 Reference areas.
183.215 Reference depth.
183.220 Preconditioning for tests.
183.222 Flotation material and air chambers.
TESTS
183.225 Flotation test for persons capacity.
183.230 Stability test.
183.235 Level floation test without weights for persons capacity.

Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

GENERAL

§ 183.201 Applicability.

(a) This subpart applies to monohull outboard boats that are—

(1) Less than 20 feet in length;

(2) Rated for outboard engines of more than 2 horsepower; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.202 Flotation and certification requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in §§ 183.225 (a), 183.230(a), and 183.235(a).

§ 183.205 Passenger carrying area.

(a) For the purpose of this section a boat is level when it is supported on its keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of the passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where there is a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.220 as illustrated in Figure 6.

(d) The breadth of each passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 8.

§ 183.210 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck, as illustrated in Figure 9.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 9.

§ 183.215 Reference depth.

Reference depth is the minimum distance between the upper most surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.220 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.225, 183.230, and 183.235:

(a) Manufacturer supplied permanent appurtenances such as windshields and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) The sum of 50 percent of 550 pounds of the persons capacity marked on the boat and 12½ percent of the remainder of the persons capacity.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in Column 6 of Table 4 for maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section must be placed in the boat so that the center of gravity of each amount of weight required by paragraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) the shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) the length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) the breadth of the shaded area, measured at the midlength of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls and the battery in lieu of this equipment. The required quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Columns 2 and 4 of Table 4 for the swamped weight of the motor and controls and for the submerged weight of the battery, respectively.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

(h) Water must flood the two largest air chambers and all air chambers integral with the hull.

§ 183.222 Flotation material and air chambers.

(a) As installed in a boat, flotation materials must withstand—

(1) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(2) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

TESTS

§ 183.225 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.220 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§ 183.230 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.220 (a), (d) through (h) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) One-half of the quantity of weight required by § 183.220(b)(1).

(2) The quantity of weight required by § 183.220(b)(2).

(c) *Placement of quantity of weight: starboard side.* Place the weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.220(b)(2) is positioned in accordance with § 183.220(c); and

(2) One-half the quantity of weight required by § 183.220(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor, and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

§ 183.235 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.220(a), (d) through (h) are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

GENERAL

183.301 Applicability.
183.302 Flotation requirements.
183.305 Passenger carrying area.
183.310 Reference areas.
183.315 Reference depth.
183.320 Preconditioning for tests.
183.322 Flotation materials.

TESTS

183.325 Flotation test for persons capacity.
183.330 Stability test.
183.335 Level flotation test without weights for persons capacity.

Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

GENERAL

§ 183.301 Applicability.

(a) This subpart applies to monohull boats that are—

(1) Less than 20 feet in length;

(2) Rated for manual propulsion or outboard engines of 2 horsepower or less; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.302 Flotation requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in § 183.325(a), 183.330(a), and 183.335(a).

§ 183.305 Passenger carrying area.

(a) For the purpose of this section, a boat is level when it is supported on its keel at the two points shown in Figure 2.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 3 through 8.

(c) The length of each passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level, as illustrated in Figures 3 and 4. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 5. For boats with cabins, the forward vertical line is where there is a minimum distance of two feet between the inside top of the cabin and the water line formed when the boat is swamped and loaded with weights under § 183.220 as illustrated in Figure 6.

(d) The breadth of the passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 7 and 8. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 7

§ 183.310 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck as illustrated in Figure 9.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 9.

§ 183.315 Reference depth.

Reference depth is the minimum distance between the upper most surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 10. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.320 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.325, 183.330, and 183.335:

(a) Manufacturer supplied permanent appurtenances such as windshields, and convertible tops must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) Two-fifteenths of the persons capacity marked on the boat.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in column 6 of Table 4 for the maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section are placed in the boat so that the center of gravity of each amount of weight required by subparagraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 11. The location and dimensions of the shaded area are as follows:

(1) the shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) the length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) the breadth of the shaded area, measured at the mid-length of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls in lieu of this equipment. The quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Column 2 of Table 4 for the swamped weight of the motor and controls.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and the outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

§ 183.322 Flotation materials.

As installed in a boat, flotation materials must withstand—

(a) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(b) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

§ 183.325 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.320 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§ 183.330 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.320(a), (d) through (g) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with quantity of weight that, when submerged is equal to the sum of the following:

(1) One-half the quantity of weight required by § 183.320(b)(1).

(2) The quantity of weight required by § 183.320(b)(2).

(c) *Placement of quantity of weight starboard side.* Place the quantity of weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.320(b)(2) is positioned in accordance with § 183.320(c); and

(2) One-half the quantity of weight required by § 183.320(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 12, the center of gravity of the amount of weight placed on the floor of the boat is at least 4 inches above the floor and the center of gravity of the amount of weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 13.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

§ 183.335 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.320(a), (d) through (g) are met, the boat must float in fresh, calm water as follows:

(a) The angle of the heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

TABLE 4.—*Weights (pounds) of outboard motor and related equipment for various boat horsepower ratings*

Boat horsepower rating	Column No. 1	2	3	4	5	6
	Motor and control weight		Battery weight		Full portable fuel tank weight	1+3+5
	Dry	Swamped	Dry	Submerged		
0.1 to 2	25	20				25
2.1 to 3.5	35	30				35
4.0 to 7	55	48			25	80
7.1 to 15	75	65	20	11	50	145
15.1 to 25	100	88	45	25	50	195
25.1 to 45	155	135	45	25	100	305
45.1 to 80	240	210	45	25	100	385
80.1 to 150	315	275	45	25	100	460
150.1 to 250	420	300	45	25	100	565
TRANSOMS DESIGNED FOR TWIN MOTORS						
80.1 to 90	310	270	90	50	100	500
90.1 to 160	480	420	90	50	100	670
160.1 to 300	630	550	90	50	100	830

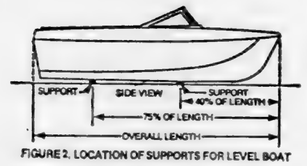


FIGURE 2. LOCATION OF SUPPORTS FOR LEVEL BOAT

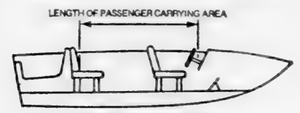


FIGURE 3. BOAT WITH DECK

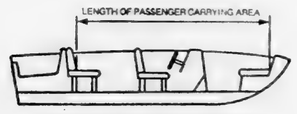


FIGURE 4. BOAT WITH CENTER CONSOLE

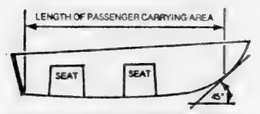


FIGURE 5. OPEN BOAT WITH CURVED STEM

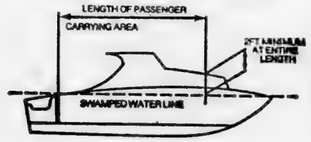


FIGURE 6. BOAT WITH CABIN



FIGURE 7.



FIGURE 8. BOAT WITH ROUND CHINE

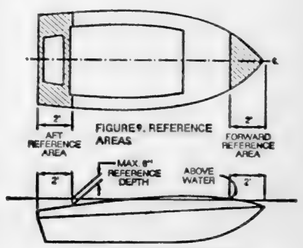


FIGURE 9. REFERENCE AREAS
FIGURE 10. REFERENCE DEPTH

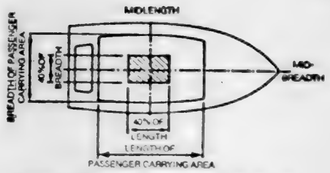


FIGURE 11. PASSENGER CARRYING AREA; LOCATION OF CENTER OF GRAVITY OF WEIGHTS

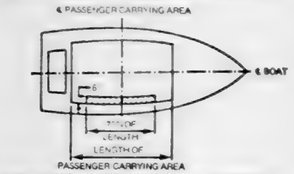


FIGURE 12. STABILITY TEST LOCATION OF CENTER OF GRAVITY OF WEIGHTS: STARBOARD SIDE

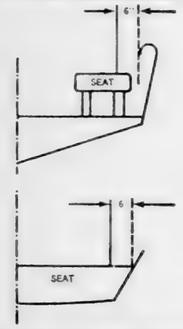


FIGURE 13. LOCATION OF CENTER OF GRAVITY OF WEIGHTS ON SEATS

[FR Doc.77-11074 Filed 4-15-77;8:45 am]

federal register

MONDAY, APRIL 18, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule amends the Community Development Block Grant Program by defining "Centers for the Handicapped" to take into account the definition recommended by various handicapped assistance groups. It also amends the regulations which describe ineligible activities under the program. The amendments respond to public comments that were received as a result of the invitation in a notice of proposed rulemaking. The purpose is to clarify the requirement of public ownership and to establish standards for determining the type of facilities eligible to receive assistance under the provision.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William Hammer, Program Standards Division, Office of Community Planning and Development, 202-755-6304.

SUPPLEMENTARY INFORMATION: On October 4, 1976, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER (41 FR 43887) interim regulations for determining the eligibility of activities related to centers for the handicapped to be carried out under the community development block grant program under Title I of the Housing and Community Development Act of 1974, as amended by section 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94-375). Interested persons were given until December 31, 1976, to submit written comments. Subsequently, on January 17, 1977, HUD published in the FEDERAL REGISTER (42 FR 3292) a notice of proposed rulemaking that contained certain corollary amendments for determining the eligibility of other activities related to centers for the handicapped. Interested persons were given until February 18, 1977, to submit written comments. All comments with respect to the interim regulations and notice of proposed rulemaking were given due consideration.

As a result of the comments received, the following changes were made:

1. Paragraph (a)(2)(xii) of § 570.200 has been changed to provide a definition of the term "center for the handicapped." The definition indicates that a center for the handicapped may be either single or multipurpose in nature to assist persons with physical, mental, developmental and/or emotional impairments to become more functional members of the community. The services and programs offered by such a facility may include, but, are not limited to, recreation, education, health care, social development, independent living, physical rehabilitation and vocational rehabilitation. A facility providing residential accommodations or 24-hour care or supervision for its service group is specifically excluded from the definition of facilities eligible for assistance as a center for the handicapped.

Several comments requested clarification whether a center for the handicapped may be either single or multipurpose in nature. The definition of center for the handicapped in § 570.200 (a)(xii) indicates that such a facility may be either single or multipurpose in nature. For example, a sheltered workshop which provides a single program of vocational rehabilitation is considered a single purpose center for the handicapped, and a facility which provides several services or programs is considered a multipurpose center for the handicapped.

Several comments requested clarification whether a park district and nonprofit agencies are eligible to apply directly to the Department for assistance under the community development block grant program. Direct assistance under this part is provided only to "units of general local government" (as defined in § 570.3(v)) which are responsible for determining, within statutory requirements, the activities for which grant funds are to be expended.

Several comments requested clarification whether centers for the handicapped otherwise eligible for assistance pursuant to § 570.200(a)(2)(xii) may be communitywide in nature or are limited to serving a neighborhood area as are neighborhood facilities pursuant to § 570.200(a)(2)(i). A center for the handicapped is not restricted to serving a particular neighborhood area and may provide communitywide benefits.

Several comments requested clarification of the "public" status of centers for the handicapped. Section 15(b) of the Housing Authorization Act of 1976 amended section 105(a)(2) of the Housing and Community Development Act of 1974 by adding centers for the handicapped to the list of public facilities eligible for assistance under the community development block grant program. Under the prior categorical programs recognized as precedents for this program and under the meaning applied to other public facilities eligible for assistance pursuant to § 570.200(a)(2), a public facility is a facility the ownership of which is vested in a public body such as a unit of general local government. The Department recognizes that many services provided by centers for the handicapped have traditionally been performed by private groups and nonprofit agencies. Although ownership of a center for the handicapped assisted under this Part cannot be vested in such a private group or nonprofit agency the operation of such a facility on behalf of a public body by private or nonprofit groups would be acceptable.

Several comments also requested clarification whether a center for the handicapped could be constructed or acquired by a public body for disposition to a private or nonprofit group. The disposition of such a public facility to a private or nonprofit group would contravene the requirement that ownership be vested in a public body and is not permitted.

A number of comments indicated that group homes, halfway houses and similar transitional living arrangements should be included among those facilities eligible for assistance as centers for the handicapped. The Department recognizes that many efforts are being made with these types of facilities to provide alternatives to institutionalization, as steps toward a return to society, and to assist those persons who cannot function successfully without supervision.

Therefore, a careful review of the legislative history on this matter was again conducted. This review of the legislative history indicated a clear Congressional intent not to fund the construction of facilities which are residential. For HUD to permit the development of housing in the form of residential centers for the handcapped with community development block grant assistance would frustrate the legislative intent against the provision of newly constructed housing with these funds. Accordingly, residential care facilities such as group homes and halfway houses have been specifically excluded from the definition of those facilities eligible for assistance as centers for the handicapped. This exclusion is, however, not intended to preclude the location of a center for the handicapped, which is otherwise eligible for assistance, in close proximity to a complex where its users may reside so long as community development block grant assistance is not used for the construction of such housing facilities.

2. Paragraph (a)(3) of § 570.201 is not being adopted in final form with this amendment. Rather, other changes relating to communitywide facilities were published in the FEDERAL REGISTER (42 FR 3292) on January 17, 1977, for public comment. As indicated above, centers for the handicapped are not limited to serving a neighborhood area and may be communitywide in nature.

3. Several comments also indicated that paragraph (a)(4) of § 570.201 should be revised to indicate that a center for the handicapped which provides educational services should not be considered as an educational facility, which is ineligible for assistance under the provisions of that paragraph, to the same extent as a senior center is excluded from this prohibition. As a part of the notice of proposed rulemaking, a revision was published for public comment conforming to § 570.201(a)(4) which indicates that a center for the handicapped which provides certain practical and vocational programs is not to be considered as an educational facility, which is ineligible for assistance. Accordingly, as the period for public comment on this proposed revision has now closed and all comments have been considered, the revision is being adopted as a part of this amendment in order to provide for a comprehensive adoption of changes that relate to centers for the handicapped.

4. Paragraph (a)(6) of § 570.201, has been revised to clarify that neighborhood facilities, senior centers and centers for the handicapped where general health services are provided are not to be considered medical facilities which are ineligible for assistance under the provisions of this paragraph.

5. In the notice of proposed ruling, conforming amendments were proposed to § 570.201(f) which included group homes and halfway houses as examples of residential facilities which cannot be constructed with community development block grant program assistance. A number of comments requested a modification of this position. However, representatives of several national organizations concerned with services to the handicapped expressed support for the HUD position. In view of the expressed intent of the legislative history which precludes the construction of residential facilities with community development block grant program assistance, HUD has determined that this prohibition will be retained.

Other comments on the proposed rulemaking issued January 17, 1977, requested clarification regarding the eligibility of activities that may be conducted in support of the development of low- or moderate-income housing. Accordingly, the examples have been clarified to indicate that clearance, site assemblage, provision of sites and provision of public improvements may be assisted, but that payment of preconstruction costs such as architectural fees and processing fees for obtaining commitments of mortgage insurance may not be assisted. These costs are considered a part of the costs of construction.

Therefore, the period for comment having closed and all comments having been carefully considered, Paragraph (f) of § 570.201 is being adopted as a part of this amendment in order to provide for a comprehensive adoption of changes that relate to centers for the handicapped.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1 (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular A-107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 15(b) of the Housing Authorization Act of 1976 (Pub. L. 94-375); sec. 7(d), Housing and Urban Development Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing, 24 CFR Part 570 is amended as follows:

1. By amending § 570.200(a)(2)(xii) as follows:

§ 570.200 Eligible activities.

(a) • • •

(2) • • •

(xii) Centers for the handicapped. For the purpose of this paragraph, the term "center for the handicapped" shall mean any single or multipurpose facility which seeks to assist persons with physical, mental, developmental and/or emotional impairments to become more functional members of the community by providing programs or services which may include, but are not limited to, recreation, education, health care, social development, independent living, physical rehabilitation and vocational rehabilitation; but excluding any facility, the primary function of which is, to provide residential care on a 24-hour day basis (such as a group home or halfway house). For example, a sheltered workshop would be a single purpose center for the handicapped, and a facility providing several services for the handicapped would be a multipurpose center for the handicapped, both of which are eligible for assistance.

2. By amending § 570.201(a)(4), (a)(6) and (f) as follows:

§ 570.201 Ineligible activities.

(a) • • •

(4) Schools and educational facilities (including elementary, secondary, college and university facilities). For the purpose of this paragraph,

(i) A neighborhood facility, senior center or center for the handicapped in which classes in practical and vocational activities (such as first aid, homemaking, crafts, independent living, etc.) are among the services provided, is not considered as a school or educational facility; and

(ii) [Reserved]

• • • • • •

(6) Hospitals, nursing homes, and other medical facilities. For the purpose of this paragraph, a neighborhood facility, senior center, or center for the handicapped which provides general health services is not considered to be a medical facility.

• • • • • •

(f) *New housing construction.* The use of assistance provided under this Part for the construction of new permanent residential structures or facilities (such as dormitories, group homes and halfway houses), or for any program to subsidize or finance such new construction is not permitted, except as provided under the last resort housing provisions set forth in 24 CFR Part 43. For the purpose of this paragraph, activities in support of the development of low- or moderate-income housing which may include clearance, site assemblage, and provision of site and public improvements (but may not include housing preconstruction costs such as payment of architectural fees and payment of costs associated with processing of FHA insured loan commitments), are not considered as programs to subsidize or finance new residential construction.

• • • • • •

JOHN J. TUITE,
Acting Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.77-11211 Filed 4-15-77;8:45 am]

federal register

MONDAY, APRIL 18, 1977

PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Areawide Programs; Final Rule

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–77–292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Areawide Programs; Final Rule

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This final rule sets forth application requirements and procedures for community development block grants for two types of areawide programs. (1) Grants in support of Areawide Housing Opportunity Plans (§ 570.404(b)) will be made to participating units of general local government to carry out activities that aid or further the implementation of selected Areawide Housing Opportunity Plans. (2) Grants in Nonmetropolitan Rural Areas (§ 570.404(c)) will be made to selected States for activities which will further the coordinated delivery of combined resources and programs to lower income persons and families living in nonmetropolitan rural areas, with a heavy reliance on State community development and housing agencies.

EFFECTIVE DATE: May 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Grants in support of Areawide Housing Opportunity Plans.—Mary E. Youle, Office of Community Planning and Program Coordination, HUD/Community Planning and Development, Room 7233, 451—7th Street SW., Washington, D.C. 20410 (202–472–3980).

Grants in nonmetropolitan rural areas.—Robert L. Blake, Office of Policy Planning, HUD/Community Planning and Development, Room 7164, 451—7th Street SW., Washington, D.C. 20410 (202–755–5970).

SUPPLEMENTARY INFORMATION: Section 107(a)(2) of the Housing and Community Development Act of 1974 authorizes community development block grants to States and units of general local government which join in carrying out housing and community development programs that are areawide in scope. On September 29, 1976, HUD published for comment in the FEDERAL REGISTER (41 FR 43104) interim regulations regarding the application requirements and selection policies and procedures for grants for areawide programs authorized by section 107(a)(2). The interim regulations described requirements and procedures for two types of grants: (1) Grants in support of Areawide Housing Opportunity Plans (§ 570.404(b)) and (2) Grants in Nonmetropolitan Rural Areas (§ 570.404(c)).

First, under § 570.404(b), Grants in support of Areawide Housing Opportunity Plans, grants will be made available to assist in the implementation of Areawide Housing Opportunity Plans which were selected as the basis for supplemental allocations of housing assistance in the corresponding fiscal year pursuant to 24 CFR Part 891, Subpart E. These grants will be made to units of general local government identified as Participating Jurisdictions in the selected Areawide Housing Opportunity Plans and will be used to carry out eligible activities that aid or further the implementation of the selected Areawide Housing Opportunity Plans. Proposed activities will be given preference according to priorities and recommendations submitted by the appropriate Areawide Planning Organization. Policies, procedures and requirements for the selection of Areawide Housing Opportunity Plans as a basis for supplemental allocations of housing assistance are described in final regulations for 24 CF Part 891 published on August 23, 1976 (41 FR 35660). Proposed amendments to Subpart E of Part 891 were published on January 27, 1977 (42 FR 5099).

Second, under § 570.404(c), Grants in Nonmetropolitan Rural Areas, community development block grants will be made available for eligible activities that are part of a program for the coordinated delivery of combined resources and programs to lower-income persons and families living in nonmetropolitan rural areas, with a heavy reliance on State community development and housing agencies. The Department of Housing and Urban Development has been cooperating with the U.S. Department of Agriculture agencies, including the Farmers Home Administration and the Extension Service, to develop ways to coordinate Federal programs with State and local agencies to support community development activities and provide housing assistance to meet the needs of lower income families living in substandard housing in nonmetropolitan rural areas. Accordingly, grants will be made to States, selected by HUD and USDA, that will utilize the technical assistance, processing and financing capacities of State agencies to implement community development and housing programs administered by HUD, USDA, and other Federal departments to improve the quality of life in nonmetropolitan rural areas.

A Notice published on September 28, 1976 (41 FR 42692) stated that applications for Grants in support of Areawide Housing Opportunity Plans and letters of intent for Grants in Nonmetropolitan Rural Areas were to be submitted to HUD by December 31, 1976. A Notice published on November 23, 1976 (41 FR 51658) postponed the closing date for submission of letters of intent pursuant to FY 1976 Grants in Nonmetropolitan Rural Areas (§ 570.404(c)) to February 28, 1977. A more recent Notice has further postponed this submission deadline to April 8, 1977. The deadline for submission of applications for FY 1976 Grants in support of Areawide Housing Opportunity Plans (§ 570.404(b)) was postponed to April 13, 1977 in a Notice published on December 17, 1976 (41 FR 55243).

Section § 570.404 was published as an interim regulation effective on the date of publication in order to make discretionary grants for areawide programs out of appropriations for fiscal year 1976 in a timely manner. However, interested persons were invited to participate in the development of final regulations for these two types of areawide grants by submitting comments on the interim regulations. HUD received seven comments concerning § 570.404(b), Grants in support of Areawide Housing Opportunity Plans, and four comments concerning § 570.404(c), Grants in Nonmetropolitan Rural Areas. All of these comments were seriously considered and have resulted in revisions to the regulations.

DISCUSSION OF COMMENTS REGARDING GRANTS IN SUPPORT OF AREAWIDE HOUSING OPPORTUNITY PLANS

Following is a summary of comments received concerning § 570.404(b), Grants in support of Areawide Housing Opportunity Plans, and the resulting changes:

1. Several comments requested a change in the definition of "eligible applicants" in § 570.404(b)(1). As a result, the regulations have been amended to include as eligible applicants all units of general local government identified as Participating Jurisdictions in an Areawide Housing Opportunity Plan selected as the basis for a supplemental allocation of housing assistance during the corresponding year pursuant to 24 CFR Part 891, Subpart E. This change has been made in recognition of the fact that, first, Participating Jurisdictions may be making a significant contribution to the implementation of the Areawide Housing Opportunity Plan whether or not they actually receive supplemental housing assistance and, secondly, since the allocation and actual commitment of the supplemental housing assistance may not have been completed prior to the time at which Participating Jurisdictions must begin to develop and process their applications for community development areawide grants. In addition, a provision has been added which allows States to develop applications on behalf of eligible Participating Jurisdictions.

2. Other comments requested that eligibility be expanded to include jurisdictions participating in Areawide Housing Opportunity Plans which met the general criteria for acceptable plans under 24 CFR Part 891.502, but which were not selected as the basis for supplemental housing assistance. Some comments requested that eligibility be expanded to support other types of areawide housing programs besides Areawide Housing Opportunity Plans. These changes cannot be made with regard to the FY 1976 community development block grants for areawide programs since the notice of fund availability published in the FEDERAL REGISTER on September 28, 1976 (41 FR 42692) stated that FY 1976 funds were being made available only for the two areawide programs described under § 570.404(b), Grants in support of Areawide Housing Opportunity Plans and § 570.404(c), Grants in Nonmetropolitan Rural Areas. However, the Secretary has reserved the right to make areawide grants for other purposes in the future.

3. Provisions are being added to § 570.404(b)(3) to clarify the Areawide Planning Organizations' procedures for submitting consolidated application packages for grants in support of Areawide Housing Opportunity Plans on behalf of eligible participating jurisdictions.

DISCUSSION OF COMMENTS REGARDING GRANTS IN NONMETROPOLITAN RURAL AREAS

As a result of the four letters of comment received pertaining to § 570.404(c), Grants in Nonmetropolitan Rural Areas, the following changes were made:

1. Several comments requested a clarification of the term "nonmetropolitan rural areas" and suggested definitions linking Title I and USDA program requirements. For the purposes of these areawide grants, it has been determined that a nonmetropolitan rural area must be an area outside the boundaries of an SMSA. Inasmuch as the demonstration program envisions high use of Farmers Home Administration (FmHA) loan and grant programs, the target area should be within an FmHA service area, as defined by current FmHA regulations. Accordingly, § 570.404(c) has been amended to clarify the term nonmetropolitan rural areas and the use of program resources in the demonstration.

2. Several comments requested clarification regarding the eligibility requirement that the State or State agency be authorized to process Section 8 projects. The authority to process Section 8 projects means that the State or State agency is formally authorized by HUD to use special procedures in processing Section 8 projects. The term also implies approval by the appropriate legislative and executive bodies of the State to process Section 8 projects. Accordingly, § 570.404(c)(2)(ii) has been amended to clarify this requirement.

3. Several comments expressed concern that special Section 8 set-asides were not earmarked for use in these areawide grants. It is intended, however, that the States be encouraged to use Section 8 funds which may be allocated by the responsible Area Office to the appropriate State agency.

4. A number of States requested an extension in the date for submission of letters of intent because of the time needed for planning coordination involved with local governments and other agencies and the preparation of high quality letters of intent. Accordingly, HUD published a Notice in the FEDERAL REGISTER extending the due date for submission of letters of intent to April 8, 1977. The Notice also clarified the requirements for the designation of a single State agency to be responsible for the State's program and the A–95 clearinghouse procedure.

5. The majority of comments questioned the purpose of the basic eligibility requirements contained in § 570.404(c)(2) of the interim regulations. The purpose of the requirements is to promote the broadest coordination of relevant Federal, State, local and private resources by the grantee in this demonstration effort and especially to maximize the use of the additional Federal resources made available. Further, the grantee's ability to contribute housing and community development resources and to use Section 8 resources increases the potential for success and transferability of the demonstration.

IMPACT STATEMENTS

The interim regulations included a Finding of Inapplicability with respect to environmental review under HUD Handbook 1390.1 (38 FR 19182). The interim regulations also certified that the economic and inflation impacts were carefully evaluated in accordance with Office of Management and Budget Circular No. A–107. Inasmuch as there are only minor changes to the final regulations for clarification purposes, which do not affect these findings, the original findings stand. Copies of these findings are available for public inspection at the above address.

Accordingly, § 570.404 appearing in 24 CFR Part 570, Subpart E is amended and adopted as follows:

§ 570.404 Areawide programs.

(a) *General.* This section covers grants made to States and units of general local government which join in carrying out housing and community development programs that are areawide in scope. Subject to a reservation by the Secretary to make areawide grants for other purposes consistent with the Act, grants will be made for two basic purposes. First, grants will be made, as described in paragraph (b) of this section, to assist in the implementation of Areawide Housing Opportunity Plans selected as the basis for supplemental allocations of housing assistance under 24 CFR Part 891, Subpart E (published in 41 FR 35660 on August 23, 1976; amendments proposed in 42 FR 5099 on January 27, 1977). Second, grants will be made, as described in paragraph (c) of this section, to States which are carrying out their housing and community development activities in conjunction with HUD and the U.S. Department of Agriculture (USDA).

(b) *Grants in support of Areawide Housing Opportunity Plans.*—(1) *Eligible applicants.* Eligible applicants are only those units of general local government which are Participating Jurisdictions in an Areawide Housing Opportunity Plan at the time the Plan is selected as the basis for supplemental allocations in the corresponding fiscal year pursuant to 24 CFR Part 891, Subpart E. A Participating Jurisdiction as defined in § 891.102(1), published on January 27, 1977 (42 FR 5099), is a jurisdiction, whether or not it is covered by a Housing Assistance Plan (including counties and other local governments), with which the Areawide Planning Organization (APO) (defined in 24 CFR 891.102(e)) has reached agreement on numerical or percentage goals for the distribution of lower income housing assistance and on measures for the implementation of the Areawide Housing Opportunity Plan. States may develop applications on behalf of the eligible Participating Jurisdictions.

(2) *Use of grant funds.* Grants will be made for eligible activities under the community development block grant program which will aid or further the implementation of Areawide Housing Opportunity Plans (defined in 24 CFR 891.102(d) of Subpart A) in accordance with the recommendations made by the APO.

(3) *Application requirements.* (i) The State or local government applicant shall develop an application which will consist of the following items:

(A) A Community Development Program as described in § 570.303(b);

(B) A Housing Assistance Plan (HAP) as described in § 570.303(c) which is consistent with the Areawide Housing Opportunity Plan, or a reference to an existing HUD approved HAP whose goals are not less than or inconsistent with the goals identified in the Areawide Housing Opportunity Plan;

(C) A community development budget as described in § 570.303(d); and

(D) The assurances described in § 570.303(e), except for (e)(4). Although the citizen participation assurance (§ 570.303(e)(4)) is not required, applicants are encouraged to involve citizens in the development of the application.

(ii) The State or local government application shall be submitted to the APO which developed the Areawide Housing Opportunity Plan selected as the basis for supplemental allocations of housing assistance under 24 CFR Part 891, Subpart E. The APO shall then develop a consolidated application package for submission to HUD. The application package submitted by the APO to HUD shall include:

(A) all applications (described in § 570.404(b)(3)(i)) which are submitted to the APO by eligible applicants;

(B) a cover memo signed by the executive director or the chairman of the APO which provides recommendations and ranks the applications according to funding priority;

(C) comments or information which support the priority ranking, indicating how the proposed activities aid and further the implementation of the selected Areawide Housing Opportunity Plan and relate to any preferential selection criteria which HUD may set forth for community development block grants in support of Areawide Housing Opportunity Plans for that fiscal year.

(iii) *A–95 review and comment.* The normal OMB Circular No. A–95 notification and review procedures (requiring that applicants notify all appropriate clearinghouses of their intent to apply at least 60 days prior to submitting their applications and that the applications be submitted for review at least 30 days prior to submission to HUD) shall apply for purposes of these areawide grants in

support of Areawide Housing Opportunity Plans.

(4) The Secretary shall announce through a notice in the FEDERAL REGISTER, the amount of funds to be made available for grants under § 570.404(b) during any fiscal year, any additional or special criteria which may be established for grants for areawide programs for a particular fiscal year, the number of copies and the closing date and address for submission of application packages to HUD.

(c) *Grants in Nonmetropolitan rural areas.* HUD will make grants to States for eligible community development block grant activities which will further the coordinated delivery of the combined resources and programs of HUD, the Department of Agriculture and other Federal agencies, to lower income persons and families living in nonmetropolitan rural areas, with a heavy reliance on State community development and housing agencies. For the purposes of these areawide grants, HUD has determined that a nonmetropolitan rural area must be an area outside the boundaries of a Standard Metropolitan Statistical Area (SMSA). Inasmuch as the demonstration program envisions high use of Farmers Home Administration (FmHA) loan and grant programs, the target area should be within an FmHA service area, as defined by current FmHA regulations.

(1) *Eligible applicants.* Only States are eligible applicants under this paragraph. As provided in § 570.500, the Governor of a State may designate one or more public agencies to undertake housing and community development activities.

(2) *Basic requirements.* The eligibility requirements for funding under this paragraph are:

(i) The State shall have established a State housing or other agency (or a combination of State agencies) which is authorized to finance, insure, or otherwise implement housing projects without HUD mortgage insurance; and

(ii) The State or the State agency is authorized to process section 8 projects. For purposes of this demonstration program, authority to process section 8 projects means that the State or State agency is formally authorized by HUD to use special procedures in processing section 8 projects. The term also implies approval by the appropriate legislative or executive bodies of the State to process section 8 projects.

(3) *Criteria for selection.* Grants will be made for activities eligible under the community development block grant program. In selecting among applicants, priority will be given to those States which:

(i) Have demonstrated experience in providing housing assistance to lower income persons and families in nonmetropolitan rural areas;

(ii) Have a general plan and capability for contacting and assisting lower income persons and families living in nonmetropolitan rural areas who are not being adequately assisted; and

(iii) Have developed a plan for coordinating the delivery of housing assistance for lower income families living in substandard housing, with the provision of public facilities and/or supportive social services on an areawide intergovernmental basis.

(4) *Application requirements.* (i) *Letter of Intent.* States meeting the requirements of paragraph (c)(2) of this section may submit a letter of intent which:

(A) Describes how the State meets the basic requirements in paragraph (c)(2) of this section;

(B) Describes how the State meets the criteria for selection in paragraph (c)(3) of this section; and

(C) Describes the area or jurisdictions to be served, and identifies the units of general local government with which it proposes to enter into cooperation agreements for carrying out community development and housing activities. The Secretary shall announce through a notice in the FEDERAL REGISTER, the amount of funds to be made available during any fiscal year, any additional or special criteria which may be established for grants for areawide programs, and the closing date for submission of letters of intent.

(ii) *Full application.* Based upon a joint review by HUD and the Department of Agriculture of the letter of intent, a limited number of full applications will be invited. A full application shall consist of the following:

(A) A description of community development needs and objectives to be served in the area or jurisdictions in which activities are to be carried out;

(B) A Community Development Program as described in § 570.303(b);

(C) A plan for providing housing assistance in the area to be served;

(D) A community development budget as described in § 570.303(d);

(E) The assurances described in § 570.303(e), except for (e)(4); and

(F) Evidence of execution of cooperation agreements with those units of general local government in which community development and housing activities will be carried out. The application submission deadline will be established at the time HUD invites full applications. The Secretary may, in the letter of invitation, establish additional or specific submission requirements. Full applications will be reviewed jointly by HUD and the Department of Agriculture. Due to the limited resources and the demonstration nature of grants for areawide programs, no more than four States will be funded.

(5) *A-95 Review and Comment.* In accordance with OMB Circular No. A-95, a copy of the letter of intent shall be sent to the appropriate State and areawide clearinghouses at least 30 days prior to being sent to HUD. A copy of the full application shall also be sent to the appropriate State and areawide clearinghouses at least 30 days prior to being sent to HUD.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

JOHN J. TUITE,
Acting Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.77-11233 Filed 4-15-77;8:45 am]

federal register

MONDAY, APRIL 18, 1977

PART V



FEDERAL COMMUNICATIONS COMMISSION

■

PUBLIC SAFETY RADIO, INDUSTRIAL RADIO, AND LAND TRANSPORTATION RADIO SERVICES

Reallocation of Land Mobile Channels 470-512 MHz Band

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20909; FCC 77-226]

PUBLIC SAFETY RADIO, INDUSTRIAL RADIO, AND LAND TRANSPORTATION RADIO SERVICES

Reallocation of Land Mobile Channels 470–512 MHz Band

AGENCY: Federal Communications Commission

ACTION: Report and Order

SUMMARY: In September, 1976, the Commission initiated rule making in Docket No. 20909. This rule making looked toward reallocation of certain radio channels in the 470–512 MHz band from the "service pools" (in which they were currently available to eligibles in the Public Safety, Industrial and Land Transportation Radio Services) to a newly created "General Access Pool."

Under the new plan, the channels were to become available on a more flexible basis, permitting licensing of some of the "unassigned" channels to users whose communication requirements could not be satisfied under existing, more rigid assignment policies.

Upon consideration of comments and replies of interested parties, it was determined that adoption of the rule changes to permit this would be in the public interest; and, accordingly, the amendments to §§ 89.123, 91.114, and 93.114 of the Commission's Rules to accomplish this were adopted on March 24, 1977.

EFFECTIVE DATE: May 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John B. Letterman, Federal Communications Commission, Safety and Special Radio Services Bureau, 202–632–6497.

In the matter of amendment of Parts 89, 91, and 93 of the Rules to reallocate land mobile channels in the 470–512 MHz band in the Boston, Chicago, Cleveland, Detroit, Los Angeles, New York, Philadelphia, Pittsburgh, San Francisco, and Washington, D.C. urbanized areas. (41 FR 41719)

Adopted: March 24, 1977.

Released: March 31, 1977.

By the Commission: 1. We initiated this proceeding in September, 1976,[1] proposing to reallocate "unassigned" frequencies in the 470–512 MHz band[2] to a "General Access Pool."[3] Our plan called for making channels in this pool available to applicants when all previously assigned frequencies in the "service group"[4] in which they were eligible were "substantially" loaded. Further, once an assignment had been made from the "General Access Pool," then that channel, too, was to be loaded, in accordance with practices described in our Notice, before other frequencies were to be made available.[5]

2. Additionally, assignments from the "General Access Pool" were to be made sequentially, beginning with licensing of channel parts at the low end of the band to eligibles in the Public Safety Services and licensing pairs at the high end to eligibles in the Industrial and Land Transportation Radio Services. This methodology, we pointed out, would permit assignments at the lower and upper ends of the band to coverage towards the center of the "General Access Pool," giving greater flexibility to the way licensing could be carried out.[6]

3. With respect to the Cleveland and Detroit urbanized areas, we observed that no assignments of 470–512 MHz channels had been made, because of pending negotiations with Canada on the use of UHF frequencies in this band in border zones. We said, however, that when these matters were resolved, we would follow (in Cleveland and Detroit) the plan developed for, and used in, the Dallas/Fort Worth-Houston-Miami urbanized areas.[7]

4. Finally, we pointed out that in the Chicago Region the Channel 15 frequencies allocated there could not be used extensively for "normal" base/mobile operations, because of UHF–TV protection requirements. In view of this, we proposed to authorize use of Channel 15 frequencies for radio "paging" in addition to the low-power mobile operations presently allowed.[8]

5. Comments on the rule making were filed by a number of parties.[9] The major points made are discussed below. Generally, those who supported our proposal agreed that the plan would permit a greater degree of flexibility in assigning channels in the 470–512 MHz band to meet urgent and critical needs as they developed in the several urbanized areas involved. Moreover, it was observed that the "unassigned" channels (the subject of reallocation) had been available in the several "service pools" for some time, that is, since 1971. In view of this, it was acknowledged that "reserving" them further (for use exclusively by persons eligible in the respective "service pools") would not be consistent with fostering more effective and efficient use of the 470–152 MHz spectrum.

6. Some of the parties indicated that, because of special circumstances, they had not been able to apply for facilities at 470–512 MHz; and they asked that the "service pools" be continued.[10] We would point out, however, that these channels have now been available for over five years, and we do not believe it would be in the public interest to continue holding the frequencies in "storage," particularly in the presence of a demonstrated need for them. Further, all frequencies in the "General Access Pool" will be available to all now eligible; and, for long-range requirements, frequencies at 806–821 MHz and 851–866 MHz are, and will be, available.[11] In these circumstances, we do not find the relief asked justified.

7. Additionally, in our Notice, we indicated that where a channel had been previously assigned from one of the "service pools," and where, after a period of time, it was not being used (such as, when the authorized facility had not been constructed), then that channel would also be made available in the "General Access Pool."[12] On this point, Public Safety groups have expressed concern.[13] They feel that such action might be taken without giving consideration to the difficulties governmental agencies have in developing plans for communication systems; having them approved by legislative bodies; securing the necessary funding; and then implementing the plan through special procedures which they are required to follow under local law. We are aware of these problems, of course, and we do not intend to take any action, here, which would change existing practices and procedures for handling questions raised by delays in implementation of frequency assignment plans by Public Safety or other land mobile licensees. We did not propose any changes in our administrative practices in that regard. Rather, we intended to indicate only that where a frequency pair was presently assigned and for some reason it became available again, then it would go into the "General Access Pool" and not revert back to the "service pool" in which it had been allocated under the rules prior to amendment. Accordingly, the concern expressed by these parties in this connection does not appear to be well founded.

8. Further, there is a feeling on the part of some Public Safety groups that should channels "unassigned" in the "Public Safety Pool" be reallocated to the "General Access Pool," they will be totally absorbed by eligibles in faster growing radio services, such as the Business Radio Service. Eligibles in the Public Safety Services, it is said, are not always able to act as speedily as others, because of the nature of the process they must go through to have plans approved and funded. While that may be the case in many instances, we would point out that this has not been our experience in the 470–512 MHz band. There, in a number of urbanized areas, all Public Safety Pool allocations have been exhausted. Thus, none are now available in Boston (Channels 15 and 16); in Chicago (Channel 14); in Los Angeles (Channels 14 and 20); in New York (Channels 14 and 15); and in Washington, D.C. (Channel 18). Significantly, in some of these urbanized areas, frequencies allocated in other "service pools" are "unassigned" and would go into the "General Access Pool," and this would provide additional frequencies to Public Safety eligibles where none now exist.[14] We see this as an advantage to that group and, accordingly, not prejudicial to Public Safety licensees or to eligibles in that service category. Therefore, we find in these arguments no bar to the adoption of the plan as proposed.

9. Other comments were directed to the method under in which users employing channels in the "General Access Pool" would be grouped.[15] It was felt that this might be done in a way that would lead to operating conflicts, due to inherent incompatibilities in the manner in which some users might employ their respective facilities. Channel assignments must be shared, of course; but, as is the practice now, we would guard against assigning frequencies to applicants so as to give rise to the kinds of problems memtioned. In this regard, as we have mentioned, we plan to license channels at the low end of the band to eligibles in the Public Safety Services and license those at the high end to eligibles in the Industrial and Land Transportation Radio Service; and through this approach and by careful screening, we will avoid conflicts of the type mentioned.

10. Overall, then we are persuaded that the rule changes proposed should be adopted, because we believe that they will lead to more effective and efficient use of the channels we have made available for land mobile radio systems at 470–512 MHz; and that the creation of the "General Access Pool" will provide frequency relief where it is needed. Accordingly, the plan, essentially as it is set out in our Notice, will be adopted. As to Cleveland and Detroit, the allocation scheme will follow that developed for assignments in the Dallas/Fort Worth-Houston-Miami urbanized areas, as mentioned; but implementation of this aspect of the rule making must await resolution of the border problems with Canada. When this is accomplished, we will take such additional procedural steps as may be required to carry out this decision.

11. In the Chicago Region, as pointed out, the 476–482 MHz, Channel 15 frequencies can be employed for paging and low-power mobile operations. They cannot be used for normal base, mobile facilities. In these circumstances, we conclude that the proposal to use these channels in this way to be in the public interest. Accordingly, our practices are modified to permit this.

12. In light of all of the foregoing considerations, we find that the public interest would be served by adopting the rules set forth below.

13. Accordingly, *it is ordered*, That, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, Parts 89, 91, 93 of the Commission's Rules are amended, effective May 18, 1977, as set out below.

14. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended; 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX B

Parts 89, 91, and 93 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICE

1. Section 89.123 of the Commission's Rules is amended by deleting paragraphs (c), (d), (e), (f), (i), and (j); redesignating paragraphs (g) and (h) as paragraphs (e) and (f); and adding new paragraphs (c) and (d) to read as follows:

§ 89.123 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

* * * * *

(c) **Table:**

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[1] Notice of Proposed Rule Making, Docket No. 20909, 41 F.R. 41719 (September 23, 1976).

[2] Frequencies in the 470–512 MHz band had been made available for land mobile use in the ten urbanized areas set out in the caption in the prior proceeding in Docket No. 18261. See *Land Mobile-UHF TV Channel Sharing*, 30 FCC 2d 221 (1971). See also *Land Mobile/UHF–TV Sharing Plan*, 48 FCC 2d 360 (1974). In that rule making, the sharing plan (modified in certain respects) was extended to three additional urbanized areas, namely, Dallas Fort Worth and Houston, Texas, and Miami, Florida.

The term, "General Access Pool," is used broadly to refer to the frequency resource to be available at 470–512 MHz in each of the urbanized areas affected. The specified channels and the number of frequency pairs involved in the reallocation vary, depending upon current usage and demand.

[3] At present, there are seven "service groups" or "pools," namely: Public Safety (all of Part 89 services except the State Guard and Special Emergency Radio Services); the Utility group (Power and Telephone Maintenance Radio Services); Special Industrial (Special Industrial Radio Service); Business (Business Radio Service); Taxicab (Taxicab Radio Service); Land Transportation (Automobile Emergency, Motor Carrier, and Railroad Radio Services); and the Petroleum-Manufacturers group (Forest Products, Manufacturers, and Petroleum Radio Services).

[4] Notice, op. cit. fin. 1, supra, at paras. 4–5 and 7.

[5] Notice, op. cit. fn. 1, supra, at para. 4.

[6] Negotiations with Canada on the use of the UHF spectrum in border zones are in progress, but we cannot, at this time, give a definite indication as to the specific terms under which the channels allocated can be employed. Decisions on this, of course, must await agreements with Canada. Nevertheless, as stated, assuming such an agreement is reached, we will follow closely the allocation scheme developed for Dallas/Fort Worth, Houston, and Miami, as it is described in our Fifth Report and Order in Docket No. 18262. See op. cit., supra, fn. 2.

[7] Notice, op. cit. supra, fn. 1, at para. 8. ATA has suggested expanding this concept to Channel 20 assignments in Philadelphia and Channel 17 assignments in Washington, D.C., but this goes beyond the scope of our proposal, here, and we will not consider it further at this time. RTA also has asked consideration of an alternative plan to use of Channel 15 frequencies in Chicago. It recognized that its proposal was beyond the scope of the present proceeding; and, for that reason, as in the case of ATA, we will not go into that matter further, here.

[8] Timely Comments were filed by: American Trucking Associations, Inc. (ATA); Associated Public-Safety Communications Officers, Inc. (APCO); International Taxicab Association (ITA); National Association of Business and Educational Radio, Inc. (NABER); and Regional Transportation Authority (RTA). Timely Reply Comments were filed by: Associated Public-Safety Communications Officers, Inc. (APCO); California Mobile Radio Association (CMRA); and Office of Frequency Coordination, State of New Jersey (OFCNJ). Other pleadings were submitted by: County of Los Angeles Department of Communications; County of Los Angeles Fire Department; County of Los Angeles Sheriff; Greater Boston Police Council; and Northern California Chapter of the Associated Public-Safety Communications Officers, Inc. (NAPCO). While this latter group of pleadings was not submitted within the time allowed for the purpose and, hence, cannot be considered specifically (Section 1.415 of the Rules), the arguments made in them, nevertheless, were advanced in substance in the comments and replies of others, and they are covered in our decision.

[9] APCO and ITA took this position. ITA added that the 470–512 MHz channels were made available in the "service pools" under a long-range program; and it felt that the present proposal was not consistent with that plan. However, as pointed out, ITA users are not being denied access to the band. They will be at parity with all other eligibles in this regard. In these circumstances, then, we do not, as we have said, find public interest reasons for continuing the "service pool" reservation any longer.

[10] In the proceedings in Docket No. 18262, we allocated 30 MHz for use by eligibles in the Public Safety, Industrial, and Land Transportation Radio Services. This spectrum is available now and can be employed in most areas to meet any developing communication requirement of private land mobile users. See Land Mobile Radio Service, 46 FCC 2d 752 (1974); and Land Mobile Service, 51 FCC 2d 945 (1975). Thus, those who for some reason cannot now implement their plans to add communication capacity to existing systems or to build new systems can look to the 900-MHz channels for this purpose.

[11] Notice, op. cit., supra, fn. 1, at para 7.

[12] APCO, in its comments, addressed itself to this subject on behalf of its member organizations and entities.

[13] See Notice, op. cit., supra, fn. 1, at Appendix "A."

[14] APCO and ATA commented on this point.

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE — Base and Mobile	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE — Mobile	Industrial Pools: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE — Base and Mobile	Industrial Pools: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE — Mobile	Industrial Pools: SPECIAL INDUSTRIAL RADIO SERVICE — Base and Mobile	Industrial Pools: SPECIAL INDUSTRIAL RADIO SERVICE — Mobile	Industrial Pools: BUSINESS RADIO SERVICE — Base and Mobile	Industrial Pools: BUSINESS RADIO SERVICE — Mobile	Industrial Pools: PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE — Base and Mobile	Industrial Pools: PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE — Mobile	Land Transportation Pools: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE — Base and Mobile	Land Transportation Pools: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE — Mobile	Land Transportation Pools: TAXICAB RADIO SERVICE — Base and Mobile	Land Transportation Pools: TAXICAB RADIO SERVICE — Mobile	General Access Pool — Base and Mobile	General Access Pool — Mobile
BOSTON Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	471.3125 to 471.3875	474.3125 to 474.3875	471.4625 & 471.4875	474.4625 & 474.4875	471.8125 to 472.0625 & 472.1125 to 472.2125 & 472.2625	474.4625 to 475.0625 & 475.1125 to 475.2125 & 475.2625	NONE		472.4625 to 472.5375 & 472.5875 to 472.6875 & 472.7375 472.7875	475.4625 to 475.5375 & 475.5875 to 475.6875 & 475.7375 475.7875	472.3625 to 472.4375	475.3625 to 475.4375	470.3125 to 472.9875	473.3125 to 478.9875
Channel 16	482.3125 to 483.1375	485.3125 to 486.1375	NONE		483.4875 to 486.3375	486.4875 to 487.3375	NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875
CHICAGO Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	NONE		471.4375 to 471.6375	474.4375 to 474.6375	471.8125 to 472.3375 & 472.6375 to 472.7875 & 472.9125 472.9625 472.9875	474.8125 to 475.3375 & 475.6375 to 475.7875 & 475.9125 475.9625 475.9875	472.8125	475.8125	472.4625 to 472.6125 & 472.9375	475.4625 to 475.6125 & 475.9375	NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 19	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
CLEVELAND Channel 14	NONE		NONE		NONE		NONE		NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 481.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 475.9875
DETROIT Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
Channel 16	NONE		NONE		NONE		NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE — Base and Mobile	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE — Mobile	Industrial Pools: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE — Base and Mobile	Industrial Pools: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE — Mobile	Industrial Pools: SPECIAL INDUSTRIAL RADIO SERVICE — Base and Mobile	Industrial Pools: SPECIAL INDUSTRIAL RADIO SERVICE — Mobile	Industrial Pools: BUSINESS RADIO SERVICE — Base and Mobile	Industrial Pools: BUSINESS RADIO SERVICE — Mobile	Industrial Pools: PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE — Base and Mobile	Industrial Pools: PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE — Mobile	Land Transportation Pools: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE — Base and Mobile	Land Transportation Pools: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE — Mobile	Land Transportation Pools: TAXICAB RADIO SERVICE — Base and Mobile	Land Transportation Pools: TAXICAB RADIO SERVICE — Mobile	General Access Pool — Base and Mobile	General Access Pool — Mobile
LOS ANGELES Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	473.3125 & 471.4125	474.3125 & 474.4125	471.4375 to 471.6375	474.4375 to 474.6375	471.1625 to 471.2875 & 471.6625 to 472.4375	474.1625 to 474.2875 & 474.6625 to 475.4375	472.8375 & 472.8875	475.8375 & 475.8875	472.4625 to 472.7875	475.4625 to 475.7875	472.9875	475.9875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 20	506.3125 to 507.2625	509.3125 to 510.2625	507.3125 & 507.4125	510.3125 & 510.4125	507.4375 to 507.6375	510.4375 to 510.6375	507.4625 to 508.4375 & 507.2875	510.4625 to 511.4375 & 510.2875	508.8125 & 508.8875	511.8125 & 511.8875	508.4625 to 508.7875	511.4625 to 511.7875	508.9125	511.9125	506.3125 to 508.9875	509.3125 to 511.9875
NEW YORK Channel 14	470.3125 to 471.4125	473.3125 to 474.4125	472.9625 & 472.9875	475.9625 & 481.9875	471.4375 to 471.6375	474.4375 to 474.6375	471.4625 to 472.3375 & 472.7625 to 472.8875	474.4625 to 479.3375 & 475.7625 to 475.8875	NONE		472.4625 to 472.6125	511.4625 to 475.6125	472.3625 to 472.4375 & 472.6375 to 472.6625 472.7375 472.6875	475.3625 to 475.4375 & 475.6375 to 475.6625 475.7375 475.6875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	476.3125 to 477.4125	479.3125 to 480.4125	478.9625 & 478.9875	481.9625 & 481.9875	477.4375 to 477.6375	480.4375 to 480.6375	477.4625 to 478.3375 & 478.7625 to 478.8875	480.4625 to 481.3375 & 481.7625 to 481.8875	NONE		478.3125 to 478.4875 & 478.6875	481.3125 to 481.4875 & 481.6875	478.3625 to 478.4625	481.3125 to 481.4625	476.3125 to 478.9875	479.3125 to 481.9875
Channel 19	500.3125 to 500.4375 & 500.5625 & 500.6625 & 500.6875 500.7375 & 500.7875 to 500.9125 500.9625 500.9875 & 501.0625	503.3125 to 503.4375 & 503.5625 & 503.6625 & 503.6875 503.7375 & 503.7875 to 503.9125 503.9625 503.9875 & 504.0625	NONE		501.4375 to 501.4875 & 501.5375 501.6125	504.4375 to 504.4875 & 504.5375 504.6125	501.8125 to 502.3375	504.8125 to 505.3375	NONE		502.4625 to 502.7875	505.4625 to 505.7875	NONE		500.3125 to 502.9875	503.3125 to 505.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION — Base and Mobile	Mobile	INDUSTRIAL POOLS: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE — Base and Mobile	Mobile	SPECIAL INDUSTRIAL RADIO SERVICE — Base and Mobile	Mobile	BUSINESS RADIO SERVICE — Base and Mobile	Mobile	PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE — Base and Mobile	Mobile	LAND TRANSPORTATION POOLS: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE — Base and Mobile	Mobile	TAXICAB RADIO SERVICE — Base and Mobile	Mobile	GENERAL ACCESS POOL — Base and Mobile	Mobile
PHILADELPHIA Channel 20	NONE		NONE		NONE		507.8125 to 508.1875 & 508.2375 to 508.3375	510.8125 to 511.1875 & 511.2375 to 511.3375	NONE		NONE		NONE		506.3125 to 508.9875	509.3125 to 511.9875
PITTSBURG Channel 16	NONE		NONE		NONE		471.8125	474.8125	NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 18	NONE		NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
SAN FRANCISCO	482.3125 482.3375 482.3875 to 482.4875 482.5375 482.5625 482.6125 482.6875 to 482.7625 482.8125 to 482.9125 482.9625 483.0125	485.3125 485.3375 485.3875 to 485.4875 485.5375 485.5625 485.6125 485.6875 to 485.7625 485.8125 to 485.9125 485.9625 486.0125	NONE		483.6375 to 483.8375	486.6375 to 486.6375	483.8125 to 484.3375	486.8125 to 486.3375	NONE		484.4625 to 484.7875	487.4625 to 487.7875	NONE		482.3125 to 486.9875	485.3125 to 487.9875

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FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION — Base and Mobile	Mobile	INDUSTRIAL POOLS: POWER AND TELEPHONE MAINTENANCE RADIO SERVICE — Base and Mobile	Mobile	SPECIAL INDUSTRIAL RADIO SERVICE — Base and Mobile	Mobile	BUSINESS RADIO SERVICE — Base and Mobile	Mobile	PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE — Base and Mobile	Mobile	LAND TRANSPORTATION POOLS: RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE — Base and Mobile	Mobile	TAXICAB RADIO SERVICE — Base and Mobile	Mobile	GENERAL ACCESS POOL — Base and Mobile	Mobile
SAN FRANCISCO Channel 17	488.3625 to 488.4625 488.5125 488.5625 488.6125 to 488.6875 488.7375 488.7625 488.8375 488.8625 488.9125 488.9625 489.0125 to 489.0625 489.1125 489.1375	491.3625 to 491.4625 491.5125 491.5625 491.6125 to 491.6875 491.7375 491.7625 491.8375 491.8625 491.9125 491.9625 492.0125 to 492.0625 492.1125 492.3125	NONE		489.4375 to 489.6375	492.4375 to 492.6375	488.8125 to 489.3375	491.8125 to 492.3375	490.8375 490.8625 490.9125 490.9625	493.8375 493.8625 493.9125 493.9625	490.4625 to 490.5625 490.6125 to 490.6625 490.7125 490.7625	493.4625 to 493.5625 493.6125 to 493.6625 493.7125 493.7625	NONE		488.3125 to 490.9875	491.3125 to 493.9875
WASHINGTON D.C. Channel 17	486.3125	491.3125	NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
Channel 18	494.3125 to 495.4125	497.3125 to 498.4125	NONE		495.5875 to 495.6375	498.5875 to 498.6375	495.6875 to 496.2125	498.6875 to 499.2125	NONE		496.4625 to 496.6125	499.4625 to 499.6125	496.3625 & 496.3875	499.3625 & 499.3875	494.3125 to 496.9875	497.3125 to 499.9875

20263 RULES AND REGULATIONS

NOTES:

1. Frequencies in the 470–512 MHz band are assigned in 25 KHz channels with 3 MHz separation between the base and mobile transmit frequencies for two frequency operation.

2. A channel pair may be reassigned at distances 40 miles (20 miles for Channel 20, Philadelphia; and Channel 17, Washington, D.C.) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

3. The channel loading for assignments to eligibles in the Public Safety Pool is 50 units, except for channels primarily used in connection with the operation of buses, street cars, and other intra-urban mass transit (passenger carrying) vehicles, where the channel loading is 150 units. A unit is defined as one vehicular mobile unit or two hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before that licensee may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity, it will be available for assignment to other users in the same area.

4. Channel availability in the General Access Pool in any of the urbanized areas referred to in the table depends upon whether that channel is presently assigned to users in one of the several service pools. If unassigned, or should a channel subsequently become unassigned, it will be treated as available in the General Access Pool.

5. In the Chicago, Illinois, urbanized area, Channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for UHF television stations are met.

6. Use of allocations in Channels 14 and 15 in the Cleveland, Ohio, urbanized area and Channel 15 and 16 allocations in the Detroit, Michigan, urbanized area is deferred pending completion of negotiations with Canada relating to licensing of frequencies in the 470–512 MHz band for land mobile operations in these areas.

(d) Frequencies in the General Access Pool will be made available to applicants eligible in the Public Safety Radio Services after all channels presently assigned in the Public Safety Pool are substantially loaded in accordance with the standards set out above at Note 3 to paragraph (c) of this section. Channels from the General Access Pool will be assigned starting with the lowest frequency available at the time and progress towards the high end of the General Access Pool. Normally, each channel should be substantially filled before the next one will be assigned.

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PART 91—INDUSTRIAL RADIO SERVICES

2. Section 91.114 of the Commission's Rules is amended by deleting paragraphs (c), (d), (e), (f), (g), (h), and (i); redesignating paragraphs (j) and (k) as paragraphs (e) and (f); and adding new paragraphs (c) and (d) to read as follows:

§ 91.114 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

• • • • •

(c) Table:

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURING RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
BOSTON Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	471.3125 to 471.3875	474.3125 to 474.3875	471.4625 & 471.4875	474.4625 & 474.4875	471.8125 to 472.0625 & 472.1125 to 472.2125 & 472.2625	474.8125 to 475.0625 & 475.1125 to 475.2125 & 475.2625	NONE	NONE	NONE	NONE	472.4625 to 472.5375 & 472.5875 to 472.6875 & 472.7375 to 472.7875	475.4625 to 475.5375 & 475.5875 to 475.6875 & 475.7375 to 475.7875	472.3625 to 472.4375	475.3625 to 475.4375	470.3125 to 472.9875	473.3125 to 475.9875
Channel 16	482.3125 to 483.1375	485.3125 to 486.1375	NONE		483.4875 to 484.3375	486.4875 to 487.3375	NONE		NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875
CHICAGO Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	NONE		471.4375 to 471.6375	474.4375 to 474.6375	471.8125 to 472.3375 & 472.6375 to 472.7875 & 473.9125 & 472.9625 & 472.9875	474.8125 to 475.3375 & 475.6375 to 475.7875 & 475.9125 & 475.9625 & 475.9875	NONE	NONE	NONE	NONE	472.4625 to 472.6125 & 472.9375	475.4625 to 475.6125 & 475.9375	NONE	NONE	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.0625 & 478.9875	479.3125 to 481.9875
CLEVELAND Channel 14	NONE		NONE		NONE		NONE		NONE		NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
DETROIT Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
Channel 16	NONE		NONE		NONE		NONE		NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS								LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
LOS ANGELES Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	473.3125 & 471.4125	474.3125 & 474.4125	471.4375 to 471.6375	474.4375 to 474.6375	471.1625 to 471.2875 & 471.6625 to 472.4375	474.1625 to 474.2875 & 474.6625 to 475.4375	472.8375 & 472.8875	475.8375 & 475.8875	472.4625 to 472.7875	475.4625 to 475.7875	472.9875	475.9875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 20	506.3125 to 507.2625	509.3125 to 510.2625	507.3125 & 507.4125	510.3125 & 510.4125	507.4375 to 507.6375	510.4375 to 510.6375	507.4625 to 508.4375 & 507.2875	510.4625 to 511.4375 & 510.2875	508.8125 & 508.8875	511.8125 & 511.8875	508.4625 to 508.7875	511.4625 to 511.7875	508.9125	511.9125	506.3125 to 508.9875	509.3125 to 511.9875
NEW YORK Channel 16	470.3125 to 471.4125	473.3125 to 474.4125	472.9625 & 472.9875	475.9625 & 481.9875	471.4375 to 471.6375	474.4375 to 474.6375	471.4625 to 473.3375 & 472.7625 to 472.8875	474.4625 to 475.3375 & 475.7625 to 475.8875	NONE		472.4625 to 472.6125	511.4625 to 475.6125	472.3625 to 472.4375 & 472.6375 to 472.6625 472.7375 472.6875	475.3625 to 475.4375 & 475.6375 to 475.6625 475.7375 475.6875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	476.3125 to 477.4125	479.3125 to 480.4125	478.9625 & 478.9875	481.9625 & 481.9875	477.4375 to 477.6375	480.4375 to 480.6375	477.4625 to 478.3375 & 478.7625 to 478.8875	480.4625 to 481.3375 & 481.7625 to 481.8875	NONE		478.5125 to 478.6875 & 478.6875	481.5125 to 481.6875 & 481.6875	478.3625 to 478.6625	481.5125 to 481.6625	476.3125 to 478.9875	479.3125 to 481.9875
Channel 19	500.3125 to 500.4375 & 500.5625 & 500.6625 & 500.6875 500.7375 & 500.7875 to 500.9125 500.9625 500.9875 & 501.0625 & 501.1125 501.1375	503.3125 to 503.4375 & 503.5625 & 503.6625 & 503.6875 503.7375 & 503.7875 to 503.9125 503.9625 503.9875 & 504.0625 & 504.1125 504.1375	NONE		501.4375 to 501.4875 & 501.5375 501.6125	504.4375 to 504.4875 & 504.5375 504.6125	502.8125 to 502.3375	504.8125 to 505.3375	NONE		502.4625 to 502.7875	505.4625 to 505.7875	NONE		500.3125 to 502.9875	503.3125 to 503.9875

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FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS				GENERAL ACCESS POOL	
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE			
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
PHILADELPHIA Channel 20	NONE		NONE		NONE		507.8125 to 508.1875 & 508.2375 to 508.3375	510.8125 to 511.1875 & 511.2375 to 511.3375	NONE		NONE		NONE		506.3125 to 508.9875	509.3125 to 511.9875
PITTSBURG Channel 14	NONE		NONE		NONE		471.8125	474.8125	NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 18	NONE		NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
SAN FRANCISCO	482.3125 482.3375 482.3875 to 482.4875 482.5375 482.5625 482.6125 482.6875 to 482.7625 482.8125 to 482.9125 482.9625 483.0125	485.3125 485.3375 485.3875 to 485.4875 485.5375 485.5625 485.6125 485.6875 to 485.7625 485.8125 to 485.9125 485.9625 486.0125	NONE		483.4375 to 483.6375	486.4375 to 486.6375	483.8125 to 484.3375	486.8125 to 486.3375	NONE		484.4625 to 484.7875	487.4625 to 487.7875	NONE		482.3125 to 484.9875	485.3125 to 487.9875

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FREQUENCIES ASSIGNED TO SERVICE POOLS

	LAND TRANSPORTATION POOLS								INDUSTRIAL POOLS									
	Public Safety Pool: FIRE, POLICE, LOCAL GOVERNMENT, SCHOOL BUS MAINTENANCE AND FORESTRY-CONSERVATION		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICES		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICES		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		INDUSTRIES RADIO SERVICE	
GEOGRAPHICAL AREA (Channel Assignment)	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile		
SAN FRANCISCO Channel 17	490.3625 to 490.4625 490.5125 490.5625 490.6125 to 490.6875 490.7375 490.7625 490.8375 490.8625 490.9125 490.9625 to 491.0125 492.0625 492.1125 492.1375	491.3625 to 491.4625 491.5125 491.5625 491.6125 to 491.6875 491.7375 491.7625 491.8375 491.8625 491.9125 491.9625 to 492.0125 492.0625 492.1125 492.1375	490.8375 490.8625 490.9125 490.9625	491.8375 491.8625 491.9125 491.9625	490.4625 to 490.5625 490.6125 to 490.6625 490.7125 490.7625	491.4625 to 491.5625 491.6125 to 491.6625 491.7125 491.7625	NONE	NONE	490.3625 & 490.3875	490.3625 & 490.3875	490.8125 to 490.9875	491.8125 to 491.9875	NONE	NONE	489.4375 to 489.6375	492.4375 to 492.6375	488.8125 to 489.3375	491.8125 to 492.3375
WASHINGTON D.C. Channel 17	490.3125	491.3125	NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE	490.3125 to 490.9875	491.3125 to 491.9875	NONE	NONE	NONE	NONE	NONE	NONE
Channel 18	494.3125 to 495.4125	497.3125 to 498.4125	NONE		NONE		NONE		494.3125 to 496.3875	497.3125 to 499.3875	494.3125 to 496.9875	497.3125 to 499.9875	NONE		495.5875 to 495.6375	498.5875 to 498.6375	495.6875 to 496.2125	498.6875 to 499.2125

NOTES.—1. Frequencies in the 470–512 MHz band are assigned in 25 KHz channels with 3 MHz separation between the base and mobile transmit frequencies for two frequency operation.

2. A channel pair may be reassigned at distances 40 miles (20 miles for Channel 20, Philadelphia; and Channel 17, Washington, D.C.) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

3. The channel loading for assignments to eligibles in the Industrial Pools is 70 units, except in the Business Pool, Channel loading is 90 units. For channels used primarily in connection with the operation of buses, street cars and other intra-urban mass transit (passenger carrying) vehicles, the loading is 150 units. A unit is defined as one vehicular mobile unit or three hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before that licensee will be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity, it will be available for assignment to other users in the same area. Notwithstanding the foregoing, if, in the Business Radio Service, the base station facility is to be used by more than a single licensee, the frequency assigned to it will not be reassigned for use by another facility within 40 miles (or 20 miles where applicable) for a period of 12 months; Provided, That the facility is constructed within 90 days from the date of the first grant; meets the loading standards to at least 50 percent within 9 months; and meet all loading standards within 12 months.

4. Channel availability in the General Access Pool in any of the urbanized areas referred to in the table depends upon whether that channel is presently assigned to users in one of the several service pools. If unassigned, or should a channel subsequently become unassigned it will be treated as available in the General Access Pool.

5. In the Chicago, Illinois, urbanized area, Channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for UHF television stations are met.

6. Use of allocations in Channels 14 and 15 in the Cleveland, Ohio, urbanized area and Channel 15 and 16 allocations in the Detroit, Michigan, urbanized area is deferred pending completion of negotiations with Canada relative to the licensing of frequencies in the 470–512 MHz band for land mobile operations in these areas.

(d) Frequencies in the General Access Pool will be made available to applicants eligible in the Industrial Radio Services after all channels presently assigned in the Industrial Pools are substantially loaded in accordance with the standards set out above at Note 3 to paragraph (c) of this section. Channels from the General Access Pool will be assigned starting with the highest frequency available at the time and progress towards the low end of the General Access Pool. Normally, each channel shall be substantially filled before the next one will be assigned.

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PART 93—LAND TRANSPORTATION RADIO SERVICES

3. Section 93.114 of the Commission's Rules is amended by deleting paragraphs (c), (d), (e), (f), (g), and (j); redesignating paragraphs (h) and (i) as paragraphs (e) and (f); and adding new paragraphs (c) and (d) to read as follows:

§ 93.114 Frequencies in the band 470–512 MHz.

The following criteria shall govern the authorization and use of frequencies in the band 470–512 MHz.

• • • • •

(c) Table:

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS				GENERAL ACCESS POOL	
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE			
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
BOSTON Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	471.3125 to 471.3875	474.3125 to 474.3875	471.4625 & 471.4875	474.4625 & 474.4875	471.8125 to 472.0625 & 472.1125 to 472.2125 & 472.2625	474.4625 to 475.0625 & 475.1125 to 475.2125 & 475.2625	NONE		472.4625 to 472.5375 & 472.5875 to 472.6875 & 472.7375 472.7875	475.4625 to 475.5375 & 475.5875 to 475.6875 & 475.7375 475.7875	472.3625 to 472.4375	475.3625 to 475.4375	470.3125 to 472.9875	473.3125 to 475.9875
Channel 16	482.3125 to 483.1375	485.3125 to 486.1375	NONE		483.4875 to 484.3375	486.4875 to 487.3375	NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875
CHICAGO Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	NONE		471.4375 to 471.6375	474.4375 to 474.6375	471.8125 to 472.3375 & 472.6375 to 473.7875 & 472.9125 472.9625 472.9875	474.8125 to 475.3375 & 475.6375 to 475.7875 & 475.9125 475.9625 475.9875	473.8125	475.8125	472.4625 to 472.6125 & 472.9375	475.4625 to 475.6125 & 475.9375	NONE		470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
CLEVELAND Channel 14	NONE		NONE		NONE		NONE		NONE		NONE		NONE		470.3125 to 472.9875	473.3125 to 481.9875
Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 475.9875
DETROIT Channel 15	NONE		NONE		NONE		NONE		NONE		NONE		NONE		476.3125 to 478.9875	479.3125 to 481.9875
Channel 16	NONE		NONE		NONE		NONE		NONE		NONE		NONE		482.3125 to 484.9875	485.3125 to 487.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS				GENERAL ACCESS POOL	
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION RADIO SERVICE		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE			
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
LOS ANGELES Channel 14	470.3125 to 471.1375	473.3125 to 474.1375	473.3125 & 471.4125	474.3125 & 474.4125	471.4375 to 471.6375	474.4375 to 474.6375	471.1625 to 471.2875 & 471.6625 to 472.4375	474.1625 to 474.2875 & 474.6625 to 475.4375	472.8375 & 472.8875	475.8375 & 475.8875	472.4625 to 472.7875	475.4625 to 475.7875	472.9875	475.9875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 20	506.3125 to 507.2625	509.3125 to 510.2625	507.3125 & 507.4125	510.3125 & 510.4125	507.4375 to 507.6375	510.4375 to 510.6375	507.6625 to 508.4375 & 507.2875	510.6625 to 511.4375 & 510.2875	508.8125 & 508.8875	511.8125 & 511.8875	508.4625 to 508.7875	511.4625 to 511.7875	508.9125	511.9125	506.3125 to 508.9875	509.3125 to 511.9875
NEW YORK Channel 14	470.3125 to 471.4125	473.3125 to 474.4125	472.9625 & 472.9875	475.9625 & 481.9875	471.4375 to 471.6375	474.4375 to 474.6375	471.6625 to 472.3375 & 472.7625 to 473.8875	474.6625 to 475.3375 & 475.7625 to 475.8875	NONE		472.4625 to 472.8125	511.4625 to 475.8125	472.3625 to 472.4375 & 472.6375 to 472.6625 & 472.7375 472.8875	475.3625 to 475.4375 & 475.6375 to 475.6625 & 475.7375 475.8875	470.3125 to 472.9875	473.3125 to 475.9875
Channel 15	476.3125 to 477.4125	479.3125 to 480.4125	478.9625 & 478.9875	481.9625 & 481.9875	477.4375 to 477.6375	480.4375 to 480.6375	477.6625 to 478.3375 & 478.7625 to 478.8875	480.6625 to 481.3375 & 481.7625 to 481.8875	NONE		479.5125 to 478.6875 & 478.6875	481.5125 to 481.6875 & 481.6875	478.3625 to 478.6625	481.3125 to 481.6625	476.3125 to 478.9875	479.3125 to 481.9875
Channel 19	500.3125 to 500.4375 & 500.5625 & 500.6625 & 500.6875 500.7375 & 500.7875 to 500.9125 500.9625 500.9875 & 501.0625 & 501.1125 501.1375	503.3125 to 503.4375 & 503.5625 & 503.6625 & 503.6875 503.7375 & 503.7875 to 503.9125 503.9625 503.9875 & 504.0625 & 504.1125 504.1375	NONE		501.4375 to 501.4875 & 501.5375 501.6125	504.4375 to 504.4875 & 504.5375 504.6125	501.8125 to 502.3375	504.8125 to 505.3375	NONE		503.4625 to 503.7875	503.4625 to 503.7875	NONE		500.3125 to 502.9875	503.3125 to 505.9875

FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
PHILADELPHIA Channel 30	NONE		NONE		NONE		507.8125 to 508.1875 & 508.2375 to 508.3375	510.8125 to 511.1875 & 511.2375 to 511.3375	NONE		NONE		NONE		508.3125 to 508.9875	509.3125 to 511.9875
PITTSBURGH Channel 14	NONE		NONE		NONE		471.8125	476.8125	NONE		NONE		NONE		470.3125 to 472.9875	475.3125 to 475.9875
Channel 18	NONE		NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
SAN FRANCISCO	482.3125 482.3375 482.3625 to 482.4875 482.5375 482.5625 482.6125 482.6375 to 482.7625 482.8125 to 482.9125 482.9625 483.0125	485.3125 485.3375 485.3625 to 485.4875 485.5375 485.5625 485.6125 485.6375 to 485.7625 485.8125 to 485.9125 485.9625 486.0125	NONE		483.6375 to 483.6375	486.6375 to 486.6375	483.8125 to 484.3375	486.8125 to 486.3375	NONE		484.4625 to 484.7875	487.4625 to 487.7875	NONE		482.3125 to 484.9875	489.9125 to 487.9875

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FREQUENCIES ASSIGNED IN SERVICE POOLS

URBANIZED AREA (Channel Assignment)	Public Safety Pool		INDUSTRIAL POOLS						LAND TRANSPORTATION POOLS					
	FIRE, POLICE, LOCAL GOVERNMENT, HIGHWAY MAINTENANCE AND FORESTRY-CONSERVATION		POWER AND TELEPHONE MAINTENANCE RADIO SERVICE		SPECIAL INDUSTRIAL RADIO SERVICE		BUSINESS RADIO SERVICE		PETROLEUM, FOREST PRODUCTS AND MANUFACTURERS RADIO SERVICE		RAILROAD, MOTOR CARRIER AND AUTOMOBILE EMERGENCY RADIO SERVICE		TAXICAB RADIO SERVICE		GENERAL ACCESS POOL	
	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile	Base and Mobile	Mobile
SAN FRANCISCO Channel 17	488.3625 to 488.4625 488.5125 488.5625 488.6125 to 488.6875 488.7375 488.7625 488.8375 488.8625 488.9125 488.9625 489.0125 to 489.0625 489.1125 489.1375	491.3625 to 491.4625 491.5125 491.5625 491.6125 to 491.6875 491.7375 491.7625 491.8375 491.8625 491.9125 491.9625 492.0125 to 492.0625 492.1125 492.1375	NONE		489.6375 to 489.6375	492.6375 to 492.6375	488.8125 to 489.3375	491.8125 to 492.3375	490.8375 490.8625 490.9125 490.9625	493.8375 493.8625 493.9125 493.9625	490.4625 to 490.5625 490.6125 to 490.6625 490.7125 490.7625	493.4625 to 493.5625 493.6125 to 493.6625 493.7125 493.7625	NONE		488.3125 to 490.9875	491.3125 to 493.9875
WASHINGTON D.C. Channel 17	488.3125	491.3125	NONE		NONE		NONE		NONE		NONE		NONE		488.3125 to 490.9875	491.3125 to 493.9875
Channel 18	496.3125 to 495.6125	497.3125 to 498.6125	NONE		495.5875 to 495.6375	498.5875 to 498.6375	495.6875 to 496.2125	498.6875 to 499.2125	NONE		496.6625 to 496.6125	499.6625 to 499.6125	496.3625 & 496.3875	499.3625 & 499.3875	496.3125 to 496.9875	497.3125 to 499.9875

FEDERAL REGISTER, VOL. 42, NO. 74—MONDAY, APRIL 18, 1977

NOTES.—1. Frequencies in the 470–512 MHz band are assigned in 25 KHz channels with 3 MHz separation between the base and mobile transmit frequencies for two frequency operation.

2. A channel pair may be reassigned at distances 40 miles (20 miles for Channel 20, Philadelphia; and Channel 17, Washington, D.C.) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

3. The channel loading for assignments to eligibles in the Land Transportation Pools is 70 units, except in the Taxicab Pool, the loading shall be 150 units in all urbanized areas except New York-N.E. New Jersey, where it shall be 200 units, and for the intra-urban passenger carrier sub-category of the Motor Carrier Radio Service, the channel loading shall be 150 units. A unit is defined as one vehicular mobile unit or three hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before that licensee will be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity, it will be available for assignment to other users in the same area.

4. Channel availability in the General Access Pool in any of the urbanized areas referred to in the table depends upon whether that channel is presently assigned to users in one of the several service pools. If unassigned, or should a channel subsequently become unassigned, it will be treated as available in the General Access Pool.

5. In the Chicago, Illinois, urbanized area, Channel 15 frequencies may be used for paging operations in addition to low power base/mobile usages, where applicable protection requirements for UHF television stations are met.

6. Use of allocations in Channels 14 and 15 in the Cleveland, Ohio, urbanized area and Channel 15 and 16 allocations in the Detroit, Michigan, urbanized area is deferred pending completion of negotiations with Canada relative to the licensing of frequencies in the 470–512 MHz band for land mobile operations in these areas.

(d) Frequencies in the General Access Pool will be made available to applicants eligible in the Land Transportation Radio Services after all channels presently assigned in the Land Transportation Pools are substantially loaded in accordance with the standards set out above at Note 3 to paragraph (c) of this section. Channels from the General Access Pool will be assigned starting with the highest frequency available at the time and progress towards the low end of the General Access Pool. Normally, each channel shall be substantially filled before the next one will be assigned.

* * * * *

APPENDIX "A"

BOSTON, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	4	1
Special Industrial	9	2	7
Reserve Pool "B"	6	0	6
Business	22	17	5
Taxicab	4	4	
RR/MC/AE	14	11	3
Pet./F.P./Mfr.	8	0	8
Totals	108	72	36

BOSTON, Channel 16

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	1	8
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	57	51

CHICAGO, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	9	0
Reserve Pool "B"	6	0	6
Business	32	32	0
Taxicab	4	0	4
RR/MC/AE	8	8	0
Pet./F.P./Mfr.	4	1	3
Totals	108	84	24

LOS ANGELES, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	34	0
Power & Tel. Maint.	5	2	3
Special Industrial	9	9	0
Business	38	38	0
Taxicab	4	1	3
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	4	2	2
Totals	108	100	8

LOS ANGELES, Channel 20

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	39	39	0
Power & Tel. Maint.	5	2	3
Special Industrial	9	9	0
Business	33	33	0
Taxicab	4	1	3
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	4	2	2
Totals	108	100	8

NEW YORK, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	45	45	0
Power & Tel. Maint.	2	2	0
Special Industrial	9	9	0
Business	34	34	0
Taxicab	9	8	1
RR/MC/AE	7	7	0
Pet./F.P./Mfr.	2	0	2
Totals	108	105	3

NEW YORK, Channel 15

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	45	45	0
Power & Tel. Maint.	2	2	0
Special Industrial	9	9	0
Business	34	34	0
Taxicab	9	7	2
RR/MC/AE	7	7	0
Pet./F.P./Mfr.	2	0	2
Totals	108	104	4

PHILADELPHIA, Channel 19

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	22	12
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	3	6
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	8	0	8
Totals	108	61	47

PHILADELPHIA, Channel 20

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	21	1
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	21	77

PITTSBURGH, Channel 14

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	1	21
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	1	107

PITTSBURGH, Channel 18

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	0	22
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	0	108

SAN FRANCISCO, Channel 16

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	21	13
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	9	0
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	8	0	8
Totals	108	66	42

SAN FRANCISCO, Channel 17

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	22	12
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	9	0
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	10	4
Pet./F.P./Mfr.	8	4	4
Totals	108	67	37

WASHINGTON, Channel 17

Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Public Safety	34	0	34
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	5	0	5
Special Industrial	9	0	9
Reserve Pool "B"	6	0	6
Business	22	1	21
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Totals	108	1	107

WASHINGTON, Channel 18

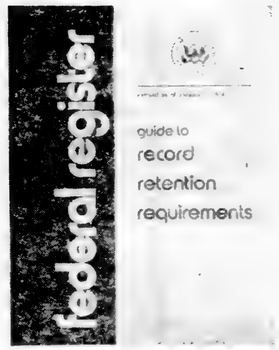
Present Allocation (Service)	No. Chans. Allocated	No. Chans. Used	No. Chans. Avbl. for Gen. Access
Reserve Pool "C"	9	0	9
Public Safety	45	45	0
Reserve Pool "A"	6	0	6
Power & Tel. Maint.	2	0	2
Special Industrial	4	3	1
Reserve Pool "B"	6	0	6
Business	22	22	0
Taxicab	3	2	1
RR/MC/AE	7	7	0
Pet./F.P./Mfr.	4	0	4
Totals	108	79	29

[FR Doc.77-11980 Filed 4-15-77;8:45 am]

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1976]



This useful reference tool, compiled from agency regulations and U.S. Statutes, is designed to assist industry and the public with their recordkeeping obligations.

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highlights

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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PROCLAMATION 4502

National Maritime Day, 1977

By the President of the United States of America

A Proclamation

For more than two centuries, the United States has relied on the Merchant Marine for trade and defense. The Merchant Marine has contributed to our economic growth and military strength.

The men and women of our Merchant Marine have worked hard to export our products to foreign markets, and import foreign goods for our use and pleasure.

Those who serve in the Merchant Marine have the spirit, the character, and devotion to duty that have made our nation strong, free, and prosperous.

In recognition of the importance of the American Merchant Marine, the Congress, by joint resolution of May 20, 1933 (48 Stat. 73, 36 U.S.C. 145) designated May 22 of each year as National Maritime Day in commemoration of the departure from Savannah, Georgia, on that date in 1819 of the SS SAVANNAH on the first transatlantic voyage by any steamship, and requested the President to issue annually a proclamation calling for its appropriate observance.

Because May 22 falls on Sunday this year, and in keeping with custom, it is appropriate to observe National Maritime Day on the following Monday.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on May 23, 1977, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-11488 Filed 4-15-77;4:55 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 92]

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, AND MEAL SERVICES, AND BANKS

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final Rule.

SUMMARY: This rule: (1) requires firms which are authorized to accept food coupons to update any or all of the information submitted on original applications for authorization; (2) provides that failure by an authorized firm to update the information on its original application may result in the withdrawal of a firm's approval to participate in the program; (3) specifies that authorized firms shall not impose expiration dates on the redemption of credit slips or tokens issued to recipients by those firms; (4) more specifically details procedures which authorized wholesale food concerns shall follow in accepting coupons for redemption from authorized retail food stores and meal services; (5) provides that retailers, wholesalers, and meal services may respond to letters of charges on violations within 10 days of their receipt date; (6) provides that FNS shall not be liable for losses or thefts of food coupons from authorized firms.

This rule is designed to: (1) ensure that FNS's computerized compliance-monitoring system has the accurate, current information on participating firms which it needs to be efficient and effective; (2) give FNS a means to ensure that the information is furnished; (3) protect food coupon users from loss of a part of their coupons through failure to use food stamp credit slips prior to any arbitrary expiration date; (4) guard against abuse of the provisions for redeeming food coupons through wholesalers; (5) ensure that all firms charged with violations of the regulations have a reasonable period of time in which to answer the charges; (6) state the established fact that FNS will not repay authorized firms for losses or thefts of food coupons.

EFFECTIVE DATE: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Nancy Snyder, Director, Food Stamp Program, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–8982.

SUPPLEMENTARY INFORMATION: On November 16, 1976, the Food and Nutrition Service published a proposed rule (41 FR 50454) to amend Part 272 of the Food Stamp Program Regulations. Most of the comments received were favorable.

Discussion of Major Comments

There were 13 letters received containing 16 comments. Of the letters received six were from grocer associations (one of which requested a 30-day extension of the comment period), three from State agencies, one from a legal aid group, two from retail stores and one from a special interest group. One respondent felt the proposed changes would provide additional controls to help eliminate program abuse. The following is an analysis of the other comments received.

Updating Original Application Form

Five comments opposed this provision. The writers felt it would impose unnecessary recordkeeping and paper work on small firms, that the added costs would far outweigh the possible benefits in improving program administration and they could not see how it would improve effectiveness of USDA's compliance monitoring system. One of the comments questioned the necessity of annually updating information and suggested that if annual updating of sales volume were absolutely necessary, it be reported by category of sales rather than actual dollar and cents, e.g., $300,000 to $500,000; $500,000 to $750,000, etc. FNS has decided to publish this section as it appeared in the proposed rule. No additional recordkeeping is required of authorized firms by this section, nor was any intended. Sales volume figures recorded by category, such as $300,000 to $500,000, would be too imprecise to be of any value to FNS.

Prohibiting Expiration Dates on Credit Slips or Tokens

We received three comments in favor of prohibiting expiration dates on credit slips or tokens. The writers felt it would protect recipients and ensure they received full value of coupon allotments. Two commented that there was a need for a reasonable cut-off period since allowing the credit slips or tokens to remain valid indefinitely was not in the best interest of recipients. One writer felt that although it was an improvement, it still required that credit slips be returned to the issuing store and recommended that USDA develop a standard credit slip for use by all authorized food stores; if this recommendation is not acceptable, then eliminate use of credit slips or tokens in favor of cash change of less than $1.00. FNS has decided to publish this section as it appeared in the proposed rule. We believe that it would be disadvantageous to recipients to allow expiration dates on credit slips.

Extending the Time Period for Responding to Letter of Charges

One commenter opposed extending the time period because he felt it would be difficult to know when the letter was received and it would create another loophole for offenders. Since FNS uses Certified Mail, Return Receipt Requested, to send letters of charges, the delivery date is reported to FNS. FNS will publish this section as it appeared in the proposed rule.

Acceptance of Coupons by Wholesalers

Two comments opposed the language of this provision and one suggested that rather than directing a food wholesaler not to accept coupons "if he is aware or has reason to believe that the coupons were not legally obtained for eligible food", the reasonable cause doctrine be applied and the language be changed to "if such wholesaler knows or has reasonable cause to believe * * *." We have accepted this suggestion.

Liability for Claims for Lost or Stolen Coupons from Retailers

One comment received opposed the provision that FNS shall not be liable for claims from authorized firms for lost or stolen coupons. The writer felt that small businessmen already suffered large losses in connection with bad checks and thefts. According to counsel, FNS is not now liable for claims for lost and stolen coupons. Since the proposed rule simply states this fact, FNS will publish this section as it appeared in the proposed rule.

Accordingly, Part 272 is amended as follows:

1. Section 272.1 is amended by adding a new paragraph (i) to read as follows:

§ 272.1 Approval of retail food stores, wholesale food concerns and meal services.

* * * * * * *

(i) FNS may, from time to time, but not more than once each Federal fiscal year, require a firm to update any or all of the information on the original application form. Failure to provide such information may result in the withdrawal of a firm's approval to participate in the program.

2. Section 272.2 is amended by adding a new paragraph (e)(8) to read as follows:

§ 272.2 Participation of retail food stores, and meal services.

* * * * *

(e) * * *

(8) Credit slips or tokens shall not bear expiration dates. No retail food store or meal service authorized to accept coupons shall refuse to accept credit slips or tokens from an eligible household because such credit slips or tokens are not redeemed within a specified time limit.

* * * * *

3. Section 272.3 is amended by redesignating paragraph (b) to (d) and adding new paragraphs (b), (c), and (e). The new paragraphs of § 272.3 read as follows:

§ 272.3 Participation of wholesale food concerns.

* * * * *

(b) If an authorized wholesale food concern knows or has reasonable cause to believe that a person presenting coupons for redemption has no right to possession of such coupons, the wholesaler should request to see the retail food store's or meal service's authorization card.

(c) No authorized wholesale food concern shall accept coupons if such wholesaler knows or has reasonable cause to believe that the coupons were not legally obtained for eligible food.

* * * * *

(e) No authorized wholesale food concern shall alter, prepare, or complete an authorized retail food store's or meal service's redemption certificate.

§ 272.6 Disqualification of retail food stores, meal services, and wholesale food concerns [Amended].

4. In § 272.6, paragraph (b) is amended by deleting the word "mailing" and inserting in lieu thereof the word "receipt."

5. Section 272.7 is amended by adding a new paragraph (f) to read as follows:

§ 272.7 Determination and disposition of claims—retail food stores, meal services, and wholesale food concerns.

* * * * *

(f) FNS shall not be liable for claims from retail food stores, meal services, or wholesale food concerns for lost or stolen coupons.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026.)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps.)

CAROL TUCKER FOREMAN,
Assistant Secretary.

APRIL 14, 1977.

[FR Doc.77-11372 Filed 4-18-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

PART 1918—PLANNING AND PERFORMING DEVELOPMENT (INDIVIDUAL)

Subpart C—Complaints, Suspension, and Debarment Proceedings

AMENDMENT

AGENCY: Farmers Home Administration.

ACTION: Final Rule.

SUMMARY: This amendment is intended to encourage borrowers to make construction complaints in writing. "This amendment is necessary in order to protect the borrower in case legal action is necessary."

EFFECTIVE DATE: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Colon, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–4808.

SUPPLEMENTARY INFORMATION: Section 1918.112 of Subpart C of Part 1918, Title 7, Code of Federal Regulations (41 FR 10442) is amended to delete reference to other than written construction complaints by owner from paragraphs (a), (b)(1), (b)(2), and (d). This amendment is not being published in proposed rule making form as the change is editorial in nature and has no substantive effect.

As amended, § 1918.112 (a), (b) (1) and (2), and (d) read as follows:

§ 1918.112 Handling of dwelling construction complaints.

(a) Each complaining homeowner should be requested to put the complaint in writing.

(b) * * *

(1) The homeowner should be urged to give the builder a written list of the alleged defects.

(2) The homeowner should be informed that if after 30 days the defects have not been corrected or other satisfactory arrangements have not been made by the builder, the homeowner should notify the County Supervisor in writing.

* * * * *

(d) If the homeowner notifies the County Supervisor that the complaint has not been satisfied, the County Supervisor should request the homeowner to furnish copies of all correspondence between the builder and himself.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: April 1, 1977.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-11253 Filed 4-18-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q; Docket No. R–0017]

PART 217—INTEREST ON DEPOSITS

Individual Retirement Accounts and Keogh (H.R. 10) Plans

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This rule establishes a new category of time deposit for IRA and Keogh funds deposited with member banks. The rule permits member banks to pay interest on funds with a maturity of three years or longer deposited pursuant to IRA and Keogh Plans established with the bank at a rate of up to 7.75 percent.

This action is intended to encourage depositors to establish IRA and Keogh Plans.

EFFECTIVE DATE: July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Allen L. Raiken, Assistant General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3625).

SUPPLEMENTARY INFORMATION: The Board of Governors has amended Regulation Q (Interest on Deposits) (12 CFR Part 217) to establish a new category of time deposit for Individual Retirement Accounts (IRAs) and Keogh (H.R. 10) Plans established at member banks. The Board's action will become effective in 90 days in order to provide sufficient time for member banks to make necessary adjustments to their operating procedures and marketing materials to implement the regulatory change.

The new deposit classification enables member banks to pay interest on IRA and Keogh time deposits at a rate of interest not in excess of the highest of any of the permissible rates that can be paid on any time deposit under $100,000 by any Federally insured commercial bank, mutual savings bank, or savings and loan association. The highest permissible rate is currently 7.75 percent per annum. No minimum denomination would be required for IRA and Keogh time deposits. The new deposit classification for IRAs and Keoghs will require a maturity of three years or more. The three year minimum maturity requirement was adopted because tax provisions permit an IRA participant to rollover his or her IRA contributions from one institution to another without incurring a tax penalty once in three years. While this new category of account is available only for IRA and Keogh deposits, individuals may still elect to use other existing categories of deposits, such as savings accounts and time deposits with maturities of less than three years for IRA and Keogh funds. When other types of accounts are used, however, such deposits would be subject to the existing ceiling rates of interest prescribed by Regulation Q for such categories.

The Board's action is taken in view of Congress' enactment of the Employment Retirement Income Security Act of 1974 (Pub. L. 93–406) ("ERISA"), which provides, in part, for the establishment of IRAs by individuals not covered by employer pension plans and for increased contributions to Keogh Plans by self-employed persons. In adopting ERISA, Congress provided tax incentives to encourage qualified individuals to save for their retirement through the establishment of personal retirement savings programs. The Congress has indicated that approximately one-half of all employees in private employment are not covered by retirement plans (H. Rpt. No. 93–807). Accordingly, the Board believes that it is in the public interest to accommodate the Congressional objective by enabling an IRA or Keogh Plan participant to obtain the highest possible return on his or her retirement savings regardless of the type of depository institution in which the depositor maintains his or her funds. The Board's action is taken after extensive consideration of substantial public comment received on the issue of enabling member banks to offer IRA and Keogh deposit programs on a fully competitive basis with other financial institutions (see 40 FR 28644, 57663, 41 FR 31576, 50242).

Since IRA and Keogh time deposit accounts are expected to be in existence for long periods of time as funds for retirement are gradually built up, the deposit alternatives presently available at commercial banks and thrifts can create a difference in total interest accumulated of as much as $10,000 for IRA plans and $50,000 for Keogh accounts (assuming a 30 year investment period and the maximum permissible annual deposit of $1,500 for IRA and $7,500 for Keogh deposits). Such a penalty for choosing deposits at a particular type of institution is clearly inconsistent with the objectives of maximizing the total amount of earnings on retirement savings that the Congress sought to encourage through establishment of the IRA and Keogh programs. Some retirement savers may not even be aware of the currently higher rates available at thrifts or may not have easy access to such institutions. The Board believes that creation of a new category of time deposit is appropriate in order to reflect the special characteristics and benefits provided to retirement savers under the ERISA legislation.

In adopting this amendment, the Board has considered the applicability of Pub. L. 94–200. Under that law, an interest rate differential for any category of deposit that was in effect on December 10, 1975, may not be eliminated without obtaining approval of Congress. The provisions of Pub. L. 94–200 do not apply, however, to categories of deposit established after December 10, 1975. Since the Board's action establishes an entirely new deposit category for IRA and Keogh savers, which differs in significant aspects from any categories that existed on December 10, 1975, the provisions of Pub. L. 94–200 are not applicable. Consequently, the Board's action in establishing this new category of deposit for IRA and Keogh participants will become effective in 90 days (July 6, 1977).

Under the Board's existing Regulation Q, withdrawal of funds made prior to the maturity are subject to a penalty for early withdrawal (12 CFR 217.4(d)). However, funds held pursuant to IRA or Keogh agreements entered into by the depositor and the bank may be withdrawn from time deposits prior to maturity without penalty when the depositor attains age 59½ or is disabled, in accordance with the exceptions previously adopted by the Board (40 FR 57663 and 41 FR 50242). These provisions also will be applicable to the new IRA and Keogh time deposit categories.

In order to permit existing retirement savers to obtain the most advantageous IRA and Keogh programs, member banks may modify the terms of existing IRA and Keogh plans entered into prior to the effective date of this amendment without imposition of an early withdrawal or interest conversion penalty otherwise required under the Board's regulations.

Issues relating to the creation of a new deposit category for IRA and Keogh funds have been the subject of substantial public comment presented to the Board on several occasions. On June 27, 1975, the Board, in conjunction with the other Federal financial regulatory agencies, requested public comment on several issues pertaining to the offering of IRA programs under the Board's Regulation Q (40 FR 28644). Public comment was solicited on a number of IRA issues including whether the existing schedule of ceiling interest rates that can be paid on IRA deposits should be increased and whether member banks should be permitted to pay interest on IRA deposits at rates that are equal to those that may be paid by savings and loan associations and mutual savings banks.

Over 325 public comments were received by the Board on the IRA issues presented. Two hundred eleven respondents indicated the view that the Regulation Q penalty for early withdrawal unnecessarily interferes with the distribution of retirement savings and favored removal of the Regulation Q penalty restrictions when retirement funds are distributed to an individual who retires or becomes disabled. Only 29 persons opposed elimination of the penalty. Two hundred forty-nine respondents stated the belief that commercial banks should be permitted to pay interest on IRAs at rates equal to those paid by thrift institutions. Sixty-eight respondents opposed such action. In addition, one hundred seventy-one respondents favored the creation of a new category of time deposit for IRAs while forty respondents opposed the action. Fifty-one respondents favored an increase in the existing ceiling on interest rates permitted to be paid on IRA deposits by member banks. Forty-four comments opposed such action.

In order to encourage the establishment of IRAs and in response to the views expressed by the public, the Board amended its Regulation Q in December 1975 to permit a bank to pay a time deposit prior to maturity in accordance with the payout terms of the IRA agreement without imposing the Regulation Q interest penalty when the IRA participant attains age 59½ or becomes disabled. In addition, the $1,000 minimum denomination requirement for longer term time deposits was waived for IRA funds (40 FR 57663). Similar action was taken by the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board. The Board indicated that the action taken at that time applied solely to funds deposited pursuant to IRA plans and no to Keogh Plans and that the Board was studying further the differences in the statutory provisions relating to the administration and operation of Keoghs in order to determine whether the amendments adopted for IRAs should be made applicable to Keoghs. It was also indicated that the Board was continuing to examine the question of whether member banks should be permitted to pay interest on IRA deposits at rates that are equal to those that may be paid by savings and loan associations and mutual savings banks.

In July 1976 the Board announced that it was of the view that IRA participants should be permitted to obtain the highest rate of interest permissible on their retirement savings regardless of where their funds are maintained (41 FR 31576). The Board stated that continuation of this inequity was inconsistent with the objective of providing IRA depositors with a means of obtaining the highest earnings possible on retirement savings. The Board's announcement also discussed the findings of a survey of IRA funds conducted by the Board in conjunction with the FDIC and Federal Home Loan Bank Board. Among the data obtained from all Federally insured commercial banks, savings and loans, and mutual savings banks, were statistics on the amount and distribution of IRA funds, distribution of IRA funds accord-

ing to size of institution, and maturity classifications of IRA funds at commercial banks and mutual savings banks. The results of this survey indicate that as of March 31, 1976, thrift institutions possessed relatively more IRA funds than commercial banks. The Board stated that further monitoring for several months would be necessary in order to determine whether member banks are at a competitive disadvantage in competing for IRA funds and that if the present trend in the competitive structure for IRA funds continued, the Board would then consider taking appropriate steps to restore competitive balance between commercial banks and thrift institutions in the offering of IRAs. It was anticipated that further action by the Board to permit member banks to offer IRAs on a fully competitive basis would be appropriate in early 1977. A second survey conducted in early 1977 indicated that as of December 31, 1976, commercial banks continued to have a substantially smaller share of the IRA market.[1]

In November 1976, the Board amended Regulation Q to extend the amendments adopted in December 1975 for early withdrawal of IRA funds to funds deposited to member banks pursuant to Keogh plans entered into by the depositor with the bank. This action was taken in response to public comments requesting such action and because the Board determined that the numerous operational similarities between Keoghs and IRAs warranted similar treatment with regard to withdrawals at retirement and waiver of the minimum denomination requirement (41 FR 50242).

During the course of this rulemaking proceeding initiated in June 1975, the Board has received numerous comments on the question of permitting member banks to offer IRA and Keogh programs on a fully competitive basis with other depository institutions. The Board has carefully reviewed these comments and has considered the results of studies it has conducted and other information submitted concerning the establishment of IRAs and Keoghs at financial institutions. Accordingly, the public has had ample opportunity to comment on the issues relevant to the Board's action establishing a special category of deposit for IRAs and Keoghs. By adopting a final rule immediately, the Board's action will remove the public uncertainty that exists concerning the characteristics of a new IRA and Keoghs. By adopting a final rule immediately, the Board's action will remove the public uncertainty that exists concerning the characteristics of a new IRA and Keogh deposit category and will enable retirement savers to begin immediately to plan their retirement programs. The effective date of the amendment has been deferred for 90 days until July 6, 1977, to provide member banks with sufficient opportunity to make operational changes and promotional plans that will be necessary in order to incorporate the new amendments into their IRA and Keogh offerings. The 90 day delay will ensure that all member banks will have the opportunity to compete for IRA and Keogh deposits on an equal basis and will provide an orderly transition period during which adjustments to existing plans can be made. Based on these considerations, the Board for good cause finds that further opportunity for public comment regarding this amendment is unnecessary and would be contrary to the public interest.

Effective July 6, 1977, pursuant to its authority under § 19 of the Federal Reserve Act to define the terms used in that section and to prescribe different rates of interest on different classes of deposits the Board has amended § 217.7 of Regulation Q (12 CFR 217.7) as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(b) *Time deposits of less than $100,000.* (1) Except as provided in paragraphs (a), (d), and (e) of this section and subparagraphs (2) and (3) of this paragraph, no member bank shall pay interest on any time deposit at a rate in excess of the applicable rate under the following schedule:

* * * * *

(e) *Individual retirement account and Keogh (H.R. 10) plan deposits of less than $100,000.* Except as provided in paragraph (a) of this section, a member bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) sections 408, 401, at a rate not in excess of the highest of any of the permissible rates that can be paid on time deposits under $100,000 by any Federally insured commercial bank, mutual savings bank, or savings and loan association.[2]

By order of the Board of Governors of the Federal Reserve System, April 7, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-11257 Filed 4-18-77;8:45 am]

[1] As of that date, commercial banks held 35 percent of IRA funds and 47 percent of total household time and savings deposits. Savings and loans associations, however, accounted for 49 percent of IRA funds and 38 percent of total household time and savings deposits.

[2] The highest permissible rate is currently 7.75 percent per annum (12 CFR 329.7 and 12 CFR 526.5).

Title 14—Aeronautics & Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-986, Amendment 26; Doc. 27106]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Payroll, Employment Statistics; Revision of Form 41 Schedule P-10

Correction

In FR Doc. 77-5959, appearing at page 11826 in the issue for Tuesday, March 1, 1977, make the following changes:

1. In the 4th full paragraph of the first column on page 11827, the 7th and 8th lines should read "ule P-10, they feel that full-time equivalents should also be used in reporting * * *"

2. The tenth line in the same paragraph should read "ule P-1(a). Eastern's main concern re- * * *"

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 4]

PART 112—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF SMALL BUSINESS ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Addition of an Appendix A to Part 112 Which Lists the Types of Federal Financial Assistance Which Are Covered by This Part; Correction

AGENCY: Small Business Administration.

ACTION: Correction.

SUMMARY: This amendment corrects a final rule that was published in the FEDERAL REGISTER of March 11, 1977 at page 13537. It deletes the reference to the footnote at the end of § 112.2(b), and clarifies the listing of the types of Federal financial assistance which are covered by this part.

EFFECTIVE DATE: April 19, 1977.

ADDRESS: 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

J. Arnold Feldman, Chief, Compliance Division, Office of Equal Employment Opportunity and Compliance, 653-6598.

Part 112 of Chapter 1 of Title 13 CFR is hereby amended by:

1. Changing § 112.2(b) to read:

§ 112.2 Application of this part.

* * * * *

(b) This part does not apply to financial assistance extended by way of insurance or guarantee.

* * * * *

2. Adding an Appendix to the end of Part 112.

APPENDIX A

Name of Program	*Authority*
Regular business loans	Small Business Act, sec 7(a).
Economic opportunity loans	Small Business Act. sec. 7(i) (formerly title IV of the Economic Opportunity Act).
Revocable revolving line of credit.	Small Business Act, sec. 7(a) and 7(i) (guaranty plan only not covered by title VI, but covered by 13 CFR 113).
Pool loans	Small Business Act, sec. 7(a)(5).
Displaced business loans	Small Business Act, sec. 7(b)(3).
Handicapped assistance loans	Small Business Act, sec. 7(h).
State development company loans (501).	Small Business Investment Act, sec. 501
Local development company loans (502).	Small Business Investment Act, sec. 502.
Disaster loans (physical, including riot).	Small Business Act, sec. 7(b)(1), as amended by sec. 231, 234, and 237 of the Disaster Relief Act of 1970, Public Law 92-385, Public Law 93-24, and Public Law 94-68.
Disaster loans (economic injury).	Small Business Act, sec. 7(b)(2) as amended by sec. 231 and 234 of the Disaster Relief Act of 1970, Public Law 92-385, Public Law 93-24, and Public Law 94-68.
Disaster loans (product disaster).	Small Business Act, sec. 7(b)(4); Public Law 92-385. Public Law 93-24, and Public Law 94-68.
Disaster loans—Coal mine health and safety loans.	Small Business Act, sec. 7(b)(5).
Disaster loans—consumer protection.	Do.
Disaster loans—occupational safety and health.	Do.
Disaster loans—other regulatory.	Do.
Disaster loans—strategic arms economic injury loans.	Small Business Act, sec. 7(b)(6).
Air pollution control loans	Small Business Act, sec. 7(b)(5).
Disaster loans—base closing economic injury.	Small Business Act, sec. 7(b)(7).
Water pollution control loans	Small Business Act, sec. 7(g)(1).
Emergency energy shortage economic injury.	Small Business Act, sec. 7(b)(8).

NOTE.—All programs listed above are also covered by Part 113 of Title 13 of the Code of Federal Regulations.

Effective date: April 19, 1977.

Dated: April 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-11334 Filed 4-18-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2871]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American College of Radiology

AGENCY: Federal Trade Commission.

ACTION: Order to Cease and Desist.

SUMMARY: Consent order requiring a Chicago, Ill., medical association, among other things, to cease developing, publishing and circulating relative value scales which tend to establish prices or otherwise influence fees for medical and surgical procedures and services. Additionally, respondent is required to withdraw relative value scales already published and to send copies of the complaint and order to all recipients of this data requesting the return of all copies of the material.

DATES: Complaint and Decision and Order issued March 1, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Alan K. Palmer, Assistant Director, Bureau of Competition, Federal Trade Commission, 6th and Penna. Ave., NW., Washington, D.C. 20580 202-724-1341.

SUPPLEMENTARY INFORMATION: In the Matter of The American College of Radiology, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Combining or Conspiring: § 13.430 To enhance, maintain or unify prices; § 13.470 To restrain or monopolize trade. Subpart—Corrective Actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-53 Recall of merchandise, advertising material, etc. Subpart—Maintaining resale prices: § 13.1155 Price schedules and announcements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

I

A. The term "relative value scale" means any list or compilation of surgical and/or medical procedures and/or services which sets forth comparative numerical values for such procedures and/or services, without regard to whether those values are expressed in monetary or non-monetary terms.

B. The term "ACR" means The American College of Radiology.

C. The term "effective date of this order" means the date of service of this order.

II

It is ordered, That ACR, its successors, or assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, shall:

A. Cease and desist from directly or indirectly initiating, originating, developing, publishing, or circulating the whole or any part of any proposed or existing relative value scale(s);

B. Cease and desist from directly or indirectly advising in favor of or against the use of, or contributing to the whole or any part of any proposed or existing relative value scale(s); *Provided, however,* That nothing contained herein shall prohibit ACR from furnishing testimony to any government body, committee, or instrumentality, or from furnishing to any third party or government body, committee, or instrumentality such information as may be requested; to the extent, however, that such information or testimony may bear directly or indirectly on compensation levels for radiological or nuclear medicine services or procedures, it shall be limited to historical data, free of editing or interpretation, and shall be completely described as to methodology;

C. Permanently cancel, repeal, abrogate, and withdraw any and all relative value scales which it has heretofore developed, published, circulated, or disseminated;

D. Within thirty (30) days after the effective date of this order, distribute by first class mail a copy of the Commission's complaint and order in this matter, as well as a letter, in the form shown in Appendix "A" to this order, to each of its fellows and members and to each of the third-party payers and others listed in Appendix "B" to this order, instructing such members and fellows and third-party payers and others to return to ACR all copies of ACR relative value scales in their possession.

III

It is further ordered, That ACR shall notify the Commission at least thirty (30) days prior to any proposed change in its organization which might affect compliance obligations under this order, such as, but not limited to, dissolution, the emergence of a successor corporation, and the creation and/or dissolution of subsidiaries.

[1] Copies of the Complaint and Decision and Order with Appendices filed with the original document.

IV

It is further ordered, That ACR shall, within sixty (60) days after the effective date of this order, file with the Commission a written report showing in detail the manner and form of its compliance with each of the provisions of the order.

V

Nothing in this order shall be construed to exempt The American College of Radiology from complying with the antitrust laws or the Federal Trade Commission Act. The fact that any activity is not prohibited by this order shall not bar a challenge to it under such laws.

APPENDIX A

(ACR LETTERHEAD)

To: Recipients of ACR Relative Value Studies.

As you may be aware, the FTC has been investigating various components of health care, including relative value scale activities of ACR. The Board of Chancellors of the College no longer desires to continue such activities and has discontinued them. It has entered into an agreement with the Federal Trade Commission to formalize the discontinuance of its relative value scales.

This agreement resulted in the issuance by the Federal Trade Commission on March 1, 1977, of a complaint and the entry of a consent order which requires, in essence, that ACR:

(a) stop publishing and participating in the development of relative value scales;

(b) withdraw the relative value scales it has already published;

(c) distribute a copy of the complaint and consent order to every ACR relative value scale recipient; and

(d) instruct all recipients of ACR's relative value scales to return them to ACR.

The complaint alleges basically that ACR's relative value scales have the effect of influencing fees charged by radiologists and nuclear physicians. The consent agreement with the FTC states that it is for settlement purposes only and does not constitute an admission by the College of the charges in the complaint or that the law has been violated.

In accordance with the provisions of the FTC's order, you are to cease using and to return all copies of any College relative value scale in your possession.

The proper mailing address is:

The American College of Radiology, 20 North Wacker Drive, Chicago, Illinois 60606. Attention:

Copies of the FTC's complaint and order are enclosed.

Sincerely,

President.

APPENDIX B

Commissioner, Medical Services Administration, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 C Street, SW., Washington, DC 20201.

Commissioner of Social Security, Department of Health, Education, and Welfare, 6401 Security Boulevard, Baltimore, MD 21235.

National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, IL 60611.

Deputy Assistant Secretary for Health Resources and Programs, Department of Defense, Washington, DC 20301.

Directorate, OCHAMPUS, Department of Defense, Washington, DC 20301.

OCHAMPUS, Department of Defense, Denver, CO 80240.

Health Application Systems, 1633 Bayshore Highway, Burlingame, CA 94010.

Blue Cross and Blue Shield of Alabama, 930 S. 20th Street, Birmingham, AL 35298.

Blue Cross of Arizona, Inc., 321 W. Indian School Road, Box 13466, Phoenix, AZ 85002.

Arizona Blue Shield Medical Service, 321 W. Indian School Road, Box 13466, Phoenix, AZ 85002.

Blue Cross of Southern California, Box 27747, 4777 Sunset Boulevard, Los Angeles, CA 90027.

Blue Cross of Northern California, 1950 Franklin Street, Oakland, CA 94659.

Blue Shield of California, 2 North Point, San Francisco, CA 94113.

Colorado Hospital Service—BC, 244 University Boulevard, Denver, CO 80206.

Arkansas Blue Cross and Blue Shield, Inc., 601 Gaines Street, Box 2181, Little Rock, AR 72203.

Connecticut Medical Service, Inc., 221 Whitney Avenue, New Haven, CT 06509.

Blue Cross and Blue Shield of Delaware, Inc., 201 W. 14th Street, Box 1991, Wilmington, DE 19899.

Group Hospitalization, Inc.—BC, 550 12th Street, S.W., Washington, DC 20024.

Colorado Medical Service, Inc.—BS, 244 University Boulevard, Denver, CO 80206.

Connecticut Blue Cross, Inc., Box 504, 370 Bassett Road, North Haven, CT 06473.

Hawaii Medical Service Association, 1504 Kapiolani Boulevard, Box 860, Honolulu, HI 96808. BS.

Blue Cross of Idaho, Inc., 1501 Federal Way, Box 7408, Boise, ID 83707.

Medical Service of the District of Columbia—BS, 550 12th Street, S.W., Washington, DC 20024.

Blue Cross of Florida, Inc., 532 Riverside Avenue, Box 1798, Jacksonville, FL 32201.

Blue Shield of Florida, Inc., 532 Riverside Avenue, Box 1798, Jacksonville, FL 32201.

Blue Cross of Georgia/Atlanta, Inc., 1010 West Peachtree St., N.W., Box 4445, Atlanta, GA 30302.

North Idaho District Medical Service Bureau, Inc.—BS, 1602 21st Avenue, Box 1106, Lewiston, ID 83501.

Illinois Hospital and Health—BC Service, Inc., 227 N. Wyman Street, Rockford, IL 61101.

Hospital Service Corporation—BC, 233 North Michigan Avenue, Box 1364, Chicago, IL 60601.

Illinois Medical Service—BS, 233 North Michigan Avenue, Chicago, IL 60601.

Blue Cross of Georgia/Columbus Inc., 2357 Warm Springs Road, Box 1520, Columbus, GA 31902.

Blue Shield of Georgia/Atlanta, Inc., 1010 West Peachtree St., N.W., Box 4445, Atlanta, GA 30302.

Blue Shield of Georgia/Columbus Inc., 2357 Warm Springs Road, Box 1520, Columbus, GA 31902.

Blue Shield of Iowa, Liberty Building, Des Moines, IA 50307.

Blue Cross of Indiana, 120 W. Market Street, Indianapolis, IN 46204.

Mutual Medical Insurance Inc.—BS, 120 W. Market Street, Indianapolis, IN 46204.

Blue Cross of Iowa, Liberty Building, Sixth Street and Grand Avenue, Des Moines, IA 50307.

Blue Cross of Michigan, 600 Lafayette E., Detroit, MI 48226.

Kansas Hospital Service Association, Inc., 1133 Topeka Avenue, Box 239, Topeka, KS 66601.

Kansas Blue Shield, 1133 Topeka Avenue, Box 239, Topeka, KS 66601.

Blue Cross Hospital Plan Inc., 3101 Bardstown Road, Louisville, KY 40205.

Kentucky Physicians' Mutual, Inc., 3101 Bardstown Road, Louisville, KY 40205.

Blue Shield of Michigan, 600 Lafayette E., Detroit, MI 48226.

Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Box 3560, St. Paul, MN 55165.

Blue Cross and Blue Shield of Minnesota, 2344 Nicollet Avenue, Minneapolis, MN 55404.

Blue Cross and Blue Shield of Mississippi, Inc., 530 E. Woodrow Wilson Drive, Box 1043, Jackson, MS 39205.

Blue Cross of Louisiana, 10225 Florida Boulevard,.Box 15699, Baton Rouge, LA 70815.

Hospital Service Association of New Orleans—BC, 2026 St. Charles Avenue, New Orleans, LA 70130.

Maine Blue Cross and Blue Shield, 110 Free Street, Portland, ME 04101.

Blue Cross of Maryland, 700 E. Joppa Road, Box 9836, Towson, MD 21204.

Blue Cross of Kansas City, 3637 Broadway, Box 169, Kansas City, MO 64141.

Blue Cross Hospital Service, Inc. of Missouri, 1430 Olive Street, St. Louis, MO 63103.

Blue Shield of Kansas City, 3637 Broadway, Box 169, Kansas City, MO 64141.

St. Louis Blue Shield, 5775 Campus Parkway, Hazelwood, MO 63042.

Blue Shield of Maryland, Inc., 700 E. Joppa Road, Towson, MD 21204.

Blue Cross of Massachusetts, 133 Federal Street, Boston, MA 02106.

Blue Cross and Blue Shield of South Carolina, I-20 East at Alpine Road, Columbia, SC 29219.

Blue Cross of Western Iowa and South Dakota, Third and Pierce Streets, Box 1677, Sioux City, IO 51102.

Blue Cross of Montana, 3360 10th Avenue S., Great Falls, MT 59405.

Montana Physicians' Service—BS, 404 Fuller Avenue, Box 1677, Helena, MT 59601.

Blue Cross of Virginia, 2015 Staples Mill Road, Box 27401, Richmond, VA 23279.

Blue Cross of Southwestern Virginia, 1212 Third Street SW., Box 2770, Roanoke, VA 24001.

South Dakota Medical Service, Inc., 711 N. Lake Avenue, Sioux Falls, SD 57104.

Blue Cross-Blue Shield of Tennessee, 801 Pine Street, Chattanooga, TN 37402.

Kitsap Physicians' Service, 820 Pacific Avenue, Box 339, Bremerton, WA 98310.

Blue Cross Hospital Service, Inc., Commerce Square, Box 1343, Charleston, WV 25325.

Blue Shield of Virginia, 2015 Staples Mill Road, Box 27401, Richmond, VA 23279.

Blue Shield of Southwestern Virginia, 1212 Third Street SW., Box 2770, Roanoke, VA 24001.

Associated Hospitals, Inc., 401 Federal Street, Box 131, Bluefield, WV 24701.

Parkersburg Hospital Service, Inc., 203 Union Trust Building, Box 1948, Parkersburg, WV 26101.

West Virginia Hospital Service, Inc., 20th and Chapline Streets, Wheeling, WV 26003.

Blue Shield of Southern West Virginia, Inc., Commerce Square, Box 1353, Charleston, WV 25325.

Morgantown Medical-Surgical Service, Inc., 265 High Street, Morgantown, WV 26505.

West Virginia Medical Service, Inc., 20th and Chapline Streets, Box 6246, Wheeling, WV 26003.

Surgical Service, Inc., Commercial Bank Building, Box 131, Bluefield, WV 24701.

Medical-Surgical Service, Inc., Union National Bank Building, Clarksburg, WV 26301.

Memphis Hospital Service and Surgical Association, Inc., 85 N. Danny Thomas Boulevard, Box 98, Memphis, TN 38101.

Group Hospital Service, Inc., Main at N. Central Expressway, Dallas, TX 75201.

Associated Hospital Service, Inc., 4115 N. Teutonia Avenue, Box 2025, Milwaukee, WI 53201.

Wisconsin Physicians' Service, 330 E. Lakeside Street, Box 1109, Madison, WI 53701.

Surgical Care, The Blue Shield Plan of the Medical Society of Milwaukee County, 756 N. Milwaukee Street, Milwaukee, WI 53202.

Blue Cross of Wyoming, 4020 House Avenue, Box 2266, Cheyenne, WY 82001.

Group Life and Health Insurance Co., Main at N. Central Expressway, Dallas, TX 75201.

Blue Cross of Utah, 2455 Parley's Way, Box 270, Salt Lake City, UT 84110.

Blue Shield of Utah, 2455 Parley's Way, Box 270, Salt Lake City, UT 84110.

Blue Shield of Wyoming, 4020 House Avenue, Box 2266, Cheyenne, WY 82001.

Genesee Valley Medical Care, Inc., 41 Chestnut Street, Rochester, NY 14647.

Blue Shield of Central New York, Inc., 344 S. Warren Street, Syracuse, NY 13202.

Medical and Surgical Care, Inc., 5 Hopper Street, Utica, NY 13501.

Blue Cross and Blue Shield of North Carolina, P.O. Box 2291, 1830 Chapel Hill-Durham Blvd., Durham, NC 27702.

Medical Mutual of Cleveland, Inc., 2060 E. Ninth Street, Cleveland, OH 41115.

Ohio Medical Indemnity, Inc., 6740 N. High Street, Worthington, OH 43085.

Blue Cross and Blue Shield of Oklahoma, 1215 S. Boulder Avenue, Box 3283, Tulsa, OK 74102.

Blue Cross of Oregon, 100 SW. Market Street, Box 1271, Portland, OR 97207.

Blue Cross of North Dakota, 301 S. Eighth Street, Fargo, ND 58102.

Blue Shield of North Dakota, 301 S. Eighth Street, Fargo, ND 58102.

Blue Cross Hospital Plan, Inc., 201 Ninth Street NW., Canton, OH 44702.

Blue Cross of Southwest Ohio, 1351 William Howard Taft Rd., Cincinnati, OH 45206.

Blue Cross of Northeast Ohio, 2066 E. Ninth Street, Cleveland, OH 44115.

Oregon Physicians' Service, 619 SW. 11th Avenue, Box 1071, Portland, OR 97207.

Blue Cross of Lehigh Valley, 1221 Hamilton Street, Allentown, PA 18102.

Capital Blue Cross, 100 Pine Street, Harrisburg, PA 17101.

Blue Cross of Greater Philadelphia, 1333 Chestnut Street, Philadelphia, PA 19107.

Blue Cross of Western Pennsylvania, 1 Smithfield Street, Pittsburgh, PA 15222.

Blue Cross of Central Ohio, 174 E. Long Street, Columbus, OH 43215.

Blue Cross of Lima, Ohio, 7 Public Square, Box 1046, Lima, OH 45802.

Blue Cross of Northwest Ohio, Inc., 3737 Sylvania Avenue, Box 943, Toledo, OH 43656.

Blue Cross of Nebraska, Box 3248, Main P.O. Station, Omaha, NB 68103.

Blue Cross of Northeastern Pennsylvania, 15 S. Franklin Street, Wilkes-Barre, PA 18701.

Pennsylvania Blue Shield, Blue Shield Building, Camp Hill, PA 17011.

Blue Cross and Blue Shield of Rhode Island, Box 1298, 444 Westminster Mall, Providence, RI 02901.

Chautauqua Region Hospital Service Corporation, 306 Spring Street, Box 1119, Jamestown, NY 14701.

Blue Shield of Nebraska, Box 3248, Main P.O. Station, Omaha, NB 68103.

Nevada Blue Shield, 3660 Baker Lane, Reno, NV 89502.

New Hampshire-Vermont Hospitalization Service—BC, 2 Pillsbury Street, Concord, NH 03301.

New Hampshire-Vermont Physicians' Service, 2 Pillsbury Street, Concord, NH 03301.

Associated Hospital Service of New York, 622 Third Avenue, New York, NY 10017.

Rochester Hospital Service Corporation, 41 Chestnut Street, Rochester, NY 14647.

Blue Cross of Central New York, Inc., 344 S. Warren Street, Box 271, Syracuse, NY 13201.

Hospital Plan, Inc., 5 Hopper Street, Utica, NY 13501.

Hospital Service Plan of New Jersey—BC, 33 Washington Street, Box 420, Newark, NJ 07101.

Medical-Surgical Plan of New Jersey—BS, 33 Washington Street, Newark, NJ 07102.

New Mexico Blue Cross and Blue Shield, Inc., 12800 Indian School Road NE., Albuquerque, NM 87112.

Blue Cross of Northeastern New York, Inc., 1251 New Scotland Road, Box 8650, Albany, NY 12208.

Hospital Service Corporation of Jefferson County, 158 Stone Street, Watertown, NY 13601.

Blue Shield of Northeastern New York, Inc., Box 8650, Albany, NY 12208.

Blue Shield of Western New York, Inc., 298 Main Street, Buffalo, NY 14202.

Chautauqua Region Medical Service, Inc., 306 Spring Street, Jamestown, NY 14701.

Blue Cross of Western New York Inc., 298 Main Street, Buffalo, NY 14202.

Blue Cross of Washington-Alaska, Inc., 15700 Dayton Avenue N., Seattle, WA 98133.

The Indiana State Medical Association, 3935 North Meridian Street, Indianapolis, IN 46208.

Continental Service Life & Health Insurance Company, Box 3397, 5353 Florida Boulevard, Baton Rouge, LA 70821.

United Medical Service, Inc., 2 Park Avenue, New York, NY 10016.

California Physicians' Service, P.O. Box 7608, San Francisco, CA 94120.

Colorado Medical Service, Inc., 244 University Blvd., Denver, CO 80206.

Connecticut General Life Insurance Company, Hartford, CT 06115.

Blue Cross and Blue Shield of Greater New York, 622 3rd Avenue, New York, NY 10016.

Missouri Medical Service, 5775 Campus Parkway, Hazelwood, MO 63042.

Washington Physicians' Service, 220 West Harrison Street, Seattle, WA 98119.

New York Life Insurance Company, 51 Madison Avenue, New York, NY 10010.

Medical Association of Georgia, 938 Peachtree Street NE., Atlanta, GA 30309.

Mississippi State Medical Association, 735 Riverside Drive, Jackson, MS 39216.

Medical-Surgical Care, Inc., 203 Union Trust Building, Box 1948, Parkersburg, WV 26101.

Metropolitan Life Insurance Company, 1 Madison Avenue, New York, NY 10010.

Prudential Insurance Company of America, Prudential Plaza, Newark, NJ 07101.

Continental Assurance Company, CNA Plaza, Chicago, IL 60605.

Bankers Life Company, 711 High Street, Des Moines, IA 50307.

Nationwide Life Insurance Company, 246 North High Street, Columbus, OH 43216.

The Travelers Insurance Company, 1 Tower Square, Hartford, CT 06115.

Aetna Life Insurance Company, 151 Farmington Avenue, Hartford, CT 06115.

Employers Life Insurance Company of Wausau, 2000 Westwood Drive, Wausau, WI 54401.

Colonial Penn Life Insurance Company, 5 Penn Center Plaza, Philadelphia, PA 19103.

Equitable Life Assurance Society of the U.S., 1285 Avenue of the Americas, New York, NY 10019.

Reliance Insurance Group, 4 Penn Center Plaza, Philadelphia, PA 19103.

Occidental Life Insurance Company of California, Box 2101 Terminal Annex, Los Angeles, CA 90054.

Blue Shield of Massachusetts, Inc., 133 Federal Street, Boston, MA 02106.

Nevada State Medical Association, 3660 Baker Lane, Reno, NV 89502.

Firemen's Fund Insurance Company, 3333 California Street, San Francisco, CA 94118

Zurich Life Insurance Company, 111 West Jackson Boulevard, Chicago, IL 60604.

Mutual of Omaha Insurance Company, Dodge at 33rd Street, Omaha, NE 68131.

Blue Cross of Eastern Ohio, 2400 Market Street, Youngstown, OH 44507.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11260 Filed 4-18-77;8:45 am]

[Docket No. 9095]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

BIC Pen Corp., et al.

AGENCY: Federal Trade Commission.

ACTION: Order dismissing complaint.

SUMMARY: Order dismissing a complaint issued against a Milford, Conn., manufacturer and seller of disposable butane lighters, pantyhose, and disposable shavers and a New York City manufacturer and seller of cigarettes, beer, and razors and blades, alleging violations of the sections of the Clayton Act and the Federal Trade Commission Act which prohibit unfair methods of competition in commerce. The complaint was dismissed as moot upon the termination of the proposed acquisition of American Safety Razor Division of Philip Morris, Inc. by BIC Pen Corporation.

DATES: The Complaint was issued February 9, 1977 and the Final Order, March 1, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Owen M. Johnson, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580 (202) 523-3601.

SUPPLEMENTARY INFORMATION: In the Matter of BIC Pen Corporation, a corporation, and Philip Morris Incorporated, a corporation. (Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; (15 U.S.C. 45, 18).)

The Final Order is as follows:

On February 25, 1977, the parties filed a joint motion with the administrative law judge requesting that he issue an Order and Initial Decision dismissing the complaint on grounds of mootness, the proposed acquisition which is the subject of the complaint having been abandoned. The same day, the ALJ issued his Initial Decision and Order dismissing the complaint as moot.

The parties have now filed a joint motion requesting that the Commission ex-

[1] Copies of the Complaint, Initial Decision and Final Order filed with the original document.

peditiously enter a Final Decision in this matter dismissing the complaint. Upon consideration of the latter motion,

It is ordered, That the complaint in this matter be, and it hereby is, dismissed.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11275 Filed 4-18-77;8:45 am]

[Docket 9048]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Matsushita Electric Corporation of America

AGENCY: Federal Trade Commission.

ACTION: Order to Cease and Desist.

SUMMARY: Consent order requiring a Secaucus, N.J., manufacturer of bicycles, television and audio equipment, and major home appliances, among other things, to cease falsely or misleadingly referring to, or misrepresenting the results of tests, surveys and studies to support superiority claims for its consumer products.

DATES: The Complaint was issued July 22, 1975, the Decision and Order, March 4, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Richard B. Herzog, Assistant Director for National Advertising, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580 (202) 724-1499.

SUPPLEMENTARY INFORMATION: In the Matter of Matsushita Electric Corporation of America, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; 13.20-20 Competitors' products; § 13.205 Scientific or other relevant facts; § 13.255 Surveys; § 13.265 Tests and investigations. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1585 Competitive inferiority; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys; § 13.1762 Tests, purported;—Services: § 13.1835 Cost. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

[1] Copies of the Complaint and Decision and Order filed with the original document.

ORDER

It is ordered, That respondent, Matsushita Electric Corporation of America, a corporation, its successors and assigns, and respondent's officers, representatives, agents and employees, directly or through any corporation, division, or other device, in connection with the advertising, offering for sale, distribution, or sale of video and audio equipment, major home appliances, and bicycles to consumers for personal, family, or household use, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. By any reference to a test or the results thereof, representing, directly or by implication, that any such product is superior to any other product in any respect unless:

(a) Such test is appropriately designed and conducted for the comparative evaluation of the characteristic or attribute about which the specific representation is made;

(b) The results of such test establish the comparative superiority represented;

(c) Such test establishes, to a degree significant to consumers, that such product is superior to each compared product in the characteristic or attribute about which the specific representation is made; and

(d) Such test is based upon a broad sample of the major or well-known brands of such product, except when the brands involved in the test are named.

2. Representing, directly or by implication, that any television receiver is easier to service than any other television receiver when respondent knows or should know that the television receiver is in fact more costly or more time consuming to service than such other television receiver.

3. Misrepresenting in any manner, directly or by implication, the results or conclusions of any test, survey, evaluation, report, study, research, or analysis of a television receiver.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondent submit to the Federal Trade Commission, within sixty (60) days from the effective date of this Order, a detailed report describing the actions that respondent has taken in order to comply with said Order.

In addition, respondent shall, for a period of three (3) years at one (1) year intervals from the effective date of this Order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary or any other changes in the corporate structure which may affect any compliance obligation arising out of this Order.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11261 Filed 4-18-77;8:45 am]

PART 703—INFORMAL DISPUTE SETTLEMENT PROCEDURES

Home Owners Warranty Corp.; Exemption

AGENCY: Federal Trade Commission.

ACTION: Notice of exemption.

SUMMARY: The Home Owners Warranty Corporation, (HOW), has been granted a limited exemption until May 1, 1978 to utilize its required conciliation process.

EFFECTIVE DATE: The exemption is effective on April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Gary Laden, Attorney, Division of Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-724-1145.

SUPPLEMENTARY INFORMATION: The Home Owners Warranty Corporation, (HOW), has requested that the Commission consider amendment of its Rule on Informal Dispute Settlement Procedures, 16 CFR Part 703, to permit HOW to incorporate into its warranty a required conciliation process prior to resorting to an informal dispute mechanism under the Commission's rule. HOW further requests that it be permitted to use technically qualified experts to be conciliators, to charge refundable fees, and to have 30 days to complete the required conciliation process.

The Commission has decided that while an amendment is neither necessary or appropriate at this time, a limited exemption would be in the public interest. The Commission also determined that it is contrary to the public interest for it to publish notice of proposed rulemaking and to receive comment on the grant of the exemption in accordance with 5 U.S.C. Sec. 553 (b) and (c). Such procedures would unnecessarily delay the full operation of HOW's warranty program.

Accordingly, the Commission has granted HOW a limited exemption until May 1, 1978 to utilize its required conciliation process, subject to the following conditions:

1. Technical or commercial experts can act as conciliators, provided they do not take part in any subsequent decision-making mechanism;

2. Any conciliation requirement must be accompanied by an oral and written disclosure that it is the option of the parties to terminate conciliation at any time and request arbitration without penalty;

3. Conciliation may proceed no longer than 20 days.

HOW's request to be permitted to charge refundable fees was denied. The Commission also requested HOW to submit a report on its conciliation process no later than February 1, 1978 and to maintain records for that process.

By direction of the Commission.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11248 Filed 4-18-77;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1700—POISON PREVENTION PACKAGING

Certain Aspirin-Containing Powders; Exemption From Child-Resistant Packaging Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Interim rule on which comment is solicited.

SUMMARY: The Commission issues as an interim rule and requests public comment on an amendment to requirements for child-resistant packaging. The amendment increases from 10 grains to 13 grains the size of packages of some aspirin-containing powders that are exempt from child-resistant packaging requirements. The Block Drug Company petitioned the Commission to take this action. The Commission granted the request for the reasons stated in this document.

DATE: The amendment will be effective, on an interim basis, immediately on April 19, 1977. Comments concerning the interim amendment should be received by May 19, 1977.

ADDRESS: Comments to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Fred Marozzi, Director, Division of Poison Prevention Packaging, Bureau of Biomedical Science, CPSC, Washington, D.C. 20207, 301-492-6485.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 16, 1972 (37 FR 3427) and under provisions of the Poison Prevention Packaging Act of 1970, a regulation (now 16 CFR 1700.14(a)(1)), was issued establishing child protection packaging requirements for preparations containing aspirin. The regulation was issued because it was found that the degree and nature of hazard to children in the availability of these substances, by reason of their packaging, was such that special packaging was required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting these substances and that the required special packaging was technically feasible, practicable, and appropriate. The effective date for this regulation was August 14, 1972.

In the FEDERAL REGISTER of December 28, 1972 (37 FR 28624) an exemption from this regulation was granted for unflavored aspirin-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 10 grains of aspirin per unit dose and that contain no other substance subject to special packaging requirements. The exemption was based on the finding that such powders do not lend themselves to accidental ingestion by children, a finding supported by human experience data.

EXEMPTION PETITION

The Consumer Product Safety Commission has received a petition (PP 76-11), dated May 17, 1976, from Block Drug Company Inc., Jersey City, N.J., requesting an exemption for certain unflavored aspirin-containing preparations in powder form containing not more than 13 grains of aspirin per unit dose from the child protection packaging requirements of 16 CFR 1700.14(a)(1).

The petitioner manufactures B.C. Analgesic Powders, an unflavored aspirin-containing preparation in powder form, packaged either in paper envelopes with a cellophane overwrap or in cardboard packages with a cellophane overwrap, in quantities of 2, 6, 24, and 50 unit dose powders.

GROUNDS FOR EXEMPTION

The company bases its petition for exemption on the low incidence of accidental ingestions among children under five and on a study conducted by Foster D. Snell Company which indicates that children are not likely to consume a toxic amount of the product due to its physical form and bitter taste.

Although market packages of 6, 24, and 50 dosage units are sold, the Block Drug Company states that 70% of the B.C. powders are sold in unit packages containing only 2 dosage units.

CONCLUSION AND PROPOSAL

Having considered the petition, human experience data as reported to the National Clearinghouse for Poison Control Centers, and other medical and scientific literature, and having consulted, pursuant to section 3 of the PPPA of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Consumer Product Safety Commission concludes that an amendment to the exemption for aspirin-containing powders to raise the maximum allowable aspirin content from 10 to 13 grains per unit dose should be proposed as set forth below. The Commission's decision to propose the exemption is based on the low incidence of reported accidental ingestions, and on the Foster D. Snell Inc. study indicating that children are not likely to consume a toxic amount of the product. The fact that only 4 percent of the children in the Snell study consumed more than one gram of the powder suggests that the amount of aspirin consumed would seldom exceed one unit dose of 13 grains. Furthermore, increasing the amount of aspirin exempted under the specified conditions should not make it easier for children to transport the powders to their mouths since the packaging form and texture of the product will remain the same. The low incidence of ingestions among children is evidenced by the fact that only five children under five years of age were reported to have ingested aspirin powders during the five year period 1969-1973. None of these accidental ingestions resulted in any symptoms or hospitalizations. The Commission emphasizes that this interim amendment is limited to an exemption from only those special packaging standards for aspirin products imposed by § 1700.14(a)(1) and is further limited to only unflavored aspirin-containing preparations in powder form, not intended for pediatric use, that are packaged in unit doses providing not more than 13 grains of aspirin and containing no other substance subject to requirements for special packaging.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14(a)(1)(ii) to read as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(1) *Aspirin.* Any aspirin-containing preparation for human use in a dosage form intended for oral administration shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except the following:

* * * * *

(ii) Unflavored aspirin-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 13 grains of aspirin per unit dose and that contain no other substance subject to the provision of this section.

* * * * *

Since the Commission finds that this drug does not pose a risk of serious personal illness or injury to children, the Commission finds that it would not be in the public interest to continue to require special packaging for this drug pending consideration of comments and issuance of a final regulation. Therefore, the Commission, for good cause, finds that the notice, public procedure, and delayed effective date provisions of 5 U.S.C. 553 are contrary to public interest and should not be followed in this proceeding. Pending completion of rulemaking proceedings, the amendment will be effective on an interim basis immedi-

ately on April 19, 1977. Before issuing a final regulation, the Commission will consider any timely comments received concerning this interim amendment. This interim amendment shall in no other way abrogate or restrict the special packaging standard covering other preparations containing aspirin.

Interested persons are invited to submit, on or before May 19, 1977 written comments regarding this interim amendment. Comments received after this date will be considered if practicable. Comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street, NW., Third floor, Washington, D.C. 20207.

Dated: April 11, 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-11241 Filed 4-18-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM 74-16]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order Reopening Record and Providing for Additional Evidence; Correction

AGENCY: Federal Power Commission.

ACTION: Correction.

SUMMARY: This document corrects an order that appeared on Page 9017 in the FEDERAL REGISTER of February 14, 1977 (FR Doc. 77-4268).

EFFECTIVE DATE: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Kim Clark, 202-275-4331, Office of General Counsel.

The following correction is made: Page 9017, Paragraph 3, line 9: Change August 15, 1975, to August 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11107 Filed 4-18-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75N-0117]

PART 105—FOODS FOR SPECIAL DIETARY USE

Vitamin and Mineral Products; Action on Petitions for Reconsideration of Final Regulations

AGENCY: Food and Drug Administration, HEW.

ACTION: Rule.

SUMMARY: In response to petitions for reconsideration, the Food and Drug Administration (FDA) is generally reaffirming its vitamin and mineral regulations published in the FEDERAL REGISTER of October 19, 1976 (41 FR 46156). However, certain regulations are revised to provide in general terms that vitamin and mineral preparations newly authorized by Congress, for which particular names have not been established by regulation, shall bear "an appropriate descriptive term."

EFFECTIVE DATE: January 1, 1978, for all products initially introduced into interstate commerce on or after this date.

Voluntary compliance: immediately.

FOR FURTHER INFORMATION CONTACT:

John E. Vanderveen, Bureau of Foods (HFF-260), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1064.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 19, 1976 (41 FR 46156), FDA issued revised final regulations governing the labeling and composition of dietary supplements and other foods that purport or are represented to be for special dietary use because of their vitamin and/or mineral properties. The regulations were issued pursuant to remand directions by the United States Court of Appeals for the Second Circuit, "National Nutritional Foods Assn. v. FDA," 504 F.2d 761 (2d Cir. 1974), and the 1976 vitamin and mineral amendments to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350). The Food and Drug Administration provided that voluntary compliance with the regulations might begin immediately and that all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply.

Subchapter B of Chapter I of Title 21, which contains all FDA regulations for food for human consumption, was reorganized and republished in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302). Former Parts 80 and 125, under which the regulations of October 19, 1976, were issued, were transferred to Part 105—Foods for Special Dietary Use. For the convenience of the reader, the former designation of the recodified section numbers used throughout this document are set forth as follows:

New section No.:	*Old section No.*
101.9	1.17
105.3	125.1
105.60	125.2
105.62	125.8
105.65	125.5
105.67	125.6
105.69	125.9
105.77	125.3
105.79	125.7
105.85	80.1

The Commissioner of Food and Drugs has received two petitions for reconsideration and one request for confirmation of interpretation filed in response to the October 19, 1976 regulations:

1. A letter, dated November 12, 1976, from Miles H. Robinson, M.D., "for himself, Federation of Homemakers, Mary S. Hill, Ralph P. Glaser, Karl F. Lutz, Janie A. Meeter, and National Health Federation" stating that they "cannot agree" with the Commissioner's judgment that the cross-examination of Dr. Alfred E. Harper at the reopened administrative hearing, November 10-17, 1975 did not "impugn the U.S. RDA's" (recommmended daily allowances); and

2. A petition, dated November 30, 1976, from the National Nutritional Foods Association, the National Association of Pharmaceutical Manufacturers, and the Solgar Co., Inc., asking that the Commissioner reconsider the procedural propriety of amending the regulations to comply with the 1976 vitamin and mineral amendments to the Federal Food, Drug, and Cosmetic Act without first issuing a proposal providing an opportunity for a formal administrative hearing. The petition asked that the Commissioner withdraw the regulations until such procedural steps are undertaken.

3. A letter, dated November 22, 1976, from Tillie Lewis Foods, Inc., asked for confirmation of its interpretation that its products are not subject to § 105.85.

Copies of these documents are on file with the Hearing Clerk, FDA, and they are available for public inspection.

The Commissioner has reconsidered the regulations, and he concludes that certain changes should be made. The petitions and request for confirmation received and the Commissioner's responses are discussed below.

LETTER FROM DR. ROBINSON

Dr. Robinson's letter lists eight reasons for his belief that the cross-examination of Dr. Harper at the reopened administrative hearing, held November 10-17, 1975, substantially impugned the validity of the U.S. RDA's.

The Commissioner has already addressed the issues raised by the letter. (See the Commissioner's discussion and rulings on exceptions filed by Dr. Robinson and others who responded to the report and recommended order of the Administrative Law Judge, published in the FEDERAL REGISTER of October 19, 1976 (41 FR 46158-46166).) Except for one issue, the Commissioner concludes that his discussion and rulings in the FEDERAL REGISTER of October 19, 1976 are reaffirmed without further discussion.

Dr. Robinson's letter of November 12, 1976, states:

> We believe the cross-examination, among other things, showed * * * (3) improper reliance on current nutrient content of the U.S. food supply, emphasized by substantial evidence from the U.S. Department of Agriculture published shortly after the cross-examination and not available theretofore which we believe was improperly denied admission into evidence * * *.

The "evidence from the U.S. Department of Agriculture" consists of an article by W. A. Gortner, entitled "Nutrition in the United States, 1900 to 1974," published in "Cancer Research" (November 1975). In the FEDERAL REGISTER of October 19, 1976 (41 FR 46163), the Commissioner ruled:

> 9. *"Motion to Receive in Evidence U.S.D.A. Article on Nutrient Availability".* On March 30, 1976, after the hearing was completed, Dr. Miles H. Robinson, et al., filed with the Commissioner a "Motion to Receive in Evidence U.S.D.A. Article on Nutrient Availability." This article was never mentioned during the reopened hearing. This article should have been produced at the hearing so that a proper foundation could have been made as to its authenticity, reliability, and relevancy. Accordingly, this motion is denied.

Although it appears from the date of the periodical (November 1975) that the article was available during the reopened hearing (held November 10-17, 1975) and that Dr. Robinson should have produced the article at the hearing if he wished to rely on it, the Commissioner has decided not to stand on procedural grounds but to receive the article into the record. A copy of the article is on file with the Hearing Clerk, FDA, and is attached to Dr. Robinson's motion of March 30, 1976.

The Commissioner has considered this article, and he concludes that it does not show that the U.S. RDA's reflect Dr. Robinson's assertion of "improper reliance on current nutrient content of the U.S. food supply."

As stated in his motion of March 30, Dr. Robinson's thesis is that the Food and Nutrition Board of the National Academy of Sciences/National Research Council (NAS/NRC) has been "covertly looking over its self-interested shoulder at the ceiling of available nutrients in the U.S. food supply; and so far as it dared, the Board has tailored its RDA's to keep them from rising above that ceiling" (Motion p. 3).

However, Dr. Robinson's motion of March 30 states that the Gortner article shows that "the food supply is below the RDA for calcium (95%) and magnesium (87%), and uncomfortably close for iron (102%), B_6 (114%) and niacin (117%)" (Motion p. 5; emphasis in original). The Commissioner concludes that, if relevant at all, such statistics militate against Dr. Robinson's arguments that the Food and Nutrition Board has pursued a result-oriented policy of setting its RDA's at a level so low that the food supply of the United States will appear to provide an ample surplus of nutrients. For, to use Dr. Robinson's figures, if the Board really were pursuing a result-oriented policy of making the United States food supply "look good," it would hardly have adopted figures for calcium and magnesium that might cause the food supply to appear deficient in those nutrients, nor would it have adopted figures for iron, vitamin B_6, and niacin so "uncomfortably close" (to use Dr. Robinson's words) to the levels provided by the food supply.

Furthermore, contrary to Dr. Robinson's assertions that the Board was oriented toward low levels, to cause the food supply to appear to be nutritious, Dr. Harper explained during the reopened hearing that the RDA's were set to exceed people's needs and that "you may well expect half the population to eat less than the RDA and still meet their needs completely" (Tr. 33078).

The Commissioner notes that a fundamental assumption of Dr. Robinson's is that lower RDA's are in the interest of the food industry. This assumption is doubtful—higher RDA's might favor certain segments of the industry. For example, higher RDA's might suggest to some consumers that the food supply is inadequate and that more vitamins and minerals should be consumed. Thus, manufacturers and sellers of vitamins and minerals and ingredients used as sources of vitamins and minerals might find increased markets for their products if RDA's were raised. Also, foods recognized as good natural sources of particular vitamins and minerals might increase their sales if RDA's for vitamins and minerals were raised. In any event, the Commissioner finds no convincing arguments or data to support Dr. Robinson's allegations that the Board was guided by the purpose of satisfying interests of the "food industry."

The Commissioner concludes that the cross-examination of Dr. Harper at the reopened administrative hearing confirms that the methodology use in the development of the NAS/NRC RDA's was appropriate and that, to the extent that the Committee on Dietary Allowances of the Food and Nutrition Board took into consideration the nutrient content of the United States food supply, it did so in accordance with sound scientific principles. The Commissioner reaffirms his discussion of "Allegations of improper reliance on the 'food supply'" published in the FEDERAL REGISTER of October 19, 1976 (41 FR 46159-46160).

NNFA PETITION

The petition by the National Nutritional Foods Association and others ("NNFA petition") raises a legal issue that was not extensively addressed in the preamble to the October 19, 1976 regulations, and accordingly the Commissioner takes this opportunity to explain more fully why he has concluded that the FDA vitamin and mineral regulations, §§ 105.3, 105.60, 105.77, and 105.85 (21 CFR 105.3, 105.60, 105.77, and 105.85), may properly be amended in response to requirements of the 1976 vitamin and mineral amendments to the Federal Food, Drug, and Cosmetic Act without FDA first issuing a proposal and providing an opportunity for a formal administrative hearing.

On April 22, 1976, the President signed the new legislation that amended the Federal Food, Drug, and Cosmetic Act inter alia to restrict FDA authority to limit the inclusion of ingredients and maximum potency of vitamins and minerals in dietary supplements (in tablet, capsule, droplet, or other form not resembling "conventional" food) that are offered for use by adults, other than pregnant or lactating women, and are recognized as safe (Pub. L. No. 94-278, Title V, sections 501-502, 90 Stat. 410-413; codified in part, 21 U.S.C. 350). This new legislation was discussed in detail in the Commissioner's FEDERAL REGISTER document of October 19, 1976. (See "1976 Amendments to Federal Food, Drug, and Cosmetic Act" (41 FR 46169-46170).)

Congress specifically provided that any existing FDA regulations that were inconsistent with the new vitamin and mineral legislation must be amended:

> The Secretary of Health, Education, and Welfare shall amend any regulation promulgated under the Federal Food, Drug, and Cosmetic Act which is inconsistent with section 411 of such Act (as added by subsection [501](a)) and such amendments shall be promulgated in accordance with section 553 of title 5, United States Code. [Act of April 22, 1976, Pub. L. No. 94-278, Title V, section 501(b), 90 Stat. 411 (21 U.S.C. 350 note).] [NOTE.—Section 501(a) of Title V, to which section 501(b) refers, adds a new section 411 (codified as 21 U.S.C. 350) to the Federal Food, Drug, and Cosmetic Act, and it is this new section of the act on which the changes in the regulations, discussed below, were premised.]

Thus Congress provided that any changes in FDA's vitamin and mineral regulations needed for consistency with the new legislation should be promulgated pursuant to U.S.C. 553, the general provision of the Administrative Pro-

cedure Act governing "Rule making." The Commissioner believes that this provision authorizes him to amend the FDA vitamin and mineral regulations to coincide with the provisions of the new vitamin and mineral amendments to the Federal Food, Drug, and Cosmetic Act without prior notice of proposed rule making and public procedure because 5 U.S.C. 553(b)(B) specifically provides that notice and public procedure are not required "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." As discussed below, the Commissioner specifically concludes in this case that notice and public procedure would be impracticable, unnecessary, and contrary to the public interest.

It should be noted here that only a small portion of the text of the regulations published in the FEDERAL REGISTER of October 19 consists of revisions prompted by the new vitamin and mineral amendments to the Federal Food, Drug, and Cosmetic Act; most of the text of the regulations consists either of republication of provisions upheld by the Second Circuit or of revisions resulting from the remand directions of the Second Circuit.

The provisions of the vitamin and mineral regulations published in the FEDERAL REGISTER of October 19 that were prompted by the new legislation are as follows:

1. *Revision of § 105.3(a)*. This paragraph defines the term "special dietary use." It was revised to incorporate verbatim the definition of "special dietary use" provided by Congress in new section 411(c)(3) of the act (21 U.S.C. 350(c)(3)). The Commissioner concludes that no useful purpose would be served in notice and public procedure regarding inclusion of a definition established by Congress. The Commissioner concludes that notice and public procedure regarding revision of § 105.3(a) would be "impracticable" and "unnecessary" within the meaning of 5 U.S.C. 553(b)(B). (Section 125.1(a) had previously defined "special dietary use" in slightly different terms—see the FEDERAL REGISTER of August 2, 1973 (38 FR 20717).)

2. *New § 105.85(e)*. This paragraph provides that pursuant to section 411(a)(1) of the act (21 U.S.C. 350(a)(1)), the limitations established by the FDA vitamin and mineral regulations regarding inclusion of vitamins, minerals, and other ingredients and maximum limits on potency shall not apply to a food for special dietary use that is or contains any vitamin or mineral and complies with the following criteria:

(i) The preparation is intended for ingestion in tablet, capsule, or liquid form, or, if not intended for ingestion in such a form, does not simulate and is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(ii) The preparation is not represented for use by individuals in treatment or management of specific diseases or disorders, by children, or by pregnant or lactating women.

This new regulation only incorporates an exemption from formulation restrictions for certain adult preparations—an exemption explicitly mandated by the new legislation. That legislation provides that the Secretary of Health, Education, and Welfare (Secretary) "may not establish, under section 201(n), 401, or 403 (of the Federal Food, Drug, and Cosmetic Act, i.e., 21 U.S.C. 321(n), 341, and 343, the statutory sections upon which FDA's vitamin and mineral regulations were premised), maximum limits on the potency of any synthetic or natural vitamin or mineral within a food to which this section applies" and that the Secretary "may not limit, under section 201(n), 401 or 403, the combination or number of any synthetic or natural—(i) vitamin, (ii) mineral, or (iii) other ingredient of food, within a food to which this section applies" (21 U.S.C. 350(a)(1)(A) and (C)). The language of the regulation describing the special dietary food preparations to which the exemption applies, quoted above, is taken substantially verbatim from the new legislation (21 U.S.C. 350(a)(2) and (c)(1)).

There would be no useful purpose in engaging in notice and public procedure in adopting this section of the regulations. Congress has effectively exempted certain vitamin and mineral preparations from FDA regulations establishing formulation restrictions, and FDA has amended its regulations for consistency with the statutory exemption. Accordingly, the Commissioner concludes that notice and public procedure regarding § 105.85(e) would be "impracticable" and "unnecessary" within the meaning of 5 U.S.C. 553(b)(B).

3. *Revision of § 105.60(b)(5)*. This paragraph generally has the effect of prohibiting the combination with vitamins and/or minerals of "ingredients or products such as rutin, other bioflavonoids, para-aminobenzoic acid, and similar substances which have in the past been represented as having nutritional properties but which have not been shown to be essential to human nutrition." The provision was upheld by the Court of Appeals (504 F. 2d at 804–805).

However, the new vitamin and mineral amendments to the Federal Food, Drug, and Cosmetic Act provide that, with respect to vitamin and mineral preparations subject to the new legislation, the Secretary "may not limit * * * the combination or number of any synthetic or natural—(i) vitamin, (ii) mineral, or (iii) other ingredient of food * * *." (21 U.S.C. 350(a)(1)(C).) As discussed above, the Commissioner added § 105.85(e) to incorporate the new statutory exemption. Section 105.60(b)(5) was amended simply to cross-reference the exemption recognized in § 105.85(e), by adding the introductory clause "Except as provided in § 105.85(e) of this chapter * * *."

No useful purpose would be served in notice and public procedure regarding adoption of this amendment to § 105.60(b)(5). Congress has directed that, with respect to the food products to which the new vitamin and mineral legislation applies, FDA may not limit the combination or number of ingredients. To comply with this statutory command, the Commissioner amended the vitamin and mineral regulations in § 105.85(e) so that they no longer limit the combination or number of ingredients in foods to which the new legislation applies. Accordingly, regarding the amendment to § 105.60(b)(5), which simply cross-references the exemption recognized by § 105.85(e) pursuant to the new legislation, the Commissioner concludes that notice and public procedure would be "impracticable" and "unnecessary" within the meaning of 5 U.S.C. 553(b)(B).

4. *Deletion of § 125.1(h) (would have appeared in § 105.3(h) if it had not been deleted before recodification)*. This paragraph had provided that, with certain exceptions, "Any product containing more than the upper limit of the U.S. RDA per serving (or, where appropriate, per daily recommended quantity) of a vitamin or mineral as specified in § 80.1(f)(1) (recodified as § 105.85(f)(1)) of this chapter is a drug * * *." (38 FR 20717; August 2, 1973).

The new vitamin and mineral legislation specifically provides that the Secretary "may not classify any natural or synthetic vitamin or mineral (or combination thereof) as a drug solely because it exceeds the level of potency which the Secretary determines is nutritionally rational or useful" (21 U.S.C. 350(a)(1)(B)). Section 125.1(h) had the effect of classifying a vitamin or mineral preparation as a drug solely because it exceeded the level of potency determined by the Secretary (FDA) to be nutritionally rational or useful, i.e., if it exceeded the upper limit of the U.S. RDA as then specified in § 80.1(f)(1) (recodified as § 105.85(f)(1)). Accordingly, to comply with the new legislation (21 U.S.C. 350(a)(1)(B)) it was necessary for the Commissioner to delete § 125.1(h) from the regulations.

Furthermore, as discussed in the preamble to the October 19, 1976 regulations (41 FR 46166) the deletion of § 125.1(h) was independently required by the remand directions of the Second Circuit. The Court of Appeals specifically ruled that § 125.1(h) was invalid, and thus its deletion was required even in the absence of the new vitamin and mineral legislation (504 F.2d 789).

No useful purpose would have been served in further notice and public procedure regarding deletion of § 125.1(h)—it was effectively required both by the Court of Appeals and by Congress. Accordingly, the Commissioner concluded that further notice and public procedure regarding deletion of § 125.1(h) were "impracticable" and "unnecessary" within the meaning of 5 U.S.C. 553(b)(B).

5. *New § 105.85(h)(2)(vii) and (3)(v)*. The vitamin and mineral regulations generally provide that the name of a dietary supplement shall consist of a term descriptive of the vitamin and/or mineral composition of the product, e.g., "multivitamin and multimineral supplement", together with a phrase or phrases designating the group(s) for which the supplement is intended, e.g., "for children under 4 years of age". (See § 105.85(h)(1).) Section 105.85(h)(2) specifies the terms to be used to describe the composition of certain formulations, and § 105.85(h)(3) specifies the phrases to be used to designate certain groups for which a supplement may be intended. The Second Circuit took specific note of § 105.85(h) (then codified at § 80.1(h)) (see 504 F.2d 770) and made no requirements for any changes in its remand directions.

The new vitamin and mineral legislation, however, has the effect of permitting sale of certain dietary supplement preparations for adults (other than pregnant or lactating women) that FDA regulations formerly had proscribed—preparations containing more than 150 percent of the U.S. RDA of included vitamins and minerals, preparations containing ingredients not shown to have nutritional usefulness, and multinutrient preparations containing less than the full spectrum of vitamins and/or minerals classified by FDA as "mandatory". As discussed above, § 105.85(e) was added to the regulations to comply with the statutory command that FDA not prohibit such preparations. It therefore became necessary also to amend the regulations to provide for appropriate nomenclature for these preparations that previously had not been authorized for sale; and accordingly, in the FEDERAL REGISTER of October 19, 1976 (41 FR 46173), the Commissioner added new paragraphs (h)(2)(vii) and (h)(3)(v) to § 105.85.

These new paragraphs were intended to provide, in general terms, for appropriately descriptive labeling for the vitamin and mineral preparations newly authorized by Congress. They provided that such a preparation "shall bear a term that is accurately descriptive of its vitamin and/or mineral composition" (§ 105.85(h)(2)(vii)) and that such a preparation "shall accurately identify the group for which it is offered" (§ 105.85(h)(3)(v)).

Upon reconsideration, the Commissioner has determined that § 105.85(h)(2)(vii) should be revised. The Commissioner is revising § 105.85(h)(2)(vii) to provide simply that a preparation which, pursuant to the new legislation, does not comply with any of the formulation criteria previously established for particular products, shall bear as a part of the name "an appropriately descriptive term." If the Commissioner concludes that more definite rules of nomenclature are needed for the products recently authorized by Congress, he will issue appropriate proposals.

Section 105.85(h)(2)(vii) continues to provide, however, that, with one specified exception, the terms "multivitamin" and "multimineral" shall not be used to describe a product that fails to provide all the "mandatory" vitamins and minerals established by § 105.85(d). The Commissioner concludes that this provision is necessary as a matter of law to prevent consumer confusion. The regulations already provide that products labeled as "multivitamin" and/or "multimineral" preparations must contain certain "mandatory" vitamins and/or minerals that have been recognized as essential to human nutrition (§ 105.85(h)(2)(i)–(iv)). Although Congress has now authorized multinutrient supplements containing less than the full spectrum of needed vitamins and/or minerals, it would not be proper to allow such preparations to be labeled as "multivitamin" or "multimineral" preparations because use of these particular terms would cause confusion with the full-spectrum "multivitamin" and/or "multimineral" preparations, in violation of 21 U.S.C. 343(g), and would also be misleading, in violation of 21 U.S.C. 343(a). As the Court of Appeals stated with respect to a vitamin or mineral preparation that does not contain the full range of needed nutrients: "Obviously, the manufacturer of a product in this latter category could be prohibited from using the words 'multivitamin' and/or 'multimineral.'" (504 F.2d 785, fn. 29.)

The Commissioner has concluded that § 105.85(h)(3)(v) should not be revised. This paragraph simply requires that a subject preparation "* * * accurately identify the group for which it is offered, e.g., 'For adults' * * *." Such a requirement is obviously reasonable, and the Commissioner believes that no one would oppose the provision. In any event, such a provision is necessary to avoid misleading labeling—dietary supplements are used by different population groups with distinct nutritional requirements, for example, infants, pregnant or lactating women, adults (see Finding of Fact No. 14 in the preamble to the dietary supplement regulations published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20735)), and a dietary supplement that failed to describe the group for which it is offered would be misbranded because its labeling would be misleading for failure to reveal a material fact within the meaning of 21 U.S.C. 321(n) and 343(a). Congress specifically stated, in passing the new vitamin and mineral legislation, that although it intended to authorize the sale of certain safe vitamin and mineral preparations previously proscribed by FDA, it was not authorizing the use of misleading labeling for such preparations (H.R. Rep. No. 94-1005, 94th Cong., 2d Sess. 29 (April 2, 1976); S. Rep. No. 94-743, 94th Cong., 2d Sess. 29 (April 8, 1976)).

The Commissioner concludes that no useful purpose would be served in notice and public procedure regarding § 105.85(h)(2)(vii) and (3)(v), which concern nomenclature for the vitamin and mineral preparations newly authorized by Congress. These amendments simply provide for basic nomenclature with respect to the preparations newly authorized by Congress, nomenclature which is necessary to avoid misleading labeling and which is consistent with the general pattern of nomenclature for dietary supplements as previously established by § 105.85(h) (formerly codified as § 80.1(h)) after a 2-year formal administrative hearing and sustained on judicial review (504 F.2d 770, 786). Accordingly, he concludes that notice and public procedure were "impracticable" and "unnecessary" within the meaning of 5 U.S.C. 553(b)(B).

6. *Section 105.85 (a)(3), (b), (c)*. These paragraphs were amended to cross-reference new § 105.85(e), which is discussed above. Notice and public procedure on cross-referencing would be a pointless waste of time—"impracticable" and "unnecessary" within the meaning of 5 U.S.C. 553(b)(B).

In summary, these revisions of the regulations essentially represent FDA's nondiscretionary compliance with specific restrictions upon its authority imposed by Congress in the new legislation. None of the revisions raises substantial factual or policy issues for resolution by FDA for which notice and public procedure would have been useful. Congress, in promulgating the new legislation, resolved the relevant factual and policy issues by legislative fiat.

The Commissioner disagrees with the assertion in the National Nutritional Foods Association petition that, with respect to changes in the regulations resulting from the new vitamin and mineral legislation, the Commissioner should have followed the procedures described in section 701(e) of the act (21 U.S.C. 371(e)). That section, if applicable, would require a protracted formal rulemaking proceeding before FDA could promulgate changes required by Congress.

Ordinarily, standards of identity and special dietary food regulations are promulgated pursuant to 21 U.S.C. 341 and 343(j), and subject to the rulemaking procedures of 21 U.S.C. 371(e). (See 21 U.S.C. 371(e)(1).) Indeed, all the provisions of §§ 105.3, 105.60, 105.77 and 105.85, other than the few changes, discussed above, mandated by the new vitamin and mineral legislation, were the subject of full 21 U.S.C. 371(e) procedures including lengthy formal administrative hearings held in 1968–1970 and, pursuant to the remand directions of the Court of Appeals, reopened in 1975. (For a description of the 14-year process of rulemaking supporting the dietary supplement regulations published in the FEDERAL REGISTER of October 19, 1976, see: (1) The sections entitled "History" in the preambles to the tentative regulations published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2143, 2153); (2) the preambles to the final regulations published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20708, 20730) (subsequently stayed by the Court of Appeals); (3) the preamble to the FEDERAL REGISTER document of May 28, 1975 (40 FR 23244) instituting further rulemaking pursuant to the remand directions of the Court of Appeals; and (4) the section en-

titled "History" in the preamble to the revised final regulations published in the FEDERAL REGISTER of October 19, 1976 (41 FR 46156).)

Congress specifically provided in the new vitamin and mineral legislation that:

> The Secretary of Health, Education, and Welfare shall amend any regulation promulgated under the Federal Food, Drug, and Cosmetic Act which is inconsistent with (the new vitamin and mineral legislation) and such amendments shall be promulgated in accordance with section 553 of title 5, United States Code. (Act of April 22, 1976, Pub. L. 94-278, Title V, section 501(b), 90 Stat. 411 (21 U.S.C. 350 note).)

If Congress had intended that changes made to conform FDA regulations with the new legislation be accomplished pursuant to the formal administrative procedures set forth in 21 U.S.C. 371(e), there would have been no purpose in mentioning 5 U.S.C. 553 instead of 21 U.S.C. 371(e) in the new legislation. The logical inference is that Congress, recognizing that there was no useful purpose in holding further rulemaking proceedings, including another formal administrative hearing, for the essentially ministerial purpose of amending FDA regulations for consistency with the explicit provisions of the new vitamin and mineral legislation, instead intended that amendment of FDA regulations for consistency with the new legislation could be accomplished in a manner consistent with 5 U.S.C. 553. In short, notice and public procedure, being unnecessary and impracticable for ministerial execution of explicit Congressional commands, were not required (5 U.S.C. 553(b)(B)).

Furthermore, the amendments to the vitamin and mineral regulations resulting from the new legislation are not amendments under 21 U.S.C. 341 and 343 (j); the amendments are under 21 U.S.C. 350. 21 U.S.C. 350 is not one of the sections of the Federal Food, Drug, and Cosmetic Act listed in 21 U.S.C. 371(e)(1), and thus the procedural requirements of 21 U.S.C. 371(e) are not applicable to the few amendments to the vitamin and mineral regulations resulting from the new legislation.

If a new 21 U.S.C. 371(e) proceeding were required to implement the requirements of Congress, the effective date of the new regulations would be substantially further delayed. The Commissioner recognizes that certain interests would benefit from such delays, but he believes that such delays would clearly be contrary to the public interest.

TILLIE LEWIS FOODS, INC.: REQUEST FOR CONFIRMATION OF INTERPRETATION

In addition to the two petitions for reconsideration, a canner of fruits and vegetables (Tillie Lewis Foods, Inc.) filed a letter requesting confirmation of its interpretation of the status of canned fruits and vegetables that naturally provide per serving more than 50 percent of the U.S. RDA of a vitamin or mineral but are not represented as dietary supplements. The Commissioner advises that, consistent with the company's stated assumption, such a canned fruit or vegetable, e.g., canned carrots, is not subject to § 105.85. Such a product is not within the scope of § 105.85(a)(1)—no exemption is needed in § 105.85(a)(2) to make it clear that § 105.85 is not applicable in this case. Ordinary nutrition claims for such a product are covered by nutrition labeling regulations under § 101.9 (21 CFR 101.9).

In promulgating the final regulations of October 19, 1976, the Commissioner endeavored to comply conscientiously with the remand directions of the Court of Appeals. Furthermore, obeying explicit new statutory commands, the Commissioner at the same time also revised the regulations to be consistent with the new vitamin and mineral legislation; for example, the regulations no longer purport to limit the inclusion of ingredients or maximum potency of vitamins and minerals in preparation subject to the new legislation. Two petitions for reconsideration and a request for confirmation of interpretation were filed with the Commissioner in response to the October 19 regulations, and he has now ruled upon these submissions, revising the regulations in one respect.

The Commissioner believes that there is no valid pretext for further litigation over the propriety of these regulations. However, if any of the petitioners for reconsideration believes that the new regulations fail to comply with the remand directions of the Court of Appeals as controlled by new requirements of Congress, the Commissioner asks that any such person seek relief from the United States Court of Appeals for the Second Circuit forthwith so that the matter can be resolved as quickly as possible. The regulation of dietary supplements has been a matter of controversy for 14 years, with almost constant activity and uncertainty in the administrative, judicial, and legislative arenas. There is need now for certainty and finality in the rules that govern this subject.

Voluntary compliance with these regulations may begin immediately, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply.

Therefore, in accordance with the foregoing discussion, and under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403 (a) and (j), 411, 701 (a) and (e), 52 Stat. 1041 as amended, 1046-1048 as amended, 1055, 70 Stat. 919, 90 Stat. 410-411 (21 U.S.C. 321(n), 341, 343 (a) and (j), 350, 371 (a) and (e))), and under authority delegated to the Commissioner (21 CFR 5.1), the vitamin and mineral regulations published in the FEDERAL REGISTER of October 19, 1976 (41 FR 46156-46176), are reaffirmed, except that Part 105 is amended by revising § 105.85(h)(2)(vii) to read as follows:

§ 105.85 Dietary supplements of vitamins and minerals.

* * * * * * *

(h) * * *

(2) * * *

(vii) If, pursuant to section 411(a)(1), of the act and paragraph (e)(1) of this section, the dietary supplement contains more than one vitamin or mineral but does not meet the criteria for any of the preparations identified in paragraph (h)(2)(i) through (vi) of this section, the preparation shall bear as a part of the name an appropriately descriptive term: *Provided*, That the term "multivitamin" shall not be used to describe a product that fails to provide all the vitamins identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d)(1) of this section, except as provided in the second proviso clause of paragraph (b)(1) of this section with respect to a liquid multivitamin preparation that does not include folic acid: *And provided further*, That the term "multimineral" shall not be used to describe a product that fails to provide all the minerals identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d)(1) of this section.

* * * * * * *

Effective date: Voluntary compliance with these regulations may begin immediately, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply.

(Secs. 201(n), 401, 403 (a), (j), 411, 701 (a), (e), 52 Stat. 1041 as amended, 1046-1048 as amended, 1055, 70 Stat. 919, 90 Stat. 410-411 (21 U.S.C. 321(n), 341, 343 (a), (j), 350, 371 (a), (e)).)

Dated: April 12, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-11240 Filed 4-18-77;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-350]

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Final Rule

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This document makes final an interim rule published October 8, 1976, at 41 FR 44556 permitting HUD Privacy Officers to deny access to records contained in HUD Privacy Act Records Systems when the Privacy Act provides a specific exemption.

EFFECTIVE DATE: April 12, 1977.

ADDRESS: Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street S.W., Washington, D.C. 20410, 202-755-6703.

SUPPLEMENTARY INFORMATION: Public comments were solicited on the interim rule with comments to be submitted on or before November 8, 1976. No comments were received. The rule is already effective as an interim rule to avoid disclosures which might seriously

interfere with the Department's ability to perform its functions properly. The rule is being finalized to continue to permit denial of access to records covered by a specific statutory exemption as set forth in the Privacy Act, for the reason indicated.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection in the Office of the Rules Docket Clerk at the above address.

NOTE.—It is hereby certified that the economic and inflationary impacts of this rule have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, § 16.6(a)(1) of 24 CFR Part 16 is revised to read:

§ 16.6 Initial denial of access.

(a) *Grounds.* Access by an individual to a record which pertains to that individual will be denied only upon a determination by the Privacy Officer that:

(1) The record is subject to an exemption under § 16.14, §16.15 or to an exemption determined by another agency noticing the system of records;

* * * * * * *

(5 U.S.C. 552a; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., on April 5, 1977.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc.77-11242 Filed 4-18-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7482]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Special Elections for Section 403(b) Annuity Contracts Purchased by Educational Institutions, etc.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document amends the Temporary Income Tax Regulations Under the Employee Retirement Income Security Act of 1974 relating to section 403(b) annuity contracts and salary reduction agreements. This amendment has been prepared in response to requests by the public. This amendment affects employees of some tax-exempt organizations and provides them with somewhat easier rules for complying with the law.

DATE: This amendment is applicable for a taxable year beginning in 1976 and for a limitation year ending with or within a taxable year beginning in 1976.

FOR FURTHER INFORMATION CONTACT:

Norman J. Misher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3737).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document amends § 11.415(c)(4)-1(b) of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974, relating to annuity contracts and salary reduction agreements. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

SPECIAL RULES FOR ELECTIONS PURSUANT TO ANNUITY CONTRACTS

The regulations provide guidance for an individual who wishes to make a special election for 1976 pertaining to amounts contributed for section 403(b) annuity contracts. Before this amendment, the regulations required the individual to file a statement of intention specifying which election he intended to make. The statement was to be filed with his individual tax return for that year. Under this amendment, the individual may, but need not, file the statement of intention with his tax return. If he does not file a statement of intention, he may still take advantage of a special election for 1976. He can do this if he determines his 1976 income tax liability in a way that is consistent with one of the special elections.

SPECIAL RULES FOR SALARY REDUCTION AGREEMENTS

This amendment also extends the time for making a salary reduction agreement. Some salary reduction agreements enable taxpayers to make special elections allowed under section 415(c)(4) of the Internal Revenue Code of 1954 for annuity contracts purchased by educational institutions, hospitals and home health service agencies.

Before this amendment, the regulations provided that a salary reduction agreement for the taxable year beginning in 1976 had to be entered into before the end of that year. Because the regulations were published on November 29, 1976 (41 FR 52295), and many of the people affected by the regulations were on midyear recesses during much of December 1976, they failed to make the agreements permitted under the regulations.

This amendment extends the time for making a salary reduction agreement to June 15, 1977. It also requires an amended Form W-2 to be filed on behalf of the taxpayer if the agreement is entered into after December 31, 1976.

DRAFTING INFORMATION

The principal author of this regulation was Norman J. Misher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENT TO THE REGULATIONS

Accordingly, subparagraphs (1) and (2) of § 11.415(c)(4)-1(b) of the Temporary Income Tax Regulations Under the Employee Retirement Income Security Act of 1974 are amended to read as follows:

§ 11.415(c)(4)-1 Special elections for section 403(b) annuity contracts purchased by educational institutions, hospitals and home health service agencies.

* * * * * * *

(b) *Special rules for elections and salary reduction agreements for 1976*—(1) *Election.* (i) For a limitation year that ends with or within a taxable year beginning in 1976 (or for that taxable year), an individual may wish to take advantage of the alternative limitations described in section 415(c)(4). One way of doing this is to attach a statement of intention to his individual income tax return for that taxable year. The statement should provide that the individual intends to elect one of those alternative limitations. It should also specify which alternative he intends to elect. No form is prescribed for the statement of intention, but it must include the individual's name, address and Social Security number. If the individual is not required to file an income tax return for 1976, the statement of intention may still be filed at the Internal Revenue Service Center where that individual would file the return if he were required to file. It should be filed by the time he would have filed his return. The Internal Revenue Service will treat the statement of intention as an election for 1976 for all purposes except that it will not be irrevocable. If an individual does not file a statement of intention, he will still be able to take advantage of the alternative limitations for 1976. He will be able to do this if he determines his 1976 income tax liability in a way which is consistent with one of the alternative limitations.

(ii) The actual election for 1976 will be made by filing the election with the Internal Revenue Service on or before the due date of the individual's income tax return for 1977. The Internal Revenue Service will publish rules regarding how this should be done.

(iii) When an individual makes the actual election for 1976, he may choose any of the alternative limitations, even if his choice is inconsistent with the alternative limitation which he used in determining his 1976 income tax liability. He may also choose not to elect any of the alternative limitations, even if he used one of them in determining his 1976 income tax liability. However, if his choice is different from the choice which

he used in determining his 1976 income tax liability, there may be an adjustment in his tax for 1976. For purposes of section 6654 (relating to failure of an individual to pay estimated tax), a difference in tax for 1976 resulting from a difference in these choices will not be treated as an underpayment. This rule applies to the extent the difference in tax is due to the actual election of one of the alternative limitations or to a final decision not to use one of the alternative limitations for 1976.

(2) *Salary Reduction Agreements.* (i) An individual who is employed by an organization described in paragraph (a)(3) of this section may make a salary reduction agreement for his taxable year beginning in 1976 at any time before the end of that year without the agreement's being considered a new agreement within the meaning of § 1.403(b)-1(b)(3)(i). The agreement may be made on or before June 15, 1977, if that date is later than the end of the individual's 1976 taxable year.

(ii) This subparagraph applies only if the individual actually elects one of the alternative limitations under section 415(c)(4) for 1976.

(iii) The salary reduction agreement may be made effective with respect to any amounts earned during the taxpayer's most recent one-year period of service (as described in § 1.403(b)-1(f)) ending not later than the end of the 1976 taxable year, notwithstanding § 1.403(b)-1(b)(3)(i).

(iv) If the salary reduction agreement is entered into at any time after December 31, 1976, an amended Form W-2 must be filed on behalf of the individual.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(This Treasury decision is issued under the authority contained in sections 415(c)(4)(D) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 983 and 68A Stat. 917; 26 U.S.C. 415(c)(4)(D) and 7805).)

WM. E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: April 13, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-11305 Filed 4-14-77;3:22 pm]

Title 31—Money and Finance

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Interim Regulations

Correction

In FR Doc. 77-10158, appearing at page 18362 of the issue for Wednesday, April 6, 1977, and corrected at page 19479 of the issue for Thursday, April 14, 1977:

The second word in the seventh line of § 51.58(a), appearing at 42 FR 18368, should read, "execute".

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

[DCA Instruction 210-225-2]

PART 287a—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Exemptions

AGENCY: Defense Communications Agency, DOD.

ACTION: Rulemaking Amendment.

SUMMARY: The Defense Communications Agency amends their Privacy Act regulation to delegate to the Director, Defense Communications Agency, the authority to exempt from disclosure certain information to the public. This provision was previously omitted through oversight. The intended effect of this amendment is to fully implement the requirements of the Privacy Act.

EFFECTIVE DATE: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. C. Lucero, 202-692-2009, Defense Communications Agency, 8th and South Courthouse Rd., Arlington, Virginia 20390.

SUPPLEMENTARY INFORMATION: On November 28, 1975, there was published in the FEDERAL REGISTER (40 FR 55535) a final rule adoption, effective September 27, 1975, pertaining to the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) implementation by the Defense Communications Agency concerning procedures and requirements on personal privacy and rights of individuals regarding their personal privacy. On 16 March 1977 there was published in the FEDERAL REGISTER (42 FR 14738) a notice of a Defense Communications Agency proposal to amend these final rules by adding a new paragraph (287a.8 Exemptions) to the rules which would authorize the Director, Defense Communications Agency, the right to create exemptions and to permit any information in the records systems which is properly classified to be exempt from the access requirements of the Privacy Act. No written comments, recommendations, or objections have been received and the proposed Rulemaking Amendment is hereby adopted without change.

LEE M. PASCHALL,
Lieutenant General, USAF, Director.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 14, 1977.

The following new section is added:

§ 287a.8 Exemptions.

Section 5 U.S.C. 552a (3)(j) and (3)(k) authorize an agency head to exempt certain systems of records or parts of certain systems of records from some of the requirements of the act. This part reserves to the Director, DCA, as head of an agency, the right to create exemptions pursuant to the exemption provisions of the act. All systems of records maintained by DCA shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(3)(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652, "Classification and Declassification of National Security Information and Material," dated March 8, 1972 (37 FR 10053, May 19, 1972) and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions may contain isolated information which has been properly classified.

[FR Doc.77-11271 Filed 4-18-77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121f—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Subpart B—Applications for Grants

AGENCY: U.S. Office of Education, HEW.

ACTION: Final Regulation.

SUMMARY: This rule sets forth program priorities for new awards for programs training personnel for the education of the handicapped. This rule also informs applicants that priorities are not ranked in order of importance and that the amount of money available in each priority depends on Congressional appropriation. Finally, this rule clarifies, but does not alter, an applicant's right to request reconsideration if a program application is deferred or not selected.

This rule sets forth the program priorities because Congress now appropriates money according to each of these priorities. The Appeals section was deleted to avoid duplication and confusion with reconsideration provisions available to applicants in a section of the Office of Education General Provisions.

Publishing program priorities as regulations rather than with the annual program announcement will permit earlier publication of the program announcement.

DATES: See Supplementary Information.

FOR FURTHER INFORMATION CONTACT:

Dr. Jasper Harvey, Director, Division of Personnel Preparation, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue SW. (Room 4805, Donohoe Building), Washington, D.C. 20202, or by telephone (202) 245-9886.

SUPPLEMENTARY INFORMATION:

INTRODUCTION

Notice of proposed rulemaking was published in the FEDERAL REGISTER on September 1, 1976 (41 FR 36822-36823) setting forth proposed amendments to Part 121f of Title 45 of the Code of Federal Regulations which would add new §§ 121f.21 and 121f.22 and which would delete § 121f.30. New § 121f.21 sets forth several program priorities for the award of new awards. Applications must contain descriptions of personnel preparation programs relevant to these priorities as well as meeting other requirements in 45 CFR Parts 100a and 121f. These priorities are in addition to the evaluation criteria set out in 45 CFR Parts 100a.26 (b) and 121f.20. New § 121f.22 informs applicants that the priorities are not weighted or ranked in order of importance and that the amount of money for each priority depends on the appropriation by Congress. In the past, Section 121f.30 (Appeal) provided applicants under this program with the right to request reconsideration of a decision concerning action taken by the Office of Education on an application. Albeit the section is entitled "Appeal", the Office of Education has never interpreted this section to have granted to an applicant the right of appeal itself, with its attendant array of rights. The section solely speaks to "requests for reconsideration". The Office of Education has never given effect to this section as other than granting a right to reconsideration. At the present time, this and other Education of the Handicapped Act discretionary programs are covered by 45 CFR 100a.27, which provides that an application which is deferred or not selected for funding is not precluded from reconsideration or resubmission. Applicants under this program will retain this right to reconsideration or resubmission. The deletion of Section 121f.30 eliminates one statement of an applicant's right to reconsideration, which overlaps with a concurrently governing statement of that same right in 45 CFR 100a.27. This deletion does not change the practices of the Department of Health, Education, and Welfare, as 45 CFR 100a.27 will continue to provide applicants with the right to reconsideration.

EFFECTIVE DATE

Under section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

OTHER

1. For Fiscal Year 1976, program priorities were published with the annual program announcement. This delayed the publishing of the program announcement by three to four months. By publishing the priorities as regulations, the time for publishing the program announcement is significantly lessened. Additionally, the priorities, being funding criteria, must be published in regulatory form. These priorities have been established in the budget and in testimony before Congress. The amounts of money allocated to each priority would possibly change from year to year, but the priorities would most likely remain the same.

2. No substantial changes from the proposed rule were made in this final regulation. The proposed § 121f.6 has been dropped in this final publication as being redundant with 45 CFR Part 100a.10(7). The proposed § 121f.6 stated that Subpart B of Part 100a of Chapter 45 applies to applicants under Part 121f. Section 100a.10(7) already has made Part 100a applicable to Part 121f. The current § 121f.6 (Definitions) remains intact.

SUMMARY OF COMMENTS AND RESPONSES

(1) § 121f.21 *Priorities program areas. Comment.* A commenter suggested the addition of another priority: "functional communication for all handicapped students".

Response. No change has been made in the regulation. Rather than being a discrete priority, functional communication can be addressed under each or any combination of the twelve priorities through the training of speech pathology personnel.

Comment. A commenter suggested the following priorities be considered "the most pressing: (1) severely handicapped, (2) paraprofessionals, (3) recreation, (4) vocational and career education, (5) developmental assistance, and (6) volunteers (including parents)".

Response. No change has been made in the regulation. The U.S. Office of Education agrees that the need to train personnel in these areas is indeed pressing and for this reason has included them among the priority program areas.

Comment. A commenter suggested that the definitions of some of the program priority areas be changed so that they would relate more closely to "preparation of personnel" and be in "parallel structure".

Response. No change has been made in the regulation. Each of the proposed priority program areas does focus on the training of personnel for service to the handicapped and these priorities allow for the existing variety of training approaches. The organizational pattern employed in stating the priority program areas is purposely unsystematic so as to encompass the great variety of training needs in terms of types of personnel, ages of children, and levels of training to serve in specialized areas indicated by the field.

Comment. A commenter suggested that the priorities be expanded to include mention of "hard-of-hearing children, children with language disorders, and the handicapped adolescent".

Response. No change has been made in the regulation. Personnel to serve children who are hard-of-hearing, with language disorders, and handicapped adolescents may be prepared under each of any combination of the twelve priority program areas.

Commen'. A commenter stated that priorities should be identified by an evaluation study which would determine "the most critical aspect of the various handicapping conditions". In addition, the commenter stated that priorities should be determined in conjunction with the findings of the White House Conference on the Handicapped. "Therefore, the request for public involvement in priority assessment is inappropriate at this time."

Response. No change has been made in the regulation. The Office of Education shares the commenter's concern regarding the training of teachers for the most "limiting factor" of a handicap. However, limiting teacher training to such an approach may unduly narrow the focus of personnel preparation for handicapped children.

The Office of Education is in agreement with the commenter on the need to coordinate priorities for teacher preparation with the White House Conference on the Handicapped. When the results from this conference are available, the priorities identified will be examined for their impact on priorities for teacher preparation.

Comment. A commenter suggested that the training of personnel to engage in research be included as a priority.

Response. No change has been made in the regulation. Pub. L. 91-230, Title VI, Part D, Sec. 631(2) authorizes the Commissioner to make grants to institutions of higher education to assist them in providing training for personnel preparing to engage in research related to the education of handicapped children. The intent of the proposed program priorities is to designate categories in which all types of professional personnel for the education of the handicapped are needed.

Comment. Several commenters suggested that the definition of the severely handicapped program area be rewritten, as follows, to contain examples of those areas where the need for trained personnel is the greatest: "(b) Severely handicapped. Preparation of personnel to serve the severely and multi-handicapped; preparation of personnel to serve handicapped children where large needs still exist, e.g., seriously emotionally disturbed and autistic; programs which prepare personnel for regional and national needs, e.g., low incidence areas such as the visually handicapped and deaf."

Response. The above definition of the severely handicapped program priority area has been adopted in order to clarify, by example, what needs and handicap-

ping conditions are included in this program priorities area. The adoption of this definition does not suggest any substantive change in the definition itself nor does it expand that program priority area as originally proposed. The Office of Education has adopted the suggested definition in order to provide guidance to applicants by providing examples of the types of needs identified with the severely handicapped program priority area.

Comment. A commenter suggested that the priority program areas be expanded to include "training in services for the handicapped who have severe behavior problems, including autism."

Response. The definition of severely handicapped has been rewritten to include specific mention of the seriously emotionally disturbed and autistic. This change does not expand the program priority area as originally proposed but serves solely to provide applicants with examples of what handicapping conditions are included in this area.

(2) *Deletion of § 121f.30 (Appeal).* *Comment.* A commenter suggested that "right to appeal" seems to be important, inferring that § 121f.30 should not be deleted.

Response. No change has been made in the regulation. The Office of Education has never interpreted this section to have granted a "right of appeal" itself, with its attendant array of rights. This section solely speaks to "requests for reconsideration". The Office of Education has never given effect to this section as other than granting a right to reconsideration. The deletion of Section 121f.30 eliminates one statement of an applicants' right to reconsideration, which overlapped with a concurrently governing statement of that same right in 45 CFR 100a.27. The deletion does not change the practices of the Department of Health, Education, and Welfare, as 45 CFR 100a.27 will continue to provide applicants with that right to reconsideration.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by adding new §§ 121f.21 and 121f.22 and deleting § 121f.30 to read as set forth below.

NOTE.—The U.S. Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11820 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.451, Handicapped Personnel Preparation.)

Dated: March 23, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: April 15, 1977.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

Part 121f of Title 45 of the Code of Federal Regulations is amended as follows:

1. A new § 121f.21 is added to read as follows:

§ 121f.21 Priorities program areas.

The Commissioner awards funds under this part only for programs in one or more of the following program areas:

(a) *Early childhood education.* Preparation of educational personnel to serve handicapped children ages 0–6;

(b) *Severely handicapped.* Preparation of personnel to serve the severely and multi-handicapped; preparation of personnel to serve handicapped children where large needs still exist, e.g., seriously emotionally disturbed and autistic; programs which prepare personnel for regional and national needs, e.g., low incidence areas such as the visually handicapped and deaf;

(c) *Paraprofessional.* Preparation of personnel (for example, at community and junior colleges) to assist a professional in the education of handicapped children;

(d) *Physical education.* Preparation of personnel to provide physical education for handicapped children;

(e) *Recreation.* Preparation of personnel to provide therapeutic recreation services for handicapped children;

(f) *Interdisciplinary.* Preparation of personnel to work with handicapped children on an interdisciplinary basis;

(g) *General special education.* Preparation of personnel who will provide education services to handicapped children;

(h) *Vocational and career education.* Preparation of personnel to provide career or vocational education for the handicapped;

(i) *Regular education.* Pre-service and in-service programs which prepare regular education personnel, physical education personnel, or recreation specialists, to provide services to handicapped children. These programs may include supportive services from special education personnel who work with handicapped children;

(j) *Developmental assistance.* Programs which provide postdoctoral training in the education of the handicapped;

(k) *Model implementation (special projects).* Programs which develop new models of instruction or prepare personnel for an innovative role in the education of handicapped children; and

(l) *Volunteers.* Preparation of volunteers, including parents, to assist in the provision of education to handicapped children.

(20 U.S.C. 1431, 1432, 1434.)

Comment. Rather than being a discrete priority, functional communication may be addressed under each or any combination of the twelve priorities through the training of speech pathology personnel.

2. A new § 121f.22 is added to read as follows:

§ 121f.22 Priorities; funding.

(a) The priorities in § 121f.21 are not in order of importance and are not assigned relative weight in funding decisions.

(b) The amount of money available for each priority depends on the appropriation by Congress.

(20 U.S.C. 1431, 1432, 1434.)

3. Section 121f.30 is removed as follows:

§ 121f.30 [Removed]

(20 U.S.C. 1431, 1432, 1434.)

[FR Doc.77-11490 Filed 4-18-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-257]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Grant of a General Exemption From Medium Frequency Radiotelephone Requirements of Title III, Part III of Communications Act

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This document amends the Commission's rules to grant a general exemption from the medium frequency radiotelephone requirements of Title III, Part III of the Communications Act to certain vessels navigating in waters contiguous to the coast of Southern California. The medium frequencies are unnecessary since the U.S. Coast Guard has installed a VHF communications system in this area.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Aviation and Marine Division, Safety and Special Radio Services Bureau (202) 632-7197.

Adopted: April 5, 1977.

Released: April 13, 1977.

SUPPLEMENTARY INFORMATION:

Order. In the matter of Amendment of Part 83 of the rules to grant a general exemption from the medium frequency radiotelephone requirements of Title III, Part III of the Communications Act to certain vessels when navigated in waters contiguous to the coast of Southern California.

1. By this Order, the Commission is amending Part 83 of the rules to grant a general exemption from the medium frequency radiotelephone requirements of Title III, Part III of the Communications Act to U.S. vessels subject thereto which are less than 100 gross tons, when navigated in waters off the coast of Southern California, provided that they are equiped with VHF installations meeting the requirements of Subpart T of Part 83 of the Commission's rules, and remain within effective communications range of U.S. Coast Guard or public coast stations operating in the band 156–162 MHz.

2. The Sportfishing Association of California (SAC), representing the California commercial passenger fishing boat industry, has requested exemptions from the medium frequency radiotelephone requirements for member vessels operating in the waters off the coast of Southern California, specifically in the vicinity of the islands of San Miguel, Santa Rosa, Santa Cruz, Anacapa, San Nicolas, Santa Barbara, Santa Catalina and San Clemente. Because of the heavy vessel traffic in the above-mentioned waters, the U.S. Coast Guard has installed VHF marine radio stations high on coastal mountains and on San Clemente Island. Due to these antenna heights, the Coast Guard indicates that using a conservative receiver capability for 1 watt transmissions, VHF communications are obtainable at distances considerably in excess of 20 nautical miles from these locations.

3. Section 83.514 of the rules provides for exemptions on an individual basis for subject vessels meeting requirements similar to those set forth herein. Further, § 83.532 grants a general exemption under like conditions, to vessels operating in waters contiguous to Hawaii and the Virgin Islands. In view of the foregoing, it is felt that the VHF radiotelephone coverage in the specified area makes tht requirement of medium frequency equipment unnecessary for the purposes of Part III of Title III of the Act for vessels operating within the parameters set out below. Therefore, pursuant to section 383 of the Communications Act, a general exemption is warranted. It is not intended, however, that this exemption affect in any way the Commisison's rules pertaining to the determination of station coverage area.

4. It further appears that the public convenience will be served by making it unnecessary for operators of vessels meeting the established criteria to file individual exemption applications.

5. In that the amendments adopted herein advise the public prospectively of the manner in which the Commission proposes to exercise its discretionary power as to exemptions, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

6. *It is ordered,* That pursuant to the authority contained in sections 4(i) and 383 of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended effective April 22, 1977, as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[1] Commissioner Washburn not participating.

(Sec. 4, 48 Stat., as amended, 1066; sec. 383, 70 Stat. 1047 (47 U.S.C. 154, 383).)

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 83.532, paragraph (b) is amended to read as follows:

§ 83.532 General exemptions.

* * * * *

(b) Subject U.S. vessels which are less than 100 gross tons and are equipped with VHF installations meeting the requirements of this subpart are exempt from the medium frequency radiotelephone requirements of Title III, Part III of the Communications Act and the Commission's rules and regulations made pursuant thereto: *Provided,* That the vessels remain within the effective coverage area of U.S. Coast Guard or public coast stations operating in the band 156–162 MHz, when the subject vessels are:

(1) Navigated in waters contiguous to Hawaii or the Virgin Islands; or

(2) Navigated in waters contiguous to the coast of Southern California from Point Conception south to the U.S.-Mexico Border. The Islands of San Miguel, Santa Rosa, Santa Cruz, Anacopa, San Nicolas, Santa Barbara, Santa Catalina and San Clemente are considered to be within these waters.

* * * * *

[FR Doc.77-11274 Filed 4-18-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Certain National Wildlife Refuges to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule adds Pahranagat (Nevada), Laguna Atascosa (Texas), Umatilla (Oregon), Conboy Lake and Ridgefield (Washington), National Wildlife Refuges to the list of areas open for sport fishing.

EFFECTIVE DATE: April 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202–343–2374.

SUPPLEMENTARY INFORMATION: On April 5, 1973, there was published in the FEDERAL REGISTER (38 FR 8664) a notice of proposed rulemaking adding Pahranagat, Nevada; Laguna Atascosa,, Texas; Umatilla, Oregon; Conboy Lake and Ridgefield, Washington, National Wildlife Refuges to the list of refuge areas which are open for sport fishing. This list is published at 50 CFR 33.4. As a general rule, most areas within the National Wildlife Refuge System are closed to sport fishing until officially opened by regulation.

Pursuant to the authority of 16 U.S.C. § 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at 242 DM 1, the Director has determined that the opening of Pahranagat, Laguna Atascosa, Umatilla, Conboy Lake and Ridgefield National Wildlife Refuges to sport fishing would be compatible with the objectives for which the areas were established.

The public was provided an extended comment period and no comments were received.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Accordingly, the proposed rulemaking is hereby adopted without change and § 33.4 is amended as set forth below:

§ 33.4 List of open areas; sport fishing.

* * * * *

NEVADA

Pahranagat National Wildlife Refuge.

* * * * *

TEXAS

Laguna Atascosa National Wildlife Refuge.

* * * * *

OREGON

Umatilla National Wildlife Refuge.

* * * * *

WASHINGTON

Umatilla National Wildlife Refuge.
Conboy Lake National Wildlife Refuge.
Ridgefield National Wildlife Refuge.

This final rule was prepared by Mr. Ralph H. Town, Division of National Wildlife Refuges.

Dated: April 5, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77-11344 Filed 4-18-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1446]

1976 CROP PEANUT PRICE SUPPORT DIFFERENTIALS

Determination of Price Support Levels by Types of Peanuts; Extension of Comment Period

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to extend the time alloted for comments in the original notice of proposed rulemaking and to schedule a public meeting to receive oral comments.

DATES: The date of the public meeting will be May 5, 1977. Additional comments must be received on or before May 19, 1977, to be sure of receiving consideration.

ADDRESSES: Send comments to: Tobacco and Peanut Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Room 5744, South Building, Department of Agriculture, Washington, D.C., during regular business hours (8:15 a.m. to 4:45 p.m.).

FOR FURTHER INFORMATION CONTACT:

Dallas R. Smith (ASCS) (202) 447-7405.

SUPPLEMENTARY INFORMATION: On March 29, a Notice of Proposed Rulemaking on the 1976 peanut price support program with respect to determination of price support levels by type of peanuts was published in the FEDERAL REGISTER (42 FR 16634), inviting the submission of written data, views, recommendations, or alternative proposals. Without limiting consideration of other possibilities, the Department specified three alternatives which would be reviewed.

Notice is hereby given that a meeting will be held in Washington, D.C. on May 5, 1977, at 9 a.m. in the Jefferson Auditorium, South Building, USDA. The meeting will be open to the public. The purpose of the meeting is to give members of the industry and other interested persons the opportunity to furnish oral comments and suggestions with respect to the price support differential levels and damage discounts to be applied to the various types of peanuts of the 1976 crop.

The Department will also accept additional comments from interested persons for a period of two weeks following the date of the open hearing. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Room 5744, South Building, during regular business hours (8:15 a.m. to 4:45 p.m.). The final differentials will be promulgated within a reasonable time after the period for additional comments has run.

Signed at Washington, D.C., on April 14, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-11258 Filed 4-18-77;8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.5]

RURAL HOUSING LOANS AND GRANTS

Rural Rental Housing Loan Policies, Procedures, and Authorizations; Proposed Amendments

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration proposes to add specific maximum square footage area guidelines for rental units and community—social areas in housing projects. These guidelines are intended to alleviate inconsistencies in program administration.

DATES: Comments must be received on or before May 19, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Lynn E. Voigt (202-447-7207).

SUPPLEMENTARY INFORMATION: The Farmers Home Administration proposes to amend § 1822.88(a) (1) and (2) of Subpart D of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (40 FR 4278). Editorial changes are also included.

As proposed, § 1822.88(a) (1) and (2) read as follows:

§ 1822.88 Special conditions.

(a) *Type and size of housing.* All housing must meet the following requirements:

(1) Be economical in construction and not of elaborate or extravagant design or materials. As a general rule, the maximum square footage living area of rental units financed with RRH loan funds should be within the guidelines listed below.

Type of unit	*Maximum living area (ft^2)*
1 bedroom	570-630
2 bedrooms	690-760
3 bedrooms	800-1000

(i) In townhouse units where living is on two floor levels of the rental unit, the maximum square footage of living area listed in paragraph (a) (1) of this section may be exceeded by up to 12 percent, but only to the extent necessary to accommodate interior stairways.

(ii) Room sizes must be in compliance with the HUD Minimum Property Standards (MPS) 4910.1. Minimum room sizes may be determined by the minimum areas and least dimensions listed in the MPS or on a required furnishing basis.

(2) As a general rule, consist of multi-unit-type housing with two or more family units and any appropriate related facilities. When community rooms or buildings are provided as part of the related facilities, their gross square footage area should be within the guidelines set forth in the HUD Manual of Acceptable Practices (MAP) 4930.1.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: April 1, 1977.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.77-11172 Filed 4-18-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 420]

SUPPLEMENTAL STATE ENERGY CONSERVATION PLANS

Change of Calendar Dates and Addresses With Respect to Public Hearings on Proposed Rulemaking Regarding Supplemental State Energy Conservation Plan Guidelines

AGENCY: Federal Energy Administration.

ACTION: Proposed rule, change of calendar dates and addresses.

SUMMARY: This document amends the notice of proposed rulemaking with respect to supplemental State energy conservation plan guidelines published in the FEDERAL REGISTER on March 25, 1977, at page 16150. These guidelines were issued under Part B of Title IV of the Energy Conservation and Production Act (Pub. L. 94-385, 90 Stat. 1158 et seq.). These amendments cancel the second day of the public hearings on the proposed guidelines scheduled to take place in Boston, Massachusetts on April 20-21, 1977, and the first day of the public hearings on the proposed guidelines scheduled to take place in Kansas City, Missouri on April 19-20, 1977. The two day public hearings are reduced to one day hearings as few speakers are expected to participate and also in order to coordinate them with the public hearings on the proposed rulemaking for weatherization assistance for low-income persons, 42 FR 17470, scheduled to be held in those cities April 21-22, 1977. In addition, this document corrects the address of the public hearing in Kansas City and the address to which requests to testify at the Kansas City hearing should be submitted. This document also extends the time to make a written request for an opportunity to make an oral presentation at the public hearing in Dallas, Texas from April 13, 1977, to April 19, 1977. The extension is made because the Dallas hearing is scheduled to take place at a later date than other hearings. In all other respects the proposed rulemaking remains as published on March 25, 1977.

DATES: Second day of April 20-21, 1977 hearing in Boston, Mass. cancelled; first day of April 19-20, 1977 hearing in Kansas City, Mo. cancelled; date for submitting requests to make oral presentation at Dallas, Texas hearing extended to April 19, 1977.

ADDRESSES: Submit requests to appear at the Kansas City hearing to: FEA, 12 Grand Building, 1150 Grand Avenue, Kansas City, MO, 64106; the Kansas City hearing will be held at: 601 East 12th Street, Federal building, Room 140, Kansas City, MO.

FOR FURTHER INFORMATION CONTACT:

Craig Othmer, Office of State Financial Assistance, Office of Energy Conservation and Environment, Federal Energy Administration, Washington, D.C. 20461 (202) 566-7566.

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 77-8932 appearing at page 16150 in the FEDERAL REGISTER of March 25, 1977, is amended as follows:

1. In the table on page 16152, the hearing date for Boston, Mass. is changed from April 20-21, 1977, to April 20, 1977.

2. In the table on page 16152, the hearing date for Kansas City, Missouri is changed from April 19-20, 1977, to April 20, 1977.

3. In the table on page 16152, the address to which requests to testify at the Kansas City, Missouri public hearing should be submitted is changed from "FEA, 12 Grand Building, 112 East 12th Street, P.O. Box 2208, Kansas City, Mo. 64142" to "FEA, 12 Grand Building, 1150 Grand Avenue, Kansas City, Mo. 64106."

4. In the table on page 16152, the address of the hearing location for Kansas City, Missouri is changed from "601 East 12th Street, Federal Building, Room 40, Kansas City, Mo." to "601 East 12th Street, Federal Building, Room 140, Kansas City, Mo."

5. On page 16152, the sentence beginning on line 8 of the second column is changed to read as follows:

Requests must be received before 4:30 p.m., local time, on April 13, 1977, for all regions except Region VI. Requests for Region VI must be received before 4:30 p.m., local time, on April 19, 1977.

Issued in Washington, D.C., April 14, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-11418 Filed 4-15-77;3:08 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Advertising, Disclosure, Cooling-Off and Refund Requirements

AGENCY: Federal Trade Commission.

ACTION: Proposed trade regulation rule.

SUMMARY: Extension of time to facilitate comment upon staff report and the report of the presiding officer.

DATE: Comments must be received on or before May 31, 1977.

ADDRESS: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Terry Latanich, Federal Trade Commission (202-523-3446).

SUPPLEMENTARY INFORMATION: On February 15, 1977, the Commission published in the FEDERAL REGISTER (42 FR 9184) notice that comment would be accepted on both the report of the presiding officer (see 41 FR 47267 (October 28, 1976)) and the staff report (42 FR 1483 (January 7, 1977)) for a period of 60 days ending on April 18, 1977.

In order to facilitate comment upon the staff report and the report of the presiding officer, the time for comment is hereby extended until May 31, 1977. Comments should be identified as "Comments on Presiding Officer and Staff Reports—Vocational School TRR," and addressed to the Secretary and submitted, when feasible and not burdensome, in five copies.

By direction of the Commission, dated April 13, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11247 Filed 4-18-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

CERTAIN ASPIRIN-CONTAINING POWDERS

Proposed Exemption From Child Resistant Packaging Standards

CROSS REFERENCE: For an interim rule regarding an exemption from child-resistant packaging standards see FR Doc. 77-11241 appearing in the Rules and Regulations section of this issue.

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 141, and 260]

[Docket No. RM77-17]

UNIFORM SYSTEMS OF ACCOUNTS; PUBLIC UTILITIES AND LICENSEES

Amendments and Changes in Certain Report Forms

APRIL 8, 1977.

AGENCY: Federal Power Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend certain sections of the Commission's Uniform Systems of Accounts and make changes in certain report forms required of Public Utilities and Licensees.

DATES: Comments must be received by May 13, 1977.

ADDRESS: Federal Power Commission, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

M. Wayne McDanal, Office of Chief Accountant (202-275-4052).

Pursuant to 5 U.S.C. 553 and Section 309 of the Federal Power Act (49 Stat. 858; 16 U.S.C. 825h) and Section 16 of the Natural Gas Act (52 Stat. 830; 15 U.S.C. 717o), the Commission gives notice it proposes to amend:

A. Uniform System of Accounts for Public Utilities and Licensees (Class A and Class B) prescribed by Part 101, Subchapter C, Chapter I, Title 18, Code of Federal Regulations (CFR), especially with respect to Account 264, Amortization Reserve—Federal.

B. Uniform System of Accounts for Public Utilities and Licensees (Class C and Class D) prescribed by Part 104, Subchapter C, Chapter I, Title 18, CFR, especially with respect to Account 264, Amortization Reserve—Federal.

C. Certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Part 141, Subchapter D, Chapter I, Title 18, CFR.

D. Schedule page 6B of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Part 141, Subchapter D, Chapter I, Title 18, CFR.

E. Certain regulations set forth in § 141.13, Part 141, Statements and Reports (Schedules), Subchapter D, Chap-

ter I, Title 18, CFR, which prescribes FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial).

F. Certain schedule pages of FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), prescribed by § 141.13, Part 141, Subchapter D, Chapter I, Title 18, CFR.

G. Certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Part 260, Statements and Reports (Schedules), Subchapter G, Chapter I, Title 18, CFR.

H. Schedule page 6B of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Part 260, Subchapter G, Chapter I, Title 18, CFR.

The Commission is proposing to amend its Uniform Systems of Accounts for Public Utilities and Licensees for the purpose of reclassifying amortization reserves, which are described hereinafter, by revising the title of the present Account 264, Amortization Reserve—Federal, to read Account 215.1, Appropriated Retained Earnings—Amortization Reserve, Federal, amending the text thereof, and relocating such amended account immediately following Account 215, Appropriated Retained Earnings, in the chart of the balance sheet accounts. Amendments are also proposed for related report forms and the regulations prescribing one of such report forms in order to reflect the reclassification of amortization reserves as proposed for the Systems of Accounts.

More particularly, the Commission is proposing to redesignate Account 264 in order to reflect the nature of, and to classify properly, the balances accumulated therein. Holders of hydroelectric project licenses issued by the Commission under the Federal Power Act or The Federal Water Power Act are required by section 10(d) of those Acts to establish and maintain amortization reserves out of a portion of the excess of project earnings over the project's specified return as determined in accordance with the terms and conditions of the license. As presently structured, the Uniform Systems of Accounts require that such reserves be classified as operating reserves and be accumulated by charges to income. The changes proposed herein would reclassify such reserves as appropriations of retained earnings and the amendments to the account texts would provide that the amortization reserves be accumulated by transfers from unappropriated to appropriated retained earnings. All amounts presently accumulated in Account 264 would be transferred to new Account 215.1, Appropriated Retained Earnings—Amortization Reserve, Federal. We believe that the reclassification and amendments proposed are consistent with the intent of Congress in its enactment of The Federal Water Power Act and later the Federal Power Act.

It is proposed to amend FPC Form Nos. 1, 1-F and 9 to provide for the proper reporting of certain information regarding amounts required to be recorded in the amortization reserve accounts of licensees in accordance with the applicable System of Accounts. The schedule pages of FPC Form No. 1 proposed to be amended are also included in FPC Form No. 2 and the schedule page of FPC Form No. 1-F proposed to be amended is also included in FPC Form No. 2-A. In view of these common schedule pages and in order to maintain the integrity and uniformity of the Commission's report forms, it is proposed to amend FPC Form Nos. 2 and 2-A, as well as FPC Form Nos. 1 and 1-F.

The proposed amendment to § 141.13 of Part 141 would change the title of the amortization reserve schedule prescribed in paragraph (c) thereof for FPC Form No. 9 in order that such title may be consistent with the proposed change in the title of the amortization reserve account in the Systems of Accounts.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, not later than May 13, 1977, data, views and comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny written requests for conference.

The proposed amendments to the Commission's Uniform Systems of Accounts for Public Utilities and Licensees (Classes A, B, C and D), to the Commission's regulations prescribing FPC Form No. 9, and to FPC Form Nos. 1, 1-F and 9 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly Sections 10(d), 301(a), 302(b), 304(a), 309 and 311 (41 Stat. 1069, 49 Stat. 843, 82 Stat. 617, 49 Stat. 854, 855, 858, 859; 16 U.S.C. 303(d), 825(a), 525a (b), 825c(a), 825h, 825j).

The proposed amendments to FPC Form Nos. 2 and 2-A would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly Sections 10(a) and 16 (52 Stat. 826, 830; 15 U.S.C. 717i(a), 717o).

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The following are proposed amendments to the Uniform System of Accounts for Public Utilities and Licensees (Class A and Class B), Part 101, Subchapter C, Chapter I, Title 18, Code of Federal Regulations:

(1) Amend the Chart of Balance Sheet Accounts as follows:

(a) Add a new Account "215.1, Appropriated Retained Earnings—Amortization Reserve, Federal," immediately following Account "215, Appropriated Retained Earnings."

(b) Delete Account "264, Amortization Reserve—Federal."

As amended, the Chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

215.1 Appropriated retained earnings — amortization reserve, Federal.

* * * * *

(2) Amend the text of the Balance Sheet Accounts as follows:

(a) Amend Account "127, Amortization Fund—Federal" by changing the title of Account "264, Amortization Reserve—Federal" mentioned therein to read "215.1, Appropriated Retained Earnings—Amortization Reserve, Federal."

(b) Redesignate Account "264, Amortization Reserve—Federal" by changing the title thereof to read "215.1, Appropriated Retained Earnings — Amortization Reserve, Federal." Amend the language of paragraph A thereof and relocate such account immediately following Account "215, Appropriated Retained Earnings."

As amended, the text of the Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

127 Amortization fund—Federal.

* * * 215.1, Appropriated Retained Earnings—Amortization Reserve, Federal.

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

215.1 Appropriated retained earnings—amortization reserve, Federal.

A. This account shall be credited with such amounts as are appropriated by a licensee from account 216, Unappropriated Retained Earnings, for amortization reserve purposes in accordance with the requirements of a hydroelectric project license.

B. This account shall be debited with only such items or amounts as the Commission may require or approve. (See account 127, Amortization Fund—Federal.)

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES (CLASS C AND CLASS D)

(B) The following are proposed amendments to the Uniform System of Accounts for Public Utilities and Licensees (Class C and Class D), Part 104, Subchapter C, Chapter I, Title 18, Code of Federal Regulations:

(1) Amend the Chart of Balance Sheet Accounts as follows:

(a) Add a new Account "215.1, Appropriated Retained Earnings—Amortization Reserve, Federal," immediately following Account "215, Appropriated Retained Earnings."

(b) Delete Account "264, Amortization Reserve—Federal."

As amended, the Chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

215.1 Appropriated retained earnings—amortization reserve, Federal.

* * * * *

(2) Amend the text of the Balance Sheet Accounts as follows:

(a) Amend Account "125, Special Funds," Note B, by changing the title of Account "264, Amortization Reserve—Federal" mentioned therein to read "215.1, Appropriated Retained Earnings—Amortization Reserve, Federal."

(b) Redesignate Account "264, Amortization Reserve—Federal" by changing the title thereof to read "215.1, Appropriated Retained Earnings—Amortization Reserve, Federal." Amend the language of paragraph A thereof and relocate such account immediately following Account "215, Appropriated Retained Earnings."

As amended, the text of the Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

125 Special funds.

* * * * *

NOTE B.—* * * 215.1, Appropriated Retained Earnings—Amortization Reserve, Federal.

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

215.1 Appropriated retained earnings—amortization reserve, Federal.

A. This account shall be credited with such amounts as are appropriated by a licensee from account 216, Unappropriated Retained Earnings, for amortization reserve purposes in accordance with the requirements of a hydroelectric project license.

B. This account shall be debited with only such items or amounts as the Commission may require or approve. (See account 125, Special Funds.)

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(C) It is proposed to amend paragraph (c) of § 141.13, Part 141, Subchapter D, Chapter I Title 18, Code of Federal Regulations, which prescribes FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), by changing the title of the schedule entitled "Amortization Reserve—Federal" to read "Appropriated Retained Earnings—Amortization Reserve, Federal."

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(D) Effective for the reporting year 1977, it is proposed to amend schedule page 111, Comparative Balance Sheet, Statement A, schedule page 117A, Statement Of Retained Earnings For The Year—Statement D, and schedule page 226, Operating Reserves, of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by Section 141.1, Part 141, Subchapter D, Chapter I, Title 18, Code of Federal Regulations, and of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Part 260, Subchapter G, Chapter I, Title 18, Code of Federal Regulations, all as set forth in Attachment A hereto.

(E) Effective for the reporting year 1977, it is proposed to amend schedule page 6B, Statement of Retained Earnings, of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by Section 141.2, Part 141, Subchapter D, Chapter I, Title 18, Code of Federal Regulations, and of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Part 260, Subchapter G, Chapter I, Title 18, Code of Federal Regulations, all as set forth in Attachment B hereto.

(F) Effective for the reporting year 1977, it is proposed to amend schedule page i, List of Schedules, and schedule page 13, Amortization Reserve—Federal, of FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial), prescribed by § 141.13, Part 141, Subchapter D, Chapter I, Title 18, Code of Federal Regulations, as set forth in Attachment C hereto.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

FPC Forms No. 1 and 2 Docket No. RM77-17 Attachment A, 1 of 3

Annual Report of ..... Year ended December 31, 19.....

COMPARATIVE BALANCE SHEET Statement A

Liabilities and Other Credits (omit cents)

Line No.	Title of Account (a)	Page No. (b)	Balance Beginning of Year (c)	Balance End of Year (d)	Increase or (Decrease) (e)
	Proprietary Capital				
1	Common Stock Issued (201)	215			
2	Preferred Stock Issued (204)	215			
3	Capital Stock Subscribed (202, 205)	216			
4	Stock Liability for Conversion (203, 206)	216			
5	Premium on Capital Stock (207)	216			
6	Other Paid-In Capital (208-211)	217			
7	Installments Received on Capital Stock (212)	216			
8	Discount on Capital Stock (213)	218	( )	( )	( )
9	Capital Stock Expense (214)	218	( )	( )	( )
10	Retained Earnings (215, 216)	117			
11	Unappropriated Undistributed Subsidiary Earnings (216.1)	117			
12	Reacquired Capital Stock (217)	215	( )	( )	( )
13	Total Proprietary Capital	—	$	$	$
	Long-Term Debt				
14	Bonds (221) (Less $ reacquired (222))	219			
15	Advances from Associated Companies (223)	219			
16	Other Long-Term Debt (224)	219			
17	Unamortized Premium on Long-Term Debt (225)	211			
18	Unamortized Discount on Long-Term Debt-Dr. (226)	211			
19	Total Long-Term Debt	—	$	$	$
	Current and Accrued Liabilities				
20	Notes Payable (231)	221			
21	Accounts Payable (232)	—			
22	Payables to Associated Companies (233, 234)	221			
23	Customer Deposits (235)	—			
24	Taxes Accrued (236)	222			
25	Interest Accrued (237)	—			
26	Dividends Declared (238)	—			
27	Matured Long-Term Debt (239)	—			
28	Matured Interest (240)	—			
29	Tax Collections Payable (241)	—			
30	Miscellaneous Current and Accrued Liabilities (242)	224			
31	Total Current and Accrued Liabilities		$	$	$
	Deferred Credits				
32	Customer Advances for Construction (252)	224			
33	Accumulated Deferred Investment Tax Credits (255)	229			
34	Deferred Gains from Disposition of Utility Plant (256)	224A			
35	Other Deferred Credits (253)	225			
36	Unamortized Gain on Reacquired Debt (257)	214B			
37	Accumulated Deferred Income Taxes (281-283)	227-227E			
38	Total Deferred Credits		$	$	$
	Operating Reserves				
39	Operating Reserves (261-265)	226			
40	Total Liabilities and Other Credits		$	$	$

Add: 215.1,

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FPC Form No. 1 Docket No. RM77-17 Attachment A, 2 o

Annual report of ..... Year ended December 31, 19.....

STATEMENT OF RETAINED EARNINGS FOR THE YEAR - Statement D (Continued)

Line No.	Item (a)	Amount (b)
	APPROPRIATED RETAINED EARNINGS (Account 215) State balance and purpose of each appropriated retained earnings amount at end of year and give accounting entries for any applications of appropriated retained earnings during the year.	
39		
40		
41		
42		
43		
44		
45	Total Appropriated Retained Earnings (Account 215)	$
46	~~TOTAL RETAINED EARNINGS (Accounts 215, 216)~~	$
	UNAPPROPRIATED UNDISTRIBUTED SUBSIDIARY EARNINGS (Account 216.1)	
47	Balance - Beginning of Year (Debit or Credit)	
48	Equity in earnings for year (Credit)	
49	Dividends received (Debit)	
50	Other changes (Explain)	
51	Balance - End of Year	$

Delete

NOTES TO STATEMENT OF RETAINED EARNINGS FOR THE YEAR

Add:

APPROPRIATED RETAINED EARNINGS-AMORTIZATION RESERVE, FEDERAL (Account 215.1)

State below the total amount set aside through appropriations of retained earnings, as of the end of the year, in compliance with the provisions of Federally granted hydroelectric project licenses held by the respondent. This total shall agree with the amounts reported on schedule page 13, Appropriated Retained Earnings-Amortization Reserve, Federal, of the FPC Form No. 9, Annual Report for Licensees of Privately Owned Major Projects (Utility and Industrial). If any reductions or changes other than the normal annual credits hereto have been made during the year, explain such items in detail in a footnote.

Total Appropriated Retained Earnings-Amortization Reserve, Federal (Account 215.1) .....

Total Appropriated Retained Earnings (Accounts 215, 215.1) .....

Total Retained Earnings (Account 215, 215.1, 216) .....

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FPC Forms No. 1 and 2 Docket No. RM77- 17 Attachment A, 3 of 3

Annual report of ..... Year ended December 31, 19 ....

OPERATING RESERVES (Accounts 261, 262, 263, ~~264~~, 265)

1. Report below an analysis of the changes during the year for each of the above-named reserves.
2. Show title of reserve, account number, description of the general nature of the entry and the contra account debited or credited. Combine the amounts of monthly accounting entries of the same general nature. If respondent has more than one utility department, contra accounts debited or credited should indicate the utility department affected.
3. For Accounts 261, Property Insurance Reserve and 262, Injuries and Damages Reserve, explain the nature of the risks covered by the reserves.
4. For Account 265, Miscellaneous Operating Reserves, report separately each reserve comprising the account and explain briefly its purpose.

Line No.	Item (a)	Balance Beginning of Year (b)	Debits Account (c)	Debits Amount (d)	Credits Account (e)	Credits Amount (f)	Balance End of Year (g)
1							
2							
3							
4							
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Delete

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~~*Not applicable to Gas Utilities~~

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FPC Forms No. 1-F and 2-A Docket No. RM77-17 Attachment B

Annual report of Year ended December 31, 19

STATEMENT OF RETAINED EARNINGS

1. Report in this schedule all changes in appropriated and unappropriated retained earnings for the year.
2. Each credit and debit during the year should be identified as to the retained earnings account in which recorded (Accounts 433, 436-439 inclusive) and the contra primary account affected shown in column (b).
3. For each reservation or appropriation of retained earnings, state the purpose and amount.
4. List first account 439, Adjustments to Retained Earnings reflecting adjustments to the opening balance of retained earnings. Follow by credit then debit items.
5. Dividends should be shown for each class and series of capital stock. Show amounts of dividends per share.
6. Show separately the state and federal income tax effect of items shown in account 439, Adjustments to Retained Earnings.
7. Explain in a footnote, the basis for determining the amount reserved or appropriated and if such reservation or appropriation is to be recurrent, state the number and annual amounts to be reserved or appropriated as well as the totals eventually to be accumulated.
8. If any notes appearing in the report to stockholders are applicable to this statement, attach them hereto.

Line No.	Item (a)	Contra Primary Account Affected (b)	Amount (c)
1	UNAPPROPRIATED RETAINED EARNINGS (Account 216)		
2	Balance-Beginning of year		$
3	Changes (identify by prescribed retained earnings accounts):		
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14	Add:		
15	Total Appropriate Retained Earnings (Account 215)		
16	APPROPRIATED RETAINED EARNINGS-AMORTIZATION RESERVE, FEDERAL (Account 215.1)		
17			
18	State below the total amount set aside through appropriations of retained earnings,		
19	as of the end of the year, in compliance with the provisions of Federally granted		
20	hydroelectric project licenses held by the respondent. This total shall agree with		
21	the amounts reported on schedule page 13, Appropriated Retained Earnings-Amortization		
22	Reserve, Federal, of the FPC Form No. 9, Annual Report for Licensees of Privately		
23	Owned Major Projects (Utility and Industrial). If any reductions or changes		
24	other than the normal annual credits hereto have been made during the year,		
25	explain such items in detail in a footnote.		
26	Total Appropriated Retained Earnings-Amortization Reserve, Federal (Account 215.1)		
27			
28	Total Appropriated Retained Earnings (Accounts 215, 215.1)		
29	Total Retained Earnings (Account 215, 215.1, 216)		
30			
31			
32			
33			
34			
35	Balance-End of year		$
36	APPROPRIATED RETAINED EARNINGS (Account 215)		$
37	State balance and purpose of each appropriated retained earnings amount at end of year and		
38	give accounting entries for any applications of retained earnings during the year.		
39			
40			
41			
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49			
50	~~Total Retained Earnings (Accounts 215, 216)~~		$

Delete

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EPC Form No. 9 Docket No. RM77-17 Attachment C, 1 of 2

Annual Report of _____ Year ended December 31, 19__

LIST OF SCHEDULES

Title of Schedule	*Page No*
Information Concerning Licenses and Location of Records	1
Licensed Project Plant	2-3
Additions—Licensed Project Plant	4-5
Retirements—Licensed Project Plant	6-7
Adjustments—Licensed Project Plant	8
Accumulated Provision for Depreciation of Licensed Project Plant	9
Accumulated Provision for Amortization of Licensed Project Plant	10
Depreciation Expense for Licensed Project Plant	11
Amortization Expense for Licensed Project Plant	12
Amortization Reserve—Federal ←	13
Information Concerning Operation of Licensed Projects and the Sale or Use of Energy Produced	14
Energy Generated and Energy Delivered by Licensed Projects	15

Change to Read:

Appropriated Retained Earnings-Amortization Reserve,Federal

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FPC Form No. 9 Docket No. RM77-17 Attachment C, 2 of 2

Annual Report of _____ Year ended December 31, 19__

AMORTIZATION RESERVE—FEDERAL ←

1. This schedule is applicable to each licensed project which has been in operation under license for a period of 20 years or more and is subject to the provisions of section 10 (d) of the Federal Power Act.
2. Report below the amount of the amortization reserve for each licensed project. Show the balance at the beginning of the year, increase during the year, and balance at the end of the year.
3. There shall be attached to and made a part of this report tabulations showing the computation of the annual project earnings and the effect on the project amortization reserve.
4. If the plant is used to generate mechanical or electric energy used by the licensee and not sold, the computation should show the basis used in valuing the energy so utilized by the licensee for industrial purposes.

Project No. (a)	Project Name (b)	Balance Beginning of Year (c) $ c.	Increase During Year (d) $ c.	Balance End of Year (e) $ c.
1				
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Change to Read:

Appropriated Retained Earnings-Amortization Reserve,Federal

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[FR Doc.77-11196 Filed 4-18-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 602]

TEMPORARY ALIEN CERTIFICATION PROGRAM

1977 Adverse Effect Rates; Correction

AGENCY: Employment and Training Administration, LABOR.

ACTION: Proposed rule correction.

SUMMARY: In FR Doc. 77-9519, published on April 1, 1977 at 42 FR 17486, the proposed adverse effect rate for West Virginia was inadvertently omitted. The Department, therefore, is again publishing the proposed rule with the inclusion of the West Virginia adverse effect rate.

DATE: Comments on the proposed rule are still due by May 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Aaron Bodin, Chief, Division of Labor Certifications, United States Employment Service, Room 8410, 601 D Street, NW., Washington, D.C. 20213, 202-376-6295.

Therefore, § 602.10b *Wage rates* is corrected by adding the following entry to the table in paragraph (a)(1):

State:	*Rate*
• • •	• • •
West Virginia	2.74

Signed at Washington, D.C., this 7th day of April, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-11232 Filed 4-18-77;8:45 am]

[20 CFR Part 655]

TEMPORARY EMPLOYMENT OF ALIENS WORKING IN AGRICULTURE

Notice of Public Hearings

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule, notice of hearings.

SUMMARY: This is a Notice of Intent to conduct formal public hearings on proposed revisions to Department of Labor regulations governing the temporary employment of aliens working in agriculture (including logging and sheepherding), and the procedure to be followed in the conduct of such hearings.

There has been widespread public interest and comment on these proposed regulations from many individuals and groups representing agricultural employers and workers.

DATES: (1) Initial hearing date at Martinsburg, West Virginia: May 12 and 13, 1977.

(2) Last date to file notice of intention to appear for the Martinsburg hearing: May 2, 1977.

(3) Last date to file notice of intention to appear at any subsequent hearing: three weeks prior to hearing date in schedule listed in the body of this notice.

(4) Last date to file supplementary material for the record: August 1, 1977.

ADDRESSES: Hearing sites will be in Martinsburg, West Virginia; Belle Glade, Florida; San Antonio, Texas; Denver, Colorado; Springfield, Massachusetts and Albany, New York.

FOR FURTHER INFORMATION CONTACT:

Woodrow W. Vines, Certification Officer, Agricultural Occupations, U.S. Employment Service (Attn: TET), Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213. Phone: 202-376-6525.

SUPPLEMENTARY INFORMATION: The Department initially announced its intent to conduct such hearings in a March 25 FEDERAL REGISTER Notice (42 FR 16159). This action was an outgrowth of the publication, on January 25, 1977 (42 FR 4670) as proposed rulemaking in the FEDERAL REGISTER (at 20 CFR Part 655), proposed new regulations relating to the temporary employment of alien workers in agriculture. There has been widespread public interest and comment on these proposed regulations from many individuals and groups representing agricultural employers and workers. The Department has decided to hold public hearings this spring on the proposed revised regulations to give interested parties an additional opportunity to express their views. These hearings will be held at six different sites throughout the country. The hearings are expected to provide further information on implementation of the Department's dual responsibility to safeguard job opportunities for U.S. workers and to assure that adequate labor supplies are available for agricultural employers to meet harvest and other needs.

SUSPENSION OF ACTION ON NEW REGULATIONS

In view of the scheduled hearings, the Department is suspending any plans to implement during the 1977 harvest season, the proposed revised regulations published on January 25, 1977. The present regulations at 20 CFR 602.10, 10a, 10b remain in effect until further notice.

HEARING SITES

The Department plans to conduct a series of six one or two day hearings in areas where significant numbers of U.S. migrant or foreign agricultural workers live or are employed.

The hearings will begin in Martinsburg, West Virginia, on May 12 and 13, and continue as follows:

Area	Number of days	Scheduled dates
Martinsburg, W. Va.	2	May 12 and 13.
Belle Glade, Fla.	2	May 24 and 25.
San Antonio, Tex.	1	May 27.
Denver, Colo.	2	June 1 and 2.
Springfield, Mass.	2	June 8 and 9.
Albany, N.Y.	1	June 14.

Arrangements regarding specific hearing sites at each location are now being made. The addresses will be published in local newspapers of record at least two weeks prior to the start of the hearings at each site. Such information will also be provided to individuals or groups specifically requesting this information for possible participation in the hearings.

PUBLIC PARTICIPATION

An opportunity to submit oral or written testimony concerning the issues raised by the proposed revisions in these regulations will be provided at these public hearings. Interested persons who are unable to present their views at the hearing in person are invited to submit a written statement or comments for the record. The record will be held open for this purpose until August 1, 1977. The material should be addressed to Mr. Woodrow W. Vines, the contact person listed earlier.

Persons desiring to participate at the hearing, including those who previously requested that a public hearing be held, must file with the contact person listed earlier, a notice of intention to appear, postmarked on or before May 2, 1977, for the hearing at Martinsburg, or three weeks prior to the hearing date of any subsequent hearing. Only if time permits will a party who does not submit a proper notice of intention to appear in timely fashion be permitted to testify at the hearing. The notice of intention to appear, which will be available for public inspection, must contain the following information:

(1) The name, address, and telephone number of each person to appear; (2) The capacity in which the person will appear; (3) The approximate amount of time required for the presentation; and (4) The issues that will be addressed.

This information is necessary in order to properly schedule witnesses.

In addition, the amount of time requested for each presentation will be reviewed in light of the number of persons or groups who wish to appear and the time limitations of the hearing schedule. In some cases the time requested will be modified and the participant so informed.

Since this is a continuous hearing process, material submitted for the official record at one hearing site should not be submitted again at another site.

ISSUES

Issues to be considered during the hearings should be germane to operations of the Department's regulations relating to the temporary employment of aliens in agriculture and the major changes proposed in the new regulations, in relation to those now in effect. The proposed regulations were published at 42 FR 4670. The present regulations are at 20 CFR 602.10, 10a and 10b.

HEARINGS PROCEDURES AND OBJECTIVES

A Department of Labor Administrative Law Judge will preside at each of the hearings. The hearing will commence at 9:30 a.m. at each location. The Administrative Law Judge presiding at the hearing shall have all the powers necessary or appropriate to conduct a full and fair public hearing, including the powers:

(1) To regulate the course of the proceedings; (2) To dispose of procedural requests and comparable matters; (3) To confine the presentations to matters pertinent to the proposed regulations; (4) To regulate the conduct of those present at the hearing by appropriate means;

The Administrative Law Judge shall be able to question and permit questioning of witnesses for purposes of clarifying points of fact.

Following the close of the hearings, the presiding Administrative Law Judge shall certify the record thereof to the Administrator, U.S. Employment Service.

The proposed regulations will be reviewed in light of all oral and written submissions received as part of the record and in previous formal comment periods. Final regulations will take into account the entire record in this proceeding and the formal comments previously received. The objective of hearings is to ensure that whatever regulations are issued by the Department of Labor for application in the 1978 harvest season will treat all interested groups in an equitable manner, consistent with the provisions of the immigration law.

Signed at Washington, D.C. this 5th day of April 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-11460 Filed 4-18-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0068]

[21 CFR Part 250]

NEW DRUGS CONTAINING HEXACHLOROPHENE

Special Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Commissioner of Food and Drugs proposes to amend the special provisions permitting marketing of new drugs containing hexachlorophene. The proposal will prohibit the marketing of any such product after September 30, 1977, if the product is not the subject of an approved new drug application (NDA). It will also prohibit the marketing of any new drug containing hexachlorophene upon the issuance of a notice of opportunity for hearing on a proposal by the Director of the Bureau of Drugs to refuse to approve a NDA.

DATES: Comments by May 19, 1977.

ADDRESSES: Written comments to Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Paul O. Fehnel, Jr., Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 27, 1972 (37 FR 20160), the Commissioner issued a regulation pertaining to the use of hexachlorophene as a component of drug and cosmetic products. This regulation, § 250.250 (21 CFR 250.250) (formerly 21 CFR 3.91), was prompted by reports that repeated daily topical use of drug and cosmetic products containing hexachlorophene resulted in significant levels of hexachlorophene in human blood. Because the margin of safety between human exposure and threshold toxicity level was uncertain, the Commissioner concluded that it would be prudent to reduce the total human exposure to hexachlorophene to reduce any potential hazard. In addition, there were reports that neurologic damage in infants may be produced following three or more exposures to hexachlorophene bathing with 3 percent hexachlorophene emulsion.

With respect to the drug use of hexachlorophene, § 250.250 declares that, except for hexachlorophene used as a component of drugs as part of an effective preservative system where alternatives are not available, drugs containing hexachlorophene as a component are regarded as new drugs requiring approved NDA's. In addition, § 250.250 sets forth specific labeling requirements for such drugs, including indications for use. The only approved indications for use are as a skin cleanser for surgical scrubbing or handwashing and for topical application to control an outbreak of gram-positive infection in hospitals where other infection control procedures have been unsuccessful.

Section 250.250 permitted the continued marketing of new drugs containing hexachlorophene, whether or not they were being marketed pursuant to an approved NDA, provided certain specified conditions were met. In the past, when FDA classified a drug as a "new drug" on the basis of new information regarding the safety and/or effectiveness of the drug, but determined that the drug was medically necessary and that immediate enforcement of the new drug provisions of the Federal Food, Drug, and Cosmetic Act (pending completion and review of the studies required for evaluation of the safety and effectiveness of the drug) would disrupt medical care of patients, FDA has permitted continued marketing of the drug without an approved NDA. For "new" hexachlorophene products being marketed without an approved NDA, the condition for continued marketing was that an NDA be submitted within 90 days (i.e., by December 26, 1972). In response to this provision, 20 new drug applications for hexachlorophene were received. Despite repeated notices from the agency, and amendments from the applicants, eight of these applications continue to have deficiencies and remain nonapprovable.

Although § 250.250 required that NDA's be submitted within 90 days for all hexachlorophene products being marketed without new drug approval, the regulation did not specify how long marketing could continue without such approval. Experience with hexachlorophene products and other newly regulated new drug products (e.g., radioactive drugs subject to 21 CFR 310.503) has shown that without a final cutoff date, some firms apparently have no incentive to submit the information necessary to make their application complete, probably because they are selling their products while their applications are being reviewed. A transitional grace period to come into compliance with the new drug provisions of the act should not, however, be viewed by manufacturers as an open-ended exemption from compliance. One purpose of classifying hexachlorophene products as new drugs was to protect the public health by assuring that all such products were subject to approved NDA's. It now appears that this will only be achieved by establishing a specific date beyond which such a product cannot legally be marketed without an approved NDA. Moreover, although the legality of transitional treatment of newly classified new drugs was recognized by the United States District Court for the District of Columbia in *Hoffmann-LaRoche, Inc.* v. *Weinberger* (Civil Action No. 75-0270 filed July 29, 1975 (unreported but reprinted in the FEDERAL REGISTER of September 22, 1975 (40 FR 43531) and March 2, 1976 (41 FR 9001))), it seems contrary to the spirit of the Order of the Court to allow a transitional period to continue indefinitely.

The Commissioner therefore proposes to amend the special requirements for prescription drugs containing hexachlorophene set forth in § 250.250(c) to prohibit marketing any such product upon the issuance of a notice of opportunity for hearing on a proposal by the Director of the Bureau of Drugs to refuse to approve an application or, after September 30, 1977, if such product is not the subject of an approved NDA, whichever comes first.

The Commissioner points out that September 30, 1977, is more than 5 years after the date that the requirement to submit NDA's for these hexachlorophene products was published in the FEDERAL REGISTER. He considers the period more than ample for applicants to submit adequate information upon which an NDA can be approved.

If new data submitted in response to this proposal remain insufficient to permit approval of the application, applicants will be notified as soon as possible of any deficiencies. This will enable them to submit any additional information in time to permit it to be reviewed before September 30, 1977. In the absence of compelling public needs demon-

strated in comments received on this proposal, the Commissioner will adopt the September 30, 1977 deadline, and applicants should immediately begin efforts to meet that deadline.

The notice of opportunity for hearing on a proposal by the Director, Bureau of Drugs, to refuse to approve an application may be published in the FEDERAL REGISTER, pursuant to the provisions of § 314.200 (21 CFR 314.200), as a result of a request to have the application filed over protest because the Bureau of Drugs has concluded that the application is not approvable. While such action does not constitute final agency action, it does constitute the final decision of the Bureau of Drugs with respect to the application and represents a finding that it would be contrary to the public interest to continue to permit the product to be shipped pending final agency action on the application.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that § 250.250 be amended by revising the introductory text of paragraph (c)(4) to read as follows:

§ 250.250 Hexachlorophene, as a component of drug and cosmetic products.

* * * * *

(c) * * *

(4) Marketing of products for the indications listed in paragraph (c)(3) of this section may be continued without an approved new drug application (or required supplement thereto) either until a notice of opportunity for hearing is issued on a proposal by the Director of the Bureau of Drugs to refuse to approve such new drug application (or required supplement), or until September 30, 1977, whichever comes first, if all the following conditions were met after September 27, 1972:

* * * * *

Interested persons may, on or before May 19, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A–107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

[FR Doc.77–11347 Filed 4–18–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

[32 CFR Part 505]

[Army Reg. 340–21]

PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Proposed Exemption

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would add an exemption to the Department of the Army Privacy Act rules for proposed new system of records to be compiled by Army activities identified in the Supplementary Information below, which pertains to the Skill Qualification Test (SQT). Exemption is needed for those portions of the SQT pertaining to individual item responses and scoring keys to preclude compromise of the test and to insure fairness and objectivity of the evaluation system.

DATES: Comments must be received on or before May 19, 1977.

ADDRESS: Send comments to The Adjutant General, Department of the Army, ATTN: DAAG–AMR–R, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Cyrus Fraker (202–693–0973).

SUPPLEMENTARY INFORMATION: In FR Doc 75–32158 published in the FEDERAL REGISTER of November 28, 1975 (40 FR 55551), the Department of the Army published a notice of adopted rulemaking. Amendments to exemption rules were published in FR Doc 76–31334 of October 27, 1976 (41 FR 47046) and FR Doc 77–9079 of March 28, 1977 (42 FR 16385).

This amendment is proposed under the authority of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a.

GUY B. OLDAKER,
Acting Director, Administrative Management.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 14, 1977.

The following exemption rule is added and should be inserted before exemption rule ID—A0720.04aDAPE, SYSNAME—Individual Correctional Treatment Files (40 FR 55579).

§ 505.9 Exemption rules for Army systems of records.

EXEMPTED RECORD SYSTEMS

(SPECIFIC EXEMPTIONS)

* * * * *

ID:

A0713.09aTRADOC.

SYSNAME:

Skill Qualification Test.

Exemption:

All portions of this system which fall under 5 U.S.C. 552a(k)(6) are exempt from the following provisions of Title 5 U.S.C., Section 552a(d).

Authority:

5 U.S.C. 552a(k)(6).

Reasons:

An exemption is required for those portions of the Skill Qualification Test system pertaining to individual item responses and scoring keys to preclude compromise of the test and to insure fairness and objectivity of the evaluation system.

* * * * *

[FR Doc.77–11276 Filed 4–18–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 128, 403]

[FRL 714–7]

PRETREATMENT STANDARDS FOR EXISTING SOURCES AND NEW SOURCES OF POLLUTION

Availability of Document and Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: On February 2, 1977, the Environmental Protection Agency proposed regulations which would establish mechanisms and procedures for controlling the introduction of industrial wastes into publicly owned treatment works pursuant to sections 208, 301, 307 (b) and (c), 308, 402(b) and 501(a) of the Federal Water Pollution Control Act, as amended (Pub. L. 92–500). The proposed regulations would supersede regulations set forth in 40 CFR Part 128. The proposed regulations are set forth in 42 FR 6476–6502.

The Agency encouraged public participation in the rulemaking and stated that it would consider all comments received not later than May 3, 1977. In order to assist in the development of comments on the proposed regulations the Agency called attention to a document entitled "Information for Proposed General Pretreatment Regulations (40 CFR Part 403)" which it intended to make available for public distribution in late February. Unfortunately, public availability of this document has been delayed.

"Information For Proposed General Pretreatment Regulations (40 CFR Part 403)" is now available from EPA upon request. Copies will be sent to all persons who have previously requested the document. In order to insure the fullest possible opportunity for public comment the comment period is hereby extended and all comments received not later than thirty days from the date of this notice will be considered.

DATE: Comments by May 18, 1977.

ADDRESS: Written comments may be submitted to the Office of Analysis and Evaluation (WH–586), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. (Attention: Mr. Stephen Heare).

"Information For Proposed General Pretreatment Regulations (40 CFR Part 403)" is available upon request from the Office of Public Affairs (A–107), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (Attention: Ms. Barbara Paul).

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara Paul, 202–755–0720.

Dated: April 13, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77–11272 Filed 4–18–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2850]

ELECTRIC TRANSMISSION FACILITIES CROSSING FEDERAL LANDS

Minimum Power Transmission Level Requiring Wheeling Stipulation

AGENCY: Land Management Bureau, Interior.

ACTION: Proposed rule.

SUMMARY: The Land Management Bureau is proposing to amend its regulations relating to the issuance of rights-of-way for electric transmission lines crossing public lands. To simplify the application process for low voltage power transmission and distribution line rights-of-way the minimum voltage for a wheeling stipulation in an application is raised from 33 kV to 66 kV.

DATES: Comment period ends May 16, 1977.

ADDRESSES: Interested persons are invited to submit comments, suggestions, or objections to the Director (210), Bureau of Land Management, 1800 C St. NW., Washington, D.C. 20240 by May 16, 1977. Comments received will be available for public inspection in room 5555 of the main Interior Building in Washington, D.C. at 1800 C St. NW., on regular working days from 7:45 a.m. to 4:15 p.m.

FOR FURTHER INFORMATION CONTACT:

William R. Wilson, 202–343–4266.

SUPPLEMENTARY INFORMATION: Regulations of the Departments of the Interior and Agriculture govern the granting of rights-of-way for transmission lines over federally owned lands under their jurisdiction. Included in the regulations is the requirement that grantees of rights-of-way for electric transmission lines agree to permit a Department of the Interior power marketing agency to use surplus transmission capacity in all powerlines rated 33 KV and above. This is commonly referred to as the wheeling stipulation. The wheeling stipulation is for the purpose of facilitating the transmission of electric power and energy, by and at the expense of the United States, by utilizing capacity in an electric transmission line in excess of capacity needed by the holder of a right-of-way from the United States.

It has been determined that requiring the wheeling stipulation for transmission lines at levels below 66 kV is of little value to the Federal power marketing program, and the burden of processing applications for rights-of-way for transmission lines at lower kV levels is unnecessary. No significant effect on the Federal power marketing program is anticipated because the capacity of transmission lines rated at 33 kV to 66 kV is relatively small. Transmission lines at these voltages are currently used primarily as subtransmission and, in some areas, for distribution service. These lower voltages are not generally suited for the bulk power transmission of Interior's power marketing agencies. Therefore, it is proposed that the voltage relating to the wheeling stipulation be increased from 33 kV to 66 kV. Under the proposed rule change, the wheeling stipulation would be required for electric transmission facilities rated 66 kV and above.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

It is hereby determined that publication of this proposed rulemaking is not a major Federal action significantly effecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is required.

Under the authority of Section 501(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761), it is proposed to amend Title 43, Chapter II, Subchapter B, Part 2850, Subpart 2851 of the Code of Federal Regulations as set forth below.

1. Section 2851.1–1(a)(5) is amended to read as follows:

§ 2851.1–1 Terms and conditions.

(a) * * *

(5) An applicant for a right-of-way for a transmission facility having a voltage of 66 kilovolts or more must, in addition to the requirements of Subpart 2802 of this part execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

* * * * *

2. Section 2851.2–1(c)(4) is amended to read as follows:

§ 2851.2–1 Applications.

* * * * *

(c) * * *

(4) If the line is to have a nominal voltage of 66 kilovolts or more, the application should include a one-line diagram of the proposed line and the immediate interconnecting facilities including power plants and substations, a power flow diagram or proposed line and connecting major lines showing conditions under normal use, and typical structure drawings of proposed line showing construction dimensions and list of materials.

* * * * *

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

APRIL 11, 1977.

[FR Doc.77–11254 Filed 4–18–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[Docket No. 21182; RM–2829; FCC 77–228]

TELEPHONE EQUIPMENT REGISTRATION

Means of Connection of Telephone Equipment to Lamp and/or Annunciator Functions of Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FCC is considering whether its telephone equipment registration program should allow connection of ancillary equipment to key telephone and private branch exchange (PBX) lamp and ringer paths (protocol paths), and if so, upon what terms and conditions. The FCC has received several applications for registration of equipment requiring connection to key telephone system lamp circuits, and in addition has received a petition for rulemaking from Automation Electronics, Inc. specifically seeking amendments to accommodate such connections. Rather than acting piecemeal on the issues involved in allowing these connections, this proceeding seeks comments on the fundamental policy issues raised, within the scope of the existing telephone equipment registration program.

DATES: Comments must be received on or before May 10, 1977, and Reply Comments must be received on or before May 25, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau (202) 632–9342.

SUPPLEMENTAL INFORMATION:

Adopted: March 24, 1977.

Released: April 1, 1977.

In the matter of amendment of Part 68 of the Commission's rules (Telephone Equipment Registration) to Specify Standards for and Means Of Connection of Telephone Equipment to Lamp and/or Annunciator Functions of Systems, Docket No. 21182, RM–2829; FCC 77–228.

1. We have before us a petition for rulemakng, filed by Automation Electronics, Inc. ("Automation"), seeking an additional means of connection of registered telephone equipment to be specified in our rules. Automation's peti-

tion seeks the addition of a standard means of connecting registered equipment to the lamp functions of telephone company supplied key telephone systems, in series. The rule which Automation proposes is presently the same as is in use in California for connection of Automation's California-certified equipment to key telephone systems provided by telephone companies there.

2. We view the petition as raising matters which go beyond the specification of another jack/plug configuration in our Part 68 rules (47 CFR 68.500 et seq.). Thus, while we could await the submission of responses to the petition, in view of our desire to comprehensively address both the specific Automation proposal and the more fundamental issues involved, we are issuing this Notice on our own motion, in order to proceed most expeditiously to resolution.[1] In the discussion which follows, we will address the fundamental issues raised by Automation's proposal.

INTRODUCTION

3. Communications systems provided to customers, such as key telephone and Private Branch Exchange (PBX) systems, commonly today operate with three generic types of electrical signal paths:

a. Voice-band communications channels—tip/ring connections to telephone lines, telephone loops, or reconstructions thereof (e.g. on the station side of key telephone and PBX common equipment).

b. Protocol paths to the system—paths which must be operated to allow the communications channels to be used (e.g. A/A1 connections of a key telephone system, which must be shorted in the off-hook state for the tip/ring connections to operate.[2]

c. Protocol paths from the system—paths over which the system communicates information about the communications channels to make them useful (e.g. circuits which cause annunciators to sound and lamps to light to indicate that a given line is ringing, or is in the hold condition).

Our present Part 68 rules address connections in the first two categories above, but do not address connections in the third category.

4. Connections to telephone company facilities fall into two categories: Parallel and series. Parallel connections, by their nature, can conveniently be made at a variety of points in a given installation, and disconnection of equipment without interference to the remaining equipment on the connection is readily accomplished through the use of open-circuited jacks. A connection to a key telephone system's tip/ring and A/A1 functions may be made by connecting an open-circuited jack to a point convenient to the systems's physical layout and the customer's requirements by paralleling a new connection with the system's own connections.[3] A series connection is made by interposing a series connector before all equipment with which the connection is to be in series. Thus, series connections may not necessarily be made as conveniently as parallel connections. If the series connection is to be made before a multiplicity of equipment, then it must physically be made in a location that is predetermined by the system layout; this location may, or may not, be convenient to the user's requirements.[4] Our present Part 68 rules address parallel connections to tip/ring and A/A1. They do not address series connections to A/A1, nor do they address parallel or series connections to protocol paths from systems.

5. Automation seeks a series connection to the lamp functions of a key telephone system. Such connections are not available at the point where telephone lines enter a customer's premises, nor are they typically available at any key telephone system's telephone instruments. The lamp functions are derived today in the common equipment of the key telephone system from which parallel connections are used to transmit them to each of the system's telephone instruments. Thus, for Automation's equipment to operate, a series connection would have to be interposed between the common equipment's lamp leads and all such parallel connections of wires which ultimately lead to the telephone instruments.

6. The only form of connection to a key telephone system's common equipment which our rules presently address is parallel connection to tip/ring, and parallel connection to A/A1. Thus, not only does Automation wish a connection to circuits which we previously have not addressed (lamp circuits), but it also wishes a form of connection (series connection) which we have not previously examined in this context.

7. Logically related to allowing connections to the lamp leads is the question of allowing connections to annunciator leads. A key telephone instrument normally contains only one ringer to indicate that any of the telephone lines accessible on the instrument is ringing. The common equipment causes this ringer to sound if any one of the lines available on the instrument is receiving ringing signaling from the central office. Thus, this signal is also a protocol path from the system, and is similar to the lamp signals which also give information about the status of the communications channels. In establishing this rulemaking, we wish to comprehensively address the full range of issues surrounding connections to systems protocol paths. Accordingly, we will address series and parallel connections to both lamp and annunciator functions of systems.

TECHNICAL STANDARDS

8. Automation's petition implicitly assumes that our present Part 68 technical standards will adequately protect the telephone network if these connections are allowed. While California's adoption of means of connection for Automation's equipment without additional technical standards provides support for this assumption, we are concerned with two areas where technical standards might be appropriate. First, connections to system protocol functions might interfere with the operation of the system. Second, connections to the system protocol functions might have some potential for causing a violation of the technical standards of Part 68.

9. *Interference.* Automation's petition seeks means to connect its equipment in series with a key telephone system's lamps, because Automation's equipment switches on and off the key system's lamp signals. If the "on" position is not a short circuit, then the brillance of the lamps could be cut by Automation's equipment. Thus, Automation's equipment has the potential, depending upon its design, of extinguishing the key telephone system's lights. On one hand, it could be argued that the user of such a key telephone system assumes the risk of this type of interference by choosing to connect Automation's equipment; on the other hand, it could be argued that such interference decreases the utility of the system to its users. We do not decide this issue here, and set it as an additional matter for comment. We do note, however, that any such interference can be prevented by the adoption of appropriate technical standards, and we request comment upon such standards. The same reasoning applies to parallel connections to lamp and annunciator leads as well. Additional equipment on such connections which draws too much current could cause lamps not to light properly, or ringers not to sound at full volume.

10. *Harm.* Moreover, we wish to address whether, and to what extent, connections to the lamp and annunciator functions of systems have a potential for causing violations of our present technical standards which are contained in Subpart D of Part 68 (e.g. hazardous voltages, imbalances, excessive signal power, etc.). If the system's design inherently protects against aberrations on the lamp and/or annunciator connections, no additional standards appear necessary; if not, then additional technical standards will be required. We set this issue for comment, and also request comment upon appropriate standards if needed.

MEANS OF CONNECTIONS

11. Finally, we come to the specific means of connection that should be specified in Part 68, should we decide to allow connections to lamp and/or annunciator system functions. We foresee

[1] 47 CFR 1.405. We find that the petition discloses sufficient reasons in support of the action requested to justify the institution of a rulemaking proceeding.

[2] Other protocols can be used on the tip/ring and A/A1 connections to place a line in the hold condition.

[3] Most of today's key telephone systems use connectorized system connections; the addition of a new parallel connection to such systems usually involves the addition of a "cube-tap" adapter to the existing connectors.

[4] A dialer, for example, is normally used with one telephone instrument; its series connection is readily accomplished at the telephone. If it were to be used with two telephones, however, it would have to be wired before both such instruments; a location where this would be possible might well not be in proximity to either telephone.

no major problems in allowing parallel connections to be accomplished through the use of the connectors already specified in Part 68, although additional wiring configurations would have to be listed in our rules to show the specific pins on these connectors to which lamp and/or annunciator connections would be made.

12. However, series connections do pose a problem. In order for equipment on a connection to operate if a series-connected device is disconnected, the two points between which a series-connected device is interposed during operation must be shorted during disconnection. Our rules currently specify a connector which contains a spring-loaded contact to automatically perform this shorting function when a series plug is withdrawn. Thus, the series connections in our current rules automatically revert to operation during disconnection of the series equipment. Such a mechanism would operate similarly if the series connection were to lamp and/or annunciator leads if the current connector were to be wired to these leads instead of the tip/ring connections (for which the connector is presently specified).

13. Automation, on the other hand, proposes a less automatic configuration to accomplish its desired series connection. Automation proposes that we adopt a connector system currently in use in California consisting of a male and female "ribbon" connector (50-position) similar to the connectors which we have already specified in Part 68 for parallel connections. The series-connected telephone equipment is required to be compatible therewith, and thus must itself have female and male "ribbon" connectors. Thus, four connectors are involved to connect Automation's equipment in California.

14. When the Automation equipment is not connected, the user is required to plug the two telephone company connectors together, to restore all series connections. When the Automation equipment is connected, the user is required to unplug the two telephone company connectors, and plug each of them together with a connector on Automation's equipment. To disconnect Automation's equipment, these steps are reversed.

15. Thus, Automation proposes a means of series connection which manually can revert the system to operation during disconnection, rather than the automatic reversion which occurs when the currently-specified series connector is employed. We specifically request comments on the advisability of such a variance of our present § 68.104(a) policy, which requires in pertinent part that connections to the telephone network be made in such a manner as:

> * * * to allow for easy and immediate disconnection of terminal equipment. Standard jacks shall be so arranged that, if the plug connected thereto is withdrawn, no interference to the operation of equipment at the customer's premises which remains connected to the telephone network, shall occur by reason of such withdrawal.

The present series connector conforms to that policy. Automation's proposed combination of connectors does not, and we wish to address whether or not the refinement of our policy requested by Automation is appropriate.[5]

ISSUES

16. In sum, the specific issues which we wish addressed in this proceeding are:

(a) To what extent shall parallel connections to lamp and annunciator leads of systems be permitted under Part 68 of our rules?

(b) To what extent shall series connections to lamp and annunciator leads of systems be permitted under Part 68 of our rules?

(c) What technical standards, if any, are required to prevent interference to system operation if we were to permit series and/or parallel connections to lamp and annunciator leads of systems? To what extent does the user of such a system assume the risk of any such interference which theoretically might occur?

(d) What technical standards, if any, in addition to those currently contained in Subpart D of Part 68 of our rules are required to prevent violations of these rules, should we decide to permit series and/or parallel connections to lamp and annunciator leads of systems?

(e) What jacks, plugs, connectors and means of connection shall be specified in Part 68 of our rules for each of parallel and series connections to lamp and/or annunciator leads of systems?

17. One possible outcome of this proceeding is that we shall adopt the specific form of connection which is proposed by Automation, a combination of two "ribbon" connectors to achieve series connection to the lamp leads of key telephone systems, in view of its adoption and use in California, apparently without harm. Accordingly, we hereby give specific notice of a proposed rule change which would add the configuration which Automation seeks to our rules: Two 50-position "ribbon" connectors, one male and one female, connected to up to eight key telephone system lines with each of tip/ring, A/A1 and L/LG[6] connections per-line, arranged seriatum, whereby the L/LG connections from the key telephone system's common equipment shall be made to the female connector, and the L/LG connections to the key telephone system's telephone instruments shall be made to the male connector. When the two telephone company-installed connectors are separated, the L/LG paths shall be discontinuous to allow the insertion of series-connected ancillary equipment, however, the continuity of the tip/ring and A/A1 connections shall be maintained regardless of the separation of the connectors.

18. *Accordingly, it is ordered,* Pursuant to 47 U.S.C. 154(i)–(j), 201–05, 215, 218, 220(e), 313, 403, 409(e)–(h) and 412, and 5 U.S.C. 553, That pursuant to the provisions of § 1.411 et seq. of the Commission's rules and regulations (47 CFR 1.411 et seq.) interested parties may file comments on the issues and proposed rules discussed herein no later than May 10, 1977, and that replies to such comments may be filed no later than May 25, 1977.

19. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

20. *It is further ordered,* That the proceeding herein shall be subject to further order by the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-11281 Filed 4-18-77;8:45 am]

[5] As was previously noted, California, which has adopted an intrastate telephone equipment registration program similar to ours, and which also requires the use of plugs and jacks for equipment connection, allows the connector system which Automation proposes, apparently without harm.

[6] "L/LG" is a designation which we are using to apply to the lamp connection ("L") and its normally-grounded return path ("LG"), per-line.

[47 CFR Part 73]

[Docket No. 20890; RM-2641]

FM BROADCAST STATIONS; GRANGER-HUNTER, UTAH

Report and Order Denying Petition for Rule Making

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: Proposed assignment of Class C Channel 274 to Granger-Hunter, Utah, denied; petitioner, Albert E. Guthrie, did not provide sufficient justification for assigning a Class C channel. Also petitioner could not make requisite commitment to apply for Channel 274, if assigned.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Diane Petruso Menefee, Policy and Rules Division, Broadcast Bureau (202–632–7792).

SUPPLEMENTARY INFORMATION:

Adopted: April 7, 1977.

Released: April 13, 1977.

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted August 9, 1976, 41 FR 34787 (1976), inviting comments on a proposal to assign Class C FM Channel 274 to Granger-Hunter, Utah.[1] This proceeding

[1] Although the petitioner originally used the abbreviated title of "Granger," the 1970 U.S. Census and available maps of Utah suggest that the correct title for the community is the hyphenated Granger-Hunter. The Notice of Proposed Rule Making requested petitioner to clarify this point and indicate whether Granger-Hunter is one community or whether Granger and Hunter are separate communities. Although petitioner's explanation of this matter in his reply comments is unclear, for our purposes we have treated Granger-Hunter as a single community.

was instituted on the basis of a petition filed by Albert E. Guthrie on January 5, 1976. Commehts were filed by the petitioner; no other comments or reply comments were filed.

2. Granger-Hunter which is unincorporated is located 19 kilometers (12 miles) southwest of Salt Lake City. Petitioner states that a 1970 Chamber of Commerce estimate listed Granger-Hunter's population at 13,800, but alleges that since then the population has grown to 25,000. However, as the Commission's Notice pointed out, the 1970 U.S. Census lists 9,029 as the population for the Granger-Hunter area. No explanation of these discrepancies was made by the petitioner in his comments.

3. At the time this petition was filed, the community had no newspaper, TV, AM or FM stations of its own, but was served by Salt Lake City's two newspapers and three TV stations and by several of its eleven AM stations and seven FM stations. Petitioner stated in his petition that these outlets did not direct themselves to the purely local Granger-Hunter issues and, on this basis, contended there was a need for the proposed FM service. In his comment, petitioner points out that Granger-Hunter has a post office, library, schools, Chamber of Commerce and city government.

4. Petitioner also states in his comments that he has requested a Class C channel rather than a Class A channel—which would ordinarily be assigned to a community of Granger-Hunter's size—because there is no available Class A channel. He states that Channel 274 is the only available channel of any class that would be suitable for assignment to Granger-Hunter. Although petitioner does not state how he arrived at the conclusion that no Class A channel is available, the Commission's engineering studies show this to be correct.

5. Petitioner alleges that the assignment of Channel 274 to Granger-Hunter would provide first local aural service to 25,000 people, but as noted previously, the claimed population of 25,000 is a figure that is not supported. Mere reference to a Chamber of Commerce estimate which is said to show the current population of Granger-Hunter to be "near 25,000" is inadequate and does not form the basis on which to justify the assignment of a Class C channel to that community.

6. Petitioner states that approximately 12,000 additional people would receive their first or second FM service, referring to the residents of the cities of Magna, Bacchus and Copperton, who he says are unable to receive the signals of the FM stations which are located on the mountain directly above these cities.[2]

7. There are problems with the petitioner's assertions. First, the Commission's engineering analysis revealed the cities of Magna, Bacchus and Copperton are located six or seven miles from the Salt Lake City stations. Notwithstanding the fact that the towns are at the base of the mountains with the stations located directly above them, these three communities are well within the 1 mV/m contour of the stations and could be expected to receive service from them. Petitioner offers no showing to warrant a contrary conclusion. He supplies no information to support his statement that the location of these cities would prevent their receiving the FM signals, or indeed, that their location prevents reception at all. Moreover, without a thorough Roanoke Rapids study it is not possible to determine if any other areas might receive a first or second FM service even if this area would not.

8. In his preclusion study, petitioner contends that, although assignment of Channel 274 to Granger-Hunter would preclude its assignment to Roy, Layton and Clearfield—three cities located near Ogden, all of which have a larger population than Granger-Hunter—Channel 292A could be assigned to these three cities. Petitioner's contention is not well-founded. Channel 292A has been assigned to Evanston, Wyoming, which is located 85 kilometers (53 miles) from these cities and, thus, falls short by 19 kilometers (12 miles) of meeting the separation requirements. There is no other channel available to these communities, but petitioner points to the fact that Channel 288A, assigned to Bountiful has never been activated even though KSTU–FM was granted[3] a construction permit for this channel in 1969. As petitioner points out, Channel 258 might be a possible substitute assignment for the city of Springville. Even though the channel would be short-spaced by 35 kilometers (21 miles) to Rock Springs, Wyoming, it might be possible to assign it to Springville if a suitable site could be found. Petitioner alleges that Channels 272A, 273 and 275 are already precluded from use in the Granger-Hunter area, but offers no evidence to support his allegation.

9. In his petition and reply comments, petitioner has failed to establish that the needs of Granger-Hunter are sufficient to warrant assignment of Class C Channel 274 to that community. There are several reasons for this conclusion. While the Commission believes communities that demonstrate a sufficient need and interest in obtaining an FM station should be assigned a channel whenever possible, it is not clear that the proposed Channel 274 would in reality serve Granger-Hunter. Because of Granger-Hunter's proximity to Salt Lake City, serious doubts exist on this score, especially in view of the fact that a Class C rather than a Class A assignment is being requested. This is all the more true when it is recognized that petitioner is a 25 percent owner of KRGO, an AM station which was, until recently, licensed to Salt Lake City. However, three months prior to filing the petition for assignment of Channel 274 to Granger-Hunter, an application was filed to change the location of KRGO from Salt Lake City to Granger-Hunter, Utah, and to change from a daytime-only operation to an unlimited-time operation. The application for a construction permit to cover these changes was granted on August 17, 1976, and the station is presently operating under the program test authority granted by the Commission on September 9, 1976. Although petitioner did not mention these facts in his comments of September 15, 1976, their impact on his request cannot be ignored. It appears that when KRGO–AM finally receives its license, Granger-Hunter indeed will have the broadcast service it desires and the needs and interests of the citizens of Granger-Hunter will be met by the unlimited-time AM station. Petitioner has failed to establish that the proposal would provide any first or second FM service and it would not provide Granger-Hunter with its first local full-time service. Under these circumstances, we cannot conclude that the showing of need made by the petitioner is sufficient to justify assigning a Class C channel to Granger-Hunter.

10. One additional point needs to be noted. In July 1973, the Commission accepted for filing the application for a commercial FM station to be licensed to the city of Ogden, Utah, of Group Communications, Inc. (of which Albert E. Guthrie, the petitioner herein, is 25 percent owner, General Manager and Vice President). In that application, it was proposed to locate the transmitter on the mountains, approximately 24 kilometers (15 miles) from Granger-Hunter. If both the application of Group Communications and an application for use of the channel here proposed were granted it would inevitably lead to prohibited overlap of the 1 mV/m contours of the two facilities. Such overlap is precluded by Section 73.240(a)(1), and as a result, petitioner could not unqualifiedly commit himself to applying for a license for Channel 274 in Granger-Hunter, Utah, if the Commission were to grant his petition and assign the channel to that city. As the Notice of Proposed Rule Making stated, if the petitioner cannot or does not state his intention to apply for the requested channel and build the station promptly if his application is granted, his request for assignment may be denied. In light of the pending application of Group Communications, if would appear that petitioner is unable to make the requisite commitment to use the channel. For this reason, too, favorable action on the petition is not warranted.

11. In view of the foregoing, *it is ordered*, That the petition of Albert E. Guthrie to amend Section 73.202(b), Table of Assignments of FM Broadcast channels, and assign Channel 274 to Granger-Hunter, Utah, is denied and this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77–11333 Filed 4–18–77;8:45 am]

[2] Six of the seven FM stations assigned to Salt Lake City are located on the Oquirrah Mountains near there, and the seventh station has made application to move its operation to a mountain site.

[3] See Docket 20460.

[47 CFR Part 73]

[Docket No. 21198; RM–2724]

TELEVISION BROADCAST STATION IN WAGNER, SOUTH DAKOTA

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule Making.

SUMMARY: Channel *24 is proposed for Wagner, South Dakota, as a noncommercial educational assignment. Action was initiated in response to a petition filed by South Dakota State Board of Directors for Educational Television.

DATES: Comments must be received on or before May 23, 1977, and Reply Comments must be received on or before June 13, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Gordon Godfrey, Policy and Rules Division, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

Adopted: April 8, 1977.

Released: April 14, 1977.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by the South Dakota State Board of Directors for Educational Television ("State Board"). The petition seeks amendment of Section 73.606(b) of the Commission's Rules, the Television Table of Assignments, by assigning Channel 25 to Wagner, South Dakota and reserving it for noncommercial educational use.

2. The State Board is a governmental agency created by the South Dakota Legislature responsible for providing noncommercial educatonal television service to state residents. The State Board has already implemented large portions of the statewide network plan and operates a number of noncommercial educational facilities throughout the state.

3. Wagner (pop. 1,655; Charles Mix County, pop. 9,994) is located in southeastern South Dakota, near the Nebraska border. There is currently no educational assignment in Wagner, and the nearest educational station is 122 kilometers (76 miles) away in Vermillion, South Dakota.

4. The proposed assignment of Channel *25 to Wagner is short-spaced to a proposal to assign Channel *25 to Rock Rapids, Iowa[1] (Notice of Proposed Rule Making published in FEDERAL REGISTER July 20, 1976, 41 FR 29869). We have investigated alternative UHF channel assignment possibilities for Wagner and found an abundance of channels available. Assignment of Channel *24 to Wagner instead of Channel *25 would provide necessary site flexibility and would not preclude future assignments to any area without other channels available.

5. The Channel *24 assignment may be made in compliance with the Commission's separation requirements and other technical criteria, without requiring changes at other communities listed in the Table of Assignments.

6. In view of the abundance of UHF channels available for assignment and the stated desire of State Board to utilize a channel if assigned, we are convinced that a rule making proceeding should be instituted to obtain comments on this proposal. Therefore, we propose to consider the following revisions in the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the city listed below:

City	Channel number	
	Present	Proposed
Wagner, South Dakota		*24

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

8. Interested parties may file comments on or before May 23, 1977, and reply comments on or before June 13, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

[DOCKET NO. 21198 RM–2724]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Coutnerproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 77–11325 Filed 4–18–77;8:45 am]

[1] Actual separation 177 kilometers (110 miles), required separation is approximately 282 kilometers (175 miles).

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

INSPECTION AND GRADING OF FOOD PRODUCTS

Memorandum of Agreement With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Agreement between the Agricultural Marketing Service and the Food and Drug Administration, see FR Doc. 77-11252 appearing elsewhere in the Notices section of this issue of the FEDERAL REGISTER.

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval

The regulations in 9 CFR Part 76, as amended, contain restrictions on the interestate movement of swine and swine products to prevent the spread of hog cholera and other swine diseases. This document adds certain livestock markets to the list of livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations and removes from the list certain other livestock markets which have been found no longer to qualify for such approval.

The following livestock markets preceded by an asterisk are specifically approved to handle any class of swine and those livestock markets not preceded by an asterisk are specifically approved to handle slaughter swine only:

ALABAMA

*Northwest Alabama Feeder Pig Association, Inc., Russellville.
Northwest Alabama Livestock Association, Russellville.

GEORGIA

*Dublin Livestock and Commission Company, Dublin.

IDAHO

*Salmon River Livestock Market, Salmon.

IOWA

*Aplington Livestock Sales Co., Inc., Aplington.
Rath Hog Buying Station, Wever.
*Sheldon Livestock Sales Company, Sheldon.
Sheldon Livestock Sales Company, Sheldon.

KANSAS

Washington Livestock Sales, Washington.

MINNESOTA

George Hormel & Company, Mabel.
Rath Packing Company, Rushford.
*Minnesota Feeder Pig Market, Inc., Morris.

MISSOURI

*Cabool Livestock Market, Cabool.
*Central Livestock Market, Inc., Poplar Bluff.
*Bob Franklin Sale Barn, Buffalo.
*Scotland County Livestock Auction, Memphis.
Wilson Hog Market, Novelty.

NEBRASKA

Daniels Livestock, Whitney.
*Oxford Livestock Market, Oxford.
*Holdrege Livestock Commission Company, Holdrege.
Kleen-Leen, McCook.

NORTH CAROLINA

Cattleman's Livestock Market, Canton.
Franklin Livestock Market, Franklin.
Mountain Livestock Auction, Murphy.
Robeson Livestock Company, Inc., Rowland.
Turner's Livestock Market, Elizabeth City.

NORTH DAKOTA

*Stockmen's Livestock Exchange, Inc., Beulah.
*Stockmen's Livestock Exchange, Inc., Dickinson.

SOUTH CAROLINA

Neese's Stockyards, Neeses.

SOUTH DAKOTA

Bowdle Livestock Sales, Inc., Bowdle.

TENNESSEE

*Johnny Boyce Feeder Pig Barn, Unionville, Sparta Livestock Company, Inc., Sparta.
*Young Livestock, Murfreesboro.

TEXAS

*Dalhart Auction Company, Balhart.

VIRGINIA

*Madison Livestock Market, Inc., Madison Mills.

The following livestock markets are deleted from the specifically approved lists:

ALABAMA

*Bowman Tri-County Stockyard, Hurtsboro.
*Boo Gordon Livestock Auction, Mena.
Fort Payne Livestock Commission, Fort Payne.
*Northwest Alabama Livestock Association, Russellville.

GEORGIA

Dublin Livestock & Commisison Company, Dublin.

ILLINOIS

*Paris Livestock Sales Company, Paris.

IOWA

*Aplington Livestock Auction, Inc., Aplington.
*Columbus Junction Livestock Market, Inc., Columbus Junction.
Rath Packing Company, Wever.
Sheldon Livestock Company, Inc., Sheldon.
Sheldon Livestock Company, Inc., Sheldon.

KANSAS

*Moline Auction Company, Moline.

MINNESOTA

Lee Livestock, Harmony.
*Speldrich Feeder Pig Market, Elrosa.

MISSISSIPPI

*Corinth Livestock Commission Company, Corinth.
Thomas Nazary Assembly Point, Carthage.
*Triangle Stock Yard, Inc., Columbus.

MISSOURI

*Central Livestock Market, Poplar Bluff.
*Hinds Sale Company, Memphis.
*Kingsville Livestock Auction, Kingsville.
*Schuyler County Sale Company, Lancaster.
Wilson Hog Market, Tipton.
*Maryville Livestock Market, Inc., Maryville.

NEBRASKA

*Holdrege Livestock Market, Holdrege.

NORTH CAROLINA

Lloyd S. Turner Livestock Market, Elizabeth City.

NORTH DAKOTA

*Schnell's Beulah Livestock Auction Market, Inc., Beulah.
*Schnell's Livestock Market, Inc., Dickinson.

SOUTH CAROLINA

Herndon's Stockyard, Inc., Yemassee.
Loris Livestock Market, Inc., Loris.
Swift Fresh Meats Company, Watertown.

TENNESSEE

Cookeville Livestock Market, Cookeville.
*Dixie National Stockyards, Memphis.
*Feeder Pig Division of Humphreys County Lvstk. Assn., Waverly.
Kingsport Livestock Market, Kingsport.
*Northwest Tennessee Feeder Pig Assn., Trenton.
Oliver Livestock Company, Union City.
*Tri-County Feeder Pig Sale, Trenton.
*D. L. Simpson d/b/a White County Feeder Pig Assn., Sparta.
White County Livestock Market, Sparta.

TEXAS

Bryan, R. D., Morrison.
Dalhart Auction Company, Inc., Dalhart.

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 5, 23 Stat. 32, as amended; sec. 1, 75 Stat. 481; sec. 1, 32 Stat. 791, as amended; secs. 3 and 4, 33 Stat. 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 120, 125, 126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19140).)

Effective date: The foregoing notice shall become effective on April 19, 1977.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of April 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-11267 Filed 4-18-77;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Second Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by Section 2 (a) of the Act.

In accordance with the requirements of the Act, the following second quarterly estimates for 1977 are published.

1. The estimated quantity of such articles prescribed by Section 2(a) of the Act during the calendar year 1977 is 1,165.4 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1977 is less than 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1977 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Pub. L. 88-482 at this time.

This estimate is based upon information provided by the Department of State that agreement has been reached with major supplying countries to limit meat imports into the United States in 1977. Were it not for these voluntary arrangements with supplying countries, the estimate of imports would have exceeded 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Done at Washington, D.C. this 13th day of April 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-11268 Filed 4-18-77;8:45 am]

ADVISORY COMMITTEE ON POULTRY HEALTH

Notice of Meeting

The first meeting of the Advisory Committee on Poultry Health was held at 9 a.m. on October 5, 1976, in the EPIC Room, Federal Building, 7th Floor, United States Department of Agriculture, Hyattsville, Md.

The functions of the committee include: Advising the Secretary of Agriculture on outbreaks of avian diseases; studying and recommending extension of new and existing research; assisting in planning and disseminating information; recommending plans for eradication and control of avian diseases; and assisting in attaining the necessary cooperation from all segments of the poultry industry.

At this first meeting three subcommittees were appointed: Mycoplasmosis, Fowl Plague, and Area Quarantine.

The first meeting of the Area Quarantine Subcommittee will be held on May 4, 1977, from 10 a.m. to 4 p.m. in the Emergency Programs Information Center (EPIC) Room, 7th Floor, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

The purpose of the meeting is to explore the implications of quarantines placed on areas during a disease outbreak which would restrict the movement of products from and through quarantined areas, in order to provide the Advisory Committee on Poultry Health with recommendations for use in dealing with situations which may arise during such quarantine periods.

The meeting is open to the public. Written statements may be filed with the subcommittee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, Washington, D.C. 20250, Area Code 202-447-3668.

Dated: April 15, 1977.

F. J. MULHERN,
Vice Chairman.

[FR Doc.77-11470 Filed 4-18-77;8:45 am]

Rural Electrification Administration

DEPUTY ADMINISTRATOR ET AL.

Delegation of Authority

Pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.) and paragraphs 2.7 and 2.72, Title 7, Code of Federal Regulations, the following delegations of authority are made by the Administrator of the Rural Electrification Administration and the Governor of the Rural Telephone Bank:

1. The Deputy Administrator, or the Acting Deputy Administrator, of the Rural Electrification Administration is delegated authority, to be exercised only during the absence or unavailability of the Administrator, to perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Administrator of the Rural Electrification Administration and the Governor of the Rural Telephone Bank.

2. The Assistant Administrator, Administration, the Assistant Administrator, Electric, and the Assistant Administrator, Telephone, in that order of succession, are authorized to serve as Acting Deputy Administrator during the absence or unavailability of the Deputy Administrator, and as Acting Deputy Governor of the Rural Telephone Bank during the absence or unavailability of the Deputy Governor, or during vacancies in such offices.

These delegations shall be effective immediately, and supercede all other delegations in conflict herewith.

Dated: April 11, 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration, and Governor, Rural Telephone Bank.

[FR Doc.77-11170 Filed 4-18-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30717; Order 77-4-49]

FARE-EFFECTIVENESS RULE

Order Soliciting Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1977.

In recent years, the Board has received an increasing number of consumer complaints directed at the existing air-carrier tariff rule which provides that transportation is subject to the fare in effect on the date travel commences at the point of origin designated on the ticket. It is alleged that the carriers' practices pursuant to this rule frequently result in hardship to the traveler who, after purchasing a ticket and planning his travel, is required to pay an additional amount for transportation as a result of an intervening fare increase. Many passengers consider this unjust, viewing their ticket as an earlier "contract" with the airline in the form of a paid-for ticket. In addition, there have been a greater number of instances in recent years where either the carriers,[1] or the Board,[2] have initiated action in specific instances to depart from the fare-effectiveness rule. The airline rule is clearly specific as to the fare to be paid

[1] See, for example, Order 76-10-128, October 28, 1976.
[2] See, for example, Order 76-5-138, may 27, 1976.

at the time of travel, whereas surface transportation rules, with a few exceptions, are largely silent with respect to situations where an increase occurs between the time a ticket is purchased and commencement of travel.[2]

The Board recognizes that there are favorable and unfavorable aspects of the airlines' present rule for both passengers and carriers. In the past, one of the more persuasive arguments for the rule was that it is fair and equitable; all passengers flying at the same time and under the same conditions pay the same fare. However, the significance of this argument is lessened in the contemporary environment where different normal and discount fares co-exist, and passengers flying on the same airplane, between the same cities, and receiving the same inflight amenities, pay different fares.

On the other hand, a change from the present airline rule to one which, for example, would provide that tickets are valid for their term of effectiveness regardless of any intervening fare increases, has a number of disadvantages. For example: (1) Discrimination against occasional travelers, or smaller organizations, could be potentially greater, since large organizations with known travel requirements and ample financial resources could purchase blocks of tickets in advance of the known effective date of a fare increase. (2) Instances of falsification of the date of sale could be expected so as to establish entitlement to fares lower than those applicable on the date of intended travel. This could be a temptation to holders of ticket stocks such as (a) travel agencies (b) large business and other organizations; (c) write-your-own ticket holders; and (d) airline employees. Policing such practices would be difficult and costly. (3) A change in the tariff rule would result in a "one-way only" application of the principle since, as a practical matter, the airlines could not refuse to refund tickets purchased at a previously higher fare.

The Board has tentatively concluded, in light of the advantages for and against, that the existing tariff rule regarding fare applicability may warrant reexamination. However, before embarking upon a formal proceeding, we believe it would be helpful to receive the comments of all interested and affected persons to provide the Board with more detailed information with respect to the actual workings of the rule in the marketplace, and to better define the scope and issues of any proceeding that may ultimately be deemed necessary. The Board therefore requests that all interested persons submit formal comments in writing on the desirability of changing the present tariff rule which specifies that the applicable fare is that in effect on the date travel commences.[4] The Board would welcome any suggested alternatives which the carriers and other interested persons would care to make. Finally, the Board expects that persons responding to this solicitation will make every effort to explain fully and quantify their arguments, and to refrain from unsupported, conclusory statements.

Accordingly, it is ordered, That: All persons interested in commenting on the existing airline tariff rule which specifies that the applicable fare is that in effect on the date travel commences, and in suggesting alternatives to that rule are directed to file an original and three copies of such comments in Docket 30717 no later than June 1, 1977. Responsive comments may be filed no later than June 15, 1977.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section, without having to file additional copies.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

FR Doc.77-11244 4-18-77;8:45 am

[FR Doc.77-11244 Filed 4-18-77;8:45 am]

[2] The Amtrak tariff, for example, provides that after a propcsed increase is announced, agents will sell tickets for reserved-space travel on and after the announced effective date at the increased fare level. If reservations are made before a proposed fare increase is announced, the old or pre-increase fare applies: *Provided,* The passenger purchases his ticket prior to the effective date of the increase.

[4] As examples of the types of questions the Board would like to see addressed we suggest the following: (1) If the ticket is purchased subsequent to the date on which the reservation is made, should the fare at time of reservation or at time of purchase apply? (2) if the passenger buys a ticket with open travel dates, or with a confirmed outbound itinerary and an open return, how far into the future should the fare at which he made his purchase apply? (3) how much, if any, rerouting (at the passenger's request) should be permitted subsequent to the purchase of a ticket? We emphasize, however, that these questions are in no way intended to be all-inclusive.

[Docket 29123; Agreement C.A.B. 26551; Order 77-4-57]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Delayed Inaugural Flights

Issued under delegated authority April 12, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would permit Air France to postpone to a date not later than October 1, 1977, the performance of its inaugural flight for Paris-Marseille-Djibouti-Seychelles services.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14, it is not found that resolution 200 (Mail 114) 200h which is incorporated in Agreement C.A.B. 26551 affects air transportation within the meaning of the Act.

Accordingly, *it is ordered,* that: Jurisdiction is disclaimed with respect to Agreement C.A.B. 26551.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11331 Filed 4-18-77;8:45 am]

[Dockets 30607, 30639, 30549; Order 77-4-67]

KLM ROYAL DUTCH AIRLINES, ET AL.

Order of Suspension, Investigation and Consolidation

In the matter of transatlantic specific commodity rates proposed by KLM Royal Dutch Airlines, Societe Anonyme Belge d'Exploitation De La Navigation Aerienne and transatlantic specific commodity rates filed by British Airways.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of April, 1977.

By tariff revisions scheduled to become effective April 8 and 15, 1977,[1] KLM Royal Dutch Airlines (KLM) and Societe Anonyme Belge d'Exploitation De La Navigation Aerienne (Sabena) propose to reduce specific commodity rates on books from Amsterdam and Brussels, respectively, to New York. These filings, made pursuant to government order, would reduce these rates from 98 and 93 cents per kg. to 58 and 63 cents per kg., respectively.

No economic justification has been offered for these proposals.[2] Complaints requesting suspension and investigation have been filed against both proposals by Seaboard World Airlines, Inc. (Seaboard). The complainant asserts, inter alia, that the proposed levels are uneconomic and far below the costs of operating transatlantic cargo services; that there is no justification for such a rate cut; and that the proposals are in opposition to the Board's clearly stated policy that it will not permit rates to go into effect at levels substantially below U.S. carriers' experienced freighter costs absent compelling justification.

[1] Revisions to Air Tariffs Corporation, Agent, Tariff C.A.B. No. 50.

[2] Sabena filed an answer to Seaboard's complaint asserting, among other things, that there is nothing in the Federal Aviation Act of the Board's regulations which requires the carrier to justify an order or directive of the Belgian Government.

Upon full consideration of the tariff filings, the complaints, the answer, and all other relevant factors, the Board finds the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposed rates should be suspended pending investigation.

The proposed rates, like British Airways' similar filing considered in Order 77-3-35, February 25, 1977, are so low as to appear uneconomic on their face. As indicated, the yields under the proposed rates would range from about 14.3 to 15.8 cents per revenue-ton-mile (RTM) using the current rates of exchange. The complainant, Seaboard, with the best load factor among U.S. carriers in North Atlantic freighter service (65 percent), has a cost per RTM of 23.2 cents.[3] Order 77-3-35 indicated that such low rates could be accepted only upon the most convincing showing that they offered a real potential for generating substantial new traffic with little possibility of diversion from existing rates. Neither carrier has offered any explanation or justification for the proposed reduction in these rates or otherwise indicated the amount of new traffic expected.

Furthermore, these proposals run counter to the Board's longstanding policy of encouraging a reduced reliance upon discounted specific commodity rates to move so large a portion of international freight traffic. Considering this oft-repeated policy as well as the Board's recent suspension of similar rates on the same commodity for British Airways, these rates will also be suspended pending investigation. In view of the similarity between this and the recent British Airways proposal, this investigation will be consolidated into the investigation of Transatlantic specific commodity rates filed by British Airways, Docket 30549.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, 801, and 1002(j) thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the rates and provisions for (1) Item No. 7119, "applicable via KL only" and the explanation of the reference mark reading "not applicable via KL" from Amsterdam, Netherlands to New York on 1st Revised Page 242-A; and (2) Item No. 7119 "applicable via SN only" and the explanation of the reference mark reading "Not applicable via SN" from Brussels, Belgium to New York, New York on 14th Revised Page 251 of Tariff C.A.B. 50, issued by Air Tariffs Corporation, Agent, and rules, regulations, or practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions and rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff rates and provisions specified in ordering paragraph 1 above are suspended and their use deferred from April 15, 1977 to and including April 14, 1978, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President [4] and shall become effective on April 15, 1977;

4. Dockets 30607 and 30639 are terminated and the investigation instituted herein is hereby consolidated into Docket 30549, Transatlantic specific commodity rates filed by British Airways;

5. Except to the extent granted herein, the complaints of Seaboard World Airlines, Inc. in Dockets 30607 and 30639, be and hereby are dismissed;

6. Copies of this order be filed in the aforesaid tariff and be served upon KLM Royal Dutch Airlines, Societe Anonyme Belge D'Exploitation De La Navigation Aerienne, and Seaboard World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11330 Filed 4-18-77;8:45 am]

[3] The U.S. carriers' costs per ATM for North Atlantic freighter operations during the year ended June 30, 1976, ranged from 15.1 to 19.4 cents.

[4] This order was submitted to the President on April 5, 1977.

[Docket 26560; 27031 Order 77-4-66]

PAN AMERICAN WORLD AIRWAYS, INC.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of April, 1977.

In the matter of the investigation of the financial, operational, and managerial practices and activities of Pan American World Airways, Inc., and its subsidiaries.

By motion filed on February 14, 1977, Pan American World Airways, Inc., moved to dismiss its petition filed on April 3, 1974, for the establishment of a final subsidy mail rate for its system operations pursuant to section 406 of the Federal Aviation Act of 1958, as amended.[1] In addition, Pan American also requests dismissal of the related informal investigation instituted by the Board in Order 74-9-62, dated September 18, 1974, in Docket 27031 of the financial, operational and managerial practices of Pan American.

In support of the motion the carrier states as noted in the answer filed in response to Order 76-4-90,[2] it would withdraw the objections to that order if a review of 1976 results warranted such action.[3] After a review of those results, the carrier now wishes to implement that expressed intent and therefore moves the Board to dismiss its petition for a final subsidy rate in Docket 26560, and the related investigation in Docket 27031.

No answers have been filed in response to this motion.

Upon consideration of the foregoing and all other relevant matters, we have determined to grant the motion. Pan American has received no subsidy payments relative to the petition, and no longer desires to pursue such payments. Thus, no useful purpose would be served by continuing the proceeding in Docket 26560.[4] Absent such proceeding there is no basis for continuing the investigation instituted in Docket 27031, as that inquiry is also mooted.

Accordingly, *it is ordered,* That: 1. The petition filed on April 3, 1974, by Pan American World Airways, Inc., in Docket 26560 requesting the establishment of final subsidy mail rates be and it hereby is dismissed;

2. The informal nonadjudicatory proceeding instituted in Docket 27031 be and it is hereby dismissed;

3. The petitions to intervene of the Airline Pilots Association, Int'l. and the Davis Agency, Inc., in Docket 26560 be and they hereby are dismissed; and

4. This order shall be served upon Pan American World Airways, Inc., the Postmaster General, and all parties to these proceedings.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 77-11332 Filed 4-18-77;8:45 am]

[1] In addition to its petition for a final mail rate, Pan Am petitioned on August 23, 1974, for the establishment of a temporary mail rate in the amount of $10.1 million per month, effective on and after April 3, 1974. This petition was denied by Order 74-9-62, September 18, 1974.

[2] April 19, 1976. The Board tentatively found that Pan American was not entitled to any subsidy relative to the petition filed herein.

[3] Answer of Pan American filed September 3, 1976, p. 46.

[4] On November 6 and 7, 1974, respectively, the Airline Pilots Association, Int'l. and the Davis Agency, Inc., petitioned the Board for leave to intervene in Docket 26560. In view of our action herein these petitions are moot and will be dismissed.

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Meeting; Cancellation

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the

Colorado Advisory Committee (SAC) of the Commission scheduled for April 23, 1977, a notice previously published in the FEDERAL REGISTER on Friday, April 8, 1977, on page 18626 (FR Doc. 77-10446) is hereby cancelled.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11307 Filed 4-18-77;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 1 p.m. and end at 3:30 p.m. on May 9, 1977, at 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The Education Sub-committee will discuss and plan the development of the study of Special Education Programs and the racial implications on students, also to discuss the Washburn School situation.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C. April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11308 Filed 4-18-77;8:45 am]

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. on May 19, 1977, at I-95 Maine Turnpike Exit 12 Washington Street, Auburn, Maine.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss status of committee projects.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11309 Filed 4-18-77;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 12:00 and will end at 5:00 p.m. on May 31, 1977, at Jewish Labor Committee, 27 School Street, Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss programming on respective subcommittee.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11310 Filed 4-18-77;8:45 am]

MONTANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana Advisory Committee (SAC) of the Commission will convene at 1:00 p.m. and end at 3:00 p.m. on May 21, 1977, 28th and 1st Avenue North, Wedgewood, Billings, Montana.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss plans for major project. Issues of concern to subcommittee on the administration of justice will be reported.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11311 Filed 4-18-77;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Newhampshire Advisory Committee (SAC) of the Commission will convene at 6:00 p.m. and end at 10:00 p.m. on May 17, 1977, at House of Corrections, Merrimack County Jail, Concord, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss proposals for reforms.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11312 Filed 4-18-77;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 6:00 p.m. and end at 10:00 p.m. on May 18, 1977, at House of Corrections, Rt. 14, Hillsboro County, Manchester, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss proposals for reforms.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11313 Filed 4-18-77;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 6:00 p.m. and end at 10:00 p.m. on May 19, 1977, at Rockingham County, House of Corrections, Portsmouth, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss proposals for reform.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11314 Filed 4-18-77;8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) of the Commission will convene at 6:00 p.m. and end at 10:00 p.m. on May 5, 1977, at Ramada Inn, New Burnseick, New Jersey.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss status of Committee projects.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11315 Filed 4-18-77;8:45 am]

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and end at 11:00 p.m. on May 11, 1977, at Americana Hotel 70 State Street, Rochester, New York.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss status of all subcommittee projects.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11316 Filed 4-18-77;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 8:00 p.m. on May 13th and will end at 4:00 p.m. on May 14, 1977, at Cleveland Plaza Hotel, 12th and Euclid, Cleveland, Ohio 44115.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

Education Subcommittee will develop the Bilingual/Bicultural Project and followup on School Board appointment selections and the civil rights implications.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., April 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11317 Filed 4-18-77;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

DOWNEN ZIER KNITS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Downen Zier Knits, Inc., 60 Banks Avenue, Rockville Centre, New York 11570, a producer of double knit fabrics, was accepted for filing an April 11, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 29, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-11283 Filed 4-18-77;8:45 am]

Office of the Secretary

ENERGY CONSUMPTION OF ENVIRONMENTAL CONTROL; FOSSIL FUEL, STEAM ELECTRIC GENERATION INDUSTRY

Public Briefing on Study

Notice is hereby given that a one-time briefing will be conducted by the Office of Environmental Affairs in the Department of Commerce on April 27, 1977, at 10 a.m. to 12 noon in conference room 4830 in the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The purpose of the briefing will be to outline and discuss the results of a study prepared by Environmental Research & Technology Inc., entitled, "Energy Consumption of Environmental Control; Fossil Fuel, Steam Electric Generation Industry."

This briefing is open to public attendance, as space permits. Persons wishing to attend or obtain further information should contact Mr. Richard Herbst, Project Coordinator, Room 3419, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-2653, by 5 p.m. April 25, 1977.

Issued: April 14, 1977.

DAVID B. CHANG,
Acting Assistant Secretary for Science and Technology.

[FR Doc.77-11467 Filed 4-18-77;8:45 am]

ENERGY REQUIREMENTS FOR ENVIRONMENTAL CONTROL IN THE PULP AND PAPER INDUSTRY

Public Briefing on Study

Notice is hereby given that a one-time briefing will be conducted by the Office of Environmental Affairs in the Department of Commerce on April 25, 1977, at 10 a.m. to 12 noon in conference room 4830 in the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The purpose of the briefing will be to outline and discuss the results of a study prepared by Roy F. Weston, Inc., entitled "Energy Requirements for Environmental Control in the Pulp and Paper Industry."

This briefing is open to public attendance, as space permits. Persons wishing to attend or obtain further information should contact Mr. Edward Wilczynski, Project Coordinator, Room 3419, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-2653, by 5 p.m. April 21, 1977.

Issued: April 14, 1977.

DAVID B. CHANG,
Acting Assistant Secretary for Science and Technology.

[FR Doc.77-11468 Filed 4-18-77;8:45 am]

United States Travel Service

UNIVERSAL EXPOSITION EXPO '81

Open Public Hearing on the Preliminary Draft Environmental Impact Statement for Expo '81

Pursuant to 15 C.F.R., August 14, 1975, 1202.4(d), on May 16, 17, 18, and 19, 1977, from 1:00 to 4:00 p.m. and 7:00 to 10:00 p.m., each day, there will be convened a public hearing on the Draft Environmental Impact Statement (DEIS) for Expo '81, an exposition which is proposed to be held at the Ontario

Motor Speedway from May through October 1981.

Place of meeting. The hearing will be held at the Gardiner-Spring Auditorium, Chaffey High School, 1245 Euclid Avenue, in the City of Ontario.

Purpose of the hearing. To receive comments and suggestions for consideration towards improving the quality of the Environmental Impact Statements for Expo '81, an exposition which is proposed to be held at the Ontario Motor Speedway.

Conduct of the meeting. A brief summary of the Preliminary Draft Environmental Impact Statement will be presented at the beginning of each session. Government agencies, organizations, and individuals will be afforded the opportunity to present written or verbal comments. All oral comments will be recorded.

Availability of the preliminary draft environmental impact statement. The Preliminary Draft Environmental Impact Statement is available for review at the following Public Libraries: Ontario, Claremont, Covina, Fontana, Long Beach, Los Angeles, Pomona, Riverside, San Bernardino, and Upland. A limited number of copies are available to the public at the Ontario City Hall and at the Expo '81 offices located at 1801 Century Park East, Suite 1781, Century City, Los Angeles, California 90067, (213) 552-1981.

Dated: April 15, 1977.

RICHARD H. HENRY,
Director, Conventions and Expositions Division, United States Travel Service.

[FR Doc.77-11282 Filed 4-18-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

MILITARY AIRLIFT COMMITTEE

Meeting

MARCH 30, 1977.

The Military Airlift Committee of the National Defense Transportation Association (NDTA) will hold a meeting on May 11, 1977 from 1:00 p.m. to 4:25 p.m. and on May 12, 1977 from 8:25 a.m. to 12:00 Noon in the Officers' Open Mess at Little Rock Air Force Base, Arkansas.

The purpose of this meeting is for the NDTA Military Airlift Committee, serving as an advisory committee, to advise the Commander in Chief, Military Airlift Command (MAC) on broad management problems pertaining to his command responsibilities. Presentations and discussions, in consonance with the theme, "National Airlift Issues and Policies," will be featured.

A summary of the tentative agenda follows:

WEDNESDAY, 11 MAY 1977

1300—Meeting Convenes; Opening Remarks; General Moore, Mr. Mangold.
1315—Guest Speaker; DOT.
1400—Airport Curfews; Indiana University.
1445—Break.
1500—Joint Efforts by U.S./Foreign Manufacturers; Boeing/Douglas/Lockheed.
1545—Discussion.
1625—Adjourn.

THURSDAY, 12 MAY 1977

0825—Meeting Reconvenes; Mr. Mangold, General Moore.
0830—Airlift Issues as Viewed by Airport Management; Dallas-Fort Worth.
0915—NASA's Exploration of Civil-Military Airlift Relationships; NASA Langley.
1000—Break.
1015—Tactical Airlift Operations in MAC; MAC.
1100—Static Display/Tactical Airlift Demonstration; 314 TAW.

The meeting is open for general public attendance, but this does not include participation in the proceedings or questioning the briefers and Committee members. If an individual wishes to make a formal, oral statement germane to the meeting, he may submit a formal application, including the substance of the statement in advance to the Commander in Chief, Military Airlift Command, Attention: Executive Agent, Military Airlift Committee, Scott Air Force Base, Illinois 62225. Formal written statements may be submitted to the Commander in Chief at any time before or after the meeting.

For additional information concerning this meeting, contact Colonel Floyd D. Castleman (Executive Agent), at (618) 256-3025.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-11259 Filed 4-18-77;8:45 am]

Department of the Army

PRIVACY ACT OF 1974

New System of Records

The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

FR Doc. 75-21075 (40 FR 35151) August 18, 1975.
FR Doc. 75-22781 (40 FR 41970) September 9, 1975.
FR Doc. 75-26296 (41 FR 2952) January 20, 1976.
FR Doc. 76-20187 (41 FR 28806) July 13, 1976.
FR Doc. 76-21185 (41 FR 30824) July 26, 1976.
FR Doc. 76-27015 (41 FR 39798) September 16, 1976.
FR Doc. 76-32920 (41 FR 49960) November 11, 1976.
FR Doc. 77-5005 (42 FR 9700) February 17, 1977.
FR Doc. 77-9080 (42 FR 16465) March 28, 1977.

Notice is hereby given that the Department of the Army has submitted a proposed new system of records on April 12, 1977 pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Department of the Army invites public comments concerning the proposed new record system. Interested persons are invited to submit written data, views and arguments to Headquarters, Department of the Army (DAAG-AMR-R), Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314 on or before May 19, 1977. The system will become effective, within 30 days (May 19, 1977), as proposed without further notice unless comments are received which result in a contrary determination.

A0713.09aTRADOC

System name:

Skill Qualification Test.

System location:

a. Headquarters, United States Army Training and Doctrine Command (TRADOC), Ft Monroe, VA 23651—main computer location and soldier response files.

b. United States Army Training Support Center, Individual Training Evaluation Directorate (ITED)—Enlisted Master File and original test forms.

c. Test Control Officers (TCO) at military installations worldwide—transmittal rosters and source documents for Hands-On Component (HOC) and Performance Certification Component (PCC)—(retained 120 days).

d. United States Army Military Personnel Center (MILPERCEN) (Enlisted Evaluation Center)—Soldier's SQT scores (DA Form 10a).

Categories of individuals covered by the system:

All active Army and Reserve Component enlisted personnel who take the SQT.

Categories of records in the system:

Soldier response history of answers to SQTs, both individual and cumulative; quarterly analyses of soldiers' test results. The Enlisted Master File at ITED contains update listings of name, social security number (SSN), pay grade, primary and secondary military occupational specialties (MOS), and component. File in TCO (located at the soldier's installation) contains name, rank, SSN, and source document for HOC and PPC.

Authority for maintenance of the system:

Title 10 U.S.C., § 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ITED, Ft Eustis, VA and Enlisted Records and Evaluation Center, Ft Benjamin Harrison, IN. Individual scores are computed and forwarded to MILPERCEN for entry on DA Form 10a. This score is used to measure a soldier's job proficiency, to determine eligibility for schooling, and eligibility for promotions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders; computer magnetic tape, disks and printouts.

Retrievability:

Paper records filed in folders retrieved by processing date and imprinted serial number. Computer magnetic tape and disk retrieved by SSN and name.

Safeguards:

Paper records are filed in folders stored in a locked room. Magnetic tapes are kept in controlled vault area. Magnetic disks are protected by a user identification and manual controls.

Retention and disposal:

Magnetic tapes are retained 1 year after which data are erased; disks retained for 6 months before data are erased; hard copy is retained for 5 years; then destroyed.

System manager(s) and address:

Commander, US Army Training Support Center, ATTN: ITED, Ft Eustis, VA 23604.

Notification procedure:

Information may be obtained from the SYSMANAGER.

Record access procedures:

Requests should be addressed to the SYSMANAGER. Appropriate identification such as driver's license, is required if request is presented in person; written requests must bear notarized signature of the individual making request to prevent disclosure to unauthorized persons.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in 32 CFR Part 505 and Army Regulation 340-21.

Record source categories:

From other Department of Army Staff and Commands in document and computer readable form.

Systems exempted from certain provisions of the act:

All portions of this system are exempt pursuant to 5 U.S.C. 552a(k)(6). Publication of rules in order to exempt this system is set forth in 32 CFR Part 505.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 14, 1977.

[FR Doc.77-11277 Filed 4-18-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 715-3; OPP-42012B]

STATE OF NEW JERSEY

State Plan for Certification of Pesticide Applicators; Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 873; 7 U.S.C. 136b), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On October 23, 1975, the Honorable Brendan T. Byrne, Governor of the State of New Jersey submitted a State Plan for Certification of Pesticide Applicators to EPA.

A summary of the New Jersey State Plan was published in the FEDERAL REGISTER on December 30, 1975 (40 FR 59777). On February 18, 1976, the plan was approved, contingent upon EPA approval of implementing regulations to be promulgated by the New Jersey Department of Environmental Protection (DEP). Notice of contingent approval was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12759).

On September 20, 1976, the DEP promulgated the New Jersey Pesticide Control Code, N.J.A.C. Title 7, Chapter 30, Subchapter 3, Certification of Pesticide Applicators, which became effective on October 1, 1976. The promulgated implementing regulations differ from the proposed regulations as described in the originally submitted New Jersey State Plan. Changes have been made to add specific subcategories to three of the eleven categories in which commercial applicators may be certified. The additions are:

(1) In category 3, Ornamental and Turf Pest Control, the addition of subcategories:

Ornamental and Turf.

(2) In category 7, Industrial, Institutional, Structural Pest Control, the addition of subcategories

General and Household Pest Control, Termites and Other Wood Destroying Pests, Fumigation Pest Control, and Food Manufacturing and Processing.

(3) In category 8, Public Health Pest Control, the addition of subcategories

General and Mosquito Control.

In addition, the regulations were changed to delete private applicator categories.

The regulations also provide that DEP may establish additional subcategories. In January, 1977 an additional subcategory was added. The addition is:

(1) In category 8, Public Health Pest Control, the addition of subcategory:

Campground Pest Control.

These changes pertain to regulatory requirements which are specific to the State of New Jersey and do not affect the acceptability of the regulations to EPA. EPA had requested clarification of the DEP position with respect to certain portions of the promulgated regulations. Clarification was requested regarding the falsification of records and misuse provisions.

The State lead agency has submitted amendatory correspondence to the New Jersey State Plan satisfactorily clarifying DEP's intent consistent with Federal regulations 40 CFR 171.7(b)(1)(iii)(A). The Regional Administrator, EPA Region II, hereby gives notice that the terms and conditions of contingency approval have been satisfied and that the New Jersey State Plan is now a fully approved State Plan.

Dated: March 31, 1977.

GERALD M. HANSLER,
P.E., Regional Administrator, U.S. Environmental Protection Agency Region II.

[FR Doc.77-11243 Filed 4-18-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NOTICE OF CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of March 25 Through April 1, 1977

Notice is hereby given that during the week of March 25 through April 1, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

APRIL 13, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Mar. 25 through Apr. 1, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Mar. 25, 1977	Kewanee Oil Co., Tulsa, Okla. (If granted: The FEA's Feb. 18, 1977, decision and order would be rescinded and the Kewanee Oil Co. would be permitted to sell crude oil produced from the North Stanley Field at upper tier ceiling prices.)	FXA-1237	Appeal of decision and order in Kewanee Oil Co., 5 FEA par. 83,069 (Feb. 18, 1977).
Do.	Marathon Oil Co., Findlay, Ohio. (If granted: The FEA's Jan. 3, 1977, order would be modified and the Aug. 6, 1977, decision and order issued to Beukema's Petroleum Co. would be rescinded.)	FMR-0096	Modification of FEA's Jan. 3, 1977, order.
Do.	Ozona Gas Processing Plant, Dallas, Tex. (If granted: The Ozona Gas Processing Plant would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-4029	Price exception (sec. 212.165).
Do.	Teclaw Fuel & Heating Co., Inc., North White Plains, N.Y. (If granted: Teclaw Fuel & Heating Co., Inc., would be relieved of its obligation to file FEA form P112-M-1 (No. 2 Heating Oil/Price Monitoring Report).)	FEE-4028	Exception to reporting requirement (sec. 211.127).
Do.	Uranich Coal & Oil, La Salle, Ill. (If granted: Uranich Coal & Oil would receive a stay of the requirements of the FEA's Feb. 4, 1977, remedial order pending a final determination of its appeal of that order and would not be required to make refunds for overcharges on sales of No. 2 heating oil during the period Nov. 1, 1973, through Dec. 31, 1974.)	FRS-1224	Stay request.
Mar. 28, 1977	Glacier Park Co., Washington, D.C. (If granted: The FEA's Feb. 25, 1977, decision and order would be rescinded and the Glacier Park Co. would be relieved of any future entitlement purchase obligations under the provisions of sec. 211.67 and also would be granted retroactive exception relief which would relieve it of any entitlement purchase obligations which the firm has incurred since June 1976.)	FXA-1239	Appeal of decision and order in Glacier Park Co., 5 FEA par. ..... (Feb. 25, 1977).
Do.	W. N. McMurry, Casper, Wyo. (If granted: Crude oil produced from the West Sage Creek Field would be sold at upper tier ceiling prices.)	FEE-4030	Price exception (sec. 212.73).
Do.	Sundance Oil Co., Denver, Colo. (If granted: The FEA's Feb. 11, 1977 interpretation would be rescinded and the Sundance Oil Co. would be permitted to treat the Wiegand No. 2-A well as a separate property for purposes of the mandatory petroleum price regulations.)	FIA-1238	Appeal of FEA interpretation dated Feb. 11, 1977 (sec. 212.72).
Do.	Tenneco Oil Co., Houston, Tex. (If granted: The Tenneco Oil Co. would receive a temporary stay of the requirements of the FEA region IV's Mar. 23, 1977, assignment order pending a final determination of its application for stay which it intends to file.)	FST-0038	Request for temporary stay.
Do.	Texas City Refining, Inc., Washington, D.C. (If granted: The FEA's Feb. 25, 1977 interpretation would be rescinded and Agway would be considered a reseller/retailer.)	FIA-1240	Appeal of FEA interpretation dated Feb. 25, 1977 (sec. 212.91).
Mar. 29, 1977	Austral Oil Co., Houston, Tex. (If granted: The Austral Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the South Thornwell plant and the TSMA plant.)	FEE-4036 FEE-4037	Price exception (sec. 212.165).
Do.	Cities Service Co., Tulsa, Okla. (If granted: The Cities Service Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the following natural gas plants: Adair, Calument, Cheney, Moncrief, and Seiling.)	FEE-4031- FEE-4035	Do.
Do.	Enkay Corp. (east Texas), Shreveport, La. (If granted: The Enkay Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the east Texas gas plant.)	FEE-4038	Do.
Do.	Locust Ridge Gas Processing Plant, Washington, D.C. (If granted: The Locust Ridge Gas Processing Plant would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-4039	Do.
Do.	New England Power Co., Westborough, Mass. (If granted: The FEA's Mar. 23, 1977, order denying a portion of NEP's information request would be rescinded and the firm would receive access to FEA data relating to the possible issuance of a notice of intention to order 1 or more of NEP's electric utility plants to convert to coal pursuant to the provisions of the Energy Supply and Environmental Coordination Act (ESECA).)	FFA-1241	Appeal of FEA information request denial dated Mar. 23, 1977.
Do.	Joe E. Sharber, Seminole, Okla. (If granted: Joe E. Sharber would receive a stay of the requirements of the FEA's Mar. 21, 1977, notice of probable violation pending a final determination of its appeal of the FEA's Jan. 13, 1977, order.)	FES-0084	Stay request.
Mar. 30, 1977	Burke & Parsons, New York, N.Y. (If granted: The FEA's Feb. 18, 1977, information request denial would be rescinded and Burke & Parsons would receive access to a contract of affreightment between Shell Marine (U.K.) Ltd. and Shell International Marine Ltd. and ECOL Ltd.)	FFA-1242	Appeal of FEA information request denial dated Feb. 18, 1977.
Do.	John H. Cathey, Kimball, Nebr. (If granted: The FEA's Mar. 14, 1977, remedial order would be rescinded and John H. Cathey would not be required to refund to Western Crude Oil alleged overcharges made on sales of crude oil in the months of September 1973 and January through December 1974.)	FRA-1244	Appeal of FEA Region VII's remedial order dated Mar. 14, 1977.

Date	Name and location of applicant	Case No.	Type of submission
Do.	Geo. A. Hoffman, Henderson, Ky. (If granted: The crude oil producing property operated by Geo. A. Hoffman in Effingham County, Ill., would be classified as a stripper-well property.)	FEE-4041	Price exception (sec. 212.73).
Do.	Pioneer Operations Co., Inc., Russell, Kans. (If granted: The FEA's Mar. 11, 1977, decision and order would be rescinded and would result in determinations by the FEA that: (i) Pioneer's flegler lease qualified as a stripper-well property during the period Nov. 16, 1973, through Dec. 31, 1975, for purposes of the FEA crude oil pricing regulations; and (ii) the crude oil produced and sold from the firm's Doran A, Title B, Krug E, Dolechek, and Ben Rein leases during the period Nov. 16, 1973, through Dec. 31, 1975, was priced in accordance with the applicable FEA ceiling price regulations.)	FXA-1243	Appeal of decision and order in Pioneer Operations Co., Inc., 5 FEA par. ..... (Mar. 11, 1977).
Do.	Southland Oil Co., Savannah, Ga. (If granted: The Southland Oil Co. would receive an extension of the exception relief granted in the FEA's Mar. 11, 1977, decision and order and would be assigned a new, lower priced supplier of motor gasoline for the 3-mo period beginning Apr. 1, 1977, to replace its primary base period supplier, American Petrofina, Inc.)	FXE-4040	Extension of exception relief granted in Southland Oil Co., 5 FEA par. ..... (Mar. 11, 1977).
Mar. 31, 1977	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: Chevron U.S.A., Inc., would be permitted to supply Petrolane with propane produced at its Swanson River, Alaska plant in the 2d and 3d quarters of the base period without reporting the propane as surplus product.)	FEE-4043	Allocation exception; sec. 211.10).
Do.	MacKellar, Inc., Oklahoma City, Okla. (If granted: The FEA's Jan. 28, 1977, stay order would be vacated and MacKellar would be required to refund overcharges made in its crude oil sales.)	FEX-0137	Supplemental order.
Do.	National LP-Gas Association, Arlington, Va. (If granted: Propane resellers/retailers that are members of this class defined in the FEA's Feb. 25, 1977, order would be granted a class exception which would permit them to compute cost increases on a separate inventory basis prior to May 1, 1976.)	FXA-1246	Appeal of decision and order in Retroactive Application of Separate Inventories Amendment, 4 FEA par. 83,099 (Sept. 24, 1976).
Do.	Tesoro Petroleum Corp., San Antonio, Tex. (If granted: The FEA's Mar. 1, 1977, remedial order would be rescinded and the Tesoro Petroleum Corp., would not be required to retile form FEO-96 for the period December 1973 through August 1975 in which it calculates costs on a firm-wide rather than on a refinery-by-refinery basis.)	FRA-1245	Appeal of FEA Region VI's remedial order dated Mar. 1, 1977. Stay requested.

[FR Doc.77-11207 Filed 4-13-77;4:00 pm]

NOTICE OF ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of February 21 Through February 25, 1977

Notice is hereby given that during the week of February 21 through February 25, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Ford Oil Co., Santa Rosa, Tex.; FEA-0965; Propane

Ford Oil Company (Ford) filed an Appeal from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to it on September 7, 1976. In the Remedial Order, the FEA found that Ford has sold propane to certain customers at prices which exceeded the maximum permissible price levels specified in 6 CFR 150.359 and 10 CFR 212.93. In considering Ford's Appeal, the FEA determined that the Remedial Order failed to make sufficient findings of fact with respect to the applicability of the provisions of 10 CFR 212.111(a)(2) (the new market rule) to new reseller customers which Ford acquired in December 1973. The FEA also found that the Remedial Order did not provide sufficient justification for the manner in which it established Ford's May 15, 1973 classes of purchaser or to specify how a determination was reached as to the proper classification of Ford's new customers. The FEA noted that, in view of the fact that the findings in the Remedial Order were insufficient to support the conclusions reached, Ford was unable to submit a meaningful response to those conclusions on Appeal. The FEA further found that these deficiencies were compounded by the fact that the Notice of Probable Violation issued to Ford on August 28, 1975 did not adequately notify Ford of the charges against it and Ford was denied the opportunity to respond to those charges prior to the issuance of the Remedial Order. The FEA also determined that the discussion of the new market rule contained in the Remedial Order appeared to be erroneous in certain respects and that, contrary to the conclusions reached in the Order, Ford's new customers might well constitute a new market. Finally, the FEA concluded that Ford's financial viability could be threatened if it were required to make refunds of the magnitude set forth in the Remedial Order in the time period specified. In view of these substantial deficiencies, the Remedial Order was rescinded in its entirety.

Laketon Asphalt Refining, Inc.; Evansville, Ind.; FEA-1036; Crude Oil

Laketon Asphalt Refining, Inc. (Laketon) filed an Appeal from a Decision and Order which had been issued to it by the FEA. Laketon Asphalt Refining Inc., 4 FEA Par. 83,148 (October 15, 1976). In that Decision, the FEA denied Laketon's request for exception relief from the requirement that it purchase additional entitlements pursuant to the "Notice of Special Correction Amounts," 41 Fed. Reg. 31793 (July 29, 1976). This Notice was issued by the FEA in accordance with Section 211.67(j)(2) in order to correct for reporting errors which refiners made in filing reports under the Entitlements Program during the period November 1974 through August 1975. Under the provisions of the Notice, Laketon was required to purchase additional entitlements at a cost of $404,802.16. The present Appeal, if granted, would have resulted in the rescission of the October 15, 1976 Decision and Order and would have relieved Laketon of its obligation to purchase the entitlements specified in the "Notice of Special Correction Amounts." In its Appeal, Laketon contended that the October 15 Decision and Order erred in finding that for the year 1975 Laketon will be able to achieve the lesser of its historic profit margin or its historic rate of return on invested capital even after it incurs the entitlement expenses associated with the "Notice of Special Correction Amounts." Laketon argued that the FEA should have adjusted its measurement of the firm's historic profitability to take into account the substantial changes in its refinery operations which have occurred since 1973. In considering this contention, the FEA noted that Laketon has had numerous opportunities in the past to present relevant information to demonstrate that its historic profit margin or return on invested capital as calculated by the FEA for purposes of the exceptions analysis was inordinately low or unrepresentative of its present operations and the firm had failed to make that showing. The FEA therefore determined that Laketon's request for an adjustment in its historic measures of profitability was untimely, and, as a result, Laketon must satisfy the standards which have been established for the approval of retroactive exception relief. In this regard, the FEA determined that Laketon had failed to present compelling reasons for the approval of such relief or to make a showing that it would experience a severe and irreparable financial injury in the absence of the relief which it requested. Accordingly, the Laketon Appeal was denied.

National LP-Gas Association; Arlington, Va.; FXA-1077; Propane

Society of Independent Gasoline Marketers of America; Independent Gasoline Marketers Council; Washington, D.C.; FXA-1095; Motor Gasoline

Independent Fuel Terminal Operators Associations; Independent Terminal Operators Association; Mid-American Petroleum Marketers Association; Washington, D.C.; FXA-1076; Refined Petroleum Products

On November 4, 1976, the FEA issued a Decision and Order in which it established certain criteria which will govern the FEA's determination as to whether a class has been properly formed for purposes of requesting exception relief for that class. Class Exception—Retroactive Application of the Separate Inventories Amendment (Supplemental Order), 4 FEA Par. 83,099 (November 4, 1976). Those criteria, which were derived from Rule No. 23 of the Federal Rules of Civil Procedure, established that the FEA would consider that a class had been properly formed only upon a showing that: (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class. These criteria were applied to three Appeals of a Decision and Order which was issued on September 24, 1976. Class Exception—Retroactive Application of the Separate Inventories Amendment, 4 FEA Par. 83,099 (September 24, 1976). In the September 24 Order, the FEA found that no proper basis had been established upon which retroactive exception relief should be approved for all firms which had improperly calculated their maximum allowable prices prior to May 1, 1976, by using separate inventory

costs. The present Appeals were filed by the following associations: the National LP-Gas Association (NLPGA); the Society of Independent Gasoline Marketers of America and the Independent Gasoline Marketers Council (SIGMA/IGMC); and the Independent Fuel Terminal Operators Association, the Independent Terminal Operators Association and the Mid-American Petroleum Marketers Association (IFTOA/ITOA/MAPMA). Pursuant to the procedures set forth in the November 4 determination, these three groups of associations requested that they be certified as proper representatives of specific classes of firms which wish to appeal from the September 24 Order. Since these Appeals were from the same initial Order and since the same criteria were to be applied in determining whether a class had been properly formed in each case, the submissions were consolidated for decision in a single proceeding.

In considering the Appeals, the FEA found that the NLPGA had formed a proper class for purposes of appealing the September 24 Decision and Order. That class consisted of those propane retailers which operate more than one but less than 100 bulk plant and which had historically used separate inventory accounting methods in determining inventory costs. The 10 to 15 largest retailers/resellers of propane were excluded from this class because several important distinctions existed between the operations of those firms and the operations of the smaller firms in the proposed class, including the facts that the nature of the claims raised by the larger firms in this proceeding would very probably be substantially different than the claims raised by the small firms and that the larger firms have far greater access to financial and legal resources with which to pursue exception relief on an individual basis.

In their Appeals, SIGMA/IGMC sought to represent all nonbranded independent retailers of motor gasoline which own more than one outlet, purchase products from more than one supplier and sell gasoline in more than one marketing area. With respect to that request, the FEA determined that SIGMA/IGMC failed to establish that the use of separate inventories was so pervasive within the proposed class as to make a class action appropriate. It also found that the characteristics of the firms in the proposed class vary to such a large extent that the existence of issues of fact common to the entire class had not been demonstrated. Accordingly, the FEA concluded that the proposed class was not sufficiently well defined to warrant a determination that a separate class had been established.

In their Appeals, IFTOA, ITOA and MAPMA sought authorization to represent all independent resellers of refined petroleum products that operate water terminals and own or control bulk storage facilities whose aggregate capacity exceeds 100,000 barrels. The FEA determined that these associations had failed to demonstrate that separate inventory practices were so pervasive among the proposed class that a class action was necessary, and that this class had also not been sufficiently well defined as a separate class. The FEA also found that Ruling 1977–3, which permits the use of separate inventory practices with respect to certain cargo sales, makes exception relief unnecessary with respect to a significant number of the firms in the proposed class. Based on these considerations the FEA granted in part the NLPGA application for certification as a class representative, but denied the applications submitted by SIGMA/IGMC and IFTOA/ITOA/MAPMA.

Pennsylvania Oil and Gas Association; Custer City, Pa.; FEA–0982

Ohio Oil and Gas Association; Independent Oil and Gas Association of West Virginia; Columbus, Ohio; FEA–1001 Crude Oil

The Pennsylvania Oil and Gas Association, the Ohio Oil and Gas Association and the Independent Oil and Gas Association of West Virginia (the Associations) filed Appeals on behalf of all producers of Penn Grade crude oil in the states of Pennsylvania, New York, Ohio and West Virginia from a Decision and Order which the FEA issued to the Associations on September 10, 1976. Pennsylvania Oil and Gas Association, et al., 4 FEA Par. 83,085 (September 10, 1976). The Appeals, if granted, would have permitted all producers of Penn Grade crude oil in the four states to sell that crude oil at a premium price in excess of the upper tier ceiling price permitted by the FEA Regulations. In considering the Associations' previous requests for a class exception, the FEA noted that most Penn Grade crude oil was produced from stripper well properties. Since crude oil extracted from stripper well properties was exempted from FEA price controls as of September 1, 1976, by the Energy Conservation and Production Act, the relief which they requested was unnecessary and the requests for class exception relief were dismissed as moot. In their Appeals, the Associations claimed that the FEA's dismissal of their class exception request was erroneous. They argued that not all producers of Penn Grade crude oil operate stripper well leases and therefore some Penn Grade crude oil production does not qualify for exempt prices. The Associations further contended that based on the disparity between the premium price which had historically been paid for the Penn Grade crude oil and the actual upper tier ceiling price levels, the FEA should grant a class exception which would permit the producers of Penn Grade crude oil to sell all of the crude oil at levels in excess of the upper tier ceiling price. In denying the Associations requests, the FEA found that the Associations had failed to provide data to show that the producers of non-stripper well Penn Grade crude oil shared sufficient common characteristics to constitute a distinct class to which class exception relief could be provided. The FEA also found that the Associations had failed to present any evidence to demonstrate that these producers will experience a gross inequity as a result of the application of the upper tier ceiling price rule. The FEA noted that the only common adverse impact upon the producers of upper tier Penn Grade crude oil which results from the allegedly unrepresentative upper tier ceiling prices for that crude oil was the inability of those producers to realize varying and speculative amounts of additional profit. Accordingly, the FEA found that the Associations had not provided sufficient materials to warrant a finding of gross inequity which would lead to the approval of class exception relief. However, the FEA observed that its denial of the Associations' Appeals was without prejudice to any exception applications which individual producers might submit.

Skelly Oil Co.; Tulsa, Okla.; FEA–0953; Crude Oil

Skelly Oil Company (Skelly) appealed from a Remedial Order which was issued to the firm by FEA Region VI on September 1, 1976. In the Remedial Order, FEA Region VI found that since Skelly used the catalyst coke which it produced as a refinery fuel it was required to include the coke in its total volume of refined products for purposes of the "V" factor in the cost allocation formulae of Section 212.83 of the FEA Price Regulations. The FEA further determined in the Remedial Order that the improper exclusion of catalyst coke from Skelly's total volume of refined products resulted in an overstatement of the amount of increased crude oil costs which the firm could allocate to its sales of other covered products. Skelly was therefore directed to submit a schedule of overrecoveries and a plan for repayment of the overcharges. In addition, Skelly was directed to include volumes of catalyst coke in its future computations of the "V" factor of the refiner cost allocation formulae. Skelly's Appeal, if granted, would have resulted in the rescission of the September 1, 1976 Remedial Order. In its Appeal, Skelly contended that the requirement in Section 212.83 that increased product costs be allocated to "volumes sold" only applies to refined products transferred in normal sales transactions, not to catalyst coke which a producing refiner consumes internally as refinery fuel. In considering Skelly's Appeal, the FEA observed that the firm's contention was predicated upon a literal interpretation of the phrase "Volume sold" which describes the "V" factor in Section 212.83. The FEA found that such a narrow construction of the phrase would contravene the underlying purposes and objectives of Section 212.83. The FEA noted that the Congress evinced concern that the dollar-for-dollar pass-through requirements of the Emergency Petroleum Allocation Act of 1973 (EPAA) be implemented in an equitable manner and that that concern is specifically reflected in the provisions of Section 212.83 which limit the amount of increased product costs which can be recovered by a refiner through sales of covered products to the proportion which those products bear to the refiner's total output. The FEA determined that if Skelly's interpretation of Section 212.83 were adopted the firm would be permitted to retain the substantial economic benefits which it derives from using its catalyst coke as refinery fuel without allocating to that coke any of the increased crude oil costs which are incurred to produce that product. The FEA further determined that under Skelly's interpretation the firm could avoid allocating any increased crude oil costs to the catalyst coke from which it receives considerable benefits while at the same time charging its covered product customers both the costs incurred in producing those covered products and the costs incurred in producing the coke which Skelly retains for its own use. Accordingly, the Skelly Appeal was denied.

REQUESTS FOR EXCEPTION

Amtel, Inc.; Providence, R.I.; FEE–2818; Refined Petroleum Products

Amtel, Inc. (Amtel) filed an Application for Exception from the provisions of the FEA Mandatory Petroleum Price Regulations. The relief requested by Amtel, if granted, would have permitted it to calculate the maximum permissible prices which its subsidiary South Central Oil Company (South Central) may charge for covered products by using as a reference price the May 15, 1973 prices charged by Amtel rather than the applicable May 15, 1973 prices charged by the Sun Company (Sun), the former owner of South Central. Amtel also requested that it be directly assigned as the base period supplier of purchasers that had been served during the base period by South Central. Sun would in turn have been

assigned to supply Amtel with the allocated products which Amtel would require to meet the needs of South Central's customers. Amtel also requested that the FEA terminate the existing supplier/purchaser relationship between Sun and Whitco, Inc. (Whitco) and assign Whitco a new base period supplier other than Amtel or Sun. Sun and Whitco joined in certain portions of the Amtel exception application.

In considering the exception application, the FEA noted that it had previously determined that Sun's sale of South Central to Amtel subsequent to the base period did not relieve Sun of the obligation to supply allocated products to those firms which had purchased products from South Central during the base period. See Whitco, Inc., 2 FEA Par. 83,170 (June 9, 1975); and *Sun Oil Co., Amtel, Inc.*, 2 FEA Par. 80,687 (September 26, 1975). The FEA observed that in the *Whitco* Decision it had also established that Whitco and South Central/Amtel are members of separate classes of purchaser and that Sun should recognize that factor in determining its selling prices for motor gasoline to South Central. The FEA also noted that Sun had placed South Central/Amtel in a class of purchaser category whose previous members included the same firms to whom South Central itself had been selling petroleum products. The FEA determined that, as a result, the base prices which Sun now uses to calculate its selling prices to South Central/Amtel are comparable to the prices which Sun would be required to use if it were selling products directly to the outlets and distributors which are now customers of South Central/Amtel. The FEA concluded that, under the circumstances present in the case, it would be appropriate to require Sun to place South Central/Amtel in a class of purchaser category that was separate from the class in which it placed South Central's own customers. The FEA therefore ordered that Sun's sales of motor gasoline to Amtel shall be deemed sales of a new item as that term is used in 10 CFR 212.111 and directed Sun to determine the prices which it may charge Amtel pursuant to that section.

In other determinations which it reached in this case, the FEA rejected the joint request of Amtel and Sun that Sun's base period supply obligations to the customers which it formerly served through South Central be terminated in accordance with 10 CFR 211.14(d) and that Amtel be assigned as the base period supplier of those customers. The FEA noted in this respect that a request for termination and transfer of a firm's supply obligations pursuant to Section 211.14(d) must generally be made to the FEA Assistant Administrator for Regulatory Programs under 10 CFR, Part 205, Subpart G. Nevertheless, the FEA determined that the request that Sun's supply obligations be transferred to Amtel should be denied, finding that the record did not indicate that Sun had significantly reduced its activities in the marketing area served by South Central and that South Central's customers might be adversely affected by the requested transfer. Finally, the FEA denied the request of the three firms that Whitco's supplier/purchaser relationship with Sun be terminated and that Whitco be assigned a new supplier other than Amtel or Sun. The FEA indicated that it had previously considered and affirmed the existence of a supplier/purchaser relationship between Whitco and Sun in Whitco, Inc., supra, and that the parties had presented no new evidence to contradict the conclusions reached in that proceeding. In addition, the FEA concluded that the parties had not shown that the business relationship between Sun and Whitco had deteriorated subsequent to the base period to such a significant extent that Whitco's operations would be seriously affected unless the firm were reassigned to a new supplier. The FEA therefore denied in part and granted in part the exception relief sought by Amtel.

Damson Oil Corp.; Houston, Tex.; FXE–3593; Crude Oil

The Damson Oil Corporation, Damson) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would have resulted in an extension of the exception relief previously granted to Damson, permitting the firm to continue to sell the crude oil produced from the City of Los Angeles Lease No. 135 (the Venice Beach Lease) at upper tier ceiling prices. *Damson Oil Corp.*, 4 FEA Par. 83,064 (August 27, 1976). In considering the exception application, the FEA found that the Venice Beach Lease continued to incur increased operating costs and that, in the absence of continued exception relief, the working interest owners would lack an economic incentive to continue to produced crude oil from the property. In view of this situation and on the basis of the operating data presented for the Venice Beach Lease for the previous six month period, the FEA concluded that the working interest owners should be permitted to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Venice Beach Lease in order to recover the increased operating costs of the Venice Beach Lease.

Glacier Park Co.; Osage, Wyo.; FEE–3156; Crude Oil

Glacier Park Company (Glacier Park) filed an Application for Exception from the provisions of 10 CFR 211.67 which, if granted, would have relieved the firm of any entitlement purchase obligation on both a prospective and retroactive basis. In its submission, Glacier Park contended that it produces refined petroleum products which are used directly by its parent company, Burlington Northern, Inc. (Burlington), a major transportation company, or are exchanged for additional diesel fuel for Burlington's use. The firm claimed that it therefore is not in competition with other refiners in the sale of refined petroleum products and should be excluded from the operation of the Entitlements Program. In considering Glacier Park's exception request, the FEA noted that the Entitlements Program was established to correct the economic distortions which resulted from unequal access to lower-priced, domestic crude oil under the two-tier pricing system. The FEA found that, if Glacier Park were excluded from the Entitlements Program, the firm's total cost of refined petroleum products produced from its refinery would be lower than the cost of products refined by other firms and, consequently, Burlington's cost of fuel would be significantly less than the fuel costs of its competitors which must purchase fuel from refineries which are included in the Entitlements Program. The FEA concluded that Glacier Park had presented no possible justification for this result. With respect to Glacier Park's claim that Congress intended to confine the costs associated with the Entitlements Program to refiners which compete within the petroleum industry, the FEA determined that Glacier Park had failed to demonstrate that any provision of the statutes which the FEA administers indicates a Congressional intent that firms such as Glacier Park be excluded from the scope of the Entitlements Program. Furthermore, with respect to Glacier Park's claim that its exclusion from the Entitlements Program would further Burlington's development of coal resources, the FEA determined that, even if this claim were true, it would not necessarily provide a proper basis for the approval of the exception relief which the firm requested. The Entitlements Program was specifically enacted to further important statutory goals, including the preservation of the viability of small and independent refiners, and the promotion of the development of America's coal resources must be balanced against those objectives. Glacier Park presented no evidence which would properly lead to a finding that the FEA should favor the statutory objective to which it referred to the exclusion of all others. Accordingly, the Glacier Park Application for Exception was denied.

Karchmer Pipe and Supply Co.; Centralia, Ill.; FEE–3294; Crude Oil

Karchmer Pipe and Supply Company (Karchmer) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have relieved Karchmer of any obligation to refund revenues which the firm may have realized since December 1973 as a result of charging excessive prices for the crude oil produced from the Patoka Unit No. 1 (the No. 1 Unit). In considering Karchmer's exception request, the FEA determined that the firm had not made the requisite showing of severe and irreparable injury necessary to qualify for retroactive exception relief. However, the FEA did grant prospective exception relief for the firm on the basis of its finding that the costs of producing crude oil from the No. 1 Unit had increased significantly since 1973, and, as a result, Karchmer's production costs exceeded the price which the firm is permitted to charge for the crude oil which it sells from the No. 1 Unit. The FEA found that the firm therefore did not have an economic incentive to continue production activities at the property and that the nation would be deprived of the recoverable crude oil at the site if prospective exception relief were denied. On the basis of previous precedents involving similar factual findings, the FEA concluded that the application of the lower tier ceiling price rule in this case resulted in a gross inequity. Accordingly, Karchmer was granted prospective exception relief which permits the firm to sell at upper tier ceiling prices 26.8835 percent of the crude oil produced and sold from the No. 1 Unit for the benefit of the working interest owners in order to recover its increased expenses of operating the property.

Kewanee Oil Co.; Tulsa, Okla.; FEE–3386; Crude Oil

Kewanee Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted it to sell the crude oil produced from the South Stanley Field (the Field) at exempt price levels. In considering the exception application, the FEA found that Kewanee's operating costs had increased to the point where the firm no longer had an economic incentive to continue production of crude oil from the Field if it must sell the crude oil at lower tier ceiling prices. The FEA also determined that if Kewanee abandoned its operations at the Field, a substantial quantity of crude oil would not

be recovered. The FEA therefore concluded that Kewanee's Application should be granted, and on the basis of the criteria applied in previous decisions in similar cases, Kewanee was permitted to sell at upper tier ceiling prices 45.62 percent of the crude oil produced from the Field for the benefit of the working interest owners in order to recover its increased operating expenses at the property.

Mar-Low Corp.; Lafayette, La.; FEE–3594; Crude Oil

Mar-Low Corporation (Mar-Low) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would have resulted in the extension of the exception relief previously granted to Mar-Low and would have permitted the firm to continue to sell a portion of the crude oil produced and sold from the Maxie Broussard No. 1–D well (the Broussard well) at upper tier ceiling prices. Mar-Low Corp., 4 FEA Par. 83,049 (August 18, 1976). In considering the exception application, the FEA found that Mar-Low continued to incur increased operating costs at the Broussard well and that, in the absence of continued exception relief, the working interest owners would lack an economic incentive to continue to produce crude oil from the property. In view of this situation and on the basis of the operating data presented for the Broussard well for the previous six months, the FEA concluded that the working interest owners should be permitted to sell at upper tier ceiling prices 60.14 percent of the crude oil produced from the Broussard well in order to recover the increased operating expenses at the property.

M. J. Mitchell; Dallas, Tex.; FXE–3736; Crude Oil

M. J. Mitchell (Mitchell) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would have resulted in the issuance of an Order extending exception relief previously granted to the firm on April 2, 1976 and again on October 1, 1976, and would thereby have permitted Mitchell to continue to sell at upper tier ceiling prices a portion of the crude oil produced from the Minnelusa Sand Unit (the Unit) for the benefit of the working interest owners. M. J. Mitchell, 4 FEA Par. 83,123 (October 1, 1976); and M. J. Mitchell, 3 FEA Par. 83,146 (April 2, 1976). In considering Mitchell's exception request, the FEA determined that the Unit was continuing to experience high operating costs and that the working interest owners consequently lacked an incentive to maintain the production and sale of the crude oil from the property at the lower tier ceiling price. In view of this determination and on the basis of the operating data which the firm had submitted for the most recently completed fiscal period, the FEA concluded that the exception relief previously granted should be extended to permit Mitchell to sell at upper tier ceiling price levels 100 percent of the crude oil produced from the Unit for the benefit of the working interest owners in order to recover the increased operating expenses of the property.

Perrault Production Co.; Tulsa, Okla.; FEE–3524; Crude Oil

Perrault Production Company (Perrault) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted Perrault to receive upper tier ceiling prices for the crude oil it produced and sold from two leases in Osage County, Oklahoma during the month of February 1976. In its exception request, Perrault stated that it failed to certify the leases as stripper well properties in a timely manner as required by Section 212.131(a)(1). As a result, Perrault was not able to receive upper tier prices for the crude oil which it produced from the leases during February 1976. In considering Perrault's application, the FEA noted that several recent cases had dealt with analogous situations. See, e.g., Rancho Oil Co., 4 FEA Par. 83,143 (October 8, 1976). In Rancho, the FEA held that exception relief from the stripper well certification requirements would only be granted if a firm makes a clear showing that it is likely to experience a serious financial hardship as a result of the regulatory requirements or shows that the application to the firm of these requirements would cause the firm to incur a gross inequity. The FEA determined that Perrault failed to submit any material which satisfied those standards and on the basis of the precedent established in Rancho, supra, the FEA denied Perrault's exception request.

Pontiac Stadium Authority; Pontiac, Mich.; FEE–3233; Propane

The Pontiac Stadium Authority (the Authority) filed an Application for Exception in which it requested that its annual base period volume of propane be increased to 1,010,000 gallons. In its Application, the Authority contended that it would incur a serious hardship if the volume which FEA Region V had assigned to it as its base period volume were not substantially increased. In support of its exception request, the Authority submitted financial data with respect to the financing and operating expenses of its municipal stadium. In considering the Authority's exception request, the FEA determined that, in the absence of exception relief, the Authority will experience serious difficulties. The FEA found that the original assignment of 210,000 gallons of propane as the base period volume for the Authority was apparently based upon a misapplication of the provisions of 10 CFR 211.83(c)(4)(i), which limits the allocation level of propane for commercial users to the lesser of 90 percent of the purchaser's base period volume or 210,000 gallons per year. The FEA noted that the assignment of a base period volume to new wholesale purchasers of allocated products is instead governed by Section 211.12(e), which does not limit the volume of propane which may be assigned to commercial users. In addition, the FEA stated that the original Assignment Order failed to determine whether the Authority should properly have been classified as a governmental or commercial user, or whether the Authority's use of propane should properly have been classified as plant protection fuel. Accordingly, the matter was remanded to the Regional Administrator of FEA Region V for further consideration of the Authority's Application for Assignment of a base period volume of propane, and the Authority's Application for Exception was dismissed without prejudice.

Weir Oil Co.; Huntington Beach, Calif.; FEE–3510; Crude Oil

The Weir Oil Company (Weir) filed an Application for Exception which, if granted, would have permitted the firm to sell the crude oil produced from the Weir Oil Company FEE No. 2 Well (the Weir No. 2 Well) without regard to the maximum price levels specified in 10 CFR, Part 212, Subpart D. In its exception application, Weir requested that the Weir No. 2 Well be classified as a "stripper well property," as that term is defined in Section 212.54, even though the well had not been in operation for twelve consecutive months. In considering the exception request, the FEA determined that, if relief were granted as a matter of course in all situations in which properties are producing less than ten barrels per day but have not yet been in operation for 12 consecutive months, it would not be possible for the FEA to maintain any standard by which a crude oil producing property could be classified as a stripper well property. The FEA also noted that in previous decisions, exception relief from the ceiling price provisions has been approved where a producer convincingly demonstrates that: (i) it has little economic incentive to continue to produce crude oil if it is required to sell the production at controlled price levels; (ii) there is little possibility that the crude oil in the field could be recovered except through the continuation of the firm's operations; and (iii) the wells involved are already part of a continuing extraction operation. See, e.g., Great Southern Oil and Gas Co., Inc., 3 FEA Par. 83,111 (February 27, 1976). The FEA determined that, based on the financial data which Weir had submitted, the firm has a sufficient economic incentive to continue production from the Weir No. 2 Well even in the absence of exception relief. Accordingly, Weir's exception application was denied.

SUPPLEMENTAL ORDERS

Buck Drilling and Exploration; Oklahoma City, Okla.; FEX–0125; Crude Oil

On February 15, 1977, the Federal Energy Administration issued a Decision and Order to Buck Drilling and Exploration staying the refund provisions of a Remedial Order which had been issued to the firm on January 25, 1977. *Buck Drilling and Exploration*, 5 FEA Par. 85,028 (February 15, 1977). The Stay was approved subject to the condition that Buck establish an escrow account in which it would deposit all revenue in excess of $4.00 per barrel which it receives from the sale of crude oil from the two leases involved until the total refund obligation was deposited. Subsequent to the issuance of the Stay Order, Buck informed the FEA that the firm owns only a portion of the entire ownership interests in the two leases and therefore receives only a portion of the proceeds from the sales of crude oil from the properties. In view of this information, the FEA determined that the escrow account to be established under the February 15 Order would be ineffective in accomplishing the objectives set forth in that Order. The FEA therefore modified the February 15 Order by requiring the purchaser of the crude oil from the leases in which Buck has an interest to deposit directly into the escrow account established by Buck that portion of the purchase price that it would ordinarily pay in excess of $4.00 per barrel to the owners of two leases.

MacKellar, Inc.; Oklahoma City, Okla.; FEX–0123; Crude Oil

On January 28, 1977, the Federal Energy Administration issued a Decision and Order to MacKellar, Inc. (MacKellar) staying certain of the refund provisions of a Remedial Order which was issued to the firm on December 30, 1976. *MacKellar, Inc.*, 5 FEA Par. 85,021 (January 28, 1977). The State was approved subject to the condition that MacKellar establish an escrow account in which it would deposit all revenues in excess of $1.00 per barrel which it receives from the sale of crude oil from two of the leases involved until the total refund obligation with respect to those leases was deposited in the escrow account. Subsequent to the issuance of the Stay Order, MacKellar stated that it owns only a small portion of the entire ownership interests in the two leases and therefore receives only a portion of the proceeds from the sales of the crude oil for the properties. Accordingly, the FEA determined that the escrow account established pursuant to the January 28 Order would be ineffective in accomplishing the objectives set forth in that Order. The FEA therefore modified the January 28 Order and required the purchaser of crude oil from the two leases to deposit directly into the escrow account established by MacKellar that portion of the purchase price in excess of $1.00 per barrel that it would ordinarily pay to the owners of the two leases.

Navajo Refining Co.; Artesia, N. Mex.; FEX–0113; Crude Oil

On June 21, 1976, the FEA issued a Decision and Order to the Navajo Refining Company (Navajo) which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) during the months of June through November 1976. *Navajo Refining Co.*, 3 FEA Par. 83,242 (June 21, 1976). That exception relief was granted in accordance with the criteria set forth in *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976) and *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975) and applied to the firm's crude oil receipts and runs to stills during the period April 1 through September 30, 1976. In the June 21 Order, the FEA indicated that it would conduct a review of the exception relief which had been granted to Navajo at the completion of the firm's fiscal year to determine whether Navajo had received excessive or insufficient benefits during its fiscal year, and would then require Navajo to buy or sell additional entitlements if appropriate to adjust for the discrepancy. Since Navajo's 1976 fiscal year ended on July 31, 1976, the FEA conducted a review of the exception relief which Navajo had been granted for the period April 1 through July 31, 1976, i.e., the portion of the firm's 1976 fiscal year that followed the recission of Special Rule No. 6 (41 Fed. Reg. 20392, May 18, 1976). Based on that review the FEA determined that Navajo had received an insufficient measure of exception relief during the April through July 1976 period. Navajo was therefore authorized to sell additional entitlements having a total value of $77,139 during the period March through May 1977.

REQUEST FOR STAY

Les K. Hanson, Inc.; Saint Paul, Minn.; FRS–1191; Refined Petroleum Products

Les K. Hanson, Inc. (Hanson) filed an Application for Stay of a Remedial Order which had been issued to the firm by FEA Region V on February 2, 1977. In the Remedial Order, the Regional Administrator of FEA Region V found that during the period November 1, 1973 through December 31, 1974, Hanson sold covered products to its customers at prices which exceeded the maximum price levels specified in 6 CFR 150.359 and 10 CFR 212.93, and directed Hanson to refund to each of four customers the amount of the overcharges which the FEA found to exist, plus interest. Hanson's Application for Stay related only to one customer to which it was required to make refunds. In considering Hanson's request, the FEA concluded that the firm had satisfied the criteria for a stay set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), modified, 3 FEA Par. 85,040 (July 8, 1976), by showing that it would raise substantial issues in its Appeal of the Remedial Order and that it would be unduly burdensome for the firm to recover the refunds which it was required to make to that customer if it were to succeed on the merits of its Appeal. The FEA therefore concluded that the Hanson Application for Stay should be approved on the condition that the disputed funds be placed in an escrow account.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non product cost increases:

Company	Case No.	Plant	Amount of price increase (dollars per gallon)
Atlantic Richfield Co	FEE-3599	Bayou Sale	$0.0056
Kerr-McGee Corp	FEE-3614	Beaver	.0427
Do	FEE-3615	Beaver Creek	.0096
Do	FEE-3616	Maysville	.0227
Do	FEE-3617	Milfay	.0983
Do	FEE-3618	Pampa	.0172
Tenneco Oil Co	FEE-3600	Chesterville	.0172
Do	FEE-3601	Dover Hennessey	.0136
Do	FEE-3602	La Forte	.0133
Do	FEE-3603	Lake Boeuf	.0079
Do	FEE-3604	Leabo	.0366
Do	FEE-3605	Mayfield	.0613
Do	FEE-3606	Mermentau	.0056
Do	FEE-3607	Normanna	.0239
Do	FEE-3608	Nueces River	.0115
Do	FEE-3609	Pearce	.0520
Do	FEE-3610	Prentice	.0533
Do	FEE-3611	Sea Robin	.0285
Do	FEE-3612	South Fullerton	.0230
Do	FEE-3613	Stephens	.0247
Do	FEE-3614	Ward	.0320
Texas Pacific Oil Co., Inc	FEE-3616	Hamlin	.0407
Do	FEE-3642	South Fullerton	.0099
Do	FEE-3645	Adena	.0630

SUMMARY DECISIONS

The FEA Office of Exceptions and Appeals has issued a Decision and Order extending the time within which the Regional Administrator of FEA Region VII should issue a revised Remedial Order to the following firm:

Braden-Zenith, Inc.; Wichita, Kan.; FEX–0124

The FEA Office of Exceptions and Appeals has issued Decisions and Orders rescinding Stays which had been granted to the following firms after a finding was made that the firms had failed to comply with the express conditions of the Stay Orders:

B&D Oil Co., Inc.; Iron Range Propane Co., Inc.; Hibbing, Minn.; FEX–0122

David Crow; Shreveport, La.; FEX–0121

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Vaughey & Vaughey Oil Producers; Denver, Colo.; FXE–3582

The following submissions were dismissed for failure to correct deficiencies in the firms' filings as required by the FEA Procedural Regulations:

Riddle Oil Co.; San Antonio, Tex.; FEE–3580

Mary Margaret, Huber Smith; Casper, Wyo.; FXA–1163

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

APRIL 13, 1977.

[FR Doc.77-11208 Filed 4-13-77;4:00 pm]

NOTICE OF ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of February 28 Through March 4, 1977

Notice is hereby given that during the week of February 28 through March 4, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Austral Oil Co., Inc.; Houston, Tex.; FEA–0804; Crude Oil

Austral Oil Company, Inc. filed an Appeal from a Decision and Order which the FEA issued to the firm on March 8, 1976. *Austral Oil Co., Inc.*, 3 FEA Par. 83,122 (March 8, 1976). In the prior determination, the FEA granted exception relief to Austral which permitted the firm to regard eight leases on the Ackerly Dean Sand Field Unit (the Ackerly Unit) as separate properties for the purpose of calculating the amount of new and released crude oil which it produced and sold from those leases during the period September 1, 1973 through September 4, 1975. In its Appeal, Austral contended that the exception relief afforded by the March 8 Decision was insufficient to compensate the firm for the investments which it had made in justifiable reliance on oral advice which it had received from an FEA official. In considering the Appeal, the FEA determined that there was considerable merit to Austral's contention that the exception relief afforded in the March 8 Decision was insufficient to alleviate the gross inequity which Austral incurred as a result of its detrimental reliance. The FEA found that the economic injury which Austral experienced as a result of its detrimental reliance did not cease when the definition of property was clarified in September 1975, but would continue for the entire productive life of the drilling projects. In order to remedy that situation, the FEA determined that appropriate relief would be provided by ensuring that Austral is permitted to receive a fair return on the investment which it made. After evaluating the factors present in the case, the FEA concluded that Austral should be permitted to sell sufficient quantities of the crude oil produced from the eight leases at upper tier

price levels in order to obtain a 15 percent return on the investments which the firm made in the eight leases. With respect to 25 leases for which exception relief was denied in the March 8 determination, the FEA found that no showing had been made that the drilling of wells on those leases involved an investment decision which was made in justifiable reliance on erroneous advice from the FEA. Austral's request for additional relief applicable to those leases was accordingly denied.

James A. Hauer; Elm Grove, Wis.; FFA–1206; Freedom of Information

James A. Hauer appealed from a partial denial of a Request for Information which he had submitted to the FEA under the Freedom of Information Act. In responding to that request, the Information Access Officer had refused to release to Hauer certain documents on the grounds that the documents were intra-agency memoranda which would not be available to a party other than an agency in litigation with the Agency and were consequently exempt from disclosure under the provisions of 5 U.S.C. 552(b)(5). In the Decision which it issued in this matter, the FEA held that in order to satisfy applicable requirements an Appeal must identify with particularity the alleged errors of fact or law that occurred in the determination being appealed, and that arguments must be offered in support of the contention that the initial determination was improper. The FEA found that Hauer failed to satisfy these basic requirements. The Appeal was therefore dismissed and Hauer was permitted to file an amended Appeal within 15 days.

Oilgram News Service; Washington, D.C.; FFA–1189; Freedom of Information

Oilgram News Service filed an Appeal from a partial denial by the FEA Information Access Officer of a Request for Information which Oilgram had submitted under the Freedom of Information Act, 5 U.S.C. 552. The Information Access Officer withheld from disclosure a document entitled "Emergency Management Manual" which was prepared by the International Energy Agency. The document was withheld on the grounds that the material had been classified as "Confidential" by the U.S. Department of State under the authority of Executive Order 11562 and was therefore exempt from public disclosure by the FEA under the provisions of 5 U.S.C. 552(b)(1). In considering the Appeal, the FEA determined that since the Emergency Management Manual had been classified as "Confidential" by the Department of State, the determination as to whether the document should be declassified and released to the public must be made by the Department of State. The FEA therefore concluded that Oilgram's request for the Emergency Management Manual should have been referred to the Department of State pursuant to the provisions of 10 CFR 202.3(e). The Oilgram Appeal was therefore granted and the FEA Associate Administrator for Management was directed to refer the firm's request for the Emergency Management Manual to the Freedom of Information staff at the Department of State.

REQUEST FOR EXCEPTION

Eddy Refining Co.; Houston, Tex.; FEE–3232; Refined Products

Eddy Refining Company filed an Application for Exception from the provisions of 10 CFR 212.83 which, if granted, would permit the firm to increase its maximum allowable prices for the covered petroleum products which it sells. Eddy also requested that exception relief be approved retroactive to September 1973. In considering the Application, the FEA noted that it had previously denied a request for retroactive exception relief with respect to the diesel fuel that Eddy produces. *Eddy Ref. Co.*, 4 FEA Par. 83,005 (July 16, 1976), aff'd, 4 FEA Par. 80,589 (December 15, 1976). Since the firm presented no new arguments or data with respect to the matter, the FEA found that there was no basis to depart from the previous determination. In considering Eddy's request for prospective relief with respect to its sales of motor gasoline, the FEA found that no evidence had been presented to support Eddy's claim that the margins which it achieved on its sales of motor gasoline during May 1973 were unrepresentative of its normal operations. The FEA also found that, prior to the implementation of price controls, Eddy had made a discretionary business decision to sell ethyl gasoline at a loss. On the basis of the precedent established in two previous Decisions, the FEA held that the presence of a negative margin on one product did not in and of itself establish the existence of a gross inequity. *See Tenneco Oil Co.*, 4 FEA Par. 83,117 (October 1, 1976); and *Union Oil Co. of California*, 3 FEA Par. 83,155 (April 2, 1976). The FEA also rejected Eddy's claim that retroactive exception relief w s warranted. The FEA found that the financial statements which Eddy had submitted indicated that the firm earned substantial profits during its most recent fiscal years and therefore concluded that Eddy's financial position would not be irreparably injured if the firm were eventually required to make refunds for past overcharges. With respect to Eddy's contention that it should be permitted to retroactively pass through a portion of its increased nonproduct costs which had been disallowed by FEA auditors, the FEA found that there was no reason to depart from the determination reached in previous Decisions that this contention should be rejected. *Eddy Ref. Co.*, 4 FEA Par. 80,589 (December 15, 1976). The Eddy Application was accordingly denied.

Gulf Oil Corp.; Tulsa, Okla.; FEE–3342; Crude Oil

Gulf Oil Corporation filed an Application for Exception which, is granted, would permit Gulf to determine the price of crude oil produced and sold from five offshore leases in the South Timbalier Block Formation, Louisiana without regard to the current cumulative deficiencies which accrued as a result of leaks in the pipeline connecting the leases and Gulf's onshore facilities. In considering Gulf's exception request, the FEA determined that Gulf had not shown that its extraction efforts at the five leases would be endangered in any way in the absence of exception relief. The FEA also found that Gulf had failed to demonstrate that the FEA regulatory program imposed burdens upon the firm which were disproportionate to those generally incurred by crude oil producers. The FEA therefore denied Gulf's exception request.

J & W Refining, Inc.; Tucker, Tex.; FEE–3151; Crude Oil

J & W Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 which, if granted, would relieve the firm of any obligation to purchase entitlements pursuant to the "Notice of Special Correction Amounts" which the FEA issued in accordance with Section 211.67(j)(2). 41 FR 31793 (July 29, 1976), as amended in 41 FR 42700 (September 28, 1976). In considering J & W's exception request, the FEA determined that contrary to J & W's assertion, all small refiners including J & W received timely and adequate notification that reporting errors in the Entitlements Program would be subject to subsequent correction. The FEA pointed out that notification to refiners of the FEA's intention to make corrections was contained in two rulemaking notices and also in an emergency amendment pertaining to adjustments for reporting errors. *See* 39 FR 31650 at 31651 (August 30, 1974); 39 FR 39740 (November 11, 1974); and 40 FR 6767 (February 14, 1975). The FEA also found that, since the firm is currently operating on a profitable basis and since the amount of the entitlements purchase obligation imposed by the Notice is considerably less than the firm's after-tax profits, J & W will not experience a severe financial hardship in the absence of exception relief. Finally, the FEA found that no conflict exists between the Federal Bankruptcy Act and FEA Regulations which would prevent the FEA from applying the provisions of Section 211.67(j)(2) to J & W. J & W's Application for Exception was therefore denied.

Kerr-McGee Corp.; Southwestern Refining Co., Inc.; Oklahoma City, Okla.; FEE–3086; Refined Products.

Kerr-Mcgee Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart E. The exception request, if granted, would relieve Kerr-McGee of the requirement that it combine the increased costs incurred by its Southwestern Refining Company, Inc. subsidiary and its other refining operations for the purpose of determining maximum allowable selling prices. The exception relief which the firm requested would also relieve Kerr-McGee of any requirement that it pass through Southwestern's increased costs equally among its classes of purchaser. In its Application, Kerr-McGee claimed that when it acquired Southwestern in February 1974 it maintained the May 15, 1973 prices for the acquired entity and calculated increased costs separately for Southwestern pursuant to the provisions of Section 212.111(c)(1). On February 3, 1976, the Regional Administrator for FEA Region VI issued a Notice of Probable Violation which made a preliminary finding that Kerr-McGee had violated the provisions of Section 212.83 by failing to consolidate Southwestern with the firm's other crude oil refining subsidiaries. In considering the request for retroactive exception relief, the FEA observed that since July 1975 the proper procedure which a firm is expected to use in establishing its maximum allowable prices upon the acquisition of a refinery is the filing of an Application for Exception. See The Oil Shale Corp., 2 FEA Par. 83,169 (June 10, 1975). However, the FEA acknowledged that the use of the exceptions process for this purpose had not been established when Kerr-McGee acquired Southwestern in February 1974. The FEA determined that Kerr-McGee had adopted a reasonable interpretation of the regulatory requirements by treating Southwestern separately under the more narrowly drawn provisions of Section 212.111(c)(1) instead of consolidating Southwestern under the general provisions of Section 212.83. Moreover, the FEA found that the pricing practices which Kerr-McGee had adopted were consistent with the underlying principles of Section 212.111(c)(1) of avoiding disruptions in the prices charged to Southwestern's historical customers. On the basis of these findings, the FEA held that compelling reasons existed which warranted the approval of retroactive exception relief from the requirement that Kerr-McGee include Southwestern in its firm-wide cost calculations for the period January 1974 through January 1976. However, with respect to the firm's request

for prospective relief, the FEA observed that subsequent to the issuance of the NOPV Kerr-McGee had consolidated the operations of Southwestern with its other refining subsidiaries for the purpose of determining the firm's maximum allowable prices. The FEA found that, if Kerr-McGee were now permitted to exclude Southwestern from its consolidated cost computations, unwarranted price disruptions would occur in the marketplace. The Kerr-McGee request for prospective relief was accordingly denied.

Marine Contractors & Supply, Inc.; Houston, Tex.; FEE–3579; Crude Oil

Marine Contractors & Supply, Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Marine to receive upper tier ceiling prices for the crude oil which it produced and sold from the S. J. Simoneaux Lease (the Lease) during the month of August 1976. In its exception application, Marine stated that it failed to certify in a timely manner, as required by Section 212.131, that the crude oil produced from the Lease was new crude oil. As a result, Marine was not able to receive upper tier prices for the crude oil which it produced and sold from the Lease during August 1976. In considering Marine's Application, the FEA noted that under Section 212.131 each producer of crude oil is responsible for preparing a proper certification with respect to all first sales of domestic crude oil. The FEA determined that Marine had presented no evidence which would indicate that the manner in which these requirements apply to Marine is discriminatory or inequitable. The FEA further determined that Marine had failed to submit any data which indicated that it would experience a serious financial hardship as a result of its loss of the additional crude oil sales revenues which it would have received in August if it had been able to charge upper tier prices during that period. Finally, the FEA found that Marine failed to make a showing that it would experience a severe and irreparable injury in the absence of retroactive exception relief. Consequently, the Marine Application was denied.

Pawnee Petroleum Co.; Seminole, Okla.; FEE–3241; Crude Oil.

Pawnee Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would permit Pawnee to sell the crude oil produced from the Strothers No. C Well, the Logan Lease, and the Riley No. 1 Well at prices in excess of the maximum price levels specified in 10 CFR 212.73. The relief requested by Pawnee would also result in a determination that the Strothers No. C Well, the Logan Lease, and the Riley No. 1 Well were stripper well properties during the period September 1973 through October 1976, and would thereby relieve Pawnee of any obligation to refund revenues which it realized as a result of charging unlawful prices for the crude oil produced and sold from the three properties during that period. In its exception application, Pawnee contended that because three reservoirs underlie the Strothers No. C property and two reservoirs are beneath the Logan Lease and the Riley No. 1 Well, these properties would have been classified as stripper well properties during the period of the alleged overcharges if they had been regarded as multiple completion wells. In considering Pawnee's request, the FEA noted that these wells do not qualify as multiple completion wells as described in FEA Ruling 1975–12 because the wells do not have separate tubing strings to carry the crude oil from each of the producing formations. The FEA also determined that Pawnee failed to demonstrate that it would experience a severe and irreparable injury in the absence of retroactive exception relief and its request for retroactive relief was accordingly denied. In considering Pawnee's request for prospective relief, the FEA determined that the crude oil production costs incurred with respect to these properties exceed the revenues which would be obtained from charging the applicable lower tier ceiling prices. Consequently, Pawnee and the other working interest owners no longer have an economic incentive to continue to operate the Strothers No. C, Logan Lease or Riley No. 1 Well if the crude oil produced must be sold at the lower tier ceiling price. The FEA also found that if Pawnee abandons the wells a considerable quantity of otherwise recoverable crude oil would not be available to meet the energy needs of the nation. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application to Pawnee of the lower tier ceiling price rule results in a gross inequity and that exception relief should therefore be granted. Based on an analysis of the firm's financial and operating data, the FEA further determined that Pawnee should be permitted to sell at upper tier ceiling prices 39.91 percent of the crude oil produced and sold for the benefit of the working interest owners from the Strothers No. C Well, and 100 percent of the crude oil produced and sold for the benefit of the working interest owners from the Logan Lease and the Riley No. 1 Well.

Pryor Interprises, Inc.; Griffin, Ga.; FEE–3547; Motor Gasoline

Pryor Interprises, Inc. filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would permit the firm to supply motor gasoline to specified federal installations under the Section 8(a) Program of the Small Business Administration (SBA). Pursuant to Section 8(a) of the Small Business Act of 1958, as amended, the SBA enters into contracts to supply petroleum products to various federal installations and assigns performance of these contracts to eligible small businesses. In considering the request, the FEA noted that the SBA had certified that Pryor is an eligible firm for purposes of the Section 8(a) Program and that the proposed award of specified supply contracts to Pryor would further the goals and objectives of the Small Business Act of 1958, as amended. The FEA determined that if Pryor did not receive exception relief and was unable to supply various federal installations pursuant to the Section 8(a) Program it would earn only marginal profits in 1977 and would be likely to incur a major setback in its efforts to become a viable independent marketer. Under these circumstances, the FEA found that Pryor would experience a serious financial hardship in the absence of exception relief. Accordingly, relief was granted under the precedent established in Tri-Par Combustion Corp., 1 FEA Par. 20,660 (September 12, 1974).

Sentry Refining Co.; New York, N.Y.; FEE–3378; Crude Oil.

Sentry Refining Company filed an Application for Exception from the provisions of 10 CFR 211.65 and 10 CFR 211.67. The exception request, if granted, would permit Sentry to (i) immediately apply for an allocation of crude oil under the Mandatory Crude Oil Buy-Sell Program for a refinery which the firm proposes to construct in St. Mary's, West Virginia, (ii) purchase the crude oil that may be allocated prior to the start of its refinery operations, and (iii) qualify as a refiner in order to earn entitlements before its refinery comments operations. In considering the Application, the FEA determined that Sentry's ability to obtain the financing necessary to build its proposed refinery was dependent upon its ability to secure an adequate supply of crude oil. Under the provisions of Section 211.65(b)(1), Sentry is precluded from applying for an allocation of crude oil until 90 days before the allocation quarter in which its refinery commences operations. On the basis of the showing made by the firm that it had taken significant preparatory steps in connection with its refinery construction project, that its refinery products would be marketable and that the proposed refinery represented a profitable undertaking for the firm, the FEA determined that the application of the 90 days provision of Section 211.65(b)(1) created a significant and unwarranted barrier to the construction of the Sentry refinery and thus to the expansion of the nation's refinery capacity. The FEA therefore concluded that exception relief was warranted based upon the precedent established in Tipperary Corp., 3 FEA Par. 83,263 (June 30, 1976); and Gulf Energy and Development Corp., 2 FEA Par. 80,516 (January 29, 1975). Therefore, the FEA permitted the firm to immediately apply for an allocation of crude oil under the Buy-Sell Program. Sentry also requested that it be permitted to purchase any allocation of crude oil which may be granted by the FEA Office of Regulatory Programs before its refinery actually begins operations so that the firm could make arrangements with another refiner to obtain lubricating oil in order to meet a contractual obligation which it had undertaken. The FEA found that since lubricating oil was exempt from the FEA Regulations, Sentry was not precluded from purchasing sufficient quantities in the marketplace to meet its contractual obligation. With respect to Sentry's request that it be permitted to earn entitlements for any crude oil processed for its account by another firm prior to the commencement of its refining operations, the FEA found that Sentry would not be adversely affected in a significant manner in the absence of the relief requested since the firm would be eligible to receive cost reductions under the Entitlements Program with respect to the crude oil processed under an agreement which Sentry had negotiated. Therefore, the Sentry Application was denied with respect to the firm's requests to purchase an allocation of crude oil and to earn entitlements as a refiner prior to the actual date on which it commenced refinery operations.

Norman Waddell; Seminole, Okla.; FEE–3239; Crude Oil

Norman Waddell (Waddell) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would permit Waddell to sell the crude oil produced from the W. H. Dill lease at a price which exceeds the maximum price level specified in 10 CFR 212.73. Waddell also requested that it be relieved of any obligation to refund revenues which it realized as a result of charging unlawful prices for the crude oil produced and sold from the Dill No. 2 Well during the period September 1973 through October 1976. In considering Waddell's contention that the Dill No. 2 Well should have been classified as a stripper well property because the State of Oklahoma had accorded multiple completion well classification to the lease, the FEA noted that according to FEA Ruling 1975–12, a well may be regarded as a multiple completion well only if the well consists of separate tubing strings to each underlying reservoir and the production capabilities of each formation are unaffected by any change in the production level of any other formation producing crude oil through the well. Since Waddell's Dill No. 2 Well produces crude oil from three reservoirs through the same tubing string, it does not qualify as a multiple completion well under the criteria established in Ruling

1975–12. With respect to Waddell's contention that the application of Subpart D would lead him to abandon the Dill No. 2 Well, the FEA determined that Waddell had failed to demonstrate that the FEA Price Regulations pose any economic disincentive to continuing crude oil production from the property. Accordingly, the exception request was denied in all respects.

REQUESTS FOR STAY

Boyd Oil Corp.; Contoocook, N.H.; FRS–1195; No. 2 Heating Oil; Diesel Fuel

Boyd Oil Corporation requested that a Remedial Order which the Director of Regulatory Programs of FEA Region I had issued to the firm on February 4, 1977 be stayed pending a final determination of the firm's Appeal. In the Remedial Order, the FEA determined that during the period November 1, 1973 through December 31, 1975 Boyd had sold No. 2 heating oil and diesel fuel at price levels which were in excess of the maximum levels permitted by the provisions of 10 CFR 212.83 and consequently Boyd was directed to make restitution for the overcharges which it previously obtained. In considering Boyd's request that the Remedial Order be stayed, the FEA applied the principles previously established in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976), modified, 3 FEA Par. 85,040 (July 8, 1976), and concluded that a stay should be granted with respect to the refund provisions of the Remedial Order. The FEA further determined that in accordance with the considerations discussed in General Crude, the stay should be conditioned upon Boyd's establishing an escrow account into which it is required to place the amount of refunds contemplated by the Remedial Order.

Guam Oil and Refining Co., Inc.; Washington, D.C.; FES–1212; Crude Oil

Guam Oil and Refining Company (GORCO) filed an Application for Stay of the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The GORCO request, if granted, would permit the firm to include certain volumes of unfinished oils in its calculation of crude oil runs to stills which it reports to the FEA for purposes of the Entitlements Program. GORCO requested the stay pending a final determination of an Appeal of an Interpretation which was issued to it by the FEA on February 11, 1977. In considering GORCO's request that it be permitted to continue to include unfinished oils in its crude oil runs to stills for purposes of the Entitlements Program, the FEA found that GORCO had failed to provide any data which substantiates the nature and extent of the alleged adverse impact the firm might experience if it complied on a prospective basis with the terms of the February 11, 1977 Interpretation. With respect to GORCO's request that it be relieved of its obligation to file an amended monthly entitlement reports for the period prior to the issuance of the February 11 Interpretation, the FEA found that GORCO's potential liability had not yet been accurately established nor has any remedial action been taken with respect to the entitlements reports previously filed by the firm. The FEA therefore concluded that the impact of the February 11 Interpretation on GORCO is speculative and the request for stay premature. Accordingly, the GORCO Application for Stay was denied.

H & K Oil Co.; Yankton, S. Dak.; FRS–1184; No. 2 Fuel Oil

The H & K Oil Company filed an Application for Stay of a Remedial Order which the Deputy Regional Administrator of FEA Region VIII issued to the firm on January 21, 1977. In the Remedial Order, the Deputy Regional Administrator found that during the period November 1, 1973 through December 31, 1974, H & K sold No. 2 fuel oil to the University of South Dakota at unlawful price levels. On the basis of these findings, the Remedial Order directed H & K to (i) refund previous overcharges to the University within 180 days, and (ii) determine whether it sold No. 2 fuel oil to the University at prices which exceeded maximum lawful levels under 10 CFR 212.93 during the period December 31, 1974 through July 1, 1976. The approval of H & K's Application for Stay would have relieved the firm of the obligation to comply with the requirements of the Remedial Order pending a final determination on the merits of an Appeal which H & K has filed. In considering the request, the FEA determined that H & K will not experience an immediate irreparable injury in the absence of stay relief since the Remedial Order does not require the firm to actually make and refunds until the end of the 180 day period which expires in July 1977. Furthermore, the FEA found that H & K had not submitted any data relating to its current financial and operating posture. Under the circumstances, H & K had failed to establish that it would incur an irreparable injury even if it were required to make the refunds as specified in the Remedial Order. With respect to the reporting requirements set forth in the Remedial Order, the FEA noted, however, that some justification might well exist for an extension of time in which the firm was required to submit the computations involved to the agency and H & K was directed to submit a request for an extension to the Regional Office. The Application for Stay was accordingly denied.

Louisiana Land and Exploration Co.; New Orleans, La.; FEES–3595; Crude Oil

The Louisiana Land and Exploration Company (LL&E) requested that the FEA stay the firm's obligation under the provisions of 10 CFR 211.63(b)(1) to sell all of the crude oil which it produces from the Jay-Little Escambia Creek Field in northwestern Florida (Jay Field) to the Exxon Company, U.S.A. The stay was requested pending a determination by the FEA on the merits of LL&E's Application for an extension of the exception relief which had previously been granted to the firm in four prior Decisions and Orders and which was scheduled to expire on March 1, 1977. In the previous Orders granting exception relief to LL&E, the FEA found that the firm had recently constructed and begun operating a new refinery in Mobile, Alabama which was designed specifically to refine its own Jay Field crude oil. The FEA also found that if LL&E were required to sell that crude oil to Exxon under the terms of 10 CFR 211.63(b)(1), LL&E's ability to continue operating its Mobile refinery would be severely hampered. On the basis of these findings, the FEA authorized LL&E to retain crude oil produced from the Jay Field for its own use, up to a limit of 32,719 barrels per day. In analyzing LL&E's current submission, the FEA determined that LL&E's dependence on Jay Field crude oil was essentially unaltered and consequently the firm was likely to sustain an irreparable injury in the absence of stay relief which would permit it to retain a substantial quantity of Jay Field crude oil for use in its Mobile refinery. In addition, the FEA found that the national policy objective of preserving the competitive viability of independent refiners would be better served if the status quo ante were maintained pending a determination of the LL&E Application. Based on these considerations and the fact that there was no indication in the record that Exxon would incur inordinate operating difficulties if stay relief were approved, the FEA granted LL&E's request for stay.

Plaquemines Oil Sales Corp.; Belle Chasse, La.; FRS–0066; Diesel Fuel.

The Plaquemines Oil Sales Corporation filed an Application for Stay of a Decision and Order which had been issued to the firm by the Regional Administrator of FEA Region VI on January 20, 1977. In that determination, the Regional Office denied an Appeal which Plaquemines had previously filed from a Remedial Order dated June 7, 1976. The Remedial Order found that Plaquemines had charged unlawful price levels for the No. 2 diesel fuel which it sold during the period November 1, 1973 through August 31, 1975. Based on these findings, the Remedial Order directed Plaquemines to refund the previous overcharges to its customers within 180 days of the effective date of the Order. On June 21, 1976, FEA Region VI stayed the refund requirements specified in the Remedial Order pending a final determination on the administrative Appeal which Plaquemines had filed with the Regional Office. Since the Plaquemines administrative Appeal was ultimately denied, the Regional Administrator terminated the previous stay, and as a result Plaquemines is now required to refund the overcharges within 180 days. The present Plaquemines Application, if granted, would stay the effect of the June 7, 1976 Remedial Order pending judicial review of its provisions by the United States District Court for the Eastern District of Louisiana. In considering the Application for Stay, the FEA noted that the issues which Plaquemines has raised in its lawsuit have already been fully analyzed and discussed by the FEA in the Remedial Order and the January 20, 1977 Decision which denied the firm's administrative Appeal from the Remedial Order. Since the FEA's interpretation of its regulations in those determinations conformed to applicable FEA case law, and Plaquemines submitted no new arguments to refute those determinations, the FEA concluded that there was little likelihood that Plaquemines would prevail in its lawsuit. The FEA further determined that no financial evidence had been submitted in the proceeding which would lead to the conclusion that the firm lacks the resources to make the refunds within the 180 day period specified in the Remedial Order. It was also determined that after the completion of an exhaustive administrative process in which the refund requirements specified in the Remedial Order are ultimately sustained by the FEA, the interests of the customers who are the intended beneficiaries of the remedial action become paramount and the refunds should be made. Finally, in view of the compelling public interest of securing timely compliance with the FEA price regulations, the FEA determined that Plaquemines failed to show that a stay pending judicial review would be justifiable in order to preserve the status quo ante. The Application for Stay was accordingly denied.

T. C. Morrow Drilling Co.; Houston, Tex.; FRS–0069; Propane

T. C. Morrow Drilling Company requested that a Remedial Order which had been issued to the firm by the Deputy Regional Administrator of FEA Region VI be stayed pending judicial review of that Order. In the Remedial Order, the FEA determined that Morrow had sold propane in a transaction which took place on January 15, 1974, at a price which exceeded the maximum price applicable to that transaction under the provisions of the FEA Mandatory Petroleum Price Regulations. Consequently, Morrow was directed to refund $29,785.77, plus interest, to the purchaser of that propane. Morrow appealed from the Remedial Order, and on February 14, 1977, FEA Region VI denied Morrow's Appeal. In considering Morrow's contention that the Remedial Order should be stayed, the FEA concluded that Morrow had presented issues on which there is some possibility that it could prevail in its lawsuit. The FEA also determined that Morrow was likely to incur an irreparable injury if it were required to refund the overcharges immediately and later prevailed on the merits of its judicial appeal. In addition, the FEA found that it was substantially impossible for Morrow to immediately fulfill the requirements of the Remedial Order. The FEA therefore concluded that in accordance with the principles previously established in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), *modified*, 3 FEA Par. 85,040 (July 8, 1976), and *Ford Oil Co.*, 4 FEA Par. 85,026 (October 12, 1976), a stay of the refund provisions of the Remedial Order should be approved. The FEA also waived the generally applicable requirement that an escrow account be established, subject to Morrow's continued, unencumbered ownership of a drilling rig, its most substantial asset.

Tenneco Oil Co.; Washington, D.C.; FRS–0068; Motor Gasoline

Tenneco Oil Company filed an Application for Stay of a Remedial Order which the FEA Region VI issued to the firm on February 2, 1977. The Remedial Order directed Tenneco to refund to its identifiable customers and to the retail marketplace the revenues which the firm had realized by charging prices for motor gasoline in prior periods which exceeded the maximum allowable prices which the firm was permitted to charge under 10 CFR 212.83. Approval of the Tenneco submission would relieve it of the obligation to comply with the provisions of the Remedial Order pending a final determination of an Appeal from the Remedial Order which Tenneco intends to file. In considering Tenneco's request, the FEA determined that Tenneco would be likely to incur an irreparable injury if it were required to refund the overcharges and it ultimately prevailed on the merits of its Appeal. Since Tenneco also demonstrated that it will raise substantial issues in its Appeal as to the propriety of the Remedial Order, the FEA concluded that a stay should be granted in accordance with the principles established in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), *modified*, 3 FEA Par. 85,040 (July 8, 1976), subject to Tenneco's placing that portion of the disputed funds which requires security in an escrow account. Tenneco was also given an opportunity to file a request to execute a surety bond instead of establishing the escrow account.

SUPPLEMENTAL ORDER

Earl W. Sauder; Emporia, Kans.; FEX–0126; Crude Oil

On January 10, 1977 the FEA issued a Decision and Order to Earl W. Sauder (Sauder) staying the refund provisions of a November 4, 1976 Remedial Order. *Earl W. Sauder*, 5 FEA Par. 85,016 (January 10, 1977). The Stay was granted on the condition that Sauder place the disputed funds into an escrow account pending a final determination on the merits of his Appeal of the Remedial Order. The Stay was further conditioned upon the submission by Sauder of a copy of the required escrow agreement to the Office of Exceptions and Appeals of the Federal Energy Administration within 15 days of the receipt of the January 10 Decision. On February 4, 1977 the FEA granted Sauder an additional period of 10 days to establish the escrow account. *Earl W. Sauder*, 5 FEA Par. 87,012 (February 4, 1977). Based on material which Sauder submitted on February 14, 1977, the FEA determined that Sauder had placed only a portion of the total funds required into an escrow account. Since Sauder had failed to fully comply with the express provisions of the January 10 Order, the FEA concluded that the Stay which was approved on January 10, 1977 should be vacated. The FEA also determined that the funds which Sauder had deposited in escrow should continue to be held by the escrow agent pending receipt of a further directive from the FEA. Since Sauder had placed a portion of the required funds into an escrow account, the FEA ordered a reduction the amount of his refund obligation as set forth in the Remedial Order.

EXCEPTION RELIEF GRANTED TO NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (dollars per gallons)
H. W. Bass & Sons, Inc.	FEE–3633	Walnut Bend	0.0231
H. W. Regester	FEE–3638	Prentice	.04397
Mobil Oil Corp.	FEE–3673	Camargo	.01679
	FEE–3674	Slaughter	.0072
	FEE–3675	Toca	.076
Standard Oil Co. (Indiana)	FEE–3659	Kinsler	.00700
	FEE–3660	Levelland	.0076
	FEE–3661	Slaughter	.0051
	FEE–3662	South Gillock	.0361
	FEE–3663	South Pecan	.0088
Texaco, Inc.	FEE–3666	Blessing	.0443
	FEE–3667	Paradis	(1)
Texas Pacific Oil Co., Inc.	FEE–3656	Enville	.0056
Union Oil Co. of California	FEE–3712	Baltke	.0102
	FEE–3713	Bell	.0224
	FEE–3714	Bryans Mill	.0073
	FEE–3715	Caddo	.0163
	FEE–3716	Carrick	.0099
	FEE–3717	Como	.0748
	FEE–3718	Cow Island	.0173
	FEE–3719	North Ouachita	.0306
	FEE–3720	Stearns	.0294
	FEE–3721	TSMA	.0499

[1] Denied.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Hudson Oil Co. Inc.; Washington, D.C.; FXA–1168

E. E. Keeton (Keeton Shop-Eazy); Russellville, Ala.; FEE–3589

New England Power Co.; Westborough, Mass.; FFA–1197

Robinson Petroleum Co.; Coraopolis, Pa.; FPI–0107

The following submission was dismissed following a determination by the FEA that the relief requested was no longer necessary:

Commonwealth Natural Gas Corp.; Lynchburg, Va.; FEE–3615

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Jane B. Kraft; New York, N.Y.; FXA–1155

The following submissions were dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Consumers Power Co.; Washington, D.C.; FMR–0085

Keim Boulevard Corp.; Vineland, N.J.; FEE–1587

U.S.A. Gas, Inc.; Millville, N.J.; FEE–3575

TEMPORARY STAYS

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Grier Oil Co.; Aberdeen, Md.; FST–0034

The following Application for Temporary Stay was granted on the grounds that the applicant had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Standard Oil Co. (Indiana); Chicago, Ill.; FST–0033

SUMMARY DENIAL

The following Appeal was summarily denied on the grounds that it was not filed in a timely manner:

Empiregas, Inc.; Kansas City, Mo.; FXA–1194

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t, except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

APRIL 13, 1977.

[FR Doc.77–11209 Filed 4–13–77;4:00 pm]

BRIDWELL OIL CO.

Proposed Consent Order:

I. INTRODUCTION

Pursuant to 10 C.F.R. § 205.197(C), the Federal Energy Administration

(FEA) hereby gives notice of a Consent Order which was executed by Bridwell Oil Company (Bridwell) on February 23, 1977 and the FEA on March 2, 1977. In accordance with that section, FEA will receive comments with respect to this Consent Order. Although the Consent Order has been signed and tentatively accepted by FEA, the FEA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

The Bridwell Oil Company, located at 1000 First Wichita National Bank, Wichita Falls, Texas 76301, is a firm engaged in production and sale of crude oil.

As a result of an audit conducted by FEA of Bridwell's sales of crude oil during the period of September 1, 1973, through January 31, 1976, FEA advised Bridwell that Bridwell had apparently made sales of crude oil at prices in excess of those permitted under the Cost of Living Council and FEA price rules. FEA maintained that the overcharges were the result of: (1) Bridwell's inclusion of partial producing wells and injection wells in its computation of average daily production for purposes of the stripper well lease exemption, and (2) Bridwell's sale of gas well condensate as though produced from stripper well leases although the stripper well lease exemption was not available to the sale of such condensate after January 1, 1975.

In an effort to conclude this Compliance proceeding and to resolve the issues raised by the audit results, FEA and Bridwell entered into a Consent Order, the significant terms of which are:

1. Bridwell shall refund to its crude oil purchasers all amounts charged in excess of maximum lawful prices together with appropriate interest. FEA has computed the total overcharge (excluding interest) at $695,231.73. At the purchaser's option, Bridwell may make price reductions instead of refunds.

2. All refunds and interest payments will be made in accordance with the refund schedule annexed to the Consent Order. Refunds will be paid on a well by well basis and will extend over a 2-month to 18-month period of time.

3. Bridwell shall certify in writing to FEA the status of all refunds and reductions every three months until completion.

4. Bridwell agrees to determine, within thirty days after the effective date of the Consent Order, whether any further overcharges occurred at the leases in question due to the errors alleged by FEA to have occurred in this proceeding. Bridwell will certify the result of the investigation to FEA and present to FEA for its approval a plan refunding any such further overcharges.

5. The provisions of 10 CFR § 205.197, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on the Consent Order by submitting such comments in writing to Mr. D. M. Fowler, Regional Administrator, Region VI, Federal Energy Administration, P.O. Box 35228, Dallas, Texas 75235. Copies of this Consent Order may be received free of charge by written request to this same address or by calling, 214–749–7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Bridwell Consent Order." All comments received by 4:30 p.m., CDT, on May 19, 1977, will be considered by the FEA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 C.F.R. § 205.9 (f).

Issued in Washington, D.C. on this 12th day of April, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-11245 Filed 4-14-77;9:37 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of March 7 Through March 11, 1977

Notice is hereby given that during the week of March 7 through March 11, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Connecticut Refining Co.; West Haven, Conn.; FEA–1038; No. 2 Fuel Oil

The Connecticut Refining Company (CRC) appealed from a Remedial Order which the Director of the Regulatory Programs Division of FEA Region I issued to the firm on September 17, 1976. In the Remedial Order the FEA found that CRC had overcharged the State of Connecticut for No. 2 fuel oil during the period November 1973 through May 1975, and directed CRC to refund the overcharges which it obtained plus interest. In considering the Appeal, the FEA rejected CRC's contention that the Remedial Order was procedurally defective because a hearing was not conducted by the FEA Regional Office. The FEA noted that a conference between CRC and the FEA regarding the alleged overcharges had been held prior to the issuance of the Remedial Order and that the FEA regulations do not provide for a further opportunity to discuss a Notice of Probable Violation prior to the issuance of a Remedial Order. The FEA also found that the distinction between a wholesale purchaser-consumer and an end-user which CRC raised relates only to the allocation of petroleum products and is not directly relevant to the determination of CRC's proper prices under the Mandatory Petroleum Price Regulations. However, the FEA held that in this case FEA Region I should have calculated the amount of CRC's overcharges on a location-by-location basis instead of on a state-wide basis. Accordingly, the Remedial Order was remanded to FEA Region I for a recomputation of the amount of overcharges. In all other respects, the CRC Appeal was denied.

General Distributors, Inc.; Snow Hill, Md.; FEA–0962; Propane

General Distributors, Inc. appealed from a Decision and Order in which the FEA denied the firm's request for retroactive and prospective exception relief that would have permitted it to increase its maximum allowable selling prices for propane. General Distributors, Inc., 4 FEA Par. 83,007 (July 16, 1976). In considering General's Appeal, the FEA noted that financial data supplied by the firm in the previous proceeding revealed a trend toward increasing profitability in each year since General acquired its propane distribution operation in 1973. In view of this clearly discernible trend, the FEA sustained its previous determination that the firm had failed to demonstrate that the FEA regulatory program was the principal cause of any financial problems which the firm claimed to be experiencing. However, the FEA noted that in the Appeal General had submitted financial statements not previously available which indicated that the firm's operations during its 1976 fiscal year were considerably less profitable than the firm had projected in the prior proceeding. The FEA also found that, at the time General acquired its propane operations on June 1, 1973, it could not have known that regulations would subsequently be adopted which would require it to calculate its maximum allowable prices on the basis of the prices charged by the previous owners. The FEA further determined that the prices which the firm was permitted to charge under the FEA Regulations were substantially below the prevailing market prices and, as a result, the profits earned by the firm since the acquisition had been inordinately low. The FEA therefore concluded that a gross inequity existed which warranted approval of prospective exception relief, and General was permitted to calculate its maximum allowable selling prices on the basis of the prices which prevailed in its market area on May 15, 1973. Pending a determination by FEA Region III as to those May 15, 1973 prices, the FEA permitted General to increase its May 15, 1973 prices to each class of customer on the basis of prices charged by competitors on that date.

Grier Oil Co.; Aberdeen, Md.; FEA–0976; No. 2 Heating Oil

Grier Oil Company appealed from a Decision and Order which the Deputy Regional Administrator of FEA Region III issued to it on August 19, 1976. In that Decision, the FEA denied a request by Grier for retroactive exception relief which would have reduced or eliminated any liability to make refunds for previous overcharges. In considering the Appeal, the FEA determined that the Deputy Regional Administrator had correctly applied the standard which governs the consideration of requests for retroactive exception relief. The FEA rejected Grier's assertion that a firm's ignorance of its regulatory obligations constitutes a compelling reason for approval of retroactive exception relief. The FEA also found that financial data submitted by Grier indicated that the firm realized a net profit during prior years even after an adjustment is made to eliminate the revenues which may have been improperly obtained. On the basis of this finding, the FEA affirmed the determination of the Deputy Regional Administrator that payment of the refunds in question would not impose such a severe hardship on the firm as to preclude it from continuing its essential operations. The FEA therefore denied the Grier Appeal.

Jack W. Grigsby d/b/a Grigsby Oil and Gas; Shreveport, La.; FRA–1082; Crude Oil

Jack W. Grigsby d/b/a Grigsby Oil and Gas filed an Appeal from a Remedial Order which had been issued to the firm by FEA Region VI. The Remedial Order found that between October 14, 1974 and July 31, 1975 Grigsby had improperly charged exempt prices for the crude oil which it produced from the Heywood Unit in Acadia Parish, Louisiana. The Remedial Order further found that Grigsby had improperly computed the ceiling price applicable to crude oil produced and sold from the Pontchartrain Property between September 1, 1973 and July 31, 1975 and as a result charged 18 cents per barrel in excess of the maximum allowable selling price computed pursuant to 6 CFR 150.353 and 10 CFR 212.73. On the basis of these findings, the Remedial Order directed Grigsby to refund the revenues which the firm had improperly received and to prospectively reduce its selling prices to the price levels set forth in 10 CFR 212.73 and 10 CFR 212.74.

In its Appeal Grigsby contended that subsequent to October 14, 1974 the Heywood Unit was a new property, and consequently all of the crude oil produced and sold from the property after that date should be regarded as new crude oil. Grigsby based this contention upon a finding by the Commissioner of Conservation of the State of Louisiana that the reservoir from which Grigsby was producing crude oil at the Heywood Unit after October 14, 1974 was separate and distinct from the reservoir from which crude oil was produced prior to that date. In considering this contention, the FEA observed that under the provisions of FEA Ruling 1977–1 separate reservoirs will not be recognized by the FEA to be separate properties prior to September 1, 1976. However, subsequent to September 1, 1976, separate reservoirs may be considered as separate properties if they are recognized by the appropriate state regulatory agency. Consequently, the FEA concluded that the Remedial Order was factually and legally correct in its finding that a violation occurred at the Heywood Unit between October 14, 1974 and September 1, 1976. However, the FEA determined that the Remedial Order should be rescinded insofar as it concerned crude oil production and sales from the Heywood Unit after September 1, 1976 and subsequent to Grigsby's election to treat the separate reservoirs as separate properties.

With respect to the Pontchartrain Property, Grigsby contended that, because there was no posted price in the Field on May 15, 1973, the price established by a private contract should be regarded as the May 15, 1973 posted price for purposes of calculating the maximum selling price permitted under the FEA Regulations. The FEA noted, however, that Section 212.73 clearly provides that, if no prices were posted for a particular field on May 15, 1973, the applicable ceiling price should be determined on the basis of the prices posted for that grade of crude oil in the nearest field for which prices were posted. The FEA further observed that Section 212.31 as well as Ruling 1977–1 indicate that a price which has been established pursuant to a private contract does not qualify as a posted price. The FEA therefore rejected Grigsby's contention in this regard. Nevertheless, the FEA found that the Remedial Order was based on an erroneous calculation of the applicable May 15, 1973 posted price and therefore remanded the Remedial Order to FEA Region VI for a recalculation of the overcharges from the Pontchartrain Property. In rejecting Grigsby's further contention that the Remedial Order was arbitrary because it required Grigsby to refund all of the overcharges in question even though the firm owns only a partial working interest in the properties, the FEA emphasized that Grigsby can certainly seek restitution from the other working interest and royalty interest owners.

Little America Refining Co.; Evansville, Wyo.; FEA–0973; Crude Oil

Little America Refining Company (Larco) filed an Appeal from a Decision and Order which the Federal Energy Administration issued to the firm on September 10, 1976. Little America Ref. Co., 4 FEA Par. 83,082 (September 10, 1976). In the September 10 determination, the FEA granted in part Larco's Application for Exception from the Entitlements Program (10 CFR 211.67) by reducing the entitlements which the firm would be required to purchase in the period September 1976 through February 1977 by $3,716,003 per month. The Larco Appeal, if granted, would have relieved the firm entirely of its obligation to purchase entitlements. In considering Larco's Appeal, the FEA determined that Larco's acquisition of the refining and marketing assets of Pasco, Inc. made it appropriate for purposes of the exceptions process to combine the historical operating results of the two firms in evaluating the impact of the Entitlements Program on the present Larco firm. The FEA declined to eliminate the financial results of certain years or to make particular adjustments to the financial results of other years included in Larco's historical base period, because Larco had failed to show that it satisfied the criteria under which adjustments had been made in previous Decisions or establish that it was unable to attain a reasonable operating posture in the absence of the adjustments it requested in 1975. The FEA also sustained the propriety of excluding the financial results achieved in 1975 by Larco and Pasco in calculating Larco's historical profitability since each firm's operating posture had been affected in some manner by the Entitlements Program during 1975. The Larco Appeal was therefore denied in all respects.

Saveway Gas & Appliance, Inc.; Dexter, Mo.; FXA–1165; Propane

Saveway Gas & Appliance, Inc. appealed from a Decision and Order which the FEA had issued to the firm on December 23, 1976. Saveway Gas & Appliance, Inc., 5 FEA Par. 83,105 (December 23, 1976). In that Decision the FEA denied Saveway's request for an extension of the exception relief which had previously been granted to the firm on the grounds that the application of the provisions of 10 CFR, Part 211, requiring adherence to the base period supplier purchaser relationship did not result in a serious hardship to the firm. Saveway's present Appeal, if granted, would result in the rescission of the December 23 Order and the issuance of a further Order assigning a lower-priced supplier of propane to supply Saveway in place of its base period supplier, N.G.L. Supply, Inc. In considering the Appeal, the FEA found that Saveway had failed to show that, based on the evidence which the firm had submitted in the prior proceeding, the FEA's denial of the extension request was erroneous or arbitrary or capricious. However, the FEA noted that the Saveway Appeal contained data which indicated that the average cost of the propane which Saveway is entitled to receive from N.G.L. exceed the average price paid by Saveway's competitors. In addition, the cost which Saveway incurs for the propane plus freight is higher than the cost incurred by four competitors in its marketing area even though the firm is applying a markup on sales of propane which is substantially less than the markup it is permitted to apply under the FEA Regulations. The FEA also found that the firm realized losses of over $30,000 during 1976 despite the fact that in the final nine months of 1976 Saveway received exception relief to purchase 100 percent of its base period use of propane from a lower-priced supplier. On the basis of these findings, the FEA determined that the application of the provisions of 10 CFR, Part 211, which require adherence to the base period supplier purchaser relationship currently results in a serious hardship to the firm. The FEA therefore granted exception relief to Saveway for the month of March 1977 and for the allocation quarter extending from April through June 1977.

PETITION FOR SPECIAL REDRESS

Cities Service Co.; Tulsa, Okla.; FSG–0038, FES–0071; Refined Petroleum Products

The Cities Service Company filed a Petition for Special Redress which, if granted, would have rescinded a Special Report Order that FEA Region VI directed to the firm on December 22, 1976. Cities also requested a stay of the provisions of the Special Report Order pending a final determination on its Petition. In Decisions issued on January 19, 1977 and February 17, 1977, FEA Region VI denied an Application to Quash the Special Report Order and an Application for Review which the firm had filed. In considering the Cities Petition, the FEA noted that Section 210.91 (d) of the FEA Regulations sets forth criteria governing the review by the Office of Private Grievances and Redress of a Petition seeking to rescind a Special Report Order That Section provides that the Office of Private Grievances and Redress will conduct a preliminary review of the Petition in order to determine whether a reasonable probability exists that the petitioner will be able to satisfy the criteria for relief specified in Section 210.91(d). If it determines that a petition might satisfy those criteria, the Office of Private Grievances and Redress may then exercise its discretion to fully consider the Petition on its merits. On the other hand, if the Office of Private Grievances and Redress determines that the Petition fails to meet this threshold standard, the Petition will be dismissed. See 41 Fed. Reg. 55322 (December 20, 1976). Since the contentions which Cities advanced in its Petition had been addressed in detail in the prior determinations reached by FEA Region VI, the FEA concluded that the Cities Petition failed to present any arguments which, even if substantiated, would satisfy the criteria set forth in Section 210.91(d). The Cities Petition was therefore dismissed, and its Application for Stay was denied.

REQUESTS FOR EXCEPTIONS

Charter Oil Co.; Jacksonville, Fla.; FXE 3620 Crude Oil

Charter Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would result in an extension of the exception relief which the FEA had originally granted to Charter on September 10, 1976. That determination reduced by $225,620 per month the value of entitlements which Charter would otherwise be required to purchase during the period September 1976 through February 1977. Charter Oil Co., 4 FEA Par. 83,090 (September 10, 1976). In considering Charter's request, the FEA found that in the absence of exception relief Charter would be required to purchase

entitlements at a substantial cost commencing with the month of March 1977. As a result of the projected entitlements cost which Charter would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below its historical levels. Applying the criteria established in Beacon Oil Co., 3 FEA Par. 83,209 (June 8, 1976), and Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975), to these factual findings, the FEA concluded that an extension of exception relief was warranted. The FEA therefore granted Charter an exception which would reduce by $946,592 per month the value of entitlements which the firm would otherwise be required to purchase during the period March 1977 through August 1977 as a result of its crude oil runs to stills and old oil receipts for the period January 1977 through June 1977. However, the FEA noted that the relief approved to Charter would be reevaluated if the firm requested an extension of exception relief beyond August 31, 1977 and would in any event be reviewed at the conclusion of the firm's current fiscal year

John B. Walker Texaco, Inc.; Jackson, Miss.; FEE–3150; Diesel Fuel

John B. Walker Texaco, Inc. (Walker) filed an Application for Exception from the provisions of 10 CFR 212.93 which, if granted, would permit the firm to retain certain revenues which it received between November 1, 1973 and April 8, 1974 as a result of charging prices for No. 2–D diesel fuel which exceeded the maximum lawful prices under FEA Regulations. In its Application, Walker contended that its markup on sales of No. 2–D diesel fuel on May 15, 1973 was unrepresentative of its historical markup. In considering Walker's Application, the FEA noted that in order to obtain retroactive exception relief a firm must initially show that it would have been entitled to prospective exception relief. The FEA found that the events which Walker described in its Application did not distort the intended use of the base period for measurement purposes as a relatively normal and customary period of business activity, and therefore Walker failed to satisfy the standards for exception relief on gross inequity grounds which were established in Tenneco Oil Co., 2 FEA Par. 83,108 (March 31, 1975). The FEA also determined that, even if Walker had sold No. 2–D diesel fuel during the period November 1, 1973 through April 8, 1974 at prices which were computed in conformity with FEA Regulations, Walker would still have realized a substantial profit in its fiscal year ending July 31, 1974. Consequently, the FEA found that Walker had not demonstrated that it would have been entitled to prospective exception relief if it had filed an Application for Exception prior to the date on which it began overcharging its customers. Finally, the FEA concluded that Walker had also failed to satisfy the criteria which generally govern requests for retroactive exception relief since the financial data which Walker submitted indicated that it would be able to refund $17,728 to its customers without incurring a severe and irreparable injury. Accordingly, Walker's Application for Exception was denied.

Little America Refining Co., Evansville, Wyo.; FXE–3631; Crude Oil

Little America Refining Company (Larco) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would result in an extension of the exception relief which the FEA had granted to the firm on September 10, 1976. Little America Ref. Co., 4 FEA Par. 83,082 (September 10, 1976). That determination reduced by $3,716,003 per month the value of entitlements which Larco would otherwise be required to purchase during the period September 1976 through February 1977. In considering Larco's request, the FEA found that in the absence of exception relief Larco would be required to purchase entitlements at a substantial cost commencing with the month of March 1977. As a result of the projected entitlements cost which Larco would incur during the fiscal period July 1, 1976 through June 30, 1977, the firm's profit margin and return on invested capital would be below its historical levels. Applying the criteria set forth in Beacon Oil Co., 3 FEA Par. 83,209 (June 8, 1976), and Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975), to these factual findings, the FEA concluded that an extension of exception relief was warranted. The FEA therefore granted Larco an exception which would reduce by $5,141,000 per month the value of entitlements which the firm would otherwise be required to purchase during the period March 1977 through August 1977 as a result of its crude oil runs to stills and old oil receipts for the period January 1977 through June 1977. However, the FEA noted that the relief approved to Larco would be reevaluated if the firm requested an extension of exception relief beyond August 31, 1977 and would, in any event, be reviewed at the conclusion of the fiscal period July 1, 1976 through June 30, 1977.

Glen Mitchell; Breckenridge, Tex.; FEE–3514; Motor Gasoline

Glen Mitchell (Mitchell) filed an Application for Exception which, if granted, would have resulted in the assignment to Mitchell of a new, lower-priced supplier of motor gasoline to replace his base period supplier, South Central Oil Company. Mitchell's exception request was based on the contentions that: (i) The prices which Mitchell must pay South Central for motor gasoline are significantly higher than those charged by the firms which supply Mitchell's competitors; (ii) Mitchell is unable to apply a reasonable markup to his cost of motor gasoline in establishing retail selling prices and is therefore unable to compete effectively; and (iii) as a result of the high price which he must pay for motor gasoline to South Central, Mitchell is experiencing a serious financial hardship which jeopardizes his continued existence as an independent marketer. In considering the Mitchell submission, the FEA observed that Mitchell had failed to submit certain factual material requested by the FEA which was essential to assessing the impact of the FEA regulatory program upon the firm. The FEA further observed that the material which Mitchell did submit failed to substantiate his assertion that he is currently experiencing a serious hardship or a gross inequity. Consequently, the Mitchell exception application was denied.

Natrogas, Inc.; Minneapolis, Minn.; FEE–3442; propane

Natrogas, Inc. filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would have resulted in the issuance of Orders assigning Natrogas new, lower-priced suppliers to replace the firm's four base period suppliers of propane, Mobil Oil Corporation, Northern Propane Gas Company, Shell Oil Company, and Warren Petroleum Company. The FEA determined that, while the prices which the firm is required to pay its base period suppliers are somewhat higher than the prices that are charged to Natrogas' competitors, the firm is able to offset the higher price of the propane received from its base period suppliers with purchases of lower-priced propane from several Canadian suppliers. As a result, the weighted average cost which Natrogas incurs for its total propane supplies is not significantly higher than the prices which the firm's competitors pay. The FEA also found that the firm had continued to realize its historical margin on its sales of propane and the reduction in its profitability which the firm recently experienced was not directly attributable to the FEA Mandatory Petroleum Price Regulations. Therefore, the FEA concluded that Natrogas had failed to establish that the FEA regulatory provisions which require the maintenance of its base period supplier/purchaser relationships resulted in a serious hardship or gross inequity to Natrogas. The firm's exception application was accordingly denied.

Palm Petroleum Corp.; Amarillo, Tex.; FEE–3511; Crude Oil

Palm Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted Palm to sell crude oil produced from the Breedlove and Breedlove "H" Leases in Martin County, Texas at upper tier ceiling prices. In considering Palm's request, the FEA determined that the Breedlove "H" Lease operated at a profit during the period from August through October 1976, the last three months for which the firm provided data. The FEA also noted that Palm refused to submit financial statements for the Breedlove "H" Lease with respect to any period after October 1976 or furnish projections or other material which might enable the FEA to consider whether this lease would be profitable in the future. With regard to the Breedlove Lease, the FEA found that the Lease generated profits during the ten month period which ended October 31, 1976 and that no showing had been made in this proceeding that this property would cease to operate at a profit in the future. Since Palm had not demonstrated that it lacks an economic incentive to continue crude oil production from the Breedlove and Breedlove "H" Leases, the FEA concluded that the firm had failed to establish that the application of the lower tier ceiling price rule adversely affected it in any significant manner or caused it to experience a gross inequity. Accordingly, the exception request was denied.

Pioneer Operations Co., Inc.; Russell, Kans.; FEE–3012; Crude Oil

Pioneer Operations Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would have resulted in the issuance of an FEA Order determining that Pioneer's Flegler Lease qualified as a multiple completion well and, consequently, as a stripper well property during the period November 16, 1973 through December 31, 1975. Pioneer also requested an FEA determination that the crude oil which the firm produced and sold during the period November 16 through December 31, 1973 from its Dora "A," Tittle "B," Krug "E," Dolechek, and Ben Rein Leases was sold at prices which conformed to the applicable FEA price regulations. The cumulative effect of these determinations would have been to relieve Pioneer of any potential liability to refund to its customers revenues which it may have received in certain prior periods as a result of charging prices in excess of maximum lawful levels. The FEA observed that the exceptions process is not generally the appropriate forum in which to seek a determination of the status of a crude oil producing property under the FEA regulatory program. Since the FEA Office of General Counsel had advised Pioneer that it was prepared to issue a formal interpretation as

to the status of Pioneer's Flegler Lease if Pioneer would submit a Request for Interpretation, the Office of Exceptions and Appeals declined to accede to the firm's request that it make that type of a determination in the present proceeding. In considering Pioneer's exception request the FEA noted that Pioneer had failed to furnish any evidence which might indicate that exception relief should be granted to permit Pioneer's Flegler Lease to be treated as a stripper well property for purposes of the FEA Regulations. With respect to Pioneer's exception request relating to the Dora "A," Tittle "B," Krug "E," Dolechek and Ben Rein Leases, the FEA found that Pioneer had not substantiated its claim that confusion existed during November and December 1973 as to the proper application of the ceiling price rules. The FEA further determined that Pioneer had completely failed to take any action to obtain a clarification of those regulations until approximately 32 months later when it filed the present exception application. The FEA therefore concluded that Pioneer had not met its obligation to act prudently to protect its own interests and accordingly denied the firm's exception application.

Southland Oil Co.; Savannah, Ga.; FEE–3664; Motor Gasoline

The Southland Oil Company filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would have resulted in the issuance of orders by the FEA (i) assigning Southland a new, lower-priced supplier of gasoline to replace the Charter Oil Company, its principal base period supplier during the months of January, February, and March 1977; and (ii) directing the new supplier to furnish Southland with its base period use of gasoline for those three months. In considering the Application, the FEA observed that on several previous occasions it had found that the provisions of 10 CFR 211.9 which require Southland to rely on its principal base period supplier for the months of April through December, American Petrofina, Inc. (Fina), had resulted in a serious hardship to the firm. Accordingly, in those cases exception relief had been approved to permit the assignment of a lower-priced supplier to replace Fina. With respect to the present Application, the FEA found that the financial data submitted by Southland indicates that the firm is continuing to experience a serious financial hardship which is primarily attributable to the high prices which it pays for gasoline. In this regard, the FEA noted that the price at which Charter offered to sell regular gasoline to Southland in March was higher than the average wholesale rack selling price for regular gasoline charged by the principal suppliers to Southland's marketing area. As a result, if Southland purchases gasoline from Charter in March, its purchase costs will actually exceed the average selling price of the firms with which it competes and Southland will be unable to realize a profit on its sales of that gasoline. The FEA therefore concluded that the hardship which Southland experienced in the past will continue to exist unless a new, lower-priced supplier is assigned to furnish Southland with gasoline in March 1977. Accordingly, exception relief was approved for that month. With respect to Southland's request that exception relief be approved for the months of January and February 1977, the FEA determined that Southland had failed to file its present Application in a timely manner and consequently retroactive exception relief for those months was not warranted. Moreover, Southland had not been significantly affected by the provisions of Section 211.9 during that period since it was able to purchase motor gasoline during those months from Texaco, Inc. pursuant to a previous FEA Assignment Order. Southland's request for exception relief with respect to the months of January and February 1977 was therefore denied.

Southland Oil Co. (VGC Corp.); Washington, D.C. FEE–3447; Crude Oil

The Southland Oil Company filed an Application for Exception which, if granted, would have relieved it of any obligation to pay penalties which might be imposed as a result of its having charged prices for covered products which reflect an excessive recovery of crude oil costs. In its Application, Southland stated that from the inception of the FEA regulatory program through September 1975 it had received invoices from the Exxon Corporation stating two prices for the crude oil which Southland purchased. Although Southland paid only the lower price, it used the higher invoiced price as the basis for calculating the amount of increased product costs which it was permitted to pass through in its selling prices. On December 16, 1975, the FEA Assistant Administrator for Regulatory Programs notified Southland of the FEA's determination that its Regulations prohibited the inclusion of the higher invoiced prices as costs which could be reflected in the selling prices of covered products. The FEA therefore requested Southland to recalculate its maximum permissible selling prices and submit a proposed plan for the refund of costs which Southland had overrecovered. In considering Southland's exception application, the FEA observed that no final agreement or determination had been reached as to the most appropriate manner in which to require a refund of the amount which Southland had overrecovered. The FEA further emphasized that no formal compliance proceedings had been instituted against Southland in this matter, and no penalties had been assessed against the firm. On the basis of this finding, the FEA concluded that Southland's exception application was premature and denied the application without prejudice to a refiling at a later date.

Western Jobbers Alliance; San Francisco, Calif.; FEE–3280; Motor Gasoline

Western Jobbers Alliance filed an Application for Exception from the FEA Mandatory Petroleum Price Regulations. The exception request, if granted, would have resulted in the issuance of an Order by the FEA requiring TOSCO Corporation to place the members of Western Jobbers in an unbranded jobber class of purchaser rather than TOSCO's wholesale rack unbranded class of purchaser in which these purchasers are currently placed. In considering the exception request the FEA determined that a discrepancy existed between information provided by TOSCO and by Western Jobbers as to whether TOSCO possessed an unbranded jobber class of purchaser in which the members of Western Jobbers could be placed. In order to resolve the dispute, the Office of Exceptions and Appeals had requested the FEA Office of Compliance to make a determination as to whether TOSCO is required under applicable FEA Regulations to maintain an unbranded jobber class of purchaser. In considering the organization's request that TOSCO be required to reduce the price which it charges to Western Jobbers, the FEA determined that Western Jobbers had failed to show that its members are experiencing a serious hardship as a result of the price for motor gasoline which TOSCO currently charges to its wholesale rack unbranded class of purchaser. The Application for Exception filed by Western Jobbers was accordingly denied.

Whitco, Inc.; Dallas, Tex.; FXE–3742; Motor Gasoline

Whitco, Inc. filed an Application for an extension of the exception relief which the FEA had previously granted to the firm from the provisions of 10 CFR 211.25. Whitco, Inc., 4 FEA Par. 87,030 (November 22, 1976) (Supplemental Order). The November 22 Order directed the Regional Administrator of FEA Region VI to determine whether Whitco would experience a serious hardship and gross inequity unless it received additional exception relief and to recommend whether the exception relief previously granted to Whitco should be extended. On the basis of the new material submitted by Whitco in this proceeding and the recommendations of the Regional Administrator, the FEA determined that Whitco would continue to experience a serious hardship and a gross inequity in the absence of exception relief. The exception relief, previously granted was therefore extended through June 30, 1977.

REQUEST FOR STAY

Bonray Oil Co., Oklahoma City, Okla.; FRS–1205; Crude Oil

Bonray Oil Company filed an Application for Stay of a Remedial Order which FEA Region VI issued to it on February 11, 1977. In the Remedial Order, Region VI determined that Bonray had sold crude oil produced from nine properties at prices which exceeded the ceiling price levels specified in 10 CFR 212.73. The Remedial Order directed Bonray to refund those overcharges plus interest by reducing its prices for crude oil produced from those leases to $1.00 per barrel. In its stay application, Bonray requested that it be relieved of its obligation to comply with the requirements of the Remedial Order with respect to eight of the nine properties involved pending a determination of the firm's Appeal from that Order. In considering the request for stay the FEA found that Bonray's failure to raise substantial issues of fact or law with respect to the FEA's finding of overcharges with respect to three of Bonray's leases made it inappropriate to stay the refund provisions pertaining to those leases. With respect to the sales of crude oil from the remaining five properties, the FEA found that Bonray had raised substantial issues of fact and law concerning the findings reached in the Remedial Order and that Bonray could be irreparably injured if it were required to immediately reduce its prices for that crude oil to $1.00 per barrel. The FEA therefore concluded that Bonray had satisfied the criteria set forth in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976). Accordingly, Bonray was granted a stay of the refund requirements of the Remedial Order pertaining to the five properties contingent on the establishment of an appropriate escrow account into which Bonray would deposit the proceeds which are attributable to its charging a price for crude oil from those properties in excess of $1.00 per barrel.

R. V. Whitmer Thermogas Co.; Wauseon, Ohio; FES–3543; Propane

R. V. Whitmer Thermogas Company filed an Application for stay of any obligation to submit a reply to a Notice of Probable Violation (NOPV) which FEA Region V issued to the firm on February 14, 1977. Whitmer further requested that the FEA determine that no inference will be drawn under the provisions of 10 CFR 205.191(f) that Whitmer has conceded the accuracy of the factual allegations and legal conclusions stated in the NOPV if it does not submit a reply to the NOPV prior to a determination on an exception application which the firm has also filed. In considering Whitmer's request, the

FEA found no basis for Whitmer's contention that a full consideration of its pending Application for Exception might be jeopardized unless it is relieved of the requirement that it reply to the NOPV, since the final outcome of the compliance investigation which resulted in the issuance of the NOPV does not in any way prejudice Whitmer's position in its pending exception proceeding. With respect to Whitmer's further claim that it will be subject to an unspecified administrative burden if it is compelled to respond to the February 14 NOPV within the ten day time period prescribed in Section 205.191(b), the FEA noted that the FEA Office of Compliance or the Regional Office may, upon a showing of good cause, extend the reply period and Whitmer had not indicated that it was unable to utilize this procedure to alleviate any administrative difficulties which it allegedly is experiencing. In addition, the FEA held that an appropriate balancing of the public policy considerations involved in this case leads to the conclusion that an expeditious determination should be made of the nature and extent of the firm's potential refund obligation in order to protect the rights of the customers whom Whitmer is alleged to have overcharged. The Application for Stay was therefore denied.

Sklar & Phillips Oil Co.; Shreveport, La.; FRS–1181; Crude Oil

Sklar & Phillips Oil Company requested that a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on December 17, 1976 be stayed pending a final determination of the firm's Appeal. On the basis of findings that Sklar had erroneously classified certain leases as stripper well properties from November 1973 through April 1975 and had improperly sold the crude oil from these leases at exempt price levels, the Remedial Order directed that Sklar refund the revenues which it had derived from charging impermissibly high prices. In considering Sklar's stay request, the FEA determined that the firm had satisfied the criteria for the approval of a stay set forth in General Crude Oil Co., 3 FEA Par. 85,040 (June 25, 1976), by showing that it would raise substantial issues in its Appeal and that it could encounter an undue burden in recovering the refunds required by the Remedial Order if it ultimately succeeded on the merits of its Appeal. Consequently, in accordance with previous Decisions, stay relief was approved on the condition that the contested funds be placed in an appropriate escrow account. With respect to the provisions of the Remedial Order which require Sklar to calculate its possible overcharges for the period subsequent to the termination of the FEA audit on April 30, 1975, the FEA determined that no showing had been made that this requirement would result in an irreparable injury to the firm or could not be promptly effectuated. The FEA therefore declined to stay this requirement of the Remedial Order and determined that any overcharges which these calculations indicated had occurred should also be placed in the escrow account.

Standard Oil Co. of California; San Francisco, Calif.; FRS–1196; Aviation Jet Fuel

The Standard Oil Company of California (SOCAL) filed an Application for Stay of certain provisions of a Remedial Order which the Regional Administrator of FEA Region IX issued to the firm on January 20, 1977. In part, the Remedial Order directed SOCAL to deem as recovered pursuant to 10 CFR 212.83(d)(2) certain product cost increases that the firm had failed to recover as a result of the unequal application of product costs to the prices which SOCAL charged for naphtha and kerosene-base aviation jet fuel during the period May 1, 1974 through February 10, 1975. The approval of a stay would have relieved SOCAL of the obligation to comply with this requirement of the Remedial Order for the period May through August 1974 pending a final determination of an Appeal from the Remedial Order which SOCAL had submitted. In considering SOCAL's request, the FEA determined that the firm had failed to make any showing at this point in the proceeding of a substantial likelihood that it will succeed on the merits of its Appeal. The FEA found that the arguments which SOCAL raised in its Appeal had already been thoroughly considered and rejected by the FEA in Phillips Petroleum Co., 2 FEA Par 80,599 (May 30, 1975). The FEA also determined that any possible injury that SOCAL might incur in the absence of a stay is substantially outweighed by the requirement that firms comply with the FEA regulatory program and by the interest of SOCAL's customers in paying prices which reflect only the amount of product costs which SOCAL was legally entitled to recover. The SOCAL stay request was therefore denied.

SUPPLEMENTAL ORDERS

Columbia LNG Corp.; Wilmington, Del.; FEX–0131; Propane; Butane; Natural Gasoline

On January 31, 1977 the Federal Energy Administration issued a Decision and Order to the Columbia LNG Corporation granting two Applications for Stay which the firm had filed. Columbia LNG Corp., 5 FEA Par. 85,023 (January 31, 1977). The January 31 Order permitted Columbia to transfer a portion of the propane allocated to it for use in its synthetic natural gas (SNG) plant located in Green Springs, Ohio to the Cincinnati Gas and Electric Company and to the Columbia Gas Transmission Corporation for use in propane air peak shaving plants which those firms operate. Columbia was also permitted to transfer a portion of its SNG feedstock allocation to the Consumers Power Company for use in that firm's Marysville, Michigan SNG plant. In addition, the January 31 Order waived any restrictions on the use of Columbia's SNG feedstock by Cincinnati Gas, Columbia Gas, and Consumers pending a determination on two Applications for Exception which Columbia had filed. On March 4, 1977 the FEA Assistant Administrator for Regulatory Programs issued a Decision and Order to Columbia modifying a previous Order which had assigned Columbia a base period use of propane, butane, or natural gasoline and which had expressly provided that the allocation could be used only as feedstock in the Green Springs SNG plant. The March 4, 1977 Order authorizes Columbia to transfer specified quantities of its SNG feedstock allocation to Cincinnati Gas, Columbia Gas, and Consumers and also waives the limitations set forth in the FEA Regulations on the use of propane for peak shaving purposes. Since the March 4 Order provides essentially the same relief sought by Columbia in its Applications for Exception, the FEA determined that those submissions should be dismissed and the stay relief previously granted should be vacated. The FEA therefore issued a Supplemental Order to Columbia in order to implement that determination.

Fletcher Oil and Refining Co.; Wilmington, Calif.; FEX–0104; Crude Oil

On June 18, 1976 the FEA issued a Decision and Order to Fletcher Oil and Refining Company granting an exception from the provisions of 10 CFR 211.67 which relieved the firm of any obligation to purchase entitlements for the portion of its 1976 fiscal year following the rescission of Special Rule No. 6. The June 18 Order stated that a review of Fletcher's actual financial operating results would be conducted at the end of the firm's fiscal year to determine whether it received excessive benefits as a result of the exception relief which had been approved. The Order further stated that, if Fletcher did receive excessive entitlements exception relief during its 1976 fiscal year, an adjustment would be made and Fletcher would be required to purchase additional entitlements to account for the excessive benefits. In reviewing the entitlements exception relief provided to Fletcher during its 1976 fiscal year, the FEA determined that Fletcher did not attain either its historical profit margin or its historical return on invested capital during its 1976 fiscal year for which the June 18 Order had granted relief. Since Fletcher had received 100 percent exception relief from the Entitlements Program and had not exceeded its historical profit margin or its historical return on invested capital, the FEA concluded that no adjustment to Fletcher's 1976 entitlements exception relief was necessary.

Good Hope Industries, Inc.; Springfield, Mass.; FEX–0108; Crude Oil

On June 18, 1976 the FEA issued a Decision and Order to Good Hope Industries, Inc. granting an exception from the provisions of 10 CFR 211.67 which relieved the firm of any obligation to purchase entitlements during the period June through November 1976. The exception relief which was granted followed the rescission of Special Rule No. 6. The June 18 Order stated that a review of Good Hope's actual financial operating results would be conducted at the end of the firm's fiscal year which ended July 31, 1976, to determine whether it received excessive benefits as a result of the exception relief which had been approved. The Order further stated that if Good Hope did receive excessive entitlements exception relief during its 1976 fiscal year, an adjustment would be made and the firm would be required to purchase additional entitlements to account for the excessive benefits. In reviewing the entitlements exception relief provided to Good Hope during its 1976 fiscal year, the FEA determined that Good Hope did not attain either its historical profit margin or its historical return on invested capital during its entire 1976 fiscal year. Since Good Hope had received 100 percent exception relief from the Entitlements Program and had not exceeded its historical profit margin or historical return on invested capital, the FEA concluded that no adjustment to the firm's 1976 entitlements exception relief was necessary.

EXCEPTION RELIEF GRANTED TO NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (dollars/gallon)
Breckenridge Gasoline Company.	FXE–3636	Ellisville	.0755
	FXE–3639	Lodi	.10569
Estate of George B. Coates.	FXE–3647	Jay Simmons.	.03974
Gulf Oil Corp.	FEE–3882	Enville	(1)
	FEE–3883	Headlee	.0054
	FEE–3884	Moores Orchard.	.0065
	FEE–3885	Yates	.0201
Kerr-McGee Corp.	FEE–3890	Dubach	.0061
Shell Oil Co.	FEE–3801	Bryans Mill	.00543
	FEE–3803	Enville	(1)
	FEE–3804	Houston Central.	.0050
	FEE–3805	Seelligson	(1)
	FEE–3806	Tippett	(1)
	FEE–3807	Wilson	(1)
	FEE–3808	Weeks Island.	.01037
	FEE–3809	West Seminole.	.02543
	FEE–3810	Yates	.04953

[1] Denied.

TEMPORARY STAYS

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Jack W. Grigsby d/b/a Grigsby Oil & Gas; New Orleans, La.; FST–0036

The following Application for Temporary Stay was granted on the grounds that the applicant had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Grier Oil Co.; Baltimore, Md.; FST–0035

DISMISSALS

The following submissions were dismissed following a statement by the applicant that the relief requested was no longer needed:

Boutin & Sons; Lewiston, Maine; FEE–3635

Enterprise Products Co.; Washington, D.C.; FRS–1200

North Main Garage; Westport, Conn.; FEE–3598

Shell Oil Co.; Houston, Tex.; FEE–3802

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Green's Fuel Gas Co.; Burlington, N.C.; FEE–3637

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Phillips Petroleum Co.; Bartlesville, Okla.; FSG–0039; FES–0076

The following submission was dismissed for failure to establish a basis upon which the determination reached in a prior proceeding should be reconsidered:

Guam Oil & Refining Co. Inc.; Washington, D.C.; FMR–0089

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

APRIL 13, 1977.

[Doc. 77–11246 Filed 4–14–77;9:38 am]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

Correction

In FR Doc. 77–10966, appearing at page 19505 in the issue for Thursday, April 14, 1977, Annexes A and B were filed as part of the original document. Those Annexes are published in full text below.

ANNEX A

APPROVAL OF FEA ADMINISTRATOR

Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) has scheduled a meeting on April 19 through April 22, 1977, to advise and assist the IEA Secretariat in the further development of its data processing, data handling, and communications facilities in view of the experience gained during the 1976 IEA Allocation Systems Test.

U.S. company members of Subcommittee A have requested approval pursuant to Section 5(b) of the Voluntary Agreement in order to review on a disaggregated basis certain information and data which were submitted to the IEA Secretariat during the IEA Allocation Systems Test and to discuss and exchange among themselves such information and data. Such information and data which are now located in the files of the Secretariat consists of the Questionnaire A and B data used in the test, i.e., individual company supply/demand figures for the period January to June 1975, as modified for the test. Some of this information and data may be confidential and proprietary.

We believe it is important that the data capability of the IEA be further developed in light of the experience gained during the 1976 IEA Allocation Systems Test. In this regard, participation by members of Subcommittee A in this process is essential, just as was their participation in the test itself. Accordingly, I hereby approve, pursuant to Section 5b)(2) of the Voluntary Agreement and Plan of Action to Implement the International Energy Program, the requested exchange of unaggregated first half 1975 Questionnaire A and B data (modified as necessary for purposes of the test). The exchange of such information in disaggregated form is necessary to develop and prepare emergency allocation measures.

This approval covers the exchange of such information and data among members of Subcommittee A and the IEA Secretariat, as well as observers authorized by the IEA present at the meeting; this approval does not extend to the exchange of these information and data with any other persons or entities. In no case shall an employee or representative of a U.S. Subcommittee A member supply to his company any confidential or proprietary information about any other oil company obtained as a consequence of his participation in the April 19–22 meeting. In addition, documents containing confidential or proprietary information or any paper recording data from such documents may not be taken away from the meeting.

This approval of the exchange of certain data and information (including the need to provide it in disaggregated form) have been the subject of consultation with the Secretary of State and has been approved by the Attorney General, after consultation with the Federal Trade Commission, all as required by the Voluntary Agreement. A copy of the letter from the Attorney General indicating his approval is enclosed.

ANNEX B

APPROVAL OF THE ATTORNEY GENERAL

This is in response to a letter from Acting Administrator Gorman C. Smith, dated February 3, 1977, which requests my approval of the furnishing and exchange of certain confidential and proprietary information and data at a forthcoming meeting of the Secretariat of the International Energy Agency (IEA) with selected members of the Industry Advisory Board's Subcommittee A. This approval is requested pursuant to Section 5(b) of the Voluntary Agreement and Plan of Action to Implement the International Energy Program.

A so-called expert group was designated from the membership at a Subcommittee A meeting in January 1977, in response to a request for assistance by the IEA Secretariat. The Secretariat is seeking to further develop its data processing data handling, and communications facilities in light of the experience gained during the 1976 IEA Allocation Systems Test, which was a dry run of the procedures devised to equitably share available supplies of oil among IEA member countries in an emergency. In particular, the recent installation of new IEA computer facilities requires the development of new software capabilities and updated printout formats to handle data for another test or an actual emergency. At present the expert group includes the following U.S. company participants in the Voluntary Agreement—Exxon Corp., Mobile Oil Corp., and Phillips Petroleum Co., along with the British Petroleum Co., Ltd., and Shell International Petroleum Co., Ltd. All these companies were members of the mock Industry Supply Advisory Group (ISAG) which helped conduct the 1976 IEA Allocation Systems Test. Other members of Subcommittee A may also be added to this expert group.

During the Test the mock ISAG received from the Secretariat IEA Questionnaire A's submitted by all the IEA's Reporting Companies, reflecting their world-wide supply/demand schedules in face of the assumed emergency. In addition, they received printouts of these data in various formats, which also included mock data devised by the Secretariat to represent Questionnaire B submissions by IEA member countries. In the course of the Test the mock ISAG members discussed these data with each other and with the Reporting Companies, and also discussed certain confidential data under various specified subject headings on occasions

when that became necessary to carry out the Test. Mr. Smith's letter notes that Attorney General Levi gave his approval on September 7, 1976, for the U.S. company participants in the Voluntary Agreement to furnish and exchange all these types of confidential and proprietary data as required for the Test, and now seeks simply to extend the previous approval to cover the expert group meeting with the IEA Secretariat which is tentatively planned for April 1977.

I agree that it is needful for the expert group in the forthcoming meeting to have access to and discuss the Questionnaire A and B data as used in the 1976 Allocation Systems Test. In most effectively assisting the Secretariat in updating printout formats and computer software, it will be necessary to have available these printouts, containing actual historical numbers, for reference in discussion and for comparison purposes in any computer run of new printouts. In considering the matter I note that the Questionnaire A data to be made available were based on individual company supply/demand figures for the historical period of January–June, 1975. But these data were subject to repeated hypothetical adjustments by the Reporting Companies before their submission in order to meet the needs of the assumed emergency situations posed by the Test. Thus, the data are now so fictitious and stale that they have very little competitive sensitivity.

As for the additional confidential data set forth under headings (2) through (6) of Mr. Smith's letter, they have been the subject of several discussions with the staff of your agency and other concerned agencies which have been undertaken following our receipt of the letter. These discussions made clear that exchange of confidential data under these headings by the participants may have been required on occasion during the Test, in order to successfully accomplish a mock reallocation of oil supplies among member countries. It was concluded, however, that no similar need exists for such disclosure at this time, in order to serve the purposes of this meeting with the Secretariat.

Accordingly, pursuant to Section 5(b) of the Voluntary Agreement, I give my approval to the release by the Secretariat to the members of the expert group, and the subsequent discussion and exchange among themselves, only with respect to documents containing the confidential and proprietary information and data as set forth under heading (1) of Mr. Smith's letter—"Unaggregated first-half 1975 Questionnaire "A" or "B" data (modified as necessary for the purposes of the test)." Approval extends at this time only to this one meeting and only to the members of Subcommittee A serving on the expert group. It is further conditioned on the requirements—similar to those in effect during the Test—that no member of the expert group may divulge to his company or any other person or entity any information obtained about another company as a result of his scrutiny and discussion of these documents, nor may he take away from the meeting any such documents or any papers recording data from such documents.

Section 5(b)(2) of the Voluntary Agreement requires that information and data provided or exchanged pursuant to that subsection shall be aggregated or otherwise compiled to prevent disclosure of individual company data unless a determination is made by the Federal Energy Administrator, with the concurrence of the Attorney General, that disaggregated disclosure is necessary to develop, prepare, or test emergency allocation meassures. Such a finding was made in connection with needed access to confidential data during the 1976 IEA Allocation Systems Test, and I hereby concur in the FEA finding of need for such access to this Questionnaire A and B data in the forthcoming meeting.

I would also note that we have held consultations on this matter with the Federal Trade Commission, as required by Section 5(b)(2) of the Voluntary Agreement.

FEDERAL POWER COMMISSION

[Docket Nos. RI76–157, RI76–158, RI76–159, RI76–161]

BRIDWELL OIL CO., ET AL.

Order Approving Settlement Proposal and Granting Special Relief

APRIL 12, 1977.

On February 15, 1977, Bridwell Oil Company, W. M. Laughlin, Manler Oil Company, and William M. Perlman (collectively referred to as the Producers) filed a proposed settlement agreement applicable to the dockets listed above which amended a petition for special relief filed September 3, 1976.[1] The petition, as amended by the proposed settlement agreement, has been regarded as a filing requesting total rates in excess of the national flowing gas rate pursuant to Section 2.56b(h) of the Commission's Rules of Practice and Procedure. Producers seek the following settlement rates as compared to initially requested rates over the project life.

	Rate at, cents per thousand cubic feet	
	Requested	Settlement
Bridwell Oil Co	73.30	42.25
W. M. Laughlin	103.50	74.77
Manler Oil Co	91.10	65.66
William Perlman	183.70	115.37

Notice of the amended petition was issued March 3, 1977, with protests or petitions to intervene to be filed on or before March 11, 1977. No objections or interventions have been filed with respect to such amended petition and settlement proposed by the Procedures. The Producers are currently selling subject gas pursuant to certain small producer certificates.[2]

The Commission Staff has conducted a thorough and in depth study and analysis of project costs which indicate that the settlement rates are cost supported, permitting recovery by Producers of out-of-pocket costs. Accordingly, based on our consideration of petition, data provided by the Producers, and Staff's study and analysis, we conclude that the settlement rates proposed herein are cost justified and in the public interest.

The Producers involved here collected their above ceiling contract rates on and after July 27, 1976, contrary to and in violation of the provisions of Opinion No. 742–A and Order No. 553, both issued July 27, 1976. While we do not condone such actions by the Producers, we have decided against requiring refunds based on the equities involved here. More particularly, the filing of September 3, 1976, indicates that out of pocket costs as to two Producers exceeded the contract rates collected. To have reduced rates to the 35 cents per Mcf ceiling would have increased operating losses calculated on an out-of-pocket basis, even further, thereby increasing the likelihood of abandonments. In this connection, Valley Gas indicated in its filing of September 3, 1976, that at least four wells would have been plugged and abandoned if it had not continued to pay such existing contract rates during the interim period. Moreover, at all times before and after July 27, 1976, the contract rates collected were as to three Producers substantially below the out-of-pocket cost settlement rates derived by the Commission Staff in its study and as to one Producer the contract rate collected rate was slightly above (e.g. 0.911 cents per Mcf) the Staff derived out-of-pocket cost settlement rate. In these circumstances refunds should not be required of these small producers.[3]

Valley Gas filed on October 26, 1976, a petition to intervene in support of the above-captioned Producer dockets.

The Commission orders: (A) The settlement proposal submitted to the Commission on February 15, 1977, by Bridwell Oil Company, W. M. Laughlin, Manler Oil Company, and William M. Perlman in the above captioned dockets is hereby approved.

(B) Bridwell Oil Company, W. M. Laughlin, Manler Oil Company, and William M. Perlman, including all working interests relating to the gas sold, are authorized to collect total rates of 42.25 cents per Mcf, 74.77 cents per Mcf, 65.66 cents per Mcf, and 115.37 cents per Mcf at 14.65 psia.

(C) The rate granted in Ordering Paragraph (B) is to be effective on the date of issuance of the Order, subject to the Producers filing within thirty (30) days of the issuance of this order a notice of change in rate to the levels authorized in Ordering Paragraph (B) above and subject to Producers filing within thirty (30) days of the issuance of this order amendments to gas purchase contracts providing for the settlement rates allowed.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] The initial petition was filed on behalf of seven producers by Valley Gas Transmission, Inc. Glen A. Martin, et al. request in Docket No. RI76–134 is being processed separately; Jack M. Wolf, Docket No. RI76–137 and Mormac Oil & Gas Company, Docket No. RI76–160 have withdrawn to accept National or area rates. Notice of the initial petition filed September 3, 1976, was issued October 6, 1976, and published in the FEDERAL REGISTER on October 14, 1976, at 41 FR 45048.

[2] Bridwell Oil Company, CS72–1187, 9–28–72; W. M. Laughlin, et al., CS71–1131, 11–05–71; Manler Oil Company, CS71–268, 10–12–71; William Perlman, CS72–81, 11–18–71.

[3] See *Wisconsin v. Federal Power Commission* (1962), 393 U.S. 294, 304–307.

APPENDIX

Valley Gas Transmission, Inc., petitioner on behalf of four producers,[1] Docket No. RI76–157, RI76–158, RI76–159 and RI76–161, Duval, Jim Wells, Live Oak and Hidalgo Counties Texas (Texas Gulf coast area)

Line No.	Description	Summary of calculations of unit costs of gas using out-of-pocket expenses			
		Bridwell Oil Co., Docket No. RI76–157	W. M. Laughlin, Docket No. RI76–158	Manler Oil Co., Docket No. RI76–159	William Perlman, Docket No. RI76–161
1	Gas volume (N.W.I.), Mcf at 14.65 psia	880,783	513,086	163,790	19,064
2	Production expense	342,050	350,844	99,165	20,307
3	Regulatory expense	1,762	1,026	328	38
4	Total cost of production	344,212	351,870	99,493	20,345
5	Unit cost of production (per Mcf)	39.08¢	60.16¢	60.74¢	106.72¢
6	Production tax at 7.5 pct (per Mcf)	3.17¢	5.61¢	4.92¢	8.65¢
7	Total unit cost of gas (per Mcf)	42.25¢	74.77¢	65.66¢	115.37¢
8	Current contract rate (per Mcf)	43.1610¢	45.1690¢	45.1690¢	45.1690¢
9	Requested special relief rate (per Mcf)	73.30¢	103.50¢	91.10¢	183.70¢

NOTE: The above calculations are based on representations of the applicants contained in their filings as supplemented by responses to staff inquiries.

Line:
1. Staff estimates of N.W.I. remaining recoverable reserves. No liquids are being produced.
2. Based on annual expenses shown in filings by Staff estimates of future lives.
3. 2¢/Mcf×line 1. (2¢/Mcf is the nationwide regulatory expense used in past Commission proceedings.)
4. Total of lines 2 plus 3.
5. Line 4 plus line 1.
6. 7.5 pct×[Line 5÷(1–.075 prod. tax)] or 7.5 pct×line 7.
7. Line 5 plus (1–.075 prod. tax).
8. From individual filings.
9. From individual filings.

[FR Doc.77–11190 Filed 4–18–77;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

CLOSED COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 5, 1977.
Thursday, May 12, 1977.
Thursday, May 19, 1977.
Thursday, May 26, 1977.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in section 5347 of the Prevailing Rate Advisory Act of 1972 (Pub. L. 92–392).

The Committee's primary responsibility is to review the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of the Prevailing Rate Act of 1972 (Pub. L. 92–392), which Law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B), that the closing is necessary in order to provide this labor-management Committee with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

Summary minutes of these meetings will be made available to the public, upon written request to the Committee Secretary, after the pay policy issues discussed at these meetings have been finalized by Civil Service Commission action. Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street, NW., Washington, D.C. 20415 (202–632–9710).

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

APRIL 13, 1977.

[FR Doc.77–11270 Filed 4–18–77;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST OKLAHOMA BANCORPORATION, INC.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) ("the Act"), by First Oklahoma Bancorporation, Inc., Oklahoma City, Oklahoma ("FOBC"), for determinations that: (1) FOBC is not in fact capable of controlling Henderson Properties, Inc., Oklahoma City, Oklahoma ("Henderson"), to which FOBC sold: (a) FOBC's 100 per cent stock interest in Southwest Property Management Corporation, Oklahoma City, Oklahoma ("Southwest"), which owned a 25 per cent partnership interest in Brookwood Joint Venture, Oklahoma City, Oklahoma, and (b) FOBC's 51 per cent stock interest in Henderson, notwithstanding the fact that Henderson was at the time of the transfers and remains indebted to a subsidiary bank of FOBC in connection with a transaction that is unrelated to the above sales; and (2) FOBC is not in fact capable of controlling Mr. C. R. Wright, Jr., an individual residing in Oklahoma City, Oklahoma, to whom subsidiaries of FOBC transferred a) partnership interest in Chisholm Trail Joint Venture, Oklahoma City, Oklahoma and b) a 45 per cent partnership interest in Val Gene's Addition Joint Venture, Oklahoma City, Oklahoma notwithstanding the fact that Mr. Wright was at the time of the transfers and remains indebted to FOBC's subsidiary in connection with the above transaction, and the fact that Mr. Wright is indebted to a subsidiary bank of FOBC in connection with a separate and unrelated transaction

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 10, 1977. If a request for oral hearing is filed, each request

should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, April 12, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11327 Filed 4-18-77;8:45 am]

THE HINSDALE CAPITAL CORP.

Formation of Bank Holding Company

The Hinsdale Capitol Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The First Natinonal Bank of Hinsdale, Hinsdale, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 10, 1977.

Board of Governors of the Federal Reserve System, April 12, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11328 Filed 4-18-77;8:45 am]

FEDERAL TRADE COMMISSION

[Docket No. 9066]

FRITO-LAY, INC.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Request for comment.

SUMMARY: Consent order requiring a Dallas, Texas ready-to-eat snack food producer and distributor, among other things to cease engaging in discriminatory pricing practices by selling its products to certain retailers at prices higher than those paid by a competitive establishment. The order further stipulates that in any enforcement action, court suit, respondent must assume the burden of proving all defenses raised under the Clayton Act.

DATE: Comments must be received on or before June 16, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Ronald J. Dolan, Assistant Director, Bureau of Competition, Room 950, 1000 Connecticut Avenue Building, 1717 K Street, NW., Washington, D.C. 20580, 202-634-4397.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the F.T.C. Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[Docket No. 9066]

FRITO-LAY, INC.

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The agreement herein, by and between, Frito-Lay, Inc., a corporation, by its duly authorized officer, and its attorneys, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's rule governing consent order procedure:

1. Respondent is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at Frito-Lay Tower, Exchange Park, Dallas, Texas 75235.

2. Respondent has been served with a copy of the complaint issued by the Commission. Subsequently, the parties entered into negotiations and filed a joint motion to withdraw the matter from adjudication pursuant to § 3.25 of the Commission's rules.

3. Respondent admits all the jurisdictional facts set forth in the complaint.

4. Respondent waives: (a) Any further procedural steps; (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within sixty (60) days comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

6. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the complaint.

7. This agreement contemplates that, if accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(d) of the Commission's rules, the Commission may, without further notice to respondent; (1) issue its decision containing the following order in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other consent orders. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty by law for each violation of the order after it becomes final.

ORDER

I

It is ordered, That respondent Frito-Lay, Inc., a corporation, and its officers, agents, representatives, employees, successors and assigns, directly or indirectly, through any corporate or other device, in connection with its sale of store-door delivered processed snack food products which are sold in a ready to eat state (that is, which do not require further preparation by the purchaser before consumption) including, by way of example, rather than by limitation, potato, corn and tortilla chips; fried pork rinds; cheese puffs; pretzels; popcorn; chip dips; nut meats; peanut butter and cheese crackers; brownies; marshmallow, raisin, fig and oatmeal cookies; dried meat sticks and jerky (hereinafter referred to as "products") in commerce, as "commerce" is defined in the Clayton Act, as amended, do cease and desist from:

Discriminating in the price of such products of like grade and quality by selling to any purchaser which is a retailer and which purchases for resale in its grocery store, market or similar competitive retail establishment hereinafter referred to as "purchaser"), at a net price which directly or indirectly is higher than the net price charged any other purchaser who competes in the resale of respondent's products with the purchaser paying the higher price.

II

It is further ordered, That nothing herein contained shall prevent price differentials which make only due allowance for differences in the cost of manufacture, sale or delivery, resulting from the differing methods or quantities in which such products are sold or delivered to such purchasers or which are made in good faith to meet an equally low price of a competitor; nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned. *And it is further provided,* That all other defenses legally available to a charge of price discrimination under section 2(a) of the amended Clayton Act are not waived by this order.

III

It is further ordered, That in any enforcement action brought to enforce the provisions of this order, respondent shall assume the burden of proving all defenses described or referenced in Part II of this order.

IV

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in corporate structure of respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation, which may affect compliance obligations arising out of the order.

V

It is further ordered, That respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner in which it has complied with this order and shall file such other reports as may, from time to time, be required to assure compliance with the terms and conditions of this order.

[Docket No. 9066]

FRITO-LAY, INC.

ANALYSIS OF PROVISIONALLY ACCEPTED CONSENT ORDER

The core of this order is contained in Paragraph I and prohibits Frito-Lay from selling its snack food products to a retail grocery store, market or similar establishment at a price higher than the price paid by a competitive store. The Frito-Lay products covered by the order are ready-to-eat when purchased and are delivered by Frito-Lay or its designee to the individual store reselling the products. Among the products included in the order are potato, corn and tortilla chips; fried pork rinds; cheese puffs; pretzels; popcorn; chip dips; nut meats; brownies; dried meat sticks; jerky; and certain crackers and cookies.

Paragraph II of the Order provides that Frito-Lay may charge different prices to competing customers if the differences are justified by meeting equally low prices of a competitor or by differences in cost or changing conditions affecting the market for or marketability of the goods. Examples of such changing conditions are deterioration of perishable goods, distress sales under court process and close out sales in the goods conditions are deterioration of perishfies that Frito-Lay does not waive any defense otherwise legally available to a charge of price discrimination.

Paragraph III of the order provides that Frito-Lay shall have the burden of proving any defense it may raise to an action brought to enforce the provisions of the order.

Paragraphs IV and V are standard to Commission consent orders. Paragraph IV requires Frito-Lay to notify the Commission thirty days prior to any proposed change in corporate structure which may affect Frito-Lay's compliance obligations. Paragraph V requires a written report within 60 days demonstrating the manner in which Frito-Lay has complied with the terms of the order and such other compliance reports as are required to assure compliance with its terms.

The order furthers competition among domestic retail purchasers of Frito-Lay snack foods by offering smaller retail stores the opportunity to purchase products at prices proportionately equal to those of the larger stores.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11249 Filed 4-18-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77F-0064]

DOW CHEMICAL U.S.A.

Filing of Petition for Food Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Dow Chemical U.S.A. has filed a petition (FAP 6B3233) proposing that the food additive regulations be amended to provide for the safe use of polypropylene glycol as a plasticizer for styrene plastics intended to contact food.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-5690).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B-3233) has been filed by Dow Chemical U.S.A., Midland, Mich. 48640, proposing that § 178.3740 *Plasticizers in polymeric substances* (21 CFR 178.3740, formerly § 121.2511 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended to provide for the safe use of polypropylene glycol as a plasticizer for styrene plastics intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 8, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77-11141 Filed 4-18-77;8:45 am]

[Docket No. 77G-0075]

LEVER BROTHERS CO., INC.

Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Lever Brothers Co., Inc., has filed a petition (GRASP 760085) proposing affirmation that use of L-lysine monohydrochloride and DL-methionine as flavor components for filled cheese products is generally recognized as safe (GRAS).

DATES: Comments by June 20, 1977.

ADDRESSES: Written comments to Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-4750).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status under § 170.35 (21 CFR 170.35, formerly § 121.40, prior to REGISTER of March 15, 1977 (42 FR 14302)), notice is given that a petition (GRASP 7G0085) has been filed by the

Lever Brothers Co., Inc. 45 River Rd., Edgewater, N.J. 07020 and placed on public display at the office of the Hearing Clerk, proposing affirmation that the use of L-lysine monohydrochloride and DL-methionine as flavor components in cheese flavor cocktails to be used for filled cheese products is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in § 170.35 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before June 20, 1977, review the petition and/or file comments (in quadruplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: April 8, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77–11142 Filed 4–18–77;8:45 am]

[Docket No. 77G–0007]

SUGAR LO CO.

Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Sugar Lo Co. has filed a petition (GRASP 6G0077) proposing affirmation that the use of lactase enzyme, derived from *Saccharomyces (Kluyveromyces) lactis*, is generally recognized as safe (GRAS) for reducing the lactose content of milk.

DATES: Comments by June 20, 1977.

ADDRESSES: Written comments to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202–472–4750).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status under § 170.35 (21 CFR 170.35, formerly § 121.40, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) notice is given that a petition (GRASP 6G0077) has been filed by Sugar Lo Co., 3540 Atlantic Ave., P.O. Box 1017, Atlantic City, N.J. 08404, and placed on public display at the office of the Hearing Clerk, proposing affirmation that the use of lactase enzyme, derived from *Saccharomyces (Kluyveromyces) lactis*, is generally recognized as safe (GRAS) for reducing the lactose content of milk.

Any petition which meets the format requirements outlined in § 170.35 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before June 20, 1977, review the petition and/or file comments (in quadruplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. Comments should include any available information that would be helpful in determining whether the substances is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, between the hours of 9 a.m. and 4 p.m. Monday through Friday.

Dated: April 8, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77–11143 Filed 4–18–77;8:45 am]

[Docket No. 77N–0111]

MEDICAL DEVICE CLASSIFICATION PANELS

Request for Nominations for Nonvoting Representatives of Consumer and Industry Interests on Public Advisory Committees

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This document invites nominations for nonvoting consumer and industry representatives to serve on certain public advisory committees of the Bureau of Medical Devices and Diagnostic Products; the panels include those listed below. Nominations will be accepted for vacancies that currently exist and vacancies that will or may occur on the panels or subcommittees during the next 12 months.

DATE: Nominations by May 19, 1977.

ADDRESS: All nominations for consumer representatives must be submitted in writing to the Director, Office of Consumer Programs (HFG–1), Office of Professional and Consumer Programs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

All nominations for industry representatives must be submitted in writing to Robert S. Kennedy, Bureau of Medical Devices and Diagnostic Products (HFK–1), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910.

FOR FURTHER INFORMATION CONTACT:

For Consumer Interests: Carolyn Wermeil, Office of Consumer Programs, at address given above, 301–443–5006. For Industry Interests: Robert S. Kennedy, at address given above, 301–427–7900.

SUPPLEMENTARY INFORMATION: Nominations are solicited, as indicated, for nonvoting members representing consumer and/or industry interests, for the following classification panels and their respective subcommittees:

Device classification panel	Approximate date representative needed	
	Industry	Consumer
1. Anesthesiology:		Nov. 30, 1977.
a. Gas Scavenging Systems Subcommittee.	Immediately.	Do.
b. Gas Anesthesia Machines Subcommittee.	do	Immediately.
c. Breathing Machines for Medical Use Subcommittee.	do	Do.
2. Cardiovascular, a. Implants Subcommittee.	do	June 30, 1977.
3. Clinical chemistry	Feb. 28, 1978.	
4. Clinical toxicology	do	
5. Dental, a. Oral Implants Subcommittee.		Immediately.
6. Ear, nose and throat		May 31, 1977.
7. Gastroenterological and Urological Panel:	Dec. 31, 1977.	
a. Dialysis Devices Subcommittee.		Immediately.
b. GU Implants Subcommittee.		Do.
c. High Frequency Surgical Devices Subcommittee.		Do.
d. Endoscopes/Surgical Devices Subcommittee.		Do.
8. General and Plastic Surgery, a. Plastic and Reconstructive Surgery Devices Subcommittee.		Do.
9. Hematology	Feb. 28, 1978.	
10. Immunology	do	
11. Microbiology	do	
12. Neurological, a. Neurostimulation Subcommittee.	Aug. 31, 1977.	Immediately.
13. Obstetrical and Gynecological, a. Conception Control Devices Subcommittee.	Dec. 31, 1977	
14. Opthalmic		Aug. 31, 1977.
15. Orthopedic	June 30, 1977.	
16. Physical Medicine, a. Orthotic and Prosthetic Subcommittee.	Aug. 31, 1977.	Aug. 31, 1977.
17. Radiology	Feb. 1, 1978.	Feb. 1, 1978.

The function of the committees and subcommittees listed above is to review and evaluate available data concerning the safety and effectiveness of devices currently in use and advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption for certain devices from the application of portions of the Medical Device Amendments of 1976 (Pub. L. 94–295); advise on the necessity to ban a device; and respond to requests from FDA to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that each medical device classification panel shall include as nonvoting members, one representative of consumer interests and one representative of interests of the device manufacturing industry. The Commissioner has decided that each of the subcommittees identified in this notice shall also have a representative of consumer interests and a representative of industry interests.

Any interested person may nominate one or more qualified persons as a nonvoting member of a particular advisory committee or subcommittee identified in this notice, to represent consumer interests. Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate nonvoting member of a particular committee or subcommittee may nominate one or more qualified persons to represent industry interests.

Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of an advisory committee, and appears to have no conflict of interest. If a nominee is interested only in a particular advisory committee or subcommittee, the nomination shall so state. If a nominee is interested in becoming a member of any advisory committee or subcommittee, the nomination shall so state. A complete curriculum vitae of each nominee shall be included.

Regarding nominations for members representing consumer interests, after the time for receipt of nomination has expired, the curriculum vitae for each of the nominees will be sent to interested consumer organizations and to any other person submitting a nomination, together with a ballot that must be filled out and returned to the Office of Professional and Consumer Programs, at the address given above, within 30 days. The selection of the consumer representatives will be determined from the ballots submitted, pursuant to provisions of § 14.84 (21 CFR 14.84 formerly § 2.332, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Regarding nominations for members representing the interests of the device manufacturing industry, after the time for receiving nominations has expired, a letter shall be sent to each organization that has made a nomination, attaching a complete list of all such organizations and the nominees, stating that it is the responsibility of each organization to consult with the others in selecting a single nonvoting member representing industry interests for that particular committee within 30 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (86 Stat. 770–776 (5 U.S.C. App. 1)) and Part 14 (21 CFR Part 14, formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), relating to advisory committees.

Dated: April 13, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner, for Compliance.

[FR Doc.77–11251 Filed 4–18–77;8:45 am]

[Docket No. 77N–0112]

MEDICAL DEVICE CLASSIFICATION PANELS

Request for Nominations for Voting Members on Advisory Committees

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This document invites nominations for voting members to serve on certain public advisory committees of the Bureau of Medical Devices and Diagnostic Products; the panels include those listed below. Nominations will be accepted for vacancies that currently exist and vacancies that will or may occur on the panels during the next 12 months.

DATES: Since scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. But nominations should be received at least 90 days before the dates of scheduled vacancies for each year, as indicated in the list of the advisory committees given below under "Supplementary Information."

ADDRESS: All nominations for the voting members of the respective advisory committees must be sent to: Robert S. Kennedy, Bureau of Medical Devices and Diagnostic Products (HFK–1), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910.

FOR FURTHER INFORMATION CONTACT:

Kay A. Levin, at the address given above, 301–427–7076.

SUPPLEMENTARY INFORMATION: Nominations are solicited, as indicated, for voting members for the following advisory committees:

1. Anesthesiology Device Classification Panel: Vacancy, November 30.
2. Cardiovascular Device Classification Panel: Vacancy, June 30.
3. Clinical Chemistry Device Classification Panel: Vacancy, February 28.
4. Clinical Toxicology Device Classification Panel: Vacancy, February 28.
5. Dental Device Classification Panel: Vacancy, October 31.
6. Ear, Nose, and Throat Device Classification Panel: Vacancy, May 31.
7. Gastroenterological and Urological Device Classification Panel: Vacancy, December 31.
8. General and Plastic Surgery Device Classification Panel: Vacancy, May 31.
9. General Hospital and Personal Use Device Classification Panel: Vacancy, September 30.
10. Hematology Device Classification Panel: Vacancy, February 28.
11. Immunology Device Classification Panel: Vacancy, (not yet set).
12. Microbiology Device Classification Panel: Vacancy, February 28.
13. Neurological Device Classification Panel: Vacancy, August 31.
14. Obstetrical and Gynecological Device Classification Panel: Vacancy, December 31.
15. Ophthalmic Device Classification Panel: Vacancy, August 31.
16. Orthopedic Device Classification Panel: Vacancy, June 30.
17. Pathology Device Classification Panel: Vacancy, (not yet set).
18. Physical Medicine Device Classification Panel: Vacancy, August 31.
19. Radiological Device Classification Panel: Vacancy, January 31.

The function of the committees listed above is to review and evaluate available data concerning the safety and effectiveness of devices currently in use and advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories; recommend assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption for certain devices from the application of portions of the Medical Device Amendments of 1976 (Pub. L. 94–295); advise on the necessity to ban a device; and respond to requests from FDA to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Persons nominated for membership shall have adequately diversified experience appropriate to the work of the committee in such fields as clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee. The term of office is 3 years.

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall state that the nominee is aware of the nomination,

is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by the Food and Drug Administration to provide detailed information concerning such matters as financial holdings, consultancies, and research grant and/or contracts, in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (86 Stat. 770; Pub. L. 92–463) and 21 CFR Part 14 (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), relating to advisory committees.

Dated: April 13, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-11250 Filed 4-18-77;8:45 am]

[FDA-225-72-2009]

INSPECTION AND GRADING OF FOOD PRODUCTS

Memorandum of Agreement With the Agricultural Marketing Service

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Food and Drug Administration has executed a memorandum of agreement with the Agricultural Marketing Service. The purpose of the agreement is to set forth cooperative working arrangements that are being followed or adopted in the inspection and grading of food products.

DATES: The agreement became effective June 25, 1975.

FOR FURTHER INFORMATION CONTACT:

Gary Dykstra, Compliance Coordination and Policy Staff (HFC-13), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing the following memorandum of agreement:

MEMORANDUM OF AGREEMENT BETWEEN THE AGRICULTURAL MARKETING SERVICE AND THE FOOD AND DRUG ADMINISTRATION CONCERNING THE INSPECTION AND GRADING OF FOOD PRODUCTS[1]

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the Act, FDA's activities are directed toward the protection of the public health of the nation by insuring that foods are safe and wholesome and that products are honestly and informatively labeled. This is accomplished by inspecting the processing and distribution of foods and examining samples thereof to assure compliance with the Act. FDA also promulgates under the Act mandatory standards of identity, quality, and fill of container for food products after appropriate notices and hearings.

The Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture, under the authority of the Agricultural Marketing Act of 1946, carries out certain voluntary service functions designed to aid in the efficient marketing of agricultural products. These include the development of commercial grade standards and specifications for foods, and furnishing inspection and grading services, including the issuance of certificates of quality and/or condition, to producers, processors, shippers, buyers, or other interested parties. The major purpose is to assist producers in preparing better quality of wholesome products and to provide objective information by means of official certification concerning the grade, quality, or condition of a product which will be of maximum assistance to all interested parties engaged in marketing functions.

The two agencies have certain related objectives in carrying out their respective regulatory and service activities. Therefore, it is believed desirable from the standpoint of public interest to set forth in this Memorandum of Agreement the working arrangements which are being followed or adopted in the interest of each agency discharging as effectively as possible its responsibilities related to inspection and standardization activities for food products.

The Agricultural Marketing Service will:

1. Supply to FDA, headquarters, a complete list of all food processing and packing plants which are operating under AMS continuous or other resident-type inspection or grading contracts. This list will set forth the type of service provided and the food products involved. AMS will immediately advise the appropriate FDA field office of those plants subject to withdrawal or suspension of service, termination of contract or denial of inspection services because of sanitation or other current good manufacturing practice deficiencies.

2. Investigate any report from FDA to the effect that a processor or packer operating under contract with AMS has not corrected objectionable conditiones found to exist by FDA, and will take action in accordance with AMS regulations and contracts.

3. Decline to inspect or grade samples of products which have been seized by FDA, or which are known to be involved in formal FDA actions. This does not preclude reinspection of legally authorized samples by AMS if the FDA seizure or other actions involved products which had previously been inspected or graded by AMS.

4. Decline to assign a U.S. grade or permit the use of Government official marks or other approved identification on a food product which is considered adulterated under the Federal Food, Drug, and Cosmetic Act, of such type and/or in such amounts so as to result in the food product being subject to regulatory action by FDA or is otherwise found to be not suitable for grade assignment. AMS will make such examinations and tests as are reasonably feasible for those materials and substances that would be likely to contaminate the product.

5. Report to the appropriate FDA field office information on any lot of produce which, upon inspection, AMS declines to assign a grade unless such product is so reconditioned as to comply with FDA requirements and/or qualify for grade assignment, or is segregated and disposed of for nonfood use or otherwise lawfully shipped or sold.

6. Furnish FDA headquarters on request, with any pertinent information concerning the grade or quality determination relative to specific lots of products inspected or graded by AMS that have been proceeded against or are being considered for action by FDA.

7. Report on the inspection certificate any pertinent codes or other marks that will serve to identify the specific goods which are inspected or graded.

8. Inform FDA headquarters whenever it has information that an employee or USDA-licensed inspector is to be or has been subpoenaed as a witness at judicial proceedings involving FDA action and advise FDA of the nature of his proposed testimony.

The Food and Drug Administration will:

1. Recognize that the AMS service provided in connection with the voluntary contract inspection of fruit and vegetable processing establishments contributes to protection of consumers and aids FDA in enforcement of pertinent statutes. The AMS inspection service will not diminish FDA authority to inspect but should minimize FDA inspections in establishments under AMS contract inspection. In this regard AMS inspectors will routinely advise contract establishments of pertinent FDA requirements, advise them on how to comply and provide advice on compliance. AMS inspectors may not act as FDA inspectors but their inspections and consultations with FDA should reduce the necessity for FDA inspections.

2. Invite the AMS inspector stationed at a plant which is operating under AMS inspection to accompany the FDA inspector during his inspection of such plant. The FDA inspector will point out or discuss with the AMS inspector any conditions noted which may result in violations of the Federal Food, Drug, and Cosmetic Act.

3. Request AMS headquarters for any pertinent information concerning the grade or quality determinations relative to specific lots of products that have been proceeded against or are being considered for action by FDA and are known or believed to have been inspected by AMS. FDA will take into consideration the results of AMS inspection certificates and other available data unless it has evidence that the product does not meet legal requirements as a food or has deteriorated to such an extent, subsequent to AMS inspection, as to make it unacceptable as food.

4. Immediately notify the appropriate AMS field office concerning the details of objectionable conditions whenever such conditions are found to exist in processing or packing plants where AMS is currently conducting inspection of products, or in other food plants, when FDA believes such information would be of value to AMS in its inspection and grading activities.

5. Whenever possible mark the claimant's samples of seized products in such a manner that AMS inspectors or graders will recognize such post-seizure samples.

6. Discuss with AMS headquarters the criteria used by FDA in order to provide the maximum assurance that AMS does not classify a food as acceptable which FDA would consider actionable under the Federal Food, Drug, and Cosmetic Act.

7. On request of AMS review labels, legends, stamps, and other official marks for products packed under the various inspection services of AMS from the standpoint of possible conflict with the misbranding provisions of the Federal Food, Drug, and Cosmetic Act.

It is mutually agreed that: 1. Both agencies will maintain close working relations with each other, both in headquarters as well as in the field.

2. Proposed regulations by either agency establishing or amending any food products standard will be referred to the other agency for review and comment prior to issuance.

3. Both agencies will cooperate jointly and with industry in the improvement of sanitation and food handling practices in processing plants. Both agencies will mutually exchange data and cooperate in the development of sampling plans, methodology and guidelines for determining natural and unavoidable defects common to products inspected and graded by AMS.

4. Both agencies will work with industry toward greater efficiency in connection with improvement in coding methods.

5. Both agencies will cooperate in the handling of those cases of misbranding which also come under the provisions of the Perishable Agricultural Commodities Act of 1930, as amended.

6. Each agency will designate to the other a central contact point to which communications dealing with this agreement or matters affected thereby may be first referred for attention.

7. Nothing in this Agreement modifies other existing agreements, nor does it preclude entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such special agreement.

8. The provisions of this memorandum may be modified at any time by mutual agreement.

For the Agricultural Marketing Service:

Dated: June 25, 1975.

E. L. PETERSON,
Administrator.

For the Food and Drug Administration:

Dated: June 9, 1975.

A. M. SCHMIDT,
Commissioner.

Effective date: This agreement became effective June 25, 1975 and supersedes the Memorandum of Understanding dated August 28, 1973.

Dated: April 13, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-11252 Filed 4-18-77;8:45 am]

[1] This agreement does not apply to egg products, inspection of which is covered by the Egg Products Inspection Act, nor to grains, including rice, dry beans, peas, or lentils, which is covered by a separate memorandum of agreement between AMS and FDA.

National Institutes of Health

DHEW COMMITTEE TO COORDINATE TOXICOLOGY AND RELATED PROGRAMS ON APPROACHES TO DETERMINING THE MUTAGENIC PROPERTIES OF CHEMICALS: RISK TO FUTURE GENERATIONS

Meeting

A meeting will be held to discuss the final report developed for the DHEW Committee to Coordinate Toxicology and Related Programs (composed wholly of fulltime employees of HEW). The document discusses and evaluates methods for determining the mutagenic properties of chemicals. To this end the meeting objective is to present the final report for comment prior to submission to the Assistant Secretary for Health, HEW. Comments received will be appended to the final document. Written comments will also be considered if received by May 27, 1977.

The open meeting will be held on May 20, 1977, from 9:30 a.m. to adjournment, in Wilson Hall, Building 1, NIH, Bethesda, Maryland. Attendance by the public will be limited to space available; it is requested that individuals wishing to attend give advance notification in writing to:

Ms. Cecil Ellington, NIEHS, P.O. Box 12233, Research Triangle Park, N.C. 27709, 919-549-8411, ext. 3213, FTS 629-3213.

Dated: April 11, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-11440 Filed 4-18-77;8:45 am]

NATIONAL ARTHRITIS ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis Advisory Board in Wilson Hall, National Institutes of Health, Bethesda, Maryland, on May 4, 1977, beginning at 9 a.m.

In accordance with provisions set forth in Section 552b(c)(6), U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Board will be closed from 9 a.m. to 11 a.m. for the review, discussion, evaluation, and selection of a Chairman. The discussion will reveal personal information about individuals and will reflect on their qualifications and competence. Hence, the holding of these discussions in public would constitute a clearly unwarranted invasion of personal privacy.

This meeting will be open to the public from 11 a.m. to 5 p.m. to discuss administrative matters. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo F. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-11441 Filed 4-18-77;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH, ET AL.

Delegations of Authority

Notice is hereby given that effective March 29, 1977, the following delegations, with authority for redelegation, have been made under section 472 (42 U.S.C. 289*l*-1) and section 473 (42 U.S.C. 289*l*-2) of the Public Health Service Act, providing respectively for National Research Service Awards and for studies respecting biomedical and behavioral research personnel:

1. Delegation from the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health of the authorities vested in the Secretary under:

(a) Section 472 of the Public Health Service Act, as amended by Title II of Pub. L. 94-278, excluding the authority to promulgate regulations; and

(b) Section 473 of the Public Health Service Act, as amended by Title II of Pub. L. 94-278, excluding the authority to submit reports to Congress or its Committees.

2. Delegation from the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration of the authorities under sections 472 and 473 of the Public Health Service Act, which were delegated to the Assistant Secretary for Health, insofar as these authorities pertain to the functions assigned to be carried out within the Alcohol, Drug Abuse, and Mental Health Administration.

3. Delegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration, of the authorities under sections 472 and 473 of the Public Health Service Act, which were delegated to the Assistant Secretary for Health, insofar as these authorities pertain to the functions assigned to be carried out within the Division of Nursing.

4. Delegation from the Assistant Secretary for Health to the Director, National Institutes of Health, of the authorities under sections 472 and 473 of the Public Health Service Act, which were delegated to the Assistant Secretary for Health, insofar as these authorities pertain to the functions assigned to be carried out within the National Institutes of Health.

Dated: March 29, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-11270 Filed 4-18-77;8:45 am]

FEDERAL INTERAGENCY DAY CARE REQUIREMENTS

Public Briefing

Status of Activities to Evaluate Appropriateness of the Federal Interagency Day Care Requirements (FIDCR).

TIME AND DATE: 10 A.M.—April 29, 1977.

PLACE: Auditorium, HEW North Building, 330 Independence Avenue SW., Washington, D.C.

SUBJECT: FIDCR Appropriateness Report.

STATUS: Open to public.

PERSON TO CONTACT:

William Prosser, 202-245-1808.

AGENDA: Introduction: Purpose and goals of briefing, status report on:

HEW's current activities to prepare appropriateness report.

Expected focus of an HEW report to Congress.

Recommendations about new or revised HEW regulations.

Questions and answers about status and plans.

(Information materials will be available at briefing.)

Dated: April 14, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc.77-11345 Filed 4-18-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF

Approval of Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the date indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area they represent.

Outer Continental Shelf Protraction Diagrams

Description	Approval date
NN 2-1	Feb. 3, 1977.
NN 8-1 Baker Fan	Do.
NO 1-2	Do.
NO 2-1	Dec. 13, 1976.
NO 2-2	Do.
NO 2-3	Do.
NO 2-4	Do.
NO 3-3	Do.
NO 8-3 Mt. Fairweather	Do.
NO 8-5 Sitka	Do.
NP 1-8	Do.
NP 2-2 St. Lawrence	Do.
NP 2-3	Do.
NP 2-4 Southeast Cape	Do.
NP 2-8	Do.
NP 3-1 Norton Sound	Do.
NP 3-2 St. Michael	Do.
NP 3-3 Black	Do.
NP 3-4 Kwiguk	Do.
NP 4-1 Unalakleet	Do.
NQ 3-7 Nome	Do.
NQ 3-8 Solomon	Do.
NQ 4-7 Cape Denbigh	Feb. 3, 1977.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska Outer Continental Shelf Office.

[FR Doc.77-11279 Filed 4-18-77;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE TEXAS AND LOUISIANA

Availability of Draft Environmental Statement and Holding of Public Hearing Regarding Proposed General Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement relating to a proposed Outer Continental Shelf (OCS) general oil and gas lease sale of 120 tracts consisting of 582,856 acres (235,875 hectares) of submerged lands on the OCS in the Gulf of Mexico offshore Texas and Louisiana.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney, Houston, Texas; Rosenburg Library, 2310 Sealy, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; and Calcasieu Parish Library System, Downtown Branch, Lake Charles, Louisiana.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on June 1, 1977, in the Hale Boggs Federal Building Complex, Fifth Circuit Court of Appeals, Room 105, 600 Camp Street, New Orleans, Louisiana 70130, for the purpose of receiving comments and suggestions relating to the proposed lease sale.

The hearing will provide the Secretary with additional information from both public and private groups to help evaluate fully the potential effects of the proposed offering of the 120 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development, and production phases of the OCS leasing program. The hearing will also provide the Secretary with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations, and public officials wishing to testify at the public hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:15 p.m., May 26, 1977. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address. The Department will accept written testimony and comments on the draft environmental statement until June 10, 1977. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the Manager, New Orleans Outer Continental Shelf Office, at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, others present will be given an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

GEORGE L. TURCOTT,
Acting Director, Bureau of Land Management.

MARCH 18, 1977.

Approved: April 12, 1977.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-11239 Filed 4-18-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 6, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by April 29, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

CALIFORNIA

San Bernardino County

Barstow vicinity, *Rodman Mountains Petroglyphs*, 28 mi. SE of Barstow.

San Mateo County

Princeton, *Site SMa-151*, E of Princeton.

Solano County

Suisun vicinity, *Martin, Samuel, House*, 293 Suisun Valley Rd.

CONNECTICUT

Fairfield County

Bridgeport, *Bridgeport City Hall*, 202 State St.

Greenwich, *Riverside Avenue Bridge*, Riverside Ave. and RR. tracks.

Litchfield County

Gaylordsville vicinity, *Merwinsville Hotel*, E of Gaylordsville on Brown's Forge Rd.

Tolland County

Tolland, *Tolland County Courthouse*, 53 Tolland Green.

IOWA

Van Buren County

Bonaparte and Keosauqua, *Des Moines River Locks #5 and #7*, at Des Moines River.

KENTUCKY

Fayette County

Lexington vicinity, *Paris Pike Historic District*, NE of Lexington, both sides of U.S. 27/68.

LOUISIANA

Caddo Parish

Shreveport, *Strand Theatre*, 630 Crokett.

Pointe Coupee Parish

Simmesport vicinity, *White Hall Plantation House*, LA 418.

St. Landry Parish

Opelousas, *Prudhomme, Michel, House*, 1152 Prudhomme Circle.

Sunset vicinity, *Chretien Point Plantation*, SW of Sunset on Blue Spring Rd.

MICHIGAN

Antrim County

Elk Rapids, *Elk Rapids Township Hall*, River St.

Wayne County

Detroit, *Wilson Theatre*, 350 Madison Ave.

NEBRASKA

Nance County

Genoa vicinity, *U.S. Indian Industrial School*, NE 22.

Otoe County

Nebraska City vicinity, *Lee, George F., Octagon Houses*, S of Nebraska City off U.S. 73/75.

NEVADA

Pershing County

Lovelock vicinity, *Rye Patch Archeological Sites*, N of Lovelock.

NEW YORK

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.

OREGON

Columbia County

St. Helens vicinity, *Warrior Rock Light*, SE of St. Helens on Columbia River.

RHODE ISLAND

Providence County

Providence, *Loew's State Theatre*, 220 Weybosset St.

TENNESSEE

Unicoi County

Unaka Springs, *Unaka Springs Resort Hotel*, off TN 36.

TEXAS

Bexar County

San Antonio, *Source of the River District*, 4515 Broadway.

Erath County

Stephenville, *Erath County Courthouse*, Public Sq.

Victoria County

Victoria, *Old Victoria County Courthouse*, 101 N. Bridge St.

UTAH

Salt Lake County

Salt Lake City, *Tenth Ward Sq.*, 400 South and 800 East.

[FR Doc.77-10957 Filed 4-18-77;8:45 am]

GENERAL MANAGEMENT PLAN, STONES RIVER NATIONAL BATTLEFIELD, TENNESSEE

Availability of Environmental Review on Environmental Assessment

In July 1976 the National Park Service completed and placed on public review an Environmental Assessment entitled "Environmental Assessment, General Management Plan, Stones River National Battlefield, Tennessee."

After making an Environmental Review of the alternatives presented in the assessment and after public comment thereon, the National Park Service determined that this proposal would have a significant effect on the human environment; therefore, an Environmental Impact Statement will be prepared and will be available for public review in the autumn of 1977.

Anyone needing additional information or wishing to provide information for consideration during preparation of the statement, please advise the Superintendent, Stones River National Battlefield, Route 2, Old Nashville Highway, Murfreeesboro, Tennessee 37128, telephone 615-893-9501, or the Regional Director, Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, telephone 404-996-2520. Copies of the Environmental Review may be obtained from the above locations.

Dated: March 29, 1977.

DAVID G. WRIGHT,
Acting Regional Director, Southeast Region.

[FR Doc.77-11303 Filed 4-18-77;8:45 am]

GENERAL MANAGEMENT PLAN, GULF ISLANDS NATIONAL SEASHORE, FLORIDA AND MISSISSIPPI, AND DEVELOPMENT CONCEPT PLANS FOR DAVIS BAYOU, MISSISSIPPI; NAVAL LIVE OAKS, FLORIDA; SANTA ROSA, FLORIDA

Availability of Environmental Review on Environmental Assessment

In September 1976 the National Park Service completed and placed on public review Environmental Assessments on the General Management Plan for Gulf Islands National Seashore and on Development Concept Plans for Davis Bayou, Naval Live Oaks and Santa Rosa. Public meetings were held in the vicinity of Gulf Islands National Seashore in October 1976.

After making an Environmental Review of the alternatives presented in the assessments and after public comment thereon, the National Park Service determined that these proposals would have a significant effect on the human environment; therefore, an Environmental Impact Statement will be prepared and will be available for public review by the end of 1977.

Anyone needing additional information or wishing to provide information for consideration during preparation of the statement, please advise the Superintendent, Gulf Islands National Seashore, P.O. Box 100, Gulf Breeze, Florida 32561, telephone 904-932-5302, or the Regional Director, Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, telephone 404-996-2520. Copies of the Environmental Review may be obtained from the above locations.

Dated: March 24, 1977.

DAVID D. THOMPSON, Jr.
Regional Director, Southeast Region.

[FR Doc.77-11302 Filed 4-18-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-163]

CLEAR SHEET GLASS FROM ROMANIA

Determination of No Injury or Likelihood Thereof

On January 12, 1977, the United States International Trade Commission received advice from the Department of the Treasury that clear sheet glass from Romania is being, or is likely to be, sold at less than fair value, within the mean-

ing of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on January 24, 1977, the Commission instituted investigation No. AA1921–163 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be inju3red, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER on February 1, 1977 (42 FR 6013). On March 8, 1977, a hearing was held in accordance with the notice, and all persons who requested the opportunity were permitted to appear by counsel or in person.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission[1] has determined by a vote of 3 to 2 (Commissioners Moore and Ablondi dissenting) that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of clear sheet glass from Romania that is being, or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

VIEWS OF CHAIRMAN DANIEL MINCHEW, VICE CHAIRMAN JOSEPH O. PARKER AND COMMISSIONER CATHERINE BEDELL

On January 12, 1977, the United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) that clear sheet glass from Romania is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on January 24, 1977, the Commission instituted investigation No. AA1921–163 under section 201(a) of the act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The flat glass industry in the United States has changed dramatically in recent years. Technological developments in the production of float and consumer preference of flat glass made by this process have resulted in a shift of flat glass production from sheet glass to float glass. As a result, the number of establishments at which sheet glass is produced declined from 11 in 1972 to 7 in 1976 and with further shutdowns which have since occurred or been announced, it appears there will be only 3 firms producing sheet glass in the United States by the end of 1977. All the remaining firms producing flat glass by the sheet process are also producing flat glass by the float process.

The float glass process results in a markedly superior product which has plane and parallel surfaces and which does not require grinding and polishing. Thus, high-quality, distortion-free glass can be produced at less cost by the float process than by the older sheet process. Flat glass produced by the float process is preferred in the market, and those producers which make flat glass by both processes frequently substitute float for sheet in their orders since float glass is readily accepted by purchasers. In view of the market acceptance and interchangeability of float for sheet, we have defined the domestic industry as consisting of the establishments operated by firms which produce flat glass by either or both production processes.

During the period 1972–76, imports of clear sheet glass from Romania ranged between 49 million and 85 million pounds. In 1975, 56 million pounds was imported, and in 1976, 85 million pounds was imported. As a share of apparent domestic consumption of flat glass, imports from Romania ranged between 2 and 3 percent in 1972–76 and amounted to 2 percent during both 1975 and 1976. The ratio of imports of clear sheet glass from Romania to domestic production of flat glass remained at approximately 2 percent during each of the years in the period 1972–76.

The domestic flat glass industry was affected by the 1974–75 recession, which impacted the construction and automobile industries. With the upturn in the economy in 1976 and the improved performance in these two industries, the flat glass industry also performed strongly.

Apparent domestic consumption of flat glass increased by approximately 30 percent from 1975 to 1976 and reached an alltime high in 1976. Domestic producers' shipments of flat glass also increased by approximately 30 percent from 1975 to 1976 and also reached an alltime high in the latter year. While imports of clear sheet glass from Romania increased in 1976 over the level in 1975, as noted above, the penetration level of these imports did not increase, remaining at about 2 percent of both domestic consumption and production. In absolute terms, imports of clear sheet glass from Romania in 1976 were approximately the same as they had been in 1973.

During the course of its investigation, the Commission received financial data from six producers of sheet glass and/or float glass which accounted for virtually all domestic shipments of sheet glass and approximately 80 percent of domestic shipments of float glass in 1976. An examination of this data reveals that while these six producers suffered a loss on their combined operations on sheet and float glass during the 1974–75 recession, they returned to profitable operations in 1976 as their net sales climbed to an historic high. The aggregate ratio of net operating profit to net sales for these six producers on their combined sheet and float operations in 1976 kept pace with the profit level experienced by stone, clay and glass producers in that year.

When the float and sheet glass operations of the six domestic producers are examined separately, however, the long-term decline in sales of sheet glass and the shift to the float process are readily apparent. Net sales of sheet glass declined each year during the period 1972–75. The producers of sheet glass broke even on their operations in 1976 despite the fact that domestic shipments of sheet glass were less than half of what they had been in 1972 and 1973.

In contrast, net sales of float glass increased in every year in the period 1972–76, rising from approximately $86 million to approximately $263 million. After suffering losses during the recession in 1974–75, the six domestic producers achieved an aggregate ratio of net operating profit to net sales in their float glass operations of approximately 10 percent, well above that achieved by stone, clay, and glass producers generally for the first three quarters of 1976.

Employment data also reflect the upturn in the flat glass industry in 1976 and the long-term shift from sheet to float glass production. Employment data collected by the Department of Labor reveal that the average number of workers in the flat glass industry increased from 15,800 to 16,400 between 1975 and 1976. Data collected by the Commission reveal that the number of production and related workers employed in the production of sheet glass declined by over 50 percent during the period 1972–76, while such workers employed in the production of float glass increased by approximately 30 percent in the same period.

From the third quarter of 1975 through the second quarater of 1976, which embraced the period of Treasury's investigation, the weighted average net delivered selling price of domestic sheet glass increased from $14.62 to $17.21 per 100 square feet. The increases which occurred during this period were the largest increases achieved during the years 1972–76, the period covered by the report. Domestic sheet glass prices continued to increase through the last two quarters of 1976.

The average price of domestic float glass rose by $0.75 in the first quarter of 1976, the second largest quarterly increase in 5 years, and increased in each quarter of 1976. Thus, over the period during which Treasury determined there were LTFV imports from Romania, the prices of domestically produced sheet and float glass not only increased, but recorded some of the biggest gains in the last 5 years. In addition, domestically produced float glass undersold domestically produced sheet glass from the last quarter of 1975 through the last quarter of 1976.

The wholesale price index for flat glass recorded its largest single quarterly gain in the last 5 years during the second quarter of 1976. In our judgment, it is clear from the evidence that LTFV imports from Romania, which, as noted above, accounted for only 2 percent of domestic consumption, did not have any discernible adverse impact on the price of domestically produced flat glass.

There is nothing in this record to show that domestic producers had any inventory increases or were otherwise unable to sell flat glass at increasing prices during the period of investigation. While there were allegations of lost sales, the evidence in the record of this investigation to this effect is insufficient to establish a loss of sales which would support or warrant a determination of injury.

In summary, it is our judgment that the evidence in the record of this investigation does not establish that the domestic flat glass industry is being or is likely to be injured[2] by imports of clear sheet glass from Romania determined by Treasury to be sold or likely to be sold at LTFV.

DISSENTING VIEWS OF COMMISSIONERS GEORGE M. MOORE AND ITALO H. ABLONDI

In our opinion, an industry in the United States is being injured by reason of the importation into the United States of clear sheet glass from Romania which the Departmetnt of the Treasury (Treasury) determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.[3]

THE U.S. INDUSTRY

The imported article found to be sold at LTFV by Treasury is clear sheet glass from Romania. We have determined that the U.S. industry which is being injured by the LTFV imports of clear sheet glass from Romania consists of the facilities in the United States devoted to the production of clear sheet glass. At present there are four plants in the United States producing sheet glass which constitute the U.S. industry.

LTFV SALES

During the period November 1, 1975, through April 30, 1976, Treasury examined sales of clear sheet glass imports from Romania. Fair value comparisons were made on all such imports and a weighted average LTFV margin of 48 percent was found. The Commission's investigation disclosed that the underselling of domestic competitors was the predominant marketing appeal of LTFV imports from Romania.

MARKET PENETRATION

LTFV sheet glass imports from Romania increased anually during the period 1972–76. As a percentage of all clear sheet glass imports they increased from 12 to 36 percent. The average unit value (5.2 cents per square foot) of imports of Romanian single-strength sheet glass, which comprised 91 percent of imports from Romania during 1972–76, was 34 percent less than the average unit value (7.9 cents per pound) of imports from all other countries.

During the period of Treasury's investigation and through the remainder of 1976 Romanian imports continued to increase their share of the domestic sheet glass market. The ratio of sheet glass imports to domestic consumption increased from 4 percent in 1974 to 7 percent in 1975 and to 9 percent in 1976. An increasing share of the domestic sheet glass market achieved by LTFV imports occurred when there was a lessening of demand for sheet glass caused by reductions in housing and construction starts and in automotive production.

The sales impact of LTFV Romanian sheet glass was mainly directed at factory sales to customers of single-strength clear sheet glass. Single-strength sheet glass imports from Romania amounted to the equivalent of 20 percent of domestic single-strength sheet glass sales during 1975 and 1976. The ratio of LTFV import penetration is substantial and such sales, consummated on the basis of price alone, have seriously impaired the ability of the domestic sheet glass industry to compete in the domestic open market.

Notwithstanding the float glass penetration into sheet glass markets, it is clear that sheet glass has a significant position in the broader flat glass industry. Into the market of an estimated 160 million square feet of sheet glass consumed by the sash and door industry alone, domestic sheet glass has been displaced by LTFV sheet glass sales to the extent of 50 million square feet per year.

PRICE SUPPRESSION

The gap between domestic unprocessed single-strength clear sheet glass net delivered price and the net delivered price of single-strength unprocessed clear Romanian sheet glass increased during the period 1972–76. The prices of domestic sheet single-strength glass increased by 51 percent from the first quarter of 1972 to the last quarter of 1976 while the same comparison shows that the price of Romanian glass rose by only 19 percent. The Romanian import prices exerted a downward pressure on domestic prices, aggravating the ability of the U.S. industry to achieve profits in 1974 and 1975. The absence of LTFV Romanian imports would have permitted domestic producers to recover some of the profits lost in 1974–75.

LOST SALES

Each of the four domestic sheet glass producers offered evidence of lost sales in 1975 and 1976 due to Romanian sheet glass LTFV penetration into their traditional markets. The Commission examined a sample of the sales claimed by domestic producers to have been lost to LTFV imports. Based on this information it is estimated that approximately 40 million square feet of sheet glass sales or 7 percent of domestic producers' shipments of sheet glass in 1976 were lost to Romanian LTFV sheet glass imports.

CONCLUSION

Accordingly, we have made an affirmative determination and find that an industry in the United States is being injured by reason of the importation of clear sheet glass from Romania that is being, or likely to be sold at LTFV with the meaning of the Antidumping Act, 1921.

Issued: April 15, 1977.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.77–11342 Filed 4–18–77;8:45 am]

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[1] Commissioner Leonard did not participate in the decision.

[2] With regard to likelihood of injury Chairman Minchew notes that the import pentration of sheet glass from Romania has remained constant at between 2 and 3 percent over the last five years. This, taken with the declining market for sheet glass and the destruction of production facilities in Romania due to the recent earthquake in the country, indicates that there is no likelihood of injury to a United States industry.

[3] Prevention of establishment of an industry is not an issue in this investigation and will not be discussed.

[TA–201–26]

MALLEABLE CAST-IRON PIPE AND TUBE FITTINGS

Investigation and Hearing

INVESTIGATION INSTITUTED

Following receipt of a petition on March 29, 1977, filed by the American Pipe Fittings Association, the United States International Trade Commission on April 13, 1977, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether cast-iron pipe and tube fittings, malleable, provided for in items 610.70, 610.71 and 610.74 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

PUBLIC HEARING

A public hearing in connection with this investigation will be held June 21, 1977, in the hearing room of the United States International Trade Commission, 701 E Street NW., Washington, D.C. Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington not later than noon, Friday, June 17, 1977.

INSPECTION OF PETITION

The petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and at the New York City Office of the United States International Trade Commission located at 6 World Trade Center.

Issued: April 14, 1977.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.77–11343 Filed 4–18–77;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-1220]

PHOENIX CLOTHES, DIVISION OF GENESCO, INC., SHIPPENSBURG, PENNSYLVANIA

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on January 27, 1977 applicable to former workers producing men's suit pants at the Shippensburg, Pennsylvania plant of Phoenix Clothes, Division of Genesco, Incorporated. The Notice of Certification was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8023).

At the request of officials of Phoenix Clothes, a further investigation was instituted by the Director of the Office of Trade Adjustment Assistance. The further investigation revealed that certain production workers engaged in the production of men's suit pants at the Shippensburg plant suffered a reduction in their weekly hours of employment beyond the original termination date of January 1, 1976. The separation of the above mentioned workers was the direct result of the decrease in production of men's suit pants at Phoenix Clothes, Division of Genesco, Incorporated in Shippensburg, Pennsylvania.

Since the intent of the certification is to cover all workers at Phoenix Clothes who were engaged in employment related to the production of men's suit pants affected by the decline in production that commenced in the last quarter of 1975, the certification is revised to include a new termination date of April 1, 1976.

The revised certification applicable to TA-W-1220 is hereby issued as follows:

All workers at the Shippensburg, Pennsylvania plant of Phoenix Clothes, Division of Genesco, Incorporated who became totally or partially separated from employment on or after October 18, 1975 and before April 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-11339 Filed 4-18-77;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Bernice Industries, Bernice, LA; 1-1-77 to 12-31-77. (Girls' and boys' shirts.)

Bland Sportswear, Inc., Bland, VA; 3-8-77 to 3-7-78; 10 learners. (Men's and boys' shirts.)

Colshire Mfg. Co., Inc., Morgantown, WV; 3-1-77 to 2-28-78; 5 learners. (Men's pajamas.)

Corbin, Ltd., Huntington, WV; 1-22-77 to 1-21-78. (Men's pants.)

Crystal Springs Shirt Corp., Crystal Springs, MS; 1-1-77 to 12-31-77. (Boys' shirts.)

Donlin Sportswear, Inc., New Tazewell, TN; 2-21-77 to 2-20-78. (Men's shirts.)

Flushing Shirt Mfg. Co., Inc., Grantsville, MD; 1-18-77 to 1-17-78. (Men's shirts.)

Hamburg Shirt Corp., Hamburg, AR; 1-1-77 to 12-31-77. (Men's and boys' shirts.)

Shaw Industries, Shaw, MS; 1-1-77 to 12-31-77. (Boys' shirts.)

Steele Apparel Mfg. Co., Steele, MO; 12-23-76 to 12-22-77; 10 learners. (Ladies' dresses.)

Utica Industries, Utica, MS; 2-21-77 to 12-31-77. (Boys' shirts.)

Vernon Mfg. Co., Inc., Vernon, TX; 12-31-77 to 12-30-77. (Men's and boys' shorts and pants.)

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rate, occupation, learning period, and number of learners authorized to be employed are indicated.

CTP Division, General Cigar Co., Inc., Caguas, PR; 1-15-77 to 1-14-78; 11 learners for normal labor turnover purposes in the occupation of machine stripping for a learning period of 160 hours at the rate of $1.92 an hour. (Tobacco.)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annualed or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before May 4, 1977.

Signed at Washington, D.C., this 13th day of April 1977.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.77-11338 Filed 4-18-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

ADVISORY COUNCILS

Charter Renewals

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, the following Small Business Administration District Advisory Councils have been renewed to April 1, 1978.

Albuquerque, Anchorage, Atlanta, Augusta, Baltimore, Birmingham, Boise, Boston, Casper, Charlotte, Chicago, Clarksburg, Cleveland, Columbia, Columbus, Concord, Dallas, Denver, Des Moines, Detroit, Fargo, Hartford, Hato Rey, Helena, Honolulu, Houston, Indianapolis, Jackson, Jacksonville, Kansas City, Las Vegas, Little Rock, Los Angeles, Louisville, Lower Rio Grande Valley, Lubbock, Madison, Miami, Montpelier, Nashville, Newark, New Orleans, Omaha, Oklahoma City, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Richmond, Salt Lake City, San Antonio, San Diego, San Francisco, Seattle, Sioux Falls, St. Louis, Syracuse, Washington, D.C., Wichita.

The charters for the Small Business Administration National Advisory Council and the Small Business Investment Company National Advisory Council have been renewed to April 1, 1978.

Dated: April 12, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications, Small Business Administration.

[FR Doc.77-11301 Filed 4-18-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Amended Notice of Meeting

In 42 FR 18914, April 11, 1977, A.I.D. announced a meeting of the Board for International Food and Agricultural Development to be held on May 7 and 8, 1977. The purpose of this notice is to indicate that the dates and time of the meeting have been changed to May 5, 1977, beginning at 2:00 p.m. and May 7, 1977, beginning at 1:30 p.m. Both sessions will be held in the Ballroom of the Registry Hotel, 7901 24th Avenue, South, Minneapolis, Mininesota 55420.

Dated: April 12, 1977.

ERVIN J. LONG,
Federal Officer, Board of International Food and Agricultural Development.

[FR Doc.77-11269 Filed 4-18-77;8:45 am]

RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on May 18 and 19, 1977, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW., Conference Room "C", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. central research funding in the fields of food and nutrition and health. In addition to the project reviews, the Agenda will include a discussion of A.I.D. agricultural sector strategy, and of the relationship of the Research Advisory Committee to A.I.D. programming processes. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 1601 N. Kent Street, Arlington, Virginia, 22209, or call, 703-235-8956.

Dated: April 7, 1977.

ERVEN J. LONG,
A.I.D. Representative, Research Advisory Committee.

[FR Doc.77-11263 Filed 4-18-77;8:45 am]

[Public Notice CM-7/58]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on ship design and equipment concerned with nuclear ships of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 10 a.m. on Tuesday, May 10, 1977, in Room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of this meeting will be to:

Further discuss and make recommendations for the development of an Intergovernmental Maritime Consultative Organization (IMCO) Code for Nuclear Ships; and

Review and discuss comments received concerning this subject.

Requests for further information on the meeting should be directed to Mr. John Deck, III, United States Coast Guard. He may be reached by telephone on 202-426-2197.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, JR.,
Acting Director, Office of Maritime Affairs.

APRIL 11, 1977.

[FR Doc.77-11262 Filed 4-18-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

PHOTO ALBUMS FROM CANADA

Tentative Termination of Antidumping Investigation

AGENCY: United States Treasury Department.

ACTION: Tentative Termination of Antidumping Investigation.

SUMMARY: This notice is to advise the public that an antidumping investigation which was discontinued on June 14, 1974 with respect to photo albums from Canada is being tentatively terminated. The investigation, conducted under the Antidumping Act, was discontinued on the basis of minimal dumping margins in relation to total sales, combined with assurances by the sole Canadian manufacturer exporting these articles to the United States that it would not sell at less than fair value in the future. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market.

Analysis made by the Customs Service subsequent to the discontinuance of this investigation has revealed that the price assurances have been honored. Interested persons are invited to request an opportunity to present oral views within 10 days, or to submit written comments on or before May 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Vince Kane, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

A "Notice of Discontinuance of Antidumping Investigation" with respect to photo albums from Canada was published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20815).

After due investigation, it has been determined, tentatively, that photo albums from Canada, have not been sold at less than fair value. This is in accordance with price assurances submitted prior to the discontinuance of the fair value investigation.

Statement of reasons on which this tentative termination is based. The investigation indicated that no sales at less than fair value of photo albums from Canada by the sole Canadian firm exporting to the United States, Desmarais and Frere, Ltd., Montreal, Canada, have been made for a period of more than 2 years from the discontinuance of the fair value investigation.

Accordingly, notice is hereby given that the Department of the Treasury intends to terminate the antidumping investigation with respect to photo albums from Canada.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than April 29, 1977. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than May 19, 1977.

This notice is published pursuant to § 153.33(h) of the Customs Regulations (19 CFR 153.33(h)).

JOHN H. HARPER,
Acting Assistan Secretary of the Treasury.

APRIL 8, 1977.

[FR Doc.77-11264 Filed 4-18-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 370]

ASSIGNMENT OF HEARINGS

APRIL 14, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119428 (Sub-No. 2), Napoleon J. Eno and Paul Eno d.b.a. Nap and Paul's Marine, now assigned May 23, 1977, at New York, N.Y. is canceled and reassigned for hearing on May 23, 1977, (1 week), at Hartford, Conn., location of hearing room will be later designated.

MC 142662, Stewart & Stevenson Transportation, Inc. now assigned June 8, 1977 at Dallas, Texas is postponed indefinitely.

MC 142639, Kelly McKnight, dba Kelly McKnight Wrecker Service now being assigned June 8, 1977 (3 days) at Dallas, Texas in a hearing room to be later designated.

MC 134113 (Sub-9), Hi-Ball Trucking, Inc., now being assigned June 8, 1977 (3 days) at Billings, Montana, in a hearing room to be later designated.

MC 123407 (Sub-346), Sawyer Transport, Inc., now being assigned June 13, 1977 (1 week) at Boise, Idaho, in a hearing room to be later designated.

MC 29839 (Sub-Nos. 5 & 6), Evergreen Stage Lines, Inc., now being assigned June 20, 1977 (1 week) at Portland, Oregon, in a hearing room to be later designated.

No. 36530, Bituminous Coal, Cameo, Colo., to Cochise, Ariz., and No. 36515, *Arizona Electric Power Cooperative, Inc.*, v. *The Denver and Rio Grande Western Railroad Company*, et al., now assigned April 19, 1977, at Washington, D.C., is cancelled and reassigned for pre-hearing conference on April 19, 1977, at the Office of the Inter-

state Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11336 Filed 4-18-77;8:45 am]

[Rule 19; Ex Parte No. 214; Exemption No. 136]

NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

It appearing, That because of flood conditions the line of the Norfolk and Western Railway Company (N&W) between Norfolk, Virginia, and points west of Williamson, West Virginia, has been severed by high water and floods between Williamson and Bluefield, West Virginia, making it impossible for the N&W to move empty cars between the eastern and western portions of its system; that such disability prevents return of certain cars to owners in accordance with Car Service Rule 2 and prevents normal redistribution of cars to loading points on its line; that because of this disruption sufficient cars of suitable ownership are not available to shippers served by this line; that numerous other empty cars located on this line cannot be returned to owners until normal operations can be resumed; that compliance with Car Service Rule 2 would result in these cars standing idle and would prevent their use by shippers unable to receive other cars for loading.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19: (a) The N&W be, and it is hereby, authorized to accept from shippers general service cars owned by other railroads regardless of the provisions of Car Service Rule 2 at stations located in the States of:

Kentucky.
North Carolina.
West Virginia (Williamson and east thereof).
Maryland.
Virginia.

It is further ordered, That: (b) At stations located in areas other than those named in section (a) of this exemption the N&W is authorized to accept from shippers general service freight cars owned by the railroads named below regardless of the provisions of Car Service Rule 2.

Atlanta & Saint Andrews Bay Railroad Company, Reporting Marks: ASAB.
Atlanta and West Point Rail Road Company, Reporting Marks: AWP.
Atlantic and Western Railway Company, Reporting Marks: ATW.
Birmingham Southern Railroad Company, Reporting Marks: BS.
Chattahoochee Industrial Railroad, Reporting Marks: CIRR.
Clinchfield Railroad Company, Reporting Marks: CRR.
Columbus and Greenville Railway Company, Reporting Marks: CAGY.
Durham and Southern Railway Company, Reporting Marks: DS.
Florida East Coast Railway Company, Reporting Marks: FEC.
Georgia Railroad Company, Reporting Marks: GA.
Hartford and Slocomb Railroad Company, Reporting Marks: HS.
Lancaster and Chester Railway Company, Reporting Marks: LC.
Louisville and Wadley Railway Company, Reporting Marks: LW.
Meridian & Bigbee Railroad Company, Reporting Marks: MB.
Norfolk, Franklin and Danville Railway Company, Reporting Marks: NFD.
Pearl River Valley Railroad Company, Reporting Marks: PRV.
Pickens Railroad Company, Reporting Marks: PICK.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Seaboard Coast Line Railroad Company, Reporting Marks: ACL-C&WC-SAL-SCL.
Western Railway of Alabama, Reporting Marks: WA.

It is further ordered, That: (c) This exemption shall not apply to cars subject to Interstate Commerce Commission or Association of American Railroads Orders requiring return of cars to owners.

Effective April 6, 1977.

Expires April 13, 1977.

Issued at Washington, D.C., April 6, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-11335 Filed 4-18-77;8:45 am]

[Notice No. 49]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 11, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30378 (Sub-No. 59TA), filed March 25, 1977. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, P.O. Box 85, Hazelwood, Mo. 63042. Applicant's representative: Arnold L. Burke, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, and new chassis*, in initial and secondary movements, in truckaway and driveaway service, *and new automobile parts and accessories*, incidental to the vehicles transported when moving at the same time with the above-described vehicles, between Claycomo, Mo., on the one hand, and, on the other, points in Iowa, Nebraska and South Dakota, restricted to traffic which originates at the plantsite and warehouse facilities utilized by Ford Motor Company, or has a prior movement by truck, rail or water, for 180 days. Supporting shipper: Ford Motor Company, P.O. Box 1529-B, Dearborn, Mich. 48121. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 51146 (Sub-No. 492TA), filed March 28, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authortiy sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft, Inc., at Champaign, Ill., to points in Connecticut, Delaware, Massachusetts, Maine, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, the District of Columbia, and those points in Maryland, New York and Pennsylvania on and east of I-81, restricted to traffic originating at and destined to the above-named origins and destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: John E. Ryden, District Supervisors, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 53965 (Sub-No. 131TA), filed March 29, 1977. Applicant: GRAVES TRUCK LINE, INC., 2130 S. Ohio, P.O. Box 1387, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Monfort Packing Company, at Greeley, Colo., to points in Texas, Louisiana, Arkansas, Missouri, Kentucky, Tennessee and Mississippi, restricted to traffic originating at named origin and destined to named states, for 180 days. Applicant has also filed an underlying up to 90 days of operating authority. Supporting shipper: Monfort of Colorado, P.O. Box 5, Greeley, Colo. 80631. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 107295 (Sub-No. 843TA), filed March 25, 1977. Applicant: PRE-FAB TRANSIT CO., 100 S. Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers' goods, bathroom or lavoratory fixtures and accessories thereto;* (1) from Abingdon, Ill., to points in Arizona, Arkansas (except Ft. Smith), California, Colorado, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin and Wyoming; (2) from Robinson, Ill., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (3) from the plantsite of Briggs Manufacturing Co., at Knoxville, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gregory A. Koenig, Manager of Purchasing & Traffic, Briggs Manufacturing Co., 1500 N. Dale Mabry, Tampa, Fla. 33607. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 109533 (Sub.-No. 86TA), filed March 28, 1977. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, Va. 23224. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Alcoa and Maryville, Tenn., and their respective commercial zones as off-route points in connection with carrier's authorized regular-route operations. Applicant intends to tack with MC 109533 and subs 22 and 44. Applicant also intends to interline at Atlanta, Ga.; Baltimore, Md.; Louisville, Ky.; Knoxville, Tenn.; Jacksonville, Fla.; Richmond, Va.; Birmingham, Ala., Charlotte, N.C., and Lexington, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10-502, Federal Bldg., 400 N. 8th St., Richmond, Va. 23240.

No. MC 111812 (Sub-No. 530TA), filed March 28, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., 900 W. Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: David Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mixed shipments with meats (as previously authorized), in mechanically refrigerated vehicles (restricted against commodities in bulk), from the plantsites and warehouse facalities of Oscar Mayer, located at or near Madison, Wis., and Davenport, Iowa, to points in California, Idaho, Montana, Nevada, Oregon, Utah and Washington, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Ave., Madison, Wis. 53704. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 113624 (Sub-No. 78TA), filed March 25, 1977. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toluol and xylol*, in bulk, in tank vehicles, from Pueblo, Colo., to Billings, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CF & I Steel Corporation, P.O. Box 316, Pueblo, Colo. 81002. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Col. 80202.

No. MC 113651 (Sub-No. 218TA), filed March 25, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. 47303. Applicant's representative: Bernard J. Kompare, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough and bakery goods* (except commodities in bulk), from New Albany, Ind., to points in Tennessee, Alabama, Georgia, Florida, Mississippi, North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Pillsbury Company, 608 Second Ave., South MS-928, Minneapolis, Minn. 55402. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 115331 (Sub-No. 421TA), filed March 28, 1977. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., E. St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the facilities of Alpha Portland Cement Company, at or near St. Louis, Mo., to points in Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alpha Portland Cement Company, P.O. Box 20140, Affton Branch, St. Louis, Mo. 63123. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 116077 (Sub-No. 379TA), filed March 28, 1977. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, in tank vehicles, from the plantsite of Stauffer Chemical, at Houston, Tex., to Laurel and Billings, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stauffer Chemical Company, Nyala Farm Road, Westport, Conn. 06880. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 6810 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 116077 (Sub-No. 379TA), filed March 28, 1977. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, in tank vehicles, from the plantsite of Stauffer Chemical, at Houston, Tex., to Laurel and Billings, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stauffer Chemical Company, Nyala Farm Road, Westport, Conn. 06880. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 6810 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 117109 (Sub-No. 17TA), filed March 29, 1977. Applicant: SYKES TRANSPORT COMPANY, P.O. Drawer

L. Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, dry, dressed, green or rough; *Plywood; building, barn, and utility poles; piling or posts*, from the plantsite of International Paper Company, at or near Nacogdoches, Tex., to points in Arkansas and Oklahoma, for 180 days. Supporting shipper: R. W. Strong, Transportation Economics Specialist, International Paper Company, P.O. Box 16807, Mobile, Ala. 36616. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 117119 (Sub-No. 617TA), filed March 28, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tetrachloro benzene* (except in bulk), in vehicles equipped with mechanical refrigeration, from Delaware City, Del., and Kearny, N.J., to Jacksonville, Ark., restricted to traffic originating at named origins and destined to named point, for 180 days. Supporting shipper: Standard Chlorine, Inc., 1035 Belleville Turnpike, Kearny, N.J. 07032. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 618TA), filed March 28, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Columbia Foods, Inc. (a division of Iowa Beef Processors, Inc.), at or near Wallula, Wash., to points in Maryland, Massachusetts, New Jersey, New York, Ohio and Pennsylvania, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 117765 (Sub-No. 225TA), filed March 28, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated poles and posts, processed lumber*, from Buffalo, Dwyer, Elk Mountain, Tie Siding, Wyo.; Aspen and Ft. Collins, Colo., to points in Kansas and Oklahoma, for 180 days. Supporting shipper: John Davies, Patridge, Kans. 67566. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 117940 (Sub-No. 216TA), filed March 25, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen), from the plantsites and storage facilities of Joan of Arc Company, at or near Hoopeston and Princeville, Ill., to points in Arkansas, Connecticut, Maryland, Massachusetts, New Jersey, Ohio, New York, Oklahoma, Pennsylvania and Texas, restricted to the transportation of traffic originating at the above-named origin points and destined to points in the above-named destination territory, for 180 days. Supporting shipper: Joan of Arc Company, 2231 W. Altorfer Drive, Peoria, Ill. 61614. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118089 (Sub-No. 21TA), filed March 28, 1977. Applicant: ROBERT HEALTH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Glover Packing Co., at or near Amarillo, Tex., to points in Florida, Georgia, Kentucky, Louisiana, North Carolina, Tennessee and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glover Packing Co., 100 Grand, Amarillo, Tex. 79105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 123389 (Sub-No. 36TA), filed March 28, 1977. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 586, Hwy. 30 West, Carroll, Iowa 51401. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Kanopolis, Kans., and Fairbury, Nebr., to Chicago, Ill. ,and points in its Commercial Zone, for 180 days. Supporting shipper: Best Brick, Inc., 1220 W. 171st St., Hazel Crest, Ill. 60429. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 123405 (Sub-No. 49TA), filed March 28, 1977. Applicant: FOOD TRANSPORT, INC., R.D. No. 1 Thomasville, Pa. 17364. Applicants representative: Christian V. Graf, 407 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk,) from the plantsite and storage facilities of American Home Foods, Division of American Home Products Corporation, Inc., at Milton, Pa., to points in Florida, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Louisiana, Mississippi and Texas, restricted to traffic originating at and destined to the above-named origins and destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: American Home Foods, Division of American Home Products Corporation, 685 Third Ave., New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 126276 (Sub-No. 173TA), filed March 29, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601, Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from the plantsites of Crown Cork & Seal Company, at Ft. Worth, and Houston, Tex., to St. Louis, Mo., under a continuing contract with Crown Cork & Seal Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Cork & Seal Company, Edward Fehskens, Director of Distribution, P.O. Box 6208, Philadelphia, Pa. 19136. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 128021 (Sub-No. 29TA), filed March 28, 1977. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., P.O. Box 100, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers and plastic articles;* and (2) *Materials and supplies* used in the manufacture of plastic bags, plastic can liners, plastic containers and plastic articles (except commodities in bulk, in tank vehicles), (1) from the facilities utilized by Bes-Pak & Company, Inc., in Montgomery County, Ala., to points in the United States (except Alaska and Hawaii); and (2) from points in the United States (except Alaska and Hawaii), to the facilities utilized by Bes-Pak & Company, Inc., in Montgomery County, Ala., under a continuing contract with Bes-Pak & Company, for 180 days. Supporting shipper: Bes-Pak & Company, P.O. Drawer 2190, Montgomery, Ala. 36103. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 134477 (Sub-No. 156TA), filed March 28, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, W. St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Monfort of Colorado, Inc., at or near Greeley, Colo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and the District of Columbia, restricted to the transportation of shipments originating at the above-described origin point and destined to the above-described destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monfort of Colorado, Inc., P.O. Box G, Greeley, Colo. 80631. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135007 (Sub-No. 59TA), filed March 25, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, Nebr. 68127. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc., at or near Spencer and Hartley, Iowa, to point in Florida, under a continuing contract with Spencer Foods, Inc., of Spencer, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kent Eggleston, Corporate Traffic Manager, Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 135152 (Sub-No. 19TA), filed March 28, 1977. Applicant: CASKET DISTRIBUTORS, INC., R.R. No. 2, West Harrison, Ind. 45030. Applicant's representative: J. D. Campbell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets*, from Elgin, Ill., and Chicago, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Elgin Metal Casket Co., 363 Bluff City Blvd., Elgin, Ill. 60120. Chicago Casket Co., W. Washington Blvd., Chicago, Ill. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 135437 (Sub-No. 11TA), filed March 28, 1977. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., S. Main St., Lyndonville, N.Y. 14098. Applicant's representative: John M. Nader, Route 3, Box 4, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products and related advertising materials*, from the plantsite of and storage facilities utilized by Pinkerton Tobacco Co., at or near Owensboro, Ky., to the storage facilities utilized by Pinkerton Tobacco Co., at or/near Birmingham, Ala.; Jackson, Miss.; Tulsa, Okla.; Jacksonville, Fla.; and Shreveport, La. Restriction: Restricted to the transportation of traffic originating at and destined to the facilities of Pinkerton Tobacco Co., located at the points named above, for 180 days. Supporting shipper: Liggett Group, Inc., 1121 Industrial Drive, Owensboro, Ky. 42301. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 W. Huron St., Buffalo, N.Y. 14202.

No. MC 136220 (Sub-No. 39TA), filed March 28, 1977. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust* (in bulk, in dump vehicles), from the plantsite of Armco Steel, Co., at Sand Springs, Okla., to the facilities of Frit Industries, Inc., at Walnut Ridge, Ark., and Shreveport, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper Frit Industries, Inc., P.O. Box 850, Ozark, Ala. 36360. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 138432 (Sub-No. 6TA), filed March 28, 1977. Applicant: GARLAND GEHRKE, R.F.D. No. 1, Lincoln, Ill. 62656. Applicant's representative: James R. Madler, Room 718, 120 W. Madison St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Lincoln, Ill., to points in Missouri and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles D. Rosas, Supervisor, Transp. Service, Farmland Industries, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 138635 (Sub-No. 35TA) (Correction), filed March 21, 1977, published in the FEDERAL REGISTER issue of April 6, 1977, and republished as corrected this issue. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 1511 K St. NW., Suite 712, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated wood slat products* (including but not limited to shades, draperies, dividers and doors), *and materials and supplies* used in the manufacture, marketing and sales thereof, from Westminster, Calif., to Athens, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Del Mar Loomcrafted Woven Wood, 7130 Fenwick Lane, Westminster, Calif. 92683. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

The purpose of this republication is to change docket No. MC 138635 (Sub-No. 5TA), in lieu of MC 13863 (Sub-No. 5TA), and to correct applicant's address.

No. MC 139261 (Sub-No. 7TA), filed March 25, 1977. Applicant: BUCKEYE EXPRESS, INC., H & 1st Sts., Willis Day Industrial Park, P.O. Box 368, Perrysburg, Ohio 4351. Applicant's representative: Michael M. Briley, 300 Madison Ave., Toledo, Ohio 43603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses, institutions and home center stores; and in connection therewith, equipment, materials and supplies used in the manufacture, distribution and conduct of such business, from Baltimore, Md.; Hershey, North East, York and Denver, Pa.; Chicago, Ill.; Detroit, Mich.; Plymouth, Orlando and Leesburg, Fla.; Madison and Milwaukee, Wis.; Indianapolis and Hobbs, Ind.; Burnside, Ky.; Williamson and East Williamson, N.Y.; and Davenport, Iowa and points within their commercial zones as defined by the Interstate Commerce Commission, to the plantsites and facilities of Seaway Food Town, Inc., and its wholly-owned subsidiaries, Balduf Bakeries, Valley Farm Distributors and Valley Farm Foods,

Inc., located at Toledo and Maumee, Ohio; and restricted to service to be performed under a continuing contract with Seaway Food Town, Inc., and its wholly-owned subsidiaries, Balduf Bakeries, Valley Farm Distributors and Valley Farm Foods, Inc., and restricted against transportation of commodities in bulk and against transportation of bananas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Seaway Food Town, Inc. (and its wholly-owned subsidiaries, Balduf Bakeries, Valley Farm Distributors and Valley Farm Foods, Inc.), 1020 Ford St., Maumee, Ohio 43537. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 139495 (Sub-No. 217TA), filed March 28, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, in vehicles equipped with mechanical refrigeration, from Elizabethton, Tenn., to points in Indiana, Kansas, Massachusetts, Michigan, New York, New Jersey, Ohio, Pennsylvania and Rhode Island, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iodent Chemical Corporation, Iodent Industrial Way, Elizabethton, Tenn. 37643. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 141012 (Sub-No. 2TA), filed March 29, 1977. Applicant: BINGHAM TRANSPORTATION INC., 2005 East Ave., Baxter Springs, Kans. 66713. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lightweight aggregate*, from Franklin and McPherson Counties, Kans., to points in Missouri on and south of U.S. Highway 54, and on and west of U.S. Highway 5 and points in Oklahoma; (2) *Sand and gravel*, from Tulsa and Muskogee Counties, Okla., to points in Kansas on and south and east of U.S. Highway 35; (3) *Gravel*, from Tulsa and Muskogee Counties, Okla., to points in Missouri on and west of U.S. Highway 65; (4) *Limestone, sand and gravel*, from points in Missouri on and south of U.S. Interstate Highway 70, and on and west of U.S. Highway 65, to points in Kansas on and south and east of U.S. Interstate Highway 35; (5) *Sand and gravel*, from points in Kansas on and south of U.S. Interstate Highway 70, and on and east of U.S. Highway 183, to points in Missouri on and south of U.S. Highway 54, and on and west of Missouri Highway 5, and points in Oklahoma; and (6) *Sand*, from Cherokee County, Kans., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bingham Sand & Gravel Co., Inc., 2005 East Ave., Baxter Springs, Kans. 66713. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 141570 (Sub-No. 4TA), filed March 28, 1977. Applicant: ELECTRONICS TRANSPORT, INC., 3213 8th Ave., North, P.O. Box 31103, Birmingham, Ala. 35222. Applicant's representative: M. Craig Massey, 202 E. Walnut St., P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines, and parts, materials and supplies* used in the manufacture, installation or sale of such commodities, between Atlanta, Ga., and its commercial zone, on the one hand, and points in Alabama, Louisiana and Mississippi, on the other, under a continuing contract with Xerox Corporation, from 180 days. Supporting shipper: Xerox Corporation, 3000 Des Plaines Ave., Des Plaines, Ill. 60018. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142239 (Sub-No. 7TA), filed March 28, 1977. Applicant: WASHINGTON TRANSPORTATION CO., 1717 North 70th Ave., Omaha, Nebr. 68104. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Great Plains Beef Packers, Council Bluffs, Iowa, to points in Ohio, Maryland, Michigan, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, District of Columbia, Maine, North Carolina and South Carolina, restricted to a transportation service performed under a continuing contract with Great Plains Beef Packers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Larry Buckminster, Transportation Manager, Great Plains Beef Packers, 2700 23rd Ave., Council Bluffs, Iowa 51501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 142999 (Sub-No. 1TA), filed March 29, 1977. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, Route 332 and Terry Drive, Newtown, Pa. 18940. Applicant's representative: Ronald N. Cobert, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Starch and chemicals* (except in bulk), from the plantsites and warehouse facilities of National Starch and Chemical Corporation, located at Indianapolis, Ind.; Meredosia, Ill., and Bloomfield, Finderne and Plainfield, N.J., to points in Arizona, California, Oregon and Texas; *and materials, equipment and supplies* (except in bulk), used in the manufacture and distribution of starch and chemicals on return, under a continuing contract with National Starch and Chemical Corporation of Bridgewater, N.J., for 180 days. Supporting shipper: National Starch and Chemical Corporation, 10 Finderne Ave., Bridgewater, N.J. 08807. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 143032 (Sub-No. 1TA), filed March 29, 1977. Applicant: THOMAS J. WALCZYNSKI, doing business as WALCO TRANSPORT, 607 N. 27th Ave., West, Duluth, Minn. 55806. Applicant's representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1637, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum coke briquets*, from Superior, Wis., to points in North Dakota, South Dakota, Michigan, Iowa, Wisconsin and Minnesota; and (2) *Petroleum coke*, from Pine Bend, Minn., to Superior, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stott Briquet, 1820 N. 12th St., Superior, Wis. 54880. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 143047 (Sub-No. 2TA), filed March 28, 1977. Applicant: C. W. MITCHELL, INC., doing business as MITCHELL TRANSPORT, 4401 N. Westshore Blvd., Tampa, Fla. 33602. Applicant's representative: Rudy Yessin, 314 Wilkinson St., Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, packaged, from points in Nebraska, Iowa, Tennessee, East St. Louis, Ill.; Louisville, Ky.; Missouri and Texas, to Tampa and Miami, Fla., under a continuing contract with Peninsular Meat Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peninsular Meat Company, 4401 N. Westshore Blvd., Tampa, Fla. 33614. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 143082TA, filed March 29, 1977. Applicant: TRI-CITY BUILDING CENTER, INC., 812 Molalla Ave., South, Oregon City, Oreg. 97045. Applicant's representative: Norman O. Stewart, 206 Harding Blvd., Oregon City, Oreg. 97045. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Clackamas, Douglas, Lane and Multnomah Counties, Oreg., to points in Alameda, Contra Costa, Fresno, Marin, Merced, Monterey, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, and Stanislaus Counties, Calif., under a continuing contract with Oregon McKenzie, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oregon McKenzie, Inc., P.O. Box 2743, Eugene, Oreg. 97402. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 143083TA, filed March 28, 1977. Applicant: C.T.S. LINES, INC., 602 Airport Road, Greenville, S.C. 29615. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, rugs and carpet samples*, from the plantsite of Dan River, Inc., Floorcovering Division, Greenville, S.C., to points in Alabama, California, Colorado, Connecticut, Florida, Georgia, Louisiana, Massachusetts, Mississippi, Oklahoma, and the District of Columbia; Baltimore, Md.; Ridgefield Park, N.J.; Sparks, Nev.; Philadelphia, Pa.; Dallas and Houston, Tex.; and (2) *Returned, rejected and damaged commodities* described in (1) above, from the destination points to the origin point as described in (1) above, under a continuing contract with Dan River, Inc., Floorcovering Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dan River, Inc., Floorcovering Division, P.O. Box 167, Greenville, S.C. 29602. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 143084TA, filed March 28, 1977. Applicant: OKLAHOMA WESTERN LINES, INC., Route 2, Checotah, Okla. 74426. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures and equipment*, from the plantsite of Durability Interiors, Inc., located at or near Tulsa, Okla., to points in the United States, under a continuing contract with Durability Interiors, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Durability Interiors, Inc., 10538 E. Pine, Tulsa, Okla. 74116. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

PASSENGER APPLICATION

No. MC 29839 (Sub-No. 7TA), filed March 29, 1977. Applicant: EVERGREEN STAGE LINES, INC., 9038 N. Denver Ave., P.O. Box 17306, Portland, Oreg. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one-way charter operations; (1) from points in Multnomah County, Oreg., to points in Alaska; and (2) from points in Alaska, to points in Multnomah County, Oreg., for 180 days. Supporting shipper: Green Carpet Tours, Ltd., 345 N.E. 8th Ave., Portland, Oreg. 97232. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11337 Filed 4-18-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Sent to FR on April 13, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 20, 1977, 2 p.m.

CHANGES IN THE MEETING: Upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt the following items have been added to the agenda:

G-20—Docket No. RP76-140, Natural Gas Pipeline Company of America; Docket No. RP77-4, Tennessee Gas Pipeline Company, A Division of Tenneco Inc.

G-21—Docket No. RI77-47, Imperial Oil Company, Charter Oil Company Inc., Polumbus Company and Jack Rouse, Western Oil Producers, Inc., Clark Fuel Producing Company, Inc., and W. Earl Griffin.

G-22—FPC Gas Rate Schedule Nos. 554, 555, 556, 557, 559, and 560, Phillips Petroleum Company; FPC Gas Rate Schedule Nos. 537, 538, 539, 561, 562, 567, 569, 572, 576, and 577, Sun Oil Company.

G-23—Docket No. CI66-176, Skelly Oil Company.

G-24—Docket Nos. CP74-138, CP74-139, Trunkline LNG Company; Docket No. CP74-140, Trunkline Gas Company.

G-25—Docket Nos. G-17350, G-17351, CP69-346, and CP69-347, Pacific Gas Transmission Company; Docket No. CP75-340, Northwest Pipeline Corporation.

G-26—Docket Nos. CP65-393, Florida Gas Transmission Company; Docket Nos. CI65-584, CI77-70, and CI77-81, Amoco Production Company, A Subsidiary of Standard Oil Company of Indiana; Docket Nos. CI73-70 and CP77-31, Columbia Gulf Transmission Company; Docket No. CP73-157, Natural Gas Pipeline Company of America; Docket No. CP77-31, Tennessee Gas Pipeline Company, A Division of Tenneco Inc.; Docket No. CP77-37, Sea Robin Pipeline Company.

G-27—Docket No. CP76-313, National Fuel Gas Supply Corporation; Docket No. CP76-331, Transcontinental Gas Pipe Line Corporation; Docket No. CP76-536, Columbia Gas Transmission Corporation and National Fuel Gas Supply Corporation; Docket No. RP76- , National Fuel Gas Distribution Corporation.

M-2—Emergency Supplies of Natural Gas to Pipelines and Distributors.

KENNETH F. PLUMB,
Secretary.

[S-179-77 Filed 4-14-77;3:08 pm]

2

AGENCY HOLDING THE MEETING: Federal Election Commission.

LOCATION: 1325 K Street NW., Washington, D.C. 20463.

DATE AND TIME: Thursday, April 21, 1977, 10 a.m.

PORTION OF THE MEETING OPEN TO THE PUBLIC:

I. Future meetings.
II. Correction and Approval of minutes—April 7, 1977.
III. Audit schedule.
IV. Invitation policy.
V. General Counsel's report on the schedule for the election of a new Commission Chairman.
VI. F.E.C. computer program.

PORTION OF MEETING CLOSED TO THE PUBLIC:

VII. Executive Session:
A. Compliance.
B. Personnel.

PERSON TO CONTACT FOR INFORMATION: David Fiske, Press Officer, Telephone: 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-178-77 Filed 4-12-77;2:45 pm]

3

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Sent to FR on April 6, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 13, 1977, 2 p.m.

CHANGES IN THE MEETING: Addition of Item G-27, Docket No. CP75-182, Michigan Wisconsin Pipe Line Company, Docket No. CP74-317, Great Lakes Gas Transmission Company; Docket No. CP75-200, Michigan Consolidated Gas Company; Docket No. CP75-327, Northern Natural Gas Company; Docket No. CP75-274, Natural Gas Pipeline Company of America; Docket No. CP74-316, Michigan Wisconsin Pipe Line Company, upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt.

KENNETH F. PLUMB,
Secretary.

[S-117-77 Filed 4-14-77;12:50 pm]

4

AGENCY HOLDING MEETING: Federal Home Bank Board.

TIME AND DATE: 9:30 a.m., April 21, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Robert Marshall (202-376-3012).

MATTERS TO BE CONSIDERED:

Reconsideration of Limited Facility Application, First Federal Savings and Loan Association of Chicago, Chicago, Illinois.

Application for Permission to Organize a New Federal Association, Armando Ernesto Fernandez, et al., Miami, Dade County, Florida.

Consideration of Petition for Charter and Modification of Condition, Paul M. Cooke, et al., Shreveport, Louisiana.

Application for Permission to Organize a New Federal Association, Jaime Miguel Benavides, et al., Key West, Florida.

Branch Office Application, First Federal Savings and Loan Association of Berwyn, Berwyn, Illinois.

Consideration of Clarifying Amendment Relating to the Date of the Annual Closing of a Federal Association's Books (Section 545.20(a) of the Federal Regulations).

Consideration of Proposal Concerning Future of AMIRS Advisory Committee.

Applications for Bank Membership and Insurance of Accounts, Huguenot Savings and Loan Association, Powhatan County, Virginia.

No. 14, April 14, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S-176-77 Filed 4-14-77;12:22 pm]

5

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 2:30 p.m., Wednesday, April 13, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Emergency closed meeting.

MATTERS TO BE CONSIDERED:

The Home Box Office (Case No. 75-1280) and Pacifica (Case No. 75-1391) Decisions.

The prompt and orderly conduct of Commission business did not permit announcement of this meeting prior to the meeting. The session concerning the Pacifica matter was continued until Thursday, April 14, 1977, at 9:30 a.m.

CONTACT PERSON FOR MORE INFORMATION: Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number (202) 632-7260.

Issued: April 14, 1977.

[S-180-77 Filed 4-15-77;4:02 pm]

6

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Friday, April 22, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. Request by the Federal Reserve Bank of New York for Board approval of plans to engage the services of an architectural/engineering firm to prepare final construction documents for a mechanical and electrical modifications program in the existing main bank building.

2. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, April 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-182-77 Filed 4-15-77;8:45 am]

7

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 9:00 a.m.—April 14, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (1) Briefing by Michael Styles, Department of State, on U.S.-Japan Talks held in Washington, April 4-8, 1977; (2) U.S.-U.K. Bilateral Negotiations—Rate Article.

STATUS: Item 1—Closed; Item 2—Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Bilateral discussions with Japan adjourned April 8, and Japan has requested early resumption of talks. Additionally, negotiations with the U.K. on a revised air transport agreement are currently being held in Washington, D.C. Further progress on the rate article requires clearance with the Board of various proposed changes in the existing article. The following Members have voted that agency business requires that the Board meet on both items at the earliest possible time and that no earlier notice of the meeting was possible:

Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member R. Tenney Johnson

Member Lee R. West did not participate.

The following Members have voted that the discussion of Item 1 will be closed to public observation:

Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member R. Tenney Johnson

Member G. Joseph Minetti abstained from voting.

Member Lee R. West did not participate.

The following Members have voted that the discussion of Item 2 will be closed to public observation:

Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member R. Tenney Johnson

Member G. Joseph Minetti abstained from voting.

Member Lee R. West did not participate.

EXPLANATION OF THE CLOSING OF ITEM 1: This meeting will concern the ongoing U.S.-Japan bilateral discussions and the position to be taken by the United States in these discussions. Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies in the negotiations, which concern, among other things, equitable access to Haneda Airport for U.S. carriers, Japanese route aspirations, and conflicting policies on capacity predetermination, could seriously compromise the ability of United States Delegations in these and other bilateral talks to achieve understandings or agreements which would be in the best interests of the United States. Accordingly, the Board finds that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting will be closed.

EXPLANATION OF THE CLOSING OF ITEM 2: This item will concern the ongoing U.S.-U.K. negotiations and the position to be taken by the United States in these discussions with regard to the rate article. Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies in the negotiations could seriously compromise the ability of United States Delegations in these and other bilateral talks to achieve understandings or agreements which would be in the best interests of the United States. Accordingly, the Board finds that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that the meeting will be closed.

PERSONS EXPECTED TO ATTEND—ITEM 1:

BOARD MEMBERS:
Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member R. Tenney Johnson

ASSISTANTS TO BOARD MEMBERS:
Mr. Howard A. Cohen
Mr. Elias C. Rodriquez
Mr. Charles M. Palmer
Mr. Robert E. Cohn
Mr. John R. Hancock
Mr. Charles E. Rains

OFFICE OF THE MANAGING DIRECTOR:
Dr. Norma Maine Loeser.

BUREAU OF OPERATING RIGHTS:
Mr. Bruce E. Cunningham
Mr. James A. Saltsman
Ms. Teresa A. Smith

OFFICE OF THE GENERAL COUNSEL:
Mr. Peter B. Schwarzkopf
Ms. Carol Light

BUREAU OF INTERNATIONAL AFFAIRS:
Mr. Constantine C. Menges
Mr. James S. Horneman
Mr. Lee Browne

OFFICE OF THE SECRETARY: Mrs. Deborah A Lee.

OTHER:
U.S. Department of State, Mr. Michael Styles
Alderson Reporting Company,[1] Ms Rose Basiliko

PERSONS EXPECTED TO ATTEND—ITEM 2:

BOARD MEMBERS:
Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member R. Tenney Johnson

ASSISTANTS TO BOARD MEMBERS:
Mr. Howard A. Cohen
Mr. Elias C. Rodriquez
Mr. Charles M. Palmer
Mr. Robert E. Cohn
Mr. John R. Hancock
Mr. Charles E. Raines

OFFICE OF THE MANAGING DIRECTOR:
Dr. Norma Maine Loeser

BUREAU OF ECONOMICS:
Mr. Arthur H. Simms
Mr. James L. Deegan
Ms. Joan Coward

[1] Alderson Reporting Company (Ms. Rose Basiliko) will also be attending Item 2.

BUREAU OF INTERNATIONAL AFFAIRS:
Mr. Constantine C. Menges
Mr. Rosario J. Scibilia

BUREAU OF OPERATING RIGHTS:
Mr. Bruce E. Cunningham
Mr. Bruce C. Levine

OFFICE OF THE GENERAL COUNSEL:
Mr. James C. Schultz
Mr. Peter B. Schwarzkopf
Mr. Harold R. Juhnke
Ms. Carol Light

OFFICE OF THE SECRETARY: Mrs. Deborah A. Lee.

GENERAL COUNSEL CERTIFICATION: I certify that the discussion of Item 1 and Item 2 may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B).

JAMES C. SCHULTZ,
General Counsel.

APRIL 13, 1977.

[S–181–77 Filed 4–14–77;4:43 pm]

8

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Sent to FR on April 12, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 19, 1977, 2 p.m.

CHANGES IN THE MEETING: Addition of Item P–8, Project No. 2114, Public Utility District No. 2 of Grant County, Washington, upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt.

KENNETH F. PLUMB,
Secretary.

[S–185–77 Filed 4–15–77;11:33 am]

9

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19951, April 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 19, 1977, 2 p.m.

CHANGES IN THE MEETING: Addition of Item P–9, Project No. 2338, Consolidated Edison Company of New York, Inc. upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman and Watt.

KENNETH F. PLUMB,
Secretary.

[S–187–77 Filed 4–15–77;3:59 pm]

10

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: FR 42–20216, April 18, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: April 20, 1977, 2:00 p.m.

CHANGES IN THE MEETING: The following items are added upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman, and Watt:

Item G–25(B) Docket No. CP77–186, Texas Eastern Transmission Corporation.

Item G–28 Docket No. CP77–21, Tennessee Gas Pipeline Company, Columbia Gulf Transmission Company and Southern Natural Gas Company, Docket No. CI76–730, Mobil Oil Corporation, Docket No. CI76–120, Texaco Inc.

Item M–3 Memorandum relative to Curtailment Impact Next Winter.

KENNETH F. PLUMB,
Secretary.

[S–188–77 Filed 4–15–77;3:59 pm]

federal register

TUESDAY, APRIL 19, 1977

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

INTERSTATE COMMERCE COMMISSION

■

EVALUATION OF EIGHT LIGHT-DENSITY RAIL LINES IN MARYLAND

INTERSTATE COMMERCE COMMISSION

EVALUATION OF EIGHT LIGHT-DENSITY RAIL LINES IN MARYLAND

The Rail Services Planning Office of the Interstate Commerce Commission is publishing herewith the results of evaluations of eight light-density rail lines in Maryland. These evaluations were performed at the request of the State of Maryland, which was made pursuant to section 205(e)(2) of the Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701.

ROBERT L. OSWALD,
Secretary.

PREFACE

On April 15, 1976, the State of Maryland exercised its right under section 205(e)(2) of the Regional Rail Reorganization Act of 1973, as amended, to request that the Rail Services Planning Office of the Interstate Commerce Commission evaluate the economic viability of eight light-density lines within the State of Maryland. These lines were excluded from the restructured rail system which resulted from the implementation of the Final System Plan of the United States Railway Association. Since the State of Maryland made its request, the Office has conducted a comprehensive study of each of the eight lines. The findings which have resulted from that study are contained in this report.

Many individuals and organizations went to considerable trouble to develop relevant facts and estimates necessary for the completion of this work. We are grateful to them all and wish that we could mention every one by name. We do want to express special appreciation to Charles H. Smith, David A. Wagner, and John R. Renfrow of the Maryland Department of Transportation. The various Federal agencies and departments involved in the restructuring process also supplied useful information and technical assistance to the study. Finally, a word of appreciation is in order to the hundreds of Maryland rail patrons and business leaders who gave generously of their time and whose patience and understanding during the field investigations by the RSPO Project Teams helped to make this report possible.

None of the individuals or organizations which assisted in the course of the study shares any of the responsibility for the findings here reported; however, it should be noted that a large amount of the material on which our findings are based was furnished to us by various individuals and organizations. We expect that there might be honest differences of opinion as to the correctness of our approach, our methodology, our data and our recommendations. In spite of these differences, we believe that our report will be useful to the State of Maryland and its rail patrons.

It should also be noted that this is a staff report of the Rail Services Planning Office. It has not been officially adopted by the Interstate Commerce Commission and does not necessarily represent the Commission's viewpoint.

ALAN M. FITZWATER,
Director,
Rail Services Planning Office.

INTRODUCTION

The issuance of the Final System Plan by the United States Railway Association in July, 1975, represented the final step in the planning process to restructure the bankrupt railroads of the Northeast-Midwest region into a profitable new system. Of all the issues raised during the restructuring process, none aroused more widespread public interest and debate than the issue of light-density lines. It is not surprising that this issue generated such controversy, since the economic future of many of the communities and businesses served by such lines was in jeopardy. Close to 500 light-density lines were classified in the Final System Plan as not recommended for inclusion in Conrail;[1] in other words, unless provision was made for the operation of these lines pursuant to a subsidy agreement, rail service over them was to cease April 1, 1976. Many of the excluded lines are presently being operated under subsidy; others are no longer in operation.

Throughout the planning period leading up to the adoption of the Final System Plan, there was consistent public opposition to the exclusion of light-density lines from the restructured system. The public response to both the Preliminary and Final System Plans was highly critical of the method by which USRA determined which light-density lines were to be included in the restructured system. The primary criticisms were: that the approach of USRA was too negative; that its methodology was too dependent upon hypothetical conditions and statistical application of incomplete data;[2] that it placed too much reliance on an inaccurate and/or inadequate data base; that it failed to conduct on-site examination of local rail service operations; and that it used profit as a measure of viability almost to the exclusion of other Congressional goals.[3]

In response to the widespread public criticism of USRA's methodology, Congress enacted a provision whereby any State in the Northeast-Midwest region could request the RSPO to evaluate the economic viability of any light-density line in that State excluded from the restructured system. That provision, section 205(e)(2) of the Regional Rail Reorganization Act of 1973, as amended, gives RSPO the following duty:

> Upon the request of a State in the region, within 90 days after the date of enactment of the Railroad Revitalization and Regulatory Reform Act of 1976, the Office shall prepare and publish an evaluation of the economic viability of any or all light-density lines within such State which are not designated for inclusion in the final system plan. Such an evaluation shall include an analysis of the actions which may be necessary to make the operation of rail service over any such line economical. The results of each such evaluation shall be transmitted to the requesting State and published in the FEDERAL REGISTER, not later than 1 year after the date such request is received by the Office.[4]

The States of Indiana, Maryland, New Jersey and Pennsylvania filed requests pursuant to this provision. This report summarizes the results of the evaluations which were performed on those lines included in the request of the State of Maryland (See Appendix A).

EXCLUDED LIGHT-DENSITY LINE STUDY PROCEDURE

Study Process and Data. After considering the various alternative approaches, the Office decided to conduct an analysis based on a survey of the excluded branch lines and affected communities. The case study approach, including extensive field research, was selected because the Office concluded that such a technique would provide a better understanding and appreciation of economic viability.[5] The approach also makes possible discovery of various available alternatives through

[1] The following abbreviations are used throughout this report: "Conrail" refers to the Consolidated Rail Corporation; "Final System Plan" or "FSP" refers to the Final System Plan of USRA; "ICC" or "the Commission" refers to the Interstate Commerce Commission; "Preliminary System Plan" or "PSP" refers to the Preliminary System Plan of USRA; "RRR Act" or "Act" refers to the Regional Rail Reorganization Act of 1973, as amended; "RRRR Act" or "4R Act" refers to the Railroad Revitalization and Regulatory Reform Act of 1976; "RSPO" or "the Office" refers to the Rail Services Planning Office of the Interstate Commerce Commission; "SMSA" refers to Standard Metropolitan Statistical Area; and "USRA" or "the Association" refers to the United States Railway Association.

[2] It should be noted that factual evidence to support the validity of claims about light-density lines is not readily available and is often fragmented, contradictory and unreliable, making it difficult to validate any model or statistic.

[3] Rail Services Planning Office, Evaluation of the U.S. Railway Association's Preliminary System Plan (Washington: Interstate Commerce Commission, April 28, 1975), pp. 14–16.

[4] 90 Stat. 57 (1976).

[5] The advantages of performing the analysis of light-density lines through extensive field research include: (1) the data are of a higher degree of accuracy; (2) the analyst has the opportunity to insure that information is in balance and internally consistent, i.e., he is able to avoid imputing magnitudes and forcing or stretching the data by a variety of techniques normally necessary when using a "selected" sample. The use of quantitative methods, far from being incompatible with the case-study method, is occasionally essential to it. Nevertheless, it is true that many fundamental phases of a case study are nonquantitative—phases such as the analyses of the rail infrastructure, for example. In these the data must be assembled and analyzed, the relationships discovered and described, and the conclusions presented, in non-statistical form. No attempt has been made to cloak this study in quantitative model mysticism. A straight forward analytical approach has been used, based on the best data made available to RSPO.

on-site inspection of railroad properties and operations. Extensive and in-depth personal interviews, with those parties most affected by the problems resulting from exclusion of branch lines, allow for thorough examination of the concerns and objections that have been voiced on the light-density line issue.

The study of the RSPO was divided into three phases: data collection and literature search; extensive field research and analysis of data; and drafting of the final report, including development of recommendations.

The research was divided into the following five categories:

(1) An extensive literature search was undertaken, including a review of the USRA's light-density line analysis approach; numerous interviews were conducted with civic associations and business and government officials to gather pertinent information.

(2) Business and Government entities were asked to offer their comments and views.

(3) Frequent staff meetings were held with State agencies and officials connected with the project.

(4) An excluded rail line questionnaire was developed and field tested for the collection of information concerning each line's characteristics: operational, physical, patron and traffic.

(5) On-site inspections and in-depth interviews were conducted by multi-discipline research teams; these teams consisted of a cost analyst, an economic/marketing analyst and a railroad operations analyst.

Limitations. Certain limitations must be recognized as inherent in the very nature of this type of an undertaking.[6] The scope of the project is defined by statute, and certain examinations by other governmental agencies have already preceded this study. Therefore, the purpose of the study is not to redefine problems or reestablish issues but to perform the mandatory evaluation and to produce recommendations as to what is necessary to make operation of rail services over the studied lines economical.

There are a number of reasons the development of information for the different lines was uneven, and, therefore, the individual studies of the lines themselves will vary considerably in depth and length. Moreover, it was not possible in generating line data to develop cause and effect relationships among such things as service declines, deferred maintenance, increased cost and rate levels, individual economic and distribution changes and traffic losses. In addition, it was extremely difficult to estimate future traffic levels because of prevailing conditions and the inability to conduct an individual industry analysis.[7] Consequently, estimates of both future traffic and cost levels for individual excluded lines were developed largely from both empirical evidence and extrapolations. Unfortunately, historical cost data on these particular lines are not an accurate measure of future avoidable costs.

An attempt to develop reasonably accurate estimates of the economic viability of immediate areas served by excluded lines was thwarted somewhat by the aggregation levels of statistical data. Thus, the bulk of the information dealing with the economic structure of the areas served by the individual lines is based upon county and regional data. While the data contains much that is relevant and useful, the reader is well advised to consider that the application of such macro-data to individual line segments could possibly produce inaccurate conclusions.

Even after the most comprehensive and exhaustive examination, some significant factors may still remain undiscovered. This means that somewhat less than absolute validity must be attached to the "facts" assembled in such a fluid atmosphere. The implication as to the need for caution in interpreting the assembled data is clear.

USRA LIGHT-DENSITY LINE ANALYSIS

Essential to a basic understanding of this report is a familiarity with the general approach adopted by the USRA in the selection of those light-density lines of the bankrupt railroads which were to be included restructured system. USRA stated in its approach to branch line viability in the following manner in its Final System Plan:

> First, lines were isolated which, by the volume of traffic originated or terminated, appeared to be submarginal (see PSP, p. 336). The initial screening process, due to the magnitude of the analytical task, was relatively broad. The definition of what constituted a "line" for study was also imprecise, often following historical definitions which later proved related neither to present economic nor operational boundaries.
>
> Second, the latest data were collected on traffic volumes and revenue levels, future traffic possibilities, current condition of the tracks and facilities, cost of rehabilitation, service characteristics and identification of shippers on each line. Data and information from the hearings conducted by RSPO were identified by line segment, as was information about specific operating problems and shipper concerns which was gained informally during the last one and one-half years (see PSP, p. 336). During the review process a number of lines were subsegmented. Each subsection was further analyzed to determine if the subsection might be self-sustaining even if it appeared that the entire line would not be or if a portion of the line was cross subsidizing the remainder.
>
> Third, each line was analyzed to determine whether revenues generated in 1973 by traffic originating on or destined to the line were sufficient to cover the variable costs directly attributable to that traffic in that year.[8]
>
> Fourth, if a line did cover its variable costs, including adequate maintenance and required upgrading for that year, it was included in the restructured system.
>
> Fifth, if the branch line failed this test, an analysis was conducted to determine if [it could cover its variable costs] either by a modest rate increase (10 percent or less) or with an expected immediate traffic increase. If this was found to be the case, the line was included in the restructured system.
>
> Sixth, if the line did not cover such costs, even with reasonable rate increases and expected traffic growth, a review was conducted to determine whether the line had connections to other carriers. Where such potential exist[ed], the connecting carrier was pro-

[6] It was not possible, within the scope of the present study, to make a complete analysis of the total environment in which the light-density lines operate because there was not enough time; some of the data needed is unavailable; the cost of data collection greatly exceeded the benefit; and there were certain legal restraints. It was necessary, therefore, to limit the scope of the study and to leave other issues for later study and appraisal by the individual States. For example, the RSPO did not attempt to make any assessment of adverse community impacts nor to undertake a detailed study of those individual industries which are located on the excluded light-density lines. Further study would be needed, at a much greater degree of specificity than was possible in the current study, to estimate service and price elasticities of demand for rail transportation by commodity class or by changes in intermodal competitive attitudes. The present study is designed to develop relevant facts and make recommendations that ultimately must be transformed into actions by those most vitally concerned with their execution. This Report does not make recommendations as to whether an individual light-density line should or should not be subsidized. It does make a series of recommendations which provide the information necessary to make operation of rail service over the studied lines economical.

[7] The RSPO Staff concluded that no single econometrics model could be utilized to accurately reproduce the unique conditions on the individual light-density lines requested for study. Not only would the development of such a model be extremely time consuming and expensive, even assuming the needed data were available, but many of the relationships would necessarily remain judgmental, impressionistic or arbitrary. Also, a series of "single" situations would not lend themselves to experimental procedures. Several approaches were examined, for example, establishment of control conditions which could be used to test the viability of one light-density line against another. Comparison of particular aspects of other light-density lines now in existence and profitable was examined, but because of the multiplicity of variant factors—size; geographic distribution; historical development; industry characteristics and mix; time variance; traffic and distribution flow patterns, etc.—this approach was found insufficient for use in this analysis. There appears to be no abstract standard of composition or structure of size or functional efficiency by which a light-density line's viability may be measured; moreover, comparative standards have not been developed with any degree of accuracy which would permit comparison to the unique situations presented by the studied lines.

[8] The USRA based its light-density line economic viability analysis on the carriers' 1973 traffic, revenue and unit costs and assumed efficient operations. The basic steps were as follows:

1. Establish total branch line-generated revenue.

2. Then subtract in the following order these cost items: (a) on-branch operating costs, (b) on-branch maintenance costs, (c) on-branch return on net salvage value, (d) on-branch overhead costs, (e) off-branch operating costs, and (f) up-grading costs.

See: United States Railway Association, Preliminary System Plan: Volume II (Washington: United States Railway Association, February 26, 1975), p. 337.

vided the data and information necessary to assess the line's potential viability.

Seventh, if a line met none of the first five criteria, it was recommended as a candidate either for abandonment or subsidy * * *.[9]

Accordingly, for a line to be included in the restructured system, it had to be one that:

(Was) capable of generating sufficient revenue to cover approximately 90 percent of the costs incurred on the light-density line itself as well as the variable costs of moving that branch-line-generated traffic over other lines to its destination and interchange with another rail carrier;

While not currently self-sustaining, (could) be made viable by reasonable rate adjustments (10 percent or less); or

While not currently self-sustaining, (would) be made so because of identifiable traffic growth in the near future.[10]

In making its individual determination of branch line self-sufficiency, the USRA stated that the key questions were:

What are the costs of continuing service? Will there be sufficient line-generated revenue to cover these costs? What is the near-term traffic growth potential of the lines? Are there recoverable fossil fuel deposits on the line? [11]

Of these key questions, the most important, from an economic viability viewpoint—future prospects for traffic growth—was by far the most difficult to ascertain. The 1973 traffic data used by the USRA in its light-density line analysis represented a single point in time under unique circumstances. Obviously, time changes the circumstances and hence the results. Future projections based upon past trends are only as accurate as the relationship of past trends are to the future circumstances. This relationship was almost impossible for the USRA to predict, especially in light of the structural changes expected to result from implementation of the FSP and the unpredictable reaction of industry and other modes of transportation to those changes. RSPO concluded that the only way to overcome this particular dilemma was to conduct on-site examinations and to consult with local rail patrons and other interested parties, including State agencies, officials, etc., and local governments and former rail patrons. We also concluded that our approach should emphasize local variations and individual situations. These conclusions formed the basis for the procedures adopted by RSPO in conduct of its investigation of excluded light-density rail lines.

Maryland's Approach to the Analysis of Light-Density Lines

On June 21, 1970, the Penn Central Transportation Company filed a petition under Section 77 with the United States District Court for the Eastern District of Pennsylvania, thereby becoming a debtor in reorganization. The bankruptcy of the Penn Central Transportation Company, along with that of other railroads in the Northeastern United States, was a major shock and became a topic of concern to the Administration, Congress, the Department of Transportation, the Interstate Commerce Commission, and the States, local communities, and shippers served by those railroads. Proposed solutions to the problem very nearly match the number of parties involved. However, one of the common threads in the solutions, whether they were proposed by the railroads, Congress, the ICC or others, was that if an economically sound and efficient rail network was to emerge in the Northeast, considerable pruning of uneconomical lines was believed to be necessary.[12]

Realizing that the State of Maryland was faced with the threat of substantial rail line abandonments, Governor Marvin Mandel in 1972 appointed a Governor's Steering Committee on Railroad Abandonments. The Committee undertook to study the entire question and scope of possible abandonment plans, the effects any proposed abandonments would have on the people of the State of Maryland and its political subdivisions, and the actions might be taken by the State. In view of the fact that the State had had no experience in dealing with abandonments on such a scale, the Committee, through the Maryland Department of Economic and Community Development, entered into a contract on June 29, 1972, with the Public Interest Economics Center (PIE–C), located in Washington, D.C. PIE–C undertook to study the question of railroad abandonments and to advise the Committee on the issues, the available alternatives and a suitable strategy for the State. In addition, PIE–C agreed to explore the nature and magnitude of the problem of abandonments and to accumulate the basic data for dealing with them. Finally, PIE–C was to made recommendations for State action regarding alternative policies and actions available to the State for each line under study.

A far-sightedness of Governor Mandel and the swiftness of the Steering Committee and PIE–C resulted in the State's publication of a report, containing its analysis and recommendations on potentially excess Penn Central rail segments, approximately 21 months prior to the release of the USRA's Preliminary System Plan on February 26, 1975. The May 30, 1973, initial report, entitled Railroad Abandonments In Maryland: Final Report, was quickly followed by an extensive series of reports by the Maryland Department of Transportation relating to Maryland's State Rail Plan as listed below:

Source Book For Rail Service On The Maryland Eastern Shore, February 28, 1974.
Transportation Economics of Railroad Branch Lines, February 1, 1975.
Maryland State Rail Plan: Study Design, May 15, 1975.
Maryland State Rail Plan, Phase II, December, 1975.
Maryland State Rail Plan, Amendment I, March, 1976.
Maryland State Rail Plan, August, 1976.

From the very first, a firm stand was taken with respect to the restructuring of the State's rail system. The tone is clearly evident in the initial PIE–C Report issues for the State of Maryland in 1973:

> The State of Maryland's overall objective is the promotion of the continued well-being of its residents and the assurance that the distribution of that well-being and of its growth among areas of the State and segments of the populace conform to the wishes of the population. The proposed PCTC (Penn Central Transportation Co.) abandonments pose a twofold threat. First, they will impinge directly on the economic well-being of some individuals and some areas of the State. Second, they will tend to affect the State's overall potential for economic growth; and, third, they will influence the distribution of that growth potential among areas within the State. Put very simply, individual incomes and total wealth will be reduced in those areas of the State that lose rail service as a consequence of abandonment, and future economic growth in those areas will be retarded or economic decline will be accelerated, at least to some extent.
>
> For these reasons, the State is, in general, opposed to the abandonment of rail service or facilities that are of present or potential value to Maryland residents. This does not mean that the State will automatically fight all abandonments. For many reasons, that would be both unrealistic and counterproductive, although there might be some political advantage in taking a posture of hostility to every abandonment regardless of its merits. The State's objective in facing the proposed PCTC abandonments is to seek to preserve many of the services or facilities that the PCTC proposes to abandon. In pursuit of this objective, the State will work with the local communities and railroad users.
>
> The State will have occasion to oppose some abandonments through litigation, to find other means of preserving existing service or rights-of-way on other routes, and, in still other cases, to play no active role at all. The State's strategy for pursuing the objective of preserving service and facilities should encompass a variety of tactics. One of these, of course, will be to oppose abandonments in the conventional legal fora—the ICC and the Courts. Granting of subsidies or of tax relief by the State and local communities to the PCTC, and purchase and lease-back of rights-of-way by the State or local governments, or by shippers' associations, represent possible actions.[13]

[9] United States Railway Association, Final System Plan: Volume II (Washington: United States Railway Association, July 26, 1975), p. 5.
[10] Ibid.
[11] Preliminary System Plan: Volume I, op. cit., p. 103.
[12] By Memorandum and Order No. 1261, dated July 3, 1973, the Court directed the Trustees of the property of the debtor to file with the Interstate Commerce Commission their plan of reorganization for the debtor, and required the Commission to certify to the Court, on or before October 1, 1973, an approved plan of reorganization or a preliminary step thereof. The Trustees' plan, together with a verified statement as required under 49 CFR 1118, was duly filed with the Commission on July 5, 1973. One of the proposals under the Penn Central Trustee's plan was to reduce its physical plant to either a 15,000 or 11,000 mile "core freight system" (347 ICC 46).
[13] Railroad Abandonments In Maryland: Final Report, op. cit., pp. 15–16.

In forming a State strategy for responding to abandonment proposals, PIE–C stated that two different sets of criteria were to be considered for evaluating each proposition:

(1) The expected profitability of the line.
(2) The degree of the State's interest in the line.

Given the aforementioned State objectives, lines were intially categorized by the PIE–C in the following manner:

	State interest	
	High	Low
Profitable	Rail line category 1.	Rail line category 2.
Unprofitable	Rail line category 3.	Rail line category 4.

Category 1 represents a set of "promising" lines on which the State should oppose vigorously any PCTC abandonment proposals.

Category 2 represents a set of lines where the State's concern for an efficient and profitable rail system should guide its actions; it is probably an empty set.

Category 3 represents a "middle ground", and encompasses lines where the State may seek to preserve service, or seek to preserve the ability to have service in the future, in the pursuit of its objective.

Category 4 represents those "unpromising" lines whose abandonments are in the interests of both the railroad and the State.[14]

Of the eight excluded Maryland lines studied by the RSPO, five were analyzed by PIE–C and assigned to the following categories: [15]

Category 1—"Promising Lines"

(1) USRA Line No. 150: Queen Anne-Denton.
(2) USRA Line No. 169: Clayton-Easton.
(3) USRA Line No. 198: Frederick-Hanover.
(4) USRA Line No. 199: Frederick-Monocacy River.

Category 3—"Middle Ground Lines"

(5) USRA Line No. 163: Kings Creek-Crisfield.

USRA Line Nos. 142 (Colora to the Pennsylvania Border) and 145 (Cockeysville to the Pennsylvania Border) were analyzed by PIE–C but were not categorized. At the time of the PIE–C study, both lines were in the final stage of abandonment waiting for ICC approval or dismissal. However, it should be noted that Maryland, according to PIE–C, did not protest the Cockeysville-Hyde (USRA Line No. 145) abandonment, nor did it make an appearance at the Wawa-Colora (USRA Line No. 142) hearing.

The State's view of the subsidy program. In the State's February 1, 1975 report, the following statements were made with respect to providing rail service continuation subsidies for individual Maryland branch lines:

> The State of Maryland now has no funds specifically allocated for the operating deficits, rehabilitation costs, or lease costs of a railroad branch line. However, the Consolidated Transportation Trust Fund under the Maryland Department of Transportation, which derives funds from user charges and from bond issues, could conceivably cover portions of these costs for certain branch lines. Other State agencies might be interested in committing general funds for the continuation of specific lines. In addition, a program of property tax forgiveness might be initiated among appropriate State departments, the counties and the localities. Such a tax forgiveness program is especially attractive because the branch line tax burden is only approximately one-tenth of one percent of the total property tax revenues in the jurisdictions involved, and since in any event not one of these branch lines has produced any tax revenues whatsoever since 1970. However, on many lines taxes are very small in proportion to other cost categories.
>
> * * * * * *
>
> In addition to cooperating on a tax forgiveness program, local governments would have the option under the Act of providing funds toward any of the cost categories. At least one county (St. Mary's) has established a precedent by purchasing a long railroad right-of-way (although for nonrail purposes). Since adverse economic impacts resulting from abandonment, as well as benefits accruing from service improvement, will affect local communities intensely, officials in the jurisdictions may wish to reflect seriously on the possibilities of operating subsidies, upgrading assistance, and/or purchase.
>
> * * * * * *
>
> Shippers deal with the railroad on a day-to-day basis; thus, they can initiate programs to cover operating deficits wtih a minimum of delay and without governmental intervention. In Centreville, the Centreville-Massey Associates (a shippers' group) have set a precedent by doing just that. In addition, they have completed certain repairs on the tracks. However, to pay for full rehabilitation, plus lease costs, could prove burdensome to shippers on many branch lines. In addition, the exemplary mutual cooperation of the Centreville businessmen might not be so easily achieved elsewhere. Thus shippers, who are the prime recipients of any benefits of rail service, might not be able to absorb the full costs of keeping it in operation.
>
> Other Federal agencies could conceivably include, on Delmarva, the Department of Defense and the Department of Interior, among others. However, no such agencies have yet initiated programs to provide payment assistance for operating deficits or for other costs.
>
> Other responsible parties could include, for some or all cost categories, bona fide private investors. The Vermont Railway, owned by the State of Vermont but operated and maintained by private entrepreneurs, is one example of such an arrangement. Any private parties are welcome to reach their conclusions with regard to the lines under study, on the basis of the estimates contained herein and and their own investigations.[16]

It is quite evident at this particular point in time, the State of Maryland was most willing to pursue all possible avenues in order to secure the necessary funding for the preservation of individual branch lines. However, in its May 15, 1975 report, the State said:

> It is the policy of the Maryland Department of Transportation to promote, encourage, and support private enterprise in maintaining and strengthening the goods movement system in the State. The Department, therefore, *prefers a non-public solution to the endangered branch line problem* (emphasis added).[17]

In its December, 1975 report, the State made the following subsidy policy statement:

> The estimated Federal share requested from the entitlement program is within Maryland's annual allocation of $1,350,000. As a matter of policy, the Department is requiring that these Federal funds be matched, in equal proportion, by the Department and by a local or county source. In other words, the Department is requiring that the 70 percent Federal funding be matched with 15 percent State funds and 15 percent local or county funds. Sources for the local share could include shippers, through the payment of a per carload surcharge, as in the case of the Centreville-Massey line or local government funds.
>
> This policy is based on the premise that rail users and the surrounding communities are direct beneficiaries of continued rail service, and as such, should financially contribute to this investment in their future. In addition, a local financial commitment ensures that the line will have the best chance to become profitable, since Federal and State support alone would not provide incentives at the local level to maximize the use of rail services. In addition, State policy for other modes of transportation usually includes a local contribution or commitment.[18]

In its March, 1976 report, the State said:

> The collapse of Southern Railway negotiations to takeover rail service on Delmarva has greatly expanded the projects needing financial assistance within the next five years.
>
> It is possible to reasonably estimate the potential entitlement funds which Maryland will receive during the first two years of the subsidy program (April 1976–April 1978) under Section 402 of the Regional Rail Reorganization Act of 1973, as amended. However after April 1978 when Maryland joins the national subsidy program under Section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976, it is impossible to estimate at this time what Maryland's entitlement may be.
>
> Therefore the Department has concentrated on the first two years of the subsidy program where the dollars available to Maryland are more clearly defined. As a first general priority, entitlement funds during the first two years will be used to pay operating subsidies on all lines in the priority listing scheduled for continued service. As a second general priority, rehabilitation to appropriate operating standards will be accomplished on as many lines as funds will cover. Priority for rehabilitation will follow the priority ranking list[ed earlier].
>
> At the end of two years of operation and rehabilitation, a reevaluation of all the projects will be made. This evaluation will consider performance over the two years, costs incurred, long term potential and, most importantly, available Federal funds for the last three years of the program. At this two year review stage, the overall number of projects and their priority will be adjusted to fit the fiscal realities of the program.
>
> It is hoped that lines which have been rehabilitated during the first two years will be operating at a profitable level or such a low level of subsidy that large amounts of op-

[14] Railroad Abandonments In Maryland: Final Report, op. cit., pp. 17–20.
[15] The Salisbury to Hebron line (USRA Line No. 676) was not under consideration by PIE–C at this time.
[16] Transportation Economics on Railroad Branch Lines, op. cit., pp. III–5/III–7.
[17] Maryland State Rail Plan: Study Design, op. cit., p. 14.
[18] Maryland State Rail Plan: Phase II, op. cit., p. 16.

erating subsidy funds will not be required during the third to fifth years for those lines.

The purchase of abandoned rights-of-way is the third general priority in the program.

The proposed first and second year programs outlined * * * are predicated on estimates of Maryland's Federal entitlements as well as estimates of costs for operation and rehabilitation. The actual money allocated to Maryland as well as the actual cost of operating and rehabilitating will ultimately determine how much of the rehabilitation can be accomplished within the first two years.

The first year program will include operation of the Seaford/Cambridge Line; Hurlock/Preston Line; Frederick/N. of Frederick line; Mainline South of Pocomoke/Townsend/Massey/Centreville/Chestertown Complex; Clayton/Easton Line; Salisbury/Hebron Line; Queen Anne/Denton Line; and Monocacy River/Penn Border Line. The first year program will also include purchase of the Colora Line in Cecil County. In addition rehabilitation of the entire Seaford/Cambridge Line both in Maryland and Delaware is proposed. Rehabilitation of the Delaware portions of the Townsend/Massey Line and Clayton/Easton Line are also proposed to begin in the first year. * * *

The second year program will include operation of the same lines as the first year program plus rehabilitation of the Hurlock/Preston Line; the Frederick/N. of Frederick Line; the Mainline South of Pocomoke; and a large portion of the Townsend/Massey/Centreville/Chestertown Complex. * * *

Under present estimates there would be no other major rehabilitation accomplished in the first two years nor would there be any acquisition of abandoned rights-of-way with Federal funds.[19]

In its August, 1976 report, the State made the following statement on its subsidy policy position:

The estimated Federal dollars needed from the entitlement program exceed Maryland's expected annual allocation, if vitally needed rehabilitation is undertaken. The Department has proposed to make up this shortfall if it can legally do so. If a proposed constitutional amendment to allow such action is passed in November, the Department will be responsible for all non-Federal rehabilitation funds. Local sources, in turn, will be responsible for all operating subsidies, including taxes and lease payments. Sources for the local share may include shippers or local government funds.

The policy of local financial participation is based on the premise that rail users and the surrounding communities are direct beneficiaries of continued rail service and, as such, should financially contribute to this investment in their future. In addition, a local financial commitment ensures that the line will have the best chance to become profitable. In addition, State policy for other transportation modes usually includes a local contribution or commitment.

* * * * * *

The collapse of Southern Railway negotiations to take over rail service on Delmarva has greatly expanded the number of projects needing financial assistance within the next five years.

It is possible to estimate at this time the entitlement funds Maryland may receive during the first two years of the subsidy program (April 1976–April 1978) under Section 402 of the Regional Rail Reorganization Act of 1973, as amended but not the funds Maryland will receive after April, 1978 under the national subsidy program, Section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976.

Therefore, the Department has concentrated here on the first two years of the subsidy program. Entitlement funds during the first two years will be used first to pay operating subsidies on all lines in the priority listing scheduled for continued service * * * Rehabilitation of all Category A lines to appropriate operating standards will be accomplished as a second general priority, if State funds can legally be provided. * * *[20] Next, Category B projects will be rehabilitated if warranted. * * *

The fourth general priority will be rehabilitation of category C projects and purchase of rail rights-of-way for future rail freight use. * * *

At the end of each year of operation and rehabilitation, all projects will be reevaluated. This evaluation will consider performance over the year, costs incurred, long term potential, and, most importantly, Federal funds available for the remainder of the program. At each review stage, the overall number of projects and their priority will be adjusted to fit fiscal realities.

It is hoped that lines which have been rehabilitated during the first two years will be operating at a profitable level or such a low level of subsidy that large amounts of operating subsidy funds will not be required during the third to fifth years.

The purchase of abandoned rights-of-way is the program's lowest priority.

The proposed first and second year programs outlined below are predicated on estimates of Maryland's Federal entitlements, estimates of costs for operation and rehabilitation, and passage of the proposed constitutional amendment that will allow the use of State funds for rehabilitation.

The first year program will include operation of the Seaford/Cambridge line; Hurlock/Preston line; Frederick/N. of Frederick line; Mainline South of Pocomoke; Townsend/Massey/Centreville/Chestertown Complex; Clayton/Easton line; Salisbury/Hebron line; Queen Anne/Denton line; and Monocacy River/Penn Border line. The first year program also will include purchase of the Colora line in Cecil County. In addition, partial rehabilitation is proposed for category A lines. * * *

The second year program will include continued operation of all subsidized lines, plus the balance of rehabilitation of Category A lines. It also includes the possible rehabilitation of the Easton-Denton Complex. * * *

Categories A, B, and C will be used for rehabilitation decisions only. All lines in a category are considered to be equally in need of rehabilitation.[21]

In its August, 1976 report, the State discussed in detail what it considered to be the role of the local government and local interests with respect to the Rail Subsidy Program:

Participation by the public at large, the rail users and local jurisdictions in all phases of the Department's activities is vital. Consistent with this policy, the planning and implementation of the rail subsidy program has involved continuing input by all interested parties. The Department's policy of requiring local financial participation in the non-Federal share of the subsidy for each line is an outgrowth of this general guideline, as well as the belief that the direct beneficiaries of State and Federal financial assistance should provide a portion of the subsidy.

The Department had originally contemplated each county being responsible for one-half of any non-Federal funds needed for the rail line serving that jurisdiction. This has been modified in light of the amount of non-Federal funds needed for rehabilitation and the change in Federal funding in the Railroad Revitalization and Regulatory Reform Act of 1976. However, the basic premise that State funds and Federal funds will be contingent upon local participation has not changed. While the Department will look to the counties for funding, there is no requirement that the counties use public funds for their share of the subsidy financing. This should be a local decision. The Department's staff has been available to provide technical assistance on a line-by-line basis to county governments and rail users. The Department will continue to fulfill this function at the request of the local jurisdictions.

If the voters approve, in November, 1976, the proposed Maryland Constitutional Amendment to allow the State to use state dollars for railroad rehabilitation, the Department will provide all non-Federal funds for that purpose, while all non-Federal shares of operating deficits including tax and lease payments, will be the responsibility of the counties. Continuation of service beyond March 31, 1977 is dependent on this assistance.

While it is assumed that all counties participating in the program will continue their support for the life of the program, the Department will request a financial commitment from the counties on an annual basis. This approach is acceptable because all operating contracts and leases will be on a year-to-year basis. In addition, a yearly contract

[19] Maryland State Rail Plan, Amendment I, op. cit., pp. III–15/III–20.

[20] Rehabilitation categories, including the criteria for placing of lines within each category, are as follows:

Category A: Those rail lines which have demonstrated a stability of traffic over recent years and where rehabilitation would appear to be an impetus for placing the line in a profitable or near breakeven position considering all costs (i.e., on-branch, off-branch, maintenance, lease and tax). Category A lines are:

Line No. 199 Frederick to north of Frederick; Line No. 168/152 Seaford to Cambridge/Preston; Line No. 147/148/149 Townsend to Chestertown/Centreville; Line No. 676 Salisbury to Hebron; Lines No. 186 Mainline south of Pocamoke.

Category B: Those rail lines where rehabilitation would appear to have a significant impact on cost of service, but where profitability or near break-even position is not anticipated with present traffic levels. Also those rail lines where traffic has decreased in recent years. These lines would be monitored for cost versus revenue indicators, traffic levels, and long term commitment of shippers before rehabilitation would be decided upon. Category B lines are: Line No. 169/150 Clayton to Easton/Denton. *Category C:* Those rail lines where cost versus revenue ratios are significantly high and rehabilitation appears to have a questionable impact on overall cost effectiveness. Also, those lines where there is no service at present and those lines that may not remain in service after rehabilitation. These lines will be closely monitored for cost versus revenue indicators, traffic levels, and long term commitment of shippers. Rehabilitation will be dependent on Federal entitlement levels in FY 1979, 1980 and 1981. These rail lines are: Line No. 198 North of Monocacy to Pennsylvania Line; Line No. 142 Colora to Pennsylvania Line; Line No. 198 Monocacy River Bridge.

See: Maryland State Rail Plan, op. cit., pp. 56–57.

[21] Maryland State Rail Plan, op. cit., pp. 79–83.

allows the Department to evaluate annually the continuation of operation of each branch line. The annual contract cycle also means that if an operator is not performing in a satisfactory manner or if an alternative operator could provide equal service at less cost over the long haul, then the contract could be awarded to another carrier. The input of the rail users and involved county governments would aid in the Department's decision.

Individual county shares of the non-Federal portion of the operating subsidies will be based on level of use of a particular rail line by county shippers as determined by the carloadings from each station. The county share will be adjusted after each year of operation to reflect actual costs incurred and the previous year's usage.[22]

The State's view on alternatives to the continuation subsidies. In 1973, PIE–C advised the State that in seeking to protect threatened rail service it should seek to achieve either:

(1) Preservation of service on the branch.
(2) Preservation of the physical branch—facilities or especially the right-of-way.

In developing a strategy for preserving rail service on a branch line, PIE–C advised the State, to employ the following tactics either in combination or singularly:

(1) Continued Penn Central ownership and operation.[23]
(2) State ownership through purchase or lease.
(3) Third-party (or local) ownership with or without Penn Central participation.

The State's choice of tactics, as pointed out by PIE–C, would be determined primarily by political considerations and economics.

According to PIE–C there were seven options open to the State and the local communities, with respect to the preservation of rail facilities or of the right-of-way:

(1) The State, in litigation with respect to abandonment, could seek to persuade the ICC, or the Courts, to allow PCTC to abandon service, but to require the Railroad to hold the facilities for some period of time.
(2) The State and local communities [could] * * * negotiate with the Railroad with respect to their position on the abandonment proceedings and, in effect, not oppose the abandonment of service so long as the Railroad agrees (in contract and in the abandonment proceedings) to preserve the physical line or the right-of-way. If the period called for is sufficiently short, the State and/or the local governments [might] * * * make such an arrangement more attractive through tax forgiveness, especially forgiveness of taxes presently owed.
(3) The State could lease or rent the land. To be attractive to the Railroad, the lease terms would have to yield a rate of return in cash and/or tax forgiveness equivalent to the market return on an investment of an equivalent amount. As a rule of thumb, this would be a return of approximately 10 percent on the cash salvage value and the real estate value, both of which would have to be negotiated. The mix between cash payment and tax forgiveness could presumably be negotiated for each line.
(4) Maryland could purchase the branch line or land. In general, the purchase price would necessarily have to be the equivalent of the market price or salvage value of the line and its facilities, as negotiated. Payment, however, could again be in the form of a mix of cash and tax forgiveness.
(5) A fifth alternative would be purchase of the facilities or land by a third party, such as a local development organization or local business or real estate interests. State and/or county participation in such an arrangement could take several forms. For example, the State could provide the development organization with the same kinds of assistance identified above for helping local interests acquire and operate the branch. Similarly, a county could do many of the same things, although with less ease and perhaps more legal problems than the State. Further, the State and the county could provide the development organization with direct and indirect subsidies during the period it was holding the assets for future development. However, it would obviously be equitable to recover the subsidies eventually from those who benefit from the development.
(6) The local governments—counties and municipalities—could purchase the assets and hold them.
(7) Finally, the State has powers of condemnation. Once authority for abandonment has been granted, or at least once it has been accomplished, the State can exercise its right of eminent domain to acquire the right of way.

This could prove to be the least costly way of preserving the possibility of future development.[24a]

The State itself, for the first time, in its February 1, 1975, report, listed a number of alternative approaches to the branch line problem. This document included the following range of options, which are not mutually exclusive:

(1) MAXIMUM SHIPPER INVOLVEMENT

Under this alternative, ownership of the lines would remain with PC; operation would be by ConRail or another solvent railroad company, which would also manage the rehabilitation program.

PC would receive a yearly lease based on 6.63 percent of the net salvage value (exclusively of land) of the properties. Federal funds at the 70 percent rate would be used to subsidize the least payment plus the operating deficit in the first two years; during that time the shippers would pay the remaining 30 percent. After two years, of course, shippers would be responsible for 100 percent of those costs.

The rehabilitation program would be performed during the first two years and would be financed 70 percent Federal, 30 percent shippers. How the shippers would choose to raise the money would naturally depend on their financial resources and local business conditions. Once the total Federal funds are used up on any adopted priority list, shippers would be responsible for 100 percent of all costs pertaining to their branch lines.

(2) SHIPPER/LOCAL PARTNERSHIP

Under this possible plan, local jurisdictions (counties or towns) would purchase the Maryland portions of the branch lines; Conrail or another solvent railroad company would operate them and perform the rehabilitation. Any operating deficit would be paid 100 percent by the shippers. Rehabilitation costs would be paid to the greatest possible extent by Federal funds, subject to the limitation that Federal funds for a given line over the first two years may not exceed 70 percent of: the total rehabilitation costs plus twice the annual operating deficit. Any rehabilitation costs in excess of the Federal contribution are covered on a 50/50 basis by shippers and by local jurisdictions.

(3) STATE OWNERSHIP AND REHABILITATION

Under this possible scheme, the State would acquire and rehabilitate branch line rights-of-way in Maryland through the Consolidated Transportation Trust Fund or other means. Operations would be performed by Conrail or another solvent railway company. Rehabilitation expenses would be compensated to the maximum extent possible by Federal subsidy moneys (subject to the limitations described under Example [2]; the balance would be paid by the State. Operating deficits would be covered by shippers in full up to $40 per carload; any excess over that amount would be paid on a 50/50 basis by Federal funds if available; once the Federal funds were exhausted, shippers again would pay 100 percent of the operating deficit.

(4) MAXIMUM STATE INVOLVEMENT

In this example, the State government would not only provide the capital investment for purchase and rehabilitation of branch lines in Maryland, but would also contribute toward operating deficits. Federal funds would be used to the maximum for each line, starting at the top of the priority list; instead of being concentrated in one or the other cost category, they would be used to cover 70 percent of the total of rehabilitation costs and operating deficits. The State in all cases would pick up the balance.[25]

Lines To Be Subsidized. As a result of the Regional Rail Reorganization Act of 1973, the State of Maryland had two major policy responsibilities with respect to continuing local rail service:

(1) It had to establish a priority list of rail lines to receive Federal contributions toward rail service continuation subsidies.
(2) It had to determine to what extent State funds would be available to match the Federal grants.

The Maryland Department of Transportation, the designated State agency for railroad planning, completed the first attempt to prepare a plan to assure the availability of Federal funds for the continuation of essential local rail service with the issuance on February 1, 1975, of its technical report, Transportation Economics of Railroad Branch Lines. The report, which was to serve as the basis for the subsequent analysis ad preparation of the State Rail Plan mandated by the RRR Act, examined in-depth the financial condition and prospects of all the endangered Maryland branch lines for which data was available. The analysis led to the establishment of a tentative priority list of lines to receive rail service continuation subsidies (see Table 1). The report also ex-

[22] Maryland State Rail Plan; op. cit., pp. 65–67.

[23] Four broad sets of State action were identified within this approach: State support of efforts by the railroad to adjust rates and to increase traffic; litigation; subsidization of operating costs; and capital subsidies. For a more detailed discussion see: Railroad Abandonment In Maryland: Final Report, op. cit., pp. 42–56.

[24] Railroad Abandonment In Maryland: Final Report, op. cit., pp. 53–54.

[25] Transportation Economics of Railroad Branch Lines, op. cit., pp. III–8/III–14.

amined a number of possible state policies toward the use of Federal and State funds. It should also be noted that prior to the release of the aforementioned report, the State on February 28, 1974, issued a report, Source Book For Rail Service On The Maryland Eastern Shore, in which it summarized all of the material currently available at that time on those individual rail lines located on the Eastern Shore, e.g., USRA Line Numbers 150–163–169–676.

TABLE 1.—*Measures of priority based on operating results per carload*

Line	1973 adjusted: Operating results only — Dollars	Rank	1973 adjusted: Less infrastructure costs — Dollars	Rank	1978 conservative: Operating results only — Dollars	Rank	1978 conservative: Less infrastructure costs — Dollars	Rank	1978 optimistic: Operating results only — Dollars	Rank	1978 optimistic: Less infrastructure costs — Dollars	Rank
Delmarva Main Line	176	3	130	2	193	1	147	1	212	1	177	1
Delaware border–Snow Hill	201	2	138	1	181	2	118	2	196	3	142	2
Seaford–Cambridge	145	4	68	3	113	3	36	3	144	4	90	3
Hurlock–Preston	132	5	40	4	85	4	(7)	4	84	5	(7)	5
Townsend–Chestertown	227	1	23	5	84	5	(120)	6	207	2	76	4
Salisbury–Hebron	(3)	9	(33)	6	(2)	6	(32)	5	5	6	(22)	6
Clayton–Easton	57	7	(118)	7	(15)	7	(190)	7	(2)	7	(163)	7
Queen Anne–Denton [1]	90	8	(33)	8	42	8	(80)	8	64	8	39	8
Pennsylvania border–Monocacy River	104	6	(156)	9	(58)	9	(318)	9	(58)	9	(318)	9
Massey–Centreville	(153)	10	(450)	10	(238)	10	(535)	10	(92)	10	(254)	10
Queen Anne–Queenstown	(291)	11	(1,362)	11	(847)	12	(1,923)	12	(847)	12	(1,923)	12
Kings Creek–Crisfield	(635)	13	(1,400)	12	(892)	11	(1,656)	11	(892)	11	(1,490)	11
Salisbury–Parsonsburg	(616)	12	(2,337)	13	(1,760)	13	(3,481)	13	(1,760)	13	(3,481)	13
Hurlock–Vienna	(4,496)	14	(11,110)	14	(7,775)	14	(14,390)	14	(7,775)	14	(14,390)	14

[1] Continued operation of Queen Anne–Denton depends exclusively on rehabilitation of Clayton–Easton.

SOURCE: Transportation Economics of Railroad Branch Lines, op. cit., p. III–2.

With regard to the eight lines which are the subject of this report, the Maryland Department of Transportation in its February, 1975 report reached the following conclusions:

(1) USRA LINE NO. 142: COLORA TO THE PENNSYLVANIA BORDER

The line has been out of service since September 9, 1971 * * * since most of the line * * * lies in Pennsylvania, the future of service * * * would appear to depend primarily on activities north of the Mason and Dixon line.

(2) USRA LINE NO. 145: COCKEYSVILLE TO THE PENNSYLVANIA BORDER

* * * This line has been out of service for almost three years [since June, 1972] * * * Prior to the washouts, the line generated only an estimated 80–100 cars per year * * * Repair and rehabilitation of the line solely for the purpose of resuming Maryland local freight service would thus not appear to be economically justifiable.

(3) USRA LINE NO. 150: QUEEN ANNE–DENTON

Although the present analysis discloses a relatively profitable service from Queen Anne to Denton, the continued operation of this line depends exclusively on the fate of the Clayton-Easton branch.

(4) USRA LINE NO. 163: KINGS CREEK–CRISFIELD

In view of the large operating deficits and sizable rehabilitation requirements, continued operation of this line does not appear to be economically justified under existing traffic conditions. Nevertheless, the line has a certain strategic significance in that it provides the only rail access to the proposed Annemesse Deepwater Industrial Complex * * * Thus, while rehabilitation and operation now would appear to be unfeasible, retention of the line intact would be a viable policy option for the State.

(5) USRA LINE NO. 169: CLAYTON–EASTON

Although producing a $57 per carload surplus in the 1973—Adjusted time frame, the Clayton-Easton line creates a marginal $15 operating deficit under 1978—Conservative conditions * * * to remain in operation this line would require a massive infusion of subsidy money to meet lease and rehabilitation expenses.

(6) USRA LINE NO. 198: FREDERICK–HANOVER (see USRA Line No. 199)

(7) USRA LINE NO. 199: FREDERICK–MONOCACY RIVER

Cost and revenue data were available only for the portion of the line between the Pennsylvania Border and the Monocacy River. (The bridge over the Monocacy was destroyed by Hurricane Agnes in June, 1972.) Service over PC lines in Frederick is now being provided by the Baltimore and Ohio Railroad under an Interstate Commerce Commission service order. While the operating deficits projected for 1978—Conservative may be within the range of shipper capabilities, the infrastructure costs will be very burdensome unless substantial subsidies are available. One possible way to cut infrastructure costs would be to abandon north of Taneytown and to arrange with the Western Maryland Railway for service through a connection at Keymar. The feasibility of such an arrangement would, of course, depend not only on the physical connection at Keymar but also on the operating patterns of the Western Maryland.

(8) USRA LINE NO. 676: SALISBURY–HEBRON

This line * * * produces a small operating deficit and requires very little capital in relation to the traffic handled. Thus, it would appear to be a likely candidate for non-subsidized operation under the Final System Plan. It should be noted that the bulk of traffic on this line comes from the South, so that acquisition by a southern carrier would dramatically improve its operating results.

It should be noted that both USRA Line Nos. 142 and 145 were not assigned a priority ranking (see Table 1).

Maryland, in its December, 1975 report, listed both the rail lines for which it wished to receive Federal assistance under the provisions of the RRR Act (see Table 2) and the rail lines for which a continuation subsidy was not offered (see Table 3). In contrast to its February 1, 1975 report, both USRA Line Nos. 169 and 676 were not assigned a priority ranking (see Tables 1 and 2). However, the State did say that if the Southern Railway declined to purchase the Delmarva rail network, these two lines would require a subsidy in order to continue their operation. Additionally, the State pointed out that:

If * * * for any reason, the Delmarva rail network is not purchased by Southern, changes to the State Rail Plan would be necessary to ensure adequate rail service on the Eastern Shore of Maryland. These changes would be most significant in the priority ranking of rail services to be subsidized.

* * * * *

An amended State Rail Plan would be filed and * * * [A] reassessment of the priority ranking of all subsidized lines in the State would result in a new priority listing * * *[10]

[10] Maryland State Rail Plan, Phase II, op. cit., p. 26.

TABLE 2.—*Priority listing for Federal assistance*

Line or service	Impacts of abandonment	Estimated annual subsidy required	Estimated Federal share (70 pct)	Estimated State share (15 pct)	Estimated local share (15 pct)
From entitlement funds:					
1. Centreville–Chestertown:					
a. Townsend–Massey (147) [1]	$2,166,160	$200,000	$140,000	$30,000	$30,000
b. Centreville–Massey (148)	1,709,051	510,000	357,000	76,500	76,500
c. Chestertown–Massey (149)	367,109	200,000	140,000	30,000	30,000
2. Queen Anne–Denton (150)	88,072	110,000	77,000	16,500	16,500
3. Frederick–Monocacy River (199) [2]	(3)	[4] 70,000	49,000	10,500	10,500
4. Monocacy River, MD/PA border (198)	61,110	520,000	364,000	78,000	78,000
5. Monocacy River Bridge	(3)	[4] 250,000	175,000	37,500	37,500
Total		1,860,000	1,302,000	279,000	279,000
From discretionary funds:					
1. Colora–MD/PA border (142)	N/A	130,000	91,000	19,500	19,500

[1] Represents on branch costs only. Since this line does not originate or terminate any car loads, this expense will be apportioned to connecting lines 148 and 149.
[2] This line is listed as out-of-service in the Final System Plan. Subsidy requirement shown only includes estimated rent, property tax and estimated rehabilitation cost. Other operating data is not available.
[3] N/A: Not available.
[4] Rehabilitation to Class I only.

Source: Maryland State Rail Plan, Phase II, op. cit., p. 17.

TABLE 3.—*Rail lines for which a continuation subsidy is not offered*

Line or service	Impacts of abandonment	Estimated annual subsidy required	Adjusted 1973 carloads	Disposition of property
Cockeysville, Maryland/Pennsylvania border (145)	(1)	(1)	7	State/Balto. Co.
Hurlock–Vienna (153)	[2] $(334)	$210,000	100	Southern.
Kings Creek–Crisfield (163)	$55,309	$340,000	55	Do.
Queenstown–Queen Anne (151)	$48,146	$240,000		

[1] Out-of-Service.
[2] Denotes a positive impact of abandonment.

SOURCE: Maryland State Rail Plan, Phase II, op. cit., p. 27.

Again, the State made an individual line-by-line analysis of those eight lines studied by the RSPO. The conclusions are shown below:

(1) USRA LINE NO 142: COLORA TO THE PENNSYLVANIA BORDER

The only assistance requested under discretionary funding (Section 402 of the Act) is for the portion of the Penn Central Octoraro Secondary Track extending from the State border to Colora, Maryland. The Pennsylvania segment of this line has been designated for conveyance to Conrail and eventually will be acquired by the Southeastern Pennsylvania Transportation Authority (SEPTA). The Department has received indications that an errata to the Final System Plan will be issued to convey that portion of the Octoraro Secondary Track in Maryland to Conrail for acquisition by SEPTA, contingent upon purchase and modernization of the property by Cecil County, Maryland.

All of the Maryland indstries located on this branch have either gone out of business or relocated since the September, 1971 washouts. However, potential shippers on the branch have expressed a strong desire to use rail service should it be restored. In addition, this branch provides the only rail access to the Bainbridge Naval Station. Although declared surplus by the Federal Government, this facility has future industrial development potential. Cecil County is actively working toward this development.

The portion of the line in Maryland is estimated by SEPTA to cost approximately $130,000 to purchase and rehabilitate. Cecil County has agreed to provide 15 percent of the cost of purchase and rehabilitation. The State will also provide 15 percent of the cost. Cecil County will hold title to the property.

Cecil County and SEPTA are negotiating with a carrier to rehabilitate the line with the aid of discretionary funds, and to operate it without a subsidy.

(2) USRA LINE NO 145: COCKEYSVILLE TO THE PENNSYLVANIA BORDER

The Northern Central is out of service between Cockeysville, Maryland and the Maryland/Pennsylvania Border. Rehabilitation of the line is estimated at $572,000. There are no rail users on this line in Maryland. Past use of the line has been as a through freight and passenger route between Baltimore and Harrisburg. Present and proposed development plans for the northern portion of Baltimore County, adjacent to this line, recommend retention of the essentially agricultural character of the area. At present local rail freight or passenger service north of Cockeysville are not considered essential.

However, the State of Pennsylvania is very interested in preserving the right-of-way for possible restoration of rail service (both passenger and freight) between Baltimore and Harrisburg. The Department is concluding a preliminary engineering study on the segment of line between Cockeysville and Baltimore for use as a light rail transit line. Conrail will provide local freight service on this segment.

The State of Maryland holds the first mortgage (now in default) on the Northern Central. The State is presently investigating its right in acquiring this property through foreclosure. If this is not feasible, the Department will coordinate with other State and local agencies in determining a proper source of funding for purchase of part or all of the line.

(3) USRA LINE NO. 150: QUEEN ANNE–DENTON

The Queen Anne-Denton portion of the Denton Track of the Penn Central is ranked second in the priority list. Although the quantifiable impacts are slightly exceeded by the cost of subsidy, it should be noted that the impacts are greater than the cost of continued operation, without rehabilitation. In fact, analysis shows that the line may be profitable once it is rehabilitated to Class II standards. The rehabilitation expense for this line is estimated to be approximately $214,000 for 25 mph operation.

Southern has indicated it is not willing to purchase this property if it is required to continue operations. As a short-term solution, the Department will negotiate a lease with the Penn Central Estate and Southern will operate the service under subsidy. During the term of the lease, efforts will be continued to obtain local ownership of this line as a long-range solution. The local shippers have expressed a willingness to provide 15 percent of the required subsidy and the State will provide the remaining 15 percent

(4) USRA LINE NO. 163: KINGS CREEK–CRISFIELD

A rail service continuation subsidy will not be offered for the Crisfield Secondary Track of the Penn Central, which extends from Kings Creek to Crisfield in Maryland. The portion of the line from milepost 0.0 to milepost 1.2 is to be conveyed to Southern The estimated annual subsidy for the balance of the line is $340,000, more than six times the quantifiable impacts of abandoning service. Southern will acquire the right-of-way after abandonment of service. This right-of-way must be preserved since rail service to the proposed Somerset County Deep Water Port at Crisfield may be necessary. A combination of State and local sources will be investigated should Southern's negotiations fail.

(5) URSA LINE NO. 169: CLAYTON–EASTON

No specific conclusions regarding this line were included in the report.

(6) USRA LINE NO. 198: FREDERICK–HANOVER

The portion of the Frederick Secondary Track from the Monocacy River Bridge to the Maryland/Pennsylvania border is ranked fourth in the State Rail Plan priority listing. The quantifiable impacts of abandoning this section of track are outweighed by the costs of rehabilitation and operating subsidy. However, there is strong shipper and county government support for continued service. In addition, two potential short line operators are interested in providing this service as part of a through route. The immediate potential for industrial development in the corridor and other nonquantifiable benefits of retaining adequate service on this trackage indicate that a subsidy is desirable.

USRA has verbally confirmed that an errata to the Final System Plan will be issued soon, recommending that this property be acquired by the Maryland and Pennsylvania Railroad. However, an operator for this service has not been designated at this time. It is anticipated that a carrier will be designated for subsidy shortly after submission of this State Rail Plan.

While it is preferable to preserve this property as part of a through route from York, Pennsylvania to the B&O interchange in Frederick, there is a possibility that local interests in Carroll County will be unable or unwilling to make the required financial commitment of 15 percent of the subsidy, consistent with State policy. If the 15 percent local share in Carroll County is not quaranteed, a subsidy will only be offered for service on that portion of the track in Frederick County. Since this latter option would require the rebuilding of an abandoned interchange with the Western Maryland Railway at Keymar, Maryland or reconstruction

of the Monocacy River Bridge, through service via Carroll County would be provided only until this construction was completed. This line will be rehabilitated to Class II standards, allowing 25 mph operation.

The Monocacy River Bridge was washed out in June, 1972 by Hurricane Agnes. Since that time operations along the Frederick Secondary Track have been limited to service from Frederick northward to the Monocacy River by Chessie and service from Pennsylvania south to the Monocacy River by Penn Central. There has been no through service since 1972. This severance has caused limitations on local shippers' desiring to ship goods northward from Frederick or southward from Woodsboro/Taneytown. Restoration of this bridge is the fifth priority in the State Rail Plan.

Rebuilding this structure would allow the Frederick Secondary Track to operate as a single unit from Frederick to York, Pennsylvania. This single entity concept appears to be the preferred solution, and would enhance the chances for long term viability. In addition, the restoration of this structure will allow the designated carrier on this line to gain access to two major railroads (Chessie and Conrail).

The estimated cost of reconstruction is $250,000. The non-Federal share will be provided by a negotiated combination of State and local funds. It is anticipated that the State will hold title to the structure and lease track rights to the carrier.

(7) USRA LINE NO. 199: FREDERICK-MONOCACY RIVER

The portion of the Penn Central Frederick Secondary Track from Frederick to the Monocacy River Bridge is ranked third in the State Rail Plan priority listing. The Final System Plan listed this track as out-of-service, since the bridge over the Monocacy River was damaged during Hurricane Agnes in 1972. However, this trackage has been operated from Frederick northward by the Chessie System since 1972, under an emergency service order. USRA did not analyze this line and listed it under the heading "Pending Section 304(f) Applications as of June 26, 1975". This classification led USRA to ignore an estimated 200 carloads per year generated by this 3.8 mile section of railroad. Because of this misclassification, no on- or off-branch operating or maintenance costs are available for this line. While the impact of abandoning this line has not been quantified, one major shipper has indicated that the abandonment of rail service would have a severe impact on its operation.

The Maryland Department of Transportation will negotiate with the Penn Central Estate to lease this trackage, and the Chessie System has agreed to operate it. When the Monocacy River Bridge is restored, this trackage will become part of a through service operating north of the bridge with the ultimate operator, or local interests, purchasing the property. In the event the line cannot be operated as a through route, Chessie has agreed to serve the shippers on this line on a more permanent basis as long as it is not required to purchase, rehabilitate or maintain the property.

(8) USRA LINE NO. 676: SALISBURY-HEBRON

No specific conclusions regarding this line were included in the report.

Maryland, in its December, 1975 report, also discussed its long-term strategy. Table 4 shows both the immediate and ultimate proposed disposition of those Maryland branch lines which the Final System Plan designated as available for subsidy or out of service. Essentially, "the State's long-term strategy [was] * * * to preserve all existing rail rights-of-way and to promote and improve the rail network to meet the transportation needs of Maryland's residents, industry and agriculture". The State went on to say that:

> Present Federal assistance available under the Act will expire on July 1, 1977. The Department's strategy during this period is to maximize rehabilitation of those lines where a subsidy for rehabilitation should make the line profitable at current traffic levels, or where probable traffic growth will enhance a line's chances of becoming viable. A rail service continuation subsidy will not be offered unless the line is brought up to FRA Class I standards at a minimum. The Department's objective is to subsidize only those branches which will, at most, require a small local subsidy after Federal and State assistance ends on July 1, 1977.

TABLE 4.—*Maryland's long-term rail line disposition strategy, 1975*

Line	Immediate disposition	Ultimate disposition
Townsend-Massey	Purchase by Southern through conveyance. Operation by Southern with subsidy.	Purchase by Southern. Operation by Southern with subsidy.
Chestertown-Massey	Lease by MDOT from Penn Central Estate. Operation by Southern with subsidy.	Do.
Centreville-Massey	Purchase by Southern through conveyance. Operation by Southern with subsidy.	Do.
Queen Anne-Denton	Lease by MDOT from Penn Central Estate. Operation by Southern with subsidy.	Purchase by local interests. Operation by Southern with subsidy.
Frederick-Monocacy River.	Lease by MDOT from Penn Central Estate. Operation by Chessie with subsidy.	Purchase by operator or local interests. Operation by carrier to be named.
Monocacy River to Maryland/Pennsylvania border.	Lease by MDOT from Penn Central Estate. Operation by carrier to be named.	Purchase by operator of remainder of line in Pennsylvania. Operation by carrier to be named.
Monocacy River Bridge	Out-of-Service	Purchase by MDOT. Rehabilitation with Federal, State, and local funds. Lease to operator of entire line.
Maryland/Pennsylvania border-Colora.	do	Purchase and rehabilitation by Cecil County. Operation by contractor.
Cockeysville, Maryland/Pennsylvania border.	do	Right-of-way purchase by State or local interests.
Hurlock-Vienna	Termination of Service	Right-of-way purchase by Southern.
Kings Creek-Crisfield	do	Do.
Queen Anne-Queenstown	do	Do.
Hagerstown-Weverton	Abandonment applied for by Chessie.	Potential subsidy.

SOURCE: Maryland State Rail Plan, Phase II, op. cit., pp. 121-122.

The Southern Railway has made a commitment to acquire all Penn Central trackage on Delmarva. Those lines which are not included in the offer to Southern by the United States Railroad Association will be acquired directly from the estate of the Penn Central. The rights-of-way of these Delmarva lines which will not be offered a rail service continuation subsidy will therefore be acquired and held intact for the future by the Southern Railway. The State of Maryland supports this action as long as it is understood that the State is not waiving its right of first refusal to purchase the property under the Regional Rail Reorganization Act. In the event the Southern is unable to effect a purchase of these properties, the Department will financially assist in preserving them for transportation-related uses. However, if the primary reason for maintaining a right-of-way intact is directly related to the plans of other State, Federal or local agencies, or a private group, other sources of funding must be used.[27]

[27] Maryland State Rail Plan, Phase II, op. cit., pp. 122-123.

The failure of the Southern to purchase the various Delmarva lines necessitated an amendment to the original Maryland State Rail Plan; a new priority listing of rail lines was formulated (see Table 5) and a revised list of rail lines for which a continuation subsidy was not to be offered was incorporated (see Table 6). While the report essentially mirrored Maryland's December, 1975 report there were a number of changes. The conclusions reached by the Maryland Department of Transportation with respect to those eight lines studied by the RSPO were also restated, with some sentence changes and omissions but retaining their general meaning. The most significant changes are shown below:

(1) USRA LINE NO. 142: COLORA TO THE PENNSYLVANIA BORDER

The portion of the Penn Central Octoraro Secondary Track extending from the State border to Colora, Maryland is ranked seventh in the priority list. * * *

TABLE 5.—*Priority listing for Federal assistance*

Line	Annual impact of abandonment	Initial annual operating subsidy: Maryland	Initial annual operating subsidy: Other State	Rehabilitation cost: Maryland	Rehabilitation cost: Other State
Rank:					
1 Seaford-Cambridge	$7,500,841	$278,292	$ (D) 60,094	$296,718	$ (D) 185,171
2 Hurlock-Preston	1,054,822	43,841		190,998	
3 Frederick-Monocacy River	N.A.	0		105,258	
4 S. of Pocomoke-Va. line	3,141,298	163,280	(V) 191,751	138,224	(V) 806,171
5 Chestertown-Centerville	2,166,160	387,410	(V) 40,380	1,613,770	(D) 164,452
6 Clayton-Easton	2,846,399	320,335	(V) 140,640	1,010,964	(D) 438,324
7 Colora-MD/PA border	(1)	35,695		115,000	
8 Salisbury-Hebron	99,311	57,571		154,971	
9 Queen Anne-Denton	88,072	76,068		210,228	
10 Monocacy River-MD/PA border	61,110	175,052		783,415	
11 Monocacy River Bridge	0	0		287,500	
12 Acquisition of Rights-of-Way:					
A. Kings Creek-Crisfield	51,352				
B. Hurlock-Vienna	(334)				
C. Queenstown-Queen Anne	48,146				
D. Northern Central					
E. East of Salisbury-Parsonsburg					
Totals	17,057,17	1,537,544	422,874	5,507,066	1,393,118

( ) = Denotes positive impact.
(1) = No further impact from abandonment, as line has been out of service since 1971.
(D) = Delaware.
(V) = Virginia.

NOTE.—(1) Initial operating subsidy before rehabilitation. (2) Initial operating subsidy and rehabilitation estimates include 15 pct contingency. (3) Rehabilitation to Class II (25 mph) except for Hurlock-Preston, Frederick, North of Frederick, Salisbury-Hebron, and Queen Anne-Denton. (4) Colora is purchase of ROW only.

SOURCE: Maryland State Rail Plan, Amendment, op. cit., p. III-2.

TABLE 6.—*Rail lines for which a continuation subsidy is not offered*

Line or service	Impacts of abandonment	Estimated annual subsidy required	Adjusted 1972 carloads	Disposition of property
Cockeysville, MD/PA border (145)	(1)	(1)		State/local interests.
Hurlock-Vienna (153)	[2] $(334)	$210,000	7	Do.
Kings Creek-Crisfield (163)	$53,399	$340,000	100	Do.
Queenstown-Queen Anne (151)	$48,146	$240,000	55	Do.
E. Salisbury-Parsonsburgh (155)				Do.

[1] Out of service.
[2] Denotes a positive impact of abandonment.

SOURCE: Maryland State Rail Plan, Amendment, op. cit., p. III-16.

* * * * *

The portion of the line in Maryland is estimated by SEPTA to cost approximately $31,000 to purchase and $100,000 to rehabilitate. Cecil County has agreed to provide one-half of any necessary matching funds for purchase and rehabilitation. The State will provide one-half of the non-Federal share of the cost. Cecil County will hold title to the property.

The purchase of the line will occur in the first year of the subsidy program so that the right-of-way can be protected. Rehabilitation will not occur within the first two years of the subsidy program because of the limited Federal entitlement funds.

It is anticipated the rehabilitation could occur between the third and fifth years of the subsidy program should Federal monies be available.

Cecil County and SEPTA are negotiating with a carrier to rehabilitate the line with the Federal aid and to operate it without a subsidy.

(2) USRA LINE NO. 145: COCKEYSVILLE TO THE PENNSYLVANIA BORDER

* * * * *

The Department in conjunction with other State agencies or local governmental units will pursue the possible purchases of right-of-way between Cockeysville and the Pennsylvania Line. At the present time, the Department is not pursuing reinstitution of through freight or passenger service on this line.

(3) USRA LINE NO. 150: QUEEN ANNE-DENTON

The Queen Anne-Denton portion of the Denton Track of the Penn Central is ranked ninth in the priority list. * * *

The Department will negotiate a lease with the Penn Central Estate and Conrail will operate the service under subsidy. During the term of the lease, efforts will be continued to obtain local ownership of this line as a long-range solution. The local shippers have expressed a willingness to provide part of the required subsidy and the State will provide the remaining non-Federal portion.

Rehabilitation to Class I will not occur during the first two years of the program because of limited Federal entitlement funds. It is anticipated that rehabilitation would occur between the third and fifth years if Federal monies are available.

(4) USRA LINE NO. 163: KINGS CREEK-CRISFIELD

* * * The portion of the line from milepost 0.0 to milepost 1.2 is to be conveyed to Conrail. * * * The estimated annual subsidy for the balance of the line is $340,000, more than six times the quantifiable impacts of abandoning service. The Department will coordinate acquisition of the [remaining] right-of-way after abandonment of service. This right-of-way should be preserved since rail service to the proposed Somerset County Deep Water Port at Crisfield may be necessary. A combination of State and local sources will be investigated.

(5) USRA LINE NO. 169: CLAYTON-EASTON

The Clayton-Easton line is ranked sixth in the priority listing. Abandonment of this line would also mean the abandonment of its subsegment from Queen Anne to Denton. Estimated total impact of this action is nearly $2.9 million whereas the cost of continued operation is calculated to be less than $400,000 in the initial year, and rehabilitation of the line is estimated to cost less than $900,000. Traffic on this line is expected to grow to 1,267 carloads in 1978, making the line one of the more heavily used on the Eastern Shore. The governments of Caroline and Talbot Counties have tentatively agreed to fund one-half of the non-Federal share as required by State policy.

The State of Delaware will make a portion of their Federal entitlement funds available for the portion of this line located in Delaware. Any required matching funds will come from local sources.

The Department will negotiate to lease this line from the Penn Central Estate and Conrail will operate the line under subsidy agreement.

No rehabilitation on the Maryland portion of this line will occur during the first two years of the subsidy program because available Federal entitlement funds will have been exhausted on operating costs of all lines in the program plus rehabilitation of priority lines number one through number five. Rehabilitation to Class II operating standards will occur sometime during the third to fifth years of the program should Federal monies be available.

The rehabilitation of the Delaware portion of the line should occur during the first or second year of the program.

(6) USRA LINE NO. 198: FREDERICK-HANOVER

The portion of the Frederick Secondary Track from the Monocacy River Bridge to the Maryland/Pennsylvania Border is ranked tenth in the State Rail Plan priority listing. * * * In addition, the Maryland and Pennsylvania Railroad is interested in providing this service, ultimately as part of a through route. * * *

USRA has issued an errata to the Final System Plan recommending that this property be acquired by the Maryland and Pennsylvania Railroad. The Maryland and Pennsylvania Railroad was conveyed a portion of this line within the State of Pennsylvania from York to Hanover by action of USRA. The State of Pennsylvania will subsidize operations from Hanover to south of Littlestown, Pennsylvania. Maryland will subsidize operations from south of Littlestown to the Monocacy River.

* * * * *

The Department will negotiate to lease the line from the Penn Central Estate and the Maryland and Pennsylvania Railroad will operate it under a subsidy agreement. Rehabilitation will not occur during the first two years of the subsidy program because of limited Federal entitlement funds. It is anticipated that rehabilitation will take place between the third and fifth years of the program should Federal monies be available.

The Monocacy River Bridge was washed out in June, 1972 by Hurrican Agnes. * * * Restoration of this bridge is the eleventh priority in the State Rail Plan.

* * * * *

Due to limited Federal entitlement funds, it is not expected that this structure would be rehabilitated before the latter part of the five-year program.

(7) USRA LINE NO. 199: FREDERICK-MONOCACY RIVER

The Maryland Department of Transportation will negotiate with the Penn Central Estate to lease this trackage, and the Chessie System has agreed to continue operation on this line. * * * In the event the line cannot be operated as a through route, Chessie has agreed to serve the shippers on this line on a more permanent basis as long as it is not financially responsible for purchase, rehabilitation or maintenance of the property.

The rehabilitation of this line is proposed to occur during the second year of the subsidy program as the third priority in the overall program. Rehabilitation will be to Class I Standards.

(8) USRA LINE NO. 676: SALISBURY-HEBRON

The Salisbury-Hebron Line is ranked eighth in the priority list. This line had an average of 155 carloads per mile in 1973. Several large shippers at Hebron had shipped as many as 853 cars per year in 1974. In addition the impacts of abandoning this line could mean 20 to 25 jobs lost.

The Department will negotiate a lease for this line with the Penn Central Estate and Conrail will operate it under a subsidy contract. Rehabilitation is proposed to Class I Standards but will not occur in the first two years of the subsidy program because of the limited Federal entitlement funds. It is anticipated that rehabilitation would occur between the third and fifth years should Federal monies be available.

Maryland's long-term strategy, including the immediate and ultimate proposed disposition of branch lines (see Table 7), was also altered in the March, 1976 Report. The State recommended that:

Present Federal assistance available under the Act will expire on July 1, 1981. The Department's strategy during this period is to maximize rehabilitation of those lines where a subsidy for rehabilitation should make the line profitable at current traffic levels, or where probable traffic growth will enhance a line's chances of becoming viable. A rail service continuation subsidy will not be offered unless the line is brought up to FRA Class I standards at a minimum. The Department's objective is to subsidize only those branches which will, at most, require a small local subsidy after Federal and State assistance ends on July 1, 1981.

It is the long-term goal of the State Rail Plan to ultimately return rail properties to solvent carriers for operation as a part of their overall rail network. Several lines in the overall priority listing will be profitable following rehabilitation and annual maintenance. As a secondary objective it is anticipated that non-profitable lines in the plan will operate at such a small loss that the annual subsidy can be paid by shippers or local interests after July, 1981.

In all instances where purchase by a solvent carrier is not practical, the State will pursue the possibility of purchase by other entities (local government or shippers groups) that would ensure long term service on a particular line.

On those lines where service has already terminated or will terminate on April 1, 1976, the State will pursue the possibility of purchase of the right-of-way by State or local interests to protect the potential for ultimate reuse of the property. Given the anticipated level of entitlement funds available to Maryland, it is unlikely that Federal funds will be used for this purpose.

TABLE 7.—*Maryland's long-term rail line disposition strategy, 1976*

Line	Immediate disposition	Ultimate disposition
Seaford–Cambridge	Lease by MDOT from Penn Central Estate. Operation by ConRail with subsidy.	Purchase by Carrier (ConRail or other) after rehabilitation and profitable operation.
Hurlock–Preston	do	Do.
Frederick North of Frederick.	Lease by MDOT from Penn Central Estate. Operation by Chessie with subsidy.	Purchase by operator or local interests. Operation by single carrier from Frederick to York, Pennsylvania.
Mainline–Pocomoke to Virginia border.	Lease by MDOT from Penn Central Estate. Operation by ConRail with subsidy.	Purchase by Carrier (ConRail or other) after rehabilitation in conjunction with entire mainline to Cape Charles, Va.
Townsend–Massey	do	Purchase by Carrier (ConRail or other)
Chestertown–Massey†	do	Do.
Centreville–Massey	do	Do.
Clayton–Easton	do	Do.
Maryland/Pennsylvania border–Colora.	Out of service	Purchase by Cecil County. Rehabilitation by Cecil County. Operation by contractor.
Salisbury–Hebron	Lease by MDOT from Penn Central Estate. Operation by ConRail with subsidy.	Purchase by Carrier (ConRail or other) after rehabilitation and profitable operation.
Queene Anne–Denton	do	Do.
North of Frederick, Maryland/Pennsylvania border.	Lease by MDOT from Penn Central Estate. Operation by Maryland and Pennsylvania RR. with subsidy.	Purchase by Carrier (Md. & Pa. RR. or other) after rehabilitation and profitable operation.
Monocacy River Bridge	Out of service	Purchase by MDOT. Rehabilitation with Federal, State and local funds. Lease to operator of entire line.
Cockeysville, Maryland/Pennsylvania border.	do	Right-of-way purchase by State or local interests.
Hurlock–Vienna	Termination of service	Do.
Kings Creek–Crisfield	do	Do.
Queen Anne–Queenstown	do	Do.
Hagerstown–Weverton	Abandonment applied for by Chessie System.	Potential subsidy.
East of Salisbury–Parsonsburg.	Out of service	Right-of-way purchase by State or local interests.

SOURCE: Maryland State Rail Plan, Amendment 1, op.-cit., pp. VIII-1/VIII-2.

After the initial operating year (April 1976–April 1977), the State Rail Plan may be amended to reflect continuation of rail services on branch lines by short line rail carriers instead of Conrail in some instances. During the initial subsidy period, short line carrier proposals will be evaluated by the State for operation after April 1977.[35]

The most current published priority listing of rail lines for which Maryland wishes to receive Federal assistance was included in the State's August, 1976 Report (see Table 8). The evolution of the State's priority listings from 1973–1976 can be analyzed by referring to Tables 1, 2, 5, and 8.

In its August, 1976 Report, the State again made an individual line-by-line analysis on those eight lines studied by the RSPO. The conclusions of the State were essentially a restatement with some sentence changes and omissions but retaining the general meaning. The most significant changes are shown below:

(1) USRA LINE NO. 142: COLORA TO THE PENNSYLVANIA BORDER

The portion of the Penn Central Octoraro Secondary Track extending from the state border to Colora, Maryland is included in Rehabilitation Category C. An errata to Final System Plan has been issued to convey that portion of the Octoraro Secondary Track in Maryland to Conrail for acquisition by Southeastern Pennsylvania Transportation Authority (SEPTA), contingent upon purchase of the property by Cecil County, Maryland. An application for Federal funding of this acquisition has been filed. * * *

The portion of the line in Maryland is estimated by SEPTA to cost approximately $15,000. * * *

[35] Maryland State Rail Plan, Amendment I, op. cit., p. VIII–3.

(2) USRA LINE NO. 145: COCKEYSVILLE TO THE PENNSYLVANIA BORDER

No changes were made in Maryland's conclusions.

(3) USRA LINE NO. 150: QUEEN ANNE-DENTON

This line was discussed under USRA Line No. 169.

(4) USRA LINE NO. 163: KINGS CREEK-CRISFIELD

No changes were made in Maryland's conclusions.

(5) USRA LINE NO. 169: EASTON-CLAYTON

The Clayton, Delaware-Easton, Maryland and Queen Anne, Maryland-Denton, Maryland lines are included in Rehabilitation Category B.

Estimated total impact of abandonment is nearly $2.8 million, whereas the cost of continued operation is calculated to be about $500,000 in the initial year. Rehabilitation of these lines is estimated to cost about $1.3 million. Traffic on these lines is expected to grow to 1,577 carloads in 1978, making the complex one of the more heavily used on the Eastern Shore.

* * * * *

The rehabilitation of the Delaware portion of the line with 100 percent Federal funds should occur during the first year of the program.

No rehabilitation on the Maryland portion of this line is proposed during the first two years of the subsidy program. Rehabilitation may occur during the third to fifth years of the program, should the cost-revenue relationships improve.

(6) USRA LINE NO. 198: FREDERICK-HANOVER

The portion of the Frederick Secondary Track from the Monocacy River Bridge to the Maryland/Pennsylvania border is included in Rehabilitation Category C. * * *

TABLE 8.—*Priority listing for continued service general priority number 1, operations*

Line	Annual impact of abandonment	Estimated subsidy	
		Maryland	Other State
Rank:			
1 Seaford–Cambridge–Preston	$8,555,663	$246,470	(D) $39,334
2 Frederick–Monocacy River	(1)	7,575	
3 South of Pocamoke–Virginia Line	3,141,238	57,195	(V) 2,338,781
4 Chestertown–Centreville	2,166,160	427,393	(D) 43,114
5 Salisbury–Hebron	99,311	57,571	
6 Clayton–Easton–Denton	2,934,471	433,599	(D) 153,330
7 Monocacy River, Maryland/Pennsylvania border	61,110	294,803	
8 Colora Purchase	(1)	35,695	
Totals	16,957,953	1,560,301	2,574,559

[1] Not availables.
NOTE.—Operating subsidy before rehabilitation, (D) = Delaware, (V) = Virginia.
Source: Maryland State Rail Plan, op. cit, p. 81.

The immediate potential for industrial development in the corridor and other nonquantifiable benefits of retaining adequate service on this trackage indicate that a subsidy may be desirable.

The Department is negotiating to lease the line from the Penn Central Estate, and the Maryland and Pennsylvania Railroad presently is operating under a subsidy agreement. Rehabilitation will not occur during the foreseeable future until the cost-revenue picture improves.

Because of the extremely poor cost versus revenue situation on this line, the Department will closely monitor the first year of subsidy operation. Extensions of the subsidy contract beyond March 31, 1977 will be highly dependent on the cost of first year operations, local commitment and the potential for long term viability.

The Monocacy River Bridge was washed out in June, 1972 by Hurricane Agnes. Since that time operations along the Frederick Secondary Track have been limited to service from Frederick northward to the Monocacy River by Chessie and service from Pennsylvania south to the Monocacy River formerly by Penn Central and now the Maryland and Pennsylvania Railroad under subsidy. * * * Restoration of this bridge is included in Rehabilitation Category C.

Rebuilding this structure will allow the Maryland and Pennsylvania Railroad to gain access to two major railroads (Chessie and Conrail). Due to limited Federal entitlement funds and the poor cost-revenue relationship on the Monocacy River—Maryland/Pennsylvania Border line, this structure is not expected to be rehabilitated in the foreseeable future. The estimated cost of reconstruction is $250,000.

(7) USRA LINE NO. 199: FREDERICK-MONOCACY RIVER

The portion of the Penn Central Frederick Secondary Track from Frederick to the Monocacy River Bridge is included in Rehabilitation Category A * * *. USRA did not analyze this line and listed it under the heading "Pending Section 304(f) Applications as of June 26, 1975". This classification led USRA to ignore an estimated 173 carloads per year generated by this 3.8 mile section of railroad * * *.

The Maryland Department of Transportation is negotiating with the Penn Central Estate to lease this trackage. The Chessie System has agreed to continue operation on this line while a subsidy agreement is being negotiated. If the Monacacy River Bridge is restored, this trackage could become part of a through service operating north of the bridge with the ultimate operator, or local interests, purchasing the property. In the event the line cannot be operated as a through route, Chessie would serve the shippers on this line under a subsidy contract.

The rehabilitation of this line is proposed for the first year of the subsidy program * * *.

(8) USRA LINE NO. 676: SALISBURY-HEBRON

The Salisbury-Hebron line is included in Rehabilitation Category A * * *.

The Department is negotiating a lease for this line with the Penn Central Estate and Conrail presently is operating it under a subsidy contract. Rehabilitation to Class I standards is proposed during the second year of the subsidy program.

Of the eight lines Maryland requested the RSPO to evaluate, three are not presently active (USRA Lines Numbers 142, 145 and 163) and five are being operated under subsidy.[36] USRA Line Numbers 150, 164, and 676 are being operated by Conrail; USRA Line No. 148 is being operated by the Maryland and Pennsylvania Railroad, and USRA Line No. 199 is being operated by the Chessie System.

While Maryland's long-term strategy was altered slightly in its August, 1976 Report, as shown below, its position on the immediate and ultimate proposed acquisition of branch lines was identical to that listed in its March 1976 Report (see Table 7):

Present Federal assistance available under the Act will expire on July 1, 1981. The Department's strategy during this period is to maximize rehabilitation of those lines where a rehabilitation subsidy should make the line profitable, at current traffic levels, or where probable traffic growth will enhance a line's chances of profitability. The Department's objective is to subsidize only those branches which, at most, will require a small local subsidy after Federal and State assistance ends on July 1, 1981.

It is the long term goal of the State Rail Plan ultimately to return rail properties to solvent carriers for operation as a part of their overall rail network. Several lines in the overall priority listing should be self-supporting following rehabilitation and annual maintenance. As a secondary objective, it is anticipated that non-profitable lines in the plan will operate at such a small loss that the annual subsidy can be paid by shippers or local interests after July, 1981.

In all instances where purchase by a solvent carrier is not practical, the State will pursue the possibility of purchase by other entities (local government or shippers groups) to ensure long term service.

On those lines, where service terminated effective April 1, 1976, the State will pursue the possibility of purchase of the right-of-way by State or local intereests to protect the potential for ultimate reuse of the property. Given the anticipated level of entitlement funds available to Maryland, it is unlikely that Federal funds will be used for this purpose.

After the initial operating year (April 1976–April 1977), the State Rail Plan may be amended to reflect, in some instances, continuation of rail services on branch lines by short line rail carriers instead of Conrail. During the initial subsidy period, short line carrier proposals will be evaluated by the State for operation after April 1977.[35]

RESULTS OF THE RSPO EVALUATIONS

The remainder of this summary consists of a discussion of the results of RSPO's in-depth evaluations of the eight Maryland lines. Full evaluations of the individual lines will be published separately at a later date. Included in the present discussion are summaries of the evaluations of each of the lines and of the actions which may be necessary to make the lines economical. The Office has found that there are many actions which could be applied to all of the lines; therefore, this discussion will first analyze those actions capable of general application. It will then briefly discuss the lines on an individual basis, identifyng the lines, some of their specific problems, and the actions best-suited to dealing with those problems.

Actions which may be Necessary for all Lines Studied. For purposes of this report, the courses of action which may be pursued in attempting to make the operation of the eight lines economical have been divided into five categories: subsidization by the public sector; increased railroad revenue and/or traffic; decreased railroad costs; acquisition by other railroads and/or government entities; and economic development programs. Each of the alternatives has certain advantages and disadvantages, and it must be recognized that there is no single "magic" formula for success. Obviously, these strategies are not mutually exclusive, and the particular combination which will prove most successful can best be determined only after an extensive examination of the many factors affecting traffic and market potentials. The ultimate choice among strategies may vary with the line segment and may be determined by political imperatives as well as the demands of economic efficiency.

Subsidization by the public sector. Direct subsidization by the public sector is often advanced as the single best alternative to abandonment of light-density lines. Proponents of this viewpoint cite the provisions of the RRR Act which imply that, if it is in the public interest to continue rail services that are

[36] On April 1, 1976, service was officially abandoned on USRA Lines Numbers 142, 145, and 163. Abandonment of the properties remains uncertain, but the Maryland Department of Transportation has the first right to purchase any abandoned rail properties within the State. See: Maryland State Rail Plan, op. cit, p. 7.

[35] Maryland State Rail Plan, op. cit., pp. 96–97.

not financially viable in the private sector, the public must be willing to assume at least partial financial responsibility for the losses incurred.

Section 402(a) (1) of the RRR Act provides financial assistance "* * * in the provision of rail service continuation payments, the acquisition or modernization of rail properties, including the preservation of rights-of-way for future rail service, the construction or improvement of facilities necessary to accommodate the transportation of freight previously moved by rail service, and the cost of operating and maintaining rail service facilities such as yards, shops, docks or other facilities useful in facilitating and maintaining main line or local rail service."[21] The RRR Act provides a detailed procedure for the determination of rail service continuation payments; however, from the language of section 402 and from the funding provisions of the RRR Act, as amended by the RRRR Act, it is clear that a service continuation subsidy is to be viewed as a short-term transitional measure and not as a permanent solution to the problem of a light-density line.

There are numerous alternatives to rail service continuation payments which could be employed by the State of Maryland. However, before examining these alternatives, it is necessary to discuss the question of rehabilitation of the lines. The Office has concluded from its study that, for almost all line segments examined, unless the individual lines are rehabilitated to at least FRA Class I standards, implementation of any other courses of action will not prove sufficient to make the lines economical. In some cases, lines which could ordinarily be served easily in one day require two days because the trains must literally creep across the tracks. It is doubtful that any combination of incentives will serve to increase traffic over such lines as long as their condition and, consequently, their service continues to deteriorate. Conversely, the rehabilitation of these lines will contribute to an immediate reduction in operating costs, and the improved service over the line should, hopefully, produce an increase in shipments. Furthermore, once a line is rehabilitated it will be more attractive to potential rail patrons and, in some instances, to railroads, which at present are not interested in either acquiring or operating it.

Among the alternatives to rail service continuation payments would be a direct payment of an operating subsidy to cover some specific portion of the branch line costs, e.g., maintenance or operating costs. Another form would be a general subsidy based on factors such as anticipated traffic volume. Such a subsidy could be variable, e.g., the amount of the subsidy could vary with the volume of traffic, or the profit, or any specified condition. One major problem is that with existing branch line data problems, it would be very difficult to determine the exact amount of subsidy needed. A reliable technique for estimating future demands for market conditions for each firm on the line is mandatory.

An indirect form of subsidy which could be employed is a user tax applied to other modes serving the area, with the resultant revenues either helping the branch line or being used for other economic stimulus in the area. The main problem with this form of subsidy is that the basic costs of transportation to area firms might effectively eliminate them from more distant markets and, in effect, cause a downturn in their overall business.

Another form of subsidy to be considered is a payment by the State or local authority to rail users for increased rail use, which would be the same as a rate reduction to shippers and consignees. The amount of the subsidy could be determined by how responsive the demand for rail services was to the reduction in rates. If the subsidy were paid for terminating as well as originating traffic, it would provide a direct incentive to induce consignees as well as shippers to use rail. A word of caution, however, is warranted. An incentive to compensate for any imbalances found between inbound and outbound traffic would have to be devised to insure the success of a subsidy program.

It should be stressed that a complete understanding of traffic flows, rates, and comparative system costs is necessary prior to the implementation of any of the subsidy alternatives discussed in this Report. Rail patron responses provide little basis for judging the likely success (or cost) of different subsidy alternatives. Information must be obtained through a detailed review of the transportation requirements and market potential for each of the firms on the line to be subsidized.

Many shippers or consignees will not use rail service unless the service is improved over its current levels of operation, which means an increase in costs, both in operations and maintenance. The State or local authority could grant a subsidy either to a carrier or to the firms using the rail service, with the necessary revenues provided by the users as a supplemental charge which would cover both operating and capital losses of the branch line. This form of exchange would avoid any subsidy and place the burden of maintaining the service on the beneficiaries. In effect, the objections of an indirect charge from other modes would be eliminated; however, the result might well be the same, an eventual loss of business and rail traffic to other modes because of the higher effective costs of using rail service.

Another alternative to direct payment of a specific subsidy would be some form of tax forgiveness by the State and/or local communities and counties; however, most branch line deficits appear to be substantially greater than the revenues derived from taxes generated on the branch lines under study. Tax forgiveness for rail patrons on the basis of rail usage is a possibility which also might be considered. Tax relief programs used in conjunction with other techniques would further reduce the apparent cost of supporting rail operations, e.g., tax relief could reduce the reported breakeven operating cost and thereby reduce any subsidy payments. A rate increase, in conjunction with tax relief could also be employed. Another combination would be to increase traffic volume in conjunction with tax relief so that the breakeven point could be reached. However, it must be pointed out that the difference between tax relief and explicit subsidy is more illusory than real. If county taxes are forgiven, either the burden must be borne by other businesses and residents in the county or county services will have to be reduced. Essentially, this is also true on the State level.

The local or State government could assist branch line operations with a variety of other capital subsidy programs used separately or together with operating subsidies or tax relief. Such programs could involve grants for line rehabilitation and repair; the purchase of equipment; interest rate subsidies; or loan guarantees. The latter two types of support are longer range in nature and might be expected to have little immediate effects on branch line continuance; however, if offered in cooperation with other types of State aid, they might prove attractive.

Increased railroad revenue and/or traffic. All possibilities which might result in increasing the revenues generated by the lines should be explored. The adoption of one or more of the following actions on each line could help to accomplish this objective:

(1) A restructuring of freight rates on traffic on the branches is necessary.[22] Based upon the ability of users and consumers to stand the burden, freight rates need to be increased. An examination of the users surveyed by the RSPO Project Teams found that on many of the lines the increased costs to the users which would result from a rate increase on most traffic was small, i.e., transportation costs do not comprise a large share of the total costs of products shipped.

(2) The effects of reducing rates should also be explored. In some instances, such a reduction might result in more revenues through increased traffic than would an increase in rates, which could have the effect of reducing traffic.

[21] 45 U.S.C. 762.

[22] Railroad rates are set in a complex way with many factors given consideration that frequently result in charges for particular shipments having little relationship to the cost of transporting the commodities moved. In addition, once negotiated, the rate levels, as well as the specific rate, are difficult to change. It is imperative that a systems approach be utilized in examination of the reasonableness of the level of rates for the specific branch lines. In many cases, the cross-subsidization of rates by previous rail carrier managements may have been utilized to accomplish a completely different set of goals, with a different operating configuration, than those of the present rail operations.

(3) A surcharge could be placed on all shipments, either on a per-unit basis or on the basis of an absolute charge per rail patron.

(4) Rail patrons and the railroad could engage in cooperative activities designed to increase business.

(5) Users of a line could agree to guarantee to generate a specific amount of tonnage per year. Agreements for such "loyalty" shipments should include a scale to adjust for future cost changes.

(6) The State should explore the possibility of taking an active role in rate negotiations, either through trying to help a branch line obtain a larger share of existing revenues or through encouraging shipper routings that would result in the operating carrier receiving a longer haul.

(7) Local industries should be encouraged to use the branch line, even if it means shifting tonnage from a preferred mode.

(8) An industrial development program designed to bring about a greater diversification of traffic on the lines should be pursued.

(9) The use of team tracks should also be encouraged.

Reductions in railroad costs. All possibilities for reducing costs of operations on the lines should be explored. The following actions should be considered:

(1) Meetings should be held with the operating railroads, organized labor, and other interested parties to examine whether special labor agreements may be negotiated which might result in lower operating costs and greater productivity in the service of the branch lines. Among the things to be considered would be: crew size reductions; local operating/work rule modifications; and crew assignments on main-line and yard terminal operations. The parties should also explore ways in which costs could be reduced by such actions as sharing clerical responsibilities.

(2) The State could assume responsibility for vegetation control programs near highway crossings; maintenance of highway grade crossings; installation of highway crossing protection; and other high maintenance cost items. Individual communities, with or without State assistance, could assume shared responsibility for such programs. The State could also arrange for a reduction of highway grade crossings.

(3) The State, the operating railroads and interested parties should also seek to arrange for those levels of service over a line which would encourage rail usage.

Acquisitions by other railroads and/or government entities. Besides subsidizing light-density lines directly or indirectly, the State should always consider purchasing some of the lines in order to continue needed rail service. The concept of State-owned railroads is neither a new nor novel approach. The States of Georgia, North Carolina and Vermont have owned and leased rail lines for many years.[23] Many individuals expect more States to adopt this course in the future; however, the long-term financial commitments involved in this approach may not be universally appealing.

In considering whether to purchase a line, the State must consider the purchase price and the rent to be paid to the State for use of the line. The salvage value of the line, assuming abandonment, should be the upper limit of its purchase price; rent should be based on the traffic volume generated. Any difference between the rental costs and the cost of maintaining the line and the return the State could have earned on the funds (through other projects), in effect would represent the subsidy for the operation of the branch line.

After purchasing a line, the State could lease the line to a rail carrier for a specified level of service. This procedure would assure service in instances where the railroad was uncertain about the duration of operating assstance from a State or had failed to adequately forecast future traffic levels. The State may wish to take an equity position in the case of several branch lines to improve its bargaining position in negotiations with rail carrier management with respect to service levels on other branch lines. It is important to recognize that unless a State purchase/lease-back or purchase/contract for services allows a savings on the maintenance or rehabilitation costs of a line, there is little to recommend it. In other words, a truly uneconomic line will not change its performance as a result of a change in ownership.

If a State purchased a line and contracted for services, it would be in the transportation business and have a direct role in the determination of freight rates over its portion of the lines. Such an arrangement could be handled in two ways: the State could contract with Conrail or another carrier for a specified level of service on the branch line and in turn, sell that service to users; or the State could publish a set of tariffs and negotiate the division of revenue as well as the price that Conrail or another carrier could charge for providing service over the branch line.

The acquisition of lines by local municipalities is also a possibility. There are at least three known municipally operated lines in the United States, e.g., the Belfast and Moose Head Lake (B&ML) in east central Maine, the City of Prineville Railway in central Oregon, and the railway of the municipality of east Troy.[24] There have been a few others in the past, but their experience is not of general significance. All three roads connect the owning municipality, which has no other railroad, with a main line. By far the oldest of the lines is the B&ML; it was incorporated in 1867 and completed in 1870. In his in-depth study of these three municipal railroads, John Due reached the following conclusions:

(1) A municipal government can without question operate a railroad effectively and efficiently.

(2) The operation of these lines has offered substantial benefits to the communities served by aiding economic development. This is particularly apparent with Prineville, which would likely have dwindled to a small town without the railroad.

(3) The Prineville experience shows clearly the possibility of keeping a line operating in severe depression when it might have been abandoned by a private company, to the long-range detriment of the community.

(4) The experience shows that competent management can be obtained with municipal operation, but at times with some problems of city council-management relationships.

(5) Municipal operation does not necessarily involve political interference with personnel selection and management.

(6) Municipal operation permits adjustment of railway policy in terms of the interests of overall community development.

(7) Operation of a railway as an integral part of a city government offers the great advantage to the community of freedom from Federal income taxes—and possibly some state taxes.

(8) Deficits of a municipal system can be met directly by the shippers and residents of the community, the external benefits from retention of service thus being internalized.

Another alternative to maintain rail service would be ownership by groups of local shippers, employees, or other rail carriers. Under such an arrangement, the owners might lease the line to Conrail or some other carrier and contract for desired service levels. The local group might also decide to operate the branch line as a shortline railroad; however, it must be recognized that the assumption behind all such proposals is that the new owners can operate the line at lower cost or generate more traffic revenues than the prior rail management. In these types of proposals, lower costs are expected to result from "improved" labor conditions and the use of different techniques for maintenance and operation. Some shortlines have operated with less restrictive labor rules, but unless better service levels result, it cannot be assumed that local businesses, even with a financial interest in the railroad, will assure greater freight revenues and profits. Short line revenues, to a large extent, depend upon the rate divisions or freight absorption worked out with the main line carriers, and the feasibility of such ownership proposals must be examined with care. There is an advantage in placing

[23] William R. Black and James F. Runke, The State and Rural Rail Preservation: Alternative Strategies, (Lexington: The Council of State Governments, October, 1975), pp. 61–62.

[24] John F. Due, "The Experience With Municipal Operation of Railway Lines," Transportation Journal, Summer, 1975, pp. 5–17.

the responsibility and control in the charge of those who benefit most directly from the preservation of the service. However, it must be realized that in many cases these are small businesses and their managements simply may not be capable of running their business and a railroad at the same time. It is suggested that the State might have to play a significant role in freight rate negotiations and be ready with subsidy if the operation failed. Such failure would obviously reflect on the financial viability of the owners of the branch line and could result in the failure of the firms involved and economic catastrophe for the entire region.

It should be noted that a State may use Federal funds under the RRR Act, as amended, to purchase the lines or to provide for their operation and rehabilitation to FRA Class I standards through accelerated maintenance. The State cannot do both. In other words, once a State uses the funds to purchase a line, it can no longer receive Federal funds for the operation or the rehabilitation of that line. Therefore, it would be to the State's advantage, whenever it decides that it wants to acquire a line, to postpone acquisition until the line has been rehabilitated.

It should also be noted that in some cases, it may prove cheaper in the long run for a State to rehabilitate the line and actually give that line to a profitable railroad, then for the State to continue to participate in paying for subsidized operations over that line.

One other alternative that should be considered by the State is the preservation of rights-of-way. If a decision is made with regard to a particular line that no combination of actions can reasonably be expected to make operation of the line economical, the State must consider whether the line should be preserved for the future. A State may have quite distinct interests in the preservation of a right-of-way and the preservation of operations over it. Even if a right-of-way has little present potential, its dismantling could have a serious future impact on the area in which it is located. Furthermore, as energy costs increase in the future, motor carriers may lose their competitive advantage in serving industries located on some of the light-density lines, and many of the costs and service disadvantages of these lines may decline.

Economic development programs to attract rail-dependent industries. Every possible effort should be expended to attract rail-dependent industries to light-density lines. Essential to the achievement of such a goal is the rehabilitation of the lines, since new industries will not even consider locating on a line which is not up to at least FRA Class I standards. Even when a line is in good condition, however, the competition to attract industries is extreme.[35] As David Richmond, the Economic Development Director of the Columbus Area Chamber of Commerce (Indiana) pointed out, "While some 3,500 new industrial plants are built each year, 16,000 development groups are at work trying to lure them."[36] It should also be recognized that while available rail transportation is an important criterion in site selection, it is only one of many and in a number of cases is actually the least important. In discussing the U.S. Steel Corporation's decision to locate a major steel mill in Conneaut, Ohio, Elliot Janeway made the following observation:

* * * The consideration that stamps Conneaut, Ohio as a growth center of the future is neither accidental nor whimsical.

Conneaut will be a major steel mill center because it already is a minor water shipping point. The day has long since passed when cheap rail transportation costs invited major industrial facilities to locate inland.

Nowadays the pressure to cut the cost of handling basic bulk materials dictates the choice of coastal sites for major industrial facilities.[37]

It should be further noted that some of the methods listed earlier that could be employed to keep an excluded line in service, such as a rail patron surcharge, may discourage new industries from locating on that line. All other factors being equal, a decision by a prospective rail user to locate on a rail line excluded from Conrail generally involves a much higher risk than a similar decision to locate on a profitable railroad.

Line-by-Line Analysis

USRA Line No. 142: Octoraro Secondary Track. The Octoraro Secondary Track, formerly part of the Pennsylvania Railroad, extends northeast from Colora, Maryland (milepost 59.7) through Rising Sun (milepost 57.1), and Sylmar, Maryland (milepost 54.2) to Wawa, Pennsylvania. The State of Maryland requested the RSPO to analyze only that portion of the Octoraro Secondary Track that extends from Colora to the Maryland/Pennsylvania Border, a distance of 5.5 miles. That portion of the line which is located in Maryland serves portions of Cecil County. At one time the line extended southwest from Colora to a connection with the Columbia and Port Deposit line of Conrail at Rocks Junction, Maryland; the line was also connected at one time to the Bainbridge Naval Station. Both of these portions of the line were abandoned several years ago. USRA Line No. 142 has not been in operation in Maryland since September 9, 1971, as a result of washouts on both the Pennsylvania and Maryland portions of the line. The line has been acquired by the Southeastern Pennsylvania Transportation Authority (SEPTA), and the State of Maryland is presently seeking Federal funds so that Cecil County may acquire the Maryland portion of the line from SEPTA.

[35] The recent establishment of a Volkswagen "Rabbit" assembly plant at New Stanton, Pennsylvania, is a classic example of the lengths to which development groups will go to secure industries. The reported initial package of incentives offered Volkswagen included the following:

The company would be exempted from franchise and realty transfer taxes.

The Pennsylvania Industrial Development Authority would grant a $40 million loan to buy an unused Chrysler Corporation plant for the auto firm to lease.

The State would spend $30 million on highway and rail links to the plant.

The State would waive 95 percent of local taxes the first two years and 50 percent the following two years.

The State would arrange for employee training.

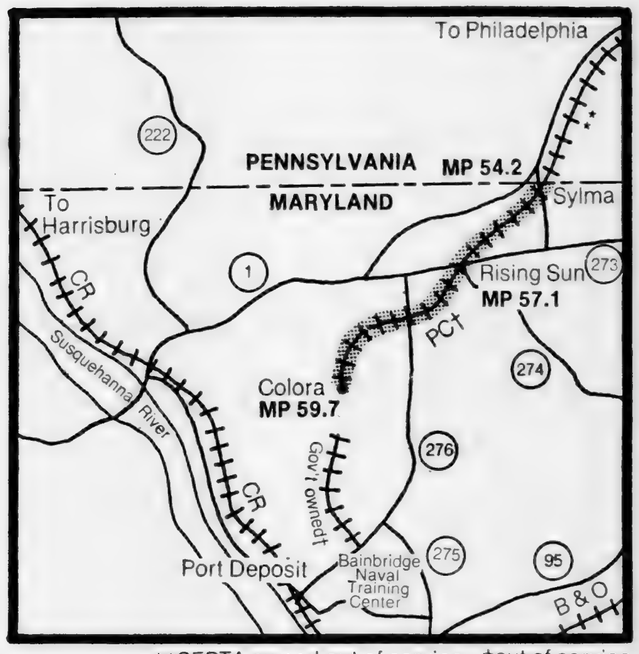
The State would provide a $135 million tooling loan (Volkswagen decided later to do its own financing on this proposal when negotiations with Pennsylvania became snagged).

Source: "Rabbits In The Cabbage Patch", The Wall Street Journal, Vol. CLXXXVIII, No. 6, August 17, 1976, p. 18; "GOP Study Queries VW Plant Figures", The Washington Star, No. 275, October 1, 1976, p. C–6; Terry P. Brown, "VW Delays Start-Up Date At Its Facility in New Stanton; Parts Problems Develop", The Wall Street Journal, Vol. CLXXXVIII, No. 68, October 6, 1976, p. 2.

[36] David Richmond "Americans Battle For Industry", The Republic, June 18, 1976, p. A–1.

[37] Eliot Janeway, "U.S. Steel Bets Against Inflation", The Washington Star, July 7, 1976, p. A–19.

Figure 1: USRA Line No. 142



**SEPTA owned-out of service †out of service

The Octoraro Secondary Track serves an area of northeastern Maryland which is primarily agricultural and rural in nature. It is characterized by a number of small towns which serve as trading centers for the surrounding area. None of the towns served by the Colora-Sylmar line were analyzed in the 1970 Census of Population, and none is of sufficient size and market area to support a relatively extensive non-agricultural sector. However, Cecil County constitutes the western-most portion of the Wilmington, Delaware SMSA and, therefore, benefits from some of the growth in and around Wilmington. Although the County does lie within the Wilmington SMSA, only 19.9 percent of its population was classified as urban in 1970. The 1970 non-agricultural labor force in Cecil County was 18,390 persons of which 32.1 percent were employed in manufacturing, 15.8 percent in wholesale and retail trade, 8.3 percent in the construction industry, and 5 percent in the service sector. Although no single manufacturing industry dominated employment, the following industries were all well represented: apparel and textile products, chemicals and all allied products, primary metals, fabricated metals, electric and electronic equipment.

Geographically, the County lies at the edge of the Piedmont Plateau, and has some rolling hills in its northwestern quadrant.

The State of Maryland, local rail patrons and information received from the Penn Central during the railroad restructuring in 1974 provided the RSPO Project Team with a list of 18 firms that were alleged to have used the Colora-Sylmar line. Of these 18 firms, two were no longer in existence at the time the RSPO Project Team was interviewing, and local officials and rail patrons had no knowledge of the existence of three other firms. An additional firm was not contacted since it was essentially a retail used car dealer. The remaining 12 firms were judged capable of generating carload business and were interviewed by the RSPO Project Team. The other businesses in these towns are almost exclusively small commercial and retail establishments that rely on motor carriers to handle their predominantly small shipments.

Of the 12 firms interviewed, two firms stated that they had never used the railroad and have no intention of using it in the future. Two firms indicated that they last used the railroad in 1952 and 1961, respectively, and have no intention of using it in the future. Four firms claimed they were active users but do not expect to use the line in the future; one of these firms was trying to sell its business. One firm was an active rail user until 1971, but the future use of any rail service by the firm was undeterminable. Two firms are presently using Conrail's team track facilities at Perryville; one of these firms doubts that it would ever use a reactivated Colora-Sylmar line. One of the larger active users of the line in 1971 is now making extensive use of alternative transportation modes.

Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) the area lacks any major rail-oriented industries; (2) a number of former users of this line have either gone out of business or relocated since the closure of the line in 1971; (3) appreciable business expansion plans for the 12 firms interviewed are essentially non-existent; (4) historical traffic patterns of the line reflect the area's basic agricultural/rural concentration; (5) future traffic projections by various individuals was neither realistic nor substantiated; (6) current potential rail users would simply be unable to support a viable railroad operation; (7) the railroad plant is badly deteriorated; (8) a number of firms have already successfully shifted traffic to other modes or railheads; and (9) the line "stub ends" into a non-viable area.

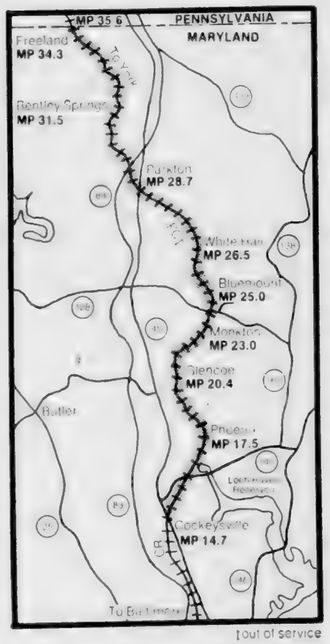
Conclusions

At this point in time, USRA Line No. 142 does not have sufficient available or potential rail users in the vicinity to economically justify the resumption of service on the line. However, the line has potential value either as a Pennsylvania-Maryland commuter line or as an access line to the defunct Bainbridge Naval Station property in Port Deposit, which has some potential for industrial development.

USRA Line No. 145: Northern Central Branch. The Northern Central Branch, formerly part of the Pennsylvania Railroad, extends directly north from Baltimore, Maryland (milepost 1.0) through Cockeysville (milepost 14.7), Phoenix (milepost 17.5), Sparks (milepost 19.5), Glencoe (milepost 20.4), Monkton (milepost 23.0), White Hall (milepost 26.5), Parkton (milepost 28.7), Bentley Springs (milepost 31.5), and Freeland, Maryland (milepost 34.3) to York, Pennsylvania. The State of Maryland requested the RSPO to analyze only that portion of the Northern Central Branch that extends from Cockeysville (milepost 14.7) to the Maryland/Pennsylvania Border (milepost 35.6), a distance of 20.9 miles. Baltimore and Cockeysville traffic was not included in this line analysis since it is being served by Conrail. That portion of the line which is located in Maryland serves portions of Baltimore County. USRA Line No. 145 has not been operated

in Maryland since June, 1972, due to washouts occasioned by Hurrican Agnes; passenger service ceased on May 1, 1970. Prior to the flood damage, the Maryland portion of the line, according to the Maryland Department of Transportation, generated an estimated 80-100 cars per year. The State of Pennsylvania has expressed an interest in preserving the right-of-way for possible restoration of rail service between Baltimore and Harrisburg, as a "back-up route" for the freight and passenger service now being carried over the Northeast Corridor.

Figure 2: USRA Line No. 145



The Northern Central Branch serves an area of Maryland which is characterized by a mixed agricultural/rural and industrial economy. The line extends northward through Baltimore County, which lies in the heart of the Baltimore SMSA, and crosses the State line into Pennsylvania, to serve York County, which is the center of the York SMSA. While the termini, Baltimore and York, are substantial industrial and urbanized areas, the existing pattern of land use in between these two metropolitan areas is distinguished by moderate-density housing developments scattered throughout the sector, a sparsely developed region, and a "hunt country" atmosphere. Although there is some scattered light manufacturing, the small towns adjacent to the line from Cockeysville to the Maryland/Pennsylvania Border serve primarily as trading and distribution centers for the surrounding agricultural/rural areas. None of the Maryland towns served by the Northern Central Branch was analyzed in the 1970 Census of Population and none is of sufficient size and market area to support a relatively extensive nonagricultural sector.

USRA Line No. 145 serves a geographical area which lies on the eastern edge of the Piedmont Plateau and crosses terrain which varies from gently rolling to extremely hilly.

The State of Maryland, local rail patrons and information received from the Penn Central during the railroad restructuring in 1974 provided the RSPO Project Team with a list of seven firms that were alleged to have used the North Central Branch. One of these firms, was no longer in existence. The remaining six firms were judged capable of generating carload business and were interviewed by the RSPO Project Team. The other businesses in these towns are almost exclusively small commercial and retail establishments that rely entirely on motor carriers to handle their predominantly small shipments.

Of the six firms interviewed, one firm had recently been purchased by new owners who stated they had never used the railroad and did not expect to use it. Two firms indicated that they had last used the railroad in the early 1960's and had no intention of using it in the future. One firm claimed that it had not used the Northern Central Branch since 1967 but was currently using team track facilities at York, Pennsylvania. Two firms were active rail users of the line until 1972 and would use rail service again if the line were reactivated. The total future demand of the three firms that implied a preference for rail service would be approximately 29 carloads per year.

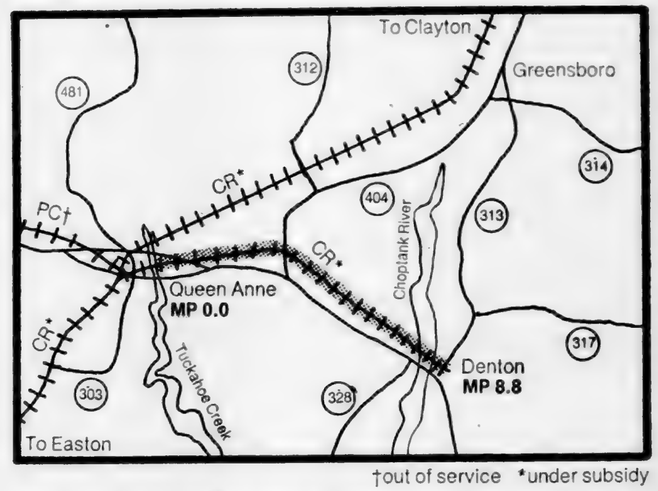
Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) the area lacks any major rail oriented industries; (2) a number of former users of this line have either gone out of business or relocated since the line went out of service in 1972; (3) appreciable business expansion plans for the six firms interviewed are essentially non-existent; (4) future traffic projections by various individuals was neither realistic nor substantiated; (5) current potential rail users would simply be unable to support a viable railroad operation; (6) a number of firms have already successfully shifted traffic to other modes or railheads; (7) there is no evidence of any industrial planning or development along the entire line from Cockeysville to the Maryland/Pennsylvania Border; (8) currently, the line cannot become economically viable without the inclusion of overhead traffic which is, of course, non-captive to this line; (9) Baltimore County, because of a desire to protect the watershed area of the Baltimore metropolitan area, has indicated a preference to retain the essentially agricultural/rural character of the area adjacent to the line; (10) a light rail commuter transit operation has been proposed for that line segment between Cockeysville and Baltimore; (11) future rail-oriented industrial development along this line would be difficult because of the terrain and flooding problems; (12) the community desires to preserve the existing pattern of land use; and (13) because of certain rail operational difficulties (curvatures, grades, susceptibility to flooding and washouts, and track configurations in the Baltimore area), it is doubtful whether this line can handle large volumes of traffic economically.

Conclusions

At this point in time, USRA Line No. 145 does not have sufficient available or potential rail users in its vicinity to economically justify the resumption of service on the line. However, retention of the right-of-way may be desirable in view of the interest expressed by the State of Pennsylvania for its retention as a "back-up" route for the Northeast Corridor. Maryland should determine if the State of Pennsylvania is sufficiently interested to share in the funding for the purchase, complete rehabilitation and operation of the line.

USRA Line No. 150: Denton Track. The Denton Track, formerly part of the Pennsylvania Railroad, extends eastward from Queen Anne, Maryland (milepost 0.0), through Hillsboro (milepost 0.5) to Denton, Maryland (milepost 8.8) a distance of 8.8 miles. The State of Maryland requested the RSPO to analyze the entire line; the Denton Track is being operated under subsidy by Conrail. Although the line is primarily located in Caroline County, short segments of the line are also located in Queen Anne and Talbot Counties. At Queen Anne the line connects with the former Penn Central line from Queen Anne to Queenstown (USRA Line No. 151), which is now out-of-service, and the former Penn Central line from Easton to Clifton, Delaware (USRA Line No. 169), which is being operated under subsidy.

Figure 3: USRA Line No. 150



†out of service *under subsidy

The Denton Track serves an area of central Delmarva which exhibits a mixed agricultural/rural and, to a limited extent, an industrial economy. While the majority of the towns in Caroline County are relatively small in size and serve primarily as regional trade and distribution centers for the surrounding agricultural/rural areas, Denton has developed manufacturing, service and trade sectors. None of the towns on or around the line was analyzed in the 1970 Census of Population. According to both the 1960 and 1970 Census, Caroline County experienced some population growth during the past two decades; it increased 6.7 percent from 1950–1960 (a figure held down by a 3.8 percent out-migration) and, during the succeeding decade, net county population growth was 1.6 percent (out-migration was 4 percent). However, by 1975, the County population had increased approximately 9.3 percent over the 1970 level, to an estimated 21,600.

Fourteen percent of the jobs in Caroline County are in agriculture and 21 percent are in manufacturing. A decline in total manufacturing employment of six percent between 1965 and 1975 was accompanied by a substantial decrease in the County's dependency on food processing, as this industry's share of total manufacturing jobs fell from 59 percent to 35 percent. A significant plastics industry has developed in the County since 1965, and this industry, by 1975, accounted for 35 percent of total manufacturing employment. A slight decline in manufacturing's share of total employment is projected to occur by 1990.

Census data indicate a County service area which is relatively weak in economic terms. Non-agricultural economic growth has been low over the past two decades, while the agricultural sector has not exhibited very strong growth. Prospects for this service area do not appear to be bright for the near future.

Geographicaly, USRA Line No. 150 is situated in the only Delmarva County without either Atlantic Ocean or Chesapeake Bay Coastline. The area served by the line lies entirely on the Coastal Plain; it is characterized by relatively flat or gently rolling topography; and it is drained by the Choptank River.

The State of Maryland, the Denton Chamber of Commerce, local rail patrons and information received from the Penn Central during the railroad restructuring in 1974 provided the RSPO Project Team with a list of 19 firms that were alleged to have used the Queen Anne-Denton line. Of those 19 firms, two were no longer in existence at the time the RSPO Project Team was interviewing; one was found to be located on another Penn Central line; and one firm was listed twice. The remaining 15 firms were judged capable of generating carload business. The other businesses in these towns are almost exclusively small commercial and retail establishments that rely entirely on motor carriers to handle their predominantly small shipments.

Of the 15 firms contacted, three firms stated that they had never used the railroad and have no intention of using it in the future. Two firms indicated that they last used the railroad, in 1961 and 1973 respectively, and have no intention of using it in the future. The remaining ten rail patrons are active users of the line; one of these firms also uses the team track facilities at Harrington.

Of the ten firms interviewed, two stated that they were not contemplating any future expansion, and two firms stated that their business was "stable" (one of the latter companies had been partly destroyed by fire). Two companies claimed that, while no future plant expansion was contemplated, sales were expected to rise. Three firms expected to increase their storage facilities one firm would make no future prognostication.

Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) the line has a limited number of rail patrons and commodities; (2) traffic volume has declined to some extent; (3) the line generates primarily terminating traffic; (4) much of the traffic moved over the line is seasonal; (5) historically, a portion of the traffic moved over the line has been non-revenue freight, i.e., cross ties for the Penn Central; (6) the continued operation of the line also depends on the continued existence of the Clayton-Easton line (USRA Line No. 169); (7) a number of firms have shifted traffic to other modes or railheads, (8) certain unusual rail maintenance and operational costs are possible in the future as a result of the "moveable" railroad bridge over the Choptank River; (9) there was no evidence of any industrial planning or development along the line; and (10) incremental costing can be applied to this line.

Cost and revenue figures for the period May through October, 1976 on USRA Line No. 150 have been combined with those of the Clayton-Eastern Line (see the anlysis of USRA Line No. 169). However, for eleven months of operation (April-February), USRA Line No. 150 generated 163 carloads of freight; on an annualized basis this indicates that traffic levels have fallen to 98.3 percent of the 1973 levels.

Conclusions

The following courses of action should be considered:

(1) The option of operating this line as a short line railroad owned by an independent and/or rail patron operator should be considered. It should be determined whether it would be possible for such an operator to renegotiate rates with Conrail, based on cars being terminated at Clayton, and to assess patrons on the line a flat charge for handling their traffic between Clayton and their siding or the nearest team track. Off-track mobile track equipment of the type employed by the Hillsdale County Railway Company, Inc. of Hillsdale, Michigan, to handle a limited number of cars, might be effectively employed on this excluded rail line. (The employment of this type of equipment to serve several Maryland light-density lines is a possibility.)

(2) Rehabilitation of this line could greatly reduce the time that it takes to service it and thus reduce the costs of its operation.

(3) The viability of the line could be improved by upgrading and promoting the use of team track facilities along the line.

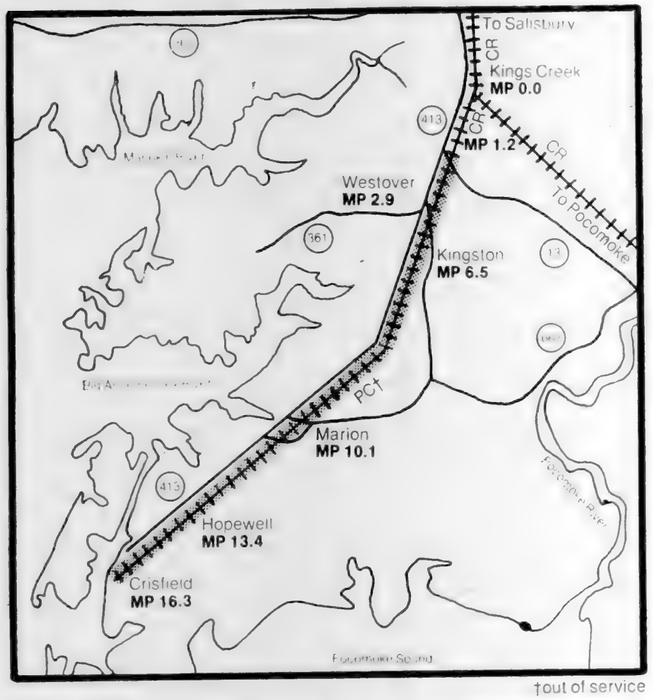
(4) The State should explore the possibility of taking an active role in rate

negotiations with the operating railroad with respect to the movement of non-revenue crossties over this line.

(5) The feasibility and practicality of constructing a connecting track between USRA Lines Nos. 151 (Queen Anne to Queenstown) and 148 (Massey to Centreville) should be determined. The objective of constructing such a connecting track would be to provide continued service to users of USRA Lines Nos. 150 and 169 while at the same time reducing the total mileage necessary to provide that service (rail service could be terminated on that portion of USRA Line No. 169 between milepost 0.0 and either milepost 28.3 or milepost 32.4), thus improving the viability of the remaining lines in Caroline, Queene Anne and Talbot Counties. A study should be conducted to determine the costs and benefits which would result from implementation of this proposal.

USRA Line No. 163: Crisfield Secondary Track. The Crisfield Secondary Track, formerly part of the Pennsylvania Railroad, extends southeast from Kings Creek, Maryland (milepost 0.0) through Westover (milepost 2.9), Kingston (milepost 6.5), Marion (milepost 10.1), and Hopewell (milepost 13.4) to Crisfield, Maryland (milepost 16.3), a distance of 16.3 miles. The State of Maryland requested the RSPO to analyze that portion of the line from west of Kings Creek (milepost 1.2) to Crisfield (milepost 16.3) a distance of 15.1 miles; the Crisfield Secondary Track is not presently in service. The line is located in Somerset County, the southern-most of Maryland's Delmarva Counties.

Figure 4: USRA Line No. 163



†out of service

The Crisfield Secondary Track serves an area of southeastern Delmarva which is primarily agricultural and rural in nature. This portion of the State lies outside any of the developed SMSA areas. It is characterized by a number of small towns which serve as trading centers for the surrounding area. None of the towns served by the Kings Creek-Crisfield line is of sufficient size and market area to support a relatively extensive non-agricultural sector. Of the towns on and around the branch line, only Crisfield was of sufficient size in 1970 to merit an analysis in the Census of Population. According to the 1960 and 1970 Census, Somerset County showed significant declines in population over the past two decades. Between 1950 and 1960, County population dropped by 5.4 percent, aided measurably by out-migration of 13.1 percent. During the 1960–1970 decade, County population declined by 3.6 percent, again primarily because of significant out-migration. Total County population in 1970 was 18,924. However, by 1975, the County population had increased approximately 3.0 percent over the 1970 level, to an estimated 19,500. In 1970, 26 percent of Somerset's residents were employed in neighboring Counties.

Data presented in County Business Patterns: 1974 gives a more detailed analysis of Somerset County employment. At the time that report was prepared, 2,984 persons were holding jobs in the County. Of these, fully half were in manufacturing occupations; food and food products, lumber and wood products, fabricated metal products, and apparel and other textile products had the highest levels of employment. While agriculture and the seafood industry have been the traditional mainstays of the County's economy, activities in these sectors have been either static or actually declining. Broilers, canned vegetables, fresh and frozen fish, crabs and oysters are the most important products of Somerset's food processing industry. Retail and wholesale trade provided jobs for only 842 persons, while an additional 259 were employed in the service sector. The picture presented is clearly that of a county with a weak non-agricultural sector, with low levels of development in trade and services, and virtually no diversity in its economic base. Prospects for growth in this area are not promising in the near future.

Geographically, the topography can be characterized as being either flat or slightly undulating, with elevations above sea-level rarely exceeding 50 feet. Much of the area is marshland, and the County includes several large islands in the Chesapeake Bay.

The State of Maryland, the Chambers of Commerce of Crisfield and Salisbury, local rail patrons, and information received from the Penn Central during the railroad restructuring in 1974 provided the RSPO Project Team with a list of 16 firms that were alleged to have used the Kings Creek-Crisfield line. Of these 16 firms, one was no longer in existence at the time the RSPO Project Team in the area, and local officials and rail patrons had no knowledge of the existence of another firm. The remaining 14 firms were judged capable of generating carload business and were interviewed. The other businesses in these towns are almost exclusively small commercial and retail establishments that rely entirely on motor carriers to handle their predominantly small shipments.

Of the 14 firms interviewed, three firms stated that they have never used the railroad and have no intention of using it in the future; three firms indicated that they have used the branch line in the past (between 1962 and 1968) but have no intention of using it in the future; two firms claimed that they last used the railroad, in 1960 and 1966, respectively, but could "possibly" use rail service in the future; one firm, which has not used the railroad in the past, stated

that it expects to use it in the future, if service was resumed; and five firms indicated that they were active users of the line (one of these firms was trying to sell its business). Builders Mart, Mrs. Paul's and Stewart Petroleum, all located in or near Crisfield, were the only companies projecting business expansion that could mean potential rail business.

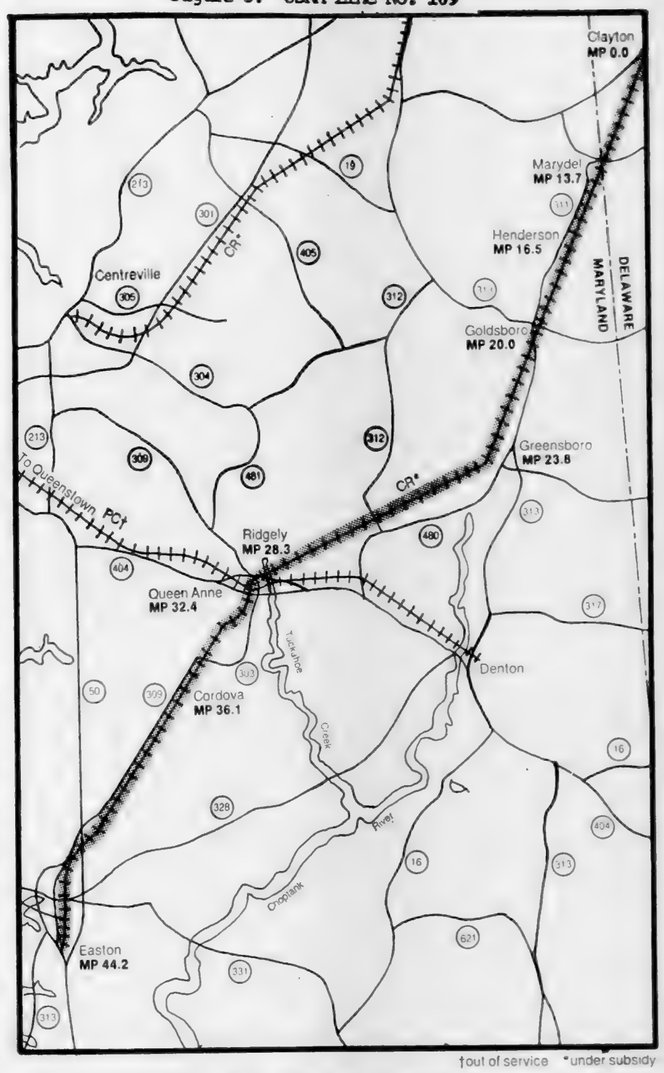
Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) the area lacks any major rail-oriented industries; (2) a number of former users of this line have either gone out of business or relocated since 1973; (3) recent historical traffic patterns of the line reflect the area's basic agricultural/rural concentration; (4) there are not enough potential rail users at the present time to support a viable railroad operation; (5) a number of firms have already successfully shifted traffic to other modes of railheads; (6) the line has a limited number of rail patrons and commodities; (7) traffic volume was on the decline when service was terminated; (8) the line generated primarily terminating traffic; and (9) the railroad plant is deteriorated.

Conclusions

At this point in time, there are not enough available or potential rail users in the vicinity to economically justify the resumption of service on this line. However, preservation of the right-of-way may be desirable in view of the proposed Annemessex Maritime (deepwater port) and Industrial Complex. The parties involved need, and should be accorded, a reasonable amount of time to negotiate and execute this proposal.

USRA Line No. 169: Oxford Secondary Track. The Oxford Secondary Track, formerly part of the Pennsylvania Railroad, extends southwestward from Clayton, Delaware (milepost 0.0) through Kenton (milepost 4.5), Hartly (milepost 9.5), Marydel on the Delaware/Maryland Border (milepost 13.9), Henderson, Maryland (milepost 16.5), Goldsboro (milepost 19.6), Greensboro (milepost 23.7), Ridgely (milepost 28.3), Queen Anne (milepost 32.4), Cordova (milepost 36.1) and Chapel (milepost 39.0) to Easton, Maryland (milepost 45.3), a distance of 45.3 miles. The State of Maryland requested the RSPO to analyze that portion of the line within the State of Maryland. The Oxford Secondary Track is being operated under subsidy by Conrail. There are no rail patrons on the line between Clayton, Delaware (milepost 0.0) and the Delaware-Maryland border (milepost 13.7). The line is located in Kent County, Delaware and Caroline and Talbot Counties in Maryland (a short segment of the line also extends into Queen Anne County in Maryland). The line connects at Queen Anne with the former Penn Central line from Queenstown to Denton (USRA Line Nos. 150 and 151).

Figure 5: USRA Line No. 169



†out of service *under subsidy

The Oxford Secondary Track serves an area of central Delmarva which is primarily agricultural and rural in nature; however, the area has a few governmental and industrial centers. While the majority of the towns in both Caroline and Talbot Counties are relatively small in size and serve primarily as regional trade and distribution centers for the surrounding areas, Denton (see USRA Line No. 150) and Easton have developed manufacturing, service and trade sectors. With the exception of Easton, none of the towns on or around the line was analyzed in the 1970 Census of Population. According to the 1960 Census, population in Talbot County increased by only 11.1 percent between

1950 and 1960, with virtually no in-migration. In the subsequent decade, however, population increase was 9.8 percent, aided by in-migration of 4.8 percent. For comparative purposes, it may be noted that State population growth between 1960 and 1970 was 26.5 percent. Talbot County population in 1970 was 23,682 persons, of whom 28.8 percent were classified as urban. Median age in the County was 35.2 years, indicating a relatively older population than average. Caroline County showed only slightly higher population growth (for a brief discussion of the economic base analysis of Caroline County see USRA Line No. 150). By 1975, Talbot County population had increased approximately 7.7 percent over 1970 levels, to an estimated 25,500; Easton's population in 1970 was 6,809.

The 1970 non-agricultural labor force in Talbot County was 10,197 persons, of whom 2.5 percent were unemployed at that time. The relatively low level of non-agricultural development in the County is indicated by the distribution of employment in 1970. At that time, only 16.7 percent of workers in the County had jobs in manufacturing. In contrast, 21.6 percent were employed in trade, 11.6 percent in services, 10.0 percent in construction, and 11.0 percent in government. Remaining workers were spread rather equally over other occupational categories. A more detailed view of employment is provided by data in County Business Patterns: 1974, which shows that the food and food processing industry was by far the largest employer in the manufacturing category, followed by printing and publishing. Other manufacturing categories represented included apparel and textile products, electric and electronic equipment, and transportation equipment. Relative employment in manufacturing is projected to decline slightly by 1990 in Talbot County. The wholesale and retail trade and the services sectors reported positive and growing levels of employment. Data thus depict the non-agricultural sector in Talbot County as not well developed, with a limited amount of manufacturing and a strong emphasis on small trade outlets. Even so, employment in agriculture is relatively less important to the economy of Talbot County than is typical of the Delmarva Peninsula.

Geographically, the area served by USRA Line No. 169 lies entirely on the Coastal Plain, and is characterized by relatively low, flat land with virtually no hills; the maximum elevation, near Easton, is 72 feet above sea level. The County, which is almost entirely surrounded by water, is bordered by the Tuckahoe Creek on the northeast, the Chesapeake Bay on the west, and the Choptank River on the south and southeast.

The State of Maryland, the Talbot County Chamber of Commerce, local rail patrons and information received from the Penn Central during the railroad restructuring in 1974 provided the RSPO Project Team with a list of 57 firms that were alleged to have used the Clayton-Easton line. Of these 57 firms, two were no longer in existence at the time the RSPO Project Team was in the area, local officials and rail patrons had no knowledge of the existence of three other firms, and one firm was listed twice. The remaining 51 firms were judged capable of generating carload business and were contacted by the PSRO Project Team. The other businesses in these towns are almost exclusively small commercial and retail establishments that rely entirely on motor carriers to handle their predominantly small shipments.

Of the 51 firms contacted, 17 firms stated that they have never used the railroad and have no intention of using it in the future; one company stated that it used the railroad once but has no intention of using it in the future; two firms, which have not used the railroad in the past, advised that they could possibly use it in the future; nine firms indicated that they have used the line in the past (between 1952 and 1976) but have no intention of using it in the future; one firm, which has not used the line since 1952, plans to use the line after a plant expansion; and one firm stated that it does not use this branch, but does use another Conrail line. The remaining 20 rail patrons are active users of the line and were interviewed.

Of the 20 active rail patrons, 11 stated that they were not contemplating any future expansion of their operations; five claimed that, although they did not contemplate any future plant expansion, sales were expected to rise; two expected to increase their storage facilities; and one was planning to build a new half million dollar facility in Easton by 1978. One of the largest rail patrons was in the process of reducing its operation in Easton.

Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) the line is heavily dependent on a limited number of commodities and is dominated by a limited number of rail patrons; (2) traffic volume has declined; (3) the line generates primarily terminating traffic; (4) much of the traffic moved over the line is seasonal; (5) a number of firms have shifted traffic to other modes or railheads; (6) there was no evidence of any industrial planning or development along the entire line from Clayton to Easton; (7) with the exception of Bayshore Foods, Inc., in Easton and the Pre-Fab Building Company in Chapel; the area lacks any major rail-oriented industries; (8) a number of former users of this line have either gone out of business or relocated since 1973; (9) with but few exceptions, appreciable business expansion by current rail users is not projected for the intermediate period; (10) the railroad plan is badly deteriorated; (11) a certain amount of traffic generated by this line was "short-haul" business for the Penn Central, i.e., traffic using the Cape Charles car float; (12) of the total revenue generated by the line, 45.7 percent was Penn Central's share; (13) the vast majority of the freight originates or terminates at the lower end of the line; and (14) part of the line is located within a residential area of Easton.

For the period May through November, 1976, actual train operations over the combined USRA Line Numbers 150 and 169 resulted in an operating deficit of $43,518. For eleven months of operation (April–February) USRA Line No. 169 generated 707 carloads of freight; on an annualized basis this indicates that traffic levels has fallen to 61.0 percent of the 1973 levels.

Conclusions

At this point in time, and under the present conditions, USRA Line No. 169 does not appear to be a likely candidate for immediate non-subsidized operation. However, the line is not totally without economic viability, and a number of actions could be pursued to enhance the prospects for its continued operation and to improve its viability. The following possible courses of action are suggested:

(1) The option of operating the line as a short line railroad owned by an independent and/or rail patron operator should be explored. It should be determined whether it would be possible for such an operation to renegotiate rates with Conrail, based on the cars being terminated at Clayton, and to assess patrons on the line a flat charge for handling their traffic between Clayton and their siding or the nearest team track.

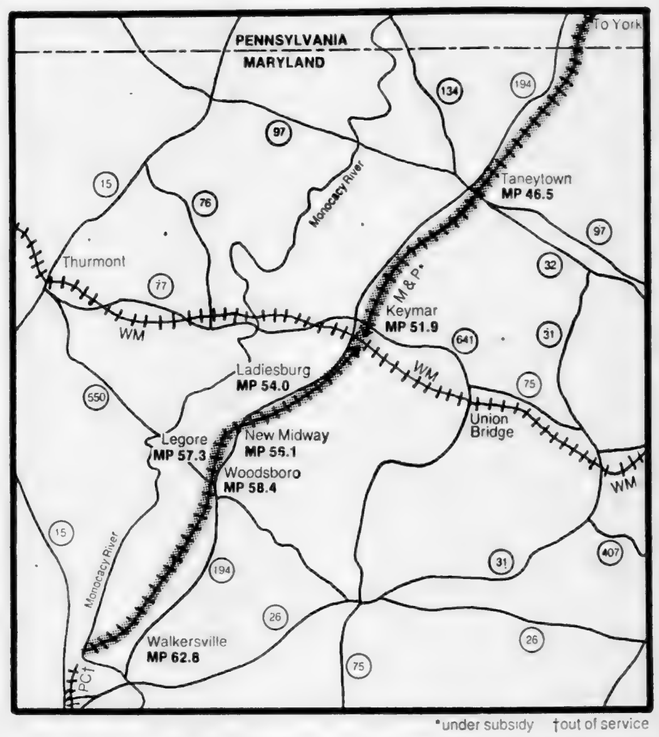
(2) Rehabilitation of this line could greatly reduce the time that it takes to service it and thus reduce the costs of its operation.

(3) The viability of the line could be improved by upgrading and promoting the use of team track facilities along the line.

(4) The feasibility and practicality of constructing a connecting track between USRA Lines Nos. 151 (Queen Anne to Queenstown) and 148 (Massey to Centreville) should be determined. The objective of constructing such a connecting track would be to provide continued service to users of USRA Lines Nos. 150 and 169 while at the same time reducing the total mileage necessary to provide that service (rail service could be terminated on that portion of USRA Line No. 169 between milepost 0.0 and either milepost 28.3 or milepost 32.4), thus improving the viability of the remaining lines in Caroline, Queen Anne and Talbot Counties. A study should be conducted to determine the costs and benefits which would result from implementation of this proposal.

USRA Line No. 198: Frederick Secondary Track. The Frederick Secondary Track, formerly part of the Penn Central, extends southwesterly from York, Pennsylvania (milepost 13.1) through Taneytown, Maryland (milepost 46.5), Keymar (milepost 51.9), Ladiesburg (milepost 54.4), New Midway (milepost 56.3), LeGore (milepost 57.3), Woodsboro (milepost 58.4), and Walkersville (milepost 62.8) to Frederick, Maryland (milepost 68.8). The State of Maryland requested the RSPO to analyze only that portion of the line that extends from the Maryland/Pennsylvania Border (milepost 41.1), to the Monocacy River bridge (milepost 65.2), which is slightly south of Walkersville, a distance of 24.1 miles. At the present time this portion of the line is being operated under subsidy by the Maryland and Pennsylvania Railroad Company. This portion of the Frederick Secondary Track is located in both Frederick and Carroll Counties.

Figure 6: USRA Line No. 198



*under subsidy †out of service

The Frederick Secondary Track serves an area of the State which has a mixed agricultural and industrial economy. Frederick County is contiguous to both the Washington, D.C., and Baltimore SMSA's, while Carroll is in the westermost section of the Baltimore SMSA. Both Frederick and Carroll Counties benefit from their location, and exhibit relatively well developed non-agricultural sectors. Census data indicates a strong, balanced and growing economy for the two Counties and although agriculture, primarily dairying, provides a large portion of the income for county residents, towns throughout both Counties have been enjoying significant increases in both manufacturing and service activity. The economy of the area presents a picture of basic strength and may be expected to continue in the same pattern over the near future.

The Census data for both Frederick and Carroll Counties indicate that sharp increases in population occurred in the period between 1960 and 1970. During this decade, Carroll County experienced an expansion in population of 30.7 percent, a figure that includes a net in-migration of some 19.9 percent. This indicates that there has been a strong inflow of residents from nearby urban areas into the County. Frederick County experienced a similar population growth pattern, with an 18.1 percent increase in the number of residents, including a seven percent in-migration from nearby urban centers. Interestingly, Frederick County is more urbanized; 32 percent of its population is classified as urban, compared to only 10.4 percent in Carroll County. Both Counties are located on the eastern edge of the Piedmont Plateau and are characterized by gently rolling to very hilly terrain.

Non-agricultural employment in Carroll County in 1970 was 27,994, of which 2.3 percent were unemployed. Of the remaining job holders, 30.2 percent were in manufacturing, 16 percent were in trades, 5.9 percent were in service, 10.6 percent were in construction and 16.5 percent were in government. In Frederick County, which had a 1970 non-agricultural work force of 34,763, of which 2.8 percent were unemployed, the labor force was divided as follows: 18.9 percent were in manufacturing, 17.8 percent were in trades, 5.6 percent were in services, and 21.2 percent were in government.

The farm population of Carrol County in 1970 was 5,965, a decline of 22.5 percent from the 1960 level. Some 1,398 farms, averaging 135 acres, were in operation. Farm income averaged $26,779 per year, a figure slightly below the State average. In Frederick County, the 1970 farm population was 5,153, a figure that reflected a 44.9 percent decline from the 1960 level. There were 1,486 farms, averaging 171 acres, in operation; farm income averaged $30,100, slightly higher than the State average.

The State of Maryland, local rail patrons and information received from the Penn Central during the rail restructuring in 1974 provided the RSPO Project Team with a list of 27 firms that were alleged to have used this portion of the Frederick Secondary Track. Of these 27 firms, one was no longer in business at the time of the RSPO Project Team interviews and one was unknown to local rail patrons. Six other firms were not interviewed because of their size, type of business or service rendered. The remaining 19 firms were judged capable of generating carload business and were interviewed by the RSPO Project Team. The other businesses in the service area are almost exclusively small commercial and retail establishments that rely entirely on motor carriers to handle their predominantly small shipments.

Of the 19 firms interviewed, one indicated that it had never used rail service and had no intention of using it in the future; five firms indicated that, although they had used rail service in the past, they had no intention of using it in the future; two firms indicated that, although they had never used rail service previously, they might utilize it at some future date; and two other firms indicated that they had used rail service previously and might use it in the future. The remaining nine firms were active rail users.

Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) the line generates primarily terminating traffic; (2) 1973 traffic statistics indicate a heavy concentration of seasonal agricultural commodities; (3) the railroad plant is badly deteriorated; (4) there was no evi-

dence of any industrial planning or development along the entire line; (5) of the nine active rail users, only three were planning expansions in their facilities; (6) of the total revenue generated by the line in 1973, 64.3 percent was received by the Penn Central; (7) the majority of the traffic originates or terminates at the lower end of the line; (8) traffic volume has declined; (9) a number of firms have shifted traffic to other modes or railheads; and (10) the area lacks any major rail-oriented industries.

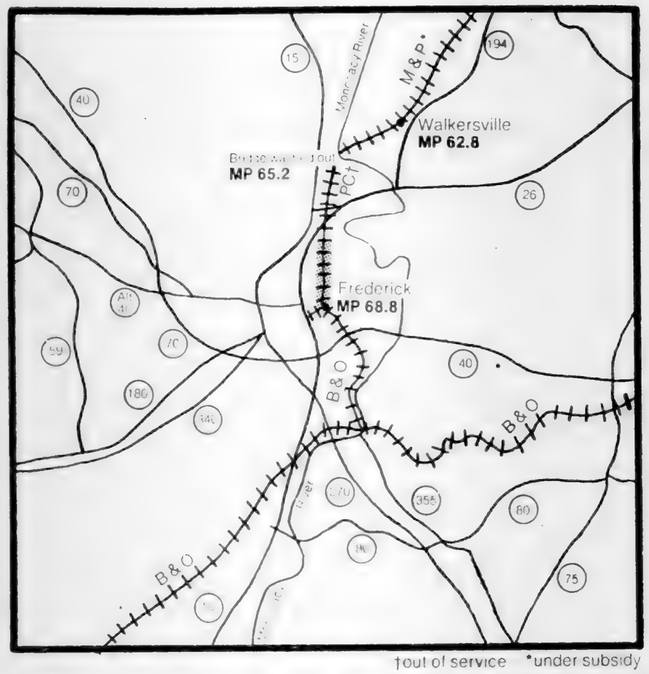
For the period July through September, 1976, actual train operation over both the Maryland and Pennsylvania portions of the line generated an operating deficit of $59,286. A breakdown of costs between the Maryland and Pennsylvania portions is currently not available; however, of the 32.2 miles of the line operated under subsidy, 24.1 miles lie within the State of Maryland. During the period from July to December, 1976, 71 carloads were originated or terminated on the Maryland portion of the line, generating a total of $4,740 in revenue. The carload data indicates that, on an annualized basis, traffic on the Maryland portion of the line dropped to 28.2 percent of the 1973 levels.

CONCLUSIONS

At this time, under present conditions, USRA Line No. 198 does not appear to be a likely candidate for non-subsidized operation. Continued service by the Maryland and Pennsylvania Railroad appears to be the most cost-efficient method of operation presently available. However, rehabilitation of the line could reduce the time that it takes to service it and thus reduce the cost of its operation. In addition, the viability of the line could probably be improved by upgrading the team track facilities at Taneytown, Woodsboro and Walkersville and promoting their use.

USRA Line No. 199: Frederick Secondary Track. The State of Maryland requested that the RSPO analyze this extension of USRA Line No. 198 from milepost 65.2 (the Monocacy River bridge) to milepost 68.8 (Frederick). This segment of the line is presently out of service between milepost 65.2 (the Monocacy River bridge) and milepost 67.8 (Thomas Road, in the City of Frederick). The segment of the line between milepost 67.8 and 68.8 is being operated by the Chessie System. This portion of the line is located wholly within the City of Frederick. In 1970, the City of Frederick had a population of 23,607. Employment data indicated that 16.3 percent of the labor force was employed in manufacturing, 52.4 percent in various "white collar" occupations, and 25.2 percent in government jobs. (For a discussion of the economic base analysis of Frederick County, see USRA Line No. 198.)

Figure 7: USRA Line No. 199



†out of service *under subsidy

The State of Maryland, the Frederick Chamber of Commerce, local rail patrons and information received from the Penn Central during the rail restructuring in 1974 provided the RSPO Project Team with a list of 17 establishments that were alleged to have used this portion of the Frederick Secondary Track. Three of these establishments were not interviewed because of the size and type of business or service rendered. One firm was no longer in business at the time of the interviews, and one firm was unknown to local rail patrons. The remaining 12 firms were judged capable of generating carload business and were interviewed by the RSPO Project Team. The other businesses in the service area are almost exclusively small commercial and retail establishments that rely entirely on motor carriers to handle their predominantly small shipments.

Of the 12 firms interviewed, two stated they had never used rail service and had no intention of using it in the future; three firms indicated that, although they had used rail service previously, they had no intention of using it in the future; and one firm indicated that, although it had used the line previously, it was currently utilizing rail service at another location. The remaining six firms were active rail patrons.

Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) the line generates primarily terminating traffic, (2) with but few exceptions, current rail users do not have any appreciable business expansion plans for the intermediate period, (3) there was no evidence of any industrial planning or development along this portion of the line, (4) the portion of the line that is in service is located in the middle of East Street, in a congested section of Frederick, and (5) the railroad plant needs rehabilitation.

For the period April through June 1976 actual train operations over this portion of the line generated a net positive contribution of $11,030. However, this amount does not reflect any payment to the bankrupt estate for the return on the valuation of the property. For nine months of operation (April through December) a total of 152 carloads originated or terminated on this line.

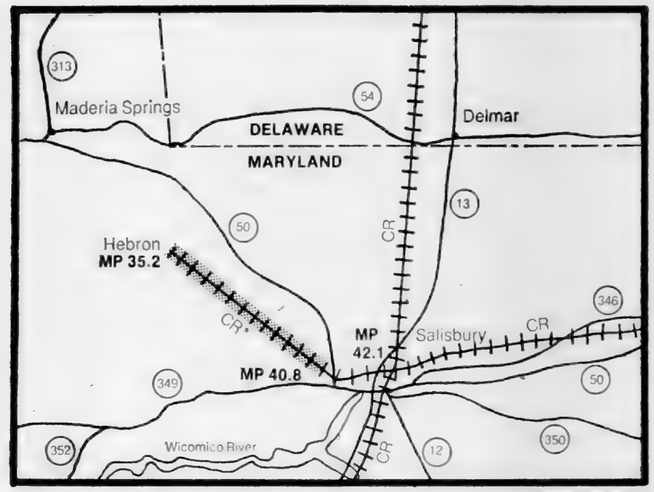
CONCLUSIONS

The line has been operated in the same manner since 1972. It should be determined whether, if the line were rehabilitated, purchased and transferred or made available to the Chessie System, Chessie would be willing to serve patrons on the line without the benefit of a subsidy payment. If service is to be continued on this line, this course of action might prove less costly in the long run than continued operation of the line under subsidy.

It should also be determined whether there is any need for the right-of-way between Thomas Road and the Monocacy River bridge to be preserved.

USRA Line No. 676: Mardela Track. The Mardela Track, formerly part of the Pennsylvania Railroad, extends northwesterly from the Delmarva main line (milepost 42.1) in Salisbury, Maryland, to Hebron (milepost 35.2). The portion of this line from the Delmarva main line to milepost 40.8 is included in Conrail. The portion of the line from milepost 40.8 to 35.2, a distance of 5.6 miles, is being served by Conrail under the subsidy program; it is this portion of the line which is being analyzed at the request of the State of Maryland. The line is located in Wicomico County.

Figure 8: USRA Line No. 676



*under subsidy

The Mardela Track serves an area of south-central Delmarva which has a mixed agricultural/rural and industrial economy. While the majority of the townegional trade and distribution centers for the surrounding agricultural/rural areas, Salisbury has developed relatively significant manufacturing, service and trade sectors. None of the towns on or around the line was analyzed in the 1970 Census of Population. According to both the 1960 and 1970 Census, Wicomico County has experienced a significant increase in population since 1950. During the 1950–1960 decade, Wicomico population increased by 23.7 percent, helped by in-migration of 9.2 percent. Growth slowed during the 1960–1970 decade to 10.6 percent, with a 2.6 percent in-migration. The total County population in 1970 was 54,236. Wicomico is one of the fastest growing Counties on the Peninsula; it is estimated that its population exceeded 59,000 in 1975. A large proportion of the County's residents live in or near Salisbury, the County seat and largest city (the 1970 population was 15,236). The only other significant communities are Fruitland (the 1970 population was 2,315) and Delmar (the 1970 population was 1,191); both towns are situated on the north-south U.S. Route 13, within 10 miles of Salisbury. The predominantly agricultural nature of the County was indicated by the fact that, in 1970, only 28.1 percent of the population was classified as urban.

The 1970 non-agricultural labor force in Wicomico County amounted to 23,420 persons, of whom 3.3 percent were unemployed at that time. This figure is al-

most identical with the State unemployment average. Of those employed, equal percentages of 24.4 were in manufacturing and wholesale and retail trade; 7.2 percent were in service industries, 7.2 percent in construction, and 14.5 percent in government activity. The remaining workers were spread rather equally over a wide variety of employment categories.

Data presented in County Business Patterns: 1974 present a more detailed analysis of employment in Wicomico County. At that time, 21,196 persons were reported as being employed, with 5,941 working in the manufacturing sector. Almost half of the manufacturing jobs were in the food and food products industry. This sector is dominated by food processing, which provided over half the jobs in 1975, a higher degree of concentration than existed in 1965. Of all Peninsula Counties, Wicomico was second only to Sussex County, Delaware, in broiler production in 1969. Other important manufacturing employment sources were apparel and textile products, fabricated metal products, and printing and publishing. Retail and wholesale trade together employed more workers than did manufacturing, indicating the strong importance of the smaller trade centers within the County. Transportation and public utilities employed 1,791 workers, while the service sector provided jobs for 3,482. Overall, the County presents a picture of a relatively balanced economy, with manufacturing holding a significant but not dominant position.

Economic activity in the County is, of course, strongly influenced by Wicomico's strategic location at the center of the Peninsula. Salisbury, at the intersection of two major highways, has become a regional trade center, and employment in this sector accounted for over 28 percent of total employment in the County in 1975.

Geographically, the County is located on the Coastal Plain, with frontage on the Chesapeake Bay. The topography can be characterized as being flat or gently rolling, with an average elevation of 40 feet above sea level.

The State of Maryland, the Salisbury Area Chamber of Commerce, local rail patrons and information received from the Penn Central during the railroad restructuring in 1974 provided the RSPO Project Team with a list of five firms that were alleged to have used the Salisbury-Hebron line. One of these five firms stated that it had been an active user of the line until 1973 but had no intention of using it in the future. The other four firms are active users of the line; there are no other companies on or around the branch.

Field investigations by the RSPO Project Team revealed the following basic facts about this line: (1) a number of firms have already successfully shifted traffic to other modes or railheads; (2) there was no evidence of any industrial development along the line; (3) the line has a limited number of rail patrons and commodities; (4) traffic volume has declined; (5) the line generates primarily terminating traffic; (6) incremental costing can be applied to this line; (7) traffic generated by the line was predominantly "short-haul" business for the Penn Central, i.e., the preponderance of the traffic moves over the Cape Charles car float; (8) of the total revenue generated by the line only 33.9 percent was Penn Central's share; (9) the costing methodology applied to this line may not be appropriate; and (10) although carloads have declined, this small line segment still generates a significant amount of freight.

For the period May through November, 1976, actual train operations over the Salisbury to Hebron line segment resulted in an operating surplus of $3,580. For eleven months of operation (April-February) the line generated 573 carloads of freight; on an annualized basis this indicated that traffic levels have fallen to 71.8 percent of the 1973 levels.

Conclusions

At this time, USRA Line No. 676 appears to be a likely candidate for non-subsidized operation. In view of the present economic viability of the line and its potential, it is incumbent upon all the parties involved to re-convene, under State auspices, to discuss the possible future inclusion of this line within the Conrail System. Should the parties be unable to reach a mutually acceptable agreement, the following actions should be considered:

(1) In view of the projected economic and physical growth of the Salisbury metropolitan area, ownership of the property, by either the State or the local community, would seem to be a desirable alternative.

(2) The option of operating this line as a short line railroad owned by an independent and/or rail patron operator should be considered. It should be determined whether it would be possible for such an operator to renegotiate rates with Conrail, based on cars being terminated at milepost 40.8, and to assess patrons on the line a flat charge for handling their traffic between milepost 40.8 and their siding or the nearest team track. Off-track mobile track equipment of the type employed by the Hillsdale County Railway Company, Inc. of Hillsdale, Michigan to handle a limited number of cars might be effectively employed on this line.

(3) Rehabilitation of the line could reduce the cost of its operation.

(4) Team track facilities along the line offer potential revenues and consequently they should be upgraded and their use should be promoted.

Appendix A

Maryland Department of Transportation
Office of the Secretary

Marvin Mandel
Governor
Harry R. Hughes
Secretary

April 15, 1976

Mr. Allan Fitzwater, Director
Rail Services Planning Office
Interstate Commerce Commission
1900 L Street, N. W.
Washington, D.C. 20036

Dear Mr. Fitzwater:

Under the provisions of Section 205(e) (2) of the Regional Rail Reorganization Act of 1973, as amended, please prepare and publish an evaluation of the economic viability of the following light density rail lines in Maryland:

USRA line No. 198 - North of Frederick to the Pennsylvania Border
USRA line No. 199 - Frederick to the Monocacy River
USRA line No. 145 - Cockeysville to the Pennsylvania Border
USRA line No. 142 - Colora to the Pennsylvania Border
USRA line No. 169 - Easton to Clayton,Delaware
USRA line No. 150 - Queen Anne to Denton
USRA line No. 676 - Hebron to Salisbury
USRA line No. 163 - West of Kings Creek to Crisfield

Contact should be made with David Wagner, Manager of the Department's Rail Systems Group, who will provide assistance to the extent necessary.

Sincerely,

Harry R. Hughes
Secretary

HRH:jh

cc: Robert J. Taylor, Delaware Dept. of Highways and Transportation
E.L. Tennyson, Deputy Secretary
Local and Area Transportation
Pennsylvania Dept. of Transportation

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APR 19 1976
RAIL SERVICES PLANNING OFFICE

[FR Doc.77-11210 Filed 4-18-77;8:45 am]

federal register

TUESDAY, APRIL 19, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Communities Subject to Section 202—Prohibition of Federal and Federally Related Assistance

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. 2852]

NATIONAL FLOOD INSURANCE

Communities With Flood-Prone Areas Subject to Section 202 Prohibition of Federal and Federally Related Assistance

AGENCY: Federal Insurance Administration.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the FEDERAL REGISTER at 42 FR 3572–3624 and all prior lists.

DATES: Section 202 applies to the community as of one year after the initial date appearing in the last column on each page of this list.

FOR FURTHER INFORMATION CONTACT:

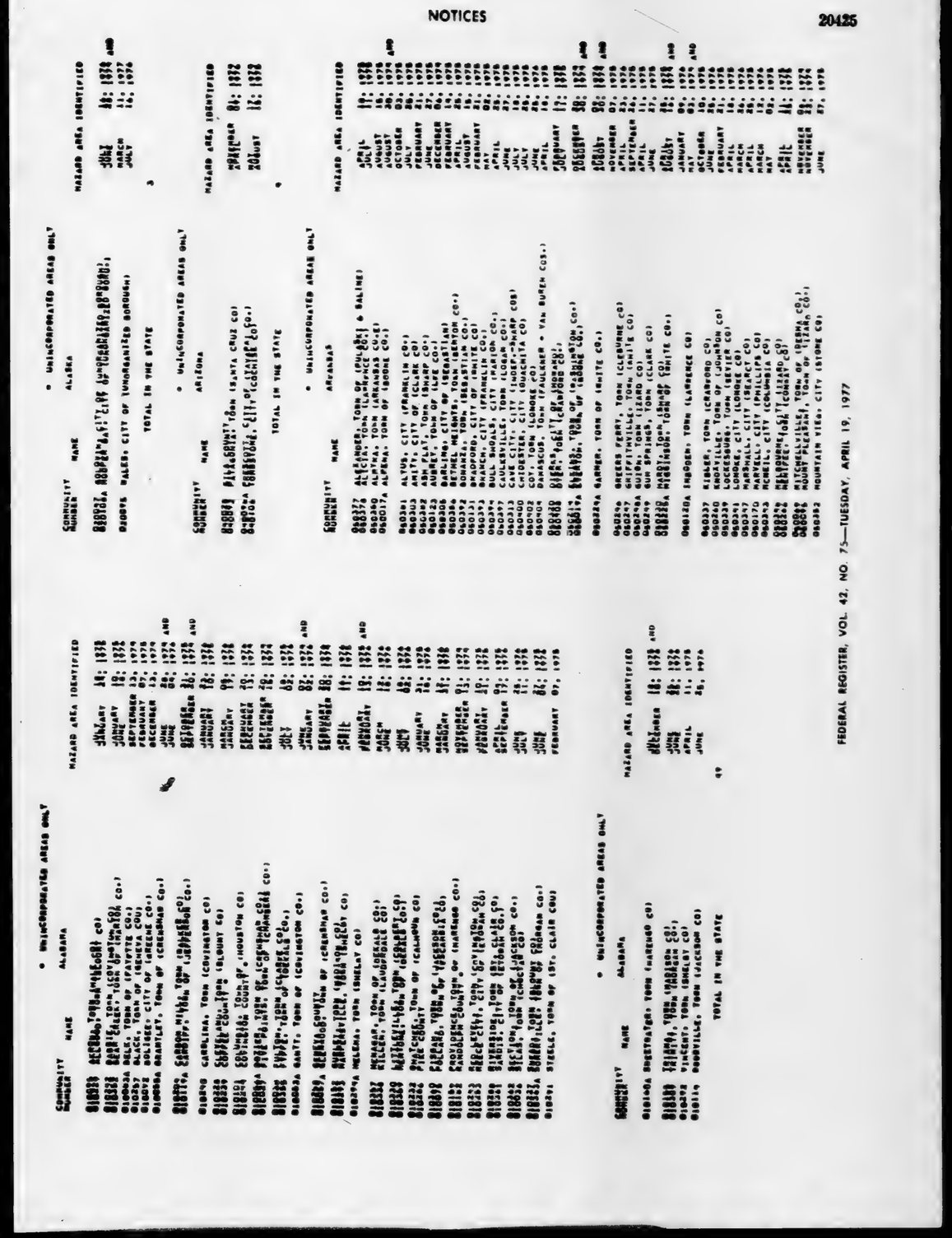
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 U.S.C. 4001–4128). Special Flood Hazard Areas are designated as Zones A or V on Federal Insurance Administration Flood Hazard Boundary Maps (FHBM's) or Flood Insurance Rate Maps (FIRM's) and may have a numbered suffix indicating the flood hazard zones, for example A1–99 to V1–30.

Each of the communities listed below received notice of its designation as flood-prone prior to October 1, 1976, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

The prohibition does not apply to loans by Federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1925). Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR 1914.6 List of eligible communities. At that time the sanctions of Section 202 will no longer apply to the communities listed below.



• UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
050081A	MOUNTAINBURG, TOWN OF (CRAWFORD CO.)	NOVEMBER	22, 1976	AND
050198	MORRILL, TOWN (CRITTENDEN CO)	AUGUST	19, 1976	
050198	ODDEN, TOWN (LITTLE RIVER CO)	SEPTEMBER	10, 1976	
050271	BIRDAN, TOWN (RANDOLPH CO)	APRIL	16, 1976	
050003A	PARADALE, CITY OF (ASHLEY CO.)	MARCH	29, 1976	AND
		OCTOBER	31, 1975	
050276	PERLA, TOWN (HOT SPRINGS CO)	JUNE	25, 1976	
050303	PLAINVIEW, CITY (YELL CO)	APRIL	16, 1976	
050304	PLUMERVILLE, CITY (CONWAY CO)	JUNE	27, 1975	
050279	PRATTSVILLE, TOWN (GRANT CO)	APRIL	25, 1975	
050288	QUITMAN, TOWN (CLEBURNE CO)	APRIL	09, 1976	
050281	RAVENDEN SPGS, TOWN (RANDOLPH CO)	JULY	23, 1976	
050470	RAVENDEN, TOWN OF (LAWRENCE CO.)	APRIL	02, 1976	
050049A	RISON, CITY OF (CLEVELAND CO.)	MARCH	26, 1976	AND
		OCTOBER	10, 1975	
050286	SCRANTON, TOWN (LOGAN CO)	APRIL	16, 1976	
050287	SHIRLEY, TOWN (VAN BUREN CO)	AUGUST	13, 1976	
050290	SULPHUR ROCK, TOWN (INDEPENDENCE CO)	APRIL	26, 1976	
050292	THORNTON, TOWN (CALHOUN CO)	JULY	23, 1976	
050296	VIOLA, TOWN (FULTON CO)	APRIL	09, 1976	
050379	WHEATLEY, TOWN (ST. FRANCIS CO)	SEPTEMBER	19, 1975	
050298	WICKES, TOWN (POLK CO)	JUNE	27, 1975	
050299	WILTON, TOWN (LITTLE RIVER CO)	APRIL	11, 1975	
050077A	WINCHESTER, TOWN OF (DREW CO.)	AUGUST	30, 1974	AND
		OCTOBER	10, 1975	

TOTAL IN THE STATE 65

• UNINCORPORATED AREAS ONLY

CALIFORNIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
060271	BANNING, CITY OF (RIVERSIDE CO.)	JANUARY	17, 1975	
060017	BUTTE COUNTY *	SEPTEMBER	06, 1974	
060249	COACHELLA, CITY OF (RIVERSIDE CO.)	MAY	17, 1974	
060110A	COMMERCE, CITY OF (LOS ANGELES CO.)	JUNE	20, 1974	
060149	DEL REY OAKS, CITY (MONTEREY CO)	MAY	14, 1976	
060070	EL DORADO COUNTY *	AUGUST	08, 1975	
060258A	FERNDALE, CITY (HUMBOLDT CO.)	DECEMBER	06, 1974	AND
		MARCH	26, 1976	
060258A	INDIO, CITY OF (RIVERSIDE CO.)	MAY	31, 1974	AND
		AUGUST	08, 1975	
060098	JACKSON, CITY (AMADOR CO)	JUNE	25, 1976	
060261	LOYALTON, CITY (SIERRA CO)	JUNE	04, 1976	
060451	MONTAGUE, TOWN (SISKIYOU CO)	MARCH	26, 1976	
060058A	SELMA, CITY OF (FRESNO CO.)	MAY	24, 1974	
060436	TRINIDAD, TOWN (HUMBOLDT CO)	MAY	14, 1976	

TOTAL IN THE STATE 19

• UNINCORPORATED AREAS ONLY

COLORADO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
080223	BOULDER, TOWN OF (BOULDER CO.)	JUNE	11, 1976	
080148A	BOONE, TOWN OF (PUEBLO CO.)	SEPTEMBER	06, 1974	AND
		JANUARY	09, 1976	
080232	BOB MAR TOWN (ARAPAHOE * JEFFERS)	APRIL	23, 1976	
080210	COAL CREEK TOWN (FREMONT CO)	AUGUST	18, 1976	
080131	CROOK, TOWN OF (LOGAN CO.)	NOVEMBER	28, 1975	
080142A	DINOSAUR, TOWN OF (MOFFAT CO.)	AUGUST	20, 1976	
080047A	DOVE CREEK, TOWN OF (DOLORES CO.)	MAY	23, 1975	AND
		NOVEMBER	28, 1975	
080066A	ELIZABETH, TOWN OF (ELBERT CO.)	SEPTEMBER	06, 1974	AND
		FEBRUARY	06, 1976	
080212	EMPIRE, TOWN OF (CLEAR CREEK CO.)	MAY	02, 1975	
080242	FLAGER TOWN (KIT CARSON CO)	SEPTEMBER	19, 1975	
080073A	FRASER, TOWN OF (GRAND CO.)	SEPTEMBER	06, 1974	
080117A	GRAND JUNCTION, CITY OF (MESA CO.)	FEBRUARY	21, 1975	AND
		JUNE	11, 1976	
080219A	GRAND LAKE TOWN (GRAND CO)	AUGUST	15, 1975	AND
		SEPTEMBER	17, 1975	
080218	GRAND VALLEY TOWN (GARFIELD CO)	AUGUST	13, 1976	
080079A	HOT SULPHUR SPRINGS, TOWN OF (GRAND CO.)	NOVEMBER	22, 1974	
080044A	HOTCHKISS, TOWN OF (DELTA CO.)	JUNE	21, 1974	AND
		SEPTEMBER	17, 1976	
080266A	IGNACIO, TOWN (LA PLATA CO)	MARCH	22, 1974	
080207	ILIFF, TOWN OF (LOGAN CO.)	DECEMBER	27, 1974	
080067A	KIOWA, TOWN OF (ELBERT CO.)	SEPTEMBER	06, 1974	AND
		FEBRUARY	27, 1976	
080033	KIT CARSON, TOWN OF (CHEYENNE CO.)	DECEMBER	13, 1974	
080094A	LEADVILLE, CITY OF (LAKE CO.)	MAY	17, 1974	
080253A	MANASSA, TOWN (CONEJOS CO)	AUGUST	08, 1975	AND
		JULY	16, 1976	
080245	NEDERLAND, TOWN (BOULDER CO)	AUGUST	22, 1975	
080139	NEW CASTLE, TOWN (GARFIELD CO)	JULY	30, 1976	
080139A	NUCLA, TOWN OF (MONTROSE CO.)	MAY	14, 1976	AND
		MARCH	26, 1976	
080178A	OTIS, TOWN OF (WASHINGTON CO.)	OCTOBER	31, 1975	AND
080170	OVID, TOWN OF (SEDGWICK CO.)	NOVEMBER	21, 1975	
080176	PALISADE, TOWN (MESA CO)	AUGUST	13, 1976	
080077A	PUEBLO, CITY OF (PUEBLO CO.)	AUGUST	20, 1973	
080050	REDEVILLE, TOWN (EAGLE CO)	SEPTEMBER	13, 1974	
080078A	RIFLE, CITY OF (GARFIELD CO.)	JUNE	25, 1976	
080221	ROCKVALE TOWN (FREMONT CO)	JUNE	27, 1975	
080150	RYE, TOWN (PUEBLO CO)	JULY	18, 1975	
080164	SAGAUCHE, TOWN (SAGAUCHE CO)	MAY	28, 1976	
080223	SILT TOWN (GARFIELD CO)	JULY	25, 1975	
080400	SILVER PLUME, TOWN OF (CLEAR CREEK CO.)	DECEMBER	13, 1974	
080088	SIMLA, TOWN OF (ELBERT CO.)	SEPTEMBER	13, 1974	
080106A	STARKVILLE, TOWN OF (LAS ANIMAS CO.)	SEPTEMBER	06, 1974	AND
		JANUARY	23, 1976	
080203	STRATTON TOWN (KIT CARSON CO)	MARCH	26, 1976	
080244	SUGAR CITY TOWN (CROWLEY CO)	AUGUST	15, 1975	
080226	VICTOR CITY (TELLER CO)	MAY	02, 1975	
080227	WESTCLIFFE TOWN (CUSTER CO)	AUGUST	13, 1976	
080264	WINDSOR TOWN (WELD CO)	MARCH	26, 1976	

TOTAL IN THE STATE 44

• UNINCORPORATED AREAS ONLY

CONNECTICUT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
090186	SALEM, TOWN OF (NEW LONDON CO).	FEBRUARY	21, 1975	

TOTAL IN THE STATE 1

• UNINCORPORATED AREAS ONLY

DELAWARE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
100004A	LEIPSIC, TOWN OF (KENT CO.)	AUGUST	09, 1974	AND
		JANUARY	09, 1976	
100004A	MILLVILLE, TOWN OF (SUSSEX CO.)	OCTOBER	18, 1974	AND
		DECEMBER	13, 1974	

TOTAL IN THE STATE 2

• UNINCORPORATED AREAS ONLY

FLORIDA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
120333	BATULO, TOWN OF (ORANGE CO.)	DECEMBER	13, 1974	
120324	BRISTOL, TOWN OF (LIBERTY CO.)	DECEMBER	13, 1974	
120616A	BROOKER, TOWN OF (BRADFORD CO.)	AUGUST	30, 1974	
120086	BUNNELL, TOWN (FLAGLER CO)	JULY	11, 1975	
120126A	CAMPBELLTON, CITY OF (JACKSON CO.)	SEPTEMBER	06, 1974	AND
		JANUARY	30, 1976	
120911	HAVANA, TOWN OF (GADSDEN CO.)	JULY	23, 1976	
120390	LAKE WALES, CITY OF (POLK CO.)	OCTOBER	17, 1975	
120394	MICANOPY, TOWN OF (ALACHUA CO.)	APRIL	16, 1976	
120365	MONTICELLO, CITY OF (JEFFERSON CO.)	JULY	23, 1976	
120130A	SNEADS, TOWN OF (JACKSON CO.)	AUGUST	02, 1974	AND
		MAY	21, 1976	
120913	WEEKI WACHEE, CITY OF (HERNANDO CO.)	JULY	23, 1976	

TOTAL IN THE STATE 11

• UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
130235A	ADAIRSVILLE, TOWN OF (BARTOW CO.)	JUNE	19, 1974	AND
		JANUARY	23, 1976	
130300	AILEY, TOWN (MONTGOMERY CO.)	APRIL	09, 1976	
130306	ALVATON, TOWN (MERIWEATHER CO.)	APRIL	09, 1976	
130001	APPLING COUNTY	MARCH	12, 1976	
130390	AVALON, TOWN (STEPHENS CO.)	APRIL	16, 1976	AND
		APRIL	16, 1976	
130270A	BAKER COUNTY *	MARCH	26, 1976	AND
		DECEMBER	26, 1975	
130116	BARTOW, CITY (JEFFERSON CO)	AUGUST	22, 1975	
130309A	BELLVILLE, CITY (EVANS CO.)	JULY	18, 1975	
130179	BLAIRSVILLE, TOWN (UNION CO)	JUNE	11, 1976	
130302	BOSTWICK, TOWN (MORGAN CO.)	APRIL	04, 1975	
130343	BRASELTON, CITY OF (JACKSON CO.)	APRIL	16, 1975	
130200	BRINSON, TOWN (COLQUITT CO)	JULY	18, 1975	
130305	BUCKHEAD, TOWN (MORGAN CO.)	JULY	11, 1975	
130323	BUFORD, CITY (GWINNETT * HALL COS.)	APRIL	04, 1975	
130135	CHALYBEATE SPRINGS, TOWN (MERIWEATHER CO.)	APRIL	18, 1975	
130292	CHARLTON COUNTY	MAY	14, 1976	
130036	CHATTOOGA COUNTY	MARCH	26, 1976	
130116	CLEVELAND, CITY (WHITE CO.)	APRIL	11, 1975	
130396	COBBTOWN, CITY (TATTNALL CO.)	APRIL	11, 1975	
130135A	COLQUITT, CITY (MILLER CO)			

• UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
130169	COOLIDGE, CITY (THOMAS CO)	JULY	23, 1976	AND
130304	CANON COUNTY	SEPTEMBER	24, 1976	
130356	DEARING, TOWN (MCDUFFIE CO.)	APRIL	02, 1976	
130356	DEARMONT, TOWN (TRANSHAM CO.)	JUNE	18, 1976	
130245	DENTON, CITY OF (JEFF DAVIS CO.)	APRIL	04, 1975	
130245A	DILLARD, TOWN OF (RABUN CO.)	DECEMBER	02, 1974	
130305	DOUGLASVILLE, CITY (DOUGLAS CO.)	JUNE	02, 1976	
130312	FORSYTH COUNTY	APRIL	25, 1975	
130359	FORSYTH, CITY (MONROE CO.)	APRIL	23, 1976	
130426	FORT GILLETHORPE, CITY OF (MACON CO.)	APRIL	04, 1975	
130313	FRANKLIN SPRINGS, CITY (FRANKLIN CO.)	APRIL	04, 1975	
130023A	GIRARD, TOWN OF (BURKE CO.)	SEPTEMBER	06, 1974	AND
		JANUARY	23, 1976	
130419	GLENWOOD, CITY (WHEELER CO.)	APRIL	04, 1975	
130325	GRAYSON, TOWN (GWINNETT CO.)	JULY	11, 1975	
130220	GREENSBORO, CITY OF (GREENE CO.)	DECEMBER	20, 1974	
130111A	MAGAN, CITY (EVANS CO.)	APRIL	16, 1975	AND
		JANUARY	23, 1976	
130239	HAMILTON, TOWN (CHATTA + MERRIWEATHER COS.)	APRIL	18, 1975	
130338	HARRIS COUNTY	APRIL	11, 1975	AND
130105	HEARD COUNTY	APRIL	04, 1975	
130192A	HELEN, CITY OF (WHITE CO.)	SEPTEMBER	06, 1974	AND
		OCTOBER	17, 1974	
130285	HILTON, CITY, TOWN (CHEVEN CO.)	APRIL	11, 1975	
130221A	HIRAM, CITY OF (PAULDING CO.)	OCTOBER	16, 1974	AND
130097A	HIWASSEE, TOWN OF (TOWNS CO.)	JANUARY	23, 1976	
130291	HOMELAND, TOWN (CHARLTON CO.)	JUNE	11, 1976	
130271	HOMER, TOWN (BANKS COUNTY)	APRIL	11, 1975	
130378	JACKSON COUNTY	APRIL	18, 1975	
130376	JASPER, CITY (PICKENS CO.)	APRIL	04, 1975	
130412	JERSEY, TOWN (WALTON CO.)	APRIL	23, 1976	
130277	KINGSTON, CITY (BARTOW CO)	JULY	23, 1976	
130409	LINDALE, TOWN (WALKER CO.)	APRIL	18, 1975	
130326	LOGANVILLE, CITY (GWINNETT * WALTON COS.)	APRIL	04, 1975	
130441	LOUISVILLE, CITY (JEFFERSON CO.)	APRIL	04, 1975	
130354	LUMPKIN COUNTY	AUGUST	15, 1975	
130229	MADISON, CITY OF (MORGAN CO)	APRIL	02, 1976	
130392B	MARTIN, TOWN (STEPHENS CO)	FEBRUARY	21, 1975	
		APRIL	04, 1975	AND
130342	MCDONOUGH, CITY (HENRY CO.)	MAY	28, 1976	
130367	MCDUFFIE COUNTY *	MARCH	11, 1977	
130421	MCINTYRE, TOWN (WILKINSON CO.)	APRIL	11, 1975	
130024	MIDVILLE, CITY (BURKE CO)	MARCH	26, 1976	
130398	MITCHELL COUNTY *	APRIL	11, 1975	
130376	MOLENA, CITY (PIKE CO.)	JULY	11, 1975	
130139	MONTGOMERY COUNTY	APRIL	11, 1975	
130252A	MOUNTAIN CITY, TOWN (RABUN CO.)	MARCH	19, 1976	
130366	MURRAY COUNTY	JANUARY	17, 1975	AND
130353	NAYLOR, TOWN (LOWNDES CO.)	OCTOBER	22, 1976	
130161A	NEWINGTON, TOWN OF (SCREVEN CO.)	MAY	14, 1976	
130193	NEWTON COUNTY	APRIL	25, 1975	
130269	OAK PARK, TOWN (EMANUEL CO.)	SEPTEMBER	06, 1974	
130189A	ODUM, CITY (WAYNE CO)	APRIL	23, 1976	
130370	OGLETHORPE COUNTY	JULY	18, 1975	
130367	OXFORD, TOWN (NEWTON CO.)	MAY	20, 1976	
130151	PIERCE COUNTY *	JULY	25, 1975	
130289	PULASKI, TOWN (CANDLER, CO.)	AUGUST	13, 1976	
130267	RIVERSIDE, TOWN (COLQUITT CO.)	APRIL	04, 1975	
130142A	ROCKY FORD, TOWN OF (SCREVEN CO.)	JULY	18, 1975	
130363	RUTLEDGE, TOWN (MORGAN CO.)	SEPTEMBER	06, 1974	
130439	SALE CITY, TOWN (MITCHELL CO.)	JANUARY	03, 1975	AND
130168A	SCOTLAND, CITY OF (TELFAIR * WHEELER COS.)	DECEMBER	19, 1975	
130301	SENOIA, CITY (COWETA CO.)	MAY	28, 1976	
130382	SHELLMAN, CITY (RANDOLPH CO.)	APRIL	11, 1975	
130339	SHILOH, CITY (HARRIS CO.)	AUGUST	30, 1974	
130393	STEWART COUNTY	APRIL	04, 1975	
130308	STILLMORE, TOWN (EMANUEL CO.)	JUNE	11, 1976	
130260A	STONE MOUNTAIN, CITY OF (DEKALB CO.)	APRIL	04, 1975	
		AUGUST	30, 1974	
		APRIL	04, 1975	
		MAY	02, 1975	
		AUGUST	13, 1976	
		MARCH	26, 1976	

• UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130288	SUNNY SIDE, VILLAGE (SPALDING COUNTY)	APRIL 11, 1978
130003	SURRENCY, TOWN (APPLING CO)	JANUARY 03, 1978
130326	SUWANEE, CITY (GWINNETT CO.)	APRIL 04, 1975
130396	TALBOT COUNTY	MARCH 26, 1976
130380	TALLULAH FALLS, CITY OF (HABERSHAM & RABUN COS.)	APRIL 28, 1978
130488	TEMPLE, TOWN (CARROLL CO.)	JULY 12, 1978
130391	TIFTON, TOWN (RABUN CO.)	JULY 14, 1975
130171	TIFTON COUNTY	MARCH 14, 1978
130328	TORCH, TOWN (WILKINSON CO.)	APRIL 25, 1978
130327	TOWNS COUNTY	AUGUST 18, 1978
130743	WALNUT GROVE, TOWN (WALTON CO.)	AUGUST 18, 1978
130189	WHITE, CITY (CLARKE CO.)	APRIL 11, 1978
130430	WOODBURY, TOWN (MERIWEATHER CO.)	JUNE 27, 1975

TOTAL IN THE STATE 100

• UNINCORPORATED AREAS ONLY

IDAHO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
160042	ALBION, TOWN (CASSIA CO)	JANUARY 10, 1978
160140	BURLEY, CITY (TWIN FALLS CO)	JUNE 29, 1978
160018A	CHATCOLET, CITY OF (BENEWAH CO.)	SEPTEMBER 13, 1979 AND FEBRUARY 27, 1976
160008A	COUNCIL, CITY OF (ADAMS CO.)	MAY 03, 1979 AND DECEMBER 12, 1975
160163	CRAIGMONT, CITY (LEWIS CO)	JUNE 25, 1976
160134	FIRTH, CITY (BINGHAM CO)	APRIL 23, 1976
160137	FRANKLIN, CITY (FRANKLIN CO)	SEPTEMBER 05, 1975
160060A	GARDEN CITY, CITY OF (ADA CO.)	DECEMBER 17, 1973
160172	MACKAY CITY (CUSTER CO)	MAY DECEMBER 03, 1975 13, 1978
160197	MALTA, TOWN OF (CASSIA CO.)	
160176	MCCAMMON CITY (BANNOCK CO)	APRIL 28, 1976
160195	MENAN CITY (JEFFERSON CO)	
160140	MERIDIAN CITY (ADA CO)	MAY 28, 1976
160045A	OAKLEY, TOWN OF (CASSIA CO.)	OCTOBER 18, 1979 AND NOVEMBER 19, 1976
160150	PONDERAY, CITY (BONNER CO)	AUGUST 13, 1976
160106	PRESTON CITY (FRANKLIN CO)	AUGUST 20, 1976
160153	ST. CHARLES, CITY (BEAR LAKE CO)	MARCH 19, 1976
160169	SHAN VALLEY CITY (BONNEVILLE CO)	AUGUST 29, 1975
160119A	VICTOR, CITY OF (TETON CO.)	SEPTEMBER 06, 1979 AND DECEMBER 05, 1975
160195	WENDELL CITY (GOODING CO)	JULY 11, 1975

TOTAL IN THE STATE 20

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170335	ARTHUR, VILLAGE (DOUGLAS CO.)	JULY 14, 1978
170340	ASHTON, VILLAGE (LEE CO.)	AUGUST FEBRUARY 21, 1975
170844	ALVIN, VILLAGE OF (VERMILION CO)	DECEMBER 06, 1979
170469	ANCHOR, VILLAGE OF (MCLEAN CO.)	MARCH 29, 1979 AND
170657A	ANNA, CITY OF (UNION CO.)	APRIL 30, 1976
		JANUARY 31, 1975
170741	ASTORIA, TOWN OF (FULTON CO)	OCTOBER 18, 1979 AND
170742A	AVON, VILLAGE OF (FULTON CO.)	APRIL 16, 1976
		SEPTEMBER 13, 1979
170470A	BARDOLPH, VILLAGE OF (MCDONOUGH CO.)	MARCH 28, 1975
170869	BARTELSO, VILLAGE OF (CLINTON CO)	SEPTEMBER 20, 1976
170321A	BATAVIA, CITY OF (KANE CO.)	DECEMBER 17, 1973
170449A	BATH, VILLAGE OF (MASON CO.)	MARCH 28, 1975
170845	BELGIUM, VILLAGE OF (VERMILION CO)	

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170600A	BLUFFS, VILLAGE OF (SCOTT CO.)	JUNE 07, 1979 AND
170448	BRADFORD, CITY (PIKE CO)	APRIL 11, 1978
170308A	BROOKPORT, CITY OF (MASSAC CO.)	JANUARY 30, 1978
170220	BROWNS, VILLAGE OF (EDWARDS CO.)	JUNE 07, 1979
170332	BRYANT, VILLAGE OF (VERMILION CO.)	NOVEMBER 16, 1978
170847	BUCKLEY, VILLAGE OF (IROQUOIS CO.)	DECEMBER 02, 1977
170899	BUSHNELL, VILLAGE OF (MCDONOUGH CO.)	JUNE 19, 1978 AND
		AUGUST 28, 1978
170838A	CAHOKIA, VILLAGE OF (MONROE CO.)	APRIL 09, 1979 AND
170850A	CANTON, CITY OF (FULTON CO.)	JUNE 28, 1979 AND
		MARCH 28, 1979
170039A	CASEY, CITY OF (CLARK CO.)	JUNE
170842	CEDARVILLE, VILLAGE (STEPHENSON CO)	APRIL 11, 1975
170839	CLEAR LAKE, VILLAGE OF (SANGAMON CO)	FEBRUARY 21, 1975
170044	CLINTON COUNTY •	DECEMBER 20, 1979
170843	CONNELL, VILLAGE OF (LIVINGSTON CO)	MARCH 21, 1975
170404B	CREVE COEUR, VILLAGE OF (TAZEWELL CO.)	MARCH 09, 1979 AND
		APRIL 30, 1976
170422A	CULLOM, VILLAGE OF (LIVINGSTON CO)	FEBRUARY 22, 1979
170292A	DANFORTH, VILLAGE OF (IROQUOIS CO) (IROQUOIS CO.)	SEPTEMBER 13, 1979 AND
		FEBRUARY 06, 1976
170751A	DE SOTO, VILLAGE OF (JACKSON CO.)	APRIL 05, 1979 AND
		APRIL 02, 1976
170837	DEER CREEK, VILLAGE OF (TAZEWELL CO.)	JUNE 28, 1979
170580A	DONGOLA, VILLAGE OF (UNION CO.)	MARCH 28, 1979 AND
		JUNE
170475	DONELL, VILLAGE (JACKSON CO)	APRIL 02, 1976
170876	DUQUOIN, VILLAGE OF (WASHINGTON CO)	MARCH 28, 1975
170873	EAST BROOKLYN, VILLAGE OF (CRUNDY CO)	MARCH 21, 1975
170332A	EAST GILLESPIE, VILLAGE (MACOUPIN CO)	JUNE
170441A	EDWARDSVILLE, CITY OF (MADISON CO.)	APRIL 05, 1979 AND
		JULY 02, 1976
170251A	ELDRED, VILLAGE OF (GREENE CO.)	DECEMBER 17, 1973 AND
		JANUARY 16, 1976
170868A	ELLISVILLE, VILLAGE OF (FULTON CO.)	FEBRUARY 27, 1978
170849	ELMWOOD, VILLAGE OF (PEORIA CO)	MARCH 21, 1975
170416	FARMER CITY, CITY OF (DE WITT CO)	AUGUST 01, 1975
170864	FITHIAN, VILLAGE OF (VERMILION CO.)	MARCH
170227	FOREST CITY, VILLAGE OF (MASON CO)	JUNE 28, 1978
170203A	GALVA, CITY OF (HENRY CO.)	MARCH 29, 1979 AND
170499A	GERMANTOWN, VILLAGE OF (CLINTON CO.)	JULY 30, 1976
		MARCH 29, 1979 AND
170234A	GIBSON CITY, CITY OF (FORD CO.)	JANUARY 30, 1976
		SEPTEMBER 06, 1979 AND
170326A	GILBERTS, VILLAGE OF (KANE CO.)	MAY 07, 1976
170883	GOLDEN GATE, VILLAGE (WAYNE CO)	JUNE 23, 1978
170602A	GOLDEN, VILLAGE OF (ADAMS CO.)	
170252A	GREENFIELD, CITY OF (GREEN CO.)	FEBRUARY 22, 1979 AND
		JULY 18, 1976
170561	HARRISBURG, VILLAGE OF (POPE CO.)	JULY 30, 1976
170496A	HAMMOND, VILLAGE OF (PIATT CO.)	JUNE 19, 1978 AND
		APRIL 04, 1975
170267A	HANCOCK COUNTY	JANUARY 24, 1978 AND
170466A	HAVANA, CITY OF (MASON CO.)	FEBRUARY 28, 1978 AND
		APRIL 28, 1978
170366A	HAWTHORN WOODS, VILL (LAKE CO)	JANUARY 28, 1977 AND
170006	HENNING, VILLAGE (VERMILION CO)	DECEMBER 23, 1978
170456	HENRY, CITY (MARSHALL CO)	JULY 30, 1976
170497A	HEYWORTH, VILLAGE OF (MCLEAN CO.)	JUNE 14, 1979
170263A	HILLVIEW, VILLAGE OF (GREENE CO.)	DECEMBER 06, 1979 AND
		DEC. 07, 1976
170184A	HINCKLEY, VILLAGE OF (DEKALB CO.)	MARCH 21, 1979 AND
		JUNE 04, 1976
170852	HOLLOWAYVILLE, VILLAGE OF (BUREAU CO)	MARCH 28, 1978
170369	INDIAN CREEK, VILLAGE OF (LAKE CO.)	AUGUST 25, 1978
170315B	JERSEYVILLE, CITY OF (JERSEY CO.)	JUNE
		JUNE 27, 1978 AND

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170674	SOUTH WILMINGTON, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975
170469A	SPARLAND, VILLAGE OF (MARSHALL CO.)	NOVEMBER 23, 1973 AND
		MARCH 06, 1976
170487	SPRING BAY, VILLAGE OF (WOODFORD CO)	MARCH 28, 1978
170466	SPRINGERTON, VILLAGE OF (WHITE CO.)	DECEMBER 06, 1979
170413	STARK COUNTY	APRIL 02, 1976
170560	STEELEVILLE, VILLAGE (RANDOLPH CO)	JULY 30, 1976
170400A	STONEFORT, VILLAGE OF (SALINE CO.)	AUGUST 30, 1979 AND
		JUNE 18, 1976
170776	ST. DAVID, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1979
170801A	ST. FRANCISVILLE, VILLAGE OF (LAWRENCE CO.)	MARCH 28, 1978
170420	ST. MARIE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170005A	TAMMS, VILLAGE OF (ALEXANDER CO.)	MAY 10, 1979 AND
		JUNE 11, 1976
170778	THOMSON, VIL (CARROLL CO)	OCTOBER 17, 1975
170828	TOPEKA, TOWN OF (MASON CO)	MARCH 21, 1975
170849	URBAIN, VILLAGE OF (FRANKLIN CO)	MARCH 21, 1975
170869A	VALLEY CITY, VILLAGE OF (PIKE CO.)	DECEMBER 17, 1973 AND
		MARCH 19, 1976
170781A	VERMONT, VILLAGE OF (FULTON CO.)	NOVEMBER 29, 1979
170310A	WALTONVILLE, VILLAGE OF (JEFFERSON CO.)	AUGUST 23, 1979 AND
		JUNE
170455A	WANAC, CITY OF (WASHINGTON, MARION & CLINTON COS.)	AUGUST 17, 1978
170845	WATERMAN, VILLAGE OF (DEKALB CO)	AUGUST 24, 1978
170254A	WHITE HALL, CITY OF (GREENE CO.)	APRIL 05, 1979 AND
		JUNE 04, 1976
170821	YALE, VILLAGE OF (JASPER CO)	JUNE 21, 1978
170366A	YATES CITY, VILLAGE OF (KNOX CO.)	JUNE 14, 1979 AND
		JANUARY 30, 1976

TOTAL IN THE STATE 143

• UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180031A	ALTON, TOWN OF (CRAWFORD CO.)	JANUARY 22, 1979 AND
		JULY 02, 1976
180203	ANDY, TOWN OF (MIAMI CO)	NOVEMBER 29, 1979
180097B	ANDREWS, TOWN OF (HUNTINGTON CO.)	JUNE 07, 1976
180156	BEECH GROVE, CITY (MARION CO)	MAY 14, 1976
180273A	BOONVILLE, CITY OF (WARRICK CO.)	DECEMBER 28, 1973 AND
		MAY 28, 1976
180087B	BROWNSBURG, TOWN OF (HENDRICKS CO.)	NOVEMBER 23, 1973 AND
		JUNE 18, 1976
180256A	CAYUGA, TOWN OF (VERMILLION CO.)	MAY 21, 1976 AND
		JUNE
180054	DUBOIS COUNTY •	DECEMBER 18, 1979
180156	DUPONT, TOWN OF (JEFFERSON CO.)	MAY 07, 1976
180376	FERDINAND, CITY OF (DUBOIS CO)	FEBRUARY 16, 1978
180252A		
180366	FRANCISO, TOWN OF (GIBSON CO)	APRIL 16, 1976
180080	HAMILTON COUNTY •	MARCH 21, 1978
180227A	HAZLETON, TOWN OF (GIBSON CO.)	DECEMBER 13, 1979
		NOVEMBER 23, 1973 AND
180225A	INDIAN VILLAGE, TOWN OF (ST. JOSEPH CO.)	SEPTEMBER 24, 1976
180108	JENNINGS COUNTY •	OCTOBER 18, 1979
180193A	JUDSON, TOWN OF (PARKE CO.)	DECEMBER 17, 1973 AND
		JUNE 11, 1976
180090B	KNIGHTSTOWN, TOWN OF (HENRY CO.)	NOVEMBER 20, 1973 AND
		DECEMBER 06, 1976
180172A	LADOGA, TOWN OF (MONTGOMERY CO.)	NOVEMBER 16, 1979 AND
		MAY 14, 1976
180035A	LEAVENWORTH, TOWN OF (CRAWFORD CO.)	DECEMBER NOVEMBER 30, 1973
180035B	LITTLE YORK, TOWN OF (WASHINGTON CO)	MARCH 21, 1975
180310A	MECCA, TOWN OF (PARKE CO.)	JANUARY 23, 1979 AND
		JUNE
180382	MILFORD, TOWN OF (KOSCIUSKO CO)	MARCH 17, 1978

* UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180170	MORGAN COUNTY *	DECEMBER 20, 1974
180337A	MORGERRY, TOWN OF (GREENE CO.)	FEBRUARY 01, 1974
180408A	MORPORT, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AND
		MAY 31, 1976
180088A	ORLAND, TOWN OF (STEUBEN CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180189A	PAOLI, TOWN OF (ORANGE CO.)	NOVEMBER 03, 1972 AND
		OCTOBER 31, 1975
180178	PARKE COUNTY *	DECEMBER 20, 1974
180340A	PATOKA, TOWN (GIBSON CO.)	NOVEMBER 03, 1972 AND
		MARCH 31, 1976
180088	PINES, TOWN OF (PORTER CO)	JANUARY 03, 1975
180213	PUTNAM COUNTY	DECEMBER 28, 1973 AND
180096A	ROANOKE, TOWN OF (HUNTINGTON CO.)	JULY 03, 1976
180101	ROCKPORT, CITY (MARION CO.)	FEBRUARY 01, 1974
180340A	ROCKING LAKE PARK, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974 AND
180349A	SULPHUR SPRINGS, TOWN OF (HENRY CO.)	APRIL 09, 1976
		FEBRUARY 01, 1974 AND
180360A	TENNYSON, TOWN OF (WARRICK CO.)	JUNE 10, 1976
		MAY 31, 1974 AND
180179A	RAYNETOWN, TOWN OF (MONTGOMERY CO*)	APRIL 09, 1976
180206	WEST TERRE HAUTE, TOWN (VIGO CO)	NOVEMBER 22, 1974
	TOTAL IN THE STATE	39

* UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190356	ACKLEY, CITY OF (HARDIN CO*)	JULY 12, 1976
190533	AFTON, CITY OF (UNION CO*)	SEPTEMBER 19, 1975
190525	AINSWORTH, CITY OF (WASHINGTON CO*)	APRIL 23, 1976
190038	ALBION, CITY OF (MARSHALL CO*)	JUNE 21, 1974 AND
190038A	ALBION, CITY OF (HARDIN CO.)	DECEMBER 26, 1975
		MARCH 26, 1976
190367	ALEXANDER, CITY OF (FRANKLIN CO*)	SEPTEMBER 19, 1975
190853	ALLERTON, CITY OF (WAYNE CO*)	JUNE 28, 1976
190544	ALLISON, CITY (BUTLER CO*)	SEPTEMBER 26, 1975
190555	ALTOONA, CITY (POLK CO)	JUNE 28, 1976
190533	APLINGTON, CITY OF (BUTLER CO.)	SEPTEMBER 06, 1974 AND
190072A	ARION, CITY OF (CRAWFORD CO*)	MAY 14, 1976 AND
190217	ASHTON, CITY OF (OSCEOLA CO*)	JULY 11, 1975
190848	ATKINS, CITY (BENTON CO)	AUGUST 11, 1976
190827	AUBURN, CITY OF (SAC)	JUNE 30, 1976 AND
190549	AURELIA, CITY OF (CHEROKEE CO.)	APRIL 16, 1976
190478	AURORA, CITY OF (BUCHANAN)	AUGUST 13, 1976
190827	AYRSHIRE, CITY OF (PALO ALTO)	JUNE 28, 1976
190760	BAGLEY, CITY OF (GUTHRIE CO*)	SEPTEMBER 26, 1975
190269	BALDWIN, CITY OF (JACKSON CO*)	SEPTEMBER 12, 1975
190269	BATAVIA, CITY (JEFFERSON CO*)	SEPTEMBER 19, 1975
190523	BATTLE CREEK, CITY OF (IDA CO.)	JUNE 28, 1976
190582	BAXTER, CITY (JASPER CO)	SEPTEMBER 19, 1975
190562	BEACON, CITY OF (MAHASKA CO*)	AUGUST 13, 1976
190460	BEAMAN, CITY OF (GRUNDY CO*)	MAY 03, 1976 AND
190303A	BELMOND, CITY OF (WRIGHT CO*)	AUGUST 13, 1976
190438	BERTRAM, CITY OF (LINN CO*)	JULY 02, 1976
190703	BLAIRSBURG, CITY OF (HAMILTON CO.)	AUGUST 06, 1976
190320	BLAIRSTOWN, CITY OF (BENTON CO*)	SEPTEMBER 19, 1975
190617	BLOCKTON, CITY OF (TAYLOR CO*)	SEPTEMBER 26, 1975
190584	BLUE GRASS, CITY OF (SCOTT CO.)	AUGUST 13, 1976
190707	BONDURANT, CITY (POLK)	SEPTEMBER 05, 1975
190555	BOONE, CITY (BOONE CO)	SEPTEMBER 12, 1975
190706	BOXHOLM, CITY OF (BOONE)	MARCH 26, 1976
190586	BOYDEN, CITY OF (SIOUX CO.)	AUGUST 29, 1975
190420	BRADGATE, CITY OF (HUMBOLDT CO*)	JUNE 28, 1976
190314	BRIDGEWATER, CITY OF (ADAIR CO*)	JUNE 18, 1976

* UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190700	BRISTOW, CITY OF (BUTLER)	JULY 08, 1976
190586	BRITT, CITY (HANCOCK CO)	AUGUST 09, 1976
190476	BRUNSVILLE, CITY OF (PLYMOUTH CO.)	JULY 02, 1976
190093	BUCK GROVE, CITY OF (CRAWFORD CO.)	NOVEMBER 29, 1974
190277	CALLENDER, CITY OF (WEBSTER CO*)	NOVEMBER 08, 1974
190081	CARROL, CITY OF (CARROL CO.)	JUNE 28, 1976
190448	CARTER LAKE, CITY (POTTAWATTAMIE CO)	SEPTEMBER 19, 1975
190402	CASTANA, CITY OF (MONONA CO.)	AUGUST 29, 1975
190433	CENTER JUNCTION, CITY OF (JONES CO.)	JUNE 28, 1976
190847	CHANTRY, CITY OF (JEFFERSON CO*)	AUGUST 08, 1975
190847A	CHANTRY, CITY OF (HENRY CO.)	AUGUST 13, 1976
190850	CHATSWORTH, CITY OF (BIOVA CO.)	NOVEMBER 08, 1974
190269	CHILLICOTHE, CITY OF (WAPELLO CO.)	AUGUST 29, 1975
190396	CHURDAN, CITY OF (GREENE CO*)	SEPTEMBER 19, 1975
190336	CLARKSVILLE, CITY OF (BUTLER CO*)	MARCH 26, 1976
190839	COLO, CITY OF (STORY CO*)	APRIL 16, 1976 AND
190901	CONRAD, CITY OF (GRUNDY CO.)	APRIL 30, 1976
190818	CORBY, CITY OF (TAYLOR CO*)	JULY 02, 1976
190368	COULTER, CITY OF (FRANKLIN CO.)	AUGUST 13, 1976
190722	CRAWFORDSVILLE, CITY OF (WASHINGTON CO*)	MAY 26, 1976
190819	CROMWELL, CITY OF (UNION CO*)	JUNE 28, 1976
190421	DAKOTA CITY, CITY OF (HUMBOLDT CO*)	NOVEMBER 08, 1974
190109	DAVIS CITY, CITY OF (DECATUR CO*)	JULY 16, 1976
190488	DAWSON, CITY OF (DALLAS CO*)	AUGUST 13, 1976
190498	DEEP RIVER, CITY OF (POWESHIEK CO*)	SEPTEMBER 19, 1975
190880	DELHI, CITY (DELAWARE CO)	MARCH 19, 1976
190878A	DELOIT, CITY OF (CRAWFORD CO.)	AUGUST 30, 1974 AND
190369	DESOTO, CITY OF (DALLAS CO*)	DECEMBER 26, 1975
190501	DIAGONAL, CITY OF (RINGGOLD CO*)	SEPTEMBER 26, 1975
190356	DICKENS, CITY OF (CLAY CO)	AUGUST 29, 1975
190726	DIXON, CITY (SCOTT)	SEPTEMBER 06, 1974
190505	DONAHUE, CITY OF (SCOTT CO.)	SEPTEMBER 19, 1975
190748	DORR, CITY OF (ALLYN CO.)	MARCH 19, 1976
190308A	DOWS, CITY OF (WRIGHT CO*)	SEPTEMBER 19, 1975
190363	DUNDEE, CITY OF (DELAWARE CO.)	JUNE 21, 1974 AND
190570	EARLHAM, CITY (MADISON CO)	DECEMBER 26, 1975
190571	EARLVILLE, CITY (DELAWARE CO)	JULY 30, 1976
190460	EAST PEMU, CITY OF (MADISON CO.)	AUGUST 06, 1976
190573	EDGEWOOD, CITY OF (CLAYTON AND DELAWARE COS*)	MARCH 19, 1976
190674	ELDRIDGE, CITY (SCOTT CO)	JULY 02, 1976
190916	ELMA, CITY OF (HOWARD CO*)	AUGUST 29, 1975
190440	ELY, CITY OF (LINN CO.)	AUGUST 06, 1976
190730	FARNHAMVILLE, CITY OF (CALHOUN CO*)	SEPTEMBER 19, 1975
188330	FARRAGUT, CITY OF (FREMONT CO.)	MARCH 26, 1976
188376	FAYETTE, CITY OF (FAYETTE CO.)	SEPTEMBER 26, 1975
188427	FENTON, CITY OF (KOSSUTH CO.)	SEPTEMBER 19, 1975
188457	FLOYD, CITY OF (FLOYD CO.)	MARCH 19, 1976
188485	FONDA, CITY OF (POCAHONTAS CO.)	AUGUST 13, 1976
188824	FONTANELLE, CITY (ADAIR CO)	JULY 16, 1976
188324	FRASER, CITY OF (BOONE CO.)	NOVEMBER 22, 1974
190027	FREDERIKA, CITY OF (BREMER CO.)	FEBRUARY 14, 1975
190308	FREDONIA, CITY OF (LOUISA CO.)	AUGUST 08, 1975
190580	GARNAVILLO, CITY OF (CLAYTON CO)	AUGUST 08, 1975
190321	GARRISON, CITY OF (BENTON CO*)	JUNE 25, 1976
190844	GOLDFIELD, CITY OF (WRIGHT CO.)	JUNE 28, 1976 AND
190477A	GOWRIE, CITY OF (WEBSTER CO*)	FEBRUARY 06, 1976
190865	GRAND JUNCTION, CITY OF (GREENE CO.)	SEPTEMBER 19, 1975
190732	GRANVILLE, CITY OF (SIOUX)	JULY 16, 1976
190732	GRANVILLE, CITY OF (TAYLOR CO.)	SEPTEMBER 19, 1975
190189A	GREEN ISLAND, CITY OF (JACKSON CO*)	OCTOBER 15, 1974
190440	GRIMES, CITY OF (POLK CO*)	MARCH 26, 1976
190463	GRUNDY CENTER, CITY (GRUNDY CO)	JULY 02, 1976
190497	GUERNSEY, CITY OF (POWESHIEK CO*)	APRIL 30, 1976
190430A	HANCOCK, CITY OF (POTTAWATTAMIE CO.)	AUGUST 30, 1974 AND
190855	HANLONTOWN, CITY OF (WORTH CO.)	DECEMBER 26, 1975
190845	HARTFORD, CITY (MARION CO)	MARCH 19, 1976
190455	HARVEY, CITY OF (MARION CO.)	MARCH 26, 1976
190467	HARLOCK, CITY OF (POTTAWATTAMIE CO.)	MARCH 19, 1976

* UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190631	HORNICK, CITY OF (WOODBURY CO*)	JULY 08, 1976
190432	HORNAY, CITY OF (MILTON CO*)	AUGUST 09, 1976
190634	HUDEN, CITY OF (BOONE CO*)	SEPTEMBER 26, 1975
190760	HUDSON, CITY OF (DICKINSON CO.)	AUGUST 29, 1975
190760	ORCHARD, CITY OF (MITCHELL CO.)	SEPTEMBER 19, 1975
190497	OSCEOLA, CITY (CLARKE CO)	JULY 02, 1976
190838	OSKALOOSA, CITY (MAHASKA CO)	APRIL 23, 1976
190840	OTHO, CITY OF (WEBSTER CO*)	JULY 02, 1976
190279A	OTO, CITY OF (WOODBURY CO.)	AUGUST 08, 1975
190172A	OXFORD, CITY OF (JOHNSON CO*)	SEPTEMBER 13, 1974 AND
		JANUARY 23, 1976
		MAY 10, 1974 AND
		FEBRUARY 06, 1976
190479	OYENS, CITY OF (PLYMOUTH CO.)	JULY 16, 1976
190793	PALMER, CITY OF (POCAHONTAS)	AUGUST 13, 1976
190340	PANORA, CITY OF (GUTHRIE CO*)	AUGUST 08, 1975
190337	PARKERSBURG, CITY OF (BUTLER CO.)	JULY 02, 1976
190397	PATON, CITY OF (GREENE CO.)	SEPTEMBER 19, 1975
190357	PATERSON, CITY OF (CALHOUN CO*)	MARCH 26, 1976
190781	PECATONICA, CITY OF (MILLSON CO.)	DECEMBER 26, 1975
190831A	PLEASANTVILLE, CITY OF (MARION CO.)	NOVEMBER 08, 1974 AND
		MAY 30, 1975
190486	POCAHONTAS, CITY (POCAHONTAS CO)	JULY 02, 1976
190871	PRESTON, CITY OF (JACKSON CO.)	SEPTEMBER 12, 1975
190830	RADCLIFFE, CITY (HARDIN CO)	JUNE 28, 1976
190830	RAPE, CITY OF (HANCOCK CO.)	MARCH 26, 1976
190322	RANDOLPH, CITY OF (FREMONT CO.)	NOVEMBER 08, 1974
190169A	REASNOR, CITY OF (JASPER CO.)	MARCH 19, 1976
190740	REMSEN, CITY OF (PLYMOUTH CO.)	MARCH 19, 1976
190918	RICEVILLE, CITY OF (HOWARD CO.)	NOVEMBER 08, 1974
190190	RICKETTS, CITY OF (FREMONT CO*)	MARCH 26, 1976
190375	RIDGEPORT, CITY OF (FREMONT CO.)	NOVEMBER 08, 1974
190494	RIVERSIDE, CITY OF (WASHINGTON CO*)	MARCH 26, 1976
190393	RIVERTON, CITY OF (FREMONT CO.)	AUGUST 13, 1976
190493	ROBINS, CITY OF (LINN CO*)	AUGUST 13, 1976
190343	ROCKWELL CITY, CITY OF (CALHOUN CO.)	MARCH 26, 1976
190352	ROCKWELL, CITY OF (CERRO GORDO CO*)	MARCH 26, 1976
190414	ROME, CITY OF (HENRY CO*)	MARCH 26, 1976
190345	RUDD, CITY OF (FLOYD CO*)	JULY 09, 1974
190800	RUNNELLS, CITY OF (POLK CO.)	APRIL 30, 1976
190450	RUTHVEN, CITY (PALO ALTO CO)	SEPTEMBER 19, 1975
190401	RYAN, CITY OF (DELAWARE CO.)	AUGUST 13, 1976
190481A	SANBORN, CITY (O)	MARCH 26, 1976
190531	SCARVILLE, CITY OF (WINNEBAGO CO.)	SEPTEMBER 26, 1975
190688	SEYMOUR, CITY OF (WAYNE CO.)	JULY 16, 1976
190831	SHANNON CITY, CITY OF (RINGGOLD & UNION COS*)	JUNE 28, 1976
190132A	SHEFFIELD, CITY OF (FRANKLIN CO.)	AUGUST 13, 1976 AND
190489	SLATER, CITY (STORY CO)	JUNE 28, 1976
190805	SOLDIER, CITY OF (WOODBURY CO.)	MARCH 26, 1976
190432	SOLON, CITY OF (JOHNSON CO.)	AUGUST 13, 1976
190961	STACYVILLE, CITY OF (MITCHELL CO.)	AUGUST 13, 1976
190807	STANHOPE, CITY OF (HAMILTON)	MARCH 26, 1976
190333	STANLEY, CITY OF (BUCHANAN CO.)	AUGUST 13, 1976
190590A	STANWOOD, CITY OF (CEDAR CO*)	JUNE 28, 1976
190006	STATE CENTER, CITY OF (MARSHALL CO.)	AUGUST 09, 1974 AND
190191	STEAMBOAT ROCK, CITY OF (HARDIN CO.)	MAY 15, 1976
190636	STOCKPORT, CITY OF (VAN BUREN)	JANUARY 03, 1975
190602	STRAWBERRY POINT, TOWN (CLAYTON CO)	MARCH 26, 1976
190003	STUART, CITY OF (ADAIR-GUTHRIE COS.)	APRIL 16, 1976 AND
190809	SWALEDALE, CITY OF (CERRO GORDO)	MAY 03, 1976
190899	SHEA CITY, CITY OF (KOSSUTH CO.)	AUGUST 13, 1976
190811	SWISHER, CITY OF (JOHNSON CO.)	SEPTEMBER 19, 1975
190060	TABOR, CITY OF (FREMONT-MILLS COS*)	AUGUST 13, 1976
190088	THOMPSON, CITY OF (WINNEBAGO CO*)	JULY 02, 1976
190179	TIFFIN, CITY OF (JOHNSON CO.)	SEPTEMBER 19, 1975
190007	TOLEDO, CITY (TAMA CO)	NOVEMBER 22, 1974
190810	TREYNOR, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 12, 1975
190088	TRIPOLI, CITY (BREMER CO)	MARCH 26, 1976
190791	UNDERWOOD, CITY OF (POTTAWATTAMIE CO.)	MARCH 26, 1976
190718	UNIVERSITY PARK, TOWN (MAHASKA CO)	MARCH 19, 1976

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
190067	UTE, CITY OF (MONONA CO.)	MARCH	19, 1976
190073	VAN HORNE, CITY (BENTON CO)	MARCH	26, 1976
190082	VAN METER, CITY OF (DALLAS CO.)	SEPTEMBER	26, 1975
190090	VILLISCA, CITY OF (MONTGOMERY CO.)	AUGUST	13, 1976
190106	WADENA, CITY OF (FAYETTE CO.)	AUGUST	13, 1976
190075	WALCOTT, CITY (SCOTT CO.)	JULY	09, 1976
190081	WALFORD, CITY OF (BENTON CO.)	JULY SEPTEMBER	01, 1976 10, 1976 AND
190076	WAUKEE, CITY OF (DALLAS CO.)	APRIL	16, 1976
190077	WAUKON, CITY OF (ALLAMAKEE CO.)	MARCH APRIL	26, 1976 16, 1976 AND
190091	WAUCOMA, CITY OF (FAYETTE CO.)	JULY	16, 1976
190078	WAUKEE, CITY (DALLAS CO)	MARCH	26, 1976
190079	WELLMAN, CITY OF (WASHINGTON CO.)	APRIL	16, 1976
190095	WESTEL, CITY OF (DE SOTO CO.) WEST BEND, CITY OF (PALO ALTO CO.)	AUGUST AUGUST	13, 1976 13, 1976
190083	WEST POINT, CITY (LEE CO)	JULY	30, 1976
190087	WESTFIELD, CITY OF (PLYMOUTH CO.)	AUGUST	13, 1976
190096	WHEATLAND, CITY OF (CLINTON CO.)	JUNE APRIL	28, 1977 AND 02, 1976
190092	WHITING, CITY (MONONA CO) WINTHROP, CITY (BUCHANAN CO)	JULY JULY	02, 1976 09, 1976
190097	WOLTA, CITY OF (CASS CO.) WOODBINE, CITY OF (HARRISON CO.)	JUNE APRIL	25, 1976 30, 1976
190078	WOODBURN, CITY OF (CLARKE CO.)	DECEMBER	20, 1977
190069	WORTHTECK, CITY OF (WRIGHT CO.)	JUNE	25, 1976

TOTAL IN THE STATE 206

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200390	ALTA VISTA, CITY (WABAUNSEE CO.)	MARCH	19, 1976
200361	ALTON, CITY (OSBORNE CO.)	MARCH	19, 1976
200362	ALTOONA, CITY (WILSON CO.)	JULY	30, 1976
200364	ARCADIA, CITY (CRAWFORD CO.)	AUGUST	13, 1976
200366	ARLINGTON, CITY (RENO CO.)	SEPTEMBER	26, 1975
200365	ANNA, CITY (CRAWFORD CO.)	MARCH	26, 1976
200370 200367A	ATHOL, CITY OF (SMITH CO.) ATWELL, CITY (MARSHALL CO.)	DECEMBER MARCH AUGUST	12, 1975 AND 19, 1976 20, 1976
200368	BARNES, CITY (WASHINGTON CO.)	AUGUST	22, 1975
200369	BEATTIE, CITY (MARSHALL CO.)	AUGUST	29, 1975
200367	BENNINGTON, CITY (OTTAWA CO.)	MARCH	26, 1976
200369	BIRD CITY, CITY (CHEYENNE CO.)	AUGUST	29, 1975
200371 200370	BISBEE, CITY OF (RUSH CO.) BLUE RAPIDS, CITY (MARSHALL CO.)	MARCH	26, 1976
200328 200362A	BLUFF CITY, CITY OF (HARPER CO.) BRESTER, CITY OF (THOMAS CO.)	DECEMBER JULY	27, 1977 16, 1976 AND
200393	BRONSON, CITY OF (BOURBON CO.)	DECEMBER JULY	29, 1976 16, 1976
200396 200397	BURDETT, CITY (PAWNEE CO) BURNS, CITY (MARION CO)	MARCH MARCH	26, 1976 26, 1976
200474 200475	CALDWELL, CITY (SUMNER CO.) CANTON, CITY (MCPHERSON CO.)	SEPTEMBER APRIL	19, 1975 23, 1976
200478 200479	CHENEY, CITY (SEDGWICK CO.) CHEROKEE, CITY (CRAWFORD CO.)	MARCH MARCH	26, 1976 26, 1976
200480 200804	CHETOPA, CITY (LABETTE CO.) COLONY, CITY OF (ANDERSON CO.)	SEPTEMBER DECEMBER	19, 1975 20, 1976
200384	COTTONWOOD FALLS, CITY OF (CHASE CO.)	MARCH	26, 1976
200451	CUNNINGHAM, CITY (KINGMAN CO.)	JULY	30, 1976
200452 200454	DEARING, CITY (MONTGOMERY CO.) DENTON, CITY OF (JACKSON CO.)	AUGUST JULY	13, 1976 30, 1976
200505 200449	DOUGLASS, CITY (BUTLER CO.) DOUGLASS, CITY (BUTLER CO.)	AUGUST JULY	13, 1976 30, 1976
200228 200428	DUNLAP, CITY (MORRIS CO) DUNLAP, CITY (MORRIS CO.)	JANUARY SEPTEMBER	03, 1978 19, 1978
200191 200234A	EASTBOROUGH, CITY (SEDGWICK CO.) ELKHART, CITY OF (MORTON CO.)	SEPTEMBER MAY DECEMBER	19, 1975 24, 1979 AND 05, 1975

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200271	EMMETT, CITY OF (MIAMI CO.)	DECEMBER	20, 1979
200509 200510	ENGLEWOOD, CITY (CLARK CO) ENSIGN, CITY (GEARY CO.)	JUNE APRIL AUGUST	11, 1978 23, 1976 13, 1978
200378 200510	ENTERPRISE, CITY (DICKINSON CO.) ESKRIDGE, CITY (WABAUNSEE CO)	AUGUST NOVEMBER	13, 1978 27, 1978
200228 200228	FAIRVIEW, CITY (BROWN CO.) FAIRVIEW, CITY OF (BROWN CO.)	AUGUST MARCH	27, 1978 26, 1976
200377 200411	FLORENCE, CITY (MARION CO.) FORD, CITY (FORD CO.)	JULY MARCH	28, 1978 26, 1976
200375 200376	FORMOSO, CITY (JEWELL CO.) FRANKFORT, CITY (POTTAWATOMIE CO.)	JANUARY JUNE	27, 1978 26, 1976
200424 200412	FULTON, CITY (BOURBON CO) GARFIELD, CITY (PAWNEE CO.)	DECEMBER APRIL	27, 1979 23, 1976
200292 200413	GAYLORD, CITY OF (SMITH CO.) GENESEO, CITY (RICE CO.)	SEPTEMBER DECEMBER	19, 1975 19, 1976
200413 200227	GENRA SPRINGS, CITY (CONSERVATSUMNER COS) GLEN ELDER, CITY OF (MITCHELL CO.)	JULY NOVEMBER	16, 1976 22, 1976
200422 200306	GODDARD, CITY (SEDGWICK CO.) GOESSEL, CITY OF (MARION CO.)	JULY NOVEMBER	16, 1976 22, 1976
200239A	GOFF, CITY OF (NEMAHA CO.)	NOVEMBER DECEMBER	22, 1976 AND 30, 1976
200004	GREELEY, CITY OF (ANDERSON CO.)	NOVEMBER	22, 1976
200801	GREENBURG, CITY OF (KIOWA CO.)	JULY	30, 1976
200418	GRENOLA, CITY (ELK CO.)	SEPTEMBER	26, 1975
200004	GRIDLEY, CITY OF (COFFEY CO.)	NOVEMBER	22, 1976
200355	HADDAM, CITY OF (WASHINGTON CO.)	DECEMBER	27, 1979
200427 200421	HAMLIN, CITY (BROWN CO) HANDVER, CITY (BARBER CO.)	SEPTEMBER AUGUST	12, 1978
200423 200362	HARTFORD, CITY (LYON CO.) HARVEYVILLE, CITY OF (WABAUNSEE CO.)	SEPTEMBER NOVEMBER	26, 1975 22, 1976
200804	HAVILAND, CITY (KIOWA CO)	AUGUST	23, 1978
200081	HIGHLAND, CITY OF (DONIPHAN CO.)	APRIL	23, 1976
200806	HOLYROOD, CITY (ELLSWORTH CO.)	AUGUST	06, 1978
200429	HOPE, CITY (DICKINSON CO.)	SEPTEMBER	19, 1978
200508	HORTE, CITY (SHERMAN CO.)	JUNE	16, 1976
200012	HURON, CITY OF (ATCHISON CO.)	DECEMBER	13, 1979
200116	INGALLS, CITY OF (GRAY CO.)	DECEMBER	20, 1979
200426	IUKA, CITY (PRATT CO.)	SEPTEMBER	26, 1975
200428 200429	JAMESTOWN, CITY (CLOUD CO.) KECHI, CITY (SEDGWICK CO.)	APRIL APRIL	30, 1976 23, 1976
200512	KENSINGTON, CITY (SMITH CO.)	AUGUST	22, 1975
200007	KINCAID, CITY OF (ANDERSON CO.)	NOVEMBER	22, 1976
200329 200494A	KINSLEY, CITY OF (EDWARD CO.) LA CYGNE, CITY OF (LINN CO.)	NOVEMBER MARCH	22, 1976 AND 19, 1976
200103	LANE, CITY OF (FRANKLIN CO.)	DECEMBER	29, 1978
200343	LEBANON, CITY OF (SMITH CO.)	DECEMBER	20, 1979
200066	LEBO, CITY OF (COFFEY CO.)	APRIL	23, 1976
200516	LEON, CITY (BUTLER CO.)	MARCH	26, 1976
200046A	LEROY, CITY OF (COFFEY CO.)	DECEMBER OCTOBER	20, 1978 AND 24, 1978
200518	LEWIS, CITY (EDWARDS CO.)	MARCH	26, 1976
200459	LIEBENTHAL, CITY (RUSH CO)	JANUARY	03, 1978
200931	LINN, CITY (WASHINGTON CO.)	SEPTEMBER	06, 1978
200272	LOUISVILLE, CITY OF (POTTAWATOMIE CO.)	DECEMBER	06, 1979
200519	LUCAS, CITY (RUSSELL CO)	JULY	02, 1976
200933	LURAY, CITY (RUSSELL CO.)	JULY	02, 1976
200936	MACKSVILLE, CITY (STAFFORD CO.)	AUGUST	06, 1976
200521	MARYSVILLE, CITY OF (MARSHALL CO.)	NOVEMBER	22, 1976
200937	MELVERN, CITY OF (OSAGE CO.)	JULY	29, 1978
200523	MILTONVALE, CITY (CLOUD CO.)	MAY	29, 1978
200526	MINNEAPOLIS, CITY (OTTAWA CO.)	AUGUST	06, 1976
200524	MORAN, CITY (ALLEN CO.)	MARCH	26, 1976
200525	MORGANVILLE, CITY OF (CLAY CO.)	DECEMBER	29, 1978
200527	MORRILL, CITY OF (BROWN CO.)	MAY	17, 1979 AND
200189A	MOUND CITY, CITY OF (LINN CO.)	DECEMBER MARCH	05, 1979 AND 19, 1976
200194A	MULLINVILLE, CITY (KIOWA CO.)	NOVEMBER APRIL	15, 1978 23, 1976 AND
200194A	MUSCOTAH, CITY OF (ATCHISON CO.)	AUGUST JANUARY	23, 1978 AND 27, 1978
200464	NEOSHO FALLS, CITY OF (WOODSON CO)	JANUARY	03, 1978
200464	NEOSHO RAPIDS, CITY (LYON CO)		

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200530	NORTONVILLE, CITY OF (JEFFERSON CO.)	MARCH	01, 1979 AND
200531	OAKLEY, CITY (LOGAN CO.)	JUNE JULY	16, 1976 22, 1976
200532 200533	OLPE, CITY (LYON CO.) ONAGA, CITY (POTTAWATOMIE CO.)	SEPTEMBER AUGUST	27, 1975 13, 1976
200482A	OSAGE CITY, CITY OF (OSAGE CO)	MARCH FEBRUARY	01, 1979 AND 28, 1978
200537	OSWEGO, CITY (LABETTE CO.)	SEPTEMBER	19, 1978
200847	OXFORD, CITY (SUMNER CO.)	AUGUST	08, 1975
200367	PALMER, CITY OF (WASHINGTON CO.)	DECEMBER	20, 1979
200314	PARKER, CITY OF (LINN CO)	FEBRUARY	07, 1975
200847	PERU, CITY (CHAUTAUQUA CO.)	SEPTEMBER	26, 1975
200317 200540A	PLEASANTON, CITY (LINN CO) POMONA, CITY OF (FRANKLIN CO.)	JULY FEBRUARY	28, 1978 28, 1978 AND
200398	POTWIN, CITY (BUTLER CO.)	DECEMBER SEPTEMBER	20, 1978 20, 1978
200422 200549	PRESCOTT, CITY (LINN CO) PRETTY PRAIRIE, CITY (RENO CO.)	APRIL AUGUST	23, 1976 13, 1976
200547 200547	PRINCETON, CITY (FRANKLIN CO.) PROTECTION, CITY OF (COMANCHE CO.)	MAY JULY	24, 1978 05, 1978
200486 200483	REPUBLIC, CITY OF (REPUBLIC CO.) ROLLAY CITY (HORTON CO.)	DECEMBER MARCH	06, 1979 26, 1976
200412 200315B	RUSH CENTER, CITY OF (RUSH CO.) RUSSELL, CITY OF (RUSSELL CO.)	NOVEMBER FEBRUARY	22, 1976 28, 1979 AND
200365	SCAMMON, CITY (CHEROKEE CO.)	NOVEMBER SEPTEMBER	08, 1978 19, 1978
200527	SCHOENCHEN, CITY (ELLIS CO) SEDAN, CITY (CHAUTAUQUA CO.)	JANUARY AUGUST	17, 1975 22, 1975
200503 200493A	SEVERANCE, CITY OF (DONIPHAN CO.) SEVERY, CITY (GREENWOOD CO)	DECEMBER SEPTEMBER	20, 1979 26, 1975 AND
200550	SHARON, CITY (BARBER CO.)	JUNE AUGUST	11, 1978 13, 1978
200198 200499	SOLDIER, CITY OF (JACKSON CO.) SOUTH HAVEN, CITY (SUMNER CO)	NOVEMBER SEPTEMBER	22, 1978 19, 1978
200531	SPEARVILLE, CITY (FORD CO.)	SEPTEMBER	19, 1975
200178	SPRING HILL, CITY OF (JOHNSON CO.)	FEBRUARY	06, 1976
200532	STAFFORD, CITY (STAFFORD CO.)	MARCH	26, 1976
200524	ST. FRANCIS, CITY (CHEYENNE CO.E)	SEPTEMBER	19, 1975
200274	ST. GEORGE, CITY (POTTAWATOMIE CO)	JANUARY	03, 1975
200528	ST. JOHN, CITY (STAFFORD CO.)	JULY	16, 1976
200524	ST. PAUL, CITY (NEOSHO CO.)	SEPTEMBER	19, 1975
200900	SUMMERFIELD, CITY (MARSHALL CO.)	JULY	02, 1976
200365	THAYER, CITY (NEOSHO CO)	JULY	02, 1976
200307	TORONTO, CITY (WOODSON CO)	SEPTEMBER	19, 1978
200534	TOWANDA, CITY (BUTLER CO.)	AUGUST	08, 1978
200535 200535	TREECE, CITY (CHEROKEE CO) TRIBUNE, CITY (GREELEY CO.)	MARCH SEPTEMBER	26, 1976 19, 1978
200376 200376A	TYRO, CITY (MONTGOMERY CO) VALLEY FALLS, CITY OF (JEFFERSON CO.)	JULY OCTOBER	28, 1978 10, 1978
200882 200882	VICTORIA, CITY (ELLIS CO) WAKEFIELD, CITY (MARSHALL CO.)	JULY AUGUST	30, 1978 13, 1978
200537 200537	WEIR, CITY (CHEROKEE CO) WEST PLAINS, CITY (MEADE CO.)	SEPTEMBER JUNE	19, 1975 16, 1976
200277A	WESTMORELAND, CITY OF (POTTAWATOMIE CO.)	MARCH OCTOBER	26, 1976 AND 05, 1976
200008	WESTPHALIA, CITY (ANDERSON CO)	DECEMBER	20, 1979
200376	WETMORE, CITY OF (NEMAHA)	FEBRUARY	14, 1975
200066	WHITE CLOUD, CITY OF (DONIPHAN CO.)	DECEMBER	27, 1979
200559	WHITEWATER, CITY (BUTLER CO.)	SEPTEMBER	19, 1975
200196	WHITING, CITY OF (JACKSON CO.)	NOVEMBER	29, 1979
200379	WOODSTON, CITY (ROOKS CO)	SEPTEMBER	26, 1975

TOTAL IN THE STATE 141

• UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
210377A	ALLEN, TOWN OF (FLOYD CO.)	JANUARY FEBRUARY	23, 1979 AND 27, 1976
210166A	BERRY, TOWN OF (HARRISON CO.)	AUGUST FEBRUARY	16, 1979 AND 29, 1976
210197A	BOONEVILLE, CITY OF (OWSLEY CO.)	FEBRUARY	01, 1979 AND
210191A	BRADFORDSVILLE, CITY OF (MARION CO.)	FEBRUARY MAY	23, 1976 10, 1979 AND
210002 210201A	BREATHITT COUNTY BROOKHEAD, CITY OF (ROCK CASTLE CO.)	FEBRUARY JANUARY MAY	20, 1976 03, 1978 17, 1979 AND
210199A	CALHOUN, TOWN OF (MCLEAN CO.)	FEBRUARY	27, 1976
210192	CARLISLE COUNTY •	FEBRUARY	01, 1979
210193	CASEY COUNTY •	OCTOBER	18, 1979
210197	CLAY COUNTY •	DECEMBER	13, 1979
210144A	CLINTON, TOWN OF (LIVINGSTON CO.)	DECEMBER MAY	27, 1979 17, 1979 AND
210203	COAL RUN, CITY (PIKE CO)	SEPTEMBER	29, 1976
210198	CUMBERLAND COUNTY	JANUARY JANUARY	10, 1978 03, 1978
210C99B	FORT THOMAS, CITY OF (CAMPBELL CO.)	JANUARY JUNE	25, 1979 AND 25, 1976
210427 210441	FOSTER, CITY (BRACKEN CO) GALLATIN CO	AUGUST SEPTEMBER	01, 1978 26, 1978
210391 210391A	GARRARD COUNTY • GRAHAM, TOWN OF (CARROLL CO.)	OCTOBER JANUARY	18, 1979 25, 1978
210291 210427A	GILBERTSVILLE, CITY (MARSHALL CO.) GLENCOE, CITY OF (GALLATIN CO.)	JULY FEBRUARY	27, 1978 AND 27, 1978
210C96	HARDIN COUNTY •	JUNE OCTOBER	29, 1979 29, 1979
210430A	HARDIN, CITY OF (MARSHALL CO.)	JUNE AUGUST	15, 1977 AND 15, 1978
210196 210110	HARRIS, TOWN OF (MARSHALL CO.) HENRY COUNTY •	OCTOBER	18, 1979
210577A	HICKMAN, CITY OF (FULTON CO)	JUNE JUNE	20, 1979 AND 04, 1979
210112A	HOPKINS COUNTY •	OCTOBER APRIL	18, 1979 AND 23, 1976
210192 210530A	LAUREL COUNTY • LEBANON JUNCTION, CITY OF (BULLITT CO.)	DECEMBER MAY	12, 1979 10, 1979 AND
210C90A	LEITCHFIELD, TOWN OF (GRAYSON CO.)	SEPTEMBER DECEMBER	05, 1979 AND 12, 1979 AND
210196 210C71A	MARTIN COUNTY • MARTIN, TOWN OF (FLOYD CO.)	FEBRUARY OCTOBER	27, 1976 26, 1979
210203A	MCHENRY, TOWN OF (OHIO CO.)	DECEMBER MAY	06, 1979 10, 1979 AND
210193	MCLEAN COUNTY •	FEBRUARY	20, 1976
210619A	MILLERSBURG, CITY OF (BOURBON CO.)	OCTOBER	18, 1978
210199 210199	OHEN COUNTY • PERCLETON COUNTY •	JANUARY AUGUST	23, 1979 01, 1978
210299A 210299	PETERSBURG, TOWN OF (BOONE CO.) PHELPS, CITY (PIKE CO)	FEBRUARY JANUARY	01, 1979 03, 1978
210295A 210296	ROCKPORT, TOWN OF (OHIO CO.) SADIEVILLE, CITY (SCOTT CO)	FEBRUARY JANUARY	01, 1979 03, 1978
210249	SHELBY COUNTY •	OCTOBER	16, 1979
210499	SOUTH CARROLLTON, CITY (MUHLENBERG CO)	JULY	26, 1978
210270	SOUTHGATE, CITY (CAMPBELL CO)	AUGUST	01, 1978
210320	ST. CHARLES, TOWN OF (HOPKINS CO.)	AUGUST	13, 1976
210143A	ST. MATTHEWS, CITY OF (JEFFERSON CO.)	DECEMBER	06, 1979
210412	TAYLOR COUNTY •	OCTOBER	16, 1979
210410A	UNIONTOWN, TOWN OF (UNION CO.)	MAY	17, 1979
210270	UNION, TOWN (BOONE CO)	AUGUST	01, 1978
210192A	VICCO, CITY OF (PERRY CO.)	MAY	15, 1979 AND
210490A	VINE GROVE, CITY OF (HARDIN CO.)	MARCH MAY	09, 1979 AND 17, 1979
210490A	WHEAT CROFT, TOWN OF (WEBSTER CO.)	FEBRUARY	08, 1976 AND
210307	WINSTON PARK, TOWN OF (BOYLE CO.)	MARCH JANUARY	05, 1979 23, 1979

TOTAL IN THE STATE 52

• UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
220114A	ALBANY, VILLAGE OF (LIVINGSTON PARISH)	APRIL 13, 1979 AND OCTOBER 15, 1976	
220231	ANGIE, VILLAGE (WASHINGTON PARISH)	JANUARY 03, 1975	
220263	ASHLAND, TOWN (NATCHITOCHES PARISH)	AUGUST 13, 1976	
220364	ATHENS, VILLAGE OF (CLAIBORNE PARISH)	FEBRUARY 21, 1975	
220026	BEAUREGARD PARISH	JANUARY 17, 1975	
220316	BONITA VIL (MOREHOUSE CO)	AUGUST 22, 1975	
220107A	BOYCE, TOWN OF (RAPIDES PARISH)	APRIL 05, 1979	
220107A	CAMERON, TOWN OF (CAMERON PARISH)	MARCH 22, 1976	
220338	CHATAM, TOWN (JACKSON CO)	DECEMBER 12, 1978	
220398A	CONVERSE VIL (SABINE PARISH)	JANUARY 02, 1979	AND
220329	ELIZABETH TOWN (ALLEN CO)	DECEMBER 16, 1978	
220252	ESTELLE VIL (ST. CHARLES PARISH)	SEPTEMBER 02, 1976	
220325	FARMERVILLE TOWN (UNION CO)	MAY 02, 1978	
220328	FLORIEN VIL (SABINE PARISH)	DECEMBER 12, 1978	
220117A	FRANKLINTON, TOWN OF (WASHINGTON PARISH)	DECEMBER 12, 1978	AND
220290	GOLDONNA VIL (NATCHITOCHES CO)	SEPTEMBER 18, 1978	
220327A	GRAND CANE VIL (DE SOTO CO)	MAY 02, 1975	
220329	GRAYSON VIL (CALDWELL CO)	AUGUST 02, 1976	
220273	GREENWOOD, TOWN (CADDO CO)	APRIL 22, 1976	
220273	GRETNA, CITY (JEFFERSON CO)	MARCH 22, 1976	
220331	HORNBECK VIL (JACKSON CO)	JULY 12, 1978	
220331	HORNBECK VIL (VERNON CO)	AUGUST 12, 1978	
220335	JUNCTION CITY, CITY (CLAIBORNE-UNION CO)	JULY 10, 1975	
220298	KILBOURNE VIL (WEST CARROLL CO)	JUNE 11, 1976	
220115	LIVINGSTON, VILLAGE (LIVINGSTON CO)	SEPTEMBER 19, 1978	
220115A	LIVINGSTON, VILLAGE (LIVINGSTON PARISH)	SEPTEMBER 19, 1978	
220334A	LOGANSPORT TOWN (DE SOTO CO)	AUGUST 13, 1975	
		APRIL 16, 1976	AND
		DECEMBER 17, 1976	
220286	MONTGOMERY, TOWN (GRANT PARISH)	SEPTEMBER 19, 1975	
220332	MOORINGSPORT TOWN (CADDO CO)	JUNE 27, 1975	
220343	NEWELLAND, VILLAGE (VERNON CO)	APRIL 09, 1976	
220351	NOBLE VIL (SABINE PARISH)	AUGUST 13, 1976	
220012A	OBERLIN, CITY OF (ALLEN PARISH)	JUNE 21, 1976	AND
220294	PIONEER, VILLAGE (E. CARROLL PARISH)	NOVEMBER 14, 1975	
220337	PITKIN, VILLAGE OF (SABINE PARISH)	JUNE 04, 1976	
220306	POLLOCK, VILLAGE OF (GRANT PARISH)	MAY 04, 1976	
220119	PORT VINCENT, VILL (LIVINGSTON PARISH)	AUGUST 16, 1976	
220307	REEVES VIL (ALLEN CO)	AUGUST 13, 1976	
220309	RINGLE, VILLAGE OF (VERNON PARISH)	AUGUST 16, 1976	
220284	RINGLE, VILLAGE OF (WINN PARISH)	JUNE 25, 1976	
220311C	SIBLEY, VILLAGE OF (WINN PARISH)	FEBRUARY 04, 1976	
220311	SIBLEY VIL (VERNON CO)	APRIL 25, 1975	
220689	SLAUGHTER, TOWN (E. FELICIANA PAR)	AUGUST 08, 1975	
220689A	SUNSET VILLAGE OF (ST. TAMMANY PARISH)	SEPTEMBER 19, 1975	
		AUGUST 20, 1976	AND
		APRIL 16, 1976	
220350	TULLOS TOWN (LA SALLE CO)	JUNE 11, 1976	
220069A	TURKEY CREEK, VILLAGE OF (EVANGELINE PARISH)	AUGUST 30, 1979	AND
		OCTOBER 31, 1975	
220394A	VARNADO, VILLAGE OF (WASHINGTON PARISH)	OCTOBER 25, 1979	AND
		APRIL 30, 1976	
220351	VIVIAN TOWN (CADDO CO)	MARCH 26, 1976	
220230A	WASHINGTON PARISH	JANUARY 10, 1978	AND
220240C	WOODWORTH, VIL (RAPIDES PARISH)	MARCH 04, 1977	
		MARCH 26, 1976	

TOTAL IN THE STATE 64

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
230003A	ALEXANDER, TOWN OF (WASHINGTON CO•)	DECEMBER 06, 1979	AND
		NOVEMBER 12, 1976	
230091	ALNA, TOWN (LINCOLN CO)	JANUARY 02, 1978	
230092	AMHERST, TOWN (HANCOCK CO)	JANUARY 24, 1975	
230208	ARROWSIC, TOWN (SAGADAHOC CO)	JANUARY 17, 1975	
230240	BALDWIN, TOWN OF (CUMBERLAND)	FEBRUARY 14, 1975	
230282	BELMONT, TOWN (WALDO CO)	MARCH 14, 1975	
230194A	BERWICK, TOWN OF (YORK CO.)	AUGUST 09, 1979	AND
		JULY 30, 1976	
230379	BURLINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975	
230130A	BURNHAM, TOWN OF (WALDO CO•)	JULY 15, 1975	
		SEPTEMBER 26, 1975	AND
230375	CARMEL, TOWN OF (PENOBSCOT CO)	FEBRUARY 28, 1978	
230376	CHARLESTON, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975	
230378	CHESTER, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975	
230307	COLUMBIA, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975	
230380	CORINTH, TOWN (PENOBSCOT CO)	FEBRUARY 21, 1975	
230369	CRAWFORD, TOWN (WASHINGTON CO)	JANUARY 17, 1975	
230198A	DAYTON, TOWN OF (YORK CO)	JUNE 28, 1979	AND
		JULY 30, 1976	
230279	DEDHAM, TOWN (HANCOCK CO)	APRIL 18, 1975	
230084A	DRESDEN, TOWN OF (LINCOLN CO•)	SEPTEMBER 20, 1979	AND
		DECEMBER 03, 1976	
230217A	EDGECOMB, TOWN (LINCOLN CO)	JANUARY 03, 1978	AND
		APRIL 23, 1976	
230237	FAYETTE, TOWN OF (KENNEBEC CO.)	NOVEMBER 29, 1979	
230226	FRIENDSHIP, TOWN (KNOX CO)	JANUARY 03, 1975	
230146	GILEAD, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975	
230368	GREENFIELD, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975	
230426	HERSEY, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1979	
230362A	JACKMAN, TOWN (SOMERSET CO)	JANUARY 24, 1975	AND
		JANUARY 14, 1977	
230315	JONESBORO, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975	
230393	LAGRANGE, TOWN OF (PENOBSCOT CO•)	FEBRUARY 28, 1975	
230193	LEBANON, TOWN OF (YORK COU)	FEBRUARY 07, 1975	
230427	LINNEUS, TOWN OF (AROOSTOOK CO•)	FEBRUARY 21, 1975	
230428	LITTLETON, TOWN OF (AROOSTOOK CO.)	MARCH 21, 1975	
230395	LOWELL, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975	
230429	LUDLOW, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975	
230286	MARIAVILLE, TOWN (HANCOCK CO)	MARCH 14, 1975	
230410	MEDFORD, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1978	
230174A	MERCER, TOWN OF (SOMERSET CO•)	JANUARY 31, 1975	AND
		SEPTEMBER 21, 1979	
230261A	MONTVILLE, TOWN OF (WALDO CO)	FEBRUARY 21, 1975	AND
		FEBRUARY 14, 1977	
230363	MOOSE RIVER, TOWN (SOMERSET CO)	JANUARY 17, 1975	
230218	NEWCASTLE, TOWN OF (LINCOLN CO.)	FEBRUARY 21, 1975	
230248	NORTHFIELD, TOWN OF (WASHINGTON)	FEBRUARY 09, 1978	
230183	ORRINGTON, TOWN OF (PENOBSCOT COU)	APRIL 04, 1978	
230407	OTIS, TOWN (HANCOCK CO)	FEBRUARY 14, 1975	
230412	PARKMAN, TOWN OF (PISCATAQUIS)	OCTOBER 18, 1979	AND
230193A	PENOBSCOT, TOWN OF (WASHINGTON CO.)	OCTOBER 19, 1976	
230030	PERHAM, TOWN (AROOSTOOK CO)	APRIL 18, 1975	
230201	PROSPECT, TOWN OF (WALDO)	FEBRUARY 14, 1975	
230200A	SEBAGO, TOWN (CUMBERLAND CO)	JANUARY 17, 1975	AND
		MARCH 19, 1982	
230179	SHAPLEIGH, TOWN (YORK CO)	JANUARY 14, 1982	
230215	SHIRLEY, TOWN (PISCATAQUIS CO)	JANUARY 24, 1978	
230211	SPRINGFIELD, TOWN (PENOBSCOT CO•)	JANUARY 24, 1978	
230263	STEUBEN, TOWN OF (WASHINGTON CO)	FEBRUARY 14, 1978	
230235	STOCKHOLM, TOWN (AROOSTOOK CO)	JANUARY 10, 1978	
230263	STE FRANCIS, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1979	
230324	TOPSFIELD, TOWN (WASHINGTON CO)	MARCH 14, 1978	
230400	VASSALBOROUGH, TOWN OF (KENNEBEC COU)	FEBRUARY 07, 1978	
230402A	VEAZIE, TOWN (PENOBSCOT CO.)	JANUARY 03, 1978	AND
230435	WALES, TOWN OF (ANDROSCOGGIN CO)	FEBRUARY 27, 1978	
230061	WALTHAM, TOWN (HANCOCK CO)	JANUARY 03, 1975	

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
230003A	WASHINGTON, TOWN OF (KNOX CO•)	SEPTEMBER 06, 1979	AND
		OCTOBER 22, 1976	
230330	WESTON, TOWN OF (AROOSTOOK CO)	JANUARY 03, 1975	
230022	WESTPORT, TOWN (LINCOLN CO)	JULY 22, 1979	AND
230067A	WHITEFIELD, TOWN OF (LINCOLN CO•)	FEBRUARY 18, 1977	
230369	WINN, TOWN (PENOBSCOT CO)	JANUARY 24, 1975	

TOTAL IN THE STATE 62

• UNINCORPORATED AREAS ONLY

MARYLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
240102A	DEER PARK, TOWN OF (GARRETT CO)	NOVEMBER 01, 1977	
240102A	OCEAN CITY, TOWN (WORCESTER CO)	JULY 11, 1978	
240059A	QUEEN ANNE, TOWN OF (QUEEN ANNE)	AUGUST 09, 1979	

TOTAL IN THE STATE 3

• UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
250094A	ACUSHNET, TOWN OF (BRISTOL CO.)	SEPTEMBER 06, 1979	AND
		OCTOBER 15, 1976	
250134	BLANDFORD, TOWN OF (HAMPDEN CO.)	JULY 26, 1979	
250135A	BRIMFIELD, TOWN OF (HAMPDEN CO.)	JULY 19, 1979	AND
		JANUARY 21, 1977	
250136A	CHESTER, TOWN OF (HAMPDEN CO•)	JULY 19, 1979	AND
		NOVEMBER 19, 1976	
250036A	CLINTON, TOWN OF (WORCESTER CO•)	AUGUST 09, 1979	AND
		AUGUST 06, 1976	
250191A	DUNSTABLE, TOWN OF (MIDDLESEX CO.)	NOVEMBER 29, 1979	AND
		JULY 16, 1976	
250104A	EAST HAMPTON, TOWN OF (HAMPSHIRE CO•)	JUNE 21, 1979	AND
		JANUARY 14, 1977	
250411A	FALMOUTH, TOWN OF (BARNSTABLE CO.)	MAY 28, 1975	
250035A	GARDNER, CITY OF (WORCESTER CO•)	SEPTEMBER 22, 1978	AND
		MARCH 12, 1976	
250091	GOSNOLD, TOWN OF (DUKES CO•)	DECEMBER 26, 1978	
250105A	GRANVILLE, TOWN OF (HAMPDEN CO•)	AUGUST 30, 1979	AND
		OCTOBER 22, 1976	
250111A	HUBBARDSTON, TOWN OF (WORCESTER CO.)	SEPTEMBER 06, 1979	AND
		DECEMBER 24, 1976	
250060	IPSWICH, TOWN OF	DECEMBER 06, 1979	
250121	LEYDEN, TOWN OF (FRANKLIN COU)	FEBRUARY 07, 1975	
250190	MONTGOMERY, TOWN OF (HAMPDEN CO•)	NOVEMBER 22, 1979	
250132	NEW ASHFORD, TOWN OF (BERKSHIRE CO.)	NOVEMBER 22, 1979	
250044A	OAKHAM, TOWN OF (WORCESTER CO.)	AUGUST 02, 1979	AND
		AUGUST 20, 1976	
250320A	PAXTON, TOWN OF (WORCESTER CO.)	JULY 26, 1979	AND
		JULY 30, 1976	
250106A	PELHAM, TOWN OF (HAMPSHIRE CO.)	JUNE 28, 1979	AND
		DECEMBER 10, 1976	
250040A	PERU, TOWN OF (BERKSHIRE CO•)	NOVEMBER 01, 1977	AND
		FEBRUARY 28, 1977	
250107A	PLAINFIELD, TOWN OF (HAMPSHIRE CO•)	NOVEMBER 01, 1977	AND
		NOVEMBER 05, 1976	
250122	RUSSELL, TOWN (HAMPDEN CO)	AUGUST 30, 1976	
250101A	ROWLEY, TOWN OF (ESSEX CO.)	JULY 22, 1975	AND
250120	SHUTESBURY, TOWN OF (FRANKLIN CO)	NOVEMBER 17, 1978	
250131	TOLLAND, TOWN (HAMPDEN CO)	APRIL 04, 1975	
250221A	TRURO, TOWN OF (BARNSTABLE CO.)	APRIL 20, 1973	
250253	TYRINGHAM, TOWN OF (BERKSHIRE CO•)	NOVEMBER 29, 1979	
250130	WARWICK, TOWN (FRANKLIN CO)	JANUARY 24, 1975	

• UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
250044A	WASHINGTON, TOWN OF (BERKSHIRE CO•)	NOVEMBER 01, 1979	AND
		OCTOBER 08, 1976	
250131	WENDELL, TOWN (FRANKLIN CO)	JANUARY 17, 1975	
250074	WEST TISBURY, TOWN OF (DUKES)	FEBRUARY 14, 1975	
250047	WINDSOR, TOWN OF (BERKSHIRE CO•)	NOVEMBER 22, 1979	

TOTAL IN THE STATE 32

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
260536	ANN ARBOR, TOWNSHIP (WASHTENAW CO•)	AUGUST 16, 1978	
260216A	BANGOR, TOWNSHIP (VAN BUREN CO)	JANUARY 10, 1978	AND
260551	BARAGA, VILLAGE (BARAGA CO)	DECEMBER 27, 1978	
260192A	BERLIN, TOWNSHIP OF (ST. CLAIR CO•)	AUGUST 02, 1977	
		AUGUST 02, 1978	AND
260027A	BLAINE, TOWNSHIP OF (BENZIE CO•)	SEPTEMBER 29, 1977	
		JULY 09, 1976	AND
260386	BRAMPTON, TOWNSHIP (DELTA CO•)	OCTOBER 19, 1978	
260530	BREEDSVILLE, VILLAGE (VAN BUREN CO.)	SEPTEMBER 22, 1978	
260505	BROCKWAY, TOWNSHIP (ST. CLAIR CO.)	OCTOBER 13, 1978	
260017	BYRON, VILLAGE OF (GENESEE CO.)	SEPTEMBER 29, 1978	
260027	CADILLAC, VILLAGE (TUSCOLA CO)	OCTOBER 13, 1978	
260026	CENTREVILLE, VILLAGE (ST. JOSEPH CO•)	JULY 11, 1978	
260579	CHELSEA, VILLAGE (WASHTENAW CO)	OCTOBER 03, 1978	
260540	CLARENCE, TOWNSHIP (CALHOUN CO)	SEPTEMBER 26, 1978	
260579	CLIFFORD, VILLAGE (LAPEER CO)	OCTOBER 29, 1978	
260437A	CLINTON, VILLAGE (LENAWEE CO.)	APRIL 18, 1978	AND
260195A	CLYDE, TOWNSHIP OF (ST. CLAIR CO.)	OCTOBER 21, 1976	
		JULY 06, 1978	AND
260533	COLUMBIAVILLE, VILLAGE (LAPEER CO•)	JUNE 04, 1978	
260531	COLUMBIA, TOWNSHIP (VAN BUREN CO.)	JULY 11, 1978	
260471	COOPERSVILLE, VILLAGE OF	SEPTEMBER 08, 1978	
260454	CUSTER, VILLAGE (MASON CO.)	SEPTEMBER 26, 1978	
260080	DEXTER, VILLAGE OF (WASHTENAW CO.)	SEPTEMBER 26, 1978	
260391	EATON RAPIDS, TOWNSHIP (EATON CO.)	SEPTEMBER 12, 1978	
260553	ELBERTA, VILLAGE (BENZIE CO)	SEPTEMBER 29, 1978	
260549	ELKTON, VILLAGE OF (HURON COUNTY)	OCTOBER 03, 1978	
260399	ELLSWORTH, VILLAGE (ANTRIM CO.)	APRIL 11, 1975	
260327A	EVART, CITY (OSCEOLA CO.)	APRIL 16, 1975	AND
260580A	EXETER, TOWNSHIP (MONROE CO)	SEPTEMBER 29, 1978	
		OCTOBER 13, 1978	AND
260406	FIFE LAKE, VILLAGE (GRAND TRAVERSE CO•)	JUNE 19, 1978	
260076	GALESBURG, CITY (KALAMAZOO CO)	OCTOBER 13, 1978	
260528	GILFORD, TOWNSHIP (TUSCOLA CO.)	SEPTEMBER 13, 1978	
260610	GRANT, TOWNSHIP OF (NEWAYGO CO.)	OCTOBER 20, 1978	
260570	HARBOR BEACH, CITY OF (HURON COUNTY)	JANUARY 30, 1976	
260532	HARTFORD, CITY (VAN BUREN CO.)	JULY 11, 1978	
260547	HEATH, TOWNSHIP (ALLEGAN CO.)	AUGUST 11, 1978	
260589	HERSEY, VILLAGE (OSCEOLA CO.)	JULY 11, 1978	
260465	HESPERIA, VILLAGE (OCEANA CO.)	JULY 11, 1978	
260137A	HINTON, TOWNSHIP OF (NECOSTA CO•)	SEPTEMBER 06, 1979	AND
		JULY 23, 1976	
260782	HOLLAND, TOWNSHIP (OTTAWA CO.)	AUGUST 01, 1978	
260786	HUBBARDSTON, VILLAGE (CLINTON COS.)	SEPTEMBER 01, 1978	
260493	HUDSONVILLE, CITY (OTTAWA CO.)	SEPTEMBER 05, 1978	
260408	JONESVILLE, VILLAGE (HILLSDALE CO•)	SEPTEMBER 08, 1978	
260599	KIMBALL, TOWNSHIP (ST. CLAIR CO)	SEPTEMBER 12, 1978	
260341	KINDERHOOK, TOWNSHIP (BRANCH CO.)	AUGUST 18, 1978	
260801	KOCHVILLE, TOWNSHIP (SAGINAW CO•)	JULY 11, 1978	
260346	LAGRANGE, TOWNSHIP (CASS CO.)	OCTOBER 19, 1978	
260743A	LAKEVIEW, VILLAGE (MONTCALM CO•)	NOVEMBER 01, 1978	
		OCTOBER 01, 1976	AND
260533	LARTON, VILLAGE (VAN BUREN CO.)	SEPTEMBER 26, 1978	
260019	LINCOLN, TOWNSHIP OF (ARENAC CO•)	JUNE 19, 1979	
260398	LINDEN, VILLAGE (GENESEE CO•)	SEPTEMBER 26, 1978	

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260189	LONDON, TOWNSHIP OF (MONROE CO.)	AUGUST 20, 1976
260881	LUDINGTON, CITY OF (MASON CO.)	OCTOBER 03, 1975
260409	MARION, TOWNSHIP OF (LAPEER CO.)	OCTOBER 24, 1975
260803	MARENGO, TOWNSHIP OF (CALHOUN COUNTY)	SEPTEMBER 19, 1975
260328	MARION, VILLAGE (OSCEOLA CO.)	APRIL 26, 1976
260467	MCMILLAN, TOWNSHIP (ONTONAGON CO.)	OCTOBER 03, 1975
260869	MECOSTA, VILLAGE	OCTOBER 18, 1976
260386	MIDDLEVILLE, VILLAGE (BARRY CO.)	JULY 18, 1975
260486	MILLS, TOWNSHIP (OSCEOLA CO.)	JULY 25, 1975
260287	MONITOR, TOWNSHIP OF (BAY CO.)	JULY 28, 1978
260287A	MONITOR, TOWNSHIP OF (MIDLAND CO.)	
260287B	MONITOR, TOWNSHIP OF (SAGINAW CO.)	
260340	NEWAYGO, CITY (NEWAYGO, CO.)	SEPTEMBER 12, 1975
260330	NORTH BRANCH, VILLAGE (LAPEER CO.)	SEPTEMBER 12, 1975
260069A	NORTHVILLE, TOWNSHIP OF (WAYNE CO.)	SEPTEMBER 24, 1976
260332	NORWAY, CITY (DICKINSON CO.)	JULY 11, 1975
260802	OAKLEY, VILLAGE (SAGINAW CO.)	SEPTEMBER 26, 1975
260413	OSCEOLA, TOWNSHIP (HOUGHTON CO.)	SEPTEMBER 26, 1975
260576	PAW PAW, VILLAGE (VAN BUREN CO)	OCTOBER 10, 1975
260539	PINE GROVE, TOWNSHIP (VAN BUREN CO.)	JULY 25, 1975
260018	PORT AUSTIN, VILLAGE OF (HURON CO.)	JANUARY 30, 1976
260460	POWERS, VILLAGE (MENOMINEE CO.)	JULY 11, 1975
260464	RAVENNA, VILLAGE (MUSKEGON CO.)	SEPTEMBER 26, 1975
260398	ROSE, TOWNSHIP OF (OAKLAND CO.)	JULY 04, 1978
260398A	ROSE, TOWNSHIP OF (GENESEE CO.)	
260823	SAGINAW, CITY OF (SAGINAW CO.)	OCTOBER 10, 1978
260824	SAGINAW, TOWNSHIP OF (SAGINAW CO.)	AUGUST 15, 1978
260834	SUMMIT, TOWNSHIP OF (JACKSON CO.)	APRIL 19, 1978
260827	VERNON, VILLAGE OF (SHIAWASSEE CO.)	SEPTEMBER 14, 1978
260508	WALES, TOWNSHIP OF (MACOMB CO.)	AUGUST 02, 1978 AND
260508A		JUNE 26, 1979 AND
260470	WHITE CLOUD, CITY (NEWAYGO CO.)	OCTOBER 17, 1978
260517	WHITE OAK, TOWNSHIP (INGHAM CO.)	OCTOBER 10, 1975
260329	YALE, CITY (ST. CLAIR CO.)	APRIL 11, 1975
260532	YALES, TOWNSHIP (MIDLAND CO.)	AUGUST 15, 1978
260541	YORK, TOWNSHIP (WASHTENAW CO.)	JULY

TOTAL IN THE STATE 88

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270592	ALDRICH, CITY OF (WADENA CO.)	FEBRUARY 07, 1975
270345A	ASKOV, CITY OF (PINE CO.)	OCTOBER 24, 1979 AND
270417A	AURORA, CITY OF (ST. LOUIS CO.)	AUGUST 23, 1979 AND
270662	AVOCA, CITY (MURRAY CO)	JUNE 28, 1978
270855A	BAUDETTE, CITY OF (LAKE OF THE WOODS CO.)	JANUARY
270241	BISCAY, CITY OF (MCLEOD CO.)	DECEMBER 03, 1976 AND
270389	BLACKDUCK, CITY OF (BELTRAMI CO.)	NOVEMBER 16, 1978
270070A	BRANCH, CITY OF (CHISAGO CO.)	NOVEMBER 24, 1978
270319	BREWSTER, CITY (NOBLES CO)	AUGUST 20, 1979 AND
270557	BROOK PARK, CITY OF (PINE CO.)	OCTOBER 01, 1979
270388A	BROOKS, CITY OF (RED LAKE CO.)	APRIL 25, 1975
270262A	BROWNTON, CITY OF (MCLEOD CO.)	OCTOBER 25, 1979
270294A	BUCKMAN, CITY OF (MORRISON CO.)	AUGUST 09, 1979
270554	CANBY, CITY OF (YELLOW MEDICINE CO.)	MAY 03, 1979
270554A	CANBY, CITY OF (LINCOLN CO.)	AUGUST 09, 1979
270223A	REGAL, CITY OF (KANDIYOHI CO)	FEBRUARY 07, 1975 AND
270128	CHATFIELD, CITY (FILLMORE CO)	NOVEMBER 14, 1975
270694A	CHOKIO, CITY OF (STEVENS CO.)	MAY 03, 1979 AND
270664A	CLEAR LAKE, CITY (SHERBURNE CO.)	JANUARY 03, 1978 AND
		SEPTEMBER 12, 1978

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270559	CLEARBROOK, CITY OF (CLEARWATER CO.)	NOVEMBER 01, 1979
270560	CLEVELAND, CITY OF (LESUEUR CO.)	DECEMBER 27, 1979 AND
270063A	CLIMAX, CITY OF (POLK CO.)	SEPTEMBER 28, 1979 AND
270468A	ELDRIDGE, CITY OF (SWIFT CO.)	JUNE 14, 1978
270561	COBDEN, CITY OF (BROWN CO.)	NOVEMBER 01, 1979
270562	COLOGNE, CITY OF (CARVER CO.)	NOVEMBER 01, 1979
270035A	COMFREY, CITY OF (BROWN CO.)	SEPTEMBER 20, 1979 AND
270026	CORRELL, CITY (BIG STONE CO)	DECEMBER 20, 1978
270262A	CUSHOS, CITY OF (MEEKER CO.)	JANUARY 24, 1975
270315A	COURTLAND, CITY OF (NICOLLET CO.)	MAY 17, 1979
270313A	CURRIE, CITY OF (MURRAY CO.)	JULY 19, 1979
270469A	DANVERS, CITY OF (SWIFT CO.)	AUGUST 02, 1979 AND
270334A	DEER CREEK, CITY OF (OTTER TAIL CO.)	JULY 30, 1979
270470A	DEGRAFF, CITY OF (SWIFT CO.)	AUGUST 06, 1979 AND
270117A	DELAVAN, CITY OF (FAIRBAULT CO.)	AUGUST 09, 1979 AND
270563	DELHI, CITY OF (REDWOOD CO.)	SEPTEMBER 10, 1976
270346	DENHAM, CITY (PINE CO)	AUGUST 04, 1978 AND
270225	DODGE, CITY OF (WITTSON CO)	JUNE 26, 1979
270564A	DODGE, CITY OF (OLMSTEAD CO.)	OCTOBER 25, 1976
270564A	EAST GULL LAKE, CITY OF (CASS CO.)	JANUARY 24, 1975
270118	EASTON, CITY (FARIBAULT CO)	NOVEMBER 01, 1979 AND
270293A	EDEN VALLEY, CITY OF (STEARNS CO.)	OCTOBER 26, 1979 AND
270320A	ELLSWORTH, CITY OF (NOBLES CO.)	DECEMBER 28, 1979
270295A	ELNDALE, CITY OF (MORRISON CO.)	OCTOBER 18, 1978
270339A	ERHARD, CITY OF (OTTER TAIL CO.)	MAY 03, 1979 AND
270422A	EVELETH, CITY OF (ST. LOUIS CO.)	AUGUST 09, 1979
270329A	EYOTA, CITY OF (OLMSTEAD CO.)	AUGUST 09, 1979 AND
270276A	FAIRMONT, CITY OF (MARTIN CO.)	JUNE 30, 1979
270306A	FISHER, CITY OF (POLK CO.)	JULY 11, 1978
270570	FRAZEE, CITY OF (BECKER CO.)	APRIL 12, 1979
270996A	FREEPORT, CITY OF (STEARNS CO.)	JUNE 07, 1979 AND
270671	FUNKLEY, CITY (BELTRAMI CO)	DECEMBER 12, 1978
270634A	GENEVA, CITY OF (MORRISON CO)	AUGUST 02, 1979
270634A	GENEVA, CITY OF (STEELE CO.)	NOVEMBER 16, 1979
270688A	GONVICK, CITY OF (CLEARWATER CO.)	MAY 03, 1979 AND
270142B	GOODHUE, CITY OF (GOODHUE CO.)	AUGUST 08, 1978
270277A	GRANADA, CITY OF (MARTIN CO.)	JULY 11, 1978
270442A	GREENFIELD, CITY OF (STEARNS CO.)	FEBRUARY 07, 1975
270041A	HACKENSACK, CITY OF (CASS CO.)	JUNE 21, 1979
270672	HARDY, CITY (HUBBARD CO)	AUGUST 23, 1979 AND
270672A	HARDY, CITY (YELLOW MEDICINE CO)	JUNE 04, 1976
270071A	HARRIS, CITY OF (CHISAGO CO.)	AUGUST 23, 1979 AND
270385	HATFIELD, CITY OF (PIPESTONE CO)	JUNE 10, 1975
270338A	HENNING, CITY OF (OTTER TAIL CO.)	SEPTEMBER 20, 1976 AND
270502A	HILLS, CITY OF (ROCK CO.)	OCTOBER 24, 1976
270672A	HOFFMAN, CITY OF (GRANT CO)	JANUARY 31, 1978
270672A	HOLDINGFORD, CITY OF (STEARNS CO.)	AUGUST 31, 1978
270356A	HOLLAND, CITY OF (PIPESTONE CO.)	MAY 03, 1979 AND
270471A	HOLLOWAY, CITY OF (SWIFT CO.)	OCTOBER 31, 1978
270357A	IHLEN, CITY OF (PIPESTONE CO.)	NOVEMBER 09, 1979
		APRIL
		JANUARY 31, 1979
		MAY
		AUGUST 30, 1979 AND
		DECEMBER 06, 1979
		SEPTEMBER 04, 1979
		AUGUST 02, 1979 AND
		JULY 02, 1976

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270355A	INTERNATIONAL FALLS, CITY OF (KOOCHICHING CO.)	JUNE 07, 1979 AND
270579	IONA, CITY OF (MURRAY CO.)	MARCH 26, 1976
270580	IRON JUNCTION, CITY OF (ST. LOUIS CO.)	DECEMBER 20, 1979
270698A	JENKINS, CITY OF (CROW WING CO.)	OCTOBER 26, 1979
270455	KELLOGG, CITY OF (WABASHA CO)	AUGUST 23, 1979 AND
270523	KENT, CITY (WILKIN CO)	JULY 09, 1976
270143A	KENTON, CITY OF (GOODHUE CO.)	JANUARY 31, 1975
270206A	LA PRAIRIE, CITY OF (ITASCA CO.)	AUGUST 01, 1975
270377	LITTLE CANADA, CITY (RAMSEY CO)	MAY 24, 1979 AND
270117A	MADELIA, CITY OF (WATONWAN CO.)	JULY 16, 1976
270283	MARINE-ON-ST. CROIX, CITY OF (WASHINGTON CO.)	AUGUST 23, 1979 AND
270283A	MARINE-ON-ST. CROIX, CITY OF (CHISAGO CO.)	OCTOBER 15, 1978
270063A	MAYER, CITY OF (CARVER CO.)	JULY 28, 1975
270283	MAZEPPA, CITY OF (WABASHA CO.)	JULY 28, 1978
270283A	MAZEPPA, CITY OF (GOODHUE CO.)	NOVEMBER 03, 1978
270283B	MAZEPPA, CITY OF (WINONA CO.)	NOVEMBER 16, 1978
270111CA	MENDOTA HEIGHTS, CITY OF (DAKOTA CO.)	APRIL 12, 1979 AND
270283A	MENDOTA, CITY OF (DAKOTA CO.)	AUGUST 30, 1978
270270A	MIDDLE RIVER, CITY OF (MARSHALL CO.)	NOVEMBER 23, 1979 AND
270111A	MIESVILLE, CITY OF (DAKOTA CO.)	APRIL 16, 1976
270486A	MILLVILLE, CITY OF (WABASHA CO.)	DECEMBER 28, 1979 AND
270283	MINNESOTA LAKE, CITY OF (FARIBAULT CO.)	JULY 04, 1978
270490A	MORRISTOWN, CITY OF (RICE CO.)	JULY 14, 1978
270300A	MOTLEY, CITY OF (MORRISON CO.)	SEPTEMBER 23, 1978 AND
270424A	MOUNTAIN IRON, VILLAGE OF (ST. LOUIS CO.)	AUGUST 02, 1979 AND
270481	NEW MUNICH, CITY OF (STEARNS CO.)	DECEMBER 19, 1975
270497A	NEW RICHLAND, CITY OF (WASECA CO.)	NOVEMBER 22, 1978 AND
270283A	NEWFOLDEN, CITY OF (MARSHALL CO.)	OCTOBER 25, 1979
270283	NIMROD, CITY (WADENA CO)	APRIL 11, 1979
270672A	NORCROSS, CITY OF (GRANT CO.)	APRIL 15, 1975
	NORTH BRANCH, CITY OF (CHISAGO CO.)	DECEMBER 03, 1976
		MAY 10, 1979 AND
		APRIL 09, 1976
270512A	OAK PARK HEIGHTS, CITY OF (WASHINGTON CO.)	MARCH 22, 1978 AND
270899	ODIN, CITY OF (WATONWAN CO.)	DECEMBER 13, 1979
270595	OKABENA, CITY OF (JACKSON CO.)	DECEMBER 27, 1979
270369	OKLEE, CITY (RED LAKE CO)	JULY 11, 1978
270498	ORR, CITY OF (ST. LOUIS CO.)	DECEMBER 13, 1979
270668	OSSEO, CITY (HENNEPIN CO.)	JANUARY 10, 1975
270094A	PALISADE, CITY OF (AITKIN CO.)	AUGUST 02, 1979 AND
270291A	PEASE, CITY OF (MILLE LACS CO.)	JUNE 11, 1976
270451	PETERSON, CITY OF (FILLMORE CO.)	AUGUST 02, 1979 AND
270451A	PILLAGER, CITY OF (CASS CO.)	FEBRUARY 13, 1976
270372	PLATO, CITY OF (MCLEOD CO.)	AUGUST 30, 1978
270372A	QUAMBA, CITY OF (WABASHA CO.)	JULY 30, 1979
270223A	REGAL, CITY OF (KANDIYOHI CO)	NOVEMBER 24, 1978
270695	REVERE, CITY (CASS CO)	AUGUST 09, 1979
270695A	REVERE, CITY (REDWOOD CO.)	JANUARY 31, 1978 AND
270677	RICE, CITY (BENTON CO)	FEBRUARY 13, 1976
270453A	RICHMOND, CITY OF (STEARNS CO.)	JULY 11, 1975
270271	RIVERTON, CITY OF (OTTER TAIL CO.)	APRIL 11, 1975
270621	ROGERS, CITY (BENTON CO)	JANUARY 17, 1978
		MARCH 26, 1976
		OCTOBER 29, 1976
		JULY 11, 1975

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270455A	ROSCOE, CITY OF (STEARNS CO.)	AUGUST 02, 1979 AND
270073A	RUSH CITY, CITY OF (CHISAGO CO.)	JUNE 04, 1976
270687B	RUSHFORD VILLAGE, CITY OF (FILLMORE CO.)	MAY 10, 1979 AND
270340A	RUTHTON, CITY OF (PIPESTONE CO.)	MARCH 19, 1976
270350A	RUTLEDGE, CITY OF (PINE CO.)	AUGUST 20, 1976
270402A	SACRED HEART, CITY OF (RENVILLE CO.)	AUGUST 09, 1979 AND
270044A	SCANLON, CITY OF (CARLTON CO.)	AUGUST 20, 1976
270402	SEAFORTH, CITY OF (REDWOOD CO.)	MAY 03, 1979
270494B	SEBEKA, CITY OF (WADENA CO.)	NOVEMBER 23, 1973 AND
270662	SILVER LAKE, CITY (MCLEOD CO.)	JULY 09, 1976
270672	SKYTIME, CITY (BLUE EARTH CO)	APRIL 12, 1979 AND
270206	SQUAW LAKE, CITY (ITASCA CO.)	JULY 11, 1975
270282	STURGEON LAKE, CITY OF (PINE CO.)	MAY 03, 1979 AND
270601	ST. ANTHONY, CITY OF (STEARNS CO.)	JANUARY 24, 1975
270033A	ST. CLAIR, CITY OF (BLUE EARTH CO.)	MAY 17, 1979
270457	ST. JOSEPH, CITY (STEARNS CO)	JULY 19, 1979
270458A	ST. STEPHEN, CITY OF (STEARNS CO.)	AUGUST 02, 1979 AND
270660B	S. INTERNATIONAL FALLS, CITY (KOOCHICHING CO.)	JULY 30, 1979
270209	TACONITE, CITY (ITASCA CO.)	AUGUST 06, 1979 AND
270283	TAOPI, CITY OF (MOWER CO)	SEPTEMBER 10, 1976
270280A	TAOPI, CITY OF (FILLMORE CO.)	AUGUST 02, 1979 AND
270047A	THOMSON, CITY OF (CARLTON CO.)	JANUARY 24, 1975
270605	TOWER, CITY OF (ST. LOUIS CO.)	NOVEMBER 01, 1979 AND
270301A	TRACY, CITY OF (PIPESTONE CO.)	NOVEMBER 28, 1979 AND
270454	TURTLE RIVER, CITY (BELTRAMI CO)	JUNE 04, 1976
270134A	TWIN LAKES, CITY OF (FREEBORN CO.)	DECEMBER 13, 1979
270306	UPSALA, CITY OF (MORRISON CO.)	AUGUST 09, 1979 AND
270407	VERNDALE, CITY OF (WADENA CO.)	JULY 16, 1976
270406	VERNON CENTER, CITY (BLUE EARTH CO)	AUGUST 31, 1978 AND
270409	VESTA, CITY (REDWOOD CO)	JUNE 30, 1979
270496	WALDORF, CITY OF (WASECA CO.)	OCTOBER 26, 1979
270147A	WANAMINGO, CITY OF (GOODHUE CO.)	JANUARY 10, 1975
270210A	WARBA, CITY OF (ITASCA CO.)	AUGUST 09, 1979
270286A	WATKINS, CITY OF (MEEKER CO.)	MAY 10, 1979 AND
270466	WAVERLY, CITY (WRIGHT CO.)	NOVEMBER 23, 1979 AND
270279A	WELCOME, CITY OF (MARTIN CO.)	JANUARY 09, 1978
270412	WILLIAMS, CITY OF (LAKE OF THE WOODS CO.)	MAY 10, 1979 AND
270413	WINGER, CITY OF (POLK CO.)	JULY 12, 1977
270427A	WINTON, CITY OF (ST. LOUIS CO.)	NOVEMBER 30, 1979
270529A	WOLVERTON, CITY OF (WILKIN CO.)	JANUARY 31, 1978
270415	WOOD LAKE, CITY (YELLOW MEDICINE CO)	AUGUST 02, 1979 AND
270048A	WRENSHALL, CITY OF (CARLTON CO.)	DECEMBER 19, 1978
270211	ZEMPLE, CITY (ITASCA CO.)	JANUARY 31, 1978
		SEPTEMBER 13, 1979
		JUNE 27, 1978

TOTAL IN THE STATE 149

• UNINCORPORATED AREAS ONLY

MISSISSIPPI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
280087	BASSFIELD, TOWN (JEFFERSON DAVIS CO)	JULY 30, 1976
280067	BAY SPRINGS, TOWN (JASPER CO)	AUGUST 01, 1978
280282	BENTONIA, VILLAGE OF (YAZOO CO)	JULY 09, 1976 AND
280240	CHUNKY, TOWN OF (NEWTON CO)	DECEMBER 10, 1976
280319	CLARKE COUNTY •	JULY 30, 1976
280119	CLAYTON, VILLAGE OF (CALHOUN CO)	JULY 17, 1975 AND
280119A	CLAYTON, VILLAGE OF (TATE CO.)	AUGUST 13, 1976
280035A	CLEVELAND, TOWN OF (COPIAH CO.)	AUGUST 09, 1976
280199A	LAKE, TOWN OF (SCOTT CO.)	JUNE 18, 1976 AND
280227	LEE COUNTY	SEPTEMBER 22, 1976
280205	LENA, TOWN (LEAKE CO)	OCTOBER 01, 1976
280226	MONTICELLO, TOWN OF (LAWRENCE CO.)	FEBRUARY 11, 1976
280078	PACHUTA, TOWN OF (CLARKE CO)	AUGUST 04, 1978
280124A	PUCKETT, TOWN OF (RANKIN CO.)	DECEMBER 13, 1976 AND
280151	SEBASTOPOL, VILLAGE OF (SCOTT CO)	JANUARY 08, 1976
280039 280034A	SEMINARY, VILLAGE OF (COVINGTON CO.) SHUBUTA, TOWN OF (CLARKE CO)	AUGUST 01, 1978 JUNE 07, 1979 AND
280226	SILVER CREEK, TOWN OF (LAWRENCE CO.)	JUNE 11, 1976
280153	TAYLOR, TOWN OF (POTOTOC CO.)	DECEMBER 13, 1976
280082A	WALNUT, TOWN OF (TUNICA CO)	FEBRUARY 02, 1978 AND
280236	WAYNE COUNTY •	JULY DECEMBER 10, 1976

TOTAL IN THE STATE 29

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290761	AIRPORT DRIVE, VILLAGE OF (JASPER)	FEBRUARY 10, 1978
290006A	AMAZONIA, TOWN OF (ANDREW CO.)	AUGUST 16, 1979 AND
290217A	ANDERSON, CITY OF (MCDONALD CO.)	FEBRUARY 09, 1978 AND
290287	ANNADA, VILLAGE OF (PIKE COU)	FEBRUARY 09, 1978
290229A 290267A	ANNISTON, TOWN OF (MISSISSIPPI CO.) APPLETON, CITY OF (ST. CLAIR COU)	MAY FEBRUARY 03, 1978
290041	AUGUSTA, VILLAGE OF (ST. CHARLES CO.)	DECEMBER 04, 1979
290337 290331	BAKERSFIELD, VILLAGE OF (OZARK CO.) BELLEFONTE, TOWN (ST. LOUIS CO)	SEPTEMBER 15, 1978 FEBRUARY 09, 1978
290389	BENTON, CITY OF (MISSISSIPPI CO.)	FEBRUARY 09, 1978
290388 290388	BOLCKOW, TOWN OF (ANDREW CO) BOLCKOW, TOWN OF (ANDREW CO)	APRIL 28, 1978
290363 290274	BOSWORTH, CITY (CARROLL CO) BRAGG CITY, CITY OF (PEMISCOT COU)	JANUARY 27, 1978 FEBRUARY 09, 1978
290968 290968	BRASHEAR, CITY OF (ADAIR) BRASHEAR, CITY (CALDWELL CO.)	FEBRUARY 15, 1978
290918 290739	BRONAUGH, CITY (VERNON CO.) BUFFALO, CITY (DALLAS CO.)	MAY 03, 1978
290111	BUNCETON, CITY OF (COOPER CO.)	APRIL 28, 1978
290620	CAIRNSVILLE, CITY (HARRISON CO.)	APRIL 28, 1978
290624	CAMDEN, CITY (RAY CO.)	MAY 28, 1978
290129A	CAMPBELL, CITY OF (DUNKLIN CO.)	MARCH 29, 1979 AND
290248	CANALOU, TOWN (NEW MADRID CO)	JUNE 11, 1976
290232 290830A	CARTHAGE, TOWN (NEW MADRID CO) CLARKSDALE, CITY OF (DEKALB CO)	MAY FEBRUARY 09, 1978

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290827	CLEARMONT, CITY (ANDREW CO.)	JULY MARCH 18, 1978
290892A	COLCAL CITY, VILLAGE (TANEY CO.)	APRIL MAY 18, 1978 AND
290189	CONCRETION, VILLAGE OF (BARRY CO.)	NOVEMBER FEBRUARY 01, 1978
290405 290410	CORNING, TOWN OF (HOLT CO.)	APRIL FEBRUARY 10, 1978
290343 290012	CORSELL, TOWN (CALDWELL CO.) CROSS TIMBERS, VILLAGE OF (HICKORY CO)	DECEMBER MARCH 13, 1978
290222 290413 290413A	DALTON, VILLAGE OF (CHARITON CO.) DE KALB, VILLAGE (DEKALB CO.) DEEPWATER, CITY (HENRY CO.) DELTA, CITY OF (CAPE GIRARDEAU CO.) DES ARC, VILLAGE (IRON CO.) DES ARC, CITY OF (IRON CO.)	SEPTEMBER DECEMBER 22, 1978 SEPTEMBER 08, 1978 AND
290726	DIXON, CITY (PULASKI CO.)	JUNE 22, 1978
290419	DORNING, CITY (SCHUYLER CO.)	JUNE 09, 1976
290182A	DUENWEG, CITY OF (JASPER CO.)	MAY 03, 1979 AND
290728	DUQUESNE, VILLAGE (JASPER CO.)	OCTOBER 29, 1975
290421A	EARTH CITY, CITY OF (ST. LOUIS CO.)	JUNE 18, 1976
290418	EDINA, CITY OF (KNOX CO.)	JULY OCTOBER 28, 1976 AND
290730	ESTHERVILLE, CITY OF (ST. FRANCOIS CO)	NOVEMBER 15, 1976
290691	FAIR GROVE, CITY (GREENE CO.)	DECEMBER MARCH 22, 1978
290892 290691	FARBER, TOWN (PLATTE CO) FORISTELL, CITY OF (ST. CHARLES COU)	FEBRUARY 21, 1978
290877 290431A	FREMONT, VILLAGE OF (CARTER CO) GALENA, CITY OF (STONE CO.)	JUNE 09, 1978
290733	GALLATIN, CITY OF (DAVIESS)	JANUARY FEBRUARY 07, 1978
290181A	GALT, CITY OF (GRUNDY CO.)	FEBRUARY 21, 1978
290735 290736	GERALD, CITY (FRANKLIN CO.) GOLDEN CITY, CITY OF (BARTON CO)	OCTOBER 28, 1976 AND
290737 290760	GRAIN VALLEY, CITY (JACKSON CO.) GRANDIN, CITY OF (CARTER CO.)	APRIL 02, 1976 AND
290879 290711	GREENTOP, CITY OF (SCHUYLER CO) GREENWOOD, CITY (JACKSON CO.)	JUNE FEBRUARY 07, 1978
290872	HERMITAGE, CITY (HICKORY CO)	JUNE FEBRUARY 21, 1978
290714 290093	HOLDEN, CITY (JOHNSON CO.) HOLT, TOWN (CLAY CO)	APRIL 09, 1976
290878 290715A	HOUSTONIA, CITY (PETTIS CO) HUMANSVILLE, CITY (POLK CO.)	APRIL JULY 02, 1976
290877	HUME, CITY OF (BATES CO)	SEPTEMBER 17, 1976
290574 290574	HUNTSVILLE, CITY OF (RANDOLPH CO) HUNTSVILLE, CITY OF (RANDOLPH CO)	JULY 11, 1975 AND
290891	IRON MOUNTAIN, CITY OF (IRON CO)	FEBRUARY 15, 1977
290335 290335	JASPER, CITY OF (JASPER CO) JASPER, CITY OF (JASPER CO)	FEBRUARY 24, 1978
290583	KINGSTON, CITY (CALDWELL CO)	FEBRUARY 11, 1976
290584	KINGSVILLE, CITY (JOHNSON CO)	JUNE 04, 1976
290724	KNOB NOSTER, CITY (JOHNSON CO.)	JUNE 25, 1976
290696	LA BELLE, CITY OF (LEWIS)	JUNE 27, 1978
290703	LA PALTA, CITY OF (MACON)	FEBRUARY 04, 1978
290857	LACLEDE, CITY (LINN CO)	FEBRUARY 14, 1975
290760 290569	LAKE WAUKOMIS, CITY (PLATTE CO.) LANAGAN, CITY (MCDONALD CO)	JUNE 25, 1976
290782 290782A	LANCASTER, CITY (SCHUYLER CO.) LANCASTER, CITY OF (SCHUYLER CO.)	SEPTEMBER 19, 1978
290888	LEADWOOD, CITY (ST. FRANCOIS CO)	JUNE OCTOBER 28, 1976
290707	LEXINGTON, CITY (LAFAYETTE CO.)	APRIL 28, 1978
290053A	LINN CREEK, CITY OF (CAMDEN CO.)	JULY 28, 1978
290708 290118	LINN, CITY (OSAGE CO.) LOCK SPRINGS, TOWN (DAVIESS CO)	OCTOBER NOVEMBER 28, 1978 AND
290882 290883	LOCKWOOD, CITY (DADE CO.) LOWRY CITY, CITY (ST. CLAIR CO.)	JULY JULY 10, 1978

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290624	MASBURN, TOWN (BARRY CO)	JANUARY JULY 04, 1978
290644	MAVERLY, CITY OF (LAFAYETTE CO.)	AUGUST SEPTEMBER 10, 1976
290850 290851	MEATHERLY LAKE, CITY (PLATTE CO.) MELLINGTON, CITY (LAFAYETTE CO.)	JULY JANUARY 28, 1976
290482 290483	MELVILLE, CITY (MONTGOMERY CO.) MENTONTAN, TOWN (NEWTON CO)	JULY MAY 11, 1978
290035 290196	MEYERS, VILLAGE (ATCHISON CO.) MEYERWOOD, TOWN (ST. LOUIS CO)	AUGUST OCTOBER 13, 1976 AND
290624 290624A	MEYERTON, CITY (BARRY CO.) MEYERSVILLE, CITY OF (WAYNE CO.)	MARCH FEBRUARY 09, 1978 AND
290654A	MIGHT CITY, CITY OF (WARREN COU)	NOVEMBER 14, 1975
290085A	MYACONDA, CITY OF (CLARK CO.)	OCTOBER 28, 1976 AND
290033A	ZALMA, VILLAGE OF (BOLLINGER CO.)	NOVEMBER 07, 1975

TOTAL IN THE STATE 170

• UNINCORPORATED AREAS ONLY

MONTANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
300066	BAINVILLE, TOWN (ROOSEVELT CO)	JANUARY 03, 1978
300090	BROCKTON, TOWN (ROOSEVELT CO)	JUNE 27, 1978
300084 300084	CULBERTSON, TOWN (STATE CO) CULBERTSON, TOWN (STATE CO)	JANUARY APRIL 02, 1978
300020	DENTON, TOWN OF (FERGUS CO.)	DECEMBER 27, 1979
300053	DODSON, TOWN OF (PHILLIPS CO.)	DECEMBER 27, 1979
300092	DUTTON, TOWN (TETON CO)	APRIL 28, 1978
300111	EKALAKA, TOWN OF (CARTER CO.)	JULY 16, 1976
300070A	FORSYTH, CITY OF (ROSEBUD CO.)	MARCH 08, 1979 AND
300013A	FORT BENTON, CITY OF (CHOUTEAU CO.)	JANUARY 16, 1976
300093 300021	FROID, TOWN (ROOSEVELT CO) GRASS RANGE, TOWN OF (FERGUS CO.)	MAY 10, 1979 AND
300115 300095	HARDIN, CITY (BIG HORN CO) HINGHAM, TOWN (HILL CO)	NOVEMBER 28, 1978
300008 300118A	JOLIET, TOWN OF (CARBON CO.) JORDAN, TOWN (GARFIELD CO)	APRIL 09, 1976
300096	KEVIN, TOWN (TOOLE CO)	JULY 02, 1976
300031 300098	LAVINA, TOWN (GOLDEN VALLEY CO) MEDICINE LAKE, TOWN (SHERIDAN CO)	DECEMBER 15, 1978
300100 300079A	MOORE, TOWN (FERGUS CO) PLAINS, TOWN OF (SANDERS CO.)	JANUARY JULY 05, 1978
300119	POLSON, CITY (LAKE CO)	AUGUST 08, 1978
300122	RONAN, CITY (LAKE CO)	MARCH 22, 1979 AND
300049	ROSEBUD COUNTY •	DECEMBER SEPTEMBER 17, 1976
300125	SHELBY, CITY (TOOLE CO)	APRIL 28, 1978
300126	SHERIDAN, TOWN (MADISON CO)	AUGUST 02, 1979
300037A	STANFORD, TOWN OF (JUDITH BASIN CO.)	APRIL 02, 1976
300123	ST. IGNATIUS, TOWN OF (LAKE)	SEPTEMBER 19, 1978
300127	SUNBURST, TOWN (TOOLE CO)	JUNE 28, 1979
300130	THOMPSON FALLS, TOWN OF (SANDERS COU)	FEBRUARY 14, 1975
300047A	WHITE SULPHUR SPRINGS, CITY OF (MEAGER CO.)	JANUARY 10, 1978
300062	WINNETT, TOWN OF (PETROLEUM CO.)	FEBRUARY 07, 1978
		MAY JULY 24, 1979 AND
		JANUARY DECEMBER 16, 1976
		27, 1979

TOTAL IN THE STATE 32

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
310253	ALBION, VILLAGE (NANCE CO.)	SEPTEMBER 13, 1974	
310254	ALEXANDRIA, VILLAGE (THAYER CO.)	SEPTEMBER 13, 1974	
310011	ALLIANCE, CITY (BOX BUTTE CO)	MARCH 12, 1976	
310341	ARAPAHOE, CITY (FURNAS CO.)	JULY 26, 1974	
310252	ARNOLD, VILLAGE (CUSTER CO.)	AUGUST 15, 1975	
310202	ARTHUR, VILLAGE (ARTHUR CO)	JANUARY 15, 1976	
310339	ASHTON, VILLAGE (SHERMAN CO.)	JULY 11, 1974	
310340	ASHTON, VILLAGE (SHERMAN CO.)	JULY 11, 1974	
310349A	AXTELL, VILLAGE (KEARNEY CO.)	APRIL 23, 1976	
310248	BARTLEY, VILLAGE (RED WILLOW CO.)	JULY 26, 1974	
310348	BEAVER CITY, CITY (FURNAS CO.)	JULY 11, 1974	
310249	BELGRADE, VILLAGE (NANCE CO.)	MAY 02, 1975	
310026	BELLWOOD, VILLAGE OF (BUTLER CO.)	NOVEMBER 22, 1974	
310250	BENEDICT, VILLAGE (YORK CO.)	AUGUST 15, 1975	
310349	BENKELMAN, CITY (DUNDY CO.)	AUGUST 15, 1975	
310251	BERWYN, VILLAGE OF (CUSTER CO.)	DECEMBER 30, 1974	
310383	BLADEN, VILLAGE (WEBSTER CO.)	DECEMBER 11, 1974	
310383	BLOOMFIELD, CITY (KNOX CO.)	JULY 01, 1975	
310253	BOYD TOWN, VILLAGE (DOUGLAS CO.)	AUGUST 15, 1975	
310263	BRUNING, VILLAGE OF (THAYER CO)	JANUARY 31, 1975	
310264	BRUNSWICK, VILLAGE (ANTELOPE CO.)	APRIL 15, 1976	
310147	BURNHAM, VILLAGE OF (LANCASTER CO.)	DECEMBER 22, 1975	
310385	BUSHNELL, CITY (KIMBALL CO.)	MARCH 23, 1976	
310385	BUSHNELL, VILLAGE (KIMBALL CO.)	SEPTEMBER 13, 1974	
310265	CAMBRIDGE, VILLAGE (FURNAS CO.)	SEPTEMBER 13, 1974	
310267	CARROLL, VILLAGE OF (WAYNE CO)	JANUARY 31, 1975	
310266	CEDAR RAPIDS, VILLAGE (BOONE CO.)	JANUARY 15, 1975	
310267	CHADRON, CITY (DAWES CO)	SEPTEMBER 20, 1974	
310240	CHAPMAN, VILLAGE (MERRICK CO.)	MARCH 22, 1976	
310241	CHESTER, VILLAGE (THAYER CO)	AUGUST 06, 1974	
310369	CLARKSON, CITY (COLFAX CO.)	JANUARY 17, 1975	
310242	CLAY CENTER, VILLAGE (ANTELOPE CO.)	APRIL 02, 1976	
310243	COAD, VILLAGE (CHERRY CO.)	MARCH 22, 1976	
310123A	COOK, VILLAGE OF (JOHNSON CO.)	OCTOBER 16, 1974 AND NOVEMBER 29, 1974	
310006	CURTIS, CITY (FRONTIER CO)	APRIL 02, 1976	
310267	DAVENPORT, VILLAGE (THAYER CO.)	JULY 11, 1975	
310268	DAWSON, VILLAGE (RICHARDSON CO.)	JULY 11, 1975	
310091	DENEESE, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974	
310390	DILLER, VILLAGE (JEFFERSON CO.)	AUGUST 15, 1975	
310391	DIX, VILLAGE (KIMBALL CO.)	AUGUST 15, 1975	
310269	DUBOIS, VILLAGE (DODGE CO.)	AUGUST 15, 1975	
310271	DORCHESTER, VILLAGE (SALINE CO.)	MARCH 15, 1976	
310007	DUNNING, VILLAGE OF (BLAINE CO.)	DECEMBER 20, 1974	
310124A	ELK CREEK, VILLAGE OF (JOHNSON CO.)	DECEMBER 27, 1974 AND NOVEMBER 29, 1974	
310369	ELMWOOD, VILLAGE (CASS CO.)	AUGUST 15, 1975	
310392	ELSMERE, VILLAGE OF (FRONTIER CO.)	SEPTEMBER 09, 1974	
310114A	EMING, VILLAGE OF (HOLT CO.)	MAY 03, 1974 AND MAY 10, 1974	
310061A	FARNAM, VILLAGE OF (DAWSON CO.)	NOVEMBER 08, 1974 AND DECEMBER 05, 1975	
310278	GILTNER, VILLAGE (HAMILTON CO.)	APRIL 25, 1975	
310373	GREELEY, VILLAGE (GREELEY CO.)	JULY 11, 1975	
310374	GREENWOOD, VILLAGE (CASS CO.)	SEPTEMBER 26, 1975	
310378	HARTINGTON, CITY OF (CEDAR CO.)	AUGUST 06, 1974	
310234	HAYES CENTER, VILLAGE (HAYES CO.)	AUGUST 15, 1975	
310391	HAZELTON, VILLAGE (KNOX CO.)	SEPTEMBER 13, 1974	
310393	HEMINGFORD, CITY (BOX BUTTE CO.)	MARCH 22, 1976 AND NOVEMBER 29, 1974	
310213A	HAY SPRINGS, CITY OF (SHERIDAN CO.)	JULY 30, 1976	
310279	HOLDREGE, VILLAGE (PHELPS CO.)	JULY 11, 1975	
310388	HOLSTEIN, VILLAGE (ADAMS CO.)	JULY 19, 1974	
310281A	HUMPHREY, VILLAGE (PLATTE CO.)	JULY 11, 1975 AND OCTOBER 03, 1975	
310343	JOHNSON, VILLAGE OF (NEMAHA CO.)	DECEMBER 29, 1972 JANUARY 19, 1973	
310327	KENESAW, VILLAGE (GARDEN CO.)	JANUARY 19, 1976	

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
310025	MAYWOOD, VILLAGE OF (FRONTIER CO.)	DECEMBER 09, 1974	
310393	MINATARE, VILLAGE (SCOTTSBLUFF CO.)	JULY 27, 1976	
310220A	MITCHELL, CITY OF (SCOTTSBLUFF CO.)	NOVEMBER 12, 1974	
310224	MORRILL, VILLAGE OF (SCOTTSBLUFF CO.)	NOVEMBER 08, 1974	
310383	NAPER, VILLAGE (BOYD CO.)	JUNE 27, 1974	
310338	NELIGH, CITY OF (ANTELOPE CO.)	DECEMBER 13, 1974	
310339	NEWCASTLE, VILLAGE (DIXON CO.)	JULY 11, 1975	
310121	NEWMAN GROVE, VILLAGE OF (MADISON CO.)	NOVEMBER 15, 1974	
310324	NICKERSON, VILLAGE (DODGE CO.)	JULY 11, 1975	
310172	NORTH BEND, VILLAGE OF (DODGE CO.)	NOVEMBER 08, 1974	
310394	NORTH PLATTE, CITY OF (LINCOLN CO.)	JULY 11, 1975	
310395	OAKDALE, VILLAGE (ANTELOPE CO.)	NOVEMBER 15, 1974	
310396	OAKLAND, CITY OF (BURT CO.)	JULY 11, 1975	
310397	OCONTO, VILLAGE (CUSTER CO.)	JULY 11, 1975	
310398	ODELL, VILLAGE (GAGE CO.)	JULY 11, 1975	
310399	OGALLALA, CITY (KEITH CO.)	JULY 11, 1975	
310400	OMAHA, CITY OF (DOUGLAS CO.)	JULY 11, 1975	
310401	ONEILL, CITY OF (HOLT CO.)	JULY 11, 1975	
310402	ORCHARD, VILLAGE (ANTELOPE CO.)	JULY 11, 1975	
310403	ORD, CITY OF (VALLEY CO.)	JULY 11, 1975	
310404	OSCEOLA, VILLAGE (POLK CO.)	JULY 11, 1975	
310405	OSHKOSH, CITY OF (GARDEN CO.)	JULY 11, 1975	
310406	OSMOND, VILLAGE (PIERCE CO.)	JULY 11, 1975	
310407	PAGE, VILLAGE (HOLT CO.)	JULY 11, 1975	
310408	PALISADE, VILLAGE (HITCHCOCK CO.)	JULY 11, 1975	
310409	PAPILLION, CITY OF (SARPY CO.)	JULY 11, 1975	
310410	PAXTON, VILLAGE (KEITH CO.)	JULY 11, 1975	
310411	PENDER, VILLAGE (THURSTON CO.)	JULY 11, 1975	
310412	PERU, VILLAGE (NEMAHA CO.)	JULY 11, 1975	
310413	PETERSBURG, VILLAGE (BOONE CO.)	JULY 11, 1975	
310414	PIERCE, CITY OF (PIERCE CO.)	JULY 11, 1975	
310415	PLAINVIEW, VILLAGE (PIERCE CO.)	JULY 11, 1975	
310416	PLATTSMOUTH, CITY OF (CASS CO.)	JULY 11, 1975	
310417	PLEASANTON, VILLAGE (BUFFALO CO.)	JULY 11, 1975	
310418	PONCA, CITY OF (DIXON CO.)	JULY 11, 1975	
310419	RANDOLPH, CITY OF (CEDAR CO.)	JULY 11, 1975	
310420	RAVENNA, CITY OF (BUFFALO CO.)	JULY 11, 1975	
310421	RAYMOND, VILLAGE OF (LANCASTER CO.)	JULY 11, 1975 AND DECEMBER 19, 1975	
310312	RISING CITY, VILLAGE (BUTLER CO.)	DECEMBER 11, 1974	
310214A	RUSHVILLE, CITY OF (SHERIDAN CO.)	APRIL 02, 1976 AND MAY 03, 1976	
310319	SARGENT, VILLAGE OF (CUSTER CO.)	MAY 03, 1976	
310333	SCHUYLER, CITY OF (COLFAX CO.)	FEBRUARY 19, 1976	
310424	STELLA, VILLAGE OF (RICHARDSON CO.)	NOVEMBER 11, 1974	
310192	STROMSBURG, VILLAGE OF (POLK CO.)	DECEMBER 01, 1974	
310338	THEDFORD, VILLAGE (THOMAS CO.)	SEPTEMBER 13, 1974	
310338	VERDON, VILLAGE (RICHARDSON CO.)	AUGUST 02, 1976	
310205	WAKEFIELD, CITY (DIXON CO.)	OCTOBER 15, 1974 AND FEBRUARY 28, 1975	
310205A	WESTON, VILLAGE OF (SAUNDERS CO.)	DECEMBER 09, 1974 AND SEPTEMBER 02, 1976	
310332A	WINSIDE, VILLAGE (WAYNE CO.)		
310337	WYNOT, VILLAGE (CEDAR CO.)		

TOTAL IN THE STATE 101

• UNINCORPORATED AREAS ONLY

NEVADA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
320012	WINNEMUCCA, CITY OF (HUMBOLDT CO)	APRIL 23, 1976

TOTAL IN THE STATE 1

• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
330162A	ACWORTH, TOWN OF (SULLIVAN CO.)	SEPTEMBER 13, 1974 AND FEBRUARY 28, 1975	
330174	ALBANY, TOWN (CARROLL CO)	JANUARY 17, 1975	
330071	ALEXANDRIA, TOWN OF (GRAFTON CO)	FEBRUARY 01, 1974	
330071	ALEXANDRIA, TOWN (ROCKINGHAM CO)	JANUARY 15, 1975	
330175	AUBURN, TOWN OF (ROCKINGHAM CO)	FEBRUARY 01, 1974	
330175	BARNSTEAD, TOWN (BELKNAP CO)	JANUARY 15, 1975	
330180	BROOKLINE, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 27, 1976	
330180A	CANDIA, TOWN OF (ROCKINGHAM CO)	JANUARY 16, 1976	AND
330C30A	CARROLL, TOWN (COOS CO)	NOVEMBER 12, 1974	AND
330181A	CHATHAM, TOWN (CARROLL CO)	NOVEMBER 01, 1974	AND
330182	CHESTER, TOWN OF (ROCKINGHAM CO)	DECEMBER 19, 1974	

• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
330165A	UNITY, TOWN OF (SULLIVAN CO.)	JULY MAY 17, 1974	AND
330188A	WARREN, TOWN OF (GRAFTON CO.)	NOVEMBER SEPTEMBER 13, 1974	AND
330166A	WASHINGTON, TOWN OF (SULLIVAN CO.)	DECEMBER DECEMBER 11, 1974	AND
330C35A	WEARE, TOWN OF (HILLSBOROUGH)	AUGUST FEBRUARY 27, 1976	AND
330C40A	WHITEFIELD, TOWN OF (COOS CO.)	FEBRUARY 11, 1977	
330124A	WILMOT, TOWN OF (MERRIMACK CO.)	JULY NOVEMBER 26, 1974	AND
		AUGUST NOVEMBER 18, 1975	AND

TOTAL IN THE STATE 73

• UNINCORPORATED AREAS ONLY

NEW JERSEY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
340233	ANDOVER, TOWNSHIP OF (SUSSEX CO.)	JUNE NOVEMBER 01, 1974	AND
340690	BENDMAN, BOROUGH OF (MORRIS CO.)	MAY JANUARY 17, 1975	
340111A	PEMBERTON, BORO (BURLINGTON CO)	AUGUST DECEMBER 20, 1974	AND
340212A	SOUTH HARRISON, TOWNSHIP OF (GLOUCESTER CO)	JUNE JULY 26, 1974	AND
340533	TABERNACLE, TOWNSHIP OF (BURLINGTON CO)	FEBRUARY 07, 1975	
340333	TAVISTOCK, BOROUGH OF (CAMDEN CO.)	NOVEMBER MARCH 28, 1975	AND
340333	WINSLOW, TOWNSHIP OF (CAMDEN CO.)	OCTOBER 17, 1975	

TOTAL IN THE STATE 8

• UNINCORPORATED AREAS ONLY

NEW MEXICO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
350078	CAPITAN, VILLAGE (LINCOLN CO)	JUNE AUGUST 22, 1975	
350110	CARRIZOZO, TOWN (LINCOLN CO)	AUGUST DECEMBER 12, 1975	AND
350050A	CHAMA, VILLAGE OF (RIO ARRIBA CO.)	JUNE DECEMBER 13, 1974	
350111	CLOUDCROFT, VILLAGE (OTERO CO)	JUNE DECEMBER 13, 1974	
350C37	COLUMBUS, VILLAGE OF (LUNA CO.)	JUNE	
350C99	CORONA, VILLAGE (LINCOLN CO)	JULY MAY 02, 1975	
350100	DES MOINES, VILLAGE (UNION CO)	SEPTEMBER 17, 1974	
350113A	DEXTER, TOWN (CHAVES CO)	JULY APRIL 02, 1976	
350102	ENCINO, VILLAGE (TORRANCE CO)	JULY AUGUST 22, 1975	
350103	FLOYD, VILLAGE (ROOSEVELT CO)	FEBRUARY SEPTEMBER 30, 1974	
350C30	JAL, CITY (LEA CO)	JULY JULY 11, 1975	
350114	LOVING, VILLAGE (EDDY CO)	AUGUST AUGUST 22, 1975	
350115A	MAGDALENA, VILLAGE OF (SOCORRO CO.)	FEBRUARY SEPTEMBER 30, 1974	
350106	MAXWELL, VILLAGE (COLFAX CO)	JULY JANUARY 17, 1975	
350107	MOSQUERO, VILLAGE OF (HARDING CO.)	JULY JULY 11, 1975	
350116	QUESTA, VILLAGE (TAOS CO)	JULY JULY 11, 1975	
350108	ROY, VILLAGE (HARDING CO)	JULY JULY 11, 1975	
350C32A	SAN YSIDRO, CITY OF (SANDOVAL CO.)	JUNE JANUARY 16, 1976	AND
350C32A	TATUM, TOWN OF (LEA CO.)	JUNE JANUARY 16, 1976	AND
350118	TAOS, TOWN (GUADALUPE CO)	JUNE SEPTEMBER 05, 1975	
350119	WAGON MOUND, VILLAGE (MORA CO)		
350109	WILLARD, VILLAGE (TORRANCE CO)		

TOTAL IN THE STATE 22

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360329B	ADAMS, TOWN OF (JEFFERSON CO•)	MAY	31, 1979	AND
		MAY	07, 1976	
361301	ALLEN, TOWN OF (ALLEGHANY CO•)	OCTOBER	01, 1974	
361300	AMBOY, TOWN OF (OSWEGO CO•)	NOVEMBER	15, 1973	
361098	ANGELICA, TOWN OF (ALLEGANY CO.)	SEPTEMBER	10, 1976	
361117	ATHENS, TOWN OF (GREENE CO•)	AUGUST	13, 1976	
360818A	AVA, TOWN OF (ONEIDA CO•)	JUNE	28, 1976	AND
		SEPTEMBER	10, 1976	
361063A	BALDWIN, TOWN OF (CHEMUNG CO•)	MAY	31, 1979	
361592	BELMONT, TOWN (FRANKLIN CO)	JANUARY	17, 1978	
361302	BIRDSALL, TOWN (ALLEGANY CO)	JANUARY	03, 1978	
361916	BOYLSTON, TOWN (OSWEGO CO)	JANUARY	03, 1978	
361207A	BRADFORD, TOWN OF (STEUBEN CO.)	FEBRUARY	19, 1976	AND
		FEBRUARY	27, 1976	
360821A	BRIDGEWATER, TOWN OF (ONEIDA CO•)	SEPTEMBER	06, 1979	AND
		JULY	16, 1976	
361120A	BROADALBIN, TOWN OF (FULTON CO•)	SEPTEMBER	20, 1979	AND
		AUGUST	06, 1976	
360825	BROCTON, VILLAGE OF (CHAUTAUQUA CO•)	AUGUST	27, 1976	
361460	BROUGHTON, VILLAGE OF (FRANKLIN CO•)	NOVEMBER	05, 1976	
361516	BURLINGTON, TOWN OF (OTSEGO CO•)	NOVEMBER	22, 1979	
361098	BURNS, TOWN OF (ALLEGANY CO•)	NOVEMBER	08, 1979	
361295	BUTLER, TOWN OF (WAYNE CO.)	NOVEMBER	29, 1979	
361293A	BUTTERNUTS, TOWN OF (OTSEGO CO.)	DECEMBER	13, 1979	AND
361208	CAMERON, TOWN (STEUBEN CO)	JUNE	28, 1976	
360789	CANISTEO, TOWN OF (STEUBEN CO.)	JANUARY	28, 1976	
361189A	CANOSA, TOWN OF (FULTON CO.)	AUGUST	20, 1976	
		NOVEMBER	05, 1976	AND
361863	CASTILE, VILLAGE OF (WYOMING CO)	FEBRUARY	27, 1976	
360328C	CHAMPION, TOWN OF (JEFFERSON COU)	MAY	03, 1976	AND
		FEBRUARY	27, 1976	
360999A	CHARLESTON, TOWN OF (MONTGOMERY CO•)	JULY	26, 1979	AND
		MAY	28, 1976	
360136A	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)	MAY	28, 1976	AND
		SEPTEMBER	10, 1976	
360264B	CHESTERFIELD, TOWN OF (ESSEX CO•)	SEPTEMBER	06, 1979	AND
		AUGUST	13, 1976	
360824A	CLAYVILLE, VILLAGE OF (ONEIDA CO.)	MAY	28, 1979	AND
		JULY	30, 1976	
361380	CLINTON, TOWN (CLINTON CO)	JANUARY	24, 1978	
360793A	COBLESKILL, VILLAGE OF (SCHOHARIE CO.)	JUNE	07, 1979	AND
		SEPTEMBER	12, 1978	
360644B	COLD SPRING, TOWN OF (CATTARAUGUS CO•)	JUNE	21, 1979	AND
		JUNE	28, 1976	
360108A	CONQUEST, TOWN OF (CAYUGA CO•)	HARVEST	15, 1976	AND
		SEPTEMBER	10, 1976	
360340A	CONSTABLEVILLE, VILLAGE OF (HERKIMER CO.)	AUGUST	06, 1976	AND
		MAY	28, 1976	
361331	CORTLAND, CITY OF (CORTLAND CO•)	FEBRUARY	13, 1978	
361301	COVERT, TOWN OF (SENECA CO)	FEBRUARY	24, 1978	
361261	DANNEMORA, TOWN OF (CLINTON CO)	FEBRUARY	07, 1975	
361209	DANSVILLE, TOWN (STEUBEN CO)	JANUARY	24, 1975	
360300A	DANUBE, TOWN OF (HERKIMER CO.)	APRIL	06, 1979	AND
		JUNE	18, 1976	
361308	DELEVAN, VILLAGE OF (CATTARAUGUS CO)	SEPTEMBER	03, 1976	AND
360304A	DEXTER, TOWN OF (JEFFERSON CO•)	NOVEMBER	04, 1976	AND
361122A	DICKINSON, TOWN OF (FRANKLIN CO•)	NOVEMBER	04, 1976	AND
360796	DIX, TOWN OF (SCHUYLER CO.)	SEPTEMBER	03, 1976	
361176A	EDWARDS, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1975	AND
		FEBRUARY	04, 1976	
361963A	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	AND
		FEBRUARY	04, 1976	
361971	ELIZABETHTOWN, VILLAGE (ESSEX CO)	JANUARY	24, 1975	
361362	ELLENBURG, TOWN (CLINTON CO)	MARCH	14, 1975	
361079A	ELLINGTON, TOWN OF (CHAUTAUQUA CO•)	OCTOBER	28, 1975	AND
		JULY	16, 1976	
361379	ERIN, TOWN (CHEMUNG CO)	JANUARY	18, 1978	
361418	ESSEX, TOWN (ESSEX CO)	JANUARY	18, 1978	

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361307	FRANKLIN, TOWN (FRANKLIN CO)	JULY	19, 1978	
361326	FREETOWN, TOWN (CORTLAND CO)	JANUARY	17, 1978	
361195A	FULTON, TOWN OF (SCHUYLER CO.)	NOVEMBER	08, 1979	AND
		JANUARY	30, 1976	
361101	GENESEE, VILLAGE OF (GENESEE CO.)	JANUARY	23, 1979	
361102	GENESEO, VILLAGE OF (ALLEGANY CO.)	DECEMBER	21, 1978	
361952A	GENESEO, VILLAGE OF (LIVINGSTON CO.)	NOVEMBER	16, 1979	AND
		NOVEMBER	15, 1974	
361795	GILBERTSVILLE, VILLAGE (OTSEGO CO)	JULY	14, 1978	
361796	GOUVERNEUR, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1978	
361210	GREENWOOD, TOWN (STEUBEN CO)	JANUARY	03, 1975	
361461B	HARRISVILLE, VILLAGE OF (LEWIS CO.)	NOVEMBER	15, 1979	AND
361234	HARTFORD, TOWN OF (WASHINGTON CO.)	MAY	31, 1978	
361271A	HARTWICK, TOWN OF (OTSEGO CO.)	DECEMBER	28, 1978	
		OCTOBER	28, 1975	AND
361613A	HEAD OF THE HARBOR, VILLAGE OF (SUFFOLK CO•)	JULY	28, 1976	
		NOVEMBER	15, 1976	AND
361179	HERMANTOWN, TOWN OF (ST. LAWRENCE CO•)	JULY	02, 1976	
361934	HOWARD, TOWN OF (STEUBEN CO.)	DECEMBER	19, 1975	
360878A	HUMPHREY, TOWN OF (CATTARAUGUS CO•)	JULY	16, 1976	
361006A	INDEPENDENCE, TOWN OF (ALLEGANY CO.)	AUGUST	20, 1979	AND
		JULY	16, 1976	
360956A	ITALY, TOWN OF (YATES CO•)	SEPTEMBER	06, 1979	AND
		JUNE	11, 1976	
361212A	JASPER, TOWN OF (STEUBEN CO•)	JUNE	28, 1979	AND
		AUGUST	20, 1976	
360875	JOHNSBURG, TOWN OF (WARREN CO.)	NOVEMBER	01, 1979	AND
361131A	JOHNSTOWN, TOWN OF (FULTON CO.)	JULY	02, 1976	
		AUGUST	27, 1976	
360266A	KEESEVILLE, VILLAGE OF (ESSEX CO.)	OCTOBER	25, 1979	AND
		MARCH	18, 1977	
361356A	LACONA, VILLAGE OF (OSWEGO CO.)	MAY	31, 1979	AND
		MAY	21, 1976	
360876	LAKE GEORGE, TOWN OF (WARREN CO•)	NOVEMBER	22, 1979	AND
361419	LAURENS, TOWN (OTSEGO CO)	JUNE	18, 1976	
361265A	LEICESTER, TOWN OF (LIVINGSTON CO•)	AUGUST	27, 1976	
361956	LEICESTER, VILLAGE (LIVINGSTON CO)	JANUARY	03, 1978	
360C04A	LEON, TOWN OF (CATTARAUGUS CO.)	JANUARY	10, 1979	AND
		MAY	31, 1976	
360306A	LEWIS, TOWN OF (LEWIS CO•)	JUNE	28, 1979	AND
		JUNE	18, 1976	
361152	LEWIS, TOWN OF (ESSEX CO•)	JULY	07, 1976	
361562A	LIMA, VILLAGE (LIVINGSTON CO)	NOVEMBER	24, 1976	
361304A	LITCHFIELD, TOWN OF (HERKIMER CO.)	JANUARY	18, 1978	AND
		MARCH	04, 1976	
361988	LIVONIA, VILLAGE (LIVINGSTON CO)	APRIL	28, 1978	
361563B	LODI, VILLAGE OF (SENECA CO)	JANUARY	03, 1978	
		FEBRUARY	28, 1975	AND
361906	LONG LAKE, TOWN (HAMILTON CO)	JANUARY	14, 1976	
360C63A	LYNDON, TOWN OF (CATTARAUGUS CO•)	JANUARY	31, 1977	
360371A	LYONSDALE, TOWN OF (LEWIS CO.)	AUGUST	09, 1979	AND
		AUGUST	16, 1976	
360884A	MACHIAS, TOWN OF (CATTARAUGUS CO.)	JULY	16, 1979	AND
		OCTOBER	18, 1976	
361132A	MAYFIELD, TOWN (FULTON CO)	AUGUST	27, 1979	AND
		JANUARY	17, 1978	
361362	MILFORD, VILLAGE (OTSEGO CO)	JANUARY	13, 1978	
361153A	MINERVA, TOWN OF (ESSEX CO.)	DECEMBER	20, 1979	AND
		JULY	16, 1976	
361125	MORAN, TOWN OF (FRANKLIN CO)	NOVEMBER	05, 1976	
361468	MOORAR, VILLAGE (CLINTON CO)	JANUARY	31, 1978	
360117A	MORAVIA, TOWN OF (CAYUGA CO•)	JUNE	15, 1979	AND
		JUNE	18, 1976	
361389	MORIAH, TOWN OF (ESSEX CO.)	NOVEMBER	22, 1979	
360706A	MORRISTOWN, TOWN OF (ST. LAWRENCE CO.)	SEPTEMBER	03, 1976	AND
361363A	MORRIS, VILLAGE OF (OTSEGO CO.)	JULY	16, 1976	
		NOVEMBER	15, 1979	AND
360086B	NAPOLI, TOWN OF (CATTARAUGUS CO•)	MAY	28, 1976	
		JUNE	03, 1977	AND
361165	NASSAU, TOWN OF (RENSSELAER CO.)	JANUARY	03, 1978	

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360678B	NASSAU, VILLAGE OF (RENSSELAER CO•)	MARCH	22, 1979	AND
		MARCH	05, 1976	
361920	NEW LISBON, TOWN OF (OTSEGO CO.)	AUGUST	27, 1976	
361400A	NORTHAMPTON, TOWN OF (FULTON CO•)	JANUARY	31, 1975	AND
		AUGUST	06, 1976	
361900	OHIO, TOWN (HERKIMER CO)	JANUARY	03, 1975	
361134A	OPPENHEIM, TOWN OF (FULTON CO.)	NOVEMBER	08, 1979	AND
		JUNE	18, 1976	
361384A	ORISKANY FALLS, VILLAGE OF (ONEIDA CO•)	NOVEMBER	22, 1979	AND
		JUNE	18, 1976	
361263	PALERMO, TOWN OF (OSWEGO COU)	FEBRUARY	07, 1975	
361926	PARISHVILLE, TOWN (ST. LAWRENCE CO)	JANUARY	17, 1978	
360336A	PIERREPONT, TOWN OF (ST. LAWRENCE CO•)	JANUARY	31, 1978	
361373	PITTSFIELD, TOWN OF (OTSEGO CO.)	OCTOBER	28, 1975	
361186A	PROVIDENCE, VILLAGE OF (SARATOGA CO.)	NOVEMBER	18, 1977	AND
360781A	RAYMONDE, TOWN OF (STEUBEN CO.)	AUGUST	06, 1976	AND
361348	RED CREEK, VILLAGE (WAYNE CO)	DECEMBER	16, 1975	
361326	RED HOUSE, TOWN OF (CATTARAUGUS CO)	FEBRUARY	03, 1978	
360814A	RENSSELAERVILLE, TOWN OF (ALBANY CO.)	DECEMBER	06, 1979	AND
361427	RICHFIELD, TOWN OF (OTSEGO CO.)	OCTOBER	28, 1975	
361427	RICHVILLE, VILLAGE (ST. LAWRENCE CO)	JANUARY	10, 1978	
361146A	ROSSIE, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	01, 1979	AND
		MARCH	26, 1976	
361928	RUSSEL, TOWN OF (ST. LAWRENCE)	FEBRUARY	19, 1975	
361121A	RUSSIA, TOWN OF (HERKIMER CO.)	NOVEMBER	01, 1979	AND
		JUNE	18, 1976	
360317A	SALISBURY, TOWN OF (HERKIMER CO•)	JUNE	07, 1979	AND
		JULY	16, 1976	
361388A	SANDY CREEK, VILLAGE OF (OSWEGO CO•)	NOVEMBER	15, 1974	
360171	SARANAC, TOWN (CLINTON CO)	APRIL	18, 1978	
361229A	SAVANNAH, TOWN OF (WAYNE CO.)	DECEMBER	20, 1979	AND
361506	SAVANNAH, VILLAGE (WAYNE CO)	JUNE	28, 1976	
361C58	SCHAGHTICOKE, VILLAGE OF (RENSSELAER CO.)	AUGUST	09, 1976	
360122A	SCIPIO, TOWN OF (CAYUGA CO.)	JANUARY	23, 1976	
		MAY	31, 1979	AND
360129A	SENNETT, TOWN OF (CAYUGA CO•)	MAY	28, 1976	
		JUNE	18, 1979	AND
361C29A	SHARON SPRINGS, VILLAGE (SCHOHARIE CO)	JANUARY	17, 1978	
361C29A	SHARON SPRINGS, VILLAGE OF (SCHOHARIE CO)	MAY	31, 1979	AND
360180A	SOUTH VALLEY, TOWN OF (CATTARAUGUS CO•)	NOVEMBER	02, 1979	AND
361288A	SPARTA, TOWN OF (LIVINGSTON CO•)	DECEMBER	03, 1979	AND
361170	STEPHENTOWN, TOWN OF (RENSSELAER CO•)	JUNE	18, 1976	
360858A	STEUBEN, TOWN OF (ONEIDA CO•)	JUNE	28, 1979	AND
		JULY	09, 1976	
361189A	STRATFORD, TOWN OF (FULTON CO.)	OCTOBER	28, 1975	AND
361330	TAYLOR, TOWN (CORTLAND CO)	JULY	09, 1976	
360871A	THURMAN, TOWN OF (WARREN CO.)	AUGUST	20, 1976	
361231A	TICONDEROGA, TOWN OF (ESSEX CO.)	OCTOBER	28, 1975	AND
360587A	TRENTON, VILLAGE OF (ONEIDA CO•)	AUGUST	08, 1979	AND
		AUGUST	16, 1976	
361936	TROUPSBURG, TOWN OF (STEUBEN CO)	FEBRUARY	19, 1976	
361C87A	VETERAN, TOWN OF (CHEMUNG CO•)	OCTOBER	28, 1975	AND
		JUNE	18, 1976	
360733A	VICTORY, VILLAGE OF (SARATOGA CO.)	APRIL	06, 1979	
361288B	WALDORF, TOWN OF (WAYNE CO•)	DECEMBER	13, 1979	AND
		OCTOBER	28, 1975	
		MAY	31, 1978	

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361985A	WAMPSVILLE, VILLAGE (MADISON CO)	JANUARY	17, 1975	AND
		MARCH	11, 1977	
361863A	WATERVILLE, VILLAGE OF (ONEIDA CO•)	JANUARY	17, 1978	AND
		JUNE	18, 1976	
361112	WELLS, TOWN OF (HAMILTON CO•)	JUNE	28, 1976	
361139A	WESTMORELAND, TOWN OF (ONEIDA CO.)	NOVEMBER	01, 1979	AND
361101	WILMINGTON, TOWN (ESSEX CO)	JULY	09, 1976	
361103	WIRT, TOWN (ALLEGANY CO)	JANUARY	03, 1978	
361202	WRIGHT, TOWN OF (SCHUYLER CO.)	APRIL	11, 1975	
		NOVEMBER	01, 1979	

TOTAL IN THE STATE 158

• UNINCORPORATED AREAS ONLY

NORTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
370356	AUTRYVILLE, TOWN (SAMPSON CO)	JULY	28, 1978	
370066	BATTLEBORO, TOWN (PENDERGRASS CO)	AUGUST	18, 1978	
370183	BAYBORO, TOWN (PAMLICO CO)	JULY	30, 1976	
370377	BOLTON, TOWN OF (COLUMBUS CO.)	AUGUST	27, 1976	
370210	CHINA GROVE, TOWN OF (MORGAN CO.)	JANUARY	06, 1978	
370331	CLARKSTON, TOWN (JOHNSTON CO)	JUNE	15, 1978	
370357	EAST LAKE, TOWN OF (TYRRELL CO.)	JULY	01, 1978	
370332	FOUR OAKS, TOWN (JOHNSTON CO)	SEPTEMBER	12, 1978	
370152	HOT SPRINGS, TOWN (MADISON CO)	JANUARY	03, 1978	
370363	LAUREL PARK, TOWN OF (HENDERSON CO.)	JUNE	11, 1978	
370303	LAWNDALE, TOWN (CLEVELAND CO)	JUNE	01, 1978	
370123	LENOIR COUNTY *	DECEMBER	27, 1978	
370123	LA GRANGE, TOWN (LENOIR CO)	JANUARY	23, 1978	
370090A	MACCLESFIELD, TOWN OF (EDGECOMBE CO•)	JUNE	09, 1975	AND
		JUNE	11, 1976	
370281A	MAXTON, TOWN OF (ROBESON CO.)	JUNE	28, 1979	AND
370309	MOCKSVILLE, TOWN (DAVIE CO)	JULY	09, 1976	
370347	OAK FORT, TOWN OF (MCDOWELL CO.)	JULY	11, 1978	
370337	PINE LEVEL, TOWN (JOHNSTON CO)	JUNE	15, 1978	
370281A	ROBEVILLE, TOWN OF (ROBESON CO.)	JUNE	28, 1979	
370258A	RONDA, TOWN OF (WILKES CO.)	JULY	14, 1978	AND
370270	SAMPSON COUNTY *	NOVEMBER	02, 1976	AND
370005A	SPARTA, CITY (ALLEGANY CO.)	DECEMBER	18, 1978	
370053A	SPEED, TOWN OF (EDGECOMBE CO.)	FEBRUARY	13, 1978	AND
370349	STANDLE, TOWN OF (RUTHERFORD CO.)	JULY	02, 1976	
370078A	VANCEBORO, TOWN OF (CRAVEN CO.)	JANUARY	09, 1978	AND
370330	WAGRAM, TOWN (SCOTLAND CO)	APRIL	02, 1976	
370226	WAYNE COUNTY *	NOVEMBER	03, 1978	
370376	WINFALL, TOWN (PERQUIMANS CO)	NOVEMBER	02, 1978	
370386	WINGATE, TOWN (UNION CO)	JULY	28, 1978	
		OCTOBER	03, 1978	

TOTAL IN THE STATE 35

• UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
380182	ARAMOSE, CITY OF (RAMSEY CO)	JULY	19: 1976	
380188	ARTHUR, CITY OF (CASS)	FEBRUARY	6: 1976	
380188	BALFOUR, CITY OF (MCHENRY CO)	SEPTEMBER	28: 1976	
380040	BATHGATE, CITY OF (PEMBINA CO.)	NOVEMBER	22: 1974	
380215	BEACH, CITY (GOLDEN VALLEY CO)	JULY	11: 1975	
380187	BERTHOLD, CITY (WARD CO)	JULY	11: 1975	
380186	BINFORD, CITY OF (GRIGGS)	FEBRUARY	14: 1975	
380128	BISBEE, CITY OF (TOWNER CO)	FEBRUARY	21: 1975	
380218	BOB BELLS, CITY OF (BURKE COU)	FEBRUARY	27: 1976	
380188	BOLDON, CITY (BELLS CO)	JULY	27: 1976	
380210	CARRINGTON, CITY (FOSTER CO.)	MAY	28: 1976	
380121	COURTENAY, CITY OF (STUTSMAN CO.)	DECEMBER	27: 1974	
380039	DAWSON, CITY OF (KIDDER CO.)	DECEMBER	26: 1974	
380127	DODGE, CITY (DUNN CO)	DECEMBER	26: 1975	
380222	DRAKE, CITY OF (MC HENRY CO)	FEBRUARY	21: 1975	
380222A	ELLENDALE, CITY OF (DICKEY CO)	FEBRUARY	28: 1975	AND
380034	EMERADO, CITY (GRAND FORKS CO)	SEPTEMBER	16: 1976	
380227	FINLEY, CITY OF (STEELE)	SEPTEMBER	29: 1976	
380169	FLAXTON, CITY OF (BURKE COU)	FEBRUARY	6: 1976	
380170	FORTUNA, CITY (DIVIDE CO)	FEBRUARY	27: 1976	
380172	GACKLE, CITY (LOGAN CO)	JUNE	25: 1976	
380038	GILBY, CITY OF (GRAND FORKS CO.)	AUGUST	22: 1975	
380173	GLADSTONE, CITY (STARK CO)	NOVEMBER	22: 1974	
380174	GLENBURN, CITY OF (RENVILLE)	AUGUST	12: 1976	
380175	GOLDEN VALLEY, CITY (MERCER CO)	FEBRUARY	14: 1975	
380176	GRANVILLE, CITY (MCHENRY CO)	JUNE	27: 1975	
380039	GREAT BEND, CITY OF (RICHLAND CO.)	JANUARY	27: 1976	
380177	GREMORA, CITY (WILLIAMS CO)	JULY	30: 1976	
380227	GWINNER, CITY (SARGENT CO)	MAY	28: 1976	
380044	HAMPDEN, CITY OF (RAMSEY CO.)	JANUARY	10: 1975	
380178	HARVEY, CITY (WELLS CO)	NOVEMBER	29: 1974	
380233	HARVEY, CITY (WARD CO)	JANUARY	17: 1975	
380179	HOOPLE, CITY (WALSH CO)	JULY	17: 1975	
380048	KARLSRUHE, CITY (MCHENRY CO)	AUGUST	13: 1976	
380033	KENSAL, CITY OF (STUTSMAN CO.)	JANUARY	16: 1976	
380033A	KENSAL, CITY OF (WELLS CO.)	MAY	28: 1975	AND
380183	LANKIN, CITY (WALSH CO)	DECEMBER	28: 1976	
380184	LANSFORD, CITY OF (BOTTINEAU)	APRIL	28: 1975	
380184	LANSFORD, CITY OF (WARD CO.)	DECEMBER	28: 1976	
380003A	LEEDS, CITY OF (BENSON CO.)	FEBRUARY	28: 1975	
380003A	LEEDS, CITY OF (BENSON CO.)	APRIL	28: 1975	AND
380033	LEHR, CITY OF (LOGAN & MCINTOSH COS.)	NOVEMBER	29: 1974	
380033	LEDGEWOOD, CITY OF (RICHLAND)	FEBRUARY	28: 1975	
380187	LITCHVILLE, CITY (BARNES CO)	JANUARY	17, 1975	
380004A	MADDOCK, CITY OF (BENSON CO.)	MARCH	28: 1975	
380004A	MADDOCK, CITY OF (BENSON CO.)	NOVEMBER	28: 1975	AND
380037	MANVEL, CITY (GRAND FORKS CO)	JANUARY	10: 1975	
380116	MAPLETON, CITY OF (CASS CO.)	NOVEMBER	29: 1974	
380040	MARAMETH, CITY OF (BOTTINEAU CO.)	NOVEMBER	22: 1974	
380040	MAX, CITY OF (MCLEAN CO.)	NOVEMBER	22: 1974	
380236	MCVILLE, CITY OF (NELSON)	FEBRUARY	14: 1975	
380124	MEDINA, CITY OF (STUTSMAN CO.)	DECEMBER	20: 1974	
380124	MONTPELIER, CITY OF (STUTSMAN CO.)	NOVEMBER	19: 1976	
380189	MUNICH, CITY (CAVALIER CO)	JANUARY	19: 1976	
380031	NEW ENGLAND, CITY (HETTINGER CO)	FEBRUARY	13: 1976	
380031A	NEW ROCKFORD, CITY OF (FOSTER CO.)	SEPTEMBER	13: 1973	AND
380192	OSNABROCK, CITY OF (CAVALIER CO•)	FEBRUARY	27: 1976	
380193	PARK, CITY OF (CASS)	FEBRUARY	13: 1976	
380073	PARSHALL, CITY OF (MOUNTRAIL CO.)	FEBRUARY	13: 1976	
380195	PETTIBONE, CITY (WELLS CO)	AUGUST	12: 1976	
380196	RICHARDTON, CITY (STARK CO)	NOVEMBER	27: 1974	
380122	ROCKHAVEN, CITY OF (TOWNER CO.)	FEBRUARY	28: 1975	
380122	SANBORN, CITY OF (BARNES CO)	JANUARY	31: 1975	
380196	SAWYER, CITY OF (WARD CO)	FEBRUARY	13: 1976	
380202	SHARON, CITY OF (STEELE)	FEBRUARY	13: 1976	
380202	SHERWOOD, CITY OF (RENVILLE)	NOVEMBER	29: 1974	
380512	SOURIS, CITY OF (BOTTINEAU CO.)	APRIL	29: 1974	

• UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
380537	STREETER, CITY OF (DICKEY CO.)	FEBRUARY	9: 1976	
380140	STRETCH, CITY OF (PEMBINA CO)	NOVEMBER	29: 1974	
380042	SYKESTON, CITY OF (WELLS CO.)	JUNE	6: 1975	
380218	TOWER CITY, CITY OF (CASS CO.)	FEBRUARY	13: 1976	
380038	TURTLE LAKE, CITY OF (MCLEAN CO.)	DECEMBER	9: 1974	
380038A	WASHBURN, CITY OF (MCLEAN CO.)	MARCH	22: 1974	AND
		JANUARY	16: 1976	
380074	WHITE EARTH, CITY OF (MOUNTRAIL CO.)	DECEMBER	20: 1974	
380211	WILDROSE, CITY (WILLIAMS CO)	AUGUST	15: 1975	
380046A	WILTON, CITY OF (MCLEAN AND BURLEIGH CO.)	MAY	24: 1974	
380213	WING, CITY (BURLEIGH CO)	JUNE	27: 1975	
380214	ZEELAND, CITY (MCINTOSH CO)	JUNE	25: 1976	
	TOTAL IN THE STATE	83		

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
390327	ALBANY, VILLAGE OF (ATHENS)	FEBRUARY	17: 1978	
390047	ARCADIA, VILLAGE OF (HANCOCK CO)	OCT		
390027A	ARLINGTON HEIGHTS, VILLAGE OF (HAMILTON CO.)	FEBRUARY	24: 1978	AND
		DECEMBER	26: 1978	
390189A	BALTIMORE, VILLAGE OF (FAIRFIELD CO.)	JUNE	21: 1979	AND
		APRIL	16: 1976	
390059A	BERLIN HEIGHTS, VILLAGE OF (ERIE CO.)	APRIL	28: 1978	
390059A	BETHESDA, VILLAGE OF (BELMONT CO.)	FEBRUARY		
390800A	BETTSVILLE, VILLAGE OF (SENECA CO.)	APRIL	28: 1978	
390800A	BLANCHESTER, VILLAGE OF (CLINTON CO.)			
390726	BUCHTEL, VILLAGE OF (ATHENS COU)	FEBRUARY	24: 1978	
390763	BURBANK, VILLAGE OF (WAYNE CO)	FEBRUARY	2: 1978	
390788A	BURGOON, VILLAGE OF (SANDUSKY CO.)	AUGUST	22: 1979	AND
		JULY	16: 1976	
390741A	CAMDEN, VILLAGE OF (PREBLE CO.)	MAY	10: 1979	AND
390807	CEDARVILLE, VIL (GREENE CO)	AUGUST	22: 1978	
390078	CLIFTON, VILLAGE OF	JANUARY	22: 1978	
390291A	COALTON, VILLAGE OF (JACKSON CO.)	AUGUST	24: 1979	AND
		FEBRUARY	24: 1978	
390711	COMMERCIAL POINT, VILLAGE OF (PICKAWAY COU)	MAY	31: 1978	
390366	CORWIN, VILLAGE OF (WARREN CO.)	JANUARY		
390875A	CRESTON, VILLAGE OF (WAYNE CO.)	JULY	14: 1976	
390187	BROWN CTY, VILLAGE (GALLIA CO)	FEBRUARY	27: 1979	AND
390782	DARBYVILLE, VILLAGE OF (PICKAWAY COU)	MAY	28: 1978	
390782	DESHLER, VILLAGE OF (HENRY CO)	JANUARY	27: 1978	
390870A	ELMDALE, VILLAGE OF (ALLEN CO)	FEBRUARY	27: 1978	
390870A	ELMORE, VILLAGE OF (OTTAWA CO.)	MARCH	29: 1979	AND
390314	FAIRPORT HARBOR, VILLAGE OF (LAKE CO.)	JULY	23: 1976	
390466A	FORT JENNINGS, VILLAGE OF (PUTNAM CO.)	AUGUST	23: 1978	
390778	GRANDVIEW, VILLAGE OF (HUSKINGUM CO.)	SEPTEMBER	29: 1978	AND
390778	GRANVILLE, VILLAGE OF (LICKING CO.)	AUGUST	30: 1976	
390783A	GILBOA, VILLAGE OF (PUTNAM CO.)	JULY	16: 1976	
390783A	GLANDORF, VILLAGE OF (PUTNAM CO.)	AUGUST	23: 1978	
390735	GLENFORD, VILLAGE OF (MORROW CO)	AUGUST	23: 1978	
390274	GRATON, VILLAGE OF (LOGAN CO.)	DECEMBER	28: 1979	
390884	HAMDEN, VILLAGE OF (VINTON CO.)	FEBRUARY	23: 1979	AND
390880A	HAMLER, VILLAGE OF (HENRY CO.)	MAY		
390880A	HAMLER, VILLAGE OF (HENRY CO.)	APRIL	28: 1978	
390505A	JACKSON CENTER, VILLAGE OF (SHELBY CO.)	JANUARY	23: 1978	AND
		NOVEMBER	26: 1976	
390296A	JENERA, VILLAGE OF (HANCOCK CO.)	MAY	31: 1979	AND
390771B	KALIDA, VILLAGE OF (PUTNUM CO.)	AUGUST	29: 1978	
390701A	KIMBOLTON, VILLAGE OF (GUERNSEY CO.)	MARCH	21: 1979	
		DECEMBER	21: 1979	

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
390356	KNOX COUNTY • LEESBURG, VILLAGE OF (HIGHLAND CO•)	JANUARY	31: 1975	
390356A		APRIL	28: 1976	
390850A	LEESVILLE, VILLAGE OF (CARROLL CO•)	SEPTEMBER	20, 1979	
390417	LEWISBURG, VIL (PREBLE COU)	AUGUST	9: 1976	
390241	LOCKBOURNE, VILLAGE OF (FRANKLIN COU)	JANUARY	31: 1978	
390223	LOCKLAND, CITY OF (HAMILTON CO•)	FEBRUARY	15: 1974	
390441A	LUCAS, VILLAGE OF (RICHLAND CO.)	APRIL	15: 1974	AND
390798	MARBLEHEAD, VILLAGE OF (OTTAWA CO)	SEPTEMBER	29: 1978	
390226A	MARIEMONT, VILLAGE OF (HAMILTON CO.)	FEBRUARY	28: 1978	AND
390876	MARION, CITY (MARION, CRAWFORD CO)	SEPTEMBER	29: 1978	
390893A	MCGUFFEY, VILLAGE OF (HARDIN CO•)	JANUARY	18: 1978	
390232	MEDINA COUNTY • MEDINA, VILLAGE OF (FAIRFIELD COU)	FEBRUARY	17: 1978	
390041A	MILLVILLE, VILLAGE OF (BUTLER CO•)	JUNE	27: 1979	AND
		MAY	27: 1976	
390296A	MONTEZUMA, VILLAGE OF (MERCER CO•)	AUGUST	22: 1978	AND
		MAY	22: 1978	
390561A	MONTPELIER, VILLAGE OF (WILLIAMS CO•)	MAY	31: 1979	
390746A	NORMAL, VILLAGE (MARION CO)	APRIL	16: 1976	AND
390249A	MOUNT CORY, VILLAGE OF (HANCOCK CO•)	NOVEMBER	22: 1978	
390621A	MOUNT ORAB, VIL (BROWN CO)	JULY	29: 1976	AND
		MAY	27: 1976	
390722A	NEVADA, VILLAGE OF (WYANDOT)	FEBRUARY	19: 1976	AND
		NOVEMBER	19: 1976	
390285A	NORTH FAIRFIELD, VILLAGE OF (HURON CO•)	MARCH	26: 1979	AND
		APRIL	26: 1979	
390479	NORTH HAMPTON, VILLAGE OF (CLARK COU)	FEBRUARY	27: 1976	
390433A	OAK HARBOR, VILLAGE OF (OTTAWA CO•)	FEBRUARY	27: 1976	AND
390176A	OBETZ, VILLAGE OF (FRANKLIN CO•)	FEBRUARY	16: 1978	
390434A	OSGOOD, VILLAGE OF (DARKE CO.)	AUGUST	29: 1975	
390434A	PAYNE, VILLAGE OF (PAULDING CO.)	MAY	29: 1979	
390287A	PLYMOUTH, VILLAGE OF (HURON CO•)	MAY	23: 1979	AND
		MAY	21: 1976	
390729	RICHMOND, VILLAGE (JEFFERSON CO•)	AUGUST	23: 1978	
390292	RICHVILLE, VILLAGE OF (FRANKLIN COU)	JANUARY	27: 1978	
390731	ROCHESTER, VILLAGE (LORAIN CO)	AUGUST	29: 1978	
390648A	ROGERS, VILLAGE OF (COLUMBIANA CO•)	MARCH	29: 1978	
390927	RAINBOW, VIL (CLINTON CO)	JUNE	29: 1978	
390704	RAINBOW CITY, VILLAGE OF (NOBLE CO)	MARCH	29: 1978	
390842	ROBERTY, COCO, VILLAGE (BUTLER CO)	DECEMBER	29: 1978	
390212	SOUTH MOUNT VERNON, VILLAGE OF (KNOX CO•)	AUGUST	23: 1978	
390646A	SOUTH SALEM, VILLAGE OF (ROSS CO.)	JUNE	21: 1979	AND
390854A	SUGAR CREEK, VILLAGE OF (TUSCARAWAS CO.)	JUNE	21: 1979	AND
390922	TEMPERANCE, VIL (FULTON CO)	JUNE	29: 1978	
390764	UNION, VILLAGE (MONTGOMERY)	FEBRUARY	27: 1978	
390494A	VAN BUREN, VILLAGE OF (HANCOCK CO•)	DECEMBER	29: 1978	
390474A	VANWERT, VILLAGE, TOWN OF (PUTNAM CO.)	DECEMBER	29: 1978	AND
		MAY	28, 1976	
390189	VINTON, VILLAGE OF (GALLIA CO.)	DECEMBER	27, 1979	
390699A	WAITE HILL, VILLAGE OF (LAKE CO•)	DECEMBER	17, 1973	AND
390733	WARSAW, VILLAGE (COSHOCTON CO)	JUNE	25, 1976	
390567A	WASHINGTONVILLE, VILLAGE OF (COLUMBIANA & MAHONING)	APRIL	28, 1976	
390293A	WELLSTON, CITY OF (JACKSON CO.)	NOVEMBER	29, 1973	AND
390838	WEST JEFFERSON, VIL (MADISON CO)	JUNE	29: 1978	AND
390572A	WINESBURG, VILLAGE OF (HOLMES CO•)	JULY	14: 1978	
		DECEMBER	29: 1978	
	TOTAL IN THE STATE	92		

• UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
400255	ACHILLE, TOWN (BRYAN CO•)	APRIL	29: 1976	
400265	ADAIR, TOWN (MAYES CO•)	APRIL		
400074A	ADDINGTON, TOWN OF (JEFFERSON CO.)	OCTOBER	12: 1976	AND
		APRIL		
400267	ALDERSON, TOWN (PITTSBURG CO•)	APRIL	29: 1976	
400269	ASHER, TOWN (POTTAWATOMIE CO•)	JUNE	29: 1976	
400269	BENNINGTON, TOWN OF (BRYAN CO.)	AUGUST	12: 1976	
400267	BESSIE, TOWN (WASHITA CO•)	AUGUST		
400277	BALLARD, TOWN (NOBLE CO•)	AUGUST	13: 1976	
400267A	BRADLEY, TOWN OF (GRADY CO.)	JUNE	12: 1976	AND
400199	BURBANK, TOWN (OSAGE CO)	SEPTEMBER	28: 1978	
400297	BYARS, TOWN (MCCLAIN CO.)	AUGUST	12: 1976	
400175A	BYNG, TOWN OF (PONTOTOC CO.)			AND
400354	CALERA, TOWN (BRYAN CO.)	DECEMBER	29: 1978	
400270	CAMARGO, TOWN (DEWEY CO•)	SEPTEMBER	19, 1978	
400272	CANEY, TOWN (ATOKA CO.)	SEPTEMBER	29: 1978	
400272	CANEY, TOWN (BRYAN CO.)	APRIL	29: 1978	
400272A	CANEY, TOWN OF (MARSHALL CO.)	DECEMBER	12: 1975	AND
400354	COLBERT, TOWN (BRYAN CO•)	SEPTEMBER	26: 1978	
400282	COMANCHE, TOWN OF (STEPHENS COUNTY)	JUNE	12: 1978	
400283	COOKIE, TOWN (MCCURTAIN CO.)	FEBRUARY	19: 1976	
400284	COPAN, TOWN (WASHINGTON CO)	JUNE	23: 1978	
400282	CORNELL, TOWN (SEMINOLE CO•)	AUGUST	22: 1978	
400224A	CROWDER, TOWN (HUGHES CO)	NOVEMBER	29: 1978	AND
		DECEMBER	12: 1978	
400284A	DAVIS, TOWN (MURRAY CO.)	APRIL	29: 1978	
400282	DEWAR, TOWN (OKMULGEE CO.)	JULY	29: 1978	
400277	DOVER, TOWN (KINGFISHER CO•)	APRIL	22: 1978	
400283	EARLSBORO, TOWN (POTTAWATOMIE CO•)	SEPTEMBER	29: 1978	
400283A	EARLSBORO, TOWN OF (POTTAWATOMIE CO.)	AUGUST	23: 1978	
400284	EDMOND, TOWN (OKLAHOMA CO.)	JUNE	29: 1978	AND
400290A	HARRAH, TOWN OF (OKLAHOMA CO•)	AUGUST	24: 1978	
400284A	HOBART, TOWN (KIOWA CO)	APRIL	29: 1978	AND
400266	INDIANOLA, TOWN (PITTSBURG CO.)	JULY	24: 1978	
400292	KEALAKEKUA, TOWN (CALCASIEU CO.)	SEPTEMBER	29: 1978	
400272	KINGSTON, TOWN OF (MARSHALL CO.)	SEPTEMBER	29: 1978	
400284A	KINTA, TOWN OF (PITTSBURG CO.)	AUGUST	23: 1978	
400295	LAMONT, TOWN (GRANT CO.)	JUNE	29: 1978	AND
400284	LOCAL, TOWN (KINGFISHER CO)	DECEMBER	29: 1978	
400302	MANCHESTER, TOWN (JOHNSTON CO.)	JANUARY	23: 1978	
400302	MANCHESTER, TOWN (JOHNSTON CO.)	SEPTEMBER	29: 1978	
400284	MARSHALL, TOWN (LOGAN CO.)	AUGUST	23: 1978	
400284	MARSHALL, TOWN (PONTOTOC CO.)	AUGUST	23: 1978	
400284	MILBURN, TOWN (JOHNSTON CO.)	SEPTEMBER	29: 1978	
400309	MILL CREEK, TOWN (JOHNSTON CO.)	AUGUST	13, 1976	
400316	MOUNDS, TOWN (CREEK CO.)	JUNE	29: 1978	
400316	MULHALL, TOWN (LOGAN CO.)	MAY		
400311	NASH, TOWN (GRANT CO.)	MAY	29: 1978	
400312	NEW ALEX, TOWN (USAGE CO•)			

• UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
400424	MIDWEST CITY, TOWN (OKLAHOMA CO.)	AUGUST 13, 1976
400426	NORTH MIAMI, TOWN (OTTAWA CO.)	APRIL 15, 1976
400412	OAKS, TOWN (OKLAHOMA CO.)	AUGUST 03, 1976
400413	OKEMAH, TOWN (OKFUSKEE CO.)	AUGUST 13, 1976
400217A	OKAY, TOWN OF (WAGONER CO.)	AUGUST 13, 1976 AND FEBRUARY 02, 1977
400427	OKLAHOMA CITY (OKLAHOMA CO.)	AUGUST 13, 1976
400414	OKMULGEE, CITY (OKMULGEE CO.)	SEPTEMBER 03, 1976
400428	PERKINS, TOWN OF (PAYNE CO.)	APRIL 15, 1976
400429	PONCA CITY (KAY CO.)	AUGUST 13, 1976
400430	PRYOR, TOWN OF (MAYES CO.)	AUGUST 13, 1976
400431	PURCELL, CITY OF (MCCLAIN CO.)	AUGUST 13, 1976
400432	RALSTON, TOWN (PAWNEE CO.)	AUGUST 13, 1976
400433	RATLIFF, TOWN (JOHNSTON CO.)	AUGUST 13, 1976
400434	SAND SPRINGS, CITY OF (OSAGE CO.)	AUGUST 13, 1976
400221A	SHAWNEE, TOWN (POTTAWATOMIE CO.)	AUGUST 13, 1976 AND MAY 07, 1976
400410	SNIDER, TOWN (OSAGE CO.)	APRIL 30, 1976
400411	SOUTH COFFEYVILLE, TOWN (NOWATA CO.)	JUNE 25, 1976
400416	STRATFORD, TOWN (GARVIN CO.)	AUGUST 13, 1976
400218	TEMPLE, TOWN (COTTON CO.)	JULY 16, 1976
400219	TULLAHASSEE, TOWN (MUSKOGEE CO.)	JULY 16, 1976
400333	TUPELO, CITY (COAL CO.)	SEPTEMBER 17, 1976
400353	TUTTLE, TOWN (GRADY CO.)	JUNE 25, 1976
400336	VERA, TOWN (WASHINGTON CO.)	JULY 16, 1976
400337	WAPANUCKA, TOWN (JOHNSTON CO.)	MAY 28, 1976
400105	WASHINGTON, TOWN (MCCLAIN CO.)	JULY 09, 1976
400451	WELCH, TOWN (CRAIG CO.)	JULY APRIL 16, 1976
400452	WELLSTON, TOWN (LINCOLN CO.)	APRIL 16, 1976
400339	WEST SILOAM SPRINGS, TOWN (DELAWARE CO.)	AUGUST 02, 1976
400455	YALE, CITY (PAYNE CO.)	AUGUST 02, 1976

TOTAL IN THE STATE 99

• UNINCORPORATED AREAS ONLY

OREGON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
410159	GATES, CITY (MARION CO)	JULY 02, 1976
410004	HALSEY, TOWN (LINN CO)	SEPTEMBER 30, 1976
410217	JOHNSON CITY (CLACKAMAS CO)	AUGUST 09, 1976
410217A	PRESCOTT, CITY (COLUMBIA CO)	AUGUST 13, 1976
410273	SHERWOOD, TOWN (WASHINGTON CO)	NOVEMBER 02, 1976
410166	ST. PAUL, CITY OF (MARION CO)	

TOTAL IN THE STATE 6

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422560	ADDISON, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
421687	ALEPPO, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974
422241	ALLEGHENY, TOWNSHIP OF (BUTLER CO)	MARCH 28, 1975
422629	ALLEGHENY, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
422509	ALLEGHENY, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422361	ASHLAND, TOWNSHIP (CLARION CO.)	JANUARY 10, 1975
422432	ATWOOD, BOROUGH OF (ARMSTRONG CO.)	JANUARY 24, 1975
422490	BARNETT, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974
421683	BARREE, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 27, 1974
422472	BASTRESS, TOWNSHIP OF (LYCOMING CO)	FEBRUARY 07, 1975
421738	BEALE, TOWNSHIP (JUNIATA CO)	DECEMBER 06, 1974

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422124A	BEALLSVILLE, BOROUGH OF (WASHINGTON CO.)	DECEMBER 13, 1974 AND JULY 16, 1976
422249	BEAR LAKE, BOROUGH OF (WARREN CO.)	DECEMBER 27, 1974
422432A	BEAVER, TOWNSHIP OF (SNYDER CO.)	NOVEMBER 01, 1974 AND JULY 29, 1976
422441	BEAVER, TOWNSHIP (JEFFERSON CO.)	JANUARY 29, 1976
422362	BEAVER, TOWNSHIP (CLARION CO.)	NOVEMBER 29, 1974 AND
421547A	BEAVER, TOWNSHIP OF (COLUMBIA CO.)	JULY 29, 1976
421659	BELFAST, TOWNSHIP OF (FULTON CO.)	NOVEMBER 08, 1974
422186A	BELL, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 13, 1974 AND SEPTEMBER 24, 1976
422612	BENEZETTE, TOWNSHIP OF (ELK COU)	FEBRUARY 07, 1975
421749	BENTON, TWP (LACKAWANNA CO)	JANUARY 10, 1975
421652A	BETHEL, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 30, 1974 AND MAY 28, 1976
421964	BETHEL, TWP (DELAWARE CO)	JANUARY 24, 1975
421973	BINGHAM, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974
420982	BIRMINGHAM, BOROUGH OF (HUNTINGDON CO.)	DECEMBER 06, 1974 AND
421741A	BLAIRE, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER 16, 1974
421332	BLOOMFIELD, TOWNSHIP OF (BEDFORD CO.)	AUGUST 01, 1974
421815	BOSWELL, BOROUGH OF (SOMERSET CO.)	JANUARY 17, 1975
421816	BRADFORD, CITY OF (MCKEAN CO.)	DECEMBER 02, 1974
422241A	BRADY, TOWNSHIP OF (BUTLER CO.)	OCTOBER 03, 1974 AND SEPTEMBER 17, 1976
422511	BROTHERSVALLEY, TWP (SOMERSET CO.)	JANUARY 10, 1975
421660	BRUSH CREEK, TOWNSHIP OF (FULTON CO)	MARCH 28, 1975
421054A	BURLINGTON, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER 13, 1974 AND MAY 07, 1976
421303A	BURRELL, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 20, 1974 AND JUNE JANUARY 31, 1975
422384	CALLENSBURG, BOROUGH OF (CLARION CO.)	DECEMBER 16, 1974
422108	CANAL, TOWNSHIP OF (VENANGO CO.)	NOVEMBER 22, 1974
421665	CANBON, TWP (HUNTINGDON CO)	NOVEMBER 01, 1974 AND NOVEMBER 07, 1975
420128	CENTERPORT, BOROUGH OF (BERKS CO.)	NOVEMBER 15, 1974
421654A	CENTRE, TOWNSHIP OF (BERKS CO.)	DECEMBER 27, 1974
422281	CHAPMAN, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
422545	CHERRY GROVE, TOWNSHIP OF (WARREN CO.)	JANUARY 10, 1975
421885	CHESTNUT HILL, TOWNSHIP OF (MONROE CO.)	NOVEMBER 15, 1974 AND
422604	CHEST, TOWNSHIP (CAMBRIA CO)	OCTOBER 15, 1974
421519	CLARA, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974 AND
421974A	CLARA, TOWNSHIP OF (POTTER CO.)	MAY JANUARY 17, 1975
422343	CLAY, TOWNSHIP (BUTLER CO.)	DECEMBER 18, 1974
421682	CLAY, TOWNSHIP OF (HUNTINGDON CO.)	JULY DECEMBER 29, 1976
421353	CLEARFIELD, TOWNSHIP OF (CLEARFIELD CO.)	JANUARY 24, 1975
421337	CLEARFIELD, TWP (SUSQUEHANNA CO.)	NOVEMBER 29, 1974
421751	CLIFTON, TWP (LACKAWANNA CO)	NOVEMBER 29, 1974
422197	CLINTON, TOWNSHIP OF (WYOMING CO)	MARCH 28, 1975
420984	COALMONT, BOROUGH OF (HUNTINGDON CO)	APRIL 04, 1975
421698	COCAN HOUSE, TOWNSHIP (LYCOMING CO)	APRIL 04, 1975
422472	COLD SPRING, TOWNSHIP (LEBANON CO.)	JANUARY 03, 1975
421334	COLERAIN, TWP (BEDFORD CO)	JANUARY 03, 1975
422340	CONEMAUGH, TOWNSHIP OF (INDIANA CO.)	DECEMBER 27, 1974
421715	CONEWAGO, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER 27, 1974
422406	CONNEAUT, TOWNSHIP OF (ERIE CO.)	JANUARY 10, 1975
421381	CONNEAUT, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 10, 1975
421760A	CORL, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND NOVEMBER 15, 1974
422455	COVINGTON, TOWNSHIP (LACKAWANNA CO.)	JANUARY 10, 1975
421230A	CORNSHANNOCK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 13, 1974 AND DECEMBER 31, 1976
421317	DARLINGTON, BOROUGH (BEAVER CO)	JANUARY 24, 1975
421440	DEAN, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 29, 1974
422497A	DEER CREEK, TWP (MERCER CO.)	JANUARY 10, 1975 AND JULY 16, 1976
422118	DEERFIELD, TOWNSHIP OF (WARREN CO.)	NOVEMBER 15, 1974 AND
421176A	DEERFIELD, TOWNSHIP OF (TIOGA CO.)	AUGUST MAY 31, 1976

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
420670B	DELAWARE, BOROUGH OF (MONROE CO.)	JUNE 01, 1979 AND FEBRUARY 18, 1977
421706	DINEMAN, TOWNSHIP OF (ERIE)	FEBRUARY 15, 1978
422167A	DUNBAR, TOWNSHIP OF (WESTMORELAND CO.)	JUNE 17, 1977 AND
421689	DUBLIN, TOWNSHIP OF (HUNTINGDON CO.)	JULY DECEMBER 23, 1976
421681A	DUDLEY, BOROUGH OF (HUNTINGDON CO.)	NOVEMBER 08, 1974 AND NOVEMBER 14, 1975
422523	DUNKARD, TWP (GREENE CO.)	JANUARY 10, 1975
422527	EAGLES MERE, BOROUGH (SULLIVAN CO.)	JANUARY 24, 1975
422446	EAST CARROLL, TOWNSHIP OF (CAMBRIA)	FEBRUARY 14, 1975
422389	EAST FALLOWFIELD, TOWNSHIP (CRAWFORD CO.)	JANUARY 10, 1975
422768	EAST ROCHESTER, BOROUGH OF (BEAVER CO.)	DECEMBER 27, 1974 AND FEBRUARY 07, 1975
422360	EAST SIDE, BOROUGH OF (CARBON CO.)	JANUARY 31, 1975
422319	EASTVALE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421772A	EDEN, TOWNSHIP OF (LANCASTER CO.)	AUGUST 30, 1974 AND MAY 07, 1976
422594	ELDRED, TOWNSHIP (WARREN CO.)	JANUARY 17, 1975
422703	ELDRED, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974
421663	ELDRED, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 27, 1974
421762A	ELMHURST, TOWN OF (LACKAWANNA CO.)	OCTOBER 18, 1974 AND APRIL 30, 1976
422169A	FAIRFIELD, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 06, 1974 AND MAY 07, 1976
422649	FAIRHOPE, TOWNSHIP OF (SOMERSET CO.)	NOVEMBER 15, 1974
421668	FAIRVIEW, TOWNSHIP OF (MERCER CO.)	NOVEMBER 29, 1974
422643	FRANKFORT SPRINGS, BORO (BEAVER CO.)	JANUARY 17, 1975
422644	FRANKLIN, BOROUGH OF (CAMBRIA CO.)	JANUARY 10, 1975
422286	FRANKLIN, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 29, 1974
422121	FREEHOLD, TWP (WARREN CO)	JANUARY 24, 1975
422532	FREEPORT, TWP (GREENE CO.)	JANUARY 31, 1975
421637	GALLAGHER, TOWNSHIP OF (CLINTON CO)	FEBRUARY 21, 1975
422433A	GILMORE, TWP (GREENE CO.)	JANUARY 10, 1975 AND SEPTEMBER 03, 1976
422537	GLEN CAMPBELL, BORO (INDIANA CO.)	JANUARY 24, 1975
421717	GRANT, TOWNSHIP OF (INDIANA CO.)	JANUARY 31, 1975
421672A	GREENE, TWP (GREENE CO)	JANUARY 17, 1975 AND MAY 14, 1976
422946	GREENFIELD, TOWNSHIP (LACKAWANNA CO.)	JANUARY 10, 1975
421365	GREENFIELD, TOWNSHIP OF (ERIE CO.)	DECEMBER 06, 1974
422612	GREENVILLE, TOWNSHIP (SOMERSET CO.)	APRIL 04, 1975
422239	GREENWOOD, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 17, 1975
421659	GREENWOOD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 27, 1974
421690	GREEN, TWP (FOREST CO)	JANUARY 24, 1975
421686	HAMILTON, TOWNSHIP OF (MONROE CO.)	NOVEMBER 22, 1974
421223A	HANOVER, TOWNSHIP OF (BEAVER CO.)	SEPTEMBER 06, 1974 AND OCTOBER 01, 1976
422528	HARTLETON, BOROUGH OF (UNION CO.)	DECEMBER 27, 1974
421379	HERRICK, TWP (BRADFORD CO)	APRIL 04, 1975
422449	HIGHLAND, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 29, 1974
422219	HOOKSTOWN, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421681	HOPEWELL, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421610A	HORTON, TOWNSHIP OF (ELK CO.)	SEPTEMBER 13, 1974 AND AUGUST 06, 1976
421635	HUSTON, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 20, 1974
422634	IRWIN, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
420852A	JACKSONVILLE, BOROUGH OF (INDIANA CO.)	DECEMBER 13, 1974 AND MAY MARCH 28, 1975
422601	JACKSON, TOWNSHIP OF (LYCOMING CO)	DECEMBER 20, 1974 AND JUNE 04, 1976
421671A	JACKSON, TOWNSHIP OF (GREENE CO.)	DECEMBER 13, 1974
421682	JACKSON, TOWNSHIP OF (COLUMBIA CO.)	JANUARY 31, 1975
421691	JACKSON, TOWNSHIP OF (HUNTINGDON CO.)	JANUARY 03, 1975
421672	JACKSON, TOWNSHIP OF (DAUPHIN CO.)	JANUARY 03, 1975
421689	JACKSON, TWP (MONROE CO)	JANUARY 03, 1975
422457	JEFFERSON, TOWNSHIP (LACKAWANNA CO.)	JANUARY 17, 1975
422363	JORDON, TOWNSHIP (CLEARFIELD CO)	NOVEMBER 22, 1974
421981	KEATING, TOWNSHIP OF (POTTER CO.)	

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421342	KING, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
421730	KNOX, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 20, 1974
422483	LAKE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
422567	LAPORTE, BOROUGH OF (SULLIVAN CO.)	DECEMBER 20, 1974
422515	LARIMER, TOWNSHIP (SOMERSET CO.)	JANUARY 10, 1975
422665	LATHROP, TOWNSHIP OF (SUSQUEHANNA CO.)	NOVEMBER 29, 1974
421954	LAUSANNE, TWP (CARBON CO)	JANUARY 03, 1975
422334	LE RAYSVILLE, BORO (BRADFORD CO.)	JANUARY 24, 1975
422567	LEBANON, TWP (CAMP CO.)	JANUARY 03, 1975
422200	LEMON, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 29, 1974
422525	LETTERKENNY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 20, 1974
422384	LICKING, TOWNSHIP (CLARION CO.)	JANUARY 24, 1975
422688	LIMESTONE, TOWNSHIP (LYCOMING CO)	JANUARY 29, 1975
421693	LINCOLN, TWP (HUNTINGDON CO)	JANUARY 03, 1975
421533	LOGANTON, BOROUGH OF (CLINTON CO.)	NOVEMBER 08, 1974
421694	LOGAN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421683	LOWER MIFFLIN, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
422612	LOWER TURKEYFOOT, TWP (SOMERSET CO.)	JANUARY 24, 1975
420305	LUMBER CITY, BOROUGH (CLEARFIELD CO)	FEBRUARY 14, 1975
421785	MADISON, TWP (LACKAWANNA CO)	JANUARY 03, 1975
421554	MAIN, TOWNSHIP OF (COLUMBIA CO)	FEBRUARY 28, 1975
420219A	MARION TWP (BUTLER CO)	JUNE 02, 1976 AND JULY 08, 1976
421935	MCCONNELLSVILLE, BOROUGH OF (NORTHUMBERLAND CO.)	DECEMBER 27, 1974
421481	MENNO, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 22, 1974
422582	MERCER, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
421593	MIDDLE TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 29, 1974
422618	MIDDLECREEK, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422831	MILFORD, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 20, 1974 AND JUNE OCTOBER 01, 1976
422536	MINEHILL, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
421673	MONDAMEHLA, TWP (GREENE CO)	JULY 16, 1976
421428	MONTGOMERY, TOWNSHIP OF (FRANKLIN CO.)	JANUARY DECEMBER 19, 1974
421719	MORGANTOWN, TWP (INDIANA CO)	NOVEMBER 22, 1974
421694	MORRIS, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER 03, 1975
421847A	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER 18, 1974 AND JUNE 17, 1976
422283	MURRAY, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER 27, 1974
421540	MUNCY, TOWNSHIP OF (POTTER CO.)	DECEMBER 27, 1974
420689A	NEW ALEXANDRIA, BOROUGH OF (WESTMORELAND CO.)	JUNE OCTOBER 28, 1974 AND 17, 1975
420219	NEW BALTIMORE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 29, 1974
422171	NEW CASTLE, TOWNSHIP OF (SCHUYLKILL CO.)	DECEMBER 27, 1974
422484	NEW LEBANON, BORO (MERCER CO.)	JANUARY 24, 1975
422485	NEW VERNON, TOWNSHIP OF (MERCER CO.)	JANUARY 24, 1975
420311	NEWBURG, BOROUGH OF (CLEARFIELD CO.)	JANUARY 24, 1975
422102	NORTH BELLE VERNON, BOROUGH OF (WESTMORELAND CO.)	NOVEMBER 29, 1974
422103	NORTH BRANCH, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 29, 1974
421695A	NORTH FAYETTE, TWP (ALLEGHENY CO)	SEPTEMBER 20, 1974 AND JUNE 16, 1976
422528	NORTH MAHONING, TWP (INDIANA CO.)	FEBRUARY 28, 1975
421728	NORTH MORELAND, TOWNSHIP OF (WYOMING CO.)	JANUARY 10, 1975
421615A	ONIONYLE, BOROUGH OF (FAYETTE CO.)	MARCH JANUARY 14, 1975 AND 24, 1975
421732	OLIVER, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER JANUARY 13, 1975
421401	ORWELL, TWP (BRADFORD CO)	DECEMBER 27, 1974
422560	OVERFIELD, TOWNSHIP OF (WYOMING CO.)	AUGUST SEPTEMBER 30, 1974 AND 06, 1976
421902A	OVERTON, TOWNSHIP OF (BRADFORD CO.)	JULY DECEMBER 17, 1975
421209	PAINTER, TOWNSHIP OF (PIKE CO.)	SEPTEMBER 29, 1974 AND
421219A	PARKER, TOWNSHIP OF (BUTLER CO.)	JULY 16, 1976
422258	PATTERSON, BOROUGH OF (BEAVER CO.)	NOVEMBER 15, 1974
422498A	PENN, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER SEPTEMBER 02, 1976 AND 10, 1976

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*421903A	PIKE, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974	AND
*422946	PINECREEK, TOWNSHIP OF (JEFFERSON CO.)	AUGUST 29, 1975	
*422538	PINEGROVE, TOWNSHIP OF (VENANGO CO.)	JANUARY 24, 1975	
*421720	PINE, TWP. OF (INDIANA CO)	JANUARY 03, 1975	
*421705	PLEASANT VALLEY, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974	
*421313A	PLUM CREEK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 06, 1974	AND
*421733	POLK, TOWNSHIP OF (JEFFERSON CO.)	JUNE DECEMBER 20, 1974	
*421765	PORTER, TOWNSHIP OF (BUTLER CO.)	DECEMBER 13, 1974	
*422385	PORTERSVILLE, BORO (BUTLER CO.)	JANUARY 10, 1975	
*422946	PORTER, TOWNSHIP OF (JEFFERSON)	FEBRUARY 19, 1975	
*421466	QUINCY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 27, 1974	
*421945	READE, TOWNSHIP OF (CAMBRIA CO.)	DECEMBER 06, 1974	
*422279	RICHLAND, TOWNSHIP (CLARION CO.)	JANUARY DECEMBER 17, 1974	
*421667A	ROARING CREEK, TOWNSHIP OF (COLUMBIA CO.)	SEPTEMBER NOVEMBER 02, 1974	AND
*422266	ROSETO, BOROUGH OF (NORTHAMPTON CO.)	DECEMBER NOVEMBER 12, 1974	
*420826	ROSEVILLE, BOROUGH OF (TIOGA CO.)	DECEMBER SEPTEMBER 20, 1974	AND
*421734A	ROSE, TOWNSHIP OF (JEFFERSON CO.)	JUNE 18, 1976	
*422192A	SALEM, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER JUNE 20, 1974	AND
*420772	SALTLO, BOROUGH OF (HUNTINGDON CO.)	JANUARY 31, 1975	
*421674	SAND LAKE, TOWNSHIP OF (MERCER CO.)	DECEMBER 27, 1974	
*422787	SCRANTON, BOROUGH OF (LUZERNE CO.)	DECEMBER 27, 1974	
*420787	SCOTT, TOWNSHIP OF (LACKAWANNA CO.)	MAY 28, 1975	AND
*420671B	SEWICKLEY HTS. BORO (ALLEGHENY CO)	SEPTEMBER 02, 1976	AND
*421865A	SHIPPENSBURG, TWP. (CUMBERLAND CO)	JUNE NOVEMBER 26, 1974	
*421619	SOUTH CONNELLSVILLE, BOROUGH OF (FAYETTE CO.)	JANUARY JANUARY 24, 1975	
*422330	SOUTH HEIGHTS, BOROUGH OF (BEAVER CO.)	DECEMBER MARCH 27, 1974	
*422439	SOUTH MAHONING, TWP (INDIANA CO.)	JANUARY 06, 1975	
*421582	SOUTH BENTON, TOWNSHIP OF (CUMBERLAND CO.)	FEBRUARY MARCH 07, 1975	
*421581	SOUTH WOODBURY, TWP (BEDFORD CO)	MARCH 19, 1976	
*420234	SOUTHAMPTON, TOWNSHIP OF (BEDFORD COU)	APRIL 11, 1975	
*421677	SOUTHMONT, BORO (CAMBRIA CO)	NOVEMBER 07, 1975	
*421705	SPRINGHILL, TWP (GREENE CO)	NOVEMBER 01, 1974	AND
*421401A	SPRUCE HILL, TOWNSHIP OF (JUNIATA CO.)	JUNE JANUARY 24, 1975	
*420152	STEVENS, TOWNSHIP OF (BRADFORD CO.)	JUNE JUNE 11, 1974	AND
*420479B	STRAUSSTOWN, BORO (BERKS CO)	JANUARY SEPTEMBER 20, 1974	AND
*421328	STROUDSBURG, BOROUGH OF (MONROE CO.)	JUNE JANUARY 24, 1975	
*421191A	ST. CLAIRSVILLE, BOROUGH OF (BEDFORD CO.)	JANUARY JUNE 31, 1975	
*422549	ST. CLAIR, TOWNSHIP OF (WESTMORELAND CO.)	JANUARY APRIL 04, 1975	
*421787	SUGAR GROVE, TOWNSHIP (WARREN CO.)	JANUARY JANUARY 31, 1975	
*421942	SUGAR GROVE, TOWNSHIP OF (MERCER CO.)	JANUARY JANUARY 03, 1975	
*422227	SUGARLOAF, TWP (COLUMBIA CO)	JANUARY JANUARY 31, 1975	
*422662	SUMMERHILL, TOWNSHIP OF (CRAWFORD CO.)	JANUARY JANUARY 03, 1975	
*421969A	SUMMIT, TWP (SOMERSET CO)	DECEMBER MAY 20, 1974	AND
*422329	TAYLOR, TOWNSHIP OF (CENTRE CO.)	JANUARY DECEMBER 28, 1976	
*422946	TELFORD, BOROUGH OF (MONTGOMERY CO.)	JANUARY DECEMBER 19, 1974	
*422946	THOMPSON, TOWNSHIP OF (SUSQUEHANNA CO.)	JANUARY 24, 1975	
*422580	TIMBLIN, BORO (JEFFERSON CO.)	JANUARY DECEMBER 27, 1974	
*420316	TROUTVILLE, TWP. BOROUGH OF (CLEARFIELD CO.)	NOVEMBER MAY 09, 1974	
*421448	TULPEHOCKEN, TOWNSHIP OF (BERKS CO.)	JANUARY DECEMBER 29, 1974	
*422850	UNIONDALE, BORO (SUSQUEHANNA CO.)	JANUARY DECEMBER 27, 1974	
*422850	UNIONVILLE, TOWNSHIP OF (FULTON CO.)	DECEMBER DECEMBER 27, 1974	
*422949	UNION, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER DECEMBER 06, 1974	
*421704	UNION, TOWNSHIP OF (HUNTINGDON CO)	JANUARY JANUARY 09, 1976	
*421853A	UNION, TWP (CLEARFIELD CO)	OCTOBER 22, 1976	AND

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
*421118A	UPPER BERN, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974	AND
*421934	UPPER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)	OCTOBER DECEMBER 24, 1974	
*422525	UPPER TURKEYFOOT, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974	
*421734	VANDLING, BOROUGH OF (LACKAWANNA)	FEBRUARY JANUARY 10, 1975	
*422536	VENANGO, TOWNSHIP (BUTLER CO.)	JANUARY 17, 1975	
*421527	W FALLOWFIELD, TWP (CRAWFORD CO)	NOVEMBER DECEMBER 29, 1974	
*422312	WARRINGTON, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 27, 1974	
*422552	WARRINGTON, TOWNSHIP (YORK CO)	JANUARY 17, 1975	
*421706	WARRIORS MARK, TWP (HUNTINGDON CO)	JANUARY 17, 1975	
*422579	WASHINGTON, TOWNSHIP (CLARION CO.)	DECEMBER 06, 1974	
*422267	WASHINGTON, TOWNSHIP OF (WYOMING CO.)	FEBRUARY 07, 1975	
*422948	WASHINGTON, TOWNSHIP OF (LAWRENCE COU)	SEPTEMBER 20, 1974	
*421732	WASHINGTON, TOWNSHIP OF (BERKS CO.)	NOVEMBER DECEMBER 24, 1974	
*421629	WAYNE, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 17, 1975	
*421672	WELLERSBURG, BOROUGH OF (SOMERSET CO.)	DECEMBER 20, 1974	AND
*421780A	WEST ABINGTON, TOWNSHIP OF (LACKAWANNA CO.)	JANUARY JANUARY 24, 1975	
*422507	WEST BRANCH, TWP (LUZERNE CO)	JANUARY 10, 1975	
*422508	WEST BRUNSWICK, TWP (SCHUYLKILL CO)	NOVEMBER DECEMBER 03, 1974	
*422106	WEST BUFFALO, TOWNSHIP OF (UNION CO.)	DECEMBER JANUARY 24, 1975	
*422565	WEST PIKELAND, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER SEPTEMBER 13, 1974	
*421902	WEST KEATING, TOWNSHIP OF (CLINTON CO.)	NOVEMBER JANUARY 24, 1975	
*421723	WEST MAHONING, TWP (INDIANA CO.)	NOVEMBER SEPTEMBER 13, 1974	
*422021	WEST PENNSBORO, TOWNSHIP OF (CUMBERLAND CO.)	NOVEMBER NOVEMBER 12, 1974	
*421731A	WEST PENNSBORO, TOWNSHIP OF (CUMBERLAND CO.)	JULY DECEMBER 29, 1976	AND
*421482A	WHITE, TOWNSHIP OF (CAMBRIA CO.)	APRIL NOVEMBER 29, 1974	
*422256	WOODBURY, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975	
*421355	WOODCOCK, BOROUGH OF (CRAWFORD CO.)	SEPTEMBER 13, 1974	
*422403	WORTH, TWP (MERCER CO.)	JANUARY 24, 1975	
*422492	YORK HAVEN, BOROUGH OF (YORK CO.)	JANUARY MARCH 23, 1979	AND
*420748A		19, 1976	

TOTAL IN THE STATE 282

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SOUTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
*450201	ALLENDALE COUNTY *	NOVEMBER 29, 1974	
*450203	BARNWELL COUNTY *	DECEMBER JULY 20, 1976	
*450204	BETHUNE, TOWN (KERSHAW CO)	JANUARY SEPTEMBER 18, 1974	
*450114	CAMERON, TOWN (CALHOUN CO)	FEBRUARY SEPTEMBER 02, 1976	AND
*450122A	CROSS HILL, TOWN OF (LAURENS CO.)	DECEMBER 29, 1978	
*450040	DARLINGTON COUNTY *	MAY JUNE 17, 1976	AND
*450045A	DILLON, TOWN OF (DILLON CO.)	MAY MARCH 20, 1975	AND
*450079A	EDGEFIELD, TOWN OF (EDGEFIELD CO.)	JULY JUNE 18, 1975	AND
*450022A	EHRHARDT, TOWN OF (BAMBERG CO.)	MAY APRIL 23, 1976	AND
*450010A	FAIRFAX, TOWN OF (ALLENDALE CO.)	JULY OCTOBER 26, 1976	
*450209	FOUNTAIN INN, TOWN (GREENVILLE & LAURENS COS.)	DECEMBER SEPTEMBER 06, 1974	AND
*450132	GILBERT, TOWN OF (LEXINGTON CO.)	APRIL 23, 1976	
*450216	GRAY COURT, TOWN OF (LAURENS CO.)		
*450037A	HOLLYWOOD, TOWN OF (CHARLESTON CO.)		

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SOUTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
*460068	ARTESIAN, CITY OF (SANBORN CO)	JULY DECEMBER 18, 1974	
*460131	BARNEY, CITY (MARSHALL CO)	JUNE 27, 1975	
*460134	BRYANT, TOWN OF (HAMLIN CO.)	JUNE 27, 1975	
*460139	CARTHAGE, TOWN (MINNEHAHA CO)	JUNE 27, 1975	
*460132	CLEAR LAKE, CITY OF (DEUEL CO.)	JUNE 27, 1975	
*460140	CORSICA, CITY (DOUGLAS CO)	JUNE 27, 1975	
*460142	CROOKS, TOWN (MINNEHAHA CO)	JUNE 27, 1975	
*460143	DELL RAPIDS, CITY (MINNEHAHA CO)	JUNE 27, 1975	
*460144	DE SMET, CITY (KINGSBURY CO)	JUNE 27, 1975	
*460145	ELKTON, CITY (BROOKINGS CO)	JUNE 27, 1975	
*460146	ESTELLINE, CITY (HAMLIN CO)	JUNE 27, 1975	
*460147	FAULKTON, CITY (FAULK CO)	JUNE 27, 1975	
*460148	FLANDREAU, CITY (MOODY CO)	JUNE 27, 1975	
*460149	GARRETSON, CITY (MINNEHAHA CO)	JUNE 27, 1975	
*460150	GROTON, CITY (BROWN CO)	JUNE 27, 1975	
*460151	HARRISBURG, CITY (LINCOLN CO)	JUNE 27, 1975	
*460152	HARTFORD, CITY (MINNEHAHA CO)	JUNE 27, 1975	
*460153	HAYTI, CITY (HAMLIN CO)	JUNE 27, 1975	
*460154	HENRY, TOWN (CODINGTON CO)	JUNE 27, 1975	
*460155	HERMOSA, TOWN (CUSTER CO)	JUNE 27, 1975	
*460156	HOT SPRINGS, CITY (FALL RIVER CO)	JUNE 27, 1975	
*460157	HOWARD, CITY (MINER CO)	JUNE 27, 1975	
*460158	HURLEY, CITY (TURNER CO)	JUNE 27, 1975	
*460159	IRENE, TOWN OF (YANKTON CO.)	JUNE 27, 1975	
*460160	KADOKA, CITY (JACKSON CO)	JUNE 27, 1975	
*460161	KIMBALL, CITY (BRULE CO)	JUNE 27, 1975	
*460162	LAKE NORDEN, CITY (HAMLIN CO)	JUNE 27, 1975	
*460163	LEAD, CITY OF (LAWRENCE COU)	JUNE 27, 1975	
*460164	LEMMON, CITY (PERKINS CO)	JUNE 27, 1975	
*460165	LESLIE, CITY (MCPHERSON CO)	JUNE 27, 1975	
*460166	MARTIN, CITY (TURNER CO)	JUNE 27, 1975	
*460175	MCINTOSH, CITY (CORSON CO)	JUNE 27, 1975	
*460200	MILBANK, CITY (GRANT CO)	JUNE 27, 1975	
*460167	MOBRIDGE, CITY (WALWORTH CO)	JUNE 27, 1975	

TOTAL IN THE STATE 69

• UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
*470347	ADAMS, TOWN OF (ROBERTSON CO.)	FEBRUARY 27, 1975	
*470353	ARLINGTON, TOWN OF (SHELBY CO)	NOVEMBER JULY 18, 1975	
*470079	BAILEYTOWN, TOWN OF (GREENE CO.)	SEPTEMBER 03, 1976	
*470077A	BELL BUCKLE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974	
*470220	BELLS, TOWN OF (CROCKETT CO.)	JANUARY 10, 1975	
*470218	BENTON COUNTY	JANUARY 10, 1975	
*470128A	BETHEL SPRINGS, TOWN OF (MCNAIRY CO.)	JUNE 28, 1974	AND
*470295	BIG SANDY, TOWN OF (BENTON CO.)	SEPTEMBER 27, 1974	
*470074	BLUFF CITY, TOWN OF (SULLIVAN CO.)	JULY 27, 1976	AND
*470074A	BRISTOL, TOWN OF (SULLIVAN CO.)	JULY 27, 1976	
*470299	BRUCETON, TOWN (CARROLL CO)	APRIL 23, 1976	
*470297	BULLS GAP, TOWN OF (HAWKINS CO.)	MAY 23, 1975	
*470298	CARTVILLE, TOWN OF (CARROLL CO.)	SEPTEMBER 19, 1975	
*470325A	CHAPEL HILL, TOWN OF (MARSHALL CO.)	SEPT 19, 1975	
*470226	COALMONT, TOWN (GRUNDY CO.)	SEPTEMBER 23, 1976	
*470324	COLLINWOOD, CITY OF (WAYNE CO.)	JUNE 04, 1976	
*470326	CORNERSVILLE, TOWN OF (MARSHALL CO.)	SEPTEMBER 17, 1976	
*470344	DUNBRIDGE, TOWN OF (JEFFERSON CO.)	JUNE 19, 1975	
*470348	DANDRIDGE, TOWN OF (JEFFERSON CO.)	JUNE 19, 1975	
*470348	DECATURVILLE, TOWN OF (DECATUR CO.)	SEPTEMBER DECEMBER 27, 1974	
*470338	DICKSON, CITY OF (DICKSON CO.)	JULY AUGUST 23, 1974	AND
*470338A	DICKSONVILLE, TOWN OF (FENTRESS CO.)	JULY AUGUST 23, 1974	AND
*470064	ELKTON, CITY (GILES CO)	JUNE 28, 1974	
*470271A	ENGLEWOOD, CITY OF (MCMINN CO.)	JULY JULY 03, 1975	AND
*470391	ETHRIDGE, CITY OF (LAWRENCE CO.)	JUNE APRIL 07, 1976	
*470348	FAIRVIEW, CITY OF (WILLIAMSON CO)	SEPTEMBER JUNE 11, 1975	
*470183A	FINGER, TOWN OF (MCNAIRY CO.)	JULY JANUARY 23, 1976	
*470274	FRANKLIN, CITY OF (WILLIAMSON CO.)		
*470271	FRANKLINVILLE, CITY OF (ALLEGHANY CO.)		
*470226	GIBSON, TOWN OF (GIBSON CO.)		

• UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
470190A	SILT EDGE, CITY OF (TIPTON CO.)	SEPTEMBER 13, 1974 AND JULY 02, 1976	
470202	ANDERSON COUNTY *	SEPTEMBER 29, 1978	
470222	BRADDOCK COUNTY (CITY OF (LOUDON CO.)	JANUARY 29, 1976	
470288	HENDERSON COUNTY *	DECEMBER 28, 1973	
470288A	HENDERSON, TOWN (LAUDERDALE CO)	JANUARY 03, 1975	
470302	HOHENWALD, CITY OF (LEWIS CO.)	SEPTEMBER 22, 1978	
470286	HORNSBY, TOWN OF (HARDEMAN CO.)	MARCH 06, 1974	
470101A	IRON CITY, CITY OF (LAWRENCE CO.)	JUNE 25, 1976 AND	
470052	JAMESTOWN, CITY OF (FENTRESS CO)	MARCH 28, 1975	
470224	KENTON, TOWN OF (OBION CO.)	DECEMBER 27, 1974	
470191A	LAWRENCE, CITY OF (LAWRENCE CO.)	JULY MARCH 09, 1976 AND	
470076	LOOKOUT MTN., TOWN (HAMILTON CO)	AUGUST 06, 1976	
470226	LOUDON, CITY OF (LOUDON CO.)	SEPTEMBER 03, 1976	
470050A	LYNNVILLE, TOWN OF (GILES CO.)	JUNE JULY 02, 1976	
470130	MILLERSVILLE, TOWN (MCNAIRY CO)	JULY 02, 1976	
470066	MINOR HILL, CITY (GILES CO)	JULY 02, 1976	
470309	MONTEAGLE, TOWN OF (GRUNDY & MARION COS.)	JANUARY 17, 1975	
470139	MORGAN COUNTY	SEPTEMBER 03, 1976	
470310	MOSHEIM, TOWN OF (GREENE CO.)	JULY MAY 28, 1976	
470311	MOUNT CARMEL, TOWN OF (HAWKINS CO.)	JUNE 11, 1976	
470312	NIOTA, CITY OF (MCMINN CO.)	JULY DECEMBER 22, 1978	
470313	NORRIS, TOWN OF (ANDERSON CO.)	JULY JUNE 27, 1978	
470315	PARROTTSVILLE, TOWN OF (JEFFERSON CO.)	JULY JUNE 14, 1978	
470316	PARSONS, TOWN OF (DECATUR CO.)	SEPTEMBER 23, 1978	
470317	PEGRAM, TOWN OF (CHEATHAM CO.)	DECEMBER 07, 1978 AND	
470234A	PIGEON FORGE, CITY OF (SEVIER CO.)	SEPTEMBER 27, 1974	
470233A	RICHARD CITY, TOWN OF (MARION CO.)	NOVEMBER 07, 1973 AND OCTOBER 15, 1976 JANUARY 03, 1975	
470236	RIVES, CITY OF (OBION CO.) (OBION CO.)	SEPTEMBER 29, 1976 AND	
470230	ROCKFORD, TOWN OF (BLOUNT CO.)	JUNE 29, 1976 AND	
470001A	ROTHERWOOD, TOWN OF (GIBSON CO.)	JUNE 29, 1976 AND	
470063A	SALTILLO, TOWN OF (HARDIN CO.)	NOVEMBER 28, 1978	
470321	SARDIS, TOWN OF (HENDERSON CO.)	JUNE 29, 1976 AND	
470233A	SEVIER, TOWN OF (SEVIER CO.)	SEPTEMBER 29, 1978	
470328	STANTONVILLE, TOWN OF (MCNAIRY CO.)	SEPTEMBER 29, 1978	
470256	STANTON, TOWN (HAYWOOD CO)	MAY 29, 1978	
470100	STANLEY, COUNTY *	NOVEMBER 29, 1978	
470233A	SURGOINSVILLE, CITY OF (HANCOCK CO.)	JUNE 29, 1976	
470260A	TELLICO PLAINS, CITY OF (MONROE CO.)	AUGUST 29, 1978 AND	
470337	TENNESSEE RIDGE, CITY OF (HOUSTON CO.)	JUNE 28, 1976	
470281	TOWNSEND, CITY OF (BLOUNT CO.)	JUNE 18, 1976	
470282A	TRACT CITY, CITY OF (GRUNDY CO.)	MAY 10, 1978 AND	
470329	TUSCULUM, CITY OF (GREENE CO.)	JULY 02, 1976	
470009B	WARTRACE, TOWN OF (BEDFORD CO.)	JULY 02, 1976	
470234A	WATERLOO, CITY OF (MARION CO.)	JUNE APRIL 15, 1975 AND	
470254	YORKVILLE, CITY (GIBSON CO)	FEBRUARY 28, 1978 AND	
	TOTAL IN THE STATE	AUGUST 29, 1978	

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• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
480309A	ADRIAN, CITY (OLDHAM CO) ALVARADO, CITY OF (JOHNSON CO.)	JULY AUGUST 28, 1978 AND	
480894	AMHERST, CITY (LAMB CO)	JANUARY JULY 23, 1978 11, 1978	
480006	ANDREWS, CITY (ANDREWS CO)	AUGUST 27, 1976	
480007	ANGELINA COUNTY *	DECEMBER 27, 1976	
480742	ANNONA, TOWN (RED RIVER CO)	JUNE 11, 1976	
481249	APPLEBY, TOWN (NACOGDOCHES CO)	AUGUST 02, 1978	
480775	ARGYLE, CITY (DENTON CO)	AUGUST JULY 29, 1978	
480940	ASHERTON, CITY (DIMMIT CO)	AUGUST 13, 1976	
481093	ASPERMONT, TOWN (STONEWALL CO)	JUNE 29, 1978	
480776	AUBREY, TOWN (DENTON CO)	MAY AUGUST 23, 1978	
481068	AUSTWELL, CITY (REFUGIO CO)	AUGUST 13, 1976	
480783	AVERY, CITY OF (RED RIVER)	NOVEMBER 08, 1973	
480782	AVINGER, TOWN (CASS CO)	JUNE 11, 1976	
480065A	BAILEYS PRAIRIE, TOWN OF (BRAZORIA CO.)	NOVEMBER 26, 1975	
480722	BAIRD, TOWN (CALLAHAN CO)	AUGUST 22, 1975	
480718	BANGS, TOWN (BROWN CO)	MAY 28, 1976 AND	
481049	BARDWELL, CITY (ELLIS CO)	JULY 26, 1976	
480781	BARRY, CITY (NAVARRO CO)	JULY 29, 1976	
480642	BARSTOW, TOWN (WARD CO.)	JUNE 29, 1978	
480767	BARKSVILLE, TOWN OF (PANOLA CO.)	AUGUST 29, 1978	
480666	BENJAMIN, CITY (KNOX CO)	JUNE 29, 1978	
481027	BIG SANDY, TOWN OF (UPSHUR CO.)	JULY 11, 1978	
481248	BLACKWELL, TOWN (COKE AND MOLAN COS)	AUGUST 11, 1978	
480872	BLOSSOM, TOWN (LAMAR CO)	AUGUST 27, 1976	
481280	BLUM, CITY OF (HILL CO.)	NOVEMBER 29, 1976	
480379A	BOWIE, CITY OF (MONTAGUE CO)	AUGUST DECEMBER 29, 1978 AND	
480398A	BRIAR OAKS, CITY OF (JOHNSON CO.)	MARCH MARCH 29, 1976 AND	
480588	BRIAR, CITY OF (PARKER, TARRANT & RISE COS.)	JUNE JULY 15, 1976	
481097	BROOKSHIRE, TOWN (WALLER CO)	AUGUST JULY 04, 1976	
480877	BRYSON, CITY (JACK CO)	AUGUST DECEMBER 11, 1976	
480749	BUFFALO, CITY (LEON CO)	JUNE MARCH 20, 1978	
480970A	BURTON, CITY OF (WASHINGTON CO.)	JUNE MARCH 10, 1978 AND	
480364A	CACTUS, CITY OF (MOORE CO.)	AUGUST MARCH 29, 1978 AND	
480785	CADDO MILLS, CITY OF (HUNT CO.)	AUGUST JUNE 13, 1978	
481248	CALVERT, CITY (ROBERTSON CO)	AUGUST JUNE 12, 1976	
480322A	CAMERON, CITY OF (MILLS CO.)	JULY JUNE 27, 1978 AND	
480705	CENTERVILLE, CITY (LEON CO)	AUGUST JULY 29, 1978	
480708	CHANDLER, CITY (SMITH CO)	AUGUST 04, 1978	
481142	CHANNELVIEW, CITY (HARRIS CO)	AUGUST JULY 15, 1978	
481582	CHILDRESS, CITY OF (CHILDRESS CO.)	AUGUST JULY 12, 1978	
480762	CHINA GROVE, CITY (BEXAR CO)	ACCIL JULY 29, 1978	
480763	CHRISTINE, CITY (ATASCOSA CO)	JUNE JULY 11, 1976	
480200	CLARENDON, CITY (DONLEY CO)	AUGUST JUNE 12, 1976	
480639	CLARKSVILLE, CITY OF (RED RIVER CO.)	AUGUST JUNE 13, 1978	
481678	CLAUDE, CITY (ARMSTRONG CO)	DECEMBER JUNE 07, 1973 AND	
480169A	COCKRELL HILL, CITY OF (DALLAS CO.)	OCTOBER 26, 1973	
480144	COLORADO COUNTY *	MAY MAY 10, 1976 AND	
480104A	COMBES, TOWN OF (CAMERON CO.)	JULY AUGUST 21, 1976 AND	
480098	COMBINE, CITY (DALLAS CO.)	JANUARY 22, 1976	
480699	COMO, TOWN (HOPKINS CO)	JUNE JANUARY 04, 1974 AND	
480791A	CONROE, CITY OF (MONTGOMERY CO.)	SEPTEMBER 28, 1976 AND	
480827A	CORRIGAN, CITY OF (POLK CO.)	APRIL MARCH 22, 1974 AND	
480909A	CRANDALL, CITY OF (KAUFMAN CO.)	AUGUST 21, 1978	
480723	CROSS PLAINS, TOWN (CALLAHAN CO)	AUGUST JULY 29, 1976	
480871	CUMBY, CITY (HOPKINS CO)	AUGUST 11, 1978	
481101	DALBERTH, TOWN (LIBERTY CO)	AUGUST 06, 1976	
481013	DALWORTH, GRDNS TRN (TARRANT CO)		

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
480767	DICKENS, CITY (DICKENS CO)	AUGUST 06, 1976	
480733	DOUGLASSVILLE, TOWN (CASS CO)	AUGUST 13, 1976	
480068A	EARLY, CITY OF (BROWN CO.)	MAY 17, 1974 AND	
480896	EARTH, CITY (LAMB CO)	JANUARY 30, 1978	
481195	EASTON, VILLAGE (GREGG AND RUSK COS)	MAY 02, 1978	
480609	ECTOR, TOWN (FANNIN CO)	JULY 11, 1978	
480743	EDEN, VILLAGE (CONCHO CO)	JULY 11, 1978	
480635A	EDGEWOOD, CITY OF (VAN ZANDT CO.)	MAY 02, 1978	
481196	EDOM, CITY (VAN ZANDT CO)	JUNE 14, 1979 AND	
481598	ELDORADO, TOWN (SCHLEICHER CO)	APRIL 02, 1976	
480710	ELMENDORF, CITY (BEXAR CO.)	AUGUST 13, 1976	
480277	EMORY, TOWN (RAINS CO)	JUNE 11, 1976	
480267A	ENNIS, CITY OF (ELLIS CO.)	AUGUST 08, 1978	
480277	ESTELLINE, CITY OF (HALL CO.)	JUNE 28, 1974 AND	
480327	EUSTACE, CITY (HENDERSON CO)	DECEMBER NOVEMBER 10, 1974	
480623	FAIRFIELD, TOWN (FREESTONE CO)	JUNE 13, 1976	
481182	FAIRVIEW, TOWN (FAYETTE CO)	AUGUST 13, 1976	
481102	FLATONIA, TOWN (FAYETTE CO)	AUGUST 06, 1976	
480226A	FLOYDADA, CITY OF (FLOYD CO.)	JULY 30, 1976	
480888	FORT BEND COUNTY *	MAY 31, 1979 AND	
480660	FRANKLIN, TOWN (ROBERTSON CO)	JANUARY 09, 1976	
480892A	FRIONA, CITY OF (CASTRO, PARMER & MOORE COS.)	JULY 29, 1976	
481041	FRITCH, CITY (HUTCHINSON CO)	JULY 12, 1976	
480674	GANADO, TOWN (MATAGORDA CO)	JULY 12, 1976	
480935A	GIDDINGS, CITY (LEE CO.)	JUNE JANUARY 28, 1976 AND	
480574A	GLEN ROSE, CITY (SOMERVELL CO)	AUGUST FEBRUARY 22, 1979 AND 04, 1976	
480680	GODLEY, TOWN (JOHNSON CO)	AUGUST 12, 1976	
480426	GOLIAD, CITY (GOLIAD CO)	JULY 12, 1976	
480367	GRAFORD, TOWN (PALO PINTO CO.)	JULY 04, 1976	
480367	GRAHAM, CITY (YOUNG CO)	JULY 04, 1976	
481096	GRANGER, CITY OF (WILLIAMSON COU)	FEBRUARY 07, 1978	
480328	GUN BARREL CITY, CITY OF (HENDERSON CO.)	NOVEMBER 08, 1979	
480832	GUNTER, TOWN (GRAYSON CO)	JULY 11, 1978	
480183A	GUSTINE, TOWN OF (COMANCHE CO.)	AUGUST MARCH 02, 1979 AND 19, 1976	
480879	HARWOOD, CITY (HARRISON CO) (HALL & GUTHRIE)	APRIL FEBRUARY 29, 1978	
480828	HASKELL, CITY OF (HASKELL CO)	NOVEMBER 07, 1978	
481528	HEDLEY, TOWN OF (DONLEY CO)	JULY 28, 1978	
480928	HICKORY CREEK, TOWN OF (DENTON CO.)	NOVEMBER 28, 1978	
480938	HOLLIDAY, CITY (ARCHER CO)	AUGUST 19, 1978	
480673	HUNTINGTON, CITY (ANGELINA CO)	FEBRUARY 09, 1978	
480691	IRAAN, TOWN (PECOS CO)	JULY 28, 1978	
480922	JEWETT, TOWN OF (LEON CO)	NOVEMBER 26, 1978	
480883	JOHNSON CITY, CITY (BLANCO CO)	AUGUST 23, 1978	
481402	KERMIT, CITY OF (WINKLER CO)	JULY 25, 1978	
480479A	KERMIT, CITY OF (WINKLER CO)	MAY JULY 25, 1978 AND	
480480A	KNOX CITY, CITY (KNOX CO)	AUGUST JULY 25, 1978 AND	
481482	KOSSE, TOWN (LIMESTONE CO)	JUNE 14, 1976	
480646	KOUNTZE, CITY (HARDIN CO)	FEBRUARY 04, 1978 AND	
481032	KYLE, CITY (HAYS CO)	FEBRUARY 07, 1978	
480032A	LACOSTE, CITY OF (MEDINA CO.)	SEPTEMBER 28, 1978	
480811	LADONIA, TOWN (FANNIN CO)		
480278	LAKE DALLAS, TOWN (DENTON CO)		

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
480569	LINDALE, CITY OF (SMITH CO.)	MARCH JANUARY 22, 1975 AND 23, 1976	
480735	LINDEN, TOWN (CASS CO)	JULY 29, 1976	
481182	LITTLE ELM, TOWN (DENTON CO)	AUGUST 13, 1976	
480618	LOCKHART, TOWN (CALDWELL CO)	JULY 02, 1976	
480944	LONE STAR, TOWN (MORRIS CO)	AUGUST 06, 1976	
481140	LORAINE, TOWN OF (MITCHELL CO.)	JUNE 27, 1978	
480802	LOTT, CITY (FALLS CO)	JULY 06, 1978	
480944	LUEDERS, CITY (JONES CO)	AUGUST 13, 1976	
480881	MALONE, TOWN (HILL CO)	JULY 06, 1976	
480723	MARIETTA, TOWN (CASS CO)	JUNE 25, 1976	
480240	MARION, CITY OF (GUADALUPE CO.)	JANUARY 29, 1976	
480929	MART, CITY (MCLENNAN CO)	AUGUST 13, 1976	
481200	MAYPEARL, CITY OF (ELLIS CO.)	NOVEMBER 13, 1976	
480546	MCLENDON-CHISHOLM, CITY (ROCKWALL CO.)	SEPTEMBER 26, 1975	
481120	MEADOW, TOWN (TERRY CO)	AUGUST 22, 1975	
480700	MEGARGEL, TOWN (ARCHER CO.)	AUGUST 22, 1978	
481514	MERKEL, CITY (TAYLOR CO)	MAY 02, 1975	
480376A	MERTON, CITY OF (LIMON CO.)	JULY 24, 1975 AND	
480801	MIDLOTHIAN, CITY (ELLIS CO)	FEBRUARY 06, 1978	
480722	MILFORD, CITY (RUNNELS CO)	AUGUST 18, 1978	
480479A	MINEOLA, CITY OF (WOOD CO.)	MAY JUNE 02, 1975 AND	
480518	MINGUS, CITY (PALO PINTO CO)	MAY 09, 1975	
480435	MITCHELL COUNTY *	APRIL 29, 1976	
480699	MONAHANS, CITY (WARD CO)	JUNE 11, 1976	
480930	MOODY, TOWN (MCLENNAN CO)	JULY 04, 1976	
480933A	MOULTON, TOWN OF (LAVACA CO.)	APRIL MARCH 08, 1975 AND	
480782	MUENSTER, CITY (COOKE CO)	JULY 29, 1978	
481040	MURCHISON, CITY (HENDERSON CO)	JUNE NOVEMBER 06, 1978	
480622A	NEW DEAL, CITY OF (LUBBOCK CO)	JUNE 29, 1976 AND	
481184	NORDHEIM, CITY (DE WITT CO)	JUNE 28, 1978	
480783	NOVICE, CITY (COLEMAN CO)	JULY 29, 1976	
480437A	OAKWOOD, TOWN OF (LEON CO.)	MAY MAY 29, 1976 AND	
480206A	ODESSA, CITY OF (ECTOR CO.)	JUNE FEBRUARY 29, 1976	
480595	OVERTON, CITY OF (SMITH CO.)	FEBRUARY 29, 1976	
480682	OZONA, CITY OF (CROCKETT CO.)	DECEMBER 27, 1978	
480981	O'DONNELL, CITY OF (LYNN & DAWSON COS.)	AUGUST 27, 1976	
480771	PADUCAH, CITY OF (COTTLE CO.)	JUNE 27, 1978	
480764	PAINT ROCK, TOWN (CONCHO CO)	AUGUST 13, 1976	
480897	PALMER, CITY (ELLIS CO)	AUGUST JUNE 12, 1976	
480927	PARKDALE, TOWN (JASPER CO)	AUGUST 12, 1978	
480791	PATTON VILLAGE, (MONTGOMERY CO)	AUGUST 28, 1978	
480844	PECAN GAP, CITY (DELTA CO.)	FEBRUARY 23, 1978	
480112A	PERRYTON, CITY OF (OCHILTREE CO.)	AUGUST 29, 1978 AND	
481174	PRIMERA, TOWN (CAMERON CO)	JUNE 21, 1974 AND	
480141A	PROSPER, TOWN OF (COLLIN CO.)	AUGUST 19, 1978	
480724	PUTNAM, TOWN (CALLAHAN CO)	AUGUST 13, 1976	
480695A	PYOTE, CITY OF (WARD CO.)	AUGUST 13, 1976	
481117	QUEEN CITY, TOWN (CASS CO)	MAY APRIL 17, 1975 AND 25, 1976	
480205A	RANGER, CITY OF (EASTLAND CO.)	MAY MARCH 19, 1975 AND	
480628A	RANKIN, CITY OF (UPTON CO.)	MAY MARCH 19, 1975 AND	
481254	RENO, CITY OF (LAMAR CO.)	AUGUST 13, 1976	
481156	RETREAT, TOWN (NAVARRO CO)	JULY 29, 1976	
480732	RICE, CITY (NAVARRO CO)	SEPTEMBER 30, 1975	
480602A	RICHLAND SPRINGS, CITY OF (SAN SABA CO.)	NOVEMBER MARCH 06, 1974 AND	
480958	RICHLAND, TOWN (NAVARRO CO)	JULY 29, 1976	

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480248	ROBERT LEE, CITY OF (COKE CO.)	SEPTEMBER 29, 1978
480228A	ROCK SPRINGS, TOWN OF (EDWARDS CO.)	JULY 15, 1977
480227	ROSCOE, TOWN OF (NOLAN CO.)	JULY 15, 1978
481258	SUNRAY, TOWN (MOORE CO.)	SEPTEMBER 25, 1975
480469A	SWEETWATER, CITY OF (NOLAN CO.)	JULY OCTOBER 22, 1976 AND
480876	SANFORD, TOWN (HUTCHINSON CO)	JUNE AUGUST 19, 1978
480474A	SANTA ANNA, CITY OF (COLEMAN CO.)	MAY JUNE 22, 1978 AND
481134	SCHULENBURG, CITY (FAYETTE CO)	JUNE JULY 28, 1978
481136	SHINER, TOWN (LAVACA CO)	JUNE 11, 1976
480467	SNYDER, TOWN (SCURRY CO)	AUGUST SEPTEMBER 13, 1978
481163	SOUTHMAYD, TOWN (GRAYSON CO)	
480468A	SPLENDORA, CITY OF (MONTGOMERY CO•)	AUGUST MARCH 30, 1976 AND 08, 1976
480473A	STOCKDALE, CITY OF (WILSON CO.)	MAY OCTOBER 21, 1976 AND 18, 1976
480385	STRAWN, CITY (PALO PINTO CO)	JULY 15, 1976
480476	TALCO, TOWN (DELTA CO)	
480995	TATUM, CITY (RUSK CO)	JULY 11, 1975
481150	TENEHA, TOWN (SHELBY CO)	JULY 30, 1976
480934	THORNDALE, TOWN (MILAM CO)	AUGUST 13, 1976
480474	THORNTONVILLE, CITY (WARD CO)	AUGUST 12, 1976
480469	TOLAR, TOWN (HOOD CO)	JULY 15, 1976
480315	TOMBALL, CITY (HARRIS CO)	JANUARY 20, 1978
480014	TRENTON, TOWN (FANNIN CO)	AUGUST 15, 1976
481330	TRENT, TOWN (TAYLOR CO)	JULY 23, 1976
481033	TRINITY, CITY (TRINITY CO)	AUGUST 13, 1976
481017	TUSCOLA, TOWN (TAYLOR CO)	AUGUST 27, 1976
481018	TYE, CITY (TAYLOR CO)	JULY 27, 1976
480663A	VERNON, CITY OF (WILBARGER CO.)	MAY JANUARY 12, 1978 AND
480970	WARREN CITY, CITY OF (GREGG AND UPSHUR COS.)	AUGUST JULY 17, 1978
480971	WELLS, TOWN (CHEROKEE CO)	JULY AUGUST 02, 1976
480731	WEST, CITY (MCLENNAN CO)	JULY AUGUST 02, 1976
480452	WHARTON COUNTY •	
480729	WHITE DEER, TOWN (CARSON CO)	JULY AUGUST 02, 1976
480841	WHITE OAK, TOWN (GREGG CO)	
480628	WHITESBORO, TOWN OF (GRAYSON CO.)	JULY JULY 11, 1975 02, 1976
480845	WHITNEY, TOWN (HILL CO)	
480932	WILLIS, CITY (MONTGOMERY CO)	JULY JULY 02, 1976 12, 1976
480922	WILSON, TOWN (LYNN CO)	
480675A	WINK, CITY OF (WINKLER CO.)	JUNE AUGUST 28, 1976 AND 13, 1976
480873A	WINONA, CITY OF (SMITH CO.)	NOVEMBER JANUARY 21, 1976 AND 31, 1976
480787	WOODBRANCH, TOWN (MONTGOMERY CO)	JULY JULY 02, 1976
481056	WOODVILLE, TOWN (TYLER CO)	
481167	YANTIS, TOWN (HOOD CO)	JULY MAY 09, 1976 AND
480434A	YOAKUM, CITY OF (LAVACA CO.)	10, 1976 AND
480887	ZAPATO COUNTY •	OCTOBER AUGUST 19, 1976

TOTAL IN THE STATE 240

• UNINCORPORATED AREAS ONLY

WYOMING

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
560091A	CHUGWATER, TOWN OF (PLATTE CO.)	DECEMBER NOVEMBER 13, 1978 AND
560092A	GUERNSEY, TOWN OF (PLATTE CO.)	SEPTEMBER JANUARY 13, 1978 AND
560026A	EAST THERMOPOLIS, TOWN OF (HOT SPRINGS CO.)	AUGUST DECEMBER 27, 1978 AND
560062	GLENDO, TOWN (PLATTE CO)	FEBRUARY 09, 1978
560005A	GRETBULL, TOWN (BIG HORN CO)	JUNE AUGUST 21, 1978
560063	MANVEL, TOWN (CARBON CO)	
560026	KATCEE, TOWN OF (JOHNSON CO•)	NOVEMBER MARCH 22, 1978 AND
560036A	KEMMERER, TOWN OF (LINCOLN CO.)	24, 1978 AND
560064	LINGLE, TOWN (GOSHEN CO)	DECEMBER AUGUST 12, 1978
560075	LYMAN, TOWN (UINTA CO)	SEPTEMBER JUNE 12, 1978
560066	MEDICINE BOW, TOWN (CARBON CO)	
560096A	RANCHESTER, TOWN OF (SHERIDAN CO.)	SEPTEMBER MARCH 06, 1978 AND 12, 1978
560021A	RIVERTON, CITY OF (FREMONT CO.)	MARCH AUGUST 24, 1978 AND
560063	SODA BUTTE, CITY OF (ALBANY COU)	FEBRUARY AUGUST 07, 1978
560078	SUNDANCE, TOWN (CROOK CO)	
560065	TAR SLEEP, TOWN OF (WASHAKIE CO•)	JULY DECEMBER 25, 1978
560079	UPTON, TOWN (WESTON CO)	JUNE DECEMBER 28, 1978
560029	YODER, TOWN OF (GOSHEN CO.)	

TOTAL IN THE STATE 20

• UNINCORPORATED AREAS ONLY

UTAH

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
490004	ANTIMONY, TOWN (GARFIELD CO)	APRIL SEPTEMBER 08, 1978
490194	BEAR RIVER, CITY (BOX ELDER CO)	
490002	BEAVER, CITY OF (BEAVER CO.)	JUNE AUGUST 01, 1978 AND
490029A	CIRCLEVILLE, TOWN OF (PIUTE CO•)	
490197	CORINNE, CITY (BOX ELDER CO)	JUNE 11, 1978
490015	CORNISH, TOWN (CACHE CO)	APRIL JANUARY 03, 1978
490007	ELWOOD, TOWN (BOX ELDER CO)	
490189A	ENTERPRISE, CITY OF (WASHINGTON CO.)	AUGUST 01, 1978
490189	FIELDING, TOWN (BOX ELDER CO)	
490114	FOUNTAIN GREEN, TOWN (SANPETE CO)	APRIL JULY 03, 1978
490199	FRANCIS, TOWN (SUMMIT CO)	28, 1978
490139	GENOLA, TOWN OF (UTAH COU)	FEBRUARY APRIL 02, 1978
490024	GLENDALE, TOWN (KANE CO)	
490166	GUSHEN, TOWN OF (UTAH COU)	FEBRUARY JUNE 02, 1978
490191	HILLDALE, TOWN (WASHINGTON CO)	
490188A	HUNTSVILLE, TOWN OF (WEBER CO.)	JUNE APRIL 01, 1978
490186	KANOSH, TOWN (MILLARD CO)	
490175	LEEDS, TOWN (WASHINGTON CO)	APRIL DECEMBER 03, 1978
490185	LOA, TOWN OF (WAYNE CO.)	
490202	MANILA, TOWN (DAGGETT CO)	SEPTEMBER MAY 18, 1978
490117	MAYFIELD, TOWN (SANPETE CO)	
490089	MEADOW, TOWN (MILLARD CO)	JUNE APRIL 02, 1978
490056	MYTON, TOWN (DUCHESNE CO)	
490203	PLYMOUTH, TOWN (BOX ELDER CO)	AUGUST AUGUST 22, 1978 14, 1978
490160A	RANDOLPH, TOWN OF (RICH CO.)	
490160	TOQUERVILLE, TOWN (WASHINGTON CO)	JUNE APRIL 25, 1978 23, 1978
490220	TREMONTON, CITY (BOX ELDER CO)	
490030	TRENTON, TOWN (CACHE CO)	JUNE FEBRUARY 27, 1978 14, 1978
490147	UINTAH COUNTY •	
490190	VERNON, TOWN (TOOELE CO)	JUNE JULY 05, 1978
490128	WALLSBURG, TOWN (WASATCH CO)	

TOTAL IN THE STATE 31

• UNINCORPORATED AREAS ONLY

VERMONT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500279	ATHENS, TOWN OF (WINDHAM CO.)	DECEMBER 02, 1978
500237	BELLTIDERE, TOWN OF (FRANKLIN CO.)	
500236A	BROOKFIELD, TOWN OF (ORANGE CO.)	DECEMBER OCTOBER 13, 1978 AND 18, 1976
500245A	BROWNINGTON, TOWN OF (ORLEANS CO.)	DECEMBER NOVEMBER 13, 1978 AND 08, 1978
500167A	CABOT, VILLAGE OF (WASHINGTON CO.)	SEPTEMBER AUGUST 08, 1978 AND
500169A	CHARLESTON, TOWN OF (ORLEANS CO.)	
500185	DANVILLE, TOWN (CALEDONIA CO)	NOVEMBER 19, 1978
500249	DERBY CENTER, VILLAGE OF (ORLEANS CO)	MARCH 28, 1978
500229	EDEN, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1978
500318	ELMORE, TOWN (LAMOILLE CO)	APRIL 11, 1975
500253	ENOSBURG, TOWN OF (FRANKLIN CO.)	AUGUST 02, 1978 AND
500169A	ESSEX JCT., VILLAGE OF (CHITTENDEN CO.)	
500210	FERDINAND, TOWN OF (ESSEX CO.)	JULY SEPTEMBER 19, 1978
500239	GLOVER, TOWN OF (ORLEANS CO.)	DECEMBER 02, 1978 AND
500124A	GRAFTON, TOWN OF (WINDHAM CO.)	
500311	GRANBY, TOWN OF (ESSEX CO.)	DECEMBER 03, 1978
500003	GRANVILLE, TOWN OF (ADDISON CO.)	JANUARY 23, 1979
500187A	HANDLICK, VILLAGE OF (CALEDONIA CO.)	DECEMBER 20, 1978 AND
500313A	HUBBARDTON, TOWN OF (RUTLAND CO•)	DECEMBER 13, 1978 AND
500252A	IRASBURG, TOWN OF (ORLEANS CO.)	DECEMBER 18, 1978 AND
500253A	JAY, TOWN OF (ORLEANS CO•)	DECEMBER 13, 1978 AND
500188	KIRBY, TOWN OF (CALEDONIA CO•)	NOVEMBER 03, 1978
500C48A	LUNENBURG, TOWN OF (ESSEX CO•)	JUNE FEBRUARY 28, 1979 AND
500013	MARSHFIELD, VILLAGE OF (WASHINGTON CO.)	SEPTEMBER 28, 1978
500162	MORETOWN, TOWN OF (ADDISON CO)	JANUARY 27, 1978
500242	MORGAN, TOWN OF (ORLEANS CO•)	JANUARY 18, 1978
500242	NEWPORT, VILLAGE OF (ORLEANS CO)	JANUARY 18, 1978
500170	NEWARK, TOWN (CALEDONIA CO•)	JANUARY 03, 1978
500250A	NEWPORT, TOWN OF (ORLEANS CO•)	NOVEMBER 04, 1978 AND
500180	NORTH BENNINGTON, VILLAGE OF (BENNINGTON CO)	FEBRUARY 21, 1978
500314	NORTON, TOWN OF (ESSEX CO)	
500183	PERU, TOWN (BENNINGTON CO)	JANUARY JANUARY 19, 1978
500184	PEVANLEY, TOWN OF (BENNINGTON CO.)	
500187	SEARSBURG, TOWN OF (BENNINGTON CO•)	NOVEMBER NOVEMBER 28, 1978
500249	SEARSBURG, TOWN OF (WINDHAM CO.)	
500224	STANNARD, TOWN (WINDSOR CO.)	JANUARY 31, 1978
500317	SUDBURY, TOWN (RUTLAND)	JANUARY 31, 1978
500198A	SUTTON, TOWN OF (CALEDONIA CO.)	DECEMBER SEPTEMBER 12, 1978 AND
500270	TOWNSHEND, VILLAGE OF (WINDHAM CO.)	DECEMBER 28, 1978
500272	VERSHIRE, TOWN OF (ORANGE CO•)	JANUARY 13, 1978
500316	VICTORY, TOWN OF (ESSEX CO)	
500177A	WASHINGTON, TOWN OF (ORANGE CO)	JUNE FEBRUARY 28, 1978 AND 20, 1978
500233A	WATERVILLE, TOWN OF (LAMOILLE CO.)	DECEMBER SEPTEMBER 20, 1978 AND 19, 1978
500078	WELLS RIVER, VILLAGE OF (ORANGE CO.)	AUGUST JANUARY 09, 1978
500297	WEST HAVEN, TOWN (RUTLAND CO)	03, 1978
500287A	WESTFIELD, TOWN OF (ORLEANS CO.)	SEPTEMBER DECEMBER 24, 1978 AND
500203	WESTFORD, TOWN (CHITTENDEN CO)	JANUARY DECEMBER 28, 1978
500196	WESTMINSTER, VILLAGE OF (WINDHAM CO.)	
500311A	WESTMORE, TOWN (ORLEANS CO)	JANUARY DECEMBER 27, 1978 AND
500206	WHEELOCK, TOWN OF (CALEDONIA CO•)	NOVEMBER 15, 1979

TOTAL IN THE STATE 84

• UNINCORPORATED AREAS ONLY

VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
510242A	BELLE HAVEN, TOWN OF (ACCOMACK CO•)	NOVEMBER DECEMBER 16, 1978 AND
510002A	CHINCOTEAGUE, TOWN OF (ACCOMACK CO.)	AUGUST AUGUST 24, 1978 AND
510242A	HALLWOOD, TOWN OF (ACCOMACK CO.)	
510121A	HAYMARKET, TOWN OF (PRINCE WILLIAM CO•)	AUGUST AUGUST 28, 1978
510316A	HILLSBORO, TOWN (LOUDON CO)	APRIL SEPTEMBER 03, 1978 AND 17, 1978 AND
510309	LUNENBURG COUNTY •	JULY 25, 1975
510322A	MARSELLVILLE, TOWN OF (SCOTT CO•)	JULY JUNE 28, 1978
510168A	NORTON, CITY OF (LINBE. CITY)	MAY 31, 1979
510322	ROYKINS, TOWN OF (SOUTHAMPTON CO.)	

TOTAL IN THE STATE 9

• UNINCORPORATED AREAS ONLY

WASHINGTON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
530107	ALMIRA, TOWN OF (LINCOLN CO•)	DECEMBER APRIL 06, 1978
530278	CATHLAMET, TOWN (WAHKIAKUM CO)	02, 1976
530286A	CONNELL, TOWN (FRANKLIN CO)	JULY NOVEMBER 11, 1978 AND
530106A	CRESTON, TOWN OF (LINCOLN CO.)	DECEMBER APRIL 20, 1978 AND 02, 1976
530282	DUVALL, TOWN (KING CO)	AUGUST AUGUST 29, 1978
530242	ELTOPIA CITY, TOWN (OKANOGAN CO)	
530150A	FRIDAY HARBOR, TOWN OF (SAN JUAN CO•)	NOVEMBER DECEMBER 13, 1978
530110	MARYSTON, TOWN OF (LINCOLN CO.)	
530179	GRANDVIEW, CITY OF (YAKIMA CO.)	DECEMBER 01, 1978
530289	HARRAH, TOWN (YAKIMA CO)	JULY JULY 20, 1978
530267	NORTHPORT, TOWN (STEVENS CO)	
530250A	PRESCOTT, TOWN (WALLA WALLA CO)	JULY MARCH 04, 1979 AND
530243A	READLEA, TOWN (SKAGIT CO.)	JANUARY JANUARY 09, 1978 AND
530039	ROCK ISLAND, TOWN (DOUGLAS CO)	JANUARY 20, 1978
530322	SPRINGDALE, TOWN (STEVENS CO)	JULY MAY 01, 1978
530521	STARBUCK, CITY (COLUMBIA CO)	JANUARY JANUARY 03, 1978
530276A	STEVENSON, TOWN (SKAMANIA CO)	
530245	TIETON, TOWN (YAKIMA CO)	JULY SEPTEMBER 01, 1978
530308	WOODWAY, TOWN (SNOHOMISH CO)	SEPTEMBER JULY 07, 1978
530289	YAZOO, TOWN (CLARK CO)	

TOTAL IN THE STATE 24

• UNINCORPORATED AREAS ONLY

WEST VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
540581	MARSH COUNTY •	APRIL SEPTEMBER 05, 1978
540254	KINGWOOD, CITY OF (PRESTON CO.)	
540173	KNOBELLY, TOWN (RALEIGH CO)	APRIL APRIL 21, 1978
540183	ROANE COUNTY •	

TOTAL IN THE STATE 4

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WISCONSIN	
550224A	BEAR CREEK, VILLAGE OF (OUTAGAMIE CO.)	NOVEMBER 28, 1975
550224A	BELL CENTER, VILLAGE OF (CRAWFORD CO.)	JANUARY 24, 1975
550092A	BIG FALLS, VILLAGE OF (WAUPACA CO.)	AUGUST 30, 1974
550174A	BUSCOBEL, CITY OF (GRANT CO.)	DECEMBER 17, 1973
550161A	BROWNTOWN, VILLAGE OF (GREEN CO.)	JANUARY 09, 1974 AND JUNE 04, 1976
550218A	CABLE, VILLAGE OF (BAYFIELD CO.)	AUGUST 30, 1974 AND NOVEMBER 21, 1975
550211A	CAMERON, VILLAGE OF (BARRON CO.)	DECEMBER 28, 1973 AND
550358A	CAZENOVIA, VILLAGE OF (RICHLAND CO.)	MAY 15, 1974 AND AUGUST
550371A	CONRATH, VILLAGE OF (RUSK CO.)	OCTOBER 30, 1975 AND AUGUST 30, 1974 AND
550049A	DESOTO, VILLAGE (CRAWFORD CO)	MARCH 08, 1974 AND MAY 28, 1976
550401A	EAGLE RIVER, CITY OF (VILAS CO.)	AUGUST 23, 1974 AND
550417A	ELAND, VILLAGE OF (SHAWANO CO.)	MARCH 19, 1976
550249A	ELDERON, VILLAGE OF (MARATHON CO.)	JULY 19, 1974 AND JULY 30, 1976
550127A	FAIRCHILD, VILLAGE OF (EAU CLAIRE CO.)	MAY 31, 1974 AND JUNE 04, 1976
550250A	FENWOOD, VILLAGE OF (MARATHON CO.)	AUGUST 02, 1974 AND MAY 14, 1976
550116A	FORESTVILLE, VILLAGE OF (DOOR CO.)	NOVEMBER 30, 1973
550347	FORTVILLE, VILLAGE OF (ROCK CO.)	MAY 31, 1974
550248A	FRANCIS CREEK, VILLAGE OF (MANITOWOC CO.)	MAY 17, 1974
550372	GLEN FLORA, VILLAGE OF (RUSK CO.)	NOVEMBER 08, 1974
550126A	GRANTON, VILLAGE OF (CLARK CO.)	AUGUST 23, 1974 AND
550202A	HUSTLER, VILLAGE OF (JUNEAU CO.)	AUGUST 23, 1974 AND
550379A	INGRAM, VILLAGE OF (RUSK CO.)	MAY 10, 1974 SEPTEMBER 02, 1974
550105	IRON RIDGE, VILLAGE (DODGE CO)	JULY 22, 1974
550393A	IRONTON, VILLAGE OF (SAUK CO.)	AUGUST 12, 1974
550396A	LIME RIDGE, VILLAGE OF (SAUK CO.)	AUGUST 23, 1974 AND APRIL 23, 1976
550102A	LOWELL, VILLAGE OF (DODGE CO.)	MAY 10, 1974
550434A	LUBLIN, VILLAGE OF (TAYLOR CO.)	SEPTEMBER 26, 1974
550217A	MARQUETTE, VILLAGE OF (GREEN LAKE CO.)	DECEMBER 28, 1973
550419A	MATTOON, VILLAGE OF (SHAWANO CO.)	AUGUST 30, 1974
550288A	MELVINA, VILLAGE OF (MONROE CO.)	AUGUST 30, 1974 AND MAY 28, 1976
550152A	MOUNT HOPE, VILLAGE OF (GRANT CO.)	AUGUST 30, 1974 AND MAY 14, 1976
550208A	NECEDAH, VILLAGE OF (JUNEAU CO.)	JANUARY 09, 1974 AND MAY 28, 1976
550049A	NEW AUBURN, CITY OF (CHIPPEWA CO.)	JULY 19, 1974 AND AUGUST 13, 1976
550350A	NORTH BAY, VILLAGE OF (RACINE CO.)	SEPTEMBER 06, 1974 AND SEPTEMBER 10, 1976
550060A	OGDENSBURG, VILLAGE OF (WAUPACA CO.)	AUGUST 23, 1974 AND MAY 28, 1976
550113A	OLIVER, VILLAGE OF (DOUGLAS CO.)	AUGUST 30, 1974 AND JUNE 18, 1976
550057A	ONTARIO, VILLAGE OF (VERNON CO.)	JANUARY 09, 1974
550427A	OOSTBURG, VILLAGE OF (SHEBOYGAN CO.)	JUNE 28, 1974 AND JUNE 04, 1976
550155A	POTOSI, VILLAGE OF (GRANT CO.)	DECEMBER 28, 1973
550401A	PRAIRIE DU SAC, VILLAGE OF (SAUK CO.)	DECEMBER 07, 1973
550456A	MEADSTORN, VILLAGE OF (VERNON CO.)	DECEMBER 07, 1973 AND APRIL 16, 1976
550506A	REDGRANITE, VILLAGE OF (WAUSHARA CO.)	MAY 17, 1974 AND MAY 28, 1976
550232	ROCKLAND, VILLAGE OF (LA CROSSE CO)	JULY 11, 1975
550234A	SHOLLENBURG, CITY OF (LAFAYETTE CO.)	MAY 13, 1974 AND
550231A	SOUTH RAYNE, VILLAGE OF (LAFAYETTE CO.)	MAY 27, 1975 DECEMBER 07, 1973 AND
550346	STANTON, TOWN OF (ST. CROIX CO.)	MAY 28, 1974 NOVEMBER
550347A	STAR PRAIRIE, VILLAGE OF (ST. CROIX CO.)	DECEMBER 28, 1973 AND MAY 28, 1976
550252A	STUNTEVANT, VILLAGE OF (RACINE CO.)	MAY 31, 1974
550402	TROY, VILLAGE OF (SAUK CO.) (SAUK CO.)	DECEMBER 06, 1974

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WISCONSIN	
550227A	UNITY, CITY OF (CLARK CO.)	NOVEMBER 28, 1975
550202A	VILLAGE OF (JUNEAU CO.)	SEPTEMBER 26, 1974
550519A	VESPER, VILLAGE OF (WOOD CO.)	AUGUST 02, 1974 AND JUNE 04, 1976
550507A	WILD ROSE, VILLAGE OF (WAUSHARA CO.)	MAY 31, 1974 AND JUNE 04, 1976
550156A	WOODMAN, VILLAGE OF (GRANT CO.)	JANUARY 16, 1974 AND AUGUST 06, 1976

TOTAL IN THE STATE 54

National Total 3,199

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804 November 28, 1968); as amended, 42 U.S.C. 4001–4128; and Secretary's Delegation of Authority to Federal Insurance Administrator, 34 FR 2680, February 28, 1969, as amended 39 FR 2787, January 24, 1974.)

Issued: April 11, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-11086 Filed 4-18-77;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1977)

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federal register

WEDNESDAY, APRIL 20, 1977

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for June are being accepted for the free weekly workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Dean Smith, 202–523–5282.

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED

Denver, Colo., 5–19, 5–20.
(Details 42 FR 20208, 4–18–77)

For reservations call: Ida Martinez or Velita Bonney at 303–234–2216.

SUNSHINE ACT MEETINGS 20536

PRIVACY ACT ISSUANCES
OFR publishes table of contents to 1976 Compilation (Part III of this issue) 20559

DISASTER RELIEF
CSA issues new non-Federal waiver criteria providing that grants may provide 100% Federal funding; effective 4–20–77 20468

TRUTH IN LENDING
FRS amends regulations on variable interest rates; effective 10–10–77 20455
FRS permits the use of Spanish language in the Commonwealth of Puerto Rico 20455

LIMITED LIABILITY FOR BAGGAGE
CAB modifies language prescribed for signs; effective 5–20–77 20458

HIGH-ALTITUDE MOTOR VEHICLE EMISSION REQUIREMENTS
EPA identifies counties designated as high altitude; effective 4–20–77 20463

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	GSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; Docket No. R–0066]

PART 226—TRUTH IN LENDING

Amendment to § 226.6(a) of Regulation Z Regarding Spanish Language Truth In Lending Disclosures in the Commonwealth of Puerto Rico

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Rule.

SUMMARY: The Board hereby adopts an amendment to Regulation Z permitting the use of Spanish rather than English language Truth in Lending disclosures in the Commonwealth of Puerto Rico. English language disclosures must be provided to customers if they so request. The Board's action is based upon the fact that Spanish is the traditional and predominant language used in Puerto Rico. This amendment will permit creditors to provide more meaningful disclosures to customers in a more efficient and effective manner.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–2412.

SUPPLEMENTARY INFORMATION: On December 6, 1976, the Board issued a proposed amendment to § 226.6(a) of Regulation Z which would permit the use of Spanish rather than English language Truth in Lending disclosures in Puerto Rico. The proposed amendment required that English language disclosures be provided upon the customer's request, either in substitution for the Spanish disclosures or as additional information in accordance with § 226.6 (c).

The purpose of this proposal was to conform the Truth in Lending Act's disclosure requirements to language use in Puerto Rico where the pervasive and dominant language is Spanish. The proposal recognized the unique status of the Spanish language in Puerto Rico as reflected in the Board's examination of case and statutory law and statistical data derived from census materials. This proposal was published for comment on December 17, 1976 (41 FR 55198). Twenty-five comments were received. The comments supported the idea of providing Spanish language Truth in Lending disclosures.

Based upon the Board's independent analysis and upon the comments received, the Board has concluded that Spanish rather than English language disclosures may be furnished to customers in Puerto Rico.

Pursuant to the authority granted in 15 U.S.C. 1604 (1968), the Board amends 12 CFR Part 226 by adding a new paragraph to § 226.6(a) to read as follows:

§ 226.6 General disclosure requirements.

(a) *Disclosures; general rule.* * * * All disclosures required to be given by this Part shall be made in the English language except in the Commonwealth of Puerto Rico where disclosures may be made in the Spanish language with English language disclosures provided upon the customer's request, either in substitution for the Spanish disclosures or as additional information in accordance with § 226.6(c).

By order of the Board of Governors, April 11, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77–11348 Filed 4–19–77;8:45 am]

[Reg. Z; Docket No. R–0003]

PART 226—TRUTH IN LENDING

Amendment to Regulation Z Concerning Variable Interest Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This rule requires creditors to make certain additional disclosures when variable interest rate clauses are used in credit transactions. It requires disclosure of the fact that the annual percentage rate is subject to increase, the conditions under which an increase may occur, the manner in which an increase would be effected, and in some cases, information on the effect a rate increase would have on the payment amounts and/or maturity of the obligation. This rule was adopted in view of the increased use of variable rate clauses in credit contracts and the consumers' need for more information about them. It is intended to promote consumer understanding of the operation and effect of variable rate clauses.

EFFECTIVE DATE: October 10, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–2412.

SUPPLEMENTARY INFORMATION: The Board of Governors of the Federal Reserve System has amended Regulation Z to require a creditor to disclose to customers, in advance of their becoming obligated on a credit contract, a variable interest rate clause if the contract, note, or other instrument evidencing the obligation so provides. The information that must be provided in all obligations in which the annual percentage rate is subject to increase includes the fact that the rate may increase, the conditions under which it may do so, any limitations on the increase, and the manner in which a rate increase may be effected, e.g. through an increase in the payment amount, number of payments or amount due at maturity. In addition, in certain types of transactions, examples must be provided showing the effect on the payment amount and/or the length of maturity that would be caused by a hypothetical immediate increase in the annual percentage rate of one quarter of one percentage point. The transactions for which these hypothetical examples must be given are those in which a security interest is taken in real property used or to be used as the customer's dwelling, if the obligations are repayable in substantially equal installments at substantially equal intervals. The hypothetical examples need not be provided for transactions primarily for agricultural purposes, transactions in which the substantially equal installments do not include repayments of principal, or certain optional insurance transactions.

If the rate should increase in accordance with the conditions and limitations so disclosed, such increase would not constitute a refinancing of the obligation and would not require new disclosures to be made at the time of the rate change.

When this amendment becomes effective, Board Interpretation § 226.810 concerning variable rate disclosures will be rescinded, inasmuch as the amendment makes the interpretation unnecessary.

On October 29, 1976, the Board published for comment in the FEDERAL REGISTER (41 FR 47497) a proposed amendment regarding variable interest rate disclosures. Two hundred and fifteen written comments on the proposal were received and analyzed. In light of the suggestions and comments made, the Board has revised the amendment as follows:

(1) The scope of the provision has been narrowed to apply only to those situations in which the annual percentage rate is prospectively subject to increase, rather than all those in which the rate is subject to change. This revision is in keeping with the Board's previous position that a reduction in the annual per-

centage rate does not constitute a refinancing and does not require new disclosures. If a creditor wishes to show the effect of rate decreases, of course, this would be permissible as additional information under § 226.6(c) of the regulation. The complexity of the required disclosures would be substantially reduced by this change. Furthermore, since the amounts disclosed for decreases are within a few cents of the amounts shown for increases, little additional information would be provided to the consumer. This change also avoids application of the provision to certain transactions which were not intended to be covered, e.g., a series of sales in which the annual percentage rate on a purchase may be reduced when a subsequent purchase extends the term of repayment for the first purchase to coincide with that of the second. It also avoids misapprehension by creditors whose contracts provide only for rate increases that they would be required to show the effects of rate decreases.

It should be noted that the amendment by its terms applies to increases in the annual percentage rate rather than increases in the contract interest rate. Since interest is a component of the finance charge, increases in the interest rate would cause the annual percentage rate to increase.

(2) The scope of the provision has also been clarified by means of a footnote stating that it is not triggered by contracts permitting a higher rate of interest upon default, acceleration, late payment, assumption or transfer of property.

(3) The requirement of showing hypothetical examples of the effect of rate changes has been limited to transactions in which a security interest is taken in real property used or expected to be used as the customer's dwelling. This change is designed to provide information on the effect of rate changes in those transactions in which such information will most clearly be of the greatest importance. Typically, transactions involving a customer's dwelling are for large amounts and lengthy maturities. The requirement of giving the hypothetical examples has been deleted for three types of transactions: transactions primarily for agricultural purposes, transactions in which the substantially equal instalments do not include repayments of principal, and optional insurance agreements made pursuant to Board Interpretation § 226.814. Agricultural transactions would be excepted because of the additional burden these requirements would place on agricultural lenders who use variable rate loans quite extensively. (It should be noted that many agricultural transactions are already exempted from disclosing an annual percentage rate pursuant to § 226.8(p), a special section for certain agricultural purpose transactions, and therefore would not be affected at all by the variable rate proposal.)

The second class of transactions that would be expected from the requirement of disclosing hypothetical examples is transactions in which the substantially equal instalments do not include repayments of principal. This technical change would avoid covering demand loans in which the periodic equal instalments consist of only interest, with the entire principal sum due on demand. These transactions were never intended by the Board to be covered, but they arguably would have been included under the language of the earlier version

The third class of excepted transactions is insurance agreements entered subsequent to consummation with premiums added to the balance of the obligation. The Board believes this exclusion to be proper for two reasons: (1) These agreements are closely tied to the underlying obligation and the variable rate disclosures will already have been made for that obligation; and (2) the hypothetical changes in payment amount and maturity would be de minimus in this type of transaction.

It should be noted that in these three types of transactions, the hypothetical examples of § 226.8(b)(8) (iii) and (iv) need not be given, but there must still be disclosures of the fact that the rate is subject to increase, the conditions under which it may change, and the manner in which the change may be effected (§ 226.8(b)(8)(i) and (ii)).

(4) The October 1976 proposal would have required that the hypothetical examples of § 226.8(b)(8) (iii) and (iv) show the effect of the maximum amount of incremental change allowed by contract or, if there is no such limitation, a change of one quarter of one percentage point. The proposed amendment has been revised to require use of one quarter of one percentage point in all cases. Although use of the maximum allowed by contract might be of some value to the consumer in demonstrating the most extreme incremental change possible, it would have the undesirable effect of making a contract which sets limits appear less favorable than one in which the increases are unlimited. The Board believes it is preferable to have all creditors use the same measure and that one quarter of one percentage point is a realistic and manageable amount to use.

(5) In a minor change, § 226.8(b)(8)(ii) was revised to make it clearer that if rate changes can be effected in more than one manner (e.g., by increasing the payment and lengthening the maturity), this fact will be disclosed.

Accordingly, in consideration of the foregoing and pursuant to the authority granted in 15 U.S.C. 1604 (1968), the Board amends Regulation Z, 12 CFR Part 226, effective October 10, 1977, as follows:

1. Section 226.8(b) would be amended by the addition of subparagraph (8) as follows:

§ 226.8 Credit other than open end—Specific Disclosures.

* * * * * * *

(b) * * *

(8) If the annual percentage rate as disclosed under § 226.8(b)(2) is prospectively subject to increase,[10a] the following additional disclosures shall be made:

(i) The fact that the annual percentage rate is subject to increase and the conditions under which such rate may increase, including: (A) Identification of the index, if any, with respect to which such increase in annual percentage rate is tied; and (B) any limitation on such increase:

(ii) The manner(s) (such as an increase in payment amounts, number of scheduled periodic payments, or in the amount due at maturity) in which any increase in the annual percentage rate may be effected;

(iii) If the obligation is repayable in substantially equal instalments at substantially equal intervals (including those obligations providing for "balloon" payments) and the increase could be effected by an increase in the periodic payment amount, a statement of the estimated increase in the amount of the payment caused by a hypothetical immediate increase of one quarter of one percentage point, based upon the number of scheduled periodic payments and original amount financed disclosed at consummation;

(iv) If the obligation is repayable in substantially equal instalments at substantially equal intervals (including those obligations providing for "balloon" payments) and the increase could be effected by an increase in the number of periodic payments, a statement of the estimated increase in the number of periodic payments caused by a hypothetical immediate increase of one quarter of one percentage point, based upon the periodic payment amount and the original amount financed disclosed at consummation.

Any increase in the annual percentage rate within the conditions or limitations disclosed in accordance with this paragraph is a subsequent occurrence under § 226.6(g) and is not a refinancing under § 226.8(j).

The disclosures required under § 226.8(b)(8) (iii) and (iv) need be made only in transactions in which a security interest is taken in real property used or expected to be used as the customer's dwelling, and they need not be made in transactions primarily for agricultural purposes, transactions in which the obligation is repayable in substantially equal instalments which do not include repayments of principal, or transactions in which disclosures are made pursuant to § 226.814.

§ 226.810 [Rescinded]

2. Interpretation § 226.810, previously issued by the Board, is rescinded effective October 10, 1977, inasmuch as the amendment to § 226.8(b) of the Regulation makes this interpretation unnecessary.

By order of the Board of Governors, April 11, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11410 Filed 4-19-77;8:45 am]

[10a] For this purpose, the phrase "prospectively subject to increase" does not apply to increases in the annual percentage rate upon such occurrences as default, acceleration, late payment, assumption or transfer of property.

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 614—LOAN POLICIES AND OPERATIONS

PART 619—DEFINITIONS

AGENCY: Farm Credit Administration.

ACTION: Final Rule.

SUMMARY. This rule amends the regulations governing loss sharing agreements which Farm Credit banks and associations may enter into with other institutions of the Farm Credit System, and the lending limits established for banks for cooperatives. The amendments to the loss sharing agreement provisions are being made to distinguish between general loss sharing authority and specific authority for loss sharing to protect against capital impairment. The amendment to the regulations covering lending limits for banks for cooperatives is being made as a result of a task force study which pointed up the need for a clearer definition of "single credit exposure" which would be generally applicable to the lending operations of the banks for cooperatives.

EFFECTIVE DATE: April 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578. (202-755-2181).

SUPPLEMENTARY INFORMATION: The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations which would: (1) Specify the types of loss sharing agreements which may be entered into by Farm Credit banks and associations; (2) specify the type of guaranty agreement which may be entered into by Farm Credit banks and associations; (3) specify the factors which are relevant to a determination of single versus separate credit exposures; and (4) redefine loss sharing agreements.

By a notice published in the FEDERAL REGISTER on March 3, 1977, interested persons were afforded the opportunity to file written comments or suggestions on these amendments. No comments were received and the Federal Farm Credit Board therefore adopted without change the regulations published on March 3, 1977.

KENNETH J. AUBERGER,
Acting Governor,
Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 614.4340, 614.4345, 614.4354(e), and 619.9200 as follows:

§ 614.4340 General.

With approval of the boards of directors of the respective banks, Farm Credit banks and associations may enter into agreements to share losses as provided in paragraph (a) and (b) of this section. The loss sharing agreements shall cover, but not be limited to, definition of terms, terms and conditions for activation, determination of assessment formulas, limitation on assessments, reimbursements, administration, arbitration, and provisions for amendment and termination. All loss sharing agreements shall be subject to Farm Credit Administration approval.

(a) Loss sharing agreements to protect against the impairment of capital stock and participation certificates may, unless otherwise authorized by the Farm Credit Administration, be entered into by:

(1) The 12 Federal land banks;

(2) The 12 Federal intermediate credit banks;

(3) The 12 district banks for cooperatives; and

(4) The 37 Farm Credit banks.

(b) Loss sharing agreements other than those provided for in pargaraph (a) of this section may be entered into:

(1) By a Federal land bank with Federal land bank associations in its district for sharing the gain or losses on loans or on security held therefor or acquired in liquidation thereof;

(2) With the approval of the supervising bank, by a Federal land bank association with other like associations in its district for sharing losses on loans endorsed by each association that is a party to such agreement;

(3) By a Federal intermediate credit bank with production credit associations in its district, and with other Federal intermediate credit banks;

(4) With the approval of the supervising bank, by a production credit association with other like associations in its district.

§ 614.4345 Guaranty agreements.

With approval of the Farm Credit Administration, guaranty agreements under which a percentage of the risk associated with specific loans is assumed may be entered into: (a) By those parties authorized to enter into loss sharing agreements in § 614.4340(b), and (b) by banks for cooperatives.

§ 614.4354 Banks for cooperatives.

* * * * * * *

(e) The term "one borrower" is generally defined as a cooperative organization and, if any, its affiliated organizations which are controlled by a common directorate or management, or wherein such primary organization owns in excess of 50 percent of the net worth or voting stock of an affiliated organization; *Provided, however,* That any such affiliated organization shall be defined as a separate borrower under certain conditions, subject to prior approval by the Farm Credit Administration. Such definition shall be based primarily on the conclusion that the affiliated organization would be viable in the event of the demise of the other organization. Particular consideration should be given to, but not limited to, the following items:

(1) Composition and independence of directorate and management.

(2) Independence and control of operations and funds flow.

(3) Strength and diversity of other equity holders.

(4) Ability to generate and to retain earnings and cash flow.

(5) Diversity of product or service

§ 619.9200 Loss sharing agreements.

A contractual arrangement under which the parties agree to share losses associated with loans or otherwise, as may be provided for in the agreement.

(Secs 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621)

DONALD E. WILKINSON,
Governor
Farm Credit Administration.

[FR Doc.77-11392 Filed 4-19-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 13, Amdt. 13]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for SBA Loans—Correction

AGENCY: Small Business Administration.

ACTION: Correction.

SUMMARY: This action corrects the wording of the procedures set forth in § 121.3-10, Definitions of small business for SBA loans, for determining the small business eligibility of a concern primarily engaged in one industry but with external-operating affiliates primarily engaged in an industry subject to a different size standard.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein (202-653-6373).

SUPPLEMENTARY INFORMATION: In Part 121 appearing in the Federal Register dated December 24, 1974 (39 FR 44423), the fourth sentence of § 121.3-10, Definition of small business for SBA loans, contained a typographical error which clouds its meaning. Accordingly, the fourth sentence of § 121.3-10 is hereby corrected to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * If an applicant for an SBA loan has external-operating affiliates (i.e., affiliates which are primarily engaged in selling to the general public or to concerns other than the applicant concern or an affiliate thereof) and such external-operating affiliates are engaged in

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industries subject to size standards different than that of the applicant concern, the applicant concern's size status shall be determined by computing the percentage that the size of the applicant concern including any internal-operating affiliates (i.e., affiliates primarily engaged in selling to the applicant or an affiliate thereof) is of the size standard for the industry in which the applicant together with its internal-operating affiliates is primarily engaged; and adding to it the percentage that the size of each of its external-operating affiliates is of the size standard for the industry in which each such external-operating affiliate is primarily engaged.

• • • • •

Dated: April 14, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-11466 Filed 4-19-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-995, Amdt. 35]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Limited Liability For Baggage

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment of Civil Aeronautics Board regulations will modify the language prescribed for signs giving notice of limited baggage liability. The Board has recently increased the standard domestic baggage liability limit to $750. Under the within amendment, carriers will be required to reflect this fact in notices placed on signs at ticket offices.

DATES:

Effective: May 20, 1977.
Adopted: April 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Ave. NW., Washington, D.C. 20428 (202-673-5436).

SUPPLEMENTARY INFORMATION: Part 221 of the Civil Aeronautics Board's Economic Regulations (14 CFR Part 221) contains provisions, in Section 221.176, which require air carriers and foreign air carriers availing themselves of limitations on liability to passengers for loss of, damage to, or delay in delivery of passenger baggage, to give notification of such limitations in the form of ticket and sign notices. At the present time, the stated liability for travel wholly between U.S. points is $500 per passenger. However, by Order 77-2-9 in the Domestic Baggage Liability Rules Investigation, Docket 27589, the Board has ordered an increase in the standard domestic baggage liability limitation to $750. Order 77-4-73, issued contemporaneously herewith, denies petitions for reconsideration of Order 77-2-9, as well as a motion to stay its effective date. Accordingly, the new $750 liability limit becomes effective April 19, 1977. The within amendment modifies § 221.176(a) so that the new limit will be indicated on signs posted by the carriers at ticket counters.

However, we have determined not to amend § 221.176(b), which requires a similar notice of limited liability in ticket stock at this time. As indicated in Order 75-3-18, the Board is considering modification of existing tariff rules regarding liability for fragile and perishable items. If the proposed rules are made final, we would expect to revise or eliminate the ticket notice disclaiming liability for such items. Therefore, rather than require carriers to undertake the expense of replacing their ticket stock twice, we will defer requiring modification on the ticket notices until we have acted on these issues.

However, all air carriers are requested to indicate the $750 limit on all new ticket stock purchased after this date. Accordingly, we hereby waive the requirements of § 221.176(b) of the Economic Regulations to allow carriers to issue tickets containing a notice limiting liability for passenger baggage to $750. In addition, we anticipate that all carriers will make every effort to minimize any confusion or inconvenience to passengers, informing all passengers with baggage claims that the liability limit has been increased and posting the new signs as soon after April 19 as feasible.[1]

The within amendment makes one further change. Since Order 77-2-9 has extended the $750 baggage liability limit to all certificated air carriers § 221.176 (c) is now superfluous. We have therefore determined to eliminate it. The remaining paragraphs will be redesignated and revised accordingly. Since this amendment merely reflects changes in the carriers' tariffs, we find that notice and public procedure hereon are unnecessary.

Accordingly, the Civil Aeronautics Board hereby amends § 221.176 of its Economic Regulations (14 CFR 221.176) effective May 20, 1977, as set forth below:

§ 221.176 Notice of limited liability for baggage; alternative consolidated notice of liability limitations.

(a) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations on liability for loss of, damage to, or delay in delivery of baggage shall cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier to sell tickets to persons or accept baggage for checking, a sign which shall have printed thereon the following statement.

NOTICE OF LIMITED LIABILITY FOR BAGGAGE

Liability for loss, delay, or damage to baggage is limited as follows unless a higher value is declared and an extra charge is paid: (1) For most international travel (including domestic portions of international journeys) to approximately $9.07 per pound for checked baggage and $400 per passenger for unchecked baggage; (2) for travel wholly between U.S. points, to $750 per passenger on most carriers. Special rules may apply to valuables. Consult your carrier for details.

Provided, however, That an air carrier or foreign air carrier which provides a higher limitation of liability for death or personal injury than that set forth in the Warsaw Convention and has signed a counterpart of the agreement approved by the Board by Order E-23680, dated May 13, 1966 (31 FR 7302, May 19, 1966), may use the following notice in full compliance with the posting requirements of this paragraph and of § 221.175 (b):

ADVICE TO PASSENGERS ON LIMITATIONS OF LIABILITY

Airline liability for death or personal injury may be limited by the Warsaw Convention and tariff provisions in the case of travel to or from a foreign country.

Liability for loss, delay or damage to baggage is limited as follows unless a higher value is declared and an extra charge is paid: (1) For most international travel (including domestic portions of international journeys) to approximately $9.07 per pound for checked baggage and $400 per passenger for unchecked baggage; (2) for travel wholly between U.S. points, to $750 per passenger for most carriers. Special rules may apply to valuable articles.

See the notice with your tickets or consult your airline or travel agent for further information.

Provided, further, That carriers may include in the notice the parenthetical phrase "($20.00 per kilo)" after the phrase "9.07 per pound" in referring to the baggage liability limitation for most international travel. Such statements shall be printed in bold-face type at least one-fourth of an inch high and shall be so located as to be clearly visible and clearly readable to the traveling public.

• • • • •

(c) It shall be the responsibility of each carrier to insure that travel agents authorized to sell air transportation for such carrier comply with the notice provisions of paragraphs (a) and (b) of this section.

(d) Any air carrier or foreign air carrier subject to the provisions of this section which wishes to use a notice of limited liability for baggage of its own wording, but containing the substance of the language prescribed in paragraphs (a) and (b) of this section may substitute a notice of its own wording upon approval by the Board.

[1] This rule becomes effective 30 days after its publication in the FEDERAL REGISTER. Therefore, the new notice will not be mandatory until some days after the new tariffs are in place.

(e) The requirements as to the time and method of delivery of the notice (including the size of type) specified in paragraphs (a) and (b) of this section may be waived by the Board upon application and a showing by the carrier that special and unusual circumstances rendered the enforcement of the regulation impractical and unduly burdensome and that adequate alternative means of giving notice are employed.

(f) Applications for relief under paragraphs (d) and (e) of this section shall be filed with the Board (Attention: Director, Bureau of Economics) not later than 15 days prior to the date on which such relief is requested to become effective.

(g) Notwithstanding any other provisions of this section, no air taxi operator subject to Part 298 of this subchapter shall be required to give the notices prescribed in this section, either in its capacity as an air carrier or in its capacity as an agent for an air carrier or foreign air carrier.

(Secs. 204(a), 403 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11471 Filed 4-19-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM77-15; Order No. 564]

PART 3c—STANDARDS OF CONDUCT INFORMATION AND REQUESTS

Changes in Description of Organization and in Statement of General Course and Method of Operation; Correction

APRIL 18, 1977.

AGENCY: Federal Power Commission.

ACTION: Correction.

SUMMARY: This Document corrects a final rule that appeared at page 17448 in the FEDERAL REGISTER of Friday, April 1, 1977, (FR Doc. 77-9937).

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Terry Angelo, Office of the Comptroller (202-275-4849).

Order amending Part 3 and establishing Part 3c of the Commission's general rules; issued March 30, 1977.

(A) On page 14, Subpart B—Standards of Conduct for Special Government Employees—revise § 3c.111 to read:

§ 3c.111 Disciplinary and other remedial action.

(a) *Disciplinary action.* Violation of the provisions of this Subpart D by any special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Appropriate disciplinary action shall be effected in accordance with applicable laws, executive orders, and regulations and may include one or more of the following: Removal, suspension, reduction in grade. The disciplinary action taken will depend upon the seriousness of the violation and pertinent conditions and circumstances. In instances where criminal violation is indicated, the matter will be referred by the Commission to the Department of Justice for appropriate action.

(b) *Other remedial action.* Other remedial action shall be effected in accordance with the applicable laws, executive orders, and regulations and may include:

(1) Divestment by the special Government employee of his conflicting interest.

(2) Changes in assigned duties.

(3) Disqualification for a particular assignment.

(c) *Procedure.* (1) Except as provided in subparagraph (c)(2) of this section, after receipt from the Agency Counselor of the conflicts of interest report prepared by the Director, Office of Personnel Programs, in accordance with the provisions of §§ 3.208(B)(2)(d) and 3.230(D), and after consideration of the explanation provided by the special Government employee, the Chairman shall take such appropriate disciplinary or other remedial action as may be required. If the Chairman concludes that there is no actual or apparent conflict of interest or if no disciplinary or other remedial action is required, the Chairman shall so inform the special Government employee.

(2) In the case of personnel employed in the immediate office of a Commissioner other than the Chairman, that Commissioner shall execute the provisions of subparagraph (1) of this paragraph. Any Commissioner may, in his discretion, refer the matter to another Commissioner or to the Commission for resolution.

(B) Also on page 14, Subpart B, add a new § 3c.112 to read:

§ 3c.112 Miscellaneous statutes and regulations.

Each special Government employee shall acquaint himself with the following statutes and regulations relating to ethical conduct. The full texts of these statutes and regulations are available in the offices of the Agency Counselor, and Director, Office of Personnel Programs.

(a) *General.* (1) House Concurrent Resolution 175, 85th Congress, 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service," and Federal Power Commission Administrative Order No. 66, July 23, 1958, setting forth canons of conduct based on H. Con. Res. 175.

(2) Executive Order 11222, May 8, 1965, Prescribing Standards of Ethical Conduct for Government Officers and Employees, 30 FR 6469, as amended by Executive Order 11590 of April 23, 1971, 36 FR 7831, and the implementing regulations issued by the Civil Service Commission, 30 FR 12529, 5 CFR Part 735.

(3) Violation of any law, rule, or regulation, administered by the Civil Service Commission, or failure to adhere to established policies, regulations, standards, and instructions on personnel management subject to the jurisdiction of the Commission. (Civil Service Rule 5.4, 5 CFR 5.4)

(4) Refusal to furnish testimony or information to authorized representatives of the Civil Service Commission in regard to matters inquired of arising under the laws, rules, and regulations administered by the Commission. (Civil Service Regulations 731.201(d), 5 CFR 731.201(d))

(5) Executive Order 10927, March 18, 1961, 26 FR 2383, Abolishing the President's Committee on Fundraising within the Federal Service and providing for the conduct of fundraising activities.

(6) The prohibitions relating to gifts to superiors. (5 U.S.C. 7351)

(b) *Personal conduct.* (1) The provision relating to the habitual use of intoxicants to excess. (5 U.S.C. 7352)

(2) The prohibition against criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct. (Civil Service Regulations 731.201(d), 5 CFR 731.201(d))

(c) *Disloyalty and striking.* (1) The prohibitions against disloyalty and striking. (5 U.S.C. 7311, 18 U.S.C. 1918) [1]

(2) The prohibition against the employment of a member of a Communist organization. (50 U.S.C. 784) [1]

(d) *Foreign Governments.* (1) The prohibition against accepting a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the Constitution and Pub. L. 89-673, 80 Stat. 952.

(2) The prohibition against serving while on annual leave or leave without pay with or without remuneration, for any foreign government, corporation, partnership or individual that is in competition with American industry. (Executive Order 5221, November 11, 1929)

(3) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act. (18 U.S.C. 219)

(e) *Political activities.* (1) The prohibitions against political activities (the former Hatch Act) in subchapter III of chapter 73 of Title 5, U.S.C. and 18 U.S.C. 602, 603, 607, and 608. The prohibitions, and exemptions therefrom, with respect to Government employees holding state, territorial or municipal offices. (Civil Service Regulations, 5 CFR Part 733)

(2) The prohibition against lobbying with appropriated funds. (18 U.S.C. 1913)

No part of the money appropriated by an enactment of Congress shall, in absence of express authorization by Congress, be used directly or indirectly, to pay for any per-

[1] NOTE.—An employee who advocates the overthrow of our constitutional form of government, or is a member of an organization knowing it so advocates, shall be dismissed. Strikes against the Government are forbidden as well as membership in government employee organizations which assert the right to strike against any federal department or agency.

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sonal services, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or special Government employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

The penalty for violation includes fine or imprisonment and removal.

(f) *Disclosure of information.* (1) Section 301(b) (16 U.S.C. 825b) of the Federal Power Act and Section 8(b) (15 U.S.C. 717g) of the Natural Gas Act forbid employees, in the absence of Commission or court direction, from divulging information gained in examining books or accounts.

(2) Section 1.36 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.36) outlines what is public information and what is not.

(3) Section 1.4(d) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(d)) describes the prohibitions against ex parte communications.

(4) Federal Power Commission Administrative Order No. 56, July 11, 1956, describes standards of conduct relating to "Official Staff Contacts Outside the Commission."

(g) The prohibitions against: (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(h) *Bribery, graft, and conflicts of interest.* (1) Chapter 11 of Title 18, United States Code, especially:

201 Bribery of public officials and witnesses.
202 Definitions.
203 and 209 Outside compensation in matters affecting the government.
205 Activities in claims against and other matters affecting the government.
207 Disqualification of former officers and employees in matters connected with former duties.
208 Acts affecting personal financial interests.
210 Offer to procure appointive public office.
211 Acceptance or solicitation to obtain appointive public office.

(2) Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(c)) states the restrictions against appearances by former employees.

(i) *Fraud and deceit, embezzlement, extortion.* (1) The prohibitions against the use of deceit in an examination or personnel action in connection with the government employment (18 U.S.C. 1917). The prohibition against intentional false statements or deception or fraud in examination for appointment (Civil Service Regulation 731.201(c), 5 CFR 731.201(c)). The prohibition against influencing another to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment. (Civil Service Rule 4.3, 5 CFR 4.3)

(2) The prohibition against fraud or false statements in a government matter. (18 U.S.C. 1001)

(3) The prohibition against counterfeiting and forging transportation requests. (18 U.S.C. 508)

(4) The prohibitions against (a) embezzlement of government money or property (18 U.S.C. 641); (b) failure to account for public money (18 U.S.C. 643); and (c) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(5) The prohibition against extortion. (18 U.S.C. 872)

(6) Misuse of government property.

(7) The prohibition against the misuse of a government vehicle. (31 U.S.C. 638a(c))

(8) The prohibition against the misuse of the franking privilege. (18 U.S.C. 1719)

(9) The prohibition against mutilating or destroying a public record. (18 U.S.C. 2071)

(10) The prohibition against unauthorized use of documents relating to claims from or by the government. (18 U.S.C. 285) (Order 319, 31 FR 4118, March 9, 1966, as amended by Order 353, 32 FR 15239, 15240, November 3, 1967)

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11533 Filed 4-19-77;8:45 am]

Title 22—Foreign Relations

CHAPTER X—INTER-AMERICAN FOUNDATION

PART 1004—RULES FOR IMPLEMENTING OPEN MEETINGS WITHIN THE INTER-AMERICAN FOUNDATION

AGENCY: Inter-American Foundation.

ACTION: Final rules.

SUMMARY: The Inter-American Foundation is adopting regulations for conducting meetings as required by the Government in the Sunshine Act.

EFFECTIVE DATE: April 20, 1977.

ADDRESS: Inter-American Foundation, 1515 Wilson Blvd., Rosslyn, Va. 22209.

FOR INFORMATION CONTACT:

Elizabeth Veatch, 703-841-3864.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the "Government in Sunshine Act" (Pub. L. 94-409, 5 U.S.C. 552b, September 13, 1976) the Inter-American Foundation published in the FEDERAL REGISTER (Vol. 41, No. 252, December 30, 1976), its proposed regulations implementing that Act. Interested parties were encouraged to submit comments on these proposed regulations.

The only party who filed comments was the Honorable Jack Brooks, M.C. in his capacity as chairman of the House Committee on Government Operations on behalf of that Committee. Mr. Brooks had four suggestions to offer.

Mr. Brooks first suggests that § 1004.4 be amended so that it is made clear there are two distinct steps in a decision to close a meeting to public observation: (1) The Board of Directors determines if the discussion will fall under a specific exemption; and (2) if the discussion is determined to be exempt, the Board has to decide whether the public interest still requires the meeting be open. Mr. Brooks states:

> Consideration of the public interest is not optional, but is mandatory in each instance where the Board determines that a discussion comes within a specific exemption.

We agree with Mr. Brooks view of the requirements of the Act.

Therefore, we have adopted modifications to our proposed regulations. We have amended § 1004.6 to read:

> *§ 1004.6 Procedures for closing meetings*
>
> (a) The closing of a meeting shall occur only when:
>
> 1. A majority of the membership of the IAF Board votes to take such action.
>
> *That vote shall determine whether or not any portion or portions of a meeting or portion or portions of a series of meetings may be closed to public observation for any of the reasons provided in § 1004.4 and whether or not the public interest nevertheless requires that portion of the meeting or meetings remain open.* A single vote may be taken with respect to a series of meetings, portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Board member participating in such vote shall be recorded and no proxies shall be allowed. (New material italicized.)
>
> 2. Whenever any person whose interests may be directly affected by a portion of a meeting requests that IAF close such portion to the public for any of the reasons referred to in § 1004.4 (e), (f), or (g), the IAF, upon request of any one of its Board members shall take a recorded vote, whether to close such portion of the meeting, and to determine whether or not the public interest requires that nevertheless that portion shall be open. (New material italicized.)

Mr. Brooks next suggests that § 1004.4 (h) and § 1004.4(j) appear to duplicate each other and that they be combined into one. We agree and are thus eliminating section § 1004.4(j).

The third suggestion of Mr. Brooks was that our procedure for public announcements of IAF meetings is inadequate. He says we provide for public announcements only through publications in the FEDERAL REGISTER. We agree and are adding to § 1004.5 the following:

> § 1004.5 Procedures for announcing meetings
>
> (c) The Foundation shall also make public the announcement in publications whose readers may have an interest in IAF operations.
>
> (d) At least seven days before the meeting, the IAF shall send the announcements to those on a mailing list maintained for those desiring to receive such notices.

Finally Mr. Brooks felt that § 1004.6(d) did not make clear that for each closed meeting, the General Counsel must publicly certify that in his or her opinion the meeting may be properly closed to the public before the meeting be closed.

Therefore we add the following to § 1004.6(d):

> (d) For every closed meeting, the General Counsel of the IAF shall publicly certify *prior to a Board of Directors vote on closing the meeting,* that in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the IAF. (New material italicized.)

Finally, the Inter-American Foundation is adding a new definition (d) under § 1004.2:

> "Public Observation" means attendance at any meeting but does not include participation, or attempted participation, in such meeting in any matter.

WILLIAM M. DYAL, JR.,
President.

APRIL 4, 1977.

Accordingly, 22 CFR is amended by adding new Part 1004 to read as set forth below:

Sec.
1004.1 General policies.
1004.2 Definitions.
1004.3 Requirement of open meetings.
1004.4 Grounds on which meetings may be closed.
1004.5 Procedures for announcing meetings.
1004.6 Procedures for closing meetings.
1004.7 Reconsideration of opening or closing a meeting.
1004.8 Transcripts, recordings of closed meetings.

AUTHORITY: Pub. L. 91-175, 83 Stat. 821 (22 U.S.C. 290f).

§ 1004.1 General policies.

The Inter-American Foundation will provide the public with the fullest practical information regarding its decision-making processes while protecting the rights of individuals and its abilities to carry out its responsibilities.

§ 1004.2 Definitions.

The following definitions apply:

(a) The term "agency" includes any executive department, military department, government corporation, government controlled corporation or other establishment in the executive branch of the government (including the Executive Office of the President) or any independent regulatory agency, and is headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency. The Inter-American Foundation is a government corporation headed by a 7-member Board of Directors, all of whom are appointed by the President with the advice and consent of the Senate, and is therefore an "agency" under these terms.

(b) The term "meeting" means the deliberation of this Board of Directors where such deliberations determine or result in the joint conduct or disposition of official IAF business.

(c) The term "member" means an individual who belongs to the IAF Board of Directors.

(d) "Public Observation" means attendance at any meeting but does not include participation, or attempted participation, in such meeting in any matter.

§ 1004.3 Requirement of open meetings.

Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in § 1004.4 every portion of every meeting of the agency shall be open to public observation.

§ 1004.4 Grounds on which meetings may be closed.

The IAF shall open every portion of every meeting of the agency for public observation except where the agency determines that such portion or portions of its meeting or the disclosure of such information is likely to:

(a) Disclose matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and

(2) In fact properly classified pursuant to such Executive order;

(b) Relate solely to the internal personnel rules and practice of the agency;

(c) Disclose matters specifically exempted from disclosure by statute, provided that such statute:

(1) Requires that the matters be withheld from the public in such manner as to leave no discretion on the issue, or

(2) Established practical criteria for withholding or refers to particular types of matters to be withheld;

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Involve accusing any person of a crime, or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(1) Interfere with enforcement proceedings,

(2) Deprive a person of a right to a fair trial of an impartial adjudication,

(3) Constitute an unwarranted invasion of personal privacy,

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential source,

(5) Disclose investigative techniques and procedures, or

(6) Endanger the life or physical safety of law enforcement personnel;

(h) Disclose information the premature disclosure of which would be likely to significantly guarantee implementation of a proposed agency action. This shall not apply in any instance where the IAF has already disclosed to the public the content or nature of its proposed action or where the IAF is required by law to make such disclosure on its own initiative prior to taking final IAF action on such proposal;

(i) Specifically concern the IAF's issuance of a subpoena, or the IAF's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the IAF of a particular case of formal agency adjudication pursuant to the procedures in section 554, of this title or otherwise involving a determination on the record after opportunity for a hearing.

§ 1004.5 Procedures for announcing meetings.

(a) In the case of each meeting, the IAF shall make public, at least one week before the meeting, of the time, place and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the IAF to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the Board of Directors of the IAF determines by a recorded vote that the IAF requires that such a meeting be called at an earlier date, in which case the IAF shall make public announcement of the time, place and subject matter of such meeting and whether open or closed to the public, at the earliest practical time.

(b) Immediately following the public announcement, the IAF will publish it in the FEDERAL REGISTER.

(c) The Foundation shall also make public the announcement in publications whose readers may have an interest in IAF operations.

(d) At least seven days before the meeting, the IAF shall send the announcements to those on a mailing list maintained for those desiring to receive such notices.

§ 1004.6 Procedures for closing meetings.

(a) The closing of a meeting shall occur only when:

(1) A majority of the membership of the IAF Board votes to take such action. That vote shall determine whether or not any portion or portions of a meeting or portions of a series of meetings may be closed to public observation for any of the reasons provided in § 1004.4 and whether or not the public interest nevertheless requires that portion of the meeting or meetings remain open. A single

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vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Board member participating in such vote shall be recorded and no proxies shall be allowed.

(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the IAF close such portion to the public for any of the reasons referred to in § 1004.4 (e), (f) or (g), the IAF, upon request of any one of its Board members, shall take a recorded vote, whether to close such portion of the meeting.

(b) Within one day of any vote taken, the IAF shall make publicly available a written copy of such vote reflecting the vote of each member on the question and full written explanation of its action closing the entire or portion of the meeting together with a list of persons expected to attend the meeting and their affiliation.

(c) The IAF shall announce the time, place and subject matter of the meeting at least 8 days before the meeting.

(d) For every closed meeting, the General Counsel of the IAF shall publicly certify prior to a Board of Directors' vote on closing the meeting, that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the IAF.

§ 1004.7 Reconsideration of opening or closing a meeting.

The time or place of a Board meeting may be changed following the public announcement only if the IAF publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or portion of meeting, to the public, may be changed following the public announcement only if a majority of the Board of Directors determines by a recorded vote that IAF business so requires and that no earlier announcement of the change was possible, and the IAF publicly announces such change and the vote of each member upon such change at the earliest practicable time.

§ 1004.8 Transcripts, recording of closed meetings.

(a) The IAF shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public.

(b) The IAF, after review by the General Counsel shall make promptly available to the public in a place easily accessible to the public, the transcript or electronic recording of the discussion of any time on the agenda, or any item of the testimony of any witness received at the Board meeting, except for such item or items of such discussion or testimony as the IAF determines to contain information which may be withheld under § 1004.4. Copies of such transcript, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The IAF shall maintain a complete verbatim copy of the transcript or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any IAF proceeding with respect to which the meeting or portion was held, whichever occurs later.

[FR Doc.77-11497 Filed 4-19-77;8:45 am]

Title 36—Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Devils Tower National Monument, Wyoming; Climbing

AGENCY: National Park Service.

ACTION: Final rule.

SUMMARY: The purpose of this regulation is to establish restrictions on persons climbing Devils Tower. This has become necessary in order to adequately protect climbers on the tower and other nonclimbing monument visitors walking near the tower's base.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Homer A. Robinson, Superintendent, Devils Tower National Monument, Devils Tower, Wyoming 82714. (307-467-5370).

SUPPLEMENTARY INFORMATION: Devils Tower National Monument contains, as its central feature, a near vertical volcanic plug rising more than 800 feet above the surrounding terrain. Many climbers make technical ascents of the tower each year.

In an attempt to better protect the climbers and other visiting publics, a registration requirement was proposed.

No objections to the proposed rulemaking were received during the 30 day comment period which was provided. A letter was received from a representative of the American Alpine Club requesting an extension of the review period. An extension was granted for an additional 20 days.

The only other comment received requested that hard hats not be required for a climb of Devils Tower. Since hard hats are not required for climbing the tower this comment was not considered applicable to this regulation.

Originator: Robert D. Dunnagan, Resource Management Specialist, Rocky Mountain Regional Office, National Park Service, P.O. Box 25287, Denver, Colorado 80225.

Previous publications: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER of January 19, 1977 (42 FR 3655), proposing a regulation identical to the regulation set forth below.

No modifications have been made from the wording used in the proposed rulemaking.

In consideration of the foregoing § 7.30 of 36 CFR will read as follows:

* * * * *

§ 7.30 Devils Tower National Monument.

(a) *Climbing.* Registration with a park ranger is required prior to any climbing above the talus slopes on Devils Tower. The registrant is also required to sign in immediately upon completion of a climb in a manner specified by the registering ranger.

LYNN H. THOMPSON,
Regional Director,
Rocky Mountain Region.

MARCH 22, 1977.

[FR Doc.77-11496 Filed 4-19-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 714-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Administrative Revisions To The Texas Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule approves administrative revisions to the Texas State Implementation Plan (SIP). This action is being taken as a result of the need to continually update the SIP to reflect organizational changes, new methods of operation and procedures, and changes in manpower and financial resources available to the State agency. This action will allow the SIP to reflect a more current picture of the State's overall air pollution control program.

EFFECTIVE DATE: May 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Oscar Cabra, Jr., Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Texas 75270, 214-749-3837.

SUPPLEMENTARY INFORMATION: On January 28, 1972, the Governor of Texas submitted the State Implementation Plan (SIP) for attainment and maintenance of the national ambient air quality standards. With specific exceptions, the Administrator approved the plan on May 31, 1972 (37 FR 10895). The SIP is considered a dynamic instrument in that it must be changed periodically to reflect new administrative procedures, pollutant emissions, air quality, and control methods. Specific SIP revision requirements are provided by § 51.6 of 40 CFR Part 51. Any revisions not covered by §§ 51.6(a) and 51.6(d) may be submitted in the semiannual report required by § 51.7(b).

Administrative revisions to a SIP such as reformating parts of the SIP, making changes to the agency organizational structure, and correcting typographical and grammatical errors, are considered types of revisions which may be submitted with the semiannual report. Such revisions may be submitted by the State air pollution control agency, and they need not be subjected to public hearing.

The Texas Air Control Board (TACB), in accordance with §§ 51.6 and 51.7 of 40 CFR Part 51, submitted administrative revisions to the SIP with the semiannual reports in 1974, and 1975. The specific portions of the SIP which are affected are described below.

Section I—Introduction. The revision of this portion of the SIP includes a new organizational chart for the TACB, and revised descriptions of the various offices within the TACB. Descriptions of several AQCRs in Texas were revised to reflect more recent information such as the industrial development of an area, compliance status of industry in general, and industrial and population growth trends. The revisions of Section I are being approved in this action.

Section II—Regional Classification. The revision to this section submitted with the semiannual report in 1974, included the addition of a table which shows the national ambient air quality standards, the criteria for AQCR priority classification, and the priority classifications for each AQCR. The regional classification table on page 11-1 was revised to reflect the changes in priority classification for nitrogen dioxide promulgated in the FEDERAL REGISTER on May 8, 1974 (39 FR 16347). Additional revisions of these two tables were submitted with the semiannual report in 1975. These later revisions do not reflect approved priority classifications, and therefore, are not being approved in this action. The 1974 revision to Section II is being approved in this action.

Section III—Public Hearings. In the original SIP, section III consisted of three pages. Page III-2 was an attachment which listed the newspapers in which the hearing notice was printed, and page III-3 was a copy of the notice. In the revised section III, the public hearing statement and list of newspapers appear on page III-1, and the newspaper list is no longer an attachment. The copy of the notice was unchanged. The revision to section III is being approved in this action.

Section IV—Preliminary Review. In the original SIP, section IV was included on the first page of section III. The revision consists of putting section IV on a separate page. The revision to section IV is being approved in this action.

Section XI—Source Surveillance. Revisions to this section submitted with the semiannual report in 1974 included an update of administrative procedures, complaint handling procedures, and a format change of the surveillance investigation report. An update of the TACB regional office personnel and their locations was submitted with the semiannual report in 1975. This later revision supersedes a 1974 submittal. Paragraph C.3 on page XI-3 was added to reflect source recordkeeping and reporting requirements, which were approved in the FEDERAL REGISTER on October 28, 1972 (37 FR 23092). The revision to section XI is being approved in this action.

Section XII—Resources. A revision of the entire section was submitted with the semiannual report in 1975. The revision includes the addition of an impact statement for fiscal year 1973 funding and changes to the man-year and funding projections. The man-year projections for 1973 and 1975 were eliminated. Man-year data for 1975 now reflect actual manpower, and the projections for fiscal year 1977 have been revised. Man-year projections for fiscal years 1979 and 1980 have been added. Similar changes were made in the fund projections. The revision to section XII is being approved in this action.

Section XIII—Intergovernmental Cooperation. Revisions to this section include the addition of local agencies which will be included in the State's program as funds become available, and an update of the air quality and source data exchanges between the TACB and agencies from neighboring states. The revision to section XIII is being approved in this action.

All revisions included in this approval notice are considered administrative and minor in substance and as such, are routine updates of the Texas SIP. Therefore, the Administrator finds that these revisions should be approved without proposal.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).)

Dated: April 13, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (II) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(II) Administrative revisions were submitted by the Texas Air Control Board with the semiannual report in 1974 for sections I, II, III, IV, XI, and XIII, and with the semiannual report in 1975 for sections I, II, XI, and XII. The revision to section II submitted in 1975 is disapproved. (Non-regulatory.)

[FR Doc.77-11357 Filed 4-19-77;8:45 am]

[FRL 704-4]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Sale of High-Altitude Vehicles; Clarification of Designated High-Altitude Locations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The attached regulation amendment concerns EPA's high-altitude motor vehicle emission requirements. It is needed because of the uncertainty expressed by automobile dealers concerning the definition of locations where the regulations apply. The amendment is intended to more clearly identify those counties designated as high altitude, but does not change the scope of the regulations as originally promulgated. This is achieved by amending the definition of the locations covered by the regulations and publishing a list of applicable counties.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles N. Freed, Chief, Manufacturers Programs Branch, Mobile Source Enforcement Division (EN-340), Office of Enforcement, Environmental Protection Agency, Washington, D.C. 20460. 202-755-0297.

SUPPLEMENTARY INFORMATION. On October 18, 1974, April 30, 1975, and March 8, 1976, the Environmental Protection Agency promulgated regulations (39 FR 37300, 40 FR 18778, and 41 FR 9878, respectively) requiring manufacturers of light-duty vehicles and light-duty trucks to obtain certification that their 1977 and subsequent model vehicles to be sold for use at high altitude comply with emission standards when tested at high altitude. Vehicles which are not so certified could not be legally sold in certain high-altitude locations. The third of these three publications dealt specifically with the identification of the high-altitude locations.

The purpose of this publication is to amend the wording of 40 CFR 86.077-30 (a)(5) to more accurately reflect the intention of EPA in identifying the counties listed as high-altitude locations. Previously the term "designated high-altitude location" was defined as "any county that is wholly situated above 1219 meters (4,000 feet) * * *." The determination of designated high-altitude location was made using the U.S. Geological Survey topographical maps of the United States with a scale of 1:500,000. This definition led to misunderstandings as to the manner in which "wholly situated above 1219 meters * * *" was intended to be interpreted.

It was brought to EPA's attention by various persons affected by the regulations that some of the counties identified as designated high-altitude locations

contain small, relatively uninhabited regions, such as riverbeds and canyons, which are located slightly below the 1219 meter (4,000 feet) elevation line. The situation raised the question as to whether it would be illegal to sell low-altitude vehicles for use in the designated high-altitude counties with small areas below 4,000 feet.

It was not the intention of EPA to exclude counties from these regulations when virtually all of the population and land area in those counties are located above 4,000 feet, because it was presumed that most new vehicles in such counties would be principally used above 4,000 feet. In fact, the March 8, 1976, amendment specifically referred to the "167 designated high-altitude counties" which EPA intended to cover by the wording of the regulation. Lists of these counties have been provided to all foreign and domestic manufacturers and their dealers. Thus, there has been widespread notice of EPA's intent. In order to correct any misunderstanding which may exist as to these counties, the 166 counties identified as designated high-altitude locations (a correction to the earlier list of 167) have been listed in 40 CFR 86.077-30(a)(5). In addition, the wording has been changed to indicate that a "designated high-altitude location" is a county which has substantially all of its area above 4,000 feet in elevation.

The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking in the issuance of this amendment in that (1) the amendment simply clarifies the existing regulations and (2) it imposes no new burden on the regulated industry. For the same reasons, the Agency finds good cause for making the amendment effective immediately.

This amendment is issued under the authority of sections 206 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857f-5, 1857g).

The EPA has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Dated: April 1, 1977.

DOUGLAS M. COSTLE,
Administrator.

In 40 CFR 86.077-03, paragraph (a)(5) is revised to read as follows:

§ 86.077-30 Certification.

(a) * * *

(5) For the purpose of paragraph (a) of this section, "designated high-altitude location" is any county which has substantially all of its area located above 1219 meters (4,000 feet) and which is identified below.

COUNTIES LOCATED SUBSTANTIALLY ABOVE 1,219 METERS (4,000 FEET) IN ELEVATION

STATE OF ARIZONA

Apache	
Navajo	

STATE OF COLORADO

Adams	Jefferson
Alamosa	Lake
Arapahoe	La Plata
Archuleta	Larimer
Boulder	Las Animas
Chaffee	Lincoln
Clear Creek	Mesa
Conejos	Mineral
Costilla	Moffat
Crowley	Montezuma
Custer	Montrose
Dolores	Morgan
Delta	Ouray
Denver	Park
Douglas	Pitkin
Eagle	Pueblo
Elbert	Rio Blanco
El Paso	Rio Grande
Fremont	Routt
Garfield	Saguache
Gilpin	San Juan
Grand	San Miguel
Gunnison	Summit
Hinsdale	Teller
Huerfano	Washington
Jackson	Weld

STATE OF IDAHO

Bannock	Custer
Bear Lake	Franklin
Bingham	Fremont
Blaine	Jefferson
Bonneville	Madison
Butte	Minidoka
Camas	Oneida
Caribou	Power
Cassia	Teton
Clark	Valley

STATE OF MONTANA

Beaverhead	Madison
Deer Lodge	Meagher
Gallatin	Park
Jefferson	Silver Bow

STATE OF NEBRASKA

Banner	Sioux
Kimball	

STATE OF NEVADA

Carson City	Lander
Douglas	Lyon
Elko	Mineral
Esmeralda	Storey
Eureka	White Pine
Humboldt	

STATE OF NEW MEXICO

Bernalillo	Mora
Catron	Rio Arriba
Colfax	Sandoval
Curry	San Juan
De Baca	San Miguel
Grant	Santa Fe
Guadalupe	Sierra
Lincoln	Socorro
Harding	Taos
Lincoln	Torrance
Los Alamos	Union
Luna	Valencia
McKinley	

STATE OF OREGON

Lake	

STATE OF UTAH

Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	San Juan
Daggett	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Grand	Uintah
Iron	Utah
Juab	Wasatch
Kane	Wayne
Millard	Weber
Morgan	

STATE OF WYOMING

Albany	Natrona
Carbon	Niobrara
Converse	Park
Fremont	Platte
Goshen	Sublette
Hot Springs	Sweetwater
Johnson	Teton
Laramie	Uinta
Lincoln	Weston

[FR Doc.77-11356 Filed 4-19-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4-12—LABOR

Procurement; Miscellaneous Amendments

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by deleting section covering Labor Standards in Construction Contracts and transferring it to another section to conform to the Federal Procurement Regulation's numbering system; and by making various editorial and organizational name changes.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement, Grants and Agreements Management Staff, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect

to the amendment are impracticable and unnecessary.

1. The Table of Contents of Part 4-12 is amended as follows:

a. Section 4-12.202 is deleted.

b. Subpart 4-12.3 is changed to read Contract Work Hours and Safety Standards Act (Other Than Construction Contracts).

c. Section 4-12.302 is deleted.

d. Subpart 4-12.4, Labor Standards in Construction Contracts, is deleted from Part 4-12 and redesignated as Subpart 4-18.7.

e. Section 4-12.604 is corrected to read Responsibility of Contracting Officers.

f. Subpart 4-12.9, Service Contract Act of 1965, is deleted.

2. Section 4-12.150 is revised to read as follows:

§ 4-12.150 Unauthorized contract provisions.

Labor standards provisions going beyond the requirements of the Federal Procurement Regulations may not be incorporated in Government contracts.

3. Section 4-12.153 is revised to read as follows:

§ 4-12.153 Report of violations, underpayments, or contract terminations.

Reports required by §§ 5.6 and 5.7 of the regulations of the Secretary of Labor (29 CFR 5.6, 5.7) will be made through the Director, Office of Operations.

§ 4-12.202 [Deleted]

4. Section 4-12.202 is deleted.

§ 4-12.250 [Amended]

5. In § 4-12.250 the reference reading "(18 U.S.C. 396a)" is changed to read "(18 U.S.C. 1761)."

Subpart 4-12.3—Contract Work Hours and Safety Standards Act (Other Than Construction Contracts)

6. The heading under Subpart 4-12.3 is changed to read "Contract Work Hours and Safety Standards Act (Other Than Construction Contracts)."

§ 4-12.302 [Deleted]

7. Section 4-12.302 is deleted.

8. Section 4-12.303 is revised to read as follows:

§ 4-12.303 Contract clause.

The contract clause set forth in § 1-12.303 shall be physically included in applicable contracts. Incorporation by reference is not in compliance with the Act. This clause is included in General Provisions forms SF-32 (Supply Contract) and AD-377 (Service Contract).

§ 4-12.304 [Amended]

9. In § 4-12.304, first sentence, "Contract Work Hours Standards Act" is changed to read "Contract Work Hours and Safety Standards Act," and in the last sentence, "Office of Plant and Operations" is changed to read "Director, Office of Operations."

10. Section 4-12.350 is revised to read as follows:

§ 4-12.350 Deductions from contract payments for violations.

The contracting officer shall be responsible for determining the amount of unpaid wages and liquidated damages due under the provisions of the Act. He shall also take such other actions as required by the Act and the regulations of the Secretary of Labor pursuant thereto, in connection with any violation, including making appropriate adjustments in such liquidated damages or relieving the contractor or subcontractor of liability for liquidated damages, where the amount of damages is $100 or less. Any recommendations to the Secretary of Labor shall be made through the Director, Office of Operations.

Subpart 4-18.7

11. Subpart 4-12.4 is deleted from Part 4-12 and redesignated as 4-18.7.

§ 1-12.602-3 [Amended]

12. In § 4-12.602-3, the "Wage and Hour and Public Contracts Division" is changed to read "Wage and Hour Division."

13. In § 4-12.604 the heading is corrected to read "Responsibility of Contracting Officers" and the text is revised to read as follows:

§ 1-12.604 Responsibility of Contracting Officers.

Submission of protests to the Department of Labor for final determination as to whether or not a bidder is a manufacturer or regular dealer, and reports of Walsh-Healey Act violations shall be made through the Office of Operations. The poster "Notice to Employees Working on Government Contracts—Service Contract Act or Public Contracts Act" (WH Publication 1313), and "Minimum Wage Determinations Under the Walsh-Healey Public Contracts Act" (WH Publication 1232), should be obtained directly from the Department of Labor at the address in § 4-12.602-3. Report of award on Standard Form 99 shall be submittted directly to that office. If award is based on location of the contractor in a labor surplus area, pursuant to subpart 1-1.8 or § 1-2.407-6, the SF-99 shall be stamped "Preference Award" in the upper right corner.

§ 4-12.650 [Amended]

14. In § 4-12.650, the "Office of Plant and Operations" is changed to read "Director, Office of Operations."

Subpart 4-12.9 [Deleted]

15. Subpart 4-12.9, Service Contract Act of 1965, is deleted.

§ 4-12.5003 [Amended]

16. In § 4-12.5003 the "Office of Plant and Operations" is changed to read "Office of Operations."

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

Done at Washington, D.C., this 11th day of April 1977.

E. ALVAREZ,
Director,
Office of Operations.

[FR Doc.77-11492 Filed 4-19-77;8:45 am]

PART 4-18—PROCUREMENT OF CONSTRUCTION

Miscellaneous Amendments

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by adding new section, Lead-Based Paint Prohibition. This new section implements regulations of the Department of Housing and Urban Development prohibiting the use of lead-based paint in Federal or federally-assisted residential construction or rehabilitation, as required by the Lead-Based Paint Poisoning Prevention Act, as amended by the National Consumer Health Information and Health Promotion Act of 1976.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Louis Perrygo, Procurement, Grants and Agreements Management Staff, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-7527).

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents is amended by adding the following new Section:

Sec.
4-18.150 Lead-based paint prohibition.

2. Section 4-18.150 is added as follows:

§ 4-18.150 Lead-based paint prohibition.

(a) *Authority.* Section 401 of the Lead-Based Paint Poisoning Prevention Act as amended by the National Consumer Health Information and Health Promotion Act of 1976, Pub. L. 94-317, prohibits the use of lead-based paint in Federal and Federally-Assisted construction or rehabilitation of residential structures (42 U.S.C. 4831).

(b) *Action.* Contracting Officers shall include the following provision prohibiting the use of lead-based paint in all contracts and subcontracts for construction or rehabilitation of residential structures:

LEAD-BASED PAINT PROHIBITION

No lead-based paint containing more than .5 of 1 percentum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both, or with respect to paint man-

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ufactured after June 22, 1977, no lead-based paint containing more than .06 of 1 percentum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both, shall be used in the construction or rehabilitation of residential structures under this contract or any subsequent subcontracts.

(5 U.S.C. 301, 40 U.S.C. 486(c).)

Done at Washington, D.C. this 11th day of April, 1977.

E. ALVAREZ,
Director Office of Operations.

[FR Doc.77-11494 Filed 4-19-77;8:45 am]

PART 4–18—PROCUREMENT OF CONSTRUCTION

Procurement; Miscellaneous Amendments

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by adding new section covering Labor Standards in Construction Contracts. This section has been transferred from another section to conform to the Federal Procurement Regulation's numbering system; and by making various editorial and organizational name changes.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement, Grants and Agreements Management Staff, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents is amended by adding Subpart 4–18.7 as follows:

Subpart 4–18.7—Labor Standards for Contracts involving Construction

4–18.701	Applicability.
4–18.701–2	Supply, service, maintenance, or other contracts involving construction.
4–18.702	Statutory and regulatory requirements.
4–18.702–1	Davis-Bacon Act.
4–18.702–2	Copeland Act.
4–18.702–3	Contract Work Hours and Safety Standards Act.
4–18.702–4	Department of Labor regulations.
4–18.704	Wage determinations.
4–18.705	Administration and enforcement.
4–18.705–1	Policy.
4–18.705–6	Payrolls and statements.
4–18.705–8	Investigations.
4–18.705–9	Suspensions and deductions of contract payments.
4–18.705–10	Reports.
4–18.705–13	Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours and Safety Standards Act.
4–18.750	Irregularities and withholdings under the Davis-Bacon Act.
4–18.751	Instructions regarding labor provisions.

2. Section 4–18.203–2, paragraph (b), is revised to read as follows:

§ 4–18.203–2 Distribution of invitations for bids.

* * * * *

(b) *Mailing lists of prospective bidders.* Those agencies regularly engaged in construction work should assemble a list of prospective bidders classified by specialties, bonding capacity and location of operations. The state office of the Associated General Contractors of America, Inc., is an excellent source of help in contacting and listing contractors, and in most cases information on equipment ownership, financial standing and general reputation can be secured.

3. Section 4–18.203–50 is revised to read as follows:

§ 4–18.203–50 Plans and drawings.

Plans and drawings should be clearly identifiable by sheet numbers and titles and be so identified in the bid invitation and contract. For general information regarding building codes and standards of design, see § 104–17.451 of the Agriculture Property Management Regulations.

4. Section 4–18.208 is amended to read as follows:

§ 4–18.208 Award.

* * * * *

(b) *Wage rate determinations.* Notice of award must be given before the wage determination expires or a new wage determination must be requested and the solicitation amended accordingly, before a contract can be awarded (see § 1–18.704–5 of this title). The expiration date of "project area" and "individual" wage determinations is 120 days after the date of initial issue, unless the determination is extended in accordance with 29 CFR 5.4. General or area wage determinations contain no expiration date and are modified as required.

(c) *Instructions regarding labor provisions.* (1) Upon award of the contract the successful bidder shall be furnished with a copy of Form AD–372, "Regulations of the Secretary of Labor Applicable to Contracts covering Federally Financed and Assisted Construction and Other Contracts Subject to the Contract Work Hours and Safety Standards Act." Form AD–372 is available from the Central Supply Branch.

* * * * *

(d) *Equal opportunity provision.* Upon award of the contract, the contractor shall be furnished posters and directions for their use in accordance with § 1–12.805–3 and § 4–12.805–3 of this title.

* * * * *

5. Subpart 4–18.7, formerly 4–12.4, is revised and added as follows:

Subpart 4–18.7—Labor Standards for Contracts Invoving Construction

§ 4–18.701 Applicability.

§ 4–18.701–2 Supply, service, maintenance, or other contracts involving construction.

If the proposed contract includes installation of equipment which involves a substantial amount of work, the contracting officer should determine whether the installation portion of the contract work is subject to the provisions of the Davis-Bacon Act. If the proposed contract includes installations classified as incidental to the purchase, such items will not be subject to labor standards provisions applicable to construction, but will be subject to the applicable labor standards provisions for supply and service contracts.

§ 4–18.702 Statutory and regulatory requirements.

§ 4–18.702–1 Davis-Bacon Act.

Text of the Act is reproduced in § 4–52.203, et seq.

§ 4–18.702–2 Copeland Act.

Text of the Act is reproduced in § 4–52.174.

§ 4–18.702–3 Contract Work Hours and Safety Standards Act.

Text of the Act is reproduced in § 4–52.211, et seq.

§ 4–18.702–4 Department of Labor regulations.

The subject regulations are reproduced at § 4–52.502 and copies may also be obtained from the Central Supply Branch, Office of Operations, as Form AD–372.

§ 4–18.704 Wage determinations.

(a) *Requests for wage determinations.* Wage determinations shall be requested by submitting form SF–308, Request for Determination and Response to Request, to the applicable Employment Standards Administration Regional Office shown in § 1–18.704–3 of this title. Form SF–308 is available from the Central Supply Branch. In completing Form SF–308 the description of work should clearly identify the exact nature of the project to be constructed. For example, when proposing to build a house or housing project, "residential building construction" rates should be requested rather than just "building construction" rates, as the rates for residential construction are sometimes different than those for commercial building construction.

§ 4–18.705 Administration and enforcement.

§ 4–18.705–1 Policy.

(a) Agencies will be guided by §§ 1–18.702 and 4–18.702 and by the Regulations of the Secretary of Labor (see § 4–52.502) in the enforcement of labor standards. In addition, certain interpretative issuances of the Department of Labor are reproduced in Subpart 4–52.7.

(b) Except as otherwise provided in this subpart, all reports and information submitted to the General Accounting Office and to the Department of Labor on labor standards shall be forwarded through the Office of Operations.

§ 4–18.705–6 Payrolls and statements.

(a) *Weekly submission of copies of payrolls.* Contractors are required, by the labor standards provisions of the contract, to submit weekly to the contracting agency copies of all payrolls together with a statement that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classification set forth for each laborer or mechanic conforms with the work he performed. The payrolls and statements should be examined to assure compliance with the labor standards provisions of the contract. The Secretary of Labor has developed payroll form WH–347, Payroll (For Contractor's Optional Use), and WH–348, Statement of Compliance, for use by contractors and subcontractors on construction contracts subject to the Davis-Bacon and related Acts. These payroll forms, when properly filled out, meet all of the requirements of the Department of Labor regulations (29 CFR Parts 3 and 5), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts. Also, no other certification or statement other than that appearing on payroll forms WH–347 and WH–348 is necessary as a prerequisite to partial or progress payments or payment in full to the contractor. See § 4–52.502 of this chapter for regulations of the Secretary of Labor setting forth the requirements for examinations, investigations, and reports that may be required.

(b) *Statement of Compliance.* No payment, advance, grant, loan, or guarantee of funds shall be approved unless there is on file with the agency a statement by the contractor that the labor standards provisions of the contract have been complied with, or that there is a substantial dispute with respect thereto. (See § 5.6 of regulations of the Secretary of Labor, 29 CFR Part 5, and § 4–52.502 of this chapter.) Form WH–347, properly completed, meets all requirements of this section. When a contractor elects to use his own payroll form, that form must contain or be accompanied by a statement of compliance with the Copeland Regulations. The Secretary of Labor has developed form WH–348, Statement of Compliance, to meet this need. When a contractor uses any payroll form other than WH–347, the compliance statement must be on the poyroll form or attached to is.

(c) *Obtaining forms.* Forms WH–347 (Payroll3 and WH–348 (Statement of Compliance) are available from the Central Supply Branch.

§ 4–18.705–8 Investigations.

(a) The "Investigation and Enforcement Manual With Respect to Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction Pursuant to Regulations, Part 5, of the Secretary of Labor (Title 29, Subtitle A, Code of Fed. Regs.)," shall be followed where applicable in investigations to assure compliance with labor standards requirements. Copies can be obtained by contacting the Department of Labor, Wage and Hour Division, Washington, D.C. 20210.

(b) To the extent feasible, agencies shall utilize the investigative services available from the Office of Investigation in accordance with 8 AR 2. Such services shall be confined to gathering and evaluating information and evidence, and making recommendations, where appropriate, to the Contracting Officer, who retains full responsibility for the reports required by this Part 4–18. Requests for such services are to be addressed to the appropriate OI Regional Office. See 8 AR 12 for listing of the regional offices.

§ 4–18.705–9 Suspensions and deductions of contract payments.

See § 4–18.750 and Title 7 of the Administrative Regulations for Department procedure on disposition of amounts withheld.

§ 4–18.705–8 Investigations.

Reports of violations required by § 1–18.705–10(b) shall be made through the Office of Operations. Semi-annual enforcement reports required by § 1–18.705–10(a) shall be made directly to the Department of Labor by each agency which has taken enforcement measures during a reporting period. Negative reports are not required. A copy of each such report shall be furnished to the Office of Operations.

§ 4–18.705–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours and Safety Standards Act.

The Contracting Officer shall take such action as required by the Act and the Regulations of the Secretary of Labor pursuant thereto in connection with any violation, including making appropriate adjustments in liquidated damages assessed, or in relieving the contractor or subcontractor of liability for liquidated damages, where the amount of the damages is $100 or less. Any recommendations to the Secretary of Labor shall be made through the Office of Operations.

§ 4–18.750 Irregularities and withholdings under the Davis-Bacon Act.

(a) *Purpose.* (1) The General Accounting Office is responsible for the following junctions in connection with irregularities and withholdings under the Davis-Bacon Act.

(i) For determining whether or not violations occurred in a sense that requires debarment.

(ii) For paying aggrieved employees amounts to which they are entitled when funds have been withheld from a contractor to cover such wage underpayment.

(iii) To settle claims of contractors based upon the amount which may have been withheld.

(2) In determining the propriety of debarment action, the General Accounting Office must distinguish between technical and substantial violations:

(i) "Technical violations" are those which have resulted from inadvertence or legitimate disagreements concerning classification.

(ii) "Substantial violations" are those the intentional nature of which is demonstrated by bad faith or gross carelessness in observing obligations to employees with respect to the minimum wage provisions of the Act.

(3) The General Accounting Office bases its decision on written evidence; most of which is supplied by the agency having charge of the contract. Therefore, it is important that precise and complete records be maintained. In addition, the General Accounting Office gives careful consideration to the administrative determinations and recommendations made by the agencies.

(b) *Procedure or processing cases.* The following procedures and suggestions, which are designed to achieve greater efficiency in processing Davis-Bacon Act cases, shall be adhered to:

(1) In every instance where disregard of obligations to employees has been found, a comprehensive report, describing the nature and extent of irregularities, and presenting the evidence relied upon to establish their existence, is required. The essentials of such a report include (i) a chronological narration of the facts; (ii) a copy of any investigative report and exhibits, including payrolls submitted to the Government and other pertinent documentary evidence; (iii) copies of correspondence showing administrative action with respect to the exaction of compliance and actions taken or explanations proffered by offenders; and (iv) any additional information, evidence, or recommendations believed to be useful in reaching a determination.

(2) Such comprehensive reports are necessary in all instances, and they should be forwarded to the Office of Operations for transmittal to the Department of Labor and GAO Claims Division. Failure to withhold monies for wage underpayments, or the fact that wage underpayments have been corrected, does not obviate furnishing factual reports.

(3) Reports should give definite information as to the finality of administrative determinations with respect to wage underpayments and as to contractors' compliance therewith. Until it can be demonstrated that administrative determinations of wage underpayments have become final in the sense that a contractor has acquiesced in them or has no further recourse through appeal, Federal payments to employees out of funds collected from a contractor not only would be hazardous but might result in improper payments. Also, an incurrence of expense to make such disbursements clearly would be inappropriate in any

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instance where Federal intervention might not actually be necessary to discharge the obligation imposed primarily upon contractors and subcontractors. In other words, the General Accounting Office should be advised as to how a determination of underpayment becomes finally binding upon a contractor and in what manner it is evident that a contractor thereafter refused to comply.

(4) Should wage underpayments be corrected by contractors or subcontractors to the satisfaction of the agency in charge of a contract, evidence of such corrective payments need not be furnished. An appropriate certification that adjustments have been verified will be satisfactory for purposes of the report.

(c) *Deductions for underpayment.* Where the contractor or subcontractor fails or refuses to pay employees the rate of wages as established in the contract, the contracting officer shall take action to suspend the payment of funds to such contractor until the violation is discontinued and/or until sufficient funds have been withheld to compensate the employees for the wages to which they are entitled. (For fiscal accounting reports required in connection with this § 4–18.750, see Title 7 of the Administrative Regulations).

§ 4–18.751 Instructions regarding labor provisions.

The provisions contained in 29 CFR, Part 5a, Labor Standards for Ratios of Apprentices and Trainees to Journeymen on Federal and Federally Assisted Construction, and 29 CFR, Part 5, § 5.5 (1) (ii), (2), and (4), shall be included (either physically or by reference) in every invitation for bids, or request for proposals, for a Federal or federally assisted construction contract estimated to exceed $10,000 and to every such contract entered into on the basis of such invitation or negotiation. The provisions of Part 5a and those applicable sections of Part 5 have been added to Form AD–372.

Upon award of a construction contract, the successful bidder shall be furnished a copy of Form AD–372, Regulations of the Secretary of Labor Applicable to Contracts Covering Federally Financed and Assisted Construction and Other Contracts Subject to the Contract Work Hours and Safety Standards Act. The Contracting Officer or his representative shall explain the requirements and the procedures for enforcement which will be followed by Government personnel. Attention shall particularly be called to the requirement (a) that the contractor shall make a "diligent effort" to provide training opportunities consistent with the apprentice and trainee employment requirements, and (b) for weekly submission of payrolls and statements of compliance. If there is a representative of the Contracting Officer on the job site, responsibility for securing these documents may be delegated to him; otherwise, the contractor shall be required to mail these directly to the Contracting Officer.

6. Section 4–18.5001 is amended to read as follows:

§ 4–18.5001 Rates of wages.

(a) *Davis-Bacon Act applicability.* The Davis-Bacon Act (40 U.S.C. 276a) requires that the advertised specifications for every contract in excess of $2,000 for the construction, alteration or repair of public buildings or works, including painting or decorating buildings, shall contain a provision stating the minimum wages and fringe benefits to be paid laborers and mechanics. Applicability of the provisions of the Davis-Bacon law is dependent upon the actual contract price and not upon estimates. Even though the provisions were included in a contract estimated to exceed $2,000, and later awarded at a price below the statutory minimum, there is no requirement for compliance, because public officers do not have legal authority to include provisions contrary to law. Whenever it is believed the contract amount may exceed $2,000, provision should be made in the invitation for bids for compliance with the Act. The labor standards provisions of Standard Form 19A are sufficient to require such compliance.

(b) *Requesting wage determinations.* Agencies shall request wage determinations in accordance with § 1–18.704–3. Requests for wage determinations shall be initiated at least 30 calendar days before advertisement of the specifications or the beginning of negotiations for the contract for which the determinations are sought. The Department of Labor has indicated that exceptions to this requirement will be made only in unusual cases upon a proper showing of need.

(c) *Inclusion of rates in specifications.* Minimum wage rates thus obtained shall be included in the advertised specifications of each invitation when issued. If circumstances require issuance of an invitation prior to availability of the wage determination, a notice shall be included that the applicable wage rates will be furnished by an amendment. Such amendment shall be issued not less than 14 calendar days prior to the bid opening date, which date shall be extended if necessary to cover the 14-day period.

§ 4–18.5002 [Amended]

7. In § 4–18.5002, the reference reading "(See 19 Comp. Gen. 576.)" is deleted.

8. Section 4–18.5003 is revised to read as follows:

§ 4–18.5003 Contract Work Hours and Safety Standards Act.

The Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) relates to the 8-hour day, 40-hour week, overtime compensation of laborers and mechanics employed by contractors. The required contract provision is stated in Clause 2 of Standard Form 19A.

9. Section 4–18.5101 is revised to read as follows:

§ 4–18.5101 Performance and payment bonds.

(a) When performance and payment bonds are received, they should be administratively approved as to form and sufficiency by the Contracting Officer. See § 4–10.152 of this title for instructions on approval and filing of bonds.

(b) If the contractor fails to furnish acceptable performance and payment bonds, the contract is subject to termination for default. (See § 1–18.803 of this title.) (See also §§ 1–10.104–1(d) and 1–10.105–1(d) of this title.)

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

Done at Washington, D.C., this 11th day of April, 1977.

E. ALVAREZ,
Director, Office of Operations.

[FR Doc.77–11493 Filed 4–19–77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6802–7]

PART 1068—GRANTEE FINANCIAL MANAGEMENT

Subpart—Criteria for Waiver of Non-Federal Share; Disaster Relief

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is publishing new non-Federal share waiver criteria providing that grants made for disaster relief may provide 100% Federal funding. CSA grantees are frequently involved in disaster relief activities which, by their very nature, are not "planned" activities but require immediate action. CSA has recognized that requiring a non-Federal share is inconsistent with legislative intent. This rule will make it possible for grantees to carry out these disaster relief activities without diverting resources to fulfill a grant requirement.

DATES: This regulation is effective April 20, 1977. Comments on or before May 20, 1977.

ADDRESS: Address all comments to: Mary Ann Robinson, Community Services Administration, Office of Operations, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Mary Ann Robinson, 202–254–5276.

SUPPLEMENTARY INFORMATION: Section 225(c) and 714 of the Economic Opportunity Act of 1964 as amended require a non-Federal share contribution for grants made under certain sections of Titles II and VII. One of the major objectives of non-Federal share is to provide local resources for and to encourage involvement at the local level in the operating programs of CSA grantees. However, to require non-Federal share contributions for grants awarded to provide crisis intervention assistance to communities affected by natural disasters, e.g., floods, tornadoes, over which there is no control, is inconsistent with the major intent of the legislation. Consequently, the Director is exercising his authority under section 225(c) and 714 of the Economic Opportunity Act of 1964 as amended to develop objective criteria under which part or all of the non-Federal share may be waived.

This regulation is effective immediately since there are current grants carrying a non-Federal share requirement and it is to their benefit to promulgate this rule immediately. However, CSA welcomes comments, which should be received on or before May 20, 1977, and will revise the rule if comments so warrant.

Effective date: April 20, 1977.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

ROBERT C. CHASE,
Acting Director.

45 CFR 1068 is amended by adding the following:

Sec.
1068.24–1 Applicability.
1068.24–2 Policy.
1068.24–3 Procedures.

§ 1068.24–1 Applicability.

This subpart is applicable to all grants funded under Title II, sections 221 and 222(a) and Title VII, section 712 of the Economic Opportunity Act of 1964 as amended if the assistance is administered by the Community Services Administration.

§ 1068.24–2 Policy.

Any grantee funded under Title II, sections 221 and 222 and Title VII, section 712 that receives a grant to provide crisis relief as a result of a natural disaster will not be required to meet the non-Federal share requirement. This waiver policy is retroactive for all such current grants that contain a non-Federal share requirement.

§ 1068.24–3 Procedures.

This waiver is automatic and does not require a grantee request for waiver.

[FR Doc.77–11415 Filed 4–19–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20123; RM–2622; FCC 77–253]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Utilization and Assignment of the Aeronautical Advisory and Aeronautical Multicom Frequencies

AGENCY: Federal Communications Commission.

ACTION: Report and Order Changing the Frequencies available for Aeronautical Advisory and Multicom Stations.

SUMMARY: There has been only one frequency (122.8 MHz) available for aeronautical advisory stations at airports without control towers. This has resulted in extreme congestion. This rule change transfers additional frequencies from other aeronautical usage to aeronautical advisory and multicom usage. In addition other changes have been made in frequencies already available to aeronautical advisory and multicom stations.

EFFECTIVE DATE: May 20, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Richard E. Hallowell, Aviation and Marine Division, Safety and Special Radio Services Bureau, 202–632–7197.

SUPPLEMENTARY INFORMATION:

Adopted: April 5, 1977.

Released: April 15, 1977.

1. In July of 1974 the Commission undertook a study of problems relating to the growing congestion on the frequency 122.8 MHz assigned to aeronautical advisory stations (called unicoms) at uncontrolled airports. On July 31st a notice of inquiry was adopted which discussed the present use of the band from 122.8—123.075 MHz and invited comments and suggestions on a solution to this congestion problem.[1]

2. Based upon replies received, further discussions with interested groups and agencies and a petition by Aircraft Owners and Pilots Association (RM–2622), a notice of proposed rulemaking (NPRM) was released on May 26, 1976, proposing specific changes to Part 87 of the Commission's rules. The period for comments and reply comments has passed.

3. There were 24 comments received in response to the NPRM. There were no reply comments received. Nineteen of the twenty-four supported the NPRM in its entirety. Those supporting the NPRM were General Motors Corporation, National Association of State Aviation Officials, McCreary Tire and Rubber Company, Commuter Airline Association of America, Aeronautical Radio, Incorporated, Aircraft Owners and Pilots Association, Dave Stern, I. E. Sommermeyer, Arthur G. Holland, City of Ann Arbor, Michigan, Linda E. Katz, Shakstad Electric and Machine Works, Santa Maria Public Airport, R. O. Noyer, Glen Jackson, S. K. McCauley, Donald R. Goss, John Weisinger and L. S. Henebison, Jr.

4. In addition, Mr. Don Caliendo supported all facets of the NPRM except the stress on implementing 25 kHz channels now and in the future. He also felt that 123.6 MHz was useful in its present capacity. As pointed out in the NPRM the disposition of 123.6 MHz is not considered a part of this docket. With regard to future use of 25 kHz channels it now appears that if the FCC is to satisfy the many legitimate requests for frequencies in an environment which does not have prohibitive interference, the use of the 25 kHz channels will be necessary. In order that they be usable from a practical and economic point of view, some form of phased implementation seems necessary. Consequently this rule making contains added usage of 25 kHz channels. Further, we intend to take additional steps in the future to increase 25 kHz channel utilization.

5. The City of Modesto, California suggested that unicoms at controlled airports be allowed to stay on 123.0 MHz and that a 50 kHz frequency be used instead for an additional frequency for uncontrolled airports. They noted that this would make unnecessary the expenditure of an estimated $15,000 for the frequency change for these stations. We are aware that there will be a cost incurred in changing from 123.0 to 122.95 MHz, however, the cost which must be borne by each licensee is not great. Further, uncontrolled airports utilize aeronautical advisory for safety related communications, whereas at controlled airfields advisory communications are mainly for cost saving and convenience. Therefore, uncontrolled airports must be given priority for the more universally usable frequency 123.0 MHz.

6. The Air Taxi and Commercial Pilots Association disagreed with using 122.700 and 122.750 MHz for unicom/multicom use. They provided a plan which retained those frequencies for use by Flight Service Stations. There were many similarities between their plan and the one proposed in our Notice of Proposed Rule Making. One basic difference was that they proposed a 50 kHz spaced channel for use at uncontrolled airports in congested areas. Based upon nearly all comments received to date the use of a 100 kHz channel for unicoms at uncontrolled airports is highly desirable. This allows the maximum number of aircraft to be able to obtain airport advisories.

7. Mr. Howard Shryock took exception to the NPRM. He indicated that he felt that the use of frequencies by Flight Service Stations is far more important than for unicoms. We have not addressed this point. We have, however, made a detailed study of the assignments throughout the band from 122.0–123.075 MHz. It was with this background and in cooperation with general aviation representatives that the present plan was devised. In the NPRM we recognized that the removal of 122.7 and 122.75 MHz from use by Flight Service Stations would increase (1) the possibility of interference on the other FSS frequencies and (2) the number of other 50 kHz FSS assignments. In spite of these possibilities there has been almost universal support by the using public for the plan as presented in the NPRM. Further, it should be noted that FAA, the agency operating Flight Service Stations, has agreed to move its stations from 122.7 and 122.75 MHz.

8. We therefore, are adopting the frequency plan for the band from 122.6875 to 123.0875 MHz as presented

[1] See 41 FR 23723.

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in the NPRM. It is presented below and discussed in detail in subsequent paragraphs.

MHz AA: Aeronautical advisory

122.700	AA—uncontrolled fields.
122.725	AA—private airports not open to the public.
122.750	AA—private airports not open to the public and air-to-air communications.
122.775	Future AA or multicom use.
122.800	AA—uncontrolled airports.
122.825	Future AA or multicom use.
122.850	Multicom.
122.875	Future AA or multicom use.
122.900	Multicom.
122.925	Multicom-Natural Resources.
122.950	AA—Airports with a control tower.
122.975	AA—high altitude.
123.000	AA—uncontrolled airports.
123.025	Future AA or multicom use.
123.050	AA—Heliports.
123.075	AA—Heliports.

9. As proposed in the NPRM we are changing the rules to utilize the frequencies between 122.6875 and 122.7875 MHz for aeronautical advisory and multicom functions. This includes the two Flight Service Station (FSS) frequencies, 122.700 and 122.750 MHz. Where these two frequencies have been assigned, the FAA has begun reassigning other FSS frequencies. It is anticipated that this frequency change will be accomplished by January 1, 1978. Therefore general use of these frequencies cannot be made until that time. The frequency 122.700 MHz may be assigned selectively after concurrence by FAA during the period preceding January 1, 1978. This is further discussed in paragraph 14. The availability of the frequency 122.750 MHz is

10. We are redesignating the 25 kHz channels between 122.7 and 123.1 MHz for aeronautical advisory or multicom for either present or future use. They have previously been designated as Air Traffic Control channels, however, the FAA has indicated no planned usage for this function of these frequencies.

11. In the NPRM we discussed the two frequencies (122.850 and 122.950 MHz) which have been used for aeronautical advisory stations serving aircraft at altitudes greater than 10,000 feet above the field elevation. We noted that there were far fewer assignments on these frequencies than on other aeronautical advisory frequencies. We proposed that one frequency was adequate for this function and further that it be a 25 kHz channel. This is consistent with the present implementation schedule of 25 kHz channels by FAA for high altitude enroute control. As listed in the table in paragraph 8 we are designating 122.975 MHz for unicoms serving aircraft at high altitude.

12. In the NPRM we noted that many comments had been received suggesting that a larger percentage of the aircraft using controlled airports had 50 kHz equipment than those aircraft using uncontrolled airports. Further, it has been noted that the nature of communications on unicom stations at uncontrolled airports is more safey related than at controlled airports. Therefore, as proposed in the NPRM we are designating 122.950 MHz for unicom use at controlled airports and making 123.000 MHz available for assignment at uncontrolled airports.

13. As mentioned above, we are making three 100 kHz channels available for use at uncontrolled airports. These are 122.700, 122.800 and 123.000 MHz. The frequency 123.000 MHz comes from its former use at controlled airports. The frequency 122.800 MHz is retained as formerly used and 122.700 MHz comes from its former use as an FSS frequency. Aeronautical advisory stations at uncontrolled airports will be assigned one of the above frequencies. There is no need for an applicant to specify a frequency for assignment at the landing area. However, applicants may state a preference for one of the above frequencies and this will be taken into consideration when the assignment is made.

14. As noted in paragraphs 9 and 13, the frequency 122.700 MHz has been, and is currently used at certain FSS's. The FAA has indicated that it will have all FSS's moved from 122.700 MHz to other lower frequencies by January 1, 1978. Therefore, we will coordinate the assignment of this frequency with the FAA until that date.

15. The FAA is also moving to vacate the frequency 122.750 MHz. However, as with 122.700 MHz, time is required to make these changes. They have indicated that all changes will be completed by January 1, 1978. We are making this frequency available for assignment to private airfields. However, we will coordinate any assignments on this frequency with FAA until January 1, 1978, to insure compatibility with the FSS's using that frequency during the interim period. We are also going to make this frequency (122.750 MHz) available after January 1, 1978, for private aircraft in air-to-air communications for formation flying, group flights or other air-to-air usage by general aviation not specifically authorized elsewhere in Part 87 of the rules. However, such air-to-air communications on this frequency shall be limited to those directly related to the operation of the aircraft. We emphasize that this frequency is not authorized for air-to-air use until January 1, 1978.

16. As discussed in the NPRM we are making the frequency 122.725 MHz available for assignment at private airports which are not open to the public.

17. We have noted, by applications received at the Commission, an increasing need for multicom spectrum in addition to that which is presently available. We are, therefore, as proposed in the NPRM, retaining 122.900 MHz for general multicom purposes and 122.925 MHz for multicom uses associated with programs of Federal and state natural resources agencies. In addition, we are making 122.850 MHz available for assignment for general multicom use.

18. The frequencies 121.950, 123.3 and 123.5 MHz remain available for assignment to aviation instructional stations and for the coordination between gliders and ground stations and the promotion of safety of life and property. AOPA, in their petition, noted that there was a need for coordination between gliders and their tow aircraft. Accordingly, we proposed that this function be included in the authorized communications for these frequencies. Therefore, by this Report and Order we are extending the authorized communications to include coordination between gliders, tow aircraft and ground stations.

19. Helicopter users noted, in their response to the Notice of Inquiry that 123.050 MHz was already becoming congested in some locations. Accordingly, we are making 123.075 MHz available as an additional frequency for assignment at heliports.

20. We recognize that these amendments involve frequency changes by many ground stations. We will accomplish this over approximately a 2 year period. All licenses granted or renewed during the period until January 31, 1979, will be assigned a frequency in accordance with paragraph 8, at the time of the grant, renewal, or modification. Licenses which expire after January 31, 1979, will be amended by a supplementary authorization in time to make the mandatory frequency change by February 1, 1979.

21. As discussed and proposed in the NPRM, we are changing the definition of aeronautical advisory station to include the term unicom because of the popular usage of the term. We will treat the two terms interchangeably henceforth.

22. As proposed in the NPRM we are changing paragraph 87.271(a) of the rules to delete the requirement that usage of 122.900 MHz cause no interference to the Aeronautical Advisory Service.

23. In addition, the following administrative changes are being made:

(a) Footnote 1 to § 87.65(a) is reworded to clearly express the original intent of the rule making. It was intended that the transmitters first type accepted after January 4, 1974, meet the 0.002 percent tolerance. Similarly, it was intended that those types of transmitters meeting a tolerance of 0.005 percent which were type accepted before January 1, 1966, and those types of transmitters meeting tolerance of 0.003 percent first type accepted during the period January 1, 1966, to January 1, 1974, may continue to operate with the exception of the stated carrier offset restriction. The use of the date of type acceptance as a criterion was stated in the Report and Order in Docket No. 19647, and this interpretation has been used to date.

(b) Footnote 2 to § 87.65(a) is reworded along the same lines as Footnote 1 in paragraph (a) above.

(c) The intent of §§ 87.253(a) and 87.253(d) is not to require someone to provide service, but rather to require the use of a particular frequency when providing service. We are, therefore, changing the wording to more clearly reflect this intent.

(d) Footnote US29 in § 2.106 is no longer current and is being deleted.

(e) In the Table of Frequency Allocations in Part 2 of the rules, the Aviation Instructional frequency 121.950 MHz is being moved to the next higher frequency table along with other private aircraft frequencies.

24. Accordingly, *it is ordered*, That Parts 2 and 87 of the rules are amended as indicated below effective May 20, 1977. Authority for these amendments is contained in sections 4(i), 303 (b), (c), (f) and (r) of the Communications Act of 1934, as amended.

25. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 2 is amended as follows:

In § 2.106 the table is amended by changing the frequency band in columns 5 and 7 from 117.975—121.9625 MHz to 117.975—121.9375 MHz; in the frequency band 117.975—121.9625 MHz, under column 10, the frequency 121.950 MHz (NG67) is deleted, and in column 11 directly opposite, the service "Aviation instructional" is deleted. Under columns 5 and 7, the frequency bank 121.9625—123.0875 MHz is changed to read 121.9375—123.0875 MHz; Footnote US29 is deleted; in column 10, 121.950 MHz [(NG67) is added immediately before 121.975—123.075 MHz] (NG67); in column 11, it is listed as "Aviation instructional". The table of Footnotes is amended by deleting US29 and modifying US30 and US31 to read as follows:

§ 2.106 Table of frequency allocations.

Band (MHz)	Band (MHz)	Frequency (MHz)	Nature	OF SERVICES of stations
5	7	10		11
117.975–121.9375 (278) (US26) (US28) (US85)	117.975–121.9375	118.000–121.400 (NG67) 121.500	Airdome control. AERONAUTICAL MOBILE. Maritime search and rescue.	
		121.600–121.925 (NG67)	Aeronautical utility mobile. Aeronautical utility land, ELT Test.	
121.9375–123.0875 (US30) (US31) (US33) (US80) (US85) (US102) (US213)	121.9375–123.0875	121.950 (NG67) 121.975–123.075 (NG67)	Aviation instructional. Private aircraft.	

FOOTNOTES

U.S. FOOTNOTES

US29 (Delete).

US30 The band 121.9375–123.0875 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below the band 121.9375–123.0875 MHz is for use by private aircraft stations.

The frequencies 122.700, 122.725, 122.750, 122.800, 122.950, 122.975, 123.000, 123.050 and 123.075 MHz may be assigned to aeronautical advisory stations.

The frequency 122.850, 122.900 and 122.925 MHz may be assigned to aeronautical multicom stations. In the case of 122.925 MHz, US213 applies.

Air carrier aircraft stations may use 122.000 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.700, 122.800 and 123.0 MHz for communications pertaining to safety of flight with and in the vicinity of landing areas not served by a control tower.

Frequencies in the band 121.9375–122.6875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only, except that 122.0 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

B. Part 87 is amended as follows:

1. In § 87.5 the definition of Aeronautical Advisory Station is amended as follows:

§ 87.5 Definition of terms.

Aeronautical advisory station. An aeronautical station used for advisory and civil defense communications primarily with private aircraft stations. Also called unicom station.

2. Section 87.183(g) is amended and (m) is added as follows:

§ 87.183 Frequencies available.

(g) 122.9 and 123.1 MHz: When engaged in search and rescue activities in accordance with Subpart K of this part, these frequencies may be used by aircraft for:

(1) Air-to-air communications with other aircraft engaged in search and rescue activities.

(2) Air-to-ground communications with aeronautical search and rescue stations.

(m) After January 1, 1978, the frequency 122.750 MHz is authorized for use by private aircraft in air-to-air communications for formation flying, group flights or other air-to-air usage by general aviation not specifically authorized elsewhere in this part of the rules: *Provided*, however, That communications on this frequency shall be limited to those directly related to the operation of the aircraft.

3. Section 87.195(f) is amended to read as follows:

§ 87.195 Frequencies available.

(f) The frequencies 122.700, 122.800 and 123.000 MHz are available to air carrier aircraft for communications pertaining to safety of flight in the vicinity of landing areas not served by an airdrome control station. Such communications are permitted with aeronautical advisory stations in accordance with Subpart C of this part.

4. In § 87.201, paragraphs (b), (c) and (d) are amended, and paragraphs (e) and (f) are deleted and reserved to read as follows:

§ 87.201 Frequencies available.

(b) These frequencies are available to private aircraft for air traffic control operations:

MHz	MHz
121.975	122.350
122.000	122.375
122.025	122.400
122.050	122.425
122.075	122.450
122.100	122.475
122.125	122.500
122.150	122.525
122.175	122.550
122.200	122.575
122.225	122.600
122.250	122.625
122.275	122.650
122.300	122.675
122.325	

(c) These frequencies are available to private aircraft stations for communications with aeronautical advisory stations in accordance with Subpart C of this part.

122.700, 122.725, 122.750, 122.800, 122.975, 123.000, 123.050 and 123.075 MHz.

In addition, brief keyed RF signals may be transmitted on these frequencies for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

(d) 122.850, 122.900, and 122.925 MHz, 6A3 emission: Private aircraft stations to aeronautical multicom stations and to Government stations in accordance with Subpart D of the rules. Between private aircraft stations, and between private aircraft stations and Government aircraft stations while in flight for communications pertaining to safety; agricultural, ranching and conservation activities; forest fire fighting; aerial application; aerial advertising; and parachute jumping.

(e) [Reserved].

(f) [Reserved].

5. Section 87.253, paragraphs (a), (b), (c) and (d) are amended to read as follows:

§ 87.253 Frequency assignment.

(a) Aeronautical advisory stations at landing areas open to the public, upon application will be assigned a frequency in accordance with the paragraph below. Where more than one frequency is available, the applicant need not specify a frequency as the Commission will make the determination. However, applicants may state a preference for a particular

frequency and this will be taken into consideration when the assignment is made.

(1) Landing area other than a heliport, where there is not a control tower; 122.700,[1] 122.800 or 123.000 MHz;

(2) Landing area other than a heliport, where there is a control tower; 122.950 MHz;

(3) Landing area that is used exclusively as a heliport; 123.050 or 123.075 MHz.

(b) Upon a showing of need, stations authorized to operate on 123.050 or 123.075 MHz also may be assigned 122.700, 122.800 or 123.000 MHz for communications primarily with fixed wing aircraft, and stations authorized use of 122.700, 122.800, 122.950 or 123.000 MHz may also be assigned 123.050 or 123.075 MHz for communications primarily with helicopters.

(c) Stations at landing areas not open to the public normally will be assigned a frequency in accordance with the provision of paragraph (a) of this section. An alternate frequency of 122.725 or 122.750 MHz[1] may be authorized upon request.

(d) Stations authorized to provide service on 122.700, 122.800, 122.950 or 123.000 MHz may be assigned the additional frequency 122.975 MHz when such frequency is requested for communication with aircraft at altitudes greater than 10,000 feet above the elevation of the landing area.

* * * * *

6. Section 87.257 is amended by changing paragraph (d) (4) as follows:

§ 87.257 Scope of service.

* * * * *

(d) * * *

* * * * *

(4) When assigned in accordance with 87.253(d), 122.975 MHz may be used for communication only with aircraft at altitudes greater than 10,000 feet above the elevation of the landing area.

* * * * *

7. Section 87.271 is amended by changing paragraph (a) as follows:

§ 87.271 Frequencies available.

(a) 122.850 or 122.900 MHz, 6A3 emission.

* * * * *

8. In § 87.277, paragraph (a) and the introductory paragraph of (b) are amended as follows:

§ 87.277 Scope of service.

(a) Except as provided in paragraph (b) of this section, communications by an aeronautical multicom station shall pertain to activities of a temporary, seasonal or emergency nature which depend upon an aircraft in flight for the successful or safe conduct of the activity. Such communications shall be limited to the directing of ground activities from the air, the directing of aerial activities from the ground, and air-to-air communications where such communications are directly connected with the air-to-ground or ground-to-air activity herein authorized; *Provided, however,* That communications by a multicom station may not include those air/ground communications provided for elsewhere in this part.

(b) Where advisory service is not authorized at a landing area and an applicant is unable to meet the special requirements for an aeronautical advisory station under § 87.251, the Commission, upon a proper showing by the applicant, and until such time as an aeronautical advisory station is established at the landing area, may authorize service at such landing area on 122.850 or 122.900 MHz, in accordance with the following provisions:

* * * * *

9. Section 87.345 is amended as follows:

§ 87.345 Scope of service.

Communications shall be limited to the necessities of pilot training, coordination of soaring activities between gliders, tow aircraft and ground stations and the promotion of safety of life and property.

[FR Doc.77-11326 Filed 4-19-77;8:45 am]

[1] The frequencies 122.700 and 122.750 MHz will be coordinated with the FAA on all assignments prior to January 1, 1978.

[Docket No. 20839; FCC 77-254]

PART 15—RADIO FREQUENCY DEVICES

Television Broadcast Receiver Antennas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Reconsideration of the method of applying the effective date has been granted in Docket No. 20839, which amended FCC regulations to require that a UHF antenna be provided when a VHF antenna is provided and to affix the UHF antenna if the VHF antenna is affixed. The rule required all receivers "marketed" after July 15, 1978 to comply. Because of inventory problems which might exist, the word "manufactured" has been substituted. This will also avoid any problems of interpretation with respect to wholly owned distributors which could be regarded as being the same as the manufacturer.

EFFECTIVE DATE: May 20, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Don Olmstead, RF Devices & Experimental Branch, Office of Chief Engineer (202-632-7095).

SUPPLEMENTARY INFORMATION: agency supply

Adopted: April 5, 1977.

Released: April 13, 1977.

In the matter of amendment of Part 15 of the Commission's rules relating to television broadcast receiver antennas.

1. The Commission has received a timely filed petition requesting reconsideration of the rules adopted December 15, 1976, by Report and Order[1] in the above described proceeding. The petition was filed by the Consumer Electronics Group of the Electronics Industries Association (EIA/CEG). Comments were received from the Council for UHF Broadcasting (CUB).

2. EIA/CEG requests that the Commission reconsider the language concerning the effective date for compliance with the rule changes adopted in the Report and Order in Docket No. 20839. These changes involved amendment of Section 15.65 of the rules to require manufacturers to provide a UHF antenna when VHF antenna is supplied and to affix the UHF antenna if the VHF antenna is affixed. The Report and Order required that all receivers "marketed" after July 15, 1978 comply.

3. Petitioner requests that we change the word "marketed" to "manufactured". As pointed out in the comments, the lead time for the required tooling and shipping changes is between 14 and 18 months. The lead time provided in the new rules was eighteen and a half months. Thus, practically all of this lead time will be consumed in making necessary tooling changes and will leave no time for receivers to be cleared from the manufacturer's inventory prior to the effective date. An additional problem would arise where the manufacturers have wholly owned distributors which could be regarded as being the same as the manufacturer. In this case the manufacturer-distributor would have little, if any, time to clear the inventory. It is also noted that television manufacturers do not generally come out with new receiver models each year; that certain receivers may remain in inventory for some months, and this is not entirely within the control of the manufacturer, due to unpredictable factors such as the state of the economy, particular needs of major purchasers, etc., which influence the rate of inventory turnover.

4. Comments filed by CUB[2] stated that they did not oppose the requested change since achieving its goal of full comparability of UHF and VHF broadcasting requires the cooperative efforts of all parties involved, and, that there is no desire on their part to disrupt the orderly implementation of the new rules by the manufacturers. Since we agree with this position and since the word "marketing" is subject to different interpretations, especially with respect to manufacturer-owned distributors, we will grant the relief requested.

[1] 42 FR 1231; January 6 1977.

[2] The Council for UHF Broadcasting was the original petitioner in this proceeding.

5. In consideration of the foregoing, the Commission finds that amendment of the rules as below is in the public interest. Authority for this rule amendment is contained in sections 4(i), 303 (r) and (s) and 330 of the Communications Act of 1934, as amended.

6. Accordingly, *it is ordered*, That effective May 20, 1977, Part 15 of the Commission's Rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, 330, sec. 2, 76 Stat., 151, 47 U.S.C. 154, 303, 330.)

FEDERAL COMMUNICATIONS COMMISSION,[3]
VINCENT J. MULLINS,
Secretary.

Section 15.65(b) is revised to read as follows:

§ 15.65 All-Channel television broadcast reception: general requirement: and antennas.

(a) * * *

(b) Television receivers manufactured on or after July 15, 1978 which have an antenna affixed to the VHF antenna terminals must also have an antenna designed for and capable of receiving all UHF television channels affixed to the UHF antenna terminals. If a VHF antenna is provided with, but not affixed to, a receiver manufactured after July 15, 1978, a UHF antenna shall also be provided with the receiver.

[FR Doc.77-11433 Filed 4-19-77;8:45 am]

[3] Commissioner Washburn not participating.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 908—VALENCIA ORANGES IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Amendment of Subpart-Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The amendment: (1) provides a uniform rule for allocation of early maturity and freeze damage allotments to Valencia orange handlers; (2) provides the Valencia Orange Administrative Committee, established under the order, more adequate control of oranges exported to Mexico; and (3) provides that a grower, after obtaining committee approval, may market oranges, exempt from volume and size regulations, direct to consumers. The amendment is needed to provide for more effective administration of the marketing order, to more equitably allocate early maturity allotments, and to improve marketing opportunities for growers.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

SUPPLEMENTARY INFORMATION: On March 31, 1977, notice was published in the FEDERAL REGISTER (42 FR 17128), that consideration was being given to an amendment, as hereinafter set forth, to the rules and regulations (Subpart-Rules and Regulations; 7 CFR 908.100-908.142) currently in effect under the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This notice allowed interested persons until April 7, 1977, to submit written comments pertaining to these proposals. None were submitted. The proposed amendment was recommended by the Valencia Orange Administrative Committee established under the marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment does the following: (1) Simplifies the definition of carload and defines regular meeting day; (2) deletes the no longer needed reference to nomination of initial committee members; (3) requires that handlers furnish more information relating to the growers' oranges under their control, when applying for a prorate base and allotment; (4) revises the procedure for computing the weekly shipment allocation schedules for the districts; (5) requires that handlers furnish additional information relating to oranges shipped in containers other than cartons or bags to enable the committee to accurately determine the amount of oranges shipped; (6) provides a schedule for filing for early maturity and freeze damage allotments when the committee meets on a day other than the regular meeting day, and changes the method of computing early maturity allotments to afford handlers among districts equal shipping opportunity; (7) tightens the safeguards relating to the issuance of exemption under § 908.87, and deletes reference to "district" in § 908.130; (8) requires exporters to furnish additional proof indicating that oranges for export are actually exported, and stipulates that only exporters approved by the committee may export oranges exempt from allotment to Mexico; and (9) requires producers who apply for exemption to sell their oranges direct to the consumer, to furnish the committee additional information relating to their marketing plans, and exempts oranges furnished as gifts or for exhibits from regulation.

After consideration of all relevant matters presented, including the proposals set forth in the notice which were submitted by the committee, it is found that the amendment, as hereinafter set forth, of the rules and regulations is in accordance with the provisions of the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Order. Therefore, this amendment is approved and the rules and regulations are amended as follows:

1. In § 908.100 Definitions revise paragraph (e) and add a new paragraph (h) reading as follows:

§ 908.100 Definitions.

* * * * *

(e) Pursuant to § 908.18, the quantity of oranges comprising a carload, as such term is therein defined, means a quantity of oranges equivalent to 1,000 cartons of oranges.

* * * * *

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Los Angeles. Whenever the committee determines that its meeting should be at another place or on a day other than the regular weekly day, it shall advise handlers by notice mailed not less than five days before the meeting.

2. Revise the first two sentences of paragraph (a) § 908.102 to read as follows:

§ 908.102 Nomination procedure.

(a) The time of nominating grower and handler members and alternate members of the committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the committee. The manner of nominating members and alternate members of the committee shall be as follows:

* * * * *

3. Revise paragraph (a) of § 908.108 to read as follows:

§ 908.108 Prorate bases and allotments.

(a) *Application to be filed.* Each person who has oranges available for current shipment and desires to handle the oranges shall submit to the committee upon request, on V.O.A.C. Form No. 1, an application for a prorate base and allotments. The application shall contain the information required pursuant to § 908.53(b) and a certification to the U.S. Department of Agriculture and the Valencia Orange Administrative Committee by the handler that the information in the application is true and that he has control, for all purposes relating to this part, of the oranges described in the application. The application shall be supported by a list of growers, on V.O.A.C. Form No. 1-A, whose oranges the applicant controls for all purposes relating to the marketing order showing for each listed grower's oranges, the name and address of the grower and the location, acreage, tree count, year in which trees were planted for trees less than eight years in the ground, and estimated yield of each grove or portion of

a grove as may be designated by the committee.

* * * * *

4. In § 908.110 *Equity of marketing opportunity* revise paragraphs (c), (d), (e) and the fourth sentence of paragraph (f) to read as follows:

* * * * *

§ 908.110 Equity of marketing opportunity.

(c) Following any or all marketing policy meetings for the districts, the committee may review and make equitable modifications as it considers advisable in the equity factor and weekly shipping schedules.

(d) The committee shall develop a weekly shipment allocation schedule for each district commencing the week that regulation other than early maturity allotment is first recommended for the district and continuing through the remainder of the season. The quantities of oranges shown for each week shall be the cars appearing on the then effective shipping schedule for the week for the district, plus a proportionate amount of the quantities appearing on the weekly shipping schedule during weeks when no regulation or early maturity allotment was in effect for the district. Whenever two or more districts are shown on the weekly shipment allocation schedule, the committee shall combine into a weekly total the quantity of oranges shown thereon for each week and the weekly quantity for a district shall be converted into a percentage of the weekly total. The percentage shall be known as the percentage allocation to a district.

(e) Insofar as practicable, the committee shall, pursuant to § 908.51(a), base its weekly recommendations for the allocation of general maturity allotments and of freeze damage allotments among the prorate districts upon the percentage allocations for the districts provided for in § 908.110(d) of this subpart.

(f) * * *

Whenever a prorate district nears the end of the shipping schedule for that district and the committee ascertains that oranges (grown in that district) remain for handling under volume regulation, the committee may (1) adjust the equity factor upward with corresponding changes in the weekly shipping schedules for all districts or (2) adjust the weekly shipment allocation schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipment allocation schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity and freeze damage allotment.

* * * * *

§ 908.112 [Amended]

* * * * *

5. Add the following sentence to the end of § 908.112.

If the shipment contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates, and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the assignment of allotment certificate.

6. Revise paragraphs (a) and (c) of § 908.113 to read as follows:

§ 908.113 Early maturity allotments.

(a) *Applications to be filed.* On or before 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day, any handler controlling early maturity oranges who desires to receive early maturity allotment for use during the following week must request the allotment from the committee by telephone or telegram, or by an application on V.O.A.C. Form No. 9 delivered to the committee at any of its designated offices. Telephone and telegram requests shall be confirmed either by (1) delivering to the committee not later than the meeting day a duly executed V.O.A.C. Form No. 9 or (2) by mailing to the committee such V.O.A.C. Form No. 9 postmarked not later than the meeting day. Requests for early maturity allotment, or for changes in requests previously made, shall not be considered by the committee if received after 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or if received after the time prescribed by the committee whenever the weekly meeting is held other than on the regular meeting day or is preceded by a holiday. Each application, and each confirmation, on V.O.A.C. Form No. 9 shall indicate the name and address of the applicant, the general location of early maturity oranges for which allotment is desired, the number of cartons of allotment desired, and such other pertinent information as the committee may from time to time request.

* * * * *

(c) Early maturity allotments shall be allocated to handlers on the basis of requests whenever the committee considers it advisable to grant the full amount of the requests. Whenever the committee considers it inadvisable to grant the full amount of early maturity allotments requested by all handlers, the requests of each handler shall be granted in the same proportion as the handler's tree crop is to the tree crop of all requesting handlers without regard to districts, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests in the same proportion as aforesaid, but not in excess of the amount requested. District allotments shall be the sum of allotments allocated to handlers within each district as determined according to the foregoing procedure.

7. Revise paragraph (c) of § 908.117 to read as follows:

§ 908.117 Freeze damage allotments.

* * * * *

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing V.O.A.C. Form No. 35 on or before 12 o'clock noon of the day before the regular weekly meeting of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day. Such request may be made at any of the offices of the committee. V.O.A.C. Form No. 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made on a properly completed V.O.A.C. Form No. 35 shall be confirmed by delivery to the committee at any of the offices, not later than the meeting day, a properly completed V.O.A.C. Form No. 35 or by mailing a properly completed form to the committee not later than the meeting day.

* * * * *

8. Revise § 908.130 to read as follows:

§ 908.130 Exemptions under § 908.67.

The exemptions authorized by § 908.67 apply only to oranges handled by the initial handler direct for the purpose stated. Except as specifically provided in this subpart, any transaction wherein the oranges are handled by a third party, such party is not entitled to exemption.

9. Revise § 908.132 to read as follows:

§ 908.132 Export of oranges.

(a) *Oranges exported.* Except for the handling of oranges to an exporter for export to Mexico as provided in this section, any person who packs oranges and forwards the oranges directly to the destination for export, and who shows proof of export by submitting to the committee a copy of a signed dock receipt, a signed car bill of lading or other documents acceptable to the committee covering the shipment of the oranges to export, no later than 48 hours following the shipment, shall be considered to have exported the oranges within the meaning of § 908.67.

(b) *Handling oranges to an exporter for export to Mexico.* No person shall be eligible for an exemption under § 908.67 for handling oranges to an exporter for export to Mexico unless the exporter is approved as prescribed in paragraph (c) of this section.

(c) *Approved exporter to Mexico.* Any person who desires to become an approved exporter eligible to handle exempt oranges to Mexico shall submit to the committee an application on V.O.A.C. Form No. 36 which shall contain the following information: (1) the name and home address of the applicant; (2) the applicant's business address; (3) the applicant's permit, identification, or border crossing number; (4) the approximate quantity of oranges to be handled each week for export to Mexico; (5) a certification to the United States and to the Valencia Orange Administrative Committee that the oranges obtained for export to Mexico will not be placed in the current of commerce in the Continental United States, Canada, or Alaska; and (6) an agreement that the applicant will deposit with the U.S. Customs Inspector at the Mexican border within 36 hours after handling oranges for export to Mexico by purchase or otherwise, a copy of V.O.A.C. Form No. 16, Certificate of Purchase of Oranges For Export to Mexico, or file the certificate with the committee as provided in paragraph (d) of this section; and based upon information provided in the application, the investigation thereof by the committee staff, and other available information the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed on the approved list of exporters to Mexico. Should the applicant at any time fail to abide by the terms of his agreement with the committee, his name shall be removed from the list of approved exporters to Mexico.

(d) Mexican export certificate. For each export shipment of oranges to Mexico, the handler shall obtain from the purchaser at time of delivery of such oranges, a certification on V.O.A.C. Form No. 16 to the United States Department of Agriculture and the Valencia Orange Administrative Committee that such oranges are to be exported to Mexico and will not re-enter the Continental United States or be reshipped to Canada or Alaska. The certificate shall state the date of shipment, the quantity of oranges included in the shipment, the truck license number or other identification of the carrier of the oranges, the purchaser's permit, identification, or border crossing number, the name of the packinghouse from which the oranges were purchased, the destination of the oranges, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and the original shall be forwarded by the handler to the committee at the close of each day's business. The duplicate and triplicate copy shall accompany the oranges, and within 36 hours of the time they are purchased, the purchaser shall deposit the duplicate copy with the U.S. Customs Inspector at the Mexican Border, or, in lieu thereof, shall mail the duplicate copy to the committee in an envelope mailed from Mexico.

10. Revise the title of and paragraphs (a) and (c) in § 908.133 to read as follows:

§ 908.133 Other exemptions.

(a) Any producer whose principal occupation is not that of food distribution may apply to the committee on V.O.A.C. Form No. 18 for an exemption to sell oranges produced by him direct to consumers without regard to volume or size regulation or both. The application shall show: (1) The name and address of the producer; (2) the location of the producer's grove, the acreage in the grove, and the estimated production of the grove; (3) the estimated quantity of oranges which producer desires to sell to consumers under the exemption; (4) the location at which producer will sell his oranges to consumers, and the name of the facility employed in the sale, if any; (5) the name of the person or persons who will sell the oranges, and if the oranges are to be sold by a person other than the applicant, the nature of the selling agreement between such person and the applicant including information as to the extent to which applicant has control over the sale of the oranges; and (6) evidence that his principal occupation is not that of food distribution. The committee shall determine the extent to which the application should be granted on the basis of its evaluation of the information provided in the application, other available information, and its judgment as to the manner in which granting the application will effect the purposes of the marketing order. In making such determination, the committee shall consider: (1) the extent to which other handlers will be adversely affected in the marketing of their oranges in regular channels, if the exemption is granted; and (2) the degree of risk that the oranges covered by the exemption wil re-enter non-exempted channels, if the exemption is granted. The producer shall be notified in writing of the action taken by the committee on his application. Upon approval of the application, the producer may sell oranges produced by him direct to a consumer without regard to the restrictions of volume or size or both, prescribed pursuant to Order No. 908. This exemption shall not apply to any sale of oranges made at a packinghouse.

* * * * *

(c) Any handler who desires to furnish, at his own expense, oranges for gifts, exhibits, or for experimental or research work by a university or other similar research institution, which does not involve the sale or such oranges in fresh fruit channels, may do so without regard to volume and size regulations then in effect. Any such oranges shall be reported to the committee on V.O.A.C. Form No. 4, Report of Weekly Orange Movement, and shall show the quantity of oranges furnished, and the name and address of the university or other research institution.

§ 908.141 [Amended]

11. Add the following sentence to the end of § 908.141.

* * * * *

If the shipment was by rail and contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the manifest report.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674.)

Dated: April 18, 1977, to become effective May 20, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–11585 Filed 4–20–77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 945]

[Docket No. AO–150–A4]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Hearing on Proposed Amendment of Marketing Agreement and Order

Correction

In FR Doc. 77–10828 appearing at page 19148 in the issue for Tuesday, April 12, 1977, in the third column, in paragraph (g) of § 945.25, the first line now reading "At least one nominess shall be * * *" should have read "Nominations shall be * * *".

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

Proposed 1977 Tobacco Support Levels

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposal would establish the support level for the 1977 crop of each eligible kind of tobacco at 205 percent of the 1959 crop support level and provides that Commodity Credit Corporation, prior to the beginning of the marketing season, will issue proposed advance rates for the various types and grades of eligible tobacco. Comments on such rates may be made at that time. The Agricultural Act of 1949, as amended, requires the Secretary to make support available on any crop of tobacco for which marketing quotas are in effect, or for which marketing quotas have not been disapproved by producers.

DATES: Comments must be received by May 20, 1977 to be sure of consideration.

ADDRESSES: Send comments to the Director, Tobacco and Peanut Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Robert P. Hieronymus, (202–447–5753).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Secretary of Agriculture, under the authority of sections 101, 106, 401, and 403 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441, 1445, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b, 714c), is preparing to establish the support level for the 1977 crop of each eligible kind of tobacco.

The Agricultural Act of 1949, as amended, requires the Secretary to make support available on any crop of tobacco for which marketing quotas are in effect, or for which marketing quotas have not been disapproved by producers. Under section 106 of the Act, the level of support in cents-per-pound for each crop of each kind of tobacco for which marketing quotas are in effect, or for which marketing quotas are not disapproved, is mandatory at the support level for the 1959 crop of such kind of tobacco, multiplied by the ratio of (i) the average of the index of prices paid by farmers for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (ii) the average index of prices paid by farmers for the 1959 calendar year. The average of the index of such prices paid for calendar years 1974–76 will be used in computing the 1977 tobacco support levels. The average is 610. The average index of prices paid for the calendar year 1959 is 298. The resulting ratio is 2.05. Thus, the support level for the 1977 crop of each eligibile kind of tobacco will be 205 percent of the 1959 crop support level.

Prior to the beginning of the marketing season for each eligible kinds of tobacco, pursuant to section 403 of the Act, Commodity Credit Corporation will issue proposed advance rates for the various types and grades of tobacco, and comments on such rates may be made at that time.

It is contemplated that the method of supporting tobacco will continue to be through loans on all eligible kinds of tobacco and purchase of Puerto Rican tobacco. Regulations currently in effect with respect to the tobacco price support program are set forth in 7 CFR Part 1464. No substantive changes are contemplated in those regulations.

Consideration will be given to data, views and recommendations which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

NOTE.—The Commodity Credit Corporation has determined that this document contains a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107 and certifies that an Inflation Impact Statement has been prepared.

Signed at Washington, D.C. on April 14, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.77–11465 Filed 4–19–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 440]

WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

Proposed Rulemaking; Correction

AGENCY: Federal Energy Administration.

ACTION: Proposed Rulemaking; Correction.

SUMMARY: This document corrects an error made in the notice of proposed rulemaking regarding weatherization assistance for low-income persons appearing at page 17470 in the FEDERAL REGISTER of April 1, 1977. The proposed rulemaking was issued under Part A of Title IV of the Energy Conservation and Production Act (Pub. L. 94–385, 90 Stat. 1125 et seq.).

FOR FURTHER INFORMATION CONTACT:

Ms. Mary Bell, Director, Office of Weatherization Assistance Programs, Office of Energy Conservation and Environment, Federal Energy Administration, Washington, D.C. 20461 (202) 566–3901.

SUPPLEMENTARY INFORMATION: The proposed formula appearing in FR Doc. 77–9536 on page 17471 in the FEDERAL REGISTER of April 1, 1977 for the allocation to the States of appropriated funds beyond the first $5 million is corrected to read as follows:

$$\frac{[0.587\ (\text{Heating})^3+0.033\ (\text{Cooling})^3]\times[(\text{Owners})+0.5\ (\text{Renters})]}{\text{Sum for all States}\{[0.587\ (\text{Heating})^3+0.033\ (\text{Cooling})^3]\times[(\text{Owners})+0.5\ (\text{Renters})]\}}\times 100.$$

Issued in Washington, D.C., April 14, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77–11371 Filed 4–15–77;11:15 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 208]

[Reg. H; Docket No. R–0096]

MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Loans by State Member Banks in Flood-Prone Areas

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Rule.

SUMMARY: The Board proposes to amend its Regulation H in order to provide that State member banks may not purchase a loan secured by improved real estate or by a mobile home located in an identified flood hazard area when such property is not covered by flood insurance (hereinafter an "uninsured loan"). Presently, Regulation H provides that no State member bank shall "make, increase, extend or renew" an uninsured loan in a flood hazard area. The addition of the word "purchase" to these sections would further implement the purposes of the Act and prevent possible circumvention of its provisions by prohibiting State member banks from purchasing an uninsured loan which, if directly made by the bank, would be required to be accompanied by flood insurance.

DATE: Comments must be received on or before May 20, 1977.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket No. R–0096.

FOR FURTHER INFORMATION CONTACT:

Allen L. Raiken, Assistant General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (202–452–3625).

SUPPLEMENTARY INFORMATION: The Board proposes to take this action pursuant to its rulemaking authority under the Flood Disaster Protection Act of 1973, as amended ("Act") (42 U.S.C. 4012a(b), 4104(b), and 4128).

The Act provides for a national flood insurance program generally administered by the Federal Insurance Administration within the Department of Housing and Urban Development. The principal thrust of the program is to provide Federally subsidized flood insurance to owners of improved real property that is located in a flood hazard area. To accomplish this and to promote prudent land use techniques, the Act requires State and local communities to participate in the flood insurance program (through the adoption of adequate flood plain management standards) before Federally subsidized insurance is made available to local property owners. The subsidized flood insurance is issued and sold by a pool of insurance companies that generally share in the risks of the policies. The purposes of the structure of the Federally subsidized private insurance pool are, among other things, to provide a preventive alternative to massive doses of Federal disaster relief funds that would normally be made available in areas struck by floods and to promote the financial stability of Federally insured financial institutions whose assets include mortgage loans secured by property in flood-prone areas.

Under the Act, Federally regulated banks are generally prohibited from "making, increasing, extending, or renewing" a loan not covered by flood insurance that is secured by improved real estate or a mobile home located in a flood hazard area. The Act does not specifically mention the "purchase" of a loan and the Board's flood insurance regulation does not specifically include purchases of uninsured loans within its prohibitions. However, Congress stated in the preamble of the Act that a purpose of the statute is to require the purchase of flood insurance by property owners who are assisted by Federally regulated or insured financial institutions in acquiring property in a flood hazard area. In light of this and the other purposes of the Act, particularly the financial stability of Federally insured financial institutions, it appears that a broad construction of the Act's provisions is appropriate to ensure, to the extent possible, the lessening of financial losses that may be suffered by property owners and others in flood-prone areas.

The Acting Administrator of the Federal Insurance Administration has requested that the Board consider amending Regulation H to specifically apply its requirements to loans purchased by member banks from third parties. In view of this request, the Board has reviewed this matter, including previous opinions issued by the Board's staff, and believes that its Regulation H should be amended to include loan purchases within its flood insurance requirements. The Board is of the opinion that since the word "make" is not defined in the Act, it is appropriate in order to carry out the underlying purposes of the Act to specifically include the purchase of a loan in the Board's regulation. The Board believes that without such an amendment, the Act could easily be circumvented and the Congressional purposes behind its enactment thwarted. For example, under the present regulation a State member bank wishing to avoid the Act's requirements could purchase an uninsured loan in the secondary market which if directly made by the bank would be required to be accompanied by flood insurance. In the Board's opinion, to allow such an obvious method for circumvention to exist is directly opposed to the Congressional intent behind the Act.

The Board believes that in situations where a State member bank purchases uninsured loans after they are originated, whether the purchase is accomplished under a formal agreement or merely in the normal course of business, or whether the purchaser is affiliated with the seller of the loan, the loan should be deemed to have been "made" by the bank for purposes of the Act. Purchases covered by this amendment may take the form of a direct purchase by a State member bank from a mortgage broker of a small number and amount of loans, or it may involve the purchase of a participation interest in one or more loans originated by a lead bank, insurance company, or other financial corporation.

With respect to the effective date of the amendments, it is proposed that the amendments apply to uninsured loans purchased after the date of final publication of the amendments, but they would not apply to: (a) such loans originated prior to the publication date, or (b) loans purchased after the publication date that are purchased pursuant to a contractual commitment existing prior to the publication date. The Board believes that "prospective" amendments are appropriate since they represent an extension of the Board's regulation in this area.

Accordingly, it is proposed to amend § 208.8(e) of Regulation H by adding the term "purchase" to paragraphs (1), (4), and (5) thereof, and by adding a new paragraph (6) to provide a "grandfather" provision for the purchase of uninsured loans. The provisions of Regulation H proposed to be amended would read as follows:

§ 208.8 Banking practices.

* * * * * *

(e) *Loans by State member banks in identified flood hazard areas.* (1) No State member bank shall make (including purchase, except as provided in paragraph (e)(6) of this section), increase, extend or renew any loan * * *.

(4) Each State member bank shall as a condition of making (including purchasing, except as provided in paragraph (e)(6) of this section), increasing, extending, or renewing any loan * * *.

(5) Except as provided in paragraph (e)(6) of this section, on and after one year following the date of official notification to the chief executive officer of a community that the community is one containing special flood hazard areas no State member bank shall make (including purchase, except as provided in paragraph (e)(6) of this section), increase, extend, or renew any loan * * *.

(6) *Purchase of loans.* The provisions of this section do not prohibit the purchase of a loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards without compliance with the flood insurance requirements in said paragraphs (1) and (5), if:

(i) With respect to paragraph (e)(1) of this section, such loan was closed before the effective date of this amendment, or was closed pursuant to a loan commitment outstanding as of such date

and such loan has not thereafter been increased, extended, or renewed;

(ii) With respect to the first sentence of paragraph (e)(5) of this section, such loan was closed before the effective date of this amendment or one year after notification that the community is one containing special flood hazard areas, whichever is later, or was closed pursuant to a loan commitment outstanding as of the applicable date, and has not thereafter been increased, extended, or renewed; or

(iii) Such loan qualifies for exemption pursuant to paragraph (e)(5) (i), (ii), (iii), or (iv) of this section.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, comments, views, or arguments. Any requests for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved witdout a hearing.

Any views or requests for a hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 20, 1977. All material submitted should include the docket No. R–0096. All views expressed in written comments on the proposal and received by that date will be considered by the Board. Such material will be made available for inspection and copying upon request, except as provided in the Board's Rules Regarding Availability of Information (12 CFR Part 261).

By order of the Board of Governors, April 13, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77–11390 Filed 4–19–77;8:45 am]

[12 CFR Part 226]

[Reg. Z; Docket No. R–0094]

APPLICATION OF CERTAIN REQUIREMENTS TO CREDIT CARD PLANS INVOLVING TRANSACTION-BY-TRANSACTION BILLING AND THE IMPOSITION OF NO FINANCE CHARGE

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: This proposed interpretation of Regulation Z indicates the provisions applicable to certain two-party credit card plans in connection with which the card issuers bill their customers in full on a transaction-by-transaction basis, rather than on an account basis using periodic statements, and in connection with which no finance charge is imposed. These credit card issuers are subject to the Act and Regulation Z simply because the Fair Credit Billing Act amendments adjusted the definition of "creditor" to impose certain requirements upon all card issuers even though those requirements are generally applicable only to open end creditors. The Board is directed to apply those requirements to such card issuers "to the extent appropriate." This proposed interpretation is designed to indicate which of the requirements are appropriate for such card issuers.

DATE: Comments must be received on or before May 16, 1977.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R–0094.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–2412).

SUPPLEMENTARY INFORMATION: Section 103(f) of the Truth in Lending Act, as implemented by § 226.2 (s) and (x) of Regulation Z, requires all credit card issuers to comply with certain provisions of the Act and Regulation Z even though those provisions are generally applicable only to creditors of open end credit plans. There are certain two-party credit cards which are issued in connection with which no finance charge is imposed and billing for payment in full is accomplished on a transaction-by-transaction basis, rather than on an account basis using periodic statements. This proposed interpretation is designed to indicate, as permitted by section 103(f) of the Act, the Board's opinion regarding which sections of the regulation are applicable to such credit card programs.

The interpretation would permit such card issuers to continue sending bills in the form of invoices or other statements to each customer for each transaction in which the card is used. It would not require that the card issuer convert to using a periodic billing statement which involves the maintenance of accounts for each customer.

The interpretation would require such card issuers, prior to the first transaction in which the card is used, to disclose any charges (other than a finance charge) which relate to the deferral of payment by use of the cards, such as a late payment or delinquency charge (§ 226.7(a)(6)). The card issuer would be required to make disclosures regarding any security interest which may be retained (§ 226.7(a)(7)). The card issuer would also be required to provide the statement of rights and responsibilities under the Fair Credit Billing Act prior to the first use of the card (§ 226.7(a)(9)).

The proposal would not require a disclosure regarding minimum payments (§ 226.7(a)(8)). Since the only types of credit cards considered herein are ones which require payment in full for each transaction at the time of billing, that disclosure is, by definition, inapplicable.

The proposal would not require such card issuers to disclose the "previous balance" (§ 226.7(b)(1)(i)), the amounts of "payments" and "credits" (§ 226.7(b)(1)(iii)), or the closing date and "new balance" (§ 226.7(b)(1)(ix)). Those disclosures relate mainly to systems which periodically bill their customers on an account basis and do not appear to be germane to the type of system under consideration in this proposal.

The requirements to provide an identification of each transaction (§ 226.7(b)(1)(ii)) and to provide an address for receipt of billing error inquiries (§ 226.7(b)(1)(x)) would be deemed to apply to such systems. The proposal would permit the card issuer to comply with those sections by placing the relevant information on the invoice or other statement sent to the customer for each transaction.

The proivsions requiring the card issuer to send a periodic statement at least 14 days prior to the end of a "free period" (§ 226.7(b)(2)) would be deemed inapplicable to such credit card systems since there are no finance charges imposed under the credit card systems covered by this interpretation and, consequently, no "free periods."

The proposal would permit the card issuer to make use of the exceptions from the general requirement that all disclosures appear on the front of the periodic statement (§ 226.7(c)). All references to a "periodic statement" in § 226.7(c) would be read to indicate the invoice or other statement sent to the customer for each transaction.

This proposal would require the card isuer to send the statement prescribed by § 226.7(a)(9) to each customer on a semiannual basis (§ 226.7(d)). The interpretation would permit the card issuer to comply with that section by sending the statement required by § 226.7(a)(9) within the time periods provided in § 226.7(d), or by sending either the statement prescribed by § 226.7(a)(9) or the statement prescribed by § 226.7(d)(5) with every invoice or other billing statement sent to its customers. The timing of this disclosure would be computed without reference to billing cycles and periodic statements, which do not exist in such programs. Consequently, if the card issuer decided to give the statement semiannually instead of with every invoice, this proposal would permit sending the statement only to those customers who receive a transaction invoice during the chosen months.

This proposal would require the card issuer to notify customers of changes in terms (§ 226.7(f)). However, since there are no billing cycles or periodic statements used in such plans, the time period for notifying customers of changes in the terms of the plan would be 15 days prior to the date the change is to be instituted, rather than 15 days prior to the first billing cycle in which the change is to take place. Additionally, the interpretation would require advance notice only of those types of changes in terms which, if undertaken by open end creditors generally, would require notice to all customers prior to imposition of the change on the customers' accounts.

The proposal would exempt such card issuers from complying with the requirements which call for prompt crediting of payments (§ 226.7(g)), unless the plan includes the possibility of the imposition of a specific charge for late payment, delinquency, or default.

The proposal would apply the provisions regarding crediting and refunding excess payments (§ 226.7(h)) to such credit plans. However, compliance with those requirements may be achieved by such credit card issuers by accounting for the amount received in excess of the required payment by a credit memorandum or other reasonable means, rather than by crediting to an account. Since no periodic statement is required for such systems, this interpretation would require the card issuer to notify the customer of the existence of an excess payment, unless a refund is sent within 5 business days of its receipt.

The card issuer would be required to comply with all relevant portions of § 226.13, except § 226.13(k) which is inapplicable to two-party credit card systems generally.

The proposal would require the card issuer to comply with the error resolution requirements of the regulation (§ 226.14). However, the proposal would also provide that all references therein to a "periodic statement" should be read to indicate the invoice or other billing statement for the relevant transaction. All actions referenced in § 226.14 with regard to correcting and adjusting a customer's account would be permitted to be taken by issuing a refund or new invoice to the customer, or by other appropriate means consistent with the purposes of the section. Since there are no accounts to be adjusted, and no periodic statement upon which any such adjustments can be reflected, this change in the regulation's requirement with respect to this type of credit card is deemed necessary to the purposes of the Act and regulation.

To aid in the consideration of this material by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 16, 1977. All materials submitted should include the docket number R–0094. Such information will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

Pursuant to 15 U.S.C. 1602(f) and 15 U.S.C. 1604, the Board hereby publishes for comment the following proposed interpretation of Regulation Z.

§ 226.709 Application of limited requirements to card issuers which bill customers on a transaction-by-transaction basis.

(a) It has come to the Board's attention that certain credit cards are issued, the card issuer and the seller being the same person or related persons, in connection with which no finance charge is imposed and customers are billed in full for each use of the card on a transaction-by-transaction basis by sending an invoice or other statement to the customer. No cumulative account which reflects the transactions by each customer during a period of time, such as a month, is maintained.

(b) Section 103(f) of the Act requires all credit card issuers to comply with certain provisions even though those provisions are generally applicable only to creditors of open end credit plans and requires the Board to apply these provisions to all card issuers "to the extent appropriate." The question arises as to which of those provisions, as implemented by this Part, appropriately apply to such card issuers.

(c) Such card issuers may bill customers on a transaction-by-transaction basis, and need not maintain a cumulative account for each customer for which a periodic statement must be sent.

(d) Prior to the first use of the credit card the card issuer shall provide the customer with a statement setting forth the disclosures required by § 226.7(a)(9) and, as applicable, § 226.7(a)(6) and § 226.7(a)(7). The disclosure required by § 226.7(a)(6) shall be limited to those charges that are or may be imposed as a result of the deferral of payment by use of the card, such as late payment or delinquency charges. Such card issuers need not provide the disclosure required by § 226.7(a)(8).

(e) The disclosures required by § 226.7(b)(1) (i), (iii) and (ix) need not be given by such credit card issuers. The requirements of § 226.7(b)(1)(ii) and § 226.7(b)(1)(x) are applicable to such card issuers and compliance may be achieved by placing the required disclosures on the invoice or statement sent to the customer for each transaction. Section 226.7(b)(2) does not apply to these credit card issuers.

(f) The provisions of § 226.7(c), including those which permit certain required disclosures to be made other than on the front of a periodic statement, shall apply. All references to the "periodic statement" in § 226.7(c) shall be read to indicate the invoice or other billing document sent to the customer for each transaction.

(g) The provisions of § 226.7(d) shall apply to such credit card issuers. Compliance therewith may be achieved (1) by mailing or delivering the statement required by § 226.7(a)(9) to each customer who receives a transaction invoice during a one-month period chosen by the card issuer which meets the timing requirements of § 226.7(d)(2), (3), and (4), or (2) by sending either the statement prescribed by § 226.7(a)(9) or the statement prescribed by § 226.7(d)(5) with each invoice sent to a customer.

(h) The provisions of § 226.7(f) apply to these credit card issuers, except that (1) notice of the change in terms shall be given at least 15 days prior to the date upon which the change takes effect, rather than 15 days prior to the beginning date of the billing cycle in which it takes effect, and (2) the card issuer need notify cardholders in advance of only those changes in terms which, if undertaken by creditors of open end credit plans generally, would necessitate notice to all customers prior to imposing the change on their accounts.

(i) The provisions of § 226.7(g) shall apply to such credit card issuers if the credit card plan includes the possible imposition of a specific charge for late payment, default, or delinquency. Otherwise, they do not apply to such credit card issuers.

(j) The provisions of § 226.7(h) shall apply to such credit card issuers, except that all requirements to credit amounts to an account may be complied with by other reasonable means, such as by a credit memorandum. Since no periodic statements are provided or required for the credit card systems subject to this interpretation, a notice of excess payment should be sent to the customer within a reasonable period of time following its occurrence unless a refund of the excess payment is mailed or delivered to the customer within 5 business days of its receipt by the card issuer.

(k) The card issuer shall comply with all the provisions of § 226.13, including § 226.13 (l) and (j) to the extent that they are applicable to the credit card plan, except that § 226.13(k) is inapplicable.

(l) The card issuer shall comply with the provisions of § 226.14, as applicable. All references in § 226.14 to the "periodic statement" shall be read to indicate the invoice or other statement for the relevant transaction. All actions referenced in § 226.14 with regard to correcting and adjusting a customer's account may be taken by issuing a refund or a new invoice, or by other appropriate means, consistent with the purposes of the section.

By order of the Board of Governors of the Federal Reserve System, April 11, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board

[FR Doc.77–11349 Filed 4–19–77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

CHILDREN'S WEARING APPAREL CONTAINING TRIS

Correction of Banned Hazardous Substance Interpretation

AGENCY: Consumer Product Safety Commission.

ACTION: Correction of an interpretation.

SUMMARY: On April 8, 1977 the Commission published an interpretation that TRIS-treated children's clothing and uncut fabric intended for sale to consumers for use in such clothing are banned hazardous substances under the Federal Hazardous Substances Act. In this document the Commission is making editorial corrections to that interpretation.

DATES: The corrections are effective immediately.

FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (301–492–6470).

SUPPLEMENTARY INFORMATION: The following are editorial corrections to "Children's Wearing Apparel Containing TRIS; Interpretation as Banned Hazardous Substance," published on April 8, 1977 (FR Doc. 77–10616, 42 FR 18850):

1. On page 18850, first column, the telephone area code of Francine Shacter,

the person to contact for further information, is 301 not 202.

2. On page 18852, middle column, in the section on References, the correct citation for (13) is "March 16, 1977 NCI draft Bioassay of Tris (2,3-dibromopropyl) phosphate for possible Carcinogenicity."

3. On page 18853, middle column, under Commission Action on Petitions, the correct citation for the Federal Hazardous Substances provision is 2(q)(1)(A).

4. Also on page 18853, third column, in the final paragraph before the regulatory language, the paragraph beginning with the word "Accordingly," should state that "the Commission amends * * *," rather than "the Commission propose to amend * * *."

Dated: April 13, 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-11438 Filed 4-19-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 260]

INDIAN RESERVATIONS

Use of Water; Extension of Comment Period

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Extension of Comment Period.

SUMMARY: The deadline for comments on the proposed regulations relating to the Department's trust responsibility to provide a method to preserve and protect in perpetuity all rights to the use of water reserved for the benefit of the Indians, published at 42 FR 14885 on March 17, 1977, is hereby extended to June 2, 1977. Requests for an extension of time have been made by a number of tribal delegations because the time limitation established has not allowed the tribal officials to consult with their respective tribal members regarding the impact of the proposed regulations.

DATES: Comments must be received on or before: June 2, 1977.

ADDRESSES: Written comments should be directed to: Acting Commissioner, Bureau of Indian Affairs, Attention: Office of Rights Protection, 18th and C Street NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Mr. George Crossland, Office of Rights Protection, Telephone 202-343-8018.

SUPPLEMENTARY INFORMATION: The authority for the Commissioner to issue these regulations is contained in sec. 7 of the Act of February 8, 1887 (24 Stat. 390, 25 U.S.C. 1a), and secs. 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

RAYMOND V. BUTLER,
Acting Commissioner of Indian Affairs.

[FR Doc.77-11464 Filed 4-19-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 716-1]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

North Dakota

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This action proposes to approve a revision to the North Dakota State Implementation Plan submitted by the Governor of North Dakota on December 22, 1976, extending the final compliance date for the W. J. Neal Power Plant near Velva, North Dakota, to December 31, 1978. EPA proposes to take this action because the State has approved the extension and has demonstrated that no violations of the Federal Air Quality standards will occur.

DATES: Comments must be received on or before May 20, 1977.

ADDRESSES: The proposed North Dakota revision is available for public inspection at the Office of the North Dakota Department of Health, Division of Environmental Engineering, Missouri Office Building, 1200 Missouri Ave., Bismarck, North Dakota 58505. Copies of the proposed revisions and an evaluation of the revisions are available at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.
Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on the proposed revision. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80295. All comments will be available for public inspection during business hours at the Denver office noted above.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning & Operations Section, Air Programs Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. (303-837-3711).

SUPPLEMENTARY INFORMATION: On December 24, 1975 (40 FR 59439), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the compliance schedules for 24 sources covered by the North Dakota State Implementation Plan (SIP).

On December 22, 1976, the Governor of North Dakota submitted a revision to the compliance schedule of one of these 24 sources, the Basin Electric William J. Neal Power Plant near Velva, North Dakota.

The revision extends the final compliance date for the W. J. Neal Power Plant near Velva, N.D. from November 1, 1975, to December 31, 1978. The final compliance date now extends beyond the attainment date for the national secondary ambient air quality standard for particulate matter. However, a demonstration was included in the revision that the secondary particulate standard is being maintained in the area affected by the power plant, and that no violations of any of the national ambient air quality standards will occur as a result of this action.

Requirements for public hearings, plan revisions, and compliance schedules (40 CFR 51.4, 51.6, and 51.5) have been met by the state's proposed revision. The demonstration that the area affected by the W. J. Neal plant will continue to maintain the national ambient air quality standards has been reviewed and is consistent with EPA modeling techniques.

The Administrator hereby issues this notice setting forth as proposed rulemaking, pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the North Dakota revision submitted on December 22, 1976.

In the proposed 52.1830 below, only final compliance date is listed. The schedule includes incremental steps toward compliance with the applicable emission limitations. While these incremental dates are not listed in the table, they are set forth in the schedule and are Federally enforceable.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5), 39 FR 18806.)

Dated: April 7, 1977.

JOHN A. GREEN,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart JJ—North Dakota

1. In § 52.1820, paragraph c(8) is added as follows:

§ 52.820 Identification of Plan.

* * * * *

(c) * * *

(8) A revised compliance schedule for the Basin Electric Power Plant at Velva submitted on December 22, 1976, by the Governor.

2. In § 52.1830, the fifth line of the table is revised as follows:

§ 52.1830 Compliance schedules.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Basin Electric	Velva	23-25	Dec. 13, 1976	Dec. 13, 1976	Dec. 31, 1978

[FR Doc.77-11432 Filed 4-19-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

MEETING

Notice is hereby given in accordance with the Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on May 4-5, 1977, in Washington, D.C. The entire meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (Pub. L. 89-665, as amended, Pub. L. 94-422) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Secretaries of the Interior; Housing and Urban Development; Commerce; Treasury; Agriculture; Transportation; State; Defense; Health, Education, and Welfare; and Smithsonian Institution; the Administrator of the General Services Administration; the Attorney General; the Chairman of the Council on Environmental Quality; the Chairman of the Federal Council on the Arts and Humanities; the Architect of the Capitol; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; and twelve non-Federal members appointed by the President.

In accordance with Section 106 of the National Historic Preservation Act, the Council will meet to: (1) consider the proposed demolition of Lockefield Gardens in Indianapolis, Indiana, a property determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places; and (2) continue consideration of the proposed construction of Interstate 83 in Baltimore, Maryland, that will affect numerous properties included in the National Register or which may be eligible for inclusion in the National Register of Historic Places. The meeting will begin on Wednesday, May 4, at 9 a.m., reconvening on Thursday, May 5, 9 a.m., in the Cash Room, Department of the Treasury, 15th & Pennsylvania Avenue NW., Washington, D.C. (use Pennsylvania Avenue entrance only).

A summary of the meeting agenda follows:

I. Consideration of the Proposed Demolition of Lockefield Gardens, Indianapolis, Indiana, an Undertaking to be Assisted by the Department of Housing and Urban Development.
A. Report of the Department of Housing and Urban Development.
B. Report of the Indiana State Historic Preservation Officer.
C. Statements by State and Local Officials
D. Other Statements.
E. Report of the Executive Director
F. Deliberation by the Council.

II. Consideration of Proposed Construction of I-83 in Baltimore, Maryland. (Continued from February 2-3 Council Meeting.)
A. Report of Federal Highway Administration/Interstate Division for Baltimore City.
B. Report of the Maryland State Historic Preservation Officer.
C. Report of the Executive Director.
D. Deliberation by the Council.

III. Consideration of the Report of the Task Force on Gettysburg.

IV. Report by the Economic Development Administration, Department of Commerce, Concerning Reauthorization of the Emergency Local Public Works Program.

V. Report by the Director, Office of Intergovernmental Programs and Planning, Concerning Recent Activities Under the Public Buildings Cooperative Use Act.

VI. Report of the Task Force on Organization of Federal Historic Preservation Programs.
A. Statements of State and Local Officials and Private Organizations and Individuals.
B. Deliberation by the Council.

VII. Report of the Chairman.

VIII. Report of the Executive Director.

IX. Other Business.

For reasons of security in Federal buildings, those wishing to attend must notify the Council by April 28 of their name, address, and social security number. Either notify the Council at Suite 530, 1522 K Street NW., Washington, D.C. 20005, or call 202-254-7788.

Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, Suite 530, 1522 K Street NW., Washington, D.C. 20005, 202-254-3974.

Dated: April 11, 1977.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.77-11373 Filed 4-19-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LAND MANAGEMENT PLAN, HORNET PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Management Plan—Hornet Planning Unit, Forest Service Report Number USDA-FS-R1(14)-DES-Adm-R1-77-10.

The environmental statement concerns the proposed implementation of a revised Land Management Plan for the Hornet Planning Unit, Fisher River Ranger District, Kootenai National Forest, Lincoln County, Montana. About 27,444 acres of National Forest land are affected. The planning unit is divided into eights (8) subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to CEQ on April 12, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby MT 59923.
USDA, Forest Service, Canoe Gulch Ranger Station, Libby, MT 59923.

A limited number of single copies are available upon request to:

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.
USDA, Forest Service, Canoe Gulch Ranger Station, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Floyd J. Marita, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.

Comments must be received by June 20, 1977, in order to be considered in the preparation of the final environmental statement.

GLENN H. MUELLER,
Acting Chief, Planning Branch, Kootenai National Forest, Northern Region, Forest Service.

APRIL 12, 1977.

[FR Doc.77-11456 Filed 4-19-77;8:45 am]

WENATCHEE NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on Off-Road Vehicle Use, Wenatchee National Forest, USDA–FS–R6–FES(Adm)–76–13.

The environmental statement concerns a proposal to regulate the use of off-road vehicles on the Wenatchee National Forest.

The final statement was submitted to CEQ on April 13, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., room 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine St., Portland, Oreg. 97204.
USDA, Forest Service, Wenatchee National Forest, 301 Yakima St., Wenatchee, Wash. 98801.

A limited number of single copies are available upon request to Forest Supervisor John L. Rogers, Wenatchee National Forest, P.O. Box 811, Wenatchee, Washington 98801.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

APRIL 13, 1977.

[FR Doc.77-11374 Filed 4-19-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Doc. 30724; Order 77-4-71]

RESTRICTED ARTICLES BOARD

Order Extending Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1977.

By Order 77-2-59, the Board, inter alia, granted all direct and indirect U.S. air carriers an exemption from section 403 of the Federal Aviation Act of 1958 (the Act) and Part 221 of the Board's Economic Regulations, to the extent necessary to permit them to carry shipments of hazardous materials tendered in conformance with the hazardous materials regulations of the Department of Transportation (DOT) notwithstanding the provisions of effective tariffs.

On April 12, 1977, the Restricted Articles Board (RAB) of the Air Traffic Conference of America filed an application on behalf of member air carriers for an extension of the exemption through June 24, 1977. The RAB contends, inter alia, that, pursuant to the Board's suggestion in Order 77-2-59, the carriers have filed tariffs which adopt DOT regulations by reference,[1] and therefore only contain carrier-imposed restrictions on the acceptance and carriage of hazardous materials; that the tariffs are not scheduled to become effective until June 25, 1977; that the exemption granted in Order 77-2-59 expires April 15; that, between April 15 and June 25, carriers will be forced either to accept hazardous materials pursuant to currently effective tariffs, which do not conform to DOT regulations, or to accept them pursuant to DOT regulations, and thus violate the Board's tariff requirements; and that such a "no win" position places an undue burden upon the carriers.

The RAB further asserts that the requested exemption would be for a limited time only, and will not result in hardship to any other party. Finally, the RAB requests, because of the imminent expiration of the exemption, that the Board act upon the application without waiting for the 10-day period for answers thereto.

In view of the foregoing, and all other relevant factors, the Board will grant the requested extension of the exemption for the reasons set forth in Order 77-2-59. The Board finds that enforcement of section 403 of the Act and Part 221 of the Economic Regulations would be an undue burden on the air carriers because of the limited extent of and unusual circumstances affecting their operations in this instance and would not be in the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 403 and 416(b) thereof,

It is ordered, That:

1. The exemption granted in Ordering Paragraph 2 of Order 77-2-59, dated February 11, 1977, is hereby extended through June 24, 1977; and

2. Copies of this order shall be served upon the Council for Safe Transportation of Hazardous Articles, the Department of Transportation, the Restricted Articles Board, and all U.S. air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11473 Filed 4-19-77;8:45 am]

[Doc. 30707; Order 77-4-69]

U.S.-GERMANY CARGO MATTERS

Request To Engage in Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1977.

On April 8, 1977, Seaboard World Airlines, Inc. (Seaboard) petitioned the Board for permission to engage in discussions with Pan American World Airways, Inc. (Pan American) and Deutsche Lufthansa Aktiengesellschaft (Lufthansa), as well as government representatives, covering various inter-related matters involving cargo air transportation between the United States and the Federal Republic of Germany. These subjects include substitute service via surface transport, carriage of U.S.-Germany air freight by charters, U.S.-Germany cargo rate levels and their relationships to rates in neighboring markets, interline arrangements, and airport cargo facilities. In support of its petition, Seaboard states that these issues were the subject of intergovernmental consultations between the United States and Germany in April 1976, which produced a Memorandum of Understanding that contemplated working group meetings among the three carriers and representatives of the two Governments, prior to further intergovernmental negotiations expected to take place in September 1976. However, this second round of negotiations was not held, and the authorization for the working group meetings, granted by the Board in Orders 76-6-54 and 76-6-167, has since expired. By mutual agreement the United States and Germany have extended the effectiveness of the Memorandum of Consultations until May 31, 1977, prior to which date the respective Governments hoped to meet again.

Seaboard states that the additional discussions are necessary in light of recent events, including the new transatlantic open cargo-rate situation and the filing of a notice of dissatisfaction by the German Government regarding a Seaboard-filed tariff, as well as the continuing need to further discuss long-range solutions to problems facing the carriers serving the U.S.-Germany cargo market.

Answers supporting the petition of Seaboard have been received from both Pan American and the Department of State.

The Board will herein authorize the proposed discussions consistent with the April 28, 1976 Memorandum of Consultations between the United States and the Federal Republic of Germany.[2] Any intercarrier agreement reached will, of course, be subject to Board approval under section 412 of the Act prior to implementation.

Accordingly, *it is ordered*, That:

1. Seaboard World Airlines, Inc., Pan American World Airways, Inc., and Deutsche Lufthansa Aktiengesellschaft may engage in discussions on the subject of cargo air transportation between the United States and the Federal Republic of Germany;

2. The authority granted herein will expire May 31, 1977;

3. The U.S. carrier participants shall notify the Civil Aeronautics Board in writing sufficiently in advance of the proposed meetings to insure the presence of a U.S. Government observer at said meetings; and

4. This order will be served on all U.S.- and foreign-flag carriers holding certificate or permit authority to provide scheduled cargo service between the U.S. and the Federal Republic of Germany.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11472 Filed 4-19-77;8:45 am]

[1] The tariffs were filed concurrently with the exemption application.

[2] The Board prefers that the proposed discussions be held in Washington, D.C.

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF MANUFACTURES, SUPPLEMENT

Consideration

Notice is hereby given that the Bureau of the Census is planning to initiate a supplement to the existing Annual Survey of Manufactures for the year 1976 under authority of title 13, United States Code, sections 182, 224, and 225. The data received from this supplement will provide the information necessary to develop estimates of alternative energy capabilities in manufacturing. The information will be used for energy analysis and policy guidance. The impact of fuel shortages upon the level of employment and output can be determined and policy to ameliorate adverse situations can be implemented with the assistance of such information. Therefore, these data will have significant application to the needs of the public and industry. They are not available from nongovernmental or other governmental sources.

This survey is a supplement to the Annual Survey of Manufactures and will request a measure of substitutable and nonsubstitutable energy capabilities by type of energy. The potential type and magnitude of the substitutable capability as well as the time required to implement substitutions will also be measured.

Data will be collected from a subsample of the Annual Survey of Manufacturers establishments. The sample will consist of 5,000 establishments and account for about 70 percent of the purchased energy consumed by manufacturers.

This survey shall begin not earlier than May 20, 1977.

Copies of the proposed forms are available on request to the Acting Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this survey should be submitted in writing to the Acting Director of the Bureau of the Census by May 20, 1977, to receive consideration.

Dated: April 15, 1977.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc.77-11403 Filed 4-19-77;8:45 am]

Domestic and International Business Administration

DUTY-FREE ENTRY OF SCIENTIFIC ARTICLES

Applications

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 10, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00181. Applicant: Rutgers—The State University, Psychology Building, Busch Campus, Piscataway, New Jersey 08854. Article: Bat Detector (Ultrasonic Receiver). Manufacturer: Holgate's of Totten, United Kingdom. Intended use of article: The article will be used for studies of the role that various pup stimuli have in stimulating the onset and maintenance of maternal behavior in the rats. The changes in ultrasound production postpartum and the effects of various situations on it will be investigated. Some of the situations to be investigated include: maternal deprivation, temperature changes, nutritional deprivation, tactile stimulation, and odors from bedding or adult rats. Both the total number of ultrasonic detections and the frequencies at which the sounds are emitted will be studied. Application received by Commissioner of Customs: March 30, 1977.

Docket Number: 77–00182. Applicant: University of Tennessee, Knoxville, Tennessee 37916. Article: TEA–103–2 Prototype Gas laser and accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article will be used in an U.S. Air Force supported program involving the cryogenic synthesis of strongly oxidizing species containing fluorine and other electronegative elements, such as the other halogens, nitrogen and oxygen. Specifically, the article will be used for excitation of low temperature reactions involving N—F and O—F bonds as well as fluorine and for exploration of synthetic routes to NF_4^+ salts, such as NF_4BF_4. Application received by Commissioner of Customs: March 30, 1977.

Docket Number: 77–00183. Applicant: Rochester Institute of Technology, One Lomb Memorial Drive, Rochester, New York 14623. Article: Phase control unit and DC–DC Conversion unit and accessories. Manufacturer: University of Toronto, Canada. Intended use of article: The article is intended to be used for experiments to be conducted in the areas of high power controlled rectification and solid-state DC–DC conversion. These experiments will provide the student exposure to and on-hand experience in the area of solid-state control of high power. The courses in which the article will be used are EEEE 535 Introduction to Power Conditioning, EEEE 532 Electrical Machines and EEEE 721 Thyristor Power Control and Conditioning. Application received by Commissioner of Customs: March 30, 1977.

Docket Number: 77–00184. Applicant: University of California, Los Angeles, School of Engineering and Applied Science, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Amplifier, Model TEA601A and accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article will be used as the final unit in a chain of CO_2 laser amplifiers generating a 1–2 nanosecond pulse of power greater than one gigawatt. This pulse is to be focused into gas discharge plasma sources to simulate the environment in the outer regions of laser-fusion fuel pellets. Instabilities which will inhibit coupling of laser radiation into the fuel are to be studied under experimental conditions, where relative ease of diagnostics enables us to understand the basic physics of the interaction much more readily than in actual pellet compression experiments. This line of research is one of a number being pursued in an attempt to find an alternative to oil and other fossil fuels as a source of electrical power. In addition, Ph. D. students will use this equipment in their research for the purpose of obtaining their degree. Application received by Commissioner of Customs: March 31, 1977.

Docket Number: 77–00185. Applicant: Northwestern University, 619 Clark Street, Evanston, IL 60201. Article: Dual Channel Transient Recorder. Manufacturer: Data Laboratories, Ltd., United Kingdom. Intended use of article: The article is intended to be used for pulsed nuclear magnetic resonance (NMR) studies of relaxation times, Fourier transformation studies of the NMR line shape and splitting, and ultrasonic measurements of the velocity of sound and its attenuation, at temperatures as low as one millikelvin. Specifically, the article will be used to rapidly digitize and store the real and imaginary signal from

a pulsed NMR/ultrasonic spectrometer simultaneously, and then feed them to a PDP–11 minicomputer at an acceptable rate for complex Fourier transformation. Application received by Commissioner of Customs: March 31, 1977.

Docket Number: 77–00186. Applicant: New York Medical College, Department of Anatomy, Basic Science Building, Valhalla, New York 15095. Article: Electron Microscope, Model JEM 100C with side entry goniometer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used for electron microscopic examination of biological tissues from normal and experimental animals, such as pancreas, liver, muscle, and blood platelets. Blood platelets before and after exposure to thrombin will be examined to determine the intracellular translocation of calcium related to secretion. Studies of fine filaments will be made to relate these to morphologic changes in cell shape and, particularly, to the formation of long pseudopodia. Low magnification studies of undistorted, flat-field cells will be performed. These will be used for light microscopic—electron microscopic correlations which will permit visualization of the same cells by both instruments. The article will also be used in an electron microscopy course to train graduate and medical students in the use of electron microscopes as a tool for research and service in the field of diagnostic medicine. Application received by Commissioner of Customs: April 1, 1977.

Docket Number: 77–00187. Applicant: St. Francis Hospital, 929 North St. Francis, Wichita, Kansas 67214. Article: Ultra-microtome, Model LKB 2128–010 and accessories. Manufacturer: LKB–Produkter AB, Sweden. Intended use of article: The article will be used to section human kidney, liver and neoplasmas (tumors) which will vary in density and fragility. Investigations will include ultrastructural studies on normal and pathologic human tissue to establish the exact nature of the disease process in order that the right modality of treatment will be given to the patient. Identification of virus particles by electron microscopy is a part of clinical virus research which includes viral hepatitis and other virus-related diseases. The article will also be used for the training of pathology residents in pathologic anatomy which will involve a study of general principles on technique and the use of the electron microscope to study the fine structure of cells and various subcellular organelles in different disease processes. Application received by Commissioner of Custom: April 1, 1977.

Docket Number: 77–00188. Applicant: University of Washington, Center for Bioengineering RF–52, Seattle, WA 98195. Article: Electron Microscope, Model JEM–100C/SEG and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the distribution and concentration of important elements (e.g., Na) in a wide variety of biological systems (e.g., cardiac muscle). Energy dispersive x-ray microanalysis will be used to determine elemental concentrations in small volumes. Application received by commissioner of customs: April 1, 1977.

Docket Number: 77–00189. Applicant: Washington University School of Medicine, 660 South Euclid, St. Louis, Missouri 63110. Article: ASID–4D Scanning System for JEM 100C Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory for an electron microscope which is intended to be used to study native and reconstituted lipoproteins, vascular tissues, endocrine tissues, cell membranes, etc. The ultrastructural as well as immunological and biological activity of native and synthetic lipoproteins will be characterized and compared in studies designed to elucidate the structure and function of apoproteins and lipid constituents of lipoproteins and their role in the pathogenesis of atherosclerotic vascular disease. The permeability of capillaries and venules of the heart to electron dense markers including ferritin and peroxidase type markers will be examined in a variety of pathophysiological conditions including diabetes mellitus and ischemic injury in studies designed to investigate the pathogenesis of diabetic microangiopathy and ischemic injury to vessels. Experiments will also be performed to demonstrate and characterize insulin receptor sites on fat cell membranes using ferritin labelled insulin conjugates. Application received by commissioner of customs: April 1, 1977.

Docket Number: 77–00190. Applicant: US Army Environment Hygiene Agency, Aberdeen Proving Ground, MD 21010. Article: Ultramicrotome, Model IKB 8800A Ultrotome III. Manufacturer: IKB Produkter AB, Sweden. Intended use of article: The article will be used to study biological materials including animal, plant and particulate specimens. Materials will vary in density and fragility. Investigations will include ultrastructural studies on normal and pathologic animal and plant tissues, identification and counting of particulate specimens, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objectives pursued in the course of these investigations are to understand early pathological alterations in tissues (as induced in animal models) and to correlate these changes with clinical alterations seen in human diseased tissues. By understanding early alterations, we may begin to formulate preventive treatments in human diseases. Application received by Commissioner of Customs: April 1, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–11367 Filed 4–19–77;8:45 am]

National Oceanic and Atmospheric Administration

ENDANGERED SPECIES PERMIT

Issuance

On January 28, 1977, notice was published in the FEDERAL REGISTER (42 FR 5460), that an application had been filed with the National Marine Fisheries Service by NALCO Environmental Sciences, 6720 Thompson Road, Syracuse, New York 13211, for a Scientific Purposes Permit to take an unspecified number of shortnose sturgeon (*Acipenser brevirostrum*), an endangered species fish.

Notice is hereby given that on March 28, 1977, the National Marine Fisheries Service issued a Scientific Purposes Permit, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), to NALCO Environmental Sciences, subject to certain conditions set forth therein.

The Permit authorizes the Holder to take shortnose sturgeon (*Acipenser brevirostrum*) by conducting the following activities: (1) Capture by trawls, seines and gill nets on the Hudson River, near New Baltimore, New York; (2) the weighing and measuring of the animals; (3) release of all live specimens into the Hudson River at or near the site of capture; and (4) retention for scientific purposes, of all captured specimens which inadvertently die.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species Permits (39 FR 14357, November 27, 1974).

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: March 28, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–11477 Filed 4–19–77;8:45 am]

GENERAL PERMIT

Issuance

A general permit was issued on April 15, 1977, to the American Tunaboat Association, 1 Tuna Lane, San Diego, California 92101, to take marine mammals incidental to commercial fishing operations under category (ii) Encircling Gear, Yellowfin Tuna Purse Seining, pursuant to 50 CFR 216.24 (39 FR 32117–32124), as amended.

The permit complete with all comments received and decision documents used are available for public inspection in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, and at the Regional Director's Office, Southwest Region, 300 S. Ferry Street, Terminal Island, California 90731.

Dated: April 15, 1977.

WINIFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–11474 Filed 4–19–77;8:45 am]

GENERAL PERMIT

Receipt of Application

Notice is hereby given that the following application has been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations thereunder.

The Federation of Japan Salmon Fisheries Cooperative Associations, 9th Floor, San Kaido Building, 9–13, Akasaka 1, Minato-ku, Tokyo, Japan, has applied for a general permit, Category 5, "Other Gear."

Copies of the application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Interested parties may submit written views on this application on or before May 20, 1977 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: April 15, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77–11475 Filed 4–19–77;8:45 am]

PERMIT TO TAKE MARINE MAMMALS

Issuance

On November 5, 1976, notice was published in the FEDERAL REGISTER (41 FR 48764), that an application had been filed with the National Marine Fisheries Service by New Steel Pier, Boardwalk at Virginia Avenue, Atlantic City, New Jersey 08401, for a permit to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 31, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to the New Steel Pier subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: March 31, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–11476 Filed 4–19–77;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent application must include the PAT-APPLnumber. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,987,003: Thermally Stable Dioxo and Dithio-Benzisoquinoline Compositions and Process of Synthesizing Same; filed June 6, 1975; patented October 19, 1976; not available NTIS.

Patent 3,992,995: Speed Controlled Second Event Launcher; filed September 4, 1975, patented November 23, 1976; not available NTIS.

Patent 3,993,269: Toroidal Tail Structure for Tethered Aeroform Balloon; filed December 18, 1975, patented November 23, 1976; not available NTIS.

Patent 3,993,890: Combinatorial Digital Filter; filed September 29, 1975, patented November 23, 1976; not available NTIS.

Patent 3,993,962: Low Noise Parametric Varactor Diode Crystal Oscillator; filed August 18, 1975; patented November 23, 1976; not available NTIS.

Patent 3,993,976: Method and Apparatus for Pattern Analysis; filed May 13, 1974, patented November 23, 1976; not available NTIS.

Patent 3,993,994: Adaptive Clutter Cancellation for Synthetic Aperture AMTI Radar; filed June 27, 1975; patented November 23, 1976; not available NTIS.

Patent 3,994,165: Mass Flowmeter starting System; filed November 25, 1975; patented November 30, 1976; not available NTIS.

Patent 3,994,861: Long Chain-Perfluoroalkylene Ether Bibenzoxazole Polymers; filed September 4, 1975; patented November 30, 1976; no available NTIS.

Patent 3,995,213: Surface Impedance Tester; filed October 2, 1975; patented November 30, 1976; not available NTIS.

Patent 3,995,229: High Slew Rate Operational Amplifier Circuit; filed May 27, 1975; patented November 30, 1976; not available NTIS.

Patent 3,995,271: Adaptive Clutter Cancellation and Interference Rejection System for AMTI Radar; filed August 20, 1975; patented November 30, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 648,590: Automatic Targeting System Utilizing Signal Strength Information; filed December 22, 1975.

Patent application 712,994: Multiple Frequency Microstrip Antenna Assembly; filed August 9, 1976.

Patent application 719,780: 1 to 18 GHz Microwave Signal Generator; filed September 2, 1976.

Patent application 720,465: Cooling System for an Expander Engine; filed September 3, 1976.

Patent application 723,009: Fiber Optic Position Sensing and Indicating Apparatus for Electrical Interference Sensitive Environments; filed September 13, 1976.

Patent application 730,892: Head Trackable Wide Angle Visual System; filed October 8, 1976.

Patent application 731,973: A Device for Cleaning and Coating a Guy Cable; filed October 14, 1976.

Patent application 732,848: Method for Producing Tailored Etch Rates and Edge Geometries in the S13N4/S102 Technology; filed October 18, 1976.

Patent application 734,904: Hydrogen Isotope Separation; filed October 22, 1976.

Patent application 738,430: Wide Band Receiver Hardening to Radio Frequency Interference; filed November 3, 1976.

Patent 3,974,457: Time and Frequency Control Unit; filed September 19, 1975; patented August 10, 1976; not available NTIS.

Patent 3,976,274: Permanent Attachment for Suction Cups; filed May 27, 1975; patented August 24, 1976; not available NTIS.

Patent 3,976,962: Dual Threshold Magnetic Proximity Switch; filed April 25, 1975; patented August 24, 1976; not available NTIS.

Patent 3,976,968: Underwater Target Detection Apparatus; filed November 19, 1964; patented August 24, 1976; not available NTIS.

Patent 3,977,149: Multipurpose Construction Panel; filed March 28, 1975; patented August 31, 1976; not available NTIS.

Patent 3,978,488: Offset Fed Electric Microstrip Dipole Antenna; filed April 24, 1975; patented August 31, 1976; not available NTIS.

Patent 3,980,905: Apparatus and Method for Tuning a Broad Bandwith Transducer Array; filed October 19, 1973; patented September 14, 1976; not available NTIS.

Patent 3,982,810: Directional Radiation by Asymmetrical Dielectric Gratings; filed July 9, 1975; patented September 28, 1976; not available NTIS.

Patent 3,983,750: Fluid Level Sensing Device; filed September 29, 1975; patented October 5, 1976; not available NTIS.

Patent 3,984,673: External Lighting System for Hypobaric and Hyperbaric Chambers; filed June 30, 1975; patented October 5, 1976; not available NTIS.

Patent 3,984,834: Diagonally Fed Electric Microstrip Dipole Antenna; filed April 24, 1975; patented October 5, 1976; not available NTIS.

Patent 3,986,745: Grabber; filed August 25, 1975; patented October 19, 1976; not available NTIS.

Patent 3,987,741: Remote Unmanned Work System (RUWS) Matching Latch; filed January 13, 1976; patented October 26, 1976; not available NTIS.

Patent 3,988,732: 3-Channel Selectable Polarization, Target Discrimination Antenna; filed December 22, 1965; patented October 26, 1976; not available NTIS.

Patent 3,989, 475: Composite Superconductors; filed May 30, 1975; patented November 2, 1976; not available NTIS.

Patent 3,990,344: Underwater Expendable Explosive Link; filed Jan. 13, 1975; patented November 9, 1976; not available NTIS.

Patent 3,990,811: Circulation Controlled Rotary Wing Aircraft and Control System Therefor; filed February 26, 1975; patented November 9, 1976; not available NTIS.

Patent 3,991,372: Circuit for Reversing Doppler Signal Modifying a Carrier; filed September 24, 1975; patented November 9, 1976; not available NTIS.

Patent 3,994,187: Epicyclic Transmission; filed February 14, 1975; patented November 30, 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546.

Patent application 736,286: Systems and Methods for Determining Radio Frequency Interference; filed October 28, 1976.

Patent application 737,975: Receiving and Tracking Phase Modulated Signals; filed November 2, 1976.

Patent application 744,542: Auxiliary Power System for Activity Cooled Aircraft; filed November 24, 1976.

Patent application 744,573: Method and Apparatus for Reconditioning Nickel-Cadmium Batteries; filed November 24, 1976.

Patent application 744,574: Automatic Multiple-Sample Applicator and Electrophoresis Apparatus; filed November 24, 1976.

Patent application 746,578: General Purpose Rocket Furnace; filed November 30, 1976.

Patent application 749,420: Spectrally Balanced Chromatic Landing Approach Lighting System; filed December 10, 1976.

Patent 3,987,630: Mechanical Thermal Motor; patented October 26, 1976; not available NTIS.

Patent 3,988,677: Space Communication System for Compressed Data with a Concatenated Reed-Solomon-Viterbi Coding Channel; patented October 26, 1976; not available NTIS.

Patent 3,988,716: Computer Interface System; patented October 26, 1976; not available NTIS.

Patent 3,988,720: Differential Pulse Code Modulation; patented October 26, 1976; not available NTIS.

[FR Doc.77-11411 Filed 4-19-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the Pat-Appl number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, DC 20314.

Patent 3,986,149: High Power Reciprocal Co-Planar Waveguide Phase Shifter; filed August 29, 1975; patented October 12, 1976; not available NTIS.

Patent 3,986,688: Variable Effectiveness Stabilizing/Controlling Surface; filed June 16, 1975; patented October 19, 1976; not available NTIS.

Patent 3,978,003: Thermally Stable Dioxo and Dithio-Benzisoquinoline Compositions and Process of Synthesizing Same; filed June 6, 1975; patented October 19, 1976; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, DC 20545.

Patent application 627,622: Thin-Film Metal Coated Insulation Barrier in a Josephson Tunnel Junction; filed October 31, 1975.

Patent application 632,027: Method for the Abatement of Hydrogen Chloride; filed November 14, 1975.

Patent application 635,456: Laser Action by Optically Depumping Lower States; filed November 26, 1975.

Patent application 635,457: Pulsed Infrared Difference Frequency Generation in CdGeAs sub 2; filed November 26, 1975.

Patent application 635,992: Charging-Choke Circuit with a Crowbar for Precision Control of Voltage; filed November 25, 1975.

Patent application 639,133: Method of Preparing a Negative Electrode Including Lithium Alloy for Use within a Secondary Electrochemical Cell; filed December 9, 1975.

Patent application 641,320: Nitroaliphatic Difluoroformals and Process of Manufacture; filed December 16, 1975.

Patent application 642,045: Saturating Time-Delay Transformer for Overcurrent Protection; filed December 18, 1975.

Patent 3,949,596: Leak Test Fixture and Method for Using Same; filed December 11, 1974; patented April 13, 1976; not available NTIS.

Patent 3,950,216: Falling Film Evaporator; filed January 18, 1974; patented April 13, 1976; not available NTIS.

Patent 3,951,074: Secondary Lift for Magnetically Levitated Vehicles; filed September 27, 1974; patented April 20, 1976; not available NTIS.

Patent 3,951,082: Countercurrent Flow Afterburner; filed April 22, 1975; patented April 20, 1976; not available NTIS.

Patent 3,951,327: Ceramic to Metal Seal; filed January 28, 1975; patented April 20, 1976; not available NTIS.

Patent 3,952,263: Fission Fragment Excited Laser System; filed October 4, 1974; patented April 20, 1976; not available NTIS.

Patent 3,953,285: Nickel—Chromium—Silicon Brazing Filler Metal; filed April 25, 1973; patented April 27, 1976; not available NTIS.

Patent 3,953,355: Preparation of Uranium Nitride; filed May 29, 1974; patented April 27, 1976; not available NTIS.

Patent 3,954,321: Miniature Electrical Connector; filed August 13, 1975; patented May 4 ,1976; not available NTIS.

Patent 3,955,150: Active-R Filter; filed January 15, 1975; patented May 4, 1976; not available NTIS.

Patent 3,955,506: Detonating Apparatus; filed May 31, 1950; patented May 11, 1976; not available NTIS.

Patent 3,955,509: Fuel-Air Munition and Device; filed March 21, 1969; patented May 11, 1976; not available NTIS.

Patent 3,955,755: Closed Continuous-Flow Centrifuge Rotor; filed April 25, 1975; patented May 11, 1976; not available NTIS.

Patent 3,956,039: High Explosive Compound; filed January 13, 1956; patented May 11, 1976; not available NTIS.

Patent 3,957,197: Centrifuge Apparatus; filed April 25, 1975; patented May 18, 1976; not available NTIS.

Patent 3,957,460: Oxidation of Coal–Water Slurry Feed to Hydrogasifier; filed September 2, 1975; patented May 18, 1976; not available NTIS.

Patent 3,957,496: Molybdenum Sealing Glass-Ceramic Composition; filed September 23, 1975; patented May 18, 1976; not available NTIS.

Patent 3,957,532: Method of Preparing an Electrode Material of Lithium—Aluminum Alloy; filed June 20, 1974; patented May 18, 1976; not available NTIS.

Patent 3,960,083: Igniter Containing Titanium Hydride and Potassium Perchlorate; filed March 6, 1975; patented June 1, 1976; not available NTIS.

Patent 3,961,016: Method of Removing Carbon Monoxide from Gases; filed April 26, 1974; patented June 1, 1976; not available NTIS.

Patent 3,963,598: Flash Hydrogenation of Coal; filed October 15, 1974; patented June 15, 1976; not available NTIS.

Patent 3,963,626: Fire Extinguishant for Fissionable Material; filed March 22, 1974; patented June 15, 1976; not available NTIS.

Patent 3,963,826: Low Temperature, Low Pressure Hydrogen Gettering; filed March 21, 1975; patented June 15, 1976; not available NTIS.

Patent 3,963,994: Slit Injection Device; filed January 15, 1975; patented June 15, 1976; not available NTIS.

Patent 3,964,792: Explosive Fluid Transmitted Shock Method for Mining Deeply Buried Coal; filed January 28, 1975; patented June 22, 1976; not available NTIS.

Patent 3,964,914: Electromarking Solution; filed August 16, 1974; patented June 22, 1976; not available NTIS.

Patent 3,965,351: Differential Auger Spectrometry; filed October 30, 1974; patented June 22, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 716,916: A Controllable Sorbent Broadcaster; filed August 23, 1976.

Patent application 720,490: High Temperature Static Seal; filed September 3, 1976.

Patent application 722,995: Fuel Tank Leakage Fiber Flow Sealant; filed September 13, 1976.

Patent application 729,049: Portable Seating Apparatus; filed October 4, 1976.

Patent application 732,566: Apparatus and Method for Encoding and Decoding Digital Information; filed October 15, 1976.

Patent application 734,892: Microwave Cross-Over Switch; filed October 22, 1976.

Patent application 734,899: Microwave Isolation Switch; filed October 22, 1976.

Patent 3,925,648: Apparatus for the Generation of a High Capacity Chiro-Z Transform; filed July 11, 1974; patented December 9, 1976; not available NTIS.

Patent 3,986,681: Cylindrical Manifold for EGD Channels of a Static Discharge System; filed September 15, 1975; patented October 19, 1976; not available NTIS.

[FR Doc.77-11412 Filed 4-19-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPLnumber. Claims are deleted from patent application copies sold to the public to avoid premature dislosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, DC 20314.

Patent 3,984,839: Low Height VLF Antenna System; filed May 15, 1975; patented October 5, 1976; not available NTIS.

Patent 3,984,980: Integral Heater Thermal Energy Storage Device; filed August 5, 1975; patented October 12, 1976; not available NTIS.

Patent 3,985,398: Fluidic Antiskid Circuit; filed April 8, 1975; patented October 12, 1976; not available NTIS.

Patent 3,985,420: Mechanical Step Scanner; filed October 10, 1975; patented October 12, 1976; not available NTIS.

Patent 3,985,579: Rib and Channel Vertical Multijunction Solar Cell; filed November 26, 1975; patented October 12, 1976; not available NTIS.

Patent 3,986,082: Universal Temperature Controlled Reference Junction; filed February 14, 1975; patented October 12, 1976; not available NTIS.

Patent 3,986,127: Integrated Feedback Active Filter/Integrator, filed May 27, 1975; patented October 12, 1976; not available NTIS.

Patent 3,986,129: Generation of Submicrosecond Pulses in a Long Laser; filed July 25, 1972; patented October 12, 1976; not available NTIS.

Patent 3,986,138: Isothermal Gas Dynamic Laser Nozzle; filed March 29, 1974; patented October 12, 1976; not available NTIS.

Patent 3,986,139: Radioactively Preionized Electrical Discharge Laser; filed February 18, 1975; patented October 12, 1976; not available NTIS.

Patent 3,986,241: In-Place Bearing Staking Device; filed November 18, 1975; patented October 19, 1976; not available NTIS.

Patent 3,986,683: Jet Tab Steerable Missile; filed March 27, 1974; patented October 19, 1976; not available NTIS.

Patent 3,986,690: Laser Defense and Countermeasure System for Aircraft; filed October 28, 1975; patented October 19, 1976; not available NTIS.

Patent 3,987,016: Method for the Preparation of Polyarylene Sulfides Containing Pendant Cyano Groups by Polymerizing M-Benzenedithiol, Dibromobenzene, and 2, 4-Dichlorobenzonitrile; filed January 16, 1975; patented October 19, 1976; not available NTIS.

Patent 3,987,288: Time Multiplexing Hybrid Sample Data Filter; filed April 22, 1975; patented October 19, 1976; not available NTIS.

Patent 3,987,453: Balanced Exciter for Wideband Antenna Element; filed August 18, 1975; patented October 19, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 635,821: A Device for Minimizing Interchannel Crosstalk in High Rate Commutator Multiplexers; Filed November 28, 1975.

Patent application 670,816: High PRF Unambiguous Range Radar; filed March 26, 1976.

Patent application 691,924: Noise Resistant Zone Penetration Detection System; filed June 1, 1976.

Patent application 699,923: Improved Molded Drag Reduction Coatings; filed June 25, 1976.

Patent application 700,373: Coatings That Reduce Flow Resistance and Turbulent Drag at Their Interface with Liquids; filed June 28, 1976.

Patent application 705,734: Cook-Off Liner Component; filed July 15, 1976.

Patent application 706,705: Solid State Klystron; filed July 19, 1976.

Patent application 716,622: Method of Fabrication of Chromium-Silicon Oxide Thin Film Resistors; filed August 23, 1976.

Patent application 719,493: Hydroways; filed September 1, 1976.

Patent application 719,779: Narrowband Wide Field of View Optical Filter; filed September 2, 1976.

Patent application 720,313: Rotary Expander Engine; filed September 8, 1976.

Patent application 720,314: Accommodating Device for Thermal Transient Expansions; filed September 8, 1976.

Patent application 724,831: Mechanism for Deep Ocean Instrumentation Remote Release; filed September 20, 1976.

Patent application 725,904: Active Waveguide Branch with Variable Synchronism; filed September 22, 1976.

Patent application 727,744: Electro-Optic Analog/Digital Converter; filed October 29, 1976.

Patent application 728,488: Recoil Simulator; filed September 30, 1976.

Patent application 729,052: Low-Loss Signal Coupler for Optical Communications and Integrated Optics; filed October 4, 1976.

Patent application 729,550: Frequency-Selective Loss Technique for Oscillation Prevention in Traveling-Wave Tubes; filed October 4, 1976.

Patent application 729,921: Battery Wedge for Submarines or Other Installations, filed October 6, 1976.

Patent application 731,471: Radar Signal Processor Utilizing a Multi-Channel Optical Correlator; filed October 12, 1976.

Patent application 733,586: A Seawater Hydraulic Motor Distributing Valve Based on a Hydrosphere Bearing; filed October 18, 1976.

Patent application 733,626: A device for Measuring the Velocity of a Body in an Undersea Environment; filed October 18, 1976.

Patent application 734,690: Magnetically Tuned, Surface Acoustic Wave Device; filed October 21, 1976.

Patent application 744,560: Frequency Multiplexed Water Leak Detection System, filed November 24, 1976.

Patent 3,970,791: Voice Controlled Disappearing Audio Delay Line; filed May 27, 1975; patented July 20, 1976; not available NTIS.

Patent 3,978,444: Seafloor Mapping System: filed May 30, 1975; patented August 31, 1976; not available NTIS.

Patent 3,978,483: Stable Base Band Adaptive Loop; filed December 26, 1974; patented August 31, 1976; not available NTIS.

Patent 3,980,395: Liquid Crystal Switch for Optical Waveguide; filed December 2, 1974; patented September 14, 1976; not available NTIS.

Patent 3,981,561: Optically Activated Exciplex Shutter/Attenuator; filed October 16, 1975; patented September 21, 1976, not available NTIS.

Patent 3,986,003: Multi Position Solid State Touch Switch; filed March 21, 1975; patented October 12, 1976; not available NTIS.

Patent 3,986,111: Inverted Voltage Gerdien Condenser; filed December 24, 1974; patented October 23, 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 3,984,730: Method and Apparatus for Neutralizing Potentials Induced on Spacecraft Surfaces; Patented October 5, 1976; not available NTIS.

[FR Doc.77-11413 Filed 4-19-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPLnumber. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Servive.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent 3,016,369: Organotin Acrylic Polymers; filed July 16, 1958, patented Jan. 9, 1962, not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,985,321: Automatic Line Release System; filed Nov. 25, 1975, patented Oct. 12, 1976, not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 654,308: Method and Apparatus for Transmitting Light through Cassegrain Optics; filed Feb. 2, 1976.

Patent application 661,069: Method and Apparatus for Heat Transfer; filed Feb. 25, 1976.

Patent application 680,651: A Variable Feel Side Stick Controller; filed Apr. 27, 1976.

Patent 3,904,293: Optical Method for Surface Texture Measurement; filed Dec. 6, 1973, patented Sept. 9, 1975, not available NTIS.

Patent 3,950,617: Helium Speech Unscrambler with Pitch Synchronization; filed Sept. 9, 1974, patented Apr. 13, 1976, not available NTIS.

Patent 3,959,739: Electro-Optic Tuning of Organic Dye Laser; filed Feb. 3, 1975, patented May 25, 1976, not available NTIS.

Patent 3,962,639: System for Reducing Radio Communication Frequency Bandwidth and Increasing Number of Channels Available; filed June 11, 1973, patented June 8, 1976, not available NTIS.

Patent 3,972,755: Dielectric Circuit Board Bonding; filed Oct. 29, 1974, patented Aug. 3, 1976, not available NTIS

Patent 3,975,865: Fiber Optic Grinding and Polishing Tool; filed May 27, 1975, patented Aug. 24, 1976, not available NTIS.

Patent 3,976,873: Tunable Electroabsorptive Detector; filed May 8, 1975, patented Aug. 24, 1976, not available NTIS.

Patent 3,976,882: Invisible Radiation Imaging Device; filed June 23, 1975, patented Aug. 24, 1976, not available NTIS.

Patent 3,976,976: Method and Means to Access an Extended Memory Unit; filed Apr. 4, 1975, patented Aug. 24, 1976, not available NTIS.

Patent 3,977,788: Interferometer Stabilizer; filed Sept. 4, 1975, patented Aug. 31, 1976, not available NTIS.

Patent 3,978,444: Seafloor Mapping System; filed May 30, 1975, patented Aug. 31, 1976, not available NTIS.

Patent 3,980,395: Liquid Crystal Switch for Optical Waveguide; filed Dec. 2, 1974, patented Sept. 14, 1976, not available NTIS.

Patent 3,981,810: Grease Composition; filed Nov. 11, 1975, patented Sept. 21, 1976, not available NTIS.

Patent 3,988,670: Automatic Testing of Digital Logic Systems; filed Apr. 15, 1975, patented Oct. 26, 1976, not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 718,266: Differenttial Optoacoustic Absorption Detector; filed Aug. 27, 1976.

Patent application 718,268: Hydrogen-Fueled Engine; filed Aug. 27, 1976.

Patent application 730,045: Thin Conformal Antenna Array for Microwave Power Conversion; filed Oct. 6, 1976.

Patent application 734,902: Intumescent Coating Containing 4,4-Dinitrosulfanilide; filed Oct. 22, 1976.

Patent application 736,909: Spherical Bearing; filed Oct. 29, 1976.

Patent application 737,974: Window Comparator; filed Nov. 2, 1976.

Patent application 739,908: Tetherline System for Orbiting Satellites; filed Nov. 8, 1976.

Patent application 740,457: Angle Detector; filed Nov. 10, 1976.

Patent 3,984,730: Method and Apparatus for Neutralizing Potentials Induced on Spacecraft Surfaces. Patented Oct. 5, 1976, not available NTIS.

Patent 3,988,561: Weld-Bonded Titanium Structures. Patented Oct. 26, 1976, not available NTIS.

[FR Doc.77-11414 Filed 4-19-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

POWER LAWN MOWERS

Inventors' Day

The Consumer Product Safety Commission announces that it will hold a meeting (called an "Inventors' Day") for the purpose of providing an opportunity for persons to present information to the Commission and its staff concerning invention or devices intended to reduce the risk of injury associated with power lawn mowers.

DATES: The Inventors' Day will be held on May 4, 1977, from 1 to 4 p.m.

Persons desiring to attend should contact Bernard Scharf by April 22, 1977 (see address below).

ADDRESSES: The Inventors' Day will be conducted at the Engineering Mechanics Building (Bldg. 202), National Bureau of Standards, Gaithersburg, Maryland.

FOR FUTHER INFORMATION CONTACT:

Bernard Scharf, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6462).

SUPPLEMENTARY INFORMATION: By a previous notice in the FEDERAL REGISTER (39 FR 26662), the Consumer Product Safety Commission began a proceeding to develop a safety standard for power lawn mowers. From time to time during this proceeding, the Commission has been contacted by persons who desire to present information concerning inventions or devices which they contend would increase the safety of power lawn mowers. In order to provide an opportunity for such persons to present their work to the Commission and its staff, the Commission has decided to conduct an Inventors' Day.

The meeting will be held under a tent behind the high bay area of the Engineering Mechanics Building (Bldg. 202), National Bureau of Standards, Gaithersburg, Maryland, from 1 to 4 p.m.

The meeting will be open to the public. Accordingly, the information presented at the meeting will not be held confidential by the Commission, and no protection will be provided against disclosure of proprietary information or trade secrets. It is anticipated that consumer, industry and press representatives will attend the meeting.

The meeting is for informational purposes only, and no Commission approval or acceptance of any device may be implied from the fact that the device is displayed or demonstrated at the meeting.

The Commission expects that the information presented at this meeting will enable the staff to become better aware of the "state of the art" in this area and to be better able to deal with issues that may be raised in comments on any safety standard for power lawn mowers that may be proposed by the Commission. With this knowledge, the Commission can insure that the final standard achieves the highest safety levels consistent with available technology. It should be emphasized that the meeting is only for the purpose of displaying or demonstrating safety-related inventions and devices and not for the purpose of showing features such as mowing effectiveness.

The scope of activities that will be allowed at the meeting will depend on such factors as the number of persons who desire to demonstrate products, the number of other persons who desire to attend, and the weather. In view of this, the Commission staff may limit the extent and type of activity that will be allowed in presenting the devices. In other words, activities such as actual mowing or operating a mower may have to be restricted because of weather, space, or safety considerations.

Communications to the Commission in response to this notice should be directed to Bernard Scharf, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6462).

Those persons who wish to present information to the Commission concerning new technologies or devices but who cannot attend the Inventors' Day meeting, should submit the information in writing to Mr. Scharf.

In order that persons who will be presenting information to the Commission may set up their displays before the meeting is opened to the public, the National Bureau of Standards site will be available after 10 a.m. Any inventors who will require more time for preparation should make arrangements in advance with Mr. Scharf.

All inventors desiring to participate in the Inventors' Day meeting must register with Mr. Scharf by April 22, 1977, in order to confirm the availability of space and determine that the demonstration is of a type that can be conducted at the meeting. All other persons who wish to attend this meeting should also notify Mr. Scharf by April 22, 1977.

No written material or statements which are submitted in connection with the Inventors' Day will be considered as formal comment on any standard for power lawn mowers which may be proposed by the Commission. All comment on proposed regulations must be submitted to the Office of the Secretary according to the procedures outlined in the FEDERAL REGISTER notice proposing the regulation.

Directions for reaching the meeting will be furnished on request.

Dated: April 15, 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-11439 Filed 4-19-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

D. G. O'BRIEN, INC.

Limited Exclusive Patent License Granted

Pursuant to the provisions of Part 746 of title 32, Code of Federal Regulations (41 FR 55711-55714, December 22, 1976) the Department of the Navy announces that on March 21, 1977, it granted to D. G. O'Brien, Inc., a corporation of the State of Massachusetts, a revocable, nonassignable, limited exclusive license for a period of five years under United States Patent Number 3,621,447 entitled "Deep Submergence Electrical Assembly" issued November 16, 1971, to inventors James W. Taylor and Robert E. Pace.

This license was granted in accordance with § 746.8 of title 32, Code of Federal Regulations, since the Chief of Naval Research has determined that the granting of this license would provide for an equitable exchange of patent rights.

Copies of the patent may be obtained for fifty cents ($0.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice contact:

Dr. A. C. Williams, Staff Patent Advisor, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Va. 22217. Telephone No. 202-692-4005.

Dated: April 14, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law.)

[FR Doc.77-11362 Filed 4-19-77;8:45 am]

SEAFARER ELF COMMUNICATIONS SYSTEM SITE SELECTION AND PROPOSED TEST OPERATIONS IN MICHIGAN

Public Hearing and Availability of Draft Environmental Impact Statement

Notice is hereby given that a public hearing will be held for the purpose of providing the public with relevant information on site selection and proposed test operations at K. I. Sawyer Air Force Base, Michigan, for the Seafarer Extremely Low Frequency (ELF) Communications System, and to afford the public an opportunity to present their views on the proposed Navy Project. The hearing will be held on May 5, 1977 and continued on May 6, if necessary, at Houghton High School, 201 East Houghton St., Houghton, MI 49931. The hearing will start at 7 p.m. and terminate at 11 p.m. The hearing will be conducted by Captain John Dobson, U.S. Navy (CEC), and will include a presentation explaining the Navy's proposed action, a system description, a site-dependent environmental impact summary, alternatives, proposed Navy recommendations and the proposed program plan for the future.

This hearing is being held in Houghton, Michigan, because K. I. Sawyer Air Force Base and the surrounding region is one of three candidate areas considered for building a Seafarer Test Facility, conducting ELF communications experiments, and developing appropriate construction criteria and operational methods to ensure maximum environmental protection in the event the Michigan area is approved at some future time for an operational Seafarer System.

Seafarer is essentially a buried transmitting array of insulated cables. The system's principal purpose is for communciations with submerged submarines.

The following procedures will be followed during the public hearing. Individual speakers will have three minutes, and group spokespersons will have five minutes to summarize and present their views. One speaker may not relinquish time to another. Individuals and organizations wishing lengthy statements to be included in the hearing record should provide written statements to the Hearing Officer. Pre-registration is desired, and should be made in person or by writing either to the Seafarer Information Center, 201 Rublein Street, Marquette, MI 49855 or to Captain John Dobson, USN (CEC), Code 01F, Naval Electronic Systems Command, Washington, DC 20360. The name and title of the speaker for organizations should be included. The closing date for including written statements in the hearing record is May 25, 1977.

Anticipated environmental effects are available for review in the Seafarer ELF Communications System Draft Environmental Impact Statement for Site Selection and Test Operations; Naval Electronics Systems Command (February 1977). Copies of the statement are available at the following locations:

Chief of Information, The Pentagon Press Room, Washington, D.C. (Captain Thomas 679-2886).

Bay de Noc Community College Library North Campus, Escanaba, MI 49829.

State of Michigan, Washington Office, 1150 17th Street NW., Suite 609, Washington, DC 20036.

Library of Congress, Washington, DC 20540

U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, IL 60604.

Commander, K. I. Sawyer Air Force Base MI 49843.

Michigan Environmental Review Board Lewis Cass Building, Lansing, MI 48909

Northern Michigan University Library, Marquette, MI 49855.

Michigan Technological, University Library Houghton, MI 49931.

Lake Superior State College Library, College Drive, Sault Ste. Marie, MI 49783

Suomi College Library, Hancock, MI 49930

Chassell Township Schools, P.O. Box 40 Chassell, MI 49916.

Big Bay de Noc School, Cooks, MI 49817

Gogebic Community College Library, Greenbush and Jackson Road, Ironwood, MI 49938.

Amasa Community Library, Amasa, MI 49903

Baraga Township Schools, Lyons Street Baraga, MI 49908.

Bergland Community School, Bergland, MI 49910.

Bessemer Public Library, City Hall. S. Sophie Street, Bessemer, MI 49911.

Bessemer Township Schools, Ramsey, MI 49951.

A. D. Johnson High School, Moore Street, Bessemer, MI 49911.

Brimley Public Schools, Brimley, MI 49715

Calumet School—Public Library, Calumet Avenue, Calumet, MI 49913.

Carney—Nadeau Public School, Carney, MI 49812.

Les Cheneaux Community Schools, Cedarville, MI 49719.

Champion High Shcool, P.O. Box 68, Champion, MI 49814.

Ewen-Trout Creek Consolidated School, Box 218, Ewen, MI 49925.

Crystal Falls Community Library, Superior Avenue, Crystal Falls, MI 49920.

Forest Park School District, West Superior Avenue, Crystal Falls, MI 49920.

Curtis Library, Curtis, MI 49820.

DeTour Area School and Public Library. P.O Box 68, DeTour Village, MI 49725.

Osceola Township School and Public Library, Box 371, Dollar Bay, MI 49922.

Rock River Township Schools, Eben Junction, MI 49825.

Escanaba Public Library, 201 South 7th Street, Escanaba, MI 49820.

Catherine Bonifas Memorial Library, Escanaba Area Public High School, 500 South Lincoln Road, Escanaba, MI 49829.

Escanaba Area Junior High High School, 1500 Luddington Street, Escanaba, MI 49829.

McMillan Township Library, Ewen, MI 49925.
North Dickinson County School, Star Route 1, Iron Mountain, MI 49801.
West Iron District Library, City Hall, 106 West Genesee, Iron River, MI 49935.
Gladstone Area School and Public Library, 1041 Dakota Avenue, Gladstone, MI 49837.
Burt Township School and Public Library, Grand Marais, MI 49839.
Forsyth Township Public Library, Gwinn, MI 49841.
Gwinn High School Library, Gwinn High School, Gwinn, MI 49841.
Hancock School—Public Library, Quincy Street, Hancock, MI 49930.
Bark River—Harris Schools, Harris, MI 49345.
Portage Lake District Library, 105 Huron Street, Houghton, MI 49931.
Houghton High School Library, Houghton High School, Houghton, MI 49931.
Mid-Peninsula Library Federation, Dickinson County Library, 401 Iron Mountain Street, Iron Mountain, MI 49801.
Iron Mountain Senior High School, West B Street, Iron Mountain, MI 49801.
Central Junior High School, Iron Mountain, MI 49801.
Lake Linden—Hubbell Public Schools, 601 Calumet Street, Lake Linden, MI 49945.
L'Anse Township School and Public Library, L'Anse, MI 49946.
West Iron County High School, 612 W. Adams Street, Iron River, MI 49935.
Carnegie Library, 235 E. Aurora Street, Ironwood, MI 49938.
Luther L. Wright High School Library, Ayer Street, Ironwood, MI 49938.
Ironwood Catholic High School, 106 S. Marquette Street, Ironwood, MI 49938.
Carnegie Public Library, Corner Main and Barnum Streets, Ishpeming, MI 49849.
Ishpeming High School Library, Division Street, Ishpeming, MI 49849.
C. L. Pheips Intermediate School, North Street, Ishpeming, MI 49849.
Kingsford High School, Hamilton Avenue, Kingsford, MI 49801.
Kingsford Junior High School, Hamilton Avenue, Kingsford, MI 49801.
Menominee Middle School, 13th Street at 13th Avenue, Menominee, MI 49858.
Allouez Township School Public Library, P.O. Box 318, Mohawk, MI 49950.
Munising School—Public Library, Mather High School, Elm Avenue, Munising, MI 49862.
Mackinac Island Public Library, Mackinac Island, MI 49757.
Manistique School and Public Library, Corner Main and Cedar Streets, Manistique, MI 49854.
Roosevelt School, P.O. Box 88, Marenisco, MI 49947.
Peter White Public Library, Marquette, MI 49855.
Marquette Senior High School, 1201 West Fair Avenue, Marquette, MI 49855.
Bothwell Middle School, Marquette, MI 49855.
St. Peter-St. John, 500 S. Fourth Street, Marquette, MI 49855.
Spies Public Library, 940 First Street, Menominee, MI 49859.
Menominee Area High School, 18th Street, Menominee, MI 49858.
Rapid River Public Schools, Rapid River High School, Rapid River, MI 49878.
Republic-Michigamme School and Public Library, Route 1, Republic, MI 49879.
Rock Public Schools, Rock, MI 49883.
Sault Area High School, 1 Educational Plaza, Sault Ste. Marie, MI 49783.
National Mine High School, Box B, National Mine, MI 49865.
Negaunee Public Library, Case Street, Negaunee, MI 49866.
Negaunee High School, Peck Street, Negaunee, MI 49866.
Tahquamenon Area Street, Public Library, Newberry High School, Newberry, MI 49868.
Norway Public Library, Norway, MI 49870.
Norway High School Library, 3rd and Section Streets, Norway, MI 49870.
Rudyard School—Public Library, Second and William Streets, Rudyard, MI 49780.
Turner-Howson Elementary School Library, Rudyard, MI 49780.
St. Ignace Public Library, 396 North State Ste. Marie, MI 49783.
LaSalle High School, Portage Road, St. Ignace, MI 49781.
Eastern Peninsula Library Systems Stations, c/o Carnegie Public Library, Sault Ste. Marie, MI 49783.
Associated Press, 6th Floor, Commerce Building, Detroit, MI 48226.
Sault Junior High School, E. Spruce, Sault Ste. Marie, MI 49783.
West Iron County Middle School, Airport Road, Stambuagh, MI 49964.
Menominee County Library, Stephenson, MI 49887.
Wakefield Public Library, 407 Hancock Street, Wakefield, MI 49958.
Wakefield Township Schools, Wakefield, MI 49968.
Watersmeet High School, Watersmeet, MI 49969.
Carp Lake Township Library, White Pine, MI 49971.
Michigan State Chamber of Commerce, 501 South Capitol Avenue, Suite 500, Lansing, MI 48933.
The Detroit Free Press, 321 West Lafayette Boulevard, Detroit, MI 48231.
The Detroit News, 615 Lafayette Boulevard, Detroit, MI 48231.
The Lansing State Journal, 120 East Lenawee, Lansing, MI 48919.
Booth Newspapers, 1501 Bank of Lansing Building, Lansing, MI 48923.
United Press International, 404 Commerce Building, Detroit, MI 48226.

For further information, contact Captain John Dobson, USN(CEC); Naval Electronic Systems Command, Code 01F, Washington, DC 20360; telephone number (202) 692-5958.

Dated: April 14, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-11363 Filed 4-19-77;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON INTELLIGENCE

Advisory Committee Meeting

The Defense Science Board Task Force on Intelligence will meet in closed session on May 3, 1977 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Task Force will provide a review of intelligence requirements and issues reporting on alternative solutions.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b.(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives Office of the Assistant Secretary of Defense (Comptroller).

APRIL 8, 1977.

[FR Doc.77-11375 Filed 4-19-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 715-6]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Decision Not To Cancel Equivalent Method Designation; Amendment of Designation

On January 6, 1977 (42 FR 1288), EPA published notice of a preliminary finding that the "Thermo Electron Model 43 Pulsed Fluorescent SO_2 Analyzer" (EQSA-0276-009), previously designated as an equivalent method for the measurement of SO_2 in the ambient air, did not fully satisfy the requirements of 40 CFR Part 53. The notice indicated that EPA was initiating proceedings to cancel the designation as provided in § 53.11 of Part 53, that the manufacturer of the analyzer would be afforded an opportunity to avoid such a cancellation by demonstrating or achieving compliance with the requirements of Part 53, and that any person having information pertinent to the matter was invited to submit it for EPAs consideration.

As discussed more fully below, EPA has decided after reviewing all pertinent information that the designation applicable to the Model 43 analyzer should not be cancelled, but that the designation should be amended to incorporate a curative adjustment proposed by the manufacturer. As a result of this decision, Model 43 analyzers adjusted to confrom with the amended designation will be considered equivalent methods and may be used for purposes of air quality surveillance under 40 CFR 51.17(a). After publication of this notice, Model 43 analyzers not so adjusted will no longer be considered equivalent methods but may be used for purposes of 40 CFR 51.17(a) until June 30, 1977, as discussed more fully below.

BACKGROUND

The basis for EPA's preliminary finding that the Model 43 analyzer did not fully satisfy the requirements of 40 CFR Part 53 is summarized in the notice published on January 7, 1977. Briefly stated, it was that test data and other information showed the occurrence of erroneous readings when the Model 43 was used in the vicinity of vehicular traffic. The cause of these erroneous readings was thought to be positive interference from aromatic hydrocarbons contained in some or all brands of gasoline.

After discussion of the problem with EPA, Thermo Electron Corporation carried out further tests to identify the cause of the erroneous readings, and presently believes that such readings are caused by positive interference from naphthalene or naphthalene-related aromatic hydrocarbons. The company has developed an "Aromatic Hydrocarbon Cutter" device intended to eliminate interference due to aromatic hydrocarbons and has submitted an application to EPA (see 42 FR 9203, February 15, 1977) contending that the Model 43 equipped with such a cutter achieves compliance with all requirements of 40 CFR Part 53. The application includes test data and other information supporting that contention.

DECISION

EPA has reviewed the test results and other information submitted by the manufacturer, including an interference equivalent test series for naphthalene and a test conducted in accordance with Subpart C of Part 53 at a site near heavy automotive traffic and shown to produce significant interference on a Model 43 analyzer not equipped with an aromatic hydrocarbon cutter. EPA has also considered information from its own tests as well as information submitted by another manufacturer of SO_2 analyzers in response to the notice of EPA's preliminary finding. After reviewing all pertinent information, EPA has determined that the method as adjusted by installation of the company's aromatic hydrocarbon cutter meets all requirements of 40 CFR Part 53. EPA has also determined that the method as originally designated (i.e., without such a cutter) does not meet all requirements of 40 CFR Part 53 and, accordingly, cannot retain its status as an equivalent method.

As a result of these findings, EPA has considered cancelling the equivalent-method designation currently applicable to the Model 43 analyzer and creating a new designation for the same analyzer equipped with the company's aromatic hydrocarbon cutter. This approach was contemplated in the notice of preliminary finding published on January 6, 1977. Upon further review of the matter, however, EPA has decided not to cancel but, instead, to amend the original designation by specifying use of the aromatic hydrocarbon cutter.

The rationale for EPA's decision is as follows. As a legal matter, § 53.11 does not require cancellation of a designation where compliance with the requirements of Part 53 can be achieved through a program of adjustments. As a practical matter, cancellation in such a case may inappropriately stigmatize both the method in question and its manufacturer in the highly competitive market for monitoring instruments. Thus, although cancellation may be necessary or desirable in some cases (e.g., where a manufacturer appears unlikely to take adequate corrective action, or where major rather than minor changes in a method would be necessary to achieve compliance), EPA believes it is inappropriate where less drastic alternatives will suffice. To that end, EPA interprets § 53.11 as permitting treatment of proposed curative adjustments as proposed modifications under 40 CFR 53.14 when amendment of a designation is appropriate to reflect the kinds of adjustments proposed.

In the present case, EPA has concluded that cancellation would be inappropriate for the following reasons: (1) As explained in the notice of EPA's preliminary finding, the apparent cause of the problem with the Model 43 analyzer is an interference not foreseen by either the manufacturer or EPA; (2) the method can be adjusted to achieve compliance with minimal delay; (3) the necessary adjustment consists of the relatively simple installation of a single component, which can be readily specified by an appropriate change in the manufacturer's instruction manual; (4) whether an analyzer has been so adjusted can be readily verified by visual inspection; (5) the manufacturer does not intend to offer unadjusted analyzers for sale; (6) the manufacturer has agreed to adjust all existing Model 43 analyzers at little or no cost to owners; (7) the model number of the analyzer has not been changed; and (8) certain benefits to users will be realized, such as continuity of designation and less likelihood of confusion concerning the nature of this action. EPA has therefore considered the proposed adjustment of the Model 43 analyzer by installation of the company's aromatic hydrocarbon cutter as a proposed modification under 40 CFR 53.14 and has determined that the existing designation should be amended to specify use of the cutter.

Accordingly, the equivalent-method designation applicable to the Model 43 analyzer is amended by amending the method identification to read as follows:

EQSA-0276-009, "Thermo Electron Model 43 Pulsed Fluorescent SO_2 Analyzer," equipped with an aromatic hydrocarbon cutter and operated on the 0–0.5 range, with or without any of the following options:

001—Rack Mounting for standard 19 inch relay rack
002—Automatic actuation of zero and span solenoid valves

As indicated above, this amendment is made in accordance with 40 CFR 53.11 and 53.14 and is based on the additional information and test data submitted by the manufacturer subsequent to the original designation. All information considered in reaching this decision will be kept on file at EPA, Environmental Monitoring and Support Laboratory, Department E (MD-76), Research Triangle Park, North Carolina 27711, and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

USE AND ADJUSTMENT OF EXISTING ANALYZERS

As indicated above, Model 43 analyzers not adjusted to conform to the amended designation will not be considered equivalent methods after publication of this notice. Although Thermo Electron Corporation has offered to adjust any Model 43 analyzer whose owner requests such an adjustment, some period of time will be required to complete the adjustments for all existing analyzers. It is EPA's understanding that Thermo Electron Corporation has already commenced adjustment of existing analyzers and that such adjustments can be completed by May 31, 1977. Under 40 CFR 51.17a(a)(4), EPA will allow use of unadjusted Model 43 analyzers for purposes of § 51.17(a) until June 30, 1977. However, caution in the siting of and use of data obtained from unadjusted Model 43 analyzers is urged; for guidance in this area, see 42 FR 1288 (January 6, 1977) at page 1289 and the further discussion below.

Under 40 CFR 53.9(f) and 53.11(b)(2), EPA is requiring Thermo Electron Corporation to notify all owners of Model 43 analyzers that such analyzers must be adjusted to bring them into compliance with 40 CFR Part 53, to make such adjustments (where requested) by May 31, 1977, and to revise the applicable Instruction Manual to reflect the required adjustments. Although such adjustments are required only for Model 43 analyzers which are used for purposes of 40 CFR 51.17(a), both Thermo Electron and EPA recommend that all Model 43 analyzers be so adjusted. Any owners of Model 43 analyzers who fail to receive notice from Thermo Electron by May 31, 1977, and who wish to have their analyzers adjusted to designated status should contact the company. Any Model 43 analyzer which is not adjusted to designated status by June 30, 1977, must have its designation label or sticker (prescribed by § 53.9(d)) removed.

VALIDITY OF PREVIOUSLY COLLECTED DATA

EPA cautions all users of designated reference or equivalent methods that the validity of pollutant measurements obtained with an automated analyzer does not necessarily depend on whether the analyzer is or is not legally designated. The validity (or quality) of such data is dependent on a variety of conditions, most of which should be addressed by a suitable quality assurance program. Other conditions, such as interferences, may be more difficult to assess.

In the case of the Model 43, data obtained prior to adjustment of existing analyzers are not necessarily invalid. The aromatic hydrocarbon interference observed with the original Model 43 is highly site dependent. For monitoring sites located away from areas of significant automotive traffic, there appears to be no reason to question the validity of data due to interference from aromatic hydrocarbons. Where Model 43 analyzers have been located near heavy traffic areas or other possible sources of aromatic hydrocarbons, it may be possible to define the occurrence pattern of erroneous readings and to estimate the magnitude of any resulting errors. This

can be attempted by making simultaneous SO_2 measurements with (1) an unadjusted Model 43 and (2) an adjusted Model 43, another equivalent method, or the reference method, over a variety of meteorological and traffic conditions. For some locations, it is entirely possible that measurements errors on the original Model 43 were significant only during certain periods of the day (e.g., commuting hours) or only during certain wind or weather conditions. Some cautious use of data obtained during such periods or conditions may be possible if interpretations of the data are appropriately qualified. Also, the effect of brief periods of interference on 24-hour or longer averages may be minimal. However, unqualified use of any data that seem questionable in view of the foregoing is not recommended for purposes of 40 CFR 51.17(a).

UNRELATED MODIFICATION

At the request of the manufacturer, a minor change in the flow control configuration has also been approved under § 53.14. This additional modification is unrelated to the curative adjustment described above, but will result in improved analyzer stability with respect to changes in barometric pressure. The specific nature of the change is reflected in the revised Instruction Manual required in connection with the curative adjustment, and the change will be made to Model 43 analyzers at the same time as the adjustments are made.

Dated: April 13, 1977.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.77-11355 Filed 4-19-77;8:45 am]

[FRL 715-7; OPP-240017]

STATE OF ILLINOIS

Approval of Request for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed § 162.158(c).

The Agency has received a Request for Interim Certification to register pesticides to meet special local needs (Request) from the State of Illinois. After reviewing the Request, the Agency found that it satisfies the requirements set forth in the FEDERAL REGISTER document of September 3, 1975. Accordingly, notice is hereby given that the EPA has approved the Illinois Request for Interim Certification, as described below.

Illinois. The Illinois Request sought authority to register "new products," as that term is defined in § 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns," as that term is defined in § 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's regisration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations is the Illinois Department of Agriculture. This agency was notified on March 23, 1977, that its Request had been approved.

A copy of the Illinois Request for Interim Certification, along with a letter reflecting the Agency's decision to approve the Request, are available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, Federal Office Bldg., 230 South Dearborn St., Chicago, Illinois 60604.

Dated: April 14, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-11354 Filed 4-19-77;8:45 am]

[FRL 715-4]

GUIDELINES ON AIR QUALITY MODELS

Meetings

Air quality models have been used to identify potential violations of the National Ambient Air Quality Standards and to determine emission limit requirements on various sources of air pollution. The EPA believes that greater consistency, if not uniformity, in the application of models is desirable since their use is becoming much more widespread. The EPA, therefore, intends to issue guidelines for the selection and application of air quality models for evaluating State Implementation Plans, making new source reviews, assessing prevention of significant deterioration proposals and otherwise estimating source-receptor relationships. Having recently obtained comments at a conference from a group of specialists in air quality modeling pertaining to these uses and recognizing the significant impact the proposed guidelines will have on strategies for air pollution control, the EPA now intends to present the draft guidelines for public review and comment at a series of meetings.

The purpose of this notice is to announce the time and place of the meetings which are open to the general public. All interested parties are invited to express their views. The meetings will be held as follows:

Atlanta, Ga.: May 17, 1977, 9 a.m. to 5 p.m., Hyatt Regency Hotel, 265 Peachtree St. NE.

Chicago, Ill.: May 19, 1977, 9 a.m. to 5 p.m., The O'Hare Hilton, O'Hare Airport.

Denver, Colo.: May 24, 1977, 9 a.m. to 5 p.m., Stouffer's Denver Inn, 3203 Quebec.

San Francisco, Calif.: May 26, 1977, 9 a.m. to 5 p.m., Holiday Inn—Union Sq., 480 Sutter St.

New York, N.Y.: June 1, 1977, 9 a.m. to 5 p.m., Ford Foundation Auditorium, 321 East 42d St.

The meeting will be conducted informally, chaired by an EPA official, and there will be no sworn testimony or cross-examination. An overview of a specialists' conference report on air quality models will be presented, followed by a briefing on the draft guideline document. Interested parties may then discuss the gideline for the record with EPA officials. In the afternoon special areas of discussion associated with the guidelines will be presented in panel format and responses from the public are encouraged. Items on which the EPA solicits advice and comment include but are not limited to:

1. What operating level for point sources should be used for determining emissions when ascertaining probable impact on an air quality standard?

2. What length of meteorological record is sufficient for air quality model estimates and what short-term estimate should be the basis for emission regulations?

3. How are background air quality data best determined?

4. To what extent should specific analytical techniques be required for assessing the impact of a specific source or source categories?

5. How frequently should the guideline be revised?

General statements and comments may again be entered into the record during the concluding session at the direction of the chairman who will set time limits on each oral presentation.

In order to assist the Agency in planning for the meetings, persons planning to attend are asked to notify the Agency by mail (at the address given below) no later than ten days prior to the respective meeting date. In their notification, persons desiring to speak at the meetings should identify the organization or corporation (if any) on whose behalf they are entering a statement. A copy of the revised guideline will be sent to persons notifying the Agency of their intention to attend and copies of the revised guideline and specialists' report will be available to all registrants at the meetings.

Notice of the intention to attend the meetings should be sent to:

Mr. Joseph A. Tikvart, Chief, Source Receptor Analysis Branch (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C 27711.

The proceedings will be recorded for use in preparing a final EPA report. Speakers are encouraged to bring extra copies of their presentations for the convenience of reporter, Agency panel and other participants. Speakers will be permitted to enter into the record additional written comments they do not present orally. Further, the record will be open for five days for inclusion of any additional written comments. The issues addressed will be considered in developing the final form of the guidelines.

Dated: April 13, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.77-11353 Filed 4-19-77;8:45 am]

[PF68; FRL 716-3]

ELANCO PRODUCTS CO.

Pesticide and Food Additive Petitions; Filing

Pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP7F1925. Elanco Products Co., Div. of Eli Lilly and Co., P.O. Box 1750, Indianapolis IN 46206. Proposes that 40 CFR 180 be amended by establishing tolerances for combined residues of the herbicide tebuthiuron (*N*-[5-(1,1 - dimethylethyl)-1,3,4-thiadiazol-2-yl] - *N,N'*-dimethylurea) and its metabolites *N*-[5-(2 - hydroxy - 1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl] - *N,N'*-dimethylurea, *N*-[5-(1,1 - dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N*-methylurea, *N*-[5-(2-hydroxy-1 - dimethylethyl) - 1,3,4-thiadiazol-2-yl]-*N*-methylurea, and *N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol - 2-yl]-*N'*-hydroxymethyl-*N*-methylurea on grasses (pasture and rangeland) and grass hay at 20 parts per million (ppm); 1-[5-(1,1-dimethylethyl) - 1,3,4 - thiadiazol - 2 - yl]-urea, *N*-[5-(1,1 - dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N'*-hydroxymethyl-*N* - methylurea, *N*-[5 - (1,1 - dimethylethyl) - 1,3,4-thiadiazol-2 - yl] - *N* - methylurea, 5-(1,1-dimethylethyl) - 2 - methylamino - 1,3,4-thiadiazol, and 2 - (1,1 - dimethylethyl)-5-amino-1,3,4-thiadiazol in or on meat, fat, and meat byproducts of cattle, goats, horses, and sheep at 2 ppm; *N*-[5-(2-hydroxy - 1,1 - dimethylethyl) - 1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea, *N*-[5-(1,1-dimethylethyl)1,3,4 - thiadiazol -2 -yl]-*N*-methylurea, 1 - [5 - (1,1 - dimethylethyl) - 1,3,4-thiadiazol-2-yl]-urea, and *N*-[5-(1,1-dimethylethyl) - 1,3,4 - thiadiazol - 2-yl]-hydroxymethyl-*N*-methylurea in milk at 1 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using a flame photometeric detector. PM 25 (202/426-2632)

PP7F1918. Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.299 by establishing a tolerance for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N,N*-dimethyl-*cis*-crotonamide in or on the raw agricultural commodity citrus fruit at 0.5 ppm. Proposed analytical method for determining residues is a gas-liquid chromatographic procedure. PM16 (202/426-9425)

FAP7H5160. Shell Chemical Co. Proposes amending 20 CFR 561 by establishing a food additive regulation permitting the use of the insecticide dimethyl phosphate of 3-hydroxy - *N,N* - dimethy-*cis*-crotonamide on growing citrus with a tolerance limitation in dried citrus pulp of 1 ppm. PM16 (202/426-9425)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 11, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-11500 Filed 4-19-77;8:45 am]

[FRL 715-2]

REVIEW OF THE PHOTOCHEMICAL OXIDANT AND HYDROCARBON AIR QUALITY STANDARDS

Call for Information and Data

On April 30, 1971 the Environmental Protection Agency published in the FEDERAL REGISTER (36 FR 8186) National Ambient Air Quality Standards for Photochemical Oxidants and Hydrocarbons. The scientific, technical and medical basis for these standards is contained in the air quality criteria documents for photochemical oxidants and hydrocarbons. These documents (AP-63 and AP-64) were published by the U.S. Department of Health, Education, and Welfare in March 1970.

Pursuant to the provisions of Section 108 of the Clean Air Act as amended, EPA is now in the process of reviewing, updating, and revising the AP-63 criteria document for photochemical oxidants and the AP-64 criteria document for hydrocarbons. The revisions of these two documents will be integrated into one new criteria document treating photochemical oxidants and their hydrocarbon precursors. Accordingly, interested parties are invited to participate in this process and thus assist EPA in developing and refining the health and welfare criteria upon which any subsequent modifications to the standards will be based. In order to be considered for inclusion in the revised criteria document, all submitted data and information must be limited to published material. Although unpublished material cannot be considered, EPA will accept such information and data for review on a second priority basis and as time permits.

The Agency plans to make a draft criteria document available for a 30-day public review and comment period beginning in late July 1977. To meet this schedule, material must be submitted to EPA no later than June 1, 1977 to be considered for inclusion in the draft criteria document. All communications and information should be forwarded to: Dr. Gordon Hueter, Health Effects Research Laboratory, MD-51, Environmental Research Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Neither this consideration of revisions to the criteria documents nor the possibility of any revisions in the National Ambient Air Quality Standards (upward or downward) constitutes any excuse for postponing compliance with existing hydrocarbon emission limitations. Cf. *Train* v. *NRDC*, 421 U.S. 60 (1976).

Dated: April 15, 1977

DOUGLAS M. COSTLE,
Administrator.

[FR Doc 77-11498 Filed 4-19-77;8:45 am]

[OPP-000049; FRL 716-2]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC) WORKING GROUP ON CERTIFICATION

Meeting

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of Meeting.

SUMMARY: There will be a two day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Certification beginning at 9 a.m. daily on Wednesday, May 11, and Thursday, May 12, 1977. The meetings will be held at the Denver Downtown Holiday Inn, 15th and Glenarm Place, Denver, Colorado. The meetings will be open to the public; however, due to space limitations, anyone planning to attend should contact the SFFIAC Executive Secretary.

FOR FURTHER INFORMATION CONTACT:

P. H. Gray, Jr., SFFIAC Executive Secretary, Operations Division, Office of Pesticide Programs (WH-570), EPA, 401 M St. SW., Washington, D.C. 20460 (telephone 202/755-7014.)

SUPPLEMENTARY INFORMATION: This will be the fifth meeting of the working Group on Certification under SFFIAC auspices. The purpose of the meeting is to discuss current aspects of pesticide applicator Certification with the intent of reporting to the full Committee, so that the latter will be able to advise EPA on certification at its next meeting. Among the topics scheduled for discussion are:

1. Federal Certification for Private Citizens and Certification of Federal Employees.

2. Reregistration and Classification of Pesticides as it relates to Applicator Certification and Training programs.

3. Reciprocity—National Railroad Contractors Association Proposal.

4. Record Keeping Requirements for Commercial Applicators.

5. Dissemination of Integrated Pest Management Information.

6. American Indian Certification Programs.

(Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).)

Dated: April 14, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc 77-11499 Filed 4-19-77;8:45 am]

[FRL 714-1]

CALIFORNIA STATE STANDARDS

Motor Vehicle Pollution Control; Public Hearing

Correction

The entry for FR Doc. 77-10854 published at 42 FR 19372-19373, Wednesday, April 13, 1977, appeared incorrectly in the Table of Contents on page iv. The Table of Contents entry now reading

ENVIRONMENTAL PROTECTION AGENCY

Notices

Pesticide applicator certification:
State plans:
California 19372

should read:

ENVIRONMENTAL PROTECTION AGENCY

Notices

Motor vehicle pollution control:
California State Standards:
public hearing 19372

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Negative Determination of Environmental Impact—Savannah Electric and Power Co. (Port Wentworth Generating Station, Powerplants 1, 2, 3)

Pursuant to 10 CFR 208.4 and 305.9, the FEA hereby gives notice that it has performed an analysis and review of the environmental impact of the proposed issuance of a Notice of Effectiveness for the prohibition order to Savannah Electric and Power Company's Port Wentworth Generating Station, Powerplants 1, 2, and 3.

On June 30, 1975, the FEA issued a prohibition order to the above-listed powerplants which prohibited the powerplants from burning natural gas or petroleum products as their primary energy source. The prohibition order provided, however, that in accordance with the requirements of 10 CFR Parts 303 and 305, the order would not become effective until either: (1) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the particular powerplants will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119, or (2) if no notification is given by EPA, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the particular powerplants will be able to comply with all applicable air pollution requirements under section 119 of that Act; and, until FEA has performed an analysis of the environmental impact of the issuance of a Notice of Effectiveness, pursuant to 10 CFR 305.9, and has served the powerplants the Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b), and 305.7.

The FEA has analyzed and reviewed the effect on the human environment of issuance of the Notice of Effectiveness, and has determined it is clear that issuance of a Notice of Effectiveness for the prohibition order to the above listed powerplants is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c) FEA has determined that an environmental impact statement is not required.

Additional copies of this negative determination of environmental impact and copies of the environmental assessment upon which it is based are available upon request from the National Energy Information Center, Room 1404, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C.

Interested persons are invited to submit data, views, or arguments with respect to the negative determination and the associated environmental assessment to Executive Communications, Box LT, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Negative Determination—Proposed NOE to Savannah Electric and Power Company's Port Wentworth Generating Station, Powerplants 1, 2, 3." Fifteen copies should be submitted on or before May 10, 1977.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Signed in Washington, D.C., on April 14, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-11491 Filed 4-18-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 223]

ATWOOD VACUUM MACHINE CO.

Receipt of Application for Permission to Acquire Control of Lake County Savings and Loan Association

APRIL 15, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Atwood Vacuum Machine Company, Rockford, Illinois, for approval of acquisition of control of Lake County Savings and Loan Association, Grayslake, Illinois, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies. Atwood Vacuum Machine Company intends to effect the acquisition through the purchase of all the outstanding shares of Lake County Savings and Loan Association for cash. After such purchase, Home Savings and Loan Association, Waukegan, Illinois, an insured subsidiary of Atwood Vacuum Machine Company, will be merged into Lake County Savings and Loan Association with the name of the resulting association to be changed to Home Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by May 20, 1977.

RONALD A. SNIDER,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.77-11436 Filed 4-19-77;8:45 am]

[H. C. No. 224]

ENTEX, INC.

Receipt of Application for Permission to Acquire Control of University Savings Association

APRIL 15, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Entex, Inc., Houston, Texas, for approval of acquisition of control of University Savings Association, Houston, Texas, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies. It is intended that Entex, Inc., currently the owner of 20 percent of the stock of University Savings Association, will purchase 555,888 shares or 45 percent of the stock of such association from three individuals at a price of $17 per share and 446,592 shares or 35 percent of such stock through a cash tender offer at a price of not less than $17 per share. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by May 20, 1977.

RONALD A. SNIDER,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.77-11437 Filed 4-19-77;8:45 am]

[No. AC-33]

UNION FEDERAL SAVINGS AND LOAN ASSOCIATION OF MIAMI

Post Approval Amendment of Conversion Application (Notice of Final Action)

Notice is hereby given that on March 23, 1977, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 77-212 approved the amendment to the application of Union Federal Savings and Loan Association of Miami, Miami, Florida, for permission to convert to the stock form of organization. The application to convert was approved on February 4, 1977, by Resolution No. 77-108. Copies of the application and the amendment are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street, NW., Atlanta, Georgia 30303.

Dated: April 15, 1977.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.77-11435 Filed 4-19-77;8:45 am]

FEDERAL MARITIME COMMISSION

AEGEAN CRUISES, S.A. (EPIROTIKI LINES)

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-43; Order of Revocation

Whereas, Aegean Cruises, S.A. (Epirotiki Lines) has ceased to operate the passenger vessel JASON to and from United States ports.

It is ordered, That Certificate (Performance) No. P-43 issued to Aegean Cruises, S.A. and Unitours, Inc. (Aegean: Epirotiki Lines) and reissued to Aegean Cruises, S.A. (Epirotiki Lines) covering the JASON be and are hereby revoked effective April 13, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission April 13, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11482 Filed 4-19-77;8:45 am]

EUROPE PACIFIC RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by May 10, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10023-7, among the parties to the above-named agreement, amends Article 10 of the basic agreement and Section 1 of the Annex to provide that the parties may employ an independent neutral body to serve as its Enforcement Authority as an alternative to the employment of the Executive Director of the Associated North Atlantic Freight Conference ("ANAFC") for that purpose.

By Order of the Federal Maritime Commission.

Dated: April 14, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11480 Filed 4-19-77;8:45 am]

[Docket No. 77-8]

HAWAIIAN MARINE LINES, INC. PROPORTIONAL RATES ON LUMBER BETWEEN OREGON AND HAWAII

Order of Investigation and Suspension

Hawaiian Marine Lines, Inc. (HML), a barge carrier operating in the domestic offshore trade between ports in the Pacific Northwest and Hawaii, has filed with the Commission an original tariff page, identified at Appendix A, initiating proportional rates for lumber originating

in the counties of Lane and Douglas, Oregon that will result in a lower water rate from the Port of Portland to Ports in Hawaii than the water rate for lumber originating elsewhere. Additionally, HML has filed a revised tariff, identified at Appendix A, that will result in an increase in the lumber rate from Portland to Hawaii for shipments originating outside Lane or Douglas Counties.

In support of the proportional rates it has filed, HML submits, in its reply to protests, that:

1. Shippers in Douglas and Lane Counties located in Central Oregon, have requested the lower proportional rates in order to remain competitive with lumber shippers in Northern Oregon who move lumber through Portland;

2. Protestant Sause Brothers Ocean Towing Company, a barge service operator serving Lane and Douglas Counties' lumber shippers through the Port of Suislaw to Hawaii, does not operate a regular service whereas HML provides a regular bi-monthly service from Portland;

3. The sum of the overland rate from Lane or Douglas County to Portland and the proposed proportional rate from Portland to Hawaii will remain higher than the total for the same movement overland through the Port of Suislaw to Hawaii, and

4. Traffic from Lane and Douglas Counties already moves via Portland and has traditionally been carried by HML from that Port. Therefore, HML does not anticipate any diversion of lumber.

Protests to the proposed proportional rates have been submitted to Davidson Industries, Inc.; the Port of Coos Bay, Oregon; the Port of Umpqua Commission; the Port of Suislaw, and Sause Brothers Ocean Towing Company, Inc. Of the matters raised by protestants, the allegation that HML's proposed proportional rates will divert cargo naturally tributary to the Ports of Umpqua and Suislaw merit investigation to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18 (a) of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, or whether they subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever in violation of section 16, First of the Shipping Act, 1916. Because the staff believes there is a reasonable probability that a diversion will occur if the proportional rates go into effect and such a diversion would cause immediate and irreparable competitive harm to the protestants, the proportional rates will also be suspended pending the determination of the issues raised herein, but not to exceed four months as provided in section 3 of the Intercoastal Shipping Act, 1933.

The naturally tributary concept as set out in section 8 of the Merchant Marine Act, 1920, evinces a determination by Congress that it is in the public interest for cargo to move from its origin through the port most naturally and efficiently connected with established lines of commerce without the undue interdiction of artificial diversions. Although the Commission has recognized that naturally tributary territories to ports in the U.S. cannot be rationally drawn along strictly geographic lines in every case, we have recognized that areas distinctly proximate to a particular port are presumed to be naturally tributary to that port. City of Portland v. Pacific Westbound Conference, et al., 4 FMC 664, 679 (1955); Investigation of Overland and OCP Rates and Absorptions, 12 FMC 184, 224 (1969); Intermodal Service to Portland, Oregon, 17 FMC 106, 127, 128 (1973).

While factors such as adequacy of service and natural traffic flow may intervene to alter the geographic tributary relationship between ports or origin of cargo and particular ports, such factors must be adduced to overcome the presumption that arises that territory in immediate proximity to a particular port is naturally tributary to that port. City of Portland, supra at 679. HML should be prepared to supply in greater detail information showing the competitive necessity of the rates, including the effect such rates will have on the shippers in Lane and Douglas Counties who have requested these rates, and others who presently ship from Umpqua, Suislaw and Coos Bay.

It is the Commission's intention to expeditiously resolve the issues in this proceeding. Particular attention is invited to our Order dated March 23, 1977 in which this Commission announced its policy of avoidance of trial-type oral hearings. Commensurate with this policy, the Commission's Rules of Practice and Procedure (46 CFR 502.67(c)) were amended to provide for an expedited procedure in general revenue proceedings. Although this proceeding is not of a general revenue nature, an expedited procedure is herein ordered to enable the Commission to discharge the mandate imposed by Section 3 of the Intercoastal Shipping Act, 1933 to give preference to proceedings in which this Section is invoked "and decide the same as speedily as possible." In the fulfillment of its obligation to speedily decide the issues in this proceeding, the respondent and protestants are directed to exchange among themselves, information in support of their respective positions and wherever possible to enter into stipulations.

Now, therefore, it is ordered, That pursuant to Sections 16. First, 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted to determine the lawfulness of the original tariff matter listed in Appendix A;

It is further ordered, That Hawaiian Marine Lines, Inc. be named Respondent in this proceeding and that Davidson Industries, Inc.; the Port of Coos Bay, Oregon; the Port of Umpqua Commission; the Port of Suislaw, and Sause Brothers Ocean Towing Company, Inc. be named as Complainants;

It is further ordered, That Respondent and Complainants exchange materials among themselves, with a copy to Hearing Counsel, such materials to include but not be limited to:

(1) Quantities of lumber carried which had origins in Land and Douglas Counties during the preceding 12 months;

(2) Details of the inland transportation costs of moving lumber cargoes from origin points in Lane and Douglas Counties to Oregon Ports;

(3) Explanation of how the HML increase in rates for lumber shippers in counties other than Lane and Douglas will not place these shippers at a competitive disadvantage in relation to their Lane and Douglas County counterparts, and

(4) A detailed description of the adequacy of service offered by the carriers and port facilities named herein;

It is further ordered, That the parties submit to the Secretary, not later than May 17, 1977, individual or joint recommendations to the Commission identifying all unresolved issues and specifying the type of procedure best suited to resolve them. After consideration of these recommendations, the Commission will issue an appropriate order limiting the issues and establishing the procedure for their resolution or, alternatively, refer the matter to the Office of Administrative Law Judges for the establishment of such a procedure;

It is further ordered, That pursuant to Section 3 of the Intercoastal Shipping Act, 1933, the proportional rates set out in HML's original tariff page identified at Appendix A, are hereby suspended and the use thereof deferred to and including, August 15, 1977 unless otherwise ordered by the Commission;

It is further ordered, That Hawaiian Marine Lines, Inc. file immediately a supplement to the aforementioned tariff matter, which supplement shall bear no effective date, shall reproduce this Order in its entirety, and shall state that the aforesaid matter is suspended and may not be used until August 16, 1977, and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired;

It is further ordered, That copies of this Order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That (1) a copy of this Order be served upon Respondent, Complainants and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

APPENDIX A

1. HML, Proportional Commodity Rates, FMCF, No. 1, Original Page 66, Effective April 16, 1977.
2. HML, Commodity Rates, FMC–F, No. 1, 3rd Revised Page No. 39–A, Effective May 12, 1977.

RESPONDENT

Hawaiian Marine Lines, Inc., Attn: E. D. Anderson, Tariff Publishing Officer, P.O. Box 3783, Seattle, Washington 98124.

COMPLAINANTS

Davidson Industries, Inc., Attn: Mr. Don-Lee Davidson, Mapleton, Oregon 97453.
Steve Felkins, Port Administrator, Port of Coos Bay, P.O. Box 1226, Coos Bay, Oregon 97420.
Port of Umpqua Commission, c/o Wm. V. Humphreys, Secretary, Reedsport, Oregon 97467.
Port of Suislaw, c/o Paul L. Coyne, General Manager, P.O. Box 1220, Florence, Oregon 97434.
Sause Bros. Ocean Towing Co., Inc., c/o Robert L. Hannel, Secretary, 2927 E. Burnside Street, Portland, Oregon 97214.

[FR Doc.77–11481 Filed 4–19–77;8:45 am]

NORTH EUROPE—UNITED STATES PACIFIC FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by May 10, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 93–15, among the parties to the above-named agreement, amends Article 7 of the basic agreement and Section 1 of the Annex to provide that the parties may employ an independent neutral body to serve as its Enforcement Authority as an alternative to the employment of the Executive Director of the Associated North Atlantic Freight Conference ("ANA&FC") for that purpose.

By Order of the Federal Maritime Commission.

Dated: April 14, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–11478 Filed 4–19–77;8:45 am]

SOUTH ATLANTIC NORTH EUROPE RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by May 10, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9984–10, among the members of the above-named agreement, provides (1) for agreement with other U.S. "conferences concerning establishing, policing and enforcing of rules, practices and charges related to the use and movement of containers outside terminals within the European scope of the agreement and (2) provides that the enforcement authority for self-policing may also be appointed agent for the collection of underpayments of freight."

By Order of the Federal Maritime Commission.

Dated: April 14, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–11479 Filed 4–19–77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E77–94]

EMERGENCY NATURAL GAS ACT

Emergency Order

On April 11, 1977, Columbia Gas of Ohio, Inc. (Columbia-Ohio) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L 95–2 (91 Stat. 4 (1977), an application for authorization to make certain emergency purchases of natural gas and to have that gas transported.

Columbia-Ohio has executed a number of contracts to purchase natural gas under Section 6 of the Act in Brown, Irion, Palo Pinto and Coleman Counties, Texas. In all cases, the gas will be delivered to Lone Star Gas Company (Lone Star) for transportation to Columbia-Ohio.[1] Lone Star will receive the gas from the various sellers or intermediate transporters for Columbia-Ohio's account and deliver equivalent volumes to Amoco Gas Company (Amoco Gas) at the outlet of the Katy Gas Processing Plant, Waller County, Texas. Amoco Gas will transport and deliver equivalent volumes to Trunkline Gas Company (Trunkline) at interconnection in the vicinity of Katy, Texas. Trunkline will transport and deliver such gas to Tennessee Gas Pipeline Company (Tennessee) at an existing interconnection near Kinder, Louisiana. Tennessee will deliver a portion of this gas to Columbia Gulf Transmission Company (Columbia Gulf) at an interconnection near Egan, Louisiana, and Trunkline will deliver the remaining volumes to Columbia Gulf at a temporary interconnection near Centerville, Louisiana.[2] Columbia Gulf will transport and deliver the gas to Columbia Gas Transmission Corporation (Columbia) for delivery to Columbia-Ohio at existing delivery points.

Columbia-Ohio has agreed to pay the following transportation charges: Lone Star—20.25 cents per Mcf transported; Amoco Gas—3 cents per Mcf transported; Trunkline—4.47 cents per Mcf transported plus 1 percent of the volumes for fuel charges; Tennessee—1 cent per Mcf for delivery charges; Columbia Gulf—29.34 cents per Mcf for volumes received plus 2.5 percent of the volumes received for shrinkage; and Columbia—22.21 cents per Mcf for volumes received plus 3.1 percent of the volumes received for shrinkage.

[1] In some cases, there will be transportation prior to delivery of the gas to Lone Star.
[2] This interconnection was authorized in Columbia Gas Transmission Corp., Docket No. E77–47 (March 3, 1977).

Columbia-Ohio has executed the following contracts for the purchase of gas under Section 6 of the Act. All deliveries are on a best efforts basis subject to available pipeline capacity.

1. On March 14, 1977, Kilgore Brothers (Kilgore) agreed to sell up to 500 Mcfd from production in Brown County, Texas, through July 31, 1977. Kilgore will deliver the gas to Lone Star in Brown County.

2. On March 14, 1977, Marie Edwards Gillespie, et al. (Gillespie), agreed to sell up to 500 Mcfd from production in Brown County, Texas, through July 31, 1977. Gillespie will deliver the gas to Lone Star in Brown County.

3. On March 9, 1977, Energy Industrial Development, Inc. (Energy) agreed to sell up to 3,000 Mcfd from production in Palo Pinto County, Texas, through July 31, 1977. Energy will deliver the gas to Lone Star in Palo Pinto County.

4. On March 4, 1977, Pride Refining, Inc. (Pride) agreed to use, where feasible, alternate fuels and sell the released natural gas through July 31, 1977. Pride will release the natural gas to Lone Star (which supplies Pride) for delivery to Columbia-Ohio. Pride will determine when alternate fuels can be used and anticipates that deliveries will be approximately 4,000 Mcfd.

5. On March 3, 1977, James P. Dunigan, Inc. (Dunigan) agreed to sell up to 4,000 Mcfd from production in Irion County, Texas. Dunigan will transport the gas from the wellhead to existing interconnections with Mid-Plains Pipeline Company (Mid-Plains) in Irion County. Mid-Plains will deliver the gas to Lone Star in Tom Green County, Texas. Dunigan will charge 4.6 cents per Mcf delivered plus 15.3 cents per Mcf for compression, and Mid-Plains will charge 15.0 cents per Mcf delivered to Lone Star.

6. On March 10, 1977, Onix Corporation agreed to call up to 5,000 Mcfd from production in Brown and Coleman Counties, Texas, through July 31, 1977. Onix will transport the gas from the wellhead to an interconnection with Lone Star. Onix will charge 8.0 cents per Mcf for all gas delivered.

7. On March 18, 1977, Rocanville Corporation (Rocanville) agreed to sell up to 1,000 Mcfd from production in Live Oak County, Texas. Rocanville will deliver the gas to Lone Star Gathering Company (Lone Star Gathering). Lone Star Gathering will deliver the gas to Natural Gas Pipeline Company of America (Natural) at an existing interconnection in Live Oak County. Natural will deliver equivalent volumes to Columbia Gulf at the tailgate of Texaco Inc.'s Henry Plant, Erath, Louisiana. The transportation to be rendered and transportation charges to be collected, by Columbia Gulf and Columbia are set forth above. Columbia-Ohio will pay the following additional charges: Natural—the greater of $4,000 per month or 12.6 cents per Mcf delivered; Rocanville—50 cents per Mcf to recover the cost of constructing 8.2 miles of pipeline to connect the wells to existing facilities.

Columbia-Ohio advises and I find that the gas made available by the various sellers and the transportation of such gas by Dunigan, Mid-Plains, Onix, Rocanville, Lone Star Gathering, Lone Star, and Amoco Gas will result in a commingling of interstate natural gas with intrastate natural gas owned by the sellers and with the normal intrastate system supplies of Onix, Lone Star Gathering, Lone Star, and Amoco Gas[1] and with volumes of gas owned by other parties. The contractual provisions between the Intrastate Transporters and their producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling their intrastate pipeline system gas supplies with gas moving in interstate commerce. The sale, transportation and delivery of gas for which Columbia-Ohio seeks approval may result in some commingling of interstate natural gas with the Intrastate Transporters normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas. Under the provisions of section 9 (b), (c) of Pub. L. 95–2 (91 Stat. at 9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with the Intrastate Transporters or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition, or redetermination provisions in any such contracts referred to above are not enforceable by reason of section 9 of Pub. L. 95–2 since the various sellers and the Intrastate Transporters are selling, delivering, and transporting gas for Columbia pursuant to Section 6(a) of that Act. The Intrastate Transporters and any third person whose gas is commingled with Columbia-Ohio's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Amoco Gas, Dunigan, Energy, Gillespie, Kilgore, Mid-Plains, Onix, and Pride are not classified as natural gas companies within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *." 91 Stat. at 8. In addition section 6(c)(2) provides:

> Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

[1] Hereinafter referred to as the "Intrastate Transporters."

Lone Star, Lone Star Gathering, and Rocanville are natural gas companies within the meaning of the Natural Gas Act. Section 6(b)(1)(B) provides that the provisions of the Natural Gas Act shall not apply "to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation." Thus, the sale, delivery, and transportation of this gas will not subject Amoco Gas, Dunigan, Energy, Gillespie, Kilgore, Lone Star, Lone Star Gathering, Mid-Plains, Onix, Pride, and Rocanville or any other person supplying gas to such persons to the provisions of the Natural Gas Act or to regulation as a common carrier under state law.

Columbia-Ohio proposes to pay $2.25 per MMBtu for all gas delivered under the above transactions. This price is fair and equitable in accordance with Order No. 2.

Columbia-Ohio also requests a determination that the terms and conditions of the contracts with the various sellers are fair and equitable. Columbia-Ohio has provided no information regarding the terms and conditions of such contracts. Therefore, I am unable to determine whether such other terms and conditions are fair and equitable. The authorization to make such purchases below is limited to an approval of the proposed purchase price and does not imply approval of the other terms and conditions of the contracts.

Columbia-Ohio states that it was in compliance with Order No. 6. Columbia-Ohio shall submit a sworn statement demonstrating its compliance with Order No. 6.

Columbia-Ohio shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I authorize Columbia-Ohio to purchase gas from Dunigan, Energy, Gillespie, Kilgore, Onix, Pride, and Rocanville at a price not to exceed $2.25 per MMBtu. Pursuant to Section 6(c) of the Act, I authorize Amoco Gas, Lone Star, Lone Star Gathering, Mid-Plains, Columbia Gulf, Columbia, Natural, Tennessee, and Trunkline to transport gas as described above. Since the parties have agreed upon the transportation charges, I find no basis for prescribing other charges.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia-Ohio, Dunigan, Energy, Gillespie, Kilgore, Mid-Plains, Onix, Pride, Rocanville, Amoco Gas, Lone Star, Lone Star Gathering, Natural, Trunkline, Tennessee, Columbia Gulf, and Columbia. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 14, 1977.

[FR Doc.77–11389 Filed 4–19–77;8:45 am]

[Docket No. E77–53]

EMERGENCY NATURAL GAS ACT

Supplemental Emergency Order

By orders issued March 10 and 16, 1977, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), the request of El Paso Natural Gas Company (El Paso) to make certain purchases under Section 6 was granted in part and denied in part. Among the proposed purchases denied was one by Mahun Oil & Gas Corporation, et al. (Mahun) from the Hilliard "BF" Federal No. 1–Y well, Eddy County, New Mexico.

On March 30, 1977, and April 11, 1977, Mahun submitted additional information in support of its claim that it should be authorized to make the proposed sale to El Paso notwithstanding Order No. 6 (February 22, 1977). A review of the additional information submitted by Mahun indicates substantial detrimental reliance by Mahun on El Paso's eligibility to make the proposed purchase under Order No. 2 (February 3, 1977). Mahun communicated El Paso's offer to its other interest owners in Sweden and obtained approval to execute the contract with El Paso. A number of proceedings under the Act have recognized that detrimental reliance on Order No. 2 is sufficient to permit authorization of a proposed sale even though the purchaser is not otherwise qualified to make the purchase under Order No. 6. North Central Oil Corporation, Docket No. E77–88 (April 12, 1977); Inexco Oil Company, Docket No. E77–79 (March 28, 1977); Natural Gas Pipeline Company of America, Docket No. E77–48 (March 4, 1977), United Gas Pipe Line Company, Docket No. E77–33 (March 2, 1977), and Colorado Interstate Gas Company, Docket No. E77–31 (February 28, 1977). Mahun has demonstrated such reliance and its sale to El Paso should be authorized.

El Paso will purchase this gas at a price of $2.25 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Pursuant to section 6(a) of the Act, I authorize El Paso to purchase gas attributable to Mahun's interest in the Hilliard "BF" Federal 1–Y well, Eddy County, New Mexico at a price not to exceed $2.25 per MMBtu.

El Paso shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon El Paso, John Yates, Antwell, Yates, Aminoil, Yates, et al., Samedan, Depco, Sabine, Bennett, Inexco, Monsanto, and Mahun, et al. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 14, 1977.

[FR Doc.77–11388 Filed 4–19–77;8:46 am]

[Docket No. ER77–283]

EL PASO ELECTRIC CO.

Supplemental Agreement

APRIL 13, 1977.

Take notice that on April 4, 1977, El Paso Electric Company (El Paso Electric) tendered for filing Supplement No. 5 to its Export Rate Schedule FPC No. 20 to provide for continued electric service to Comision Federal de Electricidad (CFE) commencing April 1, 1977, on a discretionary basis in the event that CFE experiences a capacity emergency on its system and requests emergency assistance. El Paso Electric states that this authorization is sought to provide for such assistance during the period that the parties are negotiating a permanent Interconnection Agreement. El Paso Electric proposes a unit rate of 4.136 cents per KWH and states that the assistance, if rendered, shall employ those facilities and be within those terms of service previously authorized by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervent or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11540 Filed 4–19–77;8:45 am]

[Docket No. ER77–286]

KANSAS POWER AND LIGHT CO.

Proposed Changes in Rates and Charges

APRIL 13, 1977.

Take notice that on April 1, 1977, The Kansas Power & Light Company (Kansas) tendered for filing a newly executed renewal contract dated March 4, 1977, with the City of Stafford, Kansas for wholesale service to that Community. Kansas states that this is a renewal of a contract dated May 4, 1970 and designated KPL Rate Schedule FPC No. 125. The proposed effective date is the date facilities are completed, but in any event, not later than July 1, 1977; the net billing for the twelve months succeeding the proposed change in agreement will be $44,343.00. In addition, Kansas states that copies of the Contract have been mailed to the City of Stafford and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77–11543 Filed 4–19–77;8:45 am]

[Docket No. ER77–281]

OHIO POWER CO.

Changes in Rates and Charges

APRIL 13, 1977.

Take notice that American Electric Power Service Corporation (AEP) on April 4, 1977, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Power), Modification No. 7 dated January 31, 1977 to the Interconnection Agreement dated December 1, 1963 between Ohio Power Company and Columbus & Southern Ohio Electric Company, designated Ohio's Rate Schedule FPC No. 32.

AEP states that Section 1 of Modification No. 7 provides for an increase in the Demand Charge for Short Term Power from $.50 to $0.60 per kilowatt per week and Section 3 provides for an increase in the Demand Charge for Limited Term Power from $2.75 to $3.25 per kilowatt per month. Section 2 of Modification No. 7 provides for an increase in the transmission charge for third party Short Term Power transactions from $0.125 per kilowatt per week to $0.15 per kilowatt per week and Section 4 provides for an increase in the transmission charge for third party Limited Term Power Transactions from $0.55 per kilowatt per month to $0.65 per kilowatt per month, both schedules proposed to become effective May 1, 1977.

AEP further states that since the use of Short Term and Limited Term Power cannot be accurately estimated, for the twelve months' period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from this modification for such period. Exhibit I which was included with the filing of this modification, demonstrates that the increase in revenues, which would have resulted had the modification been in effect during the twelve month period ending December 1976, would have been $120,000 (i.e. from $1,853,008.90 to $1,973,008.90).

Copies of the filing were served upon Columbus and Southern Ohio Electric Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of

Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F PLUMB,
Secretary.

[FR Doc.77-11539 Filed 4-19-77;8:45 am]

[Docket No. ER77-284]

PACIFIC POWER AND LIGHT CO.

Filing of Service Agreements

APRIL 13, 1977.

Take notice that on April 4, 1977, Pacific Power & Light Company (Pacific) tendered for filing Service Agreements under its FPC Electric Tariff, Original Volume No. 2 for the following additional customers:

Purchaser	*Date of execution*
The city of Seattle, Wash....	Mar. 14, 1977
The city of Tacoma, Wash....	Mar. 15, 1977

Also submitted was an updated Index of Purchasers under the tariff.

The filing indicates that copies were sent to these additional customers.

Pacific has requested a waiver of the notice requirements of the Commission's Regulations to allow these schedules to become effective as of the date of execution.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11541 Filed 4-19-77;8:45 am]

[Docket No. ER77-285]

TUCSON GAS AND ELECTRIC CO.

Filing of Tucson-United States 1977 Energy Agreement

APRIL 13, 1977.

Take notice that Tucson Gas & Electric Company ("Tucson") on April 14, 1977 tendered for filing the Tucson—United States 1977 Energy Agreement (the "Agreement") dated March 29, 1977, between Tucson and The United States Colorado River Storage Project ("United States").

Tucson indicates that the primary purpose of this Agreement is to establish terms and conditions related to the delivery and sale by Tucson and the receipt and purchase by the United States of electrical power and energy for resale. The parties desire that this Agreement shall extend as an initial rate schedule until June 30, 1977.

Any person desiring to be heard or to make application with reference to said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F PLUMB
Secretary

[FR Doc.77-11542 Filed 4-19-77;8:45 am]

FEDERAL RESERVE SYSTEM

CONDITION OF STATE MEMBER BANKS

Call for Report

Pursuant to section 9 of the Federal Reserve Act, as amended (12 U.S.C. 324), and to section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), the Board of Governors of the Federal Reserve System, effective April 20, 1977, has issued a call to each insured State bank that is a member of the Federal Reserve System to make a Report of Condition as of the close of business March 31, 1977. Pursuant to section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured State bank that is a member of the Federal Reserve System is required to make a Report of Condition as of the close of business March 31, 1977. That date has been selected for the Report of Condition by the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Chairman of the Board of Governors of the Federal Reserve System. The Report of Condition should be filed with the Federal Reserve Bank of the district wherein the bank is located, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each insured State bank that is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call No. 223[1] and shall send the same to the Federal Reserve Bank of the district wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. The original and copy of the Report of Condition shall be prepared in accordance with "Instructions for the preparation of Reports of Conditions by State Member Banks of the Federal Reserve System," dated March, 1976.[2]

Board of Governors of the Federal Reserve System, April 14, 1977.

STEPHEN S. GARDNER,
Vice Chairman, Board of Governors, of the Federal Reserve System.

[FR Doc 77-11352 Filed 4-19-77;8:45 am]

KLOSSNER BANCORPORATION, INC.

Formation of Bank Holding Company

Klossner Bancorporation, Incorporated, Klossner, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Klossner State Bank, Klossner, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should sbmit views in writing to the Reserve Bank, to be received not later than May 12, 1977.

Board of Governors of the Federal Reserve System, April 13, 1977.

GRIFFTH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11350 Filed 4-19-77;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving the Merger of Bank Holding Companies

Texas Commerce Bancshares, Inc., Houston, Texas ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with The BanCapital Financial Corporation, Austin, Texas ("Company"), a bank holding company, and thereby acquire 100 percent (less directors' qualifying shares) of The Capital National Bank in Austin, Austin, Texas ("Bank"). In light of the facts that Company's only assets are the shares of Bank, and that Company does not engage in any activity other than controlling Bank, Applicant's proposed merger with Company is treated herein as the proposed acquisition of Bank.

[1] Filed as part of the original document.
[2] Filed as part of the original document.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas, controls 31 banks with aggregate deposits of approximately $3.3 billion, representing 6.9 percent of the total deposits in commercial banks in the State.[1] As a result of the acquisition of Bank, Applicant's share of commercial bank deposits in Texas would increase by 0.7 percent to a total of 7.6 percent, and Applicant would become the largest banking organization in the State.

In recent years, the Board has denied certain applications submitted by some of the larger banking organizations in Texas to acquire leading banks in the State's secondary banking markets. In its orders relating to those applications, the Board found generally that approval of such proposals would result in an increase in the share of deposits held by the State's largest organizations, as well as an increase in the size disparity between those institutions and the State's smaller bank holding companies.[2] The Board is now of the view that its previously stated concern relating to the level of concentration of banking resources involving the largest banking organizations in Texas is no longer entirely warranted and should be tempered in light of developments subsequent to 1974. In particular, since the time of those denials, the percentage of commercial banking resources in Texas controlled by the State's four largest banking organizations has not increased appreciably, thus indicating that the Board's earlier actions have had a salutary effect in retarding the rate at which increased concentration was occurring. Furthermore, the present level of concentration of banking resources in Texas is relatively low in comparison to the level of concentration in other States as evidenced by the fact that, based on the percentage of deposits held by the three largest banking organiztions, Texas ranks 43d out of the 50 States in terms of concentration levels.[3] Accordingly, while the Board continues to be of the view that the effect of a proposal on concentration is a matter that deserves studied attention, the recent trend in the banking structure of Texas is such that the Board does not view the concentration increase that would follow upon consummation of this proposal as so adverse as to require denial thereof.

Bank holds deposits of approximately $356.5 million, representing 21.4 percent of total deposits in commercial banks in the Austin banking market,[4] and ranks as the second largest of 23 banks operating in the market. Applicant is not presently represented in the Austin banking market; its subsidiary bank closest to Bank is located 48 miles away in the San Antonio banking market. It appears that no meaningful competition currently exists between the two organizations. Thus, consummation of Applicant's proposal would not have any significant adverse effects on existing competition within the relevant market.

This application represents Applicant's second attempt to enter the Austin banking market through acquisition of one of that market's leading banks. In January 1975, the Board denied Applicant's proposed acquisition of The Austin National Bank, Austin, Texas ("Austin Bank").[5] In denying that application, the Board stated that the acquisition of such a significant competitor as Austin Bank in a highly concentrated market by one of the State's leading competitors would significantly reduce the likelihood that the market would become less concentrated and more competitive in the future. At that time, Austin Bank was the largest commercial bank in the market and controlled approximately 23 percent of the market's deposits. The four largest banking organizations in the Austin banking market controlled 79 percent of deposits. In that denial Order, the Board also stated that reasonable alternative means of entry into the Austin market were available to Applicant other than the acquisition of the market's largest bank. The Board concluded that Applicant's acquisition of Austin Bank would have significant adverse effects on the concentration of banking resources and on potential competition within the Austin banking market and that such anticompetitive effects were not outweighed by considerations relating to the convenience and needs of the communities to be served.

The Board has reexamined the Austin banking market in the context of the subject proposal. Upon such reexamination, the Board is of the view that its previous concerns, which it then believed were justified, regarding the structure of the Austin market and the likely adverse competitive effects within that market of Applicant's proposed acquisition, should not presently be given the weight that they were at that time. Although the level of concentration of banking resources in the Austin market has not changed appreciably since the Board's denial of Applicant's previous proposal, the Board does not now view Applicant's acquisition of Bank as significantly reducing the likelihood that the market would become less concentrated in the future. The Austin area has experienced exceptionally rapid growth in recent years. In view of this economic growth, it appears that the market is attractive for entry by other banking organizations and a number of the State's largest banking organizations are not presently represented in that market. The Board concludes that approval of this application would not foreclose the possibility of such other competitors entering the market either de novo or through acquisition of one of the many independent banks.

With respect to potential competition, while consummation of this proposal would eliminate the possibility of Applicant entering the Austin market de novo or through acquisition of one of the numerous smaller independent banks, the Board is now of the view that Applicant's entry into the Austin market should not be restricted to establishing a bank de novo or acquiring a foothold entry. Thus, the Board is presently unable to conclude that consummation of the proposed transaction would have such adverse effects upon the concentration of banking resources or upon potential competition within the Austin banking market as to justify denial of the subject application. On the other hand, approval of this application may have a positive effect on competition in the market by introducing a new and aggressive competitor into the Austin banking market.

The financial and managerial resources of Applicant, its subsidiaries and Bank are considered generally satisfactory and the future prospects for each appear favorable. In commenting upon the subject proposal, the Comptroller of the Currency recommended conditioning approval of the application upon injection of $3 million in capital into Bank within six months of its acquisition by Applicant. In response to the Comptroller of the Currency's comments, Applicant has committed to inject $5 million of equity capital into Bank upon consummation of its proposal. Thus, the Board is of the view that the banking factors involved in the proposal lend weight toward approval of the application.

Information contained in the record indicates that banks within the Austin market are not presently fully meeting

[1] Unless otherwise noted, all banking data are as of Sept. 30, 1976, and reflect bank holding company formations and acquisitions approved through Feb. 28, 1977.

[2] See the Board's Orders denying the applications of First International Bancshares, Inc., Dallas, Tex., to acquire Citizens First National Bank of Tyler, Tyler, Tex. (60 Fed. Res. Bul. 43 (1974)) and The First National Bank of Waco, Waco, Tex. (60 Fed Res. Bull. 290 (1974)); and application of First City Bancorporation of Texas, Inc., Houston, Tex., to acquire The Lufkin National Bank, Lufkin, Tex. (60 Fed. Res. Bull. 450 (1974)).

[3] Concentration data are as of Dec. 31, 1975.

[4] The relevant geographic market for purposes of analyzing the competitive effects of the subject application is approximated by the Austin SMSA, which is comprised of Hays and Travis Counties, Tex.

[5] Board Order dated Jan. 22, 1975, denying the applications of Texas Commerce Bancshares, Inc., Houston, Tex., to acquire The Austin National Bank, Austin, Tex., and Oak Hill National Bank, Oak Hill, Tex. (61 Fed. Res. Bull. 109 (1975)). In its Order, the Board approved the application to acquire Oak Hill National Bank, but under the terms of the agreement between Applicant and Austin Bancshares Corp., the parent holding company of the two banks, Applicant could not acquire only the shares of Oak Hill National Bank.

all of the banking needs of the area, especially the needs of large national and international corporations located in the Austin vicinity. Applicant proposes to provide Bank with its specialized expertise in international banking, trust operations and investments. In addition, affiliation with Applicant would expand Bank's credit capabilities. While the weight to be accorded to such improved services and increased convenience is somewhat uncertain, it is clear that the ready availability of Applicant's financial resources and expertise should benefit the Austin area by providing a climate for continued economic expansion. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. In view of the foregoing, it is the Board's judgment that Applicant's acquisition of Bank would be in the public interest.

On the basis of the record, the application is approved for the reasons summarized above.[1] The transaction shall not be made: (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective April 13, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11351 Filed 4-19-77;8:45 am]

[1] A member of Applicant's board of directors is also a member of the board of directors of Austin Bancshares Corp., the holding company which controls two banks in the Austin market including the largest bank in the market. Accordingly, the Board conditions its approval of this application upon a termination of this director interlock prior to consummation of the subject proposal.

[2] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, Partee, and Lilly. Voting against this action: Governor Wallich. Dissenting Statement of Governor Wallich filed as part of the original document. Copies are available upon request to Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of Dallas.

FEDERAL TRADE COMMISSION

DISCLOSURE OF INVESTIGATIONS

Solicitation of Public Comment

The Federal Trade Commission is currently reconsidering its policy on the disclosure of the identity of persons under investigation. Under its current policy, the Commission does not make blanket disclosure to the public of the identity of persons (including corporations) under investigation prior to the time that a complaint is issued. However, the Commission does announce industrywide investigations, and the identity of some under investigation may become known in a variety of ways, for example, through routine disclosure of a motion to quash (see 16 CFR 4.9(b)(22)) or of applications by former employees requesting authorization to appear (see 16 CFR 4.9(b)(21)). In addition, others may be required to make the disclosures themselves, as in filings with the Securities and Exchange Commission.

The Commission invites public comment on the legal and policy issues regarding this treatment of the names of persons under investigation. The Commission is particularly interested in comments (1) that assess the effect of the current policy on investigated persons and the public generally, and (2) that estimate the effect of two possible changes in policy, viz., routine disclosure of the identity of all investigated persons, or complete nondisclosure (including the identity of those who file motions to quash or applications for clearance to participate).

Comments on this matter may be sent to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, on or before May 20, 1977. Such comments will be entered on the public record of the Commission and will be available for inspection in Room 130 at the above address during normal business hours. For further information contact Barry R. Rubin, Office of the General Counsel, at (202) 523-3865.

By direction of the Commission dated April 7, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11346 Filed 4-19-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 13, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 9, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports, Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

NRC requests clearance of new reporting and recordkeeping requirements in 10 CFR 21. The new reporting requirement, 10 CFR 21.21, requires directors and responsible officers and firms and organizations building, operating, or owning NRC, licensed facilities, or conducting NRC, licensed activities, to report defects in components and failures to comply with regulatory requirements which could create a substantial safety hazard. The new recordkeeping requirement 10 CFR 21.51, requires each individual or organization subject to Part 21 to prepare records in connection with the design, manufacture, fabrication, placement, erection, installation, modification, inspection or testing of any facility, basic component supplied for any licensed facility or to be used in any licensed activity sufficient to assure compliance with Part 21. Frequency of the reporting and recordkeeping requirements is as needed. The estimated total respondent burden under 10 CFR 21.21 is 1,000 hours annually. The estimated total respondent burden under 10 CFR 21.51 is 50,000 hours annually.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests an extension no change clearance of Form 308, Application for Permit to Deliver Programs to Foreign Broadcast Stations. FCC Form 308 is used by applicants in applying under section 325(b) of the Communications Act of 1934, as amended, for authority to locate, use, or maintain a studio in the U.S. for the purpose of supplying program material to a foreign radio or television broadcast station consistently received within the U.S., or for extension of existing authority. If the applicant holds a valid radio or television broadcast station license or construction permit, an informal application (in letter form) may be used in lieu of this form. FCC estimates respondent burden to average 22 hours per response and approximately ten respondents to file annually.

FCC requests reinstatement of Form 309 Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station. FCC Form 309 is used by applicants applying under section 325(b) of the Communications Act of 1934, as amended, for authority to construct a new international, experimental television, experimental facsimile, or a developmental broadcast station, or to make changes in an existing international, experimental television, experimental facsimile, or a developmental broadcast station. FCC estimates respondent burden to average 84 hours per response, and approximately 20 respondents to file annually.

FCC requests an extension no change clearance of Form 310, Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License. FCC Form 310 is submitted by permittees of classes of stations indicated who desire to apply for licenses following construction of new or changed facilities. FCC estimates respondent burden to average 158 hours per response, and approximately ten respondents to file annually.

FCC requests an extension no change clearance of Form 316, Application for Consent to Assignment of Radio Broadcast Station Construction Permit or Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License. FCC Form 316 is used when there is a voluntary or involuntary assignment or transfer of control as defined in sections 1.540 and 1.542 of the Commission's Rules. FCC estimates respondent burden to average four hours per response, and approximately ten respondents to file annually.

FCC requests an extension no change clearance of Form 321, Application for Construction Permit to Replace Expired Permit. FCC Form 321 is required when permittees allow a construction permit for a broadcast station to expire. The application must be filed within 30 days of the expiration date of the authorization which it replaces. FCC estimates respondent burden to average 30 minutes per response, and approximately 115 respondents to file annually.

FCC requests an extension no change clearance of Form 323, Ownership Report. FCC Form 323 is used to determine qualifications of broadcast applicants and in making determinations whether public interest, convenience, and necessity is being served. FCC estimates respondent burden to average eight hours per response, and approximately 6,000 respondents to file annually.

FCC requests an extension no change clearance of Form 330-L, Application for Instructional Television Fixed Station License. FCC Form 330-L provides a means for construction permit holders to make an application for license as required for all broadcast auxiliary applications by section 319 of the Communications Act of 1934, as amended. FCC estimates respondent burden to average 73 hours per response, and approximately 15 respondents to file annually.

FCC requests an extension no change clearance of Form 345, Application for Consent to Assignment of Broadcast Translator Station Construction Permit or License. FCC Form 345 is used for requesting assignment of a translator station construction permit or license and associated auxiliary stations, such as translator microwave relay stations and UHF translator booster stations. FCC estimates respondent burden to average ten hours per response, and approximately 55 respondents to file annually.

FCC requests an extension no change clearance of Form 346, Application for Authority to Construct or Make Changes in a Television or FM Broadcast Translator Station. FCC Form 346 is filed by those applying for authority to construct or make changes in an existing television or FM broadcast translator station. FCC estimates respondent burden to average 28 hours per response, and approximately 1,000 respondents to file annually.

FCC requests an extension no change clearance of Form 347, Application for Television or FM Broadcast Translator Station License. FCC Form 347 is submitted by permittees of VHF or UHF television or FM broadcast translator stations who desire to apply for a license following construction of new or changed facilities. FCC estimates respondent burden to average three hours per response, and approximately 330 respondents to file annually.

FCC requests an extension no change clearance of Form 348, Application for Renewal of Television or FM Broadcast Translator Station License. FCC Form 348 is submitted by licensees for renewal of VHF or UHF television or FM broadcast translator stations when current operating authority is expiring. FCC estimates respondent burden to average nine hours per response, and approximately 1,250 respondents to file annually.

FCC requests an extension no change clearance of Form 395, Annual Employment Report. FCC Form 395 is used to monitor and enforce FCC Rules pertaining to EEO Requirements and is required by section 1.612 of the Commission's Rules and Regulations. FCC estimates respondent burden to average one hour per response, and approximately 9,000 respondents to file annually.

FCC requests an extension no change clearance of Form 701, Application for Additional Time to Construct Radio Station. FCC Form 701 is used by holders of construction permits when applying for additional time to construct a station to be operated under certain sections of the Commission's Rules. FCC estimates respondent burden to average four hours per response, and approximately 400 respondents to file annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-11469 Filed 4-19-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of May 1977:

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

MAY 16-17, 1977

Conference Room 873, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852. Closed—9:30 a.m.-12 noon, May 16. Open—Otherwise.

Contacts: Ms. Pamela Thurber, Room 844, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-6618.

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts and reviews and makes recommendations on grant applications.

Agenda: From 9:30 a.m. to 12 noon, May 16, the meeting shall be closed for final review of grant applications for Federal assistance in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Title 5, U.S. Code 552b(c)(6) and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

The remainder of the meeting from 1 p.m. on May 16 until 5 p.m., on May 17, will be open to the public for a discussion of issues in the field of drug abuse, orientation to the programs of the Institute, development of priorities for action by the Council, and administrative announcements.

Agenda: Items are subject to change as priorities dictate.

Substantive information, summaries of the meeting and rosters of the Council members can be obtained from the contact person listed above.

Dated: April 14, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-11369 Filed 4-19-77;8:45 am]

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of May 1977:

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

MAY 23-25; 9:30 A.M.

Conference Room 14-105, Parklawn Building, Rockville, Maryland 20857. Open—May 23. Closed—Otherwise.

Contact: Mrs. Zella Diggs, Room 11-101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4333.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: On May 23, the meeting will be open for discussion of NIMH policy issues. These will include current administrative, legislative and program developments. Otherwise, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the termination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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PSYCHIATRY EDUCATION REVIEW COMMITTEE

MAY 22-24, 1977; 10:00 A.M.

Conference Room C, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open meeting.

Contact: Ms. Connie Verney, Parklawn Building, Room 8C-18, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-2120.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychiatry education and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 10 a.m., May 23 through early afternoon, May 24, the meeting will be open for administrative announcements and discussion of review criteria in the light of new program initiatives and priorities of the Institute.

*

Substantive information may be obtained from the contact person listed above. Attendance by the public will be limited to space available.

The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3600.

Dated: April 14, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77–11370 Filed 4–19–77;8:45 am]

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), anouncement is made of the following National Advisory body scheduled to assemble during the month of May 1977:

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

MAY 23–24, 1977; 9:30 A.M.

Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open—May 23. Closed—May 24.

Contact: Rhoda L. Christensen, Parklawn Building, Room 16–86, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–4703.

Purpose: The National Advisory Council on Alcohol Abuse and Alcoholism advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration and the Director, National Institute on Alcohol Abuse and Alcoholism regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: May 23 will be open to the public and will be devoted to Council discussion of Budget Status, Program Regulations, Status of Alcohol Research Centers, Institute Contract Plan and Role of the Council in Contracts, Institute goals and priorities, Social Security Administration policy on alcoholism as a disability, report on Interagency Committee Activities, and Proposed White House Conference on Alcoholism. Agenda items are subject to change as priorities dictate.

On May 24, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. Attendance by the public will be limited to space available.

The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Council members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3306.

Dated: April 14, 1977.

CAROLYN T. EVANS,
Committee Management Officer Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77–11368 Filed 4–19–77;8:45 am]

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1977:

Name: Cooperative Health Statistics Advisory Committee.

Date and Time: May 19–20, 1977, 9:00 a.m.

Place: Sheraton-Silver Spring Motor Inn 8727 Colesville Road, Silver Spring, Maryland 20910. Open for entire meeting.

Purpose: The Committee represents the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: The Committee will discuss legislation impacting on the National Center for Health Statistics and the Cooperative Health Statistics System; structure for the Cooperative Health Statistics System at the State level; coordination with CHSS and other Federal statistical programs; data needs and data application, current status of minimum data sets and development of consolidated contracts. A progress report will be given on National Center for Health Statistics budget, legislation, status of projects, and coordination with Government and nongovernment agencies. The Committee will also receive and review reports from the Task Force on Cost-Sharing and Task Force on Applied Statistics Training Institute, and from the TCP on Meeting Multiple Health Data Needs Through Modification of National and State Statistical Programs. A presentation will be given on the interest and activities relevant to the Cooperative Health Statistics System from the Association of State and Territorial Health Officers, American Association of Vital Records and Public Health Statistics, and the Association of Health Data Systems. Suggestions for next meeting dates and agenda items will be discussed.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mr. James A. Smith, National Center for Health Statistics, Room 8–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1470. Agenda items are subject to change as priorities dictate.

Date: April 14, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77–11416 Filed 4–19–77;8:45 am]

National Institutes of Health

ANIMAL RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resoures, June 1, 1977, Conference Room 8, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public on June 1 from 9:00 a.m. to 10:30 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resoures Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 1 from 10:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resoures, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014 (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal Resources Advisory Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Date: April 15, 1977.

SUZANNE L. FREMEAU,
National Institutes of Health, Committee Management Officer.

[FR Doc.77–11454 Filed 4–19–77;8:45 am]

BLOOD DISEASES AND RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, May 23, and 24, 1977, National Institutes of Health, Building 331, Conference Room 8, Bethesda, Maryland 20014.

Tht entire meeting will be open to the public from 9:00 a.m.–5:00 p.m., May 23, and from 8:30 a.m.–4:30 p.m., May 24, 1977, to discuss the status of the Blood Diseases and Resources program, needs and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports, Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone : (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Building 31, Room 5A04, National Institutes of Health, Bethesda, Maryland 20014, phone: (301) 496–1817, will furnish substantive program information.

Dated: April 12, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–11452 Filed 4–19–77;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NEI

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, June 3–4, 1977, building 31, Room 6A–21, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 3 from 8:30 a.m. until 2:30 p.m. for general remarks by the Institute Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 3, from 2:30 p.m. until adjournment and the entire day on June 4 for review, discussion, and evaluation of individual projects conducted by the Clinical Branch, NEI. This evaluation and discussion could reveal personal information concerning individuals associated with the projects. Consequently, this meeting is concerned with matters exempt from mandatory disclosure.

Mr. Julian Morris, Head, Office of Program Planning and Scientific Reporting, National Eye Institute, Building 31, Room 6A–27, telephone (301–496–5248) will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, Building 31, Room 6A–03, telephone (301–496–2234), National Institutes of Health, Bethesda, Maryland 20014.

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.11448 Filed 4–19–77;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, June 6, 1977, in Building 5, Room 216, and on June 7 and 8, 1977, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 6 and 7 from 9 a.m. until recess. During this open session, the permanent staff of the Laboratory of Immunology will present and discuss their immediate, past, and present research activities. The review of the entire immunology program will include a tour of the Laboratory of Microbial Immunity and the Laboratory of Immunology.

In accordance with the provisions set forth in sections 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Public Law 92–463, the meeting of the Board will be closed to the public on June 8 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone 301–496–5717, will provide summaries of the meetings and rosters of the Board members.

Dr. Franklin A. Neva, Acting Executive Secretary, Board of Scientific Counselors, NIAID, NIH, Building 5, Room 116, telephone 301–496–2486, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–11449 Filed 4–19–77;8:45 am]

CLINICAL TRIALS REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, May 16–17, at the National Institutes of Health, Building 31A, Conference Room 4.

This meeting will be open to the public from 8:30 a.m. to 9 a.m. on May 16, 1977, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 16, 1977 from 9 a.m. to adjournment and from 8:30 a.m. to adjournment on May 17, 1977, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, phone 301–496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone 301–496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–11444 Filed 4–19–77;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, June 5 and 6, 1977, in the New Jersey Room, Holiday Inn of Bethesda, 8120 Wisconsin Avenue, Bethesda, Md. 20014.

This meeting will be open to the public from 8:30 a.m. until 10 a.m. on June 5th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 5th, from 10 a.m. to adjournment on June 6th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Md. 20014, 301–496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Ernest J. Moore, Executive Secretary, Federal Building, Room 9C14, Bethesda, Md. 20014, 301–496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–11442 Filed 4–19–77;8:45 am]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, on May 24–25, 1977, at the Terrace Conference Room, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Md. This meeting will be open to the public on May 24 from 9 a.m. to 10 a.m. to discuss administrative details relating to Committee business and general discussion. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b,(c)(4) and 552b (c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10 a.m. to 5 p.m. on May 24, and from 9 a.m. to adjournment on May 25 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014, phone 301–496–7748, will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.841 and 13.845, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–11446 Filed 4–19–77;8:45 am]

DIVISION OF RESEARCH GRANTS

Workshop

Notice is hereby given of a Workshop on Insect Endocrine Systems: Their Present and Potential Role in Arthropod Control sponsored by the Tropical Medicine and Parasitology Study Section, Sea Crest Hotel, North Falmouth, Massachusetts 02556, June 26, 1977, from 8:30 a.m. to adjournment.

Further information may be obtained from Dr. Betty J. Myers, Executive Secretary, Tropical Medicine and Parasitology Study Section, Westwood Building, Room 319, telephone 301–496–7494.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: April 11, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–11453 Filed 4–19–77;8:45 am]

NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the special meeting of the National Advisory Dental Research Council, National Institute of Dental Research on June 27, 1977, in Building 31–C, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public to discuss administrative details relating to Council business for one hour at the beginning of the meeting. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public from 10 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personnel information concerning individuals associated with the applications.

Mrs. Edith G. Sharpless, Committee Management Officer, National Institute of Dental Research, National Institutes of Health, Building 31–C, Room 2C–39, Bethesda, Md. 20014, phone 301–496–6705, will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal; Domestic Assistance; Program No. 13.841, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–11451 Filed 4–19–77;8:45 am]

NATIONAL ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES ADVISORY COUNCIL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council and its subcommittees on May 18–20, 1977, in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 10 a.m. on May 18 and from 9 a.m. to 11 a.m. on May 19 to discuss administrative reports. Attendance by the public will be limited to space available.

In addition, the below listed subcommittees of the above Council will have meetings from 10:30 a.m. to 5 p.m. on May 18, 1977: the Digestive Diseases Subcommittee will be held in Room 9A51, Building 31, NIH; the Arthritis, Bone, and Skin Diseases Subcommittee will be held in Room 11A10, Building 31, NIH; the Diabetes, Endocrine, and Metabolic Diseases Subcommittee will be held in Room 9A52, Building 31, NIH; the Kidney, Urologic and Blood Diseases Subcommittee will be held in Conference Room 6, Building 31, NIH.

In accordance with the provisions set forth under sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting of the Council and its subcommittees will be closed to the public on May 18, 1977, from 10:30 a.m. to 5 p.m., on May 19, 1977, from 11 a.m. to 5 p.m., and on May 20, 1977, from 8:30 a.m. to 12:30 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301–496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13–846 through 13.850, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.11445 Filed 4–19–77;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW, A COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institutes of Health, June 9–11, 1977, in the Caucus Room, Sheraton-Silver Spring Motor Inn, 8727 Colesville Rd., Silver Spring, MD 20910.

This meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on June 9th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and section 10(d) of P.L. 92–463, the meeting will be closed to the public on June 10th, from 8:30 a.m. to adjournment on June 11th, for the review, discussion, and evaluation of individual initial pending and renewal grant applications. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20014, (301) 496–5751, will furnish summaries of the meeting and rosters of committee members. Dr. Leon J. Greenbaum, Jr., Executive Secretary, Federal Bldg., Room 9C14B, Bethesda, MD 20014, (301) 496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–11450 Filed 4–19–77;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW, B COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institutes of Health, June 9–11, 1977, in the Quorum Room, Sheraton-Silver Spring Motor Inn, 8727 Colesville Rd., Silver Spring, MD 20910.

This meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on June 9th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and section 10(d) of P.L. 92–463, the meeting will be closed to the public on June 10th, from 8:30 a.m. to adjournment on June 11th, for the review, discussion and evaluation of individual pending and renewal grant applications. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20014, Telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John W. Diggs, Executive Secretary, Federal Bldg., Room 9C10B, Bethesda, MD 20014, (301) 496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–11443 Filed 4–19–77;8:45 am]

POPULATION RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on June 1–3, 1977, at the Holiday Inn, New Jersey Room, 8120 Wisconsin Avenue, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. to 10:30 a.m. on June 1 to discuss the program status, new developments and projections for population research centers, program projects and national research award applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 1 from 10:30 a.m. to adjournment on June 3 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. William A. Sadler, Executive Secretary of the Population Research Comittee, NICHD, Landow Building, Room C–733, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health.)

Dated: April 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77–11447 Filed 4–19–77;8:45 am]

Office of Education

LIST OF NATIONALLY RECOGNIZED ACCREDITING AGENCIES AND ASSOCIATIONS

For the purposes of determining eligibility for Federal assistance, pursuant to 20 U.S.C. 1141(a) and other legislation, beginning with the Veterans Readjustment Assistance Act of 1952, the U.S. Commissioner of Education hereby publishes a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by educational institutions either in a geographical area or in a specialized field, and the general scope of recognition granted to the accrediting bodies.

This list supersedes the list previously promulgated by the Commissioner of Education on April 4, 1975, 40 FR 15115–15118.

REGIONAL INSTITUTIONAL ACCREDITING ASSOCIATIONS

New England Association of Schools and Colleges:
Commission on Independent Schools,
Commission on Institutions of Higher Education,
Commission on Public Schools,
Commission on Vocational, Technical, Career Institutions.

REGIONAL INSTITUTIONAL ACCREDITING COMMISSIONS

Commission on Higher Education, Middle States Association of Colleges and Secondary Schools
Commission on Institutions of Higher Education,
Commission on Schools, North Central Association of Colleges and Schools
Commission on Colleges, Northwest Association of Schools and Colleges
Commission on Colleges,
Commission on Occupational Education Institutions, Southern Association of Colleges and Schools
Accrediting Commission for Community and Junior Colleges,
Accrediting Commission for Schools,
Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges.

NATIONAL INSTITUTIONAL AND SPECIALIZED ACCREDITING AGENCIES AND ASSOCIATIONS

ARCHITECTURE

National Architectural Accrediting Board, Inc. (first professional degree programs).

ART

National Association of Schools of Art, Commission on Accreditation and Membership (professional schools and programs).

BIBLE COLLEGE EDUCATION

American Association of Bible Colleges (three-year institutes and four- and five-year colleges).

BLIND AND VISUALLY HANDICAPPED EDUCATION

National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (specialized schools for the blind and visually handicapped).

BLOOD BANK TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the Committee on Education, American Association of Blood Banks (programs for the specialist in blood bank technology).

BUSINESS

American Assembly of Collegiate Schools of Business, Accreditation Council (baccalaureate and graduate degree programs in business and management).

Association of Independent Colleges and Schools, Accrediting Commission (private junior and senior colleges of business and private business schools).

CHIROPRACTIC

Council on Chiropractic Education, Commission on Accreditation (programs leading to the D.C. degree).

CLINICAL PASTORAL EDUCATION

Association for Clinical Pastoral Education, Inc. (professional training centers).

COSMETOLOGY

Cosmetology Accrediting Commission (cosmetology schools and programs).

CYTOTECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the Cytotechnology Programs Review Committee, American Society of Cytology (programs for the cytotechnologist).

DENTAL AND DENTAL AUXILIARY PROGRAMS

American Dental Association, Commission on Accreditation of Dental and Dental Auxiliary Programs (programs leading to the D.D.S. or D.M.D. degrees, advanced dental specialty programs, general practice residency programs and programs in dental hygiene, dental assisting and dental technology).

DIETETICS

American Dietetic Association, Commission on Evaluation of Dietetic Education (coordinated undergraduate programs in dietetics and dietetic internships).

ENGINEERING

Engineers' Council for Professional Development (first professional degree programs in engineering, graduate programs leading to advanced entry into the engineering profession and associate and baccalaureate degree programs in engineering technology).

FORESTRY

Society of American Foresters (professional schools).

FUNERAL SERVICE EDUCATION

American Board of Funeral Service Education, Commission of Schools (independent schools and collegiate departments).

HEALTH SERVICES ADMINISTRATION

Accrediting Commission on Education for Health Services Administration (graduate programs in health services administration).

HISTOLOGIC TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (programs for the histologic technician).

HOME STUDY EDUCATION

National Home Study Council, Accrediting Commission (home study schools).

INTERIOR DESIGN EDUCATION

Foundation for Interior Design Education Research, Committee on Accreditation (professional and technical programs).

JOURNALISM

American Council on Education for Journalism, Accrediting Committee (first professional degree programs).

LABORATORY ASSISTANT EDUCATION

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (programs for the laboratory assistant).

LANDSCAPE ARCHITECTURE

American Society of Landscape Architects, Board of Landscape Architectural Accreditation (first professional degree programs).

LAW

American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (professional schools).

LIBRARIANSHIP

American Library Association, Committee on Accreditation (master's degree programs).

MEDICAL ASSISTANT EDUCATION

Accrediting Bureau of Medical Laboratory Schools (private medical assistant educational institutions and programs).

Council on Medical Education, American Medical Association, in cooperation with the Curriculum Review Board, American Association of Medical Assistants (one- and two-year medical assistant programs).

MEDICAL LABORATORY TECHNICIAN EDUCATION

Accrediting Bureau of Medical Laboratory Schools (schools and programs for the medical laboratory technician).

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society for Clinical Pathologists (programs for the medical laboratory technician).

MEDICAL RECORD EDUCATION

Council on Medical Education, American Medical Association, in cooperation with the Education and Registration Committee, American Medical Record Association (programs for the medical record administrator and medical record technician).

MEDICAL TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the National Accrediting Agency for Clinical Laboratory Sciences, which is sponsored by the American Society for Medical Technology and the American Society of Clinical Pathologists (professional programs).

MEDICINE

Liaison Committee on Medical Education, representing the Council on Medical Education, American Medical Association, and the Executive Council, Association of American Medical Colleges (programs leading to the M.D. degree).

MUSIC

National Association of Schools of Music (baccalaureate and graduate degree programs and non-degree-granting secondary and postsecondary institutions).

NUCLEAR MEDICINE TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee on Educational Programs in Nuclear Medicine Technology, which is sponsored by the American College of Radiology, American Society of Clinical Pathologists, American Society for Medical Technology, American Society of Radiologic Technologists and Society of Nuclear Medicine (programs for the nuclear medicine technologist).

NURSING

American Association of Nurse Anesthetists, Council on Accreditation (professional schools/programs of nurse anesthesia).

National Association for Practical Nurse Education and Service, Inc., Accrediting Review Board (practical nurse programs).

National League for Nursing, Inc., Board of Review for Associate Degree Programs, Board of Review for Baccalaureate and Higher Degree Programs, Board of Review for Diploma Programs, Board of Review for Practical Nursing Programs (professional, technical and practical nurse programs).

OCCUPATIONAL THERAPY

Council on Medical Education, American Medical Association, in cooperation with the Accreditation Committee, American Occupational Therapy Association (professional programs).

OCCUPATIONAL, TRADE AND TECHNICAL EDUCATION

National Association of Trade and Technical Schools, Accrediting Commission (private trade and technical schools).

OPTOMETRY

American Optometric Association, Council on Optometric Education (professional programs).

OSTEOPATHIC MEDICINE

American Osteopathic Association (programs leading to the D.O. degree).

PHARMACY

American Council on Pharmaceutical Education (professional schools).

PHYSICAL THERAPY

Council on Medical Education, American Medical Association, in cooperation with the Committee on Accreditation in Education, American Physical Therapy Association (professional programs).

PHYSICIAN'S ASSISTANT EDUCATION

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee on Educational Programs for Physician's Assistants, which is sponsored by the American Academy of Family Physicians, American Academy of Pediatrics, American Academy of Physician's Assistants, American College of Physicians, American College of Surgeons and American Society of Internal Medicine (programs for the assistant to the primary care physician and the surgeon's assistant).

PODIATRY

American Podiatry Association, Council on Podiatry Education (professional and graduate degree programs and podiatric assistant training programs).

PSYCHOLOGY

American Psychological Association, Committee on Accreditation (doctoral and internship programs in clinical and counseling psychology and doctoral programs in school psychology).

PUBLIC HEALTH

Council on Education for Public Health (graduate schools of public health).

RABBINICAL AND TALMUDIC EDUCATION

Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission (rabbinical and Talmudic schools).

RADIOLOGIC TECHNOLOGY

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee on Education in Radiologic Technology, which is sponsored by the American College of Radiology and the American Society of Radiologic Technologists (programs for the radiologic technologist and radiation therapy technologist).

RESPIRATORY THERAPY

Council on Medical Education, American Medical Association, in cooperation with the Joint Review Committee for Respiratory Therapy Education, which is sponsored by the American Association for Respiratory Therapy Education, American College of Chest Physicians, American Society of Anesthesiologists and American Thoracic Society (programs for the respiratory therapist and respiratory therapy technician).

SOCIAL WORK

Council on Social Work Education, Commission on Accreditation (master's and baccalaureate degree programs).

SPEECH PATHOLOGY AND AUDIOLOGY

American Speech and Hearing Association, American Boards of Examiners in Speech Pathology and Audiology (master's degree programs).

TEACHER EDUCATION

National Council for Accreditation of Teacher Education (baccalaureate and graduate degree programs).

THEOLOGY

Association of Theological Schools in the United States and Canada, Commission on Accrediting (graduate professional schools).

VETERINARY MEDICINE

American Veterinary Medical Association, Council on Education (programs leading to D.V.M. or V.M.D. degrees), Committee on Animal Technician Activities and Training (associate degree programs for animal technicians).

OTHER

New York State Board of Regents (registration [accreditation] of collegiate degree-granting programs or curricula offered by institutions of higher education).

NATIONAL ACCREDITING AGENCIES AND ASSOCIATIONS RECOGNIZED FOR PREACCREDITATION CATEGORIES

REGIONAL INSTITUTIONAL ACCREDITING ASSOCIATIONS

New England Association of Schools and Colleges:

Commission on Independent Schools, Recognition of Candidacy for Accreditation, Correspondent.

Commission on Institutions of Higher Education, Candidate for Accreditation.

Commission on Public Schools, Recognition of Candidacy for Accreditation.

Commission on Vocational, Technical, Career Institutions, Candidate for Accreditation, Candidacy for Accreditation.

REGIONAL INSTITUTIONAL ACCREDITING COMMISSIONS

Commission on Higher Education, Candidate for Accreditation, Middle States Association of Colleges and Secondary Schools.

Commission on Institutions of Higher Education, Candidate for Accreditation.

Commission on Schools, Candidate for Accreditation, North Central Association of Colleges and Schools.

Commission on Colleges, Candidate for Accreditation, Northwest Association of Schools and Colleges.

Commission on Colleges, Candidate for Accreditation, Commission on Occupational Education Institutions, Candidate for Accreditation, Southern Association of Colleges and Schools.

Accrediting Commission for Community and Junior Colleges, Candidate for Accreditation, Accrediting Commission for Schools, Candidate for Accreditation, Accrediting Commission for Senior Colleges and Universities, Candidate for Accreditation, Western Association of Schools and Colleges.

NATIONAL INSTITUTIONAL AND SPECIALIZED ACCREDITING AGENCIES AND ASSOCIATIONS

American Association of Bible Colleges, Associate.

American Association of Nurse Anesthetists, Council on Accreditation, Preaccreditation.

American Dental Association, Commission on Accreditation of Dental and Dental Auxiliary Programs, Accreditation Eligible, Reasonable Assurance, Preliminary Approval.

American Optometric Association, Council on Optometric Education, Reasonable Assurance, Preliminary Approval.

American Osteopathic Association, Preaccreditation Status, Provisional Approval.

American Podiatry Association, Council on Podiatry Education, Reasonable Assurance, Preliminary Assurance.

American Veterinary Medical Association, Council on Education, Reasonable Assurance of Accreditation.

Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission, Correspondent, Candidate.

Association of Independent Colleges and Schools, Accrediting Commission, Recognized Candidate Status.

Association of Theological Schools in the United States and Canada, Commission on Accrediting, Authorization of Self-Study.

Council on Chiropractic Education, Commission on Accreditation, Correspondent, Recognized Candidate for Accreditation.

Council on Education for Public Health, Provisional Accreditation.

Council on Social Work Education, Commission on Accreditation, Candidacy.

Engineers' Council for Professional Development, Engineering Technology Committee, Candidate for Accreditation, Reasonable Assurance of Accreditation.

Liaison Committee on Medical Education, Reasonable Assurance, Provisional Approval.

National Association of Schools of Art, Commission on Accreditation and Membership, Candidacy Status.

National League for Nursing, Inc., Reasonable Assurance of Accreditation:

Board of Review for Associate Degree Programs,

Board of Review for Baccalaureate and Higher Degree Programs,

Board of Review for Diploma Programs.

New York State Board of Regents, Interim Registration, Preliminary Registration.

Dated: March 28, 1977.

WILLIAM P. PIERCE,
Acting Commissioner of Education.

LIST OF STATE AGENCIES RECOGNIZED FOR THE APPROVAL OF PUBLIC POSTSECONDARY VOCATIONAL EDUCATION

For purposes of determining eligibility for Federal assistance, pursuant to 20 U.S.C. 1087–1(b), the U.S. Commissioner of Education hereby publishes a list of State agencies which he determines to be reliable authorities as to the quality of public postsecondary vocational education in their respective States.

This list supersedes the list previously promulgated by the Commissioner of Education on April 4, 1975, 40 FR 15115–15118.

Arkansas State Board for Vocational Education
Indiana State Board of Vocational and Technical Education
Iowa State Board of Public Instruction
Kansas State Board of Education
Kentucky State Board of Education
Minnesota State Board for Vocational-Technical Education
Missouri State Board of Education
Montana Board of Public Education
New Jersey State Board of Education
New York State Board of Regents
Oklahoma State Board of Vocational and Technical Education (for approval of postsecondary vocational education programs and courses offered at area vocational technical schools which are not offered for college credit)
Oklahoma State Regents for Higher Education (for approval of vocational education programs for which credit earned is applied toward a degree, diploma, or other postsecondary academic or collegiate award, or which are given at State Institutions comprising the Oklahoma State System of Higher Education).
South Dakota State Board of Vocational-Technical Education
Utah State Board for Vocational Education

AGENCIES WITHDRAWN FROM LIST

Colorado State Board for Community Colleges and Occupational Education (by request)
Florida State Board of Education (by request)
New Mexico State Board of Education

Dated: March 28, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

LIST OF ACCREDITING AND STATE APPROVAL AGENCIES RECOGNIZED FOR THE APPROVAL OF NURSE EDUCATION

For the purposes of determining eligibility for Federal assistance, pursuant to the Nurse Training Act, as amended (42 U.S.C. 298(b)), the U.S Commissioner of Education hereby publishes a list of recognized accrediting and State approval agencies which he determines to be reliable authorities as to the quality of training offered by schools and programs for diploma, associate degrees and baccalaureate and graduate degrees in nursing

This list supersedes the list previously promulgated by the Commissioner of Education on April 4, 1975, 40 FR 15115–15118.

REGIONAL INSTITUTIONAL ACCREDITING ASSOCIATIONS

New England Association of Schools and Colleges, Commission on Institutions of Higher Education.

REGIONAL INSTITUTIONAL ACCREDITING COMMISSIONS

Commission on Higher Education, Middle States Association of Colleges and Secondary Schools.
Commission on Institutions of Higher Education, North Central Association of Colleges and Schools.
Commission on Colleges, Northwest Association of Schools and Colleges.
Commission on Colleges, Southern Association of Colleges and Schools.
Accrediting Commission for Community and Junior Colleges, Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges.

NATIONAL INSTITUTIONAL AND SPECIALIZED ACCREDITING AGENCIES AND ASSOCIATIONS

National League for Nursing, Inc.:
Board of Review for Associate Degree Programs,
Board of Review for Baccalaureate and Higher Degree Programs,
Board of Review for Diploma Programs.

STATE AGENCIES

California Board of Registered Nursing
Iowa Board of Nursing
Louisiana State Board of Nurse Examiners
Missouri State Board of Nursing
Montana State Board of Nursing
New Hampshire Board of Nursing Education and Nurse Registration
New York State Board of Regents (Nursing Education Unit)
West Virginia Board of Examiners for Registered Nurses.

Dated: March 28, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.77-11397 Filed 4-19-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN; COMMITTEE ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Committee on Indian Education of the National Advisory Council on the Education of Disadvantaged Children will meet on Wednesday, May 18 and on Thursday, May 19, 1977. On both days, the meeting will begin at 9:00 a.m. and end at 4:00 p.m. The meeting on May 18 will be held at the Bureau of Indian Affairs, 1951 Constitution Avenue N.W., Washington, D.C. 20240; and the May 19 meeting will be at the Council office located at Suite 1012, 425 Thirteenth Street N.W., Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

On May 18, the Committee is meeting at the Bureau of Indian Affairs in order to be briefed by BIA officials; and, on May 19 the Committee will meet at the Council office in order to have discussions and to outline their plans for the year.

The entire meeting is open to the public. In order to assure everyone attending of sufficient space, all persons wishing to attend should call the office for reservations by May 13, 1977 at area code 202-382-6945.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street N.W., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on April 15, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77-11408 Filed 4-19-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, May 20 and on Saturday, May 21, 1977. The meeting on May 20 will begin at 9:00 a.m. and will end at 5:00 p.m.; and, on May 21, the meeting will be from 9:00 a.m. until 1:00 p.m. The two-day meeting will be held at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The full meeting will include further review of the 1978 annual plan, Barrera Amicus Curiae brief, Committee assignments, extension of ESEA, Title I discussion and site visit plans.

On Friday, May 20, from 9:00 a.m. until 10:00 a.m., there will be a closed session during which the Council will discuss its annual evaluation of personnel performance on an individual basis. This discussion will include consideration of the qualifications and fitness of individual staff members, and will touch upon many matters which would constitute a serious invasion of privacy if conducted in an open session. Such matters are protected by exemptions (b) (2) and (6) of section 552, Title 5, United States Code.

The meeting, excluding that one hour, is open to the public. All persons wishing to attend should call for reservations by May 17, 1977, area code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on April 5, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77-11409 Filed 4-19-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-77-487]

Office of the Secretary

ACTING REGIONAL ADMINISTRATOR REGION III (PHILADELPHIA)

Designation

The officials appointed to the following listed positions in Region III (Philadelphia) are hereby designated to serve as Acting Regional Administrator, Region III, during the absence of the Regional Administrator, with all of the powers, functions, and duties redelegated or assigned to the Regional Administrator, *Provided*, That no official is authorized to serve as Acting Regional Administrator unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Housing.
4. Assistant Regional Administrator for Community Planning and Development.
5. Assistant Regional Administrator for Fair Housing and Equal Opportunity.
6. Assistant Regional Administrator for Administration.

Effective date: This designation is effective April 1, 1977.

HARRY W. STALLER,
Acting Regional Administrator Region III, Philadelphia.

[FR Doc.77-11387 Filed 4-19-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Knoxville Zoological Park, 1009 Mary Street, Knoxville, Tennessee 37914. Guy L. Smith III, Director.

OMB NO. 42-R1470

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR: [ ] IMPORT OR EXPORT LICENSE [X] PERMIT: Export

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Research in predator reestablishment into natural habitat under direction of Dr. Pedro Trebbau, Director of Zoos of Caracas, Venezuela. Concurrent radioactive tracking techniques researched by Dr. Mike Pelton, University of Tenn., Dept. of Wildlife Biology, Knoxville, Tennessee. To release one Jaguar from the Knoxville Zoological Park to Dr. Pedra Trebbau in Venezuela.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Knoxville Zoological Park
1009 Mary Street
Knoxville, Tennessee 37914
(615) 637-5331

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Park

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Dr. Pedro Trebbau, Director of Zoo, Caracus, Venezuela
Dr. Gonzalo Medina, Director of Fauna, Min.of Agriculture, Venezuela

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Guy L. Smith III, Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Hacenda ElFrio
Apure-state, Venezuela

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
1. 63EL-1
2. PRT2-8
3. PRT-7-08-F-Z-NV
4. PRT 2-310

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of document)
Venezuela government
Director of Fauna, Dr. Gonzalo Medina
Ministery of Agriculture

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: April 1, 1977
11. DURATION NEEDED: indefinate

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Letters and import permit from the government of Venezuela for Jaguar, Panthera Onca .0/1

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) | DATE: February 8, 1977

3-200 (6/74) GPO 895-042

KNOXVILLE ZOOLOGICAL PARK,
Knoxville, Tenn., April 5, 1977.

Director,
U.S. Fish and Wildlife Service, Department of Interior, Federal Wildlife Permit Office, Washington, D.C. 20240.

DEAR SIR: The information immediately following represents an application to the Department of the Interior for the exportation of an endangered species from the Knoxville Zoological Park, Chilhowee Park, P.O. Box 1631, Knoxville, Tennessee 37914, U.S.A. to Dr. Pedro Trebbau, Director of Zoos, Caracas, Venezuela and Dr. Gonzalo Medina, Director of Fauna and Minister of Agriculture, Caracas, Venezuela, as required by the Endangered Species Act of 1973: specifically as indicated in paragraph 17.22, subpart (C) for the exportation of 0/1 Jaguar, *Panthera onca.*

1. Name and address of applicant: Knoxville Zoological Park, P.O. Box 1631, Knoxville, Tennessee 37914.

2. The number of specimens and common names (genus, species, subspecies) of each species or subspecies of each fish or wildlife to be exported:

One (1) female Jaguar, *Panthera onca,* captive born and currently housed at the Knoxville Zoological Park, Chilhowee Park, P.O. Box 1631, Knoxville, Tennessee 37914.

3. Complete statement of the purpose of such exportation: Since its inception, the Knoxville Zoological Park has specialized in and is very successful in the propagation of large cats, genus *Panthera.* As well as being a cultural and educational facility, we earnestly accept our responsibilities to all wildlife, especially those species considered endangered. Where as many zoological institutions have curtailed reproduction in their captive populations of large cats, i.e. *Panthera,* the Knoxville Zoological Park is actively reproducing the following species:

A. Bengal tiger, *Pantherae tigris.*
B. Black Leopard, *Pantherae pardus.*
C. American cougar, *Felis concolor.*
D. Jaguar, *Panthera onca.*
E. African lion, *Panthera leo.*

We are also actively trying to reproduce the Siberian tiger, *Panthera tigris altaica,* in which we have one (1) male and two (2) female specimens which are now becoming sexually mature. We have also recently applied to the Department of the Interior to import two (2) female Asiatic lions, *Panthera leo persica* to help ensure the survival of that extremely endangered species.

The Knoxville Zoological Park has successfully reproduced five (5) species of large cats which has resulted in forty-six (46) offspring. We hope to continue to help ensure the survival of endangered species of large cats in captivity, however we feel that it is imperative that research be conducted and expertise obtained in re-establishing these endangered species in the wild. This must be accomplished before the wild population is diminished to the brink of extinction!

The Central Florida Zoological Society, P.O. Drawer 2078, Sanford, Florida 32771 is presently applying to export one (1) male Jaguar, *Panthera onca* for the same purposes as this request, which is as follows:

Research in large cat or predator re-establishment into their natural habitat. This project will be under the direction of Dr. Pedro Trebbau, Director of Zoos, Caracas, Venezuela, with the permission of Dr. Gonzalo Medina, Director of Fauna, Ministry of Agriculture, Caracas, Venezuelo. Dr. Mike Pelton, University of Tennessee, Department of Wildlife Biology, Knoxville, Tennessee will oversee radioactive tracking research in order to ensure the specimens survival in the wild. Mr. Stan Brock, wildlife expert, will function as the project coordinator.

This specimens will not be just released into the wild state. A compound is being constructed in a very large and quite suitable area of Venezuela where Jaguar, *Panthera onca* naturally exist. It has been determined that abundant natural prey is available to the specimens to be gradually released. However, naturalistic food will be provided until the specimens has learned to totally survive without aid. This entire process of re-establishing this species will be a controlled endeavor and at no time will the survival of the specimens be jeopardized. Again we stress the fact that information and expertise in reestablishing predator species back into the wild state is vital to not only the Jaguar, *Panthera onca,* but other species in the genus *Panthera* as well. This program is considered a very important step in conserving wild populations of felines.

4. If live fish or wildlife are evolved, include a detailed description of the type, size, and construction of the container, arrangements for feeding, watering and otherwise caring for the fish or wildlife in transit, and arrangement for caring for the fish or wildlife on entry into the United States.

The animal in question will be exported legally from the Knoxville Zoological Park, Chilhowee Park, P.O. Box 1631, Knoxville, Tennessee 37914 to Dr. Pedro Trebbau, Director of Zoos, % Hacienda "El Frio, in the Apure-State, Venezuela.

The shipping containers will be exteriorly constructed of wood and lined with sheet metal interiorly. The container will weigh approximately 80 kilos and be of the following dimensions: 105 centimeters long; 55 centimeters wide; and 65 centimeters high. Arrangements will be made within the container for watering during transit. Food will be provided prior to air departure and immediately upon arrival in Venezuela. This will mean an appoximately twenty-four (24) hours fast for the specimen which is not detrimental to the specimen.

It is not possible to provide a photograph of the container, but we can assure you that the container will be of sufficient strength to ensure the specimens containment and adequate ventillations, etc.

We cite the international reputation of our zoological institution and of our director, Guy L. Smith III, concerning our genuine care for and expertise with large cats. Therefore we guarantee that every possible consideration for the specimens well being during transit will be provided. Every effort will be made to satisfy all requirements to ensure the safe arrival of the specimens.

5. The address and complete description of the facilities where such fish or wildlife will be kept:

The compound, which is nearly completed is being constructed specifically for this species and specifically for this conservational project is located at the Hacienda "El Frio," in the Apure-state, in Venezuela, which is owned by Dr. Ivan Dario Maldonado. The area in which the project will take place consists of approximately 190,000 acres.

The compound itself measures 100 meters in circumference. The walls of the compound is approximately 3 meters high with a 1 meter overhang that has an electrical wire attachment to prevent escape. The compound will also have den quarters with sliding doors, built in water receptacle and live trees for shade, and exercise. (See enclosed diagram). The compound floor will be of a natural surface (soil) with appropriate foliage such as grasses.

Routine cleaning, and other husbandry details will be provided by assistants to Dr. Pedro Trebbau, Director of the Zoos of Venezuela, who is, of course, well versed in the needs of the Jaguar, *Panthera onca*, a native species to Venezuela.

6. A statement, if applicable, of the applicants qualifications and previous experience in caring for and handling captive wildlife:

Dr. Pedro Trebbau is recognized internationally as an expert on captive species and quite noted for his many successful animal conservation endeavors.

7. A copy of the contract or other arrangements under which such fish or wildlife is to be exported, showing the home and address of seller or consigner, date of contract, contract price, number and weight (if available) and description of items:

Being a total conservational effort evolving two zoological institutions in the United States, the Director of Zoos for Venezuela, Mr. Stanly Brock, wildlife expert, and the Department of wildlife Biology of the University of Tennessee, there is no monetary transactions whatsoever. There is therefore no contract, as the entire project depends solely on the approval of the Department of the Interior. However, approval of the project has already been given by the Ministry of Agriculture of the Republic of Venezuela, for the importantion of one (1) female Jaguar, *Panthera onca*, weighing approximately one hundred (100) pounds, and eighteen (18) to twenty-four (24) months old.

8. Certification:

I hereby certify that the foregoing information is complete and accurate to the best of my knowledge and belief. I understand that the information is submitted for the purpose of obtaining an exception from the requiremetns of the Endangered Species Conservation Act of 1973, and that any false statements herein may be subject to the criminal penalties of 18 U.S.C. 1001.

9. Signature of applicant—see below.

Your consideration of the foregoing will be very much appreciated.

Sincerely.

GUY L. SMITH III,
Zoo Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-658-C07; please refer to this number when submitting comments. All relevant comments received on or before May 20, 1977 will be considered.

Dated: April 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-11398 Filed 4-19-77;8:45 am]

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Use only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Export 2 male and 2 female Hawaiian goose (Nene), Branta sandvicensis, live, to Parque Zoologico Nacional, Santo Domingo, Dominican Republic.

3. Address (Number, street, city, state and phone number of individual, business, agency, or institution for which permit is requested)
National Zoological Park
Washington, D. C. 20009

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
DATE OF BIRTH | HEIGHT | WEIGHT | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Park
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Theodore H. Reed, D.V.M., Director
(202)-381-7283
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Ship from Washington, D.C., U.S.A. to Santo Domingo, Dominican Republic

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)
8-142-C 2-550 53-X
2-373 2-298

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: 1 May 1977

11. DURATION NEEDED: 1977

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) — DATE: 20 March 77

2-200 (6/74) GPO 696-042

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: National Zoological Park, Washington, D.C. 20009. Theodore H. Reed, D.V.M., Director.

NATIONAL ZOOLOGICAL PARK,
Washington, D.C., March 17, 1977.

DIRECTOR,
Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Attention: Wildlife Permit Office.

DEAR SIR: In accordance with 50 CFR 17.22 we hereby apply for an Endangered Species Permit:

(1) To export as a gift two (2) male and two (2) female Hawaiian goose (Nene), *Branta sandvicensis*, live animals, one year old.

(2) These birds were all hatched in captivity.

(3) N.A.

(4) Hatched April–May 1976 at National Zoological Park, Washington, D.C.

(5) To be sent to Parque Zoologico Nacional, Arroyo Salado D.N., Santo Domingo, Republica Dominica where the birds will be displayed in a successful waterfowl exhibit.

(6) (i–iii) See attached copy of letter from the Parque's Curator of Birds describing their facilities.

(iv) The birds will be shipped two (2) per crate per IATA standards.

(v) The Parque zoo is new and has only been open to the public since July, 1975. To the best of my knowledge they have not had the Hawaiian goose in their collection before. The Parque zoo did not provide mortality data on their Anseriformes, but it is the impression of the National Zoological Park's Curator of Birds, who visited the facility in January 1977, that the collection is very well managed and the waterfowl death rate is low. They also have an excellent laboratory-treatment center, with two full-time veterinarians on the staff.

(7) Attached copy of letter from the Parque zoo indicates their readiness to accept the birds at any time. The offer to send the birds as a gift was made in person and there is no written contract.

(8) For over a year the National zoo has wanted to send watefowl as a gift to the new zoo in Santo Domingo, but such shipment was held up for various reasons. Now we would like to send them a variety of birds hatched at the National zoo, including the Nene, other waterfowl, and quail. Such captive reared birds would be used for educational display and propagation in a lovely, naturalistic setting. We feel certain this new zoo is a worthy institution. They have a highly trained staff which is actively engaged in wildlife research, and a remarkable education division that has given formal classes to over 170,000 individuals since the zoo opened in 1975.

Sincerely,

THEODORE H. REED, D.V.M.,
Director.

PARQUE ZOOLÓGICO NATIONAL,
Santo Domingo, February 8, 1977.

Mr. CHARLES W. PICKETT,
National Zoological Park, Smithsonian Institution, Washington, D.C. 20009.

DEAR MR. PICKETT: I would like to receive from you the following birds:

3.3 Indian Spotbill (*Anas p. poecilorhyncha*).
3.3 Australian Grey Teal (*Anas gibberifrons gracilis*).
2.2 African yellowbill (*Anas u. undulata*).
3.2 Nene (*Branta sandvicensis*).
4.2 California Valley Quail (*Lophortyx californica*).

With regards to the Code of Federal Regulations, Title 50, Section 17.22, the following information is provided:

6. (i) The anseriformes will be kept in our waterfowl lake along with 31 other species of waterfowl, 4 species of herons, 3 species of rails, 1 specie of grebe and a flock of over 80 Caribbean Flamingos. The lake covers approximately five acres, and varies from one to four feet in dept. Three islands and large portion of the lake shoreline are arranged to provide breeding areas, protective cover and space for terrestrial territories. Aquatic vegetation (*Saggitaria, Cyperus, Typha, Echinodorus, Nymphaea, Eichornia*) gives a natural look to the area. Fishes (Cechlade, Gobiidae), shrimp (*Macrobrachium*) molluscs (Cerithidea), aquatic insects and other invertebrates supply animal food in addition to the diet. There is a continuous flow of water through the lake supplied by both natural spring and a well which is operated during visiting hours. Water is pumped at a rate of 30,000 gallons per hour from this well. (See diagram.)

6. (ii) The Parque Zoológico Nacional has been exhibiting and breeding waterfowl since opening in July 1975. Among the species bred are Egyptian Goose, Foulvous whistling Duck, Black Swan, Lesser Brazilian Teal, Mallard, Red Crested, Pochard, Common Gallinule and Yellow-crowned night Heron. I have been in charge of the collection since December 1974, and have degree in Zoology.

6. (iii) I will participate in a cooperative breeding program and maintain and contribute data as desired.

If any further information is needed, please let me know.

Sincerely yours,

JOSÉ ALBERTO OTTENWALDER,
Curator of Birds.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-708-CO7; please refer to this number when submitting comments. All relevant comments received on or before May 20, 1977, will be considered.

Dated: April 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-11399 Filed 4-19-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Oklahoma City Zoo, Route 1, Box 1, Oklahoma City, Okla. 73111. Lawrence Curtis, Director.

OMB NO. 42-R1476

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)

☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

to import an endangered species

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

See point 6 (this page) and permit application text (a) (7) (v)

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

OKLAHOMA CITY ZOO
Rt. 1, Box 1
Oklahoma City, OK 73111
405/424-3344

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

Zoological, Educational, or Scientific or Propagation

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

n/a

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 405/424-3344

Lawrence Curtis, Director

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

Import from South America (country of origin yet to be determined) see permit application text (a) (7) (v)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))

73 EZ 2

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)

Valid export permit from country of origin will be in hand prior to shipment

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

$

10. DESIRED EFFECTIVE DATE

1 October 76

11. DURATION NEEDED

2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

(6) (i) (ii) (v)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink)

DATE

20 Oct 76

▶200
10-74)

OKLAHOMA CITY ZOO,
Oklahoma City, Okla. September 28, 1976.

DIRECTOR,
Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20247.

DEAR SIR: Please consider this our application to import an endangered species of animal within the context of the Endangered and Threatened Wildlife and Plants, Part 17, Subpart C, Article 17.23 for the enhancement of propagation.

(a) (1) Importation of 1 male and 2 female wild-caught, young adult maned wolves (*Chrysocyon brachyurus*).

(2) (i) The animals for which this permit is requested are still in the wild. Should the permit be granted we will authorize and engage a collector (approved by appropriate authorities in the country of origin) to live trap these animals.

(ii) N/A.

(iii) N/A.

(3) We have made a concerted effort and commitment to breed and conserve this species without removing it from the wild. The following is a summary of these efforts:

(i) 7 March 1973 a male arrived on breeding loan from the Overton Park Zoo, Memphis, Tennessee.

(ii) 29 November 1973 a female arrived on breeding loan from the Los Angeles Zoo, Los Angeles, California.

(iii) 21 February 1974 a female arrived on breeding loan from the Overton Park Zoo, Memphis, Tennessee.

(iv) Three separate trips were made to Europe—October 1973, April 1974 and March 1976 at which time conferences were held with the directors of the Cologne, Krefeld, and Frankfurt Zoos in West Germany and discussed their sending offspring of maned wolves to the Oklahoma City Zoo. These are three of the leading reproducers of maned wolf in Europe. They were willing to send surplus offspring from their respective collections but were not optimistic as to their ability to do so due to age of their animals and their desire to keep offspring for their own breeding programs for the immediate future. Subsequent events at these zoos casts a very pessimistic outlook on obtaining animals from them for many years to come.

The Oklahoma City Zoo is committed to maintaining one breeding pair and one breeding trio of this species and developing additional breeding groups from the offspring of the initial animals. That is, our commitment is to develop a breeding group sustainable without further wild-caught animals. The facilities for these animals are: (a) that which contains our existing pair (see attachment 1 and photograph), and (b) those available for the trio for which permit is requested and a third and/or fourth pair (see attachment 1-3).

The key to the success of a progressive breeding program depends upon the flexibility designed into the program itself. We feel that if we are to commit the necessary resources to the development of a third and fourth breeding pair from the initial animals, we must have the flexibility that can only occur by developing a breeding nucleus of five animals of this species. Without such flexibility should one of the animals of a single pair in the breeding nucleus die, be incompatible with the other, or be determined incapable of reproduction, the entire breeding program fails. Breeding programs at the Oklahoma City Zoo have been most successful when two unrelated males and several females were secured as the breeding nucleus. This allows the flexibility to manipulate the animals until the right combination of factors create a viable breeding nucleus.

(4) N/A.

(5) Oklahoma City Zoo, Rt. 1, Box 1, Oklahoma City, OK 73111.

(6) (i) Attachment 1 indicates the existing facility and Attachments 2 and 3 indicate two facilities which are available for the trio of maned wolves for which this permit is requested.

(ii) The Oklahoma City Zoo has been exhibiting the maned wolf since 1970; we have bred the bush dog (*Speothos venaticus*) three times since the arrival of our original pair in May 1972 and were one of the first zoos to mother-rear this species. At present a pair of bush dogs is in a breeding situation in a large, naturalistic, facility similar to that which is afforded our maned wolves. We produced two litters of cape hunting dogs (*Lycaon pictus*) and seven litters of gray wolves (*Canis lupus*) as well as bred our cheetah in February 1974 in similar naturalistic exhibits. Our pair of aardwolves produced litters in July 1974 and March 1975. These were the first captive births since 1963 and the second and third instances of captive reproduction of this species. As a result of these births the first successful hand-rearing of the aardwolf was accomplished by our nursery staff. Since these births our pair of aardwolves have been placed in one of the naturalistic exhibits similar to that occupied by our maned wolves. The pair has now excavated their own den in the natural substrate and have been observed copulating. From 1968 through 1973 we obtained and kept three pair of what the U.S. Fish and Wildlife Service suspected were red wolves (*Canis rufus*). We bred over 15 offspring from this group and distributed them to several zoos and researchers. When their identity as red wolves appeared to be hopelessly inconclusive and biologically unsound, the animals were sent to the Tacoma Zoo where further work as in progress.

The Oklahoma City Zoo is actively engaged in animal research as indicated in the enclosed publication (see Attachment 8). More than 60 area scientists (M.D. and Ph. D.) are members of the Oklahoma City Zoo Animal Research Council (A.R.C.). A.R.C. members are consulted with reference to scientific problems related to their expertise (behavior, nutrition, physiology).

In 1973 a "Survey of Conditions Associated with Breeding Cheetah in Captivity" (see Attachment 9) was published after consolidating data from an extensive questionnaire sent to all known institutions with cheetah.

During the spring of 1975 Deborah Buitron, Department of Behavioral Biology at the University of Minnesota, conducted research on the "Social Structure of a Captive Pack of African Wild Dogs (*Lycoan pictus*)" at the Oklahoma City Zoo. Ms. Buitron's research proposal (see Attachment 10) and the summary of data collected (see Attachment 11) for her master's thesis are enclosed.

In the past, the Oklahoma City Zoo staff has hand-reared many offspring due to a variety of reasons. At present, however, many of our animals are able to rear their offspring as they have been placed in larger or more secluded (see Attachment 5 for list of facilities constructed or under construction for rare or endangered species in the Oklahoma City Zoo's Rare Animal Breeding Compound) facilities which are conducive to mother-rearing. Thus, our concerted trend has been to research, design and build species-specific enclosures and husbandry programs conducive to sustained breeding and mother-rearing.

We consider hand-rearing the last resort and would only do so with maned wolves should mother-rearing be contraindicated. All too frequently hand-reared animals have difficulty adjusting to separation from their foster (human) parent and consequent difficulty acclimating to a breeding situation.

Our nursery staff has successfully hand-reared most species of great and several species of lesser cats; kangaroos and wallabies; orangutan; was the first to successfully hand-rear the golden lion marmoset (*Leotopithecus rosalia*) (see Attachment 6)—publication pending—and is currently hand-rearing a pileated gibbon (*Hylobates lar pileatus*); when necessary we routinely hand-rear offspring born to one of the largest and most diverse collections of ungulates in captivity in the world. With our nursery staff's expertise, we are confident we can hand-rear litters of maned wolves should the situation arise.

(iii) The Oklahoma City Zoo is willing to participate in a cooperative breeding program and to maintain or contribute to a studbook for the wildlife covered by this permit.

(iv) These animals will be placed in crates meeting current IATA regulations and shipped by the most appropriate airline from the country of origin to the Oklahoma City Zoo. Complete feeding and watering instructions to be attached to shipping crates.

(v) In addition, the Oklahoma City Zoo's animal care program consists of an animal hospital with adequate medical, surgical and holding facilities staffed by a full-time veterinarian and a registered medical technologist. We have two back-up veterinarians with two and six years of exotic animal experience, respectively. The animal care unit is part of the Hospital and Isolation area which is staffed by two full-time animal technicians. See Attachment 4.

Twenty-five area clinicians are members of our Animal Health Council (AHC). The AHC meets monthly and works with our fulltime veterinarian on exceptional health related problems.

7. We are currently not in contact with a collector approved by the government of the country of origin and therefore request this permit be issued for two years from the date of approval to allow the Oklahoma City Zoo to coordinate collection and receive approval of collection and export from the country of origin. At the time of receipt of contract from the collector and export permit from the country of origin, copies of this information will be forwarded to the U.S.D.I. We would expect to utilize our contacts with reputable zoos in South America to implement this project.

8. The Oklahoma City Zoo currently holds a pair of maned wolves on loan from the Overton Park Zoo, Memphis, Tennessee. These animals were sent to us on breeding loan in recognition of our facilities and management program. We have and are committted to breeding this species and are able to provide large, naturalistic breeding facilities for up to four pair. Based on the above commitment to a species in desperate need of captive propagation and the fact that importation of wild-caught, young maned wolves will contribute to a breeding nucleus, we feel justified in obtaining a permit to import a trio of these animals.

(i) See USDI form 3-200 (item 2) attached.

(ii) See (6) (vi).

(iii) Importation of a wild-caught trio of maned wolves will increase the reproductive potential of the captive population by establishing a breeding nucleus and will provide additional offspring for future captive populations, thus reducing the demand on wild populations.

(iv) In the event of the death of the animals in question, the carcasses will be preserved as scientific specimens and made available to institutions of higher learning for post mortem study.

Sincerely,

LAWRENCE CURTIS,
Director, Oklahoma City Zoo,
Route 1, Box 1, Oklahoma City, Okla.

OKLAHOMA CITY ZOO,
Oklahoma City, Okla., March 14, 1977.

MR. DONALD DONAHOO,
U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20247.

DEAR MR. DONAHOO: We request that the amendments below be made a part of our endangered species permit application filed on 28 September 1976 to import one (1) male and two (2) female wild-caught, young adult maned wolves (*Chrysocyon brachyurus*) for the enhancement of propagation. We request this because we have recently been advised that:

1. One (1) male and two (2) female maned wolves have been declared surplus by the Director of Sao Paulo, Brazil Zoo.

(a) The male and one female are adult.

(b) One female is one year of age.

2. Proper documentation and export papers are available and will be obtained prior to importing these animals if the permit is granted.

3. Information regarding country and place of capture is available and is being forwarded to us. We will send the information to you as soon as it is received here.

As you can see, the above information changes the original application in that the mentioned animals are not in the wild. We request the changes below be incorporated in our original permit application sent to you on 28 September 1976.

(a) (2) (i) Delete original statement and substitute as follows: The animals for which this permit is requested are in captivity at the Sao Paulo Zoo, Brazil.

(a) (2) (ii) Delete original statement and substitute as follows: Not applicable.

(a) (2) (iii) Delete original statement and substitute as follows: These animals have been removed from the wild and are in captivity at the Sao Paulo Zoo, Brazil.

(a) (3) Add this paragraph to our original text:

The knowledge that these animals were available (in captivity at the Sao Paulo Zoo, Brazil) and could be held by the zoo until and contingent upon an endangered species permit being obtained by us is of extraordinary importance. The communication (attached) from Mr. F. J. Zeehandelaar prompts us to pursue acquisition of these animals that are already in captivity and declared surplus by the Director of Sao Paulo Zoo

(a) (4) Delete original statement and substitute as follows: The applicant has requested additional supportive information and documents to be included in the application; however, due to geographical and language communication problems, this information has not been received. As soon as it is available, the information will be forwarded directly to you.

We are both encouraged and hopeful at this important new information. Hence, our request to amend our original application. We would appreciate your prompt consideration of our application and the amendments contained herein.

Sincerely,

LAWRENCE CURTIS,
Director

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS WPO U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-505-07; please refer to this number when submitting comments. All relevant comments received on or before May 20 1977, will be considered.

Dated: April 15, 1977

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service

[FR Doc.77-11402 Filed 4-19-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub L. 93-205).

Applicant: Robert D. Ohmart, Department of Zoology, Arizona State University, Tempe, Arizona 85281.

OMB NO. 42-R1070

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Band, wing tag, and instrument five(5) Clapper Rails (Rallus longirostris yumanensis) with radios to examine migratory movements.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Robert D. Ohmart
Department of Zoology
Arizona State University
Tempe, AZ 85281

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'11" WEIGHT: 160
DATE OF BIRTH: 2 January 1938 COLOR HAIR: Blnd COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: 602-965-2932 SOCIAL SECURITY NUMBER: 525-72-9628
OCCUPATION:
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Teaching and research at university level in field of vertebrate ecology. Research activities are financed by federal and state agencies
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
(602-965-3571)
Dr. R. H. Alvarado, Dept. Chairman
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
California
"Authorized activities under this permit must be conducted in compliance with State permit."

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Banding permit no. 9775
Sci. Collecting permit no. 2-479 AQ

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
see attached

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ individual basis

10. DESIRED EFFECTIVE DATE: April 1977
11. DURATION NEEDED: two (2) years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR [illegible]) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Robert D. Ohmart
DATE: 1/20/77

3-200
(6/74)

OBJECTIVES OF PROPOSED CLAPPER RAIL STUDY

A habitat requirement study of the *yumanensis* race of Clapper Rail is currently underway. Biotelemetry equipment has been provided by the Recovery Team to determine the wintering grounds of this race to insure the continued existence of this freshwater rail.

I. U.S. Fish and Wildlife Service bands will be placed on all trapped individuals. Narrow (3 mm) and short (7 cm) colored strips will be placed (braded plastic to plastic) on all birds except the five that will be fitted with radio transmitting units.

II. Five radio transmitting back packs will be fitted on birds trapped in late August and early September. The heaviest unit weighs 15.0 gm which is 6 percent of the body weight (233 gm) of an adult bird. Elastic will form the loops to hold the unit in place. Unit size is 3.5 cm (length) by 3 cm (width) by 1.2 cm (depth). A trailing antenna of 32 cm projects down the back and about 6 to 8 cm past the tail of the bird. Back packs will be placed on the birds in late August or early September (unit life expectancy three months). Radioed birds will be monitored daily and as they begin moving south, their progress will be plotted. By the time the battery expires (late November) they should be on the final wintering grounds. Fix-winged aircraft will be used to locate and follow the birds during the migrational phase. A graduate student, Mr. William Bennett, will assist in the study. The use of biotelemetry is essential to answering these questions.

OBJECTIVES OF PROPOSED CLAPPER RAIL STUDY

The study will be conducted in the Salton Sea area in California, where the ecological study is in progress.

I have worked in the area of avian sciences over twenty years. In my studies I have used wing tags, biotelemetry equipment and assorted techniques to study the ecology of birds. I have held state and federal banding and collecting permits for many years (over ten). I have published extensively in journals dealing with avian ecology. We have already conducted and published one study dealing with the habitat requirements of this race on the Colorado River.

Listed below are four biologists who have agreed to provide recommendations should they be requested.

Mr. W. O. Nelson, Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103.
Dr. Ralph J. Raitt, Department of Biology, New Mexico State University, Las Cruses, NM 88001.
Mr. Roy Tomlinson, U.S. Fish and Wild life Service, P.O. Box 1306, Albuquerque, NM 87103.
Dr. Russell Balda, Department of Biology, Northern Arizona, Flagstaff, AZ 86001.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-673-07; please refer to this number when submitting comments. All relevant comments received on or before May 20, 1977 will be considered.

Dated: April 15, 1977.

DONALD G. DANAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-11400 Filed 4-19-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Request for Amendment

A permit authorizing certain work of the Patuxent Center's Endangered Wildlife Research Program was not included in the Endangered Species Permit and/or Amendment Nos. 1, 2, and 3 when issued. This proposed Amendment No. 4 would update and correct our permit.

A notice containing the application for the permit was published in the FEDERAL REGISTER on August 4, 1975 (40 FR 32766, 68, 69, 70, 71), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on March 9, 1976 (41 FR 10103, 04).

Under date of September 27, 1976, the Patuxent Wildlife Research Center submitted a request for changes in the conditions of this permit. Published herewith is a copy of the request for changes which will be considered as an amendment to this permit. This request is being considered pursuant to Section 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
Amendment No.4
☐ IMPORT OR EXPORT LICENSE for ☒ PERMIT 8-86-B-C

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Certain work of the Patuxent Center's Endangered Wildlife Research Program was not included in the Endangered Species Permit and/or Amendment Nos.1,2&3 when issued. This proposed Amendment No. 4 would update and correct our permit.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Patuxent Wildlife Research Center
U. S. Fish and Wildlife Service
Laurel, Maryland 20811

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife research to enhance the status of endangered and threatened species; also to determine the effects of environmental pollutants on wildlife and their habitat.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
301-776-
Lucille F. Stickel, Director, 4880
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Continental United States, Puerto Rico, and Hawaii

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 8-85-C, PRT 8-169-C, PRT 2-913-BA, PRT 8-86-B-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
If not already received, all appropriate State permits will be obtained.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: As soon as possible
11. DURATION NEEDED: Continuing

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.23(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Lucille F. Stickel
DATE: 9/27/76

3-200
(6/74)
GPO 895-642

ATTACHMENT

Additional information, per Part 17.22 (a);

1. Common and scientific names of species sought to be covered:
Laysan duck (*Anas laysanensis*).
Mexican duck (*Anas diazi*).
Florida Everglade kite (*Rostrhamus sociabilis plumbeus*).
Southern bald eagle (*Haliaeetus l. leucocephalus*).
Hawaiian hawk (*Buteo solitarius*).
Puerto Rican whip-poor-will (*Caprimulgus noctitherus*).
Red-cockaded woodpecker (*Dendrocopos borealis*).
Kauai oo (*Moho braccatus*).
Hawaii creeper (*Loxops maculata mana*).
Po'o uli (*Melamprosops phaeosoma*).
Also, other species of Hawaiian forest birds that may become listed as "endangered" in the future.
Bachman's warbler (*Vermivora bachmanii*).
Number, age, and sex of each species cannot be determined because of the general and often opportunistic way in which field observations on these species will be made. Authorization is requested for field studies only, as outlined in item 8, below.

2. All wildlife sought to be covered is still in the wild.

3. There will be no attempt to remove healthy individuals from the wild population. All banding will be by experienced and qualified banders with an appropriate permit. Birds will be released immediately after they have been banded.

4. N/A.

5. Field studies will be conducted by research staff of the Patuxent Center in the natural habitat of the listed species (item 1, above). All activities will be conducted in the field and will cause minimal disruption of the normal activity of subject wildlife.

6. (i) There is no intent to remove individuals from the wild population.
(ii) N/A.
(iii) N/A.
(iv) N/A.
(v) The following is a listing of mortalities since September 1971 of both northern and southern bald eagles maintained by the Patuxent Wildlife Research Center.

Band No.	Date of death	Cause of death
14	Jan. 15, 1972	Myocarditis—bumble foot present on both feet.
500-34914	Apr. 1, 1972	Possible pancreatitis. The bird was blind in 1 eye when taken into captivity.
(1)	Jan. 1, 1973	Bacterial pericarditis, diffuse air sac infection caused by systemic E. coli infection, necrotic granuloma in meninges overlying the cerebellum extending into the dorsal portion of the cerebellum.
500-31915	Mar. 1, 1973	Sacrificed—blind in both eyes, cause of blindness unknown.
28	Aug. 4, 1973	The left wing was fractured and drooped badly when the eagle was acquired. The fracture callus became lacerated and abraded, and was subsequently attacked by maggots; gangrenous changes developed. Possible early pneumonic changes in the lungs and possible damage to the heart by bacterial toxins may have occurred.
23	Nov. 13, 1973	Sacrificed—severe nontypical bumble foot lesions present on both feet. Staphylococci isolated from bumble foot lesions; secondary hepatitis present. The bumble foot lesions were treated periodically over a long period of time with only temporary results. The bird also suffered from severe feather loss with no detectable replacement. Its carcass was analyzed and found to contain 250 p/m (wet weight) of PCB's, an extremely high level, even though it had been in captivity on a clean diet for 17 mo. The high level of PCB's may have contributed to its poor health.
24	Aug. 30, 1974	Sacrificed after it had been dosed with dieldrin. We wished to determine residue levels remaining in its tissues.
3	May 21, 1975	Hepatitis, aspergillosis. Causes uncertain.
39	Sept. 20, 1975	Post mortem changes advanced precluding determination of cause of death. No major injuries present. We were unable to have an autopsy conducted in a timely fashion.
500-54725	Jan. 9, 1976	Trauma to central nervous system. The bird, which was blind in 1 eye when taken into captivity, apparently flew into the pen wire or other structure within the pen.

[1] Red.

In addition to the above, three nestling bald eagles, all less than one week of age, died while being cared for by their parents. Two deaths occurred in 1972 following severe weather and one in 1973 may have been the result of fighting between nest mates. We were not able to retrieve any of the three to determine cause of death.

The following steps have been taken to decrease mortalities:

1. Amputation of wings (with old breaks) that droop badly, which tend to drag on the ground.

2. More intensive treatment of birds having moderate to severe cases of bumble foot.

3. More careful observation of all birds in an attempt to detect illness or injuries prior to severe problems.

4. Improvement of the birds' diet by the feeding of chickens once a week, fish more frequently, and rodents less frequently.

No birds of other species listed in item 1, above, have been maintained in captivity.

7. N/A. (All activities will be conducted by employees of the Patuxent Wildlife Research Center.)

8. (i) We request authorization to conduct surveys, including nesting surveys, and census, record calls, photograph, capture, band, tag, and immediately release at or near capture site, and make observations at distances necessary to accomplish scientific research. While there is no intention to systematically search for nests or to capture these species to mark them, when the opportunities exist this should be done to obtain useful information on individual identity to show mobility, longevity, extent of inbreeding in small populations, facilitate population estimates, and for many other purposes. Only experienced and qualified banders with an appropriate permit will be performing or supervising the nesting surveys and banding, tagging, or other marking; there should be little, if any, hazard to individual birds.

(ii) The purpose of the research is to obtain information regarding each endangered species, and its habitat, that can be utilized in management efforts to prevent its extinction and, hopefully, return it to safer numbers. Studies will include the determination of status and distribution, behavior under various conditions and at all seasons of the year, competing or predator species with which the endangered forms must cope, and actually or potentially negative factors that could adversely affect essential habitat. There is no intention to capture specimens for propagation or study in confinement, transplant or otherwise manipulate wild populations, or to collect live animals for museum specimen use, food habits study, or other terminal uses. Attempts to photograph and record sounds of endangered wildlife will be made only where such efforts can be made without apparent handicap or other adverse effects to the subject; it will only be accomplished by experienced personnel who in many cases are currently the most knowledgeable authorities on the species in question, and who are best able to avoid undue disturbance to the species. Such photography and sound recording will be for the purpose of documenting behavior, plumage and pelage patterns, and other physical and ethological characteristics of each species for its more complete understanding and management. No animals will, however, be captured for this purpose; photography and sound recordings will be made opportunistically when and where they can be safely accomplished.

Species and activities not including those previously listed in Amendment No. 1 are as follows:

Layson duck—This species is censused annually during status surveys on the Hawaiian National Wildlife Refuge (Laysan Island) without adverse effects.

Mexican duck—The biologist located at Tucson, Arizona, is responsible for studies of endangered species of the Southwest, and will include this species in general status surveys as opportunities permit. No intensive studies are currently contemplated, but banding would be advisable if and when opportunities permit.

Florida Everglade kite—Our biologist-in-charge, Delray Beach Field Station, is directing his principal research efforts to studies of the status, distribution, ecology, behavior, population dynamics, and productivity of this endangered species. He must observe, photograph, record calls, survey (including nest surveys), census, capture, band or tag, and measure eggs and young of this species. It should, therefore, be listed under D-3, but with the understanding that viable eggs or live birds of this species would not be removed from the wild. One experienced researcher is employed in this study, and no detectable adverse effects have been associated with these investigations.

Southern bald eagle—This species was omitted from previous submissions but should be included for general status surveys by our biologist located in Delray Beach, Florida, who is responsible for endangered species research in the Southeast. No intensive studies are currently contemplated, but banding is advisable when and if opportunities permit.

Hawaiian hawk—No intensive research upon this species is envisioned in the foreseeable future. As other assignments permit, records will be kept of field observations and any nests encountered will be checked and the remains of unhatched eggs or dead nestlings will be collected for pesticidal residue analysis or determination of eggshell thickness. Remains of prey items and parasites at the nest will also be collected and identified.

Puerto Rican whip-poor-will—The biologist assigned to study endangered and threatened species in Puerto Rico carries out annual call counts during the breeding season but is undertaking no intensive ecological studies. Nests are rarely found, but when they are, it would be advisable to band, measure, photograph, weigh, and record other characteristics of this little-known species. No harmful disturbance of the whip-poor-will population is anticipated.

Red-cockaded woodpecker—This species was omitted from previous submissions but should be included for general status surveys by our biologist located in Delray Beach, Florida, who is responsible for endangered species research in the Southeast. No intensive studies are contemplated, but banding is advisable when and if opportunities permit.

Hawaiian forest birds—justification for activities as described above was included in our memorandum of June 16, 1975, but not included in our memorandum of March 17, not in Amendment No. 1. Three Hawaii forest bird species were omitted from Amendment No. 1 namely, Kauai oo, Hawaii creeper, and the Po'o uli. The Kauai oo was inadvertently omitted from our submissions but the justification given for the group Hawaiian forest birds under Item 21 on page 11 of our June 16, 1975, memorandum covers all pertinent research needs and safeguards. Justification for inclusion of the Hawaii creeper, recently classified as endangered, is also identical to that provided for other endangered Hawaiian forest birds as reported under Item 21 on page 11 of our June 16, memorandum, as is that for the Po'o uli, both of which are also listed in our memorandum of March 17, 1976, but not in Amendment No. 1.

Other species of Hawaiian forest birds that may become listed as "endangered" in the future and which can be encountered in the field by research biologists of the Patuxent Center—To obviate the need for applying for and issuance of amendments each time more Hawaiian forest bird species are added to the endangered species list, we would like to request that biologists of our staff be authorized to carry out research under the same guidelines that apply to their studies of other forest birds already having endangered status

Bachman's warbler—Although no intensive studies of this species are contemplated, observations will be made opportunistically whenever possible. No capturing, tagging or handling or intentional disturbance is anticipated.

(iii) Included in item 8 i and ii, above.

(iv) Specimens found in obvious distress and unlikely to survive in the wild without assistance will be captured, confined, and treated until sufficiently recovered to be released. Upon recovery, animals will be returned to the point of capture, or if local conditions make release there unwise, to another location within their known historic range where they are most likely to survive. Any skin, skeleton, various organs, or related material from specimens found dead, or which die while in confinement, will be transferred to the National Fish and Wildlife Laboratory, Smithsonian Institution, Washington, D.C. for incorporation into its collections.

In keeping with the spirit of the Endangered Species Act of 1973 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 8-86-B-C; Please refer to this number when submitting comments. All relevant comments received on or before May 20, 1977, will be considered.

Dated: April 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77-11401 Filed 4-19-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-20]

BOWENS PHARMACY OF MADISON, INC., ET AL.

Hearing

In the matter of Bowens Pharmacy of Madison, Inc., Madison, West Virginia, Bowen Pharmacy of Sissonville, Sissonville, West Virginia, Bowen Pharmacy of Kanawha City, Inc., Charleston, West Virginia, Bowen Pharmacy of Dunbar, Inc., Dunbar, West Virginia, and Champs, Inc., Clendenin, West Virginia.

Notice is hereby given that on April 20, 1976, the Drug Enforcement Administration, Department of Justice, issued to the above-named retail pharmacies an Order to Show Cause as to why the Drug Enforcement Administration registrations, AB2991013, AB5280689, AB6073768, AB5725657, and AC5877420, issued respectively to the above-named retail pharmacies pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondents, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, May 3, 1977, in Courtroom No. 3, U.S. Court of Claims, 717 Madison Place, N.W., Washington, D.C.

Dated: April 13, 1977.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc.77-11407 Filed 4-19-77;8:45 am]

[Docket No. 77-9]

JOSEPH A. GRECO, M.D.

Hearing

Notice is hereby given that on February 2, 1977, the Drug Enforcement Administration, Department of Justice, issued to Joseph A. Greco, M.D., Patchogue, New York, an Order to Show Cause as to why the Drug Enforcement Administration registration AG0800727 issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Friday, May 6, 1977, in Courtroom No. 3, U.S. Court of Claims, 717 Madison Place, N.W., Washington, D.C.

Dated: April 13, 1977.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc.77-11406 Filed 4-19-77;8:45 am]

[Docket No. 76-30]

JOSEPH O. LASBY, M.D.

Final Order

On July 1, 1976, the Administrator of the Drug Enforcement Administration (DEA) directed to Joseph O. Lasby, M.D. of Tacoma, Washington, (hereinafter, "Respondent"), an Order to Show Cause as to why Respondent's DEA Certificate of Registration No. AL6543082 should not be revoked for reason that on February 14, 1976, Respondent executed an application for registration in Schedules II (non-narcotic), III, IV and V, indicating therein and by an accompanying letter that he was authorized to handle Schedule II non-narcotic controlled substances, thereby materially falsifying said application since Respondent's privilege to prescribe or dispense Schedule II controlled substances was permanently revoked by the Medical Disciplinary Board of the State of Washington on December 3, 1973. On July 14, 1976, Respondent, through his attorney, requested a hearing on the Order to Show Cause.

Following the completion of a prehearing conference, the Honorable Francis L. Young, Administrative Law Judge, issued a prehearing ruling, and on February 8 and 9, 1977, a hearing was conducted by Judge Young in Seattle, Washington. On March 14, 1977, Judge Young certified to the Administrator the record of these proceedings, including his recommended ruling, findings of fact, conclusions of law and decision. Based upon careful consideration of the entire record and, pursuant to 21 CFR 1316.66, the Administrator hereby publishes his final order based on the following findings of fact and conclusions of law.

On or about February 14, 1976, the Respondent applied for renewal of his present registration under the Controlled Substances Act and for registration in Schedule II non-narcotic despite the fact that he was prohibited, under Washington State law, to handle this schedule. In so applying, he sent with his application for registration a letter which read as follows:

Gentlemen: I would like to be issued a Schedule II non-narcotic registration. I have III, 4 and 5, but it would be convenient for me to have No. 2 non-narcotic.

My State of Washington license was suspended the first 6 months of 1974, but I was back in practice in 1975 and to the present time without any problems. However, I would like to have No. 2 non-narcotic but do not wish to have a narcotic license.

If I am given class 2 non-narcotic, I would not write narcotics except on schedule 3, 4 and 5.

The Respondent neither contacted the State to determine whether he was entitled to handle Schedule II non-narcotic controlled substances, nor did he contact the local DEA office. Instead, he submitted the aforementioned letter with the standard DEA registration form. The Administrator agrees with the finding of the Administrative Law Judge that "only a stupid or desperate man would have used such a letter in an attempt to deceive". Had the Respondent merely checked the "Schedule 2, non-narcotic" box on the registration form, the Administrator would not have any difficulty in finding that he materially falsified his application. The letter tends to negate a specific finding of intent to mislead and, therefore, the Administrator concludes that there is no lawful basis for the revocation of Respondent's registration at the present time.

The Administrator finds that the Respondent did, in fact, "apply" for registration in "Schedule 2, non-narcotic". The accompanying letter must be read as part of the application. The Administrator finds that the Respondent affirmatively answered the question on the application form which read, "Are you currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying, under the laws of the state or jurisdiction in which you are operating or propose to operate?"

Respondent was not so authorized with respect to Schedule II non-narcotic controlled substances. Only the fact of the accompanying letter leads the Administrator to conclude that there was no positive proof of intentional falsification. The record of this proceeding contains a greater deal of testimony and other evidence indicating a past history in dealing with controlled substances which would support the denial of a registration had this Respondent been a manufacturer or distributor instead of a practitioner. There is evidence that the Respondent illegally prescribed controlled substances during a time when he was not registered at all and that he has prescribed and continues to prescribe controlled substances for addicts. Why he was not prosecuted for these violations does not appear in the record. His prescribing practices merit further scrutiny. There is additional evidence that he may have violated the terms of the State probation imposed on his medical license: however, Section 304 of the Controlled Substances Act does not provide for revocation upon these bases.

This case has been decided on the merits of its own peculiar facts; it should

not be considered precedent. The administration of the Controlled Substances Act is no small task. There are currently about one half million registrants who are practitioners. In order to provide these registrants with annual registrations on a timely basis, the Drug Enforcement Administration must rely upon the honesty of the applicant. In the case of over 99 percent of these registrants or applicants, this reliance is well placed. The alternative is to require that applications be executed under oath or to institute a costly verification process for each and every application or request for modification of a registration. Therefore, those few registrants or applicants who might seek to obtain registrations without the requisite state authorization as well as those who would otherwise provide misleading answers to questions on the application form must be on notice that all representations with respect to the application form will be considered material and that Section 304(a)(1) of the Controlled Substances Act, (21 U.S.C. 824(a)(1)), providing that a registration may be revoked, suspended or denied upon a finding that the registrant materially falsified any application under the Act, can, and will, be strictly interpreted and applied.

Accordingly, pursuant to the authority vested in the Attorney General, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the Certificate of Registration, AL6543082, issued to Joseph O. Lasby, M.D., to dispense and prescribe Schedule III, IV and V controlled substances not be revoked.

Dated: April 13, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc 77-11404 Filed 4-19-77; 8:45 am]

[Docket No. 76-37]

UMBLES' DREW-HALE PHARMACY, INC.

Hearing

Notice is hereby given that on September 9, 1976, the Drug Enforcement Administration, Department of Justice, issued to Umbles' Drew-Hale Pharmacy, Inc., Toledo, Ohio an Order to Show Cause as to why the Drug Enforcement Administration should not deny the applications for Registration under the Controlled Substances Act of 1970, of the Respondent executed on April 24, 1975 and April 14, 1976, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on May 5, 1977 in Courtroom No. 3, U.S. Court of Claims, 717 Madison Place NW., Washington D.C.

Dated: April 13, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-11405 Filed 4-19-77;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

APRIL 14, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides:

> At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Kansas Legal Aid Society in Topeka, Kansas to serve the counties of Leavenworth, Brown, Doniphan, Atchison, Jackson, Buttler, Harvey, McPherson and Saline.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77-11366 Filed 4-19-77;8:45 am]

GRANTS AND CONTRACTS

APRIL 13, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides:

> At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

1. Wyandotte County Legal Aid Society, Kansas City, Kansas to serve Leavenworth County.

2. Legal Aid Society of Topeka, Topeka, Kansas to serve Brown, Doniphan, Atchison and Jackson Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77-11365 Filed 4-19-77;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

Meeting

A meeting of the National Commission on New Technological Uses of Copyrighted Works (CONTU) will be held at 10 a.m. on Thursday, May 5, 1977 and at 9:30 a.m. on Friday, May 6, 1977 in the CONTU conference room No. 910, 1921 Jefferson Davis Highway, Crystal City, Virginia.

The proceedings will be devoted to a discussion of subcommittee reports on the copyrightability of computer software and automated data bases. The meeting will be open to the public.

Full transcripts of the meeting will be available for purchase from the National Technical Information Service in July of 1977; ordering information may be obtained from Carol A. Risher, Information Officer, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director, National Commission on New Technological Uses of Copyrighted Works.

[FR Doc.77-11620 Filed 4-19-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

Pursuant to the provisions of the Federal Avisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., in Room 1130, Washington, D.C. 20506, from 9:00 a.m. to 5:00 p.m. on May 16, 1977.

The purpose of the meeting is to review applications for the Translations Program submitted to the Naticnal Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority

to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11457 Filed 4-19-77;8:45 am]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., in Room 1130, Washington, D.C., 20506, from 9:00 a.m. to 5:00 p.m. on May 17, 1977.

The purpose of the meeting is to review applications for the Translations Program submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11458 Filed 4-19-77;8:45 am]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., in Room 1130, Washington, D.C., 20506, from 9:00 a.m. to 5:00 p.m. on May 17, 1977.

The purpose of the meeting is to review applications for the Translations Program submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11459 Filed 4-19-77;8:45 am]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., in Room 1025, Washington, D.C. 20506, from 9:00 a.m. to 5:00 p.m. on May 20, 1977.

The purpose of the meeting is to review applications for the Translations Program submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11461 Filed 4-19-77;8:45 am]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., in Room 1130, Washington, D.C., 20506, from 9:00 a.m. to 5:00 p.m. on May 23, 1977.

The purpose of the meeting is to review applications for the Translations Program submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11462 Filed 4-19-77;8:45 am]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., in Room 1130, Washington, D.C., 20506, from 9:00 a.m. to 5:00 p.m. on May 26, 1977.

The purpose of the meeting is to review applications for the Translations Program submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11463 Filed 4-19-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 14, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form numbers(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202–395–4529, or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

USCSC College Recruitment Survey, single-time, 4 year college and university students, Caywood, D.P., 395–3443.

DEPARTMENT OF DEFENSE

Department of the Air Force, Civil Reserve Air Fleet (CRAF) Personnel Security Clearance Report, semi-annually, 20 CRAF carriers, Lowry, R.L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, Typology and Service Assessment of Runaway Youth Unable or Unwilling to Return Home, single-time, clients of funded runaway projects and service providers, Reese, B.F., 395–3211.

Social Security Administration, Survey of Physicians' Practice Costs, SSA-3482, annually, physicians in 18 specialties, Richard Eisinger, 395–6140.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Establishment Information Form, Wage Data Collection Forms, FWS 2, annually, firms engaged in manufacturing wholesale trades, Strasser, A., 395–5867.

DEPARTMENT OF THE TREASURY

Departmental and Other Liabilities to, and Claims on, Foreigners U.S. Nonbanking Institutions, C–3, monthly, non-banking business concerns, Gaylord Worden, 395–4730.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–11566 Filed 4–19–77;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

MEETING

The Privacy Protection Study Commission hereby announces that it will hold meetings from 1:30 p.m. to 5:30 p.m. on Tuesday, May 3, 1977, and from 9 a.m. to 5:30 p.m. on Wednesday, May 4, 1977 in Washington, D.C. The meetings will be held in a room in either the House or Senate Office Buildings, the exact location will be available by calling the Commission offices. All meetings will be open to the public.

The agenda for the meetings will include a discussion of Commission business matters, as well as the Commission's final review of projects and recommendations in preparation of the issuance of its final report.

For further information, contact Mark Ferber, Public Affairs Officer, at 202–634–1477.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

[FR Doc.77–11531 Filed 4–19–11;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 9725; 812–4099]

NARRAGANSETT CAPITAL CORP., ET AL.

Filing of Application for Order

APRIL 18, 1977.

In the matter of Narragansett Capital Corporatian, 40 Westminster Street, Providence, Rhode Island 02903 Amtel, Inc., 40 Westminster Street, Providence, Rhode Island 02903; Dr. A. T. Yu, Mr. Anthony Palladino and Mr. Charles H. Ricker, Jr., c/o Orba Corporation, One Gothic Plaza, Fairfield, New Jersey 07006; (812–4099).

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), registered under the Investment Company Act of 1940 (the "Act") as a nondiversified, closed-end management investment company, and licensed as a small business investment company under the Small Business Investment Act of 1958, Amtel, Inc. ("Amtel"), and Dr. A. T. Yu, Mr. Anthony Palladino, and Mr. Charles H. Ricker, Jr. (the "Executive Stockholders", referred to collectively with Narragansett and Amtel as the "Applicants"), filed an application on March 1, 1977, and amendments thereto on April 11, 1977, and April 15, 1977, for an order of the Commission (1) pursuant to section 17(d) of the Act and Rule 17d-1 thereunder to permit a proposed purchase by Amtel of 50 percent of the outstanding Class A Common Stock of Orba Corporation ("Orba") from Narragansett and 30 percent of such outstanding stock from the Executive Stockholders, and (2) pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act that proposed purchase from Narragansett. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Amtel, a publicly held corporation having a net worth of $45 million, is a diversified company engaged in process engineering and construction, petroleum marketing, and the manufacture and sale of industrial and consumer products. The application states that Narragansett holds 439,350 shares, or 9.4 percent, of the outstanding common stock of Amtel; that Royal Little, a director of Narragansett, is Chairman of the Board of Directors of Amtel and owns, directly or indirectly, 38,768 shares of such common stock; and that the officers and directors of Narragansett collectively own, directly or indirectly, 48,685 shares of such common stock. The application also states that Narragansett and Amtel have one other common director, Mr. Raymond J. Armstrong.

Applicants submit that Orba was organized in 1972 to engage in business as engineers in material handling systems on a worldwide basis for such bulk products as coal, copper, ore and chemicals. They state that Narragansett made an original investment of $725,000 in Orba, of which $600,000 was represented by subordinated debt and $125,000 was represented by 12,500 shares, or 50 percent of the outstanding Class A common stock of Orba, and that the balance of such outstanding common stock was acquired by the Executive Stockholders, who were on a worldwide basis for such bulk prodthe founders of Orba and presently serve as its diretcors, officers and employees. According to the application, Orba offered a new concept and a new approach to bulk material handling; it determined to offer total bulk material handling and transportation services, incorporating consultation and design, engineering and construction, financing, and facility operations. The application states that while operationally the Orba concept rapidly proved successful, it became clear that the scale upon which its operations depended for cost-saving advantages created substantial capital demands, in excess of what Orba could itself generate, and that a financial reverse of a major French contract supplier of machinery for Orba stretched Orba's financial resources to the limit. Applicants allege that these two factors, together with a decline in the demand for Orba's services resulting from the cut-back in capital spending programs in the industry which it serves, made it necessary for Orba, in the fall of 1976, to seek refinancing with Narragansett as well as with Industrial National Bank of Rhode Island ("INB"). The application states that on December 8, 1976, Matran, a wholly owned subsidiary of Orba, entered into a "Loan Agreement" with INB for a $703,125 loan to Matran, and Narragansett exchanged its original $600,000 subordinated loan to Orba for two new subordinated Notes to Matran, for $775,000 (with an additional commitment for $125,000) and $35,076 (representing accrued by unpaid interest on old indebtedness) respectively, both Notes being guaranteed by Orba and both being subordinated to the INB indebtedness. The application states that at December 31, 1976, Orba had a net capital deficiency of $965,000 and had suffered losses for the seven month period ending on that date of $199,000. The application further states that Orba has suffered losses in four of its last five fiscal years.

According to the application, Orba's Board of Directors was persuaded that, to continue to operate successfully, Orba must have substantial capital resources available to it, but Narragansett's Board of Directors felt that Narragansett could not commit to Orba, only one of its portfolio companies, the further capital resources which might be needed. Applicants state, however, that the Executive Stockholders suggested that Amtel, a large company with sales in 1975 in excess of $349 million, a net worth of over $45 million, current assets of $117 million and annual income of $6 million, had financial resources that were on the scale required by Orba and might provide a solution to this problem.

Applicants submit that, at recent meetings of the Boards of Directors of Amtel and Narragansett, the Board of each company approved the acquisition by Amtel of 80 percent of the outstanding Class A common stock of Orba from Narragansett and the Executive Stockholders pursuant to a Stock Purchase Agreement (the "Agreement"), subject in each case to the order of the Commission requested herein and, in Amtel's case, to a favorable vote of its shareholders.

The Agreement provides that Amtel will purchase 80 percent, or 20,000, of the 25,000 outstanding shares of Class A common stock of Orba (the "Sold Shares"), and enter into certain commitments described below with respect to the 5,000 outstanding shares (the "Retained Shares"). It is proposed that Narragansett will sell all of the 12,500 shares owned by it, and that the Executive Stockholders will each sell 2,500 of the approximately 4,167 shares owned by them, for a purchase price in each case of $40.00 per share payable in cash at the closing of the transaction (the "Closing"), which is to take place not later than May 31, 1977. Applicants allege that this will result in aggregate cash proceeds to Narragansett of $500,000, and will terminate Narragansett's interest in Orba except for subordinated notes of Matran, in the face amount of $810,076.72, bearing interest at the rate of 5 percent over prime per annum, but not less than 12 percent nor more than 15 percent. Applicants further allege that each of the Executive Stockholders will realize cash proceeds of $100,000, and each will continue to hold approximately 6⅔ percent of the outstanding shares of Orba, subject to the rights and restrictions described in the Agreement.

The Agreement provides that the Retained Shares are subject to certain rights and restrictions, many of which relate, in the case of a future sale of Orba shares, to a "Formula Price" per share of Orba, computed as follows: $40 (the cash price per share for the Sold Shares), plus or minus $65 percent of the cumulative net amount of all consolidated net profit or loss (as defined in the Agreement) of Orba per share from the Closing to the date of such sale arising from long term gain or loss from the disposition of capital assets and 50 percent of the remaining portion of such consolidated net profit or loss. The application summarizes the provisions of the Agreement relating to the Retained Stock as follows: (1) Amtel has a right of first refusal on all Retained Shares (except for transfers to executors or family trusts) at the lower of (i) the price to the proposed purchaser, or (ii) the Formula Price; (2) Amtel cannot sell the Sold Shares or the business of Orba until January 1, 1980. In addition, if Orba has a cumulative consolidated net loss over a 24-month period commencing on or after January 1, 1978, Amtel can purchase the Retained Shares at the Formula Price, without any premium, terminate the employment contracts of the Executive Stockholders, and dispose of the stock or assets of Orba, subject, however, to a right of first refusal on the part of the Executive Stockholders. In the case of any other contemplated disposition of Orba, Amtel must call the Retained Shares at the price specified in (3) below; (3) at any time after December 31, 1979, Amtel has a call on any or all of the Retained Shares at percentages of the Formula Price, ranging from 112 percent in 1980 to 100 percent in 1986 and thereafter; (4) if the employment of any Executive Stockholder is terminated for a violation of his employment agreement, Amtel has a call on his Retained Shares at the lower of the Formula Price or $40 per share plus simple interest at the rate of 6 percent; (5) if the employment of any Executive Stockholder is terminated without violation of his employment agreement, including termination for death or total disability, Amtel has an obligation to buy his Retained Shares, and he has an obligation to sell them, at the Formula Price.

The application also states that so long as the Executive Stockholders continue to hold Retained Shares, they are entitled to certain powers and rights of veto including that, without the consent of a majority of the surviving Executive Stockholders, Orba cannot issue any stock, options, warrants or convertible securities. The application further states that the Agreement also requires, as a condition of closing, that each of the Executive Stockholders enter into employment contracts for a period ending December 31, 1979.

Applicants further represent that among the conditions of closing is the condition that INB and Narragansett shall have amended the terms of the aforementioned loan agreements with Matran dated December 8, 1976, so that, inter alia, INB and Narragansett will no longer have security interests in properties of Orba and Matran, and that Amtel, in order to induce INB and Narragansett to do so, shall have executed certain "Comfort Letters," relating to an expression of Amtel's intention, without obligation to do so, to advance sufficient funds to Matran to enable it to make payments under the loan agreements. The application also states, however, that if the Matran loans are not refinanced by the Closing in the manner indicated, it is anticipated that the parties may waive this condition of closing, and that Amtel may thereafter cause the prepayment in full of the entire principal amount of the INB and Narragansett loans under the December 8, 1976 Loan Agreements, in order to avoid the substantial interest charges to which such parties are entitled under such loan agreements.

Section 2(a)(3) of the Act includes, within the definition of "affiliated person" of another person, (1) any person controlled by such other person; (2) any person five per centum or more of whose outstanding voting securities are owned by such other person; and (3) any employee, officer or director of such other person. Section 2(a)(9) of the Act provides, in part, that any person owning more than 25 per centum of the voting securities of a company shall be presumed to control such company. Accordingly, it appears from the foregoing that (1) Amtel is an affiliated person of Narragansett, (2) Orba is an affiliated person of, and presumed to be controlled by, Narragansett, and (3) the Executive Stockholders are affiliated persons of an affiliated person (Orba) of Narragansett.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company knowingly to purchase from such registered company, or from any company controlled by such registered company, any security or other property, except securities of which the seller is the issuer. Section 17(b) of the Act generally provides that, upon application, the Commission shall exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, to effect any transaction in which such investment company is a joint participant,

without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants accordingly request an order of the Commission (1) pursuant to section 17(d) of the Act and Rule 17d–1 thereunder permitting the proposed purchase by Amtel, from Narragansett and the Executive Stockholders, of 80 percent, collectively, of the outstanding Class A common stock of Orba, and (2) pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the proposed purchase by Amtel from Narragansett of 50 percent of such outstanding common stock.

Applicants assert that the $800,000 consideration proposed to be paid by Amtel for 80 percent of the outstanding equity of Orba was determined in arm's-length negotiations between Harvey J. Sarles, Chairman of the Executive Committee and Chief Executive Officer of Narragansett, acting on behalf of Narragansett and its shareholders, Jerome Ottmar, as President and Chief Executive Officer of Amtel, acting on behalf of Amtel, and the Executive Stockholders, acting on their own behalf. In addition, Applicants assert that the two common directors of Amtel and Narragansett did not participate in the vote of Amtel's Board approving the Agreement.

Applicants further assert that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair for the following reasons: (1) A present contract for management and operation of the Superior Coal Transshipment Terminal in Superior, Wisconsin, has, in Applicants' estimation, a minimum after-tax present value to Orba of at least $871,000; (2) Amtel's management believes that the "energy crisis" may lead to an increase of emphasis on coal as an energy source, resulting in a significant increase in the need for coal handling facilities such as are designed and operated by Orba; (3) on March 4, 1977, Georgia Power Company chose Orba to operate its new coal transloader terminal on the Tennessee River at Pride, Alabama, pursuant to which arrangement the planned commitment for 1977–1982 has an after-tax present value to Orba, Applicants assert, of approximately $770,000; (4) Applicants assert that Orba's operations will complement the operations of Amtel's engineering and construction subsidiaries and divisions; (5) Applicants allege that Amtel has the financial resources to finance Orba's working capital requirements and that Amtel will benefit from Orba's ability to utilize its net operating loss carryforward of approximately $2,800,000; (5) Amtel's management believes that Orba and its personnel have, in the brief period of Orba's existence, gained a wide reputation for excellent performance and technical expertise in the engineering of material handling systems and that Orba is pursuing opportunities to design, engineer, and build additional transshipment facilities which may generate significant revenues and profits; (6) Applicants represent that Orba has developed certain proprietary shiploading and materials handling systems which, Amtel's management believes, have an excellent potential for generating future revenues; and (7) Applicants state that Orba's budgeted statement of operations for the year ended December 31, 1977, shows profitable operations by the last quarter of 1977.

Applicants assert that the participation of Narragansett in the proposed transaction will not be on a basis less advantageous than that of other participants. However, they concede that, since only 60 percent of Orba's Class A common stock held by the Executive Stockholders is to be bought by Amtel at the Closing, while 100 percent of the common stock held by Narragansett is to be so bought, those two classes of stockholders are participating on a different basis. They concede that Narragansett may also be viewed as participating on a different basis in that the Agreement provides that Narragansett amend the terms of its loan agreement with Matran and its guaranty agreements with Orba, so that Narragansett may be viewed as giving and receiving "consideration" in connection with the Agreement, apart from the cash price of $40 per share of Orba, which is different from the "consideration" given and received by the Executive Stockholders apart from their $40 per share of Orba.

Applicants state that the purpose to have the Executive Stockholders continue to retain 20 percent of the equity of Orba was suggested by the President of Amtel and not by either Narragansett or the Executive Stockholders; they assert that the purpose of this arrangement is to provide additional incentive to the individuals who will be continuing to operate Orba after acquisition of its control by Amtel. Applicants further submit that, although the Executive Stockholders may in the future realize a price different from $40 per share for the Retained Shares, in that instance the basic price from which the Formula Price is computed is $40 per share, and the extent to which the Executive Stockholders would therefore realize more or less than $40 per share in the future is a direct reflection of their success or failure in running Orba's business after the Closing. Applicants also submit that the Executive Stockholders are committing their individual futures to the Orba business, while Narragansett, originally the larger investor, is realizing somewhat more cash from the present sale from the Executive Stockholders, but still has a considerable investment at stake in the form of subordinated loans.

Applicants submit that the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching. Applicants further represent that the proposed transaction is consistent with Narragansett's investment policy and the purposes of the Act and that the participation by Narragansett in such transaction is not on a basis less advantageous than that of other participants.

Notice is further given that any interested person may, not later than May 6, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at their respective addresses as set forth above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–11628 Filed 4–19–77;10:36 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02–0329]

FIRST GENERAL CAPITAL CORP.

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)) under the name of First General Capital Corporation, 505 Park Avenue, New York, New York 10022, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Name and Title
Thomas Howard Quinn, 37 East 64th St., New York, N.Y., 10021. Chairman and Director.
Richard Hanford Hurd, 128 Westminster Road, Chatham Township, N.J. 07928. President, General Manager and Director.
Leslie Peter Roth, 17 Ash Lane, Lake Hiawatha, N.J. 07034. Vice President, Treasurer and Director.
Arlene Frances Nalesnik (nee, Leccese) Secretary and Director, 33 Russell Road, Ringwood, N.J. 07456.

The Applicant proposes to commence operations with capital of $755,000 provided by First General Resources (parent) which concern is a Massachusetts Business Trust with interests in Real Estate Management and Real Estate Development, Automobile Leasing and other business interests. It is a publicly held business trust organized and existing under the laws of the State of Massachusetts. Its common stock is owned by approximately 2,633 shareholders. It is the intention of the parent to increase the applicant's capitalization over the next four years to $1,500,000. Applicant proposes to invest in small business concerns located throughout the United States of America and its territories and possessions but, emphasis will be in the New York and New England areas. Applicant expects to perform consulting services for investees and other small business concerns, however, the Applicant does not intend to use the services of an investment adviser.

Matters involved in SBA's consideration of the application include the general business reputation of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than May 5, 1977, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 11, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77–11391 Filed 4–19–77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

FLOAT GLASS FROM THE UNITED KINGDOM

Amendment of Notice of Preliminary Countervailing Duty Determination

AGENCY: United States Treasury Department.

ACTION: Amendment of notice of preliminary countervailing duty determination.

SUMMARY: This notice is to advise the public that the preliminary countervailing duty determination on float glass from the United Kingdom is being amended to correct that notice for the purpose of accuracy.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

R. Theodore Hume, Office of the General Counsel, U.S. Treasury Department, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220 (202–566–2941).

SUPPLEMENTARY INFORMATION: On June 30, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 27499). This notice stated that on the basis of certain facts described therein, it was preliminarily determined that no bounty or grant was being paid or bestowed by means of regional investment programs upon the manfucture, production, or exportation of float glass from the United Kingdom within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The facts set forth in this preliminary countervailing duty determination subsequently were adopted in the "Notice of Final Countervailing Duty Determination" published in the FEDERAL REGISTER of December 22, 1975 (40 FR 59227).

The information obtained during the investigation conducted was recently reviewed and it is deemed appropriate, for the purposes of accuracy, to correct the last sentence of paragraph three of the preliminary determination to read as follows:

The amount of assistance provided by the regional incentive programs was slightly over 1 percent of the value [the exact amount is less than two percent, but is not stated in order to protect confidential commercial information] of the float glass sold.

This correction in no way affects the final negative countervailing duty determination issued previously in this case.

VERNON D. ACREE,
Commissioner of Cutoms.

Approved: April 5, 1977.

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

[FR Doc.77–11434 Filed 4–19–77;8:45 am]

Office of Revenue Sharing

ENTITLEMENT DATA

Procedure for Data Improvement

The data used by the Office of Revenue Sharing in calculating the revenue sharing allocations for all State governments and units of local governments pursuant to the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919; 31 U.S.C. 1221 et seq., as amended by the State and Local Fiscal Assistance Amendments of 1976 (90 Stat. 2347)) for Entitlement Period Nine (October 1, 1977 through September 30, 1978) will be mailed to each recipient government on or about April 15, 1977. The collective data for all State governments and units of local government used in the allocations for Entitlement Period Nine will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 by early summer, 1977.

These data have been compiled by the Bureau of the Census, Bureau of Economic Analysis, Internal Revenue Service, and the Bureau of Indian Affairs. The definitions of each data element are provided in this notice.

Additionally, an estimated allocation amount has been provided to each State government, and to each local recipient government on the data form 3233 or form 3240 (described below), to aid each recipient government in its data verification efforts. Please note that this allocation amount is an estimate only, and will not be used as the basis or each recipient government's payment for Entitlement Period Nine. If a recipient government does not believe the estimated allocation amount is approximately correct, it should check its data carefully to find the source of the discrepancy.

In order to assure equitable treatment for each recipient government, the data will be declared final, and the amount of revenue sharing funds each recipient government will actually receive will be determined only after the Office of Revenue Sharing has had an opportunity to review all of the questioned data. This process is necessary to validate the data and to correct data found to be erroneous.

The amount of revenue sharing funds each recipient government will actually receive for Entitlement Period Nine will be printed on Assurance Forms for Entitlement Period Nine to be sent to all recipient governments. The amount of revenue sharing funds each recipient government will actually receive will differ from the estimated allocation amount appearing on form 3233 or form 3240 containing each recipient government's data factors. This is because data which are reviewed and corrected under this data improvement procedure will differ from that used to make the estimated allocation amounts. When these revised data are entered into the revenue sharing formulas, and because many recipient governments compete with one another for a given amount of revenue sharing funds on the basis of their data, changes in the data will cause changes in the amount of revenue sharing funds each recipient government will actually receive.

The exception to this procedure will be for those cases where a State or local government makes a demand for adjustment (or a demand is made by the Secretary) on or before September 30, 1979, pursuant to § 102(b) of the State and Local Fiscal Assistance Act of 1972 (31

U.S.C. 1221 as amended by § 6(e)(2) of the State and Local Fiscal Assistance Amendments of 1976 (90 Stat. 2347)). If a demand for adjustment is made by a recipient government, the demand shall be made in writing and contain evidence and documentation to fully justify the proposed corrections of data. In that event, the adjustment, if any, will affect only the recipient government for which a demand for adjustment has been made. Those recipient governments for which a demand is not made, will receive for Entitlement Period Nine the amount of revenue sharing funds indicated on the Assurance Forms for Entitlement Period Nine.

STATE GOVERNMENTS

The State data will be mailed to the Governor of each State and to the Mayor of Washington, D.C. For purposes of the revenue sharing program, the District of Columbia is treated as a State.

Each State government will receive a letter showing its data elements. The definitions of each data element are provided in this notice. If State governments believe that there are errors in these data, relative to these definitions and effective dates, they should so inform the Office of Revenue Sharing in writing and provide evidence and documentation to fully justify the proposed corrections of data.

The written justification must be received by the Office of Revenue Sharing on or before May 20, 1977 in order that corrections to data elements may be used in determining Entitlement Period Nine allocations.

The data of record in the Office of Revenue Sharing for those State governments which do not respond by May 20, 1977 will be used to calcuate their allocations for Entitlement Period Nine.

Upon receipt of any written response from State governments, the Office of Revenue Sharing, in conjunction with appropriate Federal agencies, will substantiate or correct all data questioned and advise the State governments of its findings.

UNITS OF LOCAL GOVERNMENT

The data for units of local government will be mailed to the official of record for each government. Each recipient unit of local government will be sent either a form 3233 or a form 3240. Form 3240 will be sent only to those governments in areas declared major disaster areas since April 1, 1974 under the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. Chapter 58) and whose data were possibly adversely affected by the major disaster. Those local governments, which receive a form 3240, in order to be eligible for the data stabilization benefit of the Disaster Relief Act (which permits them to use their pre-disaster data figures rather than their post-disaster figures) are required to certify that one or more of their data factors were adversely affected by the disaster. Such certification shall be received in the Office of Revenue Sharing by May 20, 1977.

Form 3233 will be sent to all other recipient governments. If a recipient government believes that there are errors in these data, relative to these definitions and effective dates, it should so inform the Office of Revenue Sharing in writing and return the form 3233 on or before May 20, 1977, with evidence and documentation to fully justify the proposed corrections of data. Governments which receive form 3240 will also have the opportunity to question their data elements by returning form 3240 on or before May 20, 1977, with evidence and documentation to fully justify the proposed corrections to these data. It is essential that either form 3233 or form 3240 be returned to the Office of Revenue Sharing on or before May 20, 1977 in order that corrections to data elements may be processed in time to determine Entitlement Period Nine allocations. Recipient governments which do not wish to question their data need not return the form.

The data of record in the Office of Revenue Sharing for those local governments which do not respond by May 20, 1977 will be used to calculate their allocation for Entitlement Period Nine. In the case of those local governments sent Form 3240, the post-disaster data of record in the Office of Revenue Sharing will be considered valid for those governments for which the Office of Revenue Sharing has not received a disaster certification by May 20, 1977.

Upon receipt of a written response from a recipient government the Office of Revenue Sharing will, as timely as practicable, work with the Bureau of the Census, the Bureau of Indian Affairs, or other appropriate Federal agency, to substantiate or correct all data questioned and to advise the recipient government of its findings.

Dated: April 13, 1977.

KENT A. PETERSON,
Acting Director,
Office of Revenue Sharing.

STATE GOVERNMENT DATA DEFINITIONS

I. POPULATION

The population of a State for revenue sharing purposes for Entitlement Period 9 is the total resident population as of July 1, 1976 as determined by the Bureau of the Census. The July 1, 1976 State populations are provisional estimates which were published by the Bureau of the Census in a report entitled Revised 1975 and Provisional Estimates of the Population of States, and Components of Change, 1970 to 1976 (Current Population Reports, Series P–25, No. 642) dated December 1976. Incorporated in these population totals for the year ending July 1, 1976, are estimates of population change, including migration, which are based on vital statistics, key population indicators, and extrapolations of past trends. For a complete description of the methodology used, please consult the full report in the Bureau of the Census' Series P–26.

II. URBANIZED POPULATION

The urbanized population of a State for revenue sharing purposes for Entitlement Period 9 is the 1970 urbanized population of the State as determined by the Bureau of the Census. A State's 1970 urbanized population is that State's 1970 population that were living in territory designated as urbanized areas according to the Bureau of the Census' 1974 Urbanized Area Criteria. The Bureau of the Census revised its definitional criteria for urbanized areas in 1974 to make them more consistent with the criteria for Standard Metropolitan Statistical Areas (SMSAs). Urbanized areas were defined using 1970 census population.

1. An urbanized area must include a central city or cities that qualify under one of the criteria listed below. All population criteria refer to 1970 census population counts (except as specified in item 1a).

a. A city of 50,000 inhabitants or more according to the 1970 census, a special census taken between 1960 and 1970, or the 1960 census, provided that the city is located in an SMSA and is not included in an existing urbanized area.

b. A city with at least 25,000 inhabitants which, together with those contiguous places (incorporated or unincorporated) having population densities of at least 1,000 persons per square mile, has a combined population of 50,000 and constitutes for general economic and social purposes a single community, provided that the city is located within an SMSA and is not included in an existing urbanized area.

2. In addition to a central city or cities, an urbanized area includes contiguous territory meeting the following criteria:

a. Incorporated places of 2,500 inhabitants or more but excluding the rural portions of extended cities.

b. Incorporated places with fewer than 2,500 inhabitants, provided that each has a closely settled area of 100 housing units or more; and all unincorporated places recognized in the 1970 census.

c. Contiguous small parcels of unincorporated land (delineated as either enumeration districts or block parcels prior to the 1970 census) determined to have a 1970 census population density of 1,000 inhabitants or more per square mile. The areas of large nonresidential tracts devoted to such urban land uses as railroad yards, airports, factories, parks, golf courses, and cemeteries are excluded in computing the population density.

d. Other similar small areas in unincorporated territory without regard to population density provided that they serve:

To eliminate enclaves, or

To close indentations of one mile or less in width across the open end of the urbanized areas in order to eliminate narrow fingers of "rural" area, or

To link outlying areas of qualifying density provided that these are not more than 1½ miles from the main body of the urbanized area.

III. INCOME

The per capita income (PCI) of a State for revenue sharing purposes for Entitlement Period 9 is the 1974 per capita income of the State as determined by the Bureau of the Census. The per capita income is the estimated mean or average amount of total money income received during calendar year 1974 by all persons residing in the State in April 1975. The 1974 PCI estimates are based on data from the 1970 census and reflect corrections to the census data which have been made since 1970.

Total money income is the sum of:

Wage and salary income, Net nonfarm self-employment income, Net farm self-employment income, Social Security and railroad retirement income, Public assistance, and All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawals of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

The 1970 census PCI data were updated to 1974, based on income data from the 1969 and 1974 Federal income tax returns and State income estimates prepared by the Bureau of Economic Analysis to measure the change from 1969 to 1974.

At the State level, 1974 per capital income estimates were developed by carrying forward the 1970 census aggregate wage and salary income and per capita income for the remaining types of income itemized above, and dividing the sum of the 1974 aggregates for each State by the estimated April 1975 population. The percent change in wage and salary income as reflected by the IRS data, was used to update the 1970 census wage and salary amount, while the remaining income types were carried forward using the percent change implied in estimates developed by the Bureau of Economic Analysis.

The 1974 PCI estimates were published by the Bureau of the Census in Current Population Reports, Series P–25, in State reports numbered in alphabetical sequence from Alabama through Wyoming. The estimates being used for revenue sharing purposes may not agree exactly with the figures in the P–25 reports since corrections have been made to the estimates subsequent to the publication of the reports.

IV. STATE INDIVIDUAL INCOME TAX

The State individual income tax date of a State for Entitlement Period 9 of revenue sharing is the total calendar year 1976 collections of the tax imposed upon the income of individuals by such State and described as a State income tax under section 164 (a) (3) of the Internal Revenue Code of 1954. These are collections of taxes on individuals measured by net income and taxes on special types of income (e.g., interest, dividends, income from intangibles, etc.)

Actual calendar year 1976 State individual income tax collections data were obtained from the Bureau of the Census' publication entitled Quarterly Summary of State and Local Tax Revenue, October–December 1976. The calendar year 1976 State individual income tax collections data used for revenue sharing may not agree exactly with the figures in the Census Bureau's Quarterly Summary of State and Local Tax Revenue, if corrections to these data were made subsequent to its publication.

V. FEDERAL INDIVIDUAL INCOME TAX LIABILITIES

The Federal individual income tax liability of a State for revenue sharing purposes is the total annual Federal individual income taxes after credits attributed to the residents of the State by the Internal Revenue Service. Income tax after credits is determined by subtracting statutory credits from the total of income tax before credits and the tax surcharge. It does not include self-employment tax or tax from recomputing prior year investment credit, nor does it take into account refundable credits.

Income tax before credits is the tax liability computed in taxable income based on:

1. The regular combined normal tax and surcharge including tax from the optional tax tables;

2. Alternative tax, or

3. Tax computed using the income averaging provisions.

Examples of credits which are applied against income taxes are:

1. Retirement income credit,
2. Investment credit,
3. Foreign tax credit, and
4. Other tax credits.

The most recent Federal individual income tax liabilities available for revenue sharing use in Entitlement Period 9 are the 1975 IRS estimates of Federal individual income tax liabilities of States. These estimated tax amounts for calendar year 1975 are the preliminary 1975 estimates from the Internal Revenue Service's Statistics of Income.

VI. STATE AND LOCAL TAXES

The State and local taxes data of a State are the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes.

State and local taxes data used for revenue sharing purposes in Entitlement Period 9 are the Fiscal Year 1974–75 State and local taxes as reported by the Bureau of the Census in Table 17 of Governmental Finances 1974–75 (GF 75, No. 5). Fiscal Year 1974–75 is a government's 12-month accounting period that ended between July 1, 1974 and June 30, 1975 except for the State governments of Alabama and Texas (as well as school districts in those States). These latter governments have fiscal years which end at the end of September and August, respectively, and are treated as though they were part of the group with fiscal years ending June 30.

Tax revenue comprises amounts collected from all taxes which are imposed by a government and collected by that government or which are collected for it by another government acting as its agent. This includes interest and penalties but does not include amounts paid under protest and amounts refunded. For purposes of this definition, local governments and political subdivisions include counties (parishes in Louisiana and boroughs in Alaska), municipalities, townships, school districts, and special districts. A unit of government also includes, in addition to the central authority of the unit, any semiautonomous boards, commissions, or other agencies dependent on it that do not in themselves meet requirements as to fiscal and administrative independence even though as to accounting records and other specific administrative aspects such agencies may operate outside the central accounting and administrative pattern of the unit.

The State government information contained in State and local taxes is based on the annual Bureau of the Census survey of State finances. State finance statistics are compiled by representatives of the Bureau of the Census from official records and reports of the various States. The local government portion of the State and local taxes data are estimates based on information received from a sample of such governments. The sample consisted of approximately 16,000 local governments and included all counties having a 1970 population of 50,000 or more, all cities having a 1970 population of 25,000 or more, all other governments whose relative importance in their State based on expenditure or debt was above a specified size, and a random sample of remaining units.

The Fiscal Year 1974–75 State and local taxes data may not agree exactly with the figures in Governmental Finances 1974–75, because corrections may have been made to these data subsequent to its publication.

VII. GENERAL TAX EFFORT FACTOR

The general tax effort factor of a State used for Entitlement Period 9 is the amount of Fiscal Year 1974–75 State and local taxes of the State divided by the aggregate personal income of the State for 1974. State and local taxes for Fiscal Year 1974–75 are as defined above, and as reported by the Bureau of the Census in Table 17 of Governmental Finances 1974–75 (GF 75, No. 5).

Aggregate personal income of a State in calendar year 1974 is the income of individuals as estimated by the Bureau of Economic Analysis of the Department of Commerce for national income accounts purposes and as reported in Table 1 of Survey of Current Business, August 1976, Volume 56, Number 8.

Aggregate personal income represents the total current income received by persons residing in the State from all sources, including transfers from government and business but excluding transfers among "persons." Not only individuals (including owners of unincorporated enterprises), but also nonprofit institutions, private trust funds, and private pension, health and welfare funds are classified as "persons." Personal income is measured on a before-tax basis, as the sum of wages and salary disbursements, other labor income, proprietors and rental income, interest and dividends, and transfer payments, minus personal contributions for social insurance, etc.

LOCAL GOVERNMENT DATA DEFINITIONS

I. POPULATION

Population of Counties, Cities, Towns and Townships

The population of a unit of government for revenue sharing purposes is the resident population as of July 1, 1975 as determined by the Bureau of the Census. The July 1, 1975 population estimates were published by the Bureau of the Census in Current Population Reports, Series P–25, in State reports numbered in alphabetical sequence from Alabama through Wyoming. The population estimates being used for the revenue sharing program reflect corrections which have been made since the publication of the P–25 Series reports.

The July 1, 1975 estimates of population were derived by the Bureau of the Census using a component procedure whereby components of population change are estimated separately and then added to the enumerated 1970 census populations of the units of local government. The 1970 population base reflects all population collections made to the data after the initial Bureau of the Census publications as well as changes due to new incorporations, disincorporations and annexations.

The components of population change are:

1. *Natural increase, i.e., the excess of births over deaths:* Annual births and deaths were compiled from State vital statistics offices supplemented by data from the National Center for Health Statistics. County statistics were available for all States. When vital statistics were not available for all areas within a county, the births and deaths for these areas were distributed proportionately on the basis of characteristics obtained in the 1970 census population. Births were distributed on the basis of the female population 18 to 34 years old, and deaths were distributed on the basis of the population 65 years old and over by race.

2. *Net Migration:* This component of population change was estimated for each unit of government by developing net migration rates for the periods between 1970 and 1973 and between 1973 and 1975. The net migra-

tion rate was developed by matching IRS files of 1972 tax returns and 1969 tax returns and by matching 1974 and 1972 tax returns, respectively. Thus, it was possible to determine for each unit of local government the number of taxpayers who did not move, or who moved in or out of the jurisdiction between 1970 and 1973 and between 1973 and 1975. The number of those who moved in minus the number of those who moved out yields the net migration. The net migration rate of taxpayers was applied to the nongroup quarters population in an area.

In addition to the estimates of natural increase and net migration, adjustments were incorporated into the estimates to account for immigration from abroad, institutional inmates, members of the armed forces living in barracks, and college students. For all areas where special censuses were taken by the Bureau of the Census close to the 1975 estimate date, the special census counts were used in lieu of the estimates. The special census counts were adjusted to the July 1, 1975 estimate date. In several States, the subcounty estimates were also merged with estimates developed by State agencies participating in the Federal-State Cooperative Program for Local Population Estimates. This occurred in five States—California, Florida, Oregon, Washington, and Wisconsin.

The July 1, 1975 population estimates being used for revenue sharing for counties represent the average change between July 1, 1974 and July 1, 1975 administrative record-based estimates derived by the procedures described above and component method II estimates derived from the Federal-State Cooperative Program. This average was added to the July 1, 1974 county estimates developed under the auspices of the Federal-State Cooperative Program to yield July 1, 1975 county estimates. The county populations were further adjusted to be consistent with State estimates published by the Bureau of the Census in Current Population Reports, Series P-25, No. 642. The population estimates for the governments in each county area were adjusted to be consistent with the county population.

The July 1, 1975 population estimates published by the Bureau of the Census in Series P-25 are related to boundaries as of December 31, 1975. Adjustments to the 1970 population base were made for new incorporations, disincorporations, and annexations. Adjustments were made for annexations if (1) the 1970 population of the annexed area was 1,000 or more, or (2) the 1970 population of the annexed area was at least 250 people and at least 5 percent of the 1970 population of the gaining government. The estimates being used for revenue sharing purposes have been updated through 1975 to reflect new incorporations, disincorporations and qualifying annexations, i.e., annexations made by places with a population of at least 5,000 and for which the annexed areas include population equal to 5 percent or more of the annexing government's population.

Population of Indian Tribes and Alaskan Native Villages

The population of an Indian tribe or Alaskan native village for revenue sharing purposes is the resident population as of July 1, 1975 as determined by the Bureau of Indian Affairs. For Indian tribes, the resident population is the number of Indians living within the boundaries of the tribal reservation plus the number of Indians living on trust land (including public domain allotments) adjacent to the reservation and pertaining to the tribe. The adjacent trust land may be tribally owned or individually owned. Resident non-Indian members of families with an Indian head or spouse are also included in the population estimates.

For Alaskan native villages, the resident population is the number of Indians, Aleuts and Eskimos living within the boundaries of the village. Resident non-Alaskan native members of families with an Alaskan native head or spouse are also included in the population estimate.

The methodology used by the Bureau of Indian Affairs to update the 1970 population of an Indian tribe or Alaskan native village depended on the type of accurate data that was available for that tribe or village. The types of data available varies from place to place. Two examples of the types of data used to make the July 1, 1975 population estimates are lists of residents and school enrollment data. In many cases the Bureau of Indian Affairs worked directly with the Indian tribe or Alaskan native village to obtain the best available data.

II. PER CAPITA INCOME

The 1974 per capita income (PCI) is the estimated mean or average amount of total money income received during calendar year 1974 by all persons residing in a given political jurisdiction in April 1975. The 1974 PCI estimates are based on data from the 1970 census and reflect corrections to the census data as well as changes in income, population, and geographic boundaries which have occurred since 1970. The 1974 PCI estimates were published by the Bureau of the Census in Current Population Reports, Series P-25 in State reports numbered in alphabetical sequence from Alabama through Wyoming. The estimates being used for revenue sharing will not agree exactly with all of the figures in the P-25 reports, since corrections have been made to the data subsequent to the publication of the reports.

The 1970 census PCI data were updated to 1974 based on income data from the 1969, 1972 and 1974 Federal income tax returns and State and county money income estimates prepared by the Bureau of Economic Analysis (BEA) to measure the change from 1969 to 1974.

Total money income is the sum of:

Wage and salary income, net nonfarm self-employment income, Net farm self-employment income, Social Security and railroad retirement income, Public assistance income, or All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

County Estimates

At the county level, 1974 PCI estimates were developed by carrying forward the 1970 census per capita amount for each income type listed above. Census wage and salary per capita income amounts were updated using the percent change in the IRS wage and salary per exemption. For the remaining income types, the percent change in the BEA per capita amounts were used. The 1974 per capita amounts for each income type were then multiplied by the April 1, 1975 population estimate, and the resulting county income aggregates were adjusted to State income aggregates. For each county the aggregate amounts for each income type were added to get an estimated 1974 total money income which was then divided by the estimated population to derive the 1974 PCI estimate.

Subcounty Governmental Unit Estimates

For all townships and municipalities, the updates were also developed using per capita amounts. Updated census estimates of Adjusted Gross Income per capita were developed using the percent change in IRS Adjusted Gross Income per exemption. The estimates for Social Security, public assistance and other forms of transfer income were made by assuming that the 1970 Census per capita amounts for this income type grew at the same rate as that for the county.

The rates of change in per capita income for governmental units with a 1970 population under 1,000 were computed in the same manner as those for larger areas. However, the 1970 census per capita income figure was not used as the base figure for these small area estimates. The 1969 base per capita income estimates for these areas were developed by computing a weighted average of their 1970 Census value and a regression estimate. This procedure was used to improve the statistical accuracy of these estimates.

The PCI estimates for all townships and municipalities outside of townships were adjusted to the county estimates to ensure conformity. The estimates for municipalities located within townships were adjusted to the township estimates.

III. ADJUSTED TAXES

The adjusted taxes for a unit of local government, as derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1976, are the total taxes of the unit of government in Fiscal Year 1976 (that government's 12-month accounting period that ended between July 1, 1975 and June 30, 1976) excluding taxes for schools and other educational purposes. A government's total Fiscal Year 1976 taxes are those which were exacted by that government and which were collected by or for that government during Fiscal Year 1976. Total general purpose taxes include:

1. *Property taxes*—county, municipal or township taxes levied on the value of real or personal property.

2. *Sales taxes*—county, municipal or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold.

Sales taxes are of two types:

a. General sales or gross receipts taxes.

b. Selective sales or gross receipts taxes.

Examples of selective sales taxes are:

Gasoline taxes, Liquor taxes, Cigarette and tobacco taxes, Public utilities excise taxes, Amusement taxes, and Hotel and motel room occupancy and meals taxes.

3. *Licenses, permits and other taxes*—county, municipal or township taxes not included in items 1 and 2 above.

Examples of license taxes are:

Alcoholic beverage licenses, Business privilege licenses, Motor vehicle and operators licenses, Hunting and fishing licenses, Marriage licenses, and Inspection fees charged in connection with the granting or renewal of a license.

Examples of permits are:

Building permits, or Permits for a business or nonbusiness privilege.

Examples of other taxes area:

Income, payroll or earnings taxes, Mortgage transfer and recordation taxes, Severance taxes, or Fees retained by a government for collecting taxes for other governments.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by the local government. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent sales tax wholly imposed by the State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in determining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue. The one exception to the foregoing definition is that locally collected and retained shares of State taxes (including any collection fees retained) are classified as tax revenue of the government ultimately receiving the proceeds.

Certain sales taxes imposed by counties which meet the requirements of Section 109(e)(2)(B) of the Revenue Sharing Act may be considered to be taxes of the units of local government within the county rather than the county government. The "Memphis Rule," as this section is called, provides for situations whereby a county government imposes a sales tax within the geographic area of local governments within the county, and then shares part or all of the applicable tax revenue with those local governments. These taxes must be transferred by the county government without specifying the purposes for which the local governments may spend the revenues. In such cases, the Governor of the State must certify to the Secretary of the Treasury that the requirements of the "Memphis Rule" are met. This certification must be made by the Governor before the beginning of the entitlement period when the "Memphis Rule" is to take effect. The taxes which are transferred by the county to the units of local government will then be considered for revenue sharing purposes to be taxes of the local governments and not the taxes of the county government.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as intergovernmental transfers.

The taxes of a local government are adjusted for revenue sharing purposes to exclude taxes for education. School taxes are tax revenues of a unit of government which are used for school purposes. They consist of taxes levied for current operation, capital outlay and debt service including amounts collected for a governmental unit's schools by the State or a local government acting as a collecting agent.

In some jurisdictions, tax revenues for purposes of education are not separately identifiable, because education is financed by appropriations, transfers or direct expenditures from one or more general-type funds. In such instances, a school tax amount must be derived.

For these governments, school taxes are calculated by taking the ratio of tax revenues to total revenues in the general-type fund and multiplying that ratio by the amount of expenditure or transfer of monies for educational purposes from the general-type fund.

Commencing with the Fiscal Year 1976 General Revenue Sharing Survey, a revised procedure is being used to determine the amount of adjusted taxes for these governments. The governments affected are New York City, some places in Alabama, Alaska, Arizona, North Carolina, Tennessee, and generally in Connecticut, Maryland and Virginia. The new procedure is designed to remove certain dedicated funds from the general-type fund(s) prior to calculating adjusted taxes. Dedicated funds are, in general, those funds received or generated with a requirement that they be spent for a specific purpose. Dedicated funds also include amounts received from Federal, State, or other local governments as reimbursement for a specific purpose or activity, whether received in advance of or subsequent to the expenditure of local monies for the specific purpose involved.

IV. INTERGOVERNMENTAL TRANSFERS OF REVENUE

Intergovernmental transfers of revenue are amounts received by a unit of government from other governments in Fiscal Year 1976 (the government's 12-month accounting period that ended between July 1, 1975 and June 30, 1976) for use either for specific functions or for general financial support. This amount is derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1976. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from the sale of property or commodities, utility services to other governments, or Federal general revenue sharing entitlement funds.

[FR Doc.77-11396 Filed 4-15-77;12:39 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 371]

ASSIGNMENT OF HEARINGS

APRIL 15, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 94201 (Sub-145), Bowman Transportation, Inc., now being assigned May 24, 1977 (2 days), in Room 556 Federal Office Building, 275 Peachtree Street, Atlanta, Georgia.

MC 139468 Sub 4, International Contract Carrier, Inc. now assigned May 24, 1977 at Atlanta, Georgia is postponed indefinitely.

MC 141848, Yellow Enterprise Systems, Inc., now assigned May 9, 1977, at Louisville, Ky. is postponed indefinitely.

MC 134323 Sub 91, Jay Lines, Inc. now assigned May 9, 1977 at New Orleans, Louisiana is postponed to a date to be hereafter fixed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11487 Filed 4-19-77;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Corrected Order

APRIL 15, 1977.

At a Session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C. on the 28th day of March, 1977.

It appearing, That by joint petition filed January 28, 1977, Ligon Specialized Hauler, Inc., Cherokee Hauling and Rigging, Inc., Virginia Hauling Company and Horne Heavy Hauling, Inc., seek reconsideration of the order of the Commission, Motor Carrier Leasing Board, of December 20, 1976, denying the petitioners' request for waiver of 49 CFR 1057.4(a)(3) and (c).

It further appearing, That no convincing evidence has been presented which would support a vacation of the said order of December 20, 1976.

It is ordered, That the said petition be and it is hereby denied.

By the Commission, Division 1, Acting as an Appellate Division, (Murphy, Gresham, and MacFarland).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11485 Filed 4-19-77;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before May 10, 1977. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before May 20, 1977, subject to its tariff publication effective date.

P-5-77 (Special Certificate—Waste Products), filed March 8, 1977. Appli-

cant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Charles O. Gillogly (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *scrap aluminum, scrap copper, scrap brass, scrap stainless steel, scrap iron and steel, scrap lead, scrap zinc, nickel alloys,* and *finished lead pigs or blocks,* between points in the United States (except Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Apex International Alloys, Inc., of Des Plaines, Ill.; (2) American Iron and Supply Co., of Minneapolis, Minn.; (3) Guggenheim International Corporation, of Jersey City, N.J.; (4) Kalman W. Abrams Metal, Inc., of Minneapolis, Minn.; (5) Atlas Scrap Iron and Metal Co., of Dallas, Tex.; (6) Tower Metals & Ore Corporation, of Chicago, Ill.; (7) Metal Services Company, of Evergreen, Colo.; (8) Louisville Scrap Material Co., Inc., of Louisville, Ky.; (9) Dixie Metals Company, of Dallas, Tex.; (10) Aaron Ferer & Sons Co., of Omaha, Nebr.; (11) Reynolds Metals Company, of Richmond, Va.; and (12) United Iron & Metal Co., Inc. of Baltimore, Md., for the purpose of recovering various ferrous and non-ferrous scrap materials for recycling.

P-6-77 (Special Certificate—Waste Products), filed February 23, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor *vehicle,* over irregular routes, in the transportation of *waste scrap paper,* in bales, from points in Alabama, Florida, North Carolina, South Carolina, Tennessee and Virginia, to points in Georgia, in furtherance of a recognized pollution control program sponsored by Packaging Corporation of America, located at Macon, Ga., for the purpose of recycling newspapers and additional waste papers.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11496 Filed 4-19-77;8:45 am]

[Notice No. 50]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 15, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No, 153TA), filed March 30, 1977. Applicant: NATIONAL FREIGHT, INC., 57 W. Park Ave., Vineland, N.J. 08360. Applicant's representative: Christian V. Graf, 407 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* from the plantsite and shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Fremont, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Maryland, New Jersey, Virginia, Pennsylvania (on and east of U. S. Highway 220), and New York (on and east of New York Highway 57 and U. S. Highway 11), restricted to transportation originating at the above origin and destined to the above destinations, for 180 days. Supporting Shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 61285 (Sub-No. 65TA), filed March 30, 1977. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative. John D. Stone (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts and pictures,* from the plantsite and shipping facilities of Marlock, Inc., near Maynardville, Tenn., to Los Angeles and San Jose, Calif., and Dallas, El Paso and Houston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Marlock, Inc., P. O. Box 99, Maynardville, Tenn. 37807. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission P.O. Box 210, Roanoke, Va. 24011.

No. MC 78118 (Sub-No. 30TA), filed March 30, 1977. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* from the plantsite and shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Fremont, Ohio, to points in Pennsylvania (on and east of U.S. Highway 220), Maryland, Delaware, New Jersey, Virginia and the District of Columbia, restricted to transportation originating at the above origin and destined to the above destinations, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 82492 (Sub-No. 150TA), filed March 30, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from the facilities of Stouffer Foods, Division of The Stouffer Corporation, at or near Cleveland and Solon, Ohio and points in their commercial zones, to Anderson, Dale, Evansville, Ft. Wayne and Indianapolis, Ind.; Kansas City, Kans.; and Mexico, St. Louis and Scott City, Mo., and points in the commercial zones of each of the above-named cities, for 180 days. Supporting shipper: Stouffer Foods, Division of The Stouffer Corporation, Solon, Ohio 44139. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 104104 (Sub-No. 13TA), filed March 29, 1977. Applicant: GEORGE A. FETZER, INC., Newton-Sussex Road, Augusta, N.J. 07822. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highlad Park, N.J. 08904. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lawn furniture* and on return movements, *materials and supplies* used in connection therewith (except in bulk), from Hamburg, Pa.; Stamford, Conn.; Tanquility, N.J.; and West Brookfield, Mass., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, for 180 days. Supporting shippers: (1) Harris Pine Mills, 2203 S.W. Court Place, Pendleton, Oreg. 97801. (2) Star Brite Furniture, 69 Jefferson St., Stamford, Conn. 06902. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 106398 (Sub-No. 771TA) (correction), filed March 14, 1977, published in the FEDERAL REGISTER issue of March 30, 1977, and republished as corrected this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 525 S. Main, P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plywood, paneling and composition board,* from Camden, N.J., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Delaware, Maryland, Tennessee, Kentucky, Arkansas, Louisiana and the District of Columbia, for 180 days. Supporting shipper: American Wood Finishing Systems, Inc., 2nd and Beckett Sts., Camden, N.Y. 08103. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 108053 (Sub-No. 136TA), filed March 28, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, 1520 W. 23rd St., Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in mixed shipments with *meats, meat products and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Oscar Mayer, located at or near (1) Madison, Wis., to points in Arizona, California, Montana, Nevada, Oregon, Utah and Washington; (2) Chicago, Ill., to points in California, Oregon and Washington; and (3) Davenport, Iowa, to Los Angeles, Sacramento, San Diego, San Francisco, San Jose and Stockton, Calif.; Portland, Oreg.; and Auburn, Seattle, Spokane and Tacoma, Wash., for 180 days. Supporting shipper: Richard I. Zweck, Rate Analyst, Oscar Mayer & Co., Inc., 910 Mayer Ave, Madison, Wis. 53704. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 109124 (Sub-No. 26TA), filed March 30, 1977. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of Certain-Teed Corporation, located in Erie County, Ohio, to points in Indiana, Kentucky, Michigan, New York, Pennsylvania and West Virginia, for 180 days. Supporting shipper: Certainteed Corporation, Shelter Materials Group, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 109397 (Sub-No. 360TA), filed March 24, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Radioactive waste materials,* in containers, from points in California, Virginia, Maryland, and the District of Columbia, to the facilities of Todd Shipyard, at or near Galveston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwest Nuclear Company, 7066A Commerce Circle, Pleasanton, Calif. 94566. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 110525 (Sub-No. 1185TA), filed March 30, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sugar,* in bulk, in tank vehicles, from Boston, Mass., and Philadelphia, Pa., to Canajoharie, N.Y., for 180 days. Supporting shipper: Amstar Corporation, 1251 Avenue of the Americas, New York City, N.Y. 10020. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 114004 (Sub-No. 169TA), filed March 30, 1977. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Winston Chandler, Jr., same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles (except travel trailers and recreational vehicles) *and buildings,* in sections, mounted on wheeled undercarriages (except prefabricated buildings), from points in Russell, Kans., and Gainesville, Tex., and points in their commercial zones, to points in the United States including Alaska but excluding Hawaii, for 180 days. Supporting shipper: Chief Industries, P.O. Box 349, Aurora, Nebr. 68818. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock Ark. 72201.

No. MC 117088 (Sub-No. 5TA), filed March 30, 1977. Applicant: ASPHALT TRANSPORT, INC., P.O. Box 10416, Jefferson, La. 70121. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Blasting sand,* in bags, and in bulk, from the plantsite of Stan-Blast Abrasives Co., Inc., located at or near Harvey, La., to Mobile, Ala., and to Beaumont and Houston, Tex., and to Pascagoula and Vicksburg, Miss., for 180 days. Supporting shipper: Stan-Blast Abrasives Co., Inc., P.O. Box 968, 3300 River Road, Harvey, La. 70059. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 118159 (Sub-No. 206TA), filed March 30, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 15366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denver, Colo., to points in Illinois, Wisconsin, Indiana, Ohio, Michigan, Kentucky, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, the District of Columbia, Rhode Island, Vermont, New Hampshire, Maine, Massachusetts, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida and Maryland, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colorado Beef Processors, 5590 High St., Denver, Colo. 80216. Send protests to: Joe Green, District Supervisor. Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 119789 (Sub-No. 335TA), filed March 30, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cheese,* from Plymouth, Wis., to points in Arizona, California, Louisiana, Oregon, Texas and Washington, for 180 days. Supporting shipper: Borden Foods Division, Borden, Inc., 180

E. Broad E. Broad St., Columbus, Ohio 43215. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 119789 (Sub-No. 336TA), filed March 31, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from the plantsite of Armour and Company, Dixon, Calif., to points in Ohio, Pennsylvania, New Jersey and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armour Food Company, Fresh Meats Division, 111 W. Clarendon, Greyhound Tower, Phoenix, Ariz. 85007. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 119789 (Sub-No. 337TA) filed March 30, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in mechanically refrigerated equipment, from LaPorte, Tex., to Whitehall, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chematron Corporation, 491 Columbia Ave., Holland, Mich. 49423. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 123157 (Sub-No. 32TA) (Correction), filed March 10, 1977, published in the FEDERAL REGISTER issue of March 28, 1977, and republished as corrected this issue. Applicant: CTI, P.O. Drawer 397, Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry cement*, in sacks, fom Clarkdale, Ariz., to points in Clark County, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phoenix Cement Company, 3550 N. Central Ave., Phoenix, Ariz. 85012. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025. The purpose of this republication is to state that Clark County is located in the state of Nevada in lieu of Nebraska.

No. MC 128313 (Sub-No. 6TA), filed March 29, 1977. Applicant: TEMPO TRUCKING, INC., R.F.D. No. 5, P.O. Box 187, Washington Court House, Ohio 43160. Applicant's representative: John P. McMahon, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphate*, in bags from the plantsite and facilities of Olin Corporation, at Joliet, Ill., to Dayton and Washington Court House, Ohio, under a continuing contract with Sugar Creek Packing Co., Inc., of Washington Court House, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sugar Creek Packing Co., Inc., 2101 Kenskill Ave., Washington Court House, Ohio 43160. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 128698 (Sub-No. 14TA), filed March 30, 1977. Applicant: ERDNER BROS., INC., P.O. Box 68, Davidson Road, Swedesboro, N.J. 08085. Applicant's representative: Christian V. Graf, 704 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plantsite and shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Fremont, Ohio, to points in New York (on and south of Interstate Highway 84), New Jersey and King of Prussia, Oaks, and Philadelphia, Pa., restricted to transportation originating at the above origin and destined to the above destinations, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 128746 (Sub-No. 31TA), filed March 30, 1977. Applicant: D'AGATA NATIONAL TRUCKING CO., 3244 S. 61st St., Philadelphia, Pa. 19153. Applicant's representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the facilities of the Henry F. Ortlieb Brewing Company, at or near Philadelphia, Pa., to points in Illinois, Indiana and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Henry F. Ortlieb Brewing Company, American and Poplar Streets, Philadelphia, Pa. 19123. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 134068 (Sub-No. 36TA), filed March 30, 1977. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Lowell W. Moffit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel siding and accessories*, from Minneapolis, Minn., to Lewiston, Idaho, and Seattle, Wenatchee, Tacoma and Auburn, Wash., for 180 days. Supporting shipper: Arrowhead Industries, Inc., 4800 Quebec Ave., North, Minneapolis, Minn. 53428. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 135751 (Sub-No. 9TA), filed March 28, 1977. Applicant: ATLANTIC CARRIERS INC., No. 4 State St., Atlantic, Iowa 50022. Applicant's representative: A. L. Ross, Box 284, Atlantic, Iowa 50022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, from the plantsite of Atlantic Steel Corporation, at Atlantic, Iowa, to Hibbing, Minn., under a continuing contract with Atlantic Steel Corporation, for 180 days. Supporting shipper: Rex DeVore, Plant Manager, Atlantic Steel Corporation, Atlantic, Iowa 50022. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 136010 (Sub.-No. 1TA), filed March 30, 1977. Applicant: RONALD SCHNEIDER & DONALD SCHNEIDER, doing business as SCHNEIDER'S IRON & METAL COMPANY, Route 1, Box 113, Iron Mountain, Mich. 49801. Applicant's representative: William J. Bolognesi, 116 E. Brown St., P.O. Box 706, Iron Mountain, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap metals*, in bulk, in dump equipment, from Howard, Brown County, Wis., to Kingsford, Dickinson County, Mich., for 180 days. Supporting shipper: Betten Processing Company, Green Bay, Wis. 54303. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 136086 (Sub-No. 7TA), filed March 29, 1977. Applicant: BACIL GUILEY, doing business as GUILEY TRUCKING, 8615 Pecan Ave., Fontana, Calif. 92335. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap Metal alloys, scrap automobile bodies, scrap batteries, scrap metal and cullet*, from points in Colorado, New Mexico and Wyoming, Etiwanda, Calif., under a contract with Century Enterprises, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper:

Century Enterprises, 234 Columbine St., P.O. Box 6552, Denver Colo. 80206. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139495 (Sub-No. 220TA, filed March 30, 1977. Applicant: NATIONAL CARRIES, INC., P.O. Box 1358, 1501 E. 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair curlers, shampoos, cream rinses, bobby pins, waterproof plastic capes, towels, brooms, nail files, scissors, notions and novelties* (except fireworks); *materials and supplies* used in the manufacture of the commodities described above; *and such merchandise* as is dealt in by variety stores (except commodities in bulk), from the plantsite of Wilson Mfg. Corp., and Hugh H. Wilson Co., at Sunbury, Pa., to Carrollton, Tex., La Mirada and South San Francisco, Calif., and points in Oregon, for 180 days. Supporting shipper: Wilson Manufacturing Corportion, Hugh H. Wilson Company, E. Packer St., Sunbury, Pa. 17801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., Wichita, Kans. 67202.

No. MC 139495 (Sub-No. 222TA), filed March 31, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Prepared animal and poultry feeds* (except in bulk), from the plantsite of Doane Products Company, at Muscatine, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont and the District of Columbia, for 180 days. Supportingshipper: Doane Products Company, P.O. Box 879, Joplin, Mo. 64801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140071 (Sub-No. 4TA), filed March 30, 1977. Applicant: MID-AMERICAN CARTAGE, INC., 1550 E. Birchwood, Des Plaines, Ill. 60018. Applicant's representative: Carl L. Steiner, 39 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, between Chicago and Elk Grove Village, Ill., on the one hand, and, on the other, points in the Lower Peninsula of Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: World Carpets, Inc., Marilyn Yamich, General Manager, 7405 N. Oak Park Ave., Niles, Ill. 60648. E. & B. Carpet Mill, Subsidiary of Armstrong Cork Company, Stanley B. Wojnicki, Warehouse Manager, 700 Fargo Ave., Elk Grove Village, Ill. 60007. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 141197 (Sub-No. 17TA), filed March 29, 1977. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64150. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 W. 11th St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill scale*, from Kansas City, Mo., to points in Kansas, Missouri, Nebraska and Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Paul Blum Company, Inc., 189 Van Rensselaer St., Buffalo, N.Y. 14210. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141652 (Sub-No. 11TA), filed March 29, 1977. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of Ceco Corporation, at or near Milan, Tenn., to points in New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, California, Nevada, Oregon and Washington, for 180 days. Supporting shipper: The Ceco Corporation, 5601 W. 26th St., Chicago, Ill. 60650. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 141764 (Sub-No. 3TA), filed March 25, 1977. Applicant: BLACK-HAWK ENTERPRISES, 853 Hancock St., Hayward, Calif. 94544. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* (except empty bottles or jars, NOI, from Millville, N.J.), purchased by and consigned to Shaklee Corporation, at Hayward, Calif., from points in New Jersey, restricted against the transportation of commodities in bulk, from points in New Jersey, to Hayward, Calif., under a continuing contract with Shaklee Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shaklee Corporation, 2036 National Ave., Hayward, Calif. 94545. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 141804 (Sub-No. 50TA), filed March 29, 1977. Applicant: WESTERN EXPRESS, Div. of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles and bicycle parts*, between Azusa, Torrance and City of Industry, Calif., on the one hand, and, on the other, points in Ohio, Indiana and Chicago, Elgin and Elk Grove Village, Ill.; Grand Rapids, Mich.; Minneapolis, Minn.; Wichita, Kans.; Laredo, Tex.; Hartford, Conn.; and Moscow, Tenn.; Maysville, Ky., and Grafton, Wis., and their respective commercial zones, for 180 days. Supporting shipper: The Hoffman Manufacturing Co., 1120 W. Foothill Blvd., Azusa, Calif. 91720. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142990TA (Correction), filed March 2, 1977, published in the FEDERAL REGISTER issue of March 22, 1977, and republished as corrected this issue. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay catalyst*, in bulk, in tank vehicles, from Attapulgus, Ga., to Sugar Creek, Mo., and Tulsa and Ponca City, Okla., for 180 days. Supporting shipper: Engelhard Minerals & Chemicals, Menlo Park, Edison, N.J. 08817. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202. The purpose of this is to indicate that the applicant requests to operate as a common carrier in lieu of contract carrier.

No. MC 143013 (Sub-No. 1TA), filed March 21, 1977. Applicant: ROGER CHILTON, doing business as CHILTON TRUCKING COMPANY, P.O. Box 841, Beaumont, Tex. 77704. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Tex. 77098. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine or motor parts and equipment and parts thereof*, used on ships and ocean going vessels for the operation, maintenance and safety of such ships and vessels; (1) between Intercontinental Airport, Houston, Tex.; Rio Grande Valley Airport, Brownsville, Tex.; Corpus Christi International Airport, Corpus Christi, Tex.; Jefferson County Airport, Beaumont, Tex.; Scholes Field, Galveston, Tex.; Gulfport-Biloxi Municipal Airport, Gulfport-Biloxi, Miss.; Greenville Municipal Airport, Greenville, Miss.; Ryan Airport, Baton Rouge, La.; Moisant Airport, Metairie, La.; and Lake Charles Municipal Airport, Lake Charles, La.; and the Gulf-

ports of Houston Navigation District, Baytown-LaPorte, Galveston, Corpus Christi, Port Lavaca, Orange, Brownsville, Port Arthur, Beaumont, Freeport, Port Neches and Texas City, Tex.; Lake Charles, Baton Rouge and New Orleans, La.; Gulfport, Biloxi, Pascagoula and Greenville, Miss.; and (2) between the Gulf Ports named in (1) above; (3) between the following seaports: Houston Navigation District, Barber's Cut, Baytown, LaPorte, Corpus Christi, Galveston, Port Lavaca, Orange, Port Arthur, Brownsville, Beaumont, Freeport, Port Neches and Texas City, Tex.; Lake Charles, Baton Rouge and New Orleans, La.; Gulfport, Biloxi, Pascagoula and Greenville, Miss., on the one hand, and on the other; (4) The following seaports: Mobile, Ala.; Pensacola, Panama City, St. Petersburg, Tampa, Ft. Myers, Ft. Lauderdale, Key West, Miami, West Palm Beach, Ft. Pierce, Daytona Beach, St. Augustine, Fla.; Brunswich and Savannah, Ga.; Charleston, S.C.; Wilmington and New Bern, N.C.; Norfolk, Hampton and Cape Charles, Va.; Wilmington, Del. Atlantic City, N.J.; New York, N.Y.; New London, Conn.; New Bedford and Boston, Mass.; Portsmouth, N.H.; and Portland, Maine;

Between the following airports: Bates Field, Mobile, Ala.; Ferguson Regional Airport, Pensacola, Fla.; Clearwater Airport and Albert Whitted Airport, St. Petersburg, Fla.; Tampa International Airport, Peter O. Knoght Airport and Vandenberg Airport, Tampa, Fla.; Page Field, Ft. Myers, Fla.; Executive Airport and Hollywood International Airport, Ft. Lauderdale, Fla.; Key West International Airport, Key West, Fla.; Miami International Airport, Miami, Fla.; Palm Beach International Airport, West Palm Beach, Fla.; Harry W. Nelson Airport, Ft. Pierce, Fla.; Daytona Beach Regional Airport, Daytona Beach, Fla.; St. Augustine Municipal Airport, St. Augustine, Fla.; Golden Isles Municipal Airport and Malcolm McKinnon Airport, Brunswich, Ga.; Savannah Municipal Airport, Savannah, Ga.; Charleston Municipal Airport and Johns Island Airport, Charleston, S.C.; New Hanover County Airport, Wilmington, N.C.; Simmons Nott Airport, New Bern, N.C.; Norfolk International Airport, Norfolk, Va.; Hampton Municipal Airport, Hampton, Va.; Cape Charles Municipal Airport, Cape Charles, Va.; Greater Wilmington Airport, Wilmington, Del.; Atlantic City Airport, Bader Field and NAFEC Airport, Atlantic City, N.J.; John F. Kennedy and La Guardia Airports, New York, N.Y.; Trumbull Airport, New London, Waterford Municipal Airport, New London, Conn.; Theodore Francis Green State Airport, Providence, R.I.; New Bedford Municipal Airport, New Bedford, Mass.; General Edward Lawrence Airport and Tagan International Airport, Boston, Mass.; Portsmouth Municipal Airport, Portsmouth, N.H.; Portland International Jetport, Portland, Maine, on the one hand, and, on the other, the seaports named in (1) and (3) above; (6) from freight terminals located at or in the vicinity of the seaport named (1) and (4) above, to ships docked at seaports named in (1) and (4) above; and

(7) from the following seaports: Houston Navigation District, Barber's Cut, Baytown, LaPorte, Corpus Christi, Galveston, Port Neches, Orange, Port Arthur, Brownsville, Beaumont, Freeport, Port Lavaca and Texas City, Tex.; Lake Charles, Baton Rouge and New Orleans, La.; Gulfport, Biloxi, Pascagoula and Greenville, Miss., to the following airports: Intercontinental Airport, Houston, Tex.; Gulfport-Biloxi Muncipal Airport, Gulfport-Biloxi, Miss.; Ryan Airport, Baton Rouge, La.; Greenville Municipal Airport, Greenville, Miss.; Rio Grande Valley Airport, Brownville, Tex.; Moisant Airport, Metairie, La.; Corpus Christi International Airport, Corpus Christi, Tex.; Lake Charles Municipal Airport, Lake Charles, La.; Jefferson County Airport, Beaumont, Tex., and Scholes Field, Galveston, Tex. Restrictions: Transportation is restricted to pick-up and delivery service at the airports named above and at port facilities at or near the Seaports named: Transportation between the Seaports named above is restricted to pick-up delivery service at port facilities at or near the Seaports named above: Transportation is restricted to shipments having a prior or subsequent movement in interstate or foreign commerce: Transportation is restricted to shipments moving between Mississippi and Louisiana under United States Customs, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610, Houston, Tex. 77002.

No. MC 143017 (Sub-No. 1TA) filed March 25, 1977. Applicant: CHARLIE SPEARMAN TRUCKING COMPANY, P.O. Box 1606, Tupelo, Miss. 38801. Applicant's representative: Charlie Spearman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Evergreen (Itawamba County, Miss.), to Counce, Tenn., under a continuing contract with Tennessee River Pulp & Paper Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tennessee River Pulp & Paper Company, P.O. Box 33, Counce, Tenn. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main St., 100 N. Main Bldg., Suite 2006, Memphis, Tenn. 38103.

No. MC 143028 (Sub-No. 2TA), filed March 29, 1977. Applicant: CHRYSLER TRANSPORT, INC., 8555 Lynch Road, Detroit, Mich. 48234. Applicant's representative: L. D. Blanchard (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, components, assemblies and other products* to various Chrysler Corporation plant locations for the exclusive use of Chrysler Corporation, in the manufacture of its products, between Detroit, Marysville, Port Huron, Trenton, Sterling Heights, Mt. Clemens, Rochester, Pontiac, Troy, Northville, Plymouth, Chelsea, Ann Arbor, to ports of entry on the United States-Canada Boundary, under a continuing contract with Chrysler Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chrysler Corporation, Authorized Representative, K. A. Kocoves, 12000 Lynn Townsend Drive, Highland Park, Mich. 48288. Send protests to: James A. Ausustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 143046 (Sub-No. 1TA), filed March 25, 1977. Applicant: GERALD E. CARPENTER, P.O. Box 241, R.R. 2, Maxwell, Iowa 50161. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soil conditioner and liquid fertilizers*, in bulk, from the plantsite and storage facilities of Carpenter Sales, Inc., Bondurant, Iowa, to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia and Wisconsin, under a continuing contract with Carpenter Sales, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carpenter Sales, Inc., 10825 N.E. Hubbell, Bondurant, Iowa 50035. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 143087 TA, filed March 30, 1977. Applicant: GOLDEN CIRCLE CARTAGE, INC., 312 S. Shannon St., P.O. Box 2183, Jackson, Tenn. 38301. Applicant's representative: Palmer L. Downing (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper scrap or waste*, for recycling, from McCrory, and Osceola, Ark.; Booneville, Southaven and Tupelo, Miss., to Counce, Tenn., plantsite of Tennessee River Pulp & Paper Company, and to Nashville, Tenn., plant-

site of Packaging Corporation of America, under a continuing contract with Packaging Corporation of America, for 180 days. Supporting shipper: Packaging Corporation of America, 1603 Orrington Ave., Evanston, Ill. 60204. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main St., 100 N. Main Bldg., Suite 2006, Memphis, Tenn. 38103.

No. MC 143088TA, filed March 25, 1977. Applicant: ROBERT TARBOX, doing business as, TARBOX TRUCKING, Johnson Heights, Blossburg, Pa. 16912. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, from Bremen, Frankfort and Syracuse, Ind.; Bellevue, Fostoria, Dayton, Delphos and Circleville, Ohio; Arkport and Castile, N.Y.; and Camp Hill, Pa., to points in New York and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Agway, Inc., P.O. Box 1333, Syracuse, N.Y. 13201. (2) Lovatt & Co., Inc., P.O. Box 29, Ambler, Pa. 19002. (3) K. D. Chasey Company, Castile, N.Y. 13327. and (4) Co-Operative Feed Dealers, Inc., P.O. Box 670, Binghamton, N.Y. 13902. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11484 Filed 4-19-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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Consumer Product Safety Commission	1
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1

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

DATE AND TIME: April 28, 1977, 9:30 a.m.

PLACE: 3rd Floor Hearing Room, 1111–18th St., NW., Washington, D.C.

STATUS: Part of the meeting is open; part is closed.

MATTERS TO BE CONSIDERED:

Portion open to the public

1. *Asbestos.* The Commission will consider the hazard of inhaling asbestos fibers contained in consumer products which was raised by a Petition on Spackling Compounds Containing Asbestos (HP 76–18). Consideration will include a discussion of a Petition on Spackling Compounds Containing Tremolitic Talc (a form of asbestos) (HP 77–9) and a consumer complaint that gas-burning fireplace-log systems use asbestos fibers to simulate log embers and fireplace ash.

2. *Environmental Review Regulations: Draft Federal Register Document.* This draft document would issue interim regulations for CPSC compliance with the National Environmental Policy Act (NEPA) and would solicit comment on the interim regulations for 45 days.

3. *Interpretation of Standard for the Flammability of Mattresses and Mattress Pads.* The staff and the Office of the General Counsel have asked the Commission to determine whether decibutus pads and "Kylie pads" should be considered mattress pads as defined by the Standard for the Flammability of Mattresses (and Mattress Pads) (16 CFR Part 1632), and whether to amend the regulation or to issue a policy statement to implement the determination.

4. *Petition to Export Nonconforming Children's Sleepwear.* Petit-Bateau USA, Inc., New Hope, Pennsylvania, has asked the Commission for permission to export garments that fail to meet the Flammability Standard for Children's Sleepwear Sizes 0–6X. The petitioner would offer the garments for sale in countries where they could lawfully be sold as playwear.

5. *Possible Substantial Product Hazard: B. Altman & Co. trolley ride toy.* (ID 77–14). The staff has recommended that the Commission close this case involving a possibly defective riding toy, based on a staff determination that the toy presents less than a substantial product hazard.

6. *Possible Substantial Product Hazard: Promark Productions Corp. three-wheel off-road motorcycle.* (ID 766–134). The staff has recommended that the Commission accept a corrective action plan which the firm has undertaken to deal with a potential substantial product hazard caused by defective frame assemblies.

7. *Possible Substantial Product Hazard: Enterprex International Corp. wallet calculator.* (ID 77–18). The staff has recommended that the Commission close this case involving rechargeable batteries in these calculators, based on a staff determination that the product presents less than a substantial product hazard. The firm has undertaken a recall program.

Portion closed to the public

8. *Proposal to Seek Civil Penalties in Flammable Fabrics Act Case.* (OS Package No. 358). In this case involving carpet, the staff has recommended that the Commission ask the Department of Justice to seek civil penalties for violation of a cease and desist order. The staff also seeks authority to file and prosecute a complaint in the event the Attorney General does not grant the request for representation within 45 days.

9. *Reconsideration of Prosecution: Poison Prevention Packaging Act Case.* BCMI No. 6–003). The staff has asked the Commission to reconsider a previous decision to prosecute this firm for alleged violation of aspirin-packaging requirements of the Poison Prevention Packaging Act.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111–18th St., NW., Washington, D.C. 20207, telephone (202) 634–7700.

[S–190–77 Filed 4–18–77;11:52 am]

2

AGENCY HOLDING THE MEETING: Federal Home Loan Mortgage Corporation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 69, Page 18921, Monday, April 11, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 P.M., April 14, 1977.

STATUS: Open Meeting.

CHANGES IN THE MEETING:

In addition to the items previously listed, the Board of Directors will also consider an Amendment to Resolution MC 73–8 Concerning the Advisory Committee to The Mortgage Corporation.

CONTACT PERSON FOR MORE INFORMATION: Henry L. Judy (202–624–7107) No. 15, April 15, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S–186–77 Filed 4–15–77;2:49 pm]

3

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 18, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 20, 1977, 2:00 p.m.

CHANGES IN THE MEETING: Addition of Item G–29, Docket Nos. RI76–138, CI76–578, CI76–579, CP76–410, Southern Union Supply Company and El Paso Natural Gas Company.

KENNETH F. PLUMB,
Secretary.

[S–189–77 Filed 4–15–77;4:36 pm]

4

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 A.M., April 27, 1977.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open to the Public.

Docket 73–A, *Seminole.*
Docket 100–B–1, *Klamath and Modoc.*
Docket 182–A, *Fort Sill Apache.*
Docket 272, *Creek.*
Dockets 326–B and 326–J, *Goshute.*
Docket 342–G, *Seneca.*

FOR MORE INFORMATION: David H. Bigelow, Executive Director, Room 640, 1730 K Street, NW., Washington, D.C. 20006, Tel. 202–653–6174.

[S–184–77 Filed 4–15–77;11:00 am]

5

AGENCY HOLDING THE MEETING: Railroad Retirement Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., April 22, 1977.

CHANGES IN THE MEETING: Additional matters to be considered at the portion of the meeting open to the public:

(7) Subscription to the taxpayer address request program, Project 719.
(8) Purchase of copy machine for the Philadelphia, Pennsylvania, district office.
(9) Attendance at seminar on labor-management relations in the public sector presented by the Chicago region of the Civil Service Commission.

[S–191–77 Filed 4–18–77;12:01 pm]

register
federal

WEDNESDAY, APRIL 20, 1977
PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

FEDERAL ENERGY ADMINISTRATION

■

ENERGY AUDITS

Proposed Procedures; Correction

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 450]

ENERGY AUDITS

Proposed Procedures

Correction

In FR Doc. 77-10991 appearing at page 20012 in Part IV of the issue for Friday, April 15, 1977, Appendix B was omitted. It is printed in full below.

APPENDIX B—DISCOUNT FACTORS
(DISCOUNTING RATE OF 10 PERCENT)

Year since implementation	*Discount factors* [1]
1	0.909091
2	0.826446
3	0.751315
4	0.683013
5	0.620921
6	0.564474
7	0.513158
8	0.466507
9	0.424098
10	0.385543
11	0.350494
12	0.318631
13	0.289664
14	0.263331
15	0.239392
16	0.217629
17	0.197845
18	0.179859
20	0.148644
21	0.135131
22	0.122846
23	0.111678
24	0.101526
25	0.092296

[1] The discount factors presented in the table above assume end-of-year lump-sum costs and returns. When costs and returns occur in a steady stream, applying mid-year discount factors may be appropriate. Present value cost and benefit computed from this table can be converted to a mid-year discounting basis by multiplying them by the factor 1.048809. (For example, if the present value cost of a series of annual expenditures computed from the above table is $1,200, the present value cost on a mid-year discounting basis is $1,200.00 × 1.048809 or $1,258.57.)

federal register

WEDNESDAY, APRIL 20, 1977

PART III

OFFICE OF THE FEDERAL REGISTER

■

PRIVACY ACT ISSUANCES, 1976 COMPILATION

Table of Contents, Volumes I–V

OFFICE OF THE FEDERAL REGISTER

PRIVACY ACT ISSUANCES, 1976 COMPILATION

Table of Contents, Volumes I–V

The Privacy Act (Pub. L. 93–579, 5 U.S.C. 552a) requires the Office of the Federal Register (OFR) to annually compile and publish the rules promulgated under subsection (f) and agency notices published under subsection (e)(4) of the act.

The OFR complied with this requirement for 1976 by publishing a series of five volumes titled "Privacy Act Issuances, 1976 Compilation."

Since there are several thousand systems of records published in the Compilation, OFR has prepared a table of contents listing the system name for each record published in the Compilation. The table of contents is arranged in sequence as each system name appears in that compilation volume. Before consulting the table of contents, refer to the list of agencies below to determine which volume contains the agency that interests you.

This table of contents was editorially compiled to serve as a research aid in finding the systems of records contained in the five volumes of the Privacy Act Issuances.

For further information regarding the Privacy Act Compilation volumes, please write Privacy Act Coordinator, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408 or phone (202)–523–5240.

AGENCIES IN THE COMPILATION

VOLUME I

Department of Defense

VOLUME II

Department of Defense (continued)
Department of Transportation

VOLUME III

Department of Agriculture
Department of Health, Education, and Welfare
Department of the Treasury

VOLUME IV

DEPARTMENTS

Department of Commerce
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of State

INDEPENDENT AGENCIES

ACTION
Actuaries, Joint Board for the Enrollment of
Administrative Conference of the United States
Advisory Committee on Federal Pay
Agency for International Development
American Battle Monuments Commission
Arms Control and Disarmament Agency
Arts and Humanities, National Foundation on the
Board for International Broadcasting
Central Intelligence Agency
Civil Aeronautics Board
Civil Service Commission
Civil Rights Commission
Committee for Purchase from Blind and Other Severely Handicapped
Commodity Futures Trading Commission
Community Services Administration
Consumer Product Safety Commission
Energy Research and Development Administration
Environmental Protection Agency
Equal Employment Opportunity Commission
Export-Import Bank
Farm Credit Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Energy Administration
Federal Home Loan Bank Board
Federal Labor Relations Council and Federal Service Impasses Panel
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Paperwork Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fine Arts Commission
Foreign Claims Settlement Commission

VOLUME V

INDEPENDENT AGENCIES (CONTINUED)

Gambling, Commission on Review of National Policy Toward
General Services Administration
General Services Administration/National Archives and Records Service
Harry S. Truman Scholarship Foundation
Inter-American Foundation
International Boundary and Water Commission—United States Section
International Trade Commission
Interstate Commerce Commission
Japan-U.S. Friendship Committee
Management and Budget Office
Marine Mammal Commission
National Advisory Council on Economic Opportunity
National Aeronautics and Space Administration
National Capital Planning Commission
National Center for Productivity and Quality of Working Life
National Commission on Supplies and Shortages
National Credit Union Administration
Natonal Labor Relations Board
National Science Foundation
National Security Council
National Study Commission on Records and Documents of Federal Officials
National Transportation Policy Study Commission
National Transportation Safety Board
Nuclear Regulatory Commission
Occupational Safety and Health Review Commission
Overseas Private Investment Corporation
Panama Canal Zone
Pennsylvania Avenue Development Corporation
Pension Benefit Guaranty Corporation
Postal Rate Commission
Postal Service
President's Commission on Personnel Interchange
President's Commission on White House Fellowships
Privacy Protection Study Commission
Railroad Retirement Board
Renegotiation Board
Securities and Exchange Commission
Selective Service System
Small Business Administration
Telecommunications Policy Office
Tennessee Valley Authority
Trade Negotiations, Office of Special Representative
United States Information Agency
United States Railway Association
Veterans Administration
Wage and Price Stability Council
Water Resources Council

VOLUME I

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE ARMY (1–268)*

AAFES Customer Comments, Complaints, and Direct Line Files
Debriefing Acknowledgment Files
Classified Material Access Files
Personnel Security Case Files
Personnel Security Status Files
Official Personnel Folders (OPF)
Employee Service Record Card Files
Personnel Records Maintained at Supervisory Level
Application for Employment Files
College Recruitment Files
Employee Examination Records
Reference and Pre-Employment Credit Files
Personnel Clearance Records
Oversea Processing Records
Incentive Awards Case Files
Award Control Files
Award Ceremony Files
Personnel Appeals and Grievances
Statement of Employment and Financial Interests
Retirement Assistance Files
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Trainee Card Index
Tuition Assistance Case Files
AAFES Accident Report
Employee Travel Files
Passport Files
AAFES No-Notice Evaluation Report File
Universal Annual Photograph Files
IO Biographical Files
Claims v. AAFES
Litigation Initiated by AAFES
Litigation Against AAFES Employees and/or AAFES
Unfair Labor Practice Claim/Charges File
Paid Disbursement Files
Check-Cashing Privilege Suspense Files
Check-Cashing Privilege Files
Dishonored Check Files
Accounts Receivable Files
Travel Advance Register Files
Travel Advance—Trial Balance Files
Time Sheets
Payroll Allotment Files
United States Savings Bond Register Files
Personnel Action/Discrepancy Notice Files
Payroll Register Files
Employer's Copy of Income Tax Withheld
Employer's Quarterly Federal Tax Return Files
Wage and Separation Information Report Files
Payroll Adjustment Files
Levy and Garnishment Files
Payroll Report Files
Group Insurance Card Files
Retirement Card Files
Group Insurance Printout Files
Fidelity Bond Files
Accidental Death and Dismemberment Administrative Files
Personal Property Claim Files
Insurance Claims Files—Workmen's Compensation
Short/Long Term Disability Files
Miscellaneous Employee Claim Files
Annuity Eligibility Files
Waiver of Premium Files
Individual Retirement Files
Paid Death Claims Files
AAFES Incident Record
Systems Magnetic Tape Files (2)
Personal Property Transfer System
Personal Profile
Personnel Management Information System
Personal Data Card
Customers' Merchandise Returned for Repair or Replacement
Progression Analysis Report (PAR)
Personal Property Shipment Files
Personal Property Storage Files
Carrier/Contractor Management Files
AAFES Catalog System (ACS)
Information Personnel Files
Classified Matter Inventory Reporting Files
Office Personnel Register Files
Office Personnel Locator/Organizational Rosters
Mailing Lists for Army Periodicals
Supervisor/Manager Employee Records Files
Supervisor's Record of Technician Employment (NGB Form 904–1)
Casualty Control Card
Army Community Service (ACS) Volunteer Record
Recruiter Assignment Report
Personnel Accounting System (PAS)
Central Files, Office of the Chief of Staff (DACS–DAS)
Privacy Act Request File
Central Files, Office, Secretary of the Army (SAAA)
Request for Information Files
Committee Management Files
Inspector General Investigative Files
Inspector General Complaint Files
Vehicle Registration System (VRS) and Correctional Reporting System (CRS)
Carpool Information/Registration System
Resource Accounting System
MISO Management (TWV)
Management of Army ADP
Teleprocessing Customer Identification System
Computer Technology Files
Visual Information System (VIS) Utilization
Master Index (NMI)
USA Individual Ready, Standby and Retired Reserve Personnel Information System
ADP Master and Operating Files
Officer Master File (OMF)
Enlisted Master File (EMF)
Enlisted Year Group Management File
Recruit Quota System (REQUEST)
ADP Master and Operating Files
Enlisted Evaluation System
AMEDD Officer Variable Incentive Pay
Computer Users Information System
Consultant Reference System
ADP Master and Operating Files
Data Processing Installation Control System
Historian's Background Material
Historical Inquiry Files
Historical Photographic Files
Memorialization Board Files
Army Club Membership Registration System
Contractor Indebtedness Files
Military and Civilian Waiver Files
Subsidiary Ledger Files (Accounts Receivable)
Absentee Apprehension/Reward/Expenses Payment System
Travel Advance Accounting System (TAAS)
Civilian Employee Travel Payment System
Military Personnel Travel Payment System
Military Pay System—Active Army (Manual)
Joint Uniform Military Pay System—Active Army (JUMPS–AA)
Joint Uniform Military Pay System—Reserve Components—Army
Joint Uniform Military Pay System—Army—Retired Pay
Health Program Pay and Reimbursement System
USMA Cadet Pay and Accounts System
Civilian Employee Pay System
Nonappropriated Fund Employee Pay System
AAFMPS Individual Earnings Record
Individual Leave Record—Annual and Sick
AAFMPS Active and Inactive Theater Employees Payroll Register

*NOTE—Numerical references following agency or sub-agency heading refer to inclusive page numbers of the volume where the agency's systems are published.

Resource Management and Cost Accounting Files
Check Cashing Privilege Files
Nonappropriated Fund Accounts Receivable System (NAFARS)
Individual Transaction Files (Customer Orders)
Nonappropriated Fund Employee Insurance Files
Nonappropriated Fund Instrumentality Membership Files
Program Management and Review System (PROMARS)
Validation Files
Household Goods Shipment Excess Cost Collection File
Federal Housing Administration (FHA) Mortgage Payment Insurance Files
Conversion Files
Disbursing Office Establishment and Appointment Files
Bankruptcy Processing Files
Pecuniary Charge Appeal Files
Corps of Engineers Management Information System Files
Public Information, Administrative, and Reference Paper Files
Media Contact Files
Medal of Honor Recipient Files (Vietnam Era)
Prosecutorial Files
Legal Opinion Precedent Files
Employment and Financial Interest Statement Files
Legal Assistance Case Files
Legal Assistance Interview Record Files
U.S. Army Claims Service Management Information System (USARCS MISO)
Tort Claims Files
Army Property Claim Files
Medical Expense Claim Files
Claims Back-up File
USMA Legal Files on Military and Civilian Personnel
Foreign Jurisdiction Case Files
Foreign Jurisdiction Reporting Files
Patent, Copyright, Trademark, and Proprietary Data Files
Civil Process Case Files and Reference Files
Patent, Copyright, and Trademark Soliciting Files
Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files
Litigation Case Files
Judicial Information Release File
Relief Legislative Files
Release of Information Action Files
Congressional Correspondence Files
Congressional Inquiry File
Biographical Files of Members of Congress
Funeral Plans
Press Interest Reference Files
Witness Appearance Files
Public Inquiry Files
Army-Community Relations Files
Roster of Civilian Community Leaders
Biography Files
Correspondence (Civilian Aides to the Secretary of the Army)
Security Issues Symposium
Blackmarket Monitoring Files
Technical Surveillance Index
Department of the Army Operational Support Activities Files
Transfer of POV Files
Informant Register
Counterintelligence Research File System (CIRFS)
List of Hostile Intelligence Collectors of Unclassified Mil Info
Subversion and Espionage Directed Against the US Army (SAEDA)
Directory of Known or Suspect Hostile Intelligence Personalities (DOKSHIP)
Intelligence Collection Files
Badge and Credential Files
USAINTA Investigative Files System
Security Clearance Case Files (SCCF)
Counterintelligence Operations Files
Unsolicited Correspondence File
Security Clearance Information Files
Security Access Information Files
Security Clearance Information Files (2)
Personnel Clearance Record (PCR) Files
Security Clearance Information Files
Central Adjudication Retrieval System (CARS)
Indoctrination/Debriefing/Travel Restriction Data Files
Diplomatic Immunity Rooster
Secures
US Army Criminal Investigation Fund Vouchers
Criminal Investigation Accreditation Files
FBI Criminal-Type Reporting Files
Criminal Investigation and Crime Laboratory Files
Criminal Information Reports and Cross Index Card Files
Special Agent Evaluation Files
Absentee Case Files
Military Police (MP) Reporting Files
Serious Incident Reporting Files
Index to Criminal Investigative Case Files
Index to Case Files—Republic of Vietnam CY70–CY73
Security Identification Badges/Cards
Trophy Firearm Registration
Rod and Gun Clubs, Posts, Camps and Stations
Camper Trailer Registration Card File
Registration and Permit Files
Traffic Law Enforcement Files
Expelled or Barred Person Files
Solicitation Ban List Files
Military Police Investigator Certification Files
US Army, Europe (USAREUR) Motor Vehicle Registry Files
Vehicle Registration File
Ration Control/Commissary/Cosmetic Purchase File
Alphabetical Roster (Thailand)
Local Criminal Information Files
Alcohol and Drug Reference Paper Files
Club Management Personnel Files
Manpower Utilization Reporting System
Safety Award Files
Accident and Incident Case Files; Army Safety Management Information System
Accident and Incident Case Files, COE
Radiation Incident Case Files
Individual Radiation Protection Files
Individual Gravesite Reservation Files
Drug Abuse Testing (Random Selection) System
Equal Opportunity Investigative Files
Race Relations/Equal Opportunity and Equal Employment Opportunity Complaint Files
Classification, Reclassification, Utilization of Soldiers
Qualitative Management Program (QMP) Appeal File
Separated Officers—Records Transfer System
Separation Transaction Control/Records Transfer System
Automated Control of Trainees
Military Personnel Management Reports
Selective/Variable Reenlistment Bonuses
Dependents of Military Personnel/US Citizen Employees
Financial Counseling Reference Paper Files
Retirement Services Control Reference Paper Files
Enlisted Evaluation System/Report
High School Folder (Lead List)
Clemency Project
Enlistment Eligibility Files
Eligibility Determination Files
OSC Waiver Requests
Army Medical Procurement Applicant Files
Military Personnel Action File
United States Military Academy Entrance Examination Result Files
ROTC Member File
ROTC Cadet Application Files
Officer Candidate School (OCS) Application File
Officer Availability and Civil School Mgt System
Officer Personnel Information Files
Evaluation Files on Cadets and Potential Instructors
Officer Accession Suspense Information System
Accelerated Promotion/Early Discharge Report
Medical and Dental Registrant Case Files
Recruiting Prospect Card Files
Center of Influence Card Files (USAREC Form 125)
University of Hawaii Army ROTC Alumni
Armed Services Vocational Aptitude Battery (ASVAB) System

Recruiter Malpractice Files
Recruiter Identification Report
Departure Clearance Files
AFEES Reporting System
Identification Card Application Files
Privilege Card Application Files
Military Personnel Records Jacket Files (MPRJ)
Military Personnel Records Jacket (MPRJ) (NGB)
Army National Guard Automated Personnel Reporting System
Official Military Personnel File (Army National Guard)
Official Military Personnel File
Office General Reference/Information/Personnel File
Special Review Board (SRB) Appeal Case Summary File
Emergency Data Files
Project Managers Development Program (PMDP)
Unfavorable Information Files
Career Management Individual Files
Rapid Electric Ad Coupon Transmission (REACT)
Career Management Historical Data
Mobilization Designee Files
Officer Evaluation Report Administrative Tracking File
Changes for Enlisted Records and Evaluation Center
Foreign Area Officer (FAO) Training
Enlisted Linguist Data Base (ELDB)
Contract Surgeon Personnel Files
Line of Deputy Investigations
Correction Case Folders
Philippine Army Files
MASSTER Personnel Information System
United States Military Academy Candidate Files
United States Military Academy Cadet Files
United States Corps of Cadets Personnel Records
Admissions and Registrar Mailback Card
Physical Profile
Alumni Affairs and Gifts Program Division Donor Data Sys
Cadet Academic Management Information System
Cadet Counseling File
Biographical Card File
Athletic Pointer File
United States Military Academy Cadet Record Cards
USMA Admissions Participant Roster and File
Career Management Files on Dual Component Personnel
Personnel Management/Action Working Files
Reserve Personnel Information Reporting System
Personnel Research Survey Questionnaire and Test Records
Test Score Transmittal Files
Assignments and Training Selection for ROTC Graduates
Aviation Officer Personnel Management System
Central Transient Account System (CTAS)
Officer Personnel Utilization System, Asset File
Army Military Central Registry System
Military Personnel Assignment Files
Branch Transfer/Detail Files
Reserve Officers Training Corps (ROTC) Instructor File
Army Medical Department Personnel Management and Manpower Control System
Personnel Data Card and Locator Card Files
Field Military Personnel Information System—SIDPERS, PERMACAPS, AAPERS
Computerized Time Accounting System (CTAS)
Command Unique Personnel Information Data System (CUPIDS)
Colonel Information Application File
Personnel Utilization Reporting System
Military Personnel Register Files
Military Award Case File
World War I Awards and Decorations Card File
BOQ (Background Opinion Questionnaire)
Attitude Surveys
Individual Correctional Treatment Files (3)
Baptism, Marriage and Funeral Files
Chaplain Counseling/Interview Files
Religious Census, Education, and Registration Files
Religious Education Directors
Entertainment Case Files
AYA Registration File
Civilian Season Ticket Holders File
Army Athletic Association Membership File
Pentagon Officers' Athletic Center Membership File
Recreation Services Program Files
Child Care Centers—Registration Files
Financial Management Planning and Counseling
Personnel Actions—Personal Affairs
Personal Affairs Army Community Service Assistance Files
Army Emergency Relief Transaction File
Commercial Business Solicitation Files
Casualty Case Files
Report of Casualty Department of Defense (DD) Form 1300
Casualty Information System (CIS)
Misconduct/Unfitness/Unsuitability Discharge Board Proceedings File
Army Council of Review Boards Files
Temporary Disability Retirement Master List (TDRL)
Retired Personnel Data File
AMC Center Intern Training Record and Progress Files
Technician Personnel Management Information System (TPMIS)
MCT USAR Civilian Technician System
NAF Personnel Records
Grievances and Appeals Under Negotiated Grievance Procedures
Official Personnel Folders
Department of the Army Civilian Personnel Systems
Hazardous Devices Course Graduates
Identification Card Accountability Files
Educational Development/Contractor Personnel
Contract Training File
Military Construction Training Files
Training Summary
Civilian Attorney/Patent Adviser Career Files
Occupational Inventory Files
Referral Program for NAF Employees
NAF Complaint, Appeal and Grievance Case Files
Labor Management Relations Records System
Pathology Contributor Mailing List
Medical Regulating Files
Entrance Medical Examination Files
Medical Care Inquiry Files
Claims Inventory of Active Claims for Medical Care under CHAMPUS
Cross Reference List Report of Claims for CHAMPUS
Active Claims for Medical Care Provided under CHAMPUS File
Medical Review Files
Mental Competency Review Files
Medical Classification Files
Medical Evaluation Files
USA Reserve Officer Training Corps (ROTC) Medical Examination Files
United States Military Academy (USMA) Medical Qualification Files
Patient Accountability Files
Control Card Files
Patient Trust Fund and Baggage Files
Medical Services Account Files
Individual Patient Diet Files (Department Army Form 2924)
Medila Staff Credentials File
Professional Consultant Control Files
Professional Personnel Informational File
Medical Prescription Files
Pathology Consultation Record Files
Clinical Investigation Record System
Blood Donor Files
Nursing Service Personnel Data and Schedule Files
Nursing Service Schedule Files
Patient Condition Reporting File
Temperature, Pulse, and Respiration Files
Medical Facility Individual Reporting Files
Medical Treatment Indices
Installation X-ray Index Files
Medical Treatment Record Files

Spectacle Issue and Receipt Files
Clinical Psychology Individual Case Files
Social Work Individual Case Files
Alcohol and Drug Abuse Rehabilitation Files
Tuberculosis Registry
Civilian Consultation Service Case Files
Military Consultation Service Case Files
American Red Cross Consultation Service Case Files
Army Medical X-ray Film Files
Patient Treatment X-ray Films
Occupational Health and Tuberculosis Control System
Individual Safety and Health System
Health Nursing Case Files
Family Index Files
School Health Files
Prosthetic Case Files
Dental Health Record Files
Military Dental Files
Civilian Dental Files
American Red Cross Dental Files
Extra Oral Dental X-ray Files
Privately Owned Animal Record Files
Animal Death Certificate Files
MASSTER OSUT Individual Basic Training Survey
Student Research Report Index
Training Performance Rating (TPR)
Mailing List for PARAMETERS, USAWC Journal
Training Management System
Computer Directed Training System (CDTS)
Student Reference Files
Assessment of Tank Crew Training
Enlisted Training Base (ACT)
ROTC Financial Assistance (Scholarship) Application File
SMART (System to Manage AMSSA Required Training)
National Security Seminar (NSS) Guest Reference File
AMC School Files
Representatives of Carlisle and Vicinity
Biographic Files
Army School Files
USMA Institutional Reserch Survey File
Delphi Evaluation
USMAPS Admissions File
College Registration System (CRS)
Student Selection Files
Language School Files
Army School Student Files
AMC School Student Files
USMAPS Academic Files
TRADOC Educational Data System (TREDSARS)
TRADOC Educational Data System (TREDSNRI)
Army School Student Files, Physical Therapy Program
Academy of Health Sciences, Student Affiliated Academic Records
Academy of Health Sciences—Nonresident Instruction Files
Individual Academic Records File
Army School Student Files
Individual Academic Record Files
Reserve Officer Training Corps—Active Duty Training
United States Army War College Graduate Directory File
Nonresident Instruction Automated System (NRIAS)
US Army War College Cooperative Degree Program Files
USAWC Individual Student Counseling Records
Resident Instruction & Support Files
Training/Development Records USACSC Military Personnel
USMAPS Training Files
Resident Student Record (RSR) System
Correspondence School Academic Data File
Resident Student Electives Assignment File
Resident Student Evaluation System File
Resident Student Biographical Data Base
Resident Section Assignment File
Student and Faculty Expertise (SAFE).
House Staff Evaluation Report File
AMEDD Training Applications Status Record
Continuing Medical Education Course Attendance Files
Civilian School Files
Long Term Civilian Training Student Contract Files
Officer Partially Funded Civil School File
Residency, Subspecialty and Fellowship Training
US Army Graduate Medical Education Trainee Card File
College Equivalency Evaluation
Enrollment Application Files
Correspondence School Basic Data File
GED Reference Papers/Participation Education Program
General Educational Development (GED) Individual Record
Dependent Children School Program Files
School Employee File
Telephone Directories
Operation of Private Radio/Station Citizens Band Radio
MARS Members Files
Photographer Identification Files
Photographic Caption Files
Still Picture Files (Personalities/Categories)
Postal Personnel Designation Files
Postal Directory Files
Standing Delivery Order Files
Individual Flight Record File
Flight Examination Files
Flight Regulation Violation Files
Controller Training and Proficiency Record Files
Transportation Administrative Files
Discrepancy in Shipment Report (DISREP)
Transportation Reference Paper Files
Surface Cargo Export System (SURS)
Surface Retrograde Cargo Accountability/Control System
Terminal Management System—TOLS, CARDPAC, PRE-LODGE
Mechanized Export Traffic System (METS)
Passenger Reservation Reference Paper Files
Marine Personnel Qualifications/Record of Service Files
Statistical Files—Household Goods and Baggage System
Bill of Lading Files
Prepaid Inbound Bill of Lading Files
Household Shipment Bill of Lading Files
Household Shipment Contract Files (3)
Household Shipment Contract/Non-Temporary Storage Files
Household Shipment Reimbursement Files
Privately Owned Vehicle Shipment Files
Passport Files
Passenger Warrant Files
Baggage Inspection and Clearance Files
Local Transportation Authorization Files
Bus Pass File
Individual Travel Files (2)
Government Equipment Operator Permit Files
Operator's Examination and Qualification Record Files
School Bus System (SBS)
Army Scientific Advisory Panel Personnel Files
Alphabetical Listing of Scientists
Food Taste Test Panel Reference Files
Visiting Scientist Research Associates Reference Files
Unsolicited Proposal Files
Immunity Booster Files
Sandfly Fever Files
Resumes for Non-Government Technical Personnel
Alphabetical Library Borrowers' File
Procurement Misconduct Files (Fraud Cases)
Procurement Management Information System Europe
Contractor Personnel Files
Property Officer Designation Files
Hand Receipt Files
Personal Property Accounting Files
Personal Clothing Record Files
Authorized Supply Representative Card Files
Authorized Supply Representatives Card Register Files
Equipment Operator Permit Files
Equipment Operator Permit Register Files
Laundry and Dry Cleaning Accounting Files
Small Arms Sales Recor dFiles
Users' Profile System
Resettlement Files

Real Estate Outgrants
Homeowners Assistance Case Files
Integrated Facilities System (IFS)
Army Housing Files
Contractor Qualification Files
Reservoir Permit Files
General Permit Files
Violation Warning Files
Appendix

DEFENSE MAPPING AGENCY (268–305)

Office General Personnel Files
Office Personnel Locator Files
Employee Record Card Files
Office Personnel Information Files
Duty Roster Files (2)
Standard of Conduct Files
Temporary Duty Travel Files
Records Access Files
Security Awareness Files
Personnel Security Clearance Information Files
DMA Central Clearance Group Pre-Employment Files
DMA HQ Military Personnel Reference Paper Files
Communications Center Release Authorization
Military Personnel Reference Paper Files
Inspector General Investigative Files
Inspector General Complaint Files
Historical Photographic Files
Installation Historical Files
Record of Travel Payments
DMA Central Clearance Group Pre-Employment Files
Individual Pay Record Files
Compensation Data Request Files
Individual Retirement Record Control Files
Leave Record Files
Decedent Claim Files
Statements of Employment and Financial Interest Files
Legal Assistance Case Files
Personnel Property Claim Files
Tort Claim Files
Agency Claim Files
Patent Files
Congressional Correspondence Files (Civilian Personnel—Congressional Inquiries)
Biography Files
Master Billet/Access Record
Classified Material Access Files
Security Compromise Case Files
Security Violation Card File
Security Identification Issue Files
Security Identification Accountability Files
Firearms Authorization Files
Parking Permit Control Files
Vehicle Registration and Driver Record File
Traffic Law Enforcement Files
Key Accountability Files
Personnel Security Files (2)
Personnel Security Investigative Files
Security Briefing and Debriefing Files
Special Security Briefing and Debriefing Files
Civilian Personnel Program Reporting Files (Master File Printout)
Civilian Personnel Program Reporting Files (Employee Retirement Record)
Personnel Assistance Files
Organization File
Differential and Allowance Files
Active Application Files (Applicant Supply Files)
Pending Application Files
Equal Employment Opportunity Reporting Files
Equal Employment Opportunity Complaint Case Files
Official Personnel Folder Files
Emplovee Service Record File
Expert and Consultant Data Files
Adverse Action Files
Personnel Locator Files (Alpha Listing)
Chronological Journal Files
Civilian Training Reporting Files
Civilian Training Program Files
Training Files
Contract Training Files
Record of Training Files
Referral and Selection Files
Occupational Inventory Files
Comptroller/Financial Management Civilian Career Referral System
Individual Overseas Employment Referral Files
Occupational Qualification List Files
Hours of Work Files
Appeals Files
Grievance Files
Reduction in Force Card Files
Retention Register Files
Basic Labor Relations Files
Incentive Awards
Official Records (Military) Files and Extracts
Military Services Administrative Record Files
Federal, State and Professional Safety Councils and Committees Files
Safety Awards Files
Accidental Injury/Death Reporting Records Files
Civilian Employee Health Clinic Record
Blood Donors Files
Alcoholism and Drug Abuse Files
School Reporting Files
Faculty Development Program Files
School Faculty Board Review Files
Individual Academic Record Files
Collateral Individual Training Record Files
Contracting Officer Designation Files
Property Officer Designation Files
Report of Survey Files
Self Service Store Authorization Card Files
Motor Vehicle Operator's Permits and Qualifications Files
Passport Files
Transportation Officer Appointment Files
Individual Government Transportation Files
DMA Directory of Addresses

DEFENSE CIVIL PREPAREDNESS AGENCY (305–327)

DCPA ACC 2, 3, 5, and 6 Payroll and Leave Accounting
DCPA ACC 2, 3, 5. 6A, Travel and Transportation Accounting
Radio Amateur Civil Emergency Services (RACES) Plans
Emergency Operating Planning
Civil Rights Complaint and Compliance Files
Liaison Services Industrial Coordinator, Guest Speaker and Natl. Organ. List
Biographies
Civil Defense Awards
Interest–Conflict Review
Claims (Litigation)—Employees
Claims (Litigation)—Other than Employees
Enforcement, Compliance and Supervision of DCPA Employees
Enforcement (Compliance)—Individuals Other than DCPA Employees
Program Management Information System
Delegations and Designations Files
Committee Management Files
Defense Civil Preparedness Agency (DCPA) Central Files
Office Services File System
General Personnel
Bond, Charitable, and Blood Donor Drives Files
Military Reserve Program
Executive Reserves
Equal Employment Opportunity Discrimination Complaint Files
Handicapped Employees and Handicapped Veterans
Emergency Notification Lists
Classified Clearances
Standard Publications Distribution Lists
State Civil Defense Directors

Publications Distribution Lists—Computer Center
Instruments and Equipment, Loaned, Radioactive Materials Maintenance and Calibration
Radiation Exposure and Radioactive Materials; Radiation Committee Records
Classified Documents Control Files
Summer Hire
F. W. Dodge Company Reports
Student Academic and Course Records, DCPA Staff College
Home Study Courses, DCPA Staff College
State and Local Civil Preparedness Instructional Program (SLCPIP)
Qualified Instructor File
DCPA Form 1353, Appl. for Enrollment in Architects and Engrs; Professional Dev. Prog.
Division Info Distribution Sys. (DIDS) Volunteers
List of Custodians of Decision Info Sys (DIDS) Radio Receivers
Defense Civil Preparedness Agency Offices

OFFICE OF THE SECRETARY OF DEFENSE (327–376)

Office Social Roster and Locator Card
03–3 and 03–4 Individual Personnel Files, 03–1b Consultants Files
Files of Personnel Evaluated for Presidential Support Duties
Files of Periodic Management Assessments of Certain Key Management Personnel and in DoD
Files of Personnel Evaluated for Non-Career Employment in DoD
Personnel Roster
Federal Employment Service Record Card
Travel Files
OSD General Correspondence Files
Cable Branch Personnel Administration Files
Training Records
Personnel Leave Schedule
Personnel Records
Civilian Pay Time and Attendance Report
Request for Overtime Authorization
Time and Attendance Report
Classified Container Custodian Data, SD 411
List of Personnel and Security Clearances
Combat Area Casualties
List of Female Employees of OSD/OJCS
Personnel File/Biography
Personnel Roster (3)
Supergrade Correspondence, Reports, and Case Files
Job Opportunity Announcements
DoD Program for Stability of Civilian Employment
Reduction-In-Force Case Files
Roster of When Actually Employed Employees
DoD-Wide Civilian Career Program for Comptroller/Financial Management Personnel
Incentive Awards Records
Worker's Compensation-On-The-Job Injuries Report File
Computer Data Base
Training File
Executive Development Programs File
Management Intern File
Blood Donor Files
Department of Defense Distinguished Service Medal Files
Joint Service Commendation Medal Recommendations File
Assignment Folders
The Office of the Secretary of Defense Identification Badge Suspense Card System
General/Flag Officer Files
Report of Personnel Assigned Outside of Department of Defense
Duty Status Cards
General/Flag Officer Roster
Roster of Military Personnel
Navy Officer Personnel Service Records
Overseas Staffing Files
Protective Services File
Pentagon Building Pass Application File
The Office of the Secretary of Defense Clearance File
Employee Assistance Program Case Record Systems
Labor Management Relations Records Systems
Application for Pentagon Parking Permit
Pentagon Computeride
Office of the DASD (Security Policy) Personnel Files (ODASD(SP))
Industrial Personnel Security Clearance Case Files
Administrative Files on Active Psychiatric Consultants to DoD
Motions for Discovery of Electronic Surveillance Files
Personnel Security Clearance Files
Office of Director of Research and Development, (ODDR&E), Personnel Administration Files
Office Director of Research and Development, (ODDR&E), Inventor's File
Requests for Two-Year Foreign Residence Waiver Files
Financial Interest Statement File
Private Relief Legislation File
General Administrative File
Personnel Files
Contact Files
Files of Personnel Evaluated for Employment in the Office of the ASD(H&E)
Variable Incentive Pay for Medical Officers—Data Management System
I&L Administrative Files
ISA Telephone Directory
ISA Locator File
Organizational Personnel Files and 201 Files
Office of the Assistant Secretary of Defense (Intelligence) Personnel Roster
Key Personnel List
Staff Telephone Listing
Security Clearance File
Biographic Data File
Overseas Education Correspondence Files
Teacher Application Files
Employer Support File (PLEDGE)
Reenlistment Eligible File (RECRUIT)
Department of Defense Priority Placement Program (STOPPER LIST)
Department of Defense Overseas Employment Program
Central Automated Inventory and Referral System (CAIRS)
DRRI Student File
Equal Opportunity Complaint File
Military Absentees in Foreign Countries (DESERTER)
Reserve Components Common Personnel Data System (RCCPDS)
Survey Data Base
MARDAC Data Base
Reports of Defense Related Employment
Retired Personnel Master File
DOD Overseas Dependent School Teachers Retroactive Pay Project
Health Benefits File
AR 340–18–9 Medical Care Inquiry Files
MA3T01 Health Benefits Preapproval Files
AR 340–18–4 Legal Opinion Files
Health Facilities File
AR 340–18–9 Policy and Precedent Files
Medical Claim History Files
Joint Civilian Orientation Conference Files
Biography File
Portrait-Photograph File
Case Files
Freedom of Information Program Case Files
Security Review Index File
Personnel Files
Contact Files
Public Correspondence Files
DOD Civilian Personnel Data File Extract
Administrative Files for the Office of the Assistant Secretary of Defense for PA&E
Civilian Personnel Sample
DSMS Personnel Information Files

DSMS Student Files
DSMS Track Record System
DSMS Academic Analysis System
Biographical Record System
DSMS Mailing List

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (376–378)

Travel File
Biographical Sketch
ARPA Basic File
ARPA Personnel

DEPARTMENT OF THE AIR FORCE (378–678)

For Cause Separations of Personnel with Duty and Travel Restrictions (FCS/DTR)
Sensitive Compartmented Information (SCI) Personnel Security Records (PSR)
Secretary of the Air Force Historical Records
Unusual and Incoherent Translation Material
Chaplain Privileged Communication Files
Commander's Patient Status Report (Cadet)
Cadet Appointment System
Cadet Wing Movements
Planning and Resource Management Information System
Inquiries (Presidential, Congressional)
Air Force Discharge Review Board Retain Files
Individual Weight Control File
Humanitarian/Permissive Reassignment Files
Special Interest Assignment Files
Drug Abuse Ledger
Survival Training Elimination Messages
National Agency Check—Status
Administrative Discharge Administrative Summary
Instructor of the Month Records
Potential Faculty Rating System
Air Force Reserve Officer Training Corps Evaluation Information Record Files
Airman NCO Recognition Program
Office Projects/Studies (Behavioral Service Program)
Academic Completion Report
Human Reliability for Special Missions
Correspondence, Message and Project Files (Civil Reserve Air Fleet Personnel)
Minutes of 354 TFW Quality Review Committee
Air Force Attache Record System
USAF Prisoner of War (PW) Debriefing Files
Military Airlift Command (MAC) Dishonored Check Program
Cadet Promotion List
Background Material
Operational Reference File
Record of Air Force Personnel Assigned Outside the Department of Defense
USAF Reconstitution Requirements for Office of JCS and HQ USAF
Check Cashing Privilege Files
Reports, Controlled and Uncontrolled (Bad Check Report)
Daily Strength Report
Senior Officer Management Office Files
Report of Processing Time for Administrative Discharge Actions
Student Record of Training
Graduate Evaluation Master File
Source Support and Control Data Basic Trainee Records
Source Support and Control Data Special Trainee Records
Nelson Denny Reading Test Answer Sheets
Air Force Reserve Officer Training Corps (AFROTC) Membership System
Four Years Reserve Officer Training Corps (AFROTC) Scholarship Program Files
Individual Weight Loss Record
Air Force Reserve Officer Training Corps (AFROTA) Guest Lecture Files
Personnel Management Information System
Source Support—Control Data
Career Development Graduates Historical Roster
Career Development Graduates Monthly Report
Career Development Course Enrollees
Complaints and Inquiries
Inspection Augmentor Data
Source Support or Control Data (Disciplinary Overweight Chart)
Base, Unit, and Organizational Military and Civilian Personnel Locator Files
Responses to Congressional Inquiries
Congressional Correspondence
Congressional Inquiries
Congressional Inquiries/Legislative Liaison
Microfilm Records Congressional/Executive Inquiries
Student Information Cards
Locator or Personnel Data
Congressional Inquiry File
Medical Service Corps Personnel Files
Personnel Locator Cards
Professional Inquiry Records System
Files of Waiver from Flying Duty (WAIVR FILE)
High Level Inquiry File
Veterinary Personnel Files
Congressional Inquiries
Locator Personnel Data
Personnel Locator Roster
Recruiter Manning Personnel Listing
Air Force Junior ROTC (AFJROTC) Unit Files
Air Force Office of Information/OI Personnel Background Record
General/Colonel Status Board
Locator of Personnel Data (Lists of Known Civilian Criminals)
General Colonel Personnel Data Action Report
Visual Aid
6987 Security Squadron Office Alpha Roster and Squadron Roster
Civil Engineer Personnel Data Cards
Faculty Biographical Sketch
Navigation Course Number 470, Flight Mission Report
Class Committee Products
Privacy Act Request File
Information Requests—Freedom of Information Act
Fee Case File
Veterinary Records
Cadet Records System (Research and Evaluation Files)
Manpower Standards Study Reports
Committee Management Records
Biographical Information File
Commander Selection File
Brigadier General Screening Board Results
Cadet Summer Training
Air Force Audit Agency (AFAA) Management Information System—Plan File
File Designation, Drug Abuse, Waiver Requests
Confidential Statement of Employment and Financial Interest
Duty and Travel Restriction Notification Letters
Alcohol Abuse Control Case Files
Drug Abuse Control Case File (2)
Graduate Programs
Military and Leadership Order of Merit System
Inquiries on the Reserve Program
Documentation for Identification and Entry Authority
Applications for Identification (ID) Cards
Deceased Service Member's Dependent File
Indebtedness, Nonsupport, Paternity
Casualty Files
Next of Kin Inquiries Civilian MIA/PWs
Contingency Planning Support Capability (CPSC)—Data Systems Designator (DSD) A349
Advanced Personnel Data System (APDS)—ADS: E300
USAF Aerospace Medicine Personnel Career Information System
Bioenvironmental Engineer Personnel Career Information System
Aerospace Physiology Personnel Career Information System
Military Personnel Expense Distribution Listing

Personnel Data System
Air Training Command (ATC) Officers Effectiveness Analysis File
Air Training Command (ATC) Officer Add-on Data
Processing and Classification of Enlistees (PACE)
Enlistee Quality Control Monitoring System E818
Advanced Data Personnel System Optional DIN Y06
Advanced Personnel Data System (APDS) CBPO Optional DINS Y01–Y05
Military Airlift Command (MAC) Special Executive Development Program
Group Scheduling Listing
Disaster Teams and Training
Officer Promotion Eligibility Report
Base Automated Mobility System (BAMS) Personnel Extract Tape
Processed Transactions
Periodic Reconciliation File
Accession Listing
Input Transaction Registers
Military Personnel Administrative Records
Air Force Systems Command (AFSC) Personnel Resource Management System
Potential Program Managers Tracking System (PPMTS)
Air Force System Command Personnel Data Retrieval System
Equal Opportunity in Off-Base Housing
Off-Base Housing Referral Service
Base Housing Management
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DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

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National Institute of Education, Sources and Effects of Teacher Expectations
Life Plans Study: The Impact of the Women's Movement on Educational and Occupational Behavior and Attitudes of Married Women
Safe School Study
Hyperkinesis and Food Additives Study
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Saint Elizabeths Hospital Social Services Record System
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Study of Selected Environmental Protection Agency Employees in Cincinnati for Respiratory Disease
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West Virginia Pulp and Paper Company Study
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Tuberculosis Prophylaxis Studies—Alaska and Puerto Rico
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Curricula Vitae
Biographies: Employees and Consultants
Clinical Research: Catalog of Clinical Specimens
Clinical Research: Cooperative Smallpox Vaccine Study
Clinical Research: Serology-Epidemiology Parasite Research
Clinical Research: Atlanta Federal Prison Malaria Research Projects
Professional Services Contracts
U.S.-Japan Program
Trainees Record System
Research Resources: H-2 Soluble Antigen and H-2 Antiserum
Research Resources: HL-A Antiserum and Tray Users
Grants: NIH Fellowship Payroll
Administration: General Files
Clinical Research: Vision Studies
Administration: Property Accounting
Administration: Journal of the National Cancer Institute
Research Resources: Viral Oncology Human Specimen Program
Professional Services Contracts
Contracts: Carcinogenesis Contracts and Intramural Projects
Contracts: Contract Management System
Contracts: Division of Cancer Control and Rehabilitation
Contracts: Viral Oncology Contracts
Clinical Research: Baltimore Cancer Research Center Patients
Clinical Research: Burkitt's Lymphoma Registry

Clinical Research: DCT Clinical Investigations
Clinical Research: Hodgkin's Disease Studies
Clinical Research: Japan Hawaii Cancer Studies
Clinical Research: National Cancer Incidence Surveys
Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives
NIH Clinical Center Admissions of the NCI
Clinical Research: Soft Tissue Sarcoma Staging
Clinical Research: Urinary Steroid Levels in Breast Cancer Patients
Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials
Administration: Principal Investigators Protection from Research Risks
Mailing List: NIH Guide to Grants and Contracts
Grants: Research, Research Training, Fellowship and Construction Applications and Awards
Grants: Senior International Fellowships Program
Clinical Research: Study of Oral-Facial Clefts
Clinical Trials Dealing with Fertility Regulating Methods
National Heart and Lung Epidemiological and Biometric Studies
Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia
Neural Prothesis and Biomedical Engineering Studies
Clinical Research Studies Dealing with Hearing, Speech and Language Disorders
Pharmacology Research Associates
Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention
Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention
Research Studies Dealing with Prevention of Dental Caries, Plaque, and Gingivitus
Kidney Transplant Histocompatibility Study (KTHS)

SOCIAL SECURITY ADMINISTRATION (373-475)

Commissioner's Correspondence File
Automated Controlled Correspondence Extraction System
Appeals File
Presiding Officer File
Storage of Hearing Records: Tape Cassettes and Audiograph Discs
Hearing Office Master Calendar
Presiding Officer's Docket
Hearings and Appeals Case Locator System
Hearings and Appeals Case Control Card File
Panel Listings for Vocational Experts and Medical Advisors
Records of Usage of Medical Advisors
Curriculum Vitae and Professional Qualifications of Staff Physicians and Medical Advisors
List of Physicians Utilized as Readers of Black Lung X-Ray Films
Carrier Medicare Claims Records
Medicare Benefit and Check Records
Review and Fair Hearing Case Files—Supplementary Medical Insurance Program
Explanation of Medicare Benefit Records
Medicare Physician Supplier Master File
Intermediary Medicare Claims Records
Health Insurance Master Record
Supplementary Medical Insurance Premiums (Buy-In) Master Record
Group Health Plan System
Health Insurance Utilization Microfilm
Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program
Medicare Beneficiary Correspondence Files
Alphabetical Name File (Folder) of Health Insurance Program Consultants
Hospital Insurance Open Admission Item File (Statistics)
Payment Record File of Supplementary Medical (Medicare) Enrollees (Statistics)
Chronic Renal Disease Beneficiary History File
SSA Health Insurance Program Review Team Case Files
Non-Provider Overpayment Recovery File
Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments
Employee Housing Request Files
Personnel Research and Merit Promotion Test Records
Employee Production and Accuracy Records
Debtors, Credit Counseling and Consumer Protection
Requests for Review of Proposed Contracts with Experts and Consultants
Social Security Administration Contract Files
General Criminal Investigation Files
Employee Identification Card Files (Building Passes)
Court Docket and Card File
Supplemental Security Income Quality Assurance System
Program Integrity Management Information and Control System
Quality Assurance Casefile
Daily Record of Certified Benefits
Initial and Continuing Disability Determination File
Black Lung Payment System
Consultative Physician File
Critical Case Processing Time
Disability Hearing Processing Time
Disability Data Record
Completed Determination Record—Continuing Disability Determinations
Administrative Disallowance Records for Technical Denials
Disposition of Vocational Rehabilitation Report to Social Security Administration
Reimbursement from Trust Fund for Vocational Rehabilitation Services
Initial Agency Disability Cases Time Study
Lag Period Between Initial Denial Notice and Reconsideration Study
Vocational Rehabilitation Savings Calculation
Quality Evaluation Data Records
Master Files of Social Security Number Holders
Earnings Recording and Self-Employment Income System
Correspondence File of the Bureau of Data Processing
Record of Earnings Information Furnished for Non-Program Purposes
Record of Employees Authorized to Review Bureau Records
Total Resources and Information Management (TRIM) System of Assistant Bureau Director Systems
Pending Social Security Number Applications
Direct Input Source Documents
Claims Development Record
Record of Claims (Microfiche)
Congressional Inquiry File
Public Inquiry Correspondence File
Wage Item File
Problem Case File
Problem Case File (Supplemental Security Income)
Forced Payment File (Supplemental Security Income)
One Time Payment File
Control File for Cases Before Presiding Officers
Claims Leads
Welfare Eligibility Lists for December 1973
Tax Assessment Records
Local School Records
Local Birth Records
Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits
Master Beneficiary Record
Social Security Administration Claims Control System
Automated Control System for Case Folders
Billing and Collection Master Record System
Recovery Accounting for Overpayments
Health Insurance Overpayment Ledger Cards
Control System for Delayed, Critical, or Sensitive Case Inquiries
Program Integrity Cast Files
Litigation Activity File
Court Case Record File

Fee Ledger System for Representatives
Supplemental Security Income Record
Supplemental Security Income Claims Data
Claims Currently in Process File (Supplemental Security Income)
Claims Index File (Supplemental Security Income)
Advance Payment File (Supplemental Security Income)
Overpayment File (Supplemental Security Income)
Supplemental Security Income File of Refunds
Debit Voucher File (Suppliemenal Security Income)
Supplemental Security Income Congressional Inquiries File
Supplemental Security Income Priority Correspondence Staff Files
State Data Exchange System (Suplemental Security Income)
Supplemental Security Income Audit Trail Microfiche
Age at First Payment of Retirement Insurance Benefit
Non-Contributory Military Service Reimbursement System
Special Age 72 Benefit Trust Fund Transfer Project
Health Insurance Benefit and Actuarial Sample Control System
Actuarial Sample Health Insurance and Supplementary Medical Insurance (Medicare)
Actuarial Sample Hospital Stay Record Study
Actuarial Sample of Supplementary Medical Insurance Payments
Congressional Bills File
Survey of Disabled Adults (Statistics)
Longitudinal Sample of Disability Insurance Applicants (Statistics)
Social Security Administration—Rehabilitation Service Agency Data Link of Closed Cases (Statistics)
Continuous Disability History Sample (Statistics)
Retirement Survivors and Disability Insurance Claims Study
Adjudication of Supplemental Security Income Claims Study
Quality of Service Measurement Program Based Upon Consumer Opinions
Analysis of Narcotics Addicts in Baltimore (Statistics)
Changing Commitments to Work and Family Among Women in Chicago, Aged 25-54 (Statistics)
Analysis of Factors in Recurring Dependency Among Welfare Cases Closed in New York City (Statistics)
Extramural Research Contract File
Extramural Research Grants File
Medicare Bill File (Statistics)
Medicare Enrollment Records (Statistics)
Health Insurance Enrollment Statistics—General Enrollment Period
Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics)
Group Practice Prepayment Plane Line Item Sample of Medicare Utilization (Statistics)
Current Medicare Survey (Statistics)
Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefit (Statistics)
Ambulatory Prescription Drug Study (Statistics)
Medical Services Microdata Project (Statistics)
Study of Medical Use Under the United Medical Clinic Plan or the Kaiser Health Plan (Statistics)
Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics)
Survey of Physicians' Administrative and Practice Costs and Medicaid Participation
Ambulatory Surgery Research Project
Matches of Internal Revenue Service and Social Security Administration Data With Census Survey Data (Joint Social Security Administration/Census Statistics Development Project)
Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Statistics Development Project)
Matches of Social Security Administration Department of Defense and Veterans Administration Data Relating Earnings History to Armed Forces Training Experience
Disabled Persons Operations File (Annual) (Statistics)
Monthly Benefit Disability Freeze Study (Statistics)
Substantive Awards File (Statistics)
Family Benefits File (Annual) (Statistics)
Effect of the Annual Earnings Test (Statistics)
Administrative Award and Termination File (Statistics)
Beneficiaries Residing Abroad File (Statistics)
Coal Miners Covered by the Health and Safety Act (Statistics)
Administrative Disallowance File (Statistics)
Continuous Work History Sample (Statistics)
Master Beneficiary Record Research Extract (Statistics)
Studebaker Plant Closure Data File (Statistics)
Special Sample of Earnings Records (Statistics)
Issuance of Social Security Numbers (Statistics)
Multiple Social Security Number Study (Statistics)
Agricultural Worker Data File (Statistics)
Longitudinal Retirement History Study (Statistics)
Survey of the Aged (Demographic and Economic Characteristics of the Aged (1968)
Sample of Newly Entitled Worker Beneficiaries
Social Security and the Changing Life Ethos
Age at Death and History of Covered Employment and Entitlement (Statistics)
Survey of Student Beneficiaries (1973)
Longitudinal Supplemental Security Income File (Statistics)
Survey of Low Income Aged and Disabled (Statistics)
Supplemental Security Income Impact Research Project of Persons in Multnomah County, Oregon
Survey of Institutionalized Supplemental Security Income Recipients (Statistics) (1974)
Study To Determine Impact of State Supplementation of Domiciliary Care of Supplemental Security Income Recipients
Optional State Supplemental Payment Program Design (Statistics)

DEPARTMENT OF THE TREASURY

Office of the Secretary (489-526)

Office of Capital Markets and Debt Management, Actuarial Valuation System
Office of Capital Markets and Debt Management, General Correspondence
Energy Policy Office Administrative File
Contractors File
Contracts and Research Proposals
Directory File of Reporters on Treasury Foreign Exchange and Foreign Currency Forms
General Correspondence
OASIA Correspondence Files
OASIA Invitation Lists
OASIA Time Cards Listed on Form 2384 and State Form 1130A
Office of Debt Correspondence Files
Office of Debt, Home Addresses and Telephone Number File
OIDB Employee and Employee Candidate Files
Personnel, Personnel; Recruitment Personnel; Evaluations Personnel Files
Public Correspondence
Treasury Foreign Currency (TFC) Reporters
Treasury Foreign Exchange (TFEX) Reporters
Confidential Statements of Emloyment and Financial Interests, Personnel Division, Office of the Secretary
Disabled Veterans Statistical Report
EEO Counselor Complaint Files
Management Analysis Division (MAD) Personnel Working Files
OMO Management Consultants File
Payroll, Time and Attendance Records
Personnel and Payroll Data: Transaction Lists; Employee Service Record Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing; and Alphabetical Locator List
Personnel Security Files
Reference Letters—Special Assignments Branch Office of the Secretary of the Treasury
Roster of Office of the Secretary Employees
Scheduled Annual Leave Records
Security Clearance Index Card File, Security Branch, Office of the Secretary of the Treasury
Summer Employees Listing

Time and Attendance Cards
Travel Records
Treasury Emergency Preparedness Information Program. The information system of this program contains the following information records which are subject to this inventory: (1) Emergency Executive Teams Lists, (2) Alert Notification Procedures, (3) Federal Emergency Assignee Identification
Treasury Payroll/Personnel Information System (To be implemented approximately January 1977 to July 1978
Upward Mobility Program; Counseling Application
Correspondence Files and Records on Employee Complaints and/or Dissatisfaction
Employee Grade Complaint File
Executive Inventory Files
Personnel Security Files and Indices
Timecards
Appointment at Above the Minimum Rate of the Grade Files
Combined Applicant/Applicant Correspondence File
Detailed Employee Files
Whitten Amendment Exception Files
Office of Computer Science, Work Assignment and Control Form
Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST)
EEO Complaint Processing System
Spanish Speaking Informal Application File (S.F. 171)
EOTA FOI Request/Appeals Files
International Criminal Police Organization (INTERPOL) Criminal Investigative Records
Treasury Enforcement Communications System (TECS)
Foreign Assets Control Administrative Records
FAC 1950 Census of Blocked Chinese Assets
FAC 1970 Census of Blocked Chinese Assets
FAC 1964 Census of Blocked Cuban Assets
Foreign Assets Control Enforcement Records
Foreign Assets Control General Correspondence Files
Foreign Assets Control Litigation Files
Foreign Assets Control Licensing Records
ORS Auditors' Address File
ORS Contractors File
ORS Governors' Address File
ORS Governors & Governors Authorized Representatives List
Office of Revenue Sharing, Intergovernmental Relations Division Mailing List
ORS Leave Records
ORS Personnel Records
ORS Public Affairs Personnel File
ORS Senate, House & Governors' Address File
ORS State Attorneys General Records
Annual Performance Rating and Annual Performance Analysis
Attorney Books
Attorneys Past and Present
Chief Counsel for Revenue Sharing Personnel
Civil Litigation Records
Claimants, Disbursing
Employee Inventions
Employee Promotion Information
Employment Applications
Foreign Assets Control Legal Files
Freedom of Information Requests for Office of Secretary and Other Department Records
Gifts to the United States
General Counsel Personnel Files
Personnel: General Counsels, Deputy General Counsels, and Assistant General Counsels
Private Relief Bill System
Tax Court Judge Applicants
Employee Record Cards
Abandoned Enrollment Applications
Applicant Appeal Files
Closed Files Containing Derogatory Information About Individuals' Practice Before the Internal Revenue Service and Files of Attorneys and Certified Public Accountants Formerly Enrolled to Practice
Derogatory Information (No Action)
Disbarments
General Correspondence File
Inventory
Register of Docketed Cases and Applicant Appeals
Resigned Enrolled Agents (action pursuant to 31 CFR, Section 1055(b))
Roster of Former Enrollees
Present Suspensions From Practice Before the Internal Revenue Service
Accounting for Investment Credit File, Office of the Assistant Secretary for Tax Policy
FOI Compliance File, Office of the Assistant Secretary for Tax Policy
Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy
Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy
Automated Directory System
Buildings Management Employee Folder
Real Property Management Staffing & Recruitment File
Daily Bindery Log, Reproduction Branch
Daily Work Log, Reproduction Branch
Employee Locator Record
Library Circulation Control Records
Monthly Production Report, Reproduction Branch
Overtime Records, Reproduction Branch
Parking Permit Application
Printing Procurement Charge Ticket, Printing Procurement
Physical Security Information System
Sign-In Sheet, Reproduction Branch
Weekly Activity Report, Printing Procurement Branch
Personnel Files
Merit System Complaints

Internal Revenue Service (526-612)

Biographical Files, Public Affairs
Intelligence Clips, Public Affairs
Subject Files, Public Affairs
Tax Case Files, Public Affairs
Public Speaking and Other Public Appearances, Public Affairs
Airway Use Tax Registrant, Data, ACTS: A
Annual Listing of Undelivered Refund Checks, ACTS: A
Audit Trail File, ACTS: A
Audit Underreporter Case File, ACTS: A
Card Index File of Erroneous Refunds (ACTS)
Collection Case File, ACTS: A
Combined Account Number File, ACTS: A
Discriminant Function File (DIF), ACTS: A
Employer Inquiry Look-Up for TDA Inquiries, ACTS: A
Form 1042 Index Register, ACTS: A
Form 1042 Name Directory, ACTS: A
Form 1042S Index By Name of Recipient, ACTS: A
Forms Filed by U.S. Citizens or Residents Relating to Foreign Companies, ACTS
IDRS Security Profile System, ACTS: A
Individual Account Number File, ACTS: A
Individual Master File (IMF); ACTS A
Individual Master File Change and Adjustment Document File, ACTS: A
Individual Master File (IMF) Microfilm Retention Register, ACTS: A
Individual Master File (IMF) 608 and 388 Microfilm Retention Register, ACTS: A
Individual Returns Files, ACTS: A
Interest Equalization Tax Forms File, ACTS: A
IRS Employee Delinquency Notice List, ACTS: A
Miscellaneous Forms Files, ACTS: A
Multiple Refund File, ACTS: A
Penalty Case File, ACTS: A
Potential Refund Litigation Case Files, ACTS: A
P.O.W.-M.I.A. Reference File, ACTS: A
Residual Master File (RMF) ACTS
Residual Master File Change and Adjustment Document File, ACTS: A
Residual Master File (RMF) Microfilm Retention Register, ACTS: A
Residual Master File (RMF) Transaction, Codes 608 and 388 Microfilm Retention Register, ACTS: A
Residual Returns Files, ACTS: A

Return of Initial Excise Taxes on Private Foundations, Foundations Managers, and Disqualified Persons File, ACTS: A
Social Security Administration's Daily Search File (SSA DSF), ACTS: A
Statistics of Income Individual Selection Sheet, ACTS: A
Subsidiary Accounting Files, ACTS: A
Taxpayer Delinquent Investigation Notice File, ACTS: A
Tentative Carryback Allowance File, ACTS: A
Unidentified Remittance File, ACTS: A
Unit Ledger Cards, ACTS: A
Wage and Information Document (WAID) File, ACTS: A
Acquired Property Records, ACTS: C
Adjustment and Payment Tracer Files, ACTS: C
Collateral Files, ACTS: C
Defunct Special Service Staff File Being Retained Because of Congressional Directive, ACTS: C
File of Persons Making Threats of Force or Forcible Assaults, ACTS: C
Form 2209, Courtesy Investigations, ACTS: C
Form 2990—Miscellaneous Investigations, ACTS: C
IRS and Treasury Employee Delinquency, ACTS: C
Lien Files (Open and Closed), ACTS: C
Lists of Prospective Bidders at Internal Revenue Sales of Seized Property, ACTS: C
Litigation Case Files, ACTS: C
Offer in Compromise (OIC) File, ACTS: C
One Hundred Percent Penalty Cases, ACTS: C
Record 21, Record of Seizure and Sale of Real Property, ACTS: C
Records Being Maintained at the Request of Congressional Committees, ACTS: C
Returns Compliance Programs (RCP), ACTS: C
Seized Property Records, ACTS: C
Tax Collection Waiver Form 900 Files, ACTS: C
TDA (Taxpayer Delinquent Accounts), ACTS: C
TDI (Taxpayer Delinquency Investigation) Files, ACTS: C
Transferee Files, ACTS: C
Delinquency Prevention Programs, ACTS: C
Accident Investigation Files System Administration
Employee Administrative Files, Tax Administration, Advisory Services Division
Personal Data on Official Contacts, Tax Administration Advisory Services Division
Requests for Printed Tax Materials Including Lists, Administration
Security Violations, Administration
Travel Expense Record, Administration
Payroll/Personnel System, Administration
Schedules of Collection and Schedules of Canceled Checks, Administration
Scholarship Program Cost Record, Administration
Accident Reporting Files System
Damage and Injury Claims Files System
Driver Licensing Files System
Economic Stabilization Program Closed Case Files
Economic Stabilization Program Special Correspondence Files
Emergency Preparedness Cadre Assignments and Alerting Rosters Files System
Employee Accountability for Personal Property and Miscellaneous Items
Executive Resources Information System
Identification Media Files System for Employees
Motor Vehicle Registration and Entry Pass Files System
Parking Space Application and Assignment
Personnel Identification Files System for Service Centers
Property Pass for Government Property
Record of Government Books of Transportations Requests
St. Louis District Office and Other Selected Economic Stabilization Program Closed Case Files
Security Clearance Files System
Appeals, Grievances and Complaints Records, Administration
Employee Activity Records, Administration
General Personnel Records (Official Personnel Folder and Records Related Thereto), Administration
Labor Management Relations Records, Administration
Medical Records, Administration
Personnel Investigation Records, Administration
Recruiting, Examining and Placement Records, Administration
Personnel Research and Test Validation Records, Administration
Retirement, Life Insurance and Health Benefits Records System, Administration
General Training Records, Administration
Audit Administrative File
Appraisal and Valuation Files
Audit Information Management System (AIMS)
Classification and Audit Selection Files
Compliance Programs and Projects Files
Coordinated Examinations of Large Cases Program
Correspondence Files
Correspondence Files, Audit
Data on Foreign Corporations
Expropriation of Property by Cuban Government
Highway Use Tax Audit Program
Identity of Taxpayers Using ADP Accounting Records and the Evaluation Thereof
Internal Revenue Service Employees' Returns Control Files
International Enforcement Program Files
Married Taxpayers Filing Separately File
Open and Closed Narcotics Traffickers Files
Project Files for the Uniform Application of Laws as a Result of Technical Determinations and Court Decisions
Request and Submittal File for Technical Advice, Assistance, Determination or Coordination
Runaway Parents List
Strike Force
System for Controlling Returns in Inventory and Production Data (SCRIP)
Tax Shelter Program Files
Appellate Division Case Data Source Document, Form 3564
Appellate Case Files
Appellate Conferee Inventory and Unit Time Report, Form 2568
Alphabetical Name File and Index, Intelligence Division
Case Management and Time Reporting System, Intelligence Division
Confidential Informants, Intelligence Division (2)
Controlled Accounts—Open and Closed, Intelligence Division TC 910/TC 914
Electronic Surveillance File, Intelligence Division
Treasury/IRS Intelligence Division, Information and Correspondence Files, Intelligence Division
Information Gathering and Retrieval System, Intelligence Division
Information Indexing System, Intelligence Division
Information Items Intelligence Division
Joint Compliance Program, Intelligence Division
Land Trust Files, Intelligence Division
National Register, Intelligence Division
Project Files, Intelligence Division
Project Personnel, Intelligence Division
Relocated Witnesses, Intelligence Division
Secret Service Details, Intelligence Division
Special Agent Skills Inventory, Intelligence Division
Strike Force Disclosure Authorization List, Intelligence Division
Tax Practitioner Files, Intelligence Division
Tax Termination File, Intelligence Division
Training Records, Intelligence Division
Treasury Enforcement Communications System (TECS), Intelligence Division
Disclosure Staff Control Card System, Compliance
Disclosure to Department of Justice, Disclosure
Disclosure to Executive Departments and Congressional Committees, Disclosure
File of Freedom of Information Act and Privacy Act Correspondence, Disclosure
Pre-Employment Tax Check for Executive Departments, Disclosure
Testimony of IRS Employees in Nontax Matters, Disclosure

Collateral and Information Requests System
Collateral Files and Competent Authority Requests
Financial Statements File
Foreign Stock Ownership File
Index Card Retrieval System
Manual Accounting Index of Uncollectible Accounts
Overseas Compliance Projects System
Taxpayer Service Correspondence System
Employee/Plans Exempt Organizations, Employee Plan Determination Letter Records
Employee/PlansExempt Organizations, Employee Plans/Exempt Organizations Assignment Records (Form M-6209)
Employee Plans/Exempt Organizations, Reports of Significant Matters in EP/EO (M-5945)
Assault and Threat Investigation Files Inspection
Bribery Investigation Files, Inspection
Conduct Investigation Files, Inspection
Disclosure Investigation Files, Inspection
Enrollee Applicant Investigation Files, Inspection
Enrollee Charge Investigation Files, Inspection
Miscellaneous Information File, Inspection
Security, Background and Character Investigations Files, Inspection
Special Inquiry (Complaint) Investigation Files, Inspection
Tort Investigation Files, Inspection
Individual Income Tax Returns, Statistics of Income
Artist File, Assistant Commissioner (Technical)
Correspondence Control and Records, Assistant Commissioner (Technical)
Expert Fee and Witness Appraiser Files, Assistant Commissioner (Technical)
Reference Index Digest Cards, Assistant Commissioner (Technical)
Reports of Significant Matters (Form 5945), Assistant Commissioner (Technical)
Chief Counsel Criminal Tax Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems.
Chief Counsel Disclosure Division Case Files
Chief Counsel General Administrative Systems. Each of the 37 Regional Counsel Offices and branch Regional Counsel Offices, each of the 9 Divisions in the National Office, the Office of the Chief Counsel, and the Offices of the Associate Chief Counsels (Tax Litigation) and (General) maintain a General Administrative System. This notice applies to all 50 of these systems.
Chief Counsel General Legal Services Case Files. Each of the seven Regional Counsel Offices and the National Office do or will maintain a General Legal Services Case File System. The information in this notice applies to all eight systems.
Chief Counsel General Litigation Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems.
Chief Counsel Interpretative Division Case Files
Chief Counsel Legislation and Regulations Division Correspondence and Private Bill Files
Chief Counsel Refund Litigation Division Case Files
Chief Counsel Tax Court Case Files. Each Regional Counsel Office, each branch Regional Counsel Office, and the National Office maintain one of these systems. The information in this notice applies to all 38 systems.
Digest Room Files Containing Briefs and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws
Employee Recruiting Files Maintained by the Administrative Services Division
Internal Control Records for Chief Counsel Legal Files
Legal Case Files if the Chief Counsel, Deputy Chief Counsel, Associate Chief Counsels (Tax Litigation) and (General), Deputy Associate Chief Counsel and Their Staffs
Management Files Maintained by Administrative Services Division and the Associate Chief Counsel (General) other Than the Civil Service Commission's Official Personnel Files
Reference Records of the Library in the Office of Chief Counsel
Reports and Information Retrieval Activity Computer and Microfilm Records
Correspondence Files and Correspondence Control Files
Correspondence Files Inquiries About Enforcement Activities

CUSTOMS SERVICE (612-760)

Acceptable Level of Competence, Negative Determination
Accident Reports (2)
Accident and Injury Report File
Accounts Payable Voucher File
Accounts Receivable Correspondence and Follow-Up
Accounts Receivable (2)
Accounts Receivable Files
Acting Customs Inspector (Excepted) (3)
Acting Customs Officer (Excepted) (2)
Advice Requests (Legal) (Region VIII)
Aircraft Ownership File
Aircraft Registers
Aircraft Sanctioned List
Arrest/Seizure/Search Report and Notice of Penalty File
Attorney Case File
Automated Customs Air Fleet Management Reporting System (CAMS)
Automated Merchandise Processing System (AMPS) Liquidation File
Background—Record File of Non-Customs Employees
Badge Number File
Baggage Declaration
Bankrupt Parties-in-Interest
Bills Issued Files
Biographical Information File
Biographical Files (Headquarters)
Boarding Report
Boat Automated Management System (BAMS)
Boat Owners Mailing List
Cargo Security File
Cargo Security Record System
CARNET Information System
Carrier File (2)
Cartmen or Lightermen
Case and Complaint File
Case Files (Regional Counsel-Region V)
Certificates of Clearance
Claims Act File
Claims Case File
Claims File (Region VIII)
Claims for Automobile Accidents
Claims (Receivable and Payable)
Collection File
Community Leader Survey
Complaints Against Customs Personnel
Confidential Source Identification File
Confidential Statements of Employment and Financial Interests
Congressional and Employment Correspondence
Congressional and Public Correspondence File
Container Station Operator Files
Cooperating Individual Files
Counseling Reports
Court Case File
Court Case Files (Region VIII)
Court Docket Records System
Credit Card File
Currency Declaration File (IRS Form 4790)
Currency and Monetary Instrument Reporting System (CMIR)
Customhouse Brokers Examination Records
Customhouse Brokers File, Chief Counsel
Customhouse Brokers, Headquarters Records

Customhouse Brokers Records
Customhouse Brokers Records (Headquarters)
Customs Fugitive Program
Customs Licensing and Identification Program (Proposed)
Customs Officer Badge Inventory
Custom Patrol Officer (CPO) Daily Activity Reporting System
Disciplinary Action and Resulting Grievance or Appeal Case Files
Disclosure of Information File (2)
Disclosure of Information Request Files (Region VIII)
Dock Passes
Drivers License File
Duty Assessment By Account (DABA) Interested Persons List
Employee Debts
Employee Relations Case Files
E.E.O. Complaint File
Equal Opportunity Complaint Processing Records System
Equal Opportunity Informal Discrimination Complaint Files
Equal Opportunity Discrimination Complaint Case File
Equipment Record File (2)
Exit Interview
Federal & New York State Licenses for Commercial Importation of Alcoholic Beverages
Federal Tort Claims Act File (2)
Fines, Penalties and Forfeiture Control and Information Retrieval System
Fines, Penalties, and Forfeitures (Supplemental Petitions)
Fines, Penalties and Forfeiture Records
Fines, Penalties, and Forfeiture Files (Supplemental Petitions
Fines, Penalties and Forfeiture Records (Headquarters)
Fines, Penalty, and Forfeiture (FP&F) Records System
Firearms Qualification Certificate Record
Firearms Qualification Records
Florida Boat Registration File
Former Employees
Full-Field Investigation—Active and Completed Log
Handicapped Employee File
I.D. Cards
Immediate Delivery Violation Record
Importer, Brokers, Carriers, Individuals and Sureties Master Files
Importer Name and Address Record System
Import Specialist Activities—Investigation Referrals
Import Specialist Activities—Laboratory Samples
Import Specialist Activities—Seminars
Import Specialist Activities—220 Visits, Region IX
Information and Investigative Reports From Other Federal Agencies
Information Received File
Information Received File (Patrol Division—New Orleans, (LA) (2)
Information Received (MOIR) File
Information Received File
Injury Notice
Inspector Training Quarterly Checklist Forms and Inspector Correspondence Course Enrollment Forms (CF–66)
Intelligence Log
Internal Security File
Internal Security Records System
Investigations Program Analysis
Investigations Record System
Investigative Program Analysis
Justice Court Case File (2)
Justice Department Case File
Laboratory Report Card
Legal Case Inventory System
Liquidated Damage Cases: Prior Violations
List of Vessel Agents Employees
Litigation Issue Files
Lookout Notice
Mail Entry Protest
Mail Protest
Mail Protest File
Military Personnel and Civilian Employees' Claims Act File (4)
Motor Vehicle Accident Reports
Motor Vehicle Operator's Identification Card
Motor Vehicle Operators I.D. Card and Record
Narcotics Suspect File
Narcotic Violator File
Notifications of Personnel Management Division When an Employee Is Placed Under Investigation by the Office of Internal Affairs
Operations Officer's (Classification and Value) Work Accomplishments
Operator Identification File
Optional Retirement List
Organization (Customs) and Automated Position Management System (COAPMS)
Outside Employment Requests
Overtime Earnings (2)
Overtime Earnings Daily Log Book
Overtime Earnings Record—Customs Warehouse Officers
Overtime Log
Overtime Reports
Parking Permit File
Parking Permits File (N.Y. Region)
Patrol Division Daily Activity Report
Patrol Information Data System
Patrol Officer Activity Listing
Payroll Administration/Problems
Payroll Record of Employees Not Covered by the Automated System
Penalty Case File
Personal Search (Negative)
Personal Seach N.Y. District (Negative Results)
Personal Search—Negative (District Director—Mobile, Alabama)
Personal Search—Negative (District Patrol—New Orleans, La., and Mobile, Al.
Personal Search File
Personal Search Report
Personnel Case File (2)
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THURSDAY, APRIL 21, 1977

highlights

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The Office of the Federal Register will publish supplement 3 to the U.S. Government Manual on May 2. This supplement will be a separate part in the FEDERAL REGISTER. Executive agencies may obtain copies by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office no later than April 28. Copies may also be purchased for 75 cents from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5717.....Pub. L. 95–21
To provide for relief and rehabilitation assistance to the victims of the recent earthquakes in Romania. (Apr. 18, 1977; 91 Stat. 48)
Price: $.35

H.R. 3365.....Pub. L. 95–22
To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions. (Apr. 19, 1977; 91 Stat. 49)
Price: $.35

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 600—ORGANIZATION AND FUNCTIONS

PART 611—ORGANIZATION

Farm Credit System

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, took final action to update its regulations covering the organization of the Farm Credit System. These amendments (1) show the changed location of the Central Bank for Cooperatives which is Denver, Colorado, and the change in name of the Farm Credit District No. 11 from Berkeley District to Sacramento District, and (2) describe certain supervisory responsibilities of the Farm Credit banks.

EFFECTIVE DATE: April 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578, 202–755–2181.

SUPPLEMENTARY INFORMATION: Since these amendments are technical changes which relate to organization of the Farm Credit System, it is found that notice of proposed rulemaking is unnecessary to the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 600.10(a) and Part 611, Subparts D and E as follows:

1. Section 600.10(a) is revised to read as follows:

§ 600.10 Farm credit districts.

(a) The United States is divided into 12 Farm Credit districts. In each district there are a Federal land bank and a number of Federal land bank associations, a Federal intermediate credit bank and a number of production credit associations, and a bank for cooperatives. Additionally, there is a Central Bank for Cooperatives located in Denver, Colorado. The three banks in each district maintain their offices together. The city in which their offices are located in each district and the area comprising each district are as follows:

District name	District No.	District States
•	•	•
Sacramento.	11	California, Nevada, Utah, Arizona, and Hawaii.
•	•	•

2. In Part 611, Subparts D and E are revised to read as follows:

Subpart D—Farm Credit System

The Farm Credit System includes the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, and the banks for cooperatives. Each of these institutions is an instrumentality of the United States for carrying out the congressional policy and objective. Each is chartered by the Farm Credit Administration, an independent agency of the Executive Branch of the United States Government, and subject to regulation and supervision by the Farm Credit Administration. The banks have immediate supervisory responsibility over the associations in their district, and as owner(s) or as a participating user over data processing operations. Together with their boards, the banks prescribe the powers, duties, authorities and functions of FARMBANK Services. FARMBANK Services is under the direction and control of its Governing Body.

Subpart E—Farm Credit Districts

The United States is divided into 12 Farm Credit districts. The designation and the States and other areas embraced in each district are as follows:

District name	District No.	District States
•	•	•
Sacramento.	11	California, Nevada, Utah, Arizona, and Hawaii.
•	•	•

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77–11523 Filed 4–20–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16726; Amdt. 39–2880]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm (MBB) Model BO–105A and BO–105C Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive which requires either the installation of a placard prohibiting external load operations or certain electrical wiring changes on Messerschmitt-Bolkow-Blohm (MMB) Model BO–105A and BO–105C helicopters. The AD is needed because of an electrical wiring problem which could prevent emergency release of the external load and cause the loss of the helicopter.

EFFECTIVE DATE: May 6, 1977. Initial compliance required within the next 5 hours time in service after the effective date of this AD.

ADDRESSES: The applicable service bulletin may be obtained from Messerschmitt-Bolkow-Blohm GmbH, Helicopter Division, 8000 Munchen-Ottobrunn, Federal Republic of Germany or Boeing Vertol Company, Mail Stop P31–69, P.O. Box 16858, Philadelphia, Pennsylvania, 19142, telephone (215) 522–2755.

A copy of the service bulletin is contained in the rules docket for this amendment in Rm. 916, 800 Independence Avenue S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

M. E. Gaydos, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that the electrical circuits of the external-load hook emergency release on certain MBB Model BO–105A and BO–105C helicopters have been incorrectly wired and could prevent emergency release of the external load which could cause the loss of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires either the installation of a placard prohibiting external load operations or the replacement of a specified electrical wiring bundle and change of wiring connections on MBB Model BO–105A and BO–105C helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Accordingly, and pursuant to the authority delegated to me by the Admin-

istrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

MESSERSCHMITT-BOLKOW-BLOHM (MBB). Applies to Model BO-105A and BO-105C helicopters, serial numbers S101 through S200, certificated in all categories, that incorporate external load hook assembly P/N 105-80322.

Compliance is required as indicated, unless already accomplished.

To prevent the possible inability to release an external load, accomplish the following:

(a) Within the next 5 hours time in service after the effective date of this AD, either:

(1) Install an operating limitation placard on the instrument panel in full view of the pilot, setting forth the following limitation "External Load Operations Prohibited"; or

(2) Replace wire bundle 22VB, P/N 105-98327, with new bundle, P/N 105-98326, and change the wiring connection of the associated connector plug 5MDA in accordance with subparagraph 2B of MBB Service Bulletin No. 80-21, dated July 25, 1975, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

(b) The operating limitation placard required by paragraph (a)(1) of this AD may be removed upon compliance with paragraph (a)(2) of this AD.

This amendment becomes effective May 6, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on April 14, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-11423 Filed 4-20-77;8:45 am]

[Docket No. 77-CE-8-AD; Amdt. 39-2876]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 337, T337 and M337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) requiring the installation of a placard in Cessna 337, T337 and M337 series airplanes which prohibits the initiation of single engine takeoffs which could result in an aircraft accident.

EFFECTIVE DATE: April 28, 1977.

Compliance required within next 25 hours' time in service after the effective date of this AD.

ADDRESSES: Cessna Service Letter ME 77-8, dated March 28, 1977, pertains to this AD and may be obtained from Cessna Aircraft Company, Marketing Division, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Centeral Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: The FAA issued AD 71-17-8, Amendment 39-1273, effective August 24, 1971, and published in the FEDERAL REGISTER on August 21, 1971 (36 FR 16505), which required installation of an operating placard in Cessna Model 337 airplanes to preclude inadvertent takeoffs with only one engine operating. After issuance of AD 71-17-8, the FAA determined as a result of accident investigations, that pilots of Cessna 337 and T337 airplanes intentionally initiated takeoffs with only one engine operating. While it is apparently the opinion of some pilots that single engine takeoffs in these airplanes can be successfully accomplished and are permissible, such takeoffs cannot be successfully made under all conditions of aircraft loading, field elevation and temperature and are an unsafe operating practice. To preclude this condition from developing in other airplanes of the same type design, an AD is being issued requiring the installation of a placard in Cessna 337, T337 and M337 airplanes which warns pilots that single engine takeoffs are unsafe and not permissible. Cessna Service Letter ME77-8 pertains to the subject matter of this AD.

Under the circumstances presented the FAA concludes that there is an immediate need for a regulation to provide for the safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to public interest and good cause exists for making this amendment effective in less than thirty (30) days after its publication.

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective April 28, 1977, by adding the following new AD:

CESSNA. Applies to 337 Series (Serial Numbers 337-0002 through 33701783), T337 Series (Serial Numbers 337-0001, 337-0526 through 33701398 and P3370001 through P3370271) and M337 Series (Serial Numbers 337-M0001 through 337-M0467) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent single engine takeoffs, within the next 25 hours' time in service after the effective date of this AD, accomplish the following:

A. Install a Cessna P/N 1400019-77 placard right of the tachometer instrument which reads as follows: "Do Not Initiate Single Engines Takeoff", and operate the aircraft in accordance with this limitation.

B. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

C. Cessna Service Letter ME77-8, dated March 28, 1977, or later approved revisions pertains to the subject matter of this AD.

This amendment becomes effective April 28, 1977.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)); § 11.81 of the Federal Aviation Regulations (14 CFR 11.81).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on April 7, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-11382 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-SW-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone: Santa Fe, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of operation of the Santa Fe, New Mexico, control zone to coincide with the hours of operation of the Santa Fe Air Traffic Control Tower (ATCT) which were reduced from continuous to 0600 to 2200 local time. This reduces the availability of special weather observations accordingly and necessitates the change in the control zone hours of operation to conform to the air traffic control tower hours of operation.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR Part 71, the Santa Fe control zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the air traffic control tower hours of operation. Special weather observations are provided on a 24-hour basis which is one of the requirements for a continuous control zone operation.

A traffic survey was completed on August 29, 1976, which indicated insufficient activity to retain the continuous control tower operation. On June 16, 1977, the air traffic control tower hours of operation will be reduced to 0600 to 2200 local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 16, 1977, as follows:

In Subpart F, § 71.171 (42 FR 355), the Santa Fe, New Mexico, control zone is amended by adding the following sentence:

This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas, on April 13, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.77-11425 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-SO-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters a segment of VOR Federal Airway identified as V-35W between Sugarloaf Mountain, N.C., and Holston Mountain, Tenn. This action reduces the existing V-35W mileage between Sugarloaf Mountain and Holston Mountain. A review of the existing airway indicated that a realignment would improve the airway.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: V-35W is presently aligned in part from Sugarloaf Mountain VOR via intersection of Sugarloaf Mountain VOR 301° T (303° M) and Holston Mountain VOR 209° T (211° M) radials to Holston Mountain VOR. The distance between Sugarloaf Mountain and Holston Mountain via this alignment is 80 nautical miles. On March 3, 1977, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 12190 and 14885) starting that the FAA was considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign V-35W in part from Sugarloaf Mountain VOR via intersection of Sugarloaf 329° T (331° M) and Holston Mountain VOR 203° T (205° M) radials to Holston Mountain VOR. The distance between Sugarloaf Mountain and Holston Mountain via this alignment is 69 nautical miles or a reduction of 11 nautical miles. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. We received one response to the NPRM in which the commenter posed no objection to the proposal.

THE RULE

Accordingly, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 16, 1977, as hereinafter set forth.

Section 71.123 (42 FR 307, 7121 and 12167) is amended as follows:

In V-35 "Sugarloaf Mountain 301° and Holston Mountain 209°" is deleted and "Sugarloaf Mountain 329° and Holston Mountain 203°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11428 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-WE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns the Oxnard, Calif., and Santa Barbara, Calif., transition area boundaries. At the present time a portion of the instrument approach to the Santa Barbara Airport from the south is not within controlled airspace. Realignment of these transition areas provides controlled airspace for this instrument approach.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.181 by realigning the lateral boundaries of the Oxnard, Calif., and the Santa Barbara, Calif., transition areas.

The primary area of a Santa Barbara instrument approach procedure, South Terminal Route, underlies a portion of the 5,000 feet Oxnard, Calif., transition area. The minimum altitude for this portion of the approach is 3,500 feet Mean Sea Level (MSL). In order to provide controlled airspace for the procedure, it is necessary to lower the floor of the transition area to 1,200 feet Above Ground Level (AGL). This action necessitates a change to both the Oxnard and Santa Barbara, Calif., transition areas.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Two comments were received and none of them objected. Therefore, except for the required editorial change in format, this amendment is as stated in the proposed notice.

THE RULE

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.181:

1. Oxnard, Calif., 5,000 feet MSL transition area, "Lat. 34°15'00" N." is deleted and "Lat. 34°08'00" N." is substituted therefor.

2. Santa Barbara, Calif., 1,200 feet AGL transition area, "Lat. 34°15'00" N., Long. 120°00'00" W., to Lat. 34°15'00" N., Long. 120°10'30" W.," is deleted and Lat. 34°08'00" N., Long. 120°00'00" W., to Lat. 34°08'00" N., Long. 120°26'00" W.," is substituted therefor.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11431 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-EA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area, Designation of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will establish a part time controlled airspace (control zone) coincident with the hours of operation of the tower at the Essex County Airport. It will also change the name of the airport from Caldwell Wright to Essex County as it appears in the transition area description.

EFFECTIVE DATE: June 8, 1977.

ADDRESS: Copies of this Final Rule may be obtained from Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: A notice of proposed Rule Making was published in the FEDERAL REGISTER on Thursday, February 17, 1977, (42 FR 9683) which proposed to alter the New York, N.Y., Transition Area and designate a Caldwell, N.J., Control Zone.

Interested parties were given 30 days in which to submit comments on the proposal. The Airport Manager, Morristown Municipal Airport, raised the question of potential confliction of IFR traffic between Morristown and Caldwell airports. However, since the New York Common IFR Room has jurisdiction over both airports, it will provide adequate separation. There were no other objections.

Accordingly, and pursuant to the authority delegated to me by the Administrator, (14 CFR 11.69), § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171 and 71.181) are amended, effective 0901 G.M.T. June 8, 1977, by adoption of the amendment as proposed except as follows:

1. Delete "0800 to 1600" and substitute "0900 to 1700"

(Secs. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, New York, on March 25, 1977.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating a Caldwell, N.J., control zone as follows:

CALDWELL, N.J.

Within a 5-mile radius of the center 40°52'24" N., 74°17'00" W., of Essex County Airport; within 3 miles each side of a 276° bearing from a point 40°52'48" N., 74°20'08" W., extending from the 5-miles radius zone to 8.5 miles west of said point; within 3 miles each side of a 237° bearing and a 057° bearing from the Paterson, N.J., RBN., extending from the 5-mile radius zone to 0.5 mile northeast of the RBN; within 3 miles each side of a 054° bearing from the Paterson, N.J., RBN, extending from the RBN to 8.5 miles northeast of the RBN; excluding the portion that coincides with the Morristown, N.J., control zone. This control zone is effective from 0900 to 1700 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the New York, N.Y., 700-foot floor transition area by deleting "40°52'15" N., 74°17'00" W., of Caldwell-Wright Airport" and by inserting in lieu thereof, "40°52'24" N., 74°17'-00" W. of Essex County Airport".

[FR Doc.77-11427 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-SO-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes an airway from LaBelle, Fla., via Sebring, Fla., to Lakeland, Fla., to provide the convenience and safety features of a charted route between Sebring and LaBelle/Lakeland. Pilots in the area requested establishment of the airway since a substantial number of flights presently operate to/from Sebring.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Wray McClung, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Part 71 of the Federal Aviation Regulations (FARs) establishes an airway from LaBelle VOR via Sebring Airport to Lakeland VOR to make it safer and simpler to fly between Sebring and LaBelle or Lakeland. A VOR is a navigation aid commonly used in aircraft navigation to provide guidance signals or radials to properly equipped aircraft. Most aircraft, even small general aviation aircraft, are equipped to receive VOR radials. VORs are located at LaBelle and Lakeland but not at Sebring. Radials from the LaBelle and Lakeland VORs intersect over the Sebring Airport, thereby providing for an airway to Sebring almost as efficiently as would be possible with a VOR located on the Sebring Airport. If it becomes advisable to place a VOR at Sebring, budget, hardware, and installation actions would take four or five years before the VOR could be commissioned for use. The VOR radials forming the airway centerline and the airway minimum safe altitudes will be depicted on aeronautical charts. This will increase navigational accuracy by providing the pilot with the appropriate radials to fly to Sebring, and the appropriate radials to fly to avoid adjacent restricted areas where activities hazardous to flight may be conducted. The upper portion of this airway will lie within the Lake Placid Military Operations Area (MOA) where military jet aircraft perform acrobatic maneuvers during daylight hours Monday through Friday and occasionally at other times. The MOA is established from 7,000 feet above mean sea level (MSL) to 18,000 feet MSL. The airway will be established from 1,200 feet above the ground to 18,000 feet MSL, except that during the time the MOA is activated, the airway will exist only from 1,200 feet above the ground up to but not including 7,000 feet MSL.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations establishes an east alternate airway to VOR Federal Airway No. 157 from LaBelle, Fla., via the intersection of the LaBelle VOR 004° and Lakeland, Fla., VOR 132° radials (over the Sebring, Fla., Airport), to the Lakeland VOR.

On February 10, 1977, the FAA proposed this amendment in the FEDERAL REGISTER (42 FR 8391). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment was received and due consideration has been given to all matters presented. Except for editorial changes, and except as specifically discussed below, this amendment is the same as proposed in the notice.

DISCUSSION OF COMMENTS

The commenter on the proposed rule was the Department of Air Force and expressed concern that the proposed airway would encourage general aviation pilots to use the routing to Sebring with resultant traffic congestion near Restricted Area R-2901. The Air Force suggested that the airway be aligned farther to the west to provide more distance from R-2901. However, since the location of the airway centerline will provide adequate lateral clearance from R-2901, it will not be moved westward to provide added clearance. Criteria that has long been used and accepted prescribes a minimum clearance of 4.5° between airway centerlines and adjacent restricted areas for simultaneous use of the airway and restricted area. In this case, the clearance provided between R-2901 and the Lakeland VOR radial forming the airway centerline is 4.73°, well over the minimum required of 4.5°. The Air Force also suggested that since the Lake Placid MOA overlies the airway, the airway be established above 6,000 feet MSL only when the Lake Placid MOA is not active. The FAA agrees in principle with this suggestion, and will establish this as a full-time airway below 7,000 feet MSL, and a part-time airway above 7,000 feet MSL.

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.123, V-157 (42 FR 307), "Lakeland, Fla.;" is deleted and "Lakeland, Fla., including an E alternate via INT LaBelle 004° and Lakeland 132° radials;" is substituted therefor. Also, all after "Kingston, N.Y." is deleted and "The airspace within R-2901A and R-6602 is excluded. The airspace at and above 7,000 feet MSL which lies within the Lake Placid Military Operations Area is excluded during the time the Lake Placid Military Operations Area is activated." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11429 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-EA-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change to final rule.

SUMMARY: These changes to the final rule will change the final approach course by one degree from 178° to 177° and reduce the daily duration of the transition area from twenty-four (24) hours to from sunrise to sunset. The original rule established a controlled airspace (transition area) to provide protection for aircraft making instrument approaches and departures from Dansville Municipal Airport. This change will also change the effective date of the transition area from April 14, 1977, to April 21, 1977.

EFFECTIVE DATE: 0901 G.m.t., April 21, 1977.

ADDRESSES: Copies of this final rule may be obtained from Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: A final rule was published in the FEDERAL REGISTER on February 24, 1977, (42 FR 10843) which designated a Dansville, N.Y., Transition Area, so as to provide additional controlled airspace protection for IFR arrivals and departures at the airport.

These changes are of both a minor and less restrictive nature and notice and public procedure hereon are unnecessary and good cause exists for making the changes effective in less than 30 days.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.69), Airspace Docket No. 76-EA-93 is amended, effective April 21, 1977, as follows:

1. Delete "178°" where it appears and substitute "177°"

2. Add the following sentence to the description "This transition area is effective from sunrise to sunset daily"

3. Delete effective date April 14, 1977, and substitute April 21, 1977.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a))); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Jamaica, New York, on April 11, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-11426 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establishment of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes controlled airspace for the holding pattern at the Zaney DME fix (Lanai, Hawaii, 274° M radial 45 NM). This action provides controlled airspace of sufficient dimension to contain the holding pattern at the Zaney DME fix and improve and expedite movement of IFR traffic.

EFFECTIVE DATE: May 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate controlled Airspace for the holding pattern at the Zaney DME fix (Lanai, Hawaii, 274° M radial 45 NM). This proposed action would enhance safety by establishing an area of sufficient dimension, which would contain IFR operations within controlled airspace.

Since this amendment is a minor matter on which the public would have no particular desire to comment and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

Since this action involved, in part, the designation of navigable airspace outside the United States, the Administration has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

THE RULE

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., May 23, 1977, as hereinafter set forth.

In § 71.181 (42 FR 440) add:

ZANEY, HAWAII

That airspace extending upward from 1200 feet above the surface beginning at Lat. 20°52'00" N., Long. 157°50'00" W., thence southeast to Lat. 20°47'00" N., Long. 157°44'00" W., thence east to Lat. 20°45'00" N., Long. 157°30'00" W., thence northeast to Lat. 20°47'00" N., Long. 157°26'00" W., thence west to point of beginning.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11379 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-RM-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the floor of control area on VOR Federal Airway V-26 between Casper, Wyo., and Rapid City, S. Dak. Northeastbound aircraft sometimes cross Sand Creek Intersection (39 miles northeast of Casper) at 8,000 feet MSL and then are outside control area until they reach 9,000 feet MSL. This amendment extends the floor of control area northeast of Sand Creek so that departing aircraft can easily remain within control area.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION: This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.123 by altering the floor of control area on V-26 between Casper, Wyo., and Rapid City, S. Dak. Air Traffic Control has a requirement for aircraft to cross Sand Creek Intersection, Wyo., at 8,000 feet MSL, then climb to the minimum en route altitude (MEA) of 13,000 feet eastbound on V-26. An MEA of 8,000 feet to Sand Creek is feasible, however, the floor of control area on V-26 must be altered to a point 12 miles east of Sand Creek to provide sufficient controlled airspace for the climb.

HISTORY

On February 7, 1977 (42 FR 7161), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the floor of control area on V-26 from Casper, Wyo., to Rapid City, S. Dak., as follows:

Casper, Wyo.; 14 miles 12 AGL, 37 miles 75 MSL, 84 miles 90 MSL, 17 miles 12 AGL, Rapid City, S. Dak.

Interested persons were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. All comments received were favorable.

THE RULE

Accordingly, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307, 41 FR 49090), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.123, V-26 "Casper, Wyo.; 14 miles, 25 miles 75 MSL, 92 miles 90 MSL, Rapid City, S. Dak.;" is deleted and "Casper, Wyo.; 14 miles 12 AGL, 37 miles 75 MSL, 84 miles 90 MSL, 17 miles 12 AGL, Rapid City, S. Dak.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11380 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-EA-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of a VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns VOR Federal Airway V-31 between Patuxent River, Md., and Nottingham, Md. This VOR airway realignment was initiated by the FAA to improve air traffic handling and to reduce the flying distance between these two facilities by approximately 8 nautical miles.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION: On February 7, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Airway V-31 between Patuxent River, Md., and Nottingham, Md. (42 FR 7160). A VOR Federal Airway is a control area or portion thereof established in the form of a corridor, the centerline of which is defined by radio navigational aids specifically designed for this purpose. This airway realignment will shorten the flying route by approximately 8 nautical miles, thereby resulting in considerable time and fuel savings for users.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Three public comments were received and none of them objected. Therefore, except for the required editorial change in format, this amendment is as stated in the proposed notice.

THE RULE

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (42 FR 307), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.123, V-31 "From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; Nottingham." is deleted and "From Patuxent River, Md.; INT Patuxent River 338° T (345° M) and Nottingham, Md., 128° T (135° M) radials; Nottingham." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11381 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-WE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Temporary Restricted Areas: Brave Shield XVI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments prescribe temporary restricted areas in the vicinity of Twenty-Nine Palms, Calif., to contain a joint military exercise called "Brave Shield XVI." These actions are necessary to provide for the safe and efficient use of the navigable airspace by restricting unauthorized flight operations of nonparticipating aircraft within the areas during the designated period.

DATES: Effective date is June 16, 1977. Period of designation is July 14, 1977, through July 20, 1977.

ADDRESSES:

Controlling agency—

Federal Aviation Administration, Los Angeles ARTC Center, 255 East Avenue P, Palmdale, CA 93550.

Using agency—

Department of Defense, U.S. Air Force Tactical Air Command/USAF, Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

FOR FURTHER INFORMATION CONTACT:

John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8525.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 10, 1977, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate joint use temporary restricted areas in the vicinity of Twenty-Nine Palms, Calif., and to designate the affected airspace as special use airspace restricted to participating aircraft between July 14 through July 20, 1977, during its time of use by the military (42 FR 13304). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. All comments received were favorable.

THE RULE

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (FARs) designate temporary restricted areas in the vicinity of Twenty-Nine Palms, Calif. The temporary restricted areas are designated special use airspace, referred to as "Brave Shield," and include five subpart restricted area designations to "R-2501." These five subpart designations reflect different designated areas and altitudes which will be in effect continuously from 0001 local time, July 14, 1977, through 2359 local time, July 20, 1977.

The R-2501 subpart restricted areas are designated to contain the joint military exercise called "Brave Shield XVI" which will involve activities which would create hazards in the operation of nonparticipating aircraft in the designated areas. In addition, those areas encompassing airspace at and above 14,500 feet mean sea level (MSL) are included in the continental control area for the duration of the designation.

Accordingly, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, effective 0901 G.m.t., June 16, 1977, as follows:

§ 71.151 [Amended]

1. By amending § 71.151 (42 FR 345) to add the following temporary restricted areas for the duration of their time of designation from 0001 local, July 14 through 2359 local, July 20, 1977:

R-2501A
R-2501B
R-2501C
R-2501D
R-2501F

§ 73.25 [Amended]

2. By amending § 73.25 (42 FR 662) to add the following temporary restricted areas:

R-2501A BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°40'30" N., Long. 116°29'40" W.; to Lat. 34°30'00" N., Long. 116°42'00" W.; to Lat. 34°10'00" N., Long. 116°42'00" W.; to Lat. 34°10'00" N., Long. 115°47'30" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; thence along the southern and western borders of R-2501E, R-2501S, and R-2501N to point of beginning.
Designated altitudes: 500 feet AGL to and including 17,000 feet MSL, excluding that airspace below 1,000 feet AGL within 3 NM of Soggy Dry Lake, Giant Rock, and Frick Airports.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501B BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°43'00" N., Long. 116°17'00" W.; to Lat. 34°42'50" N., Long. 115°26'30" W.; to Lat. 34°22'00" N., Long. 115°35'20" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; thence along the eastern and northern boundaries of R-2501E and R-2501N to the point of beginning.
Designated altitudes: 500 feet AGL to and including FL 250.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501C BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°10'00" N., Long. 116°42'00" W.; to Lat. 33°56'00" N., Long. 116°23'00" W.; to Lat. 33°53'30" N., Long. 116°02'40" W.; to Lat. 34°10'00" N., Long. 115°47'30" W.; to point of beginning.
Designated altitudes: 2000 feet AGL to and including 17,000 feet MSL.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501D BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°42'50" N., Long. 115°26'30" W.; to Lat. 34°42'00" N., Long. 115°16'00" W.; to Lat. 34°19'00" N., Long. 115°25'00" W.; to Lat. 34°03'40" N., Long. 115°43'00" W.; to Lat. 33°52'00" N., Long 115°51'40" W.; to Lat. 33°53'30" N., Long. 116°02'40" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°22'00" N., Long. 115°35'20" W.; to point of beginning.
Designated altitudes: 14,000 feet MSL to and including FL 180.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501F BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°42'00" N., Long. 115°16'00" W.; to Lat. 34°41'50" N., Long. 114°40'00" W.; to Lat. 34°07'00" N., Long. 114°54'20" W.; to Lat. 33°52'00" N., Long. 115°51'40" W., to Lat. 34°03'40" N., Long. 115°43'00" W.; to Lat. 34°19'00" N., Long. 115°25'00" W.; to point of beginning.
Designated altitudes: 14,000 feet MSL to and including FL 250.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(d)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11377 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-NE-39]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of a Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Route 55 in part from Kennebunk, Maine, direct Presque Isle, Maine. This action provides a more direct routing between these two points, resulting in increased time and fuel savings for aircraft using this route.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: On February 7, 1977, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route 55 in part between Kennebunk, Maine, direct Presque Isle, Maine (42 FR 7161). By straightening out this route, it is expected that the airplanes flying it will save both time and fuel. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Therefore, except for the required editorial format, this amendment is as proposed in the notice.

THE RULE

Accordingly, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75), as republished (42 FR

707), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 75.100 Jet Route No. 55 "Bangor, Maine;" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11430 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-WE-1]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns J-50 in part from Bakersfield, Calif., direct Ontairo, Calif., instead of the current alignment of Los Angeles, Calif., direct Ontario, Calif. Under the present jet route alignment, aircraft overflying the Los Angeles area on J-50 between Phoenix/Tucson and San Francisco are placed on radar vectors east of Los Angeles. This realignment will eliminate these radar vectors and allow more precise pilot navigation for flights using this jet route.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) amends § 75.100 by realigning J-50 between Bakersfield, Calif., and Ontario, Calif. This realignment will allow more precise pilot navigation along this route and also reduce the amount of radar vectors issued by air traffic control to overflights using J-50 between Phoenix/Tucson and San Francisco.

THE RULE

Accordingly, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) is amended, effective 0901 G.m.t. June 16, 1977, as follows:

In § 75.100 Jet Route No. 50 "From Los Angeles, Calif.," is deleted and "From Bakersfield, Calif.," is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11378 Filed 4-20-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16711; Amdt. No. 1069]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective June 16, 1977.*

McGehee, AR—McGehee Municipal, VOR/DME-A, Original

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Atlanta, GA—DeKalb-Peachtree Arpt., LOC Rwy 20L, Amdt. 2

* * * *Effective May 5, 1977.*

Washington, DC—Dulles International Arpt., LOC (BC) Rwy. 1L, Amdt. 4, cancelled
Spartanburg, SC—Spartanburg Downtown Memorial, LOC Rwy 4, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Carbondale-Murphysboro, IL—Southern Illinois, NDB Rwy 18, Amdt. 4
Creston, IA—Creston Muni, NDB Rwy 34, Amdt. 2
Palmer, MA—Metropolitan Arpt., NDB-A, Amdt. 3
Manteo, NC—Manteo Arpt., NDB Rwy 4, Orig.
Manteo, NC—Manteo Arpt., NDB Rwy 16, Orig.
Shelby, NC—Shelby Muni Arpt., NDB Rwy 4, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Carbondale-Murphysboro, IL—Southern Illinois, ILS Rwy 18, Amdt. 4

* * * *Effective May 5, 1977.*

Washington, DC—Dulles International, ILS Rwy 1L, Original

* * * *Effective April 12, 1977.*

Aniak, AK—Aniak Arpt., ILS/DME Rwy 10, Amdt. 1
Raleigh, NC—Raleigh-Durham Arpt., ILS Rwy 5, Amdt. 17

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Jacksonville, FL—Jacksonville Int'l Arpt., RADAR-1, Amdt. 4

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Atlanta, GA—DeKalb-Peachtree Arpt., RNAV Rwy 20L, Amdt. 6

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 24 FR 5662 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 15, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.77-11424 Filed 4-20-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CDG 76-130]

PART 87—ALTERNATIVE COMPLIANCE

Implementation and Interpretation of the 72 COLREGS; Certification for Alternative Compliance Under Rule 1(e), International Regulations for Preventing Collisions at Sea, 1972

Correction

In FR Doc. 77-9700, appearing at page 17111 in the issue for Thursday, March 31, 1977, make the following changes to Appendix A:

1. In Rule 18 (page 17114), in paragraph (b)(ii), delete the "and" which appears at the end of the second line.

2. Also in Rule 18, in paragraph (c)(i), delete the "and" at the end.

3. In Rule 19 (page 17114), in paragraph (d)(i), delete the "and" which appears at the end of the third line.

4. In Annex I (page 17117), in paragraph 2(c), add the following to the last line: "of not less than 2.5 metres".

5. In Annex I, paragraph (i)(i), the last line should read "light is required, not be less than 4 metres above the hull;".

6. In Annex I, paragraph 6(a), the last line should read "of the following sizes:"

7. In Annex I, paragraph 7, in the list of corner coordinates for colour boundaries (page 17118), in the entry "(iii) *Red*", the second variable now listed as "*v*", should read "*y*".

8. In the same list, in the entry for "(iv) *Yellow*", the corner coordinates for "*y*" should read: "0.382, 0.382, 0.425, 0.406".

9. In Annex II (page 17118), in paragraph 1, in the fourth line, "meter" should be spelled "metre".

10. In Annex III (page 17118), in paragraph 1(c), in the first paragraph beneath the table, in the fifth line, the word "or" should be "of".

11. Also in Annex III, paragraph 1(c), in the second paragraph under the table, the last line should read: "bient noise level at the listening post the range may be much reduced".

12. In Annex IV, paragraph 1(j) was omitted. It should be added to read:

(j) A smoke signal giving off orange-coloured smoke:

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2421]

SUBCHAPTER F—OUTDOOR RECREATION AND WILDLIFE MANAGEMENT

PART 6010—GENERAL PROGRAM

Criminal Penalty for Violation of Rules of Conduct

AGENCY: Land Management Bureau, Interior.

ACTION: Final rule.

SUMMARY: This document establishes a criminal penalty for violation of a rule of conduct or closure order under 43 CFR Part 6010. There is a need for this action due to the dramatic increase in the commercial exploitation of desert plants and natural resources on the public lands, as well as to enforce fire closure orders due to the fire emergency conditions on the public lands created by the recent drought in the Western States.

EFFECTIVE DATE: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Billy R. Templeton, 202-343-8735.

SUPPLEMENTARY INFORMATION: On October 21, 1976, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) became law. Section 302(b) (43 U.S.C. 1732) of the Act directs the Secretary of the Interior to regulate through easements, permits, leases, licenses, published rules, or other instruments, as appropriate, the use, occupancy, and development of the public lands. Section 303(a) (43 U.S.C. 1733) directs the Secretary of the Interior to issue the regulations necessary to implement the provisions of the Act and provides that willful violations of such regulations shall be punishable by a fine of not more than 1,000 dollars or imprisonment for not more than 12 months, or both.

There has been a dramatic increase in the commercial exploitation of desert plants and other natural resources on public lands which is reaching emergency proportions. The selling of desert plants is becoming an increasingly popular business. Cactus, Joshua trees, yucca, and similar plants are being dug up and removed for sale as ornamental plants for landscaping around homes in several

States. In many areas, species such as barrel cactus are not plentiful enough to allow such a situation to continue. The theft of these valuable resources which belong to all the people also contributes to the scarring of the fragile desert environment, soil erosion, and loss of wildlife habitat.

In addition, the recent drought in the Western States has created fire emergency conditions on public land and has brought about the need to enforce the closure of public land for fire protection and other management purposes. There is a further immediate need to cooperate with the Western States in closing lands during the fire season beginning this spring.

There are published rules in 43 CFR 6010.2 and 6010.4 which, when enforceable, would serve as an essential management tool to control the increasing, unauthorized commercial exploitation of public resources and to provide for closure of public lands presenting a fire danger due to drought.

Since §§ 6010.2 and 6010.4 are rules developed with public participation, and there is an urgent need to control unauthorized commercial exploitation of desert plants and the public resources as well as to close certain public lands presenting a fire emergency, it is determined that it is unnecessary and contrary to the public interest to delay the application of criminal sanctions to the acts prohibited under 43 CFR 6010.2 and 6010.4 by complying with the notice and public procedures contained in 5 U.S.C. 553(b) or the effective date limitations contained in 5 U.S.C. 553(d).

It is hereby determined that publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is required. The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Under the authority of section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733), Part 6010, Subchapter F, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

1. The table of contents of Part 6010 is amended to read as follows:

Sec.
6010.0–3 Authority.
6010.1 Identification of lands.
6010.2 Rules of Conduct.
6010.3 Supplemental rules.
6010.4 Closure of lands.
6010.5 State and local laws.
6010.6 Criminal penalties.

2. In Part 6010 the Authority section is amended to read as follows:

§ 6010.0–3 Authority.

Sections 1, 3, and 5 (50 Stat. 874 and 875; 43 U.S.C. 1181a, 1181c, 1181e); R.S. 2478 (43 U.S.C. 1201); and sections 302 (b) and 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732 and 1733).

3. Part 6010 is amended by adding after § 6010.5 a new § 6010.6 to read as follows:

§ 6010.6 Criminal penalties.

Any person who knowingly and willfully violates any rule of conduct described in § 6010.2 or violates any closure order issued under § 6010.4 shall be fined not more than $1,000 or imprisoned not more than 12 months, or both.

CHRIS FARRAND,
Acting Assistant Secretary, Land and Water Resources, U.S. Department of the Interior.

APRIL 14, 1977.

[FR Doc.77–11525 Filed 4–20–77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 410]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 22–28, 1977. This regulation is needed to provide for orderly marketing of fresh navel oranges for the regulation period because of the production and marketing situation confronting the navel orange industry.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washinton, D.C. 20250. 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such navel oranges, as provided in this section will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of navel oranges that may be marketed during the specified week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation for the quantity of navel oranges it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for navel oranges is only fair this week. Average f.o.b. price was $3.81 per carton on a reported sales volume of 1,115 carlots last week, compared to $3.77 per carton on sales of 1,168 carlots a week earlier. Track and rolling supplies at 512 cars were down 72 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of navel oranges which may be handled should be established as provided in this section.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this section is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for navel oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of navel oranges. It is necessary, to effectuate the declared policy of the act, to make this section effective as specified. The committee meeting was held on April 19, 1977.

§ 907.710 Navel Orange Regulation 410.

* * * * *

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period April 22, 1977, through April 28, 1977, are hereby fixed as follows:

(i) District 1: 1,100,000 cartons;
(ii) District : Unlimited Movement;
(iii) District : Unlimited Movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: April 20, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–11754 Filed 4–20–77;11:24 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 7]

AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

Selection and Functions

AGENCY: Department of Agriculture.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations are a complete revision of the existing regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees. The parts of these regulations relating to the suspension and removal of county committeemen, community committeemen, county executive directors, and other county employees have been extensively revised to eliminate repetitious provisions and to provide specifically the procedures to be followed in such cases, including the right to a hearing, cross-examination of witnesses, and examination of relevant evidence.

DATE: To assure consideration, comments must be received not later than May 23, 1977.

ADDRESS: Submit comments to: Deputy Administrator, Programs, Room 243–W, Administration Building, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Alan Durick, Assistant to the Deputy Administrator, Programs, ASCS, Room 242–W, Administration Building, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013, 202–447–5166.

It is therefore proposed to revise 7 CFR Part 7 to read as follows:

NAMES OF COMMITTEES

Sec.
7.1 Local or community committee.
7.2 County committee.

PURPOSE OF COMMITTEES

7.3 Purpose.

SELECTION OF COMMITTEES

7.4 Method.
7.5 Who may vote for community committeemen and delegates.
7.6 Restrictions on voting.
7.7 Determination of elective areas.
7.8 Calling of elections.
7.9 Conduct of community elections.
7.10 Conduct of county convention.
7.11 Election of community committee and delegates to the county convention.
7.12 Election of the county committee.
7.13 Tie votes.
7.14 Vacancies.
7.14a Appeals.

ELIGIBILITY REQUIREMENTS

7.15 County committeemen, community committeemen, and delegates.
7.16 All other personnel.
7.17 Dual office.

TERMS OF OFFICE

7.18 County and community committeemen.
7.19 Delegates to the county convention.

DUTIES

7.20 County committee.
7.21 Chairman of the county committee.
7.22 Community committee.
7.23 Chairman of the community committee.
7.24 Delegate to the county convention.
7.25 County executive director.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTERESTS

7.26 All personnel.

POLITICAL ACTIVITY

7.27 All personnel.

REMOVAL FROM OFFICE OR EMPLOYMENT

7.28 County and community committeemen, and delegates to the county convention; county office personnel.
7.29 Delegation of authority to Deputy Administrator.
7.30 Right of review.
7.31 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.
7.32 Findings, analysis, and recommendations of independent hearing officer.
7.33 Determination of the Deputy Administrator.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

7.34 Custody.
7.35 Use.

GENERAL PROVISIONS

7.36 Administrative operations.
7.37 Implementation.
7.38 Applicability.
7.39 Secretary, Administrator, or Deputy Administrator, Programs, not precluded from exercising authority.

AUTHORITY: Secs. 4, 8, 49 Stat. 164, 1149, as amended; 16 U.S.C. 590d, 590h (b).

NAMES OF COMMITTEES

§ 7.1 Local or community committee.

Each local committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this part as the "community committee."

§ 7.2 County committee.

Each county committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this part as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 Purpose.

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Agricultural Acts of 1949, and 1970, the Agriculture and Consumer Protection Act of 1973, and any amendments to such acts, such other acts of Congress as the Secretary of Agriculture or the Congress may designate, and to perform such other functions as may be designated by the Secretary. This shall be done through community committees and committeemen and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions. The county and community committees shall not engage in any other activity.

SELECTION OF COMMITTEES

§ 7.4 Method.

County and community committees shall be elected in accordance with the provisions of this part.

§ 7.5 Who may vote for community committeemen and delegates.

(a) Any person, regardless of race, color, religion, sex, or national origin, who has an interest in a farm as owner, tenant, or sharecropper and who is of legal voting age in the State in which the farm is located, and any person not of such legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm, shall be eligible to vote for community committeemen and delegates in the community in which he has such an interest if any one or more of the following is applicable:

(1) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current agricultural conservation program or there is being carried out on the farm one or more of the current program practices approved for the State by the State Agricultural Stabilization and Conservation Committee, referred to in this part as the "State committee;"

(2) A marketing quota or acreage allotment is currently established for the farm;

(3) Such person is eligible for a cooperator's loan or other price support with respect to the farm;

(4) Such person is eligible for a payment under the National Wool Act program with respect to the farm; or

(5) Such person is eligible to participate with respect to the farm in any other program administered by the county committee.

(b) In any State having a community property law, the spouse of a person who is eligible to vote under paragraph (a) of this section shall also be eligible to vote.

(c) The term "person" as used in this section means an individual, partnership, association, corporation, estate, trust, other business enterprise or legal entity, or a State, political subdivision of a State or any agency thereof.

(d) The vote may be cast by:

(1) An individual for himself.

(2) A duly authorized partner of a partnership for the partnership.

(3) A duly authorized officer of a corporation for the corporation.

(4) A guardian who is legally appointed for a minor or incompetent person.

(5) A duly authorized representative of any other eligible voter entity, except an individual.

(e) Each county office shall have a prepared list of eligible voters for each community within the county available for public inspection in advance of the election.

§ 7.6 Restrictions on voting.

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§ 7.7 Determination of elective areas.

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties. The county committee shall give public notice of the community boundaries in advance of the election.

§ 7.8 Calling of elections.

(a) Each election of community committeemen shall be held on a date or within a period of time fixed by the Deputy Administrator, Programs, (hereafter referred to as Deputy Administrator) or his designee, Agricultural Stabilization and Conservation Service which will in his judgment best afford full opportunity for participation therein by all persons eligible to vote: *Provided*, That such date or period of time shall fall within a period beginning on or after July 1 and ending not later than December 30, each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) If the number of eligible voters voting in any election of community committeemen is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community committee has not been held substantially in accordance with official instructions, the State committee shall declare such election void and call a new election.

§ 7.9 Conduct of community elections.

(a) The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with official instructions issued by the Deputy Administrator.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, community elections shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of how, when, and where eligible voters may vote, when and where the votes will be counted, and the right to witness the vote counting.

(d) All nominees shall be notified in writing of the outcome of the election by the county executive director.

§ 7.10 Conduct of county convention.

(a) The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with official instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, county conventions shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of the county convention. It shall be open to the public.

(d) The county executive director shall notify in writing all newly elected county committee members, alternates, and county committeemen with unexpired terms, of the election results.

§ 7.11 Election of community committee and delegates to the county convention.

(a) Except as provided in paragraph (c) of this section, the eligible voters in a community shall elect annually a community committee composed of three members and shall elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. The election shall be conducted by the mail ballot method in all counties, except that the Deputy Administrator may authorize use of the meeting or polling place method in a specific county where such is deemed justified. Where elections are by mail or by polling place, the county committee shall give advance public notice that nominations may be made by petition. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except as provided in paragraph (c) of this section, the three regular members of the community committee shall be the delegates to the county convention and the first and second alternates to the community committee shall also be in that order alternate delegates to the county convention: *Provided, however*, That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) Where there is only one community in the county, one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year. There shall also be elected annually a first alternate and second alternate to serve as acting members in the order elected in case of the temporary absence of a member or to become a member in the order elected in the case of resignation, disqualification, removal, or death of any member of the committee. In the event an alternate fills a permanent vacancy on the committee, he shall not thereby assume the unexpired term of the committeeman he replaced but hold office only until the beginning of the term following the next regular county committee election. If any years remain in the unexpired term a person shall be elected at the next regular election to serve the balance of that term. An acting member shall have the same duties and authority as a member.

(d) The community committee shall select a secretary who shall be either the county agricultural extension agent for the county or an employee of the county committee.

§ 7.12 Election of the county committee.

(a) The delegates elected pursuant to § 7.11(a) shall meet in a convention held before the close of the same calendar year in which they were elected to elect committeemen for vacancies on the county committee. The Deputy Administrator may fix the exact date. Each delegate shall be entitled to only one vote on any ballot, and there shall be no voting by proxy. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee shall consist of three members. Each year one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year.

(b) At each convention, the delegates shall also elect annually a first and second alternate to the county committee to serve as acting members of the committee in the order elected in case of the temporary absence of a member, or to become a member in the order elected in case of the resignation, disqualification, removal, or death of a member of the county committee. In the event an alternate fills a permanent vacancy on the county committee, he shall not thereby assume the unexpired term of the committeeman he replaced. An acting member of the county committee shall have the same duties and authority as a member.

(c) The county committee shall select a secretary who shall be either the county executive director or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, he shall be ex officio a member of the county committee but shall not have the power to vote.

§ 7.13 Tie votes.

(a) Tie votes in community committee elections held by mail or polling place method shall be settled by lot. Tie votes in such elections held by the meeting method which cannot be settled by further balloting on the same day shall be settled by lot. In one-community counties, a tie vote in determining the chairman and vice chairman which cannot be settled by further balloting on the same day shall be settled by lot.

(b) In the county convention, tie votes which cannot be settled by further balloting on the same day shall be settled by lot.

§ 7.14 Vacancies.

(a) In case of a vacancy in the office of chairman of a county or community committee, the respective vice chairman shall become chairman; in case of a vacancy in the office of vice chairman, the respective third regular member shall become vice chairman; in case of a vacancy in the office of the third regular member, the respective first alternate shall become the third regular member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided*, That when unanimously recommended by the three members of the county committee as constituted under this paragraph or as constituted under this paragraph and paragraph (c) of this section and approved by the State committee, the offices of chairman and vice chairman of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates to the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

§ 7.14a Appeals.

(a) Any eligible voter in the county may appeal to the county committee in writing or in person, or both:

(1) The eligibility or ineligibility of persons to vote,

(2) The eligibility of persons to hold office, and

(3) The validity of the community committee elections. Such appeal must be made within 15 days of the election date, except that appeals on a determination of eligibility of a person nominated by petition must be made within 15 days of the date of notification of ineligibility.

(b) Any eligible voter in the county may appeal to the State committee in writing, in person, or both:

(1) A county committee decision on an election appeal, and

(2) The validity of a county convention. An appeal of a county committee decision must be made within 15 days of the notification of the decision. An appeal on the validity of a county convention must be made within 15 days of the county convention.

ELIGIBILITY REQUIREMENTS

§ 7.15 County committeemen, community committeemen, and delegates.

To be eligible to hold office as a county committeeman, a community committeeman, a delegate, or an alternate to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if proposed for county committeeman or alternate and in the community in which the election is held if proposed for community committeeman or alternate;

(b) Be residing in the county in which the election is held if proposed for county committeeman; and unless waived by the State committee, be residing in the community in which the election is held if proposed for community committeeman: *Provided, however*, That in cases where a county or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.27;

(d) Not have been dishonorably discharged from any branch of the armed services; not have been removed for cause from any public office; not have been convicted of any fraud, larceny, embezzlement, or felony; unless any such disqualification is waived by the State committee or the Deputy Administrator;

(e) Not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment, or he committed, attempted, or conspired to commit fraud, or he impeded the effectiveness of any program administered in the county, or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy, or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during his term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committeeman, not be during his term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(i) If the office is that of delegate to the county convention, not have been a county committeeman for that county during the 90 days preceding the community election;

(j) If the office is that of county committeeman, not be serving as a county committeeman with one or more years following the current election remaining in his term of office;

(k) If the office is that of county committeeman, not have served three consecutive terms as county committeeman just prior to the current election: *Provided, however*, That any partial year served by an alternate who filled a permanent vacancy on the county committee, shall not count toward this three term limitation. The tenure of office of any county committeeman, community committeeman, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

§ 7.16 All other personnel.

(a) The county executive director or any other employee must not be ineligible under § 7.27.

(b) The county executive director and other employees must not have been dishonorably discharged from any branch of the armed services, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county executive director or any other employee must not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, county executive director, or other employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county executive director or any other employee must not have been disqualified for future employment because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment; or committed, attempted, or conspired to commit fraud; or impeded the effectiveness of any program administered in the county; or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or interfered with others in carrying out such policy; or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county executive director or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.17 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a county convention;

(3) The secretary to or the treasurer of a county committee;

(4) A member of the State committee; or

(5) County executive director or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to or the treasurer of a county committee;

(3) A member of the State committee; or

(4) County executive director.

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

TERMS OF OFFICE

§ 7.18 County and community committeemen.

The terms of office of county and community committeemen and alternates to such office shall begin on a date fixed by the Deputy Administrator, which shall be after their election and not later than the first day in the next January. *Provided, however*, That before any such county committeeman or alternate county committeeman may take office he shall sign an oath of office pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman. A term of office shall continue until a successor is elected and qualified as provided in §§ 7.11 and 7.12.

§ 7.19 Delegates to the county convention.

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue until their respective successors have been elected and qualified.

DUTIES

§ 7.20 County committee.

The county committee, subject to the general direction and supervision of the State committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, and the disaster provisions under the feed grain, wheat, cotton and rice programs, formulated pursuant to the acts of Congress specified in § 7.3, and any other program or functions assigned to it by the Secretary of Agriculture.

(a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;

(b) Employ the county executive director, subject to standards and qualifications furnished by the State committee, to serve at the pleasure of the county committee, except that incumbent directors shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 90 days: *Provided, also*, That there shall be no employment discrimination due to race, religion, color, sex, or national origin. The county executive director may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Direct the activities of the community committees elected in the county;

(d) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(e) Recommend to the State committee needed changes in boundaries of communities;

(f) Make available to farmers and the public information concerning the objectives and operations of the programs administered through the county committee;

(g) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with official instructions issued;

(h) Give public notice of the designation and boundaries of each community within the county not less than 50 days prior to the election of community committeemen and delegates;

(i) Direct the giving of notices in accordance with applicable regulations and official instructions;

(j) Recommend to the State committee desirable changes in or additions to existing programs;

(k) Conduct such hearings and investigations as the State committee may request;

(l) Perform such other duties as may be prescribed by the State committee.

§ 7.21 Chairman of the county committee.

The chairman of the county committee or the person acting in his stead shall preside at meetings of the county committee, certify such documents as may require his certification, and perform such other duties as may be prescribed by the State committee.

§ 7.22 Community committee.

The community committee shall:

(a) Assistant the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

§ 7.23 Chairman of the community committee.

The chairman of the community committee or the person acting in his stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him by the county committee.

§ 7.24 Delegate to the county convention.

Each delegate shall meet with other delegates in a county convention within a period of time fixed by the Deputy Administrator and at the place designated by the county committee to elect county committeemen for the county.

§ 7.25 County executive director.

The county executive director shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office, in accordance with standards and qualifications furnished by the State committee, to serve at his pleasure: *Provided, however,* That there shall be no employment discrimination due to race, religion, color, sex, or national origin. An employee may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairman on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTEREST

§ 7.26 All personnel.

(a) No county committeeman, community committeeman, delegate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

(b) County committeemen, community committeemen, delegates, or alternates, and any person employed in the county office shall be subject to the official instructions issued with respect to conflicts of interest and proper conduct.

POLITICAL ACTIVITY

§ 7.27 All personnel.

(a) No person may be a member of the county governing body or hold a Federal, State, or county office filled by an election held pursuant to law and also hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that members of school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity.

(d) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office or employment under the provisions of paragraphs (a), (b), or (c) of this section.

(e) No county committeeman, community committeeman, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committeeman, community committeeman, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to so do, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(3) Use or direct or permit the use of any official space, equipment, materials, supplies, or personal services either to support or oppose any political office holder, candidate or party, or for any other political purpose.

(f) No county committeeman, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations;

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections;

(3) Any other political purpose.

REMOVAL FROM OFFICE OR EMPLOYMENT

§ 7.28 County and community committeemen, and delegates to county convention; county office personnel.

(a) Any county committeeman, community committeeman, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who fails to perform the duties of his office; or who commits or attempts, or conspires to commit fraud; or is incompetent; or who impedes the effectiveness of any program administered in the county; or who violates the provisions of § 7.27 (e) or (f); or who refuses to carry out or fails to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interferes with others in carrying out such policy; or who violates official instructions, shall be suspended from his office or employment. Any person who is under formal investigation for any of the above-cited reasons may be suspended. The suspension action may be taken by the county executive director with respect to any other employee, or by the county committee or State committee with respect to the county executive director or any other county employee and by the State committee with respect to any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office. Any person suspended shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he should be restored to duty.

(b) The county committee, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall restore to duty or remove the suspended person; except that, the county committee may not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee or State committee that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e) and 7.16(c). The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any former county committeeman, community committeeman, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who during his term of employment failed to perform the duties of his employment; or who committed, attempted, or conspired to commit fraud; or who impeded the effectiveness of any program administered in the county; or who violated the provisions of § 7.27 (e) or (f); or who refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interfered with others in carrying out such policy; or who violated official instructions, may be disqualified for future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, a person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, and county executive director, or any other county employee, who, prior to taking his present office, committed, or attempted or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended. Any such person who is under formal investigation for any of the above cited reasons may be suspended. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

(e) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall have full authority to perform all duties regularly performed by a duly elected county committee.

§ 7.29 Delegation of authority to Deputy Administrator.

Notwithstanding the authority vested in the State committee, a county committee, and the county executive director by this part, the Deputy Administrator shall have authority to suspend and remove or disqualify for future service or employment, any county committeeman, community committeemen, delegate to the county convention, an alternate to any such office, county executive director, or other county employee, for any and all of the reasons and causes authorizing such suspension, removal, and disqualification by the State committee, the county committee, or the county executive director.

§ 7.30 Right of review.

Any person dissatisfied with a determination of the county committee may appeal such determination to the State committee. Any person dissatisfied with a determination of the State committee may appeal such determination to the Deputy Administrator. Any person dissatisfied with a determination of the Deputy Administrator made under § 7.29 may request a reconsideration of such determination by the Deputy Administrator. Such appeal or request for reconsideration shall be made within 15 days after receipt of the determination with respect to which the appeal or request is filed. Except as provided in § 7.31, such appeals and requests for reconsideration shall be determined on an informal basis. The person filing the appeal or request for reconsideration may present reasons, in writing, in person, or both, why the determination should be reversed or modified. Within 60 days after the reasons have been presented, such person shall be notified of the determination on appeal or reconsideration. The notification shall clearly set forth the basis for the determination.

§ 7.31 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.

Any person (hereinafter called the "appellant") filing an appeal with the Deputy Administrator, or a request for reconsideration of a determination made by the Deputy Administrator under § 7.29, is entitled, at his election, to a hearing in connection therewith. If the appellant does not request a hearing, the appeal or reconsideration shall be handled in accordance with § 7.30. If the appellant desires a hearing, he shall so advise the Deputy Administrator. The hearing shall be conducted by the Deputy Administrator, or, at the election of the appellant, an independent hearing officer appointed by the Deputy Administrator who shall be an individual not employed by ASCS. The hearing shall be held at the time and place designated by the hearing officer (the Deputy Administrator or independent hearing officer). The appellant is entitled to appear personally or through or accompanied by a representative. The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the issues shall be received in evidence. Both the appellant and the agency representative are entitled to produce witnesses and the appellant and agency representative shall be given an opportunity to cross-examine witnesses. The hearing officer shall inform the witnesses that they are subject to a fine of not more than $10,000 or imprisonment for not more than 5 years or both for making any false statements (18 U.S.C. 1001). A transcript shall be made of the hearing and shall be made available to the appellant at actual cost.

§ 7.32 Findings, analysis, and recommendations of independent hearing officer.

If the hearing has been conducted by an independent hearing officer, he shall, within 60 days from the date of receipt of the transcript, transmit to the Deputy Administrator (a) the record of the hearing; (b) the findings and analysis of the hearing officer; and (c) his recommended determination.

§ 7.33 Determination of the Deputy Administrator.

Within 30 days after receipt of the findings, analysis, and recommendations of the hearing officer, or within 60 days from the date of receipt of the transcript if the Deputy Administrator conducted the hearing, the Deputy Administrator shall make his final determination. The appellant shall be notified in writing of the determination. The notification shall clearly set forth the basis for the determination.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.34 Custody.

(a) All books, records, and documents of or used by the county committee in the administration of programs assigned to it, or in the conduct of elections, shall be the property of the United States Department of Agriculture and shall be

maintained in good order in the county office.

(b) For polling and mail type elections, ballots shall remain in sealed boxes until the prescribed date for counting. Following the counting of ballots in all types of elections, the ballots shall be placed in sealed containers and retained for 30 days unless otherwise determined by the State committee.

§ 7.35 Use.

The books, records, and documents referred to in § 7.32 shall be available for use and examination:

(a) At all times by authorized representatives of the Secretary of Agriculture, the Administrator, the Deputy Administrator, and the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service;

(b) By State, county, and commnuity committeemen, and authorized employees of the State and county office in the performance of duties assigned to them under this part, subject to any limitations prescribed in official instructions;

(c) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected, subject to any limitations prescribed in official instructions; and

(d) To any other person only in accordance with official instructions issued.

GENERAL PROVISIONS

§ 7.36 Administrative operations.

The administrative operations of county committees including but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with official instructions issued.

(a) Annual, sick, and other types of employee leave;

(b) Location and use of county committee office;

(c) Call, conduct, and records of county and community committee meetings.

§ 7.37 Implementation.

Unless specifically provided in this part, the Deputy Administrator, or the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service, is authorized to issue the official instructions and official procedures referred to herein, implementing the regulations in this part.

§ 7.38 Applicability.

The regulation in this part shall apply to each State of the United States.

§ 7.39 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

Nothing in these regulations shall preclude the Secretary; Administrator, Agricultural Stabilization and Conservation Service; or Deputy Administrator, Agricultural Stabilization and Conservation Service, from administering any or all programs or exercising other functions delegated to the community committee, county committee, State committee, or any employee. In exercising this authority either the Secretary, Administrator, or Deputy Administrator may designate a person or persons of his choice to be in charge with full authority to carry on the programs or other functions without regard to the committee, committees, or their employees for such period of time he may deem necessary.

Signed at Washington, D.C., on April 18, 1977.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc.77-11577 Filed 4-20-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-EA-15]

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establishment of a VOR Airway and Alteration of a Jet Route; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction.

SUMMARY: In the Notice of Proposed Rulemaking (NPRM) published in the FEDERAL REGISTER of March 31, 1977, Vol. 42, Page 17140, Amendment Paragraph No. 1, the Snow Hill, Md., 110° T radial is incorrect. It should be the Snow Hill, Md., 211° T radial.

EFFECTIVE DATE: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

Accordingly, in FR Doc. 77-9443 appearing at page 17140 in the FEDERAL REGISTER of March 31, 1977, in Amendment Paragraph No. 1, "110° T" is deleted and "211° T" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11383 Filed 4-20-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-8]

TRANSITION AREA AT CLARION, IOWA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a transition area at Clarion, Iowa, to provide controlled airspace for aircraft excuting instrument approach procedures to the Clairon Municipal Airport which are based on a Non Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATES: Comments must be received on or before May 26, 1977.

ADDRESSES: Send comments on the proposal to: FAA, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 77-CE-8, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alden C. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the FAA, Office of the Regional Counsel, Central Region, Attention: Rules Docket Clerk, Docket No. 77-CE-8, 601 East 12th Street, Kansas City, Missouri 64106. All comments received on or before May 26, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 421-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a transition area at Clarion, Iowa. To enhance airport usage by providing instrument approach capability to the Clarion Municipal Airport, the City of Clarion, Iowa, is installing an NDB at the airport. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. Section 71.181, pertaining to transition areas was republished on January 3, 1977 (42 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), by adding the following new transition area:

CLARION, IOWA

That airspace extending upward from 700' above the surface within a 5 mile radius of the Clarion Municipal Airport (latitude 42°44'30" N., longitude 93°45'30" W.) and within 3 miles each side of the 311° bearing from the Clarion Municipal Airport, extending from the 5 mile radius to 8.5 miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on April 8, 1977.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.77-11384 Filed 4-20-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-9]

TRANSITION AREA AT MOUNTAIN VIEW, MISSOURI

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a transition area at Mountain View, Missouri, to provide controlled airspace for aircraft executing instrument approach procedures to the Mills Memorial Airport which are based on a Non Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATES: Comments must be received on or before May 26, 1977.

ADDRESSES: Send comments on the proposal to: FAA, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 77-CE-8, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alden C. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the FAA, Office of the Regional Counsel, Central Region, Attention: Rules Docket Clerk, Docket No. 77-CE-9, 601 East 12th Street, Kansas City, Missouri 64106. All comments received on or before May 26, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 421-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR § 71.181) by designating a transition area at Mountain View, Missouri. To enhance airport usage by providing instrument approach capability to the Mills Memorial Airport, the City of Mountain View, Missouri, is installing an NDB at the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. Section 71.181, pertaining to transition areas, was republished on January 3, 1977 (49 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), by adding the following new transition area:

MOUNTAIN VIEW, MISSOURI

That airspace extending upward from 700' above the surface within a 5 mile radius of the Mills Memorial Airport (latitude 36°59'33" N., longitude 91°42'42" W.); and within 3 miles each side of the 106° bearing from the Mills Memorial Airport, extending from the 5 mile radius area to 8 miles east of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on April 8, 1977.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.77-11385 Filed 4-20-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 10]

PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Proposed Revision of Provisions Governing Practice by Former Government Employees and Miscellaneous Amendments

AGENCY: Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The proposed rule contains a number of amendments to the regulations governing practice by attorneys, certified public accountants, enrolled agents and others who represent clients before the Internal Revenue Service. The majority of the amendments are editorial changes in the regulations, or are necessary to eliminate outdated terms and provisions, or bring the regulations current with present law.

In addition, the proposed rule would amend the regulations to increase the restrictions on the representation of clients before the Internal Revenue Service by former government employees. The purpose of these amendments is to prevent any conflict of interest, or appearance of a conflict of interest, when a former employee appears before the Service to handle a matter in which he may have been involved while employed by the government.

DATE: Comments must be in writing and must be received on or before May 23, 1977. The effective date will be 30 days after publication of the anticipated final rule in the FEDERAL REGISTER.

ADDRESS: Comments should be addressed to Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie S. Shapiro, Director of Practice, 202-634-5071.

SUPPLEMENTARY INFORMATION:

PRACTICE BY FORMER GOVERNMENT EMPLOYEES

Section 10.26 is concerned with practice before the Internal Revenue Service by former government employees. This topic, a matter of proper professional conduct in the representation of taxpayers before the Internal Revenue Service, has been considered by the Chief Counsel's Advisory Committee on Rules of Professional Conduct ("the Advisory Committee"), which was formed on February 15, 1975. On March 31, 1976, at 41 FR 13628, and on September 21, 1976, at 41 FR 41106, the Advisory Committee published reports of its deliberations, including recommendations regarding practice before the Internal Revenue Service by former government employees and their partners and associates.

It is felt that the present § 10.26 is inadequate because it requires an ad hoc approach to conflict of interest problems. In light of recently increased sensitivity to such conflicts and the fact that our tax system is based largely on voluntary compliance, it is felt that former government employees and their partners and associates must avoid conflict of interest situations and even appearances of impropriety. Other considerations underlying the determination to revise § 10.26 include the right of the Internal Revenue Service to have its confidences protected, the mobility of individuals in and out of government, and the necessity for both the government and the private sector to rely on the expertise of individuals who in many cases have been employed in both sectors.

As revised, § 10.26 will continue to parallel the provisions of 18 U.S.C. 207 (a) and (b). However, the new definitions paragraph (§ 10.26(a)) will clarify the application of § 10.26 to many situations in which such application is now ambiguous. Further, new restrictions will apply to a former government employee's appearances before the Treasury Department regarding a rule in the development of which he participated as a government employee or for which, within a period of one year prior to the termination of his government employment, he had official responsibility. In addition, new rules (§ 10.26(c)) will govern representation and knowing assistance in a transaction by partners and associates of a former government employee where the former employee is barred from taking on any representation because of his participation in, or official responsibility for, such transaction as a government employee. The new rules will apply if the matter in which the government employee participated or had official responsibility falls within the proposed definition of "transaction" (§ 10.26(a)(8), (b)(2), (b)(3)) as distinguished from a "rule" (§ 10.26(a)(7), (b)(4). However, if certain conditions regarding isolation of the former government employee (§ 10.26(c)(1) or (2)) are met, the restrictions on representation and knowing assistance by partners and associates will not apply.

NEGOTIATION OF TAXPAYER REFUND CHECKS

Section 1203(f) of Pub. L. 94-455, October 4, 1976 ("the Tax Reform Act of 1976") creates, among other things, a new 26 U.S.C. 6695(f). Section 6695(f) provides that if any person who is an income tax return preparer endorses or otherwise negotiates a check made in respect of income taxes which is issued to a taxpayer other than the preparer, the preparer shall pay a $500 penalty with respect to each such check. It is felt that avoidance of conduct which warrants imposition of this penalty is properly made a duty incumbent on those who practice before the Internal Revenue Service. While it is believed the present provisions of 31 CFR Part 10 are sufficient to redress other misconduct referred to in Section 1203 of the Tax Reform Act of 1976, such is not the case with respect to section 6695(f). It is proposed to redesignate present § 10.31 as § 10.32 and to add a new § 10.31 to cure the deficiency.

KNOWLEDGE OF CLIENT'S OMISSION

At present, 31 CFR 10.21 imposes upon practitioners before the Internal Revenue Service a duty to advise a client of a failure to comply with the revenue laws only when such failure occurs in connection with a matter with respect to which the practitioner has been retained. For example if, in the course of preparing a client's 1976 income tax return, the practitioner learns that the client inadvertently omitted half of his gross income from his 1975 return with which the practitioner was not involved, § 10.21 imposes no duty to advise the client of the omission. The fact that the practitioner was not retained to prepare the 1975 return is not seen as a compelling reason for not imposing a duty to advise the client of the error as long as the practitioner has knowledge of it. In addition, by not imposing this duty in these circumstances, § 10.21 creates a less rigorous standard of conduct than that required of practitioners by, e.g., the American Bar Association and the American Institute of Certified Public Accountants. Opinion 314, 51 A.B.A.J. 671 (1965); Knowledge of Error: Return Preparation, in American Institute of Certified Public Accountants, "Statements on Responsibilities in Tax Practice" 18 (1976). Accordingly, it is proposed to amend § 10.21 so that a duty to advise the client of non-compliance, error or omission arises whenever the practitioner knows of such noncompliance, error or omission.

ENROLLED AGENT TELEPHONE DIRECTORY LISTINGS

In order to further explain the proposal to permit enrolled agents to refer to their enrollment in classified telephone directory listings, it should be noted that attorneys and certified public accountants can presently be listed in such directories under headings entitled "Lawyers" or "Accountants—Certified Public." As such, they are identified to members of the public as able to represent taxpayers before the Internal Revenue Service. Standard headings for classified directories contain no analogous headings for enrolled agents. These individuals must resort to headings such as "Accountants—Public," "Bookkeeping Service" or "Tax Return Preparation" and are precluded from informing the public in directory listings that they are eligible to practice. The proposed change will remedy this inequality.

CITIZENSHIP AND AGE REQUIREMENTS FOR ENROLLMENT

United States citizenship has long been a requirement for eligibility to be enrolled to practice before the Internal Revenue Service (31 CFR 10.4(c)). However, recent U.S. Supreme Court decisions have been critical of such requirements when imposed by state authorities and, in fact, have found them violative of the equal protection clause of the 14th Amendment. "Sugarman v. Dougall", 413 U.S. 634 (1973); "In re Griffiths," 413 U.S. 717 (1973). In addition, the Court has now held that the U.S. Civil Service Commission cannot, by regulation, generally bar resident aliens from federal employment. "Hampton v. Mou Sun Wong", 426 U.S. 88 (1976). The regulation in that case was found to deprive lawfully admitted resident aliens of the due process of law guaranteed by the 5th Amendment. While it is by no means clear that all such requirements run afoul of constitutional limitations, it is felt that the citizenship requirement in § 10.4(c) is not justified. Accordingly, its elimination is proposed.

Section 10.4(c) also provides that enrollment to practice may only be granted to individuals who are over 21 years of age. Satisfactory completion of the examination referred to in § 10.4(a) should demonstrate sufficient knowledge of and sensitivity to ethnical considerations of practice before the Internal Revenue Service. In addition, it is believed that the unusual individual who can demonstrate special competence in tax matters prior to his 21st birthday will have attained sufficient maturity to render valuable assistance to their clients and to avoid obstructing the administration of the revenue laws.

OATH OF ALLEGIANCE

Section 10.4(d) establishes an additional requirement for enrollment; namely, that an applicant must be able to take an oath of allegiance and support the Constitution of the United States. Note that applicants are not required to actually take such an oath or affirm such support; they must merely have no impediments to doing so.

At present, this is required only of enrolled persons. No equivalent requirement exists for others permitted to practice before the Internal Revenue Service such as attorneys and certified public accountants.

Because of this unequal application and the fact that the actual taking of an oath is not required by the Internal Revenue Service of anyone who practices before it, it is proposed to eliminate the requirements in § 10.4(d).

PRACTICE IN MATTERS RELATING TO ECONOMIC STABILIZATION

31 CFR 10.0 includes within the scope of Part 10 rules concerning authority to practice before the Internal Revenue Service in matters relating to economic stabilization. Sections 10.9 and 10.10 contain those rules and the last sentence of § 10.2(a) refers to § 10.9. When added to Part 10, these rules were felt necessary for the expeditious implementation of the Economic Stabilization Act Amendments of 1971 and Executive Order No. 11627, as amended. However, the authority for an economic stabilization program expired at midnight on April 30, 1974. Title II of Pub. L. 91-379, Aug. 15, 1870, 84 Stat. 799, as amended by Pub. L. 91-558, title II, section 201, Dec. 17, 1970, 84 Stat. 1468; Pub. L. 92-8, section 2, March 31, 1971, 85 Stat. 13; Pub. L. 92-15, section 3, May 18, 1971, 85 Stat. 38; Pub. L. 92-210, section 2, Dec. 22, 1971, 85 Stat. 743; Pub. L. 93-28, sections 2-8, April 30, 1973, 87 Stat. 27-29. Exec. Order No. 11788, 39 FR 22113 (1974) authorized steps necessary for the orderly termination of the program by December 31, 1974. There is therefore no longer any practice before the Internal Revenue Service regarding economic stabilization matters. Accordingly, it is proposed to eliminate the regulations governing such practice by amending §§ 10.0 and 10.2(a) deleting §§ 10.9 and 10.10.

EDITORIAL CHANGES

31 CFR 10.56(b) provides that, when the Director of Practice institutes a disciplinary proceeding against a practitioner by service of a complaint, the complaint shall notify the practitioner of the time and place for answer. It also provides for notification that, if an answer is not filed as required, a decision by default "will" be rendered against the practitioner. This mandatory default judgment is felt to be harsh and at variance with both existing administrative practice and the consequence, set forth in § 10.65(b), of failure to appear at a hearing of which a practitioner has notice. Accordingly, it is proposed to amend § 10.56(b) by inserting "may" where "will" now appears.

The table of contents for 31 CFR Part 10, and §§ 10.57, 10.58, 10.60-10.62, 10.64-10.67, and 10.69-10.72 all refer to the person to preside over hearings on Director of Practice complaints as an "Examiner." The U.S. Civil Service Commission now uses, instead of that title, the term "Administrative Law Judge." 37 FR 16787 (1972); 5 CFR 930.203a (1974). Accordingly, it is proposed to change all references to "Examiner" in Part 10 to "Administrative Law Judge."

Section 10.6(b)(2), (c) and (d)(1) presently contain regulations which were necessitated by changes in requirements for eligibility to practice before the Internal Revenue Service wrought by the Agency Practice Act, 5 U.S.C. 500. However, those regulations concerned only the transition period following enactment of 5 U.S.C. 500 which is now over. Accordingly, it is proposed to delete § 10.6(b)(2), (c) and (d)(1).

Sections 10.64, 10.65, and 10.68 will be amended to update obsolete statutory references.

In consideration of the foregoing, it is proposed to amend 31 CFR Part 10 as follows:

1. By amending the table of contents to read as follows:

Sec.
10.0 Scope of part.

Subpart A—Rules Governing Authority To Practice

10.1 Director of practice.
10.2 Definitions.
10.3 Who may practice.
10.4 Eligibility for enrollment.
10.5 Application for enrollment.
10.6 Enrollment.
10.7 Limited practice without enrollment.
10.8 Customhouse brokers.

Subpart B—Duties and Restrictions Relating to Practice Before the Internal Revenue Service

10.20 Information to be furnished.
10.21 Knowledge of client's omission.
10.22 Diligence as to accuracy.
10.23 Prompt disposition of pending matters.
10.24 Assistance from disbarred or suspended persons and former Internal Revenue Service employees.
10.25 Practice by partners of Government employees.
10.26 Practice by former Government employees, their partners and their associates.
10.27 Notaries.
10.28 Fees.
10.29 Conflicting interests.
10.30 Solicitation.
10.31 Negotiation of taxpayer refund checks.
10.32 Practice of law.

Subpart C—Rules Applicable to Disciplinary Proceedings

10.50 Authority to disbar or suspend.
10.51 Disreputable conduct.
10.52 Violation of regulations.
10.53 Receipt of information concerning attorneys, certified public accountants and enrolled agents.
10.54 Institution of proceeding.
10.55 Conferences.
10.56 Contents of complaint.
10.57 Service of complaint and other papers.
10.58 Answer.
10.59 Supplemental charges.
10.60 Reply to answer.
10.61 Proof; variance; amendment of pleadings.
10.62 Motions and requests.
10.63 Representation.
10.64 Administrative Law Judge.
10.65 Hearings.
10.66 Evidence.
10.67 Depositions.
10.68 Transcript.
10.69 Proposed findings and conclusions.
10.70 Decision of the Administrative Law Judge.
10.71 Appeal to the Secretary.
10.72 Decision of the Secretary.
10.73 Effect of disbarment or suspension; surrender of card.
10.74 Notice of disbarment or suspension.
10.75 Petition for reinstatement.

Subpart D—General Provisions

Sec.
10.90 Records.
10.91 Effective date of regulations.
10.92 Saving clause.
10.93 Special orders.

AUTHORITY: Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; (5 U.S.C. 301, 500, 551-559, 31 U.S.C. 1026), Reorg. Plan No. 26 of 1950, 15 F.R. 4935, 65 Stat. 1280, 3 CFR 1949-1953 Comp., except as otherwise noted.

2. By amending § 10.0 to read as follows:

§ 10.0 Scope of part.

This part contains rules governing the recognition of attorneys, certified public accountants, enrolled agents, and other persons representing clients before the Internal Revenue Service. Subpart A of this part sets forth rules relating to authority to practice before the Internal Revenue Service; Subpart B of this part prescribes the duties and restrictions relating to such practice; Subpart C of this part contains rules relating to disciplinary proceedings; and Subpart D of this part contains general provisions, including provisions relating to availability of official records.

§ 10.2 [Amended]

3. Section 10.2 is amended by deleting the last sentence of § 10.2(a).

4. Section 10.4 is amended as follows:

(a) By deleting the words "who are citizens of the United States and who are over the age of 21 years" in paragraph (c);

(b) By revoking paragraph (d);

(c) By redesignating paragraph (e) as paragraph (d); as follows:

§ 10.4 Eligibility for enrollment.

* * * * *

(c) *Natural persons.* Enrollment to practice may be granted only to natural persons.

(d) *Attorneys; certified public accountants.* Enrollment is not available to persons who qualify to practice under § 10.3 (a) or (b).

5. By amending § 10.5(a) to read as follows:

§ 10.5 Application for enrollment.

(a) *Form; fee.* An applicant for enrollment shall file with the Commission of Internal Revenue an application on Form 23, properly executed under oath or affirmation. Such application shall be accompanied by a check or money order in the amount set forth on Form 23, payable to the Internal Revenue Service, which amount shall constitute a fee which shall be charged to each applicant for enrollment. The fee shall be retained by the United States whether or not the applicant is granted enrollment.

(Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a).)

* * * * *

6. Section 10.6 is amended as follows:

(a) By deleting paragraph (b)(2);

(b) By deleting paragraph (c);

(c) By redesignating paragraph (d)(1); as paragraph (b)(1) as (b);

(e) By redesignating paragraph (d)(2) as (c); as follows:

§ 10.6 Enrollment.

* * * * *

(b) *Enrollment card.* The Commissioner shall issue an enrollment card to each agent who is enrolled to practice before the Internal Revenue Service after the effective date of this regulation. Each such enrollment card shall be valid so long as the holder shall remain enrolled and in good standing before the Service. Unless advised to the contrary by the Commissioner, any officer or employee of the Internal Revenue Service may consider the holder of a valid enrollment card to be duly authorized to practice before the Service.

(c) *Termination of enrollment.* The enrollment of any agent to whom an enrollment card is issued after the effective date of this regulation shall terminate at such time as such agent may become eligible to practice without enrollment under § 10.3 (a) or (b), and such agent shall forthwith return his enrollment card to the Commissioner for cancellation.

§ 10.9 [Deleted]

7. By deleting § 10.9:

§ 10.10 [Deleted]

8. By deleting § 10.10:

9. By amending § 10.21 to read as follows:

§ 10.21 Knowledge of client's omission.

Each attorney, certified public accountant, or enrolled agent who, having been retained by a client with respect to a matter administered by the Internal Revenue Service, knows that the client has not complied with the revenue laws of the United States or has made an error in or omission from any return, document, affidavit, or other paper which the client is required by the revenue laws of the United States to execute, shall advise the client promptly of the fact of such noncompliance, error, or omission.

10. By revising § 10.26 to read as follows:

§ 10.26 Practice by former Government employees, their partners and their associates.

(a) *Definitions.* For purposes of § 10.26.—(1) "Assist" means to act in such a way as to advise, furnish information to or otherwise aid another person, directly or indirectly.

(2 "Government employee" is an officer or employee of the United States or any agency of the United tSates, including a "special government employee" as defined in 18 U.S.C. 202(a), or of the District of Columbia, or of any state, or a member of Congress or of any state legislature.

(3) "Member of a firm" is a sole practioner or an employee or associate thereof, or a partner, stockholder, associate, affiliate or employee of a partnership, joint venture, corporation, professional association or other affiliation of two or more practitioners who represent non-Government parties.

(4) "Practitioner" is an attorney, certified public accountant, enrolled agent or any other person authorized to practice before the Internal Revenue Service.

(5) "Official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action, with or without knowledge of the action.

(6) "Participate" or "participation" means substantial involvement as a Government employee by making decisions, or preparing or reviewing documents with or without the right to exercise a judgment of approval or disapproval, or participating in conferences or investigations, or rendering advice of a substantial nature.

(7) "Rule" includes Treasury Regulations, whether issued or under preparation for issuance as Notices of Proposed Rule Making or as Treasury Decisions, and revenue rulings and revenue procedures published in the Internal Revenue Bulletin. "Rule" shall not include a "transaction" as defined in paragraph (a)(9) of this section.

(8) "Specific party or parties" means all parties whose tax status or legal rights will be or are affected by a transaction.

(9) "Transaction" means any decision, determination, finding, letter ruling, technical advice, contract or approval or disapproval thereof, or the failure to act with respect thereto, relating to a particular factual situation or situations involving a specific party or parties to which the United States is or will be a party or in which it has a direct and substantial interest, whether or not the same taxable periods are involved. "Transaction" does not include "rule" as defined in paragraph (a)(7) of this section.

(b) *General rules.* (1) No former Government employee shall, subsequent to his Government employment, represent anyone in any matter administered by the Internal Revenue Service if the representation would violate 18 U.S.C. 207(a) or (b) or any other laws of the United States.

(2) No former Government employee who participated in a transaction shall, subsequent to his Government employment, represent or knowingly assist, in that transaction, any person who is or was a specific party to that transaction.

(3) No former Government employee who within a period of one year prior to the termination of his Government employment had official responsibility for a transaction shall, within one year after his Government employment is ended, represent or knowingly assist in that transaction any person who is or was a specific party to that transaction.

(4) No former Government employee shall, within one year after his Government employment is ended, appear before any employee of the Treasury Department in connection with the publication, withdrawal, amendment, modification, or interpretation of a rule in the development of which the former Government employee participate or for which, within a period of one year prior to the termination of his Government employment, he had official responsibility. However, this subparagraph does not preclude such former employee from appearing on his own behalf or from representing a taxpayer before the Internal Revenue Service in connection with a transaction involving the application or interpretation of such a rule with respect to that transaction, provided that such former employee shall not utilize or disclose any confidential information acquired by the former employee in the development of the rule, and shall not contend that the rule is invalid or illegal. In addition, this subparagraph does not preclude such former employee from otherwise advising or acting for any person.

(c) *Firm representation.* (1) No member of a firm of which a former Government employee is a member may represent or knowingly assist a person who was or is a specific party in any transaction with respect to which the restrictions of paragraphs (b)(1) or (b)(2) of this section apply to the former Government employee, in that transaction, unless:

(i) No member of the firm who had knowledge of the participation by the Government employee in the transaction initiated discussions with the Government employee concerning his becoming a member of the firm until his Government employment is ended or six months after the termination of his participation in the transaction, whichever is earlier;

(ii) The former Government employee did not initiate any discussions concerning becoming a member of the firm while participating in the transaction or, if such discussions were initiated, they conformed with the requirements of 18 U.S.C. 208(b); and

(iii) The firm isolates the former Government employee in such a way that he does not assist in the presentation.

(2) No member of a firm of which a former Government employee is a member may represent or knowingly assist a person who was or is a specific party in any transaction with respect to which the restrictions of paragraph (b)(3) of this section apply to the former employee, in that transaction unless the firm isolates the former Government employee in such a way that he does not assist in the representation.

(3) When isolation of the former Government employee is required under paragraphs (c)(1) or (c)(2) of this section, a statement affirming the fact of such isolation shall be executed under oath by the former Government employee and by a member of the firm acting on behalf of the firm, and shall be filed with the Director of Practice and in such other place and in the manner prescribed by regulation. This statement shall clearly identify the firm, the former Government employee, and the transaction or transactions requiring such isolation.

11. By amending § 10.30 to read as follows:

§ 10.30 Solicitation.

* * * In the case of an enrolled agent, the phrase "enrolled to practice before the Internal Revenue Service," when appearing on the stationery, letterhead or professional card of such enrolled agent or following the name of the enrolled agent in a classified telephone directory listing is not considered to violate this prohibition. * * *

12. By redesignating § 10.31 as § 10.32.

13. By adding a new § 10.31 to read as follows:

§ 10.31 Negotiation of taxpayer refund checks.

No attorney, certified public accountant or enrolled agent who is an income tax return preparer shall endorse or otherwise negotiate any check made in respect of income taxes which is issued to a taxpayer other than the attorney, certified public accountant or enrolled agent.

§ 10.32 [Redesignated from § 10.31]

14. By amending § 10.56(b) to read as follows:

§ 10.56 Contents of complaint.

* * * * *

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notification shall be given of the place and time within which the respondent shall file his answer, which time shall not be less than 15 days from the date of service of the complaint, and notice shall be given that a decision by default may be rendered against the respondent in the event he fails to file his answer as required.

15. By amending § 10.64(a) to read as follows:

§ 10.64 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge, appointed as provided by 5 U.S.C. 3105 (1966), shall conduct proceedings upon complaints for the disbarment or suspension of attorneys, certified public accountants, or enrolled agents.

* * * * *

16. By amending § 10.65(a) to read as follows:

§ 10.65 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the disbarment or suspension of an attorney, certified public accountant, or enrolled agent. * * * Hearings will be conducted pursuant to 5 U.S.C. 556 (1966).

* * * * *

17. By amending § 10.68 to read as follows:

§ 10.68 Transcript.

* * * (Sec. 501, Pub. L. 82–137, 65 Stat. 290 (31 U.S.C. 483a))

§§ 10.57, 10.58, 10.62–10.62, 10.64–10.67 and 10.69–10.72 [Amended]

18. By amending §§ 10.57(c); 10.58 (a) and (c), 10.60–10.62, 10.64(b)(2), 10.65 (b); 10.66 (a), (d) and (e); 10.67 and 10.69–10.72 to change the term "Examiner" to "Administrative Law Judge."

Dated: March 29, 1977.

HENRY C. STOCKWELL, Jr.,
Acting General Counsel.

NOTE.—The Department of the Treasury has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

[FR Doc.77-11509 Filed 4-20-77; 8:45 am]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM77-3]

PUBLIC ATTENDANCE AT MEETINGS OF THE POSTAL RATE COMMISSION

Proposed Amendments to Rules

APRIL 13, 1977.

AGENCY: Postal Rate Commission.

ACTION: Proposed Rules.

SUMMARY: The proposed changes to the rules would provide for the delegation, in the absence of the General Counsel, of the General Counsel's responsibility for certifying that a Commission meeting may be properly closed; would add a provision affording a person an opportunity to request the Commission to review its decision to open or close an impending meeting; and would include documents furnished pursuant to the Government in the Sunshine Act in the rule governing payment of fees for duplication of records. In amending its rules, the Commission intends to facilitate the administration of the rules governing Commission meetings while safeguarding the interests of the public.

DATES: Comments due: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara Weller, Advisory Attorney, Office of the General Counsel, Postal Rate Commission, Washington, D.C. 20268, 202–254–3836.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in 39 U.S.C. 3603 and 5 U.S.C. 552b(g), the Postal Rate Commission gives notice that it proposes to amend certain sections of 39 CFR Part 3001, Subpart A, to incorporate modifications and additions to the rules the Commission has adopted[1] to implement the open meeting requirements of section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409). The Commission believes the proposed changes are necessary to facilitate the administration of the rules governing open meetings and will, if adopted, enable a member of the public to seek review of the Commission's determinations under the rules.

Fees for duplication of documents under the Sunshine Act. The Commission proposes to amend § 3001.42(c)(4) of the current rules of practice and procedure by adding documents furnished pursuant to the Sunshine Act to the provision for payment of fees for duplication. The Sunshine Act specifies that copies of minutes or ranscripts of meetings shall be furnished to any person at the actual cost of duplication (5 U.S.C. 552b(f)(2)), which is currently 15 cents per page in the Commission's Public Information Room. Paragraph (c)(4) of § 3001.42 also provides that the fee may be waived or reduced when the Commission determines it is in the public interest.

Delegation of the General Counsel's Certification. The Commission also proposes to amend § 3001.43(f)(1) in order to provide for the delegation of the General Counsel's responsibility to certify that in his or her opinion a Commission meeting may be closed pursuant to an exemption whenever the General Counsel is unavailable. The senior advisory Assistant General Counsel would be designated to act in the General Counsel's absence. The Commission believes the proposed amendment will help assure the proper functioning of the rules under the Sunshine Act when the General Counsel is unavailable.

Commission review of requests to open or close a meeting. The proposed new paragraph (g) to § 30001.43 contains procedures which would permit any person to request the Commission to open or close a meeting once the Commission has announced a contrary determination. The procedures have been patterned upon those adopted by other independent regulatory agencies in conjunction with their adoption of rules implementing the Sunshine Act.

The Commission believes it is advisable to incorporate an agency appeal provision in order to afford individuals an opportunity to present the Commission with an opposing view and request reconsideration of the Commission's determination. Implementation of the additional procedure would be advisable for two reasons: (1) it might serve to avert an unnecessary complaint being filed in federal district court if the disagreement can be resolved at the administrative level; and (2) if the disagreement cannot be so resolved, the process of pursuing administrative remedies would better refine and focus the parties' positions prior to the filing of a suit.

In consideration of the foregoing, the Commission proposes to amend 39 CFR Part 3001 as follows:

Subpart A—Rules of General Applicability

1. By amending paragraph (c)(4) of § 3001.42 to read as follows:

§ 3001.42 Public information and requests.

* * * * *

(c) * * *

(4) *Fees.* Documents furnished pursuant to the Freedom of Information Act or the Government in the Sunshine Act shall be subject to a fee of 15 cents a page to meet the costs of duplication.

* * * * *

[1] 42 FR 13,287 (1977).

2. By amending paragraph (f) (1) and by adding paragraph (g) to § 3001.43 to read as follows:

§ 3001.43 Public attendance at Commission meetings.

* * * * *

(f) *Certification of closed meetings; transcripts, electronic recordings, and minutes.* (1) Before any meeting to be closed pursuant to paragraphs (c) (1) through (c) (10) of this section, the General Counsel of the Commission, or in the General Counsel's absence, the senior advisory Assistant General Counsel, should publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision.

* * * * *

(g) *Requests to open or close Commission meetings.* (1) (i) Any person may request in writing that the Commission open to public observation discussion of a matter which it has earlier decided to close.

(ii) Such requests shall be captioned "Request to open ------ (date) Commission meeting on item ---------- (number or description)." The request shall state the reason(s) therefor, the name and address of the person making the request and, if desired, a telephone number.

(iii) Ten copies of such requests must be received by the Office of the Secretary no later than three working days after the issuance of the Notice of Meeting to which the request pertains. Requests receivd after that time will be returned to the requester with a statement that the request was untimely received and that copies of any nonexempt portions of the transcript or minutes for the meeting in question will ordinarily be available in the Office of Public Information ten working days after the meeting.

(2) (i) Any person whose interests may be directly affected may request in writing that the Commission close to public observation discussion of a matter which it has earlier decided to open as provided for in paragraph (d) (2) of this section.

(ii) Such requests shall be captioned "Request to Close ------ (date) Commission meeting on item ---------- (number or description)", shall state the reason(s) therefor, the name and address of the person making the request and, if desired, a telephone number.

(iii) Ten copies of such requests should be filed with the Office of the Secretary as soon as possible after the issuance of the Notice of Meeting to which the request pertains. A single copy of the request will be accepted. Requests to close meetings must be received by the Office of the Secretary no later than the time scheduled for the meeting to which such request pertains.

(3) The Secretary shall retain one copy of timely requests and forward one copy to each Member, one copy to the interested Office, and two copies to the Docket Section, one for entry in the appropriate docket file, if any, and one to be posted on the Public Notice Board located in that section as an attachment to the Notice of Meeting to which it pertains.

(4) Responsive pleadings to requests to open or close shall not be accepted.

(5) Any Member may require that the Commission vote upon the request to open or close. If the request is supported by the votes of a majority of the agency membership, notice of change in meeting shall be issued and the Secretary shall immediately notify the requester and, before the close of business the next working day, have posted such vote and other material required by § 3001.43 (d) and (e) on the Commission's Public Notice Board.

(6) If no Commission Member requests that a vote be taken on a request to open or close a Commission meeting, the Secretary shall by the close of the next working date after the meeting to which such request pertains certify that no vote was taken. The Secretary shall forward one copy of that certification to the requester and two copies of that certification to the Docket Section, one to be placed in the appropriate Docket file, if any, and one to be posted on the Public Notice Board, where it will be displayed for one week.

Comments regarding the efficacy and fairness of the proposed rules are invited and are to be filed by April 15, 1977. An original plus 19 fully conformed copies of all comments and replies must be filed with the Secretary of the Commission at the offices of the Postal Rate Commission, 2000 L Street, NW., Washington, D.C. 20268.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-11604 Filed 4-20-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 750]

[FRL 703-2]

TOXIC SUBSTANCES CONTROL

Procedures for Rulemaking Under Section 6 of the Toxic Substances Control Act

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: Section 6 of the Toxic Substances Control Act, 15 U.S.C. 2605, allows EPA to control potentially toxic substances by rulemaking. The statute requires EPA to follow certain procedures in promulgating these rules. It must establish a record to contain the documents being considered, and hold a hearing with some opportunity for cross-examination. These proposed rules implement those procedural requirements.

DATES: All comments must be submitted on or before July 1, 1977. Interim comments as to the procedures to be followed in our PCBs hearing (see below) should be received by May 9, 1977. Three copies of all comments should be provided.

ADDRESSES: All comments should be addressed to: William F. Pedersen, Jr., Special Assistant to the General Counsel (A-130), Office of General Counsel, Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

William F. Pedersen, Jr., Special Assistant to the General Counsel, Office of General Counsel, 401 "M" Street SW., Washington, D.C. 20460, 202-755-0433.

SUPPLEMENTAL INFORMATION: The basic approach of the proposed rules is to resolve the questions raised by a given rulemaking in the least procedurally burdensome way. In this manner we hope to avoid the waste of time and resources that has characterized formal agency proceedings in the past.

The first step will be an exchange of written comments. EPA, when it proposes a rule, will explain the factors behind it in detail, and written comment on that proposal will be received.

After these comments have been examined and digested, a "legislative" hearing before a panel of EPA employees will be held.

Finally, an opportunity for cross-examination will be provided on questions of fact which are material to the rulemaking, which still remain unresolved after the written comments and legislative hearing, and which are suitable for resolution by cross-examination.

In this way, questions will be sifted through successive procedures of increasing formality, with only those questions that cannot be resolved by the less burdensome approach passing on to the more formal stages.

Appendix A sets forth the schedule for a typical rulemaking under these procedures in order to give some concrete idea of how they will work in practice. In addition, since the procedures proposed today break new legal ground in some respects, a Legal Support Document has been prepared and is available at the above address. The reasoning it sets forth is an integral part of our decision to proceed in this manner. We expect that the rules proposed today (with modifications to be announced later) will constitute the procedures for conducting EPA's hearing on PCBs, which will be the first hearing under section 6 of the Toxic Substances Control Act. In their proposed form, they may also govern our hearing on non-essential aerosol uses of chlorofluorocarbons as well. This will allow for some concrete experience with the approach proposed today before any final decision on whether to implement it is made.

As noted above, comments on any changes that should be made before these proposed rules are used for the PCBs hearing are due by May 9, 1977.

The description in the regulations of what will be issued along with a Notice of Proposed Rulemaking contains no

reference to the specific findings that must be made to make a rule immediately effective under section 5(f) or section 6(d)(2). Nevertheless, action under these sections may still be taken in appropriate instances. To the extent appropriate, the procedures to be established by this rulemaking will govern the issuance of rules effective on proposal; agency action to further specify the particular approach to be taken in such a case is not contemplated at this time.

This Notice of Proposed Rulemaking is issued under authority of section 6 of the Toxic Substances Control Act, 15 U.S.C. 2605.

Dated: April 13, 1977.

DOUGLAS M. COSTLE,
Administrator.

Title 40 of the Code of Federal Regulations is amended by adding a new Part 750 as set forth below:

PART 750—PROCEDURES FOR RULEMAKING UNDER SECTION 6 OF THE TOXIC SUBSTANCES CONTROL ACT

Sec.

750.1 Applicability.
750.2 Notice of proposed rulemaking.
750.3 Record.
750.4 Public comments.
750.5 Participation in informal hearing.
750.6 Conduct of legislative hearing.
750.7 Cross-examination.
750.8 Final rule.

Appendix A

§ 750.1 Applicability.

This Part applies to all rulemakings under authority of section 6 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605.

§ 750.2 Notice of proposed rulemaking.

(a) Each rulemaking subject to this Part shall begin with the publication of a Notice of Proposed Rulemaking in the FEDERAL REGISTER.

(b) Each such notice shall contain:

(1) A draft finding that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use or disposal of the chemical substance(s) or mixture(s) at issue, or any combination of such activities, presents or will present an unreasonable risk of injury to health or the environment.

(2) A Notice of Proposed Rulemaking starting with particularity the reasons for the proposed rule together with a statement why the proposed rule protects adequately against the risk(s) involved using the least burdensome requirements authorized by TSCA.

(3) Either the draft text of the proposed rule (which may include alternative approaches among which a final choice has not yet been made) or a description of the approaches and provisions being considered for inclusion in the rule, or some combination of the above.

(4) Except for rules published under authority of section 6(e), a draft statement with respect to:

(i) The effects of the substance(s) or mixture(s) at issue on health and the magnitude of the exposure of human beings to such substance(s) or mixture(s);

(ii) The effects of the substance(s) or mixture(s) at issue on the environment and the magnitude of the exposure of the environment to such substance(s) or mixture(s);

(iii) The benefits of the substance(s) or mixture(s) at issue for various uses and the availability of substitutes for such uses, and

(iv) The reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business, technological innovation, the environment, and public health.

(5) In cases where the Administrator, in his or her discretion, determines that a risk of injury to health or the environment could be eliminated or reduced to a sufficient extent by actions taken under a Federal law (or laws) other than TSCA administered in whole or in part by the Administrator, a finding that it is in the public interest to proceed against such risk under TSCA. Any such finding shall be accompanied by a brief statement discussing:

(i) All relevant aspects of the risk;

(ii) A comparison of the estimated costs of complying with actions taken under TSCA and under such other law (or laws); and

(iii) The relative efficiency of actions under TSCA and under such other law (or laws) to protect against such risk of injury.

Two or more or all of the statements required above may be combined in the same narrative for efficiency of exposition as long as each of the required points is discussed. Any statement required by this paragraph may reference other documents which are not published in the FEDERAL REGISTER. All such referenced documents shall be included in the rulemaking record. Either the statements required by this paragraph or the documents they reference shall contain a discussion of the factual, analytical, policy and legal considerations behind the agency decision to issue the proposed rule in the form chosen. All factual materials and each analytical methodology relied on shall be fully disclosed. Significant areas of uncertainty known to the Agency under each heading shall be identified, and the manner in which the Agency intends to deal with them shall be specified.

(c) In addition to the material required under paragraph (b), each notice of proposed rulemaking shall contain:

(1) A statement of the time and place at which the informal hearing required by section 6(c)(2)(C) of TSCA shall begin, or, to the extent these are not specified, a statement that they will be specified later in a separate FEDERAL REGISTER notice;

(2) A statement identifying the place at which the official record of the rulemaking is located, the hours during which it will be open for public inspection, the documents contained in it as of the date the notice of proposed rulemaking was issued, and a statement of the approximate times at which additional materials such as public comments, hearing transcripts, and agency studies in progress will be added to the record. If any material other than public comments or material generated by a hearing is added to the record after publication of the notice required by this section, and notice of its future addition was not given at the time of that initial publication, a separate FEDERAL REGISTER notice announcing its addition to the record and inviting comment shall be published;

(3) The due date for public comments, which shall be at least two weeks prior to the informal hearing for main comments and no more than two weeks after the informal hearing for reply comments; and

(4) The name, address and office telephone number of the Record and Hearing Clerk for the rulemaking in question.

§ 750.3 Record.

(a) No later than the date of proposal of a rule subject to this part, a rulemaking record for that rule shall be established. It shall consist of a separate identified filing space containing:

(1) All documents required by § 750.2(b);

(2) All documents cited in the documents required by § 750.2(b);

(3) All public comments timely received;

(4) All public hearing transcripts;

(5) All material received during an informal hearing and accepted for the record of that hearing; and

(6) Any other information which the Administrator considers to be relevant to such rule and which the Administrator identified, on or before the date of the promulgation of the rule, in a notice published in the FEDERAL REGISTER.

All material in the record shall be filed and indexed under one of these headings, and, to the extent necessary for ease of reference, subcategories within each of these headings shall be created and documents filed under them. Each record shall be available for public inspection during normal Agency business hours. Appropriate arrangements allowing members of the public to copy record materials that do not risk the permanent loss of such materials shall be made. All material required to be included in the record shall be added to the record as soon as feasible after its receipt by the Agency.

(b) The Record and Hearing Clerk for each rulemaking shall be responsible for Agency compliance with the requirements of paragraph (a) of this section.

§ 750.4 Public comments.

(a) Main comments shall be due at the time specified in the Notice of Proposed Rulemaking and shall contain all comments on and criticisms of that Notice by the commenting person, based on information which is or reasonably could have been available to that person at the time. Where necessary, subpoeans requir-

ing the equivalent of main comments may be issued.

(b) Reply comments shall be due two weeks after the close of all informal hearings on the proposed rule and shall be restricted to comments on:

(1) Other comments;

(2) Material in the hearing record; and

(3) Material which was not and could not reasonably have been available to the commenting party a sufficient time before main comments were due.

(c) Extensions of the time for filing comments may be granted in writing by the Record and Hearing Clerk. Application for an extension may be made orally or in writing. Comments filed after the comment period and all extensions of it have expired will not be added to the rulemaking record and will not be considered in decisions concerning the rule. Unless the Notice of Proposed Rulemaking states otherwise, four copies of all comments shall be submitted.

§ 750.5 Participation in informal hearing.

(a) Each person or organization desiring to participate in the informal hearing required by section 6(c)(2)(C) of TSCA shall file a written request to so participate with the Record and Hearing Clerk at least three weeks prior to the scheduled start of such hearing. The request shall include:

(1) A brief statement of the interest of the person or organization in the proceeding;

(2) A brief outline of the points to be addressed;

(3) An estimate of the time required; and

(4) If the request comes from an organization, a non-binding list of the persons to take part in the presentation. Organizations are requested to bring with them, to the extent possible, employees with individual expertise in and responsibility for each of the areas to be addressed; if necessary, subpoenas will be issued to ensure this result. No organization not filing main comments in the rulemaking will be allowed to participate at the hearing, unless a waiver of this requirement is granted in writing by the Record and Hearing Clerk.

(b) No later than one week prior to the start of the hearing, the Record and Hearing Clerk shall make a hearing schedule publicly available and mail or deliver it to each of the persons who requested to appear at the hearing. This schedule shall be subject to change during the course of the hearing at the discretion of those presiding over it.

(c) Opening statements should be brief, and restricted either to points that could not have been made in main comments, or to emphasizing points which are made in main comments, but which the participant believes can be more forcefully urged in the hearing context.

§ 750.6 Conduct of legislative hearing.

(a) A panel of EPA employees shall preside at each hearing conducted under section 6(c)(2)(C) of TSCA. The membership of the panel may change as different topics arise during the hearing. In general, the panel membership will consist of agency employees with special responsibility for the final rule or special expertise in the topics under discussion.

(b) The panel may question any individual or group participating in the hearing on any subject relating to the rulemaking. Cross-examination by others will not be permitted at this stage. However, persons in the hearing audience may at their discretion submit questions in writing for the hearing panel to ask the participants, and the hearing panel may, at their discretion, ask these questions.

(c) Participants in the hearing may submit additional material for the hearing record and shall submit such additional material as the hearing panel may request. All such submissions shall be logged in by the Record and Hearing Clerk and shall thereupon become part of the record of the hearing. A verbatim transcript of the hearing shall be made.

§ 750.7 Cross-examination.

(a) Within one week after the close of the legislative hearing conducted under § 750.6, any participant in that hearing may submit a request for cross-examination. The request shall specify:

(1) The disputed issue(s) of material fact as to which cross-examination is requested. This shall include an explanation of why the questions at issue are "factual", rather than of an analytical or policy nature, the extent to which they are in "dispute" in the light of the record made thus far, and the extent to which and why they can reasonably be considered "material" to the decision on the final rule; and

(2) The person(s) the participant desires to cross-examine, and an estimate of the time necessary. This shall include a statement why the cross-examination requested can be expected to result in "full and true disclosure" resolving the issue of material fact involved.

(b) Within one week after receipt of all requests for cross-examination under paragraph (a) of this section the hearing panel shall rule on them. The ruling shall be served by the Record and Hearing Clerk on all participants who have requested cross-examination and shall be inserted in the record. The ruling shall specify:

(1) The issues as to which cross-examination is granted, (2) The persons to be cross-examined on each issue, (3) The persons to be allowed to conduct cross-examination, and (4) Time limits for the examination of each witness by each cross-examiner.

In issuing this ruling, the panel may determinate that one or more participants who have requested cross-examination have the same or similar interests and should be required to choose a single representative for purposes of cross-examination. In such a case the order shall simply assign time for cross-examination by that single representative without identifying the representative further. Subpoenas for witnesses may be issued where necessary.

(c) Within one week after the issuance of the ruling under paragraph (b) of this section, the hearing at which the cross-examination will be conducted shall commence. One or more members of the original panel shall preside for the Agency. The panel shall have authority to conduct cross-examination on behalf of any participant, although as a general rule this right will not be exercised. The panel shall also have authority to modify the governing ruling in any respect and to make new rulings on group representation under section 6(c)(3)(C) of TSCA. A verbatim transcript of the hearing shall be made.

§ 750.8 Final rule.

(a) As soon as feasible after the deadline for submittal of reply comments, the Agency shall issue a final rule. Final versions of the statements required by paragraph (b) of §750.2 shall be published in the FEDERAL REGISTER together with the final rule. The Agency shall also publish at that time:

(1) A list of all material added to the record (other than public comments and material from the hearing record) which has not previously been listed in a FEDERAL REGISTER document, and

(2) The effective date of the rule.

APPENDIX A

To assist in reading the regulations set forth above, this Appendix sets forth the principal stages through which rules promulgated under section 6 of TSCA will pass.

The second column gives the relationship that one date bears to another whenever that relationship is specified in the regulations, and cites the governing provision. The third column contains estimates of the time that a typical rulemaking is likely to require to reach and complete each stage of these proceedings. In drawing up this third column, we have assumed that 60 days will be allowed for the submission of main comments; that the legislative phase of the informal hearing will take two weeks, and that cross-examination will take four days. Since these are only estimates, in any given rulemaking shorter or longer times may actually be required for each of these stages.

Stage	Timing in relation to other stages	Estimated total time elapsed (days)
Propose regulation	Sec. 750.2	
Requests to participate in informal hearing due	3 weeks prior to beginning of hearing (Sec. 750.5(a)).	53
Main comments due	2 weeks prior to beginning of hearing (Sec. 750.2(c)(3)).	60
Begin informal hearing		74
End legislative hearing		88
Requests for cross-examination due	1 week after end of legislative hearing (Sec. 750.7(a)).	95
Ruling on cross-examination requests	1 week after requests are due (Sec. 750.7(b))	102
Cross-examination begins	1 week after ruling on cross-examination requests (Sec. 750.7(c)).	109
Cross-examination ends; informal hearing ends		113
Comments due	2 weeks after end of informal hearing (Sec. 750.4(b)).	127

[FR Doc.77-11502 Filed 4-20-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21195; Rm. 2823]

FM BROADCAST STATIONS; KANSAS

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a first FM Class A channel to Windsor, North Carolina. The petitioner, Bermey E. Stevens, states that an FM station is needed to provide local service to the community.

DATES: Comments must be received on or before May 23, 1977, and reply comments must be received on or before June 13, 1977.

ADDRESS: Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, Federal Comunications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 7, 1977.

Released: April 13, 1977.

1. *Petitioner, Proposal nad Comments:* (a) Petition for rule making [1] filed January 4, 1977, by Edwin D. and Zora B. Hundley, dba Sumner Broadcasting Company, proposing the assignment of Channel 228A to Wellington, Kansas, as a first FM assignment to that community.

(b) The channel could be assigned without affecting any existing FM assignments and would be in conformity with the minimum distance separation requirements. No oppositions to the petition were received.

[1] Public Notice of the filing of the petition was given on January 28, 1977 (Report No. 1028).

(c) Petitioner states that it will promptly file an application for the channel, if assigned.

2. *Community Data:* (a) Location: Wellington, seat of Sumner County, is located approximately 48 kilometers (30 miles) south of Wichita, Kansas.

(b) *Population:* Wellington, 8,338; [2] Sumner County, 23,553.

(c) *Local Broadcast Service:* Wellington has a daytime-only AM station (KLEY), licensed to petitioner.

3. *Economic Data:* Petitioner states that the population of Wellington has increased 3 percent between 1970 and 1975. Wellington is primarily an agricultural area specializing in the production of wheat and soybeans. Its major industries consist of manufacturing aircraft parts and mobile homes. Petitioner asserts that there is a particular need for an FM station to provide local weather information to the farmers and workers, coverage of general events in the community, including storm alerts, nighttime sports, school announcements, and to provide a new local competitive advertising outlet for retail businesses in Wellington and Sumner County.

4. In view of the apparent need for a first full-time local broadcast service in Wellington and Sumner County, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules with regard to Wellington, Kansas, as follows:

City	Channel No.	
	Present	Proposed
Wellington, Kans.		228A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

6. Interested parties may file comments on or before May 23, 1977, and reply comments on or before June 13, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection wtih the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

[2] Both population figures are taken from the 1970 U.S. Census.

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-11568 Filed 4-20-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21196; Rm 2813]

FM BROADCAST STATIONS, NORTH CAROLINA

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a first Class A FM channel to Wellington, Kansas. The petitioner, Sumner Broadcasting Company, states that there is a need for an FM station to provide local programming service.

DATES: Comments must be received on or before May 23, 1977, and reply comments must be received on or before June 13, 1977.

ADDRESS: Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 7, 1977.

Released: April 13, 1977.

1. *Petitioner, Proposal and Comments:* (a) A petition for rule making was filed[1] by Bermey E. Stevens (petitioner) proposing the assignment of Channel 249A to Windsor, North Carolina, as a first FM assignment to the community. No oppositions to the petition were received. (b) Channel 249A could be assigned to Windsor without affecting any existing FM assignments. The station would have to be located at least 4 kilometers (2.5 miles) northeast of the community to comply with the Commission's distance separation requirements. (c) Petitioner states that he will file an application for a construction permit if the proposed assignment is granted.

2. *Community Data:* (a) *Location:* Windsor, seat of Bertie County, is located approximately 169 kilometers (105 miles) east of Durham, North Carolina. (b) *Population:* Windsor—2,199; Bertie County—20,528.[2] (c) *Local Broadcast Service:* Windsor has a daytime-only station (WBTE), licensed to petitioner.

3. *Economic Data:* Petitioner states that Windsor, located in the heart of a prime agricultural area, serves as the shopping center for businessmen and farmers. It also contains several industrial concerns. Petitioner states that the assignment of a first FM channel would service the community by presenting the broadcast of high school athletic contests, election results and various school and civic activities.

4. In light of the above information and the fact that this request would provide the community with its first full-time aural service, we believe consideration of the proposal to assign Channel 249A to Windsor, North Carolina, in a rule making proceeding is warranted.

5. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the community listed below:

City	Channel No.	
	Present	Proposed
Windsor, N.C.		249A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

7. Interested parties may file comments on or before May 23, 1977, and reply comments on or before June 13, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and rep'y comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be acompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance, with the provisions of Section 1.420 of the Commission's Rules and Regulations an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-11569 Filed 4-20-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CROCODYLIA

Treatment of 8 Species as Endangered

Correction

In FR Doc. 77-10040, appearing at page 18287 in the issue for Wednesday, April 6, 1977:

1. At the end of reprinted § 17.21(f)(2) on page 18291, first column, a line should be inserted reading, "meaning of this subsection".

2. The twelfth and thirteenth lines of the second column of reprinted §17.52 on page 18291, should be transposed.

[1] Public Notice of the filing of the petition was given on January 18, 1977 (Report No. 1026).

[2] Both population figures are taken from the 1970 U.S. Census.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

California Grain Inspection Points

Notice is hereby given pursuant to section 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on February 16, 1977, there was published in the FEDERAL REGISTER (42 FR 9404) a notice announcing a request by the Los Angeles Grain Exchange, El Monte, California, that its assignment of inspection points be amended to revoke Rialto and Whittier, California, as designated inspection points and to add Montebello, California, as a designated inspection point.

No comments were received with respect to the February 16, 1977, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the Los Angeles Grain Exchange, El Monte, California, is amended to revoke Rialto and Whittier, California, as designated inspection points without prejudice to the Los Angeles Grain Exchange and to add Montebello, California, as a designated inspection point.

Effective date: This notice shall become effective April 21, 1977.

Done in Washington, D.C. on April 18, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-11597 Filed 4-20-77;8:45 am]

GRAIN STANDARDS

Louisiana and Texas Grain Inspection Points

Statement of considerations. Pursuant to sections 7(e)(1) and 7A(c)(1) of the U.S. Grain Standards Act of 1976 (7 U.S.C. 71 et seq.), hereinafter the "Act", the Federal Grain Inspection Service is required to provide official inspection and weighing services for all grains required or authorized to be inspected and weighed by the Act, at those export port locations where a state is not delegated to perform these official services (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

The Federal Grain Inspection Service will assume performance of official inspection and weighing services at such export port locations within 18 months of the November 20, 1976, effective date of the amended Act. Provided that, subject to meeting certain requirements of the Act, existing official agencies may continue to function during such transition period.

Gulf Coast Inspection and Weighing, Inc., Beaumont, Texas, the designated official agency at Conti-Carribean Elevator, Lake Charles, Louisiana, Beaumont Elevator, Beaumont, Texas, and Cargill Elevator, Port Arthur, Texas, ceased providing official inspection services effective January 30, 1977, at the Conti-Carribean Elevator, and effective February 26, 1977, at the Beaumont Elevator and the Cargill Elevator in accordance with prior notice to the Federal Grain Inspection Service.

Notice is hereby given that, effective January 30, 1977, at the Conti-Carribean Elevator, and effective February 27, 1977, at the Beaumont Elevator, and the Cargill Elevator, the designation of Gulf Coast Inspection and Weighing, Inc., Beaumont, Texas, as an official agency, has been canceled pursuant to the provisions of section 7(g)(2) of the Act (7 U.S.C. 79(g)(2)).

The Federal Grain Inspection Service, effective January 30, 1977, commenced providing official grain inspection and weighing at the Conti-Carribean Elevator, Lake Charles, Louisiana, and effective February 27, 1977, commenced providing official grain inspection and weighing services at the Beaumont Elevator, Beaumont, Texas, and the Cargill Elevator, Port Arthur, Texas in accordance with sections 7(e)(1) and 7A(c)(1) of the Act (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

(Sec. 7, Pub. L. 94-582) 90 Stat. 2870 (7 U.S.C. 79); Sec. 7A, (Pub. L. 94-582) 90 Stat 2875 (7 U.S.C. 79A).)

Effective date: This notice shall become effective April 21, 1977.

Done in Washington, D.C. on April 18, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-11596 Filed 4-20-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26368, etc.]

EASTERN AIR LINES

Enforcement Proceeding; Hearing Postponed

In the matter of Eastern Air Lines, Inc. Enforcement proceeding Dockets 26368, 26369, 27415, 28292, 28294, 28597, 29830, 29213, 29216, 29228, 29229, 29247, 29856, 29998.

[1] 42 FR 18112, April 5, 1977.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on April 25, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, Washington, D.C. 20428,[1] will be held on April 26, 1977. The time and hearing room will remain the same.

Dated at Washington, D.C., April 15, 1977.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.77-11581 Filed 4-20-77;8:45 am]

[Doc. 30452; Order 77-4-72]

UNIVERSAL AIR TRAVEL PLAN

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of April, 1977.

The Universal Air Travel Plan (UATP) has filed an application requesting that the Board authorize, for a period of 45 days, the airline parties to UATP Agreement-1948 to hold meetings for the purpose of discussing and if possible, reaching common agreement on the provisions of two paragraphs in a proposed new UATP Agreement.

In support of the application, it is explained that a party to the present UATP Agreement recently proposed a new UATP agreement which has been circulated to all UATP parties and has been signed by over half of them.[1] However, approximately 90 parties have not signed the new agreement. It is further explained that some of the parties of UATP Agreement-1948 have reservations with regard to the voting formula contained in paragraph 3(d) and/or the requirement to discount interline billings contained in paragraph 8(b) of UATP Agree-

[1] The present Universal Air Travel Plan agreement, described herein as UATP Agreement-1948, is an industrywide plan for the purchase on a credit basis, of passenger air transportation and related services, utilizing a system of credit cards.

The new UATP Agreement, described herein as UATP Agreement-1976, has been submitted to the Board for approval prior to becoming effective. UATP Agreement-1976, while containing most of the same provisions of the presently approved agreement, differs in several major respects, and therefore has been submitted to the Board as a new agreement rather than an amendment to UATP Agreement-1948.

ment–1976.[2] Authorization is therefore requested to provide a forum for discussion of these two provisions with the hope of reaching a common agreement. The applicant points out that a single UATP Agreement is preferable to several agreements which would substantially diminish the universality of the plan.

An answer in support of the application was filed by American Airlines, Inc., and an answer in opposition was filed by the American Express Company (Amexco). Amexco believes that the parties should not be granted discussion authorization absent a showing that any ultimate agreement reached will be in the public interest. Amexco contends that the proposed discussions are in essence an attempt to coerce the uncommitted parties back into a single credit plan rather than allow for two or more competing plans, which it views as the better result. The applicant submitted a reply to the Amexco answer in which it states that the arguments by Amexco relate to Board disposition of the proposed agreement and any amendments that the parties may reach but not to the subject herein, namely, the desirability of discussions concerning the agreement.[3] The applicant asks that the discussions be permitted in order to determine whether the concerns of the nonsignatories, who wish to become signatories, can be accommodated within the terms of UATP Agreement–1976.

Upon consideration of the application, we have decided to grant authorization for the discussions, subject however to several conditions. Without intending to take any position at this time on the merits of the provisions in the proposed agreement which are to be discussed or of any amendments thereto, we point out that the Board has held it to be highly desirable to have uniformity for the plan throughout the industry.[4] We do not take any position at this time on the merits of the provisions in the proposed agreement which are to be discussed or of any amendments thereto. We note, however, that in approving the present plan in 1951 the Board stated that a degree of uniformity for the plan throughout the industry was highly desirable.

Customary discussion safeguards will be prescribed. Notably, we will require that the discussions be open to all interested persons. Although the applicant objects to noncarrier participation in the discussions, citing a lack of any legitimate interest on the part of Amexco or other credit card companies in matters involving the carriers' administration of UATP, it makes no compelling argument for discussion secrecy. We see a strong competitive interest in the carrier discussions and resulting agreements on the part of Amexco and recognize the potential effect that the concerted carrier action may have upon it and others. We believe that the public interest would be better served by the full participation of interested and knowledgeable observers in the instant discussions.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 412, and 414 thereof.

It is ordered, That:

1. The airline parties of UATP Agreement–1948 are authorized to meet and discuss terms of a possible compromise solution to their differences over the provisions of paragraphs 3(d) and 8(b) of UATP Agreement–1976, subject to the following conditions:

(a) The authorization shall expire after 45 days from the date of service of this order;

(b) Representatives of the Board shall be permitted to attend the discussions as observers and all other interested persons shall be permitted to attend the discussions as observers and to express their views within such guidelines as the discussants establish;

(c) The discussionss hall take place in Washington, D.C.;

(d) Notices and agenda of the discussion meetings shall be served upon the Board, Amexco, and all other persons who so request at least five business days before each meeting; requests shall be directed to Charles B. Fischer, Secretary—Universal Air Travel Plan, 1709 New York Avenue NW., Washington, D.C. 20006;

(e) Complete and detailed minutes shall be kept of all meetings and shall be filed with the Board, and sent to other persons who so request, within five business days after each meeting; and

(f) All agreements resulting from the discussions shall be filed with the Board for approval prior to becoming effective;

2. The request by the applicant and the motion by Amexco asking that the Board defer action on the application herein for prior Board approval of UATP Agreement–1976 until after the discussions authorized herein are completed be and they hereby are granted;

3. The due date for filing answers to the application for prior Board approval of UATP Agreement–1976, which has been established by a notice herein to all parties dated February 24, 1977, be and it hereby is postponed to a date 21 days after completion of the discussions if no new agreements result therefrom or 21 days after the filing of any agreements that do result therefrom; and

4. To the extent not granted herein all outstanding requests be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–11582 Filed 4–20–77;8:45 am]

[2] Paragraphs 3(d) and 8(b) of the Agreement–1976 provide, respectively: "3(d). The text of any change in this Agreement recommended by the Committee shall be promptly mailed to all parties by the Secretary and shall be deemed agreed to by all parties unless the Secretary receives, within forty-five days after the date on which he mailed such recommendation to all Parties, notice from no less than 10 percent of the parties to the Agreement representing at least 10 percent of the subscribers of objection to the recommended change. Promptly upon expiration of such forty-five day period, the Secretary shall notify all parties that the recommended change has been agreed to, or objected to, as the case may be, and, if agreed to, of the effective date of the change, which effective date shall be fifteen days after mailing of such notice, unless otherwise specified by the Committee as part of its recommendation for change.

"8(b). Parties honoring tickets under the Plan agree to discount their billings in the interline settlement of such tickets by 1 percent."

[3] A sufficient showing having been made by the applicant, we will grant its motion for leave to file its reply.

[4] In approving provisions of the present plan, the Board, after commenting that the plan appeared to be a great convenience to the traveling public and a means of increasing air travel, added that "[i]s adoption by both domestic and international carriers insures a degree of uniformity that is highly desirable." Universal Air Travel Plan, 12 CAB 601, 602 (1951).

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 28(74)–5]

DANNY LEE

Order Denying Export Privileges

In the matter of Danny Lee, a.k.a. Rick Gee, a.k.a. Li Tan Mou, 3960 Stein Court, South San Francisco, California, Respondent.

A charging letter dated November 9, 1976, was duly issued by the Director, Office of Export Administration. It alleged that Danny Lee, a.k.a. Rick Gee and Li Tan Mou, violated the Export Administration Act, 50 U.S.C. App. 2401 et seq., and the Regulations, 15 CFR 369 et seq., by (1) exporting approximately $13,000 worth of electronic tubes in separate parcel post shipments without first obtaining the requisite validated export licenses which respondent knew or had reason to know was required (15 CFR 372.1); and (2) by failing to honor a duly issued subpoena for the production of records relating to export transactions, (15 CFR 387.11).

For the purposes of this proceeding, respondent admitted the truth of the charges. He pleaded ignorance of the law and, reciting certain mitigating circumstances, petitioned for leniency; he offered a consent proposal for the issuance of a consent order, 15 CFR 388.10.

The Hearing Commissioner reports that respondent is a furniture salesman for a domestic retail sales outlet but that, on rare occasion he may act as a purchasing agent for foreign parties. After summarizing the evidence and making findings of fact, the Commissioner recommends that sanctions be imposed in this case in accord with the consent proposal.

After considering the record the Hearing Commissioner's report and recommendations, I find that: (1) Danny Lee exported from the United States to Hong Kong certain controlled electron tubes without applying for and obtaining the validated export licenses required by the regulations and that respondent knew or had reason to know that validated export licenses were required; and (2) respondent was duly served with a subpoena for the production of records of certain export transactions but failed to produce such records at the required time or at any time since.

I conclude that respondent, Danny Lee, as alleged in the charging letter of November 9, 1976, violated the Export Administration Act and Export Administration Regulations. I have considered the record and am of the opinion that the Hearing Commissioner's recommendation to accept the consent proposal is fair, just and calculated to achieve effective enforcement of the law. Therefore, pursuant to the authority vested by 15 CFR 388.1, it is

ORDERED

I. A $1,000 civil penalty is imposed upon respondent; receipt of one-half thereof is acknowledged. Payment of one-half ($500) will remain suspended subject to full and faithful observance of the further terms and conditions outlined below and automatically remitted on May 31, 1979, if there is full compliance.

II. All outstanding validated export licenses concerned with or affecting any transaction in which the respondent has any interest, direct or indirect, is hereby revoked.

III. Except as otherwise specifically excepted herein or as otherwise expressly authorized, respondent is hereby denied all privileges or participation directly or indirectly, for a period ending May 31, 1979, in any manner or capacity, in any transaction involving export of U.S. commodities.

IV. The denial of export privileges shall extend to the respondent, its agents, employees and to any successor and to any person, firm, corporation, partnership or other business organization with which respondent now or hereafter may be related by ownership, control, position of responsibility, affiliation or other connection in the conduct of trade or related services.

V. During the time when respondent is denied export privileges, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the above-mentioned acts, directly or indirectly, or carry on negotiations with respect thereto in any manner or capacity, on behalf, or in any association with respondent or whereby respondent may obtain any benefit therefrom, or have any interest or participation therein directly or indirectly.

Dated: April 15, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77–11595 Filed 4–20–77;8:45 am]

NATIONAL INSTITUTES OF HEALTH, ET AL.

Notice of Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 10705 in the FEDERAL REGISTER of Wednesday, February 23, 1977, reference to Model 1400 and accessories should be deleted from Docket Number 77–00106.

Notice should read:

Docket number: 77–00106. Applicant: University of Michigan, 500 E. University, Ann Arbor, Michigan 48109. Article: Helium Liquefier/Refrigerator. Manufacturer: Canada Superconductor and Cryogenics Company, Canada. * * *

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–11567 Filed 4–20–77;8:45 am]

[Docket No. FC–73]

INTERNATIONAL ENGINEERING CO.

Order Regarding Appeal; Civil Penalty

In the matter of International Engineering Company, 220 Montgomery Street, San Francisco, California 94104, Appellant, Docket No. FC–73. Appearance for Appellant: Arthur J. Schlanger, Esq., Morrison-Knudson Company, Inc., Post Office Box 7808, Boise, Idaho 83729. Appearance for Government: Wilbert L. Whitsett, Esq., Attorney for the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

BACKGROUND

This is an appeal from an order of the Director, Office of Export Administration, which imposed a civil penalty of $1,000 upon the appellant under section 6(c) of the Export Administration Act of 1969 for the late filing of a report, in violation of § 369.2 of the Export Administration Regulations, which report revealed that the appellant had received a boycott-related request.

FINDINGS OF FACT

Under cover of a letter dated May 21, 1975, the Minister of Agriculture and Water of the Kingdom of Saudi Arabia transmitted to the Respondent, and to other prospective contractors, a request to bid on Agricultural Development Studies in the Kingdom of Saudi Arabia. The solicitation included a requirement that bids be submitted by August 30, 1975. Article XV of the documents enclosed with that letter titled "Restrictions on Dealing with Israel" provided: "The consultant shall not in any way perform functions that will be contrary to the regulations of the Boycott Bureau." The appellant acknowledges having received the invitation to bid package sometime in June 1975, though in its initial report to the Department of Commerce it erroneously indicated receipt on May 21, 1975, the date the bid request was transmitted from Saudi Arabia. Since the invitation was for a very substantial project having a dollar value of approximately $50,000,000 and involved investigations, studies and detailed designs for flood control and irrigation development, the solicitation was subjected to extensive internal review. Some time was consumed in the evaluation and in making the determination of whether the Respondent would submit a bid. The record reflects that on or about August 25, 1975, a decision was made to submit a bid on the project. Concurrently, a form DIB–621, the Exporter's Report, was executed by the Manager, Contract Administration, and transmitted to the Department of Commerce.

By letter dated October 29, 1975, the Director, Compliance Division, Office of Export Administration, U.S. Department of Commerce, charged Respondent with violating the Export Administration Act of 1969, 50 U.S.C. 2401–213, 15 CFR Part 368 et seq., for failure to file a single transaction statement with respect to the request, relating to a restrictive trade practice or boycott, within 15 days from the date of receipt thereof as required by then § 369.2. The letter further proposed a settlement by consent with the Respondent paying a civil penalty in the amount of $1,000.

In its Answer, Respondent denied a violation of the above cited regulation, acknowledging, however, that "The request for action, or signing of an agreement, that has the effect of furthering or supporting a restrictive trade practice or boycott was contained in the Terms of Reference to an Invitation to Bid from the Kingdom of Saudi Arabia dated May 21, 1975". The Answer also acknowledged that considerable technical effort, including the development of costs and detailed review of the proposal, was expended before notice was taken of the restrictive provision. The decision to bid was not made until after the comprehensive review was completed on August 25, 1975, at which time the required Department of Commerce report was promptly filed. Respondent denied knowledge of the Government's assertion that the reporting requirement had previously been called to Respondent's attention. It was further asserted that the requirement to report where an Invitation for Bid is received, "* * * does not arise until a decision to respond is made". Based upon that interpretation, Respondent denied any knowing failure to report in a timely manner, asserted that the report in fact was not required until October 15, 1975, and concluded, therefore, that it was timely filed.

Following receipt of the Answer, briefs were submitted at the request of the Hearing Commissioner on the issue of scienter as an integral ingredient of the alleged violation, and on the Respondent's assertion that the reporting requirement did not arise until the decision was made to respond to the invitation for bid. In that submission, Respondent argued that a request for proposal is nothing

more than a notice that offers will be received and does not itself constitute a request for furnishing information or the signing of agreements, which will further or support a boycott. It was contended that it is only when a decision to respond is made that the 15-day period starts to run. Respondent urged that to maintain otherwise would make violators of all recipients of proposals who throw away requests received from Arab countries without opening them or giving them consideration. The purpose of the reporting requirements was also cited as favoring such interpretation on the grounds that these requirements exist to oppose restrictive practices or boycotts and that it is only when such restrictive practices or boycotts could become a reality that the statutory requirement could come into existence. On the basis of this interpretation, Respondent argued that it did not "knowingly" fail to comply with the regulations and it should not therefore be held in violation.

Government Counsel responded that section 4(b)(1) of the Act provides that the rules and regulations implementing section 3(5) thereof requires that reports must be made by all domestic concerns receiving requests or signing agreements. Counsel cited § 369.2 of the Export Administration regulations as requiring submission of a report within 15 days from the date of receipt of the requests, and argued that, even if the invitation for bid in question was received as late as June 30, 1975, a report was required to be filed not later than July 22, 1975. In any event, Counsel contends that the report submitted on August 25, 1975 was late.

At the request of the Respondent, a hearing was held before the Hearing Commissioner. At that hearing, argument was made and additional documents submitted. At the outset, the parties agreed that the issue for determination was whether or not an invitation for bid, without more, constitutes the type of request required to be reported under the Export Administration Act of 1969 and the rules and regulations adopted by the Department of Commerce pursuant to that Act. Counsel for the appellant again argued that an invitation to bid does not have the effect of furthering or supporting restrictive trade practices or boycotts within the meaning of the Act. He argued that, without a request, which has the effect of furthering or supporting the restrictive trade practices or boycotts, there can be no requirement to report for there is no "transaction" until two parties become involved. The appellant's position was succinctly stated in counsel's comment that receipt of an invitation to submit an offer of proposal is outside the transaction leading to the formation of a contract, at least until the decision is made to submit a proposal. Government Counsel argued that the mere receipt of the request does precipitate the reporting requirement under the regulations implementing the Export Administration Act.

STATUTE AND REGULATIONS

EXPORTS ADMINISTRATION ACT OF 1969 AS AMENDED

SEC. 3. The Congress makes the following declarations:

* * * * *

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, (B) to encourage and request domestic concerns engaged in the export to articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States, and (C) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

SEC. 4.(b)(1)

* * * The rules and regulations shall implement the provisions of section 3(5) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in that section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of that section * * *

EXPORT ADMINISTRATION REGULATIONS

§ 369.1 GENERAL POLICY

It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against any country not included in Country Group S, W, Y, or Z.[1] All exporters engaged in the export from the United States of articles, materials, supplies, or information, including technical data (whether directly or through distributors, dealers, or agents), are encouraged and requested to refuse to take (but are not legally prohibited from taking) any action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting such restrictive trade practices or boycotts.

§ 369.2 REPORTING REQUIREMENT

(a) *Scope.* In order to implement the policy set forth in § 369.1 above, a reporting requirement is established. The provisions of this § 369.2 apply to any U.S. exporter who receives a request for an action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group S, W, Y, or Z. (See § 369.3 for examples of restrictive trade practices or boycotts.) Where such request is received by any other person handling any phase of the transaction for the exporter, that person (forwarding agent, etc.) is responsible for informing the exporter of the request so that the latter may report it.

(b) *Report from U.S. Exporter.* Any U.S. exporter who receives a request, or is informed of a request, relating to a restrictive trade practice or boycott, as described in paragraph (a) above, shall report the request to the Office of Export Administration * * *

(1) *Single transaction report.* If the report covers only a single transaction it shall be submitted to the Office of Export Admintration within fifteen business days from the date the exporter receives the request. This report shall be made on U.S. Exporter's Report of Request Received for Information, Certification, or Other Action Indicating a Restrictive Trade Practice or Boycott Against a Foreign Country, Form DIB-621 or IA-1014 * * *

(2) *Multiple transaction report.* Instead of submitting a report for each transaction regarding which a request is received, the exporter may submit a report covering all transactions regarding which requests are received from persons or firms in a single country during a single calendar quarter. This report shall be made by letter to the Office of Export Administration no later than the fifteenth day of the first month following the calendar quarter covered by the report. If the exporter has received requests from persons or firms of more than one foreign country, a separate report shall be submitted for each country * * *

DECISION

"The key issue * * *, is whether or not the law and the rules and regulations promulgated by the Department of Commerce, pursuant to the law, adequately put the business community on notice that invitations gratuitously received; that is, simply mailed to a business, received in the mail without the business asking for the invitations, must be reported within 15 days of receipt." (R.-2)

The above statement made at the outset of the hearing before this Board, by appellant's counsel, succinctly states the issue for consideration. The Respondent does not deny knowledge of the law or regulations quoted above (R6&7) and indeed, from the very filing which was made in this case, there is inferred a recognition of the obligation.

The problem with the appellant's position is that the Board cannot find in the law or regulations any suggestion or inference that the obligation to file a report is to be triggered by some internal decision as to whether the recipient intends to respond to a communication which contains a "boycott" request. The language of the Act and of the regulations, speaks of the receipt of a request as the triggering mechanism requiring the filing of the report. The invitation to bid package containing the restrictive requirement clearly constituted a request of appellant to take action which would have the effect of furthering or supporting the boycott against Israel, particularly since the bid itself was to become the agreement binding the parties. The plain meaning of the statute and regulations is to require submission of a report to the Secretary upon the receipt of such a request.

The articulate presentation of counsel may not be substituted for the plain meaning of the words in the statute and regulations. The mere assertion that the law and regulations are vague and unenforceable belies experience and is not convincing. Nor does the fact that the regulations were changed subsequent to this incident suggest that the application of the required language to the facts in this case was uncertain. Changes made to regulations in later issuances do not excuse failure to comply with and earlier version unless it appears that some deficiency in the earlier language may have contributed to the error. In this case, the Respondent knew of the regulations and did file the required report. The suggestion that the filing should take place following internal decision or action of the recipient is simply not capable of being read into the law or regulations. On the other hand, the construction that the receipt of the request triggers the reporting requirement is the only reading consistent with the law. The action of the respondent in substituting its own interpretation for the plain meaning of the words in the regulation is not an excuse.

The argument that the regulations imposing the reporting requirements are overbroad and onerous is also found to be without merit. The legislative history of the statute in question, in particular, Senate Report Number 363 (United States Code Congressional and Administrative News, 89th Congress, First Session at page 1832), in commenting on the boycott provision which was then being incorporated into the Act, states: "The new provision requires the President to issue regulations regarding this matter. At the same time it leaves the President necessary discretion as to the type and terms and scope of these regulations." House Report Number 434 of the 89th Congress, First Session is to the same effect, where it states: "The amendment does not tie the hands of the administration by making any particular course of action mandatory." The regulation which the respondent is charged with having violated is consistent with the purpose and verbiage of the statute. As was noted at the Board hearing, another portion of the Export Administration Act of 1969 as amended, Section 10, requires that the Secretary submit periodic reports to the Congress respecting the administration of the Act. Gathering statistical information on the number of requests received by American businessmen was certainly appropriate to meet the requirements of that and the earlier cited provision of the statute. What better time to initiate the fact gathering, and at the same time remind the businessmen of the Congressional Policy, than at the time of receipt of the request and prior to the commitment of resources or execution of formal agreements. The form which respondent submitted, gives such detailed notice, and concurrently obtains from businessmen relevant information to satisfy administrative fact gathering needs. The language of that form, which identified "bid specifications" as one type of request, and which the appellant checked as applicable, reflects understanding by the appellant that the request for proposal received, fit within the definition of the regulation. Reporting after the internal decision to bid was made would reflect the action which the bidder intends to take; however, that is not the information sought. The principal purpose of the reporting requirement was to accumulate data on the number of requests being made, the types of requests being made, and the parties to whom these requests were being made. This information can be furnished upon receipt of the request.

Respecting the timeliness of the report, Respondent asserts that, if its submission is regarded as a multiple transaction report, it was timely filed. However, as Government Counsel has pointed out, even a report submitted on a quarterly basis would have been due by mid-July. In any event, the report submitted was on the form prescribed for a single transaction statement and not made in the style, format or otherwise identified as being in the nature of a quarterly multiple transaction report.

Based on the foregoing, the Board sustains the findings of the Director, Office of Export Administration, of a violation of the regulation charged. The Board also concludes that such finding is supported by substantial evidence and that there was no prejudicial error of law in making such findings.

In its last assignment of error, alleging arbitrariness, capriciousness and abuse of discretion, the appelant takes exception to (1) the comments in the Hearing Commissioner's report to the effect that it was appellant's contention that its clerical help had "pigeonholed" the invitation for four months and (2) the conclusion that late filing was "with full knowledge and with intent not to comply with the regulations so as to prevent any leak". The Board finds from the record that the delay in filing was less than two months. This is based upon the evidence that the invitation was received in June, and the report was filed in August, subtracting the fifteen days allowed for filing. The conclusion that the late filing was intentional, "so as to prevent any leak", is similarly without support in the record. No argument was made or evidence introduced relating to such conclusion. Part C of the report form states that law and policy in effect at the time: "CONFIDENTIAL. Information furnished herewith is deemed confidential and will not be published or disclosed except as specified in section 7(c) of the Export Administration Act of 1969 (50 U.S.C. App. 2406(c)."

This is not a case which involves the deliberate flouting of regulatory requirements. The respondent's knowledge of the regulations placed it in a position where it should have known and is chargeable with knowledge of the requirement to report within 15 days of receipt of a boycott request. Respondent's failure to do so was an omission properly charged under the regulations, but it cannot be characterized as deliberate. The comments and characterizations of the Hearing Commissioner do not go to the merits of the violation charged, but rather to the sanctions imposed. Following review of the actions taken in some 35 boycott-related cases, and giving full consideration to the circumstances surrounding the violation charged here, it is the Board's conclusion that a civil penalty not exceeding $250 was appropriate under the circumstances. The Order of April 13, 1976 is modified to substitute $250 for the sum of $1,000. Payment thereof is suspended for a period of one year from the date of that order with provision for automatic remission at such time on condition that the Respondent engage in no further violations of the Export Administration Act.

Dated: March 30, 1977.

HUGH J. DOLAN,
Chairman, Appeals Board.

[FR Doc.77-11510 Filed 4-20-77;8:45 am]

[1] S=Southern Rhodesia; W=Poland; Y=U.S.S.R.—Specified countries in Eastern Europe and China (P.R.C.); Z=North Korea, Vietnam and Cuba.

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of (1) the Pacific Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and (2) the Council's Scientific and Statistical Committee, established under section 302(g) of the Act.

The Pacific Fishery Management Council has authority over fisheries within the fishery conservation zone adjacent to the States of California, Oregon, and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans. The meeting of the Council will be held Thursday and Friday, May 12 and 13, 1977, at the Airport Marina Hotel, 8601 Lincoln Boulevard, Los Angeles, California 90045. The meeting of the Council will convene at 1:00 p.m. and adjourn at 5:00 p.m. on May 12, 1977, and convene at 8:00 a.m. and adjourn at 5:00 p.m. on May 13, 1977. The meeting may be extended or shortened depending upon progress on the agenda.

Proposed Agenda:

1. Organization of Council, including staff and fishery advisory panels, and operational and procedural matters.
2. Budget matters.
3. Consideration of development of fishery management plans, including an anchovy management plan.
4. Reports from advisory panels and the Scientific and Statistical Committee.
5. Review of communications from other agencies and organizations.
6. Other business.

This meeting will be open to the public and there will be seating for approximately 75 public members available on a first-come, first-served basis.

The meeting of the Scientific and Statistical Committee will be held Thursday, May 12, 1977, at the aforementioned facility. This session will convene at 1:00 p.m. and adjourn at 5:00 p.m. The meeting may be extended or shortened depending upon progress of the agenda. Proposed Agenda:

1. Consideration of development of fishery management plans, including a plan for the anchovy fishery and related fisheries.
2. Consideration of membership of research teams.
3. Consideration of a fishery development program for underutilized species of fishes.
4. Consideration and review of Committee budget.
5. Other business.

This meeting will be open to the public and there will be seating for approximately 25 public members on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are, at times, made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or before May 6, 1977:

Dr. Harvey M. Hutchings, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, 206–442–4817; or

Mr. Svein Fougner, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, 213–548–2575.

At the discretion of the Council and Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council and Committee business. Interested members of the public who wish to submit written comments should do so by addressing Dr. Hutchings or Mr. Fougner at the appropriate address above. To receive due consideration and facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: April 19, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77–11725 Filed 4–20–77;8:45 am]

LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I. (Supp. V, 1975) notice is hereby given that a series of meetings of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on:

May 10, 1977, at 1:30 p.m., in Room 1851
June 1, 1977, at 9:30 a.m., in Room 3710
June 2, 1977, at 9:30 a.m., in Room 5611
June 7, 1977, at 1:30 p.m., in Room 5611

Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5 (c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

The agenda for the meeting is:

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of Export Administration Regulations to recommend changes with the objective to clarify and simplify them, including the Commodity Control List.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

Dated: April 18, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, United States Department of Commerce.

[FR Doc.77–11538 Filed 4–20–77;8:45 am]

Office of the Secretary

ADVISORY PANELS FOR THE CARIBBEAN AND PACIFIC FISHERY MANAGEMENT COUNCILS

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), and Office of Management and Budget Circular A–63 of March, 1974, and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the following advisory committees is in the public interest in connection with the performance of duties imposed on the Department by the Fishery Conservation and Management Act of 1976, Pub. L. 94–265 (16 U.S.C. 1852):

Advisory Panel for the Caribbean Fishery Management Council.
Groundfish Advisory Panel for the Pacific Fishery Management Council.
Sablefish Advisory Panel for the Pacific Fishery Management Council.

The Panels will provide the Councils with pragmatic advice and counsel of the people most affected by the Council's management activities on matters of fishery management policy, on the preparation of fishery management plans, on their review prior to submission to the Secretary, and on their effectiveness in operation.

The Panels will consist of a minimum of five (5) and not more than twenty-five (25) members, who are either actually engaged in the harvest, processing or consumption of, or who are knowledgeable and interested in the conservation and management of fishery resources. Members of the Panels will be appointed by the respective Fishery Management Council.

The Panels will function solely as advisory bodies, and in compliance with the provisions of the Federal Advisory Committee Act. Copies of each Panel's Charter will be filed under the Act with the appropriate Congressional committees. Inquiries regarding this notice may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852.

Dated: April 13, 1977.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.77–11586 Filed 4–20–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Notice of Partially Closed Meeting

In accordance with section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), the following meeting is announced:

Name of Committee: Army Scientific Advisory Panel.
Date: 9–10 May 1977.
Place: The Armor Center, Fort Knox, KY 40121.

Monday, 9 May 1977

Agenda:
0815–0840 hr.
Open session. Chairman's welcome, Commander's welcome and Command Briefing.
0840–1130 hr.
Closed session. Presentation and discussions on "The Modern Soldier in the Armor Environment".
1300–1800 hr.
Open session. Observe training.

Tuesday, 10 May 1977

0815–1130 hr.
Closed session. Presentations and discussion on Armor materiel.
1230–1510 hr.
Closed session.

BUSINESS MEETING

Ad Hoc Group Chairmen reports with Panel discussions on electronic warfare/intelligence, command and control, optical countermeasures, and technology.

The presentations and discussions scheduled for 0840–1130 hours, 9 May, and 0815–1130 hours, 10 May, will cover military threat and tactics, and combat development activities, respectively, which are classified in the interest of national defense. The 1230–1510 hours, 10 May, business meeting is for receiving and discussing reports containing classified material, inseparable portions of which are also classified in the interest of national defense. Therefore, under the provisions of exemptions contained in Section 552b(c)(1), Title 5 U.S.C., these portions are closed to the public.

The 0815–0840 and 1300–1800 hours, 9 May portion of the meeting will be open to the public. Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C. 20310 (202) 695–1447.

E. F. IMLER,
Lieutenant Colonel,
GS Executive Secretary.

[FR Doc.77–11570 Filed 4–20–77;8:45 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN, AMENDMENTS

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, April 27, 1977, commencing at 2 p.m. The hearing will be held in the Hall of Flags, Sheraton Hotel, 17th and Kennedy Blvd., Philadelphia, Pa. The subjects of the hearing will be as follows:

I. Applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact:

A. *Florence Township (D–77–14 CP).* A project to upgrade the existing sewage treatment facilities of Florence Township, Burlington County, N.J. The completed facilities will provide for 90 percent removal of BOD, from an average wastewater flow of one million gallons per day. Treated effluent will discharge to the Delaware River.

B. *Borough of Ambler (D–77–16 CP).* A well water supply project to augment public water supplies in Upper Dublin Township, Montgomery County, Pa. Designated as Well No. 14, the new facility is expected to yield about 576,000 gallons per day and will serve Ambler Borough, Upper Dublin, Lower Gwynedd, Whitemarsh and Whitpain Townships.

C. *Borough of Trumbauersville (D–77–5 CP).* A well water supply project to augment public water supplies in Trumbauersville, Bucks County, Pa. Designated as Well No. 3, the new facility is expected to yield 220,000 gallons per day.

D. *Borough of Newfield (D–77–28 CP).* A well water supply project to augment public water supplies in Newfield Borough Gloucester County, N.J. Designated as Well No. 5, the new facility is expected to yield 720,000 gallons per day which will be added to increased yields from existing wells 1 and 3. The new facility will replace an existing well which has been abandoned due to contamination by chromium.

E. *Keystone Lamp Manufacturing Corp. (D–77–27).* A project to modify the company's industrial wastewater treatment facility in Washington Township, Lehigh County, Pa. The upgraded treatment facility will remove chromium from approximately 500 gallons per day of chrome plating wastewater. Treated effluent will discharge to an unnamed tributary of the Lehigh River.

F. *Shieldalloy Corp. (D–73–68).* A groundwater decontamination project at the company's plant at Newfield Borough, Gloucester, N.J. The company will pump approximately 48,000 gallons per day from underlying groundwaters in order to remove Chromium contaminants. Water removed from the ground will be treated at the plant and the resulting effluent will be discharged to Hudson Branch of Maurice River.

G. *Lukens Steel Co. (D–76–66).* Upgrading of an industrial waste treatment facility at the company's plant in the City of Coatesville, Chester County, Pa. Physical and chemical treatment measures and recycling techniques will be applied to an average wastewater flow of 7 million gallons per day. Treated effluent will discharge to Sucker Run, a tributary of the West Branch of Brandywine Creek.

H. *Delmarva Power and Light Co. (D–77–24).* An industrial waste treatment project at the company's Edge Moor generating station in Wilmington, New Castle County, Del. The treatment facility will provide for the reduction of metals, oil and suspended solids, and pH adjustment. Approximately 370,000 gallons per day and intermittent batch discharges will flow to the Delaware River after treatment.

I. *Hoffman-LaRoche, Inc. (D–77–26).* A well water supply project for industrial use at the company's plant in White Township, Warren County, N.J. Designated as Well No. 4, the facility has been in use for monitoring purposes. It is now proposed to add the well to the plant's water supply system for use on a regular basis, thereby increasing total reliable yield from all wells to approximately 2.5 million gallons per day.

J. *DuPont Country Club (D–77–25).* A surface water withdrawal to be used for irrigation of the duPont Louviers Golf Course near Milford Cross Road, New Castle County, Del. Approximately 225,000 gallons per day would be withdrawn from White Clay Creek when required for irrigation use in the period from April to October.

K. *Thomas W. Belk Jr. (D–76–20–revised).* Revision to a previously approved plan for boat launching facilities and adjacent fill on Darby Creek in Ridley Township, Delaware County, Pa. The plan provides for a reduced land area that will require filling. The dock and launching facilities will be for private use by the owners.

L. *American Dredging Co. (D–74–66).* A project to utilize a temporary rehandling basin in Logan Township, Gloucester County, N.J. A dredged hole in Klondike Ditch will be used for the temporary rehandling of spoil produced from maintenance dredging.

Documents relating to the above-listed projects may be examined at the Commission's offices.

II. A proposed fourteenth annual Water Resources Program consisting of the following text:

Whereas, Sections 3.2 and 13.2 of the Delaware River Basin Compact require the annual adoption of a Water Resources Program, based upon the Comprehensive Plan; and

Whereas, the Comprehensive Plan of the Delaware River Basin calls for the management of the waters of the basin so that they may be beneficially used for water supply, wildlife, fish and aquatic life, recreation, and navigation; and

Whereas, past and ongoing studies indicate the need for additional efforts to bring water supplies in balance with water demands during periods of drought, to provide protection during floods, and to restore and maintain water quality to the levels set forth in the Comprehensive Plan; and

Whereas, ongoing planning efforts by agencies signatory to the Delaware River Basin Compact, and by the staff of the Delaware River Basin Commission, including its level B Study, must be coordinated and integrated into the Comprehensive Plan; and

Whereas, in view of the potential impact of the Level B Study, the salinity study, and a pending groundwater study upon the Comprehensive Plan, the Commission has selected a three-year period for this Water Resources Program; now therefore

Be it resolved by the Delaware River Basin Commission: 1. The Delaware River Basin Commission finds: (a) The rate of increase in demands for water by the basin community has slowed even though areas subject to urbanization, industrialization and irrigation continue to expand. Current depletive uses of water, however, will depress minimum sustainable streamflows during periods of drought to levels insufficient to meet current demands and water quality levels specified in the Comprehensive Plan.

(b) The quality of water, as recorded in reports prepared pursuant to Section 305(b) of P.L. 92–500, is being sustained at or above limits set forth in the Comprehensive Plan for the free flowing portions of the Delaware River. While still degraded, the quality of the tidal river shows evidence of improvement.

(c) The major reservoirs[1] of the basin, combined with natural runoff and the present level of groundwater development are incapable of meeting foreseeable depletive water demands, dictating the earliest possible completion of the Blue Marsh project on Tulpehocken Creek and the Trexler project on Jordan Creek.

2. The Delaware River Basin Commission will direct its efforts during the ensuing three-year period toward:

[1] Water Management of the Delaware River Basin, a staff compilation of planning assumptions, programs, data, and a means of managing the basin's water resources, April 1975, Table II–1.

(a) Establishing comprehensive water conservation policy designed to (1) make the most efficient use of the water now available, (2) reduce the energy needed to deliver water and treated wastewater, and (3) reduce to a minimum the need for new capital facilities.

(b) Promulgating and issuing regulations to implement policy on the priorities of water uses during drought emergencies.

(c) Developing a contingency plan which can be initiated during periods of drought emergencies.

(d) Studying the groundwater resources of the basin and developing management plans to protect these resources and those who depend upon them. These plans will include guidelines which are to be followed in drawing upon and resolving conflicts among competing users of underground waters.

(e) Expediting studies to determine the causal relationships between freshwater flow and sea salt intrusion, and adopting policy based upon such determination for the general guidance of users of basin water.

(f) Investigating the quantity of water needed to develop the energy resources of the basin, and the quality problems associated therewith.

(g) Providing special water quality services on interstate streams. These services will include (1) monitoring stream quality, (2) negotiating compatible water quality standards, (3) conducting special field investigation, (4) maintaining high level technical competency in mathematical modeling, (5) performing mathematical modeling tasks, (6) allocating the assimilative capacity among dischargers, and (7) preparing annual water quality status reports pursuant to Section 305(b) of P.L. 92-500.

(h) Supporting the efforts being made by the parties signatory to the Delaware River Basin Compact to protect water of high quality from degradation and to improve the quality of water presently in a substandard condition. Toward this end, the Delaware River Basin Commission stands ready to use its authority and resources to prosecute polluters of surface and underground waters.

(i) Coordinating and integrating the water quality investigations now under way into a cohesive basinwide plan.

(j) Assisting in the reduction of flood damages by (1) encouraging restrictions on those uses of flood plains that may cause loss of life, or damage to public or private property, (2) studying those areas which have in the past been subject to flooding with the goal of identifying the most economic means of minimizing or preventing future losses, and (3) causing appropriate structural and non-structural measures to reduce flood damages to be imolemented in the best interest of basin citizens.

(k) Promoting construction, when environmentally and economically justified, of those facilities necessary to proper management of the basin's waters. The Commission will apportion the non-federal cost of such facilities among the benefitting states and will continue past programs or embark upon new programs to recapture the cost of such governmental expenditure from the parties who receive direct benefits.

3. The Delaware River Basin Commission, per se, does not expect to initiate construction of any water resources projects during the ensuing three-year period.

4. This resolution shall constitute the fourteenth Water Resources Program of the Delaware River Basin Commission.

Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

APRIL 15, 1977.

[FR Doc.77-11594 Filed 4-20-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 716-7]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on March 31, 1977, the Environmental Protection Agency received an application from Lear Siegler, Inc., Englewood, Colorado, to determine if its Model SM1000 SO$_2$ Ambient Monitoring System with Outdoor Enclosure should be designated by the Administrator of the EPA as a reference or equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

APRIL 18, 1977.

[FR Doc.77-11625 Filed 4-20-77;8:45 am]

[FRL 716-6]

SCIENCE ADVISORY BOARD, EXECUTIVE COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held on May 12 and 13, 1977. The meeting will begin at 9 a.m. and will take place in Room 1101, Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

The agenda includes reports on the activities of member committees and subcommittees of the Board; consideration of Committee action on studying the effectiveness of EPA's extramural research; a briefing by the Office of Toxic Substances on an approach for carcinogenesis testing; a discussion future activities of the SAB committees; a brief discussion of Agency responses to past activities of the Board; and Member items of interest.

The meeting is open to the public. Any individual or organization wishing to attend, participate, present a paper or obtain additional information should contact Mr. Lloyd Taylor at (202) 755-0263, no later than May 6, 1977.

LLOYD T. TAYLOR,
Acting Staff Director, Science Advisory Board.

APRIL 18, 1977.

[FR Doc.77-11624 Filed 4-20-77;8:45 am]

[FRL 716-5]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the State-Federal FIFRA Implementation Advisory Committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the State-Federal FIFRA Implementation Advisory Committee through April 18, 1978, unless otherwise sooner terminated, will be filed at the Library of Congress.

DOUGLAS M. COSTLE,
Administrator.

APRIL 15, 1977.

[FR Doc.77-11623 Filed 4-20-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21158-21160; File Nos. 7681-CM-P-72, etc.]

A. MICHAEL LIPPER ET AL.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: March 7, 1977.
Released: April 15, 1977.

In re applications of A. Michael Lipper, Docket No. 21158, File No. 7681-CM-P-72; and Multi Communication Services, Inc., Docket No. 21159, File No. 9443-CM-P-72; and Interstate Mobile Communications Service Corporation d/b/a A-plus Communications of Puerto Rico, Docket No. 21160, File No. 9444-CM-P-72; for construction permits in the Multipoint Distribution Service for a new station at San Juan, Puerto Rico.

1. The Commission has before it the above-referenced applications of A. Michael Lipper (Lipper), filed on April 24, 1972; Multi Communications Services, Inc. (Multicom), filed on June 22, 1972 and Interstate Mobile Communications Service Corporation d/b/a A-plus Communications of Puerto Rico (A-Plus), filed on June 29, 1972. All three applications propose Channel 1 operation in the San Juan, Puerto Rico area, and thus are mutually exclusive and require comparative consideration. All three applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Lipper has MDS construction permit applications pending before the Commission for four other cities, including Monterey, California and has been granted permits in Long Island, New York and So. Lake Tahoe, California. Multicom has twenty-three MDS construction permit applications pending. Several of its officers have interests in broadcasting and CATV operations in Florida and Georgia. A-Plus, a/k/a Interstate Mobile Communications Service Corporation, holds a construction permit to establish new DPLMRS facilities at San Juan, but has only the above-captioned MDS application pending.

3. Upon review of the captioned applications, we find that all three applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficiency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the San Juan, Puerto Rico area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That A. Michael Lipper, Multi Communication Services, Inc., Interstate Mobile Communications Service Corporation d/b/a A-Plus Communications of Puerto Rico, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-11537 Filed 4-20-77;8:45 am]

ACTIONS IN RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration

APRIL 15, 1977.

Docket or RM No.	Rule No.	Subject	Date received
None	§§ 1.4, 1.773, 61.58, 61.60, 61.61, 61.62, 61.63, 61.64, and 61.66.	Amendment of parts 1 and 61 of the rules concerning the filing of tariffs, petitions for suspension, and replies. Filed by Francis J. DeRosa and Charles M. Lehrhaupt, attorneys for RCA Global Communications, Inc.	Mar. 29, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-11536 Filed 4-20-77;8:45 am]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE AND PACIFIC WESTBOUND CONFERENCE MEMBER LINES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 11, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

R. Frederic Fisher, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement 10135 authorizes the member lines of the Far East and Pacific Westbound Conferences (Agreements 17 and 57 respectively) to meet jointly to "* * * discuss, consider, and, if possible, agree upon recommendations to the (Conferences) * * *" upon matters of mutual interest including "Any matter within the scope of FMC Agreement 8200 * * * and Agreements 57 and 17 * * * (and) Practices and rate structures and policies relating to the interchange of traffic with land carriers (intermodalism)."

This arrangement is scheduled to expire by its terms on October 8, 1977. Agreement 10135-4 here would accord the basic agreement an unlimited approval, i.e., without an expiry date.

By Order of the Federal Maritime Commission.

Dated: April 18, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11599 Filed 4-20-77;8:45 am]

RICHMOND, CALIF. AND MATSON TERMINALS, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Captain Thomas R. Eddy, Port Director, City of Richmond, California, City Hall, Richmond, California 94804.

Agreement No. T-3379-A, between the City of Richmond, California (Port) and Matson Terminals, Inc., (Matson), is a technological assistance agreement whereby Matson shall provide to the Port: (1) consulting services for the design, construction, and equipping of container terminal facilities; and (2) the nonexclusive right, license and privilege, under Matson's container terminal patent rights, to use installed and employed apparatus and related processes at the container terminal. As compensation, the Port shall: (1) pay Matson an amount based on Matson's actual cost for man hours required to provide the services; (2) reimburse Matson for its actual out-of-packet expenses incurred in performing the consulting services; and (3) pay Matson, for the nonexclusive right, license, and privilege granted the Port under Matson's container terminal patent rights, a royalty of $5.00 per container handling during the life of said nonexclusive right, license and privilege. If FMC Agreement No. T-3379, as amended, becomes effective, Matson shall refund to the Port all amounts paid by the Port to Matson based on Matson's actual cost for man hours required to provide the services; and any nonexclusive right, license, and privilege granted under FMC Agreement No. T-3379-A shall be replaced by a nonexclusive right, license, or privilege granted under paragraph 11 of FMC Agreement No. T-3379, as amended.

By Order of the Federal Maritime Commission.

Dated: April 18, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11600 Filed 4-20-77;8:45 am]

[No. 77-9]

UNITED NATIONS V. HELLENIC LINES LIMITED

Filing of Complaint

Notice is hereby given that a complaint filed by United Nations against Hellenic Lines Limited was served April 15, 1977. The complaint alleges that complainant was assessed ocean freight charges higher than those properly applicable in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before October 15, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11598 Filed 4-20-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-287]

CONNECTICUT LIGHT AND POWER CO.

Second Amendment to Transmission Agreement

APRIL 13, 1977.

Take notice that on April 6, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Second Amendment to Transmission Agreement (Second Amendment) dated January 1, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) City of Holyoke Gas and Electric Department (HG&E).

CL&P states that HG&E has executed contracts with the Vermont Electric Power Company ("VELCO") of Rutland, Vermont and Green Mountain Power Corporation ("GMP") of Burlington, Vermont for the purchase of power from VELCO's and GMP's entitlements in the Vermont Yankee nuclear generating facility (the HG&E purchase) in the amount of 5,000 kilowatts for the periods May 1, 1975 to March 31, 1977, May 1, 1979 to October 31, 1979 and May 1, 1980 to October 31, 1980 and May 1, 1981 to October 31, 1981 and 7,000 kilowatts for the period April 1, 1977 to October 31, 1978.

CL&P states that the Second Amendment provides for an extension of the termination date of the Transmission Agreement from April 30, 1978 to October 31, 1981 and increases the amount to be transmitted for the period from April 1, 1977 to October 31, 1978 from 5,000 kilowatts to 7,000 kilowatts.

CL&P states that there was not sufficient time to prepare, execute and file the Second Amendment with the Commission more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit HG&E to receive transmission service to wheel the HG&E purchase, and to allow CL&P, HELCO and WMECO to receive payment for such transmission service, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the Second Amendment filed to become effective on April 1, 1977.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and HG&E, Holyoke, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11551 Filed 4-20-77;8:45 am]

[Docket No. ER77-289]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

APRIL 13, 1977.

Take notice that on April 6, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated November 30, 1976 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Village of Lyondonville, Vermont (VOL).

CL&P states that the Purchase Agreement provides for a sale to VOL of a specified percentage of capacity and energy from four gas turbine generating units (Enfield, Devon, Middletown, and Torrington Terminal) during the period from December 1, 1976, to March 31, 1977, together with related transmission service.

CL&P states that although the amount of this gas turbine sale was agreed to prior to the date of the Purchase Agreement, the development of the language of the rate schedule delayed the completion of the Purchase Agreement and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit VOL to receive urgently needed capacity and to permit CL&P and HELCO to receive the capacity revenues from this sale, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on December 1, 1976.

CL&P requests an effective date of December 1, 1976 for the VOL agreement.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; and VOL, Lyndonville, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11548 Filed 4-20-77;8:45 am]

[Docket No. ER77-288]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

APRIL 13, 1977.

Take notice that on April 6, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated November 30, 1976 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Central Vermont Public Service Corporation (CVPSC).

CL&P states that the Purchase Agreement provides for a sale to CVPSC of a specified percentage of capacity and energy from four gas turbine generating units (Enfield, Devon, Middletown, and Torrington Terminal) during the period from December 1, 1976, to March 31, 1977, together with related transmission service.

CL&P states that although the amount of this gas turbine sale was agreed to prior to the date of the Purchase Agreement, the development of the language of the rate schedule delayed the completion of the Purchase Agreement and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit CVPSC to receive urgently needed capacity and to permit CL&P and HELCO to receive the capacity revenues from this sale, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on December 1, 1976.

CL&P requests an effective date of December 1, 1976 for the CVPSC agreement.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; and CVPSC, Rutland, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11547 Filed 4-20-77;8:45 am]

[Docket No. ER77-175]

FLORIDA POWER & LIGHT CO.

Corrected Order Accepting for Filing and Suspending Proposed Rate Change, Granting Intervention, and Establishing Procedures

APRIL 12, 1977.

Florida Power and Light Company (FP&L) on January 28, 1977, tendered for filing a proposed agreement under which FP&L would transmit to the Utilities Commission of the City of New Smyrna Beach, Florida (City), the City's portion of the power and energy generated from Florida Power Corporation's Crystal River No. 3 Nuclear Power Unit. FP&L requested an effective date based on the commencement of commercial operation of the unit. Notice of the tendered filing was issued on February 8, 1977, with all petitions or protests to be filed on or before February 21, 1977.

The filing was found to be deficient and the Secretary notified FP&L of this deficiency in a letter issued March 2, 1977.

On February 22, 1977, the City filed a Petition to Intervene and Request for Hearing. The Petition urged the Commission: (1) To accept the filing despite the deficiency because the City will be in need of the transmission service imminently; (2) to grant the City's Petition to Intervene; (3) to order a hearing; and (4) to consider the filing supplemental rather than initial so that the Commission can suspend the rate and make any effective rate subject to refund under section 205 of the Federal Power Act.

FP&L filed a response to the City's Petition on March 9, 1977. The Company did not request the Commission to reject the petition to intervene, but did challenge the City's assertion that the proposed agreement represents a supplemental rate filing.

FP&L maintained that the filing is clearly an initial rate schedule, and that the Commission, therefore, only had the authority to order prospective relief under section 206 of the Federal Power Act.

On March 15, 1977, "Staff Counsel's Answer to Petition to Intervene and Request for Hearing of City of New Smyrna Beach" was filed with the Commission.

ACCEPTANCE FOR FILING

In the ordinary course of events, after a deficiency letter is sent out to the filing party, the filing cannot be accepted until the deficiency has been corrected. However, in exceptional circumstances, the Commission may waive regulations if this waiver would be consistent with the public interest. Such a circumstance exists with this filing.

Under the proposed agreement, FP&L is to provide transmission service to the City in order for the City to receive its allotted share of generating capacity from the Crystal River Nuclear Plant. The plant is expected to become commercially operative shortly. The City is eager to have the transmission service begin on schedule.

Therefore, consistent with the public interest, the Commission will waive the filing requirement not yet complied with by FP&L and accept the Company's proposed agreement for filing as of January 28, 1977.

CHARACTER OF RATE FILING

FP&L has requested that the Commission treat the proposed agreement as an initial rate filing subject only to 206 of the Federal Power Act. The City has requested that the Commission consider the proposed agreement, as a supplemental rate filing subject to the suspension and refund provisions of section 205 of the Act. The Commission finds that the City's request is correct in this instance.

The City, at present, provides some of its own electric power generation capacity and receives its remaining capacity requirements from FP&L. FP&L thus provides the City with firm partial requirements service. In providing this service, FP&L necessarily provides the City with the transmission services necessary to carry FP&L's generating capacity to the City.

Section 35.1(c) of the Commission's regulations states:

A rate schedule applicable to a transmission or sale of electric energy which proposes to supersede, supplement, cancel, or otherwise change any of the provisions of a rate schedule required to be on file with this Commission (such as providing for other

or additional rates, charges, classifications or services, or rules, regulations, practices or contracts for a particular customer or customers) shall be filed as a change in rate in accordance with § 35.13, except Notices of Cancellation or Termination which shall be filed as a change in accordance with § 35.15.

Clearly, FP&L's proposed agreement to transmit power from the new unit is an "additional rate * * * or service * * * for a particular customer". As such, FP&L's filing is subject to Section 205 of the Federal Power Act. Consistent with the public interest, the Commission finds it appropriate to exercise its authority under section 205(e) of the Act to suspend the proposed rate for one day, after which the rate will go into effect subject to refund pending the outcome of a public hearing. We shall require FP&L to file its case-in-chief so that Staff can evaluate the justness and reasonableness of the rates under section 205(e).

It should be noted that the Commission has not determined that the proposed rate for the transmission service constitutes a rate increase. However, section 205(e) does not require that the proposed rate be determined to be an increase before the Commission can require that the rate go into effect subject to refund. Such a determination may be made in the course of a public hearing as hereinafter described.

The Commission finds: (1) Good cause exists to accept for filing FP&L's proposed agreement and to suspend the proposed rates for one day from date that the nuclear unit commences commercial operation after which they shall become effective subject to refund.

(2) Good cause exists to require FP&L to file its case-in-chief pursuant to § 35.13(b)(5) of the Commission's regulations.

(3) Good cause exists to grant the late petition to intervene of the Utilities Commission of the City of New Smyrna Beach, Florida (City) and to make the City a full party to the proceeding as it may be in the public interest.

(4) It is necessary and in the public interest that an evidentiary hearing be held in this Docket in order for the Commission to discharge its statutory responsibilities under section 205 of the Federal Power Act.

The Commission orders: (A) That FP&L's proposed agreement be accepted for filing as of January 28, 1977, and that the proposed rates contained therein be suspended for one day from the date that the nuclear unit commences commercial operation, after which they shall become effective subject to refund.

(B) That FP&L is required to file its case-in-chief by May 19, 1977.

(C) That the petition to intervene of the Utilities Commission of the City of New Smyrna Beach, Florida (City) is hereby granted and the City is made a full party to the proceeding; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that he might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) That the late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(E) Pursuant to the authority contained under the Federal Power Act, the Commission's rules of practice and procedure and the regulations under the Federal Power Act, a public hearing to determine the justness and reasonableness of the proposed rates, charges, terms and conditions of service of FP&L, commencing with a pre-hearing conference before an Administrative Law Judge on June 9, 1977, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the rules of practice and procedures.

(F) That nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) That the Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,[1]
Secretary.

[FR Doc.77-11546 Filed 4-20-77; 8:45 am]

[Docket No. E-6730]

GEORGIA POWER CO.

Offer of Settlement

APRIL 12, 1977.

Take notice that on March 29, 1977, Georgia Power Company submitted an offer of Settlement with respect to the amounts payable under section 10(f) of the Federal Power Act (16 U.S.C. 803(f)) for benefits received in the years 1966 through 1973 from the Buford headwater improvement, owned and operated by the Corps of Engineers in the Chattahoochee River basin, and for Federal Power Commission staff cost of studies. The Company proposes that the amount to be paid for benefits received be $1,160,800 and the amount for cost of studies be $137,600, for a total of $1,298,400 and that this amount also includes any payments allegedly due for prior periods. Because the Company has already paid $974,000 under protest, the balance to be paid for benefits and cost of studies under this offer would be $324,400. The Company also states that the offer is contingent upon waiver by the Commission of all penalties, interest, or other charges.

Any person desiring to be heard or to protest said offer of settlement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 16, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this offer of settlement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11555 Filed 4-20-77;8:45 am]

[Docket No. ID-1809]

HERBERT W. SEARS

Application

APRIL 12, 1977.

Take notice that on March 24, 1977, Herbert W. Sears, Applicant, filed an application pursuant to section 305(b) to hold the following positions:

Position, name of corporation, and classification

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1977. Protests will be considered by the Commission in determining the appropriate action to taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11556 Filed 4-20-77;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Order Adopting Settlement Agreement

APRIL 12, 1977.

On September 30, 1976, Indiana & Michigan Electric Company (I&ME) filed a Proposed Settlement Agreement with certain of its rural cooperative customers with the Commission in this case. The Commission finds that the Proposed Settlement Agreement is in the public interest and accepts and approves it subject to certain conditions as hereinafter specified.

Docket E-7740 was initiated on June 13, 1972, when I&ME filed a proposed rate increase for electric service to its resale customers, including seven rural electric cooperatives.[1] By orders issued on August 11, and October 6, 1972, we accepted I&ME's filing and suspended it for five months to become effective on January 13, 1973, subject to refund.

Subsequently, by order issued on June 3, 1974, we found that I&ME's filing with respect to the Cooperatives was contractually impermissible under section 205 of the Federal Power Act and directed I&ME to refund the incremental amounts generated by the June 13, 1972, filing. We treated I&ME's filing as a motion to institute a section 206 proceeding in which the proposed rates would be assessed on a "cost-plus fair return standard."

On December 31, 1975, I&ME submitted for filing in Docket Nos. ER76-416, ER76-417, ER-418, ER76-419, ER76-427, ER-76-433 and ER76-434, revised fuel adjustment clauses for each of its cooperative customers in purported compliance with Commission Order No. 517. Although the proposed fuel clause appeared to be appropriate as to form and substance, the Secretary advised I&ME that the submittals were deficient because it had not supplied necessary revenue comparisons. These filings remain incomplete, but their purpose is now mooted by the proposed settlement tariff, which contains essentially the same fuel clause with an updated base price.

On May 28, 1976, I&ME submitted for filing in Docket No. ER76-716 further increases in rates to its municipal and cooperative resale customers. By Order issued on June 25, 1976, we suspended the municipal increase for one month, and instituted a Section 206 proceeding for cooperative services in order to set just and reasonable rates on a prospective basis.

Settlement negotiations among I&ME and the seven cooperatives have ripened into an uncontested settlement, which was filed on September 30, 1976. The settlement agreement was noticed by the Commission on October 13, 1976, providing that all parties who wished to comment should file on or before November 1, 1976. By further notice the time for filing was extended to December 6, 1976. On December 6, 1976, the Commission Staff filed comments on the settlement agreement favoring the settlement. No other comments were received.

The Settlement Agreement provides for (1) waiver, by the Cooperatives, of their "Sierra-Mobile" protection to the extent necessary to implement the terms of the Settlement Agreement; (2) establishment of a new, higher tariff rate (REC) for service to the Cooperatives for the period of July 1, 1976, through April 30, 1977; (3) institution of a further increased tariff rate (REC 1) for service to the cooperatives for a period May 1, 1977, through April 30, 1978; (4) inclusion of a settlement fuel adjustment clause in both REC and REC-1 settlement rates, in compliance with § 35.14 of the Commission's regulations; (5) a moratorium on the effective date of any further rate increase to the Cooperatives until May 1, 1978; and (6) all refunds on the originally filed increase in Docket No. E-7740 will be made at 7 percent interest, including refunds on overcharges after October 10, 1974. Approval of a 7 percent interest rate on refunds in this docket is consistent with our order issued in "Appalachian Power," Docket No. E-7775 issued on November 2, 1976.[2]

Based on I&ME filed case-in-chief in Docket No. ER76-716 the proposed REC settlement rate will reduce the amount of the requested increase of about $8,958,000 to about $1,965,000 for Period II (calendar year 1976 estimated). Application of the proposed REC-1 settlement rate will effect an increase of about $4,708,740 over present rates for Period II.

The settlement rates as reflected in the submitted agreement are not in excess of the rate level reflected in the Staff's revised settlement cost of service Top Sheet in Docket ER76-716 filed on December 8, 1976.

Based on our review of the record in these proceedings, including the settlement agreement itself, the filings, documents and pleadings submitted, we conclude that the settlement agreement represents a reasonable resolution of the issues in the proceeding and the public interest, and that accordingly the settlement should be approved.

The Commission finds. The settlement agreement filed with the Commission in this docket should be approved and made effective, as hereinafter ordered.

The Commission orders. (A) The settlement agreement filed by I&ME in this docket on September 30, 1976, is hereby approved and made effective, subject to the following conditions.

(B) Within 30 days of the date of this order, I&M shall file with the Commission executed superseding service agreements for service under its proposed tariff rates for each resale cooperative customer involved in these proceedings in conformity with the terms of the settlement agreement approved herein.

(C) I&M shall refund the difference in revenues collected under its prior rates and those collected as a result of its June 13, 1972, filing in Docket No. E-7740, at the agreed upon interest rate of 7 percent per annum.

(D) I&M shall file a compliance report within 30 days of the date of this order which shows monthly billing determinants and revenues under the Company's prior rates and those collected as a result of its June 13, 1972, filing in Docket No. E-7740 for the entire period during which the latter rates were being collected, subject to refund. The report shall show the monthly rate refund and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall be furnished to each state Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or order which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, against I&ME or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11545 Filed 4-20-77;8:45 am]

[Docket No. RP74-100 etc. (PGA77-5)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

APRIL 12, 1977.

Take notice that on April 1, 1977, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Twelfth Revised Sheet No. 4, proposed to be effective May 1, 1977.

National states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in section 17 of the general terms and conditions and to recover the cost of emergency purchases for February and March of 1977 over the remaining five months of its currently effective surcharge. National further states that such tariff sheet reflects an adjustment in National's rates of 13.82 cents per Mcf on Twelfth Revised Sheet No. 4.

National proposes, in the event that Twelfth Revised Sheet No. 4 is not approved effective May 1, 1977, that Alternate Twelfth Revised Sheet No. 4 filed herewith be made effective May 1, 1977. Alternate Twelfth Revised Sheet No. 4 reflects only the current PGA adjustment.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

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[1] Commissioner Watt, dissenting in part and concurring in part, filed a separate statement as part of the original document.

[1] Fruit Belt Electric Cooperative, Jay County Rural Electric Membership Corporation, United Rural Electric Membership Corporation, Noble County Rural Electric Membership Corporation, Wayne County Rural Electric Membership Corporation, Paulding-Putman Electric Cooperative, Inc., and Whitley County Rural Electric Membership Cooperative.

[2] We note that the settlement was filed on September 30, 1976, prior to our order of December 6, 1976 which made 9 percent the rate for all settlements.

Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 25, 1977. Protests will be considered by the Commission in determining the appropriate parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11558 Filed 4-20-77;8:45 am]

[Project No. 287]

NORTH COUNTIES HYDRO-ELECTRIC CO.

Issuance of Annual License(s)

APRIL 12, 1977.

On December 20, 1972, North Counties Hydro-Electric Company, Licensee for the Dayton Project No. 287, located in La Salle County, Illinois, on the Fox River, filed an application for a new license pursuant to the Federal Power Act and Commission regulations thereunder.

The license for Project No. 287 was issued effective April 11, 1924, for a period ending April 10, 1974. Since expiration of the original license, the project has been maintained and operated under annual license, the most recent of which will expire on April 10, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the North Counties Hydro-Electric Company.

Take notice that an annual license is issued to the North Counties Hydro-Electric Company for the period April 11, 1977, to April 10, 1978, or until Federal take-over, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Dayton Project No. 287 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before April 10, 1978, a new annual license will be issued each year thereafter, effective April 11 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11554 Filed 4-20-77;8:45 am]

[Docket No. ER77-283]

NORTHERN STATES POWER CO.

Supplement No. 15 to Interconnection and Interchange Agreement

APRIL 13, 1977.

Take notice that Northern States Power Company (Northern States), on April 6, 1977, tendered for filing, Supplement No. 15 to the Interconnection and Interchange Agreement between Dairyland Power Cooperative, Northern States Power Company (Minnesota), and Northern States Power Company (Wisconsin).

Northern States indicates that Supplement No. 15 provides a Fifteenth Revised Exhibit A, a Fifteenth Revised Page B-1, and Circuit Diagram Sheets adding the Elco, Crystal Cave, Alma-Tremval, and Kinnickinnic Interconnections to the terms of the Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11550 Filed 4-20-77;8:45 am]

[Docket No. RI77-56]

OIL AND GAS FUTURES, INC. OF TEXAS, ET AL.

Application Special Relief

APRIL 14, 1977.

Take notice that on April 8, 1977, Oil and Gas Futures, Inc. of Texas, et al. (O & G Futures) filed an application for special relief from rates established under § 2.56 of the Commission's regulations for sales of gas made to Trunkline Gas Company from Grand Isle Block 82, Offshore Federal Domain, Gulf of Mexico. O & G Futures petitions for a special relief rate of $2.25 per Mcf under the provisions of § 2.76 of the Commission's Statements of Policy and Interpretations and Order No. 481 in order to reimburse it for part of the actual out-of-pocket costs for reworking operations and unrecovered capital costs expended to date and for a proposed additional investment of $150,000 during 1977 for required remedial operations. O & G Futures states that in the absence of immediate price relief action by the Commission it will be forced to abandon the properties. O & G Futures avers that the current prices received for gas render the project uneconomic and do not allow for reworking operations to enable it to produce to depletion the estimated 5 Bcf of remaining recoverable reserves underlying the platform at the Grand Isle Block 82 field complex. O & G Futures also requests approval of its application under the shortened procedures and waives its right to formal hearing.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11564 Filed 4-20-77;8:45 am]

[Docket No. ID-1582]

PAUL H. MEHRTENS

Application

APRIL 12, 1977.

Take notice that on March 25, 1977, Paul H. Mehrtens, Applicant, filed an application pursuant to section 305(b) to hold the following positions:

Position, name of corporation, and classification
Exec. Vice President, The Connecticut Light and Power Company, Public Utility.
Exec. Vice President, The Hartford Electric Light Company, Public Utility.
Exec. Vice President, Western Massachusetts Electric Company, Public Utility.
Exec. Vice President, Holyoke Water Power Company, Public Utility.
Exec. Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11557; Filed 4-20-77;8:45 am]

[Docket No. ER77-280]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Supplement to Interconnection Agreement

APRIL 13, 1977.

Take notice that on April 5, 1977, Public Service Company of New Mexico (PNM) tendered for filing a supplement to an Interconnection Agreement (designated as PNM Rate Schedule FPC No. 17) with Utah Power and Light Company (UPL). The supplement is in the form of a Service Schedule C-1 providing for the furnishing of surplus electric power and energy by PNM to UPL at the parties' point of interconnection at the Four Corners Generating Station near Farmington, New Mexico. PNM states that the Service Schedule is to become effective as of March 1, 1977, subject to FPC approval and has, therefore, requested a waiver of the notice requirements. PNM further states that the proposed rate for the contract period has been agreed upon by the parties and that copies of the filing have been mailed to UPL and to the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11549 Filed 4-20-77;8:45 am]

[Docket No. ER77-279]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Extension of Agreement for Service

APRIL 13, 1977.

Take notice that on April 5, 1977, Public Service Company of New Mexico (PNM) tendered for filing an agreement modifying Rate Schedule FPC No. 24, which provides power transmission service for the State of Nevada, Division of Colorado River Resources (DCRR).

PNM states that the amendment was negotiated primarily to conform the agreement to FPC No. 33, to remove ambiguity in existing documents and update the regulatory language and additionally, the amendment provides an estimate of surplus energy available for DCRR apart from any capacity made available by the United States Bureau of Reclamation. This amendment was executed February 10, 1977, by the State of Nevada to be made effective as of October 1, 1976, subject to FPC approval. PNM, therefore, requests the Commission to waive its notice requirements and permit the extension of the original agreement between PNM and DCRR to become effective October 1, 1976.

PNM states that the proposed amendment for service has been agreed upon by the parties and that copies of the filing have been mailed to DCRR and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11552 Filed 4-20-77;8:45 am]

[Project No. 943]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

Extension of Time

APRIL 12, 1977.

On March 21, 1977, Public Utility District No. 1 of Chelan County, Washington, Licensee for the Rock Island Project, FPC No. 943, filed a motion for an extension of time to file its revised application for approval of an exhibit R. The motion states that on March 16, 1977, the Licensee's elected Board rejected three alternate Exhibits R and directed its staff to prepare a new Exhibit R. Licensee requests an additional 120 days to complete this task.

Responses opposing the requested extension of time were submitted by the Community Development Council of the Greater Wenatchee, Washington, area; the Board of Chelan County Commissioners; and Mr. John C. Grover, Mayor of the City of Wenatchee. A response to the motion was also filed on April 5, 1977, by the Commission Staff. In its response Staff states that "it would be futile to process an Exhibit R which the Licensee may not support nor be able to implement, if approved."

Upon consideration, notice is hereby given that an extension of time is granted to and including August 1, 1977, within which Licensee shall file a revised application for approval of an Exhibit R for Project No. 943. If the Licensee fails to comply in that time, the matter may be referred to the Commission, and the provisions of section 315(a) and section 316 of the Federal Power Act may be invoked.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11553 Filed 4-20-77;8:45 am]

[Docket No. CS76-489]

R. CLAY UNDERWOOD

Petition for Waiver

APRIL 13, 1977.

Take notice that R. Clay Underwood (Applicant), Suite 420 Oil & Gas Building, Wichita Falls, Texas, filed a petition for waiver of § 157.40(c) of the Commission's regulations of practice and procedure.

Applicant states that insofar that he may make any sales of gas produced from properties acquired from large producers, he will abide by the provisions of the general area rate orders and will not charge in excess of rates permitted to be charged by large producers under the provisions of said orders.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before May 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11561 Filed 4-20-77;8:45 am]

[Docket No. CP77-286]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment to Application

APRIL 14, 1977.

Take notice that on April 7, 1977, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-286 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) by which amendment Transco proposes to provide a transportation service for Dan River, Inc. (Dan River) at a rate of 45.8 cents per Dekatherm (Dth), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its initial application dated March 8, 1977, Transco proposes to transport up to 1,300 Mcf of natural gas per day on an interruptible basis for a term of two years for Dan River. It is stated that such gas would be delivered to United Gas Pipe Line Company, which would in turn deliver equivalent quantities to Transco at a mutually agreeable existing authorized exchange point, and Transco would redeliver such quantities to the City of Danville, Virginia, and Piedmont Natural Gas Company, Inc., for the account of Dan River.

Transco initially proposed a transportation charge of 21.55 cents per Dth and proposed to retain 3.8 percent of the volumes received as makeup for compressor fuel and line loss. Transco proposes to amend its application so as to

charge 45.8 cents per Dth for all volumes received for the account of Dan River.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11563 Filed 4-20-77;8:45 am]

[Docket No. CP77-334]

TRUNKLINE GAS CO.

Application

APRIL 13, 1977.

Take notice that on April 6, 1977, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. CP77-334 an application pursuant to section 7(c) of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Gulf Energy and Minerals Company (Gulf), and for a temporary certificate therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes transportation on a best-efforts interruptible basis of up to 100,000 Mcf per day between South Timbalier Block 151, Offshore Louisiana, and certain points of redelivery in Allen, Beauregard and LaSalle Parishes, Louisiana, all pursuant to an agreement between Gulf and Applicant dated February 11, 1977. The service would be performed while Gulf completes the looping of its gathering system in Block 151 and would terminate on the completion thereof or on October 1, 1977, whichever is earlier.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 3, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11560 Filed 4-20-77; 8:45 am]

[Docket No. E-9147 (Phase II)]

VIRGINIA ELECTRIC AND POWER CO.

Further Extension of Time

APRIL 13, 1977.

On April 1, 1977, ElectriCities of North Carolina filed a motion to further extend the procedural dates, as most recently modified by notice issued February 2, 1977, in the above-designated proceeding. The motion states that all parties have been contacted, and there are no objections.

Notice is hereby given that the procedural dates are further extended as follows:

Service of Intervenor, Testimony, May 19, 1977.
Service of Staff, Testimony, June 20, 1977.
Service of Company, Rebuttal, July 5, 1977.
Service of Intervenor, Rebuttal, July 25, 1977.
Hearing, August 2, 1977.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11559 Filed 4-20-77;8:45 am]

[Docket No. E77-71]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By order issued March 24, 1977, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), the application of Columbia Gas Transmission Corporation (Columbia) to purchase up to 16,000 Mcfd of natural gas from Wainoco Oil Corporation (Wainoco) and others on whose behalf Wainoco is selling (Wainoco Group) and from Exchange Oil & Gas Corporation (Exchange) attributable to their interests in certain wells in the Ocean View Field, Southern Louisiana, was denied without prejudice.

On April 5, 1977, Columbia filed a petition for reconsideration of the March 24 order. Columbia's petition sets forth no new facts or other information which requires reconsideration of that order. Columbia has failed to demonstrate that the sellers relied upon Columbia's offer to purchase to their detriment or that additional monies, that would otherwise not have been spent, were spent to make the sale to Columbia. A demonstration to that effect might justify approval of the proposed purchase. Cf. El Paso Natural Gas Company, Docket No. E77-53 (April 14, 1977).

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia, Columbia Gulf, and Wainoco and Exchange. This order shall also be published in the FEDERAL REGISTER.

This order is subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 15, 1977.

[FR Doc.77-11534 Filed 4-20-77;8:45 am]

[Docket No. E77-79]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By order issued March 28, 1977, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), Transwestern Pipeline Company (Transwestern) was authorized to continue an emergency purchase of natural gas pursuant to Section 6 from Inexco Oil Company (Inexco) notwithstanding Order No. 6.

On April 14, 1977, Inexco filed an application for a supplemental order. Inexco requests that Transwestern be authorized to purchase the volumes which were not delivered between March 16, 1977, when Transwestern terminated deliveries, and March 28, 1977, when Transwestern was authorized to continue the purchase.

The March 28, 1977 order authorized Transwestern to continue the purchase from Inexco. That order encompasses the right to make-up volumes not delivered during the time Transwestern undertook to determine its eligibility to continue the purchase under Order No. 6. Based on the foregoing, Inexco's petition for a supplemental order is granted.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Inexco, Transwestern, Colorado Interstate Gas Company and Cities Service Gas Company. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub.

L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator

APRIL 15, 1977.

[FR Doc.77-11535 Filed 4-20-77;8:45 am]

[Docket No. AR70-1]

AREA RATE PROCEEDING (PERMIAN BASIN AREA (II))

Order Directing Disbursement and Flow-Through of Refunds

APRIL 12, 1977.

On August 7, 1973, the Commission issued its Opinion and Order No. 662 establishing just and reasonable rates for jurisdictional sales of natural gas produced in the Permian Basin Area. Pursuant to Ordering Paragraph (G) of Opinion No. 662, each producer owing refunds was required to file with the Commission a refund report showing the amounts required to be refunded and the amount of interest thereon. Pursuant to Ordering Paragraph (H) of the Opinion, those producers who did not elect to discharge their refund obligations through credits to be received for the dedication of new reserves in accordance with Ordering Paragraph (I) were directed to retain their refunds pending further order of the Commission.

We now require those producers who made no election, or who elected to make refunds in cash, to disburse their refund monies.

To date, none of the refund obligations under Opinion No. 662 has been discharged by reserve dedication. It seems clear in light of Opinion Nos. 699, 749, and 770, as amended, the provisions pertaining to price and the waiver of refund credits, that the producers may not make any reserve dedications pursuant to Opinion No. 662, and will thus have refund obligations remaining when the time expires on January 1, 1978, for discharging refunds by reserve dedications. We therefore believe it is reasonable to permit producers to change their previous election if they so desire. Producers changing their election shall pay interest at the rate of 7 percent per annum from the date of filing the refund report pursuant to Opinion No. 662, to the date of payment. This is the same rate of interest prescribed in Opinion No. 662 to be paid on undischarged refund obligations outstanding as of January 1, 1978.

In order to insure the orderly administration and review of the refunds to be made pursuant to this order, we shall require that all refunds and revised elections made by working interest owners whose gas was sold under the rate schedule of another producer be coordinated with and reported by the producer under whose rate schedule the sale was made.

Once the refunds have been disbursed to the respective purchasers, the purchasers shall flow the refunds through to their jurisdictional customers; *Provided, however,* That purchasers shall not be required to flow-through those refunds, if any, as to which they may assert a claim of entitlement under the terms of prior rate settlement agreements approved by the Commission.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the refunds subject to this order be disbursed and flowed-through as hereinafter ordered.

The Commission orders: (A) On or before July 11, 1977, each producer owing refunds under Commission Opinion No. 662 and who did not elect to discharge his refund obligation through additional reserve dedications, shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under Ordering Paragraph (G) of Opinion No. 662, and the additional interest under Ordering Paragraph (H) of that opinion; (2) disburse all of the refunds to the purchaser; and (3) file three copies of a release from the purchaser.

(B) On or before July 11, 1977, each producer who wishes to change his previous election to discharge his refund obligation by reserve dedications pursuant to Opinion No. 662, and to instead discharge his refund obligation by immediate payment, shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under Ordering Paragraph (G) of Opinion No. 662, and the additional interest required pursuant to this order of 7 percent per annum from the date of filing the refund report pursuant to Opinion No. 662 to the date of payment of the refunds; (2) disburse all of the refunds to the purchaser; and (3) file three copies of a release from the purchaser.

(C) All refunds and reports made pursuant to Ordering Paragraphs (A) and (B) above shall be coordinated with and reported by the producer under whose rate schedule the sale was made.

(D) On or before September 12, 1977, each purchaser shall submit three copies of a plan for the flow-through of the refunds herein ordered to be disbursed and any refunds previously disbursed by Permian Basin producers and presently being retained by the purchaser, applicable to jurisdictional sales, indicating the amount payable to each jurisdictional customer, the basis used to compute the amount payable, the periods involved, and applicable docket numbers. Copies of the flow-through plans shall be served on each of the purchaser's jurisdictional customers and upon interested state regulatory commissions.

(E) Upon notification by the Secretary, and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11627 Filed 4-20-77;8:45 am]

[Docket No. R-425]

AREA RATE PROCEEDING (ROCKY MOUNTAIN AREA)

Order Directing Disbursement and Flow-Through of Refunds

APRIL 12, 1977.

On April 11, 1973, the Commission issued its Opinion and Order No. 658, establishing just and reasonable rates for jurisdictional sales of natural gas produced in the Rocky Mountain Area. Pursuant to Ordering Paragraph (B) of Opinion No. 658, each producer owing refunds was required to file with the Commission a refund report showing the amounts required to be refunded and the amount of interest thereon. Pursuant to Ordering Paragraph (C) of the opinion, producers were required to make an election, either to deposit their refunds in an escrow account or to retain their refunds pending further order of the Commission. We now require those producers owing refunds to disburse their refunds monies inclusive of interest, plus interest as provided for in Ordering Paragraph (C) of Opinion No. 658.

For the reasons set forth in Opinion No. 658 we did not dispose of the refund issue there. The refundable amounts shown in the refund reports filed with the Commission are small amounting to only $218,000. We do not think it would be appropriate here to permit these refunds to be discharged by additional dedication in the light of the action taken by us in Opinion Nos. 699, 749, and 770 requiring waiver of refund credits. Nor is there adequate justification for relieving the producers of their refund obligations.

In order to insure the orderly administration and review of the refunds to be made pursuant to this order, we shall require that all refunds made by working interest owners whose gas was sold under the rate schedule of another producer be coordinated with and reported by the producer under whose rate schedule the sale was made.

Once the refunds have been disbursed to the respective purchasers, the purchasers shall flow the refunds through to their jurisdictional customers; *Provided, however,* That purchasers shall not be required to flow-through those refunds, if any, as to which they may assert a claim of entitlement under the terms of prior rate settlement agreements approved by the Commission.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the refunds subject to this order be disbursed and flowed-through as hereinafter ordered.

The Commission orders: (A) On or before July 11, 1977 each producer owing refunds under Commission Opinion No. 658 shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under Ordering Paragraph (B) of Opinion No. 658, and the additional interest under Ordering Paragraph (C) of that opinion; (2) disburse all of the refunds to the purchaser and

(3) file three copies of a release from the purchaser.

(B) All refunds and reports made pursuant to Ordering Paragraph (A) above shall be coordinated with and reported by the producer under whose rate schedule the sale was made.

(C) On or before September 12, 1977, each purchaser shall submit three copies of a plan for the flow-through of the refunds herein ordered to be disursed and any refunds previously disbursed by Rocky Mountain producers and presently being retained by the purchaser, applicable to jurisdictional sales, indicating the amount payable to each jurisdictional customer, the basis used to compute the amount payable, the periods involved, and the applicable docket numbers. Copies of the flow-through plans shall be served on each of the purchaser's jurisdictional customers and upon interested state regulatory commissions.

(D) Upon notification by the Secretary, and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11626 Filed 4-20-77;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN GENERAL INSURANCE CO.

Order Amending Prior Board Order With Regard to Divestiture of Shares of Texas Commerce Bancshares, Inc.

By Order of April 11, 1972,[1] the Board determined that American General Insurance Company ("American General"), Houston, Texas, had ceased to be a bank holding company for purposes of the Bank Holding Company Act of 1956, as amended ("Act"). The Board's determination was conditioned upon American General exchanging all voting shares of Texas Commerce Bancshares, Inc. ("TCB"), Houston, Texas, then held by American General for a new class of shares of TCB that, while held by American General would be nonvoting. The determination was further conditioned upon American General's fulfilling four commitments enumerated in the Board's order. American General committed to divest itself by January 1, 1981, of all nonvoting shares of TCB and to accomplish said divestiture through a public offering underwritten by investment bankers under an agreement that no purchaser either directly or indirectly would acquire at the sale shares aggregating more than 2 percent of the then outstanding common stock of TCB. American General has exchanged its voting shares of TCB for nonvoting shares.

American General has now requested that the Board modify its Order to permit American General to divest itself of the nonvoting TCB shares through dividend distributions to American General's common stock shareholders at a rate of not less than one TCB share for every 100 shares of American General common stock held. American General has fulfilled the other conditions of the Board's Order and there is no evidence indicating that American General has sought to exercise a controlling influence over TCB. American General's common stock is widely held, and it appears that no shareholder of American General would receive shares of TCB aggregating more than 2 percent of the outstanding common stock of TCB.[2]

On the basis of the facts of record, the Board concludes that approval of American General's request is consistent with the purposes of the Act the Board sought to accomplish in its Order of April 11, 1972. Accordingly, the Board's Order of April 11, 1972, is hereby amended to permit American General to divest its interest in TCB through dividend distributions to the common stock shareholders of American General. This amendment is subject to the following conditions:

(1) American General will not hold any voting or nonvoting TCB shares on January 1, 1981.

(2) American General will dispose of any TCB shares received by its subsidiaries or other shareholders directly or indirectly under its control within three months of receipt of said shares.

The Board's action herein is subject to amendment, revocation, or nullification by the Board should it conclude that American General at any time exercises or has attempted to exercise control or a controlling influence over TCB or any of its subsidiaries.

By order of the Board of Governors,[3] effective April 14, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11511 Filed 4-20-77;8:45 am]

CENTRAL WISCONSIN BANKSHARES, INC.

Order Approving Acquisition of Bank

Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, a bank holding company within the meaning of the Bank Holding Company Act, as applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 77 percent or more of the voting shares of Eagle River State Bank, Eagle River, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 11th largest banking organization in Wisconsin, controls two banking subsidiaries and one nonbank subsidiary with aggregate deposits of approximately $148.3 million,[1] representing 1.0 percent of the total deposits in commercial banks in the State. Acquisition of Bank by Applicant would increase Applicant's share of State deposits by less than one-tenth of one percent and would not alter Applicant's rank among State banking organizations. Approval of the subject application would not result in a significant increase in the concentration of banking resources in Wisconsin.

Bank holds deposits of approximately $11.9 million, representing 8.6 percent of the total deposits in commercial banks in the Vilas-Oneida banking market,[2] and ranks as the sixth largest of eight banks headquartered in the market. Both of Applicant's banking subsidiaries are located over 80 road miles south of Bank's location, in separate and noncontiguous banking markets. In view of the distance involved and because current Wisconsin branching law precludes either Bank or Applicant's two banking subsidiaries from establishing offices within the other's market areas, consummation of the proposal would not eliminate any significant amount of existing or probable future competition. Moreover, due to the sparsely populated nature of Bank's market area it does not appear likely that Applicant would enter that market de novo. Therefore, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future propects of Applicant, its bank and nonbank subsidiaries, and Bank are generally satisfactory, particularly in view of Applicant's commitment to inject $500,000 into the equity capital of Bank upon approval of this application. Thus, banking factors are consistent with approval of the application.

Area banking needs are believed adequately served at present, and Applicant has not proposed any major changes in Bank's current operations. However, Applicant has proposed to add additional capital to Bank, make trust services available to the community via Applicant's nonbank trust subbsidiary, and provide Bank with financial and managerial counseling, computer services and training programs. On balance, considerations relating to the convenience and needs of the community to be served are viewed as being consistent with approval. It is this Reserve Bank's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective April 7, 1977.

ROBERT P. MAYO,
President.

[FR Doc.77-11520 Filed 4-20-77;8:45 am]

CHEMICAL FINANCIAL CORP.

Order Approving Acquisition of Bank

Chemical Financial Corporation, Midland, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to Gladwin County Bank, Beaverton, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with 3(b) of the Act. The time for filing comments has expired, and the Board has considered the application and all comments received in light of the factors set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 22nd largest banking organization in the State of Michigan, controls two banks with aggregate deposits of $162.7 million, representing 0.6 per cent of total deposits in commercial banks in the State.[1] Acquisition of Bank with deposits of $11.9 million would increase Applicant's share of commercial bank deposits in Michigan by 0.04 per cent, but would not have an appreciable effect upon the concentration of banking resources in the State.

Bank is the 10th largest of 13 banking organizations in the relevant market, and on June 30, 1975 held deposits of $11.5 million, representing 1.1 percent of the total deposits of commercial banks in the market. Applicant with one subsidiary bank in the market is the fourth largest banking organization in the relevant banking market, and on June 30, 1975 controlled aggregate deposits of $121 million representing 11.6 percent of market deposits. Consummation of the proposed transaction would not alter Applicant's rank in the market. While consummation of the proposal will eliminate some existing competition inasmuch as Applicant and Bank operate in the same market, the effect of consummation on existing competition would not be substantial.[3] Accordingly, the Board concludes that the proposed acquisition of Bank by Applicant would not have significantly adverse effects on competition.

The financial and managerial resources of Applicant, its subsidiaries, and Bank are regarded as satisfactory and their future prospects appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application. Following consummation of the transaction, Applicant intends to improve existing operations and offer new services to Bank's customers. These considerations relating to convenience and needs of the community to be served do not appear to be substantial but they do lend some weight toward approval of the application, and in the Board's view, outweigh any slightly adverse effects on competition that might result from consummation of this proposal. Accordingly, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 14, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11512 Filed 4-20-77;8:45 am]

CROWN BANCSHARES, INC.

Formation of Bank Holding Company

Crown Bancshares, Incorporated, Hammond, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 percent or more of the voting shares of The First National Bank of Crown Point, Crown Point, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 17, 1977.

Board of Governors of the Federal Reserve System, April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11592 Filed 4-20-77;8:45 am]

GLEN-AN CORP.

Order Denying Formation of Bank Holding Company

Glen-An Corporation, Kanaranzi, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 95.6 percent of the voting shares of Farmers State Bank of Kanaranzi, Kanaranzi, Minnesota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(a)(1) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank, Applicant would hold approximately .02 percent of the

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[1] 58 Federal Reserve Bulletin 487 (1972).

[2] Certain American General subsidiaries and employee and agent benefit plans hold shares of American General's common stock. American General has indicated that those subsidiaries and benefit plans would promptly resell pursuant to Rule 144 of the Securities and Exchange Commission all shares of TCB stock received in connection with the dividend distributions.

[3] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns and Governor Lilly.

[1] All banking data are as of December 31, 1975.

[2] The Vilas-Oneida banking market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is approximated by all Vilas and Oneida Counties, Wisconsin.

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

[2] The relevant banking market is approximated by Bay, Midland, and Gladwin Counties and the northern three-quarters of Saginaw County.

[3] On January 28, 1971, the Board denied a proposed merger between Applicant's lead bank and Bank on competitive grounds (57 Fed. Res. Bull. 128 (1971)). In 1970 Applicant's lead bank and Bank ranked first and fourth, respectively, among five banks in a market that was approximated by the southern one-half of Gladwin County and the northern and central portion of Midland County. However, commuting, bank branching, growth, and advertising media data indicate that competitive conditions have changed so that the 1970 market has become integrated into a larger metropolitan area that includes Bay and most of Saginaw Counties.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson and Partee. Absent and not voting: Chairman Burns and Governor Lilly.

total deposits in commercial banks in Minnesota.[1] Bank (deposits of approximately $3.4 million) is the seventh largest of eight banking organizations operating in the relevant banking market[2] and holds 5.4 percent of the total deposits in commercial banks in the market. The two banks in the relevant banking market located nearest to Bank are in Luverne, approximately 12 road miles from Kanaranzi. Inasmuch as the subject proposal represents a restructuring of existing ownership interests in Bank from individuals to a corporation owned by the same individuals, consummation of the proposal herein would not have any significant adverse effect upon either existing or potential competition within the relevant banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on a number of previous occasions that it believes a bank holding company should serve as a source of both financial and managerial strength to its subsidiary bank(s). Accordingly, in acting upon any application under the Act, the Board will closely examine the financial condition, managerial resources, and future prospects of an applicant and its subsidiary bank(s) with these factors in mind. Based upon an evaluation of such factors with respect to this application, the Board has determined that denial of the application is warranted.

With respect to the financial resources and future prospects associated with this application, the Board is concerned with the high level of debt that would result in connection with the consummation of this proposal. Applicant proposes to incur a debt of $187,690 and to service the debt over a twelve-year period, entirely through dividends from Bank. However, based on the record of Bank's historical earning ability, it is questionable whether Applicant will be able to retire this amount of debt while at the same time permitting Bank to retain earnings sufficient for capital purposes. Accordingly, the Board is of the view that Applicant's proposal, as presently structured, does not provide Applicant with the financial flexibility necessary to service its debt, maintain Bank's capital at acceptable levels, and provide for any unforeseen problems that might arise at Bank. Therefore, the Board views the level of debt to be incurred by Applicant as a significantly adverse factor in the consideration of this proposal and finds that the considerations relating to financial resources and future prospects weigh against approval of the application.

It is not anticipated that Applicant's management would take an active role in the management of Bank. Accordingly, managerial factors lend no weight toward approval of the application.

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

[2] The relevant market is approximated by Rock County and the southwestern corner of Pipestone County.

There is no evidence in the record to indicate that the convenience and needs of the community are not being adequately served by Bank. Therefore, within the context of this application, these considerations are not sufficient to outweigh the adverse banking factors associated with this application.

On the basis of all the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial resources and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be, and hereby is, denied for the reasons summarized above.

By order of the Board of Governors,[1] effective April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11617 Filed 4-20-77;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee, and Lilly. Absent and not voting: Governor Coldwell.

GUARANTY BANCSHARES CORP.

Formation of Bank Holding Company

Guaranty Bancshares Corporation, Kansas City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96.03 percent of the voting shares of Guaranty State Bank & Trust, Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 17, 1977.

Board of Governors of the Federal Reserve System, April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11593 Filed 4-20-77;8:45 am]

PREFERRED MANAGEMENT CO.

Formation of Bank Holding Company

Preferred Management Company, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 60 percent of the voting shares of North Side Bank, Omaha, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Preferred Management Company, Omaha, Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the sale of decreasing term life insurance directly related to extensions of credit and credit accident and health disability insurance, and property damage insurance directly related to extensions of credit made by North Side Bank, Omaha, Nebraska. Notice of the application was published on February 26, 1977, in The Omaha World-Herald, a newspaper circulated in Omaha, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 13, 1977.

Board of Governors of the Federal Reserve System, April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11618 Filed 4-20-77;8:45 am]

[Docket No. TCR 76-107(b)]

REPUBLIC OF TEXAS CORP.

Prior Certification Under the Bank Holding Company Tax Act of 1976

Republic of Texas Corporation, Dallas, Texas ("Republic") has requested a prior certification pursuant to section 6158(a) of the Internal Revenue Code (the "Code"), as amended by § 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the proposed sale by The Howard Corporation ("Howard"), a subsidiary of Republic, of the Uptown Shopping Center, Shreveport, Louisiana ("Uptown") is necessary or appropriate to effectuate section 4 of the Bank Holding Company Act (12 U.S.C. 1843 et seq.) ("BHC Act"). Howard proposes to sell Uptown to Hexalon B.V., a Netherland corporation ("Hexalon"). As consideration, Hexalon will assume the payment of the unpaid balances totalling $3,075,000 owed by Howard on two notes dated May 26, 1966, to Lincoln National Life Insurance Company.

In connection with this request, the following information is deemed relevant for purposes of issuing the requested certification: [1]

1. On July 7, 1970, Republic National Bank of Dallas ("Old Republic Bank"), a national banking association, indirectly controlled 29.9 percent of the outstanding voting shares of Oak Cliff Bank and Trust Company, Dallas, Texas ("Oak Cliff Bank").

2. On July 7, 1970, Old Republic Bank indirectly controlled, through Howard, a trusteed affiliate, property the disposition of which would be necessary or appropriate to effectuate section 4 of the BHC Act if Old Republic Bank were to continue to be a bank holding company beyond December 331, 1980, which property is "prohibited property" within the meaning of section 1103(c) of the Code.

3. Old Republic Bank became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its indirect control at that time of more than 25 percent of the outstanding voting shares of Oak Cliff Bank, and it registered as such with the Board on September 24, 1971.

4. Republic is a corporation that was organized under the laws of the State of Delaware on July 12, 1972, for the purpose of effecting the reorganization of Old Republic Bank into a subsidiary of Republic.

5. On September 10, 1973, the Board ruled that in the event Republic were to become a bank holding company through the acquisition of the successor by merger to Old Republic Bank, Republic would not be regarded as a "successor" to Old Republic as defined in section 2(e) of the BHC Act for the purposes of section 2(a)(6) of the BHC Act, or as a "company covered in 1970," as that term is defined in the BHC Act, and that Republic was not entitled to the benefit of any grandfather privileges that Old Republic Bank may have possessed pursuant to the proviso in section 4(a)(2) of the BHC Act.

6. By Order dated October 25, 1973, the Board approved Republic's application under section 3(a)(1) of the BHC Act to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Old Republic Bank and the indirect acquisition of control of 29.9 percent of the voting shares of Oak Cliff Bank. Pursuant to the provisions of section 4(a)(2) of the BHC Act, Republic was required by that order to divest itself, within two years from the date as of which it would become a bank holding company, of the impermissible nonbanking interests that would be directly or indirectly controlled by the successor by merger to Old Republic Bank, including such impermissible interests held by Howard.

7. On May 9, 1974, in a transaction described in section 368(a)(1)(A) and section 368(a)(2)(D) of the Code, Old Republic Bank was merged into the present Republic National Bank of Dallas ("New Republic Bank"), a national banking association which was a wholly-owned subsidiary (except for directors' qualifying shares) of Republic. New Republic Bank thereby acquired substantially all of the properties of Old Republic Bank and Republic thereupon became a bank holding company. By virtue of two one-year extensions granted by the Board, Republic presently has until May 9, 1978, to complete the divestitures required by the Board's Order of October 25, 1973.

8. As part of the same transaction by which Republic became a bank holding company, in a transaction to which section 351 of the Code applied, Republic acquired beneficial interests in the shares of Howard held by trustees for the benefit of shareholders of New Republic Bank, which shares are shares described in section 2(g)(2) of the BHC Act.

9. Uptown was acquired by Howard on May 26, 1966, and is a part of the property of Howard in which Republic acquired a beneficial interest pursuant to section 2(g)(2) of the BHC Act.

On the basis of the foregoing information, it is hereby certified that:

(A) Prior to May 9, 1974, Old Republic Bank was a "qualified bank holding corporation," within the meaning of subsection (b) of section 1103 of the Code, and satisfied the requirements of that subsection.

(B) New Republic Bank is a corporation that acquired substantially all of the properties of a qualified bank holding corporation, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(C) Republic is a corporation in control (within the meaning of section 2(a)(2) of the BHC Act) of New Republic Bank, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(D) Howard is a subsidiary (within the meaning of section 2(d) of the BHC Act) of Republic, and as such it treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(E) Uptown is "prohibited property" for the purposes of section 6158 of the Code; and

(F) the sale of Uptown is necessary or appropriate to effectuate section 4 of the BHC Act.

This certification is based upon the representations made to the Board by Republic and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by Republic, or that Republic has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(B)(3)), effective April 15, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11619 Filed 4-20-77;8:45 am]

[1] This information derives from Republic's correspondence with the Board concerning its request for this certification, Republic's Registration Statement filed with the Board pursuant to the BHC Act as well as the Registration Statement of Republic National Bank and other records of the Board.

[H. 2, 1977 No. 14]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending April 2, 1977

ACTIONS OF THE BOARD

Statement by Charles J. Partee, before the Subcommittee on Domestic Monetary Policy of the House Committee on banking, Finance and Urban Affairs on the implications of U.S. Treasury financing requirements for monetary policy.

Statement by David M. Lilly, before the Subcommittee on Economic Stabilization of the House Banking, Finance and Urban Affairs Committee regarding Federal Government loan guarantees.

System-wide program designed to improve compliance by member banks with consumer credit protection laws and regulations.

Interpretations of Regulation C, Home Mortgage Disclosure, the first interpretation permits a depository subsidiary as a distinct, unaffiliated entity for disclosure purposes; the second interpretation clarifies the disclosure requirements after a depository institution's loss of exemption (Docket No. R-0092).

Pooled time deposits, the Board announced it has determined not to adopt at this time a regulatory proposal to prohibit member banks from paying interest on pooled time deposits of $100,000 or more at a rate above Regulation Q ceilings.

Interpretation of Regulation Z, stating that the amount of a dealer's participation in the finance charge on the credit purchase of an automobile or other durable goods need not be disclosed as a separate part of the finance charge (Docket No. R-0053).

First Financial National Bank of Tampa, Hillsborough County, Florida, proposed merger with First National Bank of Florida, Tampa, Florida; issuance of order.

Banks of Iowa, Inc., Cedar Rapids, Iowa, extension of time to July 18, 1977, within which to acquire 80 percent or more of the voting shares of First Trust & Savings Bank, Davenport, Iowa.[1]

First Okmulgee Corporation, Okmulgee, Oklahoma, extension of time to June 30, 1977, within which to consummate the acquisition of The First National Bank & Trust Company, Okmulgee, Oklahoma.[1]

U.S. Bancorp, Portland, Oregon, extension of time to April 26, 1978, within which to acquire all the shares of Bancorp Investments, Limited, London, England.[1]

Arkansas Bank and Trust Company, Hot Springs, Arkansas, to make an additional investment in bank premises.[1]

Walker Bank & Trust Company, Salt Lake City, Utah, extension of time to November 13, 1977, within which to establish a branch in the vicinity of 7800 South 1700 West Jordan, Salt Lake City, Utah.[1]

First National Bank of Mexico, Mexico, New York, proposed merger with The National Bank of Northern New York, Watertown, New York; report to the Comptroller of the Currency on competitive factors.[1]

Second National Bank of Lakeland, Lakeland, Florida, proposed merger with First National Bank of Lakeland, Lakeland, Florida; report to the Comptroller of the Currency on competitive factors.[1]

United Jersey Bank/Ridgewood, Ridgewood, New Jersey, proposed merger with Peoples Bank, Montvale, New Jersey; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

APPROVED

Valley Bank of Nevada, Las Vegas, Nevada. Branch to be established on the South East Corner of Moana Land and Kietzke Lane, Reno.[2]

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Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

APPROVED

Continental Illinois Bank & Trust Company of Chicago: re—Branch—additional in Dusseldorf, Federal Republic of Germany.

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International Investments and Other Actions Pursuant to Sections 25 and 25 (a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Citibank Overseas Investment Corporation: re—Investment—additional in FNCB-Waltons Corporation Limited, Sydney, Australia, in order to maintain its current 50 percent interest.

Irving International Financing Corporation: re—Investment—additional in Australian International Finance Corporation, Melbourne, Australia.

Fidelity Bank: re—Removal of Standard Subsidiary conditions: re—Banque De La Mediterranee, S.A.L., Lebanon and Banque De La Mediterranee (France) S.A.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Madelia Bancshares, Inc., Madelia, Minnesota, for approval to acquire 80 percent of the voting shares of Farmers State Bank of Madelia, Incorporated, Madelia, Minnesota.[2]

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

WITHDRAWN

Florida Coast Banks, Inc., Pompano Beach, Florida, for approval to acquire 100 percent of the voting shares of Bank of Cutler Ridge, Cutler Ridge, Florida.

Florida Coast Banks, Inc., Pompano Beach, Florida, for approval to acquire 100 percent of the voting shares of Bank of Perrine, Perrine, Florida.

APPROVED

Trust Company of Georgia, Atlanta, Georgia, for approval to acquire 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to The First National Bank of Brunswick, Brunswick, Georgia.

Texas Commerce Bankcshares, Inc., Houston, Texas, for approval to acquire 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to Southern Bank and Trust Company, Garland, Texas.

The Sumitomo Bank, Limited, Osaka, Japan, for approval to acquire additional voting shares of Central Pacific Bank, Honolulu, Hawaii.

DENIED

Commerce Bancshares, Inc., Kansas City, Missouri, for approval to acquire 51.96 percent of the voting shares of Farmers State Bank, St. Joseph, Missouri, St. Joseph, Missouri.

To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

WITHDRAWN

Citicorp, New York, New York, notification of intent to engage in de novo activities (operating as an industrial loan company pursuant to the Utah Industrial Loan Law issuing thrift passbook certificates; if this proposal is effected, the establishment will also be known as Citicorp Person-to-Person Financial Center of Utah) at University Mall, Suite C–52, Orem, Utah, through its subsidiary, Nationwide Financial Services Corporation, presently operating as Citicorp Person-to-Person Financial Center (March 29, 1977).[3]

Citicorp, New York, New York, notification of intent to engage in de nova activities (operating as an industrial loan company pursuant to the Utah Industrial Loan Law issuing thrift certificates and thrift passbook certificates; if this proposal is effected, the establishment will also be known as Citicorp Person-to-Person Financial Center of Utah) at 432 Main Street, Vernal, Utah, through its subsidiary, Nationwide Financial Services Corporation, presently operating as Citicorp Person-to-Person Financial Center (March 29, 1977).[3]

DELAYED

Fulton National Corporation, Atlanta, Georgia, notification of intent to engage in de nova activities (the sale of insurance directly related to extensions of credit including property and liability insurance, credit life/accident and health insurance, and homeowners and fire and extended coverage insurance) at 55 Marietta Street N.W., Atlanta, Georgia (March 29, 1977).[3]

PERMITTED

Colonial Bancorp, Inc., Waterbury, Connecticut, notification of intent to engage in de nova activities (making extensions of credit to individuals and corporations to finance payment of casualty, liability and other insurance premiums to process, service, collect, and provide other support services with respect to such extensions of credit to finance insurance premiums to carry on administrative activities with respect to the internal administration of said subsidiary other than those covered under the previous two) at 129 Church Street, New Haven, Connecticut, through a subsidiary, Policy Advancing Corp. (April 2, 1977).[3]

Northeast Bankshare Association, Lewiston, Maine, notification of intent to engage in de novo activities (the marketing of automated payroll accounting, correspondent banking accounting services, check reconciliation and receivables accounting as well as electronic funds transfer services, and incidental to these activities the sale of express computer processing time) at 35 Ash Street, Lewiston, Maine and 2 State Street, Bangor, Maine, through a subsidiary, Northeast Data Processing Corp. (April 1, 1977).[3]

Chemical New York Corporation, New York, New York, notification of intent to relocate de novo activities (leasing real and personal property and equipment on a nonoperating, full payout basis and acting as agent, broker, and adviser with respect to such leases; financing real and personal property and equipment such as would be done by commercial finance company; and servicing such extensions of credit) from 1111 West Mockingbird Lane, Suite 910, Dallas, Texas to 2775 Villa Creek Drive, Dallas, Texas, through its subsidiary, ChemLease, Inc. (March 26, 1977).[3]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; and acting as broker for the sale of consumer credit related life/accident and health insurance and consumer credit related property and casualty insurance; if this proposal is effected, Nationwide Financial Corporation of Nevada will offer to sell insurance as follows: group credit life/accident and health insurance to cover the outstanding balances of loans to borrowers in the event of their death, or, to make the contractual monthly payments on the loans in the event of the borrowers' disability; individual physical damage insurance on personal property subject to security agreements including liability only when such insurance is sold as part of an insurance package on such property; further, in regard to the sale of credit related insurance, Nationwide Financial Corporation of Nevada will not act as a general insurance agency) from 390 N. Virginia Street, Reno, Nevada to 151 North Rock Boulevard, Sparks, Nevada, through its subsidiary, Nationwide Financial Service Corporation and its subsidiary, Nationwide Financial Corporation of Nevada (March 29, 1977).[3]

Midlantic Banks, Inc., West Orange, New Jersey, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as a factoring company; leasing personal property and equipment on a full payout basis or acting as agent, broker, or adviser in the leasing thereof; and servicing loans and other extensions of credit for any person) from 2 Broad Street, Bloomfield, New Jersey to 400 Broad Acres Drive, Bloomfield, New Jersey, through its subsidiary, Midlantic Commercial Co. (April 1, 1967).[3]

New Jersey National Corporation, Trenton, New Jersey, notification of intent to engage in de novo activities (selling credit life/accident and health insurance related to the mortgage lending and mortgage loan servicing business of Underwood Mortgage and Title Company) at 1150 Springfield Avenue, Irvington, New Jersey, through its subsidiary, Underwood Mortgage and Title Company (March 27, 1977).[3]

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in de novo activities (making installment loans for personal, family, and household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, and household goods or services; selling credit life insurance, including joint life insurance and credit accident and health insurance in connection with certain installment loans made and sales finance contracts purchased and reinsuring such insurance through Patrick Henry Life Insurance Company and Patrick Henry Insurance Company, indirect subsidiaries of Philadelphia National Corporation; and generally engaging in the business of a consumer finance company) at Millcreek Shopping Center, 4565 Kirkwood Highway, Wilmington, Delaware, through a newly formed indirect subsidiary, Signal Finance of Wilmington, Inc. (March 27, 1977).[3]

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (leasing of personal property and equipment, or acting as agent, broker, or adviser in leasing such property; term financing using conditional sales contracts as security agreements; and making or acquiring, loans or participations in loans or other extensions of credit including construction loans and other mortgage loans on residential, multifamily and commercial real estate) at Raleigh and Durham, North Carolina, through its subsidiary, Equitable Leasing Corporation (March 31, 1977).[3]

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (making mortgage loans principally secured by second mortgages on residential and commercial real estate and such other incidental activities as may be necessary to the business of making such loans; including acting as agent for the sale of credit life, credit disability, mortgage redemption, and mortgage cancellation insurance in connection with the making of such loans) at 150 Tri-County Parkway, Suite 105, Cincinnati, Ohio, through its subsidiary, First Realty Mortgage Corporation, d.b.a. First & Merchants Mortgage Corporation (March 31, 1977).[3]

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services) at 211 East Silver Springs Boulevard, Ocala, 7007 NW. 77th Avenue, Miami, and 825 Broadway, Dunedin, all located in Florida, through a subsidiary, Sunbank Data Corporation (March 30, 1977).[3]

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (the business of acting as agent or broker for the sale of credit life/accident and health insurance directly related to extensions of credit by the bank holding company and/or its banking and nonbanking subsidiaries) at 15 West Church Street, Orlando, Florida, through a subsidiary, Sunbank Agency, Inc. (April 2, 1977).[3]

Michigan National Corporation, Bloomfield Hills, Michigan, notification of intent to engage in de novo activities (leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease; leasing real property or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction will be to compensate the lessor for not less than the lessor's full investment in the property over the term of the lease; financing personal property and equipment by making or acquiring, for its own account or for the account of others, loans and other extensions of credit including accepting drafts such as would be made by a finance company) at 38200 W. Ten Mile Road, Farmington Hills, Michigan and 77 Monroe Street, N.W., Grand Rapids, Michigan, through its subsidiary, MNC Leasing Co. (March 28, 1977).[3]

Nortrust Corporation, Chicago, Illinois, notification of intent to engage in de novo activities (performing or carrying on any one or more functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency or custodian nature and acting as investment or financial adviser in the manner authorized by State law but without power to accept deposits or make commercial loans) at 1390 Main Street, Sarasota, Florida, through its subsidiary, Security Trust Company of Sarasota, N.A. (March 31, 1977).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extending credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not be limited to, making consumer installment loans and purchasing installment sales finance contracts and making loans to small businesses and extensions of credit secured by personal property; FinanceAmerica Mortgage Services Inc. will engage in making loans secured by real property; both corporations will act as agent or broker for the sale of credit related life, credit related accident and disability insurance and credit related property insurance in connection with extensions of credit by FinanceAmerica Corporation and FinanceAmerica Mortgage Services Inc.) from 144 Sunset Avenue to 1501 North Fayetteville Street, Ashboro, North Carolina, through its indirect subsidiaries, FinanceAmerica Corporation (a North Carolina Corporation) and FinanceAmerica Mortgage Services Inc. (a New Hampshire Corporation), subsidiaries of FinanceAmerica Corporation (3/28/-77).[3]

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

WITHDRAWN

Heights Finance Corporation, Peoria, Illinois, notification of intent to acquire all of the direct loan and sales finance receivables of Montgomery County Loan Company, Hillsboro, Illinois (3/29/77).[3]

PERMITTED

Warner Communications Inc., New York, New York, notification of intent to acquire not less than 80 percent and possibly up to 100 percent of the capital stock of the following three corporations: Real Estate Maintenance, Inc., Maintenance, Inc., and Imperial Elevator Company, all located in Philadelphia, Pennsylvania, through its subsidiary, National Kinney Corp. (3/31/-77).[3]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Salamanca Trust Company, Salamanca, New York. Branch to be established at 54 Washington Street, Ellicottville.

Security Bank and Trust Company, Southgate, Michigan. Branch to be established in the vicinity of Canton Center and Warren Roads, Canton Township, Wayne County.

Elliot State Bank, Jacksonville, Illinois. Branch to be established at West Morton Street, Jacksonville, Morgan County.

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To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

The Hinsdale Capital Corporation, Chicago, Illinois, for approval to acquire 80 per cent or more of the voting shares of The First National Bank of Hinsdale, Hinsdale, Illinois.

Security Bancshares, Inc., Shenandoah, Iowa, for approval to acquire 84.39 per cent of the voting shares of The Security Trust and Savings Bank, Shenandoah, Iowa.

Maryville Bancshares, Inc., Kansas City, Missouri, for approval to acquire 94 per cent or more of the voting shares of Citizens State Bank of Maryville, Maryville, Missouri.

Omaha State Corporation, Omaha, Nebraska, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Omaha State Bank, Omaha, Nebraska.

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To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less director's qualifying shares) of Midway National Bank of Grand Prairie, Grand Prairie, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to relocate de novo activities (making or acquiring, for its own account secured and unsecured loans and other extensions of credit such as would be made by a finance company which activities include making direct consumer installment loans and purchasing consumer installment sales finance contracts; providing credit life and credit accident and health insurance in conjunction with the above lending activities, such insurance will be provided only in connection with extensions of credit by Local Loan Co. and its wholly-owned subsidiaries and will be available solely at the option of the borrower and the borrower is advised of this option in advance) from 210 West 7th Street, Los Angeles, California to 410 A North Brand Boulevard, Glendale, California, through its wholly-owned subsidiary, Local Loan Co., Chicago, Illinois (3/30/77).[3]

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to relocate de novo activities (making or acquiring, for its own account secured and unsecured loans and other extensions of credit such as would be made by a finance company which activities include making direct consumer installment sales finance contracts; providing credit life and credit accident and health insurance in conjunction with the above lending activities, such insurance will be provided only in connection with extensions of credit by Mario Financial Fund and its wholly-owned subsidiaries and will be available solely at the option of the borrower and the borrower is advised of this option in advance) from 210 West 7th Street, Los Angeles, California to 410 A North Brand Boulevard, Glendale, California, through its wholly-owned subsidiary, Mario Financial Fund (3/30/77).[3]

Merchants National Corporation, Indianapolis, Indiana, notification of intent to relocate de novo activities (leasing of capital goods and equipment to industry, banks, or others or acting as agent, broker, or adviser in leasing such personal property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) from 3625 N. 16th Street, Phoenix, Arizona to 7806 North 27th Avenue, Phoenix, Arizona, through its subsidiary, Pacific American Leasing Corp. (3/25/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making and acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making loans and other extensions of credit to small businesses and making loans secured by personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation; in addition, FinanceAmerica Corporation, doing business under the fictitious name, FinanceAmerica Mortgage Services Company, proposes to engage in the activity of making and acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making loans and other extensions of credit to small businesses and making loans secured by real property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with the extensions of credit made or acquired by FinanceAmerica Corporation, doing business under the fictitious name, FinanceAmerica Mortgage Services Company) at 6021 West Broad Street Road, Richmond, Virginia, through its indirect subsidiary, FinanceAmerica Corporation (a Virginia Corporation), d/b/a FinanceAmerica Mortgage Services Company, a direct subsidiary of FinanceAmerica Corporation (3/25/77).[3]

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Berkshire Hathway Inc., New Bedford, Massachusetts, notification of intent to acquire more than 5 per cent of Purolator, Inc., Rahway, New Jersey, a courier, armored car and armed guard service, and automotive replacement product distributor (3/31/77).[3]

* * * * *

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Beaver Trust Company, Beaver, Pennsylvania.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System; April 15, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11513 Filed 4-21-77;8:45 am]

FEDERAL TRADE COMMISSION

[File No. 762 3106]

MEN'S WEAR INTERNATIONAL, INC., ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Request for comment on consent agreement.

SUMMARY: This provisional consent agreement contains an order, which if finally issued, would require a New York City importer and distributor of clothing to cease misrepresenting the wool and other fiber content of its wool blend clothing. Further, the order would require the respondent to notify all purchasers of its misbranded products that the clothing purchased had been misbranded.

DATE: Comments must be received on or before June 10, 1977.

ADDRESS: Comment should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Richard A. Givens, Regional Director, FTC New York Regional Office, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007; 212-264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

The Federal Trade Commission having initiated an investigation of certain acts and practices of Men's Wear International, Inc., a corporation, and Leon Rich and Frank Heineman, individually and as officers of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between Men's Wear International, Inc., and by its duly authorized officer, and Leon Rich and Frank Heineman, individually and as officers of said corporation, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Men's Wear International, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 350 Fifth Avenue, New York, New York 10001.

Proposed respondents Leon Rich and Frank Heineman are officers of said corporation. They formulate, direct and control the policies, acts and practices of said corporation, and their address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agree-to-order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports, showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents Men's Wear International, Inc., a corporation, its successors and assigns, and its officers, and Leon Rich and Frank Heineman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Placing nonrequired information on stamps, tags, labels, or other identification affixed to such products that is in any way false, deceptive or misleading.

It is further ordered, That respondents notify by registered mail each of their customers that purchased the wool products which gave rise to this complaint of the fact that government tests have shown such products were misbranded.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each individual respondent named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of his present business or employment, for ten (10) years following the effective date of this order. Such notice shall include respondent's current business address and a description of the business or employment in which he is engaged as well as a description of his duties and responsibilities. The expiration of the notice provisions of this paragraph shall not affect any other obligations arising under this order.

It is further ordered, That the respondents herein shall within (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

[File No. 762 3106]

MEN'S WEAR INTERNATIONAL, INC.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Men's Wear International, Inc., and Leon Rich and Frank Heineman, officers of the company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Men's Wear International, Inc., is a New York corporation and is an importer and distributor of clothing. Frank Heineman is President and Leon Rich is the Secretary of the corporation. They control and are responsible for its acts and practices.

The complaint alleges that the corporation imported wool blend clothing falsely represented to be composed of a substantially greater percentage of woolen fibers than were present therein and sold the clothing with labels misrepresenting the wool content.

The consent order in this matter prohibits Men's Wear International, Inc., and Frank Heineman and Leon Rich from misrepresenting the wool and other fiber content of their wool blend clothing and requires that they notify their customers that the clothing that they have purchased was misbranded.

The order is generally designed to prevent deception as to the wool content of clothing and to protect the corporation's competitors from unfair competition.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11584 Filed 4-20-77; 8:45 am]

[File No. 771 0028]

MINNESOTA STATE MEDICAL ASSOCIATION, ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Request for Comment.

SUMMARY: This provisional consent order requires a St. Paul, Minn., medical association and its component societies, among other things to cease publishing, distributing or contributing to the development of relative value scales and monetary conversion factors which tend to establish prices or otherwise influence fees for medical and surgical services. Further, respondents are required to withdraw such material which has already been published or circulated, and to send copies of the complaint and order to their member societies.

DATE: Comments must be received on or before June 20, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Owen M. Johnson, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in ac-

cordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 771 0028]

MINNESOTA STATE MEDICAL ASSOCIATION, ET AL.

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Minnesota State Medical Association, a corporation; and Clay-Becker County Medical Society, the Freeborn County Medical Society, Headwaters Medical Society, Hennepin County Medical Society, McLeod County Medical Society, Minnesota Southwestern Medical Society (d/b/a Blue Earth County Medical Society), Ramsey County Medical Society, Scott-Carver County Medical Society, Stearns-Benton County Medical Society, Steele County Medical Society, Upper Mississippi Medical Society, Wabasha County Medical Society, Winona County Medical Society, Inc., corporations; and Blue Earth Valley Medical Society, Brown County Medical Society, Camp Release District Medical Society, East Central Minnesota Medical Society, Goodhue County Medical Society, Lyon-Lincoln County Medical Society, Mid Minnesota Medical Society, Mower County Medical Society, Nicollet-Le Sueur County Medical Society, Park Region District and County Medical Society, Range Medical Society, Red River Valley Medical Society, Rice County Medical Society, St. Louis County Medical Society, Sibley County Medical Society, Southwestern Minnesota Medical Society, Wakota Medical Society, Waseca County Medical Society, West Central Medical Society, Wright County Medical Society, Zumbro Valley Medical Society, unincorporated associations.

The Federal Trade Commission having initiated an investigation of certain activities of the Minnesota State Medical Association ("MSMA"), a corporation, and of the component medical societies chartered by MSMA ("component societies"), as named in the caption hereof, and MSMA and the component societies having determined that they no longer desire to continue such activities and being willing to enter into an agreement to cease and desist from said activities:

It is hereby agreed by and between the Minnesota State Medical Association and the component societies, by their duly authorized officers and their attorneys, and counsel for the Federal Trade Commission that:

1. MSMA is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 101 East Fifth Street, St. Paul, Minnesota 55101.

2. The component societies as listed and further described below are corporations and unincorporated associations chartered by MSMA on a county or district basis.

Respondent, Clay-Becker County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 124 E. Frazee Street, Detroit Lakes, Minnesota 56501.

Respondent, The Freeborn County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 210 N. St. Mary, Albert Lea, Minnesota 56007.

Respondent, Headquarters Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Bemidji Clinic, Ltd., Bemidji, Minnesota 56601.

Respondent, Hennepin County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 20 S. Washington Avenue, Minneapolis, Minnesota 55401.

Respondent, McLeod County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 126 N. Franklin, Hutchinson, Minnesota 55350.

Respondent, Minnesota Southwestern Medical Society (d/b/a Blue Earth County Medical Society), is a coporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Box 589, Lake Crystal, Minnesota 56055.

Respondent, Ramsey County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 3220 Bellaire Avenue, White Bear Lake, Minnesota 55110.

Respondent, Scott-Carver County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Shakopee Medical Center, Shakopee, Minnesota 55329.

Respondent, Stearns-Benton County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Doctors' Park, St. Cloud, Minnesota 56301.

Respondent, Steele County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 920 S. Cedar, Owatonna, Minnesota 55060.

Respondent, Upper Mississippi Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 302 3rd Avenue NE., Little Falls, Minnesota 56345.

Respondent, Wabasha County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Community Clinic, Wabasha, Minnesota 55981.

Respondent, Winona County Medical Society, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Winona Clinic, Winona, Minnesota 55987.

Respondent, Blue Earth Valley Medical Society, is an unincorporated association having its principal office at 117 W. 5th Street, Blue Earth, Minnesota 56013.

Respondent, Brown County Medical Society, is an unincorporated association having its principal office at New Ulm Medical Clinic, New Ulm, Minnesota 56073.

Respondent, Camp Release District Medical Society, is an unincorporated association having its principal office at Dawson Clinic, Dawson, Minnesota 56232.

Respondent, East Central Minnesota Medical Society, is an unincorporated association having its principal office at Chisago Lakes Medical Center, Chisago City, Minnesota 55013.

Respondent, Goodhue County Medical Society, is an unincorporated association having its principal office at Interstate Clinic, Red Wing, Minnesota 55066.

Respondent, Lyon-Lincoln County Medical Society, is an unincorporated association having its principal office at 508 E. College Drive, Marshall, Minnesota 56258.

Respondent, Mid Minnesota Medical Society, is an unincorporated association having its principal office at Willmar Medical Center, 101 Willmar Avenue, Willmar, Minnesota 56201.

Respondent, Mower County Medical Society, is an unincorporated association having its principal office at Suite 115, 100 Building, Austin, Minnesota 55912.

Respondent, Nicollet-Le Sueur County Medical Society, is an unincorporated association having its principal office at 622 Sunrise Drive, St. Peter, Minnesota 56082.

Respondent, Park Region District and County Medical Society, is an unincorporated association having its principal office at 615 S. Mill, Fergus Falls, Minnesota 56537.

Respondent, Range Medical Society, is an unincorporated association with its principal office located at 429 3rd Street, International Falls, Minnesota 56649.

Respondent, Red River Valley Medical Society, is an unincorporated association with its principal office at R.R. No. 2, Box 72, E. Grand Forks, Minnesota 58721.

Respondent, Rice County Medical Society, is an unincorporated association with its principal office at 924 NE., First Street, Faribault, Minnesota 55021.

Respondent, St. Louis County Medical Society, is an unincorporated association with its principal office at 302 Medical Arts Building, Duluth, Minnesota 55802.

Respondent, Sibley County Medical Society, is an unincorporated association with its principal office at Arlington Clinic, Arlington, Minnesota 55307.

Respondent, Southwestern Minnesota Medical Society, is an unincorporated association with its principal office at 215 N. Cedar, Luverne, Minnesota 56156.

Respondent, Wakota Medical Society, is an unincorporated association with its principal office at 305 S. Greeley St., Stillwater, Minnesota 55082.

Respondent, Waseca County Medical Society, is an unincorporated association with its principal office at 312 N. Main, Janesville, Minnesota 56048.

Respondent, West Central Minnesota Medical Society, is an unincorporated association with its principal office at 23 Montana, Morris, Minnesota 56267.

Respondent, Wright County Medical Society, is an unincorporated association with its principal office at 207 First Street S., Buffalo, Minnesota 55313.

Respondent, Zumbro Valley Medical Society, is an unincorporated association with its principal office at Olmsted Medical Group, Rochester, Minnesota 55901.

3. Only for the purpose of this proceeding, and for compliance and enforcement proceedings under the order contemplated hereby, MSMA and the component societies individually and severally admit all the jurisdictional allegations set forth in the draft of the complaint here attached and waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of this proceeding unless and until it is accepted by the Commission. The Commission may (1) accept the agreement; (2) reject it and issue a complaint for adjudication; or (3) take such other action as it may deem appropriate. If this agreement is accepted, the Commission will place said agreement on the public record, and at the same time will make available an explanation of the provisions of the order and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the order. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate, the Commission may withdraw its acceptance of this agreement and so notify MSMA and the component societies, in which event the Commission will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require), and decision, in disposition of the proceedings.

5. This agreement is for settlement purposes only and does not constitute an admission by MSMA or any of the component societies that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to MSMA or any of the component societies, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached, and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so issued, the order to cease and desist shall have the same force and effect as, and may be altered, modified, or set aside in the same manner and within the same time as provided by the statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to MSMA and the component societies at the addresses stated in this agreement shall constitute service. MSMA and the component societies waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or this agreement may be used to vary or contradict the terms of the order.

7. MSMA and each of the component societies has read the proposed complaint and order contemplated hereby and understands that once the order has been issued, MSMA and each of the component societies will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by then-existing law for each violation of the order after it becomes final.

8. Nothing in this agreement shall affect any complaint of order which the Commission may issue with respect to MSMA or any one or more of the component societies if this agreement is not accepted by the Commission.

ORDER

I

A. The term "relative value scale" means any list, compilation, or schedule which sets forth comparative numerical values for procedures performed and/or services rendered by physicans and other health care practitioners, without regard to whether those values are expressed in monetary or nonmonetary terms.

B. The term "conversion factor" means any monetary value multiplier used or intended to be used to convert monetary values in a relative value scale to monetary fees.

C. The term "MSMA" means the Minnesota State Medical Association.

D. The term "component society" means a county or district medical society chartered by MSMA.

E. The term "effective date of this order" means the date of service of this order.

II

It is ordered, That MSMA and each of the component societies, the successors, or assigns, and the officers, agents, representatives and employees of each of them, directly or through any corporation, subsidiary, division or other device, shall:

A. Cease and desist from directly or indirectly initiating, originating, developing, publishing, or circulating the whole or any part of any proposed or existing relative value scale(s);

B. Cease and desist from directly or indirectly advising in favor of or against the use of, or contributing to the whole or any part of any proposed or existing relative value scale(s);

C. Cease and desist from directly or indirectly initiating, originating, developing, publishing, circulating, adopting, contributing to, recomending, suggesting, or advising in favor of or against the use of, any and all conversion factors applicable or prospectively applicable to the whole or any part of any existing or proposed relative value scale(s); and

D. Permanently cancel, repeal, abrogate, and withdraw any and all relative value scales and conversion factors which any of them has heretofore initiated, originated, developed, published, circulated, adopted, advised in favor of, recommended, suggested, or contributed to.

Provided, however, That nothing contained in this order shall prohibit MSMA or any component society, or any officer, agent, representative, or employee of MSMA or any component society from furnishing testimony to any government body, committee, or instrumentality, or from furnishing to any third party or government body, committee, or instrumentality such information as may be requested; to the extent, however, that such information or testimony may bear directly or indirectly on compensation levels for procedures performed and/or services rendered by physicians and other health care practitioners, it shall be limited to historical data, free of editing or interpretation, and shall be completely described as to methodology; and

Provided further, That nothing contained in this order shall prohibit MSMA or any component society from initiating, originating, developing, publishing, circulating, adopting, contributing to, recommending, suggesting, or advising in favor of or against the use of any list or compilation of standardized terminology describing procedures performed and/or services rendered by physicians and other health care practitioners, so long as such list or compilation does not

directly or indirectly set forth absolute or comparative numerical values for any such procedures or services.

III

It is further ordered, That MSMA shall, within thirty (30) days after the effective date of this order, distribute by mail a copy of the Commission's complaint and order in this matter, as well as a letter, in the form shown as Appendix "A" to this order, to each of its members (except service active members and associate active members) and to each other recipient known to it of any edition or version of the Minnesota Relative Value Index, instructing such members and recipients to return to MSMA all copies of the Minnesota Relative Value Index in their possession, including all supplements, addenda, and additions thereto.

IV

It is further ordered, That, subsequent to the effective date of this order, MSMA shall not charter any component society or other medical society unless the charter of such component society or other medical society incorporates in substance the prohibitions and requirements contained in Paragraph II of this order.

V

It is further ordered, That MSMA and each component society shall notify the Commission at least thirty (30) days prior to any proposed change in its organization which might affect compliance obligations under this order, such as, but not limited to, dissolution, the emergence of a successor corporation, association, or society, and the creation and/or dissolution of component societies.

VI

It is further ordered, That MSMA and each component society shall, within sixty (60) days after the effective date of this order, file with the Commission a written report showing in detail the manner and form of its compliance with each of the provisions of the order.

VII

Nothing in this order shall be construed to exempt MSMA or any component society from complying with the antitrust laws or the Federal Trade Commission Act. The fact that any activity is not prohibited by this order shall not bar a challenge to it under such laws.

APPENDIX A

(MSMA LETTERHEAD)

TO: MSMA members and recipients of the Minnesota Relative Value Index.

As you may be aware, the FTC has been investigating activities of MSMA and the component societies involving the development and use of the Minnesota Relative Value Index. The Council of the Association and the component societies no longer desire to continue such activities and have entered into an agreement with the Federal Trade Commission to discontinue all Relative Value Index activities.

This agreement resulted in the issuance by the Federal Trade Commission on ---------- of a complaint and the entry of a consent order which requires, in essence, that MSMA and the component societies:

(a) Cease publishing and participating in the development of relative value indices;

(b) Refrain from publishing, recommending, or suggesting dollar conversion factors applicable to relative value indices

(c) Withdraw the relative value indices and any conversion factors which have already been published or recommended;

(d) Distribute a copy of the complaint and consent order to MSMA members and to every recipient of the Minnesota Relative Value Index; and

(e) Instruct all recipients of the Minnesota Relative Value Index to return them, with all supplements, addenda, and additions thereto, to MSMA.

The complaint of the FTC alleges basically that the MSMA Relative Value Index and the adoption of uniform conversion factors have the effect of influencing fees charged by physicians. However, the consent agreement with the FTC states that it does not constitute an admission by MSMA or any component society that the law has been violated, and that it is for settlement purposes only.

In accordance with the provisions of the FTC's order, you are to cease using and are to return all copies of any edition of the Minnesota Relative Value Index in your possession.

The proper mailing address is: Minnesota State Medical Association, 101 East Fifth Street, St. Paul, Minnesota 55101.

Copies of the FTC's complaint and order are enclosed.

Sincerely,

Chairman of the Council.

ANALYSIS TO FACILITATE PUBLIC COMMENT ON PROPOSED CONSENT ORDER

The Federal Trade Commission has accepted an agreement containing a proposed consent order from the Minnesota State Medical Association ("MSMA") and the 34 county and district component societies chartered by MSMA ("component societies"). The agreement culminates an investigation conducted pursuant to File No. 771–0028.

The Minnesota State Medical Association is a corporation with about 5000 members. It is governed by an elected House of Delegates, which in turn elects Councilors and officers who together constitute the Council of MSMA, which manages the affairs of the Association between sessions of the House of Delegates. Active membership in MSMA is open to licensed physicians, residents, interns, medical students, and members of non-medical health professions allied with medicine.

According to a complaint proposed by the Commission's staff, MSMA, since 1959, has allegedly "prepared, published, and circulated to its members and others two editions" of a "Minnesota Relative Value Index," which sets out comparative numerical values for various medical procedures or services performed by physicians and other health care practitioners, which could be converted into a fee schedule by the application of a monetary conversion factor. The proposed complaint further alleges that MSMA component (county medical) societies have adopted, published, circulated, or suggested such monetary conversion factors to their individual members at various times since 1961. The complaint alleges that these activities have established, maintained, or otherwise influenced fees charged health care consumers in violation of the FTC Act.

The proposed order would require the respondents to:

(a) Cease publishing or participating in the development of relative value scales; [1]

(b) Cease adopting or recommending conversion factors; and

(c) Withdraw the relative value scales already published and withdraw and abrogate conversion factors already adopted or suggested.

In addition, MSMA would be required to distribute a copy of the complaint and order to each of its members [2] and to all other recipients to return such relative value scales to it. MSMA would not be permitted to charter any new component societies unless the charter of each such society incorporates in substance the prohibitions against relative value scale and conversion factor activities contained in the order.

The order would also require MSMA and its component societies to, within sixty (60) days of the effective date of the order, file with the Commission individual written reports showing in detail the manner and form of their compliance. Moreover, MSMA and the component societies would be required to notify the Commission at least thirty (30) days prior to any proposed change in their organization which might affect their obligations under the order. Finally, the order contains a provision affirming that activities not specifically encompassed by the order would nonetheless be subject to challenge under the antitrust laws or the Federal Trade Commission Act.

This analysis is intended to encourage public comment; it does not constitute an official interpretation of the agreement and proposed order or a modification of their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–11583 Filed 4–20–77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 14, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on theproposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 9, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests an extension no change clearance of Part 73 of FCC rules and regulations entitled Standard Broadcast and FM Station Program Logging Rules. Part 73 requires licensees or permittees of each standard broadcast station and each FM station to maintain program, operating, and maintenance logs setting forth specified information. FCC estimates respondents to number approximately 4,163 and recordkeeping burden to average 4,380 hours annually per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77–11532 Filed 4–20–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ELEMENTARY AND SECONDARY EDUCATION

Utah, Audit Appeal Application

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Utah and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board.

The appeal involves the allowability of specified expenditures of funds under Title I of the Elementary and Secondary Education Act during the period of September 1, 1967, through August 31, 1972, by the State Education Agency and the local school districts of San Juan, Daggett, Murray, Weber, and Iron.

The total amount involved in this audit appeal is $112,244. The Audit Control Number is 60001–08, and the Docket Number is 15–(30)–76.

The Prehearing Conference will be held at 10:30 a.m. on June 16, 1977, in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before June 1, 1977.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Number 13.428, Educationally Deprived Children, Local Educational Agencies.)

Dated: April 13, 1977.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77–11361 Filed 4–20–77;8:45 am]

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education National Advisory Council on Women's Educational Programs.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the Public Information Committee of the National Advisory Council on Women's Educational Programs. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463). This document is intended to notify the general public of their opportunity to attend.

DATE: May 9, 1977, 1 to 6 p.m.

ADDRESS: Ramada Inn, 6833 Main Street, Scottsdale, Arizona.

FOR FURTHER INFORMATION CONTACT:

Kathy Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street, NW., No. 821, Washington, D.C., 20036, 202–382–3862.

SUPPLEMENTAL INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 93–380, Section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concernnig the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93–380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Section 408 of Public Law 93–380.

The meeting of the Public Information Committee will be open to the public. It will be held on May 9 from 1 p.m. to 6 p.m. at the Ramada Inn, 6833 Main Street, Scottsdale, Arizona. The proposed agenda includes

(1) Discussion of policies and procedures for: (a) news and dissemination projects; (b) public input into the Council; (c) identification of issues for Council attention, and (d) Council publications.

(2) Other business.

(3) Informal exchange with the public (from 5 to 6 p.m.).

Records will be kept of all Council proceedings and will be available for public inspection at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C., on April 18, 1977.

JOY R. SIMONSON,
Executive Director.

[FR Doc.77–11601 Filed 4–20–77;8:45 am]

[Program Announcement No. 13626–771]

Office of Human Development

SPECIAL PROJECTS FOR SERVICES AND FACILITIES

Announcement of Grants for Fiscal Year 1977

The Rehabilitation Services Administration, Office of Human Development, announces that applications will be accepted until June 17, 1977 from State Vocational Rehabilitation Agencies, rehabilitation facilities and other public or nonprofit agencies and organizations wishing to compete for grants in Fiscal Year 1977 under the Rehabilitation Special Projects for Services and Facilities Program authorized by Sections 302(b), 302(c), 304(b)(1), 304(c) and 112 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762).

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and considered for an award.

Regulations applicable to this program were published in the Federal Register

[1] However, MSMA and the component societies may testify before Congressional committees and other government bodies and furnish information to organizations which request it: *Provided*, That any testimony or information relating to fee levels must be limited to historical data, free from editing or interpretation, and fully described as to methodology. They may also publish lists of standardized terminology describing medical services or procedures, so long as the lists do not directly or indirectly set forth absolute or relative values for such services or procedures.

[2] MSMA is not required to send a copy of the complaint and order to its retired members or to members who are serving in the United States armed forces or the public health service or who are engaged in medical missionary work outside the United States.

in Subparts, A, B and C of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR, Part 1362) on November 25, 1975.

Scope of this Program Announcement: This program announcement identifies the general program objectives and funding priorities of the Rehabilitation Special Projects for Services and Facilities Program for Fiscal Year 1977.

A. *Program Purpose.* The purpose of the Rehabilitation Special Projects for Services and Facilities Program is to expand or improve vocational rehabilitation services for the physically and mentally handicapped.

B. *Program Objectives and Eligible Applicants—Section 302(b)—Training Services:* Under this Section grants may be made for projects which are designed to provide vocational training services, leading to maximum employability of handicapped individuals. Emphasis is on training services directed to the most severely disabled.

Application may be made by States and public or private nonprofit organizations and agencies. The rehabilitation facility to be involved in the provision of vocational training services shall:

1. Be a public or private nonprofit rehabilitation facility;

2. Have been in operation at least one year;

3. Provide training courses in occupational skills (with the major portion of each course being provided within the rehabilitation facility) and related services including work evaluation, work testing and job tryouts and the major portion of each of these items with the exception of job tryouts, will be provided within the rehabilitation facility;

4. Meet occupational health and safety standards prescribed by regulations of the Secretary of Labor;

5. Substantially meet any standards for rehabilitation facilities established by the Secretary; and

6. Prepare trainees for gainful employment.

Section 302(c)—Facility Improvement. Facility Improvement grants may be made to analyze, improve and increase professional services, management effectiveness or other operational aspects of rehabilitation facilities affecting the facility's capability to provide employment and services for the handicapped.

Application may be made by any public or private nonprofit rehabilitation facility, or an organization or combination of such facilities which has been in operation for at least twelve months.

Section 304(b)(1)—Severely Disabled. Under this section, grants may be made to support projects and demonstrations, including research and evaluation related to them, to establish programs and facilities which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals. Specific target groups include those individuals with mental illness, older blind individuals, and deaf persons whose maximum vocational potential has not been achieved.

For projects directed toward the mentally ill, priority will be given to those applications which have the following objectives:

1. Cooperative programming involving a State rehabilitation agency and a community mental health center, department of mental health, institution or other treatment resource designed to expand and improve vocational rehabilitation services for people with severe mental illness.

2. Prevention of institutionalization through the development of alternative vocationally-oriented rehabilitation programs in the community.

3. Demonstration of the role and function of a State rehabilitation agency within a system of community support services aimed at assisting individuals currently in institutions to achieve a satisfactory vocational adjustment in a less-restrictive environment.

4. Determination of the special needs in job development, placement, and follow-up services for persons severely handicapped by mental illness.

Any State or other public or nonprofit agency or organization is eligible to apply.

Section 304(c) — Migratory Workers. Under this authority grants may be made for projects or demonstrations which will provide vocational rehabilitation services to migratory agricultural workers or seasonal farmworkers or to members of their families who are with them where such services are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker or seasonal farmworker.

State or local vocational rehabilitation agencies are eligible to apply.

Section 112—Client Assistance. Grants may be made under this section to establish client assistance projects to inform and advise rehabilitation agency clients and client applicants in the project area of all available benefits and, upon request, to assist them in their relationship with the projects, programs or facilities providing services to them.

Application may be made only by State Vocational rehabilitation agencies.

C. *Available Funds.* An estimate of monies available for new or competing extension projects in FY 1977 is as follows: (1) Training Services and Facility Improvement, $892,000; (2) Severely Disabled, $777,000; (3) Migratory Workers, $530,000; and (4) Client Assistance, $316,000. Size of individual grants and number of awards to be made is variable. Applicants are advised to consult with the Regional Office in the Region where the applicant is located before making application to ascertain whether funds will be available in that specific Region for funding new or competing extension applications in FY 1977.

D. *Grantee Share of Project.* It is generally expected that grantees will provide at least some of the total project costs. Applicants for Training Service and Migratory Worker projects will be expected to provide at least 10 percent of total project costs. Applicants for Facility Improvement projects must provide a minimum of 20 percent. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q.

E. *The Application Process.—A-95 Clearinghouse Notice:* In compliance with the Department of Health, Education and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of the intent to apply for Federal Assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, Jan. 10, 1977) for information on how they can meet the A-95 requirements.

State VR Agency Approval. Applicants are advised to consult with their State Vocational Rehabilitation Agency in the initial stages of application development to ensure State Agency requirements are met and approval is obtained. All applications submitted under this program must have State Agency approval before submission to the Rehabilitation Services Administration.

Application Submission. In order to be considered for a grant, all applications must be submitted on standard forms provided for this purpose by the Commissioner in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for the Rehabilitation Special Projects for Services and Facilities Program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two copies of all completed applications, except for applications pursuant to Section 304(b)(1) should be submitted to the Regional Office from which the application was obtained or as otherwise specifically instructed in the application material. Applications for projects pursuant to Section 304(b)(1) should be submitted to the Division of Grants and Contract Management, Office of Human Development, Room 1427, Mary E. Switzer Bldg., 330 "C" Street SW., Washington, D.C. 20201.

Application Consideration. The Director, Office of Rehabilitation Service in the Regional Office or, in the case of projects pursuant to Section 304(b)(1), the Commissioner of Rehabilitation Services determine the final action to be taken with respect to each grant application.

All grant applications are subjected to a competitive review and evaluation conducted by qualified persons outside the cognizant Program Office. The results of the competitive review assist the Director, Office of Rehabilitation Services or the Commissioner's consideration of the competing applications. This consideration also takes into account the comments of the A-95 Clearinghouses, State VR Agencies, the HEW Regional Offices or the headquarters program office. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside the Government.

After the Director, Office of Rehabilitation Services or the Commissioner have reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

Grant Awards. The Director, Office of Rehabilitation Services or the Commissioner make grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation, if any. The initial award also specifies the total project period for which support is contemplated.

F. *Criteria for Review and Evaluation of Applications.* All new and competing extension applications received in response to this announcement will receive a technical review by qualified experts. Applications are evaluated against the following criteria:

1. Project objectives are identical with or are capable of achieving program objectives, as defined in this announcement.

2. Project objectives address priority populations, where applicable.

3. Project procedures are capable of attaining project objectives.

4. Adequate facilities are available to the applicant to carry out the project.

5. Project personnel, actual or proposed, are well trained and qualified.

6. Staffing levels are adequate to carry out the project.

7. The project contains an adequate evaluation component.

8. The project demonstrates the potential for the project to be continued after termination of support.

9. The project demonstrates the potential for project results to be effectively utilized after termination of support.

10. The estimated cost to the Government is reasonable in relation to anticipated project results.

G. *Closing Date for Receipt of Applications.* Applications are due by close of business (COB) on June 17, 1977. Applications will be judged on time if:

1. The application was sent by registered or certified mail not later than June 17 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

2. The application is sent by mail and received on or before the closing date in the Department of Health, Education and Welfare, the Office of Human Development or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mailroom, or

3. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than COB June 17 in any case.

H. *Late Applications.* Late applications are not accepted and applicants are notified accordingly.

I. *Availability of Application Forms.* Application kits which contain the prescribed application forms and information for the applicant may be obtained by writing to the Director, Office of Rehabilitation Services for the Region in which the applicant is located. Addresses are listed below. When requesting application kits, applicants must specify the program (e.g., Section 302(b), 3034(b)(1), etc.) under which they are applying in order to ensure they receive the relevant application material.

J. *Regional Office Addresses:*

REGION I

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

REGION II

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007.

REGION III

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

REGION IV

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 50, 7th Street, NE., Room 362, Atlanta, Ga. 30323.

REGION V

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606.

REGION VI

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Fidelity Union Life Building, Rm. 340, 1511 Bryan Street, Dallas, Texas 75201.

REGION VII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 601 East 12th Street, Kansas City, Missouri 64106.

REGION VIII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, Room 9017, 19th and Stout Streets, Denver, Colorado 80202.

REGION IX

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, 50 Fulton Street, San Francisco, California 94102.

REGION X

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101.

(Catalog of Federal Domestic Assistance Program Number: 13.626 Rehabilitation Services and Facilities—Special Projects.)

Dated: March 30, 1977.

JOSEPH A. MOTTILA,
Acting Commissioner of Rehabilitation Services.

Approved: April 18, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-11571 Filed 4-20-77;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on May 13 and 14, 1977, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including research involving children, compensation of injured research subjects, the Special Study (section 203 of Pub. L. 93-348), the performance of Institutional Review Boards, and the identification of ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer (301-496-7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: April 12, 1977.

MICHAEL S. YESLEY
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.77-11514 Filed 4-20-77;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON NATIONAL HEALTH INSURANCE ISSUES

Establishment

The Secretary of Health, Education, and Welfare has determined the estab-

lishment of the Advisory Committee on National Health Insurance Issues, as identified hereinafter, to be in the public interest, and necessary and appropriate to provide advice to the Secretary and the Department concerning specific issues and policy options relating to National health insurance.

1. *Designation.* Advisory Committee on National Health Insurance Issues.

2. *Duration and Reporting Date.* Unless renewed by appropriate action, the Advisory Committee on National Health Insurance Issues will terminate December 31, 1978. A report of its activities and findings will be submitted to the Secretary not later than January 31, 1978.

3. *Purpose.* To advise the Secretary on alternative proposals to critical issues involved in National health insurance, such as financing systems, reimbursement methods and cost controls, structure of patient payments, relationship with planning agencies, and the role of private health insurance.

4. *Public Hearings.* To provide a forum for many voices which have not been heard before at the National level, the Advisory Committee will conduct hearings acrss the Nation. Notice of such hearings will be provided in the FEDERAL REGISTER and by mail to any individual who submits a written request.

5. *Membership.* Public committee members will be a broadly representative group from all parts of the country, including consumers, physicians, other health profesisonals, labor union representatives, officials of State and local governments, members of the hospital and insurance industries, and representatives of the business community.

6. *Meetings.* Notice of the meetings, to be held not more frequently than once per week, will be given to the public in accordance with the Federal Advisory Committee Act.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-11671 Filed 4-20-77;8:45 am]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Notice

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of March 1977 the following entity has been determined to be a qualified health maintenance organization under section 1310 (d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

NAME, ADDRESS, SERVICE AREA, AND DATE OF QUALIFICATION

(Operational Qualified Health Maintenance Organization: 42 CFR § 110.603(a))

1. Connecticut Health Plan, Inc., 4000 Park Avenue, Bridgeport, Connecticut 06604. Service area: State of Connecticut, the following counties: Fairfield County—Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull. New Haven County—Milford. Date of Qualification: March 15, 1977.

Files containing detailed information regarding qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, at the Office of Quality Standards, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 14A-27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: April 14, 1977.

WILLIAM B. MUNIER, M.D.,
Director,
Office of Quality Standards.

[FR Doc.77-11591 Filed 4-20-77;8:45 am]

Social Security Administration

OFFICE OF ADVANCED SYSTEMS

Statement of Organization, Functions and Delegations of Authority

Part S (formerly Part 4) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). Sections SA-00 through SA-20 of the SSA Statement (40 FR 4473-74, dated January 30, 1975) describe the Mission, Organization, Order of Succession Functions for SSA's Office of the Commissioner (OC). Sections SA-10E and SA-20E of the OC Statement are hereby modified and expanded to reflect the redesignation of the Advanced Operating Systems Staff as the Office of Advanced Systems (OAS) and to reflect the creation of four divisions within OAS. This revised and new material reads as follows:

SECTION SA-10 Office of the Commissioner—(Organization).

E. Office of Advanced Systems: 1. Division of Control, Coordination and Evaluation;
2. Division of Analysis and Design;
3. Division of Development; and
4. Division of Implementation and Testing.

SEC. SA-20 Office of the Commissioner—(Functions).

E. "The Office of Advanced Systems" (OAS) directs and conducts comprehensive, long-range process and systems planning efforts within SSA. It develops the goals, objectives, policies, standards, practices, and timetables for the SSA process and related systems of the future. The Office performs research studies and analyses concerning future SSA program and operational status and requirements over a span of 5-20 years and beyond. It develops and applies measures of systems effectiveness, and directs the evaluation of systems achievements in terms of progress toward attainment of SSA objectives, recommending the adjustment of objectives, methods of attainment and/or timeframes for achievement in light of current events and status. OAS assists the Commissioner and his Executive Staff in structuring the issues and options for long-range system and process developments. It develops and maintains the total SSA systems Master Plan; prepares the system performance and design specifications stemming from the Master Plan; and directs the system and application programming efforts flowing from such specifications.

The Office represents SSA in dealing with other parts of the Department, Federal agencies; and non-Federal organizations, on matters related to advanced process and systems planning. OAS includes the following major components, whose functions are as indicated:

1. Division of Control, Coordination and Evaluation (DCCE). a. Monitors and coordinates all OAS project activities that make a direct contribution to the development of the future process; and serves as a focal point for planning and control efforts involving defining products, describing activities, scheduling, assigning personnel to activities, measuring and reporting performance, and identifying and reporting on problems affecting accomplishment of project goals.

b. Analyzes tasks being performed to determine their relationship to activities identified as necessary to successful project completion; identifies additional project activities that may be required; reviews activities to ensure that they will result in the specific products described in the project objectives; contributes to the definition of objectives of products and activities; documents objectives; determines standards of measurement for accepting products; and reviews products against objectives throughout the project cycle.

c. Tracks and assesses contract and other project activities being performed outside OAS; maintains liaison with program offices within SSA and with higher monitoring authorities outside SSA; prepares a variety of periodic and special reports required by higher monitoring authorities; and makes presentations to Federal, State and local government officials concerning the objectives and programs of the SSA future process.

d. Establishes and operates a mechanism for SSA systems change control and monitoring; analyzes, updates and documents the objectives and operations of existing SSA systems and procedures; evaluates proposals to modify existing systems or to establish new systems or major subsystems under SSA programs and provides objective analyses concerning the consistency of such proposals with the SSA Master Plan; and updates descriptions to clarify the objectives and operations of current programs and systems and to reflect approved changes as they occur.

e. Develops, and monitors compliance with, documentation requirements for all phases of the OAS project.

f. Develops overall cost parameters within constraints and requirements of higher monitoring and fiscal authorities; and performs overall, and specific element, cost/benefit and cost effectiveness analyses to assist in determining choices among alternative systems and process designs and configurations.

2. Division of Analysis and Design (DAD). a. Analyzes the current and projected SSA Mission in terms of the future SSA process; analyzes current systems, policies, programs and operational processes; identifies deficiencies and constructive aspects; and evaluates for consistency with objectives, and systems and operational requirements of the Master Plan.

b. Analyzes and evaluates current law and policy and legislative and policy contingencies for impact on new process design; recommends modifications; and analyzes emergent technological developments for identification of new process design opportunities and constraints.

c. Develops fresh standards of service delivery and defines operational objectives and activities to meet these standards.

d. Prepares and updates the specific objectives and the general systems and operational requirements for the future SSA process; develops user-oriented performance requirements and systems design specifications for application systems and special support systems; develops initial plans for systems implementation; and exercises monitoring and control responsibilities, in conjunction with DCCE, through review of developmental activities performed within SSA and by outside contractors.

3. Division of Development (DD). a. Translates user-oriented systems requirements specifications into specifications for machine-oriented programs and systems; and determines which are appropriate for development within OAS, elsewhere within SSA, or by contract with external sources.

b. Provides technical specifications for ADP hardware and software to be included in Requests for Proposals; evaluates contractor proposals; develops specifications for both SSA and contractor performance of developmental projects; and monitors their performance.

c. Provides machine-oriented design and development of programs and systems determined to be appropriate for development through internal OAS activity.

d. Determines appropriate techniques to incorporate human factors concepts and requirements into the detailed future process specifications; determines effects of future process developments on SSA operational procedures; establishes projects for development of operational procedures; and develops training materials to facilitate personnel adaptation to new systems and procedures.

e. Develops requirements and specifications for modification of SSA facilities to support future process concepts and plans, in close coordination with the Office of Materiel Management (OMM), OMA.

4. Division of Implementation and Testing (DIT). a. Installs and tests all components of the SSA process; assures systems integration; carries out pilot operations and provides post-implementation assistance; assures and tests network integration and security features designed into the process; refines systems and equipment, based on operational findings resulting from live systems tests; and reviews security features for effectiveness.

b. Reviews design products against original performance requirements and reconciles products with each other to assure the synchronization and integration of the flow of data and the coordination of activities in achieving optimum efficiency of the SSA process.

c. Assists in the development of implementation plans and the establishment of priorities, in coordination with DCCE; and provides scheduling data to other OAS components based on coordination with OMA, contractors, and other service and materiel suppliers.

d. Works with OMA in the provision, acquisition and conversion of facilities to meet the conditions and schedules established for project completion.

Dated: April 12, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-11515 Filed 4-20-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Native Claims Selection

[F-033698 through F-033705, F-033707, F-033708, F-14922-A, F-14922-A2]

ALASKA

On March 19, 1965, pusrant to section 6(b) of the Alaska Statehood Act, the State of Alaska filed the following selection applications for the following lands:

Serial Number and Township

F-033698—T. 3 N., R. 45 W., Umiat Meridian
F-033699—T. 3 N., R. 46 W., Umiat Meridian
F-033700—T. 4 N., R. 45 W., Umiat Meridian
F-033701—T. 4 N., R. 46 W., Umiat Meridian
F-033702—T. 5 N., R. 44 W., Umiat Meridian
F-033703—T. 5 N., R. 45 W., Umiat Meridian
F-033704—T. 6 N., R. 43 W., Umiat Meridian
F-033705—T. 6 N., R. 44 W., Umiat Meridian
F-033707—T. 7 N., R. 43 W., Umiat Meridian
F-033708—T. 7 N., R. 44 W., Umiat Meridian

On December 23, 1965, tentative approval was given for the above lands, except that the State's applications were rejected for the lands within Public Land Order 1851 and for 100 acres in and around the village of Point Lay. On June 16, 1972, each application was ameneded to include all land in each township selected, excluding patented lands.

On December 18, 1971, the Alaska Native Claims Settlement Act (85 Stat. 688) became law. Section 11 of the act withdrew all of the above-mentioned townships for possible selection by the village of Point Lay.

On November 15, 1973, Cully Corporation Inc. (The Point Lay village corporation) filed selection application F-14922-A under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971. Section 12(a)(1) provides that village selections shall be made from lands withdrawn by subsection 11(a): "*Provided,* That no Village Corporation may select more than 69,120 acres from lands withdrawn by subsection 11(a)(2)." Subsection 11(a)(2) of the act withdrew for possible selection by the village corporation those lands "that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act."

Village selection application F-14922-A, as amended, has been properly filed, and the lands are available for selection. Those portions of the village selection to be described are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title, other than the above-mentioned State selections.

Accordingly, for the above listed State selections, the tentative approval given in the decision of December 23, 1965, must be and is hereby vacated in part and the applications rejected as to the following described lands. In addition, the surface estate of the following described lands, aggregating approximately 65,624 acres is considered proper for acquisition by the Cully Corporation Inc., and is hereby approved for interim conveyance pursuant to section 14(a) of the act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 3 N., R. 45 W.,
Secs. 3 to 10, inclusive;
Secs. 13 to 23, inclusive;
Secs. 26 to 31, inclusive;
Excluding Kasegaluk Lagoon.
T. 3 N., R. 46 W. (fractional),
All.
T. 4 N., R. 45 W.,
Secs. 1 and 2;
Secs. 3, 4 and 5, excluding PLO 1851, Parcel 1;
Secs. 9 to 15, inclusive;
Sec. 19;
Secs. 21 to 24, inclusive;
Secs. 27 to 34, inclusive;
Excluding Kasegaluk Lagoon.
T. 4 N., R. 46 W. (fractional),
All.
T. 5 N., R. 44 W.,
Secs. 1 to 4, inclusive;
Sec. 6;
Secs. 8 to 30, inclusive;
Sec. 31, excluding PLO 1851, Parcel 1;
Secs. 32 to 36, inclusive;
Excluding the Kasegaluk Lagoon, the Chukchi Sea, and the Kokolik River upstream from its mouth to the east line of section 29.

T. 5 N., R. 45 W.,
Secs. 1, 12, 13, 14, 23, 24 and 25 (fractional);
Sec. 26 (fractional), excluding Native allotments F–16284 Parcel B, and F–16283 Parcel B, and excluding PLO 1851, Parcel 2;
Sec. 35 (fractional), excluding Native allotment F–16283 Parcel B;
Sec. 36 (fractional), excluding PLO 1851, Parcel 1.
T. 6 N., R. 43 W.,
Sec. 3;
Secs. 4, 5, 7 and 8 (fractional);
Secs. 9, 10, 15 and 16;
Secs. 17, 18 and 19 (fractional);
Secs. 20, 21, 22, 29 and 30.
T. 6 N., R. 44 W. (fractional),
All.
T. 7 N., R. 43 W.,
Secs. 4, 5, 7, 8 and 9 (fractional);
Secs. 12, 13, 17, 18, 19, 23 and 24 (fractional);
Sec. 25;
Secs. 26, 33, 34 and 35 (fractional).
T. 7 N., R. 44 W. (fractional),
All.

The above described lands include 1,450 acres which were formerly within PLO 1851, Parcel 1, and 100 acres in and around the village of Point Lay, neither of which was ever available for State selection.

Therefore, the amount of validly State selected and tentatively approved land to be conveyed to Cully Corporation Inc., is 64,174 acres, which is less than the 69,120 acres they are entitled to select under section 12(a)(1) of the act. The following State selection applications have been rejected in their entirety, and when this decision becomes final, the cases will be closed: F–033699, F–033701, F–033702, F–033705, F–033708. Further action on the lands remaining in State selections F–033698, F–033700, F–033703, F–033704, and F–033707 will be taken at a later date.

In addition to the above lands, on November 15, 1973, the Cully Corporation filed selection application F–14922–A2 under the provisions of section 12(b) of the act. By letter dated February 18, 1977, the Arctic Slope Regional Corporation reallocated 18,415 acres of its section 12(b) entitlement to Cully Corporation Inc.

The application, as amended, is properly filed and meets the requirements of the act and of the regulations issued pursuant to the act. The selected lands described below do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title, nor have they been selected by the State of Alaska.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 18,415 acres is considered proper for acquisition by the Cully Corporation and is hereby approved for interim conveyance pursuant to section 14(a) of the act:

T. 3 N., R. 44 W., Umiat Meridian (Unsurveyed), Secs. 5 to 36, inclusive.

The interim conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975 (d).

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601–1624.

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, the following public easements referenced by easement identification number (EIN) on the easement map in case file F–14922–EE are reserved to the United States and subject to further regulation thereby:

a. (EIN 1 C3, C5, D1, D9). A trail easement twenty-five (25) feet in width for an existing trail for use by the public to gain access to and from public lands to the north and south of the selection. Said easement generally parallels the coastline, and its use is to be controlled by applicable State or Federal law or regulation.

b. (EIN 2 C3). A road easement sixty (60) feet in width for an existing road for use by the public to gain access to and from the Point Lay Dew Station, the village of Point Lay, and the village water supply. The use of said easement is to be controlled by applicable State or Federal law or regulation.

c. (EIN 4 C3, C5 D9). A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as the beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or water-front obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

d. (EIN 5 C5, (5a–c)). A trail easement fifty (50) feet in width on an existing trail system for use by the public to gain access to and from public lands. The first segment begins at Point Lay and runs southerly to the Epizetka River. In protracted section 30 of T. 3 N., R. 44 W., Umiat Meridian, the trail system branches into 5b and 5c. Segment 5b follows the Epizetka River to public lands; segment 5c cuts southwesterly and follows the right bank of the Kukpowruk River northwest to its mouth and south to public lands. Segment 5a leaves EIN 5 C5 approximately 4 miles east of the village and proceeds easterly to public lands. The use of this trial system is to be controlled by applicable State or Federal law or regulation.

e. (EIN 9 D9). Two (2) one (1) acre site easements. Both site easements extend twenty-five (25) feet into the water. The portion of each easement on the beds of the rivers is in addition to the one (1) acre on the land.

One site, for camping, vehicle use, and staging, is located on the right bank of the Kukpowruk River in protracted section 21, T. 3 N., R. 45 W., Umiat Meridian.

The second site, for camping and vehicle use, is located in protracted section 25, T. 5 N., R. 44 W. on the left bank of the Kokolik River.

f. (EIN 16 C) (16a and 16b). Two (2) proposed trial easements twenty-five (25) feet in width for use by the public to gain access to and from public lands to the east of the selection. Trial 16a begins on the coast just south of Tungaich Point, and trail 16b begins approximately 8 miles further south on the coast. The use of these trails is to be controlled by applicable State or Federal law or regulation.

g. (EIN 22 C). The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.

h. (EIN 23 C). Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement: *Provided, however*, That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1613(c), that the grantee hereunder convey those portions of land hereinafter granted, as are prescribed in said section.

4. The terms and conditions of the agreement of August 6, 1976, between Arctic Slope Regional Corporation, Cully Corporation Inc., the seven other Arctic Slope village corporations, and the Secretary of the Interior. A copy of the agreement is located in Bureau of Land Management file F–14922–EE.

Interim conveyance to the subsurface estate of the land described above will be granted to Arctic Slope Regional Corporation, pursuant to section 14(f) of the act, when conveyance is granted to Cully Corporation Inc. for the surface estate. Interim conveyance of the remaining entitlement will be made at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks in the Fairbanks Daily News-Miner. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until May 21, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived their rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal.

Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–11516 Filed 4–20–77;8:45 am]

[F–19148–11, F–19148–17, F–19148–18, F–19148–19, F–19148–20, F–19148–21, F–19148–22, F–19148–34]

ALASKA

Alaska Native Claims Selection

On November 11, 1974, and November 6, 1975, the Arctic Slope Regional Corporation filed subsurface in lieu selection applications F–19148–11, F–19148–17 through F–19148–22 and F–19148–34 pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) and in accordance with the agreement between the Secretary of the Interior and the Arctic Slope Regional Corporation dated February 26, 1974.

The applications, as amended, are determined to have been timely and properly filed; they meet all the requirements of the act and the regulations issued pursuant to the act, as well as the provisions of the special agreement.

Section 12(a)(1) of the act provides that:

* * * when a village corporation selects the surface estate to lands within the National Wildlife Refuge System or Naval Petroleum Reserve numbered 4, the Regional Corporation for that region may select the subsurface estate in an equal acreage from other lands withdrawn by subsection 11(a) within the region * * *

To date, the surface estate of 65,773.7 acres in the Arctic National Wildlife Range and 417,521 acres in Petroleum Reserve No. 4 has been conveyed to villages within the Arctic Slope Region; therefore, the region has a current entitlement of 483,294.7 acres of subsurface in lieu.

In view of the foregoing, the subsurface estate of the following described lands, aggregating approximately 483,233 acres, is considered proper for acquisition by the Arctic Slope Regional Corporation, subject to valid existing rights, and is hereby approved for interim conveyance pursuant to section 14(f) of the act. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

KEMIK SUBSURFACE UNIT F–19148–11

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 1 N., R. 19 E.,
Secs. 12, 13 and 14;
Secs. 23 to 26, inclusive.
T. 1 N., R. 20 E.,
Secs. 7 to 22, inclusive.
T. 1 S., R. 18 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 36, inclusive.
T. 1 S., R 19 E.,
Secs. 1 to 12, inclusive;
Secs 15 to 22, inclusive;
Secs. 29 to 32, inclusive.
T. 2 S., R. 18 E.,
Secs. 1 to 12, inclusive;
Secs. 15, 16 and 18.

Aggregating approximately 58,208 acres.

ULU SUBSURFACE UNIT F–19148–17

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 9 S., R. 7 E.,
Secs. 7 to 24, inclusive.
T. 9 S., R. 8 E.,
Secs. 7 to 24, inclusive.
Aggregating approximately 22,726 acres.

AHALIK SUBSURFACE UNIT F–19148–18

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 9 S., R. 3 E.,
Secs. 25 to 36, inclusive.
T. 9 S., R. 4 E.,
Secs. 25 to 36, inclusive.
T. 10 S., R. 3 E.,
Secs. 1 to 6, inclusive.
T. 10 S., R. 4 E.,
Secs. 1 to 6, inclusive.
Aggregating approximately 22,768 acres.

SIKSIKPUN SUBSURFACE UNIT F–19148–19

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 9 S., R. 1 W.,
Secs. 7 to 9, inclusive;
Secs. 13 to 27, inclusive.
T. 9S., R. 2 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive.
T. 9 S., R. 1 E.,
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive.
Aggregating approximately 22,733 acres.

ITKILLIK SUBSURFACE UNIT F–19148–20

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 10 S., R. 7 E.,
Sec. 25;
Secs. 33 to 36, inclusive.
T. 10 S., R. 8 E.,
Sec. 13;
Secs. 22 to 36, inclusive.
T. 10 S., R. 9 E.,
Secs. 13 to 36, inclusive.
T. 10 S., R. 10 E.,
Secs. 10 to 15, inclusive.
T. 11 S., R. 7 E.,
Secs. 1 to 18, inclusive.
T. 11 S., R. 8 E.,
All.
T. 11 S., R. 9 E.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 11 S., R. 10 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 12 S., R. 7 E.,
Secs. 11 to 14, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 12 S., R. 8 E.,
All.
T. 13 S., R. 7 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
Aggregating approximately 128,001 acres.

NULIK SUBSURFACE UNIT F–19148–21

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 10 S., R. 55 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 23, inclusive;
Secs. 26 to 30, inclusive.

KUKPOWRUK SUBSURFACE UNIT F–19148–22

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 2 S., R. 44 W.,
Secs. 1 to 12, inclusive.
T. 3 S., R. 44 W.,
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 5 S., R. 44 W.,
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 5 S., R. 45 W.,
Secs. 13 and 14;
Secs. 19 to 36, inclusive.
T. 6 S., R. 45 W.,
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 6 S., R. 45 W.,
Secs. 5 and 6.
T. 6 S., R. 46 W.,
Secs. 1 to 3, inclusive;
Secs. 10 and 11.
T. 7 S., R. 46 W.,
Secs. 5, 6 and 7.
T. 7 S., R. 49 W.,
Secs. 1, 2, 11, 12, 25, 35 and 36.
T. 9 S., R. 48 W.,
Secs. 25 to 36, inclusive.
T. 9 S., R. 49 W.,
Secs. 19 to 36, inclusive.
T. 10 S., R. 47 W.,
Secs. 1 to 18, inclusive.
T. 10 S., R. 48 W.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 S., R. 49 W.,
All.
T. 10 S., R. 50 W.,
Secs. 19 to 36, inclusive.
T. 10 S., R. 51 W.,
Secs. 19 to 36, inclusive.
T. 10 S., R. 52 W.,
Secs. 13 to 36, inclusive.
T. 11 S., R. 48 W.,
Secs. 5 to 8, inclusive.

T. 11 S., R. 49 W.,
Secs. 1 to 12, inclusive.
T. 11 S., R. 50 W.,
Secs. 1 to 18, inclusive.
T. 11 S., R. 51 W.,
Secs. 1 to 12, inclusive.
T. 11 S., R. 52 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
Aggregating approximately 199,627 acres.

AYIYAK SUBSURFACE UNIT F–19148–34

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 8 S., R. 3 W.,
Secs. 28 to 33, inclusive.
T. 8 S., R. 4 W.,
Secs. 16 to 30, inclusive;
Secs. 34 to 36, inclusive.
T. 9 S., R. 3 W.,
Secs. 4 to 6, inclusive.
Aggregating approximately 17,199 acres.

The interim conveyance for the subsurface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A right-of-way for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914 (38 Stat. 305; 43 U.S.C. 975 (d)).

3. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616):

(a) Easements for the transportation of energy, fuel and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement: *Provided, however,* That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996 shall continue to be in force.

(b) The right of the United States to enter upon the lands herein granted for cadastral geodetic or other survey purposes is reserved together with the right to do all things necessary in connection therewith.

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the estate granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

All of the subsurface estate contained in the following oil and gas leases is herein approved for interim conveyance; therefore, in accordance with the provisions of section 14(g) of the Alaska Native Claims Settlement Act, the United States will waive administration of the leases and transfer them to the Arctic Slope Regional Corporation when conveyance is issued.

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

Serial No.	*Legal description*
F–021270	T. 1 N., R. 20 E., Secs. 17, 19 and 20.
F–021270–A	T. 1 N., R. 20 E., Sec. 18.
F–021271	T. 1 N., R. 20 E., Secs. 16, 21 and 22.
F–021271–A	T. 1 N., R. 20 E., Sec. 15.

All of the subsurface estate contained in the following oil and gas leases is not herein approved for interim conveyance; therefore, in accordance with the provisions of section 14(g) of the Alaska Native Claims Settlement Act, administration of these leases will continue to be by the United States.

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

Serial No.	*Legal description*
F–031237	T. 1 N., R. 19 E., Secs. 25, 26, 35 and 36.
F–034569	T. 1 N., R. 20 E., Secs. 3, 4, 9 and 10.
F–034572	T. 1 N., R. 20 E., Secs. 5 to 8, inclusive.

Interim conveyance to the remaining subsurface in lieu entitlement for the Arctic Slope Regional Corporation will be made at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the TUNDRA TIMES. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until May 21, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived his rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–11517 Filed 4–20–77;8:45 am]

[Colorado 25134]

TRANS-COLORADO PIPELINE CO.

Pipeline Application

APRIL 12, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Trans–Colorado Pipeline Company, P.O. Box 1087, Colorado Springs, Colorado 80901, has applied for a right-of-way for a natural gas pipeline across the following lands:

T. 44 N., R. 14 W., N.M.P.M.
Sec. 9.
T. 45 N., R. 14 W., N.M.P.M.
Sec. 30.
Sec. 32.
T. 45 N., R. 15 W., N.M.P.M.
Sec. 24.

The purpose of this project is to enable the applicant to meet the increasing demands for natural gas.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within 30 days from the date of this notice.

RODNEY A. ROBERTS,
Acting Chief,
Branch of Ajudication.

[FR Doc.77–11518 Filed 4–20–77;8:45 am]

[Colorado 24651]

COLORADO

Proposed Withdrawal and Reservation of Lands (Correction)

In FR Doc. 76–37659, appearing on pages 55943 and 55944 in the issue for Thursday, December 23, 1976 the following change is hereby made:

On page 55943, T. 41 N., R. 1 E., N.M.P.M., Sec. 5, NE¼SE¼NW¼ should be changed to read T 41 N., R. 1 E., N.M.P.M., Sec. 5. NE¼-SE¼NW¼ and S½S½NW¼.

Dated: April 12, 1977.

RODNEY A. ROBERTS,
Acting Chief,
Branch of Adjudication.

[FR Doc.77–11588 Filed 4–20–77;8:45 am]

[Colorado 16284]

LANDS IN ROUTT COUNTY, COLORADO

Public Hearing and Coal Lease Offering by Sealed Bid and Oral Auction

APRIL 14, 1977.

In FR Doc. 77–10666 appearing on page 18905 in the FEDERAL REGISTER for Monday, April 11, 1977 the paragraph entitled warning to bidders should be corrected by adding the following two sentences: The high bidder must demonstrate that he meets the short-term criteria. If the high bidder is other than the applicant, a period of 30 days will be allowed to furnish evidence that he meets the short-term criteria.

JACK G. LORTS,
Chief, Division of Technical Services.

[FR Doc.77–11622 Filed 4–20–77;8:45 am]

ALASKA

Amendment to Meeting Notice

On April 7 on page 18455 a notice was published in the FEDERAL REGISTER announcing a series of public meetings to be conducted by the Bureau of Land Management, Alaska. The meetings will be held to gather public comment on the proposed amendment of regulations concerning principles and procedures for land classification in Alaska. (43 CFR Part 2400)

An amendment to that notice includes another meeting date and location as follows: May 5 in Glennallen at Glennallen High School at 7 p.m.

CURTIS V. MCVEE,
State Director.

[FR Doc.77–11589 Filed 4–20–77;8:45 am]

[OR 6528]

OREGON

Order Providing for Opening of Lands Formerly in Powersite Classification No. 284

APRIL 12, 1977.

1. By Powersite Cancellation No. 314 of December 6, 1972 (37 FR 26621) the U.S. Geological Survey canceled Powersite Classification No. 284 of February 27, 1934 in part. The land affected is described as follows:

WILLIAMETTE MERIDIAN
T. 4 N., R. 38 E.,
Sec. 7, lot 4, E½NE¼, SW¼NE¼, and NW¼SE¼;
Sec. 8, N½NW¼ and SW¼NW¼.

The area described contains 318.36 acres of land in the Umatilla National Forest in Umatilla County.

2. The State of Oregon has not exercised its preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

3. At 10:00 a.m. on May 18, 1977, the above described land shall be open to such forms of appropriation as may by law be made of national forest land, subject to valid existing rights and the provisions of existing withdrawals.

4. The land described above has been and remains open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Inquiries concerning this land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–11587 Filed 4–20–77;8:45 am]

Bureau of Indian Affairs

FORT INDEPENDENCE INDIAN RESERVATION, CALIFORNIA

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicating Beverages on the Fort Independence Reservation

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance legalizing the introduction, sale or possession of intoxicating beverages on the Fort Independence Indian Reservation in California was adopted on December 1, 1976, by the General Council of the Fort Independence Community:

ORDINANCE

RELATING TO THE APPLICATION OF THE FEDERAL INDIAN LIQUOR LAWS ON THE FORT INDEPENDENCE RESERVATION

Whereas Public Law 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the community having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, Be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Fort Independence Community; provided, that such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved, That any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Commissioner of Indian Affairs.

APRIL 11, 1977.

[FR Doc.77–11329 Filed 4–18–77;8:45 am]

SENECA INDIANS

Plan for the Use and Distribution of Seneca Indians Judgment Funds Awarded in Dockets 84, 342–B and C and 368, 342–F, and 342–I Before the Indian Claims Commission

APRIL 12, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 27, 1974, 88 Stat. 1771, in satisfaction of the award granted to the Seneca Indians in Indian Claims Commission Dockets 84, 342–B and C and 368, 342–F, and 342–I. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 9, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on August 23, 1976, and by the Senate on August 24, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on January 29, 1977, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of December 27, 1974, 88 Stat. 1771, in satisfaction of the awards granted to the Seneca Indians in Dockets 84, 342–B and C and 368, 342–F and 342–I before the Indian Claims Commission, less attorney fees and expenses, shall be divided by the Secretary of the Interior (hereinafter "Secretary") between the Seneca Nation and the Tonawanda Band of Senecas on the basis of their respective memberships as of the effective date of this plan.

Enrollment. The Seneca Nation's and the Tonawanda Band's latest approved membership rolls shall be brought current to include all eligible members born on or prior to and living on the effective date of this plan. In the absence of an approved Tonawanda tribal roll the Secretary shall utilize any Tonawanda Band roll acceptable to him.

SENECA NATION SHARE

Subsquent to the preparation and approval of the roll the Secretary shall make a per capita distribution of the totality of the Seneca Nation's share of the funds, including all interest and investment income accrued, in a sum as equal as possible, to each enrollee.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in Individual Indian Money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual

beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Minors' per capita shares, including all investment income accruing thereto, shall be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minors' shares, including all investment income, shall be placed in a private trust as approved by the Secretary. In those cases wherein a minor would reach the age of eighteen within six months after establishment of a trust, such funds shall instead be retained in an IIM account. Upon reaching the age of eighteen, unless under a legal disability, the beneficiary shall be entitled to withdraw the per capita share and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5.

Any unclaimed or undeliverable per capita shares shall revert to the Seneca Nation, for general tribal purposes, pursuant to the Act of September 22, 1961, 75 Stat. 584.

TONAWANDA SHARE

The share of the Tonawanda Band, and all interest and investment income accrued on this portion of the funds, shall be held and continued to be invested by the Secretary under the provisions of 25 U.S.C. 162a until such time as a further plan for the disposition of the funds becomes effective after review by Congress.

RAYMOND V. BUTLER,
Acting Commissioner of Indian Affairs.

[FR Doc.77-11590 Filed 4-20-77;8:45 am]

Geological Survey

KNOWN RECOVERABLE COAL RESOURCE AREA

Bowman-Gascoyne, N. Dak.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by Section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject of the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) NORTH DAKOTA

Bowman-Gascoyne (North Dakota) Known Recoverable Coal Resource Area; July 12, 1976; 276,783 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, CO 80225.

Dated: April 12, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-11602 Filed 4-20-77;8:45 am]

KNOWN RECOVERABLE COAL RESOURCE AREA

Dickinson, North Dakota

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) North Dakota

Dickinson (North Dakota) Known Recoverable Resource Area (Coal); June 9, 1976; 397,200 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, CO 80225.

Dated: April 12, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-11603 Filed 4-20-77;8:45 am]

National Park Service

[Order 90]

CHIEF, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

Authority Delegation

Section 1. *Delegation.* The Chief, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C., is hereby authorized to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, known as the National Register, with authority to make determinations as to the eligibility of districts, sites, buildings, structures, and objects for inclusion in such register.

Sec. 2. *Redelegation.* The authority delegated by this order may be redelegated to the Keeper of the National Register.

Sec. 3 *Revocation.* This order supersedes National Park Service Order 85 dated March 29, 1974, and published April 18, 1974 (39 FR 13904).

(Act of August 21, 1935, 49 Stat. 666; sec. 101 (a) (1), Act of October 15, 1966, 80 Stat. 915.)

Dated: April 13, 1977.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.77-11580 Filed 4-20-77;8:45 am]

Office of the Secretary

COLORADO RIVER STORAGE PROJECT

Proposed Revised General Power Marketing Criteria

Pursuant to Pub. L. 84-485, April 11, 1956 (70 Stat. 105), and by virtue of authority under the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1187, 1194, 1198), the Secretary of the Interior, in March 1962, approved a set of power marketing criteria governing the sale of power from the Colorado River Storage Project (CRSP) by the Bureau of Reclamation.

In view of the many changes which have occurred in the past 15 years, it has become necessary to revise and update the present power marketing criteria to reflect those changes. The Bureau of Reclamation, in close cooperation with a liaison committee representing the CRSP preference customers, has formulated revised general power marketing criteria which appear below.

All interested parties wishing to do so should submit their written comments on or before May 9, 1977 to:

Regional Director, Attention: Code 600, Upper Colorado Region, Bureau of Reclamation, Department of the Interior, P.O. Box 11568, Salt Lake City, Utah 84147. Telephone 801-524-5493

Dated: April 8, 1977.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

COLORADO RIVER STORAGE PROJECT

GENERAL POWER MARKETING CRITERIA

1. *General.* These criteria are based upon the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388), the Act of Congress approved August 4, 1939 (53 Stat. 1187), the Act of Congress approved April 11, 1956 (70 Stat. 105), and acts amendatory or supplementary to the foregoing acts, and shall become effective upon approval and promulgation by the Secretary of the Interior, but existing contract arrangements will only be affected upon amendment by the parties. These criteria shall supersede and replace the "General Power Marketing Criteria" for sale of power from CRSP approved March 1962 and continue to be subject to change upon reasonable notice by the Secretary of the Interior and the opportunity for comment by interested parties.

2. *Market Area.* The market area within which the power from CRSP shall be marketed is divided into two divisions:

A. *The Northern Division,* which consists of the States of Colorado, Utah, Wyoming,

the town of Page, Arizona, a portion of the area served by the Navajo Tribal Utility Authority, and White Pine County and portions of Elko and Eureka Counties in Nevada.

B. *The Southern Division,* which consists of the remaining portion of the State of Arizona, that part of the State of Nevada in Clark, Lincoln, and Nye Counties which comprise the southern portion of the State, and that part of the State of California east of the 115th degree of longitude or, generally, the area contiguous to the Colorado River.

3. *Service Seasons*—A. *Summer Season.* The 6-month period from the first day of the April billing period through the last day of the September billing period in any calendar year.

B. *Winter Season.* The 6-month period from the first day of the October billing period of any calendar year through the last day of the March billing period of the next succeeding calendar year.

The establishment of service seasons does not preclude the furnishing of supplemental monthly requirements to CRSP customers in any month.

4. *Power Marketing.* All classes of CRSP power available for marketing shall be stated herein and those entities statutorily entitled to preference will be given preference in the sale of all CRSP power and/or energy. All sales of CRSP power and/or energy to a non-preference customer for a term longer than one season shall be subject to recapture for the use or benefit of CRSP and its preference customers.

A. *Long-Term Firm Power (Capacity with Energy).* Long-term firm seasonal capacity available shall be as stated in section 5, and associated energy available therewith will depend upon long-term hydrological conditions on the Colorado River. The greatest practicable amount of available energy that can be sold at firm energy rates will be associated with firm power and made available to contractors on an equitable basis.

B. *Short-term Firm Power (Capacity with Energy).* To the extent that priority uses as indicated in section 5 do not develop as rapidly as contemplated and/or annual system streamflow conditions exceed those on which the amounts of firm power in section 5 are based, short-term firm power will normally be offered for sale on a season-by-season or monthly basis. Energy availability will depend upon short-term hydrological conditions on the Colorado River and availability of energy from other Reclamation projects. The greatest practicable amount of available energy that can be sold at firm energy rates will be associated with firm power, including short-term firm power, and made available to contractors on an equitable basis.

C. *Long-Term Peaking Power (Capacity without Energy).* Long-term peaking capacity available shall be as stated in section 5 and will be offered first to preference customers having long-term firm-power contract commitments.

D. *Short-Term Peaking Power (Capacity without Energy).* To the extent that priority uses as indicated in section 5 do not develop as rapidly as contemplated and/or annual system streamflow conditions exceed those on which the amounts of peaking power in section 5 are based, short-term peaking power without energy will normally be offered for sale on a season-by-season or monthly basis.

E. *Other Power.* In addition to marketing the above classes of power, CRSP will engage in normal transactions such as delivering or receiving interchange, emergency, or maintenance services to the extent hydrological conditions permit. In order to conserve fossil fuel, enhance the environment and ensure the availability to preference customers of contracted amounts of CRSP power and energy, CRSP will purchase or exchange capacity and energy as necessary or desirable to supplement its resources. Interruptible fossil-fuel replacement energy service may be available as a result of these purchases or exchanges.

5. *Power Available for Load.* The minimum capacity available from the project for long-term marketing at the designated points of delivery listed in section 9 shall be 1,324 MW after the addition of the Crystal Dam and Powerplant. Through the 1989 summer season, this capacity will be distributed among the following classes of service:

Purpose	Capacity (MW) Summer	Winter
Federal project priority uses	55	6
Long-term firm	1,161	1,041
Long-term peaking	108	277
Total	1,324	1,324

To the extent the amount available for Federal projects priority uses is not required for such uses, it shall be made available to preference customers as short-term firm power, and Northern Division customers shall be given first right to contract therefor. The amounts shown for priority uses are those required to serve CRSP and participating projects pumping and desalting loads which are expected to develop by 1985 and to firm up Rio Grande Project generation during the summer seasons. The quantities shown will be reexamined prior to expiration of existing contracts and may be modified to adapt to conditions as they exist.

6. *Allotment of Firm Power and Peaking Power*—A. *Firm Power*—(1) *Southern Division.* In April 1963, preference customers in the Southern Division were allotted firm power amounting to 240 MW in the summer season and 84 MW in the winter season, and the allocation was updated in September 1975.

(2) *Northern Division.* The remaining available firm power was allotted to Northern Division preference customers and amounted to 921 MW in the summer season and 957 MW in the winter season.

B. *Peaking Power.* Based on the Southern Division's entitlement of 20 percent of net capacity available for load in the summer and 7 percent in the winter, as provided in the "General Power Marketing Criteria" approved in March 1962 and reaffirmed by these criteria, Southern Division preference customers have been allocated 24,800 kW and 8,700 kW of peaking power, without energy, in the summer and winter seasons, respectively. Northern Division preference customers have been allocated the remainder of the presently proposed allocation of peaking power.

These figures for the Southern Division were determined as follows:

	Summer, megawatt	Winter, megawatt
Total entitlement	(0.2×1,324) = 264.8	(0.07×1,324) = 92.7
Less firm power entitlement	240.0	84.0
Peaking power entitlement	24.8	8.7

C. *Sale of Peaking Power Not Contracted for by Preference Customers.* Any amounts of peaking power allotment offered to and not accepted by existing firm power preference customers shall be reallocated among those preference customers requesting peaking power. Any amount not contracted for by existing preference customers will be offered for sale to others.

7. *Firm Capacity and Energy Obligations.* The Bureau, in cooperation with the preference customers, will establish mutually agreeable scheduling and accounting practices based upon standard utility industry procedures which will provide efficient practicable utilization of CRSP power and energy, including peaking capacity. These shall be set forth in the CRSP contracts or in separate written agreements made a part thereof. CRSP capacity and energy obligations shall be based on amounts established pursuant to these scheduling and accounting procedures.

A. *Scheduling*—(1) *By Mutual Agreement.* (a) A preseason schedule of the customer's CRSP power and energy requirements (entitlements) by billing period shall be developed at least 60 days prior to the beginning of each season.

(b) Departures from the preseason schedule will be permitted to accommodate changes in customer's seasonal peakloads.

(c) Daily CRSP capacity and energy deliveries shall be scheduled to best satisfy the loads for which they are intended, consistent with the resources available.

(2) In the event of failure to reach mutual agreement, and in order to allow CRSP to schedule major maintenance outages for its plants and to comply with required water releases, treaties, and other requirements, CRSP shall establish schedules of capacity and energy deliveries within the following limitations:

(a) The maximum rate of delivery for CRSP firm and peaking power in each billing period shall be scheduled to follow approximately the customer's system load pattern during each season by months with the full contract rate of delivery for CRSP firm and peaking power being available for the customer's seasonal peakload month(s). The customer shall be obligated to furnish the auxiliary power required to meet its power requirements in excess of the amounts of power scheduled to be furnished by CRSP.

(b) The minimum scheduled rate of delivery for CRSP firm power shall be the least of:

(i) The customer's proportionate share of projected minimum load requirements on the CRSP system; or

(ii) 35 percent of the customer's firm-power rate of delivery; or

(iii) The customer's total load.

(c) The CRSP firm energy obligation shall be 2,550 kilowatts per kilowatt of contract rate of delivery for CRSP firm power per season for the terms of existing power sales contracts.

This established limit may be increased from time to time at CRSP's discretion should short-term conditions allow. In the event that during the terms of existing contracts the established limit shall be increased for any season, it may be decreased in future seasons; but in no event shall it be decreased below 2,550 kWh per kW. The established limit for the season shall be scheduled in each billing period to follow approximately the customer's system energy pattern during each season by months.

B. *Accounting.* The amounts of CRSP power and/or energy to be paid for by the customer

shall be determined in accordance with the accounting procedures set forth in the CRSP contracts or in separate written agreements made a part thereof, and need not be the amounts scheduled pursuant to "A" above. Any deviation between the quantity of energy scheduled and that delivered in a billing period shall be accounted for by increasing or decreasing the entitlement of CRSP energy available to the customer in subsequent months as agreed by the customer and CRSP. Said accounting procedures shall include procedures for determining amounts of CRSP power and energy delivered to the customer at each point of delivery or point of use.

In order to assure the availability of the amounts of firm power and energy contracted for, CRSP will purchase or exchange capacity and/or energy as necessary to meet contract commitments.

.8 *Contractual Arrangements*—A. *Long-Term Firm Power (Capacity with Energy)*. Subject to the provisions of section 8D of these criteria, contracts for long-term firm power will be for periods of 20 years unless otherwise mutually agreed.

B. *Short-Term Firm Power (Capacity with Energy)*. As water conditions permit, short-term firm power will be offered on a season-by-season or monthly basis.

C. *Peaking Power (Capacity without Energy)*. For existing customers with long-term firm-power contract commitments peaking power will be sold for the terms of the existing contracts. Any amounts not contracted for by existing preference customers will be offered first to other preference customers and then to others for periods not to exceed 10 years subject to recapture on not more than 5 years' notice.

D. *Expiration of Contracts*. Long-term firm contract commitments expiring before 1989 will be extended to the end of the September 1989 billing period so that all CRSP long-term firm power and/or long-term peaking power commitments expire concurrently. Joint discussions for extension or renewal of CRSP contracts shall begin by January 1, 1979.

In recognition of the lead time required to place major generation projects in operation, the Bureau will provide a minimum of 3 years' notice should it propose to reduce, upon expiration of a firm-power contract between the Bureau and a customer, the amount of firm power or long-term peaking power allocated to the customer or substantially change the amount of energy available to the customer under the customer's firm power allocation.

Unless otherwise agreed, drafts of contracts or supplements to existing contracts proposed by the Bureau or the customer shall be submitted for review and comment at least one hundred and twenty (120) calendar days prior to the execution deadline of the contract or supplement.

9. *Delivery Conditions*. Subject to Bureau approval as to location and voltage, normal delivery will be made at CRSP transmission system voltages or at the customer's transmission voltage, but not less than 115 kilovolts. Delivery will continue to be made at lower voltages at powerplant and substation locations where customers already have systems operating at such lower voltage level. Designated or Equivalent Federal Points of Delivery will be at:

(a) Points on the CRSP transmission system; or

(b) Points on the system of a non-Federal entity which have been established as delivery points under arrangements between the Bureau and that entity.

If such arrangements are terminated, then the delivery points under (b) above will be rescinded. These points are listed below and may be modified as hereinafter provided.

DESIGNATED OR EQUIVALENT FEDERAL POINTS OF DELIVERY, TAP POINTS, AND VOLTAGES

ARIZONA	
Glen Canyon	69 kV
Mesa	230 kV
Pinnacle Peak[1]	230 kV
COLORADO	
Ault	230 kV
Beaver Creek*	115 kV
North Main Tap (Gunnison)	115 kV
Gore Pass Tap	138 kV
Green Mountain	115 kV
Gunnison	115, 12.5 kV
Hayden	138 kV
Midway	230, 115 kV
Montrose	115 kV
Peublo*	115 kV
Rangley	138 kV
Salida (Poncha Junction)	115 kV
Skito Tap	115 kV
Story*	230 kV
Weld	230, 115 kV
NEW MEXICO	
Albuquerque*	115 kV
Ambrosia Lake*	115 kV
Shiprock	230, 115 kV
UTAH	
Brigham City Tap*	138 kV
Bountiful Tap*	138 kV
Centerfield*	138 kV
Fillmore*	138 kV
Flaming Gorge	69, 24.9 kV
Hale Plant Tap*	138 kV
Hyrum*	138 kV
Murray Tap*	138 kV
Paragonah*	138 kV
Sigurd*	138 kV
Smithfield Tap*	138 kV
South Provo Tap*	138 kV
Springfield*	138 kV
St. George*	138 kV
Vernal	138 kV
Upalco Tap*	138 kV
Henrieville Tap*	230 kV
WYOMING	
Archer	230, 115 kV
Casper*	115 kV
Glenrock*	230, 115 kV
Thermopolis	115 kV
MONTANA	
Yellowtail*	230 kV

[1] Deliveries to Nevada customers made from Pinnacle Peak.

*Points of Delivery on system of non-Federal entity.

The listing of the above Points of Delivery does not imply any obligation for CRSP to furnish additional facilities at those points. Additional delivery points requested by the customers and approved by the Bureau will be permitted provided that they meet the above criteria and will not result in any expense or loss of revenue to CRSP. Delivery will not be made from transformer capacity required for CRSP purposes. Taps on the CRSP or other transmission system, at the customer's expense, will be on a case-by-case basis with final determination of necessity and desirability to be made by CRSP and/or the owner of such transmission system.

Additional delivery points on the systems of other Federal projects may be considered if wheeling charges are promulgated by the Secretary of the Interior as provided in section 10(D) hereof.

10. *Delivery of Power Beyond Delivery Points*. All costs, including losses, for delivery of power and energy beyond the delivery points specified in section 9 hereof shall be borne by the customer. Instances where additional transmission line capacity is required to effect delivery beyond CRSP delivery points will be considered as individual cases to be justified on their own merits. Bureau participation in joint ownership of facilities will be avoided in any plans for providing the additional transmission line facilities.

The following alternatives are available to customers for accomplishing delivery of CRSP power beyond the CRSP system delivery points shown in the table in section 9 hereof:

A. The customer or customers may build all facilities to accept delivery at the established voltage at identified CRSP delivery points, in which case the customer will pay the standard CRSP rates for power.

B. Arrangements may be made with a third party to wheel and deliver power to a customer's point of use. Such arrangements may be made by the Bureau, by the customer, or by a group of customers. If the Bureau makes the wheeling arrangements, the Bureau will add a surcharge to the customer's billing to recover the costs thereof. If the customer makes its own wheeling arrangements, the customer will pay the wheeling charges directly to the wheeling agent.

C. The Bureau may construct the transmission line facilities required beyond the identified CRSP delivery points, in which case a surcharge above the rate for CRSP power at the identified delivery points on the CRSP system will be applied to recover from the beneficiaries thereof the costs of facilities constructed by the Bureau beyond such delivery points.

D. The Bureau will transmit CRSP power to customers over existing transmission systems of other projects to the extent that capacity is determined to be available. Capacity in these other project transmission systems to the extent possible will be available for the term of the CRSP contracts involved. No additional charges will be imposed unless additional substation or switching station capacity is required or where utilization of another project's system would delay project repayment beyond the point in time which would otherwise be the case. At some future date, the Secretary may charge for transmission service for delivery of CRSP power over other Federal systems, such as the Parker-Davis and Pick-Sloan Missouri Basin Projects. The customer will pay for such service at a rate determined by the Secretary which may be assessed as early as 1977 but shall not be later than the termination date of the customer's existing power sales contracts as they may be amended or, in any event, by October 1, 1989.

[FR Doc.77-11519 Filed 4-20-77;8:45 am]

SOUTHEASTERN POWER ADMINISTRATION

Legal Review of Procurement Actions

In accordance with Department of the Interior Procurement Regulations, 41 CFR 14-1.352, Southeastern Power Administration has adopted the following policy and procedures for prior legal review of certain procurement actions.

Prior to issuance by Southeastern Power Administration Contracting Officers, the following procurement documents shall be reviewed for legal sufficiency by the Field Solicitor, Elberton, Georgia, or by the Office of the Regional Solicitor, Atlanta, Georgia:

All solicitations (Invitations for Bids and Requests for Proposals) and resulting contracts for the procurement of supplies and services estimated to cost in excess of the amount set forth below:

1. All formally advertised procurements and negotiated procurements in excess of $10,000;

2. All modifications in excess of $1,000 (excluding modifications to contracts of $10,000 and under);

3. Any procurement or modification less than those stated in 1 and 2 above when the Contracting Officer desires legal review.

Contracting Officers shall additionally request legal review of pertinent documents in the following circumstances:

1. When there are apparent or suspected irregularities in precontract documents such as bids, proposals, or bonds; or when there are any unusual circumstances which might affect the legality of the proposed action;

2. Prior to acceptance of a novation or change of name agreement; or of a notice of assignment, an assignment, or a release of assignment, pursuant to the assignment of Claims Act of 1940, as amended;

3. Prior to release of any communication or Contracting Officer's report relative to a protest, or an alleged mistake in bid, or a determination of bidder nonresponsibility;

4. Prior to execution of findings of fact and final decision made pursuant to the Disputes Clause, notices of termination, cure notices, show cause letters, suspension orders, or other documents which may have special legal effect.

This policy may be modified by written agreement between the Field Solicitor, Elberton, Georgia and the Administrator, Southeastern Power Administration.

Any communications regarding this notice should be addressed to the Administrator, Southeastern Power Administration, Elberton, Georgia 30635.

WILLIAM D. BETTENBERG,
Acting Deputy Assistant Secretary of the Interior.

APRIL 15, 1977.

[FR Doc.77-11621 Filed 4-20-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE FOR CITIZENS ADVISORY COMMITTEE

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

NAME: Science for Citizens Advisory Committee.

DATE: May 6 and 7, 1977.

TIME: 9 a.m. to 5 p.m. each day.

PLACE: Room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT:

Ms. Rachelle Hollander, Program Manager, Science for Citizens, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7770.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF COMMITTEE: To provide advice and recommendations concerning the development of Science for Citizens program.

AGENDA: Discussion regarding new directions for Science for Citizens Program.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 14, 1977.

[FR Doc.77-11741 Filed 4-20-77;10:35 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-19, issued to Commonwealth Edison Company (the licensee), for operation of the Dresden Unit No. 2 (the facility) located in Grundy County, Illinois. The amendment is effective as of its date of issuance.

The amendment authorized operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions in accordance with Commonwealth Edison's request dated March 15, 1977.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 15, 1977, (2) Amendment No. 29 to License No. DPR-19, (3) the Commission's related Safety Evaluation, and (4) the licensee's filing dated June 11, 1976, in Docket No. 50-265. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11287 Filed 4-20-77;8:45 am]

[Docket No. 50-33]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has been issued Amendment No. 31 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Environmental Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Environmental Technical Specifications which will revise the Environmental Radioactivity Monitoring Program by replacing one sample point used for obtaining soil, vegetation and milk samples and adding one new sample point.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not

be prepared in connection with issuance of this amendment.

For further details with respect to this section, see (1) the application for amendment dated June 9, 1976, (2) Amendment No. 31 to License No. DPR–49, and (3) the Commission's transmittal letter to the licensee. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–11289 Filed 4–20–67;8:45 am]

[Docket No. 50–331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment revises the Bases portion of the Technical Specifications that will clarify the method used for adjusting the ARPM high flux scram and APRM rod-block settings.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 10, 1976, (2) Amendment No. 30 to License No. DPR–49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–11288 Filed 4–20–77;8:45 am]

[Docket No. 50–289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

This amendment modifies the provisions of the Technical Specifications to increase the setpoint for reactor trip initiated by high reactor coolant system pressure and increases the relief setting of the ASME Code-required safety valves installed on the pressurizer for Cycle 3 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 8, 1976, as supplemented October 21, 1976 and February 3, 1977, (2) Amendment No. 28 to License No. DPR–50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of April 1977.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77–11290 Filed 4–20–77;8:45 am]

[Docket No. 50–320]

METROPOLITAN EDISON CO.

Order

In the matter of Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (Three Mile Island Nuclear Station, Unit No. 2).

The evidentiary hearing in this proceeding will commence on Monday, May 2, 1977, at 9:30 a.m. at the U.S. Federal Building and Courthouse, Courtroom No. 2 (9th Floor), 3rd and Walnut Streets, Harrisburg, Pennsylvania. The hearings will continue through Friday, May 6. Thereafter, hearings will resume on Monday, May 9 and will continue through Tuesday, May 10, 1977.

So ordered.

Dated at Bethesda, Maryland, this 14th day of April 1977.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc.77–11318 Filed 4–20–77;8:45 am]

[Docket No. STN 50–437]

OFFSHORE POWER SYSTEMS (MANUFACTURING LICENSING FLOATING NUCLEAR POWER PLANTS)

Order Granting in Part Applicant's Motion (No. 6) To Establish Schedule

Applicant's Motion (No. 6) To Establish Schedule dated March 17, 1977 is allowed in part and denied in part as hereinafter reflected.

1. Public hearing will be resumed on May 9, 1977 at 1:30 p.m. at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

Thereafter, commencing at 9:30 a.m., the hearing will continue on May 10 through May 13. In the second week, the hearing will be resumed on May 16 at 1:30 p.m., and thereafter, commencing at 9:30 a.m., the hearing will continue on May 17 through May 20.

2. Pursuant to § 2.718(h), a conference (in the nature of a prehearing conference) will be held on May 9 at the time and location specified in paragraph 1, supra, and will continue, if necessary, on May 10 to consider the Motions To Amend and Extend Contention submitted on November 19, 1976 by ACCCE, Atlantic County, NRDC and by the City of Brigantine. The Staff shall notify the Board and the parties immediately whether or not any of these proposed amended and expanded contentions will be affected by the Staff's forthcoming addendum to Part II of the FES.

3. After the prehearing conference mentioned in paragraph 2, supra, testimony will be taken seriatim on the following contentions: [1]

a. Turbine generator matters. (Cross-examination of Applicant's panel will be concluded, and the Staff's panel's direct testimony will be presented).

b. ACCCE Contention X (Ice Containment).

c. Atlantic County Contention 1 (Impact on Resort Economics).

Pursuant to 10 CFR § 2.743(b), those parties desiring to submit written direct testimony upon Atlantic County Contention 1 (Impact on Resort Economics) must do so on or before May 2, 1977.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of April, 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc.77–11291 Filed 4–20–77;8:45 am]

[Docket No. 50–333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR–59, issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment provides for a reduction in the safety limit minimum critical power ratio from 1.06 to 1.05.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on June 10, 1976 (41 FR 23492). No request for a hearing or petition for leave to intervene was filed following notice of proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated May 19, 1976, as supplemented August 13, 1976, (2) Amendment No. 21 to License No. DPR–59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of April 1977.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77–11293 Filed 4–20–77;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. NPF–1 issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

This amendment changes the maximum internal containment pressure to 1.6 pounds per square inch (gauge pressure) during normal facility operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 10, 1976, (2) Amendment No. 13 to License No. NPF–1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of April 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–11292 Filed 4–20–77;8:45 am]

[Docket Nos. 50–522 and 50–523]

PUGET SOUND POWER AND LIGHT COMPANY, ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)

Order Convening Evidentiary Hearing on May 11, 1977

The Atomic Safety and Licensing Board, at the request of the Applicants, and with notice to and discussion with all parties, tentatively reserved the dates of May 2 through May 13, 1977 for further evidentiary hearings.

The Regulatory Staff has filed a suggestion that a two-day hearing be convened within the foregoing period in which to consider the factual disputes raised by Applicants' request for au-

[1] Applicant requests that we hear at this session ACCCE's Contention 3a (Effect on Biota), Contention 3b (Functional Design of Discharge Outfall), Contention 3c (Food Chain), and Contention 3f (Dredging). However, the time is not ripe to hear these environmental contentions because Part III of the FES has not been issued which will relate to postulated accidental releases of radioactivity into liquid pathways from floating nuclear plants, and because Staff has not completed an addendum to Part II of the FES which will contain its analysis and conclusions regarding the environmental impact of riverine and estuarine siting of nuclear plants.

thorization for certain pre-LWA construction pertaining to a widening of a portion of a highway and construction of a 4.5 mile sanitary sewer line along the route of the Skagit River. In addition to that factual matter, the Staff filing asserts a theory respecting no conflict with the Wild and Scenic Rivers Act. That Act precludes federal agencies from assisting "* * * by loan, grant, license, or otherwise in the construction of any water resources project that will have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval * * *." The Staff theory is that the Atomic Safety and Licensing Board has jurisdiction to consider Applicants' request for pre-LWA authority, in the light of the Commission's Wolf Creek decision that Boards have jurisdiction over service facility construction, which, although directly associated with and attributed to a nuclear power plant occurs away from its immediate location. The Staff theory then proceeds to the view that the Board can also determine that it has no jurisdiction over the proposed pre-LWA activities if the environmental impact thereof is only trivial.

Respecting this Staff theory, the Board requests all parties to submit a legal brief at or before the date for convening this evidentiary hearing, whether the grant of a request in a licensing proceeding is a licensing action, and if so, whether such action of a determination of some, even if trivial environmental impact, constitutes assistance which is precluded by the Wild and Scenic Rivers Act. The Staff has mentioned in its filing that an opinion of the counsel for the Department of Agriculture whose Secretary considers Wild and Scenic Rivers matters was previously procured to determine that LWA activities cannot be licensed without conflict with the Wild and Scenic Rivers Act; the Board requests the Staff to procure an opinion from the same counsel respecting the proposed pre-LWA activities.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that a session of evidentiary hearings in this proceeding shall convene at 9 a.m. on Wednesday, May 11, 1977 in Room 514 of the New Federal Building, 915—Second Avenue, Seattle Washington to consider the request of Applicants for authority to construct pre-LWA projects as described herein.

Issued: April 12, 1977, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77-11294 Filed 4-20-77;8:45 am]

[Docket No. STN 50-495]

STONE & WEBSTER ENGINEERING CORP.

Reference Safety Analysis Report for SWESSAR-1 Balance-of-Plant Standard Design and its Relationship to the RESAR-3S Standard Design Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated March, 1977 and a Preliminary Design Approval No. PDA-8 dated March 31, 1977 for the reference system design of a balance-of-plant portion of a pressurized water reactor nuclear power plant, utilizing the Wetsinghouse RESAR-3S nuclear steam supply system design, and as described in the application by Stone & Webster Engineering Corporation (SWESSAR-P1). The SWESSAR-P1/RESAR-3S balance-of-plant design was reviewed by the NRC staff pursuant to Appendix O to 10 CFR Part 50. Notice of receipt of the SWESSAR-P1 Safety Analysis Report was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26194).

The SWESSAR-P1 Safety Analysis Report contains preliminary design information for the balance-of-plant portion of a standard plant, including by reference the design of a number of standard nuclear steam supply systems. This SER presents the NRC staff's evaluation of the SWESSAR-P1 design and its relationship to the RESAR-3S standard nuclear steam supply system design, described in the Westinghouse Electric Corporation Standard Safety Analysis Report (RESAR-3S), Docket No. STN 50-545. A Safety Evaluation Report (NUREG-0104) and a Preliminary Design Approval No. PDA-7 were issued in December, 1976 for RESAR-3S.

The Safety Evaluation Report documents the results of the NRC staff's review and evaluation of the SWESSAR-P1 design, and its relationship to the RESAR-3S NSSS design, including Amendments 1 through 31 thereto, and addresses the comments of the Advisory Committee on Reactor Safeguards as reflected in its report to the Commission dated August 18, 1976.

PDA-8 provides NRC staff approval of the preliminary balance-of-plan design described in SWESSAR-P1, and its relationship to the RESAR-3S NSSS design. By the issuance of PDA-8, the NRC staff has determined that the information provided in SWESSAR-P1 (and its relationship to the RESAR-3S NSSS design) is acceptable for referencing in utility applications for construction permits. The SWESSAR-P1 balance-of-plant design and the RESAR-3S NSSS design shall be utilized by and relied upon by the NRC staff and the Advisory Committee on Reactor Safeguards in their review of facility license applications for construction permits incorporating by reference SWESSAR-P1/RESAR-3S preliminary standard design, unless there exists significant new information which substantially affects the determinations in PDA-8 or other good cause.

Issuance of PDA-8 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves, subject to the conditions set forth in PDA-8, the design of a facility for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-8 is effective as of its date of issuance and shall expire December 30, 1979 unless earlier superseded by issuance of an appropriate Final Design Approval for the SWESSAR-P1/RESAR-3S standard design, or unless extended by the NRC staff. The expiration of PDA-8 on December 30, 1979 shall not affect use of PDA-8 for reference in any construction permit application docketed prior to such date.

A copy of the (1) Preliminary Design Approval No. PDA-8 dated March 31, 1977; (2) the report of the Advisory Committee on Reactor Safeguards dated August 18, 1976; (3) the NRC staff's Safety Evaluation Report, NUREG-0076 dated March, 1977; (4) Stone & Webster Engineering Corporation's Standard Safety Analysis Report, including Amendments 1 through 31 thereto; and (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants," dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. A copy of PDA-8 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report, NUREG-0076, may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 31st day of March 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-11295 Filed 4-20-77;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

This amendment replaces the existing operating Minimum Critical Power Ratio (MCPR) limit for 8x8 fuel with an operating MCPR limit dependent on fuel exposure.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1976, as supplemented March 17, 1977, (2) Amendment No. 34 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of April 1977.

For the Nuclear Regulatory Commission.

GERALD B. ZWETZIG,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11296 Filed 4-20-77;8:45 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 31 and 30 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric & Power Company (the licensee), for operation of the Surry Power Station Units Nos. 1 and 2 (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments add a condition to the licenses relating to the loss-of-coolant accident (LOCA) reanalysis with 20 percent of the steam generator tubes plugged.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's filings dated March 4, 1977, as supplemented March 31, 1977, (2) Amendments Nos. 31 and 30 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of April, 1977.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11297 Filed 4-20-77;8:45 am]

[Docket No. 50-281]

VIRGINIA ELECTRIC AND POWER CO. (SURRY POWER STATION, UNIT NO. 2)

Order for Modification of License

I

Virginia Electric and Power Company (the Licensee), is the holder of Facility Operating License No. DPR-37 which authorizes the operation of the nuclear power reactor known as Surry Power Station, Unit No. 2 (the facility) at steady state reactor power levels not in excess of 2441 thermal megawatts (rated power). The reactor is a pressurized water reactor (PWR) located at the Licensee's site in Surry County, Virginia.

II

On November 26, 1976, the staff issued Amendment No. 26 to License No. DPR-37 which addressed operation of Surry Power Station Unit No. 2 under conditions in which steam generator tubes have been plugged as a result of tube denting caused by corrosion of the tube support plate in the annular spaces between tube and the tube support plate. In order to perform an inspection of the steam generators, Amendment No. 26 limited operation to 61 equivalent days. The licensee has since that time submitted an inspection program dated February 11, 1977 and has shutdown to perform the inspection. The NRC staff has evaluated the results of the inspection program and has assessed continued safe operation of the facility. This evaluation is set forth in the staff's concurrently issued Safety Evaluation relating to steam generator tube integrity.

With respect to the effect of increased stress in the tube support plate as a result of tube support plate growth, the staff has concluded that neither buckling of the tube support plate nor damage to the steam generator shell through the wrapper and channel spacer would develop.

Continued growth of the tube support plate continues to impose stresses on the tubes and may result in the development of stress corrosion cracks in denting locations. The staff has considered the effect of the development of stress corrosion cracking during the course of operation of this facility, and has assessed the effect of such cracks in conjunction with steam line break and loss of coolant accident events. The staff has concluded that under the additional limitations on tube leakage set forth in this Order, the effect of continued denting on the consequences of the steam line break event would be a fraction of Part 100, and the effect on continued denting on LOCA events would not be significant. These events are of extremely low probability, and would be especially so for the limited period covered by this Order. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

After discussion with the staff the licensee has proposed in his February 11, 1977, submittal to modify the limitations applicable to this facility in the manner set forth in this Order. The NRC staff believes that the licensee's actions, under the circumstances are appropriate and should be confirmed by NRC order.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia, (1) Licensee's submittals of October 25, 1976, January 3 and 14, 1977, February 4 and 11, 1977, March 21 and 30, 1977, (2) License Amendment No. 26 to DPR-37 dated November 26, 1976, (3) this Order for Modification of License. In the Matter of Virginia Electric and Power Company, Surry Power Station,

Unit No. 2, Docket No. 50-281, and (4) the Commission's concurrently issued Safety Evaluation supporting this Order.[1]

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License No. DPR-37 is hereby amended by replacing in its entirety existing paragraph 3.E. of the license with the following:

E. *Steam Generator Inspection.* (1) Unit No. 2 shall be brought to the cold shutdown condition in order to perform an inspection of the steam generators within four equivalent months of operation from April 1, 1977. Nuclear Regulatory Commission approval shall be obtained before resuming power operation following this inspection.

For the purpose of this requirement, equivalent operation is defined as operation with a primary coolant temperature greater than 350° F.

(2) Primary system leakage shall be limited to 1.0 gpm and primary to secondary leakage through the steam generator tubes shall be limited to 0.3 gpm per steam generator, as described in the Safety Evaluation. With any steam generator tube leakage greater than this limit the reactor shall be brought to the cold shutdown condition within 24 hours. Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

(3) Reactor operation will be terminated if primary to secondary leakage which is attributable to 2 or more tubes occurs during a 20 day period. Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

(4) The concentration of radioiodine in the primary coolant shall be limited to 1 μCi/gram during normal operation and to 10 μCi/gram during power transients as defined in the concurrently issued addition of Appendix A-1 to the Technical Specifirations of the license.

Dated in Bethesda, Maryland, this 1st day of April 1977.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-11298 Filed 4-20-77;8:45 am]

[Docket Nos. STN 50-508 and STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL. (WPPSS NUCLEAR PROJECTS NO. 3 AND NO. 5)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Jerome E. Sharfman, Chairman
Richard S. Salzman
Dr. W. Reed Johnson

Dated: April 12, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-1129 Filed 4-20-77;8:45 am]

[Docket No. 50-564]

EXXON NUCLEAR COMPANY, INC. (NUCLEAR FUEL RECOVERY AND RECYCLING CENTER)

Supplemental Notice and Order Relative to Special Prehearing Conference

By Order issued April 4, 1977, the Board scheduled a special prehearing conference on April 28, 1977, and stated therein that the time and place would be noticed later.

Take Notice, the special prehearing conference will commence at 9 a.m. (local time) at the Holiday Inn, 2000 Chapman Highway, Knoxville, Tennessee 37920.

It is so ordered.

Dated at Bethesda, Md., this 15th day of April 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE, Esquire,
Chairman.

[FR Doc.77-11662 Filed 4-20-77;8:45 am]

[Docket No. P-533A]

VERMONT ELECTRIC COOP., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated April 11, 1977:

This shall constitute our further advice pursuant to section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

On November 10, 1975, we advised the Commission that on review of the information submitted by the lead applicants, New England Power Company, Massachusetts Electric Company, the Narragansett Electric Company, and Granite State Electric Company, for themselves, as well as other information relating to electric utility competition in New England, did not indicate any need for an antitrust hearing on this nuclear facility. You have now provided us with antitrust information submitted by three other applicants, Vermont Electric Cooperative, Bangor Hydro-Electric Company, and Taunton Municipal Lighting Plant.

Bangor Hydro serves electric customers in Eastern Maine and had a 1975 peak load of 177.8 MW. Bangor Hydro's share of the New England Power Units is 1.22 percent, approximately 28 MW. Vermont Electric Cooperative serves rural areas in northern Vermont primarily, and had a peak load of 2.38 MW in 1975. Vermont's share of the units will be 0.2 percent, approximately 4.6 MW. Taunton, which supplies electric power in the Taunton, Massachusetts area, will own a 0.5 percent share of the Units, approximately 12.5 MW. In 1976, Taunton experienced a peak load of 62 MW.

Our review of the information submitted by these three new applicants, as well as other relevant information, has disclosed no basis upon which to change our earlier conclusion that an antitrust hearing will not be necessary in this matter.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 21, 1977, either: (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.77-11663 Filed 4-20-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.34, "Assumptions Used for Evaluating the Potential Radiological Consequences of Accidental Nuclear Criticality in a Uranium Fuel Fabrication Plant," lists appropriately conservative assumptions for use in evaluating the magnitude and radiological consequences of a criticality accident in a uranium fuel fabrication plant. These assumptions are based on previous accident experience, engineering judgment, and analysis of applicable experimental results from safety research programs.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.34 will, however, be particularly useful in evaluating the need for an early revision if received by June 15, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 11th day of April 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-11300 Filed 4-20-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published in FR Vol. 42, March 24, 1977, page 15982. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FR approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 5-7, 1977 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EST (prior to April 24) and EDT (after April 24).

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Emergency Core Cooling Systems (ECCS)*, April 22-23, 1977, Washington, D.C. The Subcommittee will meet on April 22 with representatives of the NRC Staff and its consultants, and with representatives of other organizations such as those from the reactor vendors and from the Electric Power Research Institute to discuss fundamental research for understanding phenemona associated with ECCS. On April 23, Subcommittee will meet in Executive Session to discuss a variety of topics concerning emergency core cooling systems and methods that the Subcommittee might use to review these topics. Notices of these meetings were published in FR Vol. 42, Thursday, April 7, 1977.

**Clinch River Breeder Reactor*, April 27, 1977, Washington, D.C. Postponed indefinitely.

**Siting Evaluation*, April 27-28, 1977 (formerly scheduled for April 28 only), Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to discuss general nuclear facility siting considerations including safety considerations involved in the siting of liquid metal fast breeder reactors as well as those of light water reactors. Notices of this meeting were published in FR Vol. 42, on Thursday, April 7 and Monday, April 18, 1977.

**Clinch River Breeder Reactor*, April 29-30, 1977, Chicago, IL. Postponed Indefinitely.

**Regulatory Activities*, May 4, 1977 (morning), Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to discuss working papers regarding future Regulatory Guides. Notice of this meeting was published in FR Vol. 42, Monday, April 18, 1977.

**Fire Protection and Regulatory Activities*, May 4, 1977 (afternoon), Washington, DC. The Working Group on Fire Protection and the Subcommittee on Regulatory Activities will hold a joint meeting to discuss a proposed revision to Regulatroy Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants." Notice of this meeting was published in FR Vol. 42, Monday, April 18, 1977.

**Reactor Safety Study*, May 4, 1977 (late afternoon), Washington, DC. The Working Group will meet to consider further ACRS action regarding the reactor safety study WASH-1400 (NUREG-75/014). Notice of this meeting was published in FR Vol. 42, Monday, April 18, 1977.

**Decommissioning of Nuclear Plants*, May 11, 1977, Washington, DC. Postponed. It is anticipated that this meeting will be scheduled sometime in June, 1977.

**Zion Generating Station, Units 1 and 2*, May 17, 1977, Kenosha, WI (previously announced as being held in Zion, IL). The Subcommittee will meet to review the status of items identified in the ACRS letter on the Zion Generating Station, dated June 9, 1976.

**Reactor Fuel*, May 20, 1977, Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to discuss a variety of subjects pertaining to reactor fuels including, for example, fuel surveillance and effect of fission gas release rates for burnup of 20,000 MWD/T.

**Fluid/Hydraulic Dynamic Effects*, May 25-26, 1977, Los Angeles, CA. The Subcommittee will meet to consider reactor pressure blowdown forces and water hammer effects. The specific subjects to be considered will be announced later.

**General Atomic Standard Safety Analysis Report (GASSAR-6)/Gas-Cooled Fast Breeder Reactor (GCFBR)*, June 1-2, 1977 (tentative), San Diego, CA. The Subcommittee will meet to begin the review of proposed designs.

**Regulatory Activities*, June 8, 1977, Washington, DC. The Subcommittee will meet to review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, to discuss pertinent activities which affect the current licensing process and/or reactor operations.

**Diablo Canyon Nuclear Station, Units 1 and 2*, June 21-23, 1977, Los Angeles, CA. The Subcommittee will meet to continue its review of the seismic design and other aspects of the application for an operating license.

FULL COMMITTEE MEETINGS

MAY 5-7, 1977

*Phipps Bend Nuclear Power Plant, Units 1 and 2, Construction Permit Review.

JUNE 9-11, 1977

Agenda to be announced.

Dated: April 19, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11727 Filed 4-20-77;9:39 am]

REGULATION OF THE MEDICAL USE OF RADIOISOTOPES BY NRC AND ADVISORY COMMITTEE ON MEDICAL USES OF ISOTOPES

Public Meetings

I. The NRC's Offices of Nuclear Material Safety and Safeguards and Standards Development will hold a meeting from 9:00 a.m. to 12:00 p.m. on May 6, 1977, in Room 150, Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland, to receive comments from interested members of the public on NRC's role in the regulation of the medical use of radioisotopes, including nuclear medicine, teletherapy and brachytherapy.

II. The NRC's Advisory Committee on the Medical Uses of Isotopes will hold a meeting from 2:00 p.m. to 5:00 p.m. on May 6, 1977, at the same location (in accordance with the Atomic Energy Act of 1954, as amended, primarily Section 161a, and with Pub. L. 92-463, the Federal Advisory Committee Act, with Executive Order 11769 and 10 CFR Part 7 of the Commission's regulations).

The common purpose of both meetings is to receive information that the Commission can use in connection with deciding future NRC policy in regulating the medical use of radioisotopes and to

[1] A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

provide a basis for possible future rule making actions.

The NRC staff is asking the public, medical licensees, peer groups, Agreement States, non-Agreement States, other federal agencies and the Advisory Committee on the Medical Uses of Isotopes, to provide their views on the following aspects of the medical use of radioisotopes:

To what extent should the protection of the patient be considered in NRC's regulation of the medical use of byproduct material? Areas of possible regulatory involvement by the NRC in this area include:

1. Evaluation of the physician's clinical qualifications,
2. Selection of patients for diagnostic or therapeutic procedures,
3. Selection of instruments to be used in performing diagnostic or therapeutic procedures,
4. Selection of radioactive drugs or devices to be used,
5. Selection of procedures to be performed,
6. Selection of dose level (quantity of radioactive material or radiation dose) to be used,
7. Proper measurements of the dose the patient receives,
8. Calibration of dianostic equipment and dose-measuring instrumentation,
9. Qualifications of paramedical personnel, such as technologists, nurses, radiopharmacists and radiological physicists, and
10. Reporting to NRC, the patient and/or the patient's physician, misadministration of radioactive material or radiation from devices incorporating radioactive material.

This list is not exhaustive, but provides examples of the areas that the NRC now regulates or might consider for future regulation. Comments and views do not have to be limited to areas stated above.

In providing views on the questions posed, consideration should be given to:

1. The physician's right to exercise his professional judgment in the practice of medicine,
2. The patient's right to competent medical care and protection against unnecessary radiation exposure,
3. The NRC's responsibility to regulate so as to protect the public health and safety, and
4. Possible involvement of other federal, state or local regulatory bodies, or professional peer groups.

Responses should not be limited in scope. Commentary on the current regulatory practices of NRC, other federal agencies, state agencies or peer groups and suggestions for future improvements are solicited. This is not a simple survey of opinion, but rather an endeavor to develop a broad base for a Commission decision as to the necessary and proper role of NRC in the regulation of the medical use of radioisotopes. To that end, it will be helpful if responses include the reasons for a particular point of view or recommended course of action.

For further information, the staff has made available to the public a background paper that describes the major steps in the control of nuclear medicine and the respective roles of NRC and other federal and state agencies and peer groups. This paper, titled "Background on the Regulatory Control of the Medical Use of Radioisotopes" is available for inspection at the Commissions Public Document Room, 1717 H Street, N.W., Washington, D.C. Single copies (which may be reproduced) may be obtained upon request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

MEETING DETAILS

The morning meeting will provide a forum for hearing comments from interested members of the public. Persons desiring to submit written statements may do so by mailing a copy postmarked, if possible, no later than May 2, 1977, to Mr. Richard E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

Those persons submitting a written statement in accordance with the procedures above will have an opportunity to make oral statements concerning the written statement. Any person who intends to make an oral statement should notify Mr. Richard E. Cunningham, telephone (301) 427-4458 between 9:00 a.m. and 5:00 p.m. Eastern Time, by May 4, 1977. Oral statements should be limited to ten minutes each.

The afternoon public meeting will provide a forum for discussion among the members and consultants of the Advisory Committee on the Medical Uses of Isotopes. The Commission has designated Mr. Richard E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, to serve as Chairperson of the Advisory Committee meeting. Mr. Richard E. Cunningham is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business. Since the Advisory Committee will attend the morning public meeting, separate formal presentations from the public to the Advisory Committee will not be necessary, although discussion from the floor will be permitted at the discretion of the chairperson.

Copies of the minutes of both meetings will be made available for public inspection on or after June 13, 1977, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Persons desiring additional information regarding the meeting should contact Mr. Richard E. Cunningham.

Dated at Washington, D.C., this 19th day of April 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11728 Filed 4-20-77;9:39 am]

[1] Written solicitations will be sent to the following peer groups; however, all interested groups are encouraged to participate: Society of Nuclear Medicine; American Board of Nuclear Medicine; American Board of Radiology; American College of Radiology; American Society of Clinical Pathology; American College of Nuclear Physicians; American College of Nuclear Medicine; American Registry of Radiologic Technologists; Registry of Medical Technologists; American Association of Physicists in Medicine; Health Physics Society; American Pharmaceutical Association; American National Standards Institute; Federation of State Licensing Boards; National Association of Board of Pharmacy; American Medical Association, Nuclear Medicine Section; American Society of Hospital Pharmacists; Conference of Radiation Control Program Directors; Joint Commission on Accreditation of Hospitals; Health Research Group; Atomic Industrial Forum; National Council on Radiation Protection and Measurements.

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-16]

BRIEFS OF ACCIDENTS; SAFETY RECOMMENDATIONS AND RESPONSE

Availability and Receipt

Aircraft Accident Briefs.—The National Transportation Safety Board on April 11 released Issue No. 2 of "Aircraft Accident Reports, U.S. Civil Aviation—1976." The publication, No. NTSB-BA-76-7, contains a selection of 899 general aviation accidents. Each accident is set forth in a brief format, providing the facts, conditions, circumstances, and probable cause of the accident.

In Press Release No. SB-77-17 the Safety Board cites one accident in Issue No. 2 to point up a recurring causal factor in fatal accidents— a pilot continuing a VFR flight into adverse weather conditions. In this instance, the pilot-in-command was experienced. He held a commerical certificate with a single- and multi-engine land and instrument rating,with a total of 900 hours on his record.

On a VFR flight from Tulsa, Oklahoma, to Vichy, Missouri, March 26, 1976, the pilot before taking off was given a preflight weather briefing, including information that the National Weather Service had forecast the possibility of "tornados and severe thunderstorms with large hail and damaging winds for a large portion of eastern Oklahoma, Southwest Missouri, and a small portion of Southeast Kansas." After takeoff, the pilot called Tulsa Airport Tower, requesting traffic and weather information. Again he was advised of the existence of a line of thunderstorms on his route. The pilot also was given radar advisories on the thunderstorms, and at one point, he advised, "I'll turn back, if necessary." But 35 minutes after radar contact was discontinued, the pilot lost control of the plane and crashed into a field. According to the Safety Board meteorologist report, there was a solid line of thunderstorms north-northeast-south-southwest over the accident site at the time of the crash; heavy rain and some hail also was reported.

The Board cited as the probable cause of the accident the pilot's decision to continue his VFR flight into "known areas of severe turbulence." Over a 5-year period, 1971-1975, "continued VFR flight into adverse weather conditions" has been cited by the Board as a probable cause in 1,055 general aviation accidents. In citing these statistics, the Board is attempting to highlight the danger to pilots who fail to properly evaluate weather warnings. In the case of the pilot of the Maule M-4, it cost his life.

The briefs of accidents reported in the 1976 Issue No. 2 volume contain essential information; more detailed data on these accidents may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 25¢ per page for printed matter, $1.35 per page for black-and-white photographs, and $4.50 per page for color photographs, plus postage. Minimum reproduction charge is $3; an additional $4 user-service charge will be made for each order. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot. The publication may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Aviation Safety Recommendations A-77-14 and A-77-15.—Following the crash of a Piper 31 near Springfield, Arkansas, last February 22, the Safety Board's investigation revealed discrepancies in the installation of two of the three balance weights on each elevator. The Board learned that in 1970 Nyak wing luggage lockers were installed on the aircraft, according to a design approved under STC SA-986SW. Installation required decreasing the elevator hinge moment to 96.4 in-lb. by adding about ½ lb. to each elevator horn. The cylindrical weights were added by bolting them to the nose channel and retaining the bolt with a rivnut. A recess had been machined into the weight in order to allow the weight to fit flush with the nose channel. Apparently, the Board stated, the recess was too deep, and when the bolt was tightened the rivnut was partially pulled through the sheet metal. Vibration worked the four weights loose, one of which had separated. The aircraft had about 3,200 service-hours.

Concerned that other aircraft modified according to STC SA-986SW may experience similar balance weight retention failures which could lead to an elevator failure, the Safety Board on April 11 recommended that the Federal Aviation Administration—

Issue an Airworthiness Directive to all operators of aircraft having the Nayak wing luggage lockers installed under STC SA-986SW to require an immediate inspection of the elevator balance weights installation (A-77-14); and

Review the design of the balance weight bolt retention installation and insure its adequacy (A-77-15).

Recommendation A-77-14 is designated "Class I—Urgent Followup"; A-77-15 is designated "Class II—Priority Followup."

Railroad Safety Recommendations R-77-1 and R-77-2.—At the request of the National Railroad Passenger Corporation (Amtrak) and the General Electric Company, the Safety Board has reviewed the recommendations which resulted from investigation of the derailment of an Amtrak train last January 16 near Birmingham, Alabama. The recommendations, issued last February 3, asked the Federal Railroad Administration to—

Investigate immediately the interaction between SDP-40-F and P-30-CH locomotives of passenger trains and track conditions to determine the causes for the widening of the track gage and act to correct the causes (R-77-1); and

Until such investigation and corrections are completed, restrict passenger trains with SDP-40-F or P-30-CH locomotives to speeds that will permit safe operation around curves of 1°30′ or more on Class 4 or less track. The speeds should not exceed the equilibrium speed on such curves (R-77-2).

(See 42 FR 8445, February 10, 1977.)

The Amtrak letter of last February 18 and the General Electric letter of February 4 both requested reconsideration of the recommendations to ascertain whether P-30-CH locomotive units manufactured by General Electric should be included with the SDP-40-F locomotive units manufactured by the General Motors Corporation.

In a letter dated April 6 addressed to FRA, the Safety Board states that it has decided that, because of insufficient accident data involving the P-30-CH locomotive units on curves and the economic impact caused by the reduction of speed of passenger trains, the P-30-CH units will be eliminated from recommendation R-77-2. However, in spite of the absence of accidents on curves in excess of 1°30′, the Board believes that the similarity of the trucks of the P-30-CH locomotives to those of the SDP-40-F locomotives suggests the need for determining the track/train dynamics of the P-30-CH locomotives as well as those for the SDP-40-F. Therefore, the Board concludes, recommendation R-77-1 will remain the same and recommendation R-77-2 will be amended to remove reference to the P-30-CH locomotives.

Also on April 6 the Safety Board forwarded identical letters to Amtrak and General Electric, enclosing copies of its April 6 letter to FRA and stating that it has concluded, with reference to R-77-1, that the P-30-CH locomotive unit still should be included in the study of the interaction between the six-wheel truck locomotive and certain track conditions.

The original letter to FRA formally making these recommendations has now been revised, under date of April 4, to reflect the change to recommendation R-77-2.

Response to Aviation Safety Recommendations A-76-141 through A-76-143.—Federal Aviation Administration letter of April 1 responds to recommendations issued following Safety Board investigation of the Alaska Airlines accident at Ketchikan International Airport, Ketchikan, Alaska, which occurred on April 5, 1976. (See 42 FR 6655, February 3, 1977.)

FAA concurs in recommendation A-76-141, which called for more frequent inspection of crash/fire/rescue capabilities of certificated airports, especially those in Alaska, to assure adequate training of personnel, maintenance and operational readiness of crash/fire/rescue equipment, currency of emergency procedures, and availability of qualified personnel to conduct and to direct such activity.

FAA states that its current policy is to inspect certificated airports at least once every 12 months. As of March 1, 784 airports were under the FAA certification program, 27 certification inspectors accomplishing the inspectons. FAA further reports that in Alaska three inspectors cover 137 airports, of which 46 have airport operating certificates and 91 have limited airport operating certificates. Airports with operating certificates in all 50 States were inspected in FY 76; the Ketchikan airport was inspected in May 1975 and in May 1976. FAA states, "Some airports should be inspected more than once a year commensurate with available resources. To increase the frequency of airport inspections, additional resources would be required and are not presently available."

FAA does not concur in recommendation A-76-142, which asked that a program be initiated for those airports that have no full-time crash/fire/rescue crew, especially those in Alaska, to properly train and equip personnel who must respond to an aircraft fire. In response FAA states, "Although [FAA] has the statutory authority to initiate a training program for CFR personnel, it does not have the resources to do so. Further, this is not a function which should be accomplished by the FAA since there exists another Federal agency which has this responsibility—the Federal Fire Prevention and Control Administration." FAA notes that that Administration was set up in 1974 to establish a national academy to train fire service personnel in the specialized field of aircraft fire control and crash rescue. FAA has contacted the Administration's personnel regarding the particular problems which need resolution, but has no information as to when the program will be implemented.

With further reference to A-76-142, FAA notes that, under the Airport Development Aid Program, funds are available to the airport sponsors for firefighting equipment at those certificated airports receiving regularly scheduled service.

FAA concludes re A-76-142, "We do encourage individual airports, industry,

and State organizations to conduct their own training programs. The State of Alaska established a training program to both organize and train volunteer airport fire departments prior to the accident. As a result of the accident this new program was initiated at Ketchikan."

Recommendation A-76-143 called for FAA to amend 14 CFR 139 to require that airport personnel who are not professional firefighters but who, because of their supervisory status, must direct crash/fire/rescue operations at airports, be qualified to perform this task.

In indicating nonconcurrence, FAA states, "The regulation as written establishes the recommended requirements. Section 139.491 requires that '• • • firefighting and rescue personnel are familiar with the operation of firefighting and rescue equipment and understand the basic principles of firefighting and rescue techniques.' In the actual application of this requirement, all personnel involved in the firefighting effort, professional or non-professional, are verified as to their ability to perform the tasks assigned to them." FAA notes that during the periodic certification inspection of the airport, the manager's training records are examined and/or his performance observed in live demonstrations.

FAA comments, "While we do not concur in amending the regulation, we will emphasize the verification of supervisory qualifications in our staff visit to the regions. Additionally, the point of verification will be included in the Airport Certification Program Handbook upon its next revision."

NOTE.—The above consists of abridgements of Safety Board documents made available and a safety recommendation response received during the week preceding publication of this notice in the FEDERAL REGISTER. Safety Board recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses and correspondence relating to safety recommendations may be obtained at a cost of $4 for service and 10 cents per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 18, 1977.

[FR Doc.77-11521 Filed 4-20-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 15, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Challenge Grants Progress Report, quarterly, nonprofit organizations, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, Application for Participation in the National Flood Insurance Program, HUD-1650, on occasion, towns, cities, counties, and other local governments, Housing, Veterans, and Labor Division, 395-3532.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Personnel Problems at On-site Locations in Communist Countries; Personnel Problems in Representation Offices in Communist Countries, DIB-6035P, DIB-6036P, single time, U.S. companies who have sent personnel to onsite locations, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Special Emphasis Program Evaluation, OE-520 1 through 4, single time, local education agency personnel, students, and parents, Raynsford, R., 395-3814.

Health Services Administration, Inhospital Review Cost Identification Survey and Interview Guide, single time, hospitals in 10 PSRO areas, Richard Eisinger, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, Fair Plan Quarterly Report, HUD-1603, quarterly, State fair plan, Housing, Veterans, and Labor Division, 395-3532.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Mine Information Supplement, 6-1017-A, annually, mining companies, Marsha Traynham, 395-4529.

Finished Iron Oxide Pigments, 6-1267-A, annually, manufacturers of iron oxide pigments, C. Louis Kincannon, 395-3211.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), Request for Preliminary Reservation of Funds for Conditional Commitments to be Converted to sec. 235(I), FHA-3122, on occasion, sponsors, Housing, Veterans, and Labor Division, 395-3532.

Housing Production and Mortgage Credit Application for Designation as Fee Personnel, FHA 2563, on occasion, inspectors and appraisers, Housing, Veterans, and Labor Division, 395-3532.

Federal Insurance Administration Standard Reinsurance Contract, HUD 1601, annually, property insurance companies in the United States Housing, Veterans, and Labor Division, 395-3532.

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES:

Lead and Zinc Forecasts (Production, Imports, and Consumption), 6-1173-A and B annually, producers of lead and zinc, Marsha Traynham, 395-4529.

Lead, Zinc, and Titanium Pigments and Compounds (Production and Shipments), 6-1107-A, annually, producers of lead, zinc, titanium pigments, and zinc salts, Marsha Traynham, 395-4529.

Iron Ore (Production, Shipments, and Stocks), 6-1066-A, annually, producers of iron ore, Marsha Traynham, 395-4529.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-11664 Filed 4-20-77;8:45 am]

POSTAL RATE COMMISSION

[Order No. 158]

[Docket No. MC76-1, MC76-2, MC76-3, MC76-4, MC76-5]

MAIL CLASSIFICATION SCHEDULE, 1976; BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Order Transferring Issue Concerning Scope and Extent of DMCS From Docket No. MC76-1 Through -4 to Docket No. MC76-5 and Releasing Staff Document

APRIL 13, 1977.

On March 29, 1977, a conference was held in Docket Nos. MC76-1 through -4 to develop procedures for prosecuting the issue of the scope and extent of the Domestic Mail Classification Schedule (DMCS). The Law Judge placed in the record on that date a memorandum from the Chairman indicating that a staff document would soon be released which purported to implement the guidelines outlined in Appendix C of the Commission's recommended decision in Docket No. MC73-1 (Tr. 46/7008-10). At that conference it was agreed that the parties would meet again after the staff document was released. An informal conference was scheduled for May 12, 1977, and a formal conference for May 26, 1977 (Tr. 46/7023).

On March 31, 1977, the Commission was advised that Administrative Law Judge Marvin Morse was resigning from the Commission, effective April 14, 1977. As of that date the only issue yet to be tried will have been the scope and extent of the DMCS which, as stated, is an outgrowth of the Commission's opinion in MC73-1 expressing interest in exploring improvements to the DMCS with respect to its "form and content."

In light of these circumstances, the Commission has decided to sever this remaining issue from Docket Nos. MC76-1 through -4 and add it to the reform docket, MC76-5. In taking this action, we do not mean to imply that the establishment of the form, scope and content of the DMCS will be delayed until the completion of the long-range studies presently being conducted by the Service. We intend that this matter will be treated independently of the study program and will be completed as expeditiously as possible. Pursuant to that objective we look favorably upon the conference schedule established by the Law Judge.[1]

RELEASE OF STAFF DMCS

As stated in the Chairman's memorandum of March 25, 1977, the Commission is now releasing to the parties in Docket Nos. MC76-1 through -4 (as well as -5) the draft DMCS prepared by the Office of Planning and Operations. The schedule is presented in two volumes: Rates and Charges, and General Terms and Conditions.

The documents comprising the DMCS indicate that certain provisions were included even though they may seem to involve a high level of detail concerning Postal Service operations and similar matters. The guiding principle utilized by the staff in developing the DMCS was comprehensiveness and completeness.[2] It is contemplated, at this time, that it might be appropriate, upon adoption of the final DMCS in this proceeding to include certain provisions even though they concern the Service's operational activities, but to denote such provisions as being solely "informational"—and not operative—components of the DMCS. The test to be used in determining which provisions are to be informational, or operative, will be whether a given provision is beyond, or only remotely connected to, our statutory responsibilities. However, as stated, only the operative provisions will constitute the formal DMCS, established pursuant to 39 U.S.C. § 3623.

We are advised that the staff had this approach under consideration in preparing the draft DMCS released today and therefore purposely avoided drawing any jurisdictional lines prior to (i) hearings and conferences held pursuant to § 3624 and (ii) Commission decision in this matter. Accordingly, it would be appropriate for the parties to consider some mechanism, such as the use of asterisks, to indicate the sections, if any, which (after hearings and the submittal legal briefs) they recommend be treated only as informational provisions—but physically incorporated in the DMCS.

Wherefore, the Commission orders: (1) The issue of the form, scope and content of the DMCS is severed from Docket Nos. MC76-1 through -4 and added to Docket No. MC76-5.

(2) The Secretary of the Commission will serve on all the parties to these dockets the draft DMC prepared by the Office of Planning and Operations.

(3) Parties in Docket Nos. MC76-1 through -4, not already parties in Docket No. MC76-5, will have 10 days to seek intervention in the latter docket.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-11526 Filed 4-20-77;8:45 am]

[1] We anticipate that the Presiding Officer in Docket No. MC76-5, Chairman DuPont, will issue an order confirming this schedule.

[2] The parties to the proceeding, of course, are free to submit provisions for inclusion in the DMCS or urge the elimination (or restatement) of provisions contained in the staff draft.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1317]

ALABAMA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Etowah, Jefferson and St. Clair Counties, and adjacent counties within the State of Alabama, constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 4, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 9, 1977, and for economic injury until the close of business on January 9, 1978, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-11504 Filed 4-20-77;8:45 am]

[Declaration of Disaster Loan Area 1291; Amdt. 2]

NEW JERSEY

Declaration of Disaster Loan Area

The above numbered Presidential Declaration (see 42 FR 9737 and 42 FR 12108), Amendment No. 1 is amended by extending the filing date for physical damage until the close of business on June 1, 1977, and for economic injury until the close of business on January 18, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-11505 Filed 4-20-77;8:45 am]

[Declaration of Disaster Loan Area 1312]

VIRGINIA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Bland, Buchanan, Dickenson, Grayson, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, and the independent City of Norton, and adjacent counties within the State of Virginia, constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 3, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 6, 1977, and for economic injury until the close of business on January 9, 1978, at:

Small Business Administration, District Office, Federal Building Room 3015, 400 North Eighth Street, Richmond, Virginia 23240.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

ROGER H. JONES,
Acting Administrator.

APRIL 13, 1977.

[FR Doc.77-11506 Filed 4-20-77;8:45 am]

[Declaration of Disaster Loan Area 1313]

WEST VIRGINIA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Cabell, Greenbrief, Lincoln, Logan, McDowell, Mingo, Raleigh, Summers, Wayne and Wyoming Counties, and adjacent Counties within the State of West Virginia constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 3, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 6, 1977, and for economic injury until the close of business on January 9, 1978, at:

Small Business Administration, District Office, 109 North Third Street, Clarksburg, West Virginia 26301

Small Business Administration, Branch Office, Charleston National Plaza—Suite 628, Charleston, West Virginia 25301

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77-11507 Filed 4-20-77;8:45 am]

[Declaration of Disaster Loan Area 1310]

WISCONSIN

Declaration of Disaster Loan Area

Bayfield County, and adjacent counties within the State of Wisconsin, constitute a disaster area because of physical damage to wells resulting from drought

which occurred from June 17, 1976 through March 29, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage as a result of drought until the close of business on June 10, 1977 and for economic injury until the close of business on January 11, 1978 at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703.

or other locally announced locations.

Dated: April 11, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-11508 Filed 4-20-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77 068]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 18, 1976 to March 2, 1977 (List No. 3-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

The Globe Equipment Corporation, 257 Water Street, Brooklyn, New York 11201, Approval No. 160.026/39/0 expired and was terminated effective February 18, 1977.

DAVITS FOR MERCHANT VESSELS

The Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, Approval No. 160.032/142/3 expired and was terminated effective March 2, 1977.

HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

The Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, Approval No. 160.034/10/2 expired and was terminated effective March 2, 1977.

KITS, FIRST-AID, FOR MERCHANT VESSELS

The E. D. Bullard, 2680 Bridgeway, Sausalito, California 94965, Approval No. 160.041/1/0 expired and was terminated effective December 13, 1976.

PROTECTING COVER FOR LIFEBOATS

The A. L. Robertson, Inc., 325 S. Kresson Street, Baltimore, Maryland 21224, Approval No. 160.065/6/0 expired and was terminated effective January 3, 1977.

DECK COVERINGS FOR MERCHANT VESSELS

The Raecolith Flooring Company, 5622 Corson Avenue, Seattle, Washington, 98108, Approval No. 164.006/9/0 expired and was terminated effective March 1, 1977.

The Crossfield Products Corporation, 140 Valley Road, Roselle Park, New Jersey 07204, Approval No. 164.006/23/0 expired and was terminated effective March 1, 1977.

Dated: April 12, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77-11573 Filed 4-20-77;8:45 am]

[CGD 77 077]

NATIONAL BOATING SAFETY ADVISORY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 24-25, 1977 in the Annapolis Hilton Inn, 80 Compromise Street, Annapolis, Maryland. The meeting is schedule to begin at 9:00 a.m. both days and adjourn at 10:45 p.m. on Tuesday, May 24th and in the early afternoon on Wednesday, May 25th. The agenda for this meeting will be as follows:

1. Review of action taken at the sixteenth meeting of the Council.
2. Executive Director's Report.
3. Discussion and vote on proposed change to fixed fire extinguisher requirements for recreational boats.
4. Discussion and vote on proposed Capacity Label Regulation Amendment.
5. Discussion and technical vote on proposed ventilation requirement changes.
6. Progress Report on Navigation Light Project.
7. Discussion and vote on amendments to the Fuel and Electrical Standards.
8. Discussion on Hull Identification Problems.
9. Progress Report on Compliance Program.
10. Discussion on Start-In-Gear Protection.
11. Day-time Visual Distress Signals Demonstration.
12. Night-time Visual Distress Signals Demonstration.
13. Discussion and Vote on Proposed Visual Distress Signals Regulation.
14. Office of Boating Safety Report.
15. Members Items.
16. Chairman's Session.
17. Attendance is open to the interested public. With approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from CDR M. Tubella, Jr., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA), Washington, D.C. 20590, or by calling 202-426-1080. Any member of the public may present a written statement to the Council at any time.

Issued in Washington, D.C. on April 13, 1977.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.77-11576 Filed 4-20-77;8:45 am]

[CGD 77 076]

NATIONAL BOATING SAFETY ADVISORY COUNCIL; CAPACITY LABEL SUBCOMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council's Capacity Label Subcommittee to be held on Monday, May 23, 1977, in the Annapolis Hilton Inn, 80 Compromise Street, Annapolis, Maryland. The meeting is scheduled to begin at 1:00 p.m. and adjourn at 5:00 p.m.

The purpose of this meeting is to review a Coast Guard technical proposal for an amendment to the Capacity Label Standards. Attendance is open to the interested public.

With the approval of the Chairman, members of the public may present oral statements at this meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting and information may be obtained from Commander M. Tubella, Jr., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA), Washington, D.C. 20590, or by calling 202-426-1080.

Issued in Washington, D.C. on April 13, 1977.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.77-11575 Filed 4-20-77;8:45 am]

[CGD 77 073]

SHIP STRUCTURE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Committee to be held Thursday, June 2, 1977 at 9:00 a.m., Room 8236, U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The agenda for this meeting is as follows: Discussion of the research program, project status, and operations of the Ship Structure Committee.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to prenent oral statements should notify, not later than the day before the meeting, and information may be obtained from, LCDR E. A. Chazal, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590, 202-426-2205. Any member of the public may present a written statement to the Commission at any time.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77-11574 Filed 4-20-77;8:45 am]

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER AT CHEYENNE, WYOMING

Notice to Reduce Hours

Notice is hereby given that on or about May 15, 1977, the Airport Traffic Control Tower at Cheyene, Wyoming, will be closed each day from midnight until 6 a.m. local time. This notice amends our notice of February 23, 1977, which proposed to reduce the hours of operation at Cheyene Airport Traffic Control Tower effective April 10, 1977. This information will be reflected in forthcoming issues of the Airman Information Manual.

Issued in Aurora, Colorado, on April 8, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-11376 Filed 4-20-77;8:45 am]

National Highway Traffic Safety Administration

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Truck and Bus Safety Subcommittees of the National Highway Safety Advisory Committee and the National Motor Vehicle Safety Advisory Council. The subcommittees will meet on May 19 from 8:00 a.m. to 6:00 p.m. in room 2230 of the DOT Headquarters Building, 400 Seventh Street S.W., Washington, D.C.

The subcommittees will meet to hear from truck operators, manufacturers, parts suppliers and other interested and knowledgeable people about their experiences with operating pre FMVSS 121 tractors with post 121 trailers or post 121 tractors with pre 121 trailers; with operating similar mixes of trailers and tractors with pre and post Notice 7 equipment and pre and post 121 equipment; and with operating combinations of the six major manufacturers of FMVSS 121 systems. The subcommittees are particularly interested in hearing recommended solutions to any problems. This hearing is in response to a request from the NHTSA Administrator to analyze the issues associated with FMVSS 121 and report findings and recommendations.

Any person who would like to make a presentation at this meeting, should let the Executive Secretary know by May 5. Presentations will be limited to 10 minutes each. Additional material may be presented for the record. Because of the limited time available to the subcommittees to hear presentations, interested associations or public groups are requested to make statements on behalf of their members which would consolidate information or data that otherwise would be presented by several individuals.

Attendance is open to the interested public, but limited to the space available.

This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on April 18, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-11572 Filed 4-20-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138875 (Sub-No. 37), Shoemaker Trucking Company, now assigned June 15, 1977, at Portland, Oregon is postponed indefinitely. MC 140389 (Sub-9), Osborn Transportation, Inc., now being assigned June 20, 1977 (1 week) at Atlanta, Georgia and continued to July 18, 1977 (2 weeks) at San Francisco, California, in hearing rooms to be later designated.

MC 67818 (Sub-85), Michigan Express, Inc., now being assigned June 14, 1977 (9 days) at Lansing, Michigan, in a hearing room to be later designated.

MC 116915 (Sub-27), Eck Miller Transportation Corporation, now assigned May 4, 1977 at Lexington, Kentucky, is canceled and the application is dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11606 Filed 4-20-77;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 90]

CLARENDON & PITTSFORD RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 402, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks asigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

. . . . . .

The Clarendon and Pittsford Railroad Company:
Reporting Marks: CLP.
Green Mountain Railroad Corporation:
Reporting Marks: GMRC.
Greenville and Northern Railway Company:
Reporting Marks: GRN.
Greenwich & Johnsonville Railway Company:
Reporting Marks: GJ.
Lake Erie, Franklin & Clarion Railroad Company:
Reporting Marks: LEF.
Louisville and Wadley Railway Company:
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Company:
Reporting Marks: LNAC.
Ogdensburg Bridge and Port Authority:
Reporting Marks: NSL.
Pearl River Valley Railroad Company:
Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company:
Reporting Marks: P&LE.
Providence and Worcester Company:
Reporting Marks: PW.
Raritan River Rail Road Company:
Reporting Marks: RR.
Sacramento Northern Railway:
Reporting Marks: SN.
St. Johnsbury & Lamoille County Railroad:
Reporting Marks: SJL.
Sierra Railroad Company:
Reporting Marks: SERA.
Tidewater Southern Railway Company:
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company:
Reporting Marks: TPW.
Vermont Railway, Inc.:
Reporting Marks: VTR.
WCTU Railway Company:
Reporting Marks: WCTR.
Yreka Western Railroad Company:
Reporting Marks: YW.

Effective April 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 12, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

NOTE.—• • • Cadiz Railroad Company deleted.

[FR Doc.77-11614 Filed 4-20-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 136; Amdt. No. 1]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 136 issued April 6, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 136 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 20, 1977.

This amendment shall become effective April 13, 1977.

Issued at Washington, D.C. April 12, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-11605 Filed 4-20-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 6, 1977.

FSA No. 43349—*Joint Rail-Water Container Rates*—Italian Line. Filed by Italian Line, (No. 4), for itself and interested rail carriers.

Rates on general commodities, between ports in Europe, and rail stations on the U.S. Atlantic and Pacific Coast Seaports.

Grounds for relief—Water competition.

FSA No. 43350—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A., (No. WEE-22), for itself and interested rail carriers.

Rates on general commodities, between the rail terminal at Baton Rouge, Louisiana, and European, Mid East and Caribbean ports; also the rail terminal at Freeport, Texas, and Caribbean ports.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S. A., tariffs I.C.C. Nos. 9, 10, 11, 12, 13, 14, and 21. Rates are published to become effective on May 15, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11612 Filed 4-20-77;8:45 am]

[Amdt. No. 1, I.C.C. Order No. 26; Under Service Order No. 1262]

GREEN MOUNTAIN RAILROAD CO.

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 26, (Green Mountain Railroad Corporation) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 26 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 15, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 15, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent,

[FR Doc.77-11613 Filed 4-20-77;8:45 am]

[Rule 19, Ex Parte No. 241; Exemption No. 133]

MISSOURI PACIFIC RAILROAD CO. AND NATIONAL RAILWAYS OF MEXICO

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial shortages of fifty-foot plain boxcars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve boxcar shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain boxcars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified in Appendix A hereto.

Effective April 11, 1977, and continuing in effect until further order of the Commission.

Issued at Washington, D.C., April 11, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

APPENDIX A TO
FIFTH REVISED EXEMPTION NO. 133
REPORTING MARKS NDM

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TOTAL =1000

[FR Doc.77-11616 Filed 4-20-77;8:45 am]

REVISED PROCEDURES TO CALCULATE INTEREST RATES

APRIL 14, 1977.

Section 15(8)(e) of the Interstate Commerce Act, as amended by section 202(e) of The Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Pub. L. 94-210, states that the Commission shall require common carriers by rail to keep an account of all amounts received following institution of an investigation into proposed increased rates, fares, and charges, provided the tariff schedules containing the proposed increases are not suspended. The account is to specify by whom and in whose behalf the amounts are paid from the date such increased rate, fare or charge became effective until the Commission issues an order discontinuing the investigation or until 7-months have elapsed, whichever event occurs first. The account shall be kept for a period of 10 months if the Commission makes a report to Congress pursuant to section 15(8)(a) of the Act.

The section further provides that:

> In its final order, the Commission shall require the common carrier by railroad to refund to the person on whose behalf the amounts were paid that portion of such increased rate, fare, or charge found to be not justified, plus interest at a rate which is equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days.

Accordingly, pursuant to section 15(8)(e) of the Interstate Commerce Act and section 4 of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), this notice is served to clarify Commission policy with respect to interest rates. Interest rates shall be the average yield ("investment rate" or "equivalent coupon issue yield") on 91-day, 13-week treasury bills as established in the weekly auction conducted by The Department of the Treasury. This figure is readily ascertainable and published weekly in a news bulletin of the Treasury. In addition, the average Treasury bill yields are reported each Tuesday in the Wall Street Journal and are based upon the Treasury press release. Other major newspapers of wide circulation publish either the average discounted rate or average yield for the 91-day bills.

The above-noted manner of determining interest rates shall apply to all awards of reparations made in all rail investigation proceedings subsequent to February 5, 1976, in accordance with section 15(8)(e) of the Interstate Commerce Act.

With respect to all other proceedings concerning carriers subject to Part I of the Act in which interest is awarded, the awards shall also, to the extent possible, be in conformity with the standards for computing and awarding interest established in section 15(8)(e) of the Act. This revised method of determining the appropriate rate of interest shall apply to all awards of interest in such other proceedings arising under Part I of the Act from the date of service of this Notice. Since "the date such schedule is filed" is inappropriate for establishing a rate level for interest on reparations in a complaint proceeding, the interest rate level shall therefore be established in the manner outlined above as determined by the date the first allegedly unlawful charge is paid.[1]

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11610 Filed 4-20-77;8:45 am]

[I.C.C. Order No. 28-A; Under SO No. 1252]

VIRGINIA & MARYLAND RAILROAD CO.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 28 (Virginia and Maryland Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 28 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-11615 Filed 4-20-77;8:45 am]

[Finance Doc. No. 28267, 28268; AB133]

WARREN & QUACHITA VALLEY RAILWAY CO., ET AL.

Abandonment of Service

APRIL 11, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that (1) the proposed abandonment by the Warren & Quachita Valley Railway Company if its entire line between Warren and Banks, a distance of 15.66 miles, (2) the proposed acquisition by the Warren & Saline River Railroad Company of the easternmost 2 mile segment of this 15.66 mile line, and (3) the proposed acquisition of trackage rights by the Warren & Saline River Railroad Company over three segments of Missouri Pacific Railroad Company trackage totalling 1,546.66 feet in the city of Warren, all within Bradley County, Arkansas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts associated with the proposed actions are not considered significant because no change in rail access to any shippers will occur. Consequently, abandonment will not result in a serious adverse impact or rural and community development. Furthermore, no significant impacts on ambient air quality or fuel consumption will result because there will be no diversion of traffic from rail to motor carrier.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 12, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11611 Filed 4-20-77;8:45 am]

[Notice No. 153]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the

[1] See Rules 25 and 29 of the Commission's General Rules of Practice, 49 CFR 1100.25 and 1100.29.

Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76962, filed April 13, 1977. Transferee: ORIGINAL HALL LANE MOVING & STORAGE CO., INC., 67 Mall Drive, Commack, N.Y. 11725. Transferor: Oliver E. Cote, doing business as North Shore Vans and Little Neck Moving & Storage, 1586 Hitchcock, Wantagh, N.Y. Applicants' representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 19625, issued August 23, 1967, authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Rhode Island, Ohio, and the District of Columbia. Transferee presently holds authority from this Commission under Certificate No. MC 84242. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77030, filed March 21, 1977. Transferee: CENTRALIA CARTAGE CO., a Delaware corporation, 650 West Noleman St., Centralia, Illinois 62801. Transferor: Centralia Cartage Co., an Illinois corporation, 650 West Noleman St., Centralia, Illinois 62801. Applicant's representative: Marvin Goldenhersh, 6464 West Main Street, Belleville, Illinois 62223. Authority sought for purchase by transfer of the operating rights of transferor, as set forth in Certificate Nos. MC 13235 and (Subs-7, 8, 11, 13, 14, 15, 16, 17, 18, 19, and 21, issued March 8, 1957, August 7, 1961, March 20, 1963, March 18, 1964, July 21, 1964, August 10, 1965, September 5, 1967, June 7, 1967, April 14, 1967, April 12, 1968, December 18, 1973, and October 15, 1975 as follows: General Commodities, with normal exceptions, over regular routes, Serving points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission as off-route points in connection with carrier's regular route operations between St. Louis, Mo., and Olney, Ill.; *General Commodities*, with normal exceptions, Between St. Louis, Mo., and Olney, Illinois, serving all intermediate points, over specified regular routes; *General Commodities*, with normal exceptions, Between Vincennes, Ind., and Lawrenceville, Ill., serving no intermediate points, over specified regular routes; *General Commodities*, with normal exceptions, Between St. Louis, Mo., and Iuka, Ill., serving the intermediate and off route points of Sandoval, Illinois and points on or within five miles of the indicated portions of the route specified below south and east of Sandoval, Illinois; From St. Louis over U.S. Highway 50 via Sandoval, Ill., to junction unnumbered highway and thence over unnumbered highway to Iuka, and return over the same route; Between St. Louis, Mo., and Salem, Ill., serving the intermediate and off-route points of Sandoval, Ill., and points on or within five miles of the indicated portions of the route specified below south and east of Sandoval, Ill.; From St. Louis over U.S. Highway 50 to Sandoval, Ill., thence over U.S. Highway 51 to Centralia, Ill., thence over Illinois Highway 161 to Junction Illinois Highway 37, thence over Illinois Highway 37, to Rome, Ill., and thence return over Illinois Highway 37, via Junction Illinois Highway 161 and 37 to Salem, and return over the same route;

Between St. Louis, Mo., and Lawrenceville, Ill., serving the intermediate points of Trenton, Aviston, Breese, Carlyle, Sandoval, Salem, Flora, Olney, and Bridgeport, Ill., and the intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, over specified regular routes; Between McLeansboro, Ill., and Lawrenceville, Ill., serving all intermediate points and off-route point of Albion, Ill., over specified regular routes; Between Salem, Ill., and Sandoval, Ill., serving all intermediate points and the off-route point of Albion, Ill., over specified regular routes; Between Fairfield, Ill., and Flora, Ill., serving all intermediate points and the off-route point of Albion, Ill., over specified regular routes; Between St. Louis, Mo., and Belleville, Ill., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, over specified regular routes; Between St. Louis, Mo., and Hoffman, Ill., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zones as defined by the Commission, and points within eight miles of Hoffman, Ill., over specified regular routes; Between East St. Louis, Ill., and Hoffman, Ill., as an alternate route for operating convenience only in connection with carrier's regular route operation between St. Louis, Mo., and Hoffman, Ill., serving no intermediate points; over specified regular routes; *General commodities*, with normal exceptions, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Posey, Hoffman, Bartelso, Germantown, Albers, and New Baden, Illinois. Restriction: The authority is restricted against service between Chicago, Ill., on one hand, and, on the other, Vincennes, Ind.; *General Commodities*, with normal exceptions, over regular routes, Between St. Louis, Mo., and Benton, Ill., serving all intermediate points and the off-route point of Herrin, Ill., over specified regular routes; Between Belleville, Ill., and Benton, Ill., serving all intermediate points, over specified regular routes, Between Pyatts, Ill., and Benton, Ill., serving all intermediate points, over specified regular routes; *General Commodities*, with normal exceptions, Between Chicago, Ill., and Sandoval, Ill., serving no intermediate points, over specified regular routes, Between Chicago, Ill., and Salem, Ill., serving no intermediate points, over specified regular routes;

Between Mt. Vernon, Ill., and Mt. Carmel, Ill., serving the intermediate points of Fairfield and Albion, Ill., over specified regular routes, Between Olney, Ill., and Junction Illinois Highways 1 and 130 near Grayville, Ill., serving the intermediate point of Albion, Ill., over specified regular routes, Between Fairfield, Ill., and Junction U.S. Highway 45 and 460, near Enfield, Ill., serving no intermediate points, over specified regular routes, Between Mt. Vernon, Ill., and McLeansboro, Ill., serving no intermediate points, over specified regular routes, Between Mt. Vernon, Ill., and Benton, Ill., serving no intermediate points, over specified regular routes, Between Benton, Ill., and McLeansboro, Ill., serving no intermediate points, over specified regular routes, Between Pinckneyville, Ill., and Junction Illinois Highway 154 and U.S. Highway 51, serving no intermediate points, over specified regular routes, Between Freeburg, Ill., and Junction U.S. Highway 460 and Illinois Highway 15, near Addieville, Ill., serving no intermediate points, over specified regular routes, Between Okawville, Ill., and New Minden, Ill., serving no intermediate points, over specified regular routes, Between Carlyle, Ill., and Pinckneyville, Ill., serving the intermediate points of Posey, New Minden, and Nashville, Ill., over specified regular routes, *General commodities*, with normal exceptions. Serving Wayne City, Ill., as an intermediate point in connection with carrier's presently authorized regular route operations between Mt. Vernon and Mt. Carmel, Ill., over Illinois Highway 15; Serving Mill Shoals, Ill., as an intermediate point, and Barnhill, Ill., as an off-route point, in connection with carrier's presently authorized regular route operations between Fairfield, Ill., and Junction U.S. Highways 45 and 460, over U.S. Highway 45; *General commodities*, with normal exceptions, Serving all intermediate points on carrier's presently authorized regular route operations over route U.S. Highway 51 between Sandoval and Vandalia, Ill., not including Sandoval and Vandalia; Between Chicago, Ill., and Kankakee, Ill., as an alternate route for operating convenience only, serving no intermediate points and serving Kankakee, Ill., for the purpose of joinder only, over specified regular routes, Between Wayne City, Ill., and McLeansboro, Ill., as an alternate route for operating convenience only, serving no intermediate points, over specified regular routes, Between Junction U.S. Highway 51 and Illinois Highway 14 south of DuQuoin, Ill., and Carbondale, Ill., as an alternate route for operating convenience only, serving no intermediate points, over specified regular routes;

General Commodities, with normal exceptions, Between Chicago, Ill., and Lawrenceville, Ill., in connection with carrier's authorized regular-route operations, serving no intermediate points, over specified regular route, Between Junction U.S. Highway 45 and Illinois Highway 49 south of Kankakee, Ill., and Junction U.S. Highway 50 and Illinois Highway 130, in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the junction of U.S. Highway 45 and Illinois Highway 49 south of Kankakee, Ill., for the purpose of joinder only, over specified regular routes, Between Kankakee, Ill., and Junction Illinois Highways 1 and 17, in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the termini for the purpose of joinder only, over specified regular routes, Between Effingham, Ill., and Newton, Ill., in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the termini for purpose of joinder only, over specified regular routes, Between Junction U.S. Highway 45 and Illinois Highway 37 south of Effingham, Illinois, and Junction U.S. Highways 45 and 50 west of Flora, Illinois in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the Junction U.S. Highway 45 and Illinois Highway 37 south of Effingham, Ill., for the purpose of joinder only, over specified regular routes, Between Effingham, Ill., and Vandalia, Ill., in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the termini for purpose of joinder only, over specified regular routes, *General commodities*, with normal exceptions, Serving the site of the Cooper-Jarrett, Inc., Terminal on Frontage Road, approximately one-half mile west of County Line Road, in Du Page County, Ill., as an off-route point, in connection with carrier's presently authorized regular route operations to and from Chicago, Ill. Restriction: The authority is restricted against the transportation of traffic originating at or destined to points in the Chicago, Ill., commercial zone as defined by the Commission; *General Commodities*, with normal exceptions, Serving the plant site of the Hussman Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular route operations;

General commodities, with normal exceptions, Between Bloomington, Ill., and St. Louis, Mo., in connection with carrier's presently authorized regular route operations, serving no intermediate points, and serving Bloomington, Ill., for purposes of joinder only, over specified regular routes, *General commodities*, with normal exceptions, Between Evansville, Ind., and Grayville, Ill., serving the intermediate points located between Calvin, Ill., and Grayville, Ill., including Calvin, and off-route points of Cowling and Keensburg, Ill., over specified regular routes; *General Commodities*, with normal exceptions, Serving Vandalia, Illinois as a intermediate point on U.S. Highway 51, in connection with carrier's presently authorized regular route authority between Chicago and Sandoval, Ill.; Serving the plant site of the Hussman Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's regular route operations authorized; Serving all intermediate points on U.S. Highway 40 between Highland and Greenville, Ill., including Highland, but not including Greenville, in connection with carrier's regular route operations authorized herein between St. Elmo, Ill., and St. Louis, Mo., Between St. Elmo, Ill., and Greenup, Ill., serving all intermediate points and the off-route points of Toledo and Herrick, Ill., over specified regular routes, Between Pierron, Ill., and St. Louis, Mo., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, and those within 15 miles of Pierron, over specified regular routes, Between St. Elmo, Ill., and St. Louis, Mo., serving intermediate points on U.S. Highway 40 between Greenville and St. Elmo, Ill., including Greenville, intermediate and off-route points in the St. Louis, Mo.-East St. Louis, and off-route points within 10 miles of Vandalia, Ill., restricted to livestock, over specified regular routes; Between Mulberry Grove, Ill., and St. Louis, Mo., serving intermediate and off-route points within 10 miles of Mulberry Grove, over specified regular routes;

Agricultural Commodities, over irregular routes, From Strasburg, Ill., and points within 25 miles of Strasburg, to St. Louis, Mo.; *General commodities*, with normal exceptions, Serving the site of the Cooper-Jarrett, Inc., Terminal on Frontage Road, approximately one-half mile west of County Line Road, in Du Page County, Ill., as an off-route point, in connection with carrier's presently authorized regular route operations to and from Chicago, Ill. Restriction: The authority is restricted against the transportation of traffic originating at or destined to points in the Chicago, Ill., commercial zone as defined by the Commission; *General Commodities*, with normal exceptions, Serving the plant site of the Hussman Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular route operations;

General commodities, with normal exceptions, Between Bloomington, Ill., and St. Louis, Mo., in connection with carrier's presently authorized regular route operations, serving no intermediate points, and serving Bloomington, Ill., for purposes of joinder only, over specified regular routes, *General commodities*, with normal exceptions, Between Evansville, Ind., and Grayville, Ill., serving the intermediate points located between Calvin, Ill., and Grayville, Ill., including Calvin, and off-route points of Cowling and Keensburg, Ill., over specified regular routes; *General Commodities*, with normal exceptions, Serving Vandalia, Illinois as a intermediate point on U.S. Highway 51, in connection with carrier's presently authorized regular route authority between Chicago and Sandoval, Ill.; Serving the plant site of the Hussman Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's regular route operations authorized; Serving all intermediate points on U.S. Highway 40 between Highland and Greenville, Ill., including Highland, but not including Greenville, in connection with carrier's regular route operations authorized herein between St. Elmo, Ill., and St. Louis, Mo., Between St. Elmo, Ill., and Greenup, Ill., serving all intermediate points and the off-route points of Toledo and Herrick, Ill., over specified regular routes, Between Pierron, Ill., and St. Louis, Mo., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, and those within 15 miles of Pierron, over specified regular routes, Between St. Elmo, Ill., and St. Louis, Mo., serving intermediate points on U.S. Highway 40 between Greenville and St. Elmo, Ill., including Greenville, intermediate and off-route points in the St. Louis, Mo.-East St. Louis, and off-route points within 10 miles of Vandalia, Ill., restricted to livestock, over specified regular routes; Between Mulberry Grove, Ill., and St. Louis, Mo., serving intermediate and off-route points within 10 miles of Mulberry Grove, over specified regular routes;

Agricultural Commodities, over irregular routes, From Strasburg, Ill., and points within 25 miles of Strasburg, to St. Louis, Mo.; *General commodities*, with normal exceptions, From St. Louis, Mo., to Strasburg, Ill., and points within 25 miles of Strasburg (except points in Mattoon, Shelbyville, and Sullivan, Ill.); *Agricultural Implements and Machinery*, Between St. Louis, Mo., on the one hand, and, on the other, points in Fayette County, Ill.; and *General commodities*, with normal exceptions, Serving the facilities of Anaconda Aluminum Company at or near Sebree, Ky., as an off-route point in connection with carrier's presently authorized regular route operations. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77031 filed March 18, 1977. TRANSFEREE: Betty Rose Hepp, Doing Business As Hepp Truck Service, R.R. 2, New Athens, Illinois 62264. TRANSFEROR: Coal Transport, Inc., R.R. 2, New Athens, Illinois 62264. APPLICANTS' REPRESENTATIVE: Betty Rose Hepp, (address—same as transferee). Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-79932 issued January 24, 1962, as follows: *Coal*, From East St. Louis, Ill., and points in Illinois within 50 miles of East St. Louis, to St. Louis, Mo., and points in St. Louis County, Mo.; *Sand*, From St. Louis, Mo., to points in Saint Clair County, Ill.; *Ashes* (the residue from burning coal and other combustible materials), Between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, East St. Louis, Ill., and points within 50 miles of East St. Louis, Ill. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77032 filed March 18, 1977. TRANSFEREE: Leonard F. Stacer, Jr., 2769 Village Road, Langhorne, Pennsylvania 19047. TRANSFEROR: George Hixson (Alice Viola Hixson—Executrix), Hilman Avenue, Trenton, New Jersey 08638. APPLICANTS' REPRESENTATIVE: Joseph F. Hoary, 121 S. Main St., Taylor, Pennsylvania 18517. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-56148, issued March 7, 1941, as follows: *Sand* and *gravel*, from Morrisville, Pa., to points and places in Mercer County, N.J.; *Lime*, From Norristown, Pa., to points and places in Mercer County, N.J.; *Lumber*, From Philadelphia, Pa., and Camden, Newark, and Trenton, N.J., to points and places in Mercer County, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77042, filed March 15, 1977. TRANSFEREE: Centennial Truck Lines, Inc., 2500-89th St., North Bergen, N.J. 07047. TRANSFEROR: Command Trucking Corp., 91 Moultrie St., Brooklyn, N.Y. 11222. APPLICANTS' REPRESENTATIVE: Robert B. Pepper, Registered Practioner, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights for transferor set forth in Certificate No. MC-117412, issued July 12, 1972, as follows: Household goods as defined by the Commission, and general commodities, with specified exceptions, over specified routes, between Morristown, N.J., and New York, N.Y., serving all intermediate points and the off-route points of Dover, Morris Plains, Maplewood, Milburn, Summit, Bernardsville, Murray Hill, and New Providence, N.J.; and household goods as defined by the Commission, and horses and equipment, over irregular routes, between Morristown, N.J., and points within 15 miles thereof, on the one hand, and, on the other, New York, N.Y., and points on Long Island, N.Y., those in Westchester County, N.Y., those in the Philadelphia, Pa., Commercial Zone as defined by the Commission, and points in a described area in Pennsylvania. Transferee presently holds no authority from this Commission; however, it seeks to purchase a portion of the rights of L J P Truck Lines, Inc. in No. MC-FC-77041. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-77046, filed March 24, 1977, TRANSFEREE: B. J. Trucklines, Inc., 42 North Church St., Grantsville, Utah 84029. TRANSFEROR: Nevada Distributing Co., Inc., Ely, Nevada 89301.

APPLICANTS' REPRESENTATIVE: Robert C. Peterson, 42 North Church St., Grantsville, Utah 84029. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit, No. MC–140059 Sub-3, issued May 11, 1976, as follows: IRREGULAR ROUTES: *Dairy products*, with restrictions, from Salt Lake City, Utah, to Denver, Colo., with no transportation for compensation on return except as otherwise authorized. *Beer*, with restrictions, (a) From Golden, Colo., to Reno, Nev., with no transportation for compensation on return except as otherwise authorized. (b) From Golden, Colo., to Winnemucca, Nev., with no transportation for compensation on return except as otherwise authorized. (c) From Golden, Colo., to Elko, Nev., with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77053, filed March 28, 1977. TRANSFEREE: Refrigerated Express, Inc., 720 Twelfth St., Huntington, W. Va. 25701. TRANSFEROR: Helen G. Lee, An Individual doing business as Refrigerated Express, 720 Twelfth St., Huntington, W. Va. 25701. APPLICANTS' REPRESENTATIVE: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526; and Helen G. Lee, 720 Twelfth St., Huntington, W. Va. 25701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC140952, issued February 14, 1977, as follows: *Such commodities* as dealt in by wholesale, retail, and chain grocery and food business houses, between Williamson and Logan, W. Va., on the one hand, and, on the other, points in Wyoming, Logan, and Lincoln Counties, W. Va. Between Logan, W. Va., on the one hand, and, on the other, points in Mingo, Wayne, Cabell, and Putnam Counties, W. Va. Lawrence and Scioto Counties, Ohio, Russell, Ky., Pike, Boyd, and Lawrence Counties, Ky., From Huntington, W. Va., to points in West Virginia, Ohio, and Kentucky, within 100 miles of Huntington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77071, filed April 6, 1971. TRANSFEREE: Sea Truck, Inc., 4055 Hubbard Street, Emeryville, California 94608. TRANSFEROR: Busy Bee Freight Lines, Inc., P.O. Box 3364, Modesto, California 95353. APPLICANT'S REPRESENTATIVE: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, California 94111. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC–121731 as follows: General commodities between all points in the San Francisco Territory and within 10 miles of various specified highways. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a (b).

No. MC–FC–77074, filed April 7, 1977. TRANSFEREE: George Hallden Sons, Co., a corporation, 313 Wood St., Youngstown, Ohio 44503. TRANSFEROR: The Z. L. Travis Co., Old State Rt. No. 7, Pottery Ave., Steubenville, Ohio 44503. APPLICANTS' REPRESENTATIVE: Earl N. Merwin, Attorney-at-Law, 85 East Gay St., Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate of Registration No. MC–121223 (Sub-No. 1), issued July 16, 1970, as follows: Property from and to Steubenville, Ohio, and all points within a distance of three miles of the city limits thereof; and household goods, office furniture and fixtures from and to any point in Jefferson County, Ohio, subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a (b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–11608 Filed 4–20–77;8:45 am]

[Notice No. 51]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 18, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 202TA), filed March 28, 1977. Applicant: ALL-AMERICAN, INC., 900 W. Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coolers, heat exchangers, or equalizers* for air, gas, or liquids and such commodities as are used in the manufacture of coolers, heat exchangers, or equalizers including materials, supplies and accessories, between the plantsite and/or storage facilities utilized by Heat Transfer Division, McCord Corporation, at Canton, S. Dak., on the one hand, and on the other, points in Indiana, Michigan, Ohio, and New Stanton, Pa., restricted to traffic originating at or destined to the above-named facilities at Canton, S. Dak., for 180 days. Supporting shipper: McCord Corporation, Michael S. Clark, Traffic Manager, Canton, S. Dak. 57013. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 29886 (Sub-No. 336TA), filed March 30, 1977. Applicant: DALLAS & MARVIS FORWARDING CO., INC., 4200 39th Ave., Kenosha, Wis. 53140. Applicant's representative: Earl D. Merritt, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrostatic precipitator system parts*, 12 feet 6 inches high, 20 feet long and less than 1.5 inches wide, requiring specially constructed trailers equipped with a side rack for loading safety and with top of trailer floor not more than 12 inches above ground, from Control Manufacturing Systems in Detroit, Mich., to a construction site in New Haven, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wheelabrator-Frye, Inc., Air Pollution Control Division, 600 Grant St., Pittsburgh, Pa. 15219. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 30844 (Sub-No. 586 TA), filed March 31, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plantsite and shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Fremont, Ohio, to points in New York (on and south of Interstate Highway 84); New Jersey (on and north of New Jersey Highway 33); Massachusetts and Connecticut, for 180 days. Supporting Shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 30844 (Sub-No. 587 TA), filed March 31, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, to points in Michigan, New York, Ohio, and Pennsylvania, restricted to traffic originating at named origin and destined to named States; (2) *Meat, meat products, meat by-products and articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Michigan, New York, Ohio, and Pennsylvania, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, restricted to traffic originating at named origins and destined to the named destination, for 180 days. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 47583 (Sub-No. 46TA), filed March 31, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, Kans. 66155. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, in bags, and blowing machines and replacement parts and supplies (except commodities in bulk), from the plantsite and storage facilities of Thermo Products Loose Fill, Inc., at or near Broken Arrow, Okla., to points in the continental United States; and *Materials, equipment, and supplies* used in the manufacture and distribution of cellulose insulation (except commodities in bulk), from points in the continental United States, to the plantsite and storage facilities of Encro Industries, Inc., at or near Broken Arrow, Okla., for 180 days. Supporting shippers: Thermo Products Loose Fill, Inc., 11244 E. 55 Pl., Tulsa, Okla., Encro Industries, Inc., 7308 S. College, Tulsa, Okla. 74136. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 52858 (Sub-No. 116TA); filed March 31, 1977. Applicant: CONVOY COMPANY, 3900 Northwest Yeon Ave., P.O. Box 10185, Portland, Oreg. 97210. Applicant's representative: William C. Parks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in truckaway service in secondary movements, between points in California, on the one hand, and, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chinook International Inc., 2700 First St., La Verne, Calif. 91750. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 82063 (Sub-No. 75TA), filed April 1, 1977. Applicant: KLIPSCH HAULING CO., 10795 Watson Rd., Sunset Hills, Mo. 63127. Applicant's representative: W. E. Klipsch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Memphis, Tenn., to points in the United States on and east of U.S. Highway 85, and points in New Mexico, Colorado, Wyoming, South Dakota, and North Dakota (except points in Alabama, Arkansas, Delaware, Georgia, Louisiana, Mississippi, Ohio, and Texas), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Velsicol Chemical Corporation, 341 E. Ohio St., Chicago, Ill. 60611. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 107403 (Sub-No. 1007TA), filed March 31, 1977. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, dry, in bulk, in tank vehicles, from Baltimore, Md., to Selkirk, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: SCM Corporation, 900 Union Commerce Bldg., Cleveland, Ohio 44115. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub–No. 1070TA) (Correction), filed March 15, 1977, published in the FEDERAL REGISTER issue of April 5, 1977, and republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Memphis, Tenn., to points in the United States on and east of U.S. Highway 85, and points in New Mexico, Colorado, Wyoming, South Dakota, and North Dakota (except points in Alabama, Arkansas, Delaware, Georgia, Louisiana, Mississippi, Ohio, and Texas), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Velsicol Chemical Corporation, 341 E. Ohio St., Chicago, Ill. 60611. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 107403 (Sub-No. 1007TA), filed March 31, 1977. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, dry, in bulk, in tank vehicles, from Baltimore, Md., to Selkirk, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: SCM Corporation, 900 Union Commerce Bldg., Cleveland, Ohio 44115. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub–No. 1070TA) (Correction), filed March 15, 1977, published in the FEDERAL REGISTER issue of April 5, 1977, and republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid wood preservatives*, in bulk, in tank vehicles; and (2) *Arsenic acid*, in bulk, in tank vehicles, from: (1) Valparaiso, Ind., to Minneapolis, Minn.; Prairie du Chien, Wis.; Munising, Schoolcraft, and St. Clair, Mich.; Washington Court House, Columbus, and Orrville, Ohio; W. Elizabeth, Pa.; and Henry, Tenn.; and (2) Bonham & Bryan, Tex., to Valparaiso, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, Pa. 15219. Send protest to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to add the commodity description which was omitted in the previous publication.

No. MC 107496 (Sub-No. 1073TA), filed March 30, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, from Springfield, Ill., to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 110064 (Sub-No. 4TA), filed March 28, 1977. Applicant: BILL MEEKER, 1632 North Mosley, P.O. Box 11184, Wichita, Kans. 67214. Applicant's representative: Bill Meeker (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter*, from Milwaukee, Wis., to Wichita, Kans., under a continuing contract with S & M Sales, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S & M Sales, Inc., 3434 W. Harry, Wichita, Kans. 67213. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 111309 (Sub-No. 8TA) (correction), filed March 14, 1977, published in the FEDERAL REGISTER issue of April 5, 1977, and republished as corrected this issue. Applicant: NEWPORT TRUCKING CORP., 4600 5th St., Long Island City, N.Y. 11101. Applicant's representative: A. David Milner, 167 Fairfield Rd., Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup and compounds* (except in bulk), from Long Island City, N.Y., to the following points: Bristol, Fairfield, Windsor, Conn.; Wilmington,

Del.: Annapolis, Baltimore, Cheverly, Harve De Grace, Salisbury, Md.; Allston, Ayer, Cambridge, Mass.; Asbury Park, Atlantic City, Pennsauken, Teterboro, N.J.; Batavia, Buffalo, Cicero, Geneva, Memands (Albany), Newburgh, North Tonowanda, Rochester, Schenectady, Syracuse, N.Y.; Charlotte, Durham, Elkins, Fayetteville, Greensboro, Greenville, Hickory, Lumberton, New Bern, Raleigh, Rocky Mount, Wilmington, Winston-Salem, Goldsboro, Kinston, Littleton, Roxboro, Selma, N.C.; Geistown, Mt. Pleasant, McKees Rock, Newville, Philadelphia, Pa.; Charleston, Cheraw, Columbia, Conway, Florence, Greenville, Spartanburg, S.C.; Charlottesville, Danville, Hollins, Lynchburg, Marion, Petersburg, Newport News, Norfolk, Va., under a continuing contract with Pepsi Cola Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pepsi Cola Company, Purchase, N.Y. 10577. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007. The purpose of this republication is to correct the applicant's address.

No. MC 111729 (Sub-No. 697TA), filed April 1, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, advertising literature, and business papers*, between Phoenix, Ariz., and Gallup, N. Mex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, rail or motor vehicle, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: GAF Photo Processors, 2933 N. 16th St., Phoenix, Ariz. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116710 (Sub-No. 29TA), filed March 25, 1977. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bissier City, La. 71010. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper type motor vehicles, from the plantsite and storage facilities of Texas Eastman Co., at or near Longview, Tex., to points in Illinois, Indiana, Michigan, Nebraska, Ohio, Tennessee and Wisconsin, under a continuing contract with Texas Eastman Company, Division of Eastman Kodak Company, for 180 days. Supporting shipper: Texas Eastman Company, Division of Eastman Kodak Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 117765 (Sub-No. 227TA), filed March 31, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock waterers*, livestock scales and poultry equipment, from Norfolk, Nebr., to points in Arkansas, for 180 days. Supporting shipper: Arkfeld Manufacturing Co., P.O. Box 54, Norfolk, Nebr. 68765. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 123272 (Sub-No. 11TA) (Correction), filed March 18, 1977, published in the FEDERAL REGISTER issue of April 6, 1977, and republished as corrected this issue. Applicant: FAST FREIGHT, INC., 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 W. Washington St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or plastic articles N.O.I.*, from the plantsite and its warehouse of Amoco Plastic Products Company of Seymour, Ind., to points in Michigan and Wisconsin, and from points in Michigan and Wisconsin, to Seymour, Ind., for 180 days. Supporting shipper: Amoco Plastic Products Company, C. W. Brock, Traffic & Warehouse Supervisor, Seymour, Ind. 47274. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604. The purpose of this republication is to change MC No. 123272 (Sub-No. 11TA), in lieu of MC No. 120954 (Sub-No. 2TA).

No. MC 123407 (Sub-No. 359TA), filed March 29, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, in trailers equipped with "A" frames, from ports of entry on the International Boundary line at the St. Clair, Detroit, Niagara and St. Lawrence Rivers, crossing points between the United States and Canada, Province of Ontario, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Tennessee, North Carolina and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pilkington Brothers (Canada) Ltd., 101 Richmond St., West., Toronto, Ontario M5H 1V9. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 124212 (Sub-No. 95TA), filed March 31, 1977. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Cleveland, Ohio, to points in Ohio, restricted to traffic originating at the plantsite of Louisville Cement Company, at Speed, Ind., and restricted to shipments having an immediately prior movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Bessemer Cement Company, Brainard Place, 29001 Cedar Road, Cleveland, Ohio 44124. Consolidate Rail Corporation, Room 450, 6 Penn Center Plaza, Philadelphia, Pa. 19104. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 E. 9th St., Cleveland, Ohio 44199.

No. MC 128988 (Sub-No. 93TA), filed March 30, 1977. Applicant: JO/KEL, INC., 159 S. Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, production and distribution of heating and air conditioning units, from the plantsite and warehouse facilities of Fraser & Johnston Company, at San Lorenzo, Calif., to the plantsite and warehouse facilities of Luxaire, Inc., located at Elyria, Ohio. Restrictions: Restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract with Fraser & Johnston Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fraser & Johnston Company, 2222 Grant Ave., San Lorenzo, Calif. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 129383 (Sub-No. 71TA), filed March 31, 1977. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Leonard C. Zucker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with unusual exceptions), in trailers equipped with roller bed floors, restricted to traffic having a prior or subsequent movement by air, between the airports of

Louisville, Ky.; Cincinnati, Cleveland, Columbus and Dayton, Ohio; Gary, Lafayette, Elkhart, Indianapolis and Fort Wayne, Ind.; Chicago, Ill.; Milwaukee and Appleton, Wis.; Battle Creek and Detroit, Mich.; and Owensboro, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 129600 (Sub-No. 29TA) (Correction), filed March 21, 1977, published in the FEDERAL REGISTER issue of April 6, 1977, and republished as corrected this issue. Applicant: POLAR TRANSPORT, INC., 176 King St., P.O. Box 44, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin* (except in bulk), from Gibson City, Ill., to Monroe, N.C., under a continuing contract with Central Soya Company, Inc., for 180 days. Supporting shipper: Central Soya Company, Inc., 1300 Fort Wayne National Bank Bldg., Fort Wayne, Ind. 46802. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114. The purpose of this republication is to correct the requested authority.

No. MC 129645 (Sub-No. 59TA), filed April 1, 1977. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as, SMEESTER BROTHERS TRUCKING, 1339 S. Jackson St., Iron Mountain, Mich. 49801. Applicant's representative: H. G. Denny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture stock panels, wooden, with veneer facings; wood dimension stock, and wood fiberboard*, in straight or mixed shipments (except that which because of size or weight requires the use of special equipment or handling and commodities in bulk), loose or in bundles, from the facilities utilized by Allied International Inc., located at Hanover, S. Boston and Westfield, Mass., and Norwich and Windsor Locks, Conn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michiagn, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Virginia and Wisconsin, for 180 days. Supporting shipper: Allied International Inc., Charlestown, Mass. 02129. Send protests to: C.R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 133816 (Sub-No. 12TA), filed March 31, 1977. Applicant: K & K WHOLESALE COMPANY, P.O. Box 328, Lowell, Oreg. 97452. Applicant's representative: Howard E. Speer, 835 E. Park St., Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone and landscape boulders*, from points in Mono County, Calif., to points in Thurston, Pierce, King and Snohomish Counties, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Featherock, Inc., 2890 Empire Ave., P.O. Box 6190, Burbank, Calif. 91510. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 134592 (Sub-No. 10TA), filed March 31, 1977. Applicant: HERB MOORE AND HAZEL MOORE, doing business as H & H TRUCKING CO., 10366 N. Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Robert G. Simpson, 1200 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, wine and champagne*, from Guerneville, St. Helena, Greton, Sonoma, San Francisco, Brisbane, Menlo Park, Saratoga, San Jose, Los Angeles, Irvine, Napa, Fairfield, Elk Grove, Lodi, Livermore, Ripon, Modesto, San Martin, Madera, Reedley, Van Nuys and Azusa, Calif., to Astoria, Seaside, St. Helens, Hillsboro, McMinnville, Salem, Newport, Lincoln City, Eugene, Springfield, Coos Bay, Roseburg, Medford, Portland, Gressham, Oregon City and Hood River, Oreg.; Bellingham, Burlington, Mt. Vernon, Everett, Seattle, Longview, Kelso, Kalama, Woodland and Vancouver, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 135599 (Sub-No. 5TA), filed April 1, 1977. Applicant: WITTENBURG TRUCK LINE, INC., P.O. Box 98, Readlyn, Iowa 50668. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain wagons and parts*, from Shell Rock, Iowa, to points in Ohio, Illinois, Indiana, Missouri, Nebraska, Kansas, Colorado, Texas, Wisconsin, South Dakota, Michigan, North Dakota, Oklahoma and Minnesota, under a continuing contract with Brent Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brent Industries, Inc., R R. No. 1, Shell Rock, Iowa 50670. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138026 (Sub-No. 8TA), filed March 31, 1977. Applicant: LOGISTICS EXPRESS, INC., Etiwanda & Slover Avenues, Fontana, Calif. 92335. Applicant's representative: David P. Christianson, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon monoxide*, from Long Beach, Calif., and Harris County (La Porte), Tex., to points in Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Air Products and Chemicals, Inc., 2021 E. Rosecrans Blvd., E. Segundo, Calif. 90245. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif 90012.

No. MC 139495 (Sub-No. 223TA), filed April 1, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods and canned vegetables*, from Agripac's facilities, at or near Salem and Eugene, Oreg., to points in Arizona, New Mexico, North Dakota, South Dakota, Colorado, Texas, Nebraska, Oklahoma, Missouri, Kansas, Arkansas, Louisiana and Michigan, for 180 days. Supporting shipper: Agripac, Inc., P.O. Box 5346, Salem, Oreg. 97304. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140693 (Sub-No. 12TA), filed March 30, 1977. Applicant: BEER TRANSPORTATION COMPANY, 1122 Germantown Ave., Philadelphia, Pa. 19123. Applicant's representative: Edward J. Kiley, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the facilities of the Henry F. Ortlieb Brewing Company, at or near Philadelphia, Pa., to points in Illinois, Indiana and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Henry F. Ortlieb Brewing Company, American and Poplar Sts., Philadelphia, Pa. 19123 Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 141914 (Sub-No. 8TA), filed April 1, 1977. Applicant: FRANKS & SON, INC., P.O. Box 180-A, Big Cabin,

Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residential heating and cooling units, their components, accessories and equipment* used in the manufacturing thereof, from the plantsite of Rheem Manufacturing Company, Heating and Air Conditioning Division, at Ft. Smith, Ark., to points in Washington, Oregon, California, Nevada, Arizona, New Mexico and Colorado, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rheem Manufacturing Co., Heating and Air Conditioning Division, 5600 Old Greenwood Road, Ft. Smith, Ark 72901. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 141924 (Sub-No. 2TA), filed April 1, 1977. Applicant: GOLDEN VALLEY TRANSPORATION, INC., Roberts, Idaho 83444. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Golden Valley Packers, Inc., at or near Roberts, Idaho, to Chicago, Ill.; N. Baltimore, Ohio; Folcroft, Pa.; Omaha, Nebr.; Butler, Wis.; Memphis, Tenn.; and Ogden, Utah and points in their respective commercial zones, under a continuing contract with Golden Valley Packers Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Golden Valley Packers Inc., 2190 Tasman, Idaho Falls, Idaho 83401. Send protests to: Barney L. Hardin, District Supervisor, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 142065 (Sub-No. 5TA), filed March 31, 1977. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 324 N. Second St., Rogers, Ark. 72756. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Central heating units, central air conditioning units, furnaces, air coolers, water evaporators, condensing units, compressors, electric motors, parts, equipment and supplies*, from Fort Smith, Ark., to points in Arizona, California, Nevada, Oregon and Washington, under a continuing contract with Rheem Manufacturing Company, Heating and Air Conditioning Division, for 180 days. Supporting shipper: Rheem Manufacturing Company, Heating and Air Conditioning Division, 5600 Old Greenwood Road, Fort Smith, Ark. 72901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 142207 (Sub-No. 6TA), filed April 1, 1977. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, La. 70189. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, insulation board sheeting, and interior ceiling*, from the plantsite and warehouse facilities of National Gypsum, Inc., at or near Mobile, Ala., to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma and Texas, for 180 days. Supporting shipper: National Gypsum, Inc., P.O. Box 1184, Mobile, Ala. 36601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Federal Bldg., New Orleans, La. 70113.

No. MC 142288 (Sub-No. 2TA), filed April 1, 1977. Applicant: HAMILTON TRUCKING CO. OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, Okla. 74116. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), between the plantsite of Kerr Glass Company, at Sand Springs, Okla., and the plantsite of Kerr Glass Company, at Waxahacie, Tex., for 180 days. Supporting shipper: Kerr Glass Manufacturing Corp., Sand Springs, Okla. 74063. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 142360 (Sub-No. 3TA), filed March 28, 1977. Applicant: SPECIALIZED SERVICE, INC., 320 Hegenberger Road, Suite 31, Oakland, Calif. 94612. Applicant's representative: Raymond A. Greene, Jr., 100 Pine St., Suite 250, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen pork products*, in mechanically refrigerated equipment, from Davenport, Dubuque, Cedar Rapids, Ottumwa, Marshalltown, Iowa Falls, Waterloo, Estherville, Des Moines, Fort Dodge, Sioux City, Cherokee, Denison, Glenwood, Perry, and Storm Lake, Iowa; Omaha, Fremont, Crete, and Madison, Nebr.; Minneapolis, St. Paul, Austin, Albert Lea, and Worthington, Minn.; Sioux Falls, S. Dak.; Kansas City and Arkansas City, Kans.; and St. Louis and Marshall, Mo.; to Merced, Stanislaus, San Joaquin, Alameda, San Francisco, Santa Clara, Yolo, Los Angeles, San Mateo, Sacramento, and Fresno Counties, Calif., under a continuing contract with Pacific Provisions, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Provisions, Inc., 139 Mitchell Ave., S. San Francisco, Calif. 94080. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 143101 (Sub-No. 2TA), filed March 29, 1977. Applicant: DISTRIBUTION TRANSPORT CORP., 38 Jackson St., Hoboken, N.J. 07030. Applicant's representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, N.Y. 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and used by manufacturers, distributors and dealers of toys, novelties and giftware, between points in the New York, N.Y. Commercial Zone as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Act (the exempt zone), and South Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania, restricted to service to be performed under a continuing contract with Concord Brokerage Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Concord Brokerage Corp., 1115 Broadway, New York, N.Y. 10010. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 143102 (Sub-No. 1TA), filed April 1, 1977. Applicant: ERNEST TEAUFFER, P.O. Box 1749, Calexico, Calif. 92213. Applicant's representative: Jerry Solomon Berger, 433 N. Camden Drive, Beverly Hills, Calif. 90210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished oil*, in bulk, in tank vehicles, from port of entry on the United States-Mexico boundary line located at San Ysidro, Calif., to points in San Diego County, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Mercantil def Valle, S.A. (a Mexican Corporation), P.O. Box 1692, Mexicali, B.C. Mexico. Combustibles y Lubricantes Noroeste, S.A. (a Mexican Corporation), P.O. Box 562, Calexico, Calif. 92235. Armour Oil Company (a U.C. Corporation), 2085 Kurtz St., San Diego, Calif. 92138. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 143109 (Sub-No. 1TA), filed March 30, 1977. Applicant: ASSOCIATED DIESEL SERVICE, INC., 4999 Jackson, Denver, Colo. 80216. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Flavorland Industries, Inc., at or near Denver, Colo., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to a transportation service performed under a continuing contract with Flavorland Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., 5590 High St., Denver, Colo. 80216. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 143119 (Sub-No. 1TA), filed April 1, 1977. Applicant: M. C. COLLINS, P.O. Box 185, Holcomb, Mo. 63852. Applicant's representative: Warren H. Sapp, Suite 230, 4420 Madison Bldg., Kansas City, Mo. 64111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Caruthersville, Hayti, Holland, and Sikeston, Mo., to points in Clay, Graighead, Greene, Mississippi, and Poinsett Counties, Ark., and Carroll, Crockett, Dyer, Gibson, Lake, Lauderdale, Obion, and Weakley Counties, Tenn. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MFA Delta Division, P.O. Box 409, Portageville, Mo. 63873. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 143120 (Sub-No. 1TA), filed March 31, 1977. Applicant: FAR WEST TRANSPORTERS, INC., 14011 Poppleton Circle, Omaha, Nebr. 68137. Applicant's representative: Arlyn Westergren, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as *a contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products and building materials and accessories*, for the account of Rehcon, Inc.; (1) from Omaha, Nebr., and Little Rock, Ark., to points in Nebraska, Iowa, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Minnesota, South Dakota, Colorado, Wyoming, Utah, Idaho, Oregon, Washington, California, Nevada, North Carolina, South Carolina, and Florida; and (2) from points in Oregon, Washington, California, Colorado, Idaho, Montana, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, Minnesota, North Carolina, South Carolina, Florida, Utah, Nevada, Tennessee, Alabama, Wisconsin, Virginia, and West Virginia, to Omaha, Nebr., and Little Rock, Ark., under a continuing contract with Rehcon, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mike Hales, President, Rehcon, Inc., P.O. Box 37470, Omaha, Nebr. 68137. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 143121 (Sub-No. 1TA), filed March 31, 1977. Applicant: TILLAMOOK CARRIERS, INC., 4906 E. Compton Blvd., Paramount, Calif. 90723. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, chinaware, earthenware, porcelainware, stoneware, plastic bowls, cups, dishes or plates*, between Lake City and Jeannette, Pa., and Sebring and Bedford Heights, Ohio, on the one hand, and, on the other, points in the United States in and west of New Mexico, Colorado, Wyoming, North Dakota, and South Dakota, under a continuing contract with Jeannette Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jeannette Corporation, Bullett Ave., Jeannette, Pa. Send protests to: Irene Carlos, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 143143TA, filed April 1, 1977. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, Maine 04988. Applicant's representative: Peter L. Murray, 30 Exchange St., Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products and frozen vegetables*, from the plantsite of Penobscot Frozen Foods, Inc., Belfast, Maine, to points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Texas, under a continuing contract with Penobscot Frozen Foods, Inc., for 180 days. Supporting shipper: Penobscot Frozen Foods, Inc., P.O. Box 229, Belfast, Maine 04915. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Maine 04111.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11609 Filed 4-20-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY; ELIMINATION OF GATEWAY APPLICATIONS

APRIL 15, 1977.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 114632 (Sub-No. 103G), filed March 7, 1977. Applicant: APPLE LINES, INC., 212 SW. Second Street, Madison, S. Dak. 57042. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel prefabricated structural components*, from Chicago, Ill., and Porter County, Ind., to points in Kansas. The purpose of this filing is to eliminate the gateway of Atlantic, Iowa.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY; ELIMINATION OF GATEWAY LETTER NOTICES

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An orginial and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 105045 (Sub-No. E177), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery,

development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Florida on the one hand, and, on the other, points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E178), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Georgia, on the one hand, and, on the other, points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E179), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Florida to points in South Dakota, North Dakota, Wyoming, Montana, Idaho, Washington, and Oregon. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E180), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipelines, from points in Georgia to points in North Dakota, South Dakota, Montana, Washington, Oregon, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E181), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Alabama to points in South Dakota on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway, 81, to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidate Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E182), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on and north of a line beginning at the Illinois-Missouri State line and extending along Interstate Highway 70 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105046 (Sub-No. E184), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO, INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E185), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55, to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in New Mexico on or west of a line beginning at the Colorado-New Mexico State line, and extending along Interstate Highway 25 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E186), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E187), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, to points in Colorado on or west of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 85 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E189), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E190), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on

and east of a line beginning at the Missiouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, to points in North Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E191), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E192), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa, on the one hand, and, on the other, points in Alabama, Florida and Georgia. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E193), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, and extending along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E194), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, and extending along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Arkansas on and south of a line beginning at the Arkansas Tennessee State line, and extending along U.S. Highway 70 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Arkansas State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill..

No. MC 105045 (Sub-No. E195), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, and extending along Interstate Highway 80 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E196), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, and extending along U.S. Highway 80 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Texas on and south of a line beginning at the Texas-Louisiana State line, and extending along Interstate Highway 20, to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E197), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Arkansas, on the one hand, and, on the other, points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E198), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277—1020 Pennsylvania St, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *Aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Mississippi, on the one hand, and, on the other, points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E199), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Louisiana to points in Minnesota on and east of a line beginning at the Minnesota-Iowa state line, and extending along Interstate Highway 35 to junction Interstate Highway 94 thence along Interstate Highway 94 to the Minnesota-North Dakota state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E200), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies*, used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E201), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Alabama to points in South Dakota.

No. MC 105045 (Sub-No. E202), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies*, used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee to points in Colorado on and west of a line beginning at the New Mexico-Colorado state line, and extending along Interstate Highway 25 to the Colorado-Wyoming state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E203), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Alabama to points in South Dakota.

The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E204), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Alabama, on the one hand, and, on the other, points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E205), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, From points in Alabama, to points in Colorado on and north of a line beginning at the Kansas-Colorado state line, and extending along U.S. Highway 50 to junction Colorado state Highway 90, thence along Colorado Highway 90 to the Colorado-Utah state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E206), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, From points in Georgia to points in North Dakota, South Dakota and Colorado. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E207), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, Materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, Between points in Georgia, on the one hand, and, on the other, points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 107064 (Sub-No. E461), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk in tank vehicles from points in Wyoming, to points in that part of Alabama on, South and East of a line commencing at the Mississippi-Alabama State Line and extending along U.S. Highway 11 to Birmingham, Alabama, thence along Interstate Highway 65 to the Alabama-Tennessee State line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E462), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash from points in Montana to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E-463), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in South Carolina on and South of a line commencing at the Georgia-South Carolina State Line and extending along U.S. Highway 378 to Conway, South Carolina thence along U.S. Highway 701 to the South Carolina-North Carolina State Line to points in Colorado, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E464), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E465), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in South Carolina to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E466), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in New Mexico in and south of Valencia, Torrance, Lincoln, De Baca and Roosevelt Counties, N. Mex. to points in Missouri on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E467), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Nevada to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E468), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company.

No. MC 107064 (Sub-No. E470), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in New Mexico on, south and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 84 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line to points in Kentucky, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107993 (Sub-No. E3), filed June 4, 1974. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 5328, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials* and *supplies* and *pipe* incidental to, used in, or in connection with (a) transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (1) between points in Arizona (except points on, north, and east of a line beginning at the Arizona-New Mexico state line and extending along U.S. Highway 66 to Flagstaff, Arizona, thence along U.S. Highway 89 to the Arizona-Utah state line), on the one hand, and, on the other, points in Kansas (except points in Cheyenne, Rawlins, Decatur, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Greeley, Wichita, and Scott Counties, Kans.); (2) between points in Arizona, on the one hand, and, on the other, points in Oklahoma; (3) between points in Kansas, on the one hand, and, on the other, points in Louisiana;

(4) Between points in Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Ottawa, Lincoln, Shawnee, Wabaunsee, Wyandotte, Ellis, Russell, Dickinson, Geary, Douglas, Johnson, Saline, Ellsworth, Morris, Osage, Lyon, Franklin, Miami, Rush, Barton, McPherson, Marion, Rice, Chase, Coffey, Anderson, Linn, Pawnee, Stafford, Reno, Harvey, Greenwood, Edwards, Butler, Woodson, Allen, Bourbon, Sedgwick, Pratt, Kiowa, Kingman, Wilson, Neosho, Crawford, Elk, Ford, Meade, Clark, Comanche, Barber, Harper, Sumner, Cawley, Montgomery, Labette, Cherokee, Seward and Chautauqua Counties, Kans., on the one hand, and, on the other, Colfax, Union, Mora, Harding, McKinley, Sandoval, Los Alamos, Sante Fe, San Miguel, Valencia, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, De Baca, Curry, Lincoln, Roosevelt, Chaves, Sierra, Otero, Lea, Grant, Hidalgo, Luna, Dona Ana and Eddy Counties, N. Mex.; (5) between points in Louisiana, on the one hand, and, on the points, points in Oklahoma; (6) between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, restricted in (6) above, against service between points in Union and Colfax Counties, N. Mex., on the one hand, and, on the other, points in Cimarron County, Okla. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 112070 (Sub-No. E107), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in New Jersey, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 271 to junction Texas Highway 19, to junction Texas Highway 19-154, to junction U.S. Highway 69, to junction U.S. Highway 59, to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico; (b) between points in New Jersey on and west of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 33, to junction U.S. Highway 130, thence along U.S. Highway 130 to the Delaware River, on the one hand, and, on the other, to points in Sebastian County, Ark.; (c) between points in New Jersey, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 69 and 75 to junction Interstate Highway 35, to junction U.S. Highway 90, thence along U.S. Highway 90 to the International Boundary between the United States and Mexico. The purpose of this filing is to eliminate the gateways

of points in Missouri, Enid, Oklahoma and points within 90 miles thereof.

No. MC 112070 (Sub-No. E108), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in New York on and west and north of a line beginning at the New York-Vermont state line, and extending along New York Highway 149, to junction New York Highway 40, to junction New York Highway 196, to junction New York Highway 28, to junction New York Highway 12, thence along New York Highway 12 to Lake Ontario, on the one hand, and, on the other, to those points in Texas on and west of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 271 to junction U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Gulf of Mexico; (b) Between points in New York, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 69 and 75, to junction Interstate Highway 75, to junction U.S. Highway 183, thence along U.S. Highway 183 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Illinois, Missouri, Enid, Oklahoma and points within 90 miles thereof.

No. MC 112070 (Sub-No. E109), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1920 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Indiana, on the one hand, and, on the other, points in Texas on and north of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 60 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-New Mexico state line, and points in El Paso County, Tex.; (b) between points in Indiana on and north of a line beginning at the Illinois-Indiana state line, and extending along Interstate Highway 74 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Colorado state line, and extending along U.S. Highway 287 to junction U.S. Highway 87 to junction U.S. Highway 80, thence along U.S. Highway 80 to the International Boundary line between the United States and Canada; (c) between points in Indiana, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to the International Boundary between United States and Mexico; (d) between points in Indiana on and north of a line beginning at the Indiana-Ohio state line and extending along U.S. Highway 6, thence along U.S. Highway 6, to the Illinois-Indiana state line, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Oklahoma-Texas state line, and extending along U.S. Highway 271 to junction Texas Highway 154, to junction Texas Highway 37, to junction U.S. Highway 69, to junction U.S. Highway 59, to junction Texas Highway 288, thence along Texas Highway 288, to the Gulf of Mexico;

(e) Between points in Indiana, on the one hand, and, on the other, points in Cimmaron and Texas Counties, Okla.; (f) between points in Indiana on and north of a line beginning at the Indiana-Ohio state line, and extending along U.S. Highway 40 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 77 to junction U.S. Highway 177, to junction U.S. Highway 270, to junction U.S. Highway 75, to junction Oklahoma Highway 3, to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Texas state line; (g) between points in Indiana on and north of a line beginning at the Indiana-Ohio state line and extending along Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Oklahoma; (h) between points in Indiana, on the one hand, and, on the other, points in Okfuskee, Noble, Payne, Osage, Oklahoma, Canadian, Grady, McClain, Pottawatomie, Lincoln, Seminole, Major and Garfield Counties, Okla. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, Enid, Okla., and points within 90 miles thereof.

No. MC 112070 (Sub-No. E110), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Ohio, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line and extending along Texas Highway 79 to junction U.S. Highway 283, to junction U.S. Highway 67, to junction U.S. Highway 277, thence along U.S. Highway 277 to the International Boundary line between the United States and Mexico; (b) between points in Ohio on and north of a line beginning at the Ohio-Pennsylvania state line, and extending along U.S. Highway 224, thence along U.S. Highway 224, to U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio state line, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 271 to junction Texas Highway 19–154 to junction U.S. Highway 69, to junction Texas Highway 155, to junction U.S. Highway 287, to junction Texas Highway 19, to U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri and Enid, Okla., and points within 90 miles thereof.

No. MC 113855 (Sub-No. E386), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Minnesota on and west of U.S. Highway 59 from the Minnesota-Manitoba border in a southerly direction to the junction of U.S. Highway 2, thence along U.S. Highway 2 to Bemidji, thence along U.S. Highway 71 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in New York on and east of New York Highway 30 from the United States-Canada International Boundary line in a southerly direction to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line; and (b) between points in Minnesota on, and south, and west of Minnesota Highway 28 from the Minnesota-South Dakota State line to junction U.S. Highway 59, thence along U.S. Highway 59 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in New York on and east of a line beginning at Oswego, N.Y., along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line.

The purpose of this filing is to eliminate the gateways of South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along numbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan,

Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 113855 (Sub-No. E387), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 70, to junction U.S. Highway 81 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line. (B) between points in Kansas on, west and north of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 281 to junction U.S. Highway 40, to junction Kansas Highway 96, to the Kansas-Colorado State line, on the one hand, and, on the other, points in Ohio south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line.

(C) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 35, to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 220, to the Pennsylvania-Maryland State line. (D) between points in Kansas on, west, and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction U.S. Highway 50, to junction U.S. Highway 281, to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 220, to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E388), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (A) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Illinois on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Iowa State line; and (b) between points in Kansas east of U.S. Highway 281 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Illinois on and north of Illinois Highway 64. The purpose of this filing is to eliminate the gateways of South Dakota, and Davenport, Iowa.

No. MC 113855 (Sub-No. E392), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal Articles* (A) between points in Wyoming, on the one hand, and, on the other, points in Ohio and Pennsylvania, and (B) between points in Wyoming, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of South Dakota east of the Missouri River.

No. MC 113855 (Sub-No. E391), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Illinois on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Iowa State line; and (b) between points in Kansas east of U.S. Highway 281 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Illinois on and north of Illinois Highway 64. The purpose of this filing is to eliminate the gateways of South Dakota, and Davenport, Iowa.

No. MC 113855 (Sub-No. E393), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in that part of Iowa on and west of U.S. Highway 71 and on and north of Iowa Highway 175, on the one hand, and, on the other points in that part of Kentucky east and south of a line beginning at the Tennessee-Kentucky State line at or near Jellico extending along Interstate Highway 75 to Lexington, Ky., thence along Interstate Highway 64 to the Kentucky-West Virginia State line (except points on the described line) (South Dakota or points in Minnesota or Iowa within 50 miles of Sioux Falls, S Dak., and Elgin, Ill.*);

(b) Between points in that part of Iowa on and north and west of a line beginning at Council Bluffs, Iowa, extending along Interstate Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in West Virginia and points in Kentucky (except points in Kentucky east and south of a line beginning at the Tennessee-Kentucky State line at or near Jellico extending along Interstate Highway 75 to Lexington, thence along Interstate Highway 64 to the Kentucky-West Virginia State Line) (South Dakota or points in Minnesota or Iowa within 50 miles of Sioux Falls, S. Dak., and Elgin, Ill.*);

(c) Between points in that part of Iowa on, west, and north of a line beginning at Council Bluffs extending along Interstate Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, on the one hand, and on the other, points in that part of New York on and east of a line beginning at Oswego, N.Y., extending along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line; and

(d) Between points in that part of Iowa on and west of U.S. Highway 169 beginning at the Iowa-Minnesota State line extending along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line (except points described in (c) above), on the one hand, and, on the other, points in that part of New York east of a line beginning at the United States-Canada International Boundary line extending along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line at Hancock, N.Y. (as to (c) and (d) above), the gateway eliminated is points in South Dakota and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, thence along Business U.S. Highway 15 through Gettysburg to junction U.S. Highway 15 to junction unnumbered highway (former portion U.S. Highway 15), thence along unnumbered highway through Clear Spring to junction U.S. Highway 15,

thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.*);

(e) Between points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware and the District of Columbia (points in South Dakota or points in Iowa or points in Minnesota within 50 miles of Sioux Falls, S. Dak., and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, thence along Business U.S. Highway 15 through Gettysburg to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.*), or alternately, the gateways described immediately above with Elgin, Ill., and that area in Pennsylvania described immediately above which is within the area bounded by points in Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and lines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway near Portersville, thence along unnumbered highway via Prospect to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line including points on the indicated portions of the Highway specified*); and

(f) Between points in that part of Iowa on, west and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Iowa Highway 175, thence along Iowa Highway 175 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 522 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line and points in Maryland (except points in Garrett and Alleghany Counties), (points in South Dakota, and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, thence along Business U.S. Highway 15 through Gettysburg to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bedford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-113855 (Sub-No. E394), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between points in Iowa on and west of U.S. Highway 71 and on and north of Iowa Highway 175, on the one hand, and, on the other, (i) points in Missouri on and west of U.S. Highway 71 and on and south of U.S. Highway 40, and points in Wisconsin, Illinois, Indiana, and Michigan (South Dakota, or points in Minnesota within 50 miles of Sioux Falls, S.D.*); (ii) points in Ohio and Pennsylvania (South Dakota*); (B) between points in Iowa on and west of U.S. Highway 71, on the one hand, and, on the other, points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 16 to junction Wisconsin Highway 33, to junction Wisconsin Highway 68, to junction U.S. Highway 151 to Lake Michigan, and points in the Upper Peninsula of Michigan. (South Dakota, or points in Minnesota within 50 miles of Sioux Falls, S.D.*); (C) between points in Iowa south of Iowa Highway 175 and on and west of U.S. Highway 71, on the one hand, and, on the other, points in Ohio on and north of U.S. Highway 422, and points in Pennsylvania on and east of Pennsylvania Highway 51 (South Dakota*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-113855 (Sub-No. E395), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, between points in Idaho, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of (1) points in Utah, (2) points in Montana and those points in South Dakota east of the Missouri River, and (3) points in Wyoming and those in South Dakota east of the Missouri River.

No. MC-113855 (Sub-No. E396), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Minnesota on and west of U.S. Highway 59. The purpose of this filing is to eliminate the gateway of points in South Dakota or points in Minnesota within 50 miles of Sioux Falls.

No. MC-113855 (Sub-No. E397), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (a) between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Missouri; and (b) between points in Minnesota on, north and west of Minnesota Highway 60, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction Missouri Highway 10, thence, along Missouri Highway 10 to junction Missouri Highway 13, thence, along Missouri Highway 13 to junction U.S. Highway 65, thence, along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E408), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (a) between points in Idaho (except points in and north of Lemhi, Valley and Idaho Counties), on the one hand, and, on the other, points in North Dakota (except points in and west of Renville, Ward, McLean, Oliver, Morton, and Sioux Counties); (b) between points in that part of Idaho in and north of Lemhi, Valley, and Idaho Counties, on the one hand, and, on the other, points in that part of North Dakota in and east of Pembina, Walsh, Nelson, Eddy, Wells, Kidder, Burleigh, and Emmons Counties; (c) between points in that part of Idaho west and south of Cassia, Blaine, Custer, Valley, and Adams Counties, on the one hand, and, on the other points in Burke, Montrail, Renville, Ward, McLean, Mercer, Oliver, Morton, Grant, and Sioux Counties, N. Dak. (points in Montana and South Dakota east of the Missouri River in (a), (b), and (c) above*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113855 (Sub-No. E409), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (a) between points in Oregon and points in Washington (except Pend Oreille, Stevens, Ferry, Spokane, and Lincoln Counties), on the one hand, and, on the other, points in Colorado on, east, and north of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of Utah and South Dakota.

No. MC 113855 (Sub-No. E410), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Iowa on, west, and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 71 to junction U.S. Highway 20, to junction Interstate Highway 35, to junction Interstate Highway 30, to junction U.S. Highway 63, to junction U.S. Highway 34, to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S.D.

No. MC 113855 (Sub-No. E450), filed July 19, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) (i) between points in North Dakota, on the one hand, and, on the other, points in New York in and east of Mome Livingston, and Steuben Counties, points in Maryland (except in and west of Frederick County), points in Virginia on and east of U.S. Highway 301, and points in North Carolina in and east of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties: (a) (ii) between points in North Dakota on and west of U.S. Highway 83, on the one hand, and, on the other, points in North Carolina west of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties, and east of U.S. Highway 15, and points in South Carolina on and east of U.S. Highway 52 South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania, on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder Northumberland, Montour, and Columbia Counties, Pa.).

(b) Between points in South Dakota, on the one hand and, on the other, points in New York on and east of U.S. Highway 15, points in Maryland (except Garrett County), the District of Columbia, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, and points in Virginia east of Alleghany, Rock-Bedford, and Pittsylvania Counties (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered Highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 at junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder Northumberland, Montour, and Columbia Counties, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 116014 (Sub-No. E8), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Kentucky 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, skids, bases, boxes, crating, veneer, baskets, staves, nails, metal and metal banding*, from points in Illinois west and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 88, thence along Illinois Highway 88 to the Illinois-Iowa State line, to points in Virginia south or west of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Adair County and Bath County, Ky.

No. MC 116014 (Sub-No. E20), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Missouri west and north of a line beginning at the Illinois-Missouri State line, thence Highway 60, thence alone U.S. Highway 60 to the Missouri-Oklahoma State line, to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to

eliminate the gateway of points in Powell County, Kentucky and points in Kentucky on and east of U.S. Highway 31–E.

No. MC–116014 (Sub.-No. E22), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31–E to its junction with U.S. Highway 42, thence along U.S. Highway 42 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 30 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky, Tennessee State line, to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along Interstate Highway 77 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Powell County, Ky., and points in Kentucky on and east of U.S. Highway 31–E.

No. MC–116014 (Sub-No. E24), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Kentucky north and east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to its junction with Kentucky Highway 30, thence along Kentucky Highway 30 to its junction with U.S. Highway 460, thence along Kentucky Highway 460 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line, thence along boundaries of Kentucky-West Virginia, Kentucky-Ohio, Kentucky-Indiana to U.S. Highway 31–E at Louisville, Kentucky, thence along U.S. Highway 31–E to the Kentucky-Tennessee State line to points in that part of South Carolina south and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Pulaski County, Kentucky, and in that part of Kentucky on and East of U.S. Highway 31–E.

No. MC–116014 (Sub-No. E25), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in those parts of Michigan and Indiana on and East of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 35 to its intersection with Indiana Highway 15, thence along Indiana Highway 15 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line, and points in that part of Ohio on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to its intersection with the Ohio State Highway 44, thence along Ohio State Highway 44 to Lake Erie, to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 70S, thence along U.S. Highway 70S to its junction with Tennessee Highway 55, thence along Tennessee Highway 55 to its junction with Interstate Highway 24, thence along Interstate Highway 24 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateways of points in Powell County and Clark County.

No. MC 116014 (Sub-No. E26), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama to points in Michigan, Ohio, Pennsylvania, New York, New Jersey, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maryland, and points in that part of West Virginia, North and West of the line beginning at the Maryland-West Virginia State line, thence along U.S. Highway 219 to its intersection with Interstate Highway 64, thence along Interstate Highway 64 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Kentucky State line, points in that part of Kentucky north and east of a line beginning at the West Virginia-Kentucky State line, thence along Kentucky Highway 80 to its intersection with U.S. Highway 31–E, thence along U.S. Highway 31–E to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC–116014 (Sub-No. E28), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pennsylvania to points in Alabama and Tennessee, points in that part of Kentucky on and East of U.S. Highway 31–E and points in that part of Missouri beginning at the Ohio-Missouri State line, thence along Interstate Highway 70 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Winchester, Kentucky, points in Kentucky on and East of U.S. Highway 31–E in Clark County, Kentucky, and in Carter County, Kentucky.

No. MC–116014 (Sub-No. E29), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in North Carolina to points in Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Ohio, and points in that part of Ohio east of the line beginning at the Kentucky-Ohio State line, thence along U.S. Hwy. 68 to its intersection with Interstate Hwy. 75, thence along Interstate Hwy. 75 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateways of Winchester, Kentucky, points in Clark County, Kentucky, in Barren County, Kentucky, and the plantsite of Bluegrass Cooperage, Louisville, Kentucky.

No. MC 116014 (Sub-No. E30), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Virginia on and east of a line beginnin gat the West Virginia-Virginia State line, thence along U.S. Highway 60 to the intersection of Interstate Highway 64, thence along Interstate Highway 64 to its intersection with U.S. Highway 20, thence along Interstate Highway 220 to the Virginia-North Carolina State line, to points in that part of Kentucky on and East of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31-E to its junction with U.S. Highway 42, thence along U.S. Highway 42 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 30 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in Powell County, Ky., in Kentucky on and East of U.S. Highway 31-E, and in Pulaski County, Ky.

No. MC 116014 (Sub-No. E31), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in

Illinois, Indiana, and in the Lower Peninsula of Michigan, points in that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 60 to its intersection with Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Kansas State line, and points in that part of Ohio north and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to its junction with Ohio State Highway 73, thence along Ohio State Highway 73 to its junction with U.S. Highway 68, thence along U.S. Highway 68 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its Ohio-Michigan State line, to all points in North Carolina. The purpose of this filing is to eliminate the gateways of points in Powell County, Kentucky, points in Kentucky on and east of U.S. Highway 31E and in Clark County, Kentucky.

No. MC 117815 (Sub-No. E50), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats meat products, meat by-products,* and *articles distributed by meat packinghouses*, as described in Sections A and C to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of the Rath Packing Company at Columbus Junction, Iowa, to points in that part of Indiana on, north and east of a line commencing at the Illinois-Indiana state line on Indiana Highway 18, thence east over Indiana Highway 18 to the junction of U.S. Highway 41, thence south over U.S. Highway 41 to the junction of Indiana Highway 234, thence east over Indiana Highway 234 to junction of U.S. Highway 231, thence south over U.S. Highway 231 to junction of U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio state line, restricted to the transportation of traffic originating at the plantsite of Rath Packing Company at Columbus Junction, Iowa, and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E51), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products,* and *meat by-products,* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Wilson & Company, Inc., at or near Cherokee, Iowa, to points in Indiana north of U.S. Highway 40, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson & Company, Inc., at or near Cherokee, Iowa, and to movements, from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E52), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wisconsin, to points in Indiana north of U.S. Highway 40, restricted to movements from, to, or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E53), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *canned pet food*, from Grimes, Iowa, to points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E54), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Lawrence, Kansas, to points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line on Indiana Highway 114 west of Morocco, Indiana, thence east over Indiana Highway 114 to junction of U.S. Highway 421, thence south over U.S. Highway 421 to Reynolds, Indiana, thence over Indiana Highway 16 to Royal Center, Indiana, thence south over U.S. Highway 35 to Dunkirk, Indiana, thence east over U.S. Highway 24 to junction of Indiana Highway 124, thence east over Indiana Highway 124 to junction of Indiana Highway 15, to Marion, Indiana, thence east over Indiana Highway 18 to Brant, Indiana, and thence east over Indiana Highway 67 to the Indiana-Ohio state line, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa and Chicago, Illinois.

No. MC 117815 (Sub-No. E55), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour and Company at or near Worthington and Mankato, Minnesota, to points in Indiana north of U.S. Highway 40, restricted to the transportation of traffic originating at the plantsite of Armour and Company at or near Worthington and Mankato, Minnesota, and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E56), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk, in tank vehicles), from the plantsite of Armour and Company, near Worthington, Minnesota, to points in Indiana north of U.S. Highway 40, restricted to shipments originating at the plantsite of Armour and Company, near Worthington, Minnesota, and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E57), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products,* and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Mason City, Iowa, to Chicago, Illinois, restricted to traffic originating at Mason City, Iowa and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Aurora, Illinois.

No. MC 117815 (Sub-No. E58), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Canned goods*, from Rochester, Minnesota, to points in Illinois within the territory bounded by a line beginning at Galena, Illinois, and extending in a southeasterly direction to Savanna, Illinois, thence south to Galesburg, Illinois, thence in a southeasterly direction to Peoria, Illinois, thence east to Onargo, Illinois, thence in a northwesterly direction to the Illinois-Indiana border, thence north along the Illinois-Indiana border to the shore of Lake Michigan, thence north along the shore of Lake Michigan to Winthrop Harbor, Illinois, thence west through South Beloit and Warren, Illinois, to Galena, Illinois, including the points named, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets; and (b) *canned goods*, from Rochester, Minnesota, to points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of his filing is to eliminate the gateways of Clinton, Iowa and Chicago, Illinois.

No. MC 117815 (Sub-No. E59), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery houses*, when moving to or from such business houses or other facilities thereof, from Des Moines, Iowa, to points in Indiana north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E60), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condiments, and canned goods*, from Des Moines, Iowa, to Chicago, Illinois, and points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateways of Aurora, Illinois and Gary, Indiana.

No. MC 117815 (Sub-No. E61), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Atlantic, Cedar Rapids, Clinton, Dubuque, Grinnell, Guthrie Center, Hampton, Iowa Falls, Marengo, Mason City, Oelwein, Reinbeck, and Waterloo, Iowa, to points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E62), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry*, from Atlantic, Des Moines, Grinnell, Guthrie Center, and Marengo, Iowa, to points in that part of Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E63), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery houses* when moving to or from such business houses or other facilities thereof, from Des Moines, Iowa, to points in that part of Indiana on, north and east of a line commencing at the Illinois-Indiana state line on U.S. Highway 24, thence east over U.S. Highway 24 to Wolcott, Indiana, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio state line. The purpose of this filing is to eliminate the gateways of Pecatonica and Chicago, Illinois.

No. MC 117815 (Sub-No. E64), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge, and Webster City, Iowa, to Chicago, Illinois, and points in that part of Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateways of Aurora and Chicago, Illinois.

No. MC 123685 (Sub-No. E25), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bulk, in dump vehicles, (1) between points in Ohio on, east, north, and south of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Ohio on, west, and north of a line beginning at Sandusky, Ohio and extending along Ohio Highway 4 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line and (2) between points in Ohio on, south, east, and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 14 to junction Ohio Highway 173, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Ohio on, west, and north of a line beginning at Sandusky, Ohio and extending along U.S. Highway 250 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-11607 Filed 4-20-77;8:45 am]

[Volume No. 13]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

April 15, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before May 23, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 2392 (Sub-No. 55) (Notice of filing of petition to extend expiration date of certificate), filed March 9, 1977. Petitioner: WHEELER TRANSPORT SERVICE, INC., 7722 F St., P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. Petitioner holds a motor *common carrier* Certificate in No. MC 2392 (Sub-No. 55), issued August 21, 1967 with a five year expiration date, and reissued November 21, 1972 with an expiration date of August 21, 1977. Said Certificate authorizes transportation over irregular routes of *liquefied petroleum gas*, in bulk, from the terminal of the Mid-American Pipeline Company at or near Whiting, Iowa, to points in Nebraska. By the instant petition, petitioner seeks to extend the authority above for five additional years.

No. MC 133146 (Sub-No. 2) (Notice of filing of petition to modify a permit), filed March 23, 1977. Petitioner: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Suite 1-M, Atlanta, Ga. 30341. Petitioner's representative: Robert E. Born, 1447 Peachtree Street, N.E., Atlanta, Ga. 30309. Petitioner holds a motor *contract carrier* Permit in No. MC 133146 (Sub-No. 2), issued April 8, 1971, authorizing transportation, over irregular routes, of *Inedible waste foodstuffs* (except waste meats), and *inedible meal*, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with International Bakerage, Division of International Consolidated, Inc. By the instant petition, petitioner seeks to change the contracting shipper's name so as to read: International Bakerage, Inc. and its subsidiary International Bakerage of Kansas, Inc.

No. MC 134460 (Sub-No. 8) (Notice of filing a petition to modify a certificate), filed March 11, 1977. Petitioner: MARKET EXPRESS, INC., 3342 North Weber St., Fresno, Calif. 93705. Petitioner's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* Certificate in No. MC 134460 (Sub-No. 8), issued March 9, 1977, which expires December 4, 1977, authorizing transportation, over irregular routes, of *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, Monterey, Stanislaus, and San Joaquin Counties, Calif., to points in Maricopa, Pima and Pinal Counties, Ariz. By the instant petition, petitioner seeks to add Las Vegas, Nev., as an additional destination point in the above authority.

No. MC 139868 (Sub-No. 2) (Notice of filing of petition to broaden commodity description), filed April 1, 1977. Petitioner: WESTERN SALES TRANSPORTATION, INC., 1801 North 11th Street, Omaha, Nebr. 68110. Petitioner's representative: Gerald Heinen (same address as applicant). Petitioner holds a motor *contract carrier* Permit in No. MC 139868 (Sub-No. 2), issued July 21, 1976, authorizing transportation over irregular routes, of (1) *Steel, tin, plastic and fiber containers*, from Omaha, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri and Wyoming; and (2) *steel, tin, plastic and fiber containers, and materials, equipment and supplies* utilized in the manufacture and distribution of the commodities named in (1) above, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri and Wyoming, to Omaha, Nebr., restricted against the transportation of commodities in bulk, under a continuing contract, or contracts, with Western Sales and Service, Inc., and Cleveland Container Corp. By the instant petition, petitioner seeks to add *"scrap metal"* as additional commodity to part (1) of the above Permit.

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practive which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1931 (Sub-No. 17), filed February 23, 1977. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, between points in the United States, including Alaska and Hawaii.

Note.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. Applicant requests a consolidated hearing with Global Van Lines, Inc.

No. MC 3581 (Sub-No. 21), filed March 9, 1977. Applicant: THE MOTOR CONVOY, INC., 275 Convoy Drive, S.W., Atlanta, Ga. 30354. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, chassis and tractors*, in initial and secondary movements, in truckaway service, from the plantsite of Ford Motor Company located at Norfolk, Va., to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

Note.—If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 4405 (Sub-No. 550), filed February 24, 1977. Applicant: DEALERS

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

TRANSIT, INC., a corporation, 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Waste water treatment equipment and parts* between the plantsite and storage facilities of Autotrol Corporation located at or near Oak Creek, Wis., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), and (2) *materials, equipment and supplies* used in the manufacture of the commodities described in (1) above from points in the United States (excluding Alaska and Hawaii) to the plant site and storage facilities of Autotrol Corporation located at or near Oak Creek, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 4405 (Sub-No. 551) filed February 24, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Metal and metal articles*, from Oklahoma City, Okla., to points in Arizona, California, Colorado, Kansas, Michigan, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas and Washington; and (2) *metal and metal articles* from Houston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 11207 (Sub-No. 385), filed February 23, 1977. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, (except in bulk), from Hamilton, Miss., to points in Alabama, Florida, Georgia and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Memphis, Tenn.

No. MC 13250 (Sub-No. 136), filed March 24, 1977. Applicant: J. H. ROSE TRUCK LINE, INC., 2800 North Loop West, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii; between points in Florida, on the one hand, and, on the other, points in the United States (except points in Alaska, Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming); between points in Georgia, on the one hand, and, on the other, points in the United States (except points in Alaska, Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming);

(3) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *Machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (4) *earth drilling machinery* and *equipment*, and *machinery, equipment, materials supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted in (3) and (4) above against the transportation of commodities (except boats and Classes A and B explosives) which because of their size or weight require the use of special equipment, and self-propelled articles (except boats) each weighing 15,000 pounds or more when moving to or from points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—Hearing set for consolidated record with similar applications May 9, 1977, at Houston, Tex.

No. MC 14743 (Sub-No. 28), filed February 18, 1977. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 3777 South Jackson, P.O. Box 356, Tulsa, Okla. 74101. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas, Louisiana, New Mexico, Oklahoma and Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 16503 (Sub-No. 8), filed March 3, 1977. Applicant: JOHN L. GUEX, P.O. Box 359, Shawano, Wis. 54116. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business, from points in Florida, to Monominee, Mich., under a continuing contract, or contracts, with Carpenter-Cook Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 38921 (Sub-No. 9), filed March 2, 1977. Applicant: Wm. H.P., INC., 1342 North Howard Street, Philadelphia, Pa. 19122. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite of Anchor Hocking Corporation, located at Salem, N.J., to the plantsite of C. Schmidt & Sons, Brewery, located at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 41240 (Sub-No. 17), filed March 9, 1977. Applicant: NELSON TRUCKING SERVICE, INC., Box 161, Mediapolis, Iowa 52637. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Schaumburg, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 47583 (Sub-No. 45), filed February 28, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *Plastic sheets, dispensers and accessories and premiums and advertising materials* when shipped in combination with (1) above; (3) *Equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at or destined to the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Oklahoma, on the one hand, and on the other, traffic destined to or originating in the above-named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 49368 (Sub-No. 102), filed March 4, 1977. Applicant: COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, from the plantsite of General Motors Corporation, located at Tarytown, N.Y., and at or near Wilmington, Del., to points in Indiana, Michigan and Ohio, under a continuing contract, or contracts, with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50307 (Sub-No. 89), filed March 2, 1977. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 1001. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials, supplies and equipment* used in the manufacture of wearing apparel (except commodities in bulk), (1) between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic and Union Counties, N.J., and points in Pennsylvania, on the one hand, and, on the other, points in Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Ulster and Westchester Counties, N.Y.; and (2) between Oneonta, Hudson Falls, Little Falls, St. Johnsville, Amsterdam, Cobleskill, Glens Falls, Frankfort, Johnstown, Herkimer, Hoosick Falls, Salem, Fort Edward, Utica, Cooperstown, Rome, Ballston Spa, Whitehall, Mechanicsville, Richfield Springs, Oswego, Granville, Greenwich, Syracuse and Watertown, N.Y., points in Schenectady, Franklin and Rensselaer Counties, N.Y., Pittsfield, Mass., and points in Addison, Caledonia, Chittenden, Franklin, Lamoille, Rutland and Washington Counties, Vt., on the one hand, and, on the other, points in Pennsylvania, restricted against the transportation of traffic moving to retail or department stores at points in Massachusetts.

NOTE.—Applicant states that it can presently serve all of the points encompassed by this application by tacking in (1) above, its authority in No. MC 50307 (Sub-Nos. 54 and 55), and by tacking in (2) above its authority in No. MC 50307 (Sub-Nos. 54 and 73) and further states that it can already provide a direct service to points in Pennsylvania on and east of U.S. Highway 11 in MC 50307 (Sub-No. 73). The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., Commercial Zone. If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y.

No. MC 52793 (Sub-No. 22), filed March 4, 1977. Applicant: BEKINS VAN LINES CO., a corporation, 333 South Center St., Hillside, Ill. 60162. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods containers*, set up or knocked down, between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles, Calif., or Chicago, Ill.

No. MC 52921 (Sub-No. 29) filed February 28, 1977. Applicant: RED BALL INC., P.O. Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma and Texas, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 63792 (Sub-No. 27), filed March 17, 1977. Applicant: TOM HICKS TRANSFER COMPANY, INCORPORATED, 710 North Post Oak, Suite No. 525, Houston, Tex. 77024. Applicant's representative: C. W. Ferebee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up of pipe in connection with main pipelines; (II) *earth drilling machinery and equipment, machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installa-

tion, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (1) between Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Utah, and Wyoming, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia; and (2) Between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 68100 (Sub-No. 18), filed March 21, 1977. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer G, Bartlesville, Okla. 74003. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, productions, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, between points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma and Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia.

NOTE.—Hearing: Commencing May 9, 1977, at Houston, Tex.

No. MC 69833 (Sub-No. 119), filed March 3, 1977. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, 200 Monroe Ave. NW., Grand Rapids, Mich. 49503. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from the plantsite and facilities of Amoco Plastic Products Corp., located at Seymour, Ind., to points in Michigan, Ohio, and Milwaukee, Wis.; and (2) *damaged or defective shipments* on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 82492 (Sub-No. 144), filed March 9, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except commodities in bulk), from Manistee, Mich., to points in Iowa, Missouri and Wisconsin, and those points in Illinois located on and south of Interstate Highway 74.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 85934 (Sub-No. 72), filed March 2, 1977. Applicant: MICHIGAN TRANSPORTATION COMPANY, a Corporation, 3601, Wyoming Avenue, Dearborn, Mich. 48121. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, from Waverly, Ohio, to points in West Virginia and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with a similar application at either Washington, D.C., or Chicago, Ill.

No. MC 95540 (Sub-No. 975), filed March 3, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen (except in bulk, in tank vehicles), (1) from the plantsite and warehouse facilities of Kikkoman Foods, Inc., located at or near Walworth, Wis., to points in Texas and Louisiana; and (2) from the plantsite and warehouse facilities of Aunt Nellie's Foods, Inc., located at or near Clyman, Wis., to points in Texas and Louisiana, restricted, in (1) and (2) above, to traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee or Madison, Wis., or Washington, D.C.

No. MC 95920 (Sub-No. 45), filed February 26, 1977. Applicant: SANTRY TRUCKING COMPANY, a Corporation, 11552 S.W. Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, from Clark and Coledo, Nev., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash., under a continuing contract, or contracts, with Van Waters & Rogers, Ltd.

NOTE.—Applicant states the purpose of this application is to convert existing common carrier authority to contract carrier authority. Applicant holds common carrier authority in No. MC 123265 and (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 103051 (Sub-No. 389), filed March 10, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934—44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Charlotte, N.C., to points in New York, Pennsylvania, Maryland, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Nashville, Tenn.

No. MC 103066 (Sub-No. 54), filed March 4, 1977. Applicant: STONE TRUCKING COMPANY, a Corporation, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugen D. Anderson, 910 Seventeenth Street NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal shoring adjustable jacks, builder horses, scaffolding* and *trestles*, knocked down and flat folded, and *metal pallet forms and systems*, (A) from Cleveland, Ohio and Chicago, Ill., to points in the United States (except Alaska and Hawaii); and (B) from points in the United States (except Alaska and Hawaii), to Addison and Schiller Park, Ill., Beltsville, Md., Dallas, Tex., Long Beach and San Leandro, Calif., Minneapolis, Minn., Phoenix, Ariz., Seattle, Wash., Woburn, Mass., and Cheshire, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 104589 (Sub-No. 33), filed February 24, 1977. Applicant: SOUTHERN FREIGHTWAYS, INC., Post Office Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, 666 Eleventh Street NW., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cade, Lozes and New Iberia, La., to points in Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin, under a continuing contract or contracts with Bruce Foods Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 1062), filed March 3, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Atlanta, Ga.

No. MC 107515 (Sub-No. 1063), filed March 3, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report of the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities utilized by Monfort Packing Co., a subsidiary of Monfort of Colorado, located at or near Greeley, Colo., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Atlanta, Ga.

No. MC 107527 (Sub-No. 57), filed March 2, 1977. Applicant: POST TRANSPORTATION COMPANY, a corporation, 1970 East 213th Street, Carson, Calif. 90745. Applicant's representative: R. Sherman Kirksey (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chlorine bleach*, from Henderson, Nev., to points in Maricopa, Pima, Gila, Pinal and Yuma Counties, Ariz., under a continuing contract, or contracts with Jones Chemicals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 107818 (Sub-No. 86), filed February 25, 1977. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 33307. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and facilities utilized by Wiscold, Inc., located at Milwaukee and Beaver Dam, Wis., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 108053 (Sub-No. 135), filed February 28, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Rock Island, Ill., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, restricted to service from Rock Island, Ill., for the purpose of interchange of traffic only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 109028 (Sub-No. 14), filed March 9, 1977. Applicant: S. & W. TRANSFER, INC., 1050 East Bay Street, Milwaukee, Wis. 53207. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and lubricating oils*, in containers, from the plantsite and warehouse facilities of Mobil Oil Corporation, located at or near Cicero, Ill., to points in the Upper Peninsula of Michigan; and (2) *empty containers*, for petroleum products and lubricating oils, from points in the Upper Peninsula of Michigan, to Chicago, Ill., restricted to the transportation of shipments under a continuing contract or contracts, with Mobil Oil Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 109397 (Sub-No. 357), filed March 8, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113 (Bus. Rte I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating equipment, stoves, fireplaces, furnaces and incinerators*, from points in Colbert, Lauderdale, Limestone and Madison Counties, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 109593 (Sub-No. 4), filed February 28, 1977. Applicant: H. R. HILL, Box 875, 2007 West Shawnee, Muskogee, Okla. 74401. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin, under a continuing contract or contracts, with Fort Howard Paper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 209), filed March 4, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eagle Picher Industries, Inc., located at or near Quapaw, Okla., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo., Tulsa or Oklahoma City, Okla.

No. MC 112184 (Sub-No. 51) (Correction), filed January 24, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahn, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gasoline additives*, in bulk, between East Liverpool, Ohio on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada which lie between Buffalo and Youngstown, N.Y. including Buffalo and Youngstown, N.Y., for furtherance to the Providence of Ontario, Canada, under a continuing contract, or contracts, with Lubrizol Corporation.

NOTE.—The purpose of this republication is to correct applicant's requested authority. Applicant has common carrier authority in MC 128302 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 113434 (Sub-No. 72), filed February 24, 1977. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Appli-

cant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from Seymour, Ind., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania and Wisconsin; and (2) *packaging materials* used in shipping and distribution of plastic products from points in Illinois, Iowa, Michigan, Ohio, Pennsylvania and Wisconsin, to Seymour, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 113651 (Sub-No. 213), filed March 9, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc. located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 658), filed March 4, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber compounds, tire treads* and *tread stock*, in mechanically refrigerated vehicles, from Oxford, N.C., to Chino and Mira Loma, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 113678 (Sub-No. 659), filed March 8, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, from points in California, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 662), filed March 3, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and rugs*, machine tufted, *carpet samples and related advertising and display materials* (except in bulk), from Little Falls, N.J., to Denver, Colo., Albuquerque, N. Mex., and points in California and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or Washington, D.C.

No. MC 114274 (Sub-No. 43), filed March 4, 1977. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th Street Place, P.O. Box 1703, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Storm Lake and Cherokee, Iowa, to points in Michigan, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Hygrade Food Products at the above named origins.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 295), filed March 7, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rosemount, Minn., to points in Illinois, Indiana, those points in the Upper Peninsula of Michigan, and points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 115162 (Sub-No. 352), filed March 7, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts*, and *materials and supplies*, used in the manufacture of doors, (1) between Cameron, Tex., on the one hand, and, on the other, points in Arkansas, Loutsiana and Mississippi; and (2) between Tupelo, Miss., on the one hand, and, on the other, points in Indiana, Michigan, Ohio, Pennsylvania, West Virginia and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Columbus, Ohio.

No. MC 115162 (Sub-No. 353), filed March 7, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk, in tank vehicles), between the facilities utilized by Robintech Incorporated, located at or near Evansville, Ind.; Prairie (Monroe County), Miss.; Danville, Ill.; Sylvania, Ohio; Slidell and New Orleans, La.; and Pace (Santa Rosa County), Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 116077 (Sub-No. 378), filed February 24, 1977. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plantsite of Pearl River Chemical Company located at or near Pearl River, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Dallas, Tex.

No. MC 116763 (Sub-No. 370), filed February 28, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81. Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117427 (Sub-No. 75), filed February 28, 1977. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: James E. Savitz, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Maine, Massachusetts, New Hampshire and Vermont, to points in North Carolina, Tennessee and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 116145, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117765 (Sub-No. 224), filed February 28, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117940 (Sub-No. 213), filed February 24, 1977. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plantsite and facilities of Kraft Foods located at New Ulm, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, restricted to the transportation of traffic originating at named origin point and destined to named destination points.

NOTE.—Applicant holds contract carrier authority in MC 114789 (Sub-No. 28), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 214), filed March 4, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, Pennsylvania (except Allentown, Pa.), the District of Columbia, and those points in Maryland east of Interstate Highway 81, restricted to traffic originating at the above-named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in various subs under No. MC 114789, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., St. Paul, or Minneapolis, Minn.

No. MC 118159 (Sub-No. 204), filed February 28, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, traffic destined to or originating in the above-named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 118292 (Sub-No. 37), filed April 8, 1977. Applicant: BALLENTINE PRODUCE, INC., P.O. Box 312, Alma, Ark. 72921. Applicant's representative: Barry Roberts, 888 17th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Ark., to points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Maryland, Missouri, New Mexico, Oklahoma, Nebraska, Oregon, Texas, Virginia, Washington, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 118535 (Sub-No. 94), filed February 23, 1977. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead oxide*, from Frisco, Tex., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina and Tennessee; and (2) lead, (a) from Leeds, Ala.; Buick and Glover (Iron County), and Herculaneum, Mo.; Baton Rouge, La.; and Omaha, Nebr., to Frisco, Tex.; and (b) from Buick (Iron County), Mo., to Terrel, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 118959 (Sub-No. 148), filed March 9, 1977. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and aluminum storage buildings*, complete, knocked down, and *storage building parts, attachments and accessories* (except commodities in bulk), from the plantsite of Arrow Group Industries, Inc. located at or near Breese, Ill., to points in the United States (except Alaska, Hawaii, and those points in the upper peninsula of Michigan).

NOTE.—Applicant states the purpose of this application is to convert existing contract carrier authority to common carrier authority. Applicant holds contract carrier authority in No. MC 125864, therefore dual operations may be involved. If a hearing is deemed

necessary, the applicant requests it be held at Louisville, Ky.

No. MC 119399 (Sub-No. 69), filed February 28, 1977. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, restricted to traffic originating at or destined to the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., and further restricted to traffic destined to or originating in the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119441 (Sub-No. 42), filed February 25, 1977. Applicant: BAKER HIWAY EXPRESS, INC., P.O. Box 506, 555 Commercial Parkway, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products*, (a) from points in Marion County, Ohio to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Tennessee and Wisconsin; and (b) from points in Clay County, Ind., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia, (2) *materials and supplies* used or useful in the manufacture and sale of steel, brick and clay products (except commodities in bulk), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri (except Oran), New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Ohio (except Coal Grove and Ava, Ohio); and (3) *materials and supplies* used or useful in the manufacture and sale of brick and clay products (except commodities in bulk), from points in the destination area described in (1) (b) above, to points in Clay County, Ind., restricted in (2) above against (a) the transportation of clay in bags from Gleason, Tenn., and Mayfield and Hickory, Ky., to Cambridge, Roseville and Zanesville, Ohio, (b) the transportation of materials used in the manufacture of clay building tile from Kentucky and Tennessee to points in Stark County, Ohio and those in Tuscarawas County, Ohio, within two miles of East Sparta, Ohio; and (c) the transportation of frit and stains, in bags, from Baltimore, Md., to Cambridge, Roseville, and Zanesville, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119792 (Sub-No. 57), filed February 28, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 3600 South Western, Chicago, Ill. 60609. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food ingredients* (except commodities in bulk), *curio and gift shop items, toys display material*, when moving in mixed shipments with foodstuffs, from points in Wisconsin (except Appleton, Kenosha, Beloit, Kiel, Hilbert, Milwaukee, Greenfield, Ft. Atkinson, Jefferson, Portage, Rice Lake, Sheboygan, and Paris Township), to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 119834 (Sub-No. 4), filed March 9, 1977. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in refrigerated equipment, from points in Texas, to the warehouse shipping and receiving facilities of Westridge Beverage Co., at York, Pa.

NOTE.—Applicant holds contract carrier authority in MC 124144 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at York, Pa., or Washington, D.C.

No. MC 119917 (Sub-No. 41), filed February 24, 1977. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Ga. 30316. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baker products* (except frozen), (1) from the plant sites and shipping facilities of Nabisco, Inc., located at Henrico County, Va., and Atlanta, Ga., to points in Arkansas and Oklahoma and to points in Texas on and east of U.S. Highway 281; and (2) from the plant site and shipping facilities of Nabisco, Inc., located at or near Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119934 (Sub-No. 213), filed March 3, 1977. Applicant: ECOFF TRUCKING, INC., 652 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, alcohol, denatured alcohol solvent*, and *polythylene resins*, in bulk, in tank or hopper-type vehicles, from Tuscola, Ill., to points in the United States on and east of U.S. Highway 85, including Utah.

NOTE.—Applicant holds contract carrier authority in No. MC 128161 and (Sub-No. 1) thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 120626 (Sub-No. 3) (amendment), filed February 10, 1977, published in the FEDERAL REGISTER issue of April 7, 1977, republished as amended this issue. Applicant: LAW FARMS AND CATTLE CO., doing business as LAW MOTOR LINES, 1705 Elm Street, Rocky Ford, Colo. 81067. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grand St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, from American Crystal Sugar Company, located at or near Rocky Ford, Colo., to points in Kansas, New Mexico, Oklahoma and Texas; and (2) *molasses, and liquid animal feed*, between points in Kansas, and Colorado.

NOTE.—The purpose of this republication is to amend the territorial description in part (2) of this proceeding. If a hearing is deemed necessary, the applicant requests it to be held at Denver, Colo., or Wichita, Kans.

No. MC 123157 (Sub-No. 30), filed March 4, 1977. Applicant: CTI, a Corporation, P.O. Drawer 397, Rillito, Ariz. 85247. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from points in California, to points in Nevada; and (2) from railheads in Clark County, Nev., to the facilities of Southern California Edison Power Plant, located approximately 3 miles south of Davis Dam, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Los Angeles, Calif.

No. MC 123765 (Sub-No. 8), filed March 8, 1977. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, Wis. 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, shipped, or received by Outboard Marine Corporation, its subsidiaries and divisions (except commodities in bulk), between Milwaukee, Manawa and Beloit, Wis., and Waukegan and Galesburg, Ill., restricted to traffic originating at and destined to, the plantsites, warehouses and distribution facilities of Outboard Marine Corporation, its subsidiaries and divisions.

NOTE.—Applicant holds contract carrier authority in various subs under MC 6031, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 124078 (Sub-No. 719), filed March 7, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bags, from Bristol, Tenn., to points in Alabama, Ohio, Pennsylvania, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124221 (Sub-No. 61), filed February 28, 1977. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, in vehicles equipped with mechanical refrigeration, from Roanoke, Va., to points in North Carolina, South Carolina, and Georgia (except Atlanta, Ga.); (2) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (a) from points in North Carolina, and Georgia, to Roanoke, Va., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, points in North Carolina, South Carolina and Georgia (except Atlanta, Ga.), restricted in (1) and (2) above to traffic originating at or destined to the facilities of The Kroger Company, and under a contracting contract, or contracts in (1) and (2) above with The Kroger Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 124402 (Sub-No. 9), filed March 4, 1977. Applicant: FLEET LINE, INC., 2909 South Hickory Street, Chattanooga, Tenn. 37407. Applicant's representative: William A. Roberts (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lard, lard substitute, shortening, vegetable oils, animal oils and blends thereof* (except in bulk, in tank vehicles), from Helena, Ark., to points in Florida, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract, or contracts, with Armour & Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chattanooga or Nashville, Tenn.

No. MC 124679 (Sub-No. 75), filed March 3, 1977. Applicant: C. R. ENGLAND & SONS., INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 300 Arrow Press Square, Building No. 2, P.O. Box 2465, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Idaho, Oregon and Washington, to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 128813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Portland, Oreg.

No. MC 124887 (Sub-No. 28), filed February 7, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Highway 73, Route No. 1, Box 230, Altha, Fla. 32421. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tall oil;* and (2) *heads cut, fatty acids, and rosin*, by-products of crude tall oil, from Port St. Joe, Fla., to points in Alabama, Florida and Georgia, restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 124979 (Sub-No. 5), filed February 28, 1977. Applicant: CONRAD BERG, doing business as C. BERG COMPANY, Route No. 1, Box 185A, Saginaw, Minn. 55759. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Duluth, Minn., to those points in the Upper Peninsula of Michigan, and points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 125506 (Sub-No. 26), filed February 24, 1977. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 West Hawthorne Avenue, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops dealing primarily in wearing apparel, store furniture and fixtures, and advertising and display materials, (1) between New York, N.Y., on the one hand, and, on the other, points in New Jersey, under a continuing contract or contracts with Saks Fifth Avenue; and (2) between New York, N.Y., on the one hand, and, on the other, points in Saddle Brook, Newark, East Brunswick, Perth Amboy, Livingston and Millburn, N.J., under a continuing contract or contracts with Lane Bryant, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 125777 (Sub-No. 186), filed March 4, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, from Woodstock, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 126118 (Sub-No. 37), filed March 3, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Detroit, Mich. and Louisville, Ky., to points in Guilford County, N.C.

NOTE.—Applicant holds contract carrier authority in MC 128375 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greensboro, N.C., or Lincoln, Nebr.

No. MC 127096 (Sub-No. 4), filed March 2, 1977. Applicant: HENNES TRUCKING COMPANY, a Corporation, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Waverly, Ohio, to points in West Virginia and Kentucky.

NOTE.—Applicant holds contract carrier authority in No. MC 111862 and subs thereunder; therefore dual operations may be in-

volved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with a similar application at either Washington, D.C., or Chicago, Ill.

No. MC 127840 (Sub-No. 52), filed March 4, 1977. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, from Fairbury, Nebr., to points in Arkansas, Kansas, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 128007 (Sub-No. 97), filed March 8, 1977. Applicant: HOFER, INC., P.O. Box 583, Pittsburgh, Kans. 66762. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Premixed mineral feed ingredients*, in bulk, from the plant site and storage facilities of Ragland Mills, Inc., located in Newton County, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 255) (correction), filed February 10, 1977, published in the FEDERAL REGISTER issue of March 31, 1977, republished as corrected this issue. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products, and commodities*, which are manufactured, sold by or dealt in by paint manufacturers, *and materials, equipment and supplies*, used in the conduct of such business, between Baltimore, Md., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to correct the territorial description in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128866 (Sub-No. 59), filed March 2, 1977. Applicant: B & B TRUCKING, INC., P.O. Box 2830, 9 Brade Lane, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, (a) from the plant sites of the Aluminum Company of America, located at Davenport, Iowa; Lebanon, Pa.; and Alcoa, Tenn., to the plantsite of Penny Plate, Inc., located at Wawnesboro, Va.; and (b) from the plantsite of Consolidated Aluminum Company, located at Jackson, Tenn., to the plantsite of Penny Plate, Inc., located at Waynesboro, Va.; and (2) *aluminum food containers*, from the plantsite of Penny Plate, Inc., located at Waynesboro, Va., to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Wisconsin, under a continuing contract, or contracts, in (1) and (2) above, with Penny Plate, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 129032 (Sub-No. 35), filed February 28, 1977. Applicant: TOM INMAN TRUCKING, INC., P.O. Box 9667, 6015 South 49th West Avenue, Tulsa, Okla. 74107. Applicant's representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*; (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, restricted to traffic originating at or destinated to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129068 (Sub-No. 38), filed February 25, 1977. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in secondary movements (except recreational vehicles such as travel trailers and campers), from points in Alabama, California, Florida, Georgia, Indiana, Mississippi, North Carolina, Oregon and South Carolina, to points in the United States (except Alaska and Hawaii), restricted against the transportation of traffic (1) from Birmingham, Ala. and points within 15 miles thereof, to points in Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; (2) from points in Florida, Georgia, Mississippi, North Carolina, and South Carolina, to Birmingham, Ala. and points within 15 miles thereof; (3) from points in South Carolina, to points in Georgia, North Carolina, and those points in that part of Tennessee on and east of U.S. Highway 127; (4) from points in California and Oregon, to points in Montana, Minnesota, and North Dakota; (5) from points in Florida, to points in Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; (6) from points in Georgia, to points in Kentucky, Mississippi, Tennessee, Virginia, North Carolina and South Carolina; (7) from points in North Carolina, to points in South Carolina; (8) from points in Oregon, to points in California and Washington, and (9) from points in California, to points in Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 129455 (Sub-No. 15), filed March 10, 1977. Applicant: CARRETTA TRUCKING, INC., 301 Mayhill Street, Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shaving cream, shampoo, soap, and store displays*, knocked down, from Morristown, N.J., to points in Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Tennessee and Texas, under a continuing contract and Texas, under a continuing contract, or contracts, with the Mennen Company, located in Morristown, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, NY.

No. MC 129631 (Sub-No. 55), filed February 24, 1977. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Paul Smart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Building materials and iron and steel articles*, Between Provo and Salt Lake City, Utah, over U.S. Highway 91, serving the intermediate point of Pleasant Grove, Utah, and the off-route point of Riverton, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 129790 (Sub-No. 3), filed March 8, 1977. Applicant: JOSEPH A. BECKER, doing business as, BECKER HI-WAY FRATE, 121 Adams Avenue, Albert Lea, Minn. 56007. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Albert Lea, Minn., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Wilson Foods Corporaion, located at Oklahoma City, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 133095 (Sub-No. 155), filed March 14, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power transmission machinery and related parts, attachments, accessories and supplies*, from Chambersburg, Pa., to Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; and San Leandro, Calif.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 133565 (Sub-No. 9), filed March 7, 1977. Applicant: TRUE TRANSPORT, INC., 293 Wilson Avenue, Newark, N.J. 07101. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, or in trailers, from Mechanicsburg, Chambersburg and New Cumberland, Pa., to the ports at Baltimore, Md., and Philadelphia, Pa., restricted to traffic having a subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 133689 (Sub-No. 109), filed March 9, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware* (except commodities in bulk), from Dixfield and Oakland, Maine, and Springfield, Mass., to points in Missouri (except Kansas City, Mo.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133937 (Sub-No. 19), filed February 25, 1977. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, S.C. 29602. Applicant's representative: Henry P. Willimon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, in polyethylene bags, packs, flats, and racks, between points in North Carolina, South Carolina and Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greenville or Columbia, S.C.

No. MC 134477 (Sub-No. 151), filed March 3, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and pet food*, from the plantsite and storage facilities of Sanna Division Beatrice Foods Co. located at or near Menomonie, Vesper, Eau Claire, Cameron and Wisconsin Rapids, Wis., to points in Alabama, Connecticut, Delaware, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 110), filed March 9, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and pet food*, from the plantsite and storage facilities of Sanna Division Beatrice Foods Co. located at or near Menomonie, Vesper, Eau Claire, Cameron and Wisconsin Rapids, Wis., to points in Alabama, Connecticut, Delaware, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133937 (Sub-No. 19), filed February 25, 1977. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, S.C. 29602. Applicant's representative: Henry P. Willimon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, in polyethylene bags, packs, flats, and racks, between points in North Carolina, South Carolina and Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greenville or Columbia, S.C.

No. MC 134477 (Sub-No. 151), filed March 3, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Monfort of Colorado, Inc., located at or near Greeley, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin and the District of Columbia, restricted to the transportation of shipments originating at the above described origin points and destined to the above described destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 154), filed March 7, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Armour and Company, located at or near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134484 (Sub-No. 11), filed March 3, 1977. Applicant: EDWARDS BROS., INC., 1875 North Holmes Avenue, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and meat packinghouse products* (except commodities in bulk), from Seattle and Toppenish, Wash., to points in Arizona, California, Idaho, Montana, Nevada, Oregon and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either

Idaho Falls, Idaho, Salt Lake City, Utah or Boise, Idaho.

No. MC 134755 (Sub-No. 96), filed March 3, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Kraft, Inc. located at or near Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Maryland, Vermont, Virginia and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the destination states.

NOTE.—Applicant holds motor contract authority in various Subs under MC 138398, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 135078 (Sub-No. 15), filed March 4, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brushes, saws, arbors, and plastic grinding wheels*, from Worcester, Mass., to Franklin Park, Ill., and points in Indiana, Michigan, Pennsylvania and Ohio.

NOTE.—Applicant holds contract carrier authority in No. MC 135007 (Sub-No. 1 and other subs); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 135170 (Sub-No. 18), filed March 7, 1977. Applicant: TRI-STATE ASSOCIATED, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures*, and *material, equipment, and supplies*, used in the manufacture, sale and distribution of containers and container closures (except commodities in bulk), from Franklin, Va., to points in Delaware, Maryland, North Carolina, New Jersey, Pennsylvania, and the District of Columbia, restricted to traffic to be performed under a continuing contract or contracts, with Appollo Plastics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135874 (Sub-No. 74), filed March 7, 1977. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative. Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Arlington and Ortonville, Minn., and Bloomer, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 136100 (Sub-No. 5), filed February 25, 1977. Applicant: K & K TRANSPORTATION CORPORATION, 4515 South 24th Street, Omaha, Nebr. 68110. Applicant's representative Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food, bird gravel, and pet accessories* and *supplies* from Omaha, Nebr., to points in the United States (except Alaska and Hawaii), and (2) *Pet accessories and supplies* from points in California, Illinois, Louisiana, New York, New Jersey, Ohio, Oregon, Tennessee, Texas, Virginia and Washington to Omaha, Nebr., under a continuing contract or contracts with Con Agra Incorporated.

NOTE.—Applicant holds common carrier authority in MC 139835, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 136343 (Sub-No. 105), filed March 9, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Bison Canning Co., Inc., located at Angola, N.Y., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Buffalo or Albany, N.Y.

No. MC 136343 (Sub-No. 106), filed March 8, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, between West Elizabeth, Pa., and points within one mile thereof, on the one hand, and, on the other, the plantsite of International Paper Company, located in the Township of Sewickley, Westmoreland County, Pa., restricted to traffic having a prior or subsequent movement by water or rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg or Philadelphia, Pa.

No. MC 136605 (Sub-No. 22), filed March 4, 1977. Applicant: DAVIS BROS. DIST., INC., 2024 Trade St., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, janitorial and dry cleaning supplies (except in bulk, in tank vehicles), (1) from points in Illinois, Michigan, Minnesota, Ohio and Wisconsin, to Sioux Falls and Rapid City, S. Dak., and points in Montana and Wyoming; and (2) from Sioux Falls and Rapid City, S. Dak., to points in Montana.

NOTE.—Applicant holds contract carrier authority in MC 127349 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Billings, Helena or Missoula, Mont.

No. MC 136828 (Sub-No. 14), filed March 2, 1977. Applicant: COOK TRANSPORTS, INC., P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, castings, valves, hydrants, fittings*, and *parts and accessories* used in connection therewith, from Holt, Ala., to points in the United States (except Alaska and Hawaii); and (2) *machinery, equipment, materials and supplies* used in, or in connection with, the manufacture of the commodities named in (1) above, (except commodities in bulk, in tank or hopper type vehicles), from points in the United States (except Alaska and Hawaii), to Holt, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 138144 (Sub-No. 20), filed March 2, 1977. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Anthony E. Young, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and warehouse facilities utilized by L. B. Foster Co., located at or near Chicago, Ill., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Texas, Wisconsin and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138359 (Sub-No. 6), filed March 9, 1977. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan St., Hutchinson, Minn. 55350. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Perry, Ga., to Hutchinson, Minn., under a continuing contract, or contracts, with Lenneman Beverage Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138432 (Sub-No. 7), filed March 7, 1977. Applicant: GARLAND GEHRKE, R.F.D. No. 1, Lincoln, Ill. 62656. Applicant's representative: James R. Madler, 120 W. Madison Street, Suite 718, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Lincoln, Ill., to points in Indiana, Kentucky, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago or Springfield, Ill.

No. MC 138445 (Sub-No. 1), filed February 28, 1977. Applicant: RONALD SCHOFIELD, doing business as SCHOFIELD WRECKER SERVICE, 1300 South Sylvania Avenue, Fort Worth, Tex. 76111. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and replacement motor vehicle*, in wrecker service only, between points in Texas, on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 138627 (Sub-No. 19), filed March 3, 1977. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products, casting forms and components* used in the manufacture of precast and prestressed concrete products, and *equipment* used in the handling of precast and prestressed concrete products, from the facilities of Rocky Mountain Pre-Stress Group, located at Kansas City, Kans., to points in Colorado, Illinois, Iowa, Missouri, Nebraska and Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 66955, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Kans.

No. MC 138741 (Sub-No. 32), filed February 24, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 101 W, 11th St., 910 Brookfield Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials*, from St. Louis, Mo., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, and Missouri; and (2) *refused and retendered* shipments on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 139151 (Sub-No. 3), filed March 4, 1977. Applicant: CANUS TRUCKING LTD., 105 Maple Street, Winnipeg, Manitoba, Canada R2W3L1. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 10306 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry core additives, foundry sand additives, and foundation water impedance boards* (except commodities in bulk), from Burnette and Minneapolis, Minn., and from the plantsite of American Colloid Company, located at or near Belle Fourche, S. Dak., to the port of entry on the International Boundary line between the United States and Canada located at or near Noyes, Minn., restricted to foreign commerce only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139170 (Sub-No. 5), filed March 7, 1977. Applicant: FRANK W. MADDEN COMPANY, a corporation, 1288 E. Archwood Avenue, Akron, Ohio 44306. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete building components and accessory parts*, from points in Portage County, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Akron, Ohio.

No. MC 139254 (Sub-No. 5), filed March 3, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household appliances and housewares; parts, materials, supplies* (except commodities in bulk); (2) *equipment* used in the manufacture of household appliances and housewares; and (3) *advertising materials and matter*, from North Canton, Ohio, to Atlanta and Forest Park, Ga., Baltimore, Md., Boston and Dedham, Mass., Dallas, Tex., Denver, Colo., Kansas City, Mo., Minneapolis, Minn., New York, N.Y., and Jersey City, N.J., under a continuing contract or contracts with The Hoover Company, located at North Canton, Ohio.

NOTE.—Common control may be involved. Applicant has common carrier authority pending in No. MC 142559, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Canton or Cleveland, Ohio.

No. MC 139261 (Sub-No. 6), filed March 4, 1977. Applicant: BUCKEYE EXPRESS, INC., H & 1st Streets, Willis Day Industrial Park, P.O. Box 368, Perrysburg, Ohio 43551. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bottles or cans, from the plantsites and facilities of New England Apple Products Co., Inc., located at or near Perrysburg, Ohio and Littleton, Mass., to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with New England Apple Products Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Toledo, Ohio or Washington, D.C.

No. MC 139495 (Sub-No. 210), filed February 28, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat germ and ganola*, (1) between the facilities of International Multifoods Corporation located at or near Manhattan, Kans., and Carrollton, Mich.; and (2) from the facilities of International Multifoods Corporation located at or near Manhattan, Kans. and Carrollton, Mich., to points in Connecticut, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont.

NOTE.—Applicant holds contract carrier authority in NO. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139577 (Sub-No. 3), filed March 4, 1977. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, Wis. 53935. Applicant's representative: Delbert De Young (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and materials, equipment and supplies* (except commodities in bulk) used or useful in the manufacture, sale or distribution of canned goods, between Antigo, Cambria, Clintonville, Friesland, Galesville, Markesan and Theresa, Wis., on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Hawaii, Nevada, New Mexico, Oregon and Washington), restricted to shipments originating at or destined to the above specified points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 139618 (Sub-No. 2), filed February 18, 1977. Applicant: ASBURY WRIGHT, doing business as WRIGHT TRUCKING COMPANY, Box 67, Pinehurst, Ga. 31070. Applicant's representa-

tive: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, equipment, implements, tractors and parts therefor*, from Auburn and Valley, Nebr.; Canton, Moline and Rock Island, Ill.; Des Moines, Dubuque and Waterloo, Iowa.; Louisville, Ky.; and Memphis, Tenn., to points in Crisp, Dooly and Houston Counties, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139618 (Sub-No. 4), filed March 4, 1977. Applicant: ASBURY WRIGHT, doing business as WRIGHT TRUCKING COMPANY, P.O. Box 67, Pinehurst, Ga. 31070. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, lime and land plaster*, dry and liquid, in bulk, in bags, and in containers, (A) from points in Alabama, Florida and Tennessee, to points in Crisp, Dooly and Houston Counties, Ga., (B) from Albany, Ga., to points in Florida on and north of Florida Highway 50; and (C) from Eufaula, Ala., to Albany, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 138873 (Sub-No. 24), filed March 10, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *comomn carrier*, by motor vehicle, over irregular routes, transporting: *prepared animal and poultry feed* (except in bulk), from the plantsite of Doane Products Company at Muscatine, Iowa, to points in Pennsylvania, New Jersey, New York, Maryland, Connecticut, Rhode Island, Delaware, Massachusetts, Vermont, New Hampshire, Maine, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds motor contract carrier authority in MC 138375 (Sub-No. 1 and others); therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or St. Louis, Mo.

No. MC 13999 (Sub-No. 23), filed March 7, 1977. Applicant: REDFEATHER FAST FREIGHT, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Elmer Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Cherokee, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140166 (Sub-No. 6), filed March 4, 1977. Applicant: JOHN L. SMITH, P.O. Box 186, Moreland, Idaho 83256. Applicant's representative: Jerold G. Oldroyd, 485 "E" Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients*, between Pocatello, Idaho, and points in Lewis and Clark, Teton, Glacier, Pondera, Toole, Chouteau, Carbon, Powell, Missoula, Liberty, Phillips, Judith Basin, Fergus and Cascade Counties, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Boise, Idaho.

No. MC 140290 (Sub-No. 3), filed March 4, 1977. Applicant: KESSEL TRUCKING CO., INC., 615 N. Main, Blue Earth, Minn. 56013. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic conduit, plastic slats, plastic tubing, plastic and iron fittings, and connections, valves, hydrants, gaskets, and materials, equipment and supplies* used in the installation of plastic pipe and plastic conduit (except comodities as described in Mercer Extension, Oil Field Commodities, 74 M.C.C. 459), from Winnebago, Minn., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, and the Upper Peninsula of Michigan; and (2) *materials, equipment and supplies* used in the manufacture and installation of the commodities in part (1) above, from the above-named destination states, to Winnebago, Minn., under a continuing contract or contracts with Winnebago Drainage Systems, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140363 (Sub-No. 5), filed March 7, 1977. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Ford Pierson Luscy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Various types and mixtures of clam and oyster shells, both whole and crushed, including mixtures with sand*, in bulk, in dump vehicles, from points in Louisiana, to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La., or Houston, Tex.

No. MC 141776 (Sub-No. 6), filed March 7, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: L. Agnew Myers, Suite 407, Walker Building, 734 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pressure sensitive tape*, from North Brunswick, N.J., to Fort Wayne, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 141776 (Sub-No. 7), filed March 7, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: L. Agnew Myers, Suite 407 Walker Building, 734 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Clifton and Whippany, N.J., and Riegelsville, Pa., to Cicero, Blue Island, Chicago, Milan and Lombard, Ill.; Cleveland, Warrensville and Cincinnati, Ohio; and South Bend, Ind., and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 141804 (Sub-No. 49), filed February 28, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaging materials and supplies* used in the production and packaging if individually portion control packaged foodstuffs (except meat, meat products, meat by-products, frozen foods, machinery, and commodities in bulk), from Dallas and Fort Worth, Tex.; Lyons Falls and White Plains, N.Y.; Columbus, Cleveland, and Cincinnati, Ohio; Minneapolis, Minn.; Chicago, Ill.; and Menasha and Shawano, Wis., to the plantsite and storage facilities of Serv-A-Portion, Inc., located at or near Chatsworth, Calif., restricted to traffic originating at or destined to the above named locations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Lincoln, Nebr.

No. MC 141969 (Sub-No. 9), filed February 25, 1977. Applicant: NOBLE TRANSPORT, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Suite 140 Cherry Creek Ctr., 360 S. Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, ingots, blooms and slabs*, from the facilities of Intalco Aluminum Corporation loacted at or near Ferndale, Wash., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Seattle, Wash.

No. MC 142472 (Sub-No. 2), filed March 10, 1977. Applicant: CUSTOM SERVICES, INC., 6373 Highway 50 East, Carson City, Nev. 89701. Applicant's representative: Lynn Hettrick (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth* in bulk, from the plant site of Eagle Picher Industries, Inc., located in Story County, Nev., to points in California, under a continuing contract, or contracts, with Eagle-Picher Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Carson City or Reno, Nev.

No. MC 142543 (Sub-No. 2), filed February 18, 1977. Applicant: L.D. FONTAINE doing business as L.D. FONTAINE TRUCKING, 504 Riverview Boulevard, Great Falls, Mont. 59404. Applicant's representative: R. V. Bottomly, 517 Strain Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple cider* when transported in the same vehicle with commodities exempt under 203 (b) (6) of the Interstate Commerce Act, from Yakima, Wash., and its commercial zone, and Selah, Wash., to ports of entry on the International Boundary Line between the United States and Canada, located at or near Eastport, Idaho; Noyes, Minn.; Raymond and Sweetgrass, Mont.; and Portal, N. Dak.; restricted to traffic destined to the Provinces of Alberta, British Columbia, Manitoba and Saskatchewan, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Great Falls or Billings, Mont.

No. MC 142574 (Sub-No. 2), filed March 8, 1977. Applicant: CIRCLE C TRANSPORTATION COMPANY, a corporation, 5800 York Street, Denver, Colo. 80217. Applicant's representative: William J. Lippman, Suite 140 Cherry Creek Ctr., 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver and Sterling, Colo., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies, and such other commodities*, as are used, or dealt in by persons engaged in the production and distribution of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Denver and Sterling, Colo., restricted to the transportation of traffic originating at and destined to the facilities of Circle C Beef Company, under a continuing contract or contracts in (1) and (2) above with Circle C Beef Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 142575 (Sub-No. 1), filed February 22, 1977. Applicant: UNDERWOOD TRUCK LINES, INC., 21 South Depot Street, Brazil, Ind. 47831. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* (except those designed to be drawn by passenger automobiles) and *parts and accessories*, therefore, in initial movements, between the plant site and storage facilities of Great Dane Trailers, Indiana, Inc. located at or near Brazil, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 142633 (Sub-No. 1), filed February 24, 1977. Applicant: HATHORN TRANSFER & STORAGE CO. INC., 620 Elliott Street, Alexandria, La. 71301. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Household Goods*, between points in Louisiana Parishes of Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, and Rapides, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Alexandria, La.

No. MC 142648 (Sub-No. 1), filed March 2, 1977. Applicant: O. M. WILSON MOVING & STORAGE COMPANY, INC., 2033 Hitzert Court, Fenton, Mo. 63026. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household Goods*, between St. Louis, Mo. and points in St. Louis, Lincoln, Warren, Jefferson, Saint Charles, Franklin, Crawford, Washington, St. Francis, Ste. Genevieve, Gasconade and Montgomery Counties, Mo. and Madison, St. Clair, Monroe, Jersey, Macoupin, Montgomery, Bond, Clinton, Washington, Randolph, Greene and Calhoun Counties, Ill., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 142910 (Sub-No. 2), filed March 7, 1977. Applicant: NORMAN G. DAY., doing business as DAY EXPRESS, 3829½ Camelot Lane, Columbus, Ind. 47201. Aplicant's representative: Stephen M. Gentry, 5700 West Minnesota Street, Indianapolis, Ind. 46241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Window shades and parts* related to the manufacture and installation of window shades, from the plantsite of Breneman, Inc., located at or near Madison, Ind., to Los Angeles and San Leandro, Calif., under contract with Breneman, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 142975, filed February 22, 1977. Applicant: GENE SANDERS TRUCKING, INC., 2045 Vermont Avenue NE, Albuquerque, N. Mex. 87110. Applicant's representative: Orville C. McCallister, 500 Oak NE, Albuquerque, N. Mex. 87106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle truck bodies, truck and other vehicle parts and components, accessories and equipment; solid waste disposal equipment, liquid waste disposal equipment, specialty equipment for trucks and other vehicles, fire apparatus* of such nature as to require special rigging, handling, and transportation, from Compton, Oakland, Calif.; Galva, Chicago, Paris, Ill.; Indianapolis, Ind.; Cedar Falls, Iowa; Lester, Prairie, Minneapolis, Minn.; St. Louis, Mo.; Canton, Cleveland, Toledo, Ohio; Durante, Tulsa, Okla.; Elizabethville, Middletown, Pa.; Arlington, Brechenridge, Dallas, Fort Worth, Houston, Tex.; Salt Lake City, Utah; Milwaukee, Wis., to Albuquerque, Deming, Las Cruces, and Lordsburg, N. Mex., under a continuing contract, or contracts, with Clark Truck Equipment Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Albuquerque, or Santa Fe, N. Mex.

No. MC 142977, filed February 22, 1977. Applicant: HOOSIER FREIGHT LINES, INC., 4906 Imperial Court, Louisville, Ky. 40216. Applicant's representative: James K. Stayton, 216 Atkinson Square, Louisville, Ky. 40218. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, heavy machinery and commodities in tank vehicles): Between Pekin, Ind. and Louisville, Ky.: (1) From Pekin over Indiana Highway 60 to the junction of Interstate Highway 65, thence over Interstate Highway 65 to Louisville, and return over the same route; (2) From Pekin, over Indiana Highway 60 to the junction of U.S. High-

way 31E (also portion Interstate Highway 65), thence over U.S. Highway 31E (also portion Interstate Highway 65), to Louisville, and return over the same route, as an alternate route for operating convenience only; and (3) From Pekin, over Indiana Highway 60 to the junction of Interstate Highway 65, thence over Interstate Highway 65 to the junction of Interstate Highway 265, thence over Interstate Highway 265 to the junction with Interstate Highway 64, thence over Interstate Highway 64 to Louisville, and return over the same route, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Indianapolis, Ind.

No. MC 143009, filed February 28, 1977. Applicant: RICHARD E. DURGIN, doing business as O'CONNORS EXPRESS, A337 Beckwith Rd., Pine City, N.Y. 14871. Applicant's representative: Richard E. Durgin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical supplies*, from Elmira, N.Y., to points in Tioga, Bradford, Susquehanna, Lackawanna, Wyoming, Sullivan and Lycoming Counties, Pa., under a continuing contract, or contracts, with Wehle Electric Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Elmira, Ithaca or Syracuse, N.Y.

No. MC 143012, filed March 2, 1977. Applicant: COMMERCIAL DISTRIBUTORS, INC., 2 Sycamore Drive, Hazlet, N.J. 07730. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins, materials, equipment and supplies* used in the manufacture and sale of plastic resins, (except commodities in bulk), between Allentown, Pa., on the one hand, and, on the other, points in that part of the United States in and east of Iowa, Kansas, Minnesota, Oklahoma and Texas, under a continuing contract, or contracts, with George Woloch Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 143061, filed February 28, 1977. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 338, Eden, N.C. 27288. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric equipment, devices, products, related items, and parts thereof, and commodities* used by and dealt in by manufacturers thereof (except commodities in bulk, commodities which because of size or weight require special equipment and aerospace craft and aerospace craft parts); (A) Between Somersworth, N.H., Pittsfield, Mass., and Rotterdam, N.Y.; and (B) Between the facilities of General Electric Company, located at or near Somersworth, N.H., Pittsfield, Mass., Rotterdam, N.Y., Salisbury, Hickory and East Flat Rock, N.C., on the one hand, and, on the other, points in the United States on and west of the eastern state boundary lines of Wisconsin, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii); and points in the upper peninsula of Michigan, under a continuing contract or contracts, with General Electric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Charlotte, N.C.

No. MC 143062, filed March 3, 1977. Applicant: ALLEN LEE, doing business as A & L TRANSPORT, 11722 S. Halsted St., Chicago, Ill. 60628. Applicant's representative: James R. Madler, Rm. 718, 120 W. Madison St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, and materials and supplies* used in the manufacture of printed matter (except commodities in bulk), between Chicago, Dwight and Mattoon, Ill., Crawfordsville and Warsaw, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Oklahoma, and Wisconsin, under a continuing contract or contracts with R. R. Donnelley & Sons Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 222), filed March 8, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, (1) Between Interchange No. 11 of the New Jersey Turnpike and Atlantic City, N.J. serving no intermediate points: From Interchange No. 11 of the New Jersey Turnpike over access highway to junction Garden State Parkway, thence over the Garden State Parkway to junction Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City and return over the same route; (2) Between Philadelphia, Pa. and the junction of the Atlantic City Expressway and the Garden State Parkway at Interchange 7 of the Atlantic City Expressway serving no intermediate points: From Philadelphia over Interstate Highway 76 across the Walt Whitman Bridge to Camden, N.J., thence over New Jersey State Highway 42 to junction Atlantic City Expressway, thence over the Atlantic City Expressway to junction Garden State Parkway and return over the same route; (3) Between the junction of U.S. Highway 130 and U.S. Highway 40 south of Deep Water, N.J., and Atlantic City, N.J. serving no intermediate points: From the junction of U.S. Highway 40 and U.S. Highway 130 over U.S. Highway 40 to junction U.S. Highway 322, thence over U.S. Highways 40 and 322 to Atlantic City, N.J. and return over the same route; and (4) Between the junction of U.S. Highway 206 and the New Jersey Turnpike at Interchange No. 7 and the Atlantic City Expressway serving no intermediate points: From the junction of U.S. Highway 206 and the New Jersey Turnpike over U.S. Highway 206 to junction Atlantic City Expressway and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.; Philadelphia, Pa.; and Washington, D.C.

No. MC 111256 (Sub-No. 1), filed March 3, 1977. Applicant: DONALD W. BUCKINGHAM, doing business as BUCKINGHAM BUS AND TAXI SERVICE, 21 Station Avenue, Groton, Mass. 01450. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at Groton, Ayer, Dunstable, Littleton, Lunenburg, Pepperell, Shirley, Westford, Harvard, Townsend and Tyngsboro, Mass., and extending to points in Connecticut, Delaware, Florida, Illinois, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Boston, Mass.

BROKER APPLICATIONS

No. MC 130179 (Sub-No. 1), filed March 7, 1977. Applicant: KAY HUTCHERSON CARDWELL, doing business as CARDWELL TOURS, Rt. No. I, Box 199, Mayodan, N.C. 27027. Applicant's representative: Kay Hutcherson Cardwell (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Mayodan, N.C. to sell or offer to sell the transportation of *Passengers and their baggage*, individually and in groups by motor, rail, water, and air carriers, from points in Guilford, Forsyth, and Stokes Counties, N.C. and Henry and Pittsylvania Counties, Va., to points in the United States including Alaska and Hawaii, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 130446, filed March 7, 1977. Applicant: GREAT ROAD TRAVEL, INC., 5 South Main Street, Medford, N.J. 08055. Applicant's representative: Susan L. Yeager (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Medford, N.J., to sell or offer to sell the transportation of *Passengers and their baggage*, individually and in groups, by motor carrier, from points in Burlington County, N.J., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mt. Holly, Camden, Burlington or Trenton, N.J.

FREIGHT FORWARDER APPLICATIONS

No. FF-469 (Sub-No. 2), filed March 3, 1977. Applicant: IVORY FORWARDING, INC., 8035 Woodward Avenue, Detroit, Mich. 48202. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (1) *Used household goods and unaccompanied baggage;* and (2) *used automobiles*, between points in the United States including Alaska and Hawaii, restricted in (2) above to the transportation of import-export traffic.

NOTE.—Applicant states that the purpose of this application is to add Alaska to its present authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. FF 494, filed March 9, 1977. Applicant: CVL FORWARDERS, a corporation, 1205 Industrial Way, Sparks, Nev. 89431. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Monterey, Calif.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before May 23, 1977. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-131381. Authority sought for control by CHROMALLOY AMERICAN CORPORATION, a diversified corporation, 120 South Central Avenue, St. Louis, MO., 63110, of MCBRIDE'S EXPRESS, INC., East Route 316, Mattoon, IL., 61398, of control of such rights through the transaction. Applicants' attorneys: E. Stephen Heisley and Kent B. Friedman, 666 Eleventh St., N.W., Washington, D.C., 20001. Chromalloy American Corporation, 120 South Central Ave., St. Louis, MO., 63105. Operating rights sought to be controlled: General commodities, with exceptions as a common carrier over regular routes, between St. Louis, MO., and Springfield, Ill., serving all intermediate points; between junction U.S. Highway 66 and Illinois Highway 48 and Decatur, Ill., serving all intermediate points; between St. Louis, MO., and Pana, Ill., serving all intermediate points; between Pana, Ill., and Decatur, Ill., serving all intermediate points; between junction U.S. Highway 40 and 50, and Shelbyville, Ill., serving all intermediate points; between junction U.S. Highway 40 and Illinois Highway 128, and Mattoon, Illinois serving all intermediate points; between Mattoon, Ill., and Decatur, Ill., serving all intermediate points; between Effingham, Ill., and Tuscola, Ill., serving all intermediate points; between St. Louis, Mo., and Marshall, Ill. serving all intermediate points; between Salem, Ill. and Effingham, Ill., serving all intermediate points; between Flora, Ill., and Effingham, Ill., serving all intermediate points; between Greenup, Ill., and Charleston, Ill., serving all intermediate points; serving all points in that part of Illinois on and south of U.S. Highway 36 and on and north of U.S. Highway 50, as off-route points in connection with carrier's regular-route operations authorized above, with restrictions; general commodities, with exceptions as a common carrier over irregular routes between St. Louis, Mo., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 36 and on and north of U.S. Highway 50; general commodities, with exceptions as a common carrier over irregular routes between Decatur, Ill., on the one hand, and, on the other, points in that part of Illinois bounded by a line beginning at Vandalia, Ill., and extending along U.S. Highway 40 to Greenup, Ill., thence along Illinois Highway 130 to Charleston, Ill., thence along Illinois Highway 16 to Mattoon, Ill., thence along U.S. Highway 45 to Tuscola, Illinois, thence along U.S. Highway 36 to Decatur, Ill., and thence along U.S. Highway 51 to Vandalia, Ill., including points on the indicated portions of the highways specified, with restrictions:

(1) Horse meat, meat products, and meat by-products not fit for human consumption as a common carrier over irregular routes from points in Indiana, Iowa, Michigan, Minnesota and Wisconsin to the plant site of Campbell & Co., at or near Mattoon, Ill., and (2) carnivorous animal food from the plant site of Campbell & Company at or near Mattoon, Illinois to points in Indiana, Iowa, Michigan, Minnesota and Wisconsin; general commodities, with exceptions between the plant site of Hussman Refrigerator Company at St. Charles Rock Road and Taussig Road, Bridgeton, Missouri on the one hand, and on the other, points in that part of Illinois on and south of U.S. Highway 36 and on and north of U.S. Highway 50; iron and steel articles, from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Illinois to points in Missouri; and materials, equipment, and supplies used in the manufacture and processing of iron and steel articles, from points in Missouri, to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Illinois, with restrictions; foods and foodstuffs (except in bulk in tank vehicles), from Champaign, Ill., to points in Missouri, Iowa, Nebraska, South Dakota, North Dakota, Indiana, Kentucky, Ohio, and those parts of New York, Pennsylvania, and Maryland on and west of Interstate Highway 81, and to Allentown, Pa., with no transportation for compensation on return except as otherwise authorized with restrictions; frozen foods, from Mattoon, Ill., to points in Alabama, Indiana, Iowa, Kansas, Kentucky, Missouri, Maryland, Michigan, Minnesota, Nebraska, New York, North Dakota Ohio, Pennsylvania, South Dakota, Tennessee, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, with restrictions. CHROMALLOY AMERICAN CORPORATION, holds no authority from this Commission. However, it controls AMERICAN TRANSIT CORP which in turn controls certain motor carriers of passengers holding Certificates from this Commission. CHROMALLOY finally controls FMS TRANSPORTATION, INC., a contract carrier operating pursuant to a permit issued in MC 139206. FMS TRANSPORTATION, INC., is authorized to operate in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13182. Authority sought for purchase by NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, TX 76118, of the operating rights of E. M. KELLER & CO, INC., P.O Box 2357, Pampa, TX 79065, and for acquisition by R. E. NEWMAN, B. D. NEWMAN, C. R. NEWMAN, and J. H. NEWMAN, of Forth Worth, TX 76118, of control of such rights through the purchase. Applicants' attorney: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Operating rights sought to be purchased: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *machinery, materials, equipment, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines; and *heavy machinery and heavy or cumbersome commodities*, which because of size or weight, require the use of special equipment, and *parts thereof*, as a

common carrier over *irregular routes* between points in that part of Texas west of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 81 to Fort Worth, Texas and north of a line beginning at Fort Worth and extending along U.S. Highway 80 to El Paso, Tex., including points on the indicated portions of the highways specified; Between points in Texas north of a line beginning at the Texas-New Mexico State line and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., to junction of Hardeman County line, to the Texas-Oklahoma State line, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas; *Machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines; between points in New Mexico; *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Kansas; Between points in Kansas, on the one hand, and, on the other, points in Oklahoma, Colorado, and Wyoming;

Machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, Between points in that part of Texas west and north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to Fort Worth, Tex., thence along U.S. Highway 80 to El Paso, Tex., including points on the indicated portions of the highways specified; Between points in Texas north of a line beginning at the Texas-New Mexico State line and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line to the Texas-Oklahoma State line on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas; Between Ulysses, Kans., on the one hand, and, on the other, points in Oklahoma, Colorado, and Wyoming; Between points in Texas and Oklahoma; Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmisison, and distribution of natural gas and petroleum and their products and by-products; and machinery, materials, equipment and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, Between points in Texas and Oklahoma. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Vendee is authorized to operate as a common carrier in Texas, Oklahoma, Kansas, New Mexico, Colorado Wyoming, and Nebraska. Application has been filed for temporary authority under section 210a(b).

NOTE.—No. MC 120761 Sub-No. 20 is a directly related matter.

No. MC–F–13183. Authority sought for purchase by P. CALLAHAN, INC., 5340 Comly Street, Philadelphia, PA., 19135, of a portion of the operating rights of LLOSE BROS., INC. 126 E. Third Street, P.O. Box 69, Chester, PA., 19013, and for acquisition by PATRICK W. CALLAHAN, 5340 Comly Street, Philadelphia, PA., 19135, of control of such rights through the purchase. Applicants' attorney: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C., 20005. Operating rights sought to be transferred: Such commodities as are dealt in by retail department stores and mail-order houses, as a common carrier over irregular routes between Chester, Pa., on the one hand, and, on the other Baltimore, Md., and the District of Columbia, Vendee is authorized to operate as a common carrier in Pennsylvania, New Jersey, New York, Maryland, Massachusetts, Rhode Island, New Hampshire, Connecticut, and Delaware, and as a contract carrier in Pennylvania, Delaware, New Jersey, Maryland, New York, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 20984 (Sub-No. 23) is a directly related matter.

No. MC–F–13184. Authority sought for purchase by WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, N.Y., 13662, of a portion of the operating rights of ONEIDA MOTOR FREIGHT, INC., Commercial Avenue, Carlstadt, N.J., and for acquisition by FRANCIS E. WALSH, 50 Burney Avenue, Massena, N.Y., of control of such rights through the purchase. Applicants' attorneys: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048, and William Biederman, 371 7th Avenue, New York, N.Y. 10001. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between New York, N.Y., and Albany, N.Y., serving no intermediate points: From New York over U.S. Highway 9 to Albany, and return over the same route. From New York over U.S. Highway 9W to Albany, and return over the same route. Service is authorized to and from the off-route points of Chadwicks, Rome, Troy, Albion, Noneoye Falls, Mount Morris, Medina, and Phelps, N.Y., points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and points within 12 miles of Jersey City, N.J. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Maine, Marylarid, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13186. Authority sought for purchase by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK., 73108, of the operating rights of R.M.D., Inc., 344 Dublin Ave., Columbus, OH., 43215, and for acquisition by Pepsico, Inc., Anderson Hill Rd., Purchase, N.Y., 10577, of control of such rights through the purchase. Applicants' attorneys: Richard H. Champlin, P.O. Box 82488, Oklahoma City, OK., 73108, and John P. McMahon, 100 East Broad Street, Columbus, OH., 43215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–96823 (Sub-No. 1), covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a common carrier in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–61440 (Sub-No. 159) is a directly related matter.

No. MC–F–13187. Authority sought for control by KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA., 50702, of A.C.E. Freight, Inc. through acquisition of stock of Fleetwood Investment Company, 192 Beal Drive, Pittsburgh, PA., 15301, and for acquisition by Allen E. Kroblin, also of Waterloo, IA., 50702, of control of A.C.E. Freight, Inc. through the acquisition by Allen E. Kroblin. Applicants' attorney and representatives: Bowes, Milner, Rogers & Liberstein, 176 Fairfield Rd., Fairfield, N.J., 07006, Allen E. Kroblin, 2125 Commercial St., P.O. Box 5000, Waterloo, IA., 50702, and Wernert J. Pitterich, 192 Beal Drive, Pittsburgh, PA., 15301. Operating rights sought to be controlled: General commodities, with certain specified exceptions, and various other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Ohio, Indiana, Iowa, Massachusetts, New York, New Jersey, Connecticut, Rhode Island, and Pennsylvania, with certain restrictions, serving various intermediate and

off-route points, over two alternate routes for operating convenience only, as more specifically described in Docket No. MC 30311 and Sub numbers thereunder. This does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a common carrier in all the continental United States. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13188. Authority sought for purchase by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL., 32203, of a portion of the operating rights of Kirby & Kirby, Inc., George Minish, receiver, 239 Main Street, West Orange, N.J., 07052, and for acquisition by IU Transportation Services, Inc., which in turn is controlled by IU International Corporation, both of The Wilmington Tower, 1105 N. Market St., Wilmington, DE., 19801, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 501 Perpetual Bldg., 1111 "E" St., N.W., Washington, D.C. 20004, H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA., 19102, and John Tynan, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006, and Howard M. Cohen, 225 Millburn Avenue, Millburn, N.J., 07041. Operating rights sought to be transferred: *General commodities,* with exceptions as a *common carrier* over regular routes between Wilmington, Delaware, and Camden, New Jersey, serving all intermediate points except those on U.S. Highway 40; between Wilmington over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 via the Delaware Memorial Bridge to junction U.S. Highway 130, thence over U.S. Highway 130 to junction unnumbered highway south of Gibbstown, N.J., thence over unnumbered highway to junction U.S. Highway 130, and thence over U.S. Highway 130 to Camden, and return over the same route. Serving all offroute points in New Castle County, Delaware. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–13189. Authority sought for purchase by WILMAR TRUCKING, INC. (non-carrier) as assignee of Wil-Ford Incorporated, 167 Fairfield Avenue, Fairfield, N.J. 07006 of the operating rights of Kirby & Kirby, Inc., George Minish, receiver in bankruptcy, 239 Maine Street, West Orange, N.J. 07052, and for acquisition by Wil-Ford, Incorporated and William J. Ford, both of Hollow Road, R.D. No. 1, P.O. Box 486, Phoenixville, Pennsylvania 19460, of control of such rights through the purchase. Applicant's attorneys: John P. Tynan and A. David Millner, P.O. Box 1409, Fairfield, N.J. 07006, and Harold M. Cohen, 225 Millburn Avenue, Millburn, N.J. 07041. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes. (1) Between New York, N.Y., and Philadelphia, PA., serving all intermediate points, as follows: from New York over U.S. Highway 1 to Philadelphia, and return over the same route. From New York to Jersey City, N.J., via ferry or Holland Tunnel, thence over Business and Truck U.S. Highway 1 to Newark, N.J., thence over New Jersey Highway 27 to Princeton, N.J., thence over U.S. Highway 206 to Trenton, N.J., thence across the Delaware River to Morrisville, Pa., and thence over U.S. Highway 13 to Philadelphia, and return over the same route. From New York to Trenton, N.J., over the above-described routes, thence over U.S. Highway 206 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., and thence across the Delaware River to Philadelphia, and return over the same route From New York to Trenton over the above-described routes, thence over U.S. Highway 206 to junction U.S. Highway 30, thence over U.S. Highway 30 to Atlantic City, thence over U.S. Highway 40 to McKee City, N.J., thence over U.S. Highway 322 to junction New Jersey Highway 42 near Williamstown, N.J., thence over New Jersey Highway 42 to Camden, N.J., and thence across the Delaware River to Philadelphia, and return over the same route. From New York to Atlantic City over the above-described routes, and thence over U.S. Highway 30 to Philadelphia, and return over the same route. (2) Between Wilmington, Del., and Camden, N.J., serving all intermediate points except those on U.S. Highway 40. (3) Between Wilmington, Del., and Philadelphia, Pa., serving all intermediate points. (4) Between Trenton, N.J., and points Pleasant, N.J., serving all intermediate points. (5) Between New York, N.Y., and Waterbury, Conn., serving all intermediate points. (6) Between Atlantic City, N.J., and Wildwood, N.J., serving all intermediate points. (7) Between Trenton, N.J., and Frenchtown, N.J., serving all intermediate points.

(8) Serving the off-route points of Matawan and Pennsville, N.J., Kennett Square and West Chester, Pa., points in New York and New Jersey within 25 miles of Columbus Circle, New York, N.Y.; points in New Jersey and Pennsylvania within 20 miles of Trenton, N.J., and 20 miles of City Hall, Philadelphia, Pa.; points in New Jersey within ten miles of New Brunswick, Hammonton, and Atlantic City, N.J.; and points in New Castle County, Del. (9) Sugar invert, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J., serving no intermediate points and serving the junction of New Jersey Highway 73 and U.S. Highway 130 only for the purpose of joining the route described and the alternate route described immediately below: from Philadelphia over carrier's authorized routes to Bordentown, and return over the same route. From Philadelphia, Pa., to junction New Jersey Highway 130 as an alternate route for operating convenience only, in connection with the route described immediately above, serving no intermediate points and serving the described junction of New Jersey Highway 73 and U.S. Highway 130 only for the purpose of joining the route described and the regular route described immediately above. From Philadelphia across the Delaware River to junction New Jersey Highway 73, and thence over New Jersey Highway 73 to junction U.S. Highway 130, and return over the same route. (10) Potatoes, in truckload lots, as a common carrier over irregular routes from points in Mercer, Monmouth and Middlesex Counties, N.J., within 20 miles of Hightstown, N.J., to Yonkers and White Plains, and New York, N.Y., Philadelphia, Pa., and Newark and Camden, N.J., with no transportation for compensation on return except as otherwise authorized. (11) Lithopone, in packages, from Newport and Edge Moor, Del., to Peekskill, N.Y., with no transportation for compensation on return except as otherwise authorized. (12) Iron or steel products and wire rope and cable, from Trenton, N.J., to points in Pennsylvania, with no transportation for compensation on return except as otherwise authorized. (13) Liquid sugar, corn syrup, and blends thereof, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J., with no transportation for compensation on return except as otherwise authorized. Wilmar Trucking, Inc., holds no authority from this Commission. However, it is a wholly owned subsidiary of Wil-Ford Incorporated. Wil-Ford Incorporated is wholly owned by William J. Ford, who also controls De-Pen, Inc. De-Pen, Inc., is authorized to operate as a common carrier in the States of Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–F–13188 is a directly related matter.

NOTICE

The Richmond, Fredericksburg and Potomac Railroad Company (RF&P), 2134 W. Laburnum Avenue, P.O. Box 11281, Richmond, Virginia, represented by Mr. Urchie B. Ellis, Attorney, The Richmond, Fredericksburg and Potomac Railroad Company, P.O. Box 11281, Richmond, Virginia 23230, hereby give notice that on the 11th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the line of railroad of The Chesapeake and Ohio Railway Company (C&O), which application is assigned Finance Docket No. 28419

The nature of the proposed transaction is the acquisition of trackage rights by RF&P over approximately 4.82 miles of main line of C&O. The C&O line of railroad over which RF&P requests approval and authorization of trackage rights extends between Doswell, Virginia, and Bear Island, Virginia, a total distance of approximately 4.82 miles, all in Hanover

County, Virginia. There are no comparable operations as the proposed trackage rights are to permit RF&P to serve a prospective new industrial area on property owned by RF&P and its subsidiary land company.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28419 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

THE RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD COMPANY

NOTICE

W. Guy McKenzie, Sr., 122 Appleyard Drive, P.O. Box 1200, Tallahassee, Leon County, Florida 32302, represented by Dan R. Schwartz, Schwartz & Bolinger, 1729 Gulf Life Tower, Jacksonville, Florida 32207, hereby give notice that on the 21st day of March, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the control of Southern Terminal and Transport Company (Southern), which application is assigned Finance Docket No. 28446.

Southern Terminal and Transport Company has an application pending before the Commission in Docket No. W-1304 in which it is proposed to have issued to it authority as a common carrier by water, to transport petroleum products, in containers, between Mobile, Ala., and Pensacola, Port St. Joe and St. Marks, Fla., providing, among other requirements, the person or persons engaged in the common control or management of Southern Terminal and Transport Company and any other carrier operating in interstate or foreign commerce apply for approval thereof under Section 5(2) of the Interstate Commerce Act. W. Guy McKenzie, Sr. is lawfully in control of M. R. & R. Trucking Company and McKenzie Tank Lines, Inc. by reason of the Commission's order of January 2, 1973, entered in Docket No. MC-F-5239, M. R. & R. Trucking Company is a regular-route, general commodities (with the usual exceptions) common carrier by motor vehicle over routes in Alabama, Florida, and Georgia. McKenzie Tank Lines, Inc. is a carrier engaged in the transportation of commodities in bulk in the States of Alabama, Florida, and Georgia, and other states of the United States. T. L. McKenzie and J. H. Kennedy are directors and officers of Southern Terminal and Transport Company and McKenzie Tank Lines, Inc.

Application for temporary authority has not been filed under Section 311(b).

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28446 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction: specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before May 23, 1977. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 66512 (Sub-No. 9), filed March 17, 1977. Applicant: P & G MOTOR FREIGHT, INCORPORATED, 450 Burnham Street, South Windsor, Conn. 06074. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in No. MC-F-13170, published in the FEDERAL REGISTER issue of March 31, 1977. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 121540 (Sub-No. 4), filed March 10, 1977. Applicant: EAST NEBRASKA MOTOR FREIGHT, INC., 723 S. 12th Street, Omaha, Nebr. 68102. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), Between Omaha, Nebr. and Utica, Nebr., serving the off-route points of Lincoln, Milford, Beaver Crossing and Goehner, Nebr.: (1) From Omaha over U.S. Highway 6 to junction unumbered highway, 3 miles west of Milford, thence over unnumbered highway to junction U.S. Highway 34, thence over U.S. Highway 34 to Utica, and return over the same route; and (2) From Omaha over U.S. Highway 6 to junction Nebraska Highway 2, thence over Nebraska Highway 2 to Utica, and return over the same route, restricted against service to Iowa within the Omaha, Nebr., Commercial Zone, as defined by the Commission. (B) Irregular routes: *General Commodities* (except house trailers, mobile homes and prefabricated buildings by truckaway service), (1) between points in Lancaster, Saline, Seward, Saunders, Cass, Otoe Counties, Nebr.; and (2) between points in said counties in (1) above, on the one hand, and, on the other, points in Nebraska.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in MC-F-13153, published in the FEDERAL REGISTER issue of March 24, 1977. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 23, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 30605 (Deviation No. 27), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 E. Waterman St., P.O. Box 56, Wichita, Kans. 67201, filed April 11, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans., Mo., over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 50 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 75, thence over U.S. Highway 75 to Tulsa, Okla., thence over U.S. Highway 66 to Oklahoma City, Okla., thence over U.S. Highway 77 to Dallas, Tex., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 23, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTER CARRIERS OF PASSENGERS

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 53, 225 M Route No. 4611, filed April 12, 1977. Applicant: TRANS STATE BUS, INC., R.R. 1, Highway 156, N.E. Trail St., Larned, Kans. 67550. Applicant's representative: Franklin Corrick, 3301 Van Buren Street, Topeka, Kans. 66611. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Passengers, their baggage, light express and newspapers*, from Dodge City, Kans., southwest on U.S. Highway 56 to its junction with Kansas Highway 190 at or near Satanta, then northwest on Kansas Highway 190 to its junction with U.S. Highway 160, then west on U.S. Highway 160 to its junction with U.S. Highway 270 at or near Ulysses, then south on U.S. Highway 270 to Hugoton, then east on U.S. Highway 270 to its junction with U.S. Highways 83 and 270 to Liberal, then return over the same route to Dodge City, Kans. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place set for June 1, 1977 at 10 a.m. on Wednesday at the State Office Building, 4th Floor, Topeka, Kans. Requests for procedural information should be addressed to the Kansas State Corporation Commission, State Office Building, Topeka, Kans. 66612 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-11483 Filed 4-20-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., April 28, 1977.

PLACE: Hearing Room, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda;
2. Minutes;
3. Status report and pending motions: a. Investigation 603-TA-1 (Color Television Receivers); b. Investigation 337-TA-23 (Color Television Receivers); c. Investigation 337-TA-30 (Stainless Steel Pipe and Tube);
4. Zero-base budgeting—see memorandum from the Acting Director of Administration, dated April 6, 1977;
5. Review of status of Policy Manual;
6. Petitions and complaints: a. Parts for paving equipment (Docket No. 442) (if action by the Commission is needed);
7. Items left over from previous agenda.
8. Reorganization.

Portions closed to the public:

9. Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary 202-523-0161.

[S-192-77 Filed 4-19-77;9:23 am]

2

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 9:30 a.m., Thursday, April 28, 1977 [NM-77-6].

PLACE: Conference Rooms 8A, B, and C, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) *Aircraft Accident Report.* Midair Collision between Ruel Insurance Corporation, Cessna 414, N8PR, and USAF F4E, 67-0255, Near Brighton, Florida, September 13, 1976. (2) *Recommendation.* To FAA re Standardization of Cattle Pens and Methods of Restraining Cattle Movement. (3) *Pipeline Accident Report.* UGI Corporation, Explosions and Fires, Allentown, Pennsylvania, August 8, 1976, and Recommendation to the President, UGI.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-193-77 Filed 4-19-77;8:23 am]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 2 p.m., Thursday, April 28, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Allocation Proposals for 470-806 MHz Band.

General—2—Fourth Notice of Inquiry relative to preparation for a General World Administrative Radio Conference.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number, 202-632-7260.

Issued: April 15, 1977.

[S-194-77 Filed 4-19-77;9:23 am]

4

AGENCY HOLDING THE MEETING: Postal Rate Commission.

CHANGE OF MEETING SUBJECT MATTER

APRIL 15, 1977.

The following item is added to the agenda of the Commission's closed meeting of April 21, 1977, upon the affirmative vote of Chairman DuPont, Vice Chairman Villarreal, and Commissioner Saponaro:

4. Discussion of internal personnel practices (appointment of OOC.)

This subject qualifies for a closed meeting pursuant to 5 U.S.C. 552b (c) (2).

DAVID F. HARRIS,
Secretary.

[S 195 77 Filed 4-19-77;9:23 am]

5

AGENCY HOLDING THE MEETING: Federal Reserve System.

ADDITION OF PREVIOUSLY ANNOUNCED AGENDA ITEM

The Board of Governors has previously announced a meeting to be held on Friday, April 22, 1977, which will be closed to public observation under exemption(s) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). One of the items announced for inclusion at that meeting was consideration of any agenda items carried forward from a previous meeting. The purpose of this announcement is to inform the public that the following such item, postponed from April 13, 1977, will be considered at this meeting:

A major equipment purchase by a Federal Reserve Bank.

The previously announced closed items are:

1. Request by the Federal Reserve Bank of New York for Board approval of plans to engage the services of an architectural/engineering firm to prepare final construction documents for a mechanical and electrical modifications program in the existing main bank building.
2. Any agenda items carried forward from a previously announced closed meeting.

The meeting will be held at 10 a.m. in the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, April 18, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-196-77 Filed 4-19-77;9:23 am]

6

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Tuesday, April 26, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Nonadjudicative Matters:

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of April 19, 1977

(2) Consideration of Institution of Disciplinary Proceedings against an attorney practicing before the Commission

(3) The May Department Stores Company, Docket No. C-1105: Consideration of Respondent's Compliance with Commission's Final Order

(4) Consideration of Proposed Resolution Authorizing Compulsory Process in (Nonpublic) Part II Matter

(5) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter

(6) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter

Adjudicative Matters Under Part 3 of the Rules of Practice:

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of April 19, 1977

(2) The American Medical Association, et al., Docket No. 9064: Consideration of Respondents' Motions to Dismiss the Complaint

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-197-77 Filed 4-19-77;9:23 am]

7

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Wednesday, April 27, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) Consideration of Possible Rulemaking and Proposed Resolution Authorizing Compulsory Process in State Milk Price Regulation, P61 0005/File No. 771 0038. (2) Report from General Counsel on Congressional Matters.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-198-77 Filed 4-19-77;9:23 am]

8

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19983, April 15, 1977.

DATE AND TIME: April 19, 1977; 8 a.m. to conclusion.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Nonadjudicative Matters:

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of April 19, 1977

(2) Consideration of Institution of Disciplinary Proceedings against an attorney practicing before the Commission

(3) The May Department Stores Company, Docket No. C-1105: Consideration of Respondent's Compliance with Commission's Final Order

(4) Consideration of Proposed Resolution Authorizing Compulsory Process in (Nonpublic) Part II Matter

(5) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter

(6) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter

Adjudicative Matters Under Part 3 of the Rules of Practice:

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of April 19, 1977

(2) The American Medical Association, et al., Docket No. 9064: Consideration of Respondents' Motions to Dismiss the Complaint

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-197-77 Filed 4-19-77;9:23 am]

7

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Wednesday, April 27, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) Consideration of Possible Rulemaking and Proposed Resolution Authorizing Compulsory Process in State Milk Price Regulation, P61 0005/File No. 771 0038. (2) Report from General Counsel on Congressional Matters.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-198-77 Filed 4-19-77;9:23 am]

8

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19983, April 15, 1977.

DATE AND TIME: April 19, 1977; 8 a.m. to conclusion.

PLACE: Room 600, 1121 Vermont Avenue, NW., Washington, D.C.

CHANGES IN THE MEETING: On April 18, 1977, the Commissioners unanimously voted to add a new item to the agenda of the closed portion of the meeting to be held on April 19, 1977. This item is: (5) Discussion of the subpenas to be issued for the purposes of the hearing in Memphis, Tennessee, on May 9-10, 1977.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-199-77 Filed 4-19-77;10:16 am]

9

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580-3, April 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATES OF MEETINGS: 10 A.M. April 19, 20, 21, 27, 28, 1977.

CHANGES IN THE MEETINGS:

1. April 19—Delete Item 5—Report of Investigation—Staff requires additional time to review the report.

2. April 20—Item 4—Proposed amendments to Rule 19b-4 under the Exchange Act. Because of the need for staff consideration of recently received comments on this subject it has been removed from the agenda.

3. April 21—Additional item in Open Meeting—Proposed rule changes of the National Securities Clearing Corporation ("NSCC") (i) regarding clearance of debt securities listed on the American Stock Exchange, Inc. and (ii) amending the definition and functions of a Special Representation of the Stock Clearing Corporation Division of NSCC. The staff consideration of public comment on these matters has recently been completed and the deadline for Commission action is April 21.

4. April 21—Additional item in closed meeting to be held to consider emergency matters: Formal Order of Investigation.

5. April 27—Delete Item 3—H.R. 6, a recodification of the Bankruptcy Act. The Congressional meeting on this subject, which would be discussed in the proposed memorandum, has been postponed from April to May.

6. April 28—The time of the meeting is changed from 10 a.m. to 2:30 p.m.

7. April 28—Delete Item 5—Proposed amendments to Rule 10b-4—Additional staff consideration required.

8. April 28—Delete Item 6—Proposed rule change of the American Stock Exchange, Inc. to establish alternative criteria for original listing of stocks. Staff review of recently received public comments required.

9. April 28—Delete Item 10—Amendments to Form U-4. Additional time needed by staff to coordinate positions of State, self regulatory and industry representatives.

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to approve the above changes.

Dated: April 18, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-200-77 Filed 4-19-77;10:44 am]

10

AGENCY HOLDING MEETINGS: Securities and Exchange Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580-3, April 1, 1977.

CHANGES IN MEETING TIME: The closed meeting of April 26, 1977, previously scheduled for 10 a.m., will be held instead from 2:30 to 4:30 p.m.

Dated: April 12, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-201-77 Filed 4-19-77;10:44 am]

11

AGENCY HOLDING THE MEETING: United States Railway Association.

TIME AND DATE: 1 p.m., April 29, 1977.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions closed to the public (1 p.m.)

1. Review of Conrail, Delaware & Hudson Railway Company, and Missouri-Kansas-Texas Railroad Company proprietary and financial information for monitoring and investment purposes.
2. Litigation Report.

Portions open to the Public (1:30 p.m.)

3. Approval of Conrail Drawdown request for May.
4. Consideration of Conrail Section 211 (h) loan request.
5. Report on Conrail monitoring.
6. Litigation Status Report.
7. Report on GAO audit.

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4230.

[S-202-77 Filed 4-19-77;10:44 am]

12

AGENCY HOLDING THE MEETING: Indian Claims Commission.

CHANGE OF MEETING SUBJECT MATTER: The following item is added to the open Commission meeting of April 27, 1977:

Docket 60-A, Makah.

DAVID H. BIGELOW,
Executive Director.

APRIL 18, 1977.

[S-203-77 Filed 4-19-77;10:56 am]

13

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: Monday, April 25 and Tuesday, April 26, 1977.

PLACE: Commissioners Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monday, April 25

10 a.m. Briefing on Comparative Health Effects of Coal and Nuclear.

11 a.m. Briefing on Provision for Protection of Employees Who Provide Information to NRC.

1:30 p.m. Briefing on Implementation Plans for Reactor Physical Protection Rule (new Part 73.55).

2:30 p.m. Licenses Fees.

Tuesday, April 26

10 a.m. Certiorari System for the Commission. Commission Review of Directors Denials of Enforcement Requests. Affirmation of Commission Action on Early Site Reviews. (The affirmation will consist of votes on matters previously reviewed individually by the Commissioners and is expected to take no more than five minutes.)

CONTACT PERSON FOR MORE INFORMATION:

Walter A. Magee, 202–634–1410.

WALTER MAGEE,
Chief, Operations Branch.

[S–204–77 Filed 4–19–77;11:26 am]

14

AGENCY HOLDING THE MEETING: National Railroad Passenger Corporation.

ADDITIONAL AGENDA ITEM FOR MEETING

In accordance with rule 4d. of Appendix A of the By-Laws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Board of Directors meeting of April 22, 1977: 4A. (6) St. Louis Station Status.

Board members Besson, Downing, Head, Jacobs, Langdon, MacDonald, Quinn, and Reistrup determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time. Board members Adams, Dunlop and Luna could not be reached for the vote.

The revised agenda to be discussed at the meeting follows:

AGENDA

NATIONAL RAILROAD PASSENGER CORPORATION

Meeting of the Board of Directors, April 22, 1977. (9:00) Closed Session: (1) Internal Personnel Matters. (9:30) Open Session: (2) Approval of Minutes of Regular Meeting of March 30, 1977. (3) Commitment Approval Requests.

77–82 Canton, Ohio—Construct New Station.
77–89 Refurbish North Philadelphia Station.
75–5–S2 Right-of-Way Improvements-Northeast Corridor.
77–136 Acquisition of Ten New Diesel Electric Locomotives.
(4) Board Committee Reports.

A. Planning/Equipment: (1) Update on 30th Street Office Space Plan; (2) Update on LRC Trains; (3) Modification of Conventional Sleepers to Operate with Electric Heat and AMFLEET Equipment; (4) Route Criteria Task III; (5) Conversion of Ten Unserviceable E–8 Type Locomotives to Steam Generator Cars; and (6) St. Louis Station Status.
B. Northeast Corridor Improvement Project: (1) Status Report.
C. Track Policy: (1) Status Report.
5. President's Reports.
A. Operations: (1) National Operations; (2) Operations Support; (3) Northeast Corridor Operations.
B. Marketing.
C. Government Affairs.
D. Other: (1) Discussions with Representatives of Greyhound Bus Lines.
6. Financial Reports.
7. General Fare Increase.
8. New Business.
9. Adjournment.

Inquiries regarding the agenda for the April 22, 1977, Board meeting should be directed to the Corporate Secretary at 202–484–7679.

Dated: April 19, 1977.

ELYSE G. WANDER,
Corporate Secretary.

[S–211–77 Filed 4–19–77;2:52 pm]

federal register

THURSDAY, APRIL 21, 1977

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1977-25, AOR 1977-17]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-17 has been made public at the Commission. Copies of AOR 1977-17 were made available on April 13, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street N.W., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-17: May the Commodity Futures Political Fund which is a separate segregated fund established by the Chicago Mercantile Exchange, a not-for-profit membership corporation, solicit contributions from noncorporate members of the Exchange as well as from "Commodity representatives" who are not formally members of the Exchange but are subject to its rules and have considerable interaction with Exchange members? Requested by James T. Malysiak, Counsel to the Commodity Futures Political Fund, Chicago, Illinois.

Dated: April 14, 1977.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

[FR Doc.77-11522 Filed 4-20-77;8:45 am]

Federal Register

THURSDAY, APRIL 21, 1977
PART III



DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

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LIQUEFIED NATURAL GAS FACILITIES (LNG); FEDERAL SAFETY STANDARDS

Development of New Standards

VOL. 42, NO. 77—THURSDAY, APRIL 21, 1977

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

[49 CFR Part 193]

[Notice No. 77-4; Docket No. OPSO-46]

LNG FACILITIES; FEDERAL SAFETY STANDARDS

Development of New Standards

AGENCY: Materials Transportation Bureau, Office of Pipeline Safety Operations, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice invites public participation at an early stage in the rulemaking process for adoption of new Federal safety standards for liquefied natural gas (LNG) facilities.

The need for comprehensive new Federal LNG safety standards is evident from the concern expressed by Congressional committees; the Federal Power Commission and other Federal, state, and local agencies; nongovernment organizations; representatives of industry; and the public in general over the adequacy of present standards to provide for public safety. The new standards would govern the design (including site selection), construction, operation, and maintenance of LNG facilities used in the transportation of natural gas by pipeline in or affecting interstate or foreign commerce.

DATE: Comments must be received by September 1, 1977.

ADDRESS: Send comments to: Director, Office of Pipeline Safety Operations, Department of Transportation, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

All comments received will be available for inspection and copying at Docket Room 6500, Trans Point Building.

FOR FURTHER INFORMATION CONTACT:

Peggy Hammond, 202-426-0135.

SUPPLEMENTARY INFORMATION: The need for comprehensive new Federal LNG safety standards is evident from the concern expressed by Congressional committees; the Federal Power Commission and other Federal, state, and local agencies; nongovernment organizations; representatives of industry; and the public in general over the adequacy of present standards to provide for public safety. Their concern arises because of the seriousness of potential hazards from LNG facilities coupled with the anticipated increase of LNG facility construction to meet the nation's energy needs, the developing wide variations in the design of facilities, the huge sizes of LNG storage tanks, and the projected location of new LNG facilities near population centers, or areas of greatest energy demand.

The existing Federal safety standards governing LNG facilities used in the transportation of natural gas by pipeline are contained in 49 CFR Part 192. These standards were adopted by Amendment 192-10, issued on October 10, 1972 (37 FR 21638). The Amendment added § 192.12, adopting as the Federal LNG safety standards the National Fire Protection Association (NFPA) Standard 59A (1971 edition), as well as the other applicable requirements of Part 192. Subsequently, the 1972 edition of NFPA 59A was adopted (41 FR 13590).

In the preamble to Amendment 192-10, it was stated that the NFPA Standard was adopted only as an interim measure while permanent regulations specifically applicable to LNG facilities were being developed. This notice is a step in that developmental process. Although this notice is not a proposal to amend the present standards, it contains a comprehensive set of draft regulations which are intended to serve as a basis for public comment and participation in identification of LNG safety problems and the development of appropriate regulatory solutions to those problems, considering all reasonable alternatives. Comments to this notice should assure that if a new Part 193 is adopted, it is founded on a broad source of information.

It is also important to point out that concurrent with this proceeding the Coast Guard is developing regulations under the Ports and Waterways Safety Act of 1972 (33 USC 1221 et seq.) for the storage and handling of hazardous materials, including LNG, at ports. MTB and the Coast Guard are coordinating their regulatory activities in this area to preclude problems involving overlapping jurisdiction.

As further discussed hereafter, the draft regulations are based in part on NFPA 59A, but more importantly, they address serious safety problems respecting an LNG facility that MTB believes are not adequately resolved by the present standards. Foremost among these problems are: (1) Protection of persons and property near a facility from thermal radiation caused by ignition of a major spill of LNG, (2) protection of persons and property near a facility from dispersion and delayed ignition of a natural gas cloud emanating from a major spill of LNG, and (3) mitigation of the potential for a catastrophic spill of LNG. The draft regulations suggest that these problems may be resolved by imposing more stringent exclusion zone requirements and other plant design requirements, particularly with respect to storage tanks, impounding systems, and environmental forces. At the same time, the draft regulations would permit flexibility in design to reduce the size of an exclusion zone, for example by installation of a planned ignition system or increasing the height of impounding dikes.

Interested persons should also note that the draft regulations relate to safety problems involving hazardous fluids other than LNG which may be used or stored at an LNG facility.

MTB expects that comments to this notice may serve as a basis for a future notice of proposed rulemaking. Therefore, considered comments are strongly urged regarding those draft regulations which relate to the safety problems mentioned above since those problems involve highly technical fields and unresolved behavioral phenomena which are still being researched. All commenters should address safety, environmental, and economic issues, support their comments with rationale and documentation, and where appropriate propose alternative regulations that would provide for an adequate level of safety.

The new Part 193 would be adopted under the Natural Gas Pipeline Safety Act of 1968 (49 USC 1671 et seq.). The jurisdiction of that Act is limited, however, to LNG facilities which are used in connection with a system for pipeline transportation of natural gas to consumers. Thus, both the existing standards, and the contemplated Part 193 would not apply to facilities used exclusively in the transportation of natural gas or LNG by modes other than pipeline. For example, the standards would not apply to an LNG storage and transfer facility at a marine terminal used to transfer LNG between ships or barges and rail or motor carriers unless the facility were also connected with a system for pipeline transportation. While MTB believes that almost all existing and planned facilities involve the supply or delivery of natural gas by pipeline, as LNG facilities become more widespread, it may be necessary to enlarge the scope of the Federal regulations to cover facilities which are not related to the pipeline transportation of natural gas. Any future action that MTB may take with regard to such nonpipeline related LNG facilities would be under the authority of the Hazardous Materials Transportation Act (49 USC 1801 et seq.). Interested persons are encouraged to advise MTB on the need to regulate any nonpipeline transportation related LNG facilities which may now exist or are planned.

In 1974, the Department's Office of Pipeline Safety contracted for a study by Arthur D. Little, Inc. (ADL) to provide safety information on LNG facilities. The study included a comparative analysis of national, state, local, industrial, and professional society codes, standards, practices, and regulations relating to LNG facilities. The ADL report, made in December 1974, is titled "Technology and Current Practices for Processing, Transferring, and Storing Liquefied Natural Gas." Copies of the report (NTIS No. PB-241048) are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, telephone 703-557-4650, in paper for $7.75 and in microfiche for $3.

The ADL study provides useful information in developing safety regulations for LNG facilities. The study identified and analyzed many areas of public concern about the operation of LNG facilities. It also addressed many practices and functions where special precautions are needed to protect persons and property. Although now two years old, MTB believes that the results of the ADL study

are still valid because they are consistent with current information obtained from other sources. Therefore, MTB has adopted the ADL report as a basis for this regulatory action.

The ADL report found that NFPA 59A was the basis for practically all codes—national, state, and local—for LNG facilities that exist today and that it "is generally accepted as establishing the minimum requirements for design and construction of LNG facilities." In Section 2.2, Overview of LNG Regulations, the ADL report stated, "It is logical, therefore, that NFPA 59A forms the basis for comparison of these codes, and the foundation on which to build any permanent regulation specifically applicable to LNG facilities." MTB agrees with this conclusion.

MTB therefore anticipates that NFPA 59A will be the foundation for a proposed Part 193, and has based most of the draft regulations set forth in this notice on the requirements of NFPA 59A. Not only are the requirements of the 1972 edition of NFPA 59A used as a basis, but also the requirements of the current 1975 edition. The draft regulations are based on the following principal provisions of the 1975 edition which are not in the 1972 edition:

Process equipment. Requires relief devices (§ 193.905(b)) and support protection (§ 193.815) for certain process components; provides sensing and alarm for combustible mixtures in buildings or process components (§§ 193.909 and 193.911).

Gasifiers. Establishes flow capacity for relief devices (§ 193.715); requires separate automatic valve for downstream temperature control (§ 193.709(b)).

Piping systems. Requires powered operation for certain valves that could be involved in an emergency (§§ 193.305(b), 193.605, 193.917(b), and 193.919); establishes limitations on design pressure for longitudinal weld pipe (§ 193.307(e)); requires nondestructive testing of welded pipe joints for LNG or flammable refrigerant systems (§ 193.1027); prohibits pressure tests of carbon or low alloy steel piping at temperatures below 35°F (§ 193.1025(b)); requires retention of records of materials (§ 193.219) and initial tests conducted (§ 193.1037(d)).

Transfer of LNG and refrigerants. Provides limit on prohibited oxygen content in purging vehicle tanks and provides check procedures for tank vehicles in exclusive LNG service (§ 193.1117(d)(4)).

Fire protection and safety. Establishes mandatory requirement for manual emergency depressuring of components (§ 193.1307(b)); requires portable flammable gas detector (§ 193.1307(g)) and self-contained air breathing apparatus (§ 193.1307(e)) be provided for LNG facility personnel.

Although this notice sets forth draft regulations based on the requirements of NFPA 59A, the regulations are not in the language of NFPA 59A. Rather, MTB has generally restated the requirements in terms of performance standards, using specific requirements where deemed necessary, and also referencing a few industry consensus standards. The use of performance language rather than specifications is consistent with the longstanding Departmental policy in prescribing Federal pipeline safety standards. Under this policy the standards prescribed what adequate level of safety must be achieved, leaving industry free to develop and use improved technological means of meeting the required level. Where necessary the performance standards may include tests and analytical procedures to check the level of performance.

In recent months representatives of the NFPA LNG Technical Committee have expressed the fear that the new Federal regulations would eliminate the need for the Committee and result in disbandment of a valuable group of LNG experts. Alternatively, the NFPA suggests that MTB work within the NFPA standards-setting procedure to bring about the needed changes in LNG safety regulations. MTB does not agree. In the safety area, MTB perceives the role of government as that of prescribing the level of safety industry is legally obligated to provide. The role of a nongovernment organization is to devise and recommend means of meeting the governmental prescribed safety level. Applying this principle to safety of LNG facilities, MTB prescribes what level of safety industry must achieve, stating the various requirements in objective language; NFPA, using current scientific knowledge and applying good engineering judgment, recommends means of meeting each of the requirements, stating its recommendations in specific terminology. Thus, the roles of MTB and NFPA are complementary. To that end, MTB invites NFPA to participate in the development of the new Part 193. Then, when the legal requirements have been published, NFPA can adapt 59A to those requirements. In that way, the Committee will continue as a needed and useful entity.

As recommended by the ADL report, MTB has carefully reviewed the following areas, which are covered by the draft regulations:

Acceptable thermal influx levels. One of the critical safety problems at an LNG facility is protection of the public from potential thermal radiation caused by a burning pool of LNG of other flammable fluid. Prolonged burning may occur in the event of a spill and subsequent ignition of the impounded liquid. Protection is now provided by a separation, or exclusion, distance measured from the edge of an impounding space. The exclusion distance required by NFPA 59A is based on an empirically derived formula: $d=.8(A)^{0.5}$, where d=distance in feet and A=area of the impounding space.

The present exclusion distance standard results in a thermal flux at the boundary of the exclusion zone of roughly 10,000 to 13,000 BTU/ft²hr. At this level of intensity, direct exposure to humans produces unbearable pain in 0.4 seconds, or less. This level was established on the basis of conditions at existing LNG facilities, and may be inadequate as a safety standard for human exposure.

Under § 193.107, MTB suggests that the exclusion distance formula for human direct exposure be based instead on a thermal flux level of 1,000 BTU/ft²hr. At this level, exposure time on bare skin before unbearable pain is about 40 seconds. Humans would have more time to seek shelter or move farther away from a burning pool. Where structures provide some shielding from radiation, the formula would be based on higher tolerable flux levels, e.g., 2,000 BTU/ft²hr for wood homes, 6,700 BTU/ft²hr for infrequently occupied wooden or metal buildings, and 10,000 BTU/ft²hr for certain masonry buildings.

Section 193.107 would further modify the present exclusion distance requirement by taking into account (1) differences in elevation between an impounding space and any target which could be exposed to thermal radiation, and (2) a presumed wind velocity of 7 mph, which could tilt a flame approximately 45° in the direction of the target. The present requirement assumes equal elevations and zero wind velocity. MTB expects that after further research, additional modifications may be possible based on the shape of the impounding space and on full or partial shielding of open areas, as by a tall building. All modifications would be intended to provide for design flexibility and an adequate level of public safety.

Vapor dispersion hazards. Under § 193.109, MTB suggests that each LNG facility provide either an exclusion zone or controlled burning for protection from potential dispersion and subsequent ignition of a vapor or gas plume evolving from an impounded pool of LNG or other flammable liquid. This critical safety problem is now covered in the 1975 edition of NFPA 59A by a general performance standard related to plant design. However, this standard is subject to varying interpretation and application and may not adequately provide for public safety in light of the potential hazards involved. Thus, in addition to other design factors, MTB believes that either an exclusion distance determined in accordance with uniform methodology or controlled burning is needed to provide a realistically adequate safeguard.

The suggested exclusion distance would be determined in accordance with prescribed parameters and spill conditions, using applicable parts of the mathematical dispersion model set forth in the "American Gas Association Project IS-3-1, LNG Safety Program, Interim Report on Phase II Work." This model is suggested on the basis that it provides the best correlation with experimental data. The distance would be measured from an impounding space to a point where most pockets of the highest concentration of gas in air are diffused to a noncombustible level. In computing the distance under § 193.109, an operator would take into account important design factors such as the nature of the impounding system, seismic activity, air

traffic, and insulation of proper integrity. Engineering design with respect to these and other factors can minimize the chance of a catastrophic failure or the rate of vapor evolution after a spill. Thus, for example, in an area where seismic intensities are predictably low, in light of the other suggested design requirements of the new Part, a catastrophic failure is unlikely. In this situation, the exclusion distance would be computed on the basis of a piping failure alone, resulting in a shorter distance than if the basis were a catastrophic failure.

On the other hand, where seismic activity is high, even with more stringent design requirements, a catastrophic failure may occur, and the exclusion distance would be based on a catastrophic spill of all the liquid to be impounded. If a long exclusion distance cannot be provided, the distance might be moderated by other design factors, or an operator might choose the alternative of controlled burning under § 193.109(f). In the latter case, protection would be provided by the suggested thermal radiation exclusion zone and by voluntary methods such as the use of fire suppression techniques to control the rate of burning.

Standards variation for different population densities. For new LNG facilities, the draft regulations are intended to assure a uniformly acceptable risk to persons and property surrounding a facility, regardless of population density. Because of the nature of the potential hazards involved, this same assurance cannot be made for existing facilities without imposing more stringent exclusion distance and other design requirements. Such action, however, would be prohibited by Section 3 of the Natural Gas Pipeline Safety Act of 1968. Even so, MTB believes that the public will be more at risk from new facilities than existing ones; and State or local zoning controls can be used to minimize risks where necessary.

MTB has not drafted the regulations to provide varying levels of safety for different population densities for the following reasons: First, while the overall risk presented by a facility would vary in proportion to population because of the potential losses involved, MTB believes that the seriousness of potential hazards such as thermal radiation and vapor dispersion necessitates minimizing the exposure of individuals to those hazards. This would be accomplished under the draft regulation by limitations on activities inside an exclusion zone (§§ 193.107 and 193.109) and other uniformly applicable design requirements.

Secondly, any reduction in safety for areas of low population might be accompanied by an unacceptable increased risk to facility personnel.

Thirdly, additional special design features necessary to maintain an acceptable level of safety in an area of growing population density might be economically impracticable long after initial siting and construction.

Fourthly, the likelihood of failure at an LNG facility does not vary in proportion to population density.

Finally, MTB does not have enough information to serve as a basis for suggesting varying levels of LNG facility safety even if they were deemed appropriate.

Diking for transfer lines. The draft Subpart E on impoundment design and capacity would require an impounding system for transfer piping and cargo transfer systems to contain any spill from transfer lines.

Criteria for onsite separations distances for potentially hazardous areas. Section 193.113 would require a combination of clearances between critical components and between components and the site boundary to minimize hazards due to spills and collapse of equipment and to provide for mobility in an emergency. Where losses of plant equipment would not present or contribute to a hazard, onsite separation distances would not be required. MTB is continuing to develop more specific criteria for safe separation distances and welcomes any comments in this regard.

Design criteria for earthquake, wind, and snow loads for LNG storage tanks. Section 193.111 would require each operator to conduct a seismic investigation for certain high risk LNG facilities in accordance with criteria which are consistent with requirements applicable to nuclear power plants under 10 CFR Part 100. Certain critical components used in these facilities would have to be designed based on the information acquired, or if the components are used in other facilities, the seismic values set forth in the Uniform Building Code (UBC), considering both vertical and horizontal seismic motion. LNG facilities would be prohibited in certain active seismic areas. Also, where the estimated maximum seismic acceleration at a site has a 0.5 percent probability of exceeding 30 percent G in 50 years or exceeds 30 percent G based on a recorded earthquake, foundations of LNG storage tanks would have to be placed on bedrock and special control systems provided.

The suggested requirements under §193.117 for wind loading on a storage tank are based on the probability of a tornado occurring in 50 years. An operator would have to consider snow and ice loading in the design of a storage tank under §193.505.

Selection of spill design accident, without regard to type of shutdown system. The ADL study suggests that to require impoundment capacities for process, transfer, and equipment areas large enough to hold a timed spill is unnecessary where shutdown systems to stop the flow of liquid will react in a shorter time. Therefore, the draft §193.441 would permit a smaller capacity when twice the shutdown time by such a system is less than the presently required timed spill.

Periodic inspections and ongoing training. The ADL study points out that the NFPA 59A standard is lacking in requirements for periodic inspection, ongoing training programs, accident reporting, operating reports, and similar activities related to the long-term safe operation and maintenance of LNG facilities. Therefore, MTB suggests new requirements for periodic tests and maintenance procedures in Subpart M; for operating procedures (§ 193.1105), monitoring (§ 193.1107), personnel training (§ 193.1115), recordkeeping (§ 193,1141), and investigation of failures (§ 193.1121), in Subpart L; and fire fighting prevention (§ 193.1305), plans (§ 193.1307), and training (§ 193.1311) in Subpart N. Accident reporting for LNG facilities used in the transportation of natural gas by pipeline is presently required by 49 CFR Part 191.

In addition to the NFPA 59A requirements and the ADL report suggestions mentioned above, the draft regulations contain some significant new requirements:

Control systems. The draft regulation would expand previous coverage or establish new requirements in the areas of: performance capability during conditions of a controllable emergency (§ 193.903(b)), extreme environmental conditions (§ 193.303(a)), relief device capability to control overpressure during normal or emergency conditions (§ 193.905(b)); sensing devices to monitor and alarm systems to alert personnel to process malfunctions or detect presence of combustible gas that could lead to hazardous situations (§§ 193.421(d), 193.423, 193.527, 193.909, and 193.911); location and operation of safety control valves (§ 193.917), automatic shutdown systems (§§ 193.605, 193.805, and 193.919), auxiliary controls (§ 193.923), and control center instrumentation (§ 193.921).

Construction. The draft regulations would establish new requirements for: development of construction procedures (§ 193.1005); construction inspection (§ 193.1011); qualification of construction workers and inspectors (§§ 193.1009 and 193.1013); and cleanup after construction (§ 193.1015).

Tests and inspections. In addition to strength and leak tests requirements, Subpart K would establish new requirements for control systems tests and inspections (§ 193.1031), storage tank tests (§ 193.1033), and keeping records of these initial inspection and testing activities (§ 193.1037).

Operations. The draft regulation would establish new requirements for determining maximum and minium allowable operating pressures (§ 193.1137), written procedures for transfer operations (§ 193.1117), and responding to foreseeable emergencies (§ 193.1109).

Site security, storage tank design, impoundment design and capacity, and corrosion control. The draft regulations would establish significantly new requirements in areas of site security (§§ 193.1123–193.1135); storage tank design (Subpart F), particularly with respect to penetrations (§ 193.511), instrumentation (§ 193.527), and stratification (§ 193.507); impoundment design and capacity (Subpart E), particularly with respect to components requiring impoundment (§ 193.403); dike height (§193.419), and containment of a sudden total release of liquid from a component (§ 193.415); and corrosion control (Subpart O).

MTB invites all interested persons to participate in the development of new LNG safety standards by submitting in writing by September 1, 1977, such information and comments as they may desire. The September 1 deadline should balance the desires of interested persons for sufficient time to study and evaluate the draft regulations with the need for priority action in this rulemaking proceeding. Comments received after that date will be considered so far as practicable. Communications should identify the docket and notice numbers and be submitted in triplicate to the above address. All comments received will be available for inspection and copying in Docket Room 6500.

Again, MTB emphasizes that this notice is not a proposal to amend the present regulations. After analyzing the response to this notice, MTB may issue another notice (or notices), proposing specific amendments to Title 49 CFR. Interested persons will then have an opportunity to comment on the specific rulemaking proposals. Any requests for additional time to comment on this notice will be considered in light of the length of the initial period for public comment and the fact that an additional comment period is to be provided in conjunction with any future notice of proposed rulemaking.

Impact Evaluation

To ensure that the new Part 193 does not result in costs to the private sector, consumers, or government above those necessary to provide an adequate level of public safety, MTB encourages the submission by interested persons of information on the annual and aggregate costs, benefits, and other anticipated impacts associated with each of the draft regulations and all alternatives which commenters may suggest thereto. This information would enable MTB to adequately consider the impact of any future rulemaking proposals early in the developmental process. Persons wishing to submit such information are asked to take the following considerations into account:

Benefits. The primary benefits of the draft regulations are presumptive reductions in the level of public risk associated with the design, including site selection, construction, operation, and maintenance of new LNG facilities and the operation and maintenance of existing facilities. Public risk is considered as the combination of the probability that an accident will occur, and the magnitude of the expected loss resulting from that accident (in terms of deaths/injuries, property loss and damage, economic disruptions in the supply of natural gas to a community, etc.). Primary benefits, therefore, take the form of either reductions in the probability that accidents will occur or reductions in the magnitude of the expected losses, or both; and these reductions are based on the level of risk that would prevail with and without promulgation of the draft regulations. The net difference between the two is an important element in determining what constitutes an adequate level of public safety.

The following secondary benefits should also be considered in estimating overall benefits of new regulations: Reduction in the cost of litigation, fewer delays due to governmental proceedings, economic gains from the timely development of LNG facilities, and fewer abandonments of planned facilities due to public opposition on safety grounds.

MTB recognizes that estimating safety benefits in these terms—especially for performance standards—can be a difficult and time-consuming task. It also realizes that work has already been done in evaluating the risks associated with LNG facilities (e.g., Final Environmental Impact Statement for the Construction and Operation of an LNG Terminal at Oxnard, California, FPC, December 1976). MTB believes, however, that improved effort in this direction is desirable to determine whether any proposed LNG safety standards are reasonable and economically practicable. The bases for this view are that no generally accepted risk assessment procedure presently exists, probability estimates have not been developed for accidental events at a facility, and convincing arguments have not been presented to show that the probability of major accidents is negligible.

In regard to the use of probability concepts, the availability and quality of data will affect the degree of uncertainty surrounding the level of public risk associated with LNG facilities. Also, the probability data, when combined with estimates of the magnitude of the expected losses resulting from an accident, is useful for determining whether there would be unnecessary regulation of a facility.

Costs. The costs associated with the draft regulations (and any alternatives suggested to the regulations) must be assessed since costs are an important element in determining what constitutes an adequate level of public safety. Although MTB believes that the costs of complying with the draft regulations would not be unwarranted, either in absolute dollar amounts or on the basis of average annual costs (calculated at a 10 percent capital recovery factor over a 20-year period), compliance could impose certain cash outlays about which MTB has little information.

There are at least three other considerations MTB would ask those desiring to submit economic data to bear in mind. First, as in the measurement of the benefits of the draft regulations, their costs should be measured on the basis of the impact "with" and "without" the regulations. In this regard, it is doubtful whether the costs of compliance with Federal regulations no more stringent than the 1975 edition of NFPA 59A or any other generally followed standard of performance should legitimately be regarded as costs of government regulation. The costs of regulations of this type basically are the same as those costs self-imposed by the regulated industry "without" the regulations, unless there is evidence to suggest that a significant segment of the industry does not conform to self-imposed industrial standards. Accordingly, the costs "without" the regulations should be based on actual safety practices currently followed with respect to design, construction, operation, and maintenance of an LNG facility.

The timing of the economic impact of the draft regulations is the second important consideration to bear in mind. Any new standards to be proposed by MTB would have an impact on the some 121 LNG facilities now in existence in the United States, as well as those that may be built over the next 20 years. Accordingly, MTB requests data on cost impacts on future LNG facilities to be built over the next 20 years, and future changes to current facilities that might take place over a 20-year period.

The third consideration concerns future price level changes which would affect the magnitude of the dollar outlays stemming from the regulations. For purposes of comment, these price level changes should generally be ignored; and all costs should be stated in terms of constant (i.e., 1977) dollars.

Persons wishing to provide MTB with data on these and other matters relating to the potential costs of the draft regulations may find the cost categories appearing hereafter helpful as a basis for organizing and developing the data to be submitted. However, these cost categories are designed to serve only as a very general guide or checklist; they are not intended to be comprehensive or limiting.

Example of Types of Economic Information Requested

(a) Standards requiring the installation and purchase of new equipment, or instruments, and material.

1. Type of equipment or material.
2. Estimated amount (number) of equipment or material required.
3. Current unit cost of equipment or material (purchase price).
4. The availability of the equipment or material (supply), and the expected delivery time for the equipment or material.
5. Expected time and cost to install equipment.
6. If installation of the new equipment will cause other equipment to be put out of productive service for some period of time, the costs associated with this action.
7. If installation of the new equipment will increase or decrease the productivity of other equipment, the associated costs.

(b) Standards impacting on personnel training requirements.

1. Impact by job category;
2. By number of personnel;
3. By length of training; and
4. By job category cost of training.

(c) Standards requiring the collection or processing of information.

1. By type of information;
2. By number of forms; and
3. Total costs of collecting/processing information.

(d) Standards requiring certain procedural actions be taken (but not requiring additional equipment or personnel).

1. Estimated facilities affected;
2. Estimated time to complete procedure versus the current operating practice;
3. Estimated frequency; and
4. Estimated cost per facility.

(e) Standards requiring additional personnel.

1. By job category;
2. By number required; and
3. By job category wage rate (current).

(f) Standards requiring additions to or modification of already existing (in place, or in productive service) equipment.

1. Type of equipment;
2. Type of adjustments or modifications to this equipment;
3. Amount of equipment affected;
4. Unit cost of making adjustments or modifications;
5. If adjustments/modifications will cause other equipment to be put out of productive service for any period of time, the costs associated with this action; and
6. If adjustments/modifications will cause an increase or decrease in the productivity of other equipment.

(g) Standards requiring additions to or modifications of present requirements related to siting (e.g., exclusion zones, etc.) and structural design (e.g., impoundment).

1. Type of requirement affected;
2. Amount of land;
3. Value of land; and
4. Added unit costs of complying with regulations.

Acknowledgements: In preparing the draft regulations, valuable technical information, advice, and assistance have been provided in some areas by W. C. Jennings, former head of the Department's pipeline safety program. Additionally, MTB personnel have conferred with operators, nationally established constructors of LNG facilities, other technical branches of government, and have researched and studied many technical reports, codes, and data. The principal MTB authors of this advance notice are Lucian M. Furrow, Chief, Regulations Division; Walter Dennis, Staff Engineer; and Robert L. Beauregard, Attorney, Office of the General Counsel.

Accordingly, the draft Part 193 is set forth below.

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CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

PART 193—LIQUEFIED NATURAL GAS FACILITIES: FEDERAL SAFETY STANDARDS

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Subpart A—General

§ 193.1 Scope of part.

This part prescribes safety standards for LNG facilities used in the transportation of natural gas by pipeline in or affecting interstate or foreign commerce.

§ 193.3 Applicability.

(a) The requirements of this part governing a new LNG facility apply to facilities initially placed in operation after (day before effective date) except that requirements for design, installation, and construction in Subparts B–K of this part apply to facilities substantially under development before (effective date) only to the extent that compliance is practical.

(b) The requirements of this part governing an existing LNG facility apply to facilities initially placed in operation before (effective date).

§ 193.5 Definitions.

As used in this part—

"Ambient gasifier" means a gasifier which derives heat from naturally occurring heat sources, such as the atmosphere, sea water, surface waters, or geothermal waters.

"Barrel" means a volumetric unit which is 42 U.S. gallons, 5.6146 feet³ or 0.1590 meters,³ each quantity being considered as equal to the other.

"Bunkering" means loading the bunkers or tanks of a marine vessel with a fuel intended for operation of the vessel.

"Cargo transfer system" means a component or system of components and associated area for transferring hazardous liquids in bulk between the closest inline valve on transfer piping and a tank car, tank truck, marine vessel, or pipeline, including connections, arms, hoses, and the area in which a tank car, tank truck, or pipeline is located during transfer, but not the area in which a marine vessel is located.

"Component" means any part or system of parts functioning as a unit in an LNG facility.

"Container" means a component other than piping which confines a hazardous fluid.

"Control system" means a component or system of components functioning as a unit, including control valves, and sensing, warning, relief, shutdown and failsafe devices, which is activated either manually or automatically to establish or maintain the performance of another component.

"Controllable emergency" means an emergency where reasonable and prudent action can prevent a hazard to persons or property from occurring.

"Critical component" means a component which may cause, fail to prevent, or increase a hazardous condition if operational capability is impaired or malfunction occurs.

"Determine" means make a thorough investigation using scientific methods, reach a decision based on sound engineering judgment, and record the decision and its basis with appropriate documentation.

"Dike" means a structural arrangement, which may be of natural geological formation, compacted earth, concrete, or other material, sealed to form a barrier for preventing liquid from flowing in an unintended direction.

"Emergency" means a deviation from normal operation, a structural failure, or severe environmental conditions that probably would cause a hazard to persons or property.

"Exclusion zone" means an area surrounding an LNG facility in which the operator has the authority by ownership or other legal arrangement to control all activities in accordance with §§193.107 and 193.109 for as long as the facility is in operation, including the exclusion or removal of persons and property.

"Failsafe" means a design feature which will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or component part.

"G" or "g" means the standard acceleration of terrestrial gravity of 32.17 feet per second per second (980.66 centimeters per second per second) unless otherwise stated by this part.

"Gas," except when designated as inert, means natural gas, flammable gas, or gas which is toxic or corrosive.

"Gasification" means an addition of thermal energy changing a liquid medium to a gaseous state at a point where its critical temperature is exceeded, such that a liquid state cannot be achieved by compression.

"Gasifier" means a heat transfer facility designed to introduce thermal energy in a controlled manner for changing a liquid medium to a gaseous state.

"Heated gasifier" means a gasifier which derives heat from other than naturally occurring heat sources.

"Impounding space" means a volume of space formed by dikes and floors which is designed to hold a spill of LNG or other hazardous liquid.

"Impounding system" includes an impounding space and dikes and floors, including those for conducting the flow of spilled hazardous liquids to an impounding space.

"Liquefied natural gas" or "LNG" means natural gas which has been changed to a liquid cryogen by the reduction in temperature.

"LNG facility" means a facility for liquefying natural gas or transferring, storing, or gasifying liquefied natu. l gas, including rights-of-way, buildings, equipment, piping, and associated facilities, but not including tank cars, tank trucks, marine vessels, fuel systems for motor vehicles, or portable dewar vessels.

"Natural gas" means natural or synthetic gas having methane (CH_4) as its major constituent.

"Normal operation" means functioning within design ranges of pressure, temperature, flow, or other operating criteria without malfunction or personnel error which results in the activation of any safety control.

"Operation" means activation of any component or introduction of any fluid into any component for purposes other than testing.

"Operator" means a person who owns or operates an LNG facility.

"Person" means any individual, firm, joint venture, patnership, corporation, association, state, municipality, cooperative association, or joint stock association and includes any trustee, receiver, assignee, or personal representative thereof.

"Piping" or "Piping system" means all pipe, tubing hoses, fittings, valves, pumps, connections, insulation, safety devices or related components for containing the flow of a fluid.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

"Storage tank" means a container for storing a hazardous fluid.

"Transfer piping" means all permanent and temporary piping, supports, and associated area used for transferring hazardous liquids between containers, between a container and a cargo transfer system, or between a sump basin and a receiving vessel.

"Transfer system" includes transfer piping and cargo transfer system.

"Vaporization" means an addition of thermal energy changing a liquid medium to a vapor which is capable of being converted back to a liquid state by compression.

"Vaporizer" means a heat transfer facility designed to introduce thermal energy in a controlled manner for changing a liquid medium to a vapor state.

§ 193.7 Rules of regulatory construction.

(a) As used in this part—

(1) "Includes" means including but not limited to;

(2) "May" means is permitted to or is authorized to;

(3) "May not" means is not permitted to or is not authorized to; and

(4) "Shall" or "must" is used in the mandatory and imperative sense.

(b) In this part—

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

§ 193.9 Filing inspection and maintenance plans.

(a) Except as provided in paragraph (b) of this section, each operator shall file with the Secretary before (6 months after effective date) or 6 months after an LNG facility is initially placed in operation, whichever is later, a plan for inspection and maintenance of each LNG facility. In addition, each change to an inspection and maintenance plan must be filed with the Secretary within 20 days after the change is made.

(b) Paragraph (a) of this section does not apply to a facility—

(1) Subject to the jurisdiction of a State agency that has submitted a current certification or agreement with respect to the facility under Section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674); and

(2) For which an inspection and maintenance plan and changes thereto are required to be filed with that State agency.

(c) Plans and changes filed with the Secretary must be sent to the Director, Office of Pipeline Safety Operations, Department of Transportation, Washington, D.C. 20590.

§ 193.11 Incorporation by reference.

(a) Any documents or parts thereof incorporated by reference in this part are a part of this regulation as though set out in full.

(b) All incorporated documents are available for inspection in Docket Room 6500, Trans Point Building. In addition, the documents are available at the addresses provided in Appendix A to this part.

(c) The titles and applicable editions for the publications incorporated by reference in this part are provided in Appendix A to this part.

Subpart B—Site Related Design Requirements

§ 193.101 Scope.

This subpart prescribes site related requirements for the design of a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.103 Acceptable site.

A site may not be used for an LNG facility unless it is investigated and designed in accordance with the requirements of this subpart.

§ 193.105 General.

An LNG facility must be located at a site of suitable size, topography, and configuration to minimize the hazards to persons and property resulting from leaks and spills of LNG and other hazardous liquids at the site. In selecting a site, each operator shall determine all site related characteristics which could jeopardize the integrity and security of the facility. A site must provide ease of access so that personnel, equipment, and materials from offsite locations can reach the site for fire fighting or controlling spill associated hazards.

§ 193.107 Thermal radiation protection.

(a) *Thermal exclusion zone.* Each LNG facility must have a thermal exclusion zone. Within the exclusion zone an impounding system for flammable liquid may not be located closer to targets listed in paragraph (c) of this section than determined by the prescribed exclusion distances.

(b) *Measurement.* The exclusion distance "d" is measured as shown in the following diagram along the line (PT) in a vertical plane defined by the points (T) and (D), where

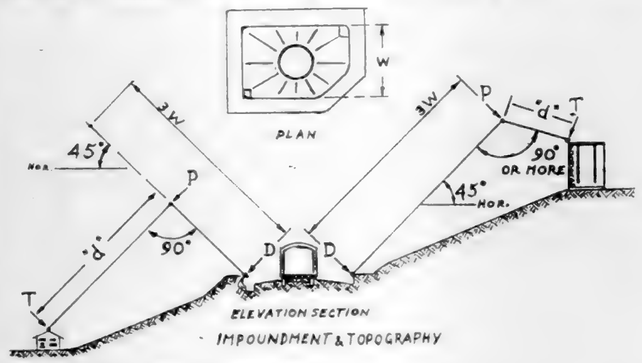
(T) is a point at the top of the target;

(D) is a point closest to (T) on the top inside edge of the dike;

(PD) is a line in the vertical plane which intersects (D) at an angle of 45° above horizontal;

(w) is the inside distance across the top of the impounding space measured normal to (PD); and

(P) is located where (PT) and (PD) intersect at an angle of 90° or where (PD) equals 3(w), whichever results in the shortest length of (PD).



(c) *Exclusion distance length.* The length of an exclusion distance in feet may not be less than the distance "d" determined in accordance with the following formula for the target concerned, where "A" equals inside area in square feet measured across the top of the impounding space:

Target	Exclusion distance
(1) Places of outdoor assembly including beaches, parks, playgrounds, and pedestrian paths.	$d=3.6(A)^{0.5}$
(2) Structures made of cellulose or metal which— (i) Are frequently occupied by humans; (ii) Contain flammable or toxic materials; (iii) Have exceptional value or contain objects of exceptional value; or (iv) Could result in additional hazard if damaged by thermal radiation.	$d=2(A)^{0.5}$
(3) Structures made of brick, stone, or other masonry materials, which are fire resistant and have not more than 10 percent window area.	$d=.8(A)^{0.5}$
(4) Other structures made of cellulose metal or masonry materials; trees; and vegetation.	$d=1.1(A)^{0.5}$

§ 193.109 Combustible vapor-gas dispersion protection.

(a) *Dispersion exclusion zone.* Except as provided by paragraph (f) of this section, each LNG facility must have a dispersion exclusion zone with a boundary described by the minimum exclusion distance computed in accordance with this section. The following are prohibited in a dispersion exclusion zone:

(1) Places of outdoor assembly; and

(2) Structures which are frequently occupied by humans, contain flammable or toxic materials, are sufficiently strong to be a container for blast wave initiation, have exceptional value or contain objects of exceptional value, or which could result in additional hazard if damaged by concussion or fire.

(b) *Exclusion distance.* A minimum exclusion distance must be computed for each impounding system which serves components containing LNG or flammable liquids with a boiling temperature of 98.6° F (37° C) or less. For liquids other than LNG, the minimum distance is computed by assuming the liquid to be LNG, except that under paragraph (d)(4)(i) of this section, the boiling rate may be determined by use of the liquid. The minimum exclusion distance in feet equals the sum of the estimated dispersion distance (D_c) plus the estimated deflagration protective distance (D_d). It is measured radially from the inside edge of an impounding system along the ground contour to the exclusion zone boundary.

(c) *Dispersion distance* (D_c). (D_c) must be estimated in accordance with applicable parts of the mathematical model beginning a page D–90, in Section D of "American Gas Association Project IS–3–1, LNG Safety Program, Interim Report on Phase II Work," subject to the following parameters and other requirements of this section:

(1) Average gas concentration in air=2.0 percent.

(2) Gifford-Pasquill atmosphere category=F (moderately stable).

(3) Wind velocity=5.0 MPH.

(4) Lateral dispersion adjustment factor, (GAMY)=0.00.

(5) Vertical dispersion adjustment factor (GAMZ)=0.00.

(6) Vertical displacement factor (ALM)=1.00.

(7) Temperature of external impounding surfaces at northern latitudes: above 45°=37° C; 35° to 45°=47° C; below 35°=57° C.

(d) *Vapor.* In computing dispersion distance (D_c) under paragraph (c) of this section, the following applies:

(1) For sites not subject to paragraph (d)(2) of this section, the value of (D_c) must not be less than a value resulting from one of the following vapor generation conditions:

(i) Vapor generation rate equals the maximum constant rate of discharge from failed transfer piping having the greatest overall flow capacity.

(ii) Vapor generation from sudden contact of LNG with 100 percent of the impounding system floor area and 50 percent of all liquid impounding surfaces which the liquid could contact, including the walls and roof of the component served, plus flash vaporization from the maximum constant rate of discharge from failed transfer piping having the greatest overall flow capacity.

(2) For sites located in active seismic areas having a potential for ground rupture or seismic accelerations in excess of 0.3G as determined under § 193.111, or where other surrounding conditions exist such that structural integrity of the component served cannot be assured with a high degree of certainty (e.g., high density commercial or military air traffic, and military test sites for aircraft and missiles), the value of (D_c) is based on the following applicable conditions:

(i) For Classes 2 and 3 impounding systems, a sudden total spill of the maximum contents of the largest component served, with vapor generation resulting from liquid contact with all exposed surfaces of the impounding system and outer component surfaces and flash vaporization from the contents of the component served.

(ii) For Class 1 impounding systems, a volume discharged from transfer piping equal to the impounding capacity required by this part for transfer piping, with vapor generation resulting from liquid contact with all exposed surfaces of the impounding system, heat transfer to the liquid from any collapsed component roof, and flash vaporization from the maximum contents of the component served or from the liquid discharged by transfer piping, whichever is greater.

(3) As applicable for Classes 2 and 3 impounding systems, the assumed maximum time (t) required for the release of liquid from a component served in a catastrophic spill is determined in accordance with the following equation:

$$(t)=(h/G)^{0.5}$$

where (t) is seconds, and (h) is the difference between the maximum height in feet of the contained liquid and the equilibrium height of liquid when impounded.

(4) Unless the requirements of paragraph (d)(5) of this section are met, the boiling rate of LNG on which (D_c) is based, is determined using either—

(i) The weighted average value of $(KPC)^{0.5}$ determined from eight representative experimental tests on the soil, sealant, and other contact surfaces in the impounding space; or

(ii) $(KPC)^{0.5}=20$, if the impounding surfaces outside the component served are covered with 6 inches of compacted sand and sealed as required by this part; where for the various contact surfaces:

K=thermal conductivity in (BTU/(hr)(ft)(F°)),
P=density in (lb/ft³), and
C=heat capacity in (BTU/(lb)(F°)).

(5) If impounding surfaces are insulated as follows, the value of $(KPC)^{0.5}$ is determined in accordance with paragraph (d)(4)(i) of this section, both with and without the insulation system in place, using a value of $(KPC)^{0.5}$ of not less than the average of the weighted average value without insulation and the weighted average value with insulation:

(i) The insulation system is formed of multilayers of insulation;

(ii) Each layer is formed with separating or breakaway joints so that cracks or openings due to contraction from contact with the impounded liquid will be evenly distributed;

(iii) Each layer is contiguously interlocked in a manner which will ensure the integrity of its configuration in the event of a spill using fiberglass or metal mesh suitable for the temperature of the liquid to be impounded;

(iv) A suitable membrane with overlapping slip joints is installed between successive layers of insulation;

(v) Joints or breakway lines of successive layers of insulation are staggered in a manner which will provide adequate bearing for the membrane to withstand hydraulic loads and to minimize leakage of an impounded liquid thru the insulation;

(vi) The insulating material is anchored as necessary to prevent floatation; and

(vii) The impounding surface is rigorously inspected at intervals not exceeding 30 days and maintained in a manner to prevent degradation of its insulating properties due to exposure to the elements or other damage.

(6) Dispersion distance (D_c) is determined on the basis that vapor detention space does not exceed:

(i) For conditions described in paragraphs (d)(1)(ii) and (d)(2)(ii) of this section, all space provided for liquid impoundment and vapor detention outside the component served; and

(ii) For the conditions described in paragraph (d)(2)(i) of this section, all space provided for liquid impoundment and vapor detention outside the component served less the volume of liquid that would have entered the impounding space when generating vapor escapes the vapor detention barriers, assuming liquid to be entering the impounding space outside the component served at a constant rate over the time period prescribed by paragraph (d)(3) of this section.

(e) *Planned ignition.* An LNG facility need not have a dispersion exclusion zone if each impounding system which serves components containing LNG or flammable liquids with a boiling temperature of 98.6° F (37° C), or less, is equipped with a redundant automatic ignition system which—

(1) Assures ignition and combustion of combustible vapors at the impounding space; and

(2) Cannot be deactivated when the component served is in operation.

§ 193.111 Seismic investigation and design.

(a) Each operator shall determine the seismic response spectra, potential for motion amplification, potential for soil liquefaction, and potential for surface rupture at the site of each of the following LNG facilities based on a seismic investigation conducted in accordance with paragraph (b) of this section.

(1) A facility with an aggregate storage capacity of 250,000 barrels or more;

(2) A facility with an aggregate storage capacity of less than 250,000 barrels which is located in Zones 2, 3, and 4 of the "Seismic Risk Map of the United States," UBC, or Puerto Rico, not in-

cluding the capacity of any horizontal cylindrical double wall metal storage tank of less than 100,000 gallon capacity mounted within two feet of ground level that is located in Zone 2 of the UBC map; and

(3) A facility located where there is evidence indicating a potential for surface faulting.

(b) Each seismic investigation for facilities listed in paragraph (a) of this section must include the following:

(1) Data on each recorded earthquake which could reasonably be expected to have resulted in surface rupture or surface acceleration over (0.1g) in any direction at the site, including to the extent available:

(i) Date of occurrence;

(ii) Epicenter;

(iii) Hypocenter;

(iv) Highest intensity and its location;

(v) Highest surface response spectra, including both horizontal and vertical acceleration, and location;

(vi) Highest response spectra, including both horizontal and vertical acceleration, estimated to have occured at the site;

(vii) Surface faulting pertinent to potential surface faulting at the site; and

(viii) Uplift and subsidence pertinent to potential uplift and subsidence at the site.

(2) Location of each fault within 200 miles of the site, the length of which exceeds the minimum length shown below, where movement near the ground surface is determined to have occurred at least once in the past 35,000 years, movement is determined to have been recurring during the past 500,000 years, or where structural association with active faults could reasonably be expected to transfer potential motion to the site:

Distance from site (miles):	*Minimum length (miles)*
0 to 20	1
Above 20 to 50	5
Above 50 to 100	10
Above 100 to 150	20
Above 150 to 200	40

(3) A determination of the probability of surface faulting at the site.

(4) Correlation of epicenters, or locations of highest intensity, of recorded earthquakes with tectonic structures, or where the tectonic structure cannot be identified, with tectonic provinces located within 200 miles of the site.

(5) Determination of the:

(i) Geologic structure and conditions;

(ii) Geologic history;

(iii) Lithographic conditions;

(iv) Stratigraphic conditions;

(v) Hydrologic conditions;

(vi) The characteristics of materials underlying the site relative to transmitting seismic motions, including seismic wave velocities;

(vii) Comparative characteristics relative to transmission of vibratory motion to underlying materials at the site from the epicentral location or the location of maximum intensity of recorded earthquakes;

(viii) Estimated response spectra, including horizontal and vertical acceleration, with both 99.5 percent and 90 percent probability of not being exceeded in 50 years based on an analysis of all applicable geotechnical information and considering potential for motion amplification.

(c) In the case of LNG facilities not listed in paragraph (a) of this section, the critical components listed in paragraph (d) of this section must be designed and built to withstand—

(1) The horizontal seismic acceleration and other applicable factors set forth in the UBC, Volume 1, corresponding to the zone of the "Seismic Risk Map of the United States" in which the facility is located; and

(2) A vertical seismic acceleration equal to the horizontal acceleration and the associated applicable factors.

(d) In the case of LNG facilities listed in paragraph (a) of this section, the critical components set forth below must be designed and built to withstand the maximum horizontal and vertical response spectra estimated to have occurred at the site as a result of an earthquake investigated under paragraph (b)(2) of this section or the estimated response spectra with the following probability of not being exceeded in 50 years, whichever is larger, considering motion amplification and symmetric and asymmetric reaction forces resulting from hydrodynamic pressure and motions of contained liquids in interaction with the component structure:

Critical component:	*Probability of response spectra not being exceeded (percent)*
Storage tanks and their impounding systems	99.5
Transfer piping shutdown control systems, other flammable fluid containers	90

(e) Each container which does not have a structurally sound, liquid-tight cover, must have sufficient freeboard with an appropriate configuration to prevent the escape of liquid due to sloshing, wave action, and vertical liquid displacement caused by seismic motion.

(f) An LNG facility is prohibited in the following locations:

(1) A location where surface faulting near critical components is—

(i) Determined by the seismic investigation under paragraph (b) of this section to have more than a 0.5 percent probability of occurring within 50 years; or

(ii) Likely to have occurred within the past 35,000 years as indicated by geological evidence at or near the site or other information.

(2) A location where the estimated maximum horizontal or vertical seismic acceleration, or any combined vector thereof, occurring at the foundation of a critical component, has—

(i) For any critical component, exceeded 80 percent (g) in a recorded event; and

(ii) For the following critical components, more than the indicated percent probability of exceeding 80 percent (g) in 50 years:

Component:	*Probability (percent)*
Storage tank and their impounding systems	0.5
Transfer piping shutdown control system, other flammable fluid containers	10

(3) A location where soil liquefaction or landslide is predictable.

(g) If the estimated maximum seismic acceleration at a site has a 0.5 percent probability of exceeding 30 percent (g) in 50 years or exceeds 30 percent (g) based on a recorded earthquake, the following applies:

(1) Foundations of LNG storage tanks must be on bedrock.

(2) Impounding systems must be of types 1.1, 2.1, or 2.3, and surrounding grade elevation must be maintained not below the elevation at the top of the dike for a distance from the inner edge of the dike equal to $4(A)^{0.5}$, where A is the inside area across the top of the impounding space.

(3) Control systems must be provided to continuously monitor seismic response spectra and, when seismic acceleration equals 5 percent (g), automatically stop process operations, activate automatic shutdown valves on transfer lines, and shut down known ignition sources.

§ 193.113 Flooding.

(a) Each operator shall determine the effect of flooding at an LNG facility site which has a 99.5 percent probability of not being exceeded in 50 years. The determination must be based on—

(1) The volume and velocity of the floodwater;

(2) Floodwater previously recorded at the site;

(3) Predictable developments which would affect runoff and accumulation of water;

(4) Effect of dams;

(5) Annual rainfall in the local water shed;

(6) Rainfall and tidal action resulting from a hurricane; and

(7) Tsunamis.

(b) Each LNG facility must be located and designed so that the effect of the flooding determined under paragraph (a) of this section cannot reasonably be expected to result in a hazardous condition involving—

(1) Foundations;

(2) Impounding systems;

(3) Access from outside the facility or movement of personnel and equipment about the LNG facility site for the control of fires and other emergencies;

(4) Power supply to the facility;

(5) Operational capability of control systems, whether electrical, pneumatic or otherwise powered; or

(6) Structural integrity of critical components.

§ 193.115 Soil characteristics.

(a) Soil investigations including borings and other appropriate tests must be made at the site of an LNG facility to determine bearing capacity, settlement characteristics, potential for erosion, and other soil characteristics applicable to the integrity of an LNG facility.

(b) The soil characteristics at each LNG facility site must provide the following:

(1) Loadbearing capacities, using a safety factor of 1.3, which can support, without excessive lateral or vertical movement, all loads resulting from:

(i) Static and dynamic loading caused by—

(A) Components;

(B) The contents of components; and

(C) Movement of the contents of components, including flow, potential seiche from seismic action, filling, and rollover;

(ii) Static and dynamic loading caused by natural forces on components, including foundation toe loads due to wind forces; and

(iii) Static forces caused by hydrostatic testing of components.

(2) Properties which would not cause—

(i) Liquefaction of the soil under potential seismic action determined under § 193.111;

(ii) Excessive, erosion or frost heaves; and

(iii) Any other predictable unsafe condition.

§ 193.117 Wind forces.

(a) All critical components must be designed to withstand wind forces which have a 99.5 percent probability of not being exceeded in 50 years during storms other than tornadoes.

(b) In addition to the requirements of paragraph (a) of this section, if an LNG facility is located where tornadoes have at least a 0.5 percent probability of occurring within a 50-year period, or where the probability of tornadoes occurring cannot be accurately determined, storage tanks and dikes must be designed to withstand loading from sustained wind speeds of not less than 250 miles per hour, plus stress or impact which could result from the failure and collapse of all connected transfer piping and other appurtenances unless the connected transfer piping and appurtenances also are designed to withstand a wind speed of 250 miles per hour.

§ 193.119 Other severe weather and natural conditions.

(a) In addition to the requirements of §§ 193.111, 193.113, 193.115, and 193.117, each operator shall determine from historical records and engineering studies the worst combination of other weather and natural conditions which may predictably occur at an LNG facility site.

(b) The facility must be located and designed so that such severe conditions cannot reasonably be expected to result in a hazard involving the factors listed in § 193.113(b).

§ 193.121 Adjacent activities.

(a) Each opertaor shall determine the present and predictable activities adjacent to an LNG facility site that could adversely affect the operation of the LNG facility or the safety of persons or property located off the site if damage to the facility occurs.

(b) An LNG facility must not be located where present or projected offsite activities would be reasonably expected to—

(1) Adversely affect the operation of control systems;

(2) Cause failure of critical components; or

(3) Cause the LNG facility not to meet the requirements of this part.

§ 193.123 Separation of components.

Each LNG facility site must be large enough to provide for minimum separations between critical components and between components and the site boundary to—

(a) Permit predictable movement of personnel, maintenance equipment, and emergency equipment within and around the facility; and

(b) Minimize spill and collapse hazards to persons and property on and off the site, unless protection comparable to separation is provided.

Subpart C—Materials

§ 193.201 Scope.

This subpart prescribes requirements for the design of materials in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.203 General.

Materials for all components must be—

(a) Able to maintain their structural integrity under all predictable loadings, including applicable environmental design forces under Subpart B of this part;

(b) Physically, chemically, and thermally compatible with any fluid they contain and with any other materials with which they are in contact; and

(c) Qualified in accordance with the applicable requirements of this subpart.

§ 193.205 Extreme temperatures; normal operations.

Each operator shall—

(a) Determine the range of temperatures to which components will be subjected during normal operations, including required testing, initial start-up, cooldown operations, and shutdown conditions; and

(b) Use component materials that meet the design standards of this part for strength, ductility, and other properties throughout the entire range of temperatures to which the component will be subjected in normal operations.

§ 193.207 Extreme temperatures; emergency conditions.

(a) Each operator shall determine the effects on components of a spill or other operational error which could allow LNG or cold refrigerant to reach a component which is not normally exposed to extreme cold.

(b) Each operator shall determine the effects on components of the extreme heat which would result if a spill of LNG or other flammable fluid were ignited.

(c) If the failure of a component due to extreme high or low temperature would result in an emergency, the component may not be used unless—

(1) It is made of materials which are compatible with the entire range of extreme temperatures to which the component may be subjected; or

(2) It is protected from the entire range of extreme temperatures to which the component may be subjected.

(d) If a material that has low resistance to flame temperatures is used in any component containing a flammable fluid, the material must be protected so that any heat resulting from a controllable emergency does not cause the release of fluid.

§ 193.209 Insulation.

Insulation on the outside of piping must be made of a material which will not support combustion in the installed condition and which will maintain adequate insulating properties when exposed to fire, heat, cold, water, or the force of fire hose streams.

§ 193.211 Cold boxes.

All cold boxes and their insulation must be made of materials which do not support combustion in the installed condition.

§ 193.213 Piping.

Piping made of cast iron, malleable iron, or ductile iron may not be used where service temperatures are below −20° F (−28.9° C).

§ 193.215 Concrete materials subject to LNG temperatures.

Concrete subject to LNG temperatures may not be used unless—

(a) Materials, measurements, mixing, placing, prestressing, and poststressing of concrete meets generally accepted engineering practices;

(b) Metallic reinforcing, prestressing wire, structural and nonstructural members used in concrete are acceptable in the installed condition for the temperature and stress levels encountered at design loading conditions; and

(c) Tests for the compressive strength, the coefficient of contraction, an acceptable thermal gradient, and, if applicable, acceptable surface loading to prevent spalling are performed on the concrete at the lowest predictable service temperature or similar test data on these properties are available.

§ 193.217 Combustible materials.

Insofar as practicable, each operator shall use noncombustible materials for the construction of buildings, plant equipment, and the foundations and supports of buildings and plant equipment in areas where ignition of the material would worsen a controllable emergency.

§ 193.219 Records.

Each operator shall keep a record of all components and their materials as necessary to verify that the design requirements of this part are complied with. These records must be maintained for the life of the component.

Subpart D—Design of Components

§ 193.301 Scope.

This subpart prescribes requirements for the design and installation of components in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed. The requirements are in addition to other design and installation requirements for individual components set forth in applicable subparts of this part.

§ 193.303 General.

(a) The components of each LNG facility must be designed, fabricated, and installed to withstand predictable loadings, including applicable environmental design forces under Subpart B of this part.

(b) Critical components which are exposed to the cold of an LNG or refrigerant spill or the heat of a fire may not worsen a controllable emergency.

(c) For the design and fabrication of an LNG facility, each operator shall use—

(1) With respect to design, persons who have demonstrated competence by training and experience in the design of components for use in an LNG facility; and

(2) With respect to fabrication, persons who have demonstrated competence by training and experience in the fabrication of components for use in an LNG facility.

§ 193.305 Valves.

(a) Each valve must be designed, manufactured, and tested according to written specifications based on generally accepted engineering practices to function under the full range of operating conditions, including pressure and temperature, that are predictable for the valve's use.

(b) Powered local and remote operation must be provided for valves that would be difficult or excessively time consuming to manually operate during a controllable emergency.

(c) When extended bonnet valves are used for cryogenic liquid service, stems must be above the horizontal.

(d) A relief valve to prevent overpressure must be installed in any section of flammable fluid piping which can be isolated between valves.

§ 193.307 Piping, general.

(a) Piping must be designed and manufactured according to written specifications based on generally accepted engineering practices to function under the full range of operating conditions, including pressure and temperature, that are predictable for the piping's use.

(b) All process and flammable fluid piping must have connections to facilitate blowdown and purging.

(c) Each piping system must be identified by color coding, painting, or labeling.

(d) To the extent practical, seamless pipe must be used for process and transfer piping handling LNG or other hazardous liquids.

(e) For longitudinal weld pipe handling LNG or flammable refrigerants—

(1) The design maximum pressure must result in stresses less than 50 percent of the maximum allowable stress set forth in Appendix A, Table 1 of ANSI B31.3, unless the weld is subjected to 100 percent radiographic or ultrasonic inspection to indicate any defects which could adversely affect the integrity of the weld or pipe; and

(2) The heat affected zone of the weld must comply with Section 323.2.2 of ANSI B31.3.

(f) Threaded pipe must be at leasts Schedule 80.

(g) Furnace lap weld, and furnace butt weld pipe may not be used for handling LNG or other hazardous liquids.

(h) Piping made of aluminum, copper, or a copper alloy may not be used where failure of such piping could result in a release of a hazardous volume of hazardous fluid.

§ 193.309 Pipe supports.

(a) Supports for piping whose stability is essential to prevent an emergency must be protected against the cold of a spill of LNG or refrigerant and the heat of any resulting fire.

(b) Supports for LNG or refrigerant piping must be designed to prevent excessive heat transfer which can result in either piping restraints caused by ice formations or the embrittlement of supporting steel.

§ 193.311 Buildings, design.

Each building or structural enclosure in which flammable fluids are handled must be designed and constructed to minimize the probability of initiating a blast wave by pressure containment, collapse of support members, and shrapnel-like fragmentation in the event of an explosion within the structure.

§ 193.313 Buildings, ventilation.

(a) Each building in which flammable fluids are handled must be ventilated to prevent the accumulation during normal operation of a combustible gas and air mixture, hazardous products of combustion, and other hazardous vapors in enclosed process areas, by one of the following means:

(1) A continuously operating mechanical ventilation system;

(2) A combination gravity ventilation system and normally off mechanical ventilation system which is energized by suitable combustible gas detectors at a concentration not exceeding 5 percent of the lower flammable limit of the gas;

(3) A dual rate mechanical ventilation system with the high rate energized by suitable gas detectors at a concentration not exceeding 5 percent of the lower flammable limit of the gas; or

(4) A gravity ventilation system composed of a combination of wall openings, roof ventilators, and if there are basements or depressed floor levels, a supplemental mechanical ventilation system.

(b) The ventilation rate must be at least one cubic foot per minute of air per square foot of floor area. If vapors heavier than air can be present, at least half of the ventilation must be from the lowest level exposed to such vapors.

§ 193.315 Low temperature.

(a) Each operator shall determine the effect of low temperatures produced by conduction of heat away from all components which are in contact with LNG, other cold fluids, or a cold environment in normal operation.

(b) Components made of noncryogenic materials must be protected from low temperatures which would impair the strength and ductility of the material.

(c) Valves and other moving components must not fail or become inoperable as a result of either the effect of low temperature on the materials or the formation of ice on the component.

§ 193.317 Expansion and contraction.

Each operator shall determine the amount of contraction and expansion of each component during operating and environmental thermal cycling and shall—

(a) Provide components that operate without detrimental stress or restriction of movement, within each component and between components, caused by contraction and expansion; and

(b) Prevent ice buildup from detrimentally restricting the movement of components caused by contraction and expansion.

§ 193.319 Frost heave.

(a) Each operator shall—

(1) Determine which critical components and their foundations could be endangered by frost heave from ambient temperatures or temperatures of the component; and

(2) Provide protection against frost heave which might impair their structural integrity.

(b) For each critical component and foundation determined under paragraph (a) of this section, instrumentation and alarm systems must be installed to warn of potential structural impairment due to frost heaving.

§ 193.321 Ice and snow.

(a) Components must support the weight of ice and snow which may collect or form on them.

(b) Each operator shall provide protection for components from falling ice or snow which may accumulate on structures.

§ 193.323 Electrical systems.

(a) Each operator shall—

(1) Determine the degree of hazard from electrical systems and equipment for the various areas within an LNG facility, including the possibility of an electrical ignition of combustible fluid and air mixtures that could occur from normal operations or from a leak or spill of flammable fluid; and

(2) Design and install electrical equipment and wiring in accordance with NFPA–70, to minimize the hazard, using explosion-proof equipment where necessary.

(b) In applicable areas, electrical grounding and bonding must be provided to prevent ignition from static electricity.

(c) If stray currents could be present or if impressed currents are used on transfer systems for cathodic protection, each operator shall take protective measures to prevent ignition from those sources.

(d) Ground circuit fault detection devices must be installed on all electrical equipment.

§ 193.325 Lightning.

Each operator shall install lightning rods, arrestors, and grounds as necessary to protect plant personnel from harm and critical components, including all electrical circuits, from damage as a result of a stroke of lightning.

§ 193.327 Boilers.

Boilers must be designed and fabricated in accordance with Section I of the ASME Boiler and Pressure Vessel Code. Other pressure vessels subject to that Code must be designed and fabricated in accordance with Division 1, or Division 2, Section VIII.

§ 193.329 Combustion engines and gas turbines.

Combustion engines and gas turbines must be installed in accordance with NFPA–37.

Subpart E—Impoundment Design and Capacity

§ 193.401 Scope.

This subpart prescribes requirements for the design and installation of impounding systems in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.403 Impoundment required.

An impounding system must be provided for the following components and areas to contain a potential spill of LNG or other hazardous liquid:

(a) Storage tanks;

(b) Process equipment containing hazardous liquids;

(c) Gasification and vaporization equipment;

(d) Transfer piping;

(e) Cargo transfer systems;

(f) Parking areas for tank cars or tank trucks containing hazardous liquids; and

(g) Areas for loading, unloading, or storing portable containers of hazardous liquids.

§ 193.405 General design characteristics.

(a) An impounding system must have a configuration or design which will prevent liquid from escaping impoundment under the worst predictable spill condition by any predictable accidental mechanism, including leakage, trajectory (including splash from collapse of a component or part thereof), momentum and low surface friction, foaming, failure of pressurized piping, and accidental pumping.

(b) The basic form of an impounding system may be excavation, a natural geological formation, manufactured diking, such as bermes or walls, or any combination thereof.

§ 193.407 Classes of impounding systems.

(a) For the purpose of this part, impounding systems are classified as follows:

(1) *Class 1.* A system which surrounds the component served with the inner surface of the dike constructed against the outer surface of the component, consisting of the following types:

Type	*Description*
1.1	Excavation.
1.2	Berme.
1.3	Protective wall
1.4	Nonprotective wall

(2) *Class 2.* A system which surrounds the component served with the dike located a distance away from the component, consisting of the following types:

Type	*Description*
2.1	Excavation.
2.2	Berme.
2.3	Protective wall
2.4	Nonprotective wall
2.5	Protective wall, covered gas tight space filled with inert gas or interconnected with container vapor space.
2.6	Nonprotective wall, covered gas tight space filled with inert gas or interconnected with container vapor space

(3) *Class 3.* A system which conducts a spill by dikes and floors to a remote impounding space which does not surround the component served, consisting of the following types:

Type	*Description*
3.1	Excavation.
3.2	Berme.
3.3	Protective wall.
3.4	Nonprotective wall.

NOTE.—The term "protective wall" means a dike is designed to comply with § 193.409 (a)(6).

(b) In the case of an impounding system consisting of a combination of Classes or types within a Class, where necessary to achieve compliance with requirements of this part applicable to a Class or type of system, those requirments apply according to the percentage of impoundment provided by each Class or type.

§ 193.409 Structural requirements.

(a) An impounding system, including any exposed surfaces of the component served which may be contacted by the liquid to be impounded, must be designed to prevent impairment of the system's performance ability and structural integrity as a result of the following:

(1) The imposed loading from—

(i) Full hydrostatic head;

(ii) Hydrodynamic action, including the effect of any material injected into the system for spill control;

(iii) The impingement of the trajectory of a liquid jet discharged at any predictable angle; and

(iv) Anticipated hydraulic forces from a rupture in a container or pressurized piping assuming that the discharge pressure from each failed component is its design maximum pressure.

(2) The erosive action from a spill, including jetting of spilling liquid, and any other anticipated erosive action including surface water runoff, ice formation, dislodgment of ice formation, and snow removal.

(3) The effect of the temperature, any thermal gradient, and any other anticipated degradation resulting from sudden or localized contact with the liquid to be impounded.

(4) Exposure to fire, where impoundment is intended for a flammable liquid or is subject to potential fire from sources other than an impounded liquid.

(5) If applicable, the potential impact and loading on the dike due to—

(i) Collapse of the component served or adjacent components; and

(ii) If the impounding system is under the landing pattern of a commercial or military airport or adjacent to railroad or highway traffic—

(A) Collision by aircraft or land vehicle; and

(B) An exploding aircraft or land vehicle.

(b) For spills from storage tanks, imposed loading and surging flow characteristics must be based on a sudden total release of the full contents of the tank. For spills from components other than storage tanks, imposed loading from the volume impounded must be based on the impounding capacities and conditions of discharge set forth in this part.

(c) Insulation, sealants, or other coatings and coverings which are nonstructural materials in an impounding system—

(1) Must not support combustion when in its installed condition;

(2) Must withstand exposure to fire from sources other than the liquid to be impounded; and

(3) Where such materials might be consumed during combustion of the impounded liquid, must not release toxic fumes.

(d) Insulation, sealants, and other coatings and coverings necessary for maintaining the functional integrity of an impounding system must be capable of withstanding exposure to fire, the liquid, and thermal shock from the liquid to be impounded.

§ 193.411 Impounding surfaces.

Surfaces of impounding systems must be treated and sealed where necessary to prevent—

(a) Leakage of the impounded liquid from the impounding system; and

(b) Seepage of surface water or ground water into the impounding space or into subsurface materials.

§ 193.413 Floors.

(a) Floors of Class 2 and Class 3 impounding systems must slope—

(1) Away from the component served to sump basins located as required by § 193.427; and

(2) To the extent feasible, away from the nearest adjacent critical component.

(b) Slopes of floors in Classes 2 and 3 impounding systems must have grades which—

(1) Are at least 2 percent;

(2) In the case of Class 3 systems, adequately provide for flow to the impounding space;

(3) Divert spilled liquids from the component served to sump basins installed under § 193.427 at the maximum feasible rate so as to minimize hazards from vapor evolution, fire, and other sources as a result of small spills; and

(4) Prevent collection of water and drain surface water from the floor at rates based on a maximum predictable rainfall and any other predictable water source.

(c) Floors in Classes 2 and 3 impounding systems must contain channels designed to minimize the wetted area and to drain surface water and spilled liquid to sump basins installed under § 193.427.

(d) Except where necessary for effective control of potential spills from transfer piping, impounding system floors must not be located above grade level.

§ 193.415 Dikes, general.

(a) Dikes must be reinforced and contiguously interlocked between all parts and the ground as necessary to withstand all hydrodynamic forces from a sudden total release of the highest density contents at full capacity of the component served, except that for dikes serving storage tanks with at least two load bearing cryogenic shells, hydrostatic forces in lieu of hydrodynamic forces may be applied.

(b) Penetrations in dikes to accommodate piping or any other purpose are prohibited.

(c) An outer wall of a component served by an impounding system may not be used as a dike.

§ 193.417 Vapor barriers.

(a) If a dispersion exclusion zone is provided under § 193.109, vapor barriers must be installed as necessary in connection with each impounding system for liquids with a boiling temperature of 98.6° F (37° C), or less, to detain the release of a spill vapor for a period which prevents a flammable gas cloud from extending beyond the exclusion zone boundary.

(b) Vapor barriers must be designed and constructed to entrain cold vapor.

§ 193.419 Dike dimensions.

(a) Except as provided in paragraph (c) of this section, dikes must have sufficient height and be located a sufficient distance from the component served to—

(1) Provide minimum impounding capacity as prescribed in this subpart and, in Class 3 systems, adequate flow capacity to the impounding space as required by § 193.445; and

(2) Intercept a jet of hazardous liquid discharged from any feasible location on the component served and at any predictable vertical and horizontal angle of exit and resulting trajectory, except that for low pressure storage tanks having multiple conventionally built vertical cylindrical walls with at least two such walls having full load bearing capability, vertical angles of discharge above the horizontal need not be considered.

(b) Dike height must be determined as a function of distance from the component served, assuming that wind will not influence the free parabolic trajectory of escaping liquid.

(c) Where dikes with dimensions prescribed by paragraph (a) of this section are impractical to provide, baffles or deflecting surfaces may be installed as necessary to control the trajectory of escaping liquid and to assure interception and confinement of the liquid in the impounding space.

§ 193.421 Covered systems.

(a) A type 2.5 or type 2.6 impounding system is prohibited unless it is—

(1) Sealed from the atmosphere and filled with an inert gas; or

(2) Permanently interconnected with the vapor space of the component served.

(b) The covering over an impounding space must be structurally capable of withstanding all potential internal and environmental loadings.

(c) Membraneous covering is prohibited.

(d) Instrumentation and controls must be provided, as applicable, to—

(1) Maintain pressures at a safe level;

(2) Monitor gas concentration; and

(3) Warn of unsafe conditions within the covered space.

(e) Pressure and vacuum relief devices, having adequate capacity, must be provided to assure that safe levels of pressure within the impounding space are not exceeded, assuming a spill results in the instantaneous wetting of 100 percent of the floor area and 50 percent of the inside area of the dikes.

(f) Dikes must have adequate structural strength to assure that they can withstand impact from a collapsed cover and all anticipated conditions which could cause a failure of the impounding space cover.

§ 193.423 Gas leak detection.

Impounding systems must be equipped with instruments to continously monitor the following locations for the presence of gas concentrations and to warn when concentration levels exceed 20 percent of the lower explosive limit:

(a) The low point in each quadrant of an impounding space;

(b) All sump basins;

(c) In a Class 3 system, the point where conducting dikes join the impounding space;

(d) Appropriate points along each dike at intervals not more than 100 feet; and

(e) Other appropriate points where collection or passage of leaking gas could be expected.

§ 193.425 Inerting systems.

(a) Each open impounding system must have an inerting device installed for each length of diking which—

(1) Has an average dike height greater than one half the distance between the dike and an opposite barrier of equal or greater height; and

(2) Is longer than the distance to an opposite barrier but not longer than twice the distance.

(b) Each inerting device must continuously measure gas concentrations and automatically release an inert mixture of carbon dioxide and nitrogen gases when a gas concentration equal to 40 percent of the lower flammable limit is detected.

(c) The concentration of gas must be measured, at each low elevation in the impounding space where dense gas is most likely to collect.

(d) The inert mixture must be injected at an elevation of 50 percent of dike height horizontally in a direction to prevent direct impingement on the gas concentration sampling location.

(e) The specific gravity of the inert mixture when injected must be maintained at 1.15 to 1.20, based on an air temperature of 32° F (0° C).

(f) The supply of inert mixture available for injection must be to fill at least 40 percent of the portion of the impounding space outside the component served.

§ 193.427 Sump basins.

(a) Except for Class 1 impounding systems, a sump basin must be located in each impounding system to hold small spills of flammable liquids and to provide for the transfer of such liquids from an impounding system.

(b) Each sump basin must be located at the point most remote from the component served by the impounding system and any adjacent aboveground critical component.

§ 193.429 Spill removal.

(a) Each sump basin must be equipped with transfer piping, with cryogenically suitable pumps and piping and redundant failsafe arrangements to prevent inadvertent operation, for transferring spilled liquid to a receiving vessel.

(b) The transfer piping must provide for selective withdrawal from multiple locations and be appropriately insulated so that flammable liquid can be withdrawn from the impounding space during a fire in the impounding space.

§ 193.431 Water removal.

(a) Impounding systems must have sump pumps and piping running over the dike to remove water collecting in the impounding space, including the sump basin.

(b) The water removal system must have adequate capacity to remove water at rates which equal the maximum predictable collection rate from rainfall and other natural sources.

(c) Sump pumps for water removal must—

(1) Automatically operate as necessary to keep the impounding space as dry as possible; and

(2) Have controls for operation and redundant automatic shutdown controls to prevent operation when the liquid to be impounded is present.

§ 193.433 Shared impoundment.

(a) Except as provided in paragraph (c) of this section, a single impounding system may not serve more than one component if—

(1) The maximum spill capacity of any single component exceeds 2,000 barrels; or

(2) The maximum spill capacity of all components exceeds 10,000 barrels.

(b) If more than one component is served by a single impounding system—

(1) Twice the minimum separation distances prescribed by § 193.123 must be provided; and

(2) Components must be protected by topography or other means (excluding water deluge or other action which could result in the dispersion distance of a combustible gas exceeding acceptable limits) to prevent spillage from one component from causing damage or leakage to any other component due to any of the following:

(i) Fire exposure;

(ii) Low temperatures;

(iii) Chemical reactions; or

(iv) High thermal gradients or physical forces which could result from contact with LNG in the event of a sudden total spill of the maximum capacity of liquid from any component, trajectories from jets of leaking liquids, or other forms of leakage.

(c) Where components have at least two load bearing cryogenic shells, with the outer shell made of cryogenic steel alloy or cryogenic prestressed concrete, the aggregate maximum capacity of components within a single impounding system may be increased to 250,000 barrels by increasing either the size or number of components.

§ 193.435 Other components and materials.

Piping, pipe supports, and critical components located within an impounding system must be protected against damage from fire, contact with spilled liquids, or impact by failed components which could result in an emergency.

§ 193.437 Impoundment capacity: general.

(a) For Types 2.5 and 2.6 impounding systems, space between the outer wall of the component served and the dike may not be used to comply with the capacity requirements of this subpart which exceed the component's maximum liquid capacity unless the impounding space and the component are covered by an impounding space roof which is separate and independent from the component.

(b) In addition to capacities otherwise required by this subpart, an impounding system must have sufficient volumetric capacity to provide for—

(1) Displacement by components; and

(2) Displacement which could accumulate when a higher density substance (e.g., water used in fire fighting) enters the system, considering any excess impounding capacity, evaporation, fire by automatic planned ignition under § 193.109(f), and other relevant means assuring capacity.

§ 193.439 Impoundment capacity: storage tanks.

Each impounding system serving a storage tank must have a minimum volumetric liquid impoundment capacity as follows:

Number of tanks in system	Class or type of system	System capacity of tank's maximum liquid capacity: Hazardous liquids with a boiling point of 98.6° F (37° C) or less at 1 bar absolute pressure	System capacity of tank's maximum liquid capacity: Other hazardous liquids
1	Class 1 and types 2.5 and 2.6.	120 percent.	110 percent.
	Class 3 and types 2.1 to 2.4.	150 percent.	120 percent.
More than 1	All.	100 percent of all tanks or 150 percent of largest tank, whichever is greater.	100 percent of the largest 2 tanks or 120 percent of the largest tank, whichever is greater.

§ 193.441 Impoundment capacity; equipment and transfer facilities.

Each impounding system serving a component under §§ 193.403 (b)–(e) must have a minimum volumetric liquid impoundment capacity equal to the sum of—

(a) 150 percent of the volume of liquid that could be contained in the component served; and

(b) The maximum volume of liquid which could discharge into the impounding space from any single failure of equipment or piping during twice the time period necessary for spill detection, instrument response, and sequenced shutdown by the redundant automatic shutdown system under § 193.605.

§ 193.443 Impoundment capacity: parking areas portable containers.

Each impounding system serving a component under §§ 193.403 (f) and (g) must hve a minimum volumetric liquid impoundment capacity which complies with the requirements of § 193.437, assuming each tank car, tank truck, or portable container to be a storage tank.

§ 193.445 Flow capacity in class 3 impounding systems.

(a) Each spill conducting space in a Class 3 impounding system must have adequate flow capacity for the following volumes and flow rates of a potential spill at all points along its traverse:

(1) For storage tanks, the worst combination of flow rates and 150 percent of the volume from a sudden and complete release of the largest above grade maximum liquid capacity of any single tank served, plus the discharge from all transfer piping which could be loading that tank, assuming the loading transfer piping is discharging at maximum potential open end capacity during the longer of the time periods set forth in § 193.439(b), and less any upstream or intermediate impounding capacity.

(2) For components listed in §§ 193.403 (b)–(e), the worst combination of flow rates and volumes determined in accordance with § 193.439, less any upstream or intermediate impounding capacity.

(3) For areas listed in §§ 193.403 (f) and (g), the requirements of paragraph (a)(1) of this section apply, assuming each tank car, tank truck, or portable container to be a storage tank.

(b) When intermediate impounding space is used to provide the capacity of conducting space required by this section, the capacity of the intermediate space must be based on the combination of applicable volumes and flow rates set forth in paragraph (a) of this section to assure adequate capacity of the conducting space.

§ 193.447 Sump basin capacity.

(a) Sump basins in impounding systems for storage tanks must have a minimum volumetric capacity equal to the discharge from relevant connected sections of transfer piping which can operate simultaneously, assuming the transfer piping discharges at maximum potential open end capacity for the time period necessary for spill detection instrument response and sequenced shutdown by the redundant automatic shutdown system.

(b) Sump basins in impounding systems for components listed in §§ 193.403 (b)–(e) must have a minimum volumetric capacity equal to half of the lesser of—

(1) The volume of liquid which could discharge into the impounding system from any single failure of equipment or piping during the time period necessary for spill detection instrument response and sequenced shutdown by the redundant automatic shutdown system; or

(2) The volume of liquid that could be contained in the component served.

(c) Sump basins in impounding systems for areas listed in §§ 193.403 (f) and (g) must have a minimum volumetric liquid capacity which meets the requirements of paragraph (a) of this section, assuming each tank car, tank truck, or portable container to be a storage tank.

Subpart F—Storage Tanks

§ 193.501 Scope.

This subpart prescribes requirements for the design and installation of storage tanks in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.503 General.

(a) Storage tanks must comply with the requirements of this subpart and the other applicable requirements of this part.

(b) A membrane liner may not be used as an inner container in a storage tank.

§ 193.505 Loading forces.

Each component of a storage tank must be designed to withstand any predictable combination of the following forces which would result in the highest stress to the component:

(a) Design maximum pressure determined under § 193.513.

(b) Design minimum pressure determined under § 193.515.

(c) Weight of the structure.

(d) Weight of liquid to be stored determined at its highest density and at the level creating the highest stress.

(e) Nonuniform reaction forces on the foundation due to settling and other movement.

(f) Superimposed forces from piping, stairways, and other connected appurtenances.

(g) Snow and ice.

(h) The loading of internal insulation on the inner container and outer shell due to weight and movement of the container and shell over the design life of the insulation.

(i) In the case of vacuum insulation, the forces due to the vacuum.

(j) In the case of a positive pressure purge, the forces due to the maximum positive pressure of the purge gas.

§ 193.507 Stratification.

Storage tanks for cryogenic liquids with a capacity of 5,000 barrels or more must be equipped with—

(a) Mixing devices for liquid loading to mitigate a potential for rollover and overpressure resulting in relief valve operation; and

(b) Pumps, piping, and valves for—

(1) Selective filling at the top and bottom of the tank;

(2) Circulating liquid from the bottom to the top of the same tank; and

(3) Transferring liquid selectively from the bottom of the tank to the bottom and top of any adjacent storage tank for the same liquid.

§ 193.509 Movement and stress.

(a) Each operator shall determine for normal operations of each storage tank—

(1) The amount and pattern of predictable movement of components, including transfer piping, and the foundation, which could result from thermal cycling, loading forces, and ambient air changes; and

(2) For a storage tank with an inner container, the predictable movement of the inner container and the outer shell in relation to each other.

(b) Storage tanks must be designed to provide adequate allowance for stress due to movement determined under paragraph (a) of this section, including provisions that—

(1) Backfill does not cause excessive stresses on the tank structure due to expansion of the storage tank during warmup;

(2) Insulation does not settle to a damaging degree or unsafe condition during thermal cycling; and

(3) Expansion bends and other expansion or contraction devices are adequate to prevent excessive stress on tank penetrations, especially during cooldown from ambient temperatures.

§ 193.511 Penetrations.

(a) All penetrations in a storage tank must be symmetrically located on the top of the tank as close as possible to the center.

(b) Penetrations must be reinforced to ensure that any failure of the penetrating component does not result in hazardous structural damage to the tank.

§ 193.513 Overpressure.

(a) Each operator shall determine the design maximum pressure at the top of each storage tank.

(b) The design maximum pressure of a storage tank may not be lower than the highest vapor pressure resulting from each of the following events or combination thereof that predictably might occur:

(1) Filling the tank with any cryogenic or refrigerant liquid, including effects of increased vaporization rate due to superheat and sensible heat of the added liquid;

(2) Rollover resulting from adding a cryogenic liquid which has a different density than liquid already in the tank, or from weathering in storage;

(3) Fall in barometric pressure, using the worst combination of amount of fall and rate of fall which might credibly occur;

(4) Loss of effective insulation that may result from an adjacent fire, leak of liquid into the inter-tank space, or other predictable accident; and

(5) Flash vaporization resulting from pump recirculation.

(c) To prevent a storage tank from exceeding its design maximum pressure, each operator shall use automatic primary and redundant relief devices, a mixing system, operating procedures, and—

(1) Boiloff extraction systems with reliquefaction or sendout systems; or

(2) Liquid subcooling.

§ 193.515 Underpressure.

(a) Each operator shall determine the design minimum pressure at the top of each storage tank.

(b) The design minimum pressure may not be lower than 2 psig or higher than the lowest vapor pressure resulting from each of the following events or combinations thereof that predictably might occur:

(1) Withdrawing liquid from the tank;

(2) Withdrawing gas from the tank;

(3) Adding subcooled cryogenic liquid to the tank; and

(4) Rise in barometric pressure, based on the worst combination of amount of rise and rate of rise which predictably might occur.

(c) Each operator shall use automatic primary and redundant relief devices, operating procedures, and gas makeup or ambient vaporizers to prevent the pressure in a storage tank from falling below the design minimum pressure. Air must not enter the tank except when necessary to protect the tank in the event of a malfunction of relief devices.

§ 193.517 External temperature.

(a) Each operator shall determine the maximum exposure of a storage tank to—

(1) Conduction of cold by transfer piping connection;

(2) Contact with spilled LNG or liquid refrigerant and cold vapor caused by a failure of connecting piping; and

(3) Heat from an ignited spill of LNG or other flammable liquid caused by a failure of connecting piping.

(b) Each storage tank must be protected to ensure that the cold of any cryogenic or refrigerant liquid spill and the heat of any resulting fire will not cause the storage tank to add significantly to a controllable emergency.

§ 193.519 Internal temperature.

Each storage tank must be designed to withstand the lowest temperature to which it could be subject below the temperature of the liquid contained at the design minimum pressure.

§ 193.521 Foundation.

(a) Each storage tank must have a stable foundation designed in accordance with generally accepted structural engineering practices. The design must take into account the forces which may exist due to the difference in density between the contained liquid and the displaced ground.

(b) Each foundation must support the loading forces under § 193.505 without detrimental settling that could impair the structural integrity of the tank.

(c) When the location of a storage tank foundation is subject to flooding or is near the natural water table, each operator shall determine the weight of the foundation and the empty tank and shall anchor the tank so that the buoyant water forces will not float the tank or impair the structural integrity of the tank.

(d) Piling must not be used to provide necessary foundation support for a storage tank.

§ 193.523 Frost heave.

If the protection provided for storage tank foundations from frost heave under § 193.319(a) includes heating the foundation area—

(a) The instrumentation and alarm system provided under § 193.319(b) must include an alarm to warn of malfunction of the heating system; and

(b) A means to correct the malfunction must be provided.

§ 193.525 Insulation.

(a) Insulation on the outside of a storage tank may not be used to maintain stored liquid at an operating temperature.

(b) Insulation on the outside of a storage tank must be covered and must provide a vapor barrier, be free of water, and meet the other applicable requirements of this part. The covering must be inflammable, have a melting point above 1500° F, not be subject to ultraviolet decay, and withstand wind and anticipated impact loading which credibly may occur.

(c) Insulation between an inner container and the outer shell of a storage tank must be compatible with the contained liquid and its vapor. The insulation, in its installed condition, must be inflammable. The insulation must not significantly lose insulating properties by melting, settling, or other means if a fire occurs outside the outer shell.

§ 193.527 Instrumentation for storage tanks.

(a) Each storage tank must be equipped with redundant sensing devices and personnel warning devices, as prescribed, which operate continuously while the tank is in operation to assure that each of the following conditions is not a potential hazard to the structural integrity or safety of the tank:

Condition	Instrumentation
(1) Amount of liquid in the tank	Liquid level gages and recorders with top fill alarms and a separate overfill alarm.
(2) Vapor pressure within the tank	Pressure gages and recorders with high-pressure alarms.
(3) Temperatures at representative critical points in the foundation.	Temperature indicating and recording devices with alarm at 37° F (2.8° C).
(4) Temperatures of contained liquid at various vertical intervals.	Temperature recorders.
(5) Reaction loading between an LNG tank and foundation.	Load recorders plus pressure cells at each critical location distributed along orthogonal axes under the tank.
(6) Excessive stress in tank structures	Strain recorders with sensors located at representative critical points.
(7) Air in tank due to vacuum relief valve	Oxygen concentration indicator with alarm at 0.5 pct by volume.
(8) Gas under tank	Gas concentration indicator with alarm at 5 pct of the lower flammable limit.

(b) Each storage tank must be designed as appropriate to provide for compliance with the inspection requirements of § 193.1219.

§ 193.529 Metal shells and containers.

(a) Metal shells and containers in storage tanks with design maximum pressures of not more than 15 psig must be designed in accordance with API Standard 620 and, where applicable, Appendix Q of that Standard.

(b) Metal shells and containers in storage tanks with design maximum pressures above 15 psig must be designed in accordance with the applicable Division of Section VIII of the ASME Boiler and Pressure Vessel Code.

§ 193.531 Concrete shells and containers.

(a) Concrete shells and containers in storage tanks must be designed and constructed in accordance with ACI–318–71 and ACI–67–40.

(b) Design stresses for concrete must be based upon strength values determined at 60° F.

§ 193.533 Thermal barriers.

Thermal barriers must be provided between piping and an outer shell when necessary to prevent the outer shell from being exposed to temperatures lower than the design temperature.

§ 193.535 Support systems.

(a) Saddles and legs must be designed in accordance with generally accepted structural engineering practices, taking into account loads during transportation, erection loads, and thermal loads.

(b) Storage tank stress concentrations from support systems must be minimized by distribution of loads using pads, load rings, or other means.

(c) For a storage tank with an inner container, support systems must be designed to—

(1) Minimize thermal stresses imparted to the inner container and outer shell by expansion and contraction; and

(2) Sustain the maximum applicable loading from shipping and operating conditions.

(d) The bottom of a storage tank with a capacity more than 15,000 barrels may not be installed above grade level.

§ 193.537 Internal piping.

(a) Piping between an inner container and outer shell must be designed for not less than the pressure rating of the inner container. The piping must contain expansion loops where necessary to protect against thermal and other secondary stresses created by operation of the tank. Bellows may not be used within the space between the inner container and outer shell.

(b) Storage tanks with a design pressure which exceeds the liquid head from the maximum liquid level to the top of the tank must be equipped with internal excess flow valves.

§ 193.539 Marking.

(a) Each operator shall install and maintain a placard in an accessible place on each storage tank and mark it with the following, using English and metric units where applicable:

(1) Builder's name;

(2) Date construction completed, and date of commissioning;

(3) Nominal liquid capacity stated in barrels, gallons, and cubic meters;

(4) Design pressure for vapor at top of tank;

(5) Maximum density of liquid to be stored;

(6) Maximum level to which container may be filled with stored liquid;

(7) Maximum design soil load bearing;

(8) Maximum design foundation reaction forces on tank;

(9) Minimum temperature, in degrees Fahrenheit and Celsius, for which the tank was designed;

(10) Maximum external water height which does not result in excessive flotation forces or other damaging stresses prohibited under § 193.521(c); and

(11) Maximum design wind load, snow load, and ice load.

(b) Each penetration in a storage tank must be marked indicating the function of the penetration.

(c) Marking required by this section must not be obscured by frosting.

Subpart G—Design of Transfer Systems

§ 193.601 Scope.

This subpart prescribes requirements for the design and installation of transfer systems in new LNG facilities or existing facilities which are replaced, relocated, or otherwise changed.

§ 193.603 General.

(a) Transfer systems must comply with the requirements of this subpart and the other applicable requirements of this part.

(b) The design of transfer systems must provide for expansion and stress due to the frequency of thermal cycling and intermittent use to which the transfer system may be subjected, including the following:

(1) Where the system is not maintained at a temperature near its operating temperature, expansion loops must be used to minimize stresses resulting from thermal changes;

(2) Bellows type expansion joints may not be used unless the system is maintained at a temperature near its operating temperature;

(3) Slip type expansion joints are prohibited;

(4) A suitable means must be provided to precool the piping in a manner that prevents excessive stress before transferring cold fluids; and

(5) Stress due to thermal and hydraulic shock must be determined and accommodated by the strength of materials, dash pots, or the operating speed of valves, as necessary.

§ 193.605 Shutdown control system.

(a) Each transfer sytem must be equipped with an automatic redundant shutdown control system to minimize the amount of fluid which could discharge from the transfer system in the event of a failure. The control system must automatically shutdown appropriate valves and pumping equipment and provide automatic bleed when any of the following occurs:

(1) A piping failure;

(2) Overfilling the receiving vessel;

(3) Pressure outside the limits of the maximum and minimum allowable operating pressure;

(4) Temperature outside the range determined under § 193.205;

(5) Gas concentrations in the atmosphere exceeding 20 percent of the lower flammable limit; or

(6) A sudden flow change, pressure loss, or other condition indicating an accidental spill or potential spill.

(b) Transfer shutdown control systems must be power and manually operable at the valve and power operable at a location at least 50 feet from the valve.

(c) Shutoff valves much be located:

(1) At the inlet of each gasifier;

(2) On fluid return lines and on manifolds used in bulk transfer;

(3) At the connection of a transfer system with a pipeline;

(4) Near the extremities of each transfer system; and

(5) At any other location necessary to control a spill to comply with impounding and exclusion distance requirements of this part.

(d) Shutoff valves must be designed and installed so excessive strain in the piping system does not excessively stress the shutoff seats of the valves.

§ 193.607 Backflow.

Each transfer system must operate with a means to—

(a) Prevent backflow of liquid from a receiving vessel from causing a hazardous condition; and

(b) Maintain one-way flow where necessary for the integrity or safe operation of the LNG facility.

§ 193.609 Overfilling.

(a) Each transfer system must operate with a means to prevent overfilling of receiving vessel without manual intervention. The means must include—

(1) Setting a transfer system to pump a predetermined amount of liquid into a receiving vessel and to stop the transfer when that amount has been pumped;

(2) When the amount of liquid in the receiving vessel reaches the design load limit, activitation of the automatic shutdown system installed under § 193.605; or

(3) Transferring any overflow of liquid to an alternate receiving vessel.

(b) Each transfer system must be equipped with a means which alerts personnel when the amount of liquid in a receiving vessel approaches its design load limit. The alert must be given in time for the personnel to monitor the automatic shutoff and to safely terminate the transfer by manual operation if necessary.

§ 193.611 Cargo transfer systems.

Each cargo transfer system must have—

(a) A means of safely depressuring and venting each transfer line before disconnection;

(b) A means of safely purging each transfer line in which a significant amount of combustible mixture could remain after it is disconnected;

(c) In the case of hoses and arms, a design for—

(1) Operating temperatures encountered during transfers; and

(2) A bursting pressure of not less than five times the operating pressure;

(d) On transfer connections which operate at temperatures below −60° F (−51.1° C), flexible metallic hoses or pipe and swivel joints;

(e) Adequate support for transfer piping connections, taking into account potential ice formation;

(f) Connections which are designed for the operating temperatures and pressures encountered during transfers, and the anticipated frequency of any coupling and uncoupling;

(g) Return lines for vapor and gas to safely provide for displacement during transfer;

(h) A signal light at each control location of remotely located pumps or compressors used for transfer which indicates whether the pump or compressor is idle or in operation; and

(i) A means of communication between loading or unloading areas and any remotely located areas in which personnel are associated with the transfer operations.

§ 193.613 Marine transfer.

(a) For marine transfer, each transfer line must be equipped with an isolation valve located on shore near the approach to the pier or dock.

(b) Each operator shall provide that the general cargo handling and ship bunkering facilities on a marine pier do not present a hazard to transfer operations. The protection must include one of the following—

(1) Fixed transfer lines; or

(2) Adequate separation between transfer lines and the cargo handling and bunkering facilities to prevent an accident at the bunkering facilities from endangering the cargo transfer system.

(c) Underwater piping must be located or protected so that it is not exposed to damage from marine traffic.

§ 193.615 Tank car and tank truck transfer.

(a) For tank car and tank truck transfer operations, transfer procedures must be located at the transfer area.

(b) The transfer area must be designed to accommodate tank cars and tank trucks without excessive maneuvering. Tank trucks must exit the transfer area without backing.

(c) A cargo transfer system must be designed to prevent operation until the receiving tank vehicle is properly immobilized and secure.

§ 193.617 Emergency valve.

In addition to other valving required by this part, a cargo transfer system must be equipped with a shutoff valve for each liquid and each vapor line, including a common line to multiple transfer areas, located away from the transfer area where it can be operated readily during a controllable emergency.

Subpart H—Gasification Equipment

§ 193.701 Scope.

This subpart prescribes requirements for the design of gasification equipment in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.703 General.

Gasifiers must comply with the requirements of this subpart and the other applicable requirements of this part.

§ 193.705 Fired gasifiers.

Fired gasifiers must be designed and fabricated in accordance with Section VIII, Division I, of the ASME Boiler and Pressure Vessel Code.

§ 193.707 Downstream pressure.

(a) The pressures in piping and equipment located downstream from each gasifier must be continuously monitored.

(b) Each operator shall provide an automatic control system to—

(1) Limit the flow of gas from a gasifier to a rate which will not overpressure downstream piping or equipment; and

(2) Limit the flow of LNG to the gasifier to a rate which will not overpressure the gasifier.

§ 193.709 Downstream temperature.

(a) Each operator shall determine the extremes of high and low temperature which equipment and piping located downstream from a gasifier can accept without adversely affecting its structural integrity or safety.

(b) Each operator shall provide an automatic control system to prevent the flow of gas or liquid from a gasifier at a temperature which will adversely affect the structural integrity or safety of the equipment or piping located downstream. The control system must be independent of all other flow control systems and must incorporate a line valve not used for any other purpose.

§ 193.711 Operational control.

(a) Gasifiers must be equipped with devices which monitor the temperature and pressure of the LNG and natural gas in the gasifiers.

(b) The rate of gasification must be maintained automatically to ensure that the temperature and pressure of LNG and natural gas are within the design limits of the gasifier.

(c) The gasifier must be operated in accordance with procedures designed to prevent thermal shock during the initiation of gasification.

(d) Each LNG facility must have control systems to stop the flow of LNG and other flammable fluids to gasifiers and related equipment when an emergency occurs in or near a gasifier.

(e) Manifold gasifiers must be equipped with two inlet valves in series to prevent LNG from entering an idle gasifier and a means to remove LNG which accumulates between the valves.

§ 193.713 Shutoff valves.

(a) Each shutoff valve located on transfer piping supplying LNG to a gasifier must meet the following applicable requirements—

(1) The valve must be near the gasifier;

(2) If the gasifier is installed in a building, the valve must be located outside the building near the emergency exit; and

(3) When the valve is located near an LNG container or in a place which would be inaccessible during a controllable emergency, the valve must also have an automatic control ssytem that will close the valve upon loss of pressure in the inlet line (excess flow); abnormally high temperature (fire); or low temperature liquid or gas downstream of the gasifier.

(b) A shutoff valve must be located on each outlet of a gasifier.

(c) If a gasifier heater is located in a building, a shutoff control must be located outside the building near an emergency exit.

(d) For gasifiers designed to use a flammable intermediate fluid, a shutoff valve must be located on the inlet and outlet line of the intermediate fluid piping system where they will be operable during a controllable emergency involving the gasifier.

§ 193.715 Relief devices.

The capacity of pressure relief devices required for gasifiers by § 193.905(b) is governed by the following:

(a) For heated gasifiers, the capacity must be at least 110 percent of rated natural gas flow capacity without allowing the pressure to rise above the gasifier's design maximum pressure.

(b) For ambient gasifiers, the capacity must be at least 150 percent of rated natural gas flow capacity without allowing the pressure to rise above the gasifier's design maximum pressure.

§ 193.717 Warning devices.

Each building which houses a gasifier or gasifier heater must have warning devices to alert personnel automatically of hazardous flammable mixtures or thermal radiation in the building.

§ 193.719 Combustion air intakes.

(a) Combustion air intakes to heated gasifiers and gasifier heaters must prevent the induction of a flammable mixture during normal operations.

(b) If a heated gasifier or gasifier heater is located in a building, the combustion air intake must be located outside the building.

Subpart I—Liquefaction Equipment

§ 193.801 Scope.

This subpart prescribes requirements for the design of natural gas liquifaction equipment in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.803 General.

Liquefaction equipment must comply with the requirements of this subpart and the other applicable requirements of this part.

§ 193.805 Control of incoming gas.

A shutoff valve must be located on piping delivering natural gas to liquefaction equipment. Each valve must be actuated automatically by a shutdown control system—

(a) When a mixture of natural gas and air in the LNG facility near liqufaction equipment reaches 30 percent of the lower flammable explosive limit; and

(b) When an uncontrolled fire occurs in the LNG facility.

§ 193.807 Contaminants.

Each operator shall provide a means of—

(a) Monitoring the incoming gas to ensure that detrimental contaminants are removed; and

(b) Detecting an unsafe condition due to buildup of ice or other contaminants in the liquefaction equipment.

§ 193.809 Reverse flow.

Each multiple parallel piping system connected to liquefaction equipment must have devices to prevent reverse flow detrimental to safe operation of the liquefaction equipment.

§ 193.811 Cold boxes.

Each cold box in liquefaction equipment must be equipped with a means of detecting the concentration of natural gas in air in the insulation space. If the concentration reaches 5 percent of the lower flammable limit, purge gas must be introduced to reduce the concentration

§ 193.813 Air in gas.

Where incoming gas to liquefaction equipment contains air, each operator shall provide a means of preventing a flammable mixture from occurring under any operating condition.

§ 193.815 Equipment supports.

Supports for liquefaction equipment must be protected against fire exposure or be protected against cold liquid, or both, if they are subject to such exposures.

Subpart J—Control Systems

§ 193.901 Scope.

This subpart prescribes requirements for the design and installation of control systems in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed

§ 193.903 General.

(a) Control systems must comply with the requirements of this subpart and other applicable requirements of this part.

(b) Each control system must be capable of performing its design function under normal operating conditions, and in a controllable emergency to the extent that performance of that function is necessary to prevent a hazard from occurring.

(c) Control systems must be accessible for maintenance, including inspection and testing to verify their operating capability.

§ 193.905 Relief devices.

(a) Each operator shall determine—

(1) The pressures in components which may result from the closing of each control valve or combination of valves, taking into account the trapping of LNG or other fluid between valves; and

(2) The maximum rates of boiloff and expansion of fluid which may occur in each component during normal operation, particularly cooldown, and controllable emergencies.

(b) Each component containing a hazardous fluid must be equipped with automatic redundant relief devices which will release the contained fluid at a rate sufficient to limit the pressure in the component to not more than the design maximum pressure and not less than design minimum pressure.

(c) Manual overrides must be provided on relief devices for emergency operation.

(d) Relief devices must have vents installed in a manner to prevent a release of fluid from—

(1) Causing an emergency; and

(2) Worsening a controllable emergency.

(e) Primary vacuum relief devices must not let air into a component containing a flammable fluid.

(f) The set-point pressures of all adjustable relief devices must be sealed

(g) Relief devices which are installed to limit minimum or maximum pressures may not be used to handle boiloff and flash gases generated in the normal operations of a component.

(h) During normal operation, relief devices may not be subjected to temperatures higher than temperatures at which they are designed to operate

§ 193.907 Vents.

(a) Flammable fluids may not be vented into the atmosphere of a building.

(b) Discharge vents may not draw in air during operation.

§ 193.909 Sensing devices.

(a) Each operator shall determine the appropriate location for and install sensing devices as necessary to—

(1) Monitor the operation of components to detect a malfunction which could cause a hazardous condition if permitted to continue; and

(2) Detect the presence of fire and combustible gas in locations determined under § 193.1305(a)(2).

(b) Buildings in which flammable fluids are used or handled must be continuously monitored by gas sensing devices set to sound an alarm in the building and at the control center when the concentration of the fluid in air is not more than 5 percent of the lower flammable limit.

§ 193.911 Warning devices.

Each operator shall install warning devices in the control center and at other locations frequented by personnel to warn of potential or existing hazardous conditions detected by all sensing devices required by this part. Warnings must be given both audibly and visibly and must be designed to gain the attention of personnel. Warnings in the control center must indicate the location and cause of the existing or potential hazard.

§ 193.913 Discharge pressures and temperatures.

Sensing and flow control devices must be installed downstream from pumps, compressors, and pressure vessels to prevent the discharge of fluids at—

(a) A rate which would overpressure any downstream component; and

(b) A temperature which would damage any downstream component.

§ 193.915 Pump and compressor control.

(a) Each pump and compressor for flammable fluids must be equipped with—

(1) A control system, operable locally and remotely, to shut down the pump or compressor in a controllable emergency;

(2) A signal light at the pump or compressor and the remote control location which indicates whether the pump or compressor is in operation or idle; and

(3) Adequate valving to insure that the pump or compressor can be isolated for maintenance, including where pumps or compressors operate in parallel, a check valve on each discharge line.

§ 193.917 Control valves.

(a) Each operator shall determine the appropriate locations for, and install, control valves as necessary to—

(1) Protect downstream components from pressures and temperatures which are outside design limits;

(2) Prevent the backflow of fluids in components during normal operation and during malfunction or failure of the component, if such backflow could cause an emergency; and

(3) Shut off the flow of fluids in components in a controllable emergency.

(b) Each valve or combination of valves must—

(1) Have a failsafe design;

(2) Operate to stop fluid flow which would endanger the operational integrity of plant equipment; and

(3) Close at a rate to avoid fluid hammer which would endanger the operational integrity of a component.

§ 193.919 Shutdown control systems.

(a) So far as practicable, shutdown control systems must operate automatically. A reasonable delay may be programmed between warning and automated shutdown to provide for manual response, but a shutdown control system must not rely only on human initiation of the system.

(b) In the case of an LNG facility where components other than a control center are designed to operate unattended, a shutdown control system must be provided at the site of the components and at the control center to safely shut down all operations in an emergency.

§ 193.921 Control center.

Each LNG facility must have a control center from which operations and warning devices are monitored as required by §§ 193.1107 and 193.911. A control center must have the following capabilities and characteristics—

(a) It must be located apart or protected from other components so that it will not be made unusable during a controllable emergency;

(b) Control rooms must be ventilated and constructed so that personnel can use them during any controllable emergency;

(c) All remote control systems must be operable from the control center.

(d) Each control center must have personnel in continuous attendance while the LNG facility is in operation.

§ 193.923 Auxiliary controls.

(a) Each isolation and shutoff valve that is operable from the control center must have auxiliary control devices, including—

(1) One control device located in the immediate vicinity of each valve; and

(2) One control device located so that operating personnel can operate the valve even though a hazard has made the control center and the valve inaccessible.

(b) Each auxiliary control device must be—

(1) Readily accessible under emergency conditions; and

(2) Conspicuously marked with its designated function.

§ 193.925 Failsafe control.

Control systems for liquefaction equipment, storage tanks, and gasification equipment must be designed so that in the event of an electrical power failure or instrument failure, the system will go into a failsafe condition that is maintained until personnel take appropriate action either to reactivate the component served or to prevent a hazard from occurring.

§ 193.927 Sources of electrical power.

Electrical control systems, means of communication, lighting, and fire fighting systems must have two separate and redundant sources of electrical power which function so that the failure of one source does not affect the capability of the other source.

Subpart K—Construction

§ 193.1001 Scope.

This subpart prescribes requirements for the construction and installation of a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.1003 General.

Components must be constructed or installed to comply with the applicable design requirements of this part using construction personnel and inspectors who are qualified by training and experience in the various phases of construction to which they are assigned.

§ 193.1005 Construction procedures.

(a) Subject to the requirements of § 193.1017, each operator shall prepare and follow written procedures for construction or installation, as the case may be, of each component. The procedures must take into account the chemical composition of the components, the environment to which the components will be exposed, and the function which the finished product will perform. The procedures for joining components designed to contain any flammable or pressurized fluid must be tested to produce a joint which complies with the design and installation requirements of this part applicable to the finished product.

(b) Each test and inspection required by this subpart must be performed in accordance with a written procedure.

§ 193.1007 Identification of critical processes.

Each operator shall determine which construction and installation processes are critical to the structural integrity and safety of components.

§ 193.1009 Qualification of construction personnel.

Subject to the requirements of § 193.1017, for performing each process identified as critical under § 193.1007 and initial testing required by this subpart, each operator shall utilize only those personnel who have demonstrated their capability to satisfactorily perform the function by—

(a) Appropriate training in the methods and equipment to be used or related experience and prior accomplishments; and

(b) Performance on any generally accepted qualification test given by the operator.

§ 193.1011 Construction inspection.

(a) In addition to the initial inspection requirements of this subpart, all construction and installation activities must be inspected as frequently as necessary to—

(1) Assure that the construction and installation of components is in compliance with all applicable requirements of this subpart;

(2) Verify compliance with the applicable material, design, fabrication, installation, and initial testing provisions of this part; and

(3) Assure that the performance of personnel involved in processes identified as critical under § 193.1007 and initial testing required by this subpart is satisfactory.

(b) In addition to the requirements of paragraph (a) of this section, the construction of concrete storage tanks must be inspected in accordance with ACI-311-75.

§ 193.1013 Qualification of inspectors.

(a) In performing inspections required by § 193.1011 and initial inspections required by this subpart, each operator shall utilize only those personnel who have demonstrated their capability to satisfactorily inspect by—

(1) Experience in inspecting or performing the function to be inspected; and

(2) Performance on a generally accepted qualification test given by the operator.

(b) Each operator shall periodically determine whether inspectors are satisfactorily performing their assigned inspections.

§ 193.1015 Cleanup.

Each operator shall clean each component of plant equipment after construction or installation to remove all detrimental contaminants which could cause a hazard during plant startup or operation.

§ 193.1017 Pipe welding.

(a) Each operator shall provide the following for welding on pressurized piping for LNG and other flammable fluids:

(1) Welding procedures and welders qualified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code;

(2) When welding materials which must be impact tested, welding procedures selected to minimize degradation of low temperature properties of the pipe material; and

(3) When welding attachments to pipe, procedures and techniques selected to minimize the danger of burn throughs and stress intensification.

(b) Oxygen fuel gas welding is not permitted on flammable fluid piping with a service temperature below −20°F (−28.9°C).

(c) Marking materials for identifying welds on pipe must be compatible with the basic pipe material.

(d) Surfaces of components that are subject to stress from internal pressure may not be field die stamped.

(e) Where die stamping is permitted, any identification marks must be made with a die having blunt edges to minimize stress concentration.

§ 193.1019 Piping connections.

(a) Piping connections must be welded, except where necessary for material transitions, instrument connections, and maintenance.

(b) Compression type couplings larger than ½ inch nominal pipe size may not be used for service temperatures below −20°F (−28.9°C).

§ 193.1021 Testing acceptance.

No person may place in service any component until it passes all inspections and tests prescribed by this subpart.

§ 193.1023 Testing, general.

(a) Each operator is responsible for testing and inspecting each component in accordance with this subpart to determine if it meets the applicable design, installation, and construction requirements of this part before placing it in operation.

(b) In establishing the test and testing procedure for each component, each operator shall take into account the potential hazard which would result from a failure of the component being tested. So far as practicable, tests must simulate operational conditions.

(c) After tests required by this subpart are completed, if welding is performed on a component to contain LNG or flammable fluid, the component must be retested.

§ 193.1025 Strength tests.

(a) A strength test must be performed on each component to determine whether the component is capable of performing the design function, taking into account—

(1) The design maximum pressure;

(2) The maximum weight of product which the component may contain or support; and

(3) The weight of ice and snow which may reasonably accumulate on the component resulting from weather and from conduction of cold from LNG or refrigerants.

(b) For piping, the test required by paragraph (a) of this section must include a pressure test conducted in accordance with Section 337 of ANSI B31.3, except that test pressures must be based on the design maximum pressure. Carbon and low alloy steel piping must not be pressure tested at metal temperatures below 35°F (1.5°C).

(c) All shells and internals of heat exchangers to which Section VIII, Division 1 or Division 2 of the ASME Boiler and Pressure Vessel Code applies must be pressure tested, inspected, and stamped in accordance therewith.

§ 193.1027 Nondestructive tests.

(a) The following welded pipe joints for LNG and flammable refrigerant service must be nondestructively tested as prescribed to indicate any defects which could adversely affect the integrity of the weld or pipe:

(1) 100 percent of all field welded and all shop welded circumferential butt-welds must be fully examined by radiographic or ultrasonic inspection;

(2) 100 percent of all field socket welds and fillet welds and all shop socket welds and fillet welds must be fully examined by liquid penetrant or magnetic particle inspection; and

(3) Where longitudinally welded pipe is used in transfer systems, 100 percent of the seam weld must be examined by radiographic or ultrasonic inspection.

(b) Load bearing metal shells of storage tanks must be radiographically tested in accordance with Section Q.7.6, API 620, Appendix Q, except that for shells of vertical cylindrical storage tanks and horizontal cylindrical, spherical, torispherical, ellipsoidal, or other surfaces of compound curvature, 100 percent of both longitudinal and meridional welds must be radiographically tested.

§ 193.1029 Leak tests.

(a) Each component must be initially tested to assure that the component will contain the product for which it is designed without leakage.

(b) Containers must be leak tested by a method appropriate to the design, construction, and maximum allowable operating pressure of the container.

(c) Shop fabricated containers and all flammable fluid piping must be leak tested to a minimum of the anticipated design maximum pressure after installation but before placing it in service.

(d) For a storage tank with vacuum insulation, the inner container, outer shell, and all internal piping must be tested for vacuum leaks in accordance with an appropriate procedure.

§ 193.1031 Testing control systems.

Each control system must be tested before being placed in service to assure that it has been installed properly and will function as required by this par.

§ 193.1033 Storage tank tests.

In addition to other applicable requirements of this subpart, metal and concrete low pressure LNG and flammable liquid storage tanks must be tested in accordance with Section Q.8 and Q.9 of API 620, Appendix Q, as applicable, except that—

(a) For the hydrostatic test, each tank must be filled with water to its maximum liquid level, and reduction of this water level in accordance with Section Q.9.1 is prohibited;

(b) For the pneumatic test, a pressure equal to 1.5 times the design maximum pressure must be applied to the gas space in the tank;

(c) The hydrostatic and pneumatic pressure tests must be maintained for a period of 36 hours after thermal stabilization;

(d) For a concrete shell, all surfaces not sealed by impervious sheeting must be tested to assure there is no leakage;

(e) For both metal and concrete tanks, a standup pressure test must be performed using multiple high precision tank pressure and temperature recorders and two precision atmospheric pressure recorders to assure that the tank is gas tight;

(f) The water test may not cause the total load on the foundation to exceed 100 percent of the design loading; and

(g) Reference measurements must be made with appropriate precise instruments to assure that lateral and vertical movement of the storage tank does not exceed predetermined design tolerances.

§ 193.1035 Inspection of materials.

Each operator shall inspect component materials to verify that they comply with the design specifications and are free of detrimental defects. The scope of the inspection must be commensurate with the hazard which would result from a failure of the component.

§ 193.1037 Construction records.

For the service life of the component concerned, each operator shall retain appropriate records of the following:

(a) Plans, specifications, and procedures for construction or installation;

(b) Each test given construction personnel and inspectors;

(c) Each inspection under § 193.1011; and

(d) Procedures for and results of tests and inspections required by this subpart.

Subpart L—Operations

§ 193.1101 Scope.

This subpart prescribes requirements for the operation of new and existing LNG facilities.

§ 193.1103 General.

(a) To operate an LNG facility, each operator shall utilize only those personnel who have demonstrated their capability to perform their assigned functions by—

(1) Appropriate training and related experience; and

(2) Performance on any generally accepted qualification test given by the operator.

(b) An operator may not permit any person to operate a component unless that person has successfully completed the training required by § 193.1115.

§ 193.1105 Operating procedures.

(a) Each operator shall prepare and follow written procedures for—

(1) Operating components;

(2) Periodically inspecting or testing components which are not continuously monitored to determine if they function in accordance with their operational or safety purposes;

(3) Responding to and correcting malfunctions of components, including taking action if—

(i) Pressure or temperature is outside operating limits; and

(ii) A component malfunctions because of contaminants;

(4) Purging and inerting components, including procedures to—

(i) Verify that the component has been adequately purged before introducing air or flammable fluids; and

(ii) Verify, as applicable, that noncombustible conditions are maintained between the out-of-service purge and the restoration of normal operation; and

(5) Cooldown of applicable components, including verifying that any cooldown fluid, if other than the system design fluid, is compatible with the materials of the component being cooled.

§ 193.1107 Monitoring operations.

Each operator shall continuously monitor those aspects of operations which significantly affect the integrity or safety of the LNG facility, including pressure and temperature, as applicable.

§ 193.1109 Emergency procedures.

(a) Each operator shall determine what controllable emergencies may reasonably be expected to occur at an LNG facility.

(b) Each operator shall prepare and follow written procedures for—

(1) Responding to controllable emergencies; and

(2) Recognizing an uncontrollable emergency and taking the necessary actions for public safety and the safety of personnel.

§ 193.1111 Personnel safety.

(a) Each operator shall determine the potential hazards to personnel involved in operating and maintenance activities and provide suitable protective clothing and equipment necessary for the safety of personnel while they are conducting their duties.

(b) Each LNG facility must have a shelter to provide protection for all personnel against thermal radiation from a burning pool of impounded liquid. The shelter must have a water supply adequate for the immersion of burned personnel.

§ 193.1113 Personnel participation.

Each operator shall develop and follow a program to verify that the personnel assigned to the operation of critical components and processes are mentally and physically able to carry out their assigned functions.

§ 193.1115 Training.

Each operator shall provide:

(a) An initial training program for operating and maintenance personnel to instruct them:

(1) About the characteristics and hazards of LNG and other flammable fluids used at the facility, including low temperatures, flammability of mixtures with air, odorless vapor, boiloff characteristics, and reaction to water and water spray;

(2) For operating personnel, in the appropriate aspects of operating plant equipment and to carry out the operating procedures under § 193.1105; and

(3) To carry out the emergency procedures under § 193.1109.

(b) A continuing training program to keep operating and maintenance personnel current on the knowledge and skills they gained in the initial training.

§ 193.1117 Transfer procedures.

(a) Each operator shall prepare and follow written procedures for the transfer of LNG and other flammable fluids between all credible combinations of process areas, impoundment systems, sump basins, storage tanks, containers, tank cars, tank trucks, marine vessels, and pipelines as are likely to occur at the LNG facility.

(b) The transfer procedures must provide for at least one person to be in constant attendance during all transfer operations.

(c) The transfer procedures must include provisions for personnel to:

(1) Verify that transfer systems have been adequately purged, if appropriate, and are ready for transfer operations with connections and controls in proper positions;

(2) Verify that the receiving vessels comply with the applicable codes and regulations for the intended use and that all transfer hoses have been visually inspected for damage or defects;

(3) Verify that the receiving vessels do not contain any substance that would be incompatible with the incoming fluid and that there is sufficient capacity available to receive the amount of fluid to be transferred;

(4) Verify the maximum filling volume of any vessel to ensure that expansion of the liquid due to warming will not result in over filling or over pressurization;

(5) Precool or cooldown transfer lines and associated equipment where applicable at a rate and distribution pattern that will not cause excess thermal stresses or damaging forces on the system, paying particular attention to expansion and contraction devices to determine that they are performing properly;

(6) Verify the acceptable flow rates and control the flow rates to prevent overpressure or overfilling with sufficient monitoring of applicable flow rates, liquid levels, vapor returns, pressures and other significant data to verify that the transfer operations are proceeding within design conditions;

(7) Determine any differences in temperature or specific gravity between the fluid being transferred to a vessel and the fluid already in the vessel when making bulk transfer and if applicable provide means to prevent stratification;

(8) Manually terminate the flow before overfilling occurs; and

(9) Deactivate cargo transfer systems in a safe manner by depressurizing, venting, and disconnecting lines and other appropriate operations.

(d) In addition to the requirements of paragraph (c) of this section, the procedures for transfer of liquids into and from tank cars and tank trucks must include provisions for personnel to:

(1) Verify that tank trucks are positioned so that they need not exit the transfer area by backing;

(2) Prohibit the backing of a tank truck in the transfer area, except when a person is positioned at the rear of the tank truck giving instructions to the driver;

(3) Verify that the vehicle engine is shut off prior to transfer operations, unless it is required for the transfer operations, and that it is not restarted until the transfer lines have been disconnected and any release vapors have dissipated;

(4) Prevent loading LNG into a tank car or tank truck which is not in exclusive LNG service, or if in exclusive service, which does not contain a positive pressure, until after the oxygen content in the container is tested and purged if it exceeds 2 percent by volume;

(5) Before connecting a transfer line and beginning the flow of liquid, verify that a tank car or tank truck has been immobilized, secured, and electrically grounded, and for tank cars and tank vehicles which are top loaded through an open dome, electrically bonded to the fill piping or grounded prior to opening the dome in accordance with Section 550 of NFPA–77;

(6) Verify that all transfer lines have been disconnected and equipment cleared before the vehicle is moved from the transfer position; and

(7) Verify that transfers into pipeline systems will not exceed the pressure or temperature limits of the system.

(e) An operator may not begin a marine transfer until:

(1) The officer-in-charge of the vessel and the person-in-charge of the shore terminal have:

(i) Inspected their respective facilities to ensure that transfer equipment is compatible and in proper operating condition;

(ii) Met and approved the transfer procedure;

(iii) Verified that adequate ship-to-shore communications exist; and

(iv) Reviewed emergency procedures; and

(2) The operator determines that the loading and unloading of general cargo and bunkering will be performed under strict supervision to prevent development of potential hazards when transfer operations are in progress.

§ 193.1119 Protecting transfer operations.

During cargo transfer operations, personnel and warning signs or barricades must be used to:

(a) Protect the transfer area from sources of ignition, including sparking tools, static electricity, smoking, and open flames; and

(b) Prohibit vehicle traffic near transfer lines and manifolds.

§ 193.1121 Investigation of failures.

(a) Each operator shall investigate and determine the cause of each malfunction of a component which results, or could have resulted, in:

(1) Death or personal injury requiring hospitalization; or

(2) A threat to the operational integrity or safety of the LNG facility.

(b) Each operator shall take appropriate corrective action as a result of such investigations and except for a malfunction reported in a leak report under Part 191 of this chapter, report the incident to the Secretary within 30 days.

§ 193.1123 Security; procedures and personnel.

(a) Each operator shall prepare and follow written procedures to provide security for each LNG facility. The procedures must include, at least:

(1) A plan and description of the facility depicting the function and characteristics of all critical components.

(2) Normal operating temperatures and pressure ranges of critical components.

(3) Characteristics of potential hazards involving a critical component caused by malfunctions or damage.

(4) Personnel duties, stating the nature and frequency, as applicable, or security checks and inspections.

(5) Instructions for actions to be taken, including notification of other facility personnel and public officials, in the event of a:

(i) Potential and actual operational irregularity;

(ii) Potential and actual breach of security; and

(iii) Potential and actual emergency.

(6) Liaison with appropriate public officials, including police and fire officials, notifying them of the plans and procedures for security.

(7) Alternative means of notifying police and fire officials when a breach of security occurs.

(b) Personnel responsible for maintaining security at an LNG facility must be:

(1) Appropriately trained to carry out the security procedures under paragraph (a) of this section.

(2) Physically capable, and properly equipped to perform all functions of their assigned duties; and

(3) Familiar with plant functions and emergency procedures.

§ 193.1125 Security; enclosures required.

(a) Except as provided in paragraph (c) of this section, an LNG facility must be surrounded by a protective enclosure which is designed, operated, and maintained in accordance with this subpart to prevent unauthorized access to the facility.

(b) The enclosure must be located a sufficient distance from each of the following critical components to minimize the opportunity for sabotage, or intentional damage to a component, but not less than the minimum distance from the critical component to the site boundary prescribed by § 193.123:

(1) Storage tank;

(2) Processing equipment,

(3) Gasifier,

(4) Transfer piping;

(5) Cargo transfer system;

(6) Control systems and center,

(7) Fire protection equipment,

(8) Hazardous materials storage area.

(c) Paragraph (a) of this section does not apply to: (1) A component which is:

(i) Outside the general plant area; and

(ii) Protected by a separate enclosure in accordance with this subpart; and

(2) A component which:

(i) Is located within a building used primarily for purposes other than housing the component; and

(ii) Is either: (A) Continuously monitored by operating personnel who maintain communications with personnel at other locations in a manner designed to provide a warning of potential danger to the component; or

(B) Protected against unauthorized access by locked entries.

§ 193.1127 Security; enclosure design.

(a) A protective enclosure must have sufficient strength and be constructed and maintained in a manner to protect against unauthorized entry.

(b) Ground elevation outside an enclosure must be graded in a manner that will not impair the effectiveness of the enclosure.

(c) Culverts, gullys, or depressions necessary for drainage under an enclosure must be blocked by fixed grating or grills capable of providing security equal to that of the enclosure.

(d) An enclosure may not be located near topographical features, such as trees, poles, or buildings, which could be used to breach the security afforded by the enclosure.

§ 193.1129 Security; enclosure accesses.

(a) At least two accesses, located so that escape routes will be the safest for personnel in the event of an emergency, must be provided in enclosures having a perimeter length up to 200 feet. One additional access located for maximum safety of escape must be provided for each additional 200 feet of enclosure length, except that an access need not be provided where it only would reduce the distance for escape by less than 10 percent or change the direction for escape by less than 22.5°.

(b) When an LGN facility is in operation, each enclosure access must be locked except when guarded, during passage of authorized personnel, and in an emergency. During normal operations, an enclosure access may be unlocked only by persons designated by the operator to maintain the security of the enclosure. During an emergency, a means must be available to each person within the enclosure to unlock each enclosure access.

(c) Where enclosure accesses are guarded:

(1) A guard must be in continuous attendance to prevent unauthorized access to the facility; and

(2) A means must be provided for direct communication between the access guard and personnel at other locations.

§ 193.1131 Security; lighting.

In addition to lighting required for operation, each LNG facility must be sufficiently lighted to provide for inspecing the condition of each critical component and to monitor the facility area for trespass.

§ 193.1133 Security; monitoring.

(a) Each LNG facility must be continuously monitored within the enclosure for the presence of unauthorized personnel and malfunctioning critical components.

(b) Where critical components and the facility area are not monitored by direct visual observation, closed circuit television with directionally controllable cameras must be used.

(c) In addition to the requirement of paragraph (b) of this section, each LNG facility with a storage capacity of 250,000 barrels, or more, of LNG, must be monitored with security warning systems which operate based on circuit continuity, induction fields, photoelectrics, proximity sensors, or similar detection principles.

§ 193.1135 Security; warning signs.

(a) Where the boundary of the exclusion zone of an LNG facility is located outside the protective enclosure, warning signs must be placed along the boundary so that anyone approaching the site will have a clear indication of:

(1) The presence of an LNG facility;

(2) The location of the exclusion zone boundary; and

(3) Potential hazards associated with the exclusion zone.

(b) Warning signs must be conspicuously placed along each protective enclosure, at intervals so that at least one sign is recognizable during daylight from a distance of 100 feet from any point of approach to the enclosure. Signs must be marked with the following on a background of sharply contrasting color:

(1) The words "Warning," "Liquefied Natural Gas Facility," and "Do Not Trespass," or words of comparable meaning.

(2) The name of the operator and the telephone number where the operator can be reached at all times.

§ 193.1137 Maximum allowable operating pressure.

(a) Each operator shall determine the maximum and minimum allowable operating pressure of components containing hazardous fluids.

(b) A component may not operate outside the limits of its maximum and minimum allowable operating pressures during normal operation.

§ 193.1139 Purging.

(a) Components that could accumulate significant amounts of combustible mixtures must be purged in a safe manner after being taken out of service and before being returned to service.

(b) During purging operations, a component must be checked to assure that a combustible mixture is not produced.

§ 193.1141 Operating records.

Each operator shall maintain daily records to describe the actual performance of critical components.

Subpart M—Maintenance

§ 193.1201 Scope.

This subpart prescribes requirements for maintaining new and existing LNG facilities.

§ 193.1203 General.

(a) Each component must be maintained in a condition that—(1) is compatible with its operational or safety purpose; and (2) Provides protection against contaminants, deterioration, and misalignment with other components that would impair its operational or safety purpose.

(b) Each operator shall repair, replace, or remove any component which does not meet its operational or safety purpose.

(c) When repairs are made while a component is operating, each operator shall take appropriate precautions to maintain the safety of the facility and personnel during repair activities.

(d) To the greatest extent practicable, repair work must comply with the applicable construction requirements of Subpart K of this part.

§ 193.1205 Maintenance procedures.

(a) Subject to other applicable requirements of this subpart, each operator shall determine and perform consistent with generally accepted engineering practices, the periodic inspections or tests needed to verify that components meet the maintenance standards prescribed by this subpart. A periodic inspection or test must establish the following, as applicable:

(1) Whether a component is compatible with its operational or safety purpose;

(2) Whether a component is being subjected to blockage by foreign material, contaminants, or ice;

(3) Whether each control system is properly adjusted;

(4) Whether any foundation, whose failure could reasonably be expected to cause a significant hazard, has experienced a detrimental change; and

(5) Whether a power source is sufficient to supply all connected equipment, taking into account simultaneous operations and startup.

(b) Each operator shall prepare and follow written maintenance procedures which prescribe the details of the inspections or tests determined under paragraph (a) of this section and their frequency of performance.

§ 193.1207 Maintenance of fire fighting equipment.

All fire fighting equipment must be inspected and maintained in accordance with the manufacturers recommendations and Chapter 5 of NFPA Standard 10.

§ 193.1209 Isolating and purging.

Components which are isolated for maintenance must be purged of hazardous fluids before personnel begin maintenance activities. If the component or maintenance activity provides an ignition source, a method, in addition to an isolation valve, must be used to prevent leakage of a hazardous fluid into the component.

§ 193.1211 Testing repairs.

So far as practicable, each operator shall test repaired components according to the requirements of Subpart K of this part under which the component was initially tested.

§ 193.1213 Contaminants.

(a) Each operator shall determine—(1) The components of plant equipment in which contaminants may accumulate to impair the operational or safety purpose of the component; (2) The types of contaminants which may accumulate in each component; and (3) The effect on components of the accumulation of contaminants.

(b) Each operator shall periodically inspect or test for contaminants in components identified under paragraph (a) of this section and remove any accumulation of contaminants which could impair the operational or safety purpose of the components.

§ 193.1215 Testing control systems.

After an initial test under § 193.1031, each control system must be subsequently inspected and tested as frequently as needed to verify that each system stays within design requirements, but at intervals not exceeding 12 months and before returning to service after a shutdown of one month or more.

§ 193.1217 Testing transfer hoses.

Hoses used in LNG or flammable refrigerant transfer systems must be tested at intervals not exceeding 12 months to the maximum pump pressure or relief valve setting and must be visually inspected for damage or defects before each use.

§ 193.1219 Inspecting storage tanks.

Each new storage tank in operation must be inspected using appropriate instruments, as prescribed, to assure that each of the following conditions is not a potential hazard to the structural integrity or safety of the tank:

Condition	Inspection
(1) Vertical and lateral movement, distortion, and other dislocation of the foundation, tank structure, and transfer lines.	At 3-month intervals for first 3 years of service, thereafter at 12-month intervals, and within a week after a major meteorological or geophysical disturbance, using reference monuments and theodolites.
(2) Stratification of cryogenic liquids.	Before and after each addition of LNG to tank but at least at 3-month intervals, using (1) sample lines at vertical intervals not more than 10 percent of design height of liquid, and (2) appropriate analyzers.
(3) Thermal gradients in tank structure.	At 3-month intervals and when cold spots are evident, using thermocouples, infrared scanners, or similar devices.

§ 193.1221 Maintenance records.

Each operator shall keep a record of the date and type of each maintenance activity performed on each component as required by this subpart, including periodic tests and inspections, for 5 years after the activity.

Subpart N—Fire Prevention

§ 193.1301 Scope.

This subpart prescribes requirements for design and performance of fire prevention and fire protection equipment, systems, and methods for new and existing LNG facilities.

§ 193.1303 General.

Each operator shall provide fire protection equipment, systems, and methods to comply with this subpart. To the extent practicable, an LNG facility must be operated and maintained in a manner that will minimize—

(a) The potential for the accidental release of flammable liquids or gases;

(b) The incidence of fires; and

(c) The consequences of a fire should it occur.

§ 193.1305 Fire prevention plan.

(a) Each operator shall determine—

(1) In consultation with local fire department officials, the potential causes of fires which could affect each LNG facility; and

(2) Those areas of an LNG facility where the potential exists for the presence of flammable liquids or gases in accordance with Section 500–4 of NFPA–70.

(b) Each operator shall prepare and follow written fire prevention procedures to—

(1) Post areas determined under paragraph (a)(2) of this section with warning signs;

(2) Reduce to a minimum the leakage or release of flammable liquids or gases;

(3) Prohibit smoking, open fires, and other similar ignition sources except in designated and properly posted area;

(4) Prohibit welding, cutting, and similar operations except at times and places specifically authorized and constantly supervised in accordance with Section 4 of NFPA–51B;

(5) Prohibit the storage of flammable or combustible materials in areas with ignition sources;

(6) Purge piping or a container of a combustible mixture when it is being placed into, returned to, or taken out of service; and

(7) Prohibit vehicles and other mobile equipment which constitute potential ignition sources in the area of process equipment containing LNG, flammable liquids, or flammable refrigerants except when specifically authorized and under constant supervision.

§ 193.1307 Fire fighting plan.

(a) Each operator shall determine the types of potential fires within the LNG facility, the predictable consequences of these fires, and the potential subsequent failures which could add to the consequences of these fires.

(b) Each operator shall prepare and follow detailed procedures to cover potential fire emergencies with emphasis on cutting off the flows of potential fuels, isolation of equipment and containers of fuels, depressuring endangered pressurized equipment, and other applicable steps to cut off or reduce the escape of gas or liquid.

(c) Each operator shall provide five fighting protection for components whose failure due to fire exposure could cause an emergency. The protection must be located near the places determined under paragraph (a) of this section and include at least the following.

(1) Portable or wheeled fire extinguishers suitable for gas fires, preferably of the dry chemical type, which meet the requirements of Chapter 4 of NFPA–10; and

(2) If the total inventory of LNG and flammable refrigerants is more than 2,000 barrels, water supply and associated equipment, adequate for the purpose of protecting cooling equipment and piping, and controlling unignited leaks and spills.

(d) The design of the water supply system and the method of water distribution for fire protection must be determined by the fire exposure, both within and external to the facility, and in accordance with good fire protection practices for LNG facilities.

(e) Each operator shall provide LNG facility personnel suitable protective clothing and equipment for use in fire fighting operations. Self-contained breathing apparatus must be available if appropriate.

(f) All emergency controls and fire fighting equipment must be conspicuously located and marked for easy recognition and accessibility. Any special or precautionary instructions for their use must be placed at the equipment location.

(g) Each operator shall provide portable flammable gas indicators and make them readily availble for use by the LNG facility personnel within process areas.

§ 193.1309 Coordination with public safety agencies.

Each operator shall cooperate with local fire departments, law enforcement agencies, and civil defense agencies in fire fighting and handling other emergencies at the LNG facility. Such cooperation must include familiarization with the LNG facilities, familiarization with potential hazards at the facility, including potential causes and areas of fires determined under § 193.1305(a) and determinations under § 193.1307(a), coordination of respective fire fighting efforts, direct communications, and public protection and control

§ 193.1311 Training.

Each operator shall establish, implement, and maintain a program of instruction necessary to have all LNG facility personnel appropriately trained to—

(a) Know and obey the fire safety rules and plans of this subpart that relate to their assignments;

(b) Recognize potential causes and areas of fires determined under § 193.1305(a), predictable consequences and failures determined under § 193.1307(a), and breaches of security affecting both the facilty and personnel; and

(c) Know and be able to perform their assigned duties according to the established procedures for fire fighting.

§ 193.1313 Records.

(a) Each operator shall establish a system of records which—

(1) Provides evidence that the training programs required by § 193.1311 have been implemented and maintained; and

(2) Provides evidence that personnel who have undergone the required training programs have satisfactorily attained the proficiency goals of such programs.

(b) Records must be maintained until 3 years after personnel are not assigned duties at the facility.

Subpart O—Corrosion Control

§ 193.1401 Scope.

This subpart prescribes requirements for the protection of new and existing LNG facilities from external, internal, and atmospheric corrosion to provide for the integrity and reliability of facilities over their service life.

§ 193.1403 General.

Each operator shall prepare and follow corrosion control procedures to meet the requirements of this subpart. These procedures, including those for the design, installation, operation, and maintenance of cathodic protection systems, must be carried out by, or under the direction of, a person qualified by experience and training in corrosion control methods.

§ 193.1405 Corrosion control overview.

An LNG facility may not be constructed, replaced, or repaired until a person described in § 193.1403 reviews the applicable design drawings and material specifications to assure that the materials involved will not imperil the safety or reliability of the facility from a corrosion control viewpoint.

§ 193.1407 Atmospheric corrosion control.

Except for materials specifically designed to prevent atmospheric corrosion, each component whose integrity or reliability could be adversely affected by atmospheric corrosion must be protected by a suitable coating or jacketing material.

§ 193.1409 External corrosion control: buried or submerged components.

(a) Except for components that are protected from external corrosion specifically by material design and selection, each metal component, including any metal reinforcing material, that is in direct contact with soil, water, concrete, sand, or gravel must be protected from detrimental corrosion that may impair its operational integrity or reliability. The protection must include in the contacted area—

(1) An external protective coating designed and installed to prevent corrosion attack and to meet the requirements of § 192.461 of this Chapter; and

(2) Except for reinforcing material located above ground in concrete, a supplemental cathodic protection system designed to protect the component in its entirety in accordance with Appendix D to Part 192 of this Chapter, placed in operation immediately after installation.

(b) Where cathodic protection is applied, components that are electrically interconnected must be protected as a single unit.

§ 193.1411 Internal corrosion.

Each operator shall determine which components are subject to internal corrosive attack, and take appropriate steps to protect the components against failure due to internal corrosion.

§ 193.1413 Environmentally induced cracking.

To the extent practical under available technology, each component must be protected from failure resulting from, or a combination of, corrosion fatigue, stress corrosion cracking, hydrogen embrittlement, and hydrogen stress cracking.

§ 193.1415 Interference currents.

(a) Each LNG facility that is subject to electrical current interference must have in effect a continuing program to minimize the detrimental effects of currents.

(b) Each cathodic protection system must be designed and installed so as to minimize any adverse effects it might cause to adjacent metallic components.

(c) Each impressed power source must be filtered at input and output circuits to prevent unintended interference with control networks.

§ 193.1417 Contaminants.

Each component must be cleaned of contaminants before being placed in operation or returned to operation, including the following:

(a) The operator shall determine the effect of each contaminant or combination thereof on the mechanical behavior of the material.

(b) All flux residues used in brazing or soldering must be removed from the joints and the base metal to prevent corrosive solutions from being formed.

(c) All solvent type cleaners must be tested to ensure that they will not damage equipment integrity or reliability.

(d) Alloy welded joints must be protected against weld decay and carbide precipitation in the heat affected zone.

(e) Incompatible chemicals must be removed.

(f) All contaminants must be captured and disposed of in a manner that does not reduce the effectiveness of corrosion protection and monitoring provided as required by this subpart.

§ 193.1419 Monitoring corrosion control.

Corrosion protection provided as required by this subpart or provided by material design and selection must be monitored for early recognition of ineffective corrosion protection, including the following, as applicable:

(a) Each critical bond installed to correct electrical current interference problems must be tested at intervals not exceeding 2 months to assure that it is performing its function.

(b) Each critical reverse current switch or diode installed to correct electrical current interference problems must be tested at intervals not exceeding 2 months to assure that it is performing its function.

(c) External and atmospheric corrosion protection must be evaluated at intervals not exceeding 6 months to determine its adequacy.

(d) Internal corrosion protection must be monitored at intervals not exceeding 4 months to determine its adequacy.

(e) Each device used to determine the adequacy of internal corrosion protection, such as coupons or probes, must be located where corrosion occurs, not midstream or flow center.

(f) Each component must be monitored periodically to determine the adequacy of protection provided against environmentally induced cracking under § 193.1413.

(g) Except for a failure reported in a leak report under Part 191 of this chapter, each component failure caused by corrosion which occurs before the end of the component's service life must be reported to the Secretary within 30 days after the failure.

(h) Each cleaning solution used to wash components must be checked for contaminants that can increase corrosion rates.

(i) Corrosion rate data must be obtained annually for external, internal, and atmospheric corrosion attack and used to adjust protection systems as necessary.

§ 193.1421 Remedial measures.

Prompt corrective or remedial action must be taken whenever an operator learns by inspection or otherwise that atmospheric, external, or internal corrosion or environmentally induced cracking is not controlled as required by this subpart.

§ 193.1423 Corrosion control records.

(a) Each operator shall maintain records or maps to show the location of cathodically protected components, neighboring structures bonded to the cathodic protection system, and corrosion protection equipment.

(b) Each of the following records must be retained for as long as the LNG facility remains in service:

(1) Each record or map required by paragraph (a) of this section.

(2) Records of each test, survey, or inspection required by this subpart, in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist.

APPENDIX A

I. LIST OF ORGANIZATION AND ADDRESSS

A. American Concrete Institute (ACI), P.O. Box 19150, Redford Station, Detroit, Michigan 48219.

B. American Gas Association (AGA), 1515 Wilson Boulevard, Arlington, Virginia 22209.

C. American National Standards Institute (ANSI), 1430 Broadway, New York, New York 10018.

D. American Petroleum Institute (API), 1801 K Street, NW., Washington, D.C. 20006.

E. American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, New York 10017.

F. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

G. National Fire Protection Association (NFPA), 470 Atlantic Avenue, Boston, Massachusetts 02210.

II. DOCUMENTS INCORPORATED BY REFERENCE

A. American Concrete Institute (ACI)

1. ACI Standard 311–75 "Recommended Practice for Concrete Inspection," 1975 edition, (ANSI A188.2).

2. ACI Standard 318–71 "Building Code Requirements for Reinforced Concrete," 1971 edition, (ANSI A89.1).

3. ACI Standard 67–40 "Design and Construction of Circular Prestressed Concrete Structures," 1970 edition.

B. American Gas Association (AGA)

1. "American Gas Association Project IS–3–1, LNG Safety Program, Interim Report on Phase II Work," July 1, 1974.

C. American National Standards Institute (ANSI)

1. ANSI B31.3 "Petroleum Refinery Piping," 1973 edition.

D. American Petroleum Institute (API)

1. API Standard 620 "Recommended Rules for Design and Construction of Large, Welded, Low Pressure Storage Tanks," Fifth edition, July 1973, (ANSI B184.1).

E. American Society of Mechanical Engineers (ASME)

1. ASME Boiler and Pressure Vessel Code Section I, Power Boilers, 1974 edition.

2. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, Pressure Vessels; Division 2, Alternative Rules, Pressure Vessels, 1974 edition.

3. ASME Boiler and Pressure Vessel Code, Section IX, Welding and Brazing Qualifications, 1974 edition.

F. International Conference of Building Officials

1. Uniform Building Code, 1976 edition.

G. National Fire Protection Association (NFPA)

1. NFPA Standard 10 "Installation, Maintenance and Use of Portable Fire Extinguishers," 1975 edition.

2. NFPA Standard 37 "Stationary Combustion Engines and Gas Turbines," 1975 edition.

3. NFPA Standard 51B "Fire Prevention in Use of Cutting and Welding Processes," 1976 edition.

4. NFPA Standard 70 "National Electrical Code," 1975 edition.

5. NFPA Standard 77 "Recommended Practice on Static Electricity," 1972 edition.

[FR Doc.77–11359 Filed 4–20–77;8:45 am]

federal register

THURSDAY, APRIL 21, 1977

PART IV



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

STUDENT ASSISTANCE PROGRAMS

Public Meetings on Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 168, 175, 176, 178, 178a, and 190]

STUDENT CONSUMER INFORMATION; STATE STUDENT ASSISTANCE TRAINING; STUDENT ELIGIBILITY; PROCEDURES FOR LIMITATION, SUSPENSION, OR TERMINATION OF INSTITUTIONAL ELIGIBILITY

Public Meetings on Notices of Proposed Rulemaking

AGENCY: Office of Education, HEW.

ACTION: Notice of public meetings on proposed rules.

SUMMARY: Notices of Proposed Rulemaking were published in the FEDERAL REGISTER of April 8, 1977 (42 FR 18738–18752) concerning the following subjects: 1. Institutional and Financial Assistance Information for Students (Student Consumer Information) (issued under authority of section 131(b), Pub. L. 94–482, the Education Amendments of 1976);

2. Incentive Grants for State Student Financial Assistance Training Programs (issued under authority of section 131 (b), Pub. L. 94–482);

3. Eligibility for Student Assistance (issued under authority of section 132, Pub. L. 94–482); and

4. Procedures for Limitation, Suspension, or Termination of Institutional Eligibility for programs under Title IV of the Higher Education Act of 1965, as amended (issued under authority of section 133(a), Pub. L. 94–482).

This document schedules public meetings on these proposed rules.

DATES: Public meetings will be held in six HEW regions. The date and time for each meeting follow:

REGION I

May 4, 1977, 9 a.m. to 5 p.m.

REGION III

May 2, 1977, 9 a.m. to 5 p.m.

REGION IV

May 2, 1977, 9 a.m. to 5 p.m.

REGION V

May 6, 1977, 9 a.m. to 5 p.m.

REGION VI

May 4, 1977, 8:30 a.m. to 4:30 p.m.

REGION IX

May 6, 1977, 9 a.m. to 5 p.m.

ADDRESSES: The public meetings will be held at the following locations:

REGION I

Boston, Massachusetts, at Northeastern University, 360 Huntington Avenue, 011 Student Center, Ballroom.

REGION III

Washington, D.C., at Howard University, Georgia Avenue at Harvard Street NW., School of Social Work, Auditorium.

REGION IV

Atlanta, Georgia, at Morris Brown College, 643 Martin Luther King, Jr. Drive SW., Hickman Student Center, Cunningham Auditorium.

REGION V

Chicago, Illinois, at Bismarck Hotel, Randolph and LaSalle Streets, Green Briar Room.

REGION VI

Austin, Texas, at the University of Texas at Austin, 26th and Red River Streets, Joe C. Thompson Conference Center, Room 2–102.

REGION IX

San Francisco, California, at University Extension Center, 55 Laguna Street, Auditorum, Room 202.

Send comments on the proposed rules to Mr. John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Room 3030, Regional Office Building 3, 7th and D Street SW., Washington, D.C. 20202, 202–245–9873.

FOR FURTHER INFORMATION CONTACT:

REGION I

Dr. Russell Ruffino, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, John F. Kennedy Federal Building, Boston, Massachusetts 02203, 617–223–7229.

REGION III

Dr. S. Kirkwood Yarman, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, P.O. Box 13716, 3535 Market Street, Philadelphia, Pennsylvania 19101, 215–596–1030.

or

Dr. Richard L. McVity, Chairman, Task Force on Regulations, Bureau of Postsecondary Education and Bureau of Student Financial Assistance, Office of Education, HEW, Regional Office Building 3, Room 3662, 7th and D Streets SW., Washington, D.C. 20202, 202–472–4585.

REGION IV

Dr. Carmelo L. Battaglia, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, Room 555, 50 Seventh Street NE., Atlanta, Georgia 30323, 404–881–2891.

REGION V

Dr. Peter S. Mousolite, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, 300 South Wacker Drive, Chicago, Illinois 60606, 312–353–0198.

REGION VI

Dr. Carroll V. Galbreath, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, 1200 Main Tower Dallas, Texas 75202, 214–655–3811.

REGION IX

Dr. Warren R. Tappin, Jr., Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102, 415–556–7918.

SUPPLEMENTARY INFORMATION:

INSTRUCTIONS FOR COMMENTS

Comment procedures for these proposed rules are as follows:

1. Interested persons desiring to comment on any or all of these proposed rules during a particular hearing should register before the hearing by writing or telephoning the contact person for the city where they wish to be heard. Preference will be given to those who register by April 28, 1977, but efforts will also be made to accommodate those who register on the day of the hearing.

2. Since the Commissioner anticipates that a substantial number of persons will wish to comment at these meetings, it would be appreciated if oral presentations were limited to 15 minutes. Because the oral presentation by any person will be limited, submission of written comments is also encouraged. These should be addressed to the address indicated for comments at the beginning of this preamble.

3. Persons who register or submit written comments should provide their name, address, telephone number, and (if appropriate) the name of the organization they represent. In order to permit the widest possible participation, organizations are requested to have a representative make comments at only one of these meetings.

AVAILABILITY OF MEETING RECORDS FOR PUBLIC INSPECTION

Records of the meetings and materials submitted at each meeting will be available for public inspection in Rooms 3030 and 3661, Regional Office Building 3, 7th and D Streets SW., Washington, D.C., and in the respective Regional Offices.

Dated: April 13, 1977.

ERNEST L. BOYER,
United States Commissioner of Education.

[FR Doc.77–11524 Filed 4–20–77;8:45 am]

federal register

THURSDAY, APRIL 21, 1977

PART V

POSTAL SERVICE

PRIVACY ACT OF 1974

Systems of Records

POSTAL SERVICE

Privacy of Information Systems of Records

AGENCY: Postal Service.

ACTION: Final Notice of Systems of Records.

SUMMARY: This document makes final the previously published notice of the existence and character of six systems of records maintained by the Postal Service.

DATES: Effective date: April 21, 1977.

ADDRESSES:
Records Officer
U.S. Postal Service
Washington, D.C. 20260

FOR FURTHER INFORMATION CONTACT: Mr. John Finlay, (202) 245-4142.

SUPPLEMENTARY INFORMATION: On February 24, 1977, the Postal Service published for comment in the Federal Register (42 FR 10955) an initial notice of the existence and character of six systems which had not previously been considered "systems of records" under the terms of 5 U.S.C. 552a(a)(5). No comments regarding these systems were received. Accordingly, after a review of the proposed text, the Postal Service has determined to give final notice of the existence and character of the following systems:

(1) USPS 030.030, Equal Employment Opportunity—EEO Administration Litigation Case Files.

(2) USPS 120.220, Personnel Records—Arbitration Case Files.

(3) USPS 120.230, Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files). (Previously announced as "USPS 120.230, Personnel Records—Adverse Actions (Administrative Litigation Case Files).")

(4) USPS 120.240, Personnel Records—Garnishment Case Files.

(5) USPS 190.010, Labor Law Civil Action—Civil Action Case Files.

(6) USPS 200.020, Non-Mail Monetary Claims—Monetary Claims Involving Present or Former Employees (case files). (Previously announced as "USPS 120.250, Personnel Records—Monetary Claims Involving Present or Former Employees (case files).")

The redesignated statements of existence and character of systems 120.230 and 200.020 appear below. The original statements of existence and character of systems 030.030, 120.220, 120.240, and 190.010 appear at 42 FR 10955-10957.

Roger P. Craig,
Deputy General Counsel.

USPS 120.230

System name: Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files) 120.230.

System location: Law Department, Regional and National Headquarters.

Categories of individuals covered by the system: Employees involved in Veterans' Appeal and other adverse action appeals.

Categories of records in the system: (a) Formal pleadings and memoranda of law (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records

Authority for maintenance of the system: 39 USC 401, 409(d)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—This information is used to provide legal advice and representation to the Postal Service. Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form, original or copies, preprinted or handwritten forms.

Retrievability: By name of litigant(s).

Safeguards: Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

Retention and disposal: These case files are maintained for three (3) years following close of matter.

System manager(s) and address: General Counsel, Law Department, Headquarters.

Notification procedure: Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

Record access procedures: See "System Manager" above.

Contesting record procedures: See "System Manager" above.

Record source categories: (a) Employees involved in Veterans Appeals and other adverse actions appeals; (b) Counsel(s) or other representative(s) for parties in administrative litigation other than Postal Service; (c) Other individuals involved in appeals. Source documents include the formal case file, and other records relevant to the case.

USPS 200.020

System name: Non-Mail Monetary Claims—Monetary Claims involving Present or Former employees (case files), 200.020.

System location: Law Department, Headquarters; Regional Counsel Offices, Regional Headquarters.

Categories of individuals covered by the system: Individuals involved in monetary claims cases.

Categories of records in the system: (a) Formal pleadings and memoranda of law; (b) Other relevant documents (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

Authority for maintenance of the system: 39 USC 401, 409(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—This information is used to provide legal advice and representation to the Postal Service. Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form, original or copies, preprinted or handwritten forms.

Retrievability: By name of litigant(s).

Safeguards: Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

Retention and disposal: These case files are maintained for three (3) years following close of matter.

System manager(s) and address: General Counsel, Law Department, Headquarters.

Notification procedure: Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

Record access procedures: See "System Manager" above.

Contesting record procedures: See "System Manager" above.

Record source categories: (a) Individuals involved in monetary claims cases; (b) Counsel(s) or other representatives for parties in litigation other than Postal Service. Source documents include records relevant to the case.

[FR Doc.77-11501 Filed 4-20-77;8:45 am]

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PRIVACY ACT ISSUANCES, 1976 COMPILATION

Quantity		Price	Amount
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federal register

FRIDAY, APRIL 22, 1977

highlights

PRINCIPAL EXECUTIVE BRANCH OFFICIALS OF THE ADMINISTRATION OF JIMMY CARTER

The Office of the Federal Register will publish supplement 3 to the U.S. Government Manual on May 2. This supplement will be a separate part in the FEDERAL REGISTER. Executive agencies may obtain copies by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office no later than April 28. Copies may also be purchased for 75 cents from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

SUNSHINE ACT MEETINGS 20880

SUMMER PROGRAM FOR ECONOMICALLY DISADVANTAGED YOUTH
Labor sets forth procedures for applying for assistance; effective 5–23–77 (Part II of this issue) 20905

TRAINING PROJECTS
HEW/HDO announces closing dates of 5–13 and 5–20–77 for receipt of applications (2 documents) 20860, 20861

FLOOD HAZARD AREAS
FRS allows State member banks to make certain real estate loans in communities not participating in the National Flood Insurance Program 20815

RADIO BROADCAST SERVICES
FCC permits use of horizontal, elliptical, or circular polarization for television broadcasts; effective 5–20–77 .. 20820

GENERALIZED SYSTEM OF PREFERENCES
Office of the Special Representative for Trade Negotiations publishes descriptive list of articles and other information (Part III of this issue) 20913

NEW ANIMAL DRUGS
HEW/FDA approves safe and effective use of lenperone hydrochloride injection for treating cats, and certain combinations of bambermycin's in the feed of broiler chickens (2 documents); effective 4–22–77 20817

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Labor/W&H—Virgin Islands; minimum wage rates..... 18588; 4–8–77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

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GOVERNMENT IN THE SUNSHINE
CEQ adopts open meeting requirements; effective 4–19–77 ..... **20818**

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HEW/HDO notice on grant administration policies and procedures (Part V of this issue) **21045**

WHEAT
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HELIUM SALES
Interior/Mines proposes to establish list of prices and charges; comments by 5–23–77 ..... **20837**

HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Agriculture Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to show that one position of Private Secretary to the Administrator, Federal Grain Inspection Service, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:
William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3313(u)(1) is added to read as follows:

§ 213.3313 Department of Agriculture.

* * * * *

(u) *Federal Grain Inspection Service.*

(1) One Private Secretary to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11712 Filed 4–21–77;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President; Office of Management and Budget

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to show that the following positions are excepted under Schedule C because they are confidential in nature: One position of Secretary to each of two Assistant Directors and one position of Secretary to the Special Assistant to the Deputy Director. This section is further amended to show that one position of Associate Director and one position of Assistant Director are deleted under authority of Executive Order 11715 of May 23, 1973.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:
William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3303(a)(4) is revoked, (a) (7) and (8) are amended, and (a)(17) is added as set out below:

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.*

* * * * *

(4) (Revoked)

* * * * *

(7) Three Assistant Directors.

(8) One Secretary to each of three Assistant Directors.

* * * * *

(17) One Secretary to the Special Assistant to the Deputy Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11714 Filed 4–21–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Judicial Center

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Secretary (Stenography) to the Deputy Director because of the confidential nature of the position.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:
William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3311(a) is added as set out below:

§ 213.3311 Federal Judicial Center.

(a) One Secretary (Stenography) to the Deputy Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11713 Filed 4–21–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Counselor to the Secretary, Office of the Secretary, Department of Housing and Urban Development.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:
James E. Farley, 202–632–5446.

Accordingly, 5 CFR 213.3384(a)(63) is amended as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(63) Counselor to the Secretary, Office of the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11529 Filed 4–21–77;8:45 am]

PART 213—EXCEPTED SERVICE

International Trade Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to show that the Chairman and Vice Chairman are hereinafter referred to as Commissioners in paragraphs (a) and (b) respectively.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:
William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3339 (a) and (b) are amended to read as follows:

§ 213.3339 U.S. International Trade Commission.

(a) One Confidential Assistant, one Secretary, one Administrative Assistant, and one Staff Assistant (Legal) to a Commissioner.

(b) One Staff Assistant (Legal) and two Staff Assistants to a Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11715 Filed 4–21–77;8:45 am]

PART 213—EXCEPTED SERVICE

Pennsylvania Avenue Development Corp.

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment revokes Schedule A exception of six positions on the Corporation's staff since these positions no longer exist. This action brings the FEDERAL REGISTER up to date.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3195 is revoked as follows:

§ 213.3195 [Revoked]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–11530 Filed 4–21–77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 11]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule allows Puerto Rico and the Virgin Islands to use a statistical survey to determine the number of children eligible for free and reduced price meals and free milk. The results of such a statistical survey would become the basis on which a percentage factor for special cash assistance funds withdrawal would be developed. This rule eliminates for Puerto Rico and the Virgin Islands the taking of individual family applications since all children are served free meals regardless of economic need.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Boling, Manager, Child Nutrition Programs, USDA, Washington, D.C. 20250, 202–447–8130.

SUPPLEMENTARY INFORMATION: On December 14, 1976 there was published in the FEDERAL REGISTER (41 FR 54493) a proposed amendment to the regulations governing the determination of eligibility for free and reduced price meals and free milk in schools participating in the National School Lunch Program, School Breakfast Program, and Special Milk Program to allow Puerto Rico and the Virgin Islands, in lieu of taking individual family applications, to conduct a statistical survey of their populations to determine the number of children eligible for free or reduced price meals and free milk. The results of such a statistical survey would be the basis on which a percentage factor for special cash assistance fund withdrawal would be developed.

Only three public comments were received, none of which opposed the proposed amendment. However, desire was expressed to extend the provision of the proposed amendment to the Trust Territory and to School Food Authorities. In view of the lack of opposition, the Department will retain the proposed wording.

Accordingly, this part is amended as set forth below:

1. In § 245.1, a sentence is added to the end of paragraph (a) to read as follows:

§ 245.1 General purpose and scope.

(a) * * * Use of a statistical survey procedure for Puerto Rico and the Virgin Islands is provided in lieu of eligibility determinations on each particular child.

* * * * * *

2. Section 245.4 is added to read as follows:

§ 245.4 Exceptions for Puerto Rico and the Virgin Islands.

Notwithstanding any provision of this part, individual eligibility determinations and public announcement of the eligibility criteria need not be made by the State agencies of Puerto Rico and the Virgin Islands since all children in school are provided free meals and milk at no charge regardless of the economic need of the child's family. In lieu thereof, such State agencies may use a statistical survey to determine the number of children eligible for free or reduced price meals and free milk on which a percentage factor for the withdrawal of special cash assistance funds can be developed subject to the following conditions: (a) A statistical survey must be conducted annually in accordance with the standards provided by FNS; (b) The survey design must be submitted to FNS for approval prior to proceeding with the survey; (c) The results of the statistical survey and the factor for fund withdrawal developed must have FNS approval prior to receiving any reimbursement under such factor; (d) The statistical survey must be conducted and the factor for fund withdrawal developed between July 1 and December 31 of each school year; (e) All material relating to the conduct of the survey and determination of the factor for fund withdrawal must be retained in accordance with the record retention requirements in § 210.8(e)(14) of this chapter; (f) Pending the results of the annual statistical survey, the factor for fund withdrawal shall be the same as for the previous school year with retroactive adjustments as appropriate; and (g) When the State agency does not conduct such a statistical survey, individual family size and income determinations must be made.

Effective date: This amendment shall become effective on April 22, 1977.

Dated: April 19, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

NOTE.—Reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.77–11695 Filed 4–21–77;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1978 Crop of Wheat, Acreage Allotments and Marketing Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule is for the purpose of proclaiming a national marketing quota and national acreage allotment for the 1978 crop of wheat in accordance with applicable sections of the Agricultural Adjustment Act of 1938, as amended (referred to as the "Act"). Provisions of the Act, as amended, require that a determination of a national marketing quota be made by the Secretary before April 15 of the calendar year immediately preceding the calendar year for which such determination is to be made. This determination establishes a national marketing quota and national acreage allotment for the 1978 crop of wheat.

DATES: Effective April 15, 1977.

ADDRESSES: Grains, Oilseeds and Cotton Division, ASCS, USDA, 3757 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Bruce R. Weber, ASCS, telephone (202) 447–4351.

SUPPLEMENTARY INFORMATION: The need for this rule is to satisfy the statutory requirements as provided for in sections 301, 332, 333, and 375 of the Agricultural Adjustment Act of 1938, as amended (referred to as the "Act"). It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required by statute to be made not later than April 15, 1977. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on April 1, 1977, 42 FR 17457, in accordance with 5 U.S.C. 553. All comments received were duly considered.

It is hereby determined, the national marketing quota for the 1978 crop of wheat should be 1,905 million bushels, computed in accordance with section 332(b) of the Act, and that the national acreage allotment for such crop should be 61.5 million acres, a decrease of .7 million acres from the allotment for the 1977 crop, computed in accordance with section 333.

Accordingly, 7 CFR (Part 728) is amended by adding new sections (§§ 723.301 and 728.302), which read as follows:

§ 728.301 National marketing quota for the 1978 crop of wheat.

The national marketing quota for the 1978 crop of wheat is hereby proclaimed to be 1,905 million bushels, determined in accordance with section 332(b). It was further determined, in accordance with section 332(a), that a two- or three-year marketing quota program is not necessary to effectuate the policy of the Act. The quota is based on the following data:

(1) Estimated domestic consumption, 1978–79	831,000,000
(2) Estimated exports, 1978–79	+1,075,000,000
(3) Adjustment to assure adequate stocks	0
(4) Estimated imports, 1978–79	−1,000,000
Total	1,905,000,000

§ 728.302 National acreage allotment for the 1978 crop of wheat.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the 1978 crop of wheat. The amount of such national allotment is 61.5 million acres calculated by dividing the national marketing quota of 1905 million bushels by the projected national average yield per harvested acre of 32.7 and expected under-plantings of farm acreage allotments of 2 million acres.

(Secs. 301, 332, 333, 375, 52 Stat. 38, as amended, 53, as amended, 66, as amended; 7 U.S.C. 1301, 1332, 1333, 1375.)

The Agricultural Stabilization and Conservation Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Signed at Washington, D.C., on April 15, 1977.

JOHN C. WHITE,
Acting Secretary.

[FR Doc. 77–11489 Filed 4–15–77;4:59 pm]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document authorizes expenses of $287,110 and establishes a rate of assessment of $0.0145 per carton of Valencia oranges to support the activities of the Valencia Orange Administrative Committee for the 1976–77 fiscal period under Marketing Order No. 908.

EFFECTIVE DATES: November 1, 1976, through October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: On April 1, 1977, notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 17457) regarding proposed expenses and the proposed rate of assessment, under the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This notice allowed interested persons until April 15, 1977, during which they could submit written comments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the notice, which were submitted by the Valencia Orange Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 908.216 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the fiscal period November 1, 1976, through October 31, 1977, will amount to $287,110.

(b) *Rate of assessment.* The rate of assessment for the fiscal period, payable by each handler in accordance with § 908.41, is established at $0.0145 per assessable carton of Valencia oranges.

It is hereby further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of Valencia oranges grown in the designated production area are now being made; (2) provisions of the marketing agreement and this part require that the rate of assessment shall apply to all assessable Valencia oranges handled during the fiscal period; and (3) the period began on November 1, 1976, and the rate of assessment will automatically apply to all oranges handled during the fiscal period.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: April 18, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–11661 Filed 4–21–77;8:45 am]

[Lemon Reg. 89]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 24–30, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is good this week. Average f.o.b. price was $5.56 per carton the week ended April 16, 1977 compared to $5.61 per carton the previous week.

Track and rolling supplies at 90 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 19, 1977.

§ 910.389 **Lemon Regulation 89.**

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 24, 1977, through April 30, 1977, is established at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 12, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11877 Filed 4-21-77;11:50 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of these amendments is to release a portion of Sherman County, Kansas, portions of Dawson County, portions of Custer County and a portion of Sioux County in Nebraska from areas quarantined because of cattle scabies.

EFFECTIVE DATE: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goats, Equine, and Ectoparasites Staff, United States Department of Agriculture, Room 737, 6505 Belcrest Road, Federal Building, Hyattsville, Maryland 20782, (301-436-8322).

SUPPLEMENTARY INFORMATION: These amendments release a portion of Sherman County, Kansas, portions of Dawson County, portions of Custer County and a portion of Sioux County in Nebraska from the areas quarantined because of cattle scabies. Therefore the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in Kansas remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of Kansas is deleted and paragraph (b) relating to the State of Nebraska is amended to read:

§ 73.1a **Notice of quarantine.**

* * * * *

(b) Notice is hereby given that cattle in a certain portion of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Webster County comprised of sec. 7, R. 10 W., T. 2 N. in Cowles Precinct.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19140.)

The amendments relieve restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of April 1977.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

[FR Doc.77-11716 Filed 4-21-77;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release portions of San Diego County in California from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the quarantined area.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. M. A. Mixson, USDA, APHIS, Veterinary Services, Federal Building, Room 748, Hyattsville, Md. 301-436-8073

SUPPLEMENTARY INFORMATION: This amendment excludes portions of San Diego County in California from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended]

In § 82.3, in paragraph (a)(3) relating to the State of California, subdivisions (i), (ii), (iii), and (iv) relating to San Diego County are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of April 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-11755 Filed 4-21-77;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCES AND SHIPPING CONTAINERS THEREON

Importation of Horses From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments provide for the importation of horses from Canada for immediate slaughter without a negative test for equine infectious anemia (EIA). This action is necessary to avoid undue delay in the importation of slaughter horses from Canada and will facilitate such importation.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, Veterinary Services, Federal Building, Room 815, Hyattsville, MD, 301-436-8170.

SUPPLEMENTARY INFORMATION: Regulations in 9 CFR Part 92 now require that all horses entering the United States from Canada be tested negative for equine infectious anemia (EIA). This requirement causes undue delay when horses are imported for immediate slaughter. Since slaughter horses from Canada can be moved direct to slaughtering establishments without contact with other horses and required to be slaughtered within a specified time, the EIA testing requirement for such horses is no longer deemed necessary to prevent the introduction and spread of disease. Therefore, these amendments delete the EIA testing requirement for slaughter horses from Canada and will facilitate the importation of such animals without risk.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.17, that portion preceding the first semicolon is amended to read:

§ 92.17 **Horses, certification, and accompanying equipment.**

Horses offered for importation from any part of the world, except as provided in §§ 92.23 and 92.24, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in the said country during the 60 days preceding exportation; * * *

2. Section 92.23 is amended to read:

§ 92.23 **Animals from Canada for immediate slaughter.**

Cattle, horses, sheep, goats, and swine imported from Canada for immediate slaughter shall be consigned from the port of entry directly to a recognized slaughtering establishment and there be slaughtered within two weeks from the date of entry.

3. In § 92.24, that portion of paragraph (a) preceding the first semicolon is amended and a new paragraph (c) is added to read:

§ 92.24 **Horses from Canada.**[1]

(a) Except as provided in paragraph (c) of this section, horses from Canada shall be inspected as provided in § 92.8 (a); * * *

* * * * *

(c) Horses for immediate slaughter may be imported from Canada without the certification prescribed in paragraph (a) of this section, but shall be subject to the other applicable provisions of this part, and shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating that: (1) The horses were inspected on the premises where assembled for shipment to the United States within the 30 days immediately prior to the date of export and were found free of evidence of communicable disease, and (2) As far as can be determined, they have not been exposed to any such disease during the 60 days immediately preceding their exportation.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141.)

[1] The section heading to § 92.24 was revised at 41 FR 10888, April 30, 1976.

The amendments relieve restrictions no longer deemed necessary to prevent the introduction of equine infectious anemia and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of April 1977.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Service.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

[FR Doc.77-11794 Filed 4-21-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—MANDATORY OIL IMPORT REGULATIONS

Allocations for the Period Beginning May 1, 1977

AGENCY: Federal Energy Administration.

ACTION: Final Rule.

SUMMARY: This rulemaking provides for the allocation period May 1, 1977 through April 30, 1978 by reducing the levels of fee-exempt allocations available under the Mandatory Oil Import Program to 50% of the levels established during calendar year 1973. Under the Program, the next allocation period begins May 1, and consequently this action is mandatory.

EFFECTIVE DATE: Date of issuance.

FOR FURTHER INFORMATION CONTACT:

Robert Moore, Director of Oil Imports, Federal Energy Administration, 202-254-8620.

SUPPLEMENTARY INFORMATION:

A. *Background.* Under the Mandatory Oil Import Program established pursuant to Proclamation No. 3279, as amended, the next allocation period for imports not subject to license fees under Section 3(a)(1) (i)-(ii) of the Proclamation will commence on May 1, 1977. Section 8 of the Proclamation provides that for this allocation period, the maximum levels of imports subject to allocation and license, to which license fees under Section 3(a)(1) (i)-(ii) shall not be applicable, shall be reduced to fifty

percent of the levels established during the calendar year 1973. This rulemaking implements these provisions.

B. *Comparison With Proposed Rule.* FEA proposed this rulemaking on March 15, 1977 (42 FR 15317, March 21, 1977), and provided an opportunity for oral and written comment. The hearing was cancelled for lack of interest, and six comments were received. After an evaluation of these comments, FEA has determined to adopt the proposal without change.

C. *Evaluation of Comments.* Most of the comments generally favored adoption of the proposal. One comment, however, stated that the present license system is inequitable as between competitors in the residual fuel oil market, and urged a "thorough overhaul" of the import program to remove or reduce its discriminatory impact. Since this recommendation is outside the scope of the proposal, which was intended only to give effect to the non-discretionary provisions of the import program, it has not been adopted. However, modifications to the program are under consideration, and FEA stated specifically in its proposal that:

> Reductions in fee-exempt allocations are mandatory under the Proclamation as currently in effect, and these amendments should not be construed as affecting FEA's ongoing consideration of possible recommendations to the President with respect to changes to the Proclamation. (See 41 FR 30058, July 21, 1976.)

Another comment indicated that the import license fee "serves no regulatory purpose and should be eliminated for Puerto Rico," on grounds that the island has no alternative to continued feedstock imports. However, this comment is also outside the scope of the proposal, and can be considered only in light of the total revision of the import program.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87-794, as amended; Proclamation No. 3279, as amended.)

In consideration of the foregoing, Part 213 of Chapter II Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C. April 15, 1977

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 213.5 is amended to read as follows:

§ 213.5 Applications for allocations and licenses.

(a) Except as provided in paragraph (b), applications for all allocations of imports of crude oil, unfinished oils, and finished products not subject to license fee, for the allocation period May 1, 1977 through April 30, 1978, shall be filed with the Director in such form as he may prescribe, not later than April 29, 1977.

(b) Applications pursuant to § 213.10 shall be filed as provided in paragraph (c) therein. Applications pursuant to § 213.29 and § 213.30 may be filed at any time.

§ 213.9 [Amended]

2. Section 213.9 is amended in paragraphs (a) and (b) by deleting the terms "1975," "1976," and "1977" wherever they appear and substituting therefor the terms "1976," "1977," and "1978" respectively, and by deleting the term ".65" wherever it appears and substituting therefor the term ".50."

§ 213.12 [Amended]

3. Section 213.12 is amended in paragraphs (a) and (b) by deleting the terms "1975," "1976," and "1977" wherever they appear and substituting therefor the terms "1976," "1977," and "1978" respectively.

§ 213.13 [Amended]

4. Section 213.13 is amended by deleting the terms "1975," "1976," and "1977" wherever they appear and substituting therefor the terms "1976," "1977," and "1978" respectively.

5. Section 213.15 is amended in paragraph (d) to read as follows:

§ 213.15 Allocations of residual fuel oil—District I.

* * * * *

(d) For the allocation period May 1, 1977 through April 30, 1978, each eligible applicant under this section shall receive an allocation not subject to license fee of imports of residual fuel oil into District I to be used as fuel in District I computed according to the following formula:

Applicant's average barrel per day allocation made pursuant to § 213.15 for the allocation period May 1, 1974 through April 30, 1975.	×1,450,000 bbl/d.
Average barrel per day allocations made pursuant to § 213.15 to all applicants for the allocation period May 1, 1974 to April 30, 1975.	

* * * * *

§ 213.16 [Amended]

6. Section 213.16 is amended in paragraph (a) by deleting the terms "1976" and "1977" and substituting therefor the terms "1977" and "1978" respectively, by deleting the term "13,000" and substituting therefor the term "10,000," and by deleting the term "6,000" and substituting therefor the term "3,750."

7. Section 213.20 is amended in paragraph (a)(2) to read as follows:

§ 213.20 Allocations of crude oil and unfinished oils—Puerto Rico.

(a) * * *

(2) For the allocation period May 1, 1977 through April 30, 1978, each eligible applicant under this paragraph shall receive an allocation not subject to license fee to import crude and unfinished oils into Puetro Rico computed according to the following formula:

Applicant's allocation pursuant to § 213.20(a) not subject to license fees of imports of crude and unfinished oils into Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in barrels per day.	×113,611 bbl/d.
Total allocations pursuant to § 213.20(a) not subject to license fees of imports of crude and unfinished oils into Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in barrels per day.	

* * * * *

8. Section 213.21 is amended in paragraph (a)(2) and in paragraph (b)(2) to read as follows:

§ 213.21 Allocation of finished products—Puerto Rico.

(a) * * *

(2) For the allocation period May 1, 1977 through April 30, 1978, each eligible applicant under this paragraph shall receive an allocation not subject to license fee to import finished products, other than residual fuel oil to be used as fuel in Puerto Rico, computed according to the following formula:

Applicant's allocation pursuant to § 213.21(a) not subject to license fees of imports into Puerto Rico of finished products (other than residual fuel oil to be used as fuel in Puerto Rico) for the allocation period May 1, 1974 to April 30, 1975, expressed in barrels per day.	×719 bbl/d.
Total allocations pursuant to § 213.21(a) not subject to license fees of imports into Puerto Rico of finished products (other than residual fuel oil to be used as fuel in Puerto Rico) for the allocation period May 1, 1974 to April 30, 1975, expressed in barrels per day.	

(b) * * *

(2) For the allocation period May 1, 1977 through April 30, 1978 each eligible applicant under this paragraph shall receive an allocation not subject to license fee to import residual fuel oil to be used as fuel in Puerto Rico, computed according to the following formula:

Applicant's allocation pursuant to § 213.21(b) not subject to license fees of imports into Puerto Rico of residual fuel oil to be used as fuel in Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in barrels per day.	×825 bbl/d.
Total allocations pursuant to § 213.21(b) not subject to license fees of imports into Puerto Rico of residual fuel oil to be used as fuel in Puerto Rico for the allocation period May 1, 1974 to April 30, 1975, expressed in barrels per day.	

* * * * *

9. Section 213.32 is amended in paragraph (d) to read as follows:

§ 213.32 Allocations of low sulphur residual fuel oil—District V.

* * * * *

(d) For the allocation period May 1, 1977 through April 30, 1978 each eligible applicant under this section shall receive an allocation not subject to license fee to import low sulphur residual fuel oil into District V to be used as fuel in District V computed according to the following formula:

Applicant's average barrel per day allocation made pursuant to § 213.32 for the allocation period May 1, 1974 through April 30, 1975.	×37,800 bbl/d.
Average barrel per day allocations made pursuant to § 213.32 to all applicants for the allocation period May 1, 1974 through April 30, 1975.	

* * * * *

10. Section 213.34 is amended in paragraphs (b) and (e) to read as follows:

§ 213.34 Allocations of No. 2 fuel oil—District I.

* * * * *

(b) For the allocation period May 1, 1977 through April 30, 1978, 25,000 barrels per day of imports of No. 2 fuel oil, which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, will be available for allocations in District I to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

* * * * *

(e) For the allocation period May 1, 1977 through April 30, 1978, each eligible applicant under this section shall receive an allocation of imports not subject to license fee into District I of No. 2 fuel oil according to the following formula:

Applicant's average barrels per day allocation of No. 2 fuel oil into District I made pursuant to § 213.34 or a grant from the Oil Import Appeals Board for the allocation period January 1, 1973 through December 31, 1973.	×25,000 bbl/d.
Total of all allocations expressed in barrels per day of No. 2 fuel into District I made pursuant to § 213.34 or a grant from the Oil Import Appeals Board for the allocation period January 1, 1973 through December 31, 1973.	

* * * * *

§ 213.37 [Amended]

11. Section 213.37 is amended in paragraph (a) by deleting the term "21,125" and substituting therefor the term "16,250," and in paragraphs (a) and (c) by deleting the terms "1976" and "1977" wherever they appear and substituting therefor the terms "1977" and "1978" respectively.

[FR Doc.77-11704 Filed 4-19-77;4:24 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H; Doc. No. R-0095]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Loans by State Member Banks in Flood-Prone Areas

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: These amendments to the flood insurance provisions of the Board's Regulation H allow State member banks to make certain real estate loans (on residences, small business property and farm buildings) in identified flood hazard areas of communities that are not participating in the National Flood Insurance Program. This action, which liberalizes the flood insurance purchase requirements of the Board's Regulation H, is necessary to conform the Board's Regulation to legislative amendments to the Flood Disaster Protection Act of 1973.

EFFECTIVE DATE: Effective immediately.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Assistant General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3274.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 ("Flood Act") (42 U.S.C. 2001 et. seq.) generally provides that federally regulated lending institutions are prohibited from making loans not covered by flood insurance on improved real estate located in flood hazard areas. Since its enactment in 1973, the Flood Act has been amended several times, thereby necessitating conforming amendments to the flood insurance portion of the Board's Regulation H. During 1976, Pub. L. No. 94-375 amended section 202(b) of the Flood Act by adding the following four provisions liberalizing the Flood Act's insurance purchase requirements:

1. Amended section 202(b) generally permits loans not covered by flood insurance to be made by federally chartered, supervised or insured lending institutions for the purchase of a residential dwelling that is located in an identified flood hazard area and that was occupied as a residence prior to March 1, 1976, or one year following identification of the area as containing special flood hazards, whichever is later. This section previously provided, among other things, that such mortgage loans not covered by flood insurance could only be made until March 1, 1976 (or one year from the date of notification that the area is flood-prone, whichever is later). Thus, the amendment liberalizes the flood insurance program by exempting certain loans from the Flood Act's insurance purchase requirements, so long as the relevant dwelling was occupied as such prior to the March 1 date (or one year from the notification date, whichever is later).

2. The 1976 amendments also provide that loans on a small business' office or other building occupied prior to January 1, 1976 may be made without flood insurance coverage. This exemptive provision provides that the Secretary of Housing and Urban Development prescribe limits for such loans and the Secretary has recently proposed that the loans limit be $100,000 (42 FR 16254, March 25, 1977). The provision is a new exemption from the Flood Act's insurance purchase requirements.

3. Another new exemptive provision provides that improvement or rehabilitation loans on residences occupied prior to January 1, 1976 may be made without flood insurance coverage when such loans in the aggregate do not exceed $5,000.

4. The last amendment, also a new exemptive provision, provides that certain loans to finance nonresidential additions or improvements on a farm may be made without flood insurance coverage. The Secretary of HUD has the authority to set limits for such loans, comparable to the Secretary's authority regarding small business property loans, and has proposed that the loan limit be $25,000 (42 FR 16254, March 25, 1977).

The purpose of the amendments to § 208.8 is to conform the provisions of existing Board regulations to the amendments to the Flood Act. Accordingly, effective immediately the last sentence of § 208.8(e)(5) of Regulation H shall be amended by deleting the language that follows "* * * Provided," and adding the following:

§ 208.8 Banking practices.

* * * * *

(e) Loans by State member banks in identified flood hazard areas.

* * * * *

(5) * * * that the prohibition contained in this section shall not apply to (i) any loan made to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing in connection with such a dwelling, (ii) any loan, which does not exceed an amount prescribed by the Secretary of Housing and Urban Development, to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (iii) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (iv) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

* * * * *

The provisions of section 553 of Title V, United States Code, relating to notice, public participation and deferred effective date were not followed in connection with these amendments because the amendments merely clarify Regulation H by implementing a statutory provision of Pub. L. 94-375 (August 3, 1976) without significant exercise of administrative discretion or interpretation.

By order of the Board of Governors, effective April 13, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11698 Filed 4-21-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 9027]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

National Meridian Services, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This is a consent order requiring a Woodbury, N.Y., marketer of a basement waterproofing and termite control process, among other things, to cease misrepresenting the size, extent and nature of its business; misrepresenting the qualifications and abilities of its employees; and misrepresenting the effectiveness, performance, durability and uniqueness of its products and services. Further, respondents are required to maintain adequate records for a period of three years; make prescribed disclosures regarding limitations of the waterproofing; and respond to requests for maintenance or service within seven days. Additionally, the terms of the order require respondents to provide a three-day cooling-off period during which customers may cancel their contracts and receive prompt refunds of monies paid; maintain a reasonable customer relations department and institute a surveillance program designed to insure compliance with the provisions of the order.

DATES: The complaint was issued March 25, 1975; the order was issued March 28, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Michael J. Vitale, Regional Director, Washington, D.C. Regional Office, 600-C Gelman Building; 2120 "L" St., NW., Washington, D.C. 20580, 202-254-7701.

SUPPLEMENTARY INFORMATION: On Wednesday, February 9, 1977, there was published in the FEDERAL REGISTER (42 FR 8278) a proposed consent agreement with analysis In the Matter of National Meridian Services, Inc., a corporation, and Meridian Waterproofing Corporation, a corporation, and Michael C. Pascucci, individually and as an officer and director of said corporations, and Austin Rovle, individually and as an officer of Meridian Waterproofing Corporation, and as an officer and director of National Meridian Services, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–205 Offices in principal cities; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; 13.15–265 Service; 13.15–270 Size and extent; 13.15–280 Unique or special status or advantage; § 13.110 Endorsements, approval and testimonials; § 13.155 Prices; 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–30 Durability or permanence; 13.170–50 Leakproof or leakproofing; 13.170–70 Preventive or protective; 13.170–90 Termite-repellent; 13.170–96 Waterproof, waterproofing, water-repellent; § 13.185 Refunds, repairs, and replacements; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers; § 13.280 Unique nature or advantages. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330–63 Newspapers. Subpart—Contracting for Sale in any Form Binding on Buyer Prior to End of Specified Time Period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45 (c) Complaints; 13.533–45(k) Records in general; 13.533–55 Refunds, rebates and/or credits; 13.533–75 Warranties. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or Withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Failing to Maintain Records: § 13.1051 Failing to maintain records; 13.1051–10 Accurate; 13.1051–20 Adequate. Subpart—Failing to Provide Foreign Language Translations: § 13.1052 Failing to provide foreign language translations. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1540 Reputation, success or standing; § 13.1553 Services; § 13.1555 Size, extent or equipment; § 13.1570 Unique status or advantages. Goods: § 13.1647 Guarantees; § 13.1710 Qualities or properties; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760–50 Sales contract; § 13.1770 Unique nature or advantages. Prices: § 13.1825 Usual as reduced or to be increased. Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1855 Identity; § 13.1857 Instruments' sale to finance companies; § 13.1863 Limitations of products; § 13.1885 Qualities or properties; § 13.1[illegible] Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.1980 Guarantee in general; § 13.2013 Offers deceptively made and evaded; § 13.2030 Repair or replacement guarantee; § 13.2035 Results guarantee; § 13.2063 Scientific or other relevant facts. Subpart—Securing Orders by Deception: § 13.2170 Securing orders by deception.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11670 Filed 4-21-77;8:45 am]

[Docket C-2875]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Richard D. Jones Mortgage Services, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to Cease and Desist.

SUMMARY: This is a consent order requiring a La Mesa, California, finance company, among other things, to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such disclosures as are required by Federal Reserve System regulations.

DATES: Complaint and order issued March 25, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Carol G. Emerling, Regional Director, Los Angeles Regional Office, 11000 Wilshire Boulevard, Los Angeles, California 90024, 213–824–7575.

SUPPLEMENTARY INFORMATION: On Wednesday, January 19, 1977, there was published in the FEDERAL REGISTER, 42 FR 3712, a proposed consent agreement with analysis In the Matter of Richard D. Jones Mortgage Services, Inc., a corporation, and Richard D. Jones, individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

[1] Copies of the Complaint and Decision and Order filed with the original document.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.73 Formal regulatory and statutory requirements; § 13.73–92 Truth in Lending Act; § 13.155 Prices; 13.155–95 Terms and conditions; § 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements; § 13.1623–95 Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1823 Terms and conditions; § 13.1823–20 Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; § 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions; § 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

NOTE.—The complaint by Richard D. Jones Mortgage Services, Inc., et al. was filed as part of the original document.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11669 Filed 4-21-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM-77-10]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Order Establishing Accounting and Billing Procedures for Interstate Natural Gas Pipelines

Correction

In FR Doc. 77-4898 appearing on page 9381 in the issue of Wednesday, February 16, 1977, the headings should have appeared as set forth above.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Lenperone Hydrochloride Injection

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: Supplemental new animal drug application (NADA 96-508V), proposing safe and effective use of lenperone hydrochoride injection as a tranquilizer and antiemetic in treating cats, filed by A. H. Robins Co., Research Laboratories, 1211 Sherwood Ave., Richmond, Va. 23220, is approved by FDA and the regulations are amended to reflect the approval.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (301-443-3430).

SUPPLEMENTARY INFORMATION: In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 5.1).)

§ 522.1235 [Amended]

Section 522.1235, Lenperone hydrochloride injection, is amended in paragraph (c)(1) by inserting the words "and cats" after the word "dog."

Effective date: This amendment becomes effective April 22, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 13, 1977.

LAVERNE C. HAROLD,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.77-11419 Filed 4-21-77;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Bambermycins and Zoalene; Bambermycins, Zoalene, and Roxarsone

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: This rule amends the regulations to reflect the approval of two new animal drug applications (101-628, and 101-629V) filed by American Hoechst Corp., Agricultural Division, Route 202-206 North, Somerville, N.J. 08876, proposing safe and effective use of bambermycins in combination with zoalene, with or without roxarsone, in the feed of broiler chickens as an aid in the prevention and control of coccidiosis, for increased rate of weight gain, and for improved feed efficiency.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-4317).

SUPPLEMENTARY INFORMATION: In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 5.1).)

Part 558 is amended as follows:

1. Section 558.95 is amended by adding new paragraph (e)(1)(viii) and (ix) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(e) * * *

(1) * * *

(viii) *Amount per ton.* Bambermycins, 1 gram plus zoalene, 113.4 grams (0.0125 percent).

(*a*) *Indications for use.* As an aid in the prevention and control of coccidiosis; for increased rate of weight gain and improved feed efficiency.

(*b*) *Limitations.* Do not feed to chickens over 14 weeks of age; feed continuously as sole ration; zoalene as provided by No. 025700 in § 510.600(c) of this chapter.

(ix) *Amount per ton.* Bambermycins, 1 gram plus zoalene, 113.4 grams (0.0125 percent) plus roxarsone, 22.7 grams (0.0025 percent).

(*a*) *Indications for use.* As an aid in the prevention and control of coccidiosis; for increased rate of weight gain and improved feed efficiency.

(*b*) *Limitations.* Do not feed to chickens over 14 weeks of age; feed continuously as sole ration; feed as sole source of organic arsenic; withdraw 5 days before slaughter; zoalene as provided by No. 025700, roxarsone as provided by No. 017210 in § 510.600(c) of this chapter.

* * * * *

2. Section 558.530 is amended by adding new paragraph (e)(4)(xviii) to read as follows:

§ 558.530 Roxarsone.

* * * * *

(e) * * *

(4) * * *

(xviii) Bambermycins in accordance with § 558.95.

3. Section 558.680 is amended by adding new paragraph (e)(2) to read as follows:

§ 558.680 Zoalene.

* * * * *

(e) * * *

(2) *Permitted combinations.* It may be used in accordance with the provisions

of this section in the combinations provided, as follows:

(i) Bambermycins in accordance with § 558.95.

(ii) Roxarsone in accordance with § 558.530.

Effective date: These amendments shall be effective April 22, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 12, 1977.

LAVERNE C. HAROLD,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.77-11417 Filed 4-21-77;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-41; Reference Nos. 277 & 287]

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

PART 181—COMMERCE IN EXPLOSIVES

Black Powder

Correction

In FR Doc. 77-2817, appearing at page 5350 in the issue for Friday, January 28, 1977, make the following corrections:

1. In § 178.11, in the definition of "destructive device", in the 9th line, the word "paragraphs" should be "subparagraphs".

2. Also in § 178.11, "destructive device", on page 5352, in the 11th line from the top of the 1st column, the word "section" should be "definition".

3. In § 181.41(a)(1), in the 7th line, the word "continguous" should be "contiguous".

4. In § 181.122(a), in the 1st line, the word "importers" should be "importer".

5. In § 181.125(c), in the 5th line, the word "the" at the end of the line should be "he".

6. In § 181.141(a)(5), in the 4th line, the word "other" should be "their".

Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1517—PUBLIC MEETING PROCEDURES OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Public Attendance at Meetings of the Council

AGENCY: Council on Environmental Quality.

ACTION: Final rule.

SUMMARY: This regulation sets forth the procedures which will be followed by the Council in compliance with the open meeting requirement of the Government in the Sunshine Act.

EFFECTIVE DATE: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Nicholas Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION: On February 11, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 8673), stating that the Council on Environmental Quality was considering the issuance of regulations to implement the Government in the Sunshine Act (5 U.S.C. 552b) which requires the Council to open its meetings to public observation unless the Council decides to close its meeting pursuant to a Sunshine Act exemption. Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. Three persons provided comments, which were considered.

Issued in Washington, D.C. on April 19, 1977.

CHARLES WARREN,
Chairman, Council on Environmental Quality.

Sec.
1517.1 Policy and scope.
1517.2 Definitions.
1517.3 Open meeting requirement.
1517.4 Exceptions.
1517.5 Procedure for closing meetings.
1517.6 Notice of meetings.
1517.7 Records of closed meetings.

AUTHORITY: 5 U.S.C. 552b(g); Pub. L. 94-409.

§ 1517.1 Policy and scope.

Consistent with the policy that the public is entitled to the fullest information regarding the decisionmaking processes of the Federal Government, it is the purpose of this Part to open the meetings of the Council on Environmental Quality to public observation while protecting the rights of individuals and the ability of the Council to carry out its responsibilities. This Part does affect the procedures set forth in Part 1515 pursuant to which records of the Council are made available to the public for inspection and copying, except that the exemptions set forth in § 1517.4 (a) shall govern in the case of any request made to copy or inspect the transcripts, recordings or minutes described in § 1517.7.

§ 1517.2 Definitions.

For the purpose of this Part—

(a) The term "Council" shall mean the Council on Environmental Quality established under Title II of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347).

(b) The term "meeting" means the deliberations of at least the number of Council members required for Council action where such deliberations determine or result in the joint conduct or disposition of official Council business.

§ 1517.3 Open meeting requirement.

(a) Every portion of every meeting of the Council is open to public observation subject to the exemptions provided in § 1517.4 of this Part. Members of the Council may not jointly conduct or dispose of the business of the Council other than in accordance with this Part.

(b) Members of the public may attend open meetings of the Council for the sole purpose of observation and may not participate in or photograph any meeting without prior permission of the Council. Members of the public who desire to participate in or photograph an open meeting of the council may request permission to do so from the General Counsel of the Council before such meeting. Members of the public may record open meetings of the Council by means of any mechanical or electronic devise unless the Council determines such recording would disrupt the orderly conduct of such meeting.

§ 1517.4 Exceptions.

(a) A meeting or portion thereof may be closed to public observation, and information pertaining to such meeting or portion thereof may be withheld from the public, if the Council determines that such meeting or portion thereof or disclosure of such information is likely to:

(1) Disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to that Executive order;

(2) Relate solely to the internal personnel rules and practices of the Council;

(3) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552), provided that the statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose the trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of those records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or, (F) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed action of the Council. This exception shall not apply in any instance where the Council has already disclosed to the public the content or nature of the proposed action, or where the Council is required by law to make such disclosure on its own initiative prior to taking final action on the proposal; or

(10) Specifically concern the issuance of a subpoena by the Council, or the participation of the Council in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Council of a particular case of formal adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

(b) Before a meeting is closed to public observation the Council shall determine whether or not the public interest requires that the meeting be open. The Council may open a meeting to public observation which could be closed under § 1517.4(a), if the Council finds it to be in the public interest to do so.

§ 1517.5 Procedure for closing meetings.

(a) A majority of the entire membership of the Council may vote to close to public observation a meeting or a portion or portions thereof, or to withhold information pertaining to such meeting. A separate vote of the members of the Council shall be taken with respect to each meeting of the Council, a portion or portions of which are proposed to be closed to the observation of the public or with respect to any information concerning such meetings or portion thereof. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each member of the Council participating in a vote shall be recorded and no proxies shall be allowed.

(b) Whenever any person whose interest may be directly affected by a portion of a meeting requests that the Council close that portion to public observation for any of the reasons referred to in § 1517.4(a) the Council, upon request of any of the members of the Council, shall decide by recorded vote whether to close that portion of the meeting.

(c) For every meeting or portion thereof closed under this Part, the General Counsel of the Council before such meeting is closed shall publicly certify that, in his or her opinion, the meeting may properly be closed to the public stating each relevant exemptive provision. The Council shall retain a copy of the General Counsel's certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting and listing the persons present.

(d) Within one day of any vote taken on a proposal to close a meeting, the Council shall make publicly available a record reflecting the vote of each member on the question. In addition, within one day of any vote which closes a portion or portions of a meeting to the public, the Council shall make publicly available a full written explanation of its closure action together with a list naming all persons expected to attend and identifying their affiliation, unless such disclosure would reveal the information that the meeting itself was closed to protect.

(e) Following any announcement that the Council intends to close a meeting or portion thereof, any person may make a request that the meeting or portion thereof be opened. Such request shall be made of the Chairman of the Council who shall ensure that the request is circulated to all members of the Council on the same business day on which it is received. The request shall set forth the reasons why the requestor believes the meeting should be open. The Council upon the request of any member or its General Counsel, shall vote on the request.

§ 1517.6 Notice of meeting.

(a) Except as otherwise provided in this section, the Council shall make a public announcement at least one week before a meeting, to include the following:

(1) Time, place, and subject matter of the meeting;

(2) Whether the meeting is to be open or closed; and

(3) Name and telephone number of the official who will respond to requests for information about the meeting.

(b) A majority of the members of the Council may determine by recorded vote that the business of the Council requires a meeting to be called with less than one week's notice. At the earliest practicable time, the Council shall publicly announce the time, place and subject matter of the meeting, and whether or not it is to be open or closed to the public.

(c) If announcement of the subject matter of a closed meeting would reveal the information that the meeting itself was closed to protect, the subject matter shall not be announced.

(d) Following the public announcement required by paragraphs (a) or (b) of this section:

(1) A majority of the members of the Council may change the time or place of a meeting. At the earliest practicable time, the Council shall publicly announce the change.

(2) A majority of the entire membership of the Council may change the subject matter of a meeting, or the determination to open or close a meeting to the public, if it determines by a recorded vote that the change is required by the business of the Council and that no earlier announcement of the change was possible. At the earliest practicable time, the Council shall publicly announce the change, and the vote of each member upon the change.

(e) Individuals or organizations having a special interest in activities of the Council may request the Council to place them on a mailing list for receipt of information available under this section.

(f) Following public announcement of a meeting, the time or place of a meeting may be changed only if the change is announced publicly at the earliest practicable time. The subject matter of a meeting or the determination to open or close a meeting may be changed following public announcement of a meeting only if both of the following conditions are met:

(1) There must be a recorded vote of a majority of the Council that the business of the Council requires the change and that no earlier announcement of such change was possible; and

(2) There must be a public announcement of the change and of the individual Council members' votes at the earliest practicable time.

(g) Immediately following each public announcement required by this section, the following information, as applicable, shall be submitted for publication in the FEDERAL REGISTER.

(1) Notice of the time, place, and subject matter of a meeting;

(2) Whether the meeting is open or closed;

(3) Any change in one of the preceding; and

(4) The name and telephone number of the official who will respond to requests for information about the meeting.

§ 1517.7 Records of closed meetings.

(a) A record of each meeting or portion thereof which is closed to the public shall be made and retained for two years or for one year after the conclusion of any Council proceeding involved in the meeting whichever occurs later. The record of any portion of a meeting closed to the public shall be a verbatim transcript or electronic recording. In lieu of a transcript or recording, a comprehensive set of minutes may be pro-

duced if the closure decision was made pursuant to § 1517.4(a) (8) or (10).

(b) If minutes are produced, such minutes shall fully and clearly describe all matters discussed, provide a full and accurate summary of any actions taken and the reasons expressed therefor, and include a description of each of the views expressed on any item. The minutes shall also reflect the vote of each member of the Council on any roll call vote taken during the proceedings and identify all documents produced at the meeting.

(c) The following documents shall be retained by the Council as part of the transcript, recording, or minutes of the meeting:

(1) Certification by the General Counsel that the meeting may properly be closed; and

(2) Statement from the presiding officer of the meeting setting forth the date, time, and place of the meeting and listing the persons present.

(d) The Council shall make promptly or minutes maintained as a record of a available to the public at its offices at 722 Jackson Place, N.W., Washington, D.C. the transcript, electronic recording, or minutes maintained as a record of a closed meeting, except for such information as may be withheld under one of the provisions of § 1517.5. Copies of such transcript, minutes, or transcription of an electronic recording, disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription.

(f) Requests to review or obtain copies of records other than transcripts, electronic recordings or minutes of a meeting will be processed under the Freedom of Information Act (5 U.S.C. 552) or, where applicable, the Privacy Act of 1974. (5 U.S.C. 552a). Nothing in these regulations authorizes the Council to withhold from any individual any record, including the transcripts or electronic recordings described in § 1517.8, to which the individual may have access under the Privacy Act of 1974 (5 U.S.C. 552a).

[FR Doc.77-11761 Filed 4-21-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20802; RM-2518; FCC 77-259]

PART 73—RADIO BROADCAST SERVICES

Permission of Television Broadcast Stations to Employ Circular or Elliptical Polarization

AGENCY: Federal Communications Commmission.

ACTION: Report and Order.

SUMMARY: These rules permit the use of horizontal, elliptical, or circular polarization for television broadcasts. They are being adopted after consideration of comments on a petition. The intended effect is to improve the quality of television reception without increasing a station's interference of service area.

EFFECTIVE DATE: May 20, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Wilson A. LaFollette, Policy and Rules Division, Engineering Branch, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER (PROCEEDING TERMINATED)

Adopted: April 6, 1977.

Released: April 14, 1977.

1. The Commission has before it for consideration the Notice of Proposed Rule Making, (FCC 76-449, Mimeo 40503), in the above-captioned proceeding, and the comments and reply comments filed in response thereto. This proceeding was initiated in response to a petition filed by the American Broadcasting Companies, Inc., requesting amendment of § 73.682(a)(14) of the Commission's Rules and Regulations to permit the use, on a permissive basis, of circular or elliptical polarization for television broadcast transmissions, much as is presently permitted and generally used in the FM broadcast service.

2. It was proposed that § 73.682(a)(14) of the Commission's Rules be modified to read:

> It shall be standard to employ horizontal polarization. However, circular or elliptical polarization may be employed if desired, where clockwise (right-hand) rotation shall be used. The supplemental, vertically polarized, effective radiated power resulting from circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

3. Additionally, the Notice proposed to add the following sentence to §73.681 in order to preclude any ambiguity in the determination of antenna height above average terrain:

> Where circular or elliptical polarization is employed, the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

4. In its petition, ABC made the following points from data based in large measure on the experiments conducted under Commission authorization at WLS-TV, Channel 7, Chicago:

A. The use of circular polarization does not appreciably change a station's service area (based on the horizontal transmission component, the approach used in FM broadcasting).

B. The use of circular polarization does not appreciably change a station's interference impact on co-channel stations operating with conventional polarization, and where both stations operate with circular polarization, a decrease in interference can be expected.

C. The use of circular polarization is beneficial for two reasons. First, it tends to eliminate or reduce visible ghosts on the receiver screen if the viewer employs a circularly polarized receiving antenna. Second, even with a conventional receiving antenna, reception may be improved, due to the additional energy radiated in the vertical plane (which might be received by certain portions of a conventional receiving antenna, particularly where that antenna has not been properly mounted and/or connected).

5. In requesting comments on this proposal, the Commission specifically requested information and knowledgeable views on the following matters:

A. Experimental data is presently available largely from WLS-TV, Channel 7, Chicago, Illinois. Recently received from the Jampro Antenna Company is a report on the results of circular polarization using the facilities of KLOC-TV, Channel 19, Modesto, California. The Jampro report corroborates the conclusions drawn by ABC, thus implementation in the UHF band appears an immediate and viable reality. At this time, low-band VHF has not had similar experimental testing. Although we would anticipate no deviation from the data collected by KLOC-TV and WLS-TV, we would welcome theoretical or laboratory information on this subject.

B. As yet, no field data has been submitted regarding the effects of circular polarization in instances where indoor, home receiving antennas are employed. While it is expected that improved reception would result, the extent and nature of the improvement achievable in practice has yet to be established for the record.

C. The data presently on file in connection with the WLS-TV experiments represent the observations made along a single radial, and the effects of ghosting were observed at only six locations along that radial. Additional measurement data would be welcomed.

D. Even though the WLS-TV data suggest that no increase in the interference received by a conventional, horizontally polarized antenna would result from circular polarization, the added vertical-signal component might be expected to be picked up by the antenna's downlead. It appears that information on this subject is needed for a proper evaluation of potential interference effects.

E. The WLS-TV data shows that the horizontal pattern of a circularly polarized receiving antenna in a circularly polarized field is similar to a cardioid, with a broad beam-width and a single, deep null approximately opposite the point of maximum field. If such a pattern would be typical of such receiving antennas, this would indeed be a significant advantage, in that antenna orientation would be less critical and interfering signals arriving from the rear of the antenna could be effectively "nulled-out." However, the performance of the antenna employed by WLS-TV was checked at only one location. Given the many variables which could affect such performance, additional data on that antenna would be useful. In fact since the full value of circular polarization can be seen only where a circularly polarized receiving antenna is employed, the Commission believes it important

to receive information on such receiving antennas and to what extent various designs would achieve the desired results. Specifically, information on cost, size, electrical characteristics and estimated availability is desired.

F. Two unexpected findings are included in the WLS-TV measurement data. First, ABC notes that an improvement in picture quality for a given value of receiver input voltage seemed to result with circular polarization, even with a conventional receiving antenna. ABC is unable to explain this result, and further data is logically needed. Second, ABC shows that the location variation factor is not improved by circular polarization, which is counter to expectation. Further data on this subject would be useful.

6. Comments were also requested on the possible impact of the proposal on the UHF band. In this regard the Commission stated:

> Preliminary engineering specifications on file from broadcast antenna manufacturers seem to indicate that circularly polarized UHF antennas will have less gain than their VHF counterparts. Similarly, a doubling of transmitter output power as an alternative for a high gain antenna may be unrealistic to expect of UHF licensees. We note, however, that the proposed rule amendment allows a station latitude in choosing the amount of power radiated vertically, up to the maximum effective radiated power authorized. On the other hand, it has been suggested that a one-to-one relationship between horizontal and vertical ERP be required. Prototype antennas appear designed with an axial ratio as low as the state-of-the-art permits, thus equal power distribution would maximize the ghost reducing benefits to the public, provided, circularly polarized receiving antennas are employed. Although this approach is favored, we welcome any discussion on the above issues.

7. Comments were received from American Broadcasting Companies, Inc. (ABC), CBS Inc. (CBS), Association of Maximum Service Telecasters, Inc. (MST), Jampro Antenna Company (Jampro), T. J. Vaughan and Associates (Vaughan), National Association of Broadcasters (NAB), Harris Corporation (Harris), National Broadcasting Company (NBC), Inc., JFD Electronics, Inc. (JFD), RCA Corporation (RCA), Gilmore Broadcasting Corporation (Gilmore), and Westinghouse Broadcasting Company, Inc. (Westinghouse). Reply comments were received from Jampro, ABC, MST, Public Broadcasting Service (PBS), and CBS. Additionally, late-filed comments were received from the Corporation for Public Broadcasting (CPB). Since the CPB comments addressed the issues at hand, they along with any reply comments thereto were considered in this proceeding.

8. ABC, Jampro, Harris, JFD, RCA, Gilmore and Westinghouse supported the Notice of Proposed Rule Making. CPB, CBS, and MST did not support the Notice and recommended further study. NBC supports the Notice in principle, but along with PBS also recommends further study. NAB neither opposes nor supports the Notice but urges prompt action by the Commission. Vaughan did not take issue in the proceeding but submitted technical data.

9. In the paragraphs that follow, the matters contained in paragraphs 4 through 6 supra will be discussed. Technical data were submitted during this proceeding by ABC, Jampro and Vaughan.[1] Comments and reply comments, in large part, analyzed this data and the various conclusions which resulted.

EFFECTS UPON A STATION'S SERVICE AREA

10. Theoretically, a station's service area, relative to the service area provided by horizontally polarized transmissions, should be the same for either circularly or horizontally polarized transmissions if effective radiated power and antenna height are held constant. However, in order to insure that the Commission's allocations plans are not significantly affected by circular polarized transmissions, field tests and other knowledgeable comments were desired.

11. Extensive field strength measurements were made by ABC and reported in its reports Nos. 1 and 2. Additionally, UHF field strength measurement data were provided by Jampro in its report. ABC summarized their results in their first interim report:

> In all cases, the measured field intensity (field strength) follows the predicted curve in the way one might expect. Field intensity tends to fall below prediction at the very close locations within the built-up part of the city. At the greater distances, the fields tend to follow prediction rather well.

ABC further indicated that the tests made in the second interim report had excellent correlation with those made in the first report. Jampro reported results similar to those reported by ABC. Jampro summarized the results of their field strength measurements by saying:

> The measured field intensities (field strength) from KLOC-TV fell off as predicted by the FCC (50, 50) propagation charts. Therefore, we conclude that co-channel and adjacent channel allocation problems do not exist with C_{psi}[2] transmission with present maximum ERP values.

Among the measurements performed by Vaughan were field strength measurements of the horizontal component of the circularly polarized transmissions from XHFN, Vaughan reported that these field strength measurements had excellent agreement with the predicted field derived from the FCC F(50,50) propagation charts. Although no specific data were submitted for the propagation characteristics of circular polarization in low band VHF TV, the Commission has accumulated considerable experience from such transmissions in the FM broadcast band which is just above the top end of the low VHF TV band. Experience indicates that no significant changes in the service areas of FM stations utilizing circularly polarized antennas have occurred. Thus, we conclude that similar results may be expected for the low VHF TV band.

EFFECTS OF CIRCULAR POLARIZATION UPON INDOOR AND OUTDOOR ANTENNAS AND GHOST REDUCTION

12. Both ABC and Jampro presented data and conclusions regarding the effects of circular polarization upon indoor and outdoor receiving antennas as well as the effect supon receiver ghosing. In its comments, ABC summarized its results of its tests as follows:

> For those viewers employing a conventional outdoor antenna, no change in the quality of reception is expected. However, our tests have shown a significant improvement where indoor antennas ("rabbit ears") are used.

ABC further stated that its studies had shown that ghost reduction does in fact result when transmission and reception are both circularly polarized. Based in large part upon the results of an opinion survey, Jampro reported similar conclusions and stated:

> * * * we noted that in general the observations made with indoor antennas (loop, bow tie, rabbit ears, etc.) in built-up city areas showed a higher percentage preference for C_{psi} transmission.

Additionally, Jampro also reports that there is a great reduction in ghosting during circular polarized transmissions. Vaughan also reported significant ghost elimination during its tests. They stated:

> Even at a distance of 70 km (approximately 44 miles) from the transmitting antenna, there was an improvement in the picture quality when the circular polarized receiving antenna was used.

13. To demonstrate the impact that the improved reception suggested by its tests will have, ABC pointed out that in the City of Chicago, a recent study by Statistical Research, Inc., indicated that within the City of Chicago 81% of the TV households employ indoor antennas and that 46% of the TV households in the suburbs utilize indoor antennas. Relating this to the 1970 U.S. Census, ABC estimates that, based upon the results of its Third Interim Engineering Report, 75% of these persons or approximately 2 million people should benefit from improved reception by the institution of circular polarization.

14. ABC and Jampro also considered the effects of pickup on the down lead of an antenna resulting from the vertical component of a circularly polarized transmission. Both indicated that such pickup was not significant. Additionally, Harris submitted a discussion on this matter and concluded:

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[1] The ABC data resulted from tests performed at WLS-TV, Channel 7, Chicago, Illinois, and consisted of three interim engineering reports dated September, 1974, May, 1975, and July, 1976. Additionally, ABC submitted a report dated May, 1975, entitled "Report on Field Tests of Circular Polarization in Television". Jampro submitted an undated reported entitled "Test Results Comparing Circular with Horizontal Polarization in U.H.F. TV Broadcasting" which resulted from their tests at KLOC-TV, Channel 19, Modesto, California. Vaughan submitted a report of its field strength measurements made at XHFN, Channel 8, Monterey, Mexico (Report No. 1133, dated Jan. 27, 1974–Mar. 3, 1974).

[2] C_{psi} is the term used by Jampro for circular polarization.

That under the conditions of a properly installed antenna down lead there is no reason to believe that any objectionable results would follow from the use of circularly polarized signals no greater than the horizontal component.

CHARACTERISTICS OF CIRCULARLY POLARIZED RECEIVING ANTENNAS

15. Previous information submitted in this proceeding indicated that circularly polarized receiving antennas exhibited a broad beam-width and a single, deep null approximately opposite the point of maximum field. Comments by ABC, Jampro, and JFD express the view that these desirable characteristics can be typically expected of circularly polarized antennas. With such characteristics, antenna orientation is less critical and interfering signals arriving from the rear of the antenna can be effectively nulled out. Also, there will be less need for rotating such an antenna to receive transmissions from several stations located in the same general direction.

16. Comments were received from only one manufacturer of television and FM broadcast receiving antennas, and that was JFD. JFD supplied some of the circularly polarized antennas used in the tests performed by ABC and Jampro. JFD reports that it has performed research and development work directed towards developing circularly polarized antennas and has investigated all conceivable antenna designs. In addition, attempts have been made to produce practical working models. JFD states that the axial mode helical antenna proved to be the best performing antenna for UHF frequencies and that a log-periodic crossed dipole array was successfully developed to cover 174–216 MHz. This latter antenna had six elements and exhibited front to back ratios in excess of 35 dB at some frequency points and had an average front to back ratio of 24 dB. Also, it is stated that the combination of a conical spiral with a log-periodic crossed dipole VHF array shows great promise as an all channel circularly polarized antenna.

17. JFD estimates that a circularly polarized antenna designed to perform in the 20–40 mile range will cost 40–50% more than a horizontally polarized antenna having similar performance characteristics. JFD, who is the sole supplier of TV antennas to Sears, Roebuck & Co., indicated that it has already received expressions of interest from that company and that JFD will produce and market circularly polarized receiving antennas.

UHF CONSIDERATIONS

18. There are a number of matters concerning the effects of circular polarization upon UHF broadcasters that will be discussed at this time. Some of these matters were raised in our Notice and some were discussed in comments received from CPB. In our Notice we pointed out that engineering specifications on file from broadcast antenna manufacturers seemed to indicate that circularly polarized UHF transmitting antennas will have less gain than their VHF counterparts. Comments from the antenna manufacturers, however, indicated that this was not the case and that the gain per wavelength of a circularly polarized antenna would remain approximately the same as that for a horizontally polarized antenna.

19. Our Notice also welcomed discussion concerning the possible need to increase transmitter output power CPB, and to a lesser degree CBS and MST, commented on this question. CPB avers that "economic considerations foreclose the widespread use of circular polarization by UHF stations". CPB indicates that attainment of maximum horizontally polarized ERP should be a prerequisite to the implementation of circularly polarized transmission. Further, it is stated that the cost of achieving both maximum ERP and circularly polarized transmissions is exceptionally high for UHF stations. CPB also expresses concern that widespread conversion to circular polarization would place an excessive and unjustified demand on the nation's energy resources.

20. Whether to convert to circular polarization or to increase ERP is the type of question that must be answered individually by each broadcaster. We do not necessarily expect a universal conversion to circular polarization by either VHF or UHF broadcasters. We expect that each licensee will carefully determine its needs based upon such considerations as degree of ghosting problems, estimated use of indoor antennas and the attendant need for improving penetration thereto, topography, etc. We doubt that broadcasters in general will convert to circular polarization unless there are significant reception problems of a type that can be improved by circular polarization. Also it is not expected that all broadcasters, including UHF broadcasters, will find it necessary to double their transmitter output power. Some will be able to maintain the same ERP by installing antennas with higher gain. Others may decide that the advantages of circular polarization outweigh the small loss in the Grade A and B contours that would result if transmitter output power was not increased. ABC reported in its reply comments that even if all stations doubled their power, according to figures available from the Edison Electric Institute, the increase would represent only 0.04% of the total yearly electrical power consumption in the U S. The Commission judges this minor increase, which reflects a "worse case" condition, when weighed against the public benefit to be realized from improved television service, to be decisionally insignificant.

MISCELLANEOUS CONSIDERATIONS

21. ABC reported in its first interim report that an improvement in picture quality for a given value of receiver input voltage seemed to result with circular polarization, even with a conventional receiving antenna. Jampro reported a similar phenomenon in its report for UHF transmissions. We subsequently requested additional data on the subject in our Notice. ABC made further observations which were reported in its second interim report. The phenomenon first reported was not observed in the tests performed for its second report and ABC suggested that the earlier data must be viewed as erroneous, particularly since that data was in conflict with theory. Although we do not believe that this matter is fully resolved, we also do not believe that it is of any further significance in this proceeding, particularly since all previous observations suggested an improvement of picture quality and no known negative data were associated with the phenomenon.

22. ABC also reported in its first interim report that variation of field strength from location to location is not reduced by circular polarization, which was counter to expectation. Hence, further data was also requested on this subject as well. In its second interim report, ABC continued to note this lack of reduction. However, ABC submitted a technical discussion which suggests that the observed variations comply with theory. Vaughan's report also addressed this topic and its initial data indicated a reduction in variations when a circular polarized receiving antenna was used. Subsequently, Vaughan made further tests which still indicated a slight advantage of circular polarized signals over horizontal polarized signals. The ABC and Vaughan data appear to be in conflict in this regard. However, we believe the record is sufficient to indicate that location to location field strength variations are no longer of any further significance in this proceeding.

23. In reviewing the comments and reply comments of CBS, NBC, and MST, it was noted that their discussions could generally be characterized as follows:

A. They were of the opinion that the data submitted in this proceeding did not show that use of circular polarization results in a significant improvement in picture quality.

B. They indicated that conversion to circular polarization is quite expensive.

C. They were of the opinion that it will be more difficult for UHF broadcasters to convert to circular polarization than for VHF broadcasters.

D. They were concerned about increased energy consumption which may result from use of circular polarization.

E. They expressed the view that all of the Commission's questions had not been answered and that further testing was warranted.

After reviewing and considering all of the comments and data submitted in this proceeding, we are persuaded that permissive use of circular polarization for television broadcasting should be permitted. We believe that the questions previously raised have been adequately answered and we see no justification in requiring further expensive and lengthy tests.

24. Jampro recommends that circular polarization (axial ratio of 1:1) should be required and elliptical polarization not be permitted. This argument is premised upon the greater efficacy of circular polarization over elliptical polarization for ghost reduction. ABC disagrees on technical grounds but agrees that antennas should be designed to radiate as close to a circularly polarized signal as possible. We are not adopting Jampro's recommendation because we believe that it runs counter to the permissive intent of our decision. If we permit circular or horizontal polarization, then it is only reasonable to also permit elliptical polarization with axial ratios falling between these extremes.

25. Jampro also recommended that type acceptance of circularly polarized antennas should be required by the Commission. ABC disagrees and points out that because of their "custom" nature, television antennas are not suitable for type-acceptance. We agree with ABC and this recommendation is not adopted.

26. The Commission also requested comments concerning the suggestion that proper time and space phase quadrature of the vertical and horizontal components be required. Jampro, ABC, and RCA essentially agreed. RCA advised that it would be impossible for antenna manufacturers to make antennas which radiate signals in exact phase quadrature in all directions. Therefore, it was suggested that we use "intended" rather than "required." We take note of RCA's suggestion, however, one of the prime concerns which we have addressed in this proceeding has been the effects of circular polarization upon a station's service area and the Commission's allocations plans. Theoretically, any significant departure from transmission of the vertical and horizontal components in phase quadrature could cause an increase of the horizontal field strength. To guard against this, it is imperative that manufacturers and licensees strive for the optimum phase quadrature. For this reason, we are retaining language in the new rules which indicates that time and space quadrature is required.

27. RCA recommends that the definition of antenna height above average terrain should be based upon the height of the mechanical center of the antenna rather than the radiation center as proposed by the Commission. However, Jampro agreed that our proposed wording would apply to those antennas which will be elliptically polarized and therefore, may have different centers of radiation for the two major signal components. Additionally, the Commission's rules used for prediction of coverage are based upon the horizontal radiation center of the antenna. Therefore, this recommendation is not being adopted, and we will continue to use radiation center of the horizontal component for determining the antenna height above average terrain.

28. RCA recommends with the concurrence of ABC that television antennas be treated differently than FM antennas. RCA believes that the magnitude of the vertical and horizontal polarization should be separately specified and that the vertical component should not necessarily be less than the horizontal component, as it may not be practical to build such an antenna. ABC indicates that to do otherwise would generally require the vertical pattern RMS to be drastically reduced. Since the ghost-reduction property of circular polarization is directly dependent upon the horizontal-to-veritical ratios being as close as possible to unity, this is a valid concern and language reflecting RCA's recommendation is being included in the new rules.

29. Section 73.614 of the rules is also being amended to conform with the new rules. For the sake of clarity, the words "horizontally polarized" have been added to paragraphs (a) and (b) which specify the minimum and maximum powers that will be accepted on applications.

30. Authority for adoption of the amendments contained in the Appendix hereto is set forth in Sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended.

31. Accordingly, *It is ordered*, That effective May 20, 1977, Part 73 of the Commission's Rules and Regulations is amended as set forth in the Appendix hereto.

32. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 73.614, paragraph (a) and the portion of paragraph (b) preceding the table of channels is amended to read as follows, with the table and following subparagraphs of paragraph (b) retained without change.

§ 73.614 Power and antenna height requirements.

(a) *Minimum requirements.* Applications will not be accepted for filing if they specify less than −10dBk (100 watts) horizontally polarized visual effective radiated power in any horizontal direction. No minimum antenna height above average terrain is specified.

(b) *Maximum power.* Applications will not be accepted for filing if they specify a power in excess of that provided for in this paragraph. Except as provided in subparagraph (1) of this paragraph, the maximum horizontally polarized effective radiated powers of television broadcast stations operating on the channels set forth below with antenna heights not in excess of 2,000 feet above average terrain shall be as follows:

* * * * *

2. The following definitions in § 73.681 are amended to read as follows:

§ 73.681 Definitions.

* * * * *

Antenna height above average terrain. The average of the antenna heights above the terrain from approximately 3 to 16 kilometers (2 to 10 miles) from the antenna for the eight directions spaced evenly for each 45 degrees of azimuth starting with True North. (In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above the average terrain. In some cases less than 8 directions may be used. See § 73.684(d).) Where circular or elliptical polarization is employed, the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

* * * * *

Effective radiated power. The product of the antenna input power and the antenna power gain. This product should be expressed in kilowatts and in decibels above 1 kilowatt (dBk). (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only. The licensed effective radiated power is based on the average antenna power gain for each direction in the horizontal plane. When a station is authorized to use a directional antenna or an antenna beam tilt, the direction and amount of maximum effective radiated power will also be specified.) Where circular or elliptical polarization is employed, the term effective radiated power is applied separately to the horizontally and vertically polarized components of radiation. For assignment purposes, only the effective radiated power authorized for the horizontally polarized component will be considered.

* * * * *

3. Section 73.682(a)(14) is amended to read as follows:

§ 73.682 Transmission standards and changes.

* * * * *

(a)(14) It shall be standard to employ horizontal polarization. However, circular or elliptical polarization may be employed if desired, in which case clockwise (right hand) rotation, as defined in the IEEE Standard Definition 42A65–3E2, and transmission of the horizontal and vertical components in time and space quadrature shall be used. For either omnidirectional or directional antennas the licensed effective radiated power of the vertically polarized component may not exceed the licensed effective radiated power of the horizontally polarized component. For directional antennas, the maximum effective radiated power of the vertically polarized component shall not exceed the maximum effective radiated power of the horizontally polarized component in any specified horizontal or vertical direction.

* * * * *

[FR Doc.77-11724 Filed 4-21-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Hillside National Wildlife Refuge, Mississippi, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule adds Hillside National Wildlife Refuge to the list of areas open for sport fishing.

EFFECTIVE DATE: May 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202-343-2374.

SUPPLEMENTARY INFORMATION: On January 28, 1977, there was published in the FEDERAL REGISTER (42 FR 5387) a notice of proposed rulemaking adding Hillside National Wildlife Refuge, Mississippi, to the list of refuge areas which are open for sport fishing. This list is published at 50 CFR 33.4. As a general rule, most areas within the National Wildlife Refuge System are closed to sport fishing until officially opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at 242 DM 1, the Director has determined that the opening of Hillside National Wildlife Refuge to sport fishing would be compatible with the objectives for which the area was established.

The public was provided a 30 day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection. No comments were received.

Based on the preceding and an evaluation of the environmental assessment, it has been determined that sport fishing on Hillside National Wildlife Refuge, Mississippi, is not a major Federal action which would significantly affect the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 432(2)(C)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Further, the U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Accordingly, the proposed rulemaking is hereby adopted without change and § 33.4 is amended as set forth below:

§ 33.4 List of open areas; sport fishing.

* * * * *

MISSISSIPPI

HILLSIDE NATIONAL WILDLIFE REFUGE

* * * * *

This final rule was prepared by Mr. Ralph H. Town.

Dated: April 1, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.77-11667 Filed 4-21-77;8:45 am]

PART 33—SPORT FISHING

Ravalli National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: This document describes the regulations governing fishing on the Ravalli National Wildlife Refuge, North of Stevensville, Montana.

EFFECTIVE DATE: May 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Twist, Refuge Manager, No. 5 Third Street, P.O. Box 257, Stevensville, Montana 59870, 406-777-5552.

SUPPLEMENTAL INFORMATION:

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

Sport fishing using only a single line and hook or hooks, with or without a pole, is permitted throughout the year on a portion of the Ravalli National Wildlife Refuge. The open area is approximately 4 miles of the Bitterroot River, which borders the refuge on the west, and the Burnt Fork Creek and its related oxbow (Francois Slough). Fishermen must remain below the upland portion of the river banks. Sport fishing shall be in accordance with all applicable State regulations.

The fishing area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Fish and Wildlife Service, 316 No. 26th Street, Billings, Montana.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 30, 1977.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

R. C. TWIST,
Refuge Manager, Ravalli National Wildlife Refuge.

APRIL 15, 1977.

[FR Doc.77-11666 Filed 4-21-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR PART 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $11,125 and a rate of assessment of one-fourth cent per hundred-weight of potatoes for the functioning of the Southeastern Potato Committee. The regulation would enable the committee to collect assessments from first handlers on all assessable potatoes handled and to use the resulting funds for its expenses.

DATE: Comments due May 13, 1977.

ADDRESS: Comments should be sent to Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 104 and Order No. 953, both as amended, regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Southeastern Potato Committee, established under the order, is responsible for its local administration.

The proposals are as follows:

§ 953.214 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred during the fiscal period ending May 31, 1978, by the Southeastern Potato Committee for its maintenance and functioning will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period except potatoes for canning, freezing, and other processing shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

Dated: April 18, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11673 Filed 4-21-77;8:45 am]

Farmers Home Administration

[7 CFR Part 1804]

[FmHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Extension of Comment Period

AGENCY: Farmers Home Administration, USDA.

ACTION: Extension of comment period of proposed rule.

SUMMARY: The Farmers Home Administration is extending the comment period of the proposed rule on thermal performance standards published at page 15317 of the FR on March 21, 1977, FR Document 77-8323, because of requests by various members of the general public and an internal administrative decision. This extension is necessary because of the interest shown by the general public as evidenced by the large number of comments already received and the need to thoroughly consider the comments received.

DATE: Comments must be received on or before May 20, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Daniel Ball, 202-447-3394.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: April 20, 1977.

DENTON E. SPRAGUE,
Acting Administrator, Farmers Home Administration.

[FR Doc.77-11740 Filed 4-21-77;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 76]

HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Proposed Interstate Movement of Swine Fed Raw Garbage for Immediate Slaughter

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed amendment is to provide for the interstate movement of swine fed raw garbage for immediate slaughter without special processing. The limited number of slaughtering establishments which can specifically process swine products necessitates this proposed action which should overcome difficulties experienced by owners in disposing of garbage fed swine.

COMMENT DATE: Comments on or before June 20, 1977.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 714, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. John W. Walker, Senior Staff Veterinarian, Swine and Poultry Diseases Staff, U.S. Department of Agriculture, Room 714, Hyattsville, Md. 20782. (301-436-8438).

SUPPLEMENTARY INFORMATION: Regulations in 9 CFR 76.15 presently provide for the interstate movement of swine fed raw garbage only in accordance with Schedule A of § 76.12, to a specifically approved slaughtering establishment for the purpose of immediate slaughter and special processing. Because of the special processing requirement and because of the limited number of slaughtering establishments which can specially process swine products, owners have been experiencing great difficulty in disposing of their swine. To overcome this situation, this proposed amendment would provide for the interstate movement of garbage-fed swine for immediate slaughter without special processing when the following conditions are met:

1. The swine so moved have not been fed raw garbage for at least 45 days immediately preceding the date of shipment and have not been in contact with any swine which have been fed raw garbage during such 45 days period.

2. All swine on the premises from where the swine are to be moved interstate have been subjected to such tests and examinations as deemed necessary by the Deputy Administrator to insure their freedom from hog cholera and other communicable diseases of swine.

3. All swine on the premises from where the swine are to be moved interstate are inspected within 24 hours prior to movement and are found to be free of signs of hog cholera and other swine diseases and known exposure thereto.

4. The swine moved are individually identified by eartag or red color mark or moved in vehicles sealed by a Veterinary Services representative, State inspector or accredited veterinarian.

5. The swine are accompanied by an inspection certificate issued by a Veterinary Services representative, State inspector, or accredited veterinarian which confirms their freedom from disease and that other specified conditions have been met.

The docket also includes certain other changes in the present regulations made for the purpose of clarifying the provisions.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), the Animal and Plant Health Inspection Service is considering amending Part 76, Title 9, Code of Federal Regulations, concerning the interstate movement of swine fed raw garbage for immediate slaughter.

Accordingly, Part 76 would be amended in the following respects:

In § 76.15, paragraph (a) would be amended; paragraph (b) would be redesignated as paragraph (c); former paragraph (b)(2), which will be redesignated (c)(2), would be amended; a new paragraph (c)(3) would be added; and a new paragraph (b) would be added to read as follows:

§ 76.15 Special requirements for interstate movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine* Except as provided in paragraph (b) of this section, swine which have been fed any raw garbage may be moved interstate under this part only in accordance with Schedule A of § 76.12 for immediate slaughter and special processing.

(b) Swine which have been fed raw garbage at any time, but which have not been fed raw garbage within 45 days immediately preceding the date of interstate movement, and have not been in contact with any swine which have been fed raw garbage during such 45 days, may be moved interstate for immediate slaughter without special processing in accordance with the following conditions:

(1) All swine on said premises have been subjected to such tests and examinations as determined necessary by the Deputy Administrator to establish their freedom from contagious and communicable diseases.

(2) All swine on said premises, including the swine to be moved interstate, must be inspected on said premises by a Veterinary Services representative or State inspector or an accredited veterinarian within 24 hours prior to the time the interstate movement begins and all swine on said premises must be found to be physically free of signs of hog cholera and other contagious, infectious and communicable diseases, and known exposure thereto.

(3) (i) The owner of the swine shall insure that the swine which are to be moved interstate are identified at such premises by an individual eartag or by a red color mark at least 4'' x ½'' in size, placed above the shoulder and on the back of each animal, or (ii) the means of conveyance in which the swine are moved interstate are sealed with numbered metal seals at said premises by a Veterinary Services representative, State inspector or an accredited veterinarian.

(4) If the means of conveyance in which the swine are moved interstate is sealed, the seals shall not be removed or broken except by a Federal meat inspector employed by the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture or by other persons authorized for this purpose by the Deputy Administrator.

(5) The owner of such swine shall obtain and the swine must be accompanied by an inspection certificate issued by a Veterinary Services representative or State inspector or an accredited veterinarian showing:

(i) That all swine on the premises from where the swine are moved interstate, including those covered by the certificate, were inspected by him as prescribed in paragraph (c)(2) of this section and found to be free of signs of contagious diseases and from known exposure thereto.

(ii) The names of the consignee and consignor.

(iii) The number of swine covered by the certificate.

(iv) The individual eartag identification numbers of the swine or the existence of the red color mark on each animal covered by the certificate or the seal numbers as prescribed in paragraphs (c)(3)(i) or (c)(3)(ii) of this section.

(v) That the swine covered by the certificate shall only be moved directly to the State of federally inspected slaughtering establishment specified on the certificate.

(vi) That during the course of the interstate movement, the swine shall not come in contact with feeding or breeding swine and shall not be unloaded or diverted enroute.

(c) * * *

(2) Except as provided in subparagraph (3) of this paragraph, swin products produced at an establishment operating under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which handles any product of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) of this paragraph, may be moved interstate only if accompanied by a certificate signed by a meat inspector of the U.S. Department of Agriculture: (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, the particular products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that the particular products have been handled as specified in subparagraph (1) of this paragraph.

(3) Swine products which are produced at an establishment operating under the Federal Meat Inspection Act as amended (21 U.S.C. 601 et seq.), and which handles products of swine which have been fed raw garbage and which have been moved in accordance with the provisions of paragraph (b) of this section may be moved interstate without restriction, if they otherwise meet the requirements of the Federal Meat Inspection Act and other applicable laws.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Rd., Room 714, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of April 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77–11496 Filed 4–21–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

ADJUSTMENTS TO BASE PERIOD VOLUMES FOR MOTOR GASOLINE

AGENCY: Federal Energy Administration.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: FEA proposes to amend the Mandatory Petroleum Allocation Regulations for motor gasoline. The effect of these proposed amendments is basically to adjust firms' purchase entitlements based on their purchases in the corresponding month of the preceding year. FEA believes the proposed amendments will more effectively and equitably distribute supplies of motor gasoline consistent with current demand patterns.

DATES: Effective Date, June 1, 1977. Comments by May 13, 1977, 4:30 p.m. Requests to speak by May 4, 1977, 4:30 p.m.

ADDRESS: Written Comments to: Executive Communications, Room 3309, Federal Energy Administration, Box LS, Washington, D.C. 20461.

Requests to speak to the appropriate office:

National Hearing: Federal Energy Administration, Attn: Executive Communications, 12th and Pennsylvania Avenue NW., Room 3309, Box LS, Washington, D.C. 20461.

Atlanta, Georgia Hearing: Ms. Sylvia Orr, Federal Energy Administration, 1655 Peachtree Street, Atlanta, Georgia 30309.

Boston, Massachusetts Hearing: Ms. D. Novick, Federal Energy Administration, Room 700, 150 Causeway Street, Boston, Massachusetts 02114.

Chicago, Illinois Hearing: Charles Swank, Federal Energy Administration Region V, 175 W. Jackson Boulevard, Chicago, Illinois 60604.

Dallas, Texas Hearing: Ms. Susan Dickey, Office of Compliance, Federal Energy Administration, 2626 West Mockingbird Lane, Dallas, Texas 75235.

Denver, Colorado Hearing: C. Dale Eriksen, Deputy Regional Administrator, Federal Energy Administration, P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226.

San Francisco, California Hearing: Ms. Eileen Yoshinaka, Federal Energy Administration, 111 Pine Street, San Francisco, California 94111.

Addresses And Times For Hearings:

National Hearing: May 10, 1977, 9:30 a.m., Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C., and continued if necessary at 9:30 a.m. at the same location on May 11, 1977.

Atlanta Hearing: May 12, 1977, 9:30 a.m., Atlanta Civic Center, 395 Piedmont Avenue NE., Atlanta, Georgia and continued if necessary at 9:30 a.m. at the same location on May 13, 1977.

Boston Hearing: May 11, 1977, 9:30 a.m., John F. Kennedy Federal Building, 20th Floor Conference Room, Government Center, Boston, Massachusetts.

Chicago Hearing: May 10, 1977, 9:30 a.m., J. C. Kluczynski Building, Room 349, 230 South Dearborn Street, Chicago, Illinois.

Dallas Hearing: May 9, 1977, 9:30 a.m., Federal Energy Administration, Room 250 (Training Room), 2626 West Mockingbird Lane, Dallas, Texas and continued if necessary at 9:30 a.m. at the same location on May 10, 1977.

Denver Hearing: May 12, 1977, 9:30 a.m., Main Post Office Building, Room 269, 18th and Stout Streets, Denver, Colorado.

San Francisco Hearing: May 11, 1977, 9:30 a.m., P.S.A. San Franciscan Hotel, Crystal Ball Room, 1231 Market Street, San Francisco, California and continued if necessary at 9:30 a.m. at the same location on May 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street, NW., Room 2214B, Washington, D.C. 20461, 202–254–5201.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue, NW., Room 3104, Washington, D.C. 20461, 202–566–9833.

Mary B. Jones (Program Office), 2000 M Street, NW., Room 2314, Washington, D.C. 20461, 202–254–3234.

Michael Paige, 202–566–9565, Kathleen C. Williams, 202–566–2454, (Office of the General Counsel), 12th and Pennsylvania Avenue, NW., Rooms 5136 and 7132, Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

Since elimination of the "changed circumstances" provision in October of 1974 (39 FR 36854, October 15, 1974), there have been limited means available under the Mandatory Petroleum Allocation Regulations to effect adjustments in the base period uses of motor gasoline retail sales outlets, bulk purchasers, and wholesale purchaser-consumers to reflect changes in supply requirements. Upward adjustments to existing retail sales outlets' base period use have only been made through the exceptions process pursuant to FEA's regulations for its Administrative Procedures and Sanctions (10 CFR Part 205), in cases where a serious hardship or gross inequity can be established.

Information available to FEA indicates that significant changes in demand patterns have been occurring in the retail gasoline market. There is evidence of continuing growth in retail demand which has at the same time been accompanied by a general decrease in the number of retail outlets. Average volumes per station are shifting significantly from base period uses as established and adjusted during 1974. The sustained trend within the retail market toward lower-cost, higher-volume gasoline marketing methods appears to be continuing. Many firms have renovated retail outlets for the purpose of changing marketing methods and have been purchasing and retailing surplus product[1] to meet their increased product needs.

Surplus product has been generally available to meet the normal growth requirements of retail outlets. However, not all retail outlets have experienced growth and many have experienced actual declines in volume throughout, which accounts in part for the surplus product available. In the event of any shortages in the supplies of motor gasoline, current regulations provide that all purchasers would receive allocations as set forth in Subparts A and F of 10 CFR Part 211, which include provisions for application of a supplier's allocation fraction to its purchasers' established base period uses. Thus, those marketers who have grown and have been relying on surplus product would be severely disadvantaged by a shortage, while those which have experienced declines in throughput would be entitled during shortage periods to purchase supplies in excess of their current actual sales volumes.

If FEA's view of the current market situation is correct, severe market distortions and inequities as between retailers could occur if outlets which are retailing significantly increased volumes of motor gasoline were restricted by 1972 base period use levels in the event of any shortage of product supplies. In particular, competitive inequities could result in cases where an outlet currently relying on surplus product would be forced to operate at or below base period levels and compete with a new high volume outlet that under current regulations has been assigned a base period use reflective of high volume operations. Furthermore, consumers in high growth areas which are served by outlets relying heavily on surplus product might not have access to an equitable share of product in a shortage.

FEA recognizes that its regulations should, to the maximum extent practicable, be consistent with the objectives set forth in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended ("EPAA"). FEA believes that the amendments being proposed today, reflecting an attempt to update the regulations to account for current market conditions, would render the regulations more in conformity with the objectives of the EPAA.

II. ADJUSTMENTS TO BASE PERIOD VOLUMES FOR BULK PURCHASERS, WHOLESALE PURCHASER-CONSUMERS AND RETAIL MOTOR GASOLINE SALES OUTLETS

FEA is proposing hereby amendments which provide for adjustments to the base period use of retail motor gasoline sales outlets, and bulk purchasers and wholesale purchaser-consumers which have allocation levels which are not one hundred percent of current require-

[1] In this regard, it is important to note the distinction between "surplus product," an FEA concept set forth in 10 CFR 211.10(g) which results from base period purchasers underlifting base period allocations and from general production of supplies in excess of the volume required to meet regulatory supply obligations, and "excess supply," which represents total availability of product in excess of current demand. To the extent that current consumption patterns are not reflected in suppliers' supply obligations and purchasers which have allocation entitlements are not purchasing their full entitlements from base period suppliers, it is theoretically possible to have volumes of surplus product at a time when there is actually no excess supply.

ments. The proposed adjustments would be supplier-initiated and require base period suppliers to adjust the base period uses of their purchasers to reflect actual purchases from such suppliers in the corresponding month of the immediately preceding calendar year, including purchases of surplus product from such base period suppliers, but excluding assignments from the State set-aside, temporary assignments made by FEA and declared surplus product redirected by FEA order. The adjusted base period use would not be less than the purchaser's actual purchases in the corresponding month of 1972 or, if the purchaser was not in business in 1972, not less than the base period use originally established for that purchaser by an FEA assignment. Base period suppliers would be required to notify each purchaser, except wholesale purchaser-resellers other than retail sales outlets, of that purchaser's base period use as recalculated to reflect prior year purchases. Such notification would have to be made no less than 90 days prior to the commencement of each calendar quarter and would specify the separate adjustments for each of the three months included in the calendar quarter, except with respect to the initial notifications for adjustments to base period volumes for June 1977 through March 1978, which would have to be made no later than June 1, 1977. In case of a dispute over the adjusted amount, the purchaser could request validation of the adjusted amount from the FEA and, pending action by the FEA, the supplier would be required to deliver to the purchaser volumes not to exceed the adjusted base period use calculated by the supplier. Inasmuch as the supplier-initiated adjustment should derive from reference to the previous year's purchases, there should be few disputes as to the amount of such adjustments. In this connection, FEA solicits comments whether any such validation procedure is necessary for these supplier-initiated adjustments.

The initial adjustments under the proposed amendments will raise allocation entitlements higher than 1972 base period levels for many customers. Subsequently, however, requiring all suppliers continually to adjust the base period purchasers (except for wholesale purchaser-resellers other than retail sales outlets, the special adjustments for which are discussed below) to reflect actual purchases in a recent period would serve to reduce (but not below 1972 levels) the adjusted base period uses of those purchasers which did not purchase their entire allocation entitlements during the corresponding month in the preceding calendar year. FEA believes that this type of downward adjustment would resolve to some extent the problems associated with the requirement for suppliers to reserve product for base period purchasers which no longer lift their entire allocation entitlement if 1976 were utilized as a new base period. In addition, by permitting base period purchasers which purchased surplus product from their base period supplier to include that amount in their adjusted base period use for the corresponding month of the next year, suppliers' obligations will more closely correspond to their customers' actual needs.

Although information available to FEA indicates that a significant number of purchasers are purchasing amounts of motor gasoline which are well below the level of their 1972 adjusted or assigned base period uses, and in some cases are consistently purchasing no product at all from their base period suppliers, FEA has proposed that the base period uses of such purchasers not be reduced below their actual purchases in the comparable month of 1972. In proposing 1972 purchases as a floor, FEA has recognized that the provisions of section 4(c)(1) of the EPAA require FEA to structure the mandatory allocation program "to the extent practicable and consistent with the objectives" of section 4(b)(1) of the EPAA so as to result in the allocation to each marketer product in an amount not less than the amount sold or otherwise supplied to such marketer in the corresponding period of 1972. In those cases where there is no 1972 sales volume which might provide a floor to the adjustment to base period uses for those customers not purchasing their full allocation entitlements (i.e. for purchasers which were not in business in 1972), the minimum base period use will be the original base period use assigned by FEA.

FEA requests comments on whether it would be appropriate not to provide for 1972 purchases as a floor on the adjustments proposed hereby and to adjust all purchasers' base period uses solely by reference to their actual purchases in the corresponding month of the preceding year. In light of the potentially severe effect on those purchasers which would be deprived of some or all of their allocation entitlement, FEA wishes to receive comments on the advisability of adopting such a proposal. In particular, FEA would like to receive comments on the extent to which any such reductions in base period entitlements below 1972 actual purchase levels or below FEA assigned base period uses would result in inequities for particular purchasers or classes of purchasers or would be incompatible with the EPAA.

As proposed, the amendments provide for continuous adjustments to base period use, which differs from a rolling base period in that the latter would create new supplier/purchaser relationships as a result of purchases of surplus product from non-base period suppliers. FEA realizes that limiting the adjustments to purchases from base period suppliers may pose difficulties in a period of shortage for purchasers which have purchased surplus product from non-base period suppliers. However, FEA has tentatively concluded that referencing the adjustments solely to base period supplier/purchaser relationships is appropriate. This is intended to preserve the availability of a reasonable amount of surplus product and to permit greater marketing flexibility for all parties in the purchase and sale of surplus product by not creating new supply obligations and supplier/purchaser relationships as a consequence of such sales. On the other hand, some marketers may have been unable to obtain adequate supplies of surplus motor gasoline from their base period suppliers and thus have been required to purchase surplus from non-base period suppliers. Consequently, FEA requests comments on the following alternatives to restricting the proposed adjustments to purchases from base period suppliers:

1. The purchase of declared surplus product from a supplier other than a base period supplier during the corresponding month of the preceding year would create a new supplier/purchaser relationship between the two parties and a supply obligation and an allocation entitlement for the amount of product actually purchased.

2. The amount of surplus product purchased from a non-base period supplier would be included in the adjustment in base period use and create an additional supply obligation for the base period supplier.

3. The amount of surplus product purchased from a non-base period supplier would not be considered as part of the purchaser's adjusted base period use unless either the actual supplier, the base period supplier or any other supplier certifies a willingness to accept that amount as a supply obligation for the following year. FEA requests comments in particular on the desirability of requiring supplier consent prior to any adjustments to base period use which reflect purchases of surplus product from non-base period suppliers.

4. The adoption of a rolling base period in lieu of the proposed adjustments to base period uses by reference to purchases from base period suppliers. In this regard, FEA wishes to receive comments on whether it would be more appropriate to adopt a rolling base period or alternatively to adopt a revised base period, such as calendar year 1976.

With respect to those retail sales outlets that do not have base period suppliers and have been purchasing surplus product, the proposed amendments do not include any new provisions enabling such purchasers to obtain an allocation entitlement. As set forth above, FEA believes that to provide that all purchases of surplus product create base period supplier/purchaser relationships, with the related allocation entitlements and supply obligations, would introduce unwarranted rigidity in the retail motor gasoline market. Furthermore, adequate supplies of motor gasoline apparently are available to satisfy the requirements of this group of purchasers. However, FEA recognizes that it has an obligation to protect all marketers in the event of a supply emergency. Since the proposed adjustments to base period uses could result in a diminished supply of uncommitted gasoline, thus reducing the purchase opportunities of those retail sales outlets which depend on this source, FEA requests comments on whether a mechanism different than that currently provided for in 10 CFR 211.12(e) would be

appropriate to allow purchasers without base period suppliers to be assigned a supplier and base period use and, if so, what would be the most suitable manner for assigning such suppliers and base period uses.

III. Base Period Use Adjustments for Wholesale Purchaser-Resellers Other than Retail Sales Outlets

FEA proposes to amend the regulations to specify that the adjusted base period uses for wholesale purchaser-resellers other than retail sales outlets would be the sum of the adjusted base period uses of all their base period and assigned purchasers. The determination of these amounts would be purchaser-initiated and certified by the reseller to its supplier. Such adjusted base period use would not be less than the wholesale purchaser-reseller's actual purchases in 1972, or, if the reseller was not in business in 1972, not less than the base period use originally established by an FEA assignment. After determining the adjusted base period uses of its base period purchasers and the current requirements permitted to be so certified, a wholesale purchaser-reseller other than a retail sales outlet would certify to its supplier, or proportionately to its suppliers, an adjustment to its base period use consistent with its adjusted supply obligations.

Commencing with the adjustments for April 1978, the certifications would have to be made no less than sixty days prior to the commencement of each calendar quarter and would have to specify the separate adjustments for each of the three months in said calendar quarter. For instance, a purchaser certifying to its supplier the adjustments for April, May, and June, 1978 would have to certify such adjustments to its supplier no later than sixty days prior to April 1, 1978. The initial certification for June 1977 through March 1978 would have to be made by June 1, 1977. A supplier which receives a certification of adjustments to base period use from a wholesale purchaser-reseller may request at the time of receiving such certification validation of the adjustments from the FEA Regional Office for the region in which the certifying reseller is located.

If the amendments are adopted as proposed, FEA will separately issue appropriate guidelines and procedures to implement the revised regulations. Therefore, FEA requests comments at this time on what implementation procedures should be adopted, in particular as to FEA validation of the purchaser-initiated adjustments to base period uses of wholesale purchaser-resellers other than retail sales outlets. FEA also requests comments on whether adoption of the proposed amendments would pose administrative or other problems to wholesale purchaser-resellers or their suppliers, especially in view of a possible effective date of June 1, 1977.

Finally, FEA requests comments as to any potential effects on refiners' pricing structures which could flow from the adoption of the amendments proposed hereby. In this regard, FEA wishes to receive information that would enable it to determine whether adoption of these amendments would permit refiners to sell either a greater or lesser volume of motor gasoline to classes of purchasers to which the selling prices are higher than the refiner's average selling price. In particular, FEA requests comments on whether these amendments would allow a greater sales volume directly to retail outlets, as opposed to jobbers, and thus permit a greater cost recovery for the refiners, or whether in fact the opposite result would be the case and a higher sales volume would move through jobbers.

IV. Procedures for Public Hearings and Submission of Written Comments

A. Written Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice to Executive Communications, Federal Energy Administration. Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Adjustments to Base Period Volumes for Motor Gasoline," Box LS. Fifteen copies should be submitted. All written comments should be submitted by 4:30 p.m. on May 13, 1977. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

B. Public Hearings

FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold regional hearings in Atlanta, Georgia; Chicago, Illinois; Dallas, Texas; Denver, Colorado; Boston, Massachusetts and San Francisco, California.

1. *Request Procedures.* The following request procedures are applicable to both the National and Regional Hearings. Persons requesting an opportunity to make an oral presentation should submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labeled both on the document and on the envelope "Adjustments to Base Period Volumes for Motor Gasoline," Box LS. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through May 9, 1977. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., May 6, 1977. For the National hearing each person so selected to be heard is requested to submit 100 copies of his or her statement to Executive Communications, FEA, Room 3309, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., May 9, 1977, and for the regional hearings is requested to submit 100 copies of his or her statement to FEA at the location of the hearing on the day the statement will be presented. Most of the 100 copies will be made available to the persons attending the hearings.

2. *National Hearings.* The Washington, D.C. hearing (the "National hearing") will be held beginning at 9:30 a.m. on Tuesday, May 10, 1977, and continued, if necessary, on Wednesday, May 11, 1977, in Room 3000A, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein. Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may request an opportunity to make an oral presentation. Such a request must be in writing, directed to Executive Communications, FEA, and must be received before 4:30 p.m. on Wednesday, May 4, 1977. Requests may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth above.

3. *Regional Hearings.* The regional hearings will be held at the locations specified below. The Atlanta, Georgia regional hearing will be held at 9:30 a.m., Thursday, May 12, 1977, and continued, if necessary, on Friday, May 13, 1977. The Boston, Massachusetts regional hearing will be held at 9:30 a.m., Wednesday, May 11, 1977. The Chicago, Illinois regional hearing will be held at 9:30 a.m., Tuesday, May 10, 1977. The Dallas, Texas regional hearing will be held at 9:30 a.m., Monday, May 9, 1977, and continued, if necessary, on Tuesday, May 10, 1977. The Denver, Colorado regional hearing will be held at 9:30 a.m., Thursday, May 12, 1977. The San Francisco, California regional hearing will be held at 9:30 a.m., Wednesday, May 11, 1977, and continued, if necessary, on Thursday, May 12, 1977. Any person who has an interest in this matter, or is a representative of a group or class of persons that has an interest in this matter, may request an opportunity to make an oral presentation. Such a request must be in writing, directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set forth above. Requests must be received before 4:30 p.m. on Wednesday, May 4, 1977.

FEA region	Submit requests to testify to—	Hearing location
Atlanta, Ga	Ms. Sylvia Orr, FEA, 1655 Peachtree St. NE., Atlanta, Ga. 30309.	Atlanta Civic Center, Room 201, 395 Piedmont Ave. NE., Atlanta, Ga.
Boston, Mass	Ms. D. Novick, FEA, room 700, 150 Causeway St., Boston, Mass. 02114.	John F. Kennedy Federal Bldg., 20th floor, conference room, Government Center, Boston, Mass.
Chicago, Ill	Charles Swank, FEA, region V, 175 West Jackson Blvd., Chicago, Ill. 60604.	J. C. Kluczynski Bldg., room 349, 230 South Dearborn St., Chicago, Ill.
Dallas, Tex	Ms. Susan Dickey, Office of Compliance, FEA, 2626 West Mockingbird Lane, Dallas, Tex. 75235.	FEA, room 250, 2626 West Mockingbird Lane, Dallas, Tex.
Denver, Colo	C. Dale Eriksen, Deputy Regional Administrator, FEA, P.O. Box 26247, Belmar Branch, 1075 South Yukon St., Lakewood, Colo. 80226.	Main Post Office Bldg., room 269, 18th and Stout Sts., Denver, Colo.
San Francisco, Calif	Ms. Eileen Yoshinaka, FEA, 111 Pine St., San Francisco, Calif. 94111.	P.S.A. San Franciscan Hotel, Crystal Ball Room, 1231 Market St., San Francisco, Calif.

4. *Conduct of the hearings.* The FEA reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard. An FEA official will be designated to preside at the hearings, which will not be judicial or evidentiary in nature. More specific procedural rules governing the conduct of the hearings will be announced by the presiding officer at the outset of the hearings. Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., May 6, 1977. A transcript of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by the FEA and within a short period of time following the hearings will be made available for inspection at the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearing. However, it is not possible for FEA to give actual notice of cancellations or changes to persons not identified to FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

The FEA has determined that this document does not set forth a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proopsal on the quality of the environment. The Administrator had no comments on this proposal.

Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790; 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

1. Section 211.13 is amended by revising subparagraphs (1) and (2) of paragraph (a), and subparagraph (1) of paragraph (c) to read as follows:

§ 211.13 Adjustments to base period volume.

(a) *Scope.* (1) The adjustment procedures under this section are applicable to the allocation of propane, butane, motor gasoline (except for adjustments to base period use for bulk purchasers, wholesale purchaser-consumers and retail sales outlets required pursuant to § 211.105(e)), middle distillate, aviation fuels (except allocations to civil air carriers), and residual fuel oil (except allocations to utilities) and other products subject to Subpart K of this part. This section describes the means by which wholesale purchasers and end-users may receive adjustments to their base period volumes. All adjustments pursuant to this section are subject to verification by FEA audit.

(2) Paragraph (b) of this section provides for supplier-initiated and wholesale purchaser-initiated adjustments of a wholesale purchaser's base period use for each month of the appropriate base period year for unusual growth based upon actual sales volumes in 1972 and 1973. Paragraph (c) of this section provides for adjustments to a wholesale purchaser-reseller's base period use for new and increased allocation entitlements of purchasers which are occasioned by new assignments to supply wholesale purchasers, or adjustments granted its purchasers pursuant to §§ 211.12(h) 211.13 (e), 211.125(b), 211.145(b) or 211.105(e) of this part. Paragraph (d) of this section provides an adjustment to base period use when increased requirements are certified by end-users and wholesale purchaser-consumers entitled to receive an allocation level based upon their current requirements.

* * * * *

(c) *Adjustments to a wholesale purchaser-reseller's base period use for new and increased allocation entitlements of purchasers.* (1) Effective October 1, 1975, a wholesale purchaser-reseller shall be entitled to receive an adjustment to its base period use whenever (i) it is notified pursuant to § 205.36(d) of an assignment to supply a new wholesale purchaser; or (ii) it is required to adjust the base period use of bulk purchasers and wholesale purchasers pursuant to § 211.105(e); or (iii) it is notified pursuant to § 205.26(c) of an adjustment granted pursuant to §§ 211.12(h), 211.13(e), 211.125(b) or 211.145(b) to the base period use of a wholesale purchaser entitled to receive an allocation from that wholesale purchaser-reseller, in an amount equal to the increase in the allocation entitlements or new allocation entitlements which the wholesale purchaser-reseller is to supply.

* * * * *

2. Section 211.103 is amended by revising paragraphs (a) and (e) to read as follows:

§ 211.103 Allocation levels.

(a) *General.* The allocation levels listed in this section only apply to allocations made by suppliers to end-users which are bulk purchasers and to wholesale purchaser-consumers. Suppliers shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10 and in accordance with the adjustments to base period volumes contained in § 211.105(e). End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline for all uses under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

* * * * *

(e) *Wholesale purchaser-resellers.* Wholesale purchaser-resellers shall receive allocations on the basis of their base period volumes as determined by § 211.12(c) and adjusted in accordance with §§ 211.13 or 211.105(e).

3. Section 211.105 is amended by revising its title and adding paragraph (e) to read as follows:

§ 211.105 Supplier/purchaser relationships and adjustments of base period use.

* * * * * *

(e) *Adjustments for changed consumption and sales patterns.* (1) Adjustments for bulk purchasers, wholesale purchaser-consumers and retail sales outlets. Effective for June 1977 and continuing in subsequent months, bulk purchasers, wholesale purchaser-consumers and wholesale purchaser-resellers which are retail sales outlets as defined in this subpart shall receive from their base period suppliers supplier-initiated adjustments to their base period uses to reflect changes in consumption and sales patterns. The adjustment shall equal the incremental amount necessary to establish an adjusted base period use equal to the volumes actually purchased from the base period supplier in the corresponding month of the immediately preceding calendar year and may be an upward or downward adjustment, except that the adjustment shall not reduce the base period use below the purchaser's actual purchases from its base period supplier in 1972 or, if the purchaser was not in business in 1972, below the base period use originally established for that purchaser by an FEA assignment. Adjustments shall not include volumes received from non-base period suppliers or volumes received by purchasers pursuant to an assignment from the State set-aside, temporary assignments made by FEA, or declared surplus product redirected by FEA order. Those purchasers whose allocation level is one hundred percent of current requirements shall not receive an adjustment under this paragraph (e). Suppliers shall initiate such adjustments only for those purchasers with whom the supplier has a supplier-purchaser relationship established pursuant to §§ 211.9 or 211.12. Sales of surplus product to non-base period purchasers do not create supplier-purchaser relationships under this paragraph.

(2) *Notification by suppliers.* Suppliers shall, by June 1, 1977, notify eligible purchasers of adjustments to their base period use applicable for the months June 1977 through March 1978. Commencing with the adjustments for April 1978, suppliers shall notify purchasers subject to such adjustments no later than ninety days prior to the beginning of each calendar quarter as to the separate adjustments for each of the three months contained in said calendar quarter. Each such notification shall include:

(i) The purchaser's previously established base period use for each of the months subject to the notification.

(ii) The purchaser's actual purchases from the supplier in each of the corresponding months of the immediately preceding calendar year.

(iii) The difference for each month (representing the actual adjustment) between (i) and (ii).

(iv) Notice that if the purchaser disagrees with the amounts specified by the supplier, validation from the appropriate regional office of FEA may be requested within ten days.

(3) *Adjustments for wholesale purchaser-resellers other than retail sales outlets.* (i) The adjusted base period use of a wholesale purchaser-reseller other than a retail sales outlet shall consist of the sum of (A) the adjusted base period uses determined pursuant to paragraph (e)(1) above, (B) the current requirements of its purchasers whose allocation levels are 100 percent of current requirements and (C) the sum of the adjusted base period uses of its wholesale purchaser resellers other than retail sales outlets which are certified to it in accordance with paragraph (e)(3)(ii) below, except that the adjusted base period use calculated under this paragraph (e)(3) shall not be less than the wholesale purchaser-reseller's actual purchases in 1972, or, if the purchaser was not in business in 1972, not less than the base period use originally established by an FEA assignment.

(ii) Wholesale purchaser-resellers other than retail sales cutlets shall certify their adjusted base period uses to their suppliers. Certification of adjusted base period uses for June 1977 through March 1978 shall be made by June 1, 1977. Commencing with the adjustments for April 1977, such certifications shall be made no later than sixty days prior to the beginning of each calendar quarter and shall include the separate adjustments for each of the three months contained in said calendar quarter. If the wholesale purchaser-reseller's supplier disputes the validity of the certified adjusted base period use, the supplier may apply to FEA for a validation of the correct amount in accordance with the procedures set forth in paragraph (e)(4) of this section.

(iii) A wholesale purchaser-reseller which has more than one base period supplier shall, for each period corresponding to a base period, certify its adjusted base period use to each supplier in the same proportion as the portion of the total supply delivered by each base period supplier bore to its total supply delivered by all base period suppliers in the corresponding month of the previous calendar year.

(4) *Validation procedure.* (i) In the event of a dispute as to the size of an adjustment determined pursuant to paragraphs (e)(1) or (e)(3) above, a firm receiving either a notification of adjusted base period use pursuant to (e)(1) above or a certification of adjusted base period use pursuant to (e)(3) above may within ten days of receipt of such notification or certification apply to the FEA Regional Office for the region in which the disputed volumes would be delivered for validation of the adjusted amount. The application shall contain a concise statement of the facts upon which the applicant is contesting the validity of the adjustment, and shall be accompanied by written documentation in support thereof.

(ii) On the basis of the documentation submitted under clause (i) of this paragraph (e)(4) and any other information available to it, FEA shall determine the appropriate adjustment. Pending a determination by FEA, the supplier shall be required to deliver those volumes of motor gasoline which, in connection with supplier-initiated adjustments, have been identified by the supplier as the purchaser's adjusted base period use, and in connection with purchaser-initiated adjustments, those volumes not the subject of the dispute.

4. Section 211.107 is amended by revising paragraph (c) to read as follows:

§ 211.107 Method of allocation.

* * * * *

(c) Provisions to adjust a wholesale purchaser's base period volume are specified in §§ 211.13 and 211.105(e). New wholesale purchasers and end-users are subject to the requirements of § 211.12.

[FR Doc.77-11833 Filed 4-20-77;4:22 pm]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[10 CFR Part 791]

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, DEMONSTRATION, AND PRODUCTION

Federal Guaranties on Loans

AGENCY: Energy Research and Development Administration.

ACTION: Proposed rule.

SUMMARY: These regulations proposed today will establish policies and procedures for loan guaranties by which lender, as well as borrower, may participate in accelerating the development of electric and hybrid vehicles. Section 10 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 establishes the authority of the Administrator of the Energy Research and Development Administration to implement a Loan Guaranty Program to encourage commercial production of electric and hybrid vehicles. The regulations will enable the Administrator of the U.S. Energy Research and Development Administration (ERDA) to effectively reduce financial risk to lenders usually associated with the introduction of new technologies.

DATES: Comments must be received on or before: May 23, 1977.

ADDRESS: Send comments to: Anthony H. Ewing, Chief, Demonstration and Incentives Branch, Division of Transportation Energy Conservation, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

Anthony H. Ewing, 202-376-4747.

SUPPLEMENTARY INFORMATION: On September 17, 1976, the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Public Law 94-413, 15 USC 2501 et seq.) was enacted. Section 10 of that Act establishes the authority of the Administrator of the Energy Research and Development Administration to implement a Loan Guaranty Program to encourage commercial production of electric and hybrid vehicles.

These regulations proposed today will establish policies and procedures by which lender, as well as borrower, may participate in accelerating the development of electric and hybrid vehicles. They will enable the Administrator of the U.S. Energy Research and Development Administration (ERDA) to effectively reduce financial risk to lenders usually associated with the introduction of new technologies.

Generally, these regulations will establish priorities and criteria which the Administrator will apply in determining if a Federal guaranty will be granted. In so doing they establish the types of information required to be developed and submitted to ERDA by both the borrower and the lender in support of a loan guaranty application.

Interested parties wishing to comment on these proposed regulations should submit their comments in writing to the Director, Division of Transportation Energy Conservation, U.S. Energy Research and Development Administration, Washington, D.C., 20545 on or before May 23, 1977.

Dated at Washington, D.C., this 19th day of April, 1977.

GENE G. MANNELLA,
Acting Assistant Administrator for Conservation.

The proposed regulation is as follows:

PART 791—FEDERAL GUARANTIES ON LOANS TO CONDUCT ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, DEMONSTRATION AND PRODUCTION

Subpart A—General Provisions

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791.2 Objectives.
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791.8 Loan guaranty criteria.
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Subpart B—Applications

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791.40 Assignment and incontestability.
791.41 Survival of guaranty agreement.
791.42 Other Federal assistance.
791.43 Patent and proprietary rights.
791.44 Closing.
791.45 Appeals.

AUTHORITY: Section 10 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Public Law 94-413; Section 105(a) of the Energy Reorganization Act of 1974, Public Law 93-438.

Subpart A—General Provisions

§ 791.1 Purpose.

The purpose of this regulation is to set forth policies and procedures under which lenders may obtain a Federal guaranty on loans to qualified borrowers for purposes related to the research, development, demonstration and commercial production of electric and hybrid vehicles in an environmentally acceptable manner.

§ 791.2 Objectives.

The objectives of the Electric and Hybrid Vehicle Loan Guaranty Program are:

(a) To encourage and assist the private sector to accelerate development, employing environmentally acceptable processes, of electric and hybrid vehicles for introduction into the Nation's transportation fleet;

(b) To assure that qualified small business concerns and other qualified borrowers are not excluded from participation in such development due to lack of adequate capital by enabling the Administrator of the U.S. Energy Research and Development Administration (ERDA), to effectively reduce the lender's financial risk associated with new electric and hybrid vehicle technology; and

(c) To develop normal borrower-lender relationships which will in time encourage the flow of credit so as to assist in the continued development and production of electric and hybrid vehicles without the need for Federal guaranties.

§ 791.3 Definitions.

For the purposes of this regulation:

(a) "Administrator," Administrator of the U.S. Energy Research and Development Administration (ERDA) or a representative authorized by the Administrator;

(b) "Aggregate net cost" means all project costs, less those costs excluded in paragraph (b) of § 791.22 "Project cost illustrations," and less any potential tax savings from investment tax credits and other tax benefits through the first year of operations;

(c) "Default" means the nonpayment of principal or interest by the borrower within the time period allowed in § 791.30 "Loan servicing by lender";

(d) "Development" means the extension of investigative findings and theories of a scientific or technical nature into practical applications for experimental and demonstration purposes of electric and hybrid vehicles and components thereof. Development includes the experimental production and testing of models, devices, equipment, materials, and processes;

(e) "Electric vehicle" means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof;

(f) "Hybrid vehicle" means a vehicle propelled by a combination of an electric motor and an internal combustion engine or other power source and components thereof;

(g) "Lender" means any individual, partnership, corporation, or other legal entity formed for the purpose of or engaged in the business of lending money and having the capability to have the loan serviced as required in § 791.30, "Loan servicing by lender." Examples of lenders may include, but are not limited to, commercial banks, savings and loan institutions, insurance companies, factoring companies, investment banking organizations, institutional investors, venture capital investment companies, trusts, or entities designated as trustees acting on behalf of bondholders or other lenders;

(h) "Production" means the conversion of raw materials into products and/or components thereof through a series of manufacturing processes. Production is also characterized by the investment of capital for manufacturing equipment and/or facilities which will be recovered over time from planned product sales, and by the existence of provisions for product distribution and, when applicable, for product servicing. It includes the functions of production engineering, controlling, quality assurance and determination of resource requirements. It does not include product improvement of existing models, unless contemplated production is in commercial quantities, nor production of demonstration models only;

(i) "Program" means the Electric and Hybrid Vehicle Loan Guaranty Program;

(j) "Prototype" means a model suitable for evaluation of design, performance, and production potential of electric and hybrid vehicles and components thereof;

(k) "Qualified borrower" means any individual, partnership, corporation, or other legal entity having authority to enter into a loan agreement and which, as determined by the Administrator, has presented satisfactory evidence of an interest in electric or hybrid vehicle technology and is capable of performing research, development, and/or production related to electric or hybrid vehicles or any components thereof. A borrower seeking a guaranty under this section must be a citizen or national of the United States. A corporation, partnership, firm, or association shall not be deemed to be a citizen or national of the United States unless the Administrator determines that it satisfactorily meets all the requirements of Section 2 of the Shipping Act of 1916 (46 U.S.C. 802), for determining such citizenship. Exceptions are that the provisions in Subsection (a) of such Section 2 concerning (1) the citizenship of officers or directors of a corporation, and (2) the equity required to be owned in the case of a corporation, association, or partnership operating a vessel in the coastwide trade, shall not be

applicable. The Administrator, in consultation with officials of the Department of State, may waive such requirements in the case of a corporation, partnership, firm, or association in which controlling interest is owned by citizens of countries which are participants in the International Energy Agreement;

(l) "Research" means theoretical analysis, exploration, or experimentation directed toward increasing knowledge and understanding in those fields of the physical, engineering, and environmental sciences as they relate to electric and hybrid vehicle and component technology; and

(m) "Small business concern" means a concern which satisfies the criteria established in 13 CFR 121.3-10, which generally defines a small business as one which is independently owned and operated; is not dominant in its field; meets applicable employment and sales standards.

§ 791.4 Eligible loans.

The Administrator may enter into agreements to guaranty lenders against the loss of principal and accrued interest on loans made by such lenders to qualified borrowers. Any such agreements shall be made subject to the application of priorities and preferential considerations for guaranties as set forth in § 791.5, "Priorities" and § 791.6 "Preferential consideration" and also subject to the criteria in § 791.8, "Loan guaranty criteria." Such agreements may be entered only for the purposes of:

(1) Construction or purchase of capital equipment related to research on, and development and production of, electric and hybrid vehicles and components;

(2) Initial operating expenses associated with the development and production of electric and hybrid vehicles and components;

(3) Prototype development for such vehicles and parts thereof; or

(4) Research and development related to electric and hybrid vehicle technology.

§ 791.5 Priorities.

In complying with the objectives of the Electric and Hybrid Vehicle Loan Guaranty Program, the Administrator will invoke priorities in the following order:

(a) First priority consideration will be given to those applications which directly relate to projects which will result in the early commercial production of electric and hybrid vehicles and components thereof.

(b) Second priority consideration will be given to those applications which are related to projects for the development of prototype electric or hybrid vehicles and components thereof.

(c) Third priority consideration will be given to those applications related to projects for research and development activities involving electric and hybrid vehicle technology.

§ 791.6 Preferential consideration.

Within each priority category described above, the Administrator will give preferentia consideration, in the following order:

(a) The borrower provides a greater proportion of the aggregate net costs;

(b) The lender is providing a portion of the project debt for which a guaranty is not requested;

(c) The Federal government will receive royalty payments; the planned project is based upon technology previously developed under Federal government sponsored research and development;

(d) The Federal government will receive the rights to the results of the project; or

(e) The applicant is a small business concern as defined in paragraph (m) of § 791.3, "Definitions".

§ 791.7 Ineligibility.

Applicants will not be considered for a loan guaranty if the following prevail:

(a) A loan application meets the lender's standard without a Federal guaranty;

(b) An applicant is not a citizen or a national of the United States as defined in paragraph (k) of § 791.3, "Definitions";

(c) The project will not be performed in the United States, its territories or possessions; or on property owned or leased by the United States, its territories or possessions;

(d) The source of funds derives directly or indirectly from an instrumentality which is financed mainly by borrowings in the tax exempt securities market; or

(e) The borrower is a public body whose borrowings are tax exempt.

§ 791.8 Loan guaranty criteria.

In addition to meeting the requirements for eligibiilty set forth in § 791.4, "Eligible loans", a guaranty may be made only if the following conditions are met as determined by the Administrator:

(a) When proposals addressing only research and development efforts are submitted, the application is subjected to detailed review based on the policy for unsolicited research proposals in effect at ERDA at the time the application is received. Review will consider among other factors the soundness of the proposed research effort and the plan by which it will be accomplished, the technical competence of personnel conducting the research, and a determination that the research is in fact original and does not duplicate existing projects;

(b) The loan is to be made only to a qualified borrower as defined in paragraph (k) of § 791.3, "Definitions";

(c) The loan is made by a lender as defined in paragraph (g) of § 791.3, "Definitions";

(d) Except as provided in § 791.42, "Other Federal assistance", the maximum amount of any guaranty shall not exceed 90 percent of the aggregate net cost of the project with respect to which the loan is made. However, there is no prohibition against the guaranty being equal to 100 percent of the loan to be made by the lender;

(e) The lender has set forth reasons why the loan would not be made to the borrower without a Federal loan guaranty;

(f) There is satisfactory evidence that the lender is competent to administer loan terms and conditions, and is competent to administer terms and conditions of the guaranty agreement that are applicable to the lender;

(g) When the maximum permissible guaranty as provided in paragraph (d) of this section is requested, the lender has set forth those reasons it is unwilling to undertake a loan having less than the maximum permissible guaranty;

(h) The lan bears interest at a rate not to exceed such annual percentage, on the principal obligation outstanding, as the Administrator determines to be reasonable, by taking into account the range of interest rates prevailing in the private sector for similar government obligations of comparable term and risks;

(i) The terms of such loans require full repayment over a period not to exceed 15 years, or 75 percent of the expected average useful economic life of the major physical assets, or other collateral securing such loan, whichever is less, as determined by the Administrator;

(j) In the judgment of the Administrator, the amount of the loan, when combined with funds available to the qualified borrower from other sources, will be sufficient to carry out the project with respect to which the loan is made;

(k) In the judgment of the Administrator, there is reasonable assurance of payment of interest and the guaranteed portion of the loan by the qualified borrower;

(l) The amount of the guaranty on any loan shall not exceed $3,000,000 principal unless the Administrator finds that a higher guaranty level for specific loan guaranties is necessary in order to carry out the purposes of the Act;

(m) The total principal amount of guaranties made under this regulation, for any combination of outstanding loans to any single qualified borrower, may not exceed $6,000,000;

(n) The project is to be performed in the United States, its territories or possessions, or on property owned or leased by the United States, its territories or possessions;

(o) The project is believed to be, in the judgment of the Administrator, technically feasible and uses environmentally acceptable processes and, if applicable, results in environmentally acceptable products;

(p) There is sufficient evidence that the borrower will initiate and complete the project in a timely, efficient, and acceptable manner;

(q) The terms and conditions set forth in the loan agreement are acceptable to the Administrator;

(r) The borrower and any lender having a nonguarantied loan with the borrower shall agree in writing that:

(1) The terms and conditions set forth in a nonguarantied loan agreement relating to the project shall be acceptable to the Administrator; and

(2) The guarantied loan shall not be subordinate to the nonguarantied loan and shall be in first lien position regarding all assets acquired or produced with the proceeds of the guarantied loan;

(s) No loan shall be guarantied by the Administrator under this regulation unless the Administrator finds that no other reasonable means of financing is realistically available to the applicant, as determined through the application of these criteria;

(t) The borrower must show evidence of valid application to and rejection by a lender(s), or evidence of unreasonable terms proposed by a lender(s); and

(u) The aggregate amount of guaranties outstanding at any one time under this regulation shall not exceed $60,000,000.

§ 791.9 Interest assistance.

With respect to any loan guarantied pursuant to this regulation, the Administrator may enter into an interest assistance contract with the borrower, to pay the lender for, and on behalf of the borrower, the interest charges which become due and payable on the unpaid balance of any such loan if the Administrator finds:

(a) That the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of the project, and that the probable net cost to the Federal Government in paying such interest will be less than that which would result in the event of a default;

(b) The amount of such interest charges which the Administrator is authorized to pay is no greater than the amount of interest which the borrower is obligated to pay under the loan agreement; and

(c) The borrower agrees to repayment of interest charges paid by the Federal government, and to the payment of any deferred user charge provided in § 791.31, "User charge", including the payment of interest on such charge, at an annual rate to be set by the Administrator and as stated in the interest assistance contract.

§ 791.10 Default payment.

In the event of default by a borrower, as defined in paragraph (c) of § 791.3, "Definitions", with respect to any loan guarantied pursuant to this regulation, and except as provided in § 791.9, "Interest assistance", and paragraph (d) of § 791.30, "Loan servicing by lender", the Administrator will, as provided in § 791.36, "Default and demand", make payment of principal and accrued interest in accordance with the terms and conditions of the guaranty contract. Thereupon, the Attorney General of the United States shall take such action as may be appropriate to recover the amounts of such payments including any payment of interest under § 791.9, "Interest assistance", from such assets of the defaulting borrower as are associated with the project or as specified in the guaranty agreement, including patent and proprietary rights resulting from the project, as provided in § 791.43, "Patent and proprietary rights", or from any other surety, security, or bond included in the terms of the guaranty. Any recovery achieved by the Attorney General, which exceeds both the cost of recovery and the amount paid to the lender in accordance with the guaranty agreement or interest assistance contract, shall be returned to the borrower, unless the guaranty agreement provides otherwise.

§ 791.11 Period of guaranties and interest assistance.

No loan guaranty agreements will be made or interest assistance contracts entered into after September 17, 1981. Guaranty agreements in effect at that time will continue until the term of the loan is completed or until the guarantied portion of the loan is repaid in full with accrued interest, whichever occurs first. Interest assistance contracts in effect on that date will remain in effect thereafter until the contract term expires or the contract is terminated in accordance with its provisions.

Subpart B—Applications

§ 791.20 Filing.

Loan applications shall be filed in accordance with the following procedures:

(a) An application, in authorized format, for a loan guaranty must be signed by the prospective borrower and lender, or their authorized representatives, and jointly submitted to the Administrator.

(b) Prior to receipt of a guaranty application, the Administrator is authorized to conduct preliminary discussions with prospective borrowers or lenders, or both, who wish to obtain information or advice regarding eligibility for a loan guaranty, and requirements for compliance with filing instructions, including the submission of supporting information as illustrated in § 791.21, "Supporting information".

(c) Subject to the requirements of law and this regulation, trade secrets, commercial information, financial information, and other data which the borrower or lender, or both, makes available to ERDA during preliminary discussion, or at any other time during the project, and for which they claim privilege or confidentiality, will be so treated by ERDA. No public disclosure will be made without prior written approval of the borrower or lender, or both, as the case may be. Information deemed to fall into one of the foregoing categories will be clearly marked or otherwise appropriately identified to ERDA by the borrower or lender, or both.

§ 791.21 Supporting information.

The borrower shall provide information in support of the application such as prescribed by the Administrator.

(a) The following items illustrate the range of information which may be required, dependent upon the type, complexity, and cost of the project, so as to enable the Administrator to make a determination:

(1) Full description of the scope, nature, extent, and location of the proposed project;

(2) A description of the borrower's organization and a copy of the business certificate, partnership agreement or corporate charter, by-laws, and appropriate authorizing resolutions;

(3) Evidence of the borrower's previous and current interest in electric or hybrid vehicles, or related technologies;

(4) Evidence supporting the borrower's ability to complete the project;

(5) A description of the borrower's management concept and business plan, or plan of operations to be employed in carrying out the project;

(6) Information covering the management experience of each officer or key person in the borrower's organization who is to be associated with the project;

(7) A description of salaries and other financial remuneration, including profit sharing and stock opeions, to be paid to officers and employees of the borrower who are, or will be, directly associated with the project;

(8) A description of the project's technical and economic feasibility;

(9) Evidence showing that the amount of the loan together with equity or other financing will be sufficient to carry out the project;

(10) A detailed budget-type cash flow breakdown of both the estimated aggregate net cost of the project and the amount to be borrowed;

(11) The past financial history of the firm and projections as to the firm's future financial status;

(12) A listing of assets associated or to be associated with the project, including appropriate data as to the useful life of any physical asset, and any other security for the loan and guaranty agreement;

(13) The borrower's plan to pay interest charges and to repay the loan;

(14) The borrower's assmptions regarding marketability of the project's results or product;

(15) The aggregate amount of guaranty commitments or guarantied loans, or both, outstanding made to the borrower under the provisions of this regulation;

(16) A description of other Federal financial assistance (e.g., direct loans, guarantied loans, grants, contracts) available or expected to be made available to the borrower in connection with the project;

(17) A description of the intended sources and amount of capital and its form (equity, loans from principals, loans from the lender, outside financing, or factoring) together with evidence of a commitment from these sources and a copy of each such agreement, and evidence of the financial ability of each source to honor its commitment;

(18) A written affirmation by the lender supporting the necessity for a Federal loan guaranty;

(19) The lender's written assessment of all aspects of the borrower's loan application, in sufficient detail as would be completed by any prudent lender considering a loan without a guaranty, together with copies of investigations from credit bureaus, references, bank inquiries, and professional organizations;

(20) Written assurance from guarantied and, when appropriate to the project, nonguarantied lenders that the loan amounts, as well as terms and conditions imposed by such lenders, will not be altered in any significant respect without approval of the Administrator;

(21) Period, amount of the loan, and the percent of the aggregate net cost to be guarantied;

(22) Interest rate to be charged by the lender;

(23) A copy of the loan agreement to be executed by the borrower and lender;

(24) Copies of all applications when filed, and approvals when issued by Federal, State and local government agencies, for permits and authorizations to conduct operations associated with the project;

(25) A description of the processes and methods the borrower plans to utilize so as to comply with environmental considerations; and

(26) A written affirmation by the borrower that he will adhere to Equal Employment Opportunity policies throughout the life of the project.

(b) In addition to supporting information illustrated in (a) above, the Administrator may independently obtain, or may require the lender to include with the guaranty application, information regarding the lender as deemed necessary by the Administrator, including but not limited to:

(1) Description of the lender's organization and a copy of the business certificate, partnership agreement or corporate charter, by-laws, and appropriate authorizing resolutions;

(2) Copies of investigations obtained from credit bureaus, references, bank inquiries, and professional associations;

(3) Information covering the management experience of each officer or key person in the lender's organization who is or will be associated with the loan;

(4) A description of the management concept to be employed by the lender in surveillance of the loan; and

(5) When appropriate to the project, evidence of the lender's experience in surveying the financial aspects of new technology projects.

(c) The Administrator shall consider the application and other relevant information and shall be responsible for:

(1) Determining whether the application is in compliance with this regulation;

(2) Assessing and evaluating the financial, technical, environmental, management, marketing and legal aspects of the project; and

(3) Approval or nonapproval of the application.

(d) The Administrator will provide the borrower and lender with a written statement setting forth the basis for the Administrator's nonapproval of an application.

§ 791.22 Project cost illustrations.

The cost elements set forth in paragraphs (a) and (b) of this section are only for the purpose of illustrating the manner by which the estimated aggregate net cost of the project may be determined. It is expected that aggregate net costs will be accumulated in accordance with generally accepted accounting principles and practices which are consistently applied.

(a) Except as set forth in paragraph (b) of this section, reasonable and customary costs paid by the borrower that are directly connected to the project are generally permitted in computing the estimated aggregate net cost. These costs include, but are not limited to the following:

(1) Costs incurred by the borrower prior to approval of the guaranty agreement that are directly in connection with the project;

(2) Professional services and fees necessary to obtain licenses and permits and to prepare environmental reports and data;

(3) Financial and legal services costs;

(4) Costs to provide safety and environmental protection equipment, facilities, and services;

(5) Fess for royalties and licenses negotiated through "arms length" transactions;

(6) Bond financing costs and trustee fees;

(7) Any current or fixed assets directly related to the project;

(8) Taxes to be paid to Federal, State and local government agencies and other taxing authorities;

(9) Research and development necessary to complete the project;

(10) Employees' salaries and wages, consultant fees and other outside assistance;

(11) Travel and transportation costs;

(12) Necessary and appropriate insurance and bonds of all types;

(13) Interest costs and other normal charges affixed by the lender;

(14) Interest payments to other lenders;

(15) Other normal operating expenses, such as production costs, building costs, plant equipment, and machinery; and

(16) Costs to comply with terms and conditions specified in the guaranty agreement or required by regulations and issuances by Federal, State, and local government agencies.

(b) Costs which are not considered as allowable project costs include but are not limited to the following:

(1) Company organizational expenses;

(2) Parent corporation general and administrative expenses and other parent corporation assessments;

(3) Dividends and profit sharing to stockholders, employees, and officers;

(4) Goodwill, franchises, or trade or brand name costs;

(5) Except as provided in § 791.31, "User charge", fees and commissions charged to the borrower for obtaining Federal assistance;

(6) Finder's fees;

(7) Expenses not paid or incurred by the borrower; and

(8) Costs that are excessive or are not directly required to carry out the project as determined by the Administrator.

(c) The Administrator may initiate a review of any or all cost elements included by the borrower in the estimated aggregate net cost. The borrower shall make available records and other data necessary to permit the Administrator to carry out such review. In carrying out this responsibility, the Administrator may utilize employees of Federal agencies or may direct the borrower to submit to a review performed by an independent public accountant or other competent authority as approved by the Administrator.

(d) When costs incurred prior to the approval of the guaranty agreement, as provided in paragraph (a), (1), of this section, are included in the estimated aggregate net cost, and when requested to do so by the Administrator, the borrower will make available, to auditors selected by the Administrator, financial and other records necessary to complete an audit of such costs.

§ 791.23 Mandatory purchase of flood insurance.

The Flood Disaster Protection Act of 1973, Public Law 92-234, may require purchase by the borrower of flood insurance as a condition of receiving a guaranty on loans for acquisition of real estate or construction purposes in an identified flood plain area having special flood hazards. Questions emanating from borrowers or lenders regarding compliance with provisions of the Flood Disaster Protection Act and guidelines should be referred to the Department of Housing and Urban Development's Federal Insurance Administration. When the purchase of flood insurance is required, as finally determined by the Administrator, such costs can be included by the borrower in the estimated aggregate net cost.

Subpart C—Servicing and Closing

§ 791.30 Loan servicing by lender.

Loan guaranty agreements approved in accordance with this regulation shall provide that:

(a) The lender shall exercise such care and diligence in the disbursement, servicing, and collection of the loan as would be exercised by a prudent lender in dealing with a loan without guaranty.

(b) The loan agreement shall provide the lender's customary period of grace not to exceed a maximum of ninety days, for the making of any payment of principal or interest. However, the lender shall not grant to the borrower any further extension of time over and above any period of grace for the making of any payment in whole or in part under the loan agreement without the prior written consent of the Administrator.

(c) The lender shall notify the Administrator in writing without delay:

(1) That the first disbursement is ready to be made, together with evidence

from the borrower that the project has commenced or is about to commence;

(2) Monthly, or as otherwise agreed, the amount and date of each subsequent disbursement under the loan;

(3) Of any nonpayment by the borrower of principal or interest as required by the loan agreement, if such nonpayment is not rectified within the grace period, together with evidence of appropriate notifications made by the lender to the borrower;

(4) Of any failure, known to the lender, by an intended source of capital to honor its commitment;

(5) Of any failure by the borrower, known to the lender, to comply with material terms and conditions as set forth in the loan agreement or guaranty agreement; or

(6) When the lender believes that the borrower may not be able to meet any future scheduled payment of principal or interest.

(d) The lender will not release to the borrower any disbursements without the written authorization of the Administrator.

(e) The lender will not withhold from the borrower any authorized disbursements without the written authorization of the Administrator.

(f) If the lender retains the option to accelerate payment of the borrower's indebtedness in the event of default, the lender shall not do so without the prior written consent of the Administrator.

(g) If the guaranty agreement so provides, the loan agreement shall permit the borrower to defer payments of principal until such time that income from the project is sufficient to meet this obligation.

(h) Lenders will submit to the Administrator periodic reports on the status and conditions of each loan guarantied under this regulation. The Administrator will prescribe the frequency, format, and content of such statements. However, a report on each loan guaranty agreement entered into under this regulation shall, as a minimum, be submitted to the Administrator annually on the anniversary date of the guaranty agreement. Reports will be furnished to the Administrator until such time as the guarantied portion of the loan or interest assistance is repaid.

§ 791.31 User charges.

User charges imposed on the guarantied portion of the loan, and computed at a rate to be set forth in the guaranty agreement will be collected from the lender and used for the purposes of defraying the cost of administration and probable loss associated with the program. The rate shall be imposed on the actual amount of the guarantied portion of the loan that is outstanding during the year. The user charge may be passed to the borrower by the lender and in such instances may be included in the aggregate net cost. Payments of the charge will be made by the lender on the anniversary date of closing or at other intervals to be determined by the Administrator. If interest assistance is in effect, payments of this charge, if passed by the lender to the borrower, may be deferred for the term of the interest assistance contract.

§ 791.32 Project monitoring.

The guaranty agreement shall provide that authorized employees and representatives of ERDA shall, with the Administrator's approval, have access to the project site. The lender, to the extent lawful and within its control, and the borrower will assure availability of information related to the project as is necessary to permit the Administrator to determine technical progress, soundness of financial condition, management stability, compliance with environmental protection requirements, and other matters pertinent to the guaranty.

§ 791.33 Loan disbursement by lender.

Unless otherwise provided in the guaranty agreement, the lender shall not make any disbursement on the loan until:

(a) Notification requirements as set forth in § 791.30, "Loan servicing by lender", have been accomplished; and

(b) Satisfactory documentary evidence, as provided in § 791.34, "Satisfactory documentary evidence", that funds requested will be used to pay the borrower's costs incurred or to be incurred for the project has been received.

§ 791.34 Satisfactory documentary evidence.

The borrower shall furnish to the lender a written statement in support of each request by the borrower for loan disbursements, setting forth in such detail as the lender or Administrator may require, the purposes for which disbursement is requested, and an attestation that such disbursements will be used only for such purposes. At the time of the first request for disbursements, the borrower will also attest, in writing, that all capital from all sources, other than those guarantied by the Administrator, has been received. Signature on the requesting document shall be made by a person authorized to order the expenditure of the borrower's funds.

§ 791.35 Withdrawal of guaranty.

The Administrator shall not authorize disbursements pursuant to any guaranty agreement and shall notify the borrower and the lender of the withholding of disbursements if he finds that: any of the following conditions exists:

(a) Initiation of activity on the project has not occurred within the period of time set forth in the guaranty agreement;

(b) There is failure by the borrower to acquire capital from intended sources, and the borrower is unable to acquire alternate sources within a reasonable time as may be approved by the Administrator;

(c) The borrower has failed to comply with material terms and conditions set forth in the guaranty agreement, in which case the Administrator shall notify the borrower and the lender that the guaranty shall be reduced to the amount that has been disbursed by the lender as of the date of the notice. Disbursements made by the lender after such notification is received will not be covered by a guaranty; or

(d) The lender has failed to comply with any material term or condition set forth in the guaranty or loan agreement. Notice of the Administrtor's finding that a material term has not ben complied with shall be served by the Administrator upon the borrower and the lender. Following notification, the borrower will be allowed reasonable time to acquire a substitute lender that is capable of complying with provisions in this regulation. If the borrower obtains a substitute lender satisfactory to the Administrator, a new guaranty agreement will be negotiated. Upon issuance of the new guaranty to the substitute lender, the original lender shall be reimbursed by the borrower for unpaid principal and accrued interest. In any event, excluding fraud or misrepresentation, the lender shall be reimbursed for unpaid principal and accrued interest.

§ 791.36 Default and demand.

If the borrower defauts in making payment of principal or interest and the lender calls the loan within the time period allowed in § 791.30, "Loan servicing by lender," and the lender has complied with the requirements placed on it as set forth in § 791.30, "Loan servicing by lender," and § 791.33, "Loan disbursements by lender," the lender may make demand in writing upon the Administrator for payment pursuant to the guaranty, subject to the conditions described in paragraphs (a), (b), and (c) of this section.

(a) The Administrator shall, pursuant to the provisions of § 791.9, "Interest assistance," determine whether an interest assistance contract shall be executed. In the event that interest assistance is not warranted, the Administrator shall so notify the borrower and the lender. The lender shall make available without delay such documents and certifications as the Administrator may reasonably require evidencing the lender's compliance with notification provisions of the guaranty agreement.

(b) Upon default by the borrower and notification by the lender, the Administrator shall:

(1) Within sixty days after receipt of such documents and if funds are available, pay to the lender on a proportionate basis or in full, whichever the guaranty agreement provides, the guaranteed amount of unpaid principal and accrued interest outstanding at the date of demand on the borrower by the lender; and

(2) During the period beginning from the date of default and demand and until payment is made by the Administrator, interest payable by the United States will accrue on the guaranteed debt at a rate to be determined by the Administrator.

(c) The lender shall, concurrently with payment in full of all amounts guarantied by the United States, assign to the United States and transfer and deliver to the Administrator the loan documents, together with all collateral documents evidencing any and all security for and guaranties of the loan then held by the lender as set forth in the loan or guaranty agreement.

§ 791.37 Security with respect to borrower's assets.

Each loan guarantied under this regulation will be secured by liens or assignments of rights in assets associated with the project, or such other security specified in the guaranty agreement as may be reasonably required to protect the interests of the United States. Upon default by the borrower, as set forth in § 791.10, "Default payment", the Attorney General will seek recovery from the assets of the borrower that are associated with the project or specified in the guaranty agreement.

§ 791.38 Preservation of collateral.

Upon default by the borrower, the holder of collateral associated with the project shall take such actions as the Administrator may reasonably require to provide for the care, preservation, and maintenance of such collateral so as to achieve maximum recovery upon liquidation of collateral, security and guaranties for the loan. Except as provided in § 791.36, "Default and demand", and § 791.40, "Assignment and incontestability", the lender shall not waive or relinquish, without the consent of the Administrator, any collateral or guaranty for the loan to which the Government would be subrogated upon payment under the guaranty agreement to the lender.

§ 791.39 Treatment of payments.

When the lender holds a guarantied and nonguarantied portion of a loan, payments of principal made by the borrower in accordance with the loan agreement shall be applied by the lender to reduce the guarantied and nonguarantied portions of the loan on a basis that reflects the proportions which the guarantied and nonguarantied portions bear to the total loan.

§ 791.40 Assignment and incontestability.

Except as may be required by law, the lender may assign to another lender rights and obligations under the loan or guaranty agreement only with the prior written consent of the Administrator or as follows:

(a) The lender may provide other lenders with participating shares in the loan without the prior consent of the Administrator. Written notice shall be given by the lender to the Administrator when participating shares are so provided. However, the original lender shall continue to be responsible for and perform the provisions of the guaranty agreement pertaining to the lender, unless the Administrator approves a substitute lender.

(b) The guaranty agreement shall be conclusive evidence that the guaranty and the underlying loan are in compliance with the provisions of this regulation ,and that such loan has been approved and is legal as to principal and interest and other terms. Such a guaranty shall be valid and incontestable by the Government, except for fraud or misrepresentation by the holder of the obligation.

§ 791.41 Survival of guaranty agreement.

The guaranty agreement shall be binding upon the lender, the borrower and the Administrator and upon their successors and assignees. No delay or failure of the Administrator in the exercise of any right or remedy and no single or partial exercise of any such right or remedy shall preclude any further exercise thereof; and no action taken or omitted by the Administrator shall be deemed a waiver of any such right or remedy.

§ 791.42 Other Federal assistance.

Nothing in this regulation shall be interpreted to deny or limit the borrower's right to seek and obtain other Federal financial assistance (e.g., contracts, grants, direct loans or guarantied loans) providing:

(a) The total amount of Federal financial assistance, including guaranties made under this regulation, obtained by the borrower for the project, shall not exceed 90 percent of the estimated aggregate net cost of the project to be undertaken by the borrower.

(b) After closing of the loan guaranty agreement, the borrower will not undertake any work in connection with the project, by contract or grant, for a Federal agency without the Administrator's written finding that performance of the work will not adversely affect the borrower's ability to comply with pertinent terms and conditions in the loan and guaranty agreement.

§ 791.43 Patent and proprietary rights.

Patents and other proprietary rights accruing to the borrower and resulting from the project will remain with the borrower, except:

(a) Such rights shall be, in the case of default, treated as project assets in accordance with terms and conditions in the guaranty agreement.

(b) The guaranty agreement may provide that patents or other proprietary rights utilized in or resulting from the project, which are owned or controlled by the borrower, shall be made available to other domestic parties upon reasonable terms and conditions which protect the confidentiality of information, if such action is determined by the Administrator to be in the public interest.

§ 791.44 Closing.

The major activities leading to the closing of the guaranty agreement include the following:

(a) When an application for a loan guaranty has been approved by the Administrator, the Administrator will so notify the borrower and the lender and provide them with a copy of the approved guaranty agreement.

(b) A pre-closing conference will be arranged by the Administrator, if the borrower, lender, or both so request to discuss the terms and conditions contained in the guaranty agreement.

(c) Requests by the borrower or lender for modification of the terms and conditions set forth in the guaranty agreement shall be submitted to the Administrator, supported by such documentation and facts as would justify the requests.

(d) Immediately after a determination has been made on requested modifications and after agreement to terms and conditions has been reached, the Administrator shall arrange with the borrower and the lender for the preparation and review of necessary documents, and agree upon a date for execution of the guaranty agreement and payment of the user charge. In accordance with § 791.31, "Use Charge," payment shall occur either on the anniversary date of closing or at other intervals to be determined by the Administrator.

§ 791.45 Appeals.

All decisions by the Administrator relating to disputes arising under a guaranty agreement or loan agreement, made under and entered into pursuant to this regulation, shall be in writing. The borrower or lender, as applicable, may request the Administrator to reconsider any such decision. If not satisfied with the final decision made by the Administrator, the borrower or lender, upon receipt of such written decision, may appeal the decision within 30 days, in writing, to the Chairman, Board of Contract Appeals, Energy Research and Development Administration, Washington, D.C. 20545. That Board, when functioning to resolve such loan guaranty disputes, shall proceed in the same general manner as when it presides over appeals involving contract disputes. The decision of the Board with respect to such appeals shall be the final decision of ERDA.

[FR Doc.77-11726 Filed 4-21-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 601]

REVISED FEE SCHEDULES

AGENCY: Department of the Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule establishes a new list of the prices and charges associated with the sales of helium. The old list of prices and charges does not reflect the increase in cost for labor and materials that has occurred in the two years since the old list was established.

DATE: Comments on the proposed revised fee schedule must be submitted in duplicate on or before May 23, 1977.

ADDRESS: Chief, Division of Helium, Bureal of Mines, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20241.

FOR FURTHER INFORMATION CONTACT:

Ray D. Munnerlyn, A/C 202–634–4734.

AUTHORITY: Authority for the proposed revision is provided by the Helium Act, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167).

IMPACT ANALYSIS: The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

In light of the foregoing summary, it is proposed to amend the Appendix to 30 CFR Part 601 as set forth below.

Dated: April 8, 1977.

WILLIAM D. BETTENBERG,
Acting Deputy Assistant Secretary of the Interior.

APPENDIX

SCHEDULE OF PRICES AND CHARGES

Helium sale price:	
Each unit, f.o.b. helium plants	$35.
Minimum order each contract	20 units.
Initial cash advance:	
Contracts for less than 500 units	Full purchase price.[1]
Contracts for 500 units or more	$17,500.
Filling charge:	
Standard-type cylinders	$2.50 each.
Tank cars	$100 each.
Semitrailers	$50 each.
Service charges:	
Furnish new cylinder caps	$2.65 each.
Furnish new cylinder valve and install	$5.20 each.
Hydrostatic test cylinder and indent new test date	$4.65 each.
Indent serial numbers on cylinders	$2.55 each.
Install customer valves	$0.85 each.
Move cylinders to or from plant storage	$0.70 each.
Paint cylinders	$3.00 each.
Paint cylinder caps	$0.45 each.
Remove caps wedged by loose port plug	$5.05 each.
Remove rusted caps that require special handling	$8.70 each.
Removed sheared valve, including retapping threads	$20.15 each.
Replace safeties	$1.75 each.
Rework safeties	$1.40 each.
Reset cylinder valves	$1.65 each.
Rework cylinder valves	$4.40 each.
Reset loose cylinder collar	$2.05 each.
Replace cylinder collar	$11.85 each.
Rubber stamp special information on cylinders	$0.50 each.
Stencil "Helium oil free" on cylinder	$0.90 each.
Stencil special markings on cylinder:	
1st cylinder	$20.35 each.
Additional cylinders in same lot with markings	$0.70 each.
Wash and dry cylinders, includes reset valve	$2.20 each.
Special cylinder tagging	$0.20 each.
Special tagging of cylinder and port plug installed in valve	$1.50 each.
Remove labels and decals from cylinder	$0.30 each.
Seal cylinder—wire with crimped lead shipping seal	$0.35 each.
Use of tank cars:	
Round trip mileage between helium plant and destination, and	$0.11 mile.
Time at destination	$25/d 1st 30 d, $20/d 2d 30 d, $15/d over 60 d.
Initial cash advance for use of each tank car:	
Contracts specifying a definite number of round trips	$1,00 each round trip.
Contracts specifying an indefinite number of round trips	$4,000.
Cash, bond, or insurance to guarantee return of containers:	
1 tank car	$100,000.
2 or more but less than 5 tank cars	$200,000.
Each tank car in excess of 4	$20,000.
Use of semitrailers:	
Time in customer's service	$20/d 1st 30 d, $40/d 2d 30 d, $50/d over 60 d.
Initial cash advance for use of each semitrailer:	
Contracts specifying a definite number number of round trips	$150 each round trip.
Contracts specifying an indefinite number of round trips	$600.
Cash, bond, or insurance to guarantee return of containers:	
1 trailer	$40,000.
2 or more but less than 5 semitrailers	$100,000.
Each trailer in excess of 4	$10,000.
Use of standard type cylinders:	
Each cylinder	$0.70 a mo.
Minimum each contract	$25.
Initial cash advance for use of cylinders:	
Contracts for 100 cylinders or less	$75.
Contracts for more than 100 cylinders	$0.75 each.
Cash, bond, or insurance to guarantee return of cylinders	$40 each.
Additional charge for failing to return containers with minimum residual pressure of 15 lb/in²g of uncontaminated grade A helium—	
Standard type cylinder, evacuating and purge	$2.15 each.
Tube trailer, tube banks, or tubes manifolded:	
Individual tube capacity 1,800 ft³ or less:	
Purge	$1 each tube
Evacuate	$1.20 each tube.
Individual tube capacity greater than 1,800 ft³:	
Purge	$5.50 each tube.
Evacuate	$6.60 each tube.
Tube trailer, tube banks, or tubes not manifolded:	
Individual tube capacity 1,800 ft³ or or less:	
Purge	$2 each tube.
Evacuate	$2.20 each tube.
Individual tube capacity greater than 1,800 ft³:	
Purge	$8.30 each tube.
Evacuate	$8.60 each tube.
Tank car:	
Purge	$90 each tank car.
Evacuate	$110 each tank car.
Use as storage container:	
Tank car	$10 each day.
Palletizing cylinders for shipment:	
Bureau of Mines—furnished pallet	$52 each.
Customer—furnished pallet	$13 each.

[1] The advance shall also include the estimated amount for filling charges and the full amount of estimated charges for the service to be rendered.

[FR Doc.77-11665 Filed 4-21-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

NAME: Flue-Cured Tobacco Advisory Committee.

DATE: May 12, 1977.

PLACE: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

TIME: 1 p.m.

PURPOSE: To advise and counsel the Secretary of Agriculture regarding an equitable apportionment of the available tobacco inspectors amongst the markets designated pursuant to The Tobacco Inspection Act, 7 U.S.C., 511–511q. Topics to be discussed include the estimated quantity of tobacco ready for market in each marketing area and other matters as specified in 7 CFR Part 29, Subpart G, 9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, 202–447–2567.

Dated: April 18, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-11677 Filed 4-21-77;8:45 am]

Forest Service

MULTIPLE USE LAND MANAGEMENT AND TIMBER MANAGEMENT, WILLAMETTE NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Multiple Use Land Management and Timber Management, Willamette National Forest, USDA–FS–R6–FES (Adm)–75–19.

The environmental statement concerns a proposed action to prepare a Multiple Use Land Management Plan for the Willamette National Forest, consisting of five Unit Plans, while simultaneously revising the Ten-Year Timber Management Plan. Affected are Clackamas, Douglas, Jefferson, Lane, Linn and Marion Counties in the State of Oregon. A map of land use allocations for each unit is included.

The final environmental statement was transmitted to CEQ on April 18, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.
USDA, Forest Service, Willamette National Forest, 211 E. 7th Avenue, Eugene, Oregon 97401.

A limited number of single copies are available upon request to Forest Supervisor John E. Alcock, Willamette National Forest, P.O. Box 10607, Eugene, Oregon 97401.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

APRIL 18, 1977.

[FR Doc.77-11645 Filed 4-21-77;8:45 am]

MULTIPLE USE PLAN, PROSPECT PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Multiple Use Plan Prospect Planning Unit, USDA–FS–R1(16)–FES–Adm–76–23.

The environmental statement concerns a proposed action to implement a revised Multiple Use Plan for the Prospect Planning Unit, located on the Thompson Falls Ranger District, Lolo National Forest in Sanders County, Montana. The action affects 139,000 acres of National Forest Land. The plan recommends that 124,920 acres be managed in various combinations for recreation, esthetics, fisheries, wildlife, watershed, timber and range. An area of 14,080 acres which will remain unroaded will be managed for recreation, esthetics, wildlife, and watershed.

The primary environmental effects involve the modification of natural conditions on 62,830 acres that are presently roadless and essentially roadless. The major changes will be in the vegetative patterns and tree species resulting from management of the vegetative resources; the availability of products, employment, and services provided; and in the natural condition of vegetation, soil, water, and wildlife.

This final environmental statement was transmitted to CEQ on April 14, 1977. Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, 340 N. Pattee, Missoula, MT 59801.
USDA, Forest Service, Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59801.
USDA, Forest Service, Thompson Falls Ranger District, Thompson Falls, MT 59873.
University of Montana, University Library, Documents Division, Missoula, MT 59801.
University of Montana, Forestry School Library, Room 411, Science Complex, Missoula, MT 59801.
Missoula City, County Library, Washington and East Main, Missoula, MT 59801.

A limited number of single copies are available upon request to Orville L. Daniels, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various federal, state, and local agencies as outlined in the CEQ guidelines.

ORVILLE L. DANIELS,
Forest Supervisor.

APRIL 14, 1977.

TIMBER MANAGEMENT PLAN, OZARK NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Ozark Timber Management Plan, Ozark National Forest, Arkansas, USDA–FS–DES (Adm.) 77–07.

The Ozark National Forest contains 1,108,769 acres of National Forest land in Washington, Benton, Crawford, Franklin, Madison, Newton, Johnson, Pope, Conway, Van Buren, Searcy, Stone, Baxter, Marion, Yell, and Logan Counties, Arkansas.

Management actions include timber harvesting, and other timber management activities, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation and construction and reconstruction of roads.

This draft environmental statement was transmitted to CEQ on April 14, 1977. Copies are available for inspection during regular working hours at the following locations:

Chief, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

USDA, Forest Service, 1720 Peachtree Street, N.W., Rm. 804, Atlanta, Georgia 30309.

USDA, Forest Service, P.O. Box 1008, Russellville, Arkansas 72801.

A limited number of single copies are available upon request to Forest Supervisor Larry Henson, P.O. Box 1008, Russellville, Arkansas 72801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Larry Henson, P.O. Box 1008, Russellville, Arkansas 72801. Comments must be received by June 13, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: April 14, 1977.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.77-11646 Filed 4-21-77;8:45 am]

Rural Electrification Administration

CORN BELT POWER COOPERATIVE AND NORTHWEST IOWA POWER COOPERATIVE

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has adopted the Final Environmental Impact Statement issued by the Environmental Protection Agency (EPA) covering a 600 MW (nameplate) generating station and associated transmission facilities in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969. EPA's notice of the Final Environmental Impact Statement issuance appeared in the FEDERAL REGISTER on February 18, 1977. The adoption of EPA's statement, together with independent determination made by REA, constitute REA's Final Environmental Impact Statement (FEIS).

The proposed action involves the addition of a 600 MW (nameplate) generating unit at the existing generating site of Iowa Public Service Company, approximately 15 miles south of Sioux City, Iowa, on the Missouri River in Woodbury County. REA participated in the development of the FEIS in connection with the review of applications for loan guarantee commitments to Northeast Iowa Power Cooperative, Le Mars, Iowa, and Corn Belt Power Cooperative, Humboldt, Iowa, which would enable these cooperatives to own a 19.444 percent share of the generating and transmission facilities comprising the project.

Additional information on the Rural Electrification Administration's action may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The FEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrowers' addresses indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 14th day of April 1977.

JOSEPH VELLONE,
Acting Administrator, Rural Electrification Administration.

[FR Doc.77-11527 Filed 4-21-77;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Thursday, May 19, 1977, in Room 5221 of the USDA South Building, Independence Avenue between 12th and 14th Streets SW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. Telephone 202-447-3854.

A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: April 19, 1977.

M. RUPERT CUTLER,
Consultant to the Secretary.

[FR Doc.77-11678 Filed 4-21-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER Friday, April 8, 1977 (FR Doc. 77-10446) on page 18626 is hereby cancelled.

Dated at Washington, D.C., April 18, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11680 Filed 4-21-77;8:45 am]

DELAWARE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware Advisory Committee (SAC) of the Commission will convene at 12 noon and will end 2 p.m. on May 20, 1977, in the Y.M.C.A., 11th and Washington Streets, Wilmington, Delaware.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting will be to discuss report writing for the Committee's study of school desegregation in Northern New Castle County.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 19, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11681 Filed 4-21-77;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 1 p.m. and will end at 3:30 p.m. on May 9, 1977, in the MWRO Conference Room, 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Illinois 60604.

The purpose of this meeting is that the education sub-committee will discuss and plan the development of the study of Special Education Programs and the racial implications on students, also to discuss the Washburn School situation.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 19, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11682 Filed 4-21-77;8:45 am]

MINNESOTA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee (SAC) of the Commission will convene at 1 p.m. and will end at 5 p.m. on May 31, 1977, at the Holiday Inn Downtown, 1313 Nicolett Mall, Minneapolis, Minnesota 55403.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32d Floor, Chicago, Illinois 60604.

The purpose of this meeting is to plan for Police/Community Relation Study and review report on follow-up American Indian Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 18, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11683 Filed 4-21-77;8:45 am]

NORTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) of the Commission will convene at 2 p.m. and will end at 5:30 p.m. on May 19, 1977, in the Hilton Inn, 1707 Hilsborough Street in the Caucus Room, Raleigh, North Carolina 27605.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to continue plans for the migrant study and receive status reports from the jury selection and state employment subcommittees.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 18, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11684 Filed 4-21-77;8:45 am]

OHIO ADVISORY COMMITTEE

Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission a notice previously published in the FEDERAL REGISTER Tuesday, April 19, 1977, (FR Doc. 77-11317) on page 20325, is hereby amended. The meeting will be at the Hollenden House, 610 Superior, NE., Cleveland, Ohio 44106 instead of the Cleveland Plaza Hotel. The time and dates will remain the same.

Dated at Washington, D.C., April 19, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-11685 Filed 4-21-77;8:45 am]

CIVIL SERVICE COMMISSION

ADVISORY COMMITTEE ON ADMINISTRATIVE LAW JUDGES

Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the U.S. Civil Service Commission announces the following meeting:

NAME: Advisory Committee on Administration Law Judges.

DATE AND TIME: May 13, 1977, 9:30 a.m.-4:00 p.m.

PLACE: U.S. Civil Service Comimssion, 1900 E Street, N.W., Washington, D.C., Room: 5323.

TYPE OF MEETING: Open.

CONTACT PERSON:

Arthur L. Burnett, Assistant General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C., Telephone 202-632-5421.

PURPOSE OF COMMITTEE: To make recommendations to the Commission for improvements in managerial effectiveness and utilization of Administrative Law Judges in the Federal Government.

AGENDA: To continue previous meeting's discussion on Application Procedure for Administrative Law Judge Appointment, from the investigative-vouchering stage through a review of the appeals process. To consider the implications of the legislative proposals to convert temporary Administrative Law Judges at Social Security Administration to permanent Administrative Law Judge status. To discuss the creation of an administrative court system with a trial level consisting of Administrative Law Judges, and an administrative court of appeals, as an effort to assure more effective administrative adjudication.

Dated: April 22, 1977.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11528 Filed 4-21-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Consumer Product Safety Commission to fill by noncareer executive assignment in the excepted service the position of International Affairs Officer, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11648 Filed 4-21-77;8:45 am]

GRANT OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Health, Education, and Welfare Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Planning and Evaluation/Education, Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11393 Filed 4-21-77;8:45 am]

GRANT OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Labor Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary of Labor, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11394 Filed 4-21-77;8:45 am]

Grant of Authority To Make a Noncareer Executive Assignment

DEPARTMENT OF LABOR

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Under Secretary of Labor, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.11-11650 Filed 4-21-77;8:45 am]

DEPARTMENT OF THE NAVY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Navy to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs), Assistant Secretary of the Navy (M&RA).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11649 Filed 4-21-77;8:45 am]

REVOCATION OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Transportation Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Budget and Program Review, Office of the Deputy Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11395 Filed 4-21-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FREDERICK CANCER RESEARCH CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00032. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Article: Scanning Electron Microscope, Model HFS-2 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used to study the distribution of antigen sites on the cell surface with use of tagged antibodies. For pilot studies, ferritin, keyhole limpet hemocyanin, polystrene, and viruses will be used to label antibodies in an attempt to determine specific antigen sites of various tumor cells (leukemia, melanomas, sarcomas). The studies will include investigations of the following: (1) Various parameters that are known biochemically to alter membrane characteristics thus altering the distribution of antigens on the cell surface and the susceptibility of different types of cells to various chemical and physicalcal agents, (2) certain characteristics of the cell membrane such as fluidity of cell membrane and surface change of tumor cells, lymphocytes, and macrophages.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 6, 1975). Reasons: This application is a resubmission of Docket Number 76-00112-33-46070 which was denied without prejudice to resubmission on August 13, 1976, for informational deficiencies. The foreign article provides a guaranteed resolution of 30 Angstroms in the secondary electron mode. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 25, 1977, that the best resolution available is pertinent to the applicant's intended use. HEW also advises that domestic instruments could not provide the pertinent resolution or were still in development at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-11696 Filed 4-21-77;8:45 am]

UNIVERSITY OF NEBRASKA MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00039. Applicant: University of Nebraska Medical Center, 42d and Dewey Avenue, Omaha, Nebraska 68105. Article: Electron Microscope, Model EM 201C and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research programs:

(1) Research efforts directed toward virology with examination of virus infected tissue in order to detect and characterize any virus present and also for the detection and description of cell damage.

(2) Study of the sputum cell dynamics and chronic obstructive pulmonary diseases, morphologic studies of eosinophilic leukocytes and mast cells in sputum obtained from patients with COPD and the role of pulmonary alveolar macrophages in alpha-1 anti-trypsin utilization; and

(3) Experimental work on the diabetic monkey in which studies will be done in regard to glomerular changes in the long term animal on varying doses of insulin and on certain diets. The article will also be used for training in a course of ultrastructural techniques (Pathology 861).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received by Customs (November 10, 1976). Reasons: The description of the applicant's research and/or educational purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article is intended to be used. We know of no conventional transmission electron microscope which was being manufactured in the United States at the time the application was received by Customs. ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscopes" which were manufactured domestically at the time the article was ordered and are still being manufactured in the United States.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received by Customs.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-11697 Filed 4-21-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1977 Among Producers Located in the Virgin Islands

On December 28, 1976, the Departments of the Interior and Commerce published in the FEDERAL REGISTER a Joint Notice announcing the rules to be used by the Departments in the allocation of 1977 calendar year quotas for duty-free entry into the Customs territory of the United States of watches and watch movements assembled in the Virgin Islands, Guam, and American Samoa (41 FR 56378 et seq.). Section 4 of this notice relating to the Virgin Islands provides inter alia that annual quotas for calendar year 1977 would be allocated as soon as practicable after April 1, 1977, and would be based on the following criteria:

(1) The number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1976; (2) the dollar amount of wages, up to a maximum of $13,200 per person, paid by such producer in the territory during calendar year 1976 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation; and (3) the total dollar amount of income taxes paid by such producer in the territory during calendar year 1976 attributable to its Headnote 3(a) watch assembly operations, excluding penalty payments and less any income tax refunds and subsidies paid to such producer during calendar year 1976.

In making allocations under this formula, a weight of 35 percent is assigned to production and shipment history, a weight of 50 percent is assigned to wages as specified above, and a weight of 15 percent is assigned to the total dollar amount of income taxes paid during calendar year 1976 and attributable to Headnote 3(a) watch assembly operations, with the exclusions and deductions specified above.

The number of watches and watch movements authorized for shipment on or after January 1, 1977, under initial and supplemental initial quotas previously allocated by the Departments are to be applied against the following allocations which are issued for the full calendar year 1977.

VIRGIN ISLANDS

Name of firm:	*Number of units*
1. Antilles Industries, Inc.	400,000
2. Atlantic Time Products Corp.	650,000
3. Belair Time Corporation	500,000
4. Consolidated Watch Industries Ltd.	175,000
5. Hampden Watch Co., Inc.	350,000
6. Master Time Company, Ltd.	430,000
7. Micro Manufacturing Corporation	94,603
8. Quality Products Company, Inc.	696,397
9. Roza Watch Corporation	750,000
10. Standard Time Company	285,000
11. Sussex Watch Corporation	150,000
12. TMX Virgin Islands, Inc.	900,000
13. Unitime Corporation	600,000
14. Watches, Incorporated	275,000

These quotas reflect (1) adjustments made as a result of the verification of data submitted by individual producers; (2) reallocation of voluntarily relinquished quota pursuant to section 2 of the 1977 allocation rules among existing producers; and (3) voluntarily relinquished quota set aside by the Departments for possible allocation to new entrants pursuant to section 2 concerning which the Departments will soon publish a separate notice.

Assigned quotas may be adjusted at anytime during this calendar year in the event it becomes apparent that shipments through December 31, 1977 by any firm will be less than 90 percent of the number of units allocated to it.

Dated: April 19, 1977.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

EMMETT M. RICE,
Acting Director, Office of Territorial Affairs, Department of the Interior.

[FR Doc.77-11703 Filed 4-21-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1977 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 22, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On February 25, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 11032) of proposed addition to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1977:

SIC 0782

Lawn Maintenance (SH), Naval Weapons Station, Yorktown, Virginia, for the following areas:

1. Kirkpatrick Park.
2. Administration Bldg. No. 31 and Gate No. 1.
3. Missile Park.
4. Dispensary Area.
5. Skiff Creek Area.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-11690 Filed 4-21-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 25, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703–557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7520

Book Ends, 7520–00–139–6158.

Class 8470

Headband, Ground Troops, Helmet Liner, 8470–00–153–6671 (for 50 percent of Government's requirements).

Class None

Strap, Mail Tray, Postal Service Item No 01067

C. W. FLETCHER,
Executive Director.

[FR Doc.77–11689 Filed 4–21–77;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC HEARINGS

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Texas. The hearings will be held on May 5 and 6, 1977, in the Crystal Room, 14th Floor, of the Sheraton-Ft. Worth Hotel, 815 Main Street, Ft. Worth.

The hearings will commence each day at 9 a.m. and continue until 1 p.m. At the first hearing, the Commission will receive comments about the impact of Federal paperwork on the energy industry, and public works programs. During the second hearing, the Commission will receive comments about the Federal paperwork involved in obtaining small business loans, and such other problems as may be brought to the Commission's attention.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street NW., Room 2000, Washington, D.C. 20582, telephone 202–653–5400.

FRANK HORTON,
Chairman.

[FR Doc.77–11706 Filed 4–21–77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from April 11 through April 15, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comments on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (June 6, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–6827.

FOREST SERVICE

Draft

Tongass National Forest Recource Allocation, Alaska, April 12: Proposed is a Resource Allocation Direction Plan for southeast Alaska's 16 million-acre Tongass National Forest. This direction has a range of annual timber harvest of 535–660 MMBF, fish and wildlife habitat protection and improvement opportunities, 2.3–3.5 million acres of wilderness, and provision for dispersed and developed recreation. A total of five resource allocation alternative groupings representing varying timber harvest levels and wildland availability levels, are currently under consideration. (ELR Order No. 70455.)

Eldorado National Forest Timber Plan, several counties in California, April 12: Proposed is the implementation of the 10–year Eldorado National Forest Timber Management Plan. The plan summarizes the present timber situation, interprets policy on a local basis, identifies and classifies lands as to suitability for timber production and sets harvest priorities. Timber would be harvested from El Dorado, Amador, Placer, and Alpine Counties, with a feasible average yearly harvest ranging from 174.0 M Cunits to 207.4 M Cunits. (ELR Order No. 70457.)

Hornet Unit Plan, Kootenai National Forest, Lincoln County, Mont., April 15: Proposed is a revised land management plan for the 27,444-acre Hornet Planning Unit, Fisher River Ranger District, Kootenai Forest, Montana. The eight unit plan will provide: recreational opportunities and facilities for the public; help in a continuing flow of a balanced supply of winter forage; cover and security for big game; important contributions to sustained yield of renewal timber resources; contributions to economic stability of the local communities; and reduction of fuel buildings. Development activity will result in increased erosion and sediment levels. (ELR Order No. 70474.)

McLoughlin-Klamath Unit Plan, Klamath and Jackson Counties, Oreg., April 12: The proposed action designates the allocation for 414,445 acres (net) of National Forest land on the Winema and Rogue River National Forests. The allocation would result in 6,354 acres more of wilderness study in addition to the 106,371 acres already allocated; 8,447 acres as proposed special interest areas; 3,100 acres for possible ski development on Pelican Butte; 23,071 acres for Mountain Lakes Wilderness; 11,825 acres for water quality protection in Big Butte Springs Watershed; and 255,277 acres for multiresource use. (ELR Order No. 70452.)

Final

King Unit Plan, Klamath National Forest, Siskiyou County, Calif., April 12: Proposed is a comprehensive land use management plan for the King Planning Unit of the Klamath National Forest. The proposal affects approximately 49,000 acres, including an 11,100-acre portion of the 214,000-acre Marble Mountain Wilderness, a 900-acre portion of the 4,000-acre Johnson Wilderness Study Area, and all of the 13,000-acre Ten Bear Inventoried Roadless Area. Activities in portions of the Unit will result in soil and vegetation disturbance which will cause temporary increases in soil erosion and stream sediment levels. Comments made by: USDA, DOT, COE, EPA, FPC, HEW, DOI, AHP, state and local agencies, and concerned citizens. (ELR Order No. 70449.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Coyotte Generating Station, 440 MW Unit, Mercer and Oliver Counties, N. Dak., April 12: Proposed is the granting of loan funds to the Minnkota Power Cooperative for the financing of a 30 percent interest in the proposed new Coyotte Station. The project consists of a 440 MW lignite-fired steam electric generating plant. A new 33 mile, 345 kv transmission line will be built to interconnect the proposed plant with the substation at the Center Plant. Cooling tower blow down and small amounts of boiler blow down will be discharged to the Missouri River. Other major adverse effects include intrusion on the landscape and minor amounts of soil disturbance. (ELR Order No. 70463.)

DEPARTMENT OF DEFENSE

Draft

Chemical Agent Identification Set Disposal, Colorado, April 13: Proposed is the disposal of Chemical Agent Identification Sets. The plan entails movement of the 21,600 obsolete sets out of 33 storage sets to Rocky Mountain Arsenal, Colorado, for disposal. The two phases are (1) movement of 1,500 sets from 19 sites to support the pilot test phase, and, (2) movement of the remaining 20,000 sets from 16 storage sets. No adverse impacts are anticipated. (ELR Order No. 70470.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–6795.

Final

White Bluff Steam Electric Station, Arkansas, April 14: The statement discusses the issuance of a Department of the Army permit for construction of a water intake structure, a clean water holding pond dike and a clean water holding pond spillway as required for the proposed coal-fired White Bluff Steam Electric Station to be located near Redfield, Arkansas. Negative effects include increased levels of atmospheric pollution, increased traffic during construction, loss of wildlife and discharge of heated water containing concentrated levels of dissolved solids to the Arkansas River. (Little Rock District.) Comments made by: EPA, DOC, USDA, DOT, DOI, HUD, FPC, AHP, State and local agencies, concerned groups and persons. (ELR Order No. 70473.)

Gowanus Creek Channel, Brooklyn, New York, April 12: Proposed is the maintenance dredging of Gowanus Creek Channel to authorized Federal project dimensions. The dredge spoil will be disposed of in approved dumping grounds in the New York Bight.

The marine environment of the New York Bight would be further degraded by the project. (New York District.) Comments made by: USDA, DOC, DOD, DOT, DOI, EPA, HEW, HUD, AHP, State and city agencies, and concerned citizens. (ELR Order No. 70458.)

ENVIRONMENTAL PROTECTION AGENCY

Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Des Moines 208 Waste Treatment, Dallas, Polk, and Warren Counties, Iowa, April 13: Proposed is the implementation of the Des Moines Metropolitan Areawide Waste Treatment Management Plan. The proposed plan includes structural and nonstructural programs for the control of point, intermittent point and nonpoint pollution sources. Temporary adverse effects resulting from construction activities will be the disruption and relocation of Wildlife, augmented construction noise levels, disturbance of existing vegetation, and disruption of existing land uses. (Region VII.) (ELR Order No. 70460.)

Final

Jerome Wastemater Facilities Project, Jerome County, Idaho, April 15: Proposed is the provision of an adequate wastewater treatment and disposal program for the city of Jerome, Idaho. The plan would expand the service area from 1,170 acres to 5,030 acres to accommodate the projected increase in population from 5,625 to 12,000 residents by the year 1995. Negative impacts include temporary loss of vegetation, disruption of wildlife, soil erosion, and air pollution from particulates. (Region X.) Comments made by: USDA, AHP, HUD, EPA, State and local agencies, and concerned citizens. (ELR Order No. 70477.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202–755–6308.

Draft

Bonaire Subdivision, Harris County, Tex., April 12: Proposed is the development of 340 acres into a planned community composed of single-family homes, apartments, patio homes and townhouses with some commercial reserves in Harris County, California. This development provides for the planning and controlling of a wide range of living accommodations for approximately 6300 people. Adverse effects include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 70450.)

Final

White Marsh Joint Venture, Baltimore County, Md., April 12: Proposed is a subdivision of 430 acres with local planning and zoning approval for 3,000 mixed housing units, in White Marsh, Maryland. The residential community is part of a larger 1,500 acre development which will include a 200 acre shopping mall, an office park, and industrial development. Negative impacts include conversion of woodland to urban use, some increase in air pollution and noise levels and increased traffic congestion on local roads. (Region 3.) Comments made by: USDA, HEW, AHP, DOC, EPA, HUD, and State agencies. (ELR Order No. 70459.)

Box Hill Development, Harford County, Md., April 14: Proposed is the construction of a planned new residential community of adjoining 348 and 233 acre sites locsted between the City of Bel Air and Interstate Highway 95, on Maryland State Route 24. Development will involve construction of 3,353 dwelling units, and community centers. Adverse effects include conversion of agricultural land to urban use, some increase in air pollution and community noise levels, and increased water runoff. Comments made by: USDA, EPA, FPC, and city agencies. (ELR Order No. 70471.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

SECTION 104(h)

Final

Pine Bluff Southeast Sanitary Sewer, Jefferson County, Ark., April 15: Proposed is the installation of a sanitary sewer system to serve several hundred acres of the southeast section of the city of Pine Bluff. The statement also refers to the reconstruction of a major arterial street and the installation of an underground drainage system. Adverse impacts include clearing of woodlands, erosion and siltation, cuts through street paving, noise, dust, traffic disruption, and economic impact on businesses. Comments made by: COE, EPA, neighborhood groups, and concerned citizens. (ELR Order No. 70478.)

Downtown Yonkers Commercial Complex (Preliminary), New York, April 12: Proposed is the construction and operation of a commercial complex located in the central business district of Yonkers, New York. The project includes 1.2 million square feet (GLA) of retail space, 100,000 square feet of office space and a 300-room hotel, and it is considered a key element in the City's plan to re-vitalize the socio-economic structure of the central city. Three alternatives are also examined: the no-build alternative; a reduction in the size of the retail portion of the development to 860,000 square feet (GLA); and the elimination of plans for the office building and hotel. Comments made by: EPA, HUD, State and local agencies, and concerned citizens. (ELR Order No. 70465.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF LAND MANAGEMENT

Draft

OCS Oil and Gas Sale No. 46, West Gulf of Alaska, Alaska, April 12: Proposed is the leasing of 564 blocks (1.3 million hectares; 3.2 million acres) of OCS lands. The tracts are located offshore of Kodiak, Afognak, and the Trinity Islands with distance to shore ranging from 4 to 115 miles, and are situated in water depths of from 4 to 115 miles. The risk potential is related to adverse effects on the environment and other resource uses which may result principally from accidental or chronic oil spillage. Onshore development will result in socioeconomic impacts. (ELR Order No. 70456.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Technical Studies Branch, 200 Constitution Avenue, Room N3669, Washington, D.C. 20210, 202–523–7076.

Draft

Sulful Dioxide, Occupational Exposure Standard, April 15: The Occupational Safety and Health Administration proposes to regulate employee exposure to sulfur dioxide emissions by setting a permissible exposure limit of 2 parts sulfur dioxide per million parts air (2 ppm), together with a ceiling limit of 10 ppm, as measured over a sampling period of 15 minutes. The proposal provides for employee exposure measurements, methods of compliance, personal protective clothing and equipment, training, medical surveillance, employee observation of exposure measurements, and recordkeeping. Beneficial impacts are expected. (ELR Order No. 70479.)

NATIONAL AERONAUTICS AND SPACE ADMIN.

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue, Washington, D.C. 20546.

Draft

Michoud Assembly Facility, New Orleans, La., April 12: This statement examines the environmental effects of the present and impending activities, versus the cessation of activities, at the Michoud Assembly Facility of George C. Marshall Space Flight Center in New Orleans, Louisiana. The facility has a dual role. First, it provides support for the NASA Space Shuttle Program by design and manufacture of External Tanks which will contain liquid fuel for the Orbiter. Second, it provides support and facilities for operations of other governmental agencies and/or their contractors. Other alternatives relate to modifications in certain facilities and activities. (ELR Order No. 70451.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–443–6965.

Draft

Fort Calhoun Station, Unit 2, Washington and Harrison Counties, Nebr., April 14: The proposed action is the determination of the suitability of the site of the Fort Calhoun Station for eventual construction of a second nuclear unit by the Omaha Public Power District. The proposed site is located on the west bank of the Missouri River, approximately 20 miles north of Omaha, Nebraska. The station will produce 342 MWt, which will be used by a steam turbine generator to produce 1150 MWe (net) of electric power capacity. Adverse effects include the impingement of 247,000 juvenile fish annually, and the removal of 60 acres of forest. (ELR Order No. 70472.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tennessee 37401, 615–755–3161.

Final

Phipps Bend Nuclear Plant, Units 1 and 2, Hawkins County, Tenn., April 13: Proposed is the construction and operation of a 2-unit nuclear plant in Hawkins County, Tennessee. Operation of the closed-cycle cooling towers will result in evaporation of water and release of heat and minor amounts of particulates into the air. A small amount of land will be converted from agricultural to industrial use. Comments made by: AHP, ERDA, USDA, HUD, COE, EPA, DOI, TVA, State and local agencies, and, concerned citizens. (ELR Order No. 70467.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Raleigh-Durham Airport Improvements, North Carolina, April 12: Proposed are improvements to the Raleigh-Durham Airport

Facility, in Raleigh, North Carolina. The project includes construction of a new paved marked, and lighted Category II runway, with a parallel and connecting taxiway system. Approximately 700–800 acres of land will be cleared and the William B. Umstead State Park will be affected to some extent by an approach over the southern portion of the park. (ELR Order No. 70454.)

Final

Sikeston Memorial Airport, Scott County, Mo., April 12: Proposed is the resurfacing of runway 2/20, the extension and paving of Runway 13/31, the installation of lighting and the acquisition of airspace easements. The statement mentions only slight increases in air and noise pollution as project impacts. Comments made by: DOI, EPA, AHP, COE, USDA, state and local agencies concerned citizens. (ELR Order No. 70461.)

Supplement

Douglas Municipal Airport, Runway (S–1), Mecklenburg County, N.C. This statement supplements a draft EIS filed with CEQ in April, 1976. The proposed action is the completion or Runway 18R/36L at Douglas Municipal Airport in Charlotte, North Carolina. The project plans call for paving and lighting of the runways and associated taxiways. The supplement was prepared in response to an order of U.S. District Court for the Wetsern District of North Carolina. The aircraft noise impacts will be shifted from high population density areas to low population density areas. (ELR Order No. 70445.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

California Route 131 Improve, Tiburon, Marin County, Calif., April 12: Proposed is the improvement of a 0.6-mile segment of State Route 131, located on the Tiburon Peninsula in Marin County. The proposed work area is from post mile 1.5 at Reed Ranch Road to post mile 2.1 east of Stewart Drive. Within the project limits, the existing highway is a conventional two-lane road. The four-lane segment of Route 131 ends at Reed Ranch Road. The proposed work involves mitigation of several safety problems including a high accident rate and operational difficulties. (Region 9.) (ELR Order No. 70464.)

Wheaton-Naperville Rd. Extension, Du Page and Will Counties, Ill., April 12: The proposed project is located in a north-south predominantly unincorporated corridor between the City of Naperville and the Village of Lisle, Illinois. The overall highway section extends from the intersection of Warrenville and Naperville Roads in Du Page County southerly a distance of 6.9 miles to a connection with Washington Street approximately 0.5 miles north of Royce Road in Will County. The project will consist of a basic four-lane divided arterial roadway with all cross-street intersections at grade. (region 5.) (ELR Order No. 70460.)

Wilmington S.E. Outer Loop, New Hanover County, N.C., April 12): Proposed is the right-of-way acquisition and construction of a 10-mile segment of the Wilmington Outer Loop from Shipyard Boulevard to U.S. 17 North in New Hanover County, North Carolina. The facility as proposed is a four-lane freeway. The most significant resultant adverse impact would be the loss of open space and natural habitat. Some erosion and subsequent sedimentation can be expected to occur in study area creeks during construction. (Region 4). (ELR Order No. 70447.)

Smith Creek Pkwy., U.S. 117 to U.S. 74, New Hanover County, N.C., April 12: Proposed is the construction of a four-lane divided roadway extending from U.S. 117 (Castle Hayne Road) on the west, to U.S. 74 (Eastwood Road) east of the City of Wilmington, North Carolina. This 5.8-mile east-west connector would provide a much needed route through the northern area of the city. The Downtown Spur, also a four-lane divided facility, would connect Smith Creek Parkway with the downtown area. Adverse effects include the displacement of 32 households and 11 businesses. (Region 4.) (ELR Order No. 70448.)

S.R. 4 Extension, S.R. 2 to S.R. 4, Kent and Washington Counties, R.I., April 15: The proposed action is the extension of new Route 4 from its existing terminus at Route 2 in East Greenwich, Rhode Island, southerly to intersect existing Route 4 approximately 6,000 feet south of Route 102 in North Kingstown. The project will connect two 4 lane, fully access controlled highways with a 3.5 mile similar facility, thereby by-passing a section of existing 4 lane Route 2 that currently provides a temporary connection. Adverse impacts vary according to the alternative selected. (Region 1.) (ELR Order No. 70475.)

Final

State Route 3, Noble, Mobile and DeKalb Counties, Ind., April 12: Proposed is a highway improvement which would upgrade Indiana State Route 3 from the existing divided dual-lane roadway near the Allen-DeKalb County line to a point approximately one mile south of Kendallville. Depending on the alternate selected, the improvement would have a length of approximately 11.9 miles to 12.2 miles. Adverse effects include alteration of land use patterns, destruction of some wildlife habitat, and displacement of several residents. Comments made by: USDA, DOI, EPA, DOT, State and local agencies, concerned citizens. (ELR Order No. 70453.)

U.S. 169 from Princeton to Onamia, Mille Lacs and Sherburne Counties, Minn., April 13: The proposed improvement involves the upgrading to freeway standards (4 lane, divided roadway) approximately 35 miles of U.S. 169 from Princeton to Onamia, and the relocation of T.H. 95 for two miles at Princeton. Adverse environmental effects include the taking of 1245 acres, including some wildlife and waterfowl habitat; the displacement of 28 residences and 6 businesses; increased noise levels at several residential land use areas; and property severance and circuit-out travel due to controlled access. Comments made by: DOC, DOI, EPA, COE, USCG, HEW, USDA, state and local agencies concerned citizens. (ELR Order No. 70466.)

I–94, I–494/694 Interchange-T.H. 95, Washington County, Minn., April 15: The proposed action is the construction of a 10 mile highway section on Interstate 94 in Washington County, Minnesota. The link under consideration extends between an existing interchange with I–494/694 and an interchange with Trunk Highway 95. The proposed action will provide a basic four-lane freeway with additional lanes added at various locations. The preferred alternate consists of the reconstruction of existing U.S. 12, an expressway, to freeway standards. The improvement will displace homes and commercial buildings and will change the landscape, surface drainage, vegetation and wildlife habitat. (Region 5.) Comments made by: USDA, COE, HEW, HUD, DOI, DOT, AHP, state and local agencies concerned citizens. (ELR Order No. 70476.)

Center St. and Mercy Rd. Intersection, Douglas County, Nebr., April 12: The proposed project calls for the improvement of the intersection of Center Street and Mercy Road and also provides access to the Ak-Sar-Ben grounds, Douglas County, Nebraska. The construction includes a viaduct over the Chicago and Northwestern Railroad tracks and Little Papillion Creek on Center Street a bridge over Little Papillion Creek on Mercy Road with an at-grade crossing at the Chicago and Northwestern tracks, and an intersection providing access to the Ak-Sar-Ben grounds. Adverse effects include the relocation of four mobile homes and five businesses. (Region 7.) Comments made by: DOT, COE, HUD, DOI, EPA, USCG, state and local agencies concerned citizens. (ELR Order No. 70462.)

U.S. POSTAL SERVICE

Contact: Emerson Smith, Director, Office of Buildings Analysis and Design, Real Estate and Buildings Department, U.S. Postal Service, Washington, D.C. 20260, 202–245–4242.

Final

Manhattan P.S. Vehicle Maintenance Facility, Manhattan County, N.Y., April 13: The proposed development consists of a major U.S. Postal Service vehicle maintenance facility (VMF) in combination with a multi-story housing project in the lower West Side of the Borough of Manhattan, New York City. Features of the proposed action are a multi-story VMF, a housing project utilizing air-rights space above the VMF, and the closure of 29th Street between Ninth and Tenth Avenues to non-postal traffic, except during the evening rush hour. No major adverse effects are anticipated. Comments made by: EPA, DOI, DOT, USPS, state and local agencies, concerned citizens. (ELR Order No. 70469)

NICHOLAS C. YOST,
General Counsel.

[FR Doc.77–11640 Filed 4–21–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

REQUIREMENT FOR FOREIGN CURRENCY BANKING ARRANGEMENT

Meeting

APRIL 18, 1977.

The U.S. Air Force has a requirement for a foreign currency banking arrangement to fulfill agreements for European coproduction of the F–16 aircraft. The agreement involves the countries of Belgium, Denmark, the Netherlands, and Norway, and currencies involved in the banking arrangement will be the respective currencies of these four countries and U.S. dollars. Central management and accounting will be in Brussels, Belgium; however, one account will be established for each foreign currency and maintained in the respective country. The foreign currency accounts will be used to accept deposits from the European governments and contractors and U.S. Government, to make disbursements to U.S. contractors for their payment of European subcontractors and vendors, and to make currency exchanges for European contractors. A qualified financial institution will have:

(a) Correspondent relationships to permit cable transactions among Belgium, Denmark, the Netherlands, Norway, and the United States;

(b) Capability for timely transfer of U.S. dollars from Europe to the designated Federal Reserve Bank or Branch in the United States;

(c) Capability to promptly record and confirm foreign currency deposits; and

(d) Capability of centrally accounting and providing magnetic tapes of all transactions.

Based on information presently available, it appears that deposits to the four accounts will total the equivalent of four billion U.S. dollars over the next 8-10 years. However, the amount and period could vary significantly from this estimate. Also, it is planned that bidding for maintaining the accounts will be reopened every two years.

A meeting to discuss this matter will be held in the Pentagon on May 2, 1977. Financial institutions desiring further information and details on this meeting may contact Mr. Charles Heflin, Air Force Directorate of Accounting and Finance, telephone: 202–697–9223, not later than April 29, 1977.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc.77–11672 Filed 4–21–77;8:45 am]

Department of the Navy

PRIVACY ACT OF 1974

New System of Records

The Department of the Navy initial publication and new systems of records notices added thereto as prescribed by the Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

FR Doc. 75–21075 (40 FR 35878) August 18, 1975.
FR Doc. 75–22752 (40 FR 39708) August 28, 1975.
FR Doc. 75–26287 (40 FR 46061) October 3, 1975.
FR Doc. 75–26296 (41 FR 2963) January 20, 1976.
FR Doc. 76–20188 (41 FR 28807) July 13, 1976.
FR Doc. 76–21185 (41 FR 30997) July 26, 1976.

Notice its hereby given that the Department of the Navy has submitted a new system of records on February 14, 1977 pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A–108, Transmittal Memorandum No. 1, dated September 30, 1975 and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Department of the Navy invites public comment to be considered on all parts of the following proposed new record system. Interested persons are invited to submit written data, views and arguments to the system manager identified in the particular record system notice on or before May 23, 1977. The system will be effective within 30 days of this publication as proposed without further notice, unless comments are received which result in a contrary determination and requiring republication for further comments.

N00018 10

System name:

Child Advocacy Program File.

System location:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372. Individual Case Files—Naval Regional Medical Centers, naval hospitals and clinics (dispensaries), and duty stations of the military sponsors. (Mailing addresses of duty stations are listed in the DOD directory in the Appendix to the Component System Notice.)

Categories of individuals covered by the system:

All children entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons suspected of abusing or neglecting such children.

Categories of records in the system:

Medical records of suspected and confirmed cases of child abuse or neglect, investigative reports, correspondence, child advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual child advocacy program files.

Authority for maintenance of the system:

5 U.S.C. 301, 10 U.S.C. 5132, and 44 U.S.C. 3101.

Routine uses of records maintained by the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Navy, in the performance of their official duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Navy auspices; determining qualifications and suitability of Navy and Marine Corps personnel for various programs, duty assignments, and fitness for continued military service; and performance of research studies and compilation of statistical data.

Officials and employees of other components of the Department of Defense and other Departments and agencies of the Executive Branch of government, in the performance of their official duties relating to the coordination of child advocacy programs, medical care, and research concerning child abuse and neglect.

The Attorney General of the United States or his authorized representatives, in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Federal, state, or local governmental agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in child abuse or neglect, or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, and private organizations and individuals for authorized health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

Retrievability:

Records are retrieved by name of the abused or neglected child and the social security number of the sponsor or guardian.

Safeguards:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis, only. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

Retention and disposal:

Child advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

System manager(s) and addresses:

Central Registery—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372—and commanding officers of medical treatment facilities under the command of the Chief, Bureau of Medicine and Surgery, where the treatment and reporting occurred.

Notification procedure:

Informational requests should be directed to the cognizant system manager(s). Requests should contain the full name of the child and social security number of the military or civilian sponsor or guardian, date and place of treatment, and alleged reporting of incident. The requester may visit the office of the Chief, Bureau of Medicine and Surgery, 23rd and "E" Streets NW, Washington, D.C. and the commanding officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to him or her. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requester will be considered adequate proof of identity.

Record access procedures:

The agency's rules for access to records may be obtained from the system manager.

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Record source categories:

Reports from physicians and other medical department personnel regarding the results of physical, dental, mental, and other examinations, treatment, evaluation, consultation, laboratory, x-ray, and special studies; reports and information from other sources, including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

Systems exempted from certain provisions of the act:

Part of this system may be exempt under 5 U.S.C. 552a(k)(2) and (5), as applicable. For additional information, contact the system manager(s).

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 18, 1977.

[FR Doc.77-11676 Filed 4-21-77;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Wednesday and Thursday, 18-19 May, Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0830 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 18, 1977.

[FR Doc.77-11675 Filed 4-21-77;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Friday, 3 June 1977, Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0830 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Panel will receive briefings and participate in discussions relative to the Defense Intelligence Agency's assessments of foreign military equipment, operations, and capabilities.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 18, 1977.

[FR Doc.77-11674 Filed 4-21-77;8:45 am]

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session on 12-13 May 1977 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 12-13 May 1977 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communication, and Technology issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 14, 1977.

[FR Doc.77-11707 Filed 4-21-77;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON NUCLEAR PROLIFERATION

Advisory Committee Meeting

The Defense Science Board Task Force on Nuclear Proliferation will meet in closed session on 11 May 1977, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine trends in nuclear proliferation that bear on our national security interests. They will examine estimates of technical capabilities, military/political intentions, and resource availability for countries that may acquire nuclear devices in the next decade.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 14, 1977.

[FR Doc.77-11708 Filed 4-21-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[ERL 718-1]

CITY OF JEROME WASTEWATER FACILITIES PROJECT

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the City of Jerome Wastewater Facilities Project, Jerome County, Idaho.

The proposed action is the awarding of grant funds to provide an adequate wastewater treatment and disposal program for the City of Jerome, located near the Snake River in Jerome County, Idaho.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on April 15, 1977. In accordance with CEQ's Guidelines (40 CFR 1500.11), no administrative action will be taken by this Agency until thirty days after receipt of this FEIS by the Council. Copies of the FEIS are available for review and comment from: Mr. Richard R. Thiel, Chief, Environmental Impact Section, M/S 443, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, telephone: 206-442-4011 or FTS 399-4011.

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, 1200 Sixth Avenue, Region X Library, Seattle, Washington 98101.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Jerome Civic Club Memorial Library, 100 1st Avenue East, Jerome, Idaho.

Information copies of the FEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticute Avenue, NW., Washington, D.C. 20036. Please reference ELR No. 70477.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: April 20, 1977.

JOSEPH MCCABE,
Acting Director, Office of Federal Activities.

[FR Doc.77-11861 Filed 4-21-77;10:17 am]

[OPP-42011B; FRL 717-3]

COMMONWEALTH OF PENNSYLVANIA

Extension of Contingency Approval of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.) and 40 CFR Part 171 (39 FR 36445 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable Milton J. Shapp, Governor of the Commonwealth of Pennsylvania, submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending promulgation of implementing regulations. On April 15, 1976, the Regional Administrator, EPA Region III, approved the Plan on a contingency basis for a twelve-month period. Notice of the approval was published in the FEDERAL REGISTER on May 25, 1976 (41 FR 21402).

The Pennsylvania Pesticide Control Act of 1973 was passed by the 1973 session of the Pennsylvania Legislature and became effective March 1, 1974. Implementing regulations are expected to be completed shortly. As a result, the Commonwealth of Pennsylvania has requested an extension of the Pennsylvania contingency approval pending final implementation of regulations. The Agency finds that there is good cause for approving the request and as such has granted Pennsylvania an extension, effective until October 21, 1977.

Dated: April 8, 1977.

DANIEL J. SNYDER, III,
Regional Administrator, Region III.

[FR Doc.77-11721 Filed 4-21-77;8:45 am]

[FRL 717-8]

DES MOINES 208 AREAWIDE WASTE TREATMENT MANAGEMENT PLAN

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Des Moines 208 Areawide Waste Treatment Management Plan, Iowa.

The proposed plan includes structural and nonstructural programs for the control of point, intermittent point and nonpoint pollution sources.

This DEIS was transmitted to the Council on Environmental on April 13, 1977. In accordance with CEQ's notice of availability, comments are due May 30, 1977. Copies of the DEIS are available for review and comment from: Environmental Protection Agency, Region VII, 1735 Baltimore Street, Kansas City, Missouri 64108 or by calling the Project Officer at 816-758-2921.

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region VII Library, 1735 Baltimire Street, Kansas City, Missouri 64108.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Information copies of the DEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036. Please reference ELR No. 70468.

Copies of the DEIS have been sent to various Federal, State and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: April 20, 1977.

JOSEPH MCCABE,
Acting Director, Office of Federal Activities.

[FR Doc.77-11860 Filed 4-21-77;10:17 am]

[OPP-180115; FRL 716-8]

IDAHO STATE DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Thiabendazole To Control Fungi in Stored Sugar Beets

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho State Department of Agriculture (hereafter referred to as the "Applicant") to use thiabendazole to control various fungi threatening 260,000 tons of sugar beets in storage areas in Idaho. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, about 509,393 tons of sugar beets are awaiting processing by the Utah and Idaho Sugar Company; of this amount, about 260,000 tons could become infested with various fungi such as Penicillium, Botrytis, Phoma, Fusarium, and others. These fungi cause deterioration while the beets are in storage, resulting in a decline of the sugar content of the beets. These fungal diseases occur naturally in sugar beets; however, only those beets to be stored for more than seventy-five days could be seriously affected. The problem was increased by use of ventilated canopy storage. This was needed to prevent the stored beets from freezing and then thawing, which renders them unfit for processing.

There are no registered alternative pesticides that can be applied as a post-harvest treatment to control fungal deterioration in sugar beets. The logistics and economics of the processing equipment made immediate processing of the beets undesirable.

The Applicant proposed to use Mertect 340-F, EPA Reg. No. 618-75-AA; this product is already registered for pre-harvest field use on sugar beets to control Cercospora Leaf Spot. The rate of application is 42 ounces Mertect 340-F added to 100 gallons of water; one (1) gallon of this suspension will be applied to one (1) ton of sugar beets. The maximum amount of the product that could be used would be 855 gallons on 260,000 tons of sugar beets. Applications will be made in beet storage areas of the Utah and Idaho Sugar Company by trained employees of that Company. The estimated loss of value without this treatment ranged from two to three dollars per ton; the Applicant predicted a maximum loss for the entire crop would be about one-half million dollars ($500,000).

Permanent pesticide tolerances of 0.25 ppm on sugar beets, 10 ppm on sugar beet tops, and 0.1 ppm in milk and meat have been established (CFR 180.242). The existing registered product and the limited use site indicates that no serious adverse long- or short-term effects on the en-

vironment are likely to occur. The requested use will add only an insignificant amount of thiabendazole to the human diet.

It should be noted that an experimental use permit under the section 5 regulations of the amended FIFRA was issued for the use of Mertect 340–F on sugar beets in North Dakota and Washington; temporary tolerances were established concurrent with the exerimental use permit, which expired on October 31, 1976. Quarterly reports regarding that permit indicated that the product was efficacious for that use. Although the limited use of thiabendazole under the section 5 permit could not have been intended to deal with the present emergency, EPA felt that the issuance of this emergency exemption might mitigate efforts to register the product for this use. Therefore, the Applicant will gather and submit both efficacy and residue data as a result of this treatment to facilitate registration of thiabendazole for this use.

After reviewing the application and other available information, EPA determined that (a) a pest outbreak of various fungi has or is about to occur; (b) there is no pesticide presently registered and available for use to control the fungi on stored sugar beets in Idaho; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic losses may result if the various fungi are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 1, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The thiabendazole product Mertect 340–F, EPA Reg. No. 618–75–AA, will be used;

2. The rate of application will be 42 ounces of the product in 100 gallons of water for treatment of 100 tons of sugar beets;

3. A maximum of 855 gallons of the product will be applied;

4. A maximum of 260,000 tons of sugar beets will be treated;

5. All applications will be made by trained employees of the Uath and Idaho Sugar Company;

6. The Applicant is responsible for ensuring that the restrictions pursuant to this specific exemption are met;

7. Thiabendazole residues not to exceed six (6) ppm in or on sugar beets, fifty (50) ppm for sugar beet pulp, and forty (40) ppm for sugar beet molasses have been determined to be adequate to protect the public health. EPA has determined that established tolerances for thiabendazole in meat and milk will not be exceeded. In terms of tolerances pertinent to poultry or eggs, it is not possible to establish with certainty whether finite residues will be incurred, but there is no reasonable expectation of finite residues (40 CFR 180.6(a)(3)). The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare has been advised of this action; and

8. Efficacy and residue data will be gathered and submitted to facilitate registration of thiabendazole for this use.

Dated: April 15, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–11723 Filed 4–21–77;8:45 am]

[OPP–36014; FRL 717–2]

PESTICIDE PROGRAMS

Denial of Application To Register Pesticide Product Containing Heptachlor/Chlordane

On March 10, 1977, the Environmental Protection Agency (EPA) received an application to register the pesticide product HEPTACHLOR 5–G (EPA File Symbol 40185–R), containing 5.00% of the active ingredient heptachlor intended for use in controlling the West Indian sugarcane rootstalk borer weevil larvae, *Diaprepes abbreviatus*. This application was submitted by the Florida Department of Agriculture and Consumer Services, Mayo Building, Tallahassee, FL 32304. Notice of this application is also being given in the FEDERAL REGISTER in accordance with the provisions of the Agency's interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.). (See FR Doc. OPP–33000/498.)

On November 26, 1974, the EPA gave notice (39 FR 41298) of its intent to cancel all registered uses of heptachlor and chlordane pursuant to section 6 of FIFRA, with the exception of the uses of heptachlor or chlordane through subsurface ground insertion for termite control and the dipping of roots or tops of nonfood plants. Affected parties have been afforded the opportunity to contest this action by requesting a hearing on specific registered uses. Hearings are now being conducted by the Agency and are expected to conclude in mid-summer of this year.

A notice of intent to deny registration has been mailed to the Florida Department of Agriculture and Consumer Services in response to their application for registration of HEPTACHLOR 5–G. Such notice is based on the November 26 FEDERAL REGISTER notice of intent to cancel. The applicant has been advised that pursuant to section 3(c)(6) of FIFRA they have 30 days from receipt of the notice of intent to deny to make any changes necessary to meet the Agency's requirements for registration noted above. The applicant has also been advised that if this change is possible and desired the Florida Department of Agriculture and Consumer Services may submit a revised application.

Otherwise, such application to register is denied. Products not registered with the Agency cannot be legally sold. The applicant has also been advised that remedies for denial are available through the administrative procedures set forth in section 6(b) of FIFRA.

Any person adversely affected by this notice may on or before May 23, 1977, request a hearing with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M Street SW., Washington, D.C. 20460. Any questions concerning this notice should be directed to Mr. Timothy Gardner, Product Manager (PM) 15, Registration Division (WH–567), Office of Pesticide Programs, at the above address or by telephone at (202–426–9425).

AUTHORITY: Section 3(c)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.).

Dated: April 14, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77–11722 Filed 4–21–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 854]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 18, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21107–CD–P–77 Thomas L. Howe d/b/a Telco Answering Service (KFL921), C.P. for additional facilities to operate on 152.18 MHz at loc. No. 2: 160 6th Avenue, N.W., Kalispell, Montana.

21108–CD–P–77 Page 'N Tel (new), C.P. for a new station to operate on 454.025 MHz to be located at Intersection of Hwy. 67 and Palmer Road, S. of Elkhorn, Wisconsin.

21109–CD–P–(9)–77 Radiotelephone Communicators of Puerto Rico, Inc. (WWA311), C.P. for additional facilities to operate on 152.06, 152.12 and 152.18 MHz, Base at Loc. No. 4 and to relocate facilities, change antenna system and replace transmitter operating on 459.250, 459.300 and 459.350 MHz, Repeater from Loc. No. 3 to Loc. No. 4: Altos De La Mesa, Caguas, P.R.; and relocate facilities, change antenna system and replace transmitter operating on 454.250, 454.300 and 454.350 MHz, Control from Loc. No. 1 to Loc. No. 5: 1.7 miles NW of Trujillo Alto, Puerto Rico.

21110–CD–MP–(2)–77 Empire Mobilcomm Systems, Inc. (KOK331), C.P. to relocate facilities operating on 152.15 MHz, Base and 72.42 MHz, Repeater at Loc. No. 4: 1.75 miles SE of Florence, Oregon.

21111–CD–P–(6)–77 The Pacific Telephone and Telegraph Company (KMA829), C.P. to replace transmitters operating on 152.57 and 152.63 MHz at Loc. No. 3 and to relocate facilities and replace transmitters operating on 152.51, 152.69, 152.81 and 454.55 MHz from Loc. No. 5 to Loc. No. 3: Crest Road, near Hoska Drive, Del Mar, California.

21112–CD–MP–(2)–77 Massachusetts-Connecticut Mobile Telephone Co. (KCC803), C.P. to relocate facilities, change antenna system and replace transmitter operating on 454.225 and 454.250 MHz from Loc. No. 4 to a new Loc. No. 5: John Tom Hill, Glastonbury, Connecticut.

21113–CD–P–77 Continental Telephone Company of Arkansas (KLB708), C.P. to change antenna system and replace transmitter operating on 152.60 MHz located on Short Mountain, 1.5 miles WNW of Paris, Arkansas.

21114–CD–ML–77 Vineland Mobile Telephone Company (KUO632), Mod of License to change frequency from 454.100 MHz to 454.300 MHz located South of Elm Road and West of Orchard Road, Vineland, New Jersey.

21115–CD–MP–(2)–77 Radio Paging, Inc. (KLF613), C.P. to relocate facilities, change antenna system and replace transmitter operating on 454.175 and 454.225 MHz to be located at One Shell Plaza, Houston, Texas.

21116–CD–P–77 West Kentucky Two-Way Radio, Inc. (KWU223), C.P. for aditional facilities to operate on 158.70 MHz at a new Loc. No. 2: 350 Corbly Avenue, Madisonville, Kentucky.

21117–CD–P–77 Contact Communications, Inc. (new), C.P. for a new 1-way signaling station to operate on 152.24 MHz to be located at Main Street South, Las Cruces, New Mexico.

21118–CD–P–(2)–77 Airsignal International, Inc. (new), C.P. for a new Developmental station to operate on 72.20 MHz, Control and 72.20 MHz, Standby to be located at 7192 Raleigh-LaGrange Road, Memphis, Tennessee.

21119–CD–P–77 DPRS, Inc. t/a Zipcall (KSV955), C.P. to relocate facilities, change antenna system and replace transmitter operating on 158.70 MHz at Loc. No. 2: 10 York Avenue, Randolph, Massachusetts.

21120–CD–P–77 Industrial Communications Systems, Inc. (KSV926), C.P. for additional facilities to operate on 158.70 MHz at a new Loc. No. 6: 8.5 miles NE of Banning, California.

INFORMATIVE:

It appears that the following applications may be mutually exclusive and subject to Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency: 152.12 MHz

Intrastate Radio Telephone, Inc. of San Francisco, Port Chicago, Calif., KMA833, 20544–CD–P–(3)–77.

Knox La Rue d.b.a. Atlas Radiofone, Tracy, Calif., KMM630, 20344–CD–P–(3)–77.

POINT TO POINT MICROWAVE RADIO SERVICE

1937–CF–P–77 Yankee Microwave, Inc. (KYZ 85), Mt. Washington, Sargents Purchase, New Hampshire (Lat. 44°16'13" N. to Long. 71°18'13" W.): Construction permit to replace transmitter(s) and to add 5960.0H, 6079.6H and 6212.1 H MHz toward Westbrook, Maine, via power split, on azimuth 129.8°.

2002–CF–P–77 Microband Corporation of America (new), Indian Head, 10755 Indian Head Industrial Boulevard, St. Louis, Missouri (Lat. 38°41'24" N. to Long. 90°-23'56" W.): Construction permit for new station—10775.0V MHz toward Clayton, Missouri, on azimuth 131.2°.

2012–CF–P/ML–77 American Telephone & Telegraph Company (KYN 90), 915 miles NNE of Boone, Iowa (Lat. 42°09'55" N. to Long. 93°47'37" W.): Construction permit and license to add 3890.0V MHz toward Radcliff, Iowa.

2013–CF–P/ML–77 American Telephone & Telegraph Company (KAS 43), 1 mile SSE of Radcliff, Iowa (Lat. 42°18'06" N. to Long. 93°25'22" W.): Construction permit and license to add 3930.V MHz toward Hampton, Iowa.

2014–CF–P/ML–77 American Telephone & Telegraph Company (KAS 44), 5 miles WSW of Hampton, Iowa (Lat. 42°42'55" N. to Long 93°17'27" W.): Construction permit and license to add 3890.H MHz toward Nora Spring, Iowa.

2016–CF–P–77 Eastern Microwave, Inc. (KZA 86), Tyrone Mtn., Hoover Road, 6 miles NW of Tyrone, Pennsylvania (Lat. 40°43'56" N. to Long. 78°19'33" W.): Construction permit to add 5989.7V and 6049.) V MHz toward Houtzdale, Pennsylvania, via power split, on azimuth 330.0°.

2047–CF–P–77 Eastern Microwave, Inc. (WQR 71), Salem-2, Salem-Grange and Woodsdale Roads, Salem, Ohio (Lat. 40°-51'22" N. to Long. 80°52'06" W.): Construction permit to add 6197.2H MHz toward Akron-1, Ohio, via power spiti, on azimuth 297.8°.

2048–CF–P–77 Eastern Microwave, Inc. (new), Akron-1, Off E. Tallmadge Ave., Akron, Ohio (Lat. 41°05'48" N. to Long. 81°28'34" W.): Construction permit for new station—5974.8H MHz toward Canton, Ohio, on azimuth 153.1°.

2106–CF–P–77 RCA American Communications, Inc. (new), Chicago (Merchandise Mart), Illinois (Lat. 41°53'20" N. to Long. 87°38'12" W.: Construction permit for new station—6286.2H and 6404.8H MHz toward Wauconda, Illinois, on azimuth 317.2°.

tions, Inc. (new), North Pole, MS 1⅝ mile NNE. of Mile 350 North Pole, Alaska, Lat. 64°44'16" N., Long. 147°16'10" W., C.P. for a new station on frequency 6404.8V MHz toward Pump Station 8, Alaska on azimuth 135.1°.

2068–CF–P/ML–77 Same (WAS453), Pump Station 8.38 miles SE. of Fairbanks, Alaska, Lat. 64°32'36" N., Long. 146°49'09" W., C.P. to add a new point of communication on frequencies 6152.8V MHz toward Pedro on azimuth 329.8°, 6093.5V MHz toward Buck on azimuth 131.6° and 6123.1V MHz toward North Pole MS on azimuth 315.5°.

2078–CF–P–77 New York Telephone Company (new), Fire Island Bay and Ocean Breeze Walks, Ocean Beach, New York, Lat. 40°38'58" N., Long. 73°09'22" W., C.P. for a new station on frequency 2171.0H MHz toward Dix Hills, New York on azimuth 320.3°.

2079–CF–P–77 Same (new), 1444 East Jericho, Turnpike, Lat. 40°49'48" N., Long. 73°21'12" W., C.P. for a new station on frequency 2121.0V MHz toward Fire Island, New York on azimuth 140.2°.

2097–CF–P–77 Hargray Telephone Company, Inc. (WQQ45), Daufuskie Island 8 miles South of Bluffton, South Carolina, Lat. 30°06'59" N., Long. 20°52'37" W. C.P. to increase antenna structure height on frequency 2162.4H MHz toward Hilton Head, New York.

2098–CF–P–77 Same (WQQ44), Hilton Head U.S. Highway 278 Hilton Head Island, South Carolina, Lat. 32°10'27" N., Long. 80°44'06" W., C.P. to increase antenna structure height on frequency 2112.4H MHz toward Daufuski Island, South Carolina.

MAJOR AMENDMENTS

3599–CF–P–76 RCA American Communications, Inc. (new), Wauconda, Illinois, (Lat. 42°14'12" N., Long. 88°04'17" W.): Application amended—(a) to correct station coordinates to foregoing; (b) to delete frequencies 5945.2H and 6063.8H MHz toward Chicago CTO, Illinois; and (c) to add 6034.2V and 6152.8V MHz toward new point to communication at Chicago (Merchandise Mart), Illinois, on azimuth 136.9°.

3600–CF–P–76 RCA American Communications, Inc., (new), Chicago CTO, Illinois (Lat. 41°52'56" N., Long. 87°38'21" W.): Application amended to delete 6197.2V and 6315.9V MHz toward Wauconda, Illinois. NOTE.—See related RCA Application file no. 2106–CF–P–77, elsewhere in this Notice. RCA has requested special temporary authority to construct and operate these facilities.)

CORRECTION

1874–CF–P–77 The Pacific Telephone and Telegraph Company (KNL75), 1.2 miles WNW. of Lodi California corrected States to read California. All other particular to be remain as reported on PN 851 dated 3–28–77.

1875–CF–P–77 Same (New), 2 miles East of Collegeville, California, corrected, States to read California. All other particular to be remain as reported on PN 851 dated 3–28–77.

1876–CF–P–77 Same (New) Modestc 2 1025 13th Street Modestc, California, States to

read California. All other particular to be remain as reported on PN 851 dated 3–28–77.

1896–CF–P–77 The Mountain States Telephone and Telegraph Company (KKK40), El Pasco, SE. 6045 Griems Road El Paso, Texas, C.P. to change frequencies 6004.5H, 6123.1H to 2117.0H MHz toward Frank Mt., Texas. All other particular to be remain as reported on PN 851 dated 3–28–77.

1897–CF–P–77 Same (KKK 41), South Frank Mt. 4 miles NW. of El Paso, Texas, C.P. to change frequencies 6256.5H 6375.2H to 2167.0H MHz toward El Paso SE, Texas. All other particular remain as reported on PN 851 dated 3–28–77.

1516–CF–P–77 The Bell Telephone Company of Pennsylvania, corrected call sign to read (new). All other particular to be remain as reported on PN 850 dated 3–31–77.

2005–CF–P–77 Gulf States United Telephone Company (new), 3.4 miles NW. of Poynor, Texas, corrected latitude to read 32°06'–04'' N., All other particular to be remain as reported on PN 853 dated 4–11–77.

2061–CF–P–77 General Telephone Company of the Northwest, Inc. (KZS57), corrected latitude to read 47°41'52'' N., All other particular to be remain as reported on PN 853 dated 4–11–77.

[FR Doc.77–11692 Filed 4–21–77;8:45 am]

[Report No. I–339]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

APRIL 18, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d) (1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

292–DSE–ML–77 Danville Cablevision Company ((WB99), Danville, Virginia. Modification of license to permit the reception of signals from Station WYAH–TV, Channel 27, Portsmouth, Virginia.

293–DSE–ML–77 Crosswicks Industries (WD43), Point Pleasant Beach, New Jersey. Modification of license to convert this private earth station into a common carrier facility.

294–DSE–AL–77 Crosswicks Industries (WD43), Point Pleasant Beach, New Jersey. For consent to assignment of license to: CPI Satellite Telecommunications, Inc. (Assignee) from: Crosswicks Industries (Assignor). All stock owned by the Assignor will be transfered to the Assignee.

295–DSE–P/L–77 RCA American Communications, Inc., Rayburn, Texas. For authority to construct, operate and establish channels of communication by means of a temporary communications satellite earth station at this location (near Houston) for operation with a domestic communication satellite system. Lat. 30°23'12'', Long. 94°54'27''. Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425. MHz. Emission 2900F9. With a 10 meter antenna.

297–DSE–P–77 Alabama Education Television Commission, Birmingham, Alabama. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 33°23'50'', Long. 86°34'52''. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

298–RSE–P–77 Board of Regents of Central Missouri State University, Sedalia-Warrensburg, Missouri. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 38°45'26'', Long. 93°44'16''. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

299–DSE–P–77 Eastern New Mexico University, Portales, New Mexico. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 34°10'–27'', Long. 103°21'30''. Rec. freq. 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

300–DSE–P–77 West Virginia Educational Broadcasting Authority, Beckley, West Virginia. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 37°47'06'', Long. 81°06'47'', Rec. freq:. 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

301–DSE–P/L–77 Montgomery Cable TV, Inc., Prattville, Alabama. For authority to construct and operate a domestic communications satellite receive-only earth station at this location. Lat. 32°28'31'', Long. 86°27'58''. Rec. freq. 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

302–DSE–ML–77 South Florida Cable Television Corp. (Wb45), Bonita Springs, Florida. Modification of license to permit the reception of signals of Station 27, WYAH–TV, Portsmouth, Virginia.

303–DSE–ML–77 Owensboro on the Air, d.b.a. Owensboro Cablevision (WB50), Owensboro, Kentucky, Modification of license to add a second antenna (4.5 meter) at these coordinates. Lat. 37°46'31'', Long. 87°09'41'', Emission 36000F9.

305–DSE–R–77 Scientific-Atlanta, Inc. (WB–26). Doraville, Georgia. Renewal of license for an experimental receive-only earth station at this location from: May 12, 1977 to: May 12, 1978.

[FR Doc.77–11693 Filed 4–21–77;8:45 am]

[Docket No. 21203–21204; File No. 104–CM–P–73, 649–CM–P–73]

HAWKEYE MICRO-TRANSMISSION CO. AND MULTI-COMMUNICATIONS SERVICES, INC.

Designating Applications for Consolidated Hearing on Stated Issues

Memorandum Opinion and Order

Adopted: April 6, 1977.

Released: April 18, 1977.

In re applications of Hawkeye Micro-Transmission Company, Docket No. 21203, File No. 104–CM–P–73; and Multi-Communications Services, Inc., Docket No. 21204, File No. 649–CM–P–73; for construction permits in the Multipoint Distribution Service for a new station at Des Moines, Iowa.

1. The Commission has before it the above-referenced applications of Hawkeye Micro-Transmission Company (Hawkeye), filed on July 13, 1972 and Multi-Communications Services, Inc. (Multicom), filed on August 3, 1972. Both applications propose Channel 1 operation in the Des Moines, Iowa area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Hawkeye is a division of Heritage Communications, Inc., which has interests in several CATV systems in Iowa and Wisconsin. Hawkeye has nine MDS permit applications pending, including Omaha, Nebraska and is permittee in Sioux Falls, South Dakota and Cedar Rapids, Iowa. Multicom has twenty-three MDS construction permit applications pending. Several of its officers have interests in broadcasting and CATV operations in Florida and Georgia.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Des Moines, Iowa area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That Hawkeye Micro-Transmission Company, Multi-Communications Services, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77–11691 Filed 4–21–77;8:45 am]

POSTAL SERVICE

ELIMINATION OF DOMESTIC AIRMAIL SERVICE

The Governors of the Postal Service have approved recommendations from the Postal Rate Commission to eliminate domestic airmail service. See Opinion and Recommended Decision of the Postal Rate Commission Concerning Elimination of Airmail from the Domestic Mail Classification Schedule, Docket MC 76–1. At their meeting on March 1, 1977, the Governors approved the recommended decision, and the Board ordered it implemented effective May 1, 1977. The following instructions implement this decision and are effective immediately.

1. Airmail stamps may be used to pay first-class postage.

2. Airmail embossed cards and envelopes may be mailed at the first-class postage rate, and they will not be assessed postage due unless the postage shown is less than the applicable first-class postage rate.

3. Matter mailed in standard airmail envelopes or regular envelopes endorsed Airmail and bearing first-class postage will not be assessed postage due, provided such matter bears the applicable first-class postage rate.

4. Airmail business reply mail will be charged the appropriate first-class business reply mail rates and fees.

5. A presorted airmail fee paid for calendar year 1977 will be accepted as payment for the presorted first-class mailing fee.

The elimination of domestic airmail service affects, in ways described below, insured mail, letter-class mail to Mexico, letter-class mail to Canada, and international airmail.

Insured Mail. Priority mail or matter mailed at the first-class rate may be insured if it contains fourth-class or third-class matter. Sealed pieces should be endorsed "Third-Class Mail Enclosed" or "Fourth-Class Mail Enclosed" in addition to the first-class or priority mail endorsement.

Letter-Class Mail to Mexico. The U.S. Postal Service currently transports letter-class mail paid at the domestic first-class rate by air to Mexico. Because the Mexican postal administration has agreed to handle all U.S. origin letter-class mail in its airmail system beginning May 1, 1977, all letter-class mail from the United States to Mexico will, from that date, receive airmail service. The maximum weight for letter-class mail to Mexico is four pounds. The appropriate rates are 13 cents for the first ounce, 11 cents for each additional ounce or fraction thereof through thirteen ounces and the eighth-zone priority mail rate for weights through four pounds.

Where the rate for letter-class mail is lower than the rate for airmail AO or for air parcel post, the letter rate may be paid if the mail is prepared as and meets all requirements for a letter or a letter package. In all other cases the rates for airmail AO and air parcel post, shown in Tables 3–9 and 3–15 of Publication 42, International Mail, must be paid to provide air service for AO mail and parcel post to Mexico.

Letter-Class Mail To Canada. Letter-class mail to Canada receives air service in the United States and in Canada, and it is the only mail class for which Canada provides air service. The appropriate rates for letter-class mail to Canada are 13 cents for the first ounce, 11 cents for each additional ounce or fraction thereof and the eighth-zone priority mail rate for weights through sixty pounds.

International Airmail. Postmasters should advise customers who desire air service for international mail that they must continue, with the exception of letter-class mail sent to Mexican and Canadian destinations, to affix the proper airmal postage.

Pouch Loose To AMF. The elimination of airmail also affects the present authorizations for customer pick-up of airmail at AMFs, under the "Pouch Loose to AMF" provisions of section 351.13 of the Postal Service Manual. Elimination of airmail will require that alternative arrangements be made by customers who now are receiving their airmail under pouch loose arrangements. In order to provide an opportunity to explore alternative arrangements with these customers, the presently authorized pouch loose arrangements may continue until November 1, 1977. Effective May 1, 1977 first-class or priority postage must be paid for items sent as "Pouch Loose to AMF." Customer Service Representatives will be furnished with information for answering questions from present Pouch Loose Customers.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77–11702 Filed 4–21–77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G–11587, etc.]

ATLANTIC RICHFIELD CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

APRIL 13, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G–11587 D 3–16–77	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, Twin Field, Hansford County, Tex.	(1)	(1)
G–11851 C 3–30–77	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cities Service Gas Company, North Rhodes Field, Barber County, Kans.	[2] [3] 52.80¢	14.65
CI62–175 C 4–5–77	American Petrofina Co. of Texas, P.O. Box 2159 Dallas, Tex. 75221.	Northern Natural Gas Co., Hunt-Baggett Area, Crockett County, Tex.	[4] $1.567568	14.65
CI66–890 D 3–30–77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	El Paso Natural Gas Co., JM Field, Crockett and Terrell Counties, Tex.	(1)	(1)
CI76–334 C 4–5–77	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla.	Panhandle Eastern Pipe Line Co., Thunder Creek Field, Campbell County, Wyo.	[3] [5] $1.512629	14.65
CI77–356 A 3–23–77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Texas Gas Transmission Corp., E. Dykesville Field, Webster Parish, La.	94.0¢	14.73
CI77–363 A 3–28–77	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Texas Eastern Transmission Corp., West Cameron Block 522, West Cameron Block 543, Offshore, La.	[3] [5] 94.0¢	14.73
CI77–364 A 3–28–77	Gritty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Columbia Gas Transmission Corp., East Cameron Block 33 Field, Offshore, La.	[3] [5] $1.45	14.73
CI77–374 B 3–28–77	Samson Resources Co., as operator, et al., 2700 First Place, Tulsa, Okla. 74103.	Natural Gas Pipeline Company of America, Putnam Field, Dewey County, Okla.	(1)	(1)
CI77–375 B 3–31–77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Cabot Corp., North Ward Estes Field, Ward County, Tex.	(6)	(6)
CI77–376 A 3–31–77	Pioneer Production Corp., Box 2542, Amarillo, Tex. 79105.	El Paso Natural Gas Co., Hemphill County, Tex.	[3] [5] $1.7124	14.73
CI77–377 (CI67–188) B 4–4–77	Franks Petroleum Inc., 244 Montgomery, P.O. Box 7665, Shreveport, La. 71107.	Bluebonnet Gas Corp., Bayou Fordoche Field, Pointe Coupee Parish, La.	(7)	(7)
CI77–378 A 3–30–77	Cotton Petroleum Corp., 2121 South Columbia, Suite 600, Tulsa, Okla. 74114.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	[3] [8] $1.559233	15.025
CI77–379 (CI74–219) [9] 4–1–77	Union Texas Petroleum, a Division of Allied Chemical Corp., 3000 Richmond Ave., P.O. Box 2120, Houston, Tex. 77001.	Champlin Petroleum Co., Various fields, Logan and Kingfisher Counties, Okla.	(8)	(8)
CI77–381 A 4–1–77	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana.	Michigan Wisconsin Pipe Line Co., Ship Shoal Block 292, Offshore La.	[3] [8] 175.0¢	15.025
CI77–382 (CI68–1246) E 4–4–77	Exxon Corp.	Arkansas Louisiana Gas Co., Gilmer Field, Upshur County, Tex.	[4] 19.35¢	14.65
CI77–383 A 4–4–77	Transco Exploration Co., 2700 South Post Oak Rd., P.O. Box 1396, Houston, Tex.	Transcontinental Gas Pipe Line Corp., Kawitt Field, Karnes County, Tex.	[3] [5] $1.552280	14.65
CI77–384 A 4–4–77	Amerada Hess Corp., 1200 Milam, 6th Floor, Houston, Tex. 77002.	Texas Eastern Transmission Corp., Block 543 Field, West Cameron Area, Offshore La.	94.0¢	14.73
CI77–385 A 4–4–77	Phillips Petroleum, 5 C4 Phillips Building, Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., Hugoton-Anadarko Area (deep gas), Hemphill and Lioscomb Counties, Tex.	[3] [8] 165.0¢	14.73
CI77–386 B 4–5–77	Exxon Corp.	Skelly Oil Co., Cooper Jal Field, Lea County, N. Mex.	(10)	(10)
CI77–387	do	El Paso Natural Gas Co., Laguna Grande Field, Eddy County, N. Mex.	[3] [8] 155.05¢	14.73
CI77–388 A 4–5–77	The Louisiana Land and Exploration Co., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	Arkansas Louisiana Gas Co., Miller and Lafayette Counties, Ark., and Caddo and Bossier Parishes, La.	[3] [11] $1.4222 [3] [11] $1.4586	14.65 15.025
CI77–389 A 4–6–77	The Louisiana Land and Exploration Co.	Arkansas Louisiana Gas Co., Plain Dealing Field, Bossier Parish, La.	[3] [5] $1.4586	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Nonproductive.
[2] Subject to adjustments pursuant to Opinion No. 770, as amended.
[3] Applicant proposes to collect the national rate in accordance with Opinion No. 770, as amended.
[4] Subject to upward and downward Btu adjustment.
[5] Depleted
[6] Applicant states no deliveries have been made for a considerable period of time and no development is contemplated within the depth interval covered by the contract.
[7] Wells have been depleted and abandoned.
[8] Applicant is willing to accept a permanent certificate in accordance with Opinion No. 770, as amended.
[9] Applicant is filing to reflect that the previous fixed rate sale is being changed to a percentage rate sale.
[10] Well has been reclassified.
[11] For production from Arkansas acreage.
[12] For production from Louisiana acreage.
[13] Well has been reclassified.

[FR Doc.77–11562 Filed 4–21–77;8:45 am]

[Docket No. RI76–134]

GLEN A. MARTIN, ET AL.

Order Granting Special Relief

APRIL 13, 1977.

On January 31, 1977, Glen A. Martin et al. (Martin) filed an amendment to its petition for special relief of June 25, 1976.[1] The petition, as amended, has been regarded as a filing requesting rates in excess of the national flowing gas rate pursuant to Section 2.56b(h) of the Commission's Rules of Practice and Procedure. By the amendment of January 31, 1977, Martin seeks a total rate of 66 cents per Mcf for gas sales relating to all working interests from six leases, five leases in the Sejita Field and one lease in the East Sejita Field, Duval County, Texas.

Martin was seeking a total rate of $1.80 per Mcf for gas sales relating to all working interests from seven leases in the Sejita Field Area, Duval County, Texas. Notice of the amended petition was issued March 3, 1977, with protests or petitions to intervene to be filed on or before March 11, 1977. No objections or interventions have been filed with respect to such amended petition. Martin is currently selling the subject gas pursuant to certain small producer certificates.[2] By letter amendment dated April 29, 1976, Valley Gas has agreed to pay the amended total rate requested at 66 cents per Mcf.

The Commission staff has conducted a thorough and in depth study and analysis of project costs which indicate that the total rate requested as amended is cost supported, permitting recovery of out-of-pocket costs. Accordingly, based on our consideration of the petition, data provided by Martin, and Staff's study and analysis, we conclude that the total rate requested as amended is cost justified and in the public interest.

The small producers involved here collected above ceiling contractual rates on and after July 27, 1976, contrary to and in violation of the provisions of Opinion No. 742–A and Order No. 553, both issued July 27, 1976. While we do not condone such actions by the producers, we have decided against requiring refunds based on the equities involved here. More particularly, the filing of June 25, 1976, indicates that at the time the out-of-pocket costs of operating seven leases and eight wells exceeded contractual revenues. To have reduced rates to the 35 cents per Mcf ceiling would have increased operating losses, calculated on an out-of-pocket basis, even further. To curtail its out-of-pocket operating losses experienced on two wells on the O. G. Olivares lease, which were collecting the contractual above ceiling rate of 56 cents per Mcf, the small producers on November 3, 1976, plugged and abandoned the wells. Moreover, of the six remaining leases four were selling gas at contractual rates below the 35 cents per Mcf ceiling rate (e.g. 24.4 cents per Mcf) while only two leases sold gas at contractual rates above the 35 cents per Mcf ceiling rate (e.g. 55 cents per Mcf). However, at all times before and after July 27, 1977, the rates collected for production sold from the subject leases were below the rate the Staff of the Commission determined is required to cover Martin's out-of-pocket operating costs (e.g. 66 cents per Mcf). In consideration of these circumstances, no refunds should be required from these small producers.[3]

The Commission orders: (A) The amended petition, subject to modification of the requested effective date, as filed on January 31, 1977, by Glen A. Martin, et al. in Docket No. RI76–134 is hereby approved.

(B) Glen A. Martin together with all working interests related to the subject gas sold are authorized to collect a total rate of 66 cents per Mcf at 14.65 psia, effective as of the date of issuance of this order, provided compliance is obtained with respect to Ordering Paragraph (C) below.

(C) Within thirty (30) days of the issuance of this order Glen A. Martin, including all working interests relating to the gas sold, shall file a notice of change in rate to the level authorized in Ordering Paragraph (B) above.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Notice of the petition was issued on July 13, 1976, and published in the FEDERAL REGISTER on July 19, 1976, at 41 FR 29752.

[2] See the following table:

Producer	Docket No.	Date
Glen A. Martin	CS72–74	May 5, 1967
Douglas and George Weatherston.	CS71–1123	Nov. 3, 1959

[3] See *Wisconsin v. Federal Power Commission* (1962), 393 U.S. 294, 304–307.

[Docket No. CS77–432, etc.]

Applications for "Small Producer" Certificates[1]

APRIL 13, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Summary of Support Data

Line No.	Description (a)	Data (b)	(c)
1	Total volumes recoverable in 5 yrs from 9 wells located on 6 leases:		
2	thousand cubic feet at 14.65 psia	*G.W.I.* 876,300	*N.W.I.* [2] 673,330
3	Oil, barrels	10,305	[2] 7,586
4	Oil, 42 gal barrel		
5	Lease condensate, 42 gal barrel	860	[4] 605
6	Cash expenses estimated to be incurred in recovering the above volumes: [5]		
7	Labor, chart reading and meter field maintenance	893,476	
8	Supervision and overhead		
9	costs	51,150	
10	Insurance and utilities	4,150	
11	Compression rental cost	319,573	
12	Lease overhead	32,538	
13	Ad valorem tax	27,508	
14	Total expenses	518,499	
15	Less expenses allocated to recovery of: [6]		
16	Oil from 3 wells	111,256	
17	Lease condensate	1,193	
18	Total expenses allocated to oil and gas condensate sales	112,747	
19	Total cash expenses allocated to gas	406,692	

[1] The 6 leases and the owners net working interest (N.W.I.) are: Virginia Garcia, 72.5 pct; (2) R. G. de Canales, 7.25 pct; (3) Lilia Garcia, No. 1, 70 pct; (4) Lilia Garcia, No. 2, 100 pct; (5) Olivares "A", 60.0 pct; (6) R. Ramirez, Estate, 20.5 pct.

[2] The weighted average N.W.I. is 76.8378 pct.

[3] Oil is produced on the Virginia Garcia lease only.

[4] Condensate is recovered on the Ramirez estate lease only.

[5] These expenses are the sums of the expenses calculated individually for each of the 6 leases. Cash expenses for April through November of 1976 were annualized and used as the base year in projecting future expenses over the life of each lease. Staff allowed a 5 pct inflation factor annually in projecting costs using the modified Btu method. Btu values used were 1 MMBtu per cubic foot of gas, 5.8 MMBtu per barrel of oil and 5.48 MMBtu per barrel of condensate. A modifying factor of 1.5 was used for oil and condensate. On the Virginia Garcia lease 45 pct of the expenses were allocated to oil; Ramirez Estate lease 75 pct of the expenses were allocated to lease condensate.

[6] Reference: Lines 7, 8, and 9, See sheet 2, lines 3, 4, and 5, col. (c), line 6. See sheet 2, line 14, col. (c). Line 10, See sheet 2, line 6, col. (c) times 0.075, line 15 line 14 divided by 0.925. Line 11, line 15 times 0.075, line 15 line 14 divided by 0.925.

Note.—The above reserve figures are based on representations of the applicant contained in his filing and studies prepared by the Gas Supply and Production Section of BNG. The production expenses are based on data obtained during a field investigation of the books and records of Glen A. Martin, the operator of the subject leases.

Line No.	Description (a)	Volume (b)	Total costs (c)
1	Total net working interest volumes:		
2	Gas, thousand cubic feet at 14.65 psia	673,330	
3	Oil, barrels	7,586	
4	Lease condensate, barrels	605	
5	Cash distribution expenses:		
6	Total expenses to recover all products		839,439
7	Deduct expenses to recover oil and condensate		112,747
8	Total expenses to recover gas		406,692
9	Unit cost of a thousand cubic feet of gas at production, at 14.65 p.s.i.a		60.40¢
10	Cost of production, allowance per opinion No. 565		.40¢
11	Gathering allowance per opinion No. 749		.10¢
12	Regulatory expense		
13	Subtotal		60.90¢
14	Production tax at 7.5 pct of gross		4.95¢
15	Total cost of a thousand cubic feet of gas at 14.65 p.s.i.a		65.85¢

[1] Reference: Lines 7, 8, and 9, See sheet 2, lines 3, 4, and 5, col. (c), line 6. See sheet 2, line 14, col. (c). Line 10, See sheet 2, line 6, col. (c) times 0.075, line 15 line 14 divided by 0.925. Line 11, line 15 times 0.075, line 15 line 14 divided by 0.925.

herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS77-432	Mar. 31, 1977	H. R. Perot, P.O. Box 386, Dallas, Tex. 75221.
CS77-433	Apr. 1, 1977	F. M. Hocker, 9125 Callejuela Dr., Beverly Hills, Calif. 90210.
CS77-434	do	Bentley & Laing, P.O. Box 294, Wichita Falls, Tex. 76307.
CS77-435	do	Petroleum Technology Corp., P.O. Box 537, Redmond, Wash.
CS77-436	do	Vince Allen & Associates, as general partner from the Vince Allen Alpha 76 Program, Ltd., 180 Cook St., Denver, Colo. 80206.
CS77-437	do	Ray London, box 1444, Ardmore, Okla. 73401.
CS77-438	do	Southland Drilling Co., Inc., 1100 Milam Bldg., suite 2890, Houston, Tex. 77002.
CS77-439	do	Neil E. Hanson, Inc., 1100 Milam Bldg., suite 2890, Houston, Tex. 77002.
CS77-440	Apr. 4, 1977	Pennsylvania Gas & Water Co., 39 Public Sq., Wilkes-Barre, Pa. 18711.
CS77-441	do	Hudson Smart, P.O. Box 1440, Abilene, Tex. 79604.
CS77-442	do	Henry J. Morgan, 1317 Northwest 167th St., Miami, Fla. 33169.
CS77-443	do	B. & W. Oil & Gas, P.O. Box 1277, Borger, Tex. 79007.
CS77-444	do	Blair Oil Co., P.O. Box 1277, Borger, Tex.
CS77-445	do	Cactus Operating Co., 900 Oil and Gas Bldg., Wichita Falls, Tex. 76301.
CS77-446	do	Warpec Pipe Line, Inc., 900 Oil and Gas Bldg., Wichita Falls, Tex. 76301.
CS77-447	do	Walter T. Lanaux, 509 Pere Marquette Bldg., New Orleans, La. 70112.
CS77-448	do	Ruby I. Webb, 617 Cedar Ave., apartment 3, Long Beach, Calif. 90802.
CS77-449	do	L. F. Ley, Bank and Trust Tower—86, Corpus Christi, Tex. 78477.
CS77-450	Apr. 5, 1977	Finley Co., P.O. Box 3086, Austin, Tex. 78768.
CS77-451	do	Washoe Co., P.O. Box 2086, Austin, Tex. 78768.
CS77-452	Apr. 6, 1977	Frieda J. Naifeh, P.O. Box 267, Broken Arrow, Okla. 74012.
CS77-453	Apr. 7, 1977	Anderson, Clayton & Co., P.O. Box 2538, Houston, Tex. 77001.
CS77-454	do	The Montana Power Co., 40 East Broadway, Butte, Mont. 59707.

[FR Doc.77-11565 Filed 4-21-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 26]

KANSAS CITY POWER AND LIGHT CO. AND MISSOURI PUBLIC SERVICE COMMISSION

Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Missouri Public Service Commission concerning the application of the Kansas City Power & Light Company for an increase in annual revenues. The GSA represents the interests of the executive agencies of the United States Government, as users of electric utility services.

The Kansas City Power & Light Company has proposed permanent rates in Missouri which would yield an estimated $43 million in increased annual revenues.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone (202) 566-0750, on or before May 23, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: April 13, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77-11709 Filed 4-21-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

TOPICAL ANALGESIC PANEL

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also set forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) (formerly Subpart D of Part 2 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Topical Analgesic Panel	May 25 and 26, 9 a.m., conference room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 25, 9 a.m. to 10 a.m.; open committee discussion May 25, 10 a.m. to 4:30 p.m., May 26, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14 (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: April 14, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-11422 Filed 4-21-77;8:45 am]

[Doc. No. 76N-0283; DESI 4054]

SHORT-ACTING AND INTERMEDIATE-ACTING SYSTEMIC SULFONAMIDES

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Notice sets forth the conditions for marketing the drug products described below for the indication for which they continue to be regarded as effective and offers an opportunity for a hearing concerning those indications reclassified as lacking substantial evidence of effectiveness.

DATES: Hearing requests due on or before May 23, 1977. Supplements to approved NDA's due on or before June 21, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 4054, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements and original full new drug applications (identify with NDA number): Division of Anti-Infective Drug Products (HFD-140), Rm. 12B-45, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In notices published in the FEDERAL REGISTER of June 17, 1969 (34 FR 9464), August 30, 1969 (34 FR 13948), November 28, 1970 (35 FR 18215) (Docket No. FDC-D-225), and March 28, 1972 (37 FR 6340), the Food and Drug Administration announced its conclusions regarding the effectiveness of the drug products described below. The drugs are used in the treatment of various infections. The November 28, 1970 notice classified sulfadiazine, sulfamerazine, and the combination of sulfadiazine and sulfamerazine as probably effective for use in recurrent and chronic infections of the urinary tract. The other drugs included in the November 28, 1970 notice were reclassified in the March 28, 1972 notice as effective or lacking substantial evidence of effectiveness. Since no one submitted data in support of the above probably effective indication for sulfadiazine, sulfamerazine, and the combination of sulfadiazine and sulfamerazine, this indication is now reclassified as lacking substantial evidence of effectiveness. The March 28, 1972 notice did not offer an opportunity for hearing concerning the indications which were reclassified in that notice to lacking substantial evidence of effectiveness. This notice offers an opportunity for hearing concerning them, and also concerning the indication reclassified in this notice, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before May 23, 1977.

The notice that follows does not pertain to the indications stated in the November 28, 1970 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

A. Preparation containing sulfachlorpyridazine: NDA 13-141; Sonilyn Tablets; Mallinckrodt Pharmaceuticals, Div., Mallinckrodt Inc., 2d and Mallinckrodt Sts., St. Louis, MO 63147.

B. Preparations containing sulfadiazine:

1. That part of NDA 4-122 pertaining to Sulfadiazine Tablets; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.

2. NDA 6-317; Coco-Diazine Suspension; Eli Lilly & Co.

3. NDA 5-573; Sulfadiazine and Sodium Bicarbonate Tablets; Dow Pharmaceuticals, The Dow Chemical Co., Box 68511, Indianapolis, IN 46268.

4. NDA 5-592; Sodium Sulfadiazine Solution Ampoules; Parke, Davis & Co., Joseph Campau Ave. at the River, Detroit, MI 48232.

5. NDA 4-154; Sulfadiazine Tablets; Parke, Davis & Co.

6. NDA 4-305; Sulfadiazine Tablets; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

7. That part of NDA 4-054 pertaining to Sulfadiazine Tablets; Lederle Laboratories, Division of American Cyanamid Co., Pearl River, NY 10965.

8. NDA 5-036; Sodium Sulfadiazine Injection; Lederle Laboratories.

9. That part of NDA 4-125 Pertaining to Sulfadiazine Tablets; Abbott Laboratories, Pharmaceutical Products Division, 14th & Sheridan Rd., D-351, N. Chicago, IL 60064.

C. Preparations containing sulfaethidole:

1. NDA 10-643; Sul-Spansion (controlled release suspension); Smith Kline & French Laboratories, P.O. Box 7929, Philadelphia, PA 19101.

2. NDA 11-135; Sul-Spantab (controlled release tablets); Smith Kline & French Laboratories.

D. Preparations containing sulfamerazine:

1. NDA 5-349; Sulfamerazine Tablets; Eli Lilly & Co.

2. NDA 5-301; Sulfamerazine Tablets; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

E. Preparation containing sulfamethizole: NDA 8-565; Thiosulfil Suspension and Tablets; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017.

F. Preparation containing sulfamethoxazole: NDA 12-715; Gantanol Tablets; Roche Laboratories, Division of Hoffman-La Roche, Inc., Nutley, NJ 07110.

G. Preparation containing sulfisomidine: NDA 8-070; Elkosin Tablets and Suspension in Syrup; Ciba Pharmaceutical Co., Division Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

H. Preparations containing sulfisoxazole, sulfisoxazole acetyl or sulfisoxazole diolamine:

1. NDA 6-911; Gantrisin Syrup and Pediatric Suspension; Roche Laboratories.

2. NDA 6-526; Gantrisin Tablets; Roche Laboratories.

3. That part of NDA 9-182 pertaining to Gantrisin Acetyl Pediatric Suspension and Syrup; Roche Laboratories.

4. That part of NDA 9-182 pertaining to Lipo Gantrisin; Roche Laboratories.

5. NDA 6-917; Gantrisin Injectable; Roche Laboratories.

I. Preparation containing sulfadiazine and sulfamerazine: NDA 6-317; Sulfonamides Duplex Suspension; Eli Lilly & Co.

J. Preparation containing sulfadiazine, sulfamerazine, and sulfamethazine:

1. That part of NDA 6-317 pertaining to Neotrizine Tablets; Eli Lilly & Co.

2. That part of NDA 6-317 pertaining to Neotrizine Suspension; Eli Lilly & Co.

3. NDA 6-334; Sulfatriad Tablets; SMP Division, Cooper Laboratories, 300 Fairfield Rd., Wayne, NJ 07470.

4. NDA 6-437; Neotresamide Tablets; Merck Sharp & Dohme.

5. NDA 6-920; Triple Sulfas Tablets; Lederle Laboratories.

The following drug products were neither reviewed by the National Academy of Sciences-National Research Council nor included in the initial notice of June 17, 1969, but the conclusions described herein are applicable to them.

1. That part of NDA 4-054 pertaining to Licra-Diazine Suspension containing sulfadiazine; Lederle Laboratories.

2. That part of NDA 4-054 pertaining to Sodium Sulfadiazine Solution Injection; Lederle Laboratories.

3. That part of NDA 4-125 pertaining to Sodium Sulfadiazine Ampoules; Abbott Laboratories.

4. That part of NDA 4-122 pertaining to Sodium Sulfadiazine Ampoules; Eli Lilly & Co.

5. That part of NDA 4-122 pertaining to Lacto-Diazine Suspension containing sulfadiazine; Eli Lilly & Co.

6. That part of NDA 5-610 pertaining to Sulfadiazine Tablets; Parke, Davis & Co.

7. That part of NDA 5-610 pertaining to Sodium Sulfadiazine Ampoules; Parke, Davis & Co.

8. NDA 6-904; Terfonyl Tablets and Suspension containing sulfadiazine, sulfamerazine, and sulfamethazine; Squibb Pharmaceutical Co., E. R. Squibb & Sons, Inc., Box 4000, Princeton, NJ 08540.

9. NDA 7-048; Duozine Suspension containing sulfadiazine and sulfamerazine; Abbott Laboratories.

10. NDA 13-664; Gantanol Suspension containing sulfamethoxazole; Roche Laboratories.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products:

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20857.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs lack substantial evidence of effectiveness for the indications so reclassified in the March 28, 1972 notice, and for the indication so reclassified in the preamble above.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet, suspension, or syrup form suitable for oral administration, or in a sterile form suitable for parenteral administration. Sulfaethidole tablets or suspension may be in controlled release dosage form.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. (Full labeling guidelines are available on request from the Division of Anti-Infective Drug Products (HFD-140), Bureau of Drugs.) The Indications section is as follows:

INDICATIONS

Chancroid.
Trachoma.
Inclusion conjunctivitis.
Nocardiosis.
Acute urinary tract infections (primarily pyelonephritis, pyelitis, and cystitis) due to susceptible organisms (usually *E. coli, Klebsiella-Aerobacter,* staphylococcus, *Proteus mirabilis,* and, less frequently, *Proteus vulgaris*) in the absence of obstructive uropathy or foreign bodies.
Toxoplasmosis as adjunctive therapy with pyrimethamine.
Malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy.
Meningococcal meningitis prophylaxis when sulfonamine-sensitive group A strains are known to prevail in family groups or larger closed populations. (The prophylactic usefulness of sulfonamides when group B or C infections are prevalent is not proven and in closed population groups may be harmful.)
In acute otitis media due to *Haemophilus influenzae* when used concomitantly with adequate doses of penicillin.
Add for sulfisoxazole, sulfamethoxasole, sulfisomidine, sulfachlorpyridazine, sulfaethidole, sulfamethizole, and combinations of sulfadiazine, sulfamerazine, and sulfamethazine only:
The treatment of recurrent or chronic urinary tract infections (primarily pyelonephritis, pyelitis, and cystitis) due to susceptible organisms (usually *E. coli, Klebsiella-Aerobacter,* staphylococcus, *Proteus mirabilis,* and, less frequently, *Proteus vulgaris*) in the absence of obstructive uropathy or foreign bodies.
Add for sulfadiazine only:
Prophylaxis against recurrences of rheumatic fever as an alternative to penicillin.
Add for sulfadiazine, sulfamerazine, sulfisomidine, sulfisoxazole, and combinations of sulfadiazine and sulfamerazine with or without sulfamethazine only:
Haemophilus influenzae meningitis (as adjunctive therapy with parenteral streptomycin), and
Meningococcal meningitis (where the organism has been demonstrated to be susceptible).

Important note. In vitro sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. When the patient is already taking sulfonamides, followup cultures should have aminobenzoic acid added to the culture media.

Currently, the increasing frequency of resistant organisms is a limitation of the usefulness of antibacterial agents including the sulfonamides, especially in the treatment of chronic and recurrent urinary tract infections.

Wide variation in blood levels may result with identical doses. Blood levels should be measured in patients receiving sulfonamides for serious infections. Free sulfonamide blood levels of 5–15 mg per 100 ml may be considered therapeutically effective for most infections, with blood levels of 12–15 mg per 100 ml optimal for serious infections; 20 mg per 100 ml should be the maximum total sulfonamide level, as adverse reactions occur more frequently above this level.

3. *Marketing status of approved products.* Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before June 21, 1977, the holder of the application submits the following, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

4. *Marketing status of all other products.* a. Approval of an abbreviated new drug application must be obtained prior to marketing such product. The application shall contain the information specified in 21 CFR 314.1(f) and shall include data of the kind required for this drug at the time of submission of the application to show that it is biologically available in the formulation proposed for marketing.

b. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and 21 CFR 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s), providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before May 23, 1977, a written notice of appearance and request for hearing, and (2) on or before June 21, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

(Issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31).)

Dated: April 13, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-11420 Filed 4-21-77;8:45 am]

ULTRASOUND SOURCES; BIOLOGICAL EFFECTS AND CHARACTERIZATIONS

Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs announces an open meeting to discuss research efforts of the Bureau of Radiological Health (Bureau) in the area of biological effects and characterizations of ultrasound sources.

DATES: The meeting will be held on June 2 and 3, 1977, beginning at 8:30 a.m. each day.

ADDRESS: The meeting will be held at Bureau of Radiological Health, Rm. 416, 12720 Twinbrook Parkway, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

DeWitt G. Hazzard, Bureau of Radiological Health (HFX-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2797.

SUPPLEMENTARY INFORMATION: Presentations will be divided approximately equally between intramural projects and extramural research supported through grants, contracts, and interagency agreements. Opportunity will be provided for comments by interested persons, to the extent that time permits.

Proceedings of the open meeting will be published as a Bureau technical report. Availability of the report will be announced in the BRH Bulletin at a later date.

Dated: April 14, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-11503 Filed 4-21-77;8:45 am]

Office of Education

GUARANTEED STUDENT LOAN PROGRAM

Special Allowance for Quarter Ending March 31

The Commissioner announces that under the statutory formula of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)), a special allowance of one and one-quarter percent for the three-month period ending March 31 will be paid to holders of eligible loans in the Guaranteed Student Loan Program.

This special allowance was computed by determining the average of the bond equivalent rates of the ninety-one-day Treasury bills for this period (4.74 percent), by subtracting 3.5 percent from this average (as provided by statute), and by rounding the resultant percent (1.24) upward to the nearest one-eighth of one percent (1.25).

Dated: April 7, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.77-11679 Filed 4-21-77;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Meeting

Correction

In FR Doc. 77-10999 appearing on page 19923 in the issue for Friday, April 15, 1977, make the following corrections:

1. In the 5th paragraph, beginning "ADDRESS:", in the second line, "Room 300" should be "Room 3000".

2. In the first full paragraph beginning at the top of the third column on

page 19923, in the 8th line, "(FOD No. 6)" should be "(FOB No. 6)".

Office of Human Development

TRAINING PROJECTS

Announcement of Grants for FY '77 (Program Announcement No. 13637–771)

The Administration on Aging, Office of Human Development, announces that applications are being accepted to support projects in Fiscal Year 1977 under the Training Projects Program authorized by Title IV, Part A of the Older Americans Act of 1965, as amended (42 U.S.C. 3001, 3031 et seq.). Grants covered by this Notice will be awarded in three categories: (1) Career Training; (2) Planning; and (3) Quality Improvement. A separate grant category for the exclusive application of State Agencies on Aging is not covered by this Notice.

Application kits may be obtained from the Division of Manpower Resources, Administration on Aging, DHEW, 330 Independence Avenue, SW., Washington, D.C. 20201 (202) 472–3050. Applications received by May 13, 1977 for the Career Training category and May 20, 1977 for the Planning and Quality Improvement categories which are complete and conform to the requirements will be accepted for review and consideration for an award.

Regulations applicable to this program include the Administration on Aging general regulations, 45 CFR Part 901, and the regulations governing Training Projects, 45 CFR Part 905.

A. *Program purpose.* The Training Projects Program supports grant activities which improve the quality of service and help meet critical shortage of adequately trained personnel for programs in the field of aging by providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; attracting a greater number of qualified persons into the field of aging; and helping to make personnel training programs more responsive to the need for trained personnel in the field of aging.

B. *Eligible applicants.* Applications for the Career Training and Planning categories may be submitted by institutions of higher education and for the Quality Improvement category by any public or nonprofit private agency, organization, or institution.

C. *Available funds.* Of the $14.2 million appropriated by Congress for Training Projects for Fiscal Year 1977, the Administration on Aging expects to award these funds to the categories covered by this Announcement approximately as follows:

Career Training—$5.5 million ($600,000 for continuations).
Planning—$.5 million (all new awards).
Quality Improvement—$1.0 million (all new awards).

It is expected that 200 proposals will be received and 65 funded in career training; 100 proposals received and 20 funded in planning; and 100 proposals received and 15 funded in quality improvement. The average award for career grants in Fiscal Year 1976 was $75,000 and for quality improvement grants was $60,000. Planning awards are limited to a maximum of $25,000.

D. *Program objectives and priorities for funding.*—1. *Career Training.* Projects supported in this category will prepare students with the necessary gerontology related knowledge that will enable them to serve the Nation's elderly in their chosen career or profession. Funds support activities designed to (a) stimulate interest in gerontology among faculty and students; (b) develop instructional expertise in gerontological concepts; (c) provide partial financial assistance to students with a career commitment to aging; or (d) assist institutions that have committed and intend to continue to commit resources for the development of a program in the field of gerontology.

Priority considerations will be given to projects which reinforce the multidisciplinary nature of the aging field through (a) the simultaneous introduction of gerontological concepts into the curricula of a number of different programs offered by the educational institution; (b) developing specialized aging content in one academic unit which is available to students of other units; or (c) developing a single discipline project which contributes to a broader multidisciplinary program at the educational institution.

2. *Planning.* Grants up to $25,000 each will be made to assist in supporting planning efforts by institutions of higher education to develop gerontology capability and interest within the institution. In priority order, consideration will be given to: (a) Efforts to organize and develop gerontological capability on an institution-wide basis when already identified faculty capabilities are dispersed throughout the institution; and (b) the development of new gerontology related courses and programs where limited interest or activity currently exists within an institution.

3. *Quality Improvement.* Funds will be made available for special projects addressing the following portions of section 404(a) of the Older Americans Act as amended: "The improvement of programs for preparing personnel for careers in the field of aging, including design, development and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials; the provision of increased opportunities for practical experience." Priority will be given to projects of potential benefit to the gerontological field at large rather than solely to an applicant's setting. It is expected that applications will reflect a variety of approaches including requests for support of demonstration training programs, state of the art papers and other analyses, conferences, and the design and development of model approaches and materials.

E. *Cost sharing.* Although no mandatory cost sharing policy is in effect for Title IV–A projects, AoA training funds are used primarily to assist in the support of costs associated with the development of new or expanded activities related to aging training programs. Grantees are expected to assume those costs associated with the continuation and maintenance of such activities over time. The review process accords weight to the financial commitment of the applicant, and ordinarily, funding extending over more than one year for career training projects will be on a declining scale after the first year.

F. *Criteria for review and evaluation of applications.* Competing grant applications will be reviewed and evaluated by persons outside of the Training Program Office against the criteria listed below. A minimum score of acceptability has been established for each category, and proposals rated below the minimum score by the review team will not be considered technically acceptable for funding.

1. *Career.* Minimum score of acceptability: 100.

The significance of the project in assisting the educational institution to develop a multidisciplinary training program that would be responsible to local, state, regional, or national needs for trained persons in the field of aging. (0–35 points).

The commitment, capability and specific plans on the part of the applicant institution to continue the proposed activity beyond the period of AoA support (0–30 points).

Relationship of project objectives to meeting the needs for trained personnel on the part of the public and private sectors at the local, state, regional and national levels (0–20 points).

Soundness of methodology to accomplish proposed objectives (0–20 points).

Appropriateness and justification of the budget presentation (0–20 points).

Capability and qualifications of the applicant to carry out the proposed project (0–20 points).

Plans for attracting faculty and students to the program who are members of low income, minority and ethnic groups, or who are older persons (0–20 points).

Plans for addressing the special needs of older persons who are members of low income, minority and ethnic groups through the development of appropriate course content and practicum experience (0–20 points).

2. *Planning.* Minimum score of acceptability: 90.

The significance of the project in assisting the educational institution to develop a multidisciplinary training program that would be responsive to meeting personnel and training needs in the field of aging (0–30 points).

The capability and commitment on the part of the applicant for continued activity in the gerontological field beyond the period of AoA support (0–25 points).

Specificity of project objectives (0–20 points).

Specificity and appropriateness of methodology to accomplish proposed objectives (0–20 points).

Appropriateness and justification of budget presentation (0–10 points).

Capability and qualifications of the applicant to carry out the proposed project (0–15 points).

Plans for attracting faculty and students to the program who are members of low income, minority and ethnic groups, or who are older persons (0–20 points).

Plans for addressing the special needs of older persons who are members of low income, minority or ethnic groups through the development of appropriate course content and practicum experience (0–20 points).

3. *Quality Improvement.* Minimum Score of Acceptability: 70.

The significance of the project to improving training in aging (0–30 points).

Specificity of project objectives (0–20 points).

Specificity and appropriateness of methodology to accomplish proposed objectives (0–20 points).

Appropriateness and justification of budget presentation (0–20 points).

Capability and qualifications of the applicant to carry out the proposed project (0–30 points).

G. *The Application Process—Submission.* To be considered for a grant under the Training Program, all applications must be submitted on standard forms according to the guidelines provided in each application kit. The application must be signed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award.

One signed original and two copies of the grant application, including all attachments, are required for submission and four additional copies are requested with the original. The original and the four additional copies, which are for review purposes, are to be submitted to the central receiving office of the Office of Human Development as follows:

Department of Health, Education, and Welfare, Office of Human Development, Grants and Contracts Division, Mary E. Switzer Building, 330 C Street SW., Room 1427, Washington, D.C. 20201. (Attention: 13637–771.)

Copies are to be submitted concurrently to the cognizant State Agency on Aging and the Office of Aging in the cognizant Department of Health, Education, and Welfare regional office. These agencies review the applications and forward their comments to the Commissioner on Aging. Additionally, if there is an Area Agency on Aging in the area of the proposed project, it is requested that an application copy be directed there.

All requests for career training support must be received by the Office of Human Development no later than 4:30 E.d.s.t., Friday, May 13, 1977, or postmarked no later than Wednesday, May 11, 1977.

All requests for planning or quality improvement support must be received by the Office of Human Development no later than 4:30 E.d.s.t., Friday, May 20, or postmarked no later than Wednesday, May 18, 1977.

Late applications are not accepted and applicants are notified accordingly.

Review. All applications will be subjected to a competitive review conducted by qualified persons outside of the Training Program Office. Funding decisions will be made by the Commissioner on Aging based on comments and recommendations from these experts, from the Aging Network Agencies, and from staff of the Administration on Aging.

(Catalog of Federal Domestic Assistance Program Number: 13.637 Training Projects.)

Dated: April 1, 1977.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved: April 18, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77–11686 Filed 4–21–77;8:45 am]

TRAINING PROJECTS

Announcement of Dissertation Program Grants for Fiscal Year 1977 (Program Announcement No. 13637–772)

The Administration on Aging, Office of Human Development, announces that applications will be accepted until May 13, 1977 from public or nonprofit private institutions of higher education wishing to compete for Dissertation Program grants in Fiscal Year 1977 under the Training Projects Program authorized by Title IV—Part A of the Older Americans Act of 1965, as amended (42 U.S.C. 3001, 3031 et seq.).

Regulations applicable to this program include the Administration on Aging general regulations, 45 CFR Part 901, and the regulations governing Training Projects, 45 CFR Part 905.

A. *Program objectives and priorities.* The purpose of the Administration on Aging's Dissertation Program is to provide one year grants to institutions of higher education in support of doctoral dissertation projects in the field of social gerontology. The program's goal is to gain new insights into the needs, circumstances, resources, expectations, and roles of the Nation's older population through research that addresses the following activities:

(1) Studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

(2) Developing or demonstrating new approaches, techniques, and methods which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

(3) Developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

(4) Evaluating these approaches, techniques, and methods, as well as other which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation.

B. *Eligible applicants.* The proposal for the dissertation program grant must be submitted by an institution of higher education with social science departments which grant doctoral degrees. Doctoral candidates who have passed all doctoral degree qualifications except the dissertation and defense of the dissertation effective the date of the grant are eligible to be dissertation program grant project directors. The proposal must be approved by the appropriate dissertation faculty advisors or committees before submission to AoA. Separate proposals must be submitted for each dissertation program grant project.

Additionally, the recipient cannot receive a grant from another United States Government Agency during the budget period covered by the AoA dissertation program grant for the purpose of writing the dissertation.

C. *Available Funds.* During Fiscal Year 1977, AoA expects to award twenty new dissertation program grants totalling $100,000. Under this program, the grantee institution shall provide $5,000 to the project director over the one year period to provide support for research and writing of the project outlined in the approved dissertation program grant proposal.

D. *Application Guidelines.* Institutions of higher education must submit a separate application for each proposed dissertation grant. Each application should contain information requested below in the order indicated.

CONTENTS

1. The first page should show the following:

PROPOSAL SUBMITTED TO THE DIVISION OF RESEARCH AND ANALYSIS; OFFICE OF RESEARCH, DEMONSTRATIONS, AND MANPOWER RESOURCES; ADMINISTRATION ON AGING; DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOR A GRANT IN SUPPORT OF DISSERTATION RESEARCH UNDER PROVISIONS OF TITLE IV OF THE OLDER AMERICANS ACT OF 1965 AS AMENDED

Submitted by: (Legal name of university will be used if grant is approved, and department sponsoring the candidate).
Address: (Of university, including zip code).
Project Director: (Name, address and phone number of doctoral candidate. Candidate should sign original or master copy).
Sponsor: (Name, position, and phone number of university advisor or sponsor of the project director. Sponsor should sign original or master copy).
Transmitted by: (Name, position, and phone number of approving university official. This should be someone with authority to commit the university. This official should sign the original or master copy. Unless otherwise indicated, all correspondence, including the Notice of Grant Awarded, if approved, will be addressed to this official).
Date: (Date transmitted).

2. A one-page abstract of the proposed dissertation.

3. Notice of dissertation proposal's approval by appropriate faculty advisors and committees.

4. The dissertation proposal.

5. If the following matters are not included in the dissertation proposal, they should be covered in a supplemental statement.

(a) Anticipated practical applications of the findings, if appropriate.

(b) A time schedule for the project and its major phases.

(c) Where support of other agencies is necessary for the successful completion of the objectives of this study, a statement of the extent of cooperation already assured by such agencies should be included.

6. A statement signed by the project director and the authorized university official acknowledging that the above Guidelines have been reviewed and will be accepted if the grant is approved. Any provisions from which the institution desires exceptions should be clearly indicated and justified.

E. *Application process.* A signed original and four additional copies should be submitted. The original and the four additional copies, which are for review purposes, are to be submitted to the central receiving office of the Office of Human Development.

Application Consideration: The Commissioner on Aging determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement or are late or are not complete are not accepted and applicants are notified accordingly. Otherwise, all applications which meet the legal requirements for a grant award will be considered.

All accepted grant applications are subjected to a comprehensive review and evaluation conducted by qualified persons outside of the Administration on Aging's Division of Research and Analysis. The results of the competitive review supplement and assist the Commissioner's consideration. After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

Grant Awards. The Commissioner makes grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available for the purpose of supporting dissertation research in aging. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, and the budget period for which support is given.

F. *Criteria for review and evaluation of applications.* Competing grant applications will be reviewed and evaluated by persons outside the program office against the following criteria:

1. The clarity with which the project director has defined the dissertation research topic.

2. The appropriateness of the proposed methodology to be used in the dissertation research.

3. Significance of the proposed research to theoretical and/or methodological advances in the study of aging persons.

4. Potential significance of expected results for application to policy and programs for the aging.

5. Manageability of the project and expectations for completion within one year.

The panel considers all elements of an application in its review, giving primary emphasis to the project director's ability, originality, and creativity as evidenced by the project proposal. The standing of the proposed project, relative to other applications, will determine whether the project will be approved for a grant within the availability of funds.

6. *Closing date for receipt of applications.* The closing date for receipt for applications under this program announcement is May 13, 1977. Applications may be mailed or hand delivered to:

Receiving Office; Division of Grants and Contracts Management, Office of Human Development, DHEW, Room 1427, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201.

Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

An application will be considered to have arrived by the closing date if:

1. The application is at the OHD Receiving Office on or before the closing date, or

2. The application is postmarked at least two days prior to the closing date.

H. *Late applications.* Late applications are not accepted and applicants are notified accordingly.

I. *Availability of program information.* Program information may be obtained by writing:

Division of Research and Analysis, Administration on Aging, OHD, DHEW North Building, Room 4640, 330 Independence Avenue SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program Number 13.637 Training.)

Dated: April 4, 1977.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved: April 18, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-11687 Filed 4-21-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 25136]

WESTERN SLOPE GAS CO.

Notice of Pipeline Application

APRIL 13, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right of way for a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 101 W., 6th P.M.
Sec. 29 & 32.

The pipeline is an addition to Western Slope Gas Company's natural gas gathering system in Rio Blanco County, Colorado. The purpose of this project is to enable the applicant to meet the increasing demands for natural gas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of Environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within a reasonable time after the date of this notice.

ANDREW W. HEARD, Jr.,
Acting Chief, Branch of Adjudication.

[FR Doc.77-11644 Filed 4-21-77;8:45 am]

NEVADA

Proposed Withdrawal and Reservation of Lands for Military Purposes; Correction

The notice published as FR Doc. 77-2595 page 5142 of the issue for January 27, 1977, should have included the following land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 S., R. 56 E.,
Sec. 4, Lot 8.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.77-11641 Filed 4-21-77;8:45 am]

[NM 30278, 30279, 30280, 30281, 30282, 30283, 30284, 30287, 30291 and 30298]

NEW MEXICO

Applications

APRIL 15, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for nine 4½-inch and one 16-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.,
Sec. 10, NE¼SE¼;
Sec. 11, W½SW¼.
T. 29 N., R. 7 W.,
Sec. 30, NE¼NE¼;
Sec. 31, S½NE¼ and E½SW¼.
T. 28 N., R. 8 W.,
Sec. 12, lot 2 and SW¼SE¼;
Sec. 14, SE¼NW¼;
Sec. 22, SE¼SE¼.

T. 29 N., R. 9 W.,
Sec. 11, NW¼SE¼.
T. 31 N., R. 10 W.,
Sec. 15, lots 7, 9 and 10.
T. 29 N., R. 11 W.,
Sec. 11, SE¼SE¼.

These pipelines will convey natural gas across 1.492 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-11642 Filed 4-21-77;8:45 am]

[NM 30253]

NEW MEXICO

Application

APRIL 12, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 22, SE¼NE¼ and NE¼NW¼;
Sec. 23, SW¼NW¼.

There pipelines will convey natural gas across 0.436 of a mile of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-11643 Filed 4-21-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1977 Among Producers Located in the Virgin Islands

CROSS REFERENCE: For a document concerning the above entitled matter, issued jointly by the Department of Commerce and by the Department of the Interior, see FR Doc. 77-11703, in the Notices section of this issue under Department of Commerce, Office of the Secretary.

National Park Service

[Order 5]

SAUDI ARABIA PROJECT MANAGER, DENVER SERVICE CENTER

Delegation of Authority

The Saudi Arabia Project Manager, Denver Service Center, is authorized to exercise all the contracting authority for Saudi Arabia projects now or hereafter vested in the Manager, Denver Service Center, National Park Service.

(NPS Order No. 84 (39 FR 13904) as amended.)

JOHN W. HENNEBERGER,
Manager, Denver Service Center.

[FR Doc.77-11795 Filed 4-21-77;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Meeting

Notice is hereby given that the Advisory Committee on Joint Board Actuarial Examinations will meet in the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C., in Room 1340 on May 9, 1977 at 9 a.m.

The purposes of the meeting are to discuss topics, syllabi and questions which may be recomemnded for inclusion in the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Section 1242(a)(1)(B), and to review other actuarial examinations in order to make recommendations regarding such examinations' adequacy to demonstrate the education and training in actuarial mathematics and methodology required for enrollment by Title 29 U.S. Code, section 1242(a)(1).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with examination topics, syllabi, and other actuarial examinations will commence at approximately 1:30 p.m. and will be open to the public as space is available. Time permitting, after discussion of agenda subjects by Committee members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text or, at a minimum, an outline, of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested persons may file a written statement for consideration by the Committee by sending it to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

LESLIE S. SHAPIRO,
Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc.77-11832 Filed 4-21-77;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., May 24, 1977, at the General Accounting Office Building, 441 G Street, NW., Room 4454-B, Washington, D.C.

The agenda for the meeting is as follows:

1. Status of Family Budget Program.
2. CPI Revision Status Report: (a) Time Schedule; (b) Treatment of Quality Change; (c) Housing.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C. this 15th day of April 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77-11710 Filed 4-21-77;8:45 am]

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on May 10, 11, and 12 in Room 4454, General Accounting Office Building, 441 G Street, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

TUESDAY, MAY 10

9:30 A.M.—COMMITTEE ON MANPOWER AND EMPLOYMENT

1. Development on job vacancies.
2. Development of "Person-Family data," i.e., the employment status of each person by the status of other family members.

3. Validation of earnings data reported in household surveys (subject to availability of results from January/February 1977 Employer Record checks).

4. Preliminary results from the May 1976 survey of the "Job Search of the Unemployed."

5. Local Area Unemployment Statistics.

6. Recent developments in the field of Occupational Employment Statistics—Coordination among the Departments of Labor and Health, Education, and Welfare, and State employment security and education agencies.

7. The status of the organization of the National Commission on Employment and Unemployment Statistics.

WEDNESDAY, MAY 11

9:30 A.M.—COMMITTEE ON PRICES AND LIVING CONDITIONS

1. Status report on the Family Budget program.

2. Consumer Price Index Revision Development: (a) New weights for the Consumer Price Index; (b) Treatment of the homeownership component; and (c) Outlets and price collection—experience to date.

1:30 P.M.—COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

1. Work in progress.

2. Response to the President's Committee on Federal Pay (Rockefeller Panel), particularly with respect to total compensation comparability.

3. Research proposals in connection with the Fair Labor Standards Act.

4. Study of pension benefit amounts received.

5. Cost-of-living clause effects on settlements.

6. Planning Issues: (a) Short term—Possible effects of Zero Based Budgeting; (b) Intermediate—Suggestions for reshaping Industry Wage Survey program; and (c) Long range—OMB's "Framework for Planning U.S. Federal Statistics."

THURSDAY, MAY 12

9:30 A.M.—COMMITTEE ON PRODUCTIVITY, TECHNOLOGY, AND GROWTH

1. Developments in BLS studies of technology.

2. Status of studies on construction labor and material requirements.

3. Review of 1990 projections of economic growth.

4. Contract work by Office of Economic Growth for other Government agencies: (a) Study of jobs related to defense sales and grants abroad for the Department of Defense and the Arms Control and Disarmament Agency; (b) Case study of jobs related to Boston Rapid Transit System for the Employment and Training Administration;

(c) Current work for the Federal Energy Administration, including disaggregation of energy industries in BLS projections; and

(d) Work for the Environmental Protection Agency, particularly linking the BLS economic model with the EPA environmental model.

1:30 P.M.—COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

1. Recommendations in reply to the Office of Management and Budget of the Occupational Safety and Health Data Evaluation Report Task Force.

2. An analysis of the results of the Occupational Injuries and Illnesses Survey for 1975.

3. Planned program of special in-depth studies of accidents, including the status of State participation.

4. Status report on the Supplementary Data System program, the Occupational Health Projects Working Group, and other special studies.

5. Interactive computer analysis of the Supplementary Data System as a tool in safety and health efforts.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on Area Code 202–523–1247.

Signed at Washington, D.C. this 18th day of April 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77–11791 Filed 4–21–77;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 18th day of April, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending April 15, 1977

Name of applicant	Location of enterprise	Principal product or activity
South Union Coal Co	Edna, W. Va	Production of bituminous coal.
Hawthorne Mountain Development Corp	Slatyfork, W. Va	Skiing lodge.
Lamb Auto & Machine Works, Inc	Camilla, Ga	Manufacture and repair of agricultural equipment and repair of automobile.
Martin Mills, Inc. (tenant of city of Kings Mountain).	Kings Mountain, N.C.	Manufacture of men's and boys' underwear.
Robron, Inc	Bennettsville, S.C	Manufacture of go-karts steel frames.
Applied Industries, Inc	Elizabeth City, N.C	Manufacture of fluid system aircraft components.
Mark II Motel	Panama City, Fla	Motel.
Revco, Inc. (tenant of town of Williston)	Williston, S.C	Manufacture of food freezers
Graniteville Co	do	Manufacture and finishing of woven textile products.
ToMiCo Farm Supply	Hazlehurst, Ga	Buying, selling, and storing of farm supplies and seed.
Donald B. Jordon	Tamms, Ill	Trucking operations, road building, and hauling construction materials.
Springfied Plastics, Inc	Auburn, Ill	Manufacture of fabricated plastic products.
Wolter's Store	Gibbon, Minn	Retail sales of groceries and dry goods.
Lawrence V. Flake	Monticello, Minn	New and used car and truck sales.
Mitchell's Grocery & Market, Inc	Wynne, Ark	Retail grocery store.
Petronila Cooperative Gin Co	Petronila, Tex	Cotton ginning.
Eudora Locker & Meat Market	Lawrence, Kans	Meat packing facility
Rawhide Ranch Bavarian Meating	Sigourney, Iowa	Meat packing plant.
Dubuque Packing Co. (tenant of city of Mankato).	Mankato, Kans	Beef packing plant.
Huron Manufacturing Corp	Huron, S. Dak	Manufacture of construction machinery and equipment.
Precision Specialty Products, Inc	Elk Point, S. Dak	Machining parts to order.

[FR Doc.77–11705 Filed 4–21–77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

MEETINGS; TENTATIVE AGENDA ITEMS

In order to provide notice regarding matters which may be acted upon by the Commission and to solicit written comments prior to and oral comments at meetings of the Commission in accordance with the Comission's Procedures for Citizen Participation and Intergovernmental Liaison, approved April 7, 1977, there is set forth below a list of agenda items tentatively scheduled for consideration by the Commission at its meeting on May 5 and 12, 1977 and at subsequent meetings. The Commission meets in its Tenth Floor Conference Room at 1325 G Street NW., Washington, D.C.

MAY 5 AND 12, 1977

File No.	Item
	Capital Improvements Programs.
CP11	a. Alexandria City, Va. (Commission action requested: comments on Federal interest to Alexandria City Council.)
CP13	b. Montgomery County, Md. (Commission action requested: comments on Federal interest to Montgomery County Council.)
1388	U.S. Postal Service—Diamond Parms Station (formerly Montgomery Village Station), Gaithersburg, Md. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1657	National Institutes of Health, Bethesda, Md.—Revisions to intersection of Lincoln Dr. and Old Georgetown Rd. (Commission action requested: approval of alinement and geometrics pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1662	Transfer of jurisdiction—Part of U.S. reservation 531, Eastern Ave. and Piney Branch Rd. NW. (NPS to D.C. for highway purposes.) (Commission action requested: approval pursuant to D.C. Code, sec. 8–115).
1667	Street and alley closing—45th St., NE., between Clay and Dix Sts. and portion of public alley in square 5135 (S.O. 77–66). (Commission action requested: recommendations to council of the District of Columbia pursuant to D.C. Code, sec. 7–401.)
1668	Department of State, 22d and and C Sts. NW.—addition to penthouse. (Commission action requested: approval of final site and building plans pursuant to National Capital Planning Act of 1952 and D.C. Code, sec. 5–428.)

JUNE 2 AND 9, 1977

File No.	Item
	West Potomac Park, D.C.
MP49	a. Subarea master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)
0570	b. Franklin Delano Roosevelt Memorial. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5–428.)
	National Naval Medical Center, Bethesda, Md.
1649	a. Armed Forces Radiological Research Institute, Animal Research Facility. (Commission action requested-approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1611	b. Bowling alley. (Commission action requested: approval of final site building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1650	c. Exchange. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1488	Federal Capital improvements program for the National Capital region, fiscal year 1978–1983. (Commission action requested adoption pursuant to sec. 7(a) of the National Capital Planning Act of 1952, as amended.)
1614	Bolling/Anacostia tract, District of Columbia—Defense Intelligence Agency. (Commission action requested: comments on preliminary site and building plans pursuant to sec. 610(a) of Military Construction Authorization Act, 1974.)
1600	Zoning Commission case No. 76–1, southwest urban renewal area. (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sec. 5–417.)
1670	Zoning Commission Case No. 76–4, map amendment R–1–B to C–2–A, 1855 Wisconsin Ave. NW. (Safeway store). (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sect. 5–417.)

JULY 7 AND 14, 1977

File No.	Item
CP01/1903	Federal elements of the comprehensive plan for the national capital—foreign missions and international agencies. (Commission action requested: adoption of proposed element and related conforming modifications of other elements pursuant to sec. 4(e) of the National Capital Planning Act of 1952.)
MP124	Henderson Hall, Arlington County, Va.—master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)

AUGUST 4 AND 11, 1977

File No.	Item
MP120	Washington Navy Yard, 8th and M Sts. SE.—revised master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)

The Commission affords interested and affected organizations and individuals an opportunity to present their views on any of the items in writing prior to and/or in person at the meeting at which such item is considered, with such limitations on the number and length of oral presentations as the agenda item and length of the agenda appear to warrant.

Organizations and individuals desiring to make a statement or otherwise communicate their views on any item tentatively scheduled for the May 5 and 12 meeting should advise Samuel K. Frazier, Jr., Chief, Office of Public Affairs, National Capital Planning Commission, Washington, D.C. 20576, telephone 382–1161. Copies of the Executive Director's Recommendation on any item on the agenda for the May 5 and 12 meeting may be obtained from Mr. Frazier on or after May 2. Agenda items with respect to which no organization or individual has advised Mr. Frazier by Thursday, April 28, 12 Noon, of a desire to present views in person to the Commission and on which the Executive Director recommends approval or a favorable report, may be placed on the "consent calendar" and acted upon by the Commission, without presentation or discussion, at the beginning of the Commission meeting on May 5. To insure that written comments on any item are placed before the Commission prior to Commission action thereon, written statements must be received by Mr. Frazier by Wednesday, May 4, 12 Noon.

The Commission's Procedures for Citizen Participation and Intergovernmental Liaison, copies of which may be obtained from Mr. Frazier, generally provide that comments on District plans and projects should address their effect on the Federal establishment and/or on Federal interests in the National Capital Region.

DANIEL H. SHEAR,
Secretary.

APRIL 15, 1977.

[FR Doc.77–11668 Filed 4–21–77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR EARTH SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Earth Sciences.

DATE AND TIME: May 9, 10, and 11, 1977: 9 a.m. to 5 p.m. each day.

PLACE: The University of Chicago, Center for Continuing Education, 1307 East 60th Street, Chicago, Illinois.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Norman D. Watkins, Division Director, Earth Sciences Room 602, National Science Foundation, Washington, D.C. 20550, telephone (202—632-4274).

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in Earth Sciences.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-11700 Filed 4-21-77;8:45 am]

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Human Cell Biology.

DATE AND TIME: May 12-13, 1977; 9 a.m. to 6 p.m. each day.

PLACE: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Herman W. Lewis, Acting Program Director, Human Cell Biol. Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone (202-632-4200).

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in Human Cell Biology.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-11699 Filed 4-21-77;8:45 am]

ADVISORY PANEL FOR PHYSICS

Meeting

In accordance with the Federal Advisory Commitee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Physics.

DATE: May 12-14, 1977.

TIME: 9 a.m.-5 p.m. each day.

PLACE: Room 540 National Science Foundation, 1800 G Street NW., Washington, D.C. 20550

TYPE OF MEETING: Open.

CONTACT PERSON: Dr. Marcel Bardon, Deputy Division Director, Physics, Room 348, National Science Foundation, Washington, D.C. 20550, Telephone: (202-632-4310).

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in physics.

AGENDA:

May 12—A review of NSF support activities in elementary particle physics as viewed in a national perspective. ERDA and NSF staff will present the programs of their respective agencies. The Review Team for Elementary Particle Physics will present its preliminary report, followed by discussion of the Program and the report.

May 13—Long range planning discussions for physics, including status reports on major program thrusts and special studies. Other topics of interest to the Panel.

May 14—Continuation of topics from May 13.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-11701 Filed 4-21-77; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 18, 1977 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Project Review Form, single-time producers and users of research, Raynsford, R., 395-3814.

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board, Motorist Sanction Severity Survey, single-time, licensed drivers, Strasser, A., 395-5867.

Federal Highway Administration, State Drivers' License and Fees, PR-562, annually, 50 States, District of Columbia, Puerto Rico, American Samoa, Guam, Strasser, A., 395-5867.

NEW FORMS

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:

Estimates of Selected State Highway Finance Data, PR-530, Annually, 50 States, District of Columbia, Strasser, A., 395-5867.

State Highway Expenditures Within Standard Metropolitan Statistical Areas, PR-532B, Annually, 48 States, District of Columbia, Puerto Rico, Strasser, A., 395-5867.

State Motor-Carrier Taxes; Initial Distribution by Collecting Agencies, PR-576, Annually, 50 States, District of Columbia, Puerto Rico, Guam, American Samoa, Strasser, A., 395-5867.

Local Road and Street Finance Report, PR-535, Annually, 50 States, District of Columbia, and Puerto Rico, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Air Force, AFROTC Accession and Membership Forms, on Occasion, AFROTC Cadets and applicants, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Product Characteristics—Design Check off List, DIB 426P, on occasion, Manufacturers and Exporters, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Coast Guard:

U.S. Coast Guard Air Show Information Sheet and Questionnaire Requirements, on occassion, Civilian Service Organizations, Marsha Traynham, 395-4529.

Federal Highway Administration:

State Motor-Vehicle Registration Fees and Other Receipts—Initial Distribution by Collecting Agencies, PR-566, Annually, 50 States, District of Columbia, Puerto Rico, Guam, American Samoa, Strasser, A., 395-5867.

State Motor-Fuel Tax Collection and Initial Distribution by Collection Agencies, PR-556, Annually, 50 States, District of Columbia, Territories, Strasser, A., 395-5867.

Contracts Awarded-Force Account Construction Authorized, PR-525, monthly, 50 States, District of Columbia, and Puerto Rico, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-11815 Filed 4-21-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19984; 70-6000]

AMERICAN ELECTRIC POWER CO.

Proposed Issue and Sale of Common Stock by Holding Company Pursuant to an Underwritten Rights Offering

APRIL 14, 1977.

Notice is hereby given, That American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6, 7, and 12(c) thereof and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, summarized below, for a complete statement of the proposed transaction.

AEP proposes to offer up to 9,000,000 authorized but unissued shares of its common stock ("additional common stock") for subscription by the holders of its outstanding shares of common stock on the basis of one share of additional common stock for each eleven shares of common stock held on the record date. The record date will be June 1, 1977, or such later date as AEP's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by AEP's Board of Directors, or by a committee of the Board duly authorized by the Board, at the end of the day preceeding the record date, will be not more than the closing price of AEP common stock on the New York Stock Exchange on the day prior to the record date and not less than 90 percent thereof. The subscription offer will expire June 24, 1977, unless the record date should be later than June 1, 1977, in which event the expiration date will be redetermined and specified by amendment.

Each record holder of AEP common stock will receive, as soon after the record date as is practicable, a transferable subscription warrant representing the number of subscription rights to which the stockholder is entitled. It is proposed that no holder of a warrant will be permitted to subscribe for a fraction of a share of the additional common stock; however, any holder of less than eleven shares of common stock on the record date will be entitled to purchase, at the subscription price, one full share of additional common stock.

Any holder of more than eleven shares, but not an exact multiple thereof, will be able to purchase, at the subscription price, one share of additional common stock for each multiple of eleven shares plus one share of additional common stock for the excess shares. In addition, each holder of a warrant (or warrants) who exercises the subscription rights in full will be given the privilege of purchasing, subject to allotment if necessary, at the same subscription price, the unsubscribed shares of the additional common stock.

AEP expects that the subscription rights will be traded on the New York Stock Exchange and that rights may also be bought and sold through banks or brokers. AEP also intends to afford holders of warrants the opportunity to trade rights through AEP's subscription agent, such agent to charge 2¢ per right for its services.

AEP does not intend to mail warrants to stockholders entitled to receive such warrants but whose registered addresses are outside the United States, Canada and Mexico. To the extent that AEP does not receive instructions from such stockholders to either exercise or otherwise dispose of their warrants, AEP may sell the rights evidenced by such warrants and the rights evidenced by warrants which are returned to the subscription agent after the initial mailing as nondeliverable for any reason. AEP will, if such rights are sold, within 30 days following the fifth anniversary of such sale, pay any of the net proceeds then remaining unclaimed (as the same may have been reduced by the deduction of fees for the administration of such funds) pursuant to any applicable provisions of the Abandoned Property Law of New York.

In connection with the subscription rights offering, AEP anticipates that it may effect stabilizing transactions in order to maintain the market price of its common stock and/or the rights at levels above those which might otherwise prevail in an open market. AEP states that it will acquire no more than 900,000 shares of its common stock pursuant to these stabilizing activities.

AEP further proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, such of the shares of the additional common stock as are not purchased pursuant to the subscription offer and any shares of common stock acquired by AEP as a result of stabilizing activities. The subscription price, which will also be the price to be paid by the successful bidder or bidders, will be set by AEP shortly before the time written proposals are to be submitted. The aggregate amount to be paid by AEP to the successful bidder or bidders for their commitments and obligations under the purchase contract will be determined by competitive bidding. The purchase contract will obligate the purchasers to make a public offering of the shares promptly after the subscription expiration date.

It is stated that the proceeds of the sale of the shares of additional common stock and any unsubscribed shares are to be used to repay short-term indebtedness and to make additional investments in AEP's operating subsidiaries. At March 31, 1977, AEP had outstanding an aggregate amount of $95,495,000 of short-term debt.

Estimates of the fees and expenses to be incurred by AEP in connection with the proposed transaction are to be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given, That any interested person may, not later than May 10, 1977, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11629 Filed 4-21-77;8:45 am]

[Release No. 19980; 70-6001]

APPALACHIAN POWER CO.

Proposed Charter Amendments to Convert Authorized $100 Par Preferred Shares into Shares With No Par Value and to Increase the Authorized Preferred Stock From 3,000,000 to 8,000,000 Shares; Order Authorizing Solicitation of Proxies in Connection Therewith

APRIL 12, 1977

Notice is hereby given, That Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to amend its Articles of Incorporation ("Charter") to convert the presently authorized cumulative preferred stock from shares of $100 par value to shares without par value, to increase the authorized number of shares of cumulative preferred stock from 3,000,000 to 8,000,000, and to alter the voting rights of holders of any new series of cumulative preferred stock. Appalachian's Charter presently authorizes it to issue 3,000,000 shares of cumulative preferred stock with $100 par value, of which 1,922,093 remain unissued to date. Appalachian states that in recent years a substantial market for preferred stock in the $25 per share price range has developed, particularly among individual investors. Appalachian further states that it is unable to take advantage of this market because its Charter now authorizes only $100 par value cumulative preferred stock. Appalachian believes that its ability to sell preferred stock on favorable terms will be strengthened by changing the cumulative preferred stock from shares having a par value of $100 to shares without par value, so that new shares of cumulative preferred stock could be issued at prices below or above $100 per share to take advantage of favorable prevailing and future market conditions.

Appalachian proposes to increase the number of authorized shares of cumulative preferred stock from 3,000,000 to 8,000,000 shares because, if, for example, Appalachian issued a series of shares with a price of $25 per share, it would require four times the number of shares sold for $25 per share, as it would if such shares were sold for $100 per share, to raise a given amount of capital.

It is stated that Appalachian's authority to issue additional shares would be subject to the limitation that no shares of cumulative preferred stock could be issued if, after giving effect to the issuance of such shares, the aggregate price which all outstanding shares of cumulative preferred stock are entitled to be paid upon involuntary liquidation would exceed $300,000,000. Since such amount is equal to the aggregate par value of the 3,000,000 shares of cumulative preferred stock now authorized, the proposed increase in the number of authorized shares would not represent any increase in the total authorized amount of Appalachian's preferred share capital.

The Charter presently provides that holders of the outstanding shares of cumulative preferred stock have the right to one vote for each share held for the election of directors and upon all other matters. Appalachian proposes to change this provision to provide that the holders of cumulative preferred stock, when entitled to vote, would have one vote for every $100 of fixed involuntary liquidation price. Thus holders of cumulative preferred stock now outstanding (all of which have a fixed involuntary liquidation price of $100 per share) would continue to have one vote per share, and the holders of any new cumulative preferred stock with a $25 fixed liquidation price would be entitled to one-quarter of one vote per share. In addition, shares of cumulative preferred stock issued after May 30, 1977 generally would not have the right to vote, except in the case of certain events specified in the Charter or as otherwise required by law.

Appalachian proposes to solicit proxies from its common stockholder and the holders of its outstanding cumulative preferred stock to be used at the annual meeting of stockholders to be held on June 1, 1977. Holders of Appalachian preferred stock will be asked to approve the Charter amendments. Such approval requires the affirmative vote of more than two-thirds of the outstanding shares of common stock and the affirmative vote of more than two-thirds of the outstanding shares of $100 par value cumulative preferred stock, each class voting separately. AEP, owner of all of Appalachian's common stock, has indicated that it intends to vote all of such shares in favor of the Charter amendments. Appalachian also proposes to solicit proxies for the election of directors.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $45,000, including legal fees of $4,000.

Notice is further given, That any interested person may, not later than May 9, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration insofar as it proposes the solicitation of proxies from Appalachian's preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies from Appalachian's preferred stockholders, be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11630 Filed 4-21-77;8:45 am]

[Release No. 9720; 812-3596]

AXE-HOUGHTON INCOME FUND, INC. AND AXE SECURITIES CORP.

Filing of Application of Act for an Order of Exemption from Provisions

APRIL 12, 1977.

Notice is hereby given that Axe-Houghton Income Fund, Inc. ("Fund"), c/o Henri B. Little, Axe-Houghton Income Fund, Inc., 400 Benedict Avenue, Tarrytown, New York 10591, registered under the Investment Company Act of 1940 ("Act"), as an open-end management investment company, and Axe Securities Corporation ("ASC"), the principal underwriter of the Fund and the Sponsor of Canadian Investment Trust ("CIT"), registered under the Act as a unit investment trust, filed an application on February 1, 1974 and an amendment thereto on October 12, 1976, pursuant to section 6(c) of the Act for an order of the Commission exempting certain transactions from the provisions of section 22(d) of the Act to the extent described therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Shares of the Fund are currently offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased.

CIT, to whose securityholders the application relates, has issued securities ("Plans") the net payments on which are invested in shares of the Fund. Although CIT has discontinued issuing such Plans, there are currently outstanding three types of Plans: Systematic Investment Plans ("SIPs"), Systematic Investment Plans with Insurance ("SIPWIs") and Single Payment Plans ("SPPs"). The Fund and ASC (hereinafter collectively referred to as "Applicants") propose that holders of SIPs and SIPWIs, who have made all payments toward completion of their Plans from which front-end load sales charges have been deducted be permitted to convert their Plan accumulations into shares of the Fund at a reduced sales charge level applicable thereto. Furthermore, the Applicants propose that holders of SIPs and SIPWIs who have not made the total payments contemplated by the Plan in question be permitted: (1) To continue to make payments up to the face-amount of their Plans, and (2) to invest such payments in Fund shares at a reduced sales charge level applicable thereto.

It is also proposed that the holders of SPPs be permitted to convert their Plan accumulations into Fund shares, and that the holders of all Plans be permitted to have the same partial withdrawal and reinstatement rights, including the purchase of Fund shares at net asset value, as if they had continued to hold their Plans, but only for a period running from twenty years from the date of issuance of each Plan, since ASC as the Sponsor of CIT, has the right after such twenty year period to terminate any Plan. If a holder of an SIPWI, on which the insurance coverage is operational, exercises the right to convert his Plan accumulations into Fund shares, it is proposed that he be granted insurance protection which is identical to that which he would have had if he had continued to be a Planholder. The continuation of the insurance protection would be effected by the First Jersey National Bank, as the Fund's transfer, redemption and Plan agent, deducting from each payment made on a SIPWI the amount allocatable to the insurance premium and remitting the same to the insurer (United States Life Insurance Company).

The Plans were first issued on or about October 29, 1954, at which time the underlying investment was shares of Axe-Templeton Growth Fund of Canada, Ltd. The last prospectus relating to the Plans was dated April 29, 1962. In 1963, shares of the Fund were substituted for shares of Axe-Templeton Growth Fund of Canada, Ltd., as the investment medium of the Plans, both as to shares accumulated and for the investment of payments on outstanding SIPs and SIPWIs.

There are presently outstanding 35 Plans; 6 of these are SPPs and 17 are completed SIPs and SIPWIs. There are 6 uncompleted SIPWIs and 6 uncompleted SIPs. Only one of such uncompleted Plans has not made sufficient payments so that all front-end load sales charges have been deducted, and that Planholder may at any time make the additional payments on his Plan necessary to make the required deductions. Upon making the necessary additional payments this Planholder would become entitled to the privileges described herein. As of June 7, 1976, the Custodian held 59,151 Fund shares for the Plans, having an approximate net asset value of $270,320.

The application states that holders of SPPs and holders of SIPs and SIPWIs who have made at least 24 monthly payments or the equivalent may withdraw up to 90 percent of their Fund shares in the accounts under their Plans, and may also cause the redemption of such shares and the remittal of the net proceeds to them. Such holders are permitted subsequently to purchase at net asset value substantially the same number of Fund shares withdrawn. Since ASC is a member of the National Association of Securities Dealers (NASD), the exercise of this withdrawal and reinvestment privilege is subject to the limitations imposed by the NASD, including one limiting the use of such privileges to only once during a period of one year.

Applicants contend that limiting the conversion privilege to those investors who have paid their front-end load sales charges is necessary and appropriate in the public interest since such investors, after converting their Plans into Fund shares, and thereupon investing directly in Fund shares up to the face amount of their Plans at reduced sales charge levels, will have paid a sales charge which, as a percentage of total payments, is substantially similar to the charge paid by investors who directly purchased shares of the Fund. If investors who have not paid such front-end sales charges were afforded this conversion privilege, such investors could, upon exercise of the privilege and completion of all Plan payments, have acquired shares at a sales charge rate which would be less than the approximate sales charge paid by other Fund investors.

Applicants also contend that by providing CIT investors with the opportunity to convert their Plan holdings into Fund shares, and to continue to make payments up to the face amounts of their Plans at the same sales charge levels which would have been applicable to their Plans had they been retained, such Planholders will afforded the opportunity to continue to purchase shares of their chosen investment medium with its selective investment objective at the identical sales charge rates applicable to their prior Plan payments. Applicants state that the Fund receives no portion of the sales charge applicable to the purchase of shares of the Fund, and the exemption herein requested will have no detrimental effect upon current Fund shareholders. Moreover, Applicants contend that there will be no dilution of the assets of the Fund caused by an investor's exercise of the conversion privilege, since conversion of CIT's holdings to shares of the Fund would be effectuated at the Fund's net asset value per share next determined after receipt of a request from a CIT investor for implementation of the conversion.

Applicants represent that ASC is entitled under the Plans to be reimbursed from each Planholder's account an amount not exceeding $2 per annum for its actual expenses incurred in performing the delegated duties specified in the Custodian Agreement and the Plan Certificates. This charge is applicable to all Plans other than SIPs and SIPWIs upon which not more than 12 payments, or 13 in the event a Plan calls for an initial double payment, have been made. ASC has not been collecting this $2 fee, and its only source of revenue from CIT has been the Sponsor's portion of the sales charge on payments on Plans. The amount of this revenue has been and is being exceeded by the direct expenses of ASC as Sponsor of CIT and, in addition ASC has additional indirect expenses including salaries, postage and printing ASC has also undertaken to pay the tax payable on dividends to foreign Planholders.

Applicants assert that, to the extent that Planholders exercise the conversion privilege, they will be afforded the opportunity to escape the possibility of Fund shares being redeemed to meet the $2 fee mentioned above. In addition, Planholders of SIPs and SIPWIs will no longer be required to pay Custodian Service Charges which, on all payments other than initial payments, range from $0.44 to $2 per payment. Applicants also assert that the maintenance of the withdrawal and reinvestment privilege, subject to the NASD withdrawal and reinvestment rules, is appropriate and fair, in that the exercise of the conversion privilege should not result in the loss of the withdrawal and reinvestment privilege. Applicants point out that the benefits of this latter privilege were available only to investors who had paid front-end load sales charges and/or Custodian Service Fees and, in any event, somewhat higher sales charges on all Plans, even assuming completion of SIPs and SIPWIs, than are charged on direct purchases of Fund shares.

Applicants contend that the granting of the exemption requested is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, within the meaning of section 6(c) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation promulgated thereunder, if and to the extent such ex-

emption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 9, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–11631 Filed 4–21–77;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

[Release No. 34–13434; SR–CBOE–77–6]

Self-regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 28, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rules changes would create a new Appointments Committee which would be charged with the responsibility for reviewing applications for registration as a Board Broker and for making Board Broker appointments, would indicate the Exchange's intention to impose a charge on its members for all services rendered by Board Brokers, and would establish a new system of making Board Broker appointments through a competitive bidding process. The text of the proposed rules changes is set forth in Exhibit A hereto.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The primary purposes of the proposed rules changes are to make the Exchange market function more efficiently; to enhance the competitive position of the Exchange in relation to other options exchanges; to enhance competition among Board Brokers; to assure that the charges imposed on member firms serving the investing public for services in connection with limit orders placed on the book are reasonable and competitive; and to enable the Exchange (subject to SEC oversight) to allocate the costs of providing limit order services among the entire Exchange membership since such services benefit all members of the Exchange.

To accomplish these purposes, the proposed rules would do the following. (a) The proposed rules would enable the Exchange to impose a charge on its members for services in connection with limit orders placed on the book. At present, two other options exchanges impose a charge for such services, and a potential competing exchange has publicly indicated its intention to do so. The ability of the Exchange to impose a charge for such services would therefore enhance its competitive position in relation to such competing options exchanges. (b) All Board Broker appointments would be opened for reappointment, and the new appointments would be granted on the basis of a system of competitive bidding. This system would increase the amount of competition among Board Brokers on the Exchange and would increase the efficiency of the Exchange market. (c) The proposed rules would make it clear that the appointments of Board Brokers are for limited terms so as to ensure the continuing competition among Board Brokers in providing satisfactory services at the lowest possible cost.

Rule 2.9. Proposed Rule 2.9 would create a new committee of the Exchange, to be named the Appointments Committee, which would be charged with the responsibility for reviewing applications for registration as a Board Broker and for making Board Broker appointments pursuant to the competitive bidding system to be established. Proposed Rule 2.9 would require that the Appointments Committee include at least six Exchange members, at least three non-members, and at least one person associated with a member organization conducting a public business. It would prevent conflicts of interest from arising by prohibiting members of the Appointments Committee from being affiliated with any Board Broker or Board Broker applicant or from becoming affiliated with any Board Broker or Board Broker applicant for 12 months after serving on the Appointments Committee. The rule would also prohibit any member of the Appointments Committee from participating in the discussion or consideration regarding the appointment of a Board Broker to a station where such member is regularly engaged in trading activities.

Rule 2.22. Interpretation .01 to Rule 2.22 would indicate the Exchange's intention to impose a charge on its members for all services rendered by Board Brokers. The amount of such charge would be determined by the Exchange on the basis of its belief of what a fair and competitive charge for the services rendered would be. The amount of revenue derived from this Exchange charge would not necessarily equal the total amount of compensation to be paid to the individual Board Brokers since the Exchange would compensate them on the basis of their competitive bids. The charges imposed by the Exchange under this proposed interpretation would not necessarily reflect the level of charges heretofore imposed by any Board Broker.

Rule 7.2. The proposed revisions to Rule 7.2 would transfer the Floor Procedure Committee's jurisdiction over the registration of Board Brokers to the new Appointments Committee. In addition, the role of the Membership Committee in the registration process would be eliminated in order to avoid unnecessary duplication of efforts.

Proposed Interpretation .02 to Rule 7.2 would express the Exchange's intention to permit Board Brokers to be affiliated with Market-Makers or Floor Brokers so that additional sources of revenue would be made available to them. However, Interpretation .02 would prohibit such Market-Makers or Floor Brokers from engaging in transactions in any classes of options to which an affiliated Board Broker is appointed and would require that any such affiliation be disclosed to and approved by the Appointments Committee. The interpretation would thus prevent the conflict of interest which might arise if a Market-Maker or Floor Broker were permitted to trade with an affiliated Board Broker.

Rule 7.3. Proposed Rule 7.3 would provide for a new system of making Board Broker appointments through a competitive bidding process. Proposed Rule 7.3(a) would establish the procedure for bidding for Board Broker appointments, notifying Exchange members of the terms and procedures of the bidding process, determining successful bidders, and taking action when no acceptable bids are submitted. Under paragraph (a)(2) of the rule, the Appointments Committee would not have to accept the lowest cost bid if it determined that accepting another bid would better serve the interests of the Exchange, its members and the public.

Paragraph (b) of the rule would permit the Exchange to suspend or terminate the appointment of a Board Broker prior to the expiration of his appointment in the follwing circumstances: (1) The Board Broker is summarily suspended pursuant to Chapter XVI of the rule; (2) the Board Broker is in such operating difficulty that he cannot be permitted to continue to do business as a Board Broker with safety to investors, creditors, other members or the Exchange; (3) the suspension or termination of the Board Broker's appointment would further the interests of the Exchange, its members and the public in maintaining fair and orderly markets, or would be in the public interest or for the protection of investors; (4) the terms of the contract between the Board Broker and the Exchange permit such suspension or termination; or (5) the Board Broker's good standing as a member of the Exchange is suspended, terminated or otherwise withdrawn.

Interpretation .01 to Rule 7.3 would express the Exchange's intent to have the Appointments Committee perform regular evaluations of the performance of each Board Broker and to suspend or terminate a Board Broker's appointment if his performance does not meet the minimum criteria established for such performance.

When a member organization is appointed to serve as the Board Broker for one or more stations and an individual member serving as the Board Broker for one of those stations has his appointment suspended or terminated, Interpretation .02 to Rule 7.3 would express the Exchange's intent to have the Appointments Committee either permit the member organization to replace the individual member whose appointment was suspended or terminated, or to terminate the appointment of the member organization in order to reopen those stations for competitive bidding.

Rule 7.10. Proposed Rule 7.10 would eliminate the requirement that only Exchange members may effect an Exchange transaction on behalf of a Board Broker. The rule would permit a Board Broker, with the consent of the Appointments Committee, to designate a senior clerk or assistant, who need not be an Exchange member, to execute orders in the Board Broker's place when he is temporarily absent from his station due to bona fide emergencies or physical necessity. The proposed rule would thus reduce the number of Exchange memberships which a Board Broker would need in order to operate a station by permitting a non-member employee to execute orders in his place in certain circumstances.

Rule 7.11. Proposed Rule 7.11 would disclaim any liability on the part of the Exchange to its members for any claims arising out of any errors or omissions of a Board Broker. The proposed rule would thus preserve Exchange assets by protecting them from any liability arising out of errors or omissions of a Board Broker. In its contract with each Board Broker, the Exchange would require that the Board Broker assume liability for his errors and omissions and that he maintain an effective Letter of Authorization as defined in Rule 6.72 so that a Clearing Member of the Exchange would be responsible for the clearance of the transactions of the Board Broker.

The amendments proposed herein are in accordance with section 6(b)(5) of the Act which provides, inter alia, that rules of the Exchange promote just and equitable principles of trade and protect investors and the public interest. Interpretation .01 to Rule 2.22 is made under the authority of section 6(b)(4), which permits an exchange's rules to provide for the equitable allocation of reasonable charges among its members. The proposed amendments would also tend to further the maintenance of a fair and orderly market and assure fair competition among exchange markets in furtherance of the purposes set forth in section 11A(a)(1)(C).

A special Committee to Reassess the Board Broker Function, appointed by the Exchange's Board of Directors, prepared a report dated February 18, 1977, in which it recommended that the system for appointing Board Brokers be changed to a competitive bidding system. That report was the basis for the rules changes contained in this filing.

In a memorandum dated February 22, 1977, three members of that Committee expressed their dissent to the views stated in the Committee's report. In another memorandum dated February 22, 1977, the Board Broker's Association issued a statement of its position in opposition to the Committee's report. Counsel to the Board Broker's Association also submitted a letter dated March 23, 1977 to the Exchange's Board of Directors opposing the proposed rules changes. Copies of these written comments are attached to the Exchange's filing of these proposed rules changes with the Securities and Exchange Commission.

As noted above, the proposed rules changes are designed to assist the Exchange in competing with other options exchanges for order flow and also to increase the amount of competition among Board Brokers on the floor of the Exchange in bidding for appointments to particular stations. The proposed rules change in competing with other opnot be a burden thereon.

On or before May 27, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 13, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary

APRIL 6, 1977.

TEXT OF PROPOSED RULES CHANGE

BRACKETS INDICATE DELETIONS; ITALICS, NEW MATERIAL

APPOINTMENTS COMMITTEE

Rule 2.9 The Appointments Committee shall consist of at least nine persons including the Chairman of the Appointments Committee, at least six of whom shall be Exchange members and at least three of whom shall not be Exchange members. At least one of the Exchange members on the Appointments Committee shall be associated with a member organization conducting a public business under Chapter IX of the Rules. Members of the Appointments Committee shall not be affiliated with any Board Broker or Board Broker applicant, nor shall they become affiliated with any Board Broker or Board Broker applicant for 12 months after serving on the Appointments Committee. No member of the Appointments Committee shall participate in the discussion or consideration regarding the appointment of a Board Broker to a station where such member is regularly engaged in trading activities.

OTHER FEES OR CHARGES

Rule 2.22. In addition to the dues and charges provided for by Rules 2.20 and 2.21 of this Chapter, the Board may, from time to time, fix and impose other fees, assessments or charges to be paid to the Exchange by members or by categories of members with respect to applications, registrations, approvals, use of Exchange facilities, or other services or privileges granted.

* * * *Interpretations and Policies*

.01 In addition to the other charges imposed under Rule 2.22, a charge will be imposed by the Exchange on members for all services rendered by Board Brokers.

REGISTRATION OF BOARD BROKERS

Rule 7.2 An applicant for registration as a Board Broker shall file his application in writing with the Secretary of the Exchange on such form or forms as the Exchange may prescribe. An organization applying for registration as a Board Broker must designate a nominee who shall be subject to the same approval as if he were, himself, a Board Broker. Applications shall be reviewed by the [Floor Procedure] *Appointments* Committee,

which shall consider an applicant's ability as demonstrated by his passing a Board Broker's examination prescribed by the Exchange, and such other factors as the [Floor Procedure] *Appointments* Committee deems appropriate.

[Following the review of the Floor Procedure Committee, the application, together with the recommendation of the Floor Procedure Committee, shall be forwarded to the Membership Committee. After reviewing the application and the recommendation of the Floor Procedure Committee, the Membership Committee shall either approve or disapprove the applicant's registration as a Board Broker. Before a registration shall become effective, the Secretary, upon direction of the Membership Committee, shall post the name of applicant on the bulletin board on the floor of the Exchange for at least 3 business days.] The registration of any person as a Board Broker may be suspended or terminated by the [Membership Committee or Floor Procedure] *Appointments* Committee upon a determination that such person has failed to properly perform as a Board Broker.

Any member [or prospective member] adversely affected by a determination of the [Membership Committee or Floor Procedure] *Appointments* Committee under this Rule may obtain a review thereof in accordance with the provisions of Chapter XIX.

* * * Interpretations and Policies:

.01 In connection with the application of a member organization for registration as a Board Broker, the officer, directors, shareholders and partners of the organization [, in addition to being subject to approval of the Membership Committee under Rule 3.4,] shall [also] be subject to the review of the [Floor Procedure] *Appointments* Committee. No such persons may be engaged in the securities business in any capacity other than as a Board Broker of the organization nor may they be associated with or have any financial interest in any other organization in the securities business unless such capacity, association or interest has been disclosed to and approved by the [Floor Procedure] *Appointments Committee.*

.02 Board Brokers may be affiliated with Market-Makers or Floor Brokers, provided that such Market-Makers or Floor Brokers do not engage in transactions in any classes of options to which an affiliated Board Broker is appointed and that such affiliation is disclosed to and approved by the Appointments Committee.

APPOINTMENT OF BOARD BROKERS

Rule 7.3. *(a) Apointments. (1) The Appointments Committee shall determine the terms and procedure for bidding and the form of contract to be used for available Board Broker appointments. Such terms and procedure for bidding and such form of contract as determined by the Appointments Committee shall be published in the Exchange bulletin or mailed to all members of the Exchange, and shall also be posted on the bulletin board on the floor of the Exchange for a period of time determined by the Appointments Committee prior to the deadline for submitting bids for the Board Broker appointments.*

(2) Any registered Board Broker may submit a bid or bids for available Board Broker appointments in accordance with the terms and procedure determined by the Appointments Committee. When the time for submitting bids has expired, the Appointments Committee shall consider all bids received and determine which bids to accept. The Appointments Committee need not accept the lowest cost bid for a particular appointment if the Committee determined that accepting another bid would better serve the interests of the Exchange, its members and the public. The Exchange and each Board Broker whose bid is accepted by the Appointments Committee shall execute a contract in a form acceptable to the Exchange which sets forth the respective rights and obligations of the Exchange and such Board Broker.

(3) If no bids are submitted for a particular Board Broker appointment, if all bids for a particular appointment are determined by the Appointments Committee to be unacceptable, or if a Board Broker appointment is terminated or suspended or otherwise becomes vacant before the expiration of such appointment, the Appointments Committee may then reopen the bidding for such appointment, or appoint another Board Broker to fill such appointment on a temporary basis for such reasonable compensation as may be determined by the Appointments Committee.

(b) Termination. The appointment of a Board Broker may be suspended or terminated by the Appointments Committee prior to the expiration of his appointment if any of the following occur:

(1) The Chairman or President summarily suspends the Board Broker pursuant to Chapter XVI of the Rules..

(2) The Chairman of the Floor Procedure Committee (or, in his absence any person to whom he may have delegated his authority hereunder) determines that the Board Broker is in such operating difficulty that the Board Broker cannot be permitted to continue to do business as a Board Broker with safety to investors, creditors, other members or the Exchange.

(3) The Appointments Committee determines that the suspension or termination of the Board Broker's appointment would further the interests of the Exchange, its members and the public in maintaining fair and orderly markets, or where it determines that such action would be in the public interest or for the protection of investors.

(4) The conditions allowing for suspension or termination in accordance with the terms and provisions of the contract between the Board Broker and the Exchange have arisen or such suspension or termination is initiated pursuant to the terms and conditions of such contract.

(5) The good standing of a member is suspended, terminated or otherwise withdrawn, as provided in the rules.

(c) Review. A member [or applicant for membership] adversely affected by a determination *made* [of the Floor Procedure Committee] under this rule may obtain a review thereof in accordance with the provisions of Chapter XIX.

* * * *Interpretations and Policies:*

.01 The Appointments Committee will conduct regular evaluations of the performance of each Board Broker and such special evaluations of the performance of all or some Board Brokers as it may determine from time to time. The Appointments Committee may suspend or terminate a Board Broker's appointment pursuant to Rule 7.3(b)(3) if, in the Committee's judgment, such Board Broker's performance does not meet the minimum criteria established for such performance.

.02 In the event that a member organization is appointed to serve as the Board Broker for one or more stations and an individual member serving as the Board Broker for one of those stations has his appointment suspended or terminated, then the Appointments Committee may, at its option, either permit the member organization to replace the individual member whose appointment was suspended or terminated, or terminate the appointment of the member organization in order to reopen those stations for competitive bidding.

BOARD BROKER'S EMPLOYEES

Rule 7.10. *If required by the Appointments Committee,* a Board Broker shall [, to the extent provided by the Floor Procedure Committee,] employ one or more Assistant Board Brokers who are members of the Exchange, and regularly employ a clerk or clerks to assist him on the floor of the Exchange, subject to the approval of the [Exchange. No such nosmember employee may effect an Exchange transaction.] *Appointments Committee. With the consent of the Appointments Committee, a Board Broker may designate a senior clerk or assistant, who need not be an Exchange member, to execute orders in the Board Broker's place when he is temporarily absent from his station due to bona fide emergencies or physical necessity.*

* * * Interpretations and Policies:

.01. All appointments as Board Broker shall be conditional upon the Board Broker's employment of a clerical assistant who is acceptable to the [Exchange.] *Appointments Committee. Liability of Exchange for Actions of Board Brokers.*

Rule 7.11. The Exchange shall not be liable to its members and member organizations and any successors or representatives thereof or any persons associated therewith for any claims arising out of any errors or omissions of a Board Broker or persons associated with a Board Broker and no assets of the Exchange shall be applied or shall be subject to any such liability.

[FR Doc.77-11637 Filed 4-21-77;8:45 am]

[Release No. 9717; 811-1675]

HARVEST FUND

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 8, 1977.

Notice is hereby given that Harvest Fund ("Applicant"), 1809 Walnut Street, Philadelphia, Pennsylvania 19103, a common law trust registered as an open-end diversified management company under the Investment Company Act of 1940 ("Act"), filed an application on January 19, 1977 pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized under the laws of the Commonwealth of Pennsylvania pursuant to a Declaration of Trust dated June 25, 1968, and registered under the Act on June 26, 1968. On December 21, 1976, the Applicant's shareholders approved an Agreement and Plan of Reorganization (the "Agreement"). The Agreement provided, among other things, for (i) the acquisition by Sigma Capital Shares, Inc. ("Sigma") of substantially all of the assets of the Applicant solely in exchange for shares of common stock of Sigma, (ii) the distribution of such shares of common stock of Sigma to the shareholders of the Applicant pro rata according to their respective interests, and (iii) the subsequent dissolution and deregistration of the Applicant as soon as practicable. The acquisition by Sigma of substantially all of the assets of the Applicant took place on December 21, 1976, and shares of Sigma have been distributed to the shareholders of the Applicant according to the terms of the Agreement.

Applicant represents it has no shareholders, is engaged in no business activity other than those procedures necessary for its dissolution and liquidation, and its only assets consist of $36,873 in cash and bank deposits, which sum is being retained by the Applicant to pay its expenses of liquidation and dissolution and as a provision for accrued expenses and liabilities not reasonably foreseen on the date of the transfer of substantially all of its assets to Sigma. The application states that any portion of the foregoing funds so retained by the Applicant shall be disbursed by it pro rata to its shareholders of record on December 21, 1976 upon the dissolution of the Applicant as a final liquidating dividend.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 3, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11632 Filed 4-21-77;8:45 am]

[Release No. 19978; 70-5399]

MIDDLE SOUTH UTILITIES, INC. ET AL.

Post-Effective Amendment Regarding Proposed Increase in Authorized Bank Borrowings, and of Proposed Amendments to and Assignment of Various Agreements Relating to Construction Program

APRIL 12, 1977.

Notice is hereby given that Middle South Utilities, Inc. ("MSU"), P.O. Box 61005, New Orleans, Louisiana 70161, a registered holding company, its wholly-owned subsidiary, Middle South Energy, Inc. ("MSE") which has been organized to construct and own electric generating facilities for the MSU system, and MSU's above-named principal operating subsidiaries have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7 and 12 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration for a complete statement of the proposed transactions.

By order in this proceeding dated June 4, 1974 (HCAR No. 18437), MSE, among other things, was authorized, pursuant to a Bank Loan Agreement with Manufacturers Hanover Trust Company, as agent ("Agent"), and a group of banks ("Banks"), to issue and sell through December 31, 1979, up to $308,500,000 of notes maturing December 31, 1982. MSE has used the borrowings under the loan agreement to finance construction of the Grand Gulf Nuclear Electric Station Project ("Grand Gulf Project").

By further orders in this proceeding dated December 10, 1975 (HCAR No. 19295) and August 4, 1976 (HCAR No. 19639), MSE was authorized (a) to enter into an amendment to the Bank Loan Agreement to add certain additional banks to the banks which are parties to such agreement and (b) to increase the amount to be borrowed thereunder to $465,000,000. All Banks which are presently parties to the Bank Loan Agreement, as amended, are hereafter collectively referred to as the "'A' Banks." In accordance with the Commission's orders, MSE had borrowed, as of March 11, 1977, $348,500,000 from the "A" Banks.

To enable MSE to continue construction of the Grand Gulf Project and for the other designated purposes, MSE now intends to amend the terms of the Bank Loan Agreement and proposes to issue and sell its notes thereunder. The Bank Loan Agreement will be amended to add certain banks ("'B' Banks") to the banks which are presently parties to such agreement and to modify the commitments of certain of the "A" Banks thereunder. The names of the "B" Banks and their commitments and the names of the "A" Banks increasing their commitments and their increased commitments will be supplied by further amendment to this file. The aggregate commitment under the Bank Loan Agreement, as it is to be amended, will be increased from $465,000,000 to $565,000,000.

Under the present Bank Loan Agreement, the commitment of the Banks to make loans thereunder ceases on December 31, 1979. MSE anticipates that it will not be able to utilize all of the available borrowing capacity under the Bank Loan Agreement by December 31, 1979. Accordingly, MSE proposes to amend the Bank Loan Agreement to extend the date through which the Banks are committed to make loans from December 31, 1979, to December 31, 1982. The period during which the commitment fee payable by MSE to the Banks on the unused portions of the commitment, which presently extends only through December 31, 1979, will be extended through December 31, 1982.

In its order of June 4, 1974, the Commission also authorized a number of agreements relating to the financing, construction and operation of the Grand Gulf Project, including a Capital Funds Agreement between MSE and MSU, dated June 21, 1974, which, among other things, obligates MSE to complete construction on the Grand Gulf Project in consideration for which MSU has agreed to supply MSE with such amounts of capital as will permit MSE to maintain a capitalization of at least 35 percent common stock equity, and with other funds, as specified; and an Availability Agreement between MSE and the MSU system operating companies under which MSE

has agreed to make available to such operating companies all power generated by the Grand Gulf Project units, and the operating companies have agreed to pay certain specified charges for such power together with other expenses incurred by MSE. The terms and conditions of the Capital Funds and Availability Agreements are more fully described in the Commission's order of June 4, 1974, and reference is made thereto.

MSE has pending before the Commission, in another proceeding (File No. 70–5890), a proposal to issue and sell, in a negotiated offering, up to $400,000,000 of its intermediate term mortgage bonds to a group of financial institutions (see HCAR No. 19686, September 17, 1976, and HCAR No. 19807, December 15, 1976). As security for MSE's obligations on the mortgage bonds, the prospective bond purchasers have requested, among other things, that MSE pledge its rights under the Capital Funds and Availability Agreements and to supplement those agreements to clarify its obligations thereunder. Under the Bank Loan Agreement with the Banks, any assignment of or amendment to these agreements requires the prior consent of the Banks. It is stated that the Banks are willing to consent to the proposal to pledge and supplement the agreements if they are similarly secured with the prospective bond purchasers as to the benefits arising therefrom.

Accordingly, it is proposed that MSE, MSU and Manufacturers Hanover Trust Company, as Agent for the Banks, enter into a First Supplementary Capital Funds Agreement and Assignment wherein the duties and obligations of the parties to the Capital Funds Agreement will be supplemented as follows: MSE will agree to construct the Grand Gulf Project and, in consideration thereof, MSU will agree to supply MSE with (i) such amounts of capital as may be required from time to time by MSE in order to maintain that portion of the capitalization of MSE as shall be represented by the aggregate of the par value of, or stated capital represented by, the outstanding shares of all classes of capital stock of MSE, and the surplus of MSE, paid in, earned and other, if any, at an amount equal to at least 35 percent of the capitalization of MSE, or at such higher percentage as governmental regulatory authorities having jurisdiction in the premises may require; and (ii) such amounts of capital (in addition to (a) the capital heretofore made available to MSE by MSU in exchange for MSE's shares of common stock, and (b) the capital made available to MSE at any time through incurrence by MSE of indebtedness for borrowed money) as shall be required for MSE to continue to own and to complete the Grand Gulf Project, to provide (without limitation) for pre-operating expenses and interest charges of MSE, to permit the commercial operation of the two nuclear-fueled electric generating units of the Grand Gulf Project, to permit the continuation of such commercial operation after the commencement thereof, and to pay in full all payments of the principal of, and premium, if any, and interest on indebtedness for borrowed money (whether due at maturity, pursuant to mandatory or optional prepayment, by acceleration or otherwise).

If at any time MSU and MSE shall fail to agree on the type, or terms, of any particular security to be issued by MSE and sold to MSU, or if the funds available to MSE from any other source are insufficient to pay any interest or principal on borrowings under the Bank Loan Agreement for any reason, then MSU is obligated to supply to MSC such capital as is necessary in the form of a cash capital contribution.

The First Supplementary Capital Funds Agreement will further provide that, except for the obligation of MSU to make cash capital contributions to MSE, the performance of the obligations of MSE and MSU will be subject to the receipt and continued effectiveness of regulatory orders. MSU is unconditionally obligated to make the cash capital contributions to MSE whether or not MSU shall have received necessary authorizations to perform its other obligations, whether or not MSE shall have received necessary authorizations to perform its obligations, whether or not such authorizations continue in effect and regardless of any other circumstance, happening, condition or event whatsoever.

As security for payment to the Banks of interest on and principal of borrowings under the Bank Loan Agreement, MSE will assign to the Agent, and create a security interest in favor of the Agent in, all of MSE's rights to receive cash capital contributions from MSU and claims related thereto.

It is also proposed that MSE, the MSU system operating companies and the Agent enter into a First Assignment of Availability Agreement, Consent and Agreement ("First Assignment") whereby, as security for payment to the Banks of interest on and principal of borrowings under the Bank Loan Agreement, MSE will assign to the Agent, and create a security interest in favor of the Agent in, all of MSE's rights to receive moneys from the system operating companies under Section 4 of the Availability Agreement (but only in respect of Unit No. 1 and Unit No. 2 of the Grand Gulf Project).

Under the First Assignment, the obligation of each system operating company to make the payments to MSE provided in section 4 of the Availability Agreement is absolute and unconditional whether or not the system operating companies or MSE have received necessary authorizations or governmental authorities to perform any other obligation under the proposed First Assignment or certain other agreements, whether or not such authorizations remain in effect, whether or not the Grand Gulf Project is completed, remains in commercial operation or is abandoned and regardless of force majeure, the insolvency of MSE or any other circumstance or happening whatsoever.

Under the terms of the Supplementary Capital Funds Agreement and the First Assignment, MSE will be able to secure other indebtedness, including the $400,000,000 of intermediate term mortgage bonds it proposes to issue to the insurance companies, in the same manner by entering into additional supplementary capital funds agreements and agreements of assignment of the Availability Agreement, and that under any such additional agreements, the holders of such indebtedness will be secured comparably with the Banks in respect to the obligations of MSU and its system operating companies under those agreements.

At present, the Bank Loan Agreement does not provide for the reborrowing of repaid loans. MSE intends to apply the proceeds from the sale of its intermediate term mortgage bonds to reduce borrowings under the Bank Loan Agreement, but may wish to reborrow repaid loans at a later date to continue construction on the Grand Gulf Project. Accordingly, it is proposed that the Bank Loan Agreement be amended so that it is a revolving loan agreement, and that MSE be able to borrow and reborrow thereunder following any repayments.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees, commissions and expenses incurred by the applicants-declarants will be supplied by further amendment in this proceeding.

Notice is further given that any interested person may, not later than May 5, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment to the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11633 Filed 4-21-77;8:45 am]

[Release No. 19979; 70–5890]

MIDDLE SOUTH UTILITIES, INC. ET AL.

Post-Effective Amendment Regarding Issuance and Sale of Intermediate Term Mortgage Bonds by Subsidiary Generation Company

APRIL 12, 1977.

Notice is hereby given that Middle South Utilities, Inc. ("MSU"), P.O. Box 61005, New Orleans, Louisiana 70161, a registered holding company, its wholly-owned subsidiary, Middle South Energy, Inc. ("MSE") which has been organized to construct and own electric generation facilities for the MSU system, and MSU's above named principal operating subsidiaries have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration for a complete statement of the proposed transactions.

By orders dated September 17, 1976 (HCAR No. 19686) and December 15, 1976 (HCAR No. 19807), the Commission authorized MSE to issue and sell up to $400 million of intermediate term debt securities to a group of financial institutions in a negotiated private sale, and reserved jurisdiction with respect to the terms and conditions thereof. The proceeds from the sale of the securities will be used to supply MSE with a portion of the capital funds needed to complete construction on the Grand Gulf Nuclear Electric Station Project ("Grand Gulf Project"), a two unit nuclear project with a total capability of 2,500 MW which is being built by MSE to supply future generating capacity for the five MSU operating subsidiaries.

MSE has completed negotiations with a group of financial institutions and proposes to issue up to $400 million of intermediate term mortgage bonds ("Bonds") maturing 12 years from the date of issue and bearing interest at a rate of 9.25 percent per annum. The Bonds will be issued at 100 percent of their face amount in two closings: $300 million of the Bonds will be sold on or before June 30, 1977, and the remaining $100 million not later than September 30, 1977. A per diem commitment fee of ¾ of 1 percent per annum will be payable commencing on June 30, 1977, if a closing has not occurred.

The financial institutions and their respective commitments to purchase the Bonds are as follows:

Metropolitan Life Insurance Co.	$100,000,000
Metropolitan Property & Liability Co.	6,500,000
Metropolitan Insurance & Annuity Co.	3,500,000
The Equitable Life Assurance Society of the United States	60,000,000
John Hancock Mutual Life Insurance Co.	50,000,000
Aetna Life Insurance Co.	35,000,000
The Travelers Insurance Co.	17,500,000
The Travelers Indemnity Co.	17,500,000
Teachers Insurance & Annuity Association of America	25,000,000
The Mutual Life Insurance Company of New York	20,000,000
The Northwestern Mutual Life Insurance Co.	20,000,000
Bankers Life Co.	15,000,000
New England Mutual Life Insurance Co.	15,000,000
Massachusetts Mutual Life Insurance Co.	10,000,000
Connecticut Mutual Life Insurance Co.	5,000,000
Total	400,000,000

On June 4, 1974 (HCAR No. 18437), the Commission authorized MSE to acquire the Grand Gulf Project from Mississippi Power & Light Company, an MSU system operating company, and to enter into various agreements which would enable it to complete construction on and operate the Grand Gulf Project, including a Capital Funds Agreement, a Bank Loan Agreement and an Availability Agreement. Under the Capital Funds Agreement between MSU and MSE, MSU was authorized to acquire the initial 40,000 shares of MSE's common stock. MSU is required to maintain the equity portion of MSE's total capitalization at not less than 35 percent and to supply MSE with additional capital as may be needed. Under the Bank Loan Agreement between MSE and a group of banks, MSE was authorized to borrow the additional funds needed to finance construction on the Grand Gulf Project. The Availability Agreement between MSE and the MSU system operating companies requires MSE to supply available power to the operating companies and the operating companies to pay various expenses of MSE.

MSE proposes to issue its Bonds under a Mortgage and Deed of Trust ("Mortgage") under which the Bond purchasers will be secured by a lien on substantially all of MSE's property now owned or hereafter acquired (other than nuclear fuel). The Mortgage provides that the Bonds will be issuable in principal amount not to exceed 65 percent of the cost of fundable property additions and that the Bonds are noncallable for approximately five years after issuance and optionally redeemable in the sixth year at 107 percent of the principal amount and at a premium which declines on a straight line basis thereafter to par in the year of maturity. The Bonds will be subject to redemption under a sinking fund which commences approximately five years from the date of issuance and annually thereafter on the anniversary of such date, as follows:

1982	$32,000,000
1983	40,000,000
1984	48,000,000
1985	48,000,000
1986	48,000,000
1987	56,000,000
1988	56,000,000

As additional security for payment to the Bond purchasers of principal of, or premium, if any, or interest on the Bonds, MSE will assign and pledge to the trustees ("Trustees") under the Mortgage, and create a security interest in favor of the Trustee in, all of MSE's rights to receive cash capital contributions from MSU and claims related thereto under the Capital Funds Agreement, and of its rights under the Availability Agreement to receive moneys from the MSU system operating companies. In a separate proceeding (File No. 70–5399), MSU and its subsidiaries propose to supplement the Capital Funds Agreement and enlarge MSE's rights under the Availability Agreement in order to enable MSE to assign and pledge its rights thereunder to secure the Banks under the Bank Loan Agreement. Reference is made to the post-effective amendment filed in that proceeding, and to HCAR No. 19978, issued this date, for a summary of the proposed amendments. The Capital Funds Agreement and Availability Agreement will similarly be supplemented or amended so that MSE may assign or pledge its rights thereunder to the Bond purchasers and thereby secure the Bond purchasers equally with the Banks.

As supplemented, the Capital Funds Agreement will provide, among other things, that if at any time MSU and MSE shall fail to agree on the type, or terms, of any particular security to be issued by MSE and sold to MSU, or if the funds available to MSE from any other source are insufficient to pay any principal of, or premium, if any, or interest on the Bonds for any reason, then MSU is obligated to supply to MSE such capital as is necessary in the form of a cash capital contribution. Under the Availability Agreement, as supplemented, the obligations of the MSU system operating companies will be absolute and unconditional and not contingent upon MSE or the system operating companies receiving necessary regulatory authorizations to perform any other obligations under the Availability Agreement, as supplemented, or under certain other agreements.

A statement of fees, commissions and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 5, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amend-

ment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, any proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advise as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11634 Filed 4-21-77;8:45 am]

[Release No. 34-13441;
File No. SR-NESDTCO-77-6]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 4, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Proposed Rule Change sets forth the procedures and agreements pursuant to which New England Securities Depository Trust Company ("NESDTCO") and Midwest Securities Trust Company ("MSTC") will establish and carry on an interface relationship as securities depositories.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to establish NESDTCO as a participant in MSTC in order that, through the NESDTCO-MSTC linkage, participants in NESDTCO will be able to receive and deliver securities between Chicago and Boston on either a book-entry or physical transfer basis while certificates representing their security holdings are retained in controlled locations.

The proposed rule change relates to the capacity of NESDTCO: (A) To facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible in that it will permit NESDTCO's participants to make safe and inexpensive securities receipts and deliveries between Chicago and Boston through the NESDTCO-MSTC linkage while certificates representing their securities holdings are retained in controlled locations, and (B) to carry out the purposes of section 17A of the Act by promoting the prompt and accurate clearance and settlement of securities transactions, doing away with the unnecessary costs involved in inefficient procedures for clearance and settlement, taking advantage of new data processing and communications techniques and linking NESDTCO and MSTC clearing and settlement procedures.

No comments on the proposed rule change have been scolicited or received.

NESDTCO believes that no burden on competition will be imposed by the proposed rule change.

On or before May 27, 1977, or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 13, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 11, 1977.

[FR Doc.77-11638 Filed 4-21-77;8:45 am]

[Release No. 34-13442; File No. SR-PSE-76-11]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, section 16 (June 4, 1975), notice is hereby given that on March 15, 1977, the Pacific Stock Exchange Incorporated ("PSE") filed with the Securities and Exchange Commission an amendment to a previously filed proposed rule change ("Proposal") to commence so-called "multiple cycle trading" in options.

Notice of filing of the Proposal was given by publication of a Commission release (Securities Exchange Act Release No. 12250, March 23, 1976) and by publication in the FEDERAL REGISTER (41 FR 13424, March 30, 1976). On March 3, 1977, the Commission notified PSE of its view that multiple cycle trading may not now be consistent with the requirements of the Securities Exchange Act of 1934 applicable to exchange option pilot programs but that the Commission would not now wish to rule out experiments with multiple cycle trading at a future date and under appropriate circumstances. The text of that communication was reproduced in Securities Exchange Act Release No. 13227 (March 3, 1977).

The Proposal, as amended (the "Amended Proposal"), is as follows:

STATEMENT BY PSE OF THE TERMS OF SUBSTANCE OF THE AMENDED PROPOSAL

The proposed rule change involves the adoption by PSE of a stated policy providing as follows:

Pacific Stock Exchange Incorporated proposes to adopt a policy that would allow it to trade options in the same underlying securities as options traded on other options exchanges, but with different expiration months. PSE proposes that this alternative expiration month trading would be accomplished by adding an additional cycle of four expiration months to the four expiration months with respect to a given underlying security currently utilized by other exchanges. Thus, if PSE's proposal were approved, exchange listed options in the underlying securities selected by PSE might be traded with eight different expiration months, rather than the four months in which options are currently available. Except for a transition period, as described below, all options traded by PSE of a particular class would fall within the same expiration cycle. During a transition period in which one cycle was being phased out, as its options expired, options might be added from the new cycle, so that options from two different cycles might be traded during the transition, but only three expiration dates would be available.

PSE believes that other exchanges should be subject to the restriction outlined above against trading options from more than one expiration cycle, except for a transition period. PSE thus urges the Commission to impose such a condition on any rule change by any other self-regulatory organization seeking to engage in alternate expiration month trading.

PSE would propose initially to conduct alternate expiration month trading of options on a pilot basis with options in ten underlying securities. Assuming that PSE can demonstrate the success of alternate expiration month trading, and can demonstrate the absence of any significant regulatory problems created by alternate expiration month trading, PSE at a subsequent date would propose to increase the number of options traded on an alternate expiration month basis. Alternate expiration month trading would not require any changes in PSE's rules with respect to trading of call options.

STATEMENT OF BASIS AND PURPOSE

PSE has not amended its statement of basis and purpose (including its statement regarding comments received) since publication of notice of the Proposal as described above.

STATEMENT BY PSE AS TO EFFECT ON COMPETITION

The proposed rule change itself would not impose any burden on competition. A limited burden on competition would be imposed by the policy which PSE is urging the Commission to adopt in conjunction with this proposed rule change, to the effect that, except for a period of transition from one cycle to another, as described above, no exchange could trade options from more than one cycle in a given class of options. This burden on competition is minor, since exchanges would still be able to compete directly in the same cycles if they so desire; they would simply be limited to one expiration cycle with respect to each class of options. Since the proposed rule change would make it possible for PSE to compete with the more established options exchanges by offering a slightly differentiated product, when direct competition through dual trading has proven infeasible, the proposed rule change would promote competition, particularly over the long-term, and thus is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act.

On or before May 27, 1977, or within such longer period: (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve the Amended Proposal or

(B) Institute proceedings to determine whether the Amended Proposal should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 12, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 12, 1977.

[FR Doc.77-11639 Filed 4-21-77;8:45 am]

[Release No. 9718; 812-4093]

SMITH, BARNEY EQUITY FUND, INC. AND SMITH, BARNEY INCOME AND GROWTH FUND, INC.

Filing of Application of Act for an Order of Exemption

APRIL 11, 1977.

Notice is hereby given that Smith, Barney Equity Fund, Inc. ("Equity") and Smith, Barney Income and Growth Fund, Inc. ("Income and Growth"), 1345 Avenue of the Americas, New York, N.Y. 10019, both Maryland corporations registered under the Act as open-end diversified management companies (collectively "Funds" or "Applicants"), filed an application on February 17, 1977, and an amendment thereto on April 6, 1977, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption from section 22(d) of the Act to the extent necessary to permit the Funds to allow shareholders of an investment company or personal holding company which is merged into, consolidated with, or substantially all of whose assets are sold to one of the Funds, to make subsequent purchases of shares of either of the Funds at net asset value without a sales charge, provided they continuously remain shareholders of such fund until and including the date of any such additional purchases. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Equity has operated since its inception, and Income and Growth since May 1, 1971, as no-load funds offering shares at net asset value without any sales charge being paid by purchasers of shares. Smith Barney, Harris Upham & Co. Incorporated ("Smith Barney"), and its predecessor Smith, Barney & Co. Incorporated, have acted as distributors of the Funds' shares and Smith, Barney Advisers, Inc., a wholly-owned subsidiary of Smith Barney, acts as manager to both Funds. Smith, Barney Advisers, Inc. has sub-advisory agreements with Smith Barney. However, Applicants recently sought and obtained an order of the Commission dated September 21, 1976 (Investment Company Act Release No. 9452) permitting the Funds to implement a schedule of sales charges which would apply to all but certain excepted classes of shareholders not relevant here. Applicants now state that they wish to except, as an additional category of persons not subject to a sales charge, shareholders of an acquired company, as described above. In this connection, Applicants state the elimination of a sales charge on purchases by such shareholders after they become shareholders of the Funds is justified because prior to becoming shareholders of one of the Funds, the shareholders would have been asked to approve a plan of reorganization for the company of which they were previously shareholders prior to the merger, acquisition or consolidation, and in that regard, would have received a proxy statement or a registration statement on Form S-14 which would have included substantial information concerning the investment adviser and the operations, investment objectives and policies of the Fund of which they could become shareholders. Consequently, Applicants argue, little, if any, selling effort would be required with respect to such sales.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at a current offering price described in the prospectus. Section 6(c) provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 3, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders

a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11635 Filed 4-21-77;8:45 am]

[Release No. 13446]

STATE OF NORTH DAKOTA DOING BUSINESS AS BANK OF NORTH DAKOTA

Order Granting an Exemption From Rules Under Certain Provisions of the Securities Exchange Act of 1934

APRIL 14, 1977.

Section 15B(a)(4) of the Securities Exchange Act of 1934 (the "Act") provides that the Commission may exempt conditionally or unconditionally any broker, dealer, or municipal securities dealer from any provision of section 15B or the rules or regulations thereunder if it finds that such exemption is consistent with the public interest, the protection of investors and the purposes of the section. The State of North Dakota, doing business as the Bank of North Dakota, has requested an exemption from section 15B and the rules and regulations thereunder.

The Bank of North Dakota (the "Bank"), 700 East Main, Bismarck, N. Dak. 58505, engages in the business of buying and selling municipal securities for its own account, other than in a fiduciary capacity, and is, therefore, a municipal securities dealer within the meaning of section 3(a)(30) of the Act. The Bank was required to register and did register as a municipal securities dealer on the effective date of section 15B of the Act. The Bank is entirely state-owned and purchases small issues of North Dakota municipal securities which it then resells substantially without profit. In light of the restricted nature of the Bank's activities and because it is operated directly by the State of North Dakota, the Commission has determined that it is consistent with the public interest, the protection of investors, and the purposes of section 15B to exempt the Bank from section 15B of the Act and the rules and regulations thereunder.

Accordingly, it is ordered, Pursuant to section 15B(a)(4) of the Act, that the Bank of North Dakota be exempted from Section 15B of the Act and the rules and regulations thereunder: *Provided,* That this exemption may be terminated by the Commission at any time upon sixty days' notice to the Bank.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-11636 Filed 4-21-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 373]

ASSIGNMENT OF HEARINGS

APRIL 19, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130198 (Sub-1), Robert Gavin & Associates, Inc., now being assigned June 1, 1977 (3 days) at Madison, Wisconsin, in a hearing room to be later designated.

MC 127042 Sub 172, Hegan, Inc., now assigned May 3, 1977, at Chicago, Ill., will be held in Room 1119, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 65626 Sub 31, Fredonia Express, Inc., now assigned May 4, 1977, at Buffalo, N.Y., will be held in Room 914, Federal Bldg., 111 W. Huron Street.

MC 11366 Sub 105, Freeport Transport, Inc., now assigned May 5, 1977, at Buffalo, N.Y., will be held in Room 914, Federal Bldg., 111 W. Huron Street.

AB 1 Sub 52, Chicago and North Western Transportation Company Abandonment between Rosemere and Forest Junction in Manitowoc and Calumet Counties, Wisconsin, now assigned May 18, 1977, at Brillion, Wis., will be held in the Counsel Chambers Room, City Hall 130 Calumet Street.

MC 128270 Sub 17, Rediehs Interstate Inc., now assigned May 25, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 136343 Sub 91, Milton Transportation, Inc., now assigned May 23, 1977, at Chicago, Ill., will be held in Room 1319 Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 142370, Paul Londino, dba Scranton Transfer, now assigned May 23, 1977, at Little Rock, Ark., will be held in Room 333, Federal Bldg., 700 West Capitol.

MC 142269, Eagle Hawk Corp., dba All Iowa LtL Perishable Service, now assigned May 24, 1977, at Des Moines, Ia., will be held in Room 707, Fed. Bldg., 210 Walnut Street.

MC 142497 Sub 1, Atlantic Charter Bus Service, Inc., now assigned May 16, 1977, at Norfolk, Va., will be held in the Main Court Room No. 304, U.S. District Courthouse, Federal Bldg.,

W-1235 Sub 2, Security Barge Line, Inc., now assigned May 17, 1977, at New Orleans, La., will be held in the East Court Room, U.S. Court of Appeals, 600 Camp Street.

MC 141943 Sub 2, Bowman Company, now assigned May 3, 1977, at Lexington, Ky., will be held at the Holiday Inn-North, I-75 and Newton Pike.

AB 20 Sub 2, The Texas and Pacific Railway Company Abandonment Between Mansura and Marksville in Avoyelles Parish, Louisiana now assigned May 4, 1977, at Marksville, La., will be held in the Council Room, City Hall.

MC 128007, Sub 92, Hofer, Inc., now assigned May 10, 1977, at New Orleans, La., will be held in the East Court Room, U.S. Court of Appeals, 600 Camp Street.

MC 140511 Sub 2, Autolog Corporation, now assigned May 9, 1977, at New York, N.Y., will be held in Room F-2220, Federal Bldg., 26 Federal Plaza.

MC 52460 Sub 186, Ellex Transportation, Inc., MC 107515 Sub 1027, Refrigerated Transport Co., Inc., MC 109395 Sub 40, Ronald A. Patterson, dba Anthony & Patterson Truck Line, MC 113267 Sub 340, Central & Southern Truck Lines, Inc., MC 119493 Sub 144, Mon Kem Company, Inc., MC 119988 Sub 97, Great Western Trucking Co., Inc., MC 139495 Sub 155, National Carriers, Inc., and

MC 142207 Sub 3, Gulf Coast Truck Services, Inc., now assigned May 12, 1977, at New Orleans, La., will be held in the East Court Room, U.S. Court of Appeals, 600 Camp Street.

MC 127042 (Sub-173), Hagen, Inc., now assigned April 18, 1977 at New Orleans, Louisiana, canceled and the application is dismissed.

MC-C-9433, Ace Lines, Inc.—Investigation and Revocation of Certificates, now assigned May 3, 1977 at Kansas City, Missouri, is canceled.

MC-C-9025, *Kane Transfer Company* v. *Jacobs Transfer, Inc.*, and MC 59909 (Sub-Nos. 1 and 13), Jacobs Transfer, Inc., have been continued to May 9, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C

No. 36467, Passenger Fare Increase, November 1976, Rockland Coaches, Inc. now assigned May 2, 1977 at New York, New York and will be held in Room No. 2, 24th Floor, Building No. 2, Two World Trade Center.

MC 113678 Sub 637, Curtis, Inc. now assigned May 5, 1977 at New York, New York and will be held in Room No. 2, 24th Floor, Building No. 2, Two World Trade Center.

MC 135009 Sub 2, Peak Transfer Co., Inc. now assigned May 3, 1977 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 31023 Sub 4, Moon Carrier and MC 117940 Sub 200, Nationwide Carriers, Inc. now assigned May 4, 1977 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11717 Filed 4-21-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 19, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carrier named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 9, 1977.

FSA No. 43351—*Grain and Grain Products from Points in Montana.* Filed by North Pacific Coast Freight Bureau, Agent, (No. 77-3), for interested rail carriers.

Rates on grain and grain products, in carloads, as described in the application, from points in Montana, to North Coast points.

Grounds for relief—Carrier and market competition.

Tariff—Supplement 18 to North Pacific Coast Freight Bureau, Agent, tariff 13-I, I.C.C. No. 1302.

Rates are published to become effective on May 21, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11720 Filed 4-21-77;8:45 am]

[Notice No. 154]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 22, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77078. By application filed April 12, 1977, C.H. DREDGE & COMPANY, INC., 918 South 2000 West Syracuse, UT, 84041, seeks temporary authority to lease the operating rights of GOODMAN TRANSPORTATION, INC., (William Thomas Thurman, Trustee in Bankruptcy Therefor), c/o William Thomas Thurman, Bankruptcy Trustee, 500 Kennecott Building, Salt Lake City, UT., 84133, under section 210a(b). The Transfer to C.H. DREDGE & COMPANY, INC., of the operating rights of GOODMAN TRANSPORTATION, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11718 Filed 4-21-77;8:45 am]

[Notice No. 155]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 22, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-77081. By application filed April 11, 1977, GARY DAVIS TRUCKING, INC., 14575 S.E. Kingston, Milwaukie, Oreg., 97222, seeks temporary authority to lease a portion of the operating rights of EDWARD R. WOLFE, an individual, d.b.a. WOLFE TRUCKING, 20425 Ahha Lane, Bend, Oreg., 97701, under section 210a(b). The transfer to GARY DAVIS TRUCKING, INC., of a portion of the operating rights of Edward R. Wolfe, an individual, d.b.a. WOLFE TRUCKING, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-11719 Filed 4-21-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: 9:30 a.m., Friday, April 22, 1977.

LOCATION: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

The Commission will meet with representatives of the Independent Cutters and Sewers of Children's Sleepwear (ICSCS), at that organization's request, to discuss the Commission's recent action banning the sale of children's clothing treated with the flame-retardant chemical Tris. In voting to meet with the ICSCS representatives, the Commission determined that Agency business requires that the meeting be held without the usual seven days advance notice.

FOR FURTHER INFORMATION CONTACT:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th St. NW., Suite 300, Washington, D.C. 20207, 202–634–7700.

[S–214–77 Filed 4–20–77;10:10 am]

2

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: 2:30 p.m. (Eastern Time), Tuesday, April 26, 1977.

PLACE: Room No. 5240 fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public.

(1) *FOIA Appeal 77–2–FOIA–24.* Request by a party filing a charge of discrimination against an employer for intra-agency memoranda contained in the Commission's files.

(2) *FOIA Appeal 77–2–FOIA–30.* Request, on behalf of an employer charged with discrimination by an individual, for a portion of the charge which is in the form of an affidavit.

(3) *FOIA Appeal 77–2–FOIA–38.* Request, on behalf of an employer charged with discrimination, for affidavits and other materials submitted to the Commission by the parties filing the charges.

(4) *Privacy Act; Proposed Routine Use Statements.* Recommendation by the General Counsel that the Commission publish a statement in the FEDERAL REGISTER providing for the routine disclosure of records to the National Archives and Records Service of the General Services Administration (GSA) to enable the GSA Administrator to make provisions for the economical and efficient management of records of Federal agencies.

(5) *Compliance Manual and Form Revisions.* Recommendation by the Director of Compliance Programs that the Commission approve:

a. Revisions to internal-use EEOC Form 155, requested by the Office of Planning, Research and Systems, to permit the form to be used as the basic source document for the Complaint Statistical and Reporting System, and revisions to instructions for completion of the form in section 8.

b. Removal of two paragraphs from section 2 to section 8 to conform with the field practice of not acknowledging a charge until a number has been assigned. Reiteration in section 2 of the new minimum information requirement for assignment of a charge number, as outlined in section 8.

c. Revisions to section 8 to reduce files kept on charges from two to one, and other minor editorial changes.

Portions closed to the public: Litigation matters closed to the public under § 1612.13(a) of the Commission's regulations.

FOR FURTHER INFORMATION CONTACT:

Executive Secretary, M. G. Wilson at 202–634–6748.

This Notice Issued April 19, 1977.

[S–219–77 Filed 4–20–77; 11:21 am]

3

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., April 27, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open meeting.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Marshall, 202–376–3012.

MATTERS TO BE CONSIDERED:

Branch Office Application, First Federal Savings and Loan Association of Broward County, Fort Lauderdale, Florida.

EFTS–RSU Application, P.O.S. Service, Inc., Minneapolis, Minnesota.

No. 17, April 20, 1977.

[S–215–77 Filed 4–20–77;10:39 am]

4

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., on April 27, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Marshall, 202–376–3012.

MATTERS TO BE CONSIDERED:

Appointment of Director—Federal Home Loan Bank of Pittsburgh.

Association Request for FSLIC Approval to Retain an Employee Pursuant to Provisions of Section 12(B) of the Home Owners' Loan Act of 1933, as amended.

No. 16, April 20, 1977.

[S–216–77 Filed 4–20–77;10:40 am]

5

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10 a.m., April 27, 1977.

PLACE: Room 12126, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public.

1. Agreement No. 7680–35: Modification of the American West African Freight Conference Agreement to increase the admission fee.

2. Agreement No. 9982–DR–1—Application of the Scandinavia Baltic/U.S. North Atlantic Westbound Conference to modify its exclusive patronage (dual rate) contract system by enlarging geographic scope.

3. Special Docket No. 489—Williams, Clarke Company, Inc. vs. Sea-Land Service, Inc.

4. Special Docket No. 490—Footner and Company, Inc. vs. Sea-Land Service, Inc.

5. Docket No. 73–64—Additional Provisions and Reporting Requirements Applicable to Self-Policing Systems Under General Order 7.

6. Sea-Land Service, Inc., Tariff No. 265; Petition for Review of Rejection of Tariff Matter Pursuant to Delegated Authority.

Portions closed to the public:

1. Docket No. 74–51—Pacific Coast European Conference v. Southern Pacific Marine Transport, Inc. and The Southern Pacific Company.

2. Docket No. 76–62—Publication of Inactive Tariffs by Independent Carriers in the Foreign Commerce of the United States.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, 202–523–5727.

[S–210–77 Filed 4–19–77;3:55 pm]

6

AGENCY HOLDING THE MEETING: Federal Power Commission.

TIME AND DATE: 2 p.m., April 26, 1977.

PLACE: Room 9306, 825 North Capitol Street, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(Agenda).* NOTE.—Items listed on the agenda may be deleted without further notice.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, room 1000.

POWER AGENDA, 7588TH MEETING—APRIL 26, 1977

REGULAR MEETING—PART I (2 P.M.)

P–1—Docket No. ER76–816, Gulf States Utilities Company.

P–2—Docket No. ER76–820, Public Service Company of Oklahoma.

P–3—Docket No. ER77–278, Arkansas Power & Light Company.

P–4—Docket Nos. ER76–303 and ER76–399, Wisconsin Electric Power Company, Wisconsin Michigan Power Company.

P–5—Docket No. E–7172, U.S. Department of the Interior, Southwestern Power Administration.

P–6—Docket Nos. E–8769, E–8770, E–9119, ER76–216, ER76–218, and ER76–219, Florida Power & Light Company.

P–7—Docket No. E–9578, Texas Power & Light Company.

P–8—Project No. 2146, Alabama Power Company.

POWER AGENDA 7588TH MEETING—APRIL 26, 1977

REGULAR MEETING—PART II

CP–1—Docket No. ER77–274, Arkansas-Missouri Power Company.

CP–2—Docket No. ER76–64, Arizona Public Service Company.

CP–3—Docket Nos. ER77–258 and ER77–262, Indiana & Michigan Electric Company.

CP–4—Docket Nos. ER77–199 and ER77–223, Indiana & Michigan Electric Company.

CP–5—Docket No. ER77–265, Indiana & Michigan Electric Company.

CP–6—Docket Nos. ER77–246 and ER77–249, Kentucky Power Company.

CP–7—Docket No. ER77–230, Mid-Continent Area Power Pool.

CP–8—Docket No. ER77–268, Niagara Mohawk Power Corporation.

CP–9—Docket No. ER77–189, Union Light, Heat and Power Company.

CP–10—Docket No. ER77–209, Puget Sound Power & Light Company.

CP–11A—Docket No. ER76–544, Consumers Power Company.

CP–11B—Docket No. ER76–581, Detroit Edison Company.

CP–12—Docket No. ES77–19, Delmarva Power & Light Company.

CP–13—Docket No. ES77–23, Pacific Power & Light Company.

CP–14—Docket No. ID–1806, S. B. Phillips, Jr.

CP–15—Project No. 2175, Southern California Edison Company.

CP–16—Project No. 2101, California, Sacramento Municipal Utility District.

CP–17—Docket No. ER76–530, Arizona Public Service Company.

MISCELLANEOUS AGENDA, 7588TH MEETING—APRIL 26, 1977

REGULAR MEETING—PART II

CM–1—Pacific Northwest River Basins Commission.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, 202–275–4166.

[S–205–77 Filed 4–19–77;1:40 pm]

7

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19951, April 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 19, 1977.

CHANGES IN THE MEETING:

Addition of Item M–3, Docket No. RM76–17, Research Development and Demonstration; Accounting; Advance Approval of Rate Treatment.

KENNETH F. PLUMB, *Secretary.*

[S–206–77 Filed 4–19–77;1:40 pm]

8

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 20216, April 18, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 20, 1977.

CHANGES IN THE MEETING:

Addition of Item M–4, Docket No. RM76–17, Research Development and Demonstration; Accounting; Advance Approval of Rate Treatment.

KENNETH F. PLUMB, *Secretary.*

[S–207–77 Filed 4–19–77;1:40 pm]

9

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19951, April 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 19, 1977.

CHANGES IN THE MEETING:

Addition of Item P–10, Docket Nos. ER76–149 and E–9537, Public Service Company of Indiana, Inc. upon the affirmative vote of Chairman Dunham. Commissioners Smith, Holloman and Watt.

KENNETH F. PLUMB, *Secretary.*

[S–208–77 Filed 4–19–77;1:40 pm]

10

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, April 27, 1977, at 10:00 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C., to consider the following item(s) of official Board business:

1. Possible amendments to Regulation Z (Truth in Lending) to simplify the required disclosures in closed end credit transactions by eliminating several detailed disclosures. The items being considered for revision are: itemization of finance charge, itemization of downpayment, and rebate of unearned finance charges upon prepayment.

2. A possible interpretation of Regulation B (Equal Credit Opportunity) that two California State law provisions (California Civil Code §§ 1632 and 1799.-91) regarding certain notices and Spanish-language disclosures in consumer credit transactions are not inconsistent with the Equal Credit Opportunity Act and the regulation.

3. A possible amendment to Regulation T (Credit by Brokers and Dealers) with respect to specialists' credit (proposed earlier for public comment; docket no. R-0054), and a possible amendment of the uniform margin rule for the writing of options to reflect the beginning of put trading (original docket no. R-0004).

4. Possible revisions to Federal Reserve Forms G-1 (Registration Statement), G-2 (Deregistration Statement), and G-4 (Quarterly Report) to conform to the July 1976 amendments of Regulation G (Securities Credit by Persons Other Than Banks, Brokers, or Dealers) reducing the frequency of reporting and the number of persons subject to the regulation.

5. A possible amendment to the Board's rules of Employee Responsibilities, and Conduct with respect to filling statements of employment and financial interests.

6. A possible amendment to Regulation Y (Bank Holding Companies) adding a new nonbank activity to the list of permissible activities: providing management consulting advice to certain nonaffiliated depository-type financial institutions. (Proposed earlier for public comment; docket no. R-0051).

7. Report to the Comptroller of the Currency regarding the competitive factors involved in the proposed merger of Deposit Guaranty National Bank, Jackson, Mississippi, with Southern National Bank of Hattiesburg, Hattiesburg, Mississippi.

8. Proposed purchase of high speed printers for check processing departments of the Chicago Federal Reserve Bank, Detroit Branch, and Des Moines Regional Check Processing Center.

This meeting will be open to public observation. Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, April 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-217-77 Filed 4-20-77;10:40 am]

11

AGENCY HOLDING THE MEETING: Federal Reserve System.

The Board of Governors of the Federal Reserve System has determined to open an item announced for the closed meeting on April 20, 1977. The item regarding a possible amendment to the Board's rules of Employee Responsibilities and Conduct with respect to filing statements of employment and financial interests will now be open to public observation, and will be considered at the open meeting on April 27, 1977. The Board has determined that its business requires this change and that no earlier announcement of this change was possible.

Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, April 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-218-77 Filed 4-20-77;10:40 am]

12

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., May 6, 1977.

PLACE: Hearing Room, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public: (1) Agenda; (2) Minutes; (3) Briefing on cast-iron cookware (Inv. TA-201-21); (4) Impact of Granting MFN Treatment to the People's Republic of China—consideration of report; (5) Possible section 332 investigation on steel (e.g., impact, feasibility); (6) Items left over from previous agenda; (7) Reorganization.

PORTIONS CLOSED TO THE PUBLIC: (7) Reorganization (portions respecting the selection of personnel).

FOR FURTHER INFORMATION CONTACT:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-212-77 Filed 4-19-77;4:21 pm]

13

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19954, April 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., April 22, 1977.

CHANGES IN THE MEETING: Additional item to be considered at the portion of the meeting open to the public: (10) Board's proposed reply to questions raised by Congressman John E. Moss concerning certain information regarding benefits paid under the Railroad Retirement Act and the Railroad Unemployment Insurance Act supplied by the Board to the Social Security Administration.

[S-213-77 Filed 4-20-77;9:09 am]

14

AGENCY HOLDING THE MEETING: Uniformed Services University of the Health Sciences.

TIME AND DATE: May 2, 1977, 8:30 a.m.

PLACE: Administrative Offices, Uniformed Services University of the Health Sciences, 6917 Arlington Road, Bethesda, Maryland 20014.

STATUS: Open.

MATTERS TO BE CONSIDERED: 8:30 Meeting—Educational Affairs Committee: (1) Report: Faculty Status; (2) Action: Proposed Faculty Actions; (3) Report: Admissions, Class 1981; (4) Information: Human Use Review Report; (5) Action: Proposed Positions, AD/CAA at Clinical Centers; (6) Action: Proposed Appointment, Associate Dean/Executive Secretary; (7) Action: Simultaneous Holding Multiple Institution Academic Appointments; (8) Report: LCME 1977 Site Visit Survey; (9) Information: PHS Personnel Detail Policy to USUHS. 8:30 Meeting—Administrative Affairs Committee: (1) Report: MILCON Status; (2) Report: Financial Obligations; (3) Action: FY 79 USUHS POM Submit; (4) Report: Major Investment Equipment Review. 12:30 Meeting—Board of Regents: President's (Acting) Report: Chronology of Legislative Events, New Business. Scheduled Meetings: June 12-13, 1977; September 11-12, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Barchet, Captain, MC USN, Executive Secretary of the Board, 202-227-1990.

[S-209-77 Filed 4-19-77;3:55 pm]

federal register

FRIDAY, APRIL 22, 1977

PART II



DEPARTMENT OF LABOR

Office of the Secretary

■

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Summer Program for Economically Disadvantaged Youth

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Summer Program for Economically Disadvantaged Youth

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: These rules are promulgated to implement a Comprehensive Employment and Training Act program for economically disadvantaged youth during the summer months. It is considered necessary to revise the present regulations published May 11, 1976, at 41 FR 19286 to incorporate programmatic changes prompted by the experience gained in the first three years of the operation of this program. These rules set forth procedures relating to the manner of applying for assistance and the operation of the program.

EFFECTIVE DATE: May 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Pierce A. Quinlan, Director, Office of Comprehensive Employment Development, U.S. Department of Labor, 6th and D Streets NW., Washington, D.C 20213, Telephone 202–376–6254.

SUPPLEMENTARY INFORMATION: Section 304(a)(3) of the Comprehensive Employment and Training Act of 1973, as amended (hereinafter referred to as CETA), Pub. L. 92–203, 87 Stat. 839; Pub. L. 93–567, 88 Stat. 1845; and Pub. L. 94–444, 90 Stat. 1476, states that the Secretary of Labor may provide financial assistance under CETA for programs designed to aid economically disadvantaged youth during the summer months. Section 702(a) of CETA states that the Secretary may prescribe such rules and regulations as he deems necessary to carry out the purposes of CETA. Pursuant to this authority, the Department of Labor, Employment and Training Administration published in the February 11, 1977 FEDERAL REGISTER (42 FR 8806) proposed rulemaking to revise the section 304(a)(3) regulations.

At that time, the Department invited interested persons to submit comments on the proposed rulemaking to the Department by March 14, 1977. About 60 letters containing comments were received by the Department. Each of the comments in these letters were carefully studied with respect to the merits of the suggestions on their own and in relation to other comments received on the same or similar subjects. Consideration of these comments has resulted in a decision to amend the current regulations under section 304(a)(3) of CETA in certain respects.

DISCUSSION OF MAJOR COMMENTS AND CHANGES

§ 94.3, CONSOLIDATED TABLE OF CONTENTS FOR PARTS 94–99

The Table of Contents for Subpart A of Part 97 in § 94.3 of Title 29 of the Code of Federal Regulations published in the FEDERAL REGISTER on June 25, 1976, at 41 FR 26340 has been amended. This change was not made in the proposed regulations published in the FEDERAL REGISTER on February 11, 1977, but is being made now in order that it conform to the table of contents published in the proposed regulations.

§ 97.2, ALLOCATION OF FUNDS

Several comments were received regarding the method of adjusting allocations as described in paragreaph (b)(4) of the proposal to insure that no prime sponsor area receives fewer enrollment opportunities in the current year Summer Program than were provided under the previous year Summer Program. Commenters wanted to know whether carryover funds would be included in the computations under paragraph (b)(4) or whether only funds received in the previous year were considered. The amount of carryover expended in the previous year will not be considered in making the computations. However, as a result of these comments, paragraphs (b)(4) and (b)(5) have been interchanged and the language of the new paragraph (b)(5) (previously paragraph (b)(4) has been changed to make it clear that adjustments are to be based on the number of enrollment opportunities provided by the previous year allocation.

§ 97.6, PROGRAM PLANNING; PLANNING COUNCIL

The Department received a number of comments with respect to paragraph (a) suggesting that the Manpower Planning Council established under Title I of CETA should be the mandatory planning body for the Summer Program. The Department also received a number of comments suggesting that prime sponsors should be required to establish a separate youth council. Finally, the Department received a number of comments suggesting that it does not have the authority to require either planning mechanism.

The general authority of the Department to establish a Summer Program for Economically Disadvantaged Youth and to publish rules and regulations for such a program is found at sections 304(a)(3) and 702(a) of CETA. The Department believes that this authority is properly utilized to require a Summer Program planning mechanism for each sponsor in order to insure that the interests of youth are adequately served. The Department also believes that permitting the prime sponsor the flexibility to use the Manpower Planning Council, a subcouncil of that group, or a separate youth council for this purpose is desirable at this time. Therefore, the Department decided against any change in this paragraph.

A frequent question was raised with respect to the requirement of subsection (a) that the council membership include youth representatives. Many commenters felt that the Department intended that 14–21 year old youths must be included on the council. Others felt that the Department intended that an individual who was knowledgeable about youth and youth programs could represent youth on the council. The Department believes that youth should be a part of the council. However, youth representation could include adults who are knowledgeable about youth problems and programs. The Department feels that the proposed language of subsection (a) adequately reflects its intent and, therefore, decided against making any change in this provision.

The first sentence of § 97.6(c) was amended to make clear that the planning activities listed therein are allowable activities beginning January 1 of each year. The language in the proposal gave the impression that Regional Administrators were required to approve these activities without discretion on their part to require an acceptable plan for expending funds on these activities. This change was made to be consistent with normal grant procedures under Titles I and II of CETA.

A number of questions were also raised with respect to allowing out-of-school youth to begin their regular summer activity one or two weeks prior to the close of school. The Department has considered this issue and has decided to recommend this approach as a part of a phase-in schedule for the program. Language has been added to paragraph (c)(5) to permit out-of-school youth to begin work two weeks before the close of school.

§ 97.9, CONTENT AND DESCRIPTION OF GRANT APPLICATION

The contents of the Narrative Description of the Summer Program has been revised in several respects. Paragraph (b)(8) has been revised to require an organization chart and staffing plan instead of a description of the management and administrative plan. The requirement for a description of the payroll process has been deleted from paragraph (b)(8) and placed in a new paragraph (b)(9). The new paragraph (b)(9) also permits the Regional Administrator to waive this requirement for prime sponsors that have not experienced significant payroll problems in their previous year Summer Program.

Paragraph (b)(10) has been renumbered (b)(11) and revised to indicate that the prime sponsor should describe any locally funded vocational exploration program. Reference to coordination with a nationally funded program has been deleted. It should be noted, however, that § 97.17 continues to require a prime sponsor to execute an agreement with a nationally funded VEP operating in its area. However, many commenters correctly pointed out that information on the nationally funded program may not be available during the planning phase for the Summer Program and consequently, prime sponsors should not be held accountable for describing their activities in relationship to activities about which they have no control or knowledge.

§ 97.14, BASIC RESPONSIBILITIES OF SPONSORS

The Department received several comments which expressed concern that the requirement to recruit the three groups of youth outlined in paragraph (f) would preclude service to significant segments as envisioned by paragraph (b). The Department believes that all economically disadvantaged youth will fall into one of the three groups outlined in the regulations. The Department also believes that all economically disadvantaged youths should have an opportunity to be served. By including paragraphs (b) and (f) in the regulations, the Department wanted to make clear that when the prime sponsor establishes priorities for service, he may not establish those priorities in such a way as to exclude youth from any of the three groups outlined in the regulations. The Department, therefore, did not make a change in this language.

Commenters also felt that the order in which the groups were listed in subsection (f) denoted a priority of service being placed on the groups by the Department. The Department wishes to make clear that no priority for service is intended by the order in which the groups are listed.

A number of comments were also received questioning the Department's decision to require prime sponsors to possess skill training and remedial education capabilities in the Summer Program as described in paragraph (g). Commenters felt that this requirement would decrease the number of job opportunities available during the summer because of the additional costs associated with providing these capabilities. Commenters also felt that resources other than Summer Program funds should be used to meet the needs of individuals who need such services. In response to these comments, the Department has revised paragraph (g) to make clear that prime sponsors should attempt to obtain labor market orientation and skill training and remedial education capabilities at no cost to the Summer Program through linkage with other agencies in the area. While some Summer Program funds may be required to establish these capabilities, the Department wishes to make clear that prime sponsors are expected to utilize other community resources, or other CETA resources to the greatest extent possible to meet these requirements.

§ 97.15 ELIGIBILITY FOR PARTICIPATION

Paragraph (a)(1) has been revised to allow prime sponsors to determine income by annualizing the last three months of family income or by using the actual income for the last 12 months. This change was made for purposes of consistency with Title VI methodology.

The Department received a large number of comments requesting a change in the economically disadvantaged eligibility criteria. Several commenters also suggested that the Department use the lower living standard budget levels in lieu of the OMB poverty level for determining economically disadvantaged status. Section 304(a)(3) of the Act currently specifies economically disadvantaged as the eligibility criterion for the Summer Program. The language of this section has been interpreted as requiring that the OMB poverty level be used in determining such status. Therefore, the Department did not make any change in this criterion.

§ 97.17, VOCATIONAL EXPLORATION PROGRAM

A large number of comments were received indicating confusion over the use of the terms "nationally funded" and "locally funded" Vocational Exploration Programs (VEP). Also, there was some concern about whether a prime sponsor had a choice about whether to operate a VEP.

For the 1977 Summer Program, the Department decided to fund a $5 million VEP to be operated by the National Alliance of Businessmen (NAB) and the AFL–CIO Human Resources Development Institute (HRDI). This program will provide about 5,000 slots distributed among 50 of the largest cities. Consequently, this means that most of the 446 prime sponsor areas will not have access to these slots. Therefore, prime sponsors may choose to fund and operate VEPs from their locally allocated funds.

The five million dollar program is referred to as a "nationally funded program." When prime sponsors choose to fund programs with funds allocated to them, these programs are referred to as "locally funded." Prime sponsors may choose to "locally fund" a VEP whether or not there is a "nationally funded" VEP in the same area. In the event that there is a "nationally funded" VEP in the prime sponsor area, the prime sponsor is required to execute an agreement with the local NAB/HRDI to determine the eligibility of the youth to be referred to the program. Paragraph (a)(1)(VI) of the proposed regulations has been relettered paragraph (b) and revised to clarify the Department's position on this matter.

Many commenters felt that the restrictions found in § 97.17 would reduce VEP to a program of "observation" only which would be of little value to the participants. The VEP is intended to provide an orientation to employing establishments through observation and instruction, including "hands-on" experience where such experience can be provided without subsidizing wages for the private organization. Revisions have been made to the language of paragraph (a) and paragraph (a)(1)(i), and a new paragraph (a)(1)(vi) has been added to clarify the Department's intent.

§ 97.18, PARTICIPANT BENEFITS

A new subsection (f) has been added to specify the manner in which participants will be compensated in connection with the planning and implementation phase of the program. Although there is a general prohibition against youth beginning their summer activity prior to the close of school, the prohibition was not intended to deny participants benefits they would otherwise be eligible to receive for the orientation, assessment, testing, and counseling sessions which they may be required to attend as a part of the prime sponsors selection and enrollment process. Prime sponsors may choose to waive all allowances for this phase of the program in accordance with 29 CFR 95.34(j).

§ 97.19, WORKSITE STANDARDS

Many comments were received regarding the increased workload generated by the requirement to obtain written worksite agreements. It appears that the comments were based on the assumption that the written agreements had to be contracts or subgrants. Paragraph (c) has been revised to make clear that the required written worksite agreements do not have to be contracts or subgrants. Such agreements may be memoranda of understanding, simple work statements, letters of intent or similar documents.

Paragraph (d) has been amended to make clear that no participant may be required to work, or be compensated for, more than 40 hours per week.

§ 97.25, REPORTING REQUIREMENTS

Paragraph (a) has been revised to require the end of summer report to be submitted twice during each year. Since funds may now be expended on a year-round basis to plan the Summer Program, it is necessary that we obtain the regular report twice during each year in order to obtain a full year report on expenditures.

OTHER COMMENTS

The Department received several comments from school systems which operate year round. Since the summer program is limited by law to the summer months, many youth attending such schools are automatically eliminated from possible participation in the program. The Department is interested in determining the extent of such problems nationwide. Although these regulations are published as final, in the interest of future revisions, the Department is requesting comments and recommendations from any localities which have school systems which operate on a full-year schedule.

The Department also received comments on the problems that will be experienced by some localities resulting from severe weather this past winter. The school closings which resulted will require that some schools close later than usual this summer and/or open earlier than normal this fall, thus, shortening the potential time available to operate the summer program. While the regulations prohibit starting regular summer activity prior to the close of school in an area, the Regional Administrators were provided with administrative guidance which will permit prime sponsors to begin regular summer program operations on the normal school closing date

when the prime sponsor believes it necessary. If the prime sponsor believes it is necessary to begin regular summer program activities prior to the normal school closing date, the Regional Administrator must issue specific written approval to permit such a course of action. Under no circumstances are youth to be allowed to leave school early to enter the Summer Program unless the local school system permits, and the youth's participation is in compliance with applicable child labor laws. (See 29 CFR Part 570) This document was prepared under the direction of Pierce A. Quinlan, Director, Office of Comprehensive Employment Development.

Additionally, editorial, stylistic and technical changes have been made in this revision. Accordingly, 29 CFR Parts 94 and 97 are revised for the operation of the CETA Summer Program for Economically Disadvantaged Youth, to read as follows:

1. § 94.3 of Part 94 is revised by deleting the present Table of Contents for Part 97, Subpart A, and substituting therefor the new Table of Contents for Part 97, Subpart A, so that the revised section reads as follows:

§ 94.3 Consolidated Table of Contents for Parts 94–99.

* * * * *

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—SUMMER PROGRAM FOR ECONOMICALLY DISADVANTAGED YOUTH UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.
97.1 Scope and purpose.
97.2 Allocation of funds.
97.3 Unexpended previous year Summer Program funds.
97.4 Eligibility for funds.
97.5 Preapplication for Federal assistance.
97.6 Program planning; planning council.
97.7 Application for grants; standards for reviewing grant applications.
97.8 Assistance by the Director, Division of Indian and Native American Programs.
97.9 Content and description of grant application.
97.10 Comment and publication procedures relating to submission of grant application.
97.11 Modification of grant agreement; modification of the CETA Summer Plan.
97.12 Application approval and disapproval.
97.13 Use of alternative sponsor and services by the Secretary.
97.14 Basic responsibilities of sponsors.
97.15 Eligibility for participation.
97.16 Types of manpower services available in the Summer Program.
97.17 Vocational exploration program.
97.18 Participant benefits.
97.19 Worksite standards.
97.20 Training for lower wage industries and relocation of industries.
97.21 Cooperative relationships between sponsors and other manpower services.
97.22 Nepotism.
97.23 Nondiscrimination in Indian Programs under this Subpart.
97.24 Subgrants in Indian Programs under this Subpart.
97.25 Reporting requirements.
97.26 Termination date for the Summer Program.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93–203, 87 Stat. 839; Pub. L. 93–567, 88 Stat. 1845; and Pub. L. 94–444, 90 Stat. 1476) secs. 702(a) and 304(a)(3), unless otherwise noted.

Subpart A—Summer Program for Economically Disadvantaged Youth Under the Comprehensive Employment and Training Act

§ 97.1 Scope and purpose.

(a) This Subpart A contains the policies, rules, and regulations of the Department in implementing and administering a Summer Program for Economically Disadvantaged Youth (hereinafter referred to as the Summer Program) authorized by Title III, section 304(a)(3), of the Comprehensive Employment and Training Act (hereinafter referred to as the Act).

(b) Programs funded under this Subpart A shall be designed by summer sponsors, defined in § 97.4, to provide summer employment and other activities and services described under Title I of the Act.

(c) Subpart A should be read in conjunction with Parts 94, 95, 96, and 98 of this Title. The provisions of Parts 95 and 96, however, apply to this Subpart A only as indicated in specific sections of these regulations. The definitions of Part 94 and the provisions of Part 98 shall apply to this Subpart A, unless otherwise indicated in specific sections of these regulations.

d) The Division of Indian and Native American Programs in the Office of National Programs shall have field responsibility for all matters pertaining to funds allocated to Indian summer sponsors for programs funded under this Subpart A. All references to RA in this Subpart A shall be read as Director, Division of Indian and Native American Programs, when pertaining to programs for Indian summer sponsors.

§ 97.2 Allocation of funds.

(a) *General.* (1) The funds available for Title III, section 304(a)(3) in any Fiscal Year shall be allocated according to the procedures set forth below; except that the Secretary may reserve up to 1½ percent of available funds to fund a national vocational exploration program.

(2) In determining the amount of funds available for Title III, section 304(a)(3), the Secretary shall add to the new appropriation the total amount of Title III summer funds unspent in the previous year Summer Program.

(b) *Prime sponsor basic allocations.* Allocation of funds for summer sponsors who are prime sponsors under Title I of the Act shall be based on the following formula:

(1) Fifty percent of such funds shall be allocated on the basis of each sponsor area's proportion of the funds allocated for the previous year Summer Program exclusive of recreation and transportation support program funds;

(2) Thirty-seven and one-half percent of the funds shall be allocated based on the ratio of the annual average number of unemployed persons in the sponsor's area (in the most recent year for which data are available) to the total annual average number of unemployed persons in the United States in that year;

(3) Twelve and one-half percent of the funds shall be allocated based on the ratio of the number of adults in low income families in the sponsor's area to the total number of adults in low income families in the United States; and

(4) Each sponsor shall receive a new allocation which when added to its unspent summer funds for the area, shall be equal to the amount determined by the above formula.

(5) To the extent that funds are available, allocations shall be adjusted by the Secretary to insure that no prime sponsor area receives less enrollment opportunities than were provided under the allocation for the previous year Summer Program.

(c) *Indian prime sponsor allocations.* The total funds for Indian summer sponsors shall be allocated based on the ratio of the number of Indian youth 14 through 21 years of age in the eligible Indian summer sponsor's area to the total number of Indian youth 14 through 21 years of age in all Indian summer sponsor areas, except that adjustments in the allocations shall be made to insure that to the extent funds are available, no area receives less enrollment opportunities than were provided under the previous year Summer Program.

(d) *Other allocations.* The total allocation to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be equal to the same percentage of the funds allocated to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands under the previous year Summer Program.

§ 97.3 Unexpended previous year Summer Program funds.

(a) Unexpended previous year Summer Program funds must be utilized for appropriate summer activities and expended in accordance with these regulations in the same area in which these funds were originally allocated.

(b) The RA is authorized to allow planning and implementation of the summer program to begin January 1 each year. The RA may modify previous year summer grants or he may write new grants to effect such authorization.

(c) The RA may authorize funding for these activities effective January 1 of each year.

§ 97.4 Eligibility for funds.

Funds under this Subpart A shall be allocated by the Secretary to summer sponsors. Summer sponsors are:

(a) Prime sponsors designated to operate programs under Title I of the Act; and

(b) Indian reservations and organizations determined eligible for prime sponsorship under Title VI of the Act.

§ 97.5 Preapplication for Federal assistance.

(a) An eligible summer sponsor which is a prime sponsor under Title I of the Act and is interested in receiving financial assistance shall submit not later than 30 days prior to the submission of its completed grant application to the clearinghouses for formal review, a preapplication to the RA, the Governor and the appropriate State and areawide A–95 clearinghouses (See Part I of Attachment A, OMB Circular A–95). The preapplication shall consist of Standard Form 424 as prescribed by Federal Management Circular (FMC) 74–7.

(b) State and areawide clearinghouses may request information in addition to that furnished on the preapplication form. Such a request shall be made within a reasonable period of time in order to avoid delay in a prime sponsor applicant's preparation of its grant application.

(c) The A–95 clearinghouses shall within 30 days of receiving the preapplication, inform the prime sponsor applicant of any actual or potential problems with the preapplication and notify the prime sponsor applicant if they wish to review the completed application. If the prime sponsor applicant receives no such notification, the prime sponsor applicant has fulfilled its obligation under A–95 and it may submit its application to the RA without submitting it to the A–95 clearinghouses.

§ 97.6 Program planning; planning council.

(a) Eligible summer sponsors who are prime sponsors under Title I of the Act shall establish a youth council for the planning and review of the Summer Program. Council memberships shall include representation from the school system, vocational education agency, business/unions, the employment service, local government and nongovernment agencies which are youth-oriented, and youth representatives. Such councils should be part of the sponsor's overall manpower planning council established pursuant to § 95.13 of this subtitle. The requirement for a youth planning council may be met if the manpower planning council's membership, or a subcouncil's membership, reflects the membership requirements set forth above, and its duties include the planning and review of the Summer Program.

(b) Eligible Indian summer sponsors shall to the degree feasible utilize appropriate prime sponsor planning councils established pursuant to § 97.113 in the planning and reivew of the Summer Program.

(c) The following activities shall be allowable beginning January 1 of each year:

(1) Hiring of staff (planners, worksite developers, intake specialists, etc.);

(2) Development of grant applications;

(3) Publication and clearance through A–95;

(4) Worksite development;

(5) Application, selection and enrollment (participants may not begin their summer employment until the close of school except that out-of-school youth may begin such employment up to two weeks prior to the close of school);

(6) Arrangements for supportive services;

(7) Orientation to jobs/activities;

(8) Coordination between schools and other services;

(9) Other activities with the approval of the RA that may be characterized as planning and implementation but not program operation.

§ 97.7 Application for grants; standards for reviewing grant applications.

(a) A program shall be undertaken under this Subpart A, upon execution of an agreement between a summer sponsor and the RA. The RA shall send a grant application package to each eligible summer sponsor as defined in § 97.4(a). The grant application shall be submitted to the RA not later than a date set by the RA, unless the RA, for good cause, permits an extension of time.

(b) Each grant application shall be reviewed by the appropriate RA using all the standards described in § 95.17 (a) and (b) (1), (7), (8), and (9) of this title.

(c) An eligible summer sponsor, as defined in § 97.4(b), shall submit a grant application to the Director, Division of Indian and Native American Programs.

§ 97.8 Assistance by the Director, Division of Indian and Native American Programs.

Indian applicants eligible under this Subpart A may request technical assistance from the Director of Indian and Native American Programs in the preparation and submission of a grant application for or the implementation of a program funded under this Subpart A. Requests for assistance should be addressed: Director, Division of Indian and Native American Programs, 601 D Street NW., Washington, D.C. 20213.

§ 97.9 Content and description of grant application.

The grant application consists of the following items:

(a) The application for Federal assistance, which is Standard Form 424 contained in FMC 74–7.

(b) Narrative Description of the Summer Program consisting of:

(1) A policy statement on the purpose and goals of the program;

(2) A description of the economically disadvantaged youth population by school status (i.e., in-school, out-of-school). Other factors such as age, sex, and race may be discussed at the sponsor's option.

(3) A description of the methods to be used to recruit, select and determine the eligibility of participants, particularly as they relate to out-of-school youth.

(4) A discussion of the youth planning council, including a list of members, and its role.

(5) A discussion of linkages with other youth-related programs/agencies and the private sector.

(6) A discussion of program components and their relationship to the employment and training needs of youth to be served. The discussion must describe the labor market orientation and skill training and remedial education capability that will be developed, as required by § 97.14(g), and the number of youth who will be served in each of these components.

(7) A description of methods for selection of worksites and the items to be covered by worksite agreements.

(8) An organization chart and staffing plan.

(9) A description of the payroll process to be used in the summer program. The RA may waive this requirement for prime sponsors that have not experienced significant payroll problems in previous Summer Programs.

(10) A discussion of the cost plan, including an explanation of how administrative costs were determined.

(11) A description of proposed locally funded vocational exploration program activities.

(c) CETA Summer Plan which provides data on the estimated number of participants and accrued expenditures.

§ 97.10 Comment and publication procedures relating to submission of grant application.

The comment and publication procedures of § 95.15 shall be applicable to the Summer Program.

§ 97.11 Modification of the grant agreement; modification of the CETA Summer Plan.

(a) When a prime sponsor desires to modify the duration or allotment of a grant, the sponsor shall submit to the RA a revised SF 424 and a revised CETA Summer Plan to account for the change in funds. A denial by the RA of a sponsor's request for a modification shall be subject to the appeal procedures set out in Part 98 of this title.

(b) (1) A modification to the CETA Summer Plan is necessary if the cumulative number of individuals to be served is proposed to be increased or decreased by 15 percent or more.

(2) A summer sponsor desiring a modification as defined in paragraph (b) (1) of this section, shall submit a revised CETA Summer Plan and an explanation of the proposed changes to the RA. The RA shall notify the sponsor of approval or disapproval within 10 days of receipt of the proposed modification. This determination may be appealed pursuant to the procedures set out in Part 98 of this title.

(c) A RA may initiate a modification as described in § 95.21(a)(v). If the sponsor disagrees with the RA's decision to initiate a modification, it may appeal the decision of the RA pursuant to the procedures set out in Part 98 of this title.

§ 97.12 Application approval and disapproval.

Each grant application shall be approved or disapproved under the provisions and conditions described in §§ 95.18 and 95.19 of this title.

§ 97.13 Use of alternative sponsor and services by the secretary.

(a) If a grant application is not filed, or is denied, or terminated, the Secretary may make provisions for the use of an alternative sponsor, or provide services himself, as described in § 95.20 of this title.

(b) The reallocation provisions of § 98.11 of this title shall be applicable to the Summer Program. However, when requested by a prime sponsor the RA may immediately reallocate a portion of the sponsor's summer funds to another area; provided that the prime sponsor provides adequate documentation that the funds are not needed or cannot be used in the sponsor's area.

§ 97.14 Basic responsibilities of sponsors.

A sponsor of a program funded under this Subpart A shall be responsible for:

(a) Following the provisions described in § 95.31 (a), (b), (e), and (f) of this title;

(b) Establishing priorities for receipt of assistance authorized under the Summer Program by taking into account the significant segments represented among economically disadvantaged youth residing within its jurisdiction;

(c) Designing programs which are, to the maximum extent feasible, consistent with every participant's fullest capabilities;

(d) Maintaining accounting records in accordance with §§ 98.12 and 98.13 of this title;

(e) Giving special consideration to the needs of veterans as described in § 95.32 (e) (1) of this title;

(f) Developing outreach and recruitment techniques aimed at all segments of the economically disadvantaged youth population. These techniques should insure that youth will be selected from the three youth categories outlined below:

(1) In-school youth whose most serious problem is a lack of funds to continue school and who are not likely to be confronted with significant barriers to employment related to work attitudes, aptitudes or social adjustment problems;

(2) In-school youth who are likely to face the types of barriers listed above and who even though they have remained in school are not likely to develop the skills and motivation normally associated with high school graduation. These youth are also dropout prone;

(3) Out-of-school youth who are faced with significant barriers to employment resulting from a lack of education, skill, poor work history, attitude, aptitude, or social adjustment problems. Many of these youth will be high school dropouts; and

(g) Developing the capability to provide labor market orientation during the summer. This orientation may include such activities as: Vocational exposure counseling, testing, resume preparation, job interview preparation, providing labor market information, and other similar activities. It may be provided on a group or individual basis. In addition, each prime sponsor shall develop the capability to provide skill training and remedial education on an as-needed basis, taking into consideration the needs of individuals identified in the categories set out in § 97.14(f). In developing the capabilities to provide labor market orientation, skill training and remedial education, each sponsor should make maximum efforts to develop cooperative relationships with other community resources as described in § 97.21 of this subtitle so that such capabilities can be developed in the Summer Program at no cost, or at minimum cost, to the Summer Program. In rural areas where programs are small and training facilities are limited, the RA may waive the skill training requirement.

(h) Coordinating its summer activities with an organization operating a nationally funded vocational exploration program in its area.

§ 97.15 Eligibility for participation.

(a) Each participant in a program funded under this Subpart A shall at the time of enrollment be:

(1) Economically disadvantaged, as defined in § 94.4(s) of this title. However, for purposes of computing family income to determine eligibility for the Summer Program, total family income should be annualized based on the three months preceding application. In instances where the three month period is not representative of annual income due to seasonal employment or for other reasons, prime sponsors may use the family income received during the twelve months prior to application; and

(2) A youth, 14 years of age through 21 years of age.

(b) Citizenship shall not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program. However, no services shall be provided to aliens who do not have a bona fide Alien Registration Receipt form, or cannot present other documentation from the Immigration Service allowing them to seek employment.

(c) An "emancipated youth" declaration, in which a youth declares himself to no longer be a member of the family with which he/she is living, shall not be used in determining the family status or previous year income for applicants to the program. The definition of family in § 94.4(v) of this title shall be used in determining family status.

(d) Title I participants, who are 14–21 years of age, who were enrolled in in-school programs during the school year preceding the Summer Program and who at the time of their enrollment into the Title I program met the criteria of paragraph (a) (1) of this section are eligible for participation in the Summer Program.

§ 97.16 Types of manpower services available in the Summer Program.

(a) A program funded under this subpart A may include any activity or service specified in § 95.33 of this title.

(b) Operating conditions and allowable expenditures applicable when Summer Program funds are used for public service employment are the same as those used for this activity when Title II funds are used, as set out in Subpart C of Part 96 of this title, except that the following sections shall not apply: §§ 96.20, 96.21(e), 96.22, 96.23(b)(13), 96.26 (a)(1), (b), and (c), 96.27, 96.28, 96.35(a), and 96.36 of this title.

§ 97.17 Vocational exploration program.

(a) This program is intended to expose youth to the operation and types of jobs available in the private sector through observation, instruction and limited practical experience.

(1) The following provisions shall apply to a vocational exploration program:

(i) Youth may not be involved in any activity that contributes, or could normally be expected to contribute, to additional sales or profit for the private organization or otherwise result in the subsidization of wages for the private organization.

(ii) Allowances and other benefits shall be provided to participants in accordance with § 97.18 of this subtitle.

(iii) A private organization may be paid the reasonable and necessary costs associated with the conduct of the program.

(iv) The program must receive the approval of the affected collective bargaining unit(s) in the organization.

(v) Youth may not work in private organizations where strikes are in progress.

(vi) The program shall not displace currently employed workers or prevent the hiring of new workers.

(b) Where a nationally funded program operates in a prime sponsor area, the prime sponsor shall execute an agreement which shall include provisions dealing with arrangements for recruitment, selection, referral and certification of the youth entering the nationally funded program.

§ 97.18 Participant benefits.

(a) Participants in classroom training in programs funded under this Subpart A shall receive allowances as described in § 95.34 of this title and workers' compensation protection as provided in § 98.24 of this title.

(b) Participants in on-the-job training in programs funded under this Subpart A shall receive wages as specified in § 95.35 of this title as applicable, and shall be assured of appropriate workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(c) Participants in public service employment shall be paid wages as required by § 96.34 of this title, and shall be assured of workers' compensation protection as provided in § 98.24 of this title.

(d) Participants in work experience shall receive wages in accordance with the requirements of § 95.33(d)(4)(viii) of this title. Participants in work experience activities shall be assured of workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(e) Participants enrolled in services to participants, other manpower activities, or combined activities shall be compensated as specified in § 95.33(d) (5)(v), (6)(ii), and (7)(ii) of this title.

(f) Youth who are compensated for activities during the planning and implementation phase of the program shall be compensated as specified in § 95.33(d) (5)(v), (6)(ii), and (7)(ii) of this title. However, the prime sponsor may waive all allowances during the planning and implementation phase of the program in accordance with § 95.34(j) of this title.

§ 97.19 Worksite standards.

(a) No participant under 18 years of age shall be employed in any occupation which the Secretary has found, pursuant to his authority under the Fair Labor Standards Act, to be particularly hazardous for persons between 16 and 18 years of age (See Subpart E of Part 570, of this title).

(b) Participants who are 14 and 15 years of age will participate only in accordance with the limitations imposed by §§ 570.31 to 570.35 of Subpart C of Part 570 of this title.

(c) Each prime sponsor shall develop written agreements with worksite employers which should include provisions designed to insure: (1) adequate supervision of each participant; (2) adequate accountability for enrollee time and attendance; and (3) adherence to the rules and regulations governing the Summer Program. Written agreements do not have to be contracts or subgrants. They may be memoranda of understanding, simple work statements or other documents which indicate how enrollees are to be utilized by the worksite and any operational conditions to which the worksite is expected to adhere. Each prime sponsor shall establish procedures for the monitoring and evaluation of each worksite to insure compliance with the worksite agreements and the terms and conditions of subgrants and contracts.

(d) No participant shall be required to work, or be compensated for more than 40 hours of work per week. Nothing in this section shall be construed as limiting an individual to a maximum number of total hours of employment in the summer program. While the Department uses a 9-week, 26-hour week job as the basis for estimating the number of youth to be served, it is not intended to take away the flexibility of the prime sponsor to establish job slots in keeping with the needs of the area and the youth to be served.

§ 97.20 Training for lower wage industries and relocation of industries.

No participant may be enrolled in any activity or service in any lower wage industry job as set forth in § 95.37 of this title.

§ 97.21 Cooperative relationships between sponsors and other manpower services.

Each summer sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies, especially agencies which serve youth, as described in § 95.38 of this title.

§ 97.22 Nepotism.

(a) The provisions of § 98.22 of this title regarding nepotism apply to summer sponsors who are prime sponsors under Title I of the Act.

(b) The provisions of § 98.22 (a) and (b) of this title regarding nepotism apply to Indian summer sponsors except as modified by paragraphs (c), (d), and (e) of this section.

(c) No Indian summer sponsor or subgrantee under this Subpart A shall hire, or permit the hiring of any person in or permit funding under this Subpart A if a member of that person's immediate family is employed in an administrative capacity by the Indian summer sponsor. For the purposes of paragraphs (c), (d), and (e) of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister and the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this Subpart A, or operational responsibility for the program.

(d) If a subgrantee under this Subpart A cannot hire program participants without an immediate family member being included, the Director, Division of Indian and Native American Programs may waive the requirement of paragraph (c) of this section if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(e) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the eligible applicant shall follow the tribal rule in lieu of this policy.

§ 97.23 Nondiscrimination in Indian Programs under this Subpart.

Section 98.21 of this title shall be applicable to Indian programs funded pursuant to this Subpart A, except to the extent that such provisions conflict with 42 U.S.C. 2000e(b).

§ 97.24 Subgrants in Indian Programs under this Subpart.

In addition to the requirements as set forth in § 98.27 of this title concerning subgrants, Indian summer sponsors may require that subgrantees agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant in accordance with 42 U.S.C. 2000e–2(i).

§ 97.25 Reporting requirements.

Each summer sponsor shall submit the following reports to the RA:

(a) An end-of-summer report based on the accounting records required under §§ 98.12 and 98.13 of this title (separate reporting for the vocational exploration program will be included in this report. This report shall be submitted twice during each year. The first report will cover the first three quarters of the calendar year and shall be submitted by October 31 of each year. The second report shall be submitted by January 31 of each year covering the 4 quarters of the calendar year; and

(b) (1) A Quarterly Summary of Participant Characteristics for the Summer Program. This report is the Quarterly Summary of Participant Characteristics regularly submitted by sponsors of comprehensive manpower programs, but is to be labeled by the summer sponsors as the Quarterly Summary of Participant Characteristics for the Summer Program. The Summary is to be submitted to the RA with the end-of-summer report. The information for age characteristics on line 4 of the Summary, which refers only to those participants 18 and under, shall be broken out on the back of the report by the following age groups: (i) 14–15 years; (ii) 16–17 years; and (iii) 18.

(2) The information required on the Summary shall also be submitted for informational purposes, for participants in summer programs funded with monies in the sponsor's Title I grants.

§ 97.26 Termination date for the Summer Program.

(a) Employment of youth in programs under this Subpart A shall not continue beyond September 30 of each year unless such youth are employed as administrative staff performing activities that are allowable activities after this date.

(b) Allowable activities after September 30 include: report and record preparation and submittal, completion of followup activities, completion of evaluations of worksites or other elements of the summer program, and audits.

Signed in Washington, D.C., this 12th day of April, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

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federal register

FRIDAY, APRIL 22, 1977

PART III

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

■

GENERALIZED SYSTEM OF PREFERENCES

Publication of Descriptive List of Articles and Other Information

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES: PUBLICATION OF DESCRIPTIVE LIST OF ARTICLES AND OTHER INFORMATION

This publication sets forth the following information about the United States Generalized System of Preferences (GSP): (1) The current list of beneficiary countries and territories; (2) a descriptive list of the articles that currently are eligible for GSP benefits; (3) the list of eligible articles for which products of certain beneficiary countries will not receive duty-free treatment by virtue of the provisions of section 504 of the Trade Act of 1974; (4) a descriptive list of articles not produced in the United States on January 3, 1975; and (5) a list of the changes which have been made in the designations of eligible articles and beneficiary countries since the system was implemented.

This publication does not have legal effect. Its purpose is to facilitate public understanding of the GSP and to supplement the information contained in the basic implementing documents.

Executive Order No. 11888, dated November 24, 1975, modified the Tariff Schedules of the United States to implement the Generalized System of Preferences (GSP) authorized by title V of the Trade Act of 1974. The Executive order designated beneficiary countries and eligible articles for the GSP. Since the GSP was implemented, it has been modified by Executive Orders Nos. 11906 (effective February 29, 1976); 11934 (effective, in major part, October 1, 1976); and 11974 (effective March 1, 1977).[1] Products which are eligible articles and meet the conditions stipulated in title V of the Trade Act are duty free if imported into the United States directly from a beneficiary country on or after January 1, 1976.

Section 504(c) of the Trade Act provides that eligible articles will not receive duty-free treatment, however, if they are: (1) The product of a beneficiary country which in the preceding calendar year accounted for 50 percent or more of total U.S. imports of the article (unless the President has determined that the article was not produced in the United States on January 3, 1975), or (2) the product of a beneficiary country which supplied imports valued at $25 million or more in the preceding year.[2] (This provision is referred to as the "competitive-need limitation" on GSP.) The list of beneficiary-country exceptions to eligibility for particular products resulting from the provisions of section 504(c) must be updated within 60 days after the end of each calendar year.

[1] Executive Order 11960, issued January 19, 1977, with an effective date of March 1, 1977, was revoked by Executive Order No. 11974, which incorporated the substance of the amendments originally contained in the earlier order. FEDERAL REGISTER references for all Executive orders which have been issued on the GSP are as follows:

E.O. 11888: 40 F.R. 55275, November 26, 1975.
E.O. 11906: 41 F.R. 8757, February 27, 1976.
E.O. 11934: 41 F.R. 37064, September 1, 1976.
E.O. 11960: 42 F.R. 4317, January 24, 1977.
E.O. 11974: 42 F.R. 11230A, February 28, 1977.

[2] The figure of $25 million is to be adjusted annually by a percentage which will depend upon the percent of change in the gross national product of the United States compared with the gross national product in 1974. The figure for 1976 used to determine competitive-need limitations which became effective March 1, 1977, was $29,921,243.

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BENEFICIARY COUNTRIES IN THE U.S. GENERALIZED SYSTEM OF PREFERENCES

Independent Countries

Afghanistan
Angola
Argentina
Bahamas
Bahrain
Bangladesh
Barbados
Benin
Bhutan
Bolivia
Botswana
Brazil
Burma
Burundi
Cameroon
Cape Verde
Central African Republic
Chad
Chile
Colombia
Congo (Brazzaville)
Costa Rica
Cyprus
Dominican Republic
Egypt
El Salvador
Equatorial Guinea
Ethiopia
Fiji
Gambia
Ghana
Grenada
Guatemala
Guinea
Guinea Bissau
Guyana
Haiti
Honduras
India
Israel
Ivory Coast
Jamaica
Jordan
Kenya
Korea, Republic of
Lebanon
Lesotho
Liberia
Malagasy Republic
Malawi
Malaysia
Maldive Islands
Mali
Malta
Mauritania
Mauritius
Mexico
Morocco
Mozambique
Nauru
Nepal
Nicaragua
Niger
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Portugal
Republic of China
Romania
Rwanda
Sao Tome and Principe
Senegal
Sierra Leone
Singapore
Somalia
Sri Lanka
Sudan
Surinam
Swaziland
Syria
Tanzania
Thailand
Togo
Tonga
Trinidad and Tobago
Tunisia
Turkey
Upper Volta
Uruguay
Western Samoa
Yemen Arab Republic
Yugoslavia
Zaire
Zambia

Non-Independent Countries and Territories

Afars and Issas, French Territory of the
Antigua
Belize
Bermuda
British Indian Ocean Territory
British Solomon Islands
Brunei
Cayman Islands
Christmas Island (Australia)
Cocos (Keeling) Islands
Comoro Islands
Cook Islands
Dominica
Falkland Islands (Malvinas) and Dependencies
French Polynesia
Gibraltar
Gilbert Islands
Heard Island and McDonald Islands
Hong Kong
Macao
Montserrat
Netherlands Antilles
New Caledonia
New Hebrides Condominium
Niue
Norfolk Island
Pitcairn Island
Portuguese Timor
Saint Christopher-Nevis-Anguilla
Saint Helena
Saint Lucia
Saint Vincent
Seychelles
Spanish Sahara
Tokelau Islands
Trust Territory of the Pacific Islands
Tuvulu
Turks and Caicos Islands
Virgin Islands, British
Wallis and Futuna Islands

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DESCRIPTIVE LIST OF ELIGIBLE ARTICLES IN THE U.S. GENERALIZED SYSTEM OF PREFERENCES

This descriptive list shows for all articles designated as eligible for duty-free treatment under the U.S. Generalized System of Preferences the five-digit TSUS item number, the ad valorem equivalent (AVE) of the Column 1 (most-favored-nation) rate of duty, an abbreviated description of articles covered by the item, and the Column 1 rate of duty as of January 1, 1976.

The ad valorem equivalents (which are calculated on the basis of 1973 imports assessed the Column 1 rate of duty) are shown to the nearest tenth of a percent. Thus the AVE for TSUS 10025 shown as 0079 is to be read as 7.9 percent. An AVE shown as 0157 would read 15.7 percent, and an AVE shown as 1053 would read as 105.3 percent.

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

	TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
	10025	0079	LIVE BIRDS NES VALUED NOT OVER FIVE DOLLARS EACH	8¢ EACH
	10031	0040	BIRDS, LIVE, NSPF, VALUED OVER 5 DOLLARS EACH	4% AD VAL
	10073	0026	LIVE HORSES N/O $150 EACH	$2.75 PER HEAD
	10095	0035	LIVE ANIMALS,EXCEPT BIRDS, NES	3.5% AD VAL
	10530	0010	BIRDS, NSPF, FRESH, CHILLED, ETC	2.5¢ PER LB.
	10560	0012	BIRD MEAT, NES, FRESH	5¢ PER LB.
	10584	0039	BIRDMEAT, NSPF, OTHERWISE PREPARED OR PRESERVED	5¢ PER LB
	10640	0008	PORK MEAT, FRESH, CHILLED OR FROZEN	0.5¢ PER LB
	10660	0025	FROG MEAT, FRESH, CHILLED OR FROZEN	2.5% AD VAL
	10670	0103	MEATS,NSPF,FRESH,CHILLED OR FROZEN NOT OVER 30 CTS POUND	3¢ PER LB
	10675	0100	MEATS, NSPF, FRESH, CHLLD OR FROZEN VALUED OVER 30CTS LB	10% AD VAL
	10680	0035	EDIBLE MEAT OFFAL, FRESH, CHILLED OR FRZN NOV 20CTS LB	0.5¢ PER LB.
	10685	0025	EDIBLE MEAT OFFAL, FRESH CHILLED OR FROZEN, OV 20CTS LB	2.5% AD VAL.
	10710	0019	FRESH PORK SAUSAGES	1.6¢ PER LB
	10715	0016	PORK SAUSAGE, EXCEPT FRESH	1.625¢ PER LB
	10720	0075	SAUSAGES, BEEF, IN AIRTIGHT CONTAINERS	7.5% AD VAL
	10725	0050	SAUSAGES NES	5% AD VAL
	10740	0147	BEEF OR VEAL, PCKLD OR CURED VALUED NOV 30CENTS PER LB	3¢ PER LB
	10745	0100	BEEF OR VEAL, PCKLD OR CURED VALUED OVER 30 CENTS PER LB	10% AD VAL
	10748	0075	CORNED BEEF IN AIRTIGHT CONTAINERS	7.5% AD VAL
	10765	0060	FROG MEAT, PREPARED OR PRESERVED	6% AD VAL
	10770	0069	MEAT AND EDIBLE OFFAL, NES, PREP OR PRES, NOT OV 30 CT LB	1.5¢ PER LB
	10775	0050	MEAT AND EDIBLE OFFAL, NES, PREP OR PRES, OVER 30 CT LB	5% AD VAL
	10780	0003	MEAT EXTRACT, INCLUDING FLUID	1¢ PER LB
	11028	0020	MACKEREL, FROZEN, WHOLE OR BEHEADED EVISCR, ETC NT SCALED	0.35¢ PER LB
	11035	0015	FISH NES, FRSH CHLD OR FRZN, WHOLE OR BEHEADED ETC NT SCALED	0.5¢ PER LB
	11045	0060	FISH FRSH CHLD OR FRZN SCALED BULK OR CONTRS WEIGH N/O 15 LBS EA.	6% AD VAL
	11110	0001	DRIED COD, CUSK, HADDOCK, HAKE AND POLLOCK	0.1¢ PER LB.
	11115	0000	SHARK FINS, DRIED, NT OTHERWISE PREP OR PRESVD, NT IN AIRTIGHT CONTAINERS	0.2¢ PER LB
	11118	0001	FISH NES, DRIED, NT OTHERWISE PREP OR PRESVD, NT IN AIRTIGHT CONTAINERS	0.1¢ PER LB
	11156	0006	FISH, PICKLD, SALTED, NSPF, IN BULK OR IN CONTRS OV 15 LBS	0.6¢ PER LB
	11160	0125	FISH, NSPF, SALTED AND PICKLED, IN CONTAINERS N/O 15 LBS EACH	12.5% AD VAL.
	11192	0030	FISH NES SMOKED OR KIPPERED NOT OTHW PRES AND NOT CANNED	3% AD VAL.
	11203	0017	ANCHOVIES, NOT IN OIL, IN AIRTIGHT CONTAINERS OVER 15 LBS EACH	1¢ PER LB
	11236	0060	FISH NSPF, PREP OR PRES, NT IN OIL, IN AIRTIGHT CONTAINERS	6% AD VAL
	11240	0060	ANCHOVIES, PREP OR PRES, NT IN OIL, IN AIRTIGHT CONTAINERS	6% AD VAL
	11294	0125	FISH NES, PREP OR PRESVD IN ANY MANNER, IN OIL, IN AIRTIGHT CONTAINERS	12.5% AD VAL
	11301	0040	FISH PASTES AND FISH SAUCES	4% AD VAL
	11330	0150	STURGEON ROE FRSH, CHILLED, FROZEN, PREP, OR PRESERVED	15% AD VAL
	11340	0020	FISH ROE, EXC STURGEON, OTHER THAN BOILED AND IN AIRTIGHT CONTAINERS	2¢ PER LB
	11350	0125	FISH PREPARED OR PRESERVED NSPF, IN OIL	12.5% AD VAL
	11360	0060	FISH PREP O PRES, NSPF, NOT IN OIL, IN CONT NOV 15LBS	6% AD VAL.
	11405	0140	CLAMS, EXCEPT RAZOR CLAMS, IN AIRTIGHT CONTAINERS	14% AD VAL.
	11425	0075	CRABMEAT PREPARED OR PRESERVED, NOT CANNED	7.5% AD VAL
+	11455	0045	OYSTER JUICE IN AIRTIGHT CONTAINERS	3¢ PER LB (INCLUDING WT OF CONTAINER)
+	11765	0090	CHEESE FROM SHEEPS MILK, SUTB FOR GRATING, ORG LOAVES	9% AD VAL
+	11767	0120	CHEESE, PECORINO, IN ORIG LOAVES NOT SUITABLE FR GRATNG	12% AD VAL
	11950	0023	POULTRY EGGS, EXCPT CHICKEN, IN THE SHELL	3.5¢ PER DOZ.
	11955	0082	CHICKEN EGGS, IN THE SHELL	3.5¢ PER DOZ.
	12017	0020	OTHER BOVINE HIDES A SKNS, RAW O CURED, UND 12 LBS DRY, UND 25 LBS WET	2% AD VAL
	12110	0075	CHAMOIS LEATHER, OIL TANNED	7.5% AD VAL
	12115	0050	CHAMOIS LEATHER EXCEPT OIL TANNED	5% AD VAL.
	12125	0060	UPHOLSTERY LEATHER	6% AD VAL.
	12135	0040	CALF AND KIP LINING LEATHER	4% AD VAL.
	12152	0040	GOAT SKINS, VEGETABLE TANNED IN THE ROUGH	4% AD VAL.
	12154	0060	SHEEP SKINS, VEGETABLE TANNED, IN THE ROUGH	6% AD VAL.
	12155	0060	BUFFALO LEATHER	6% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
12165	0060	FANCY LEATHER NSPF	6% AD VAL.
12350	0185	FURSKINS OF THE SILVER,BLACK OR PLATIUM FOX	18.5% AD VAL.
12420	0085	PLATES, MATS, LININGS, STRPS ETC, O FUR SKINS DRSD N DYED	8.5% AD VAL.
12425	0025	FURSKINS, DRESSED NOT DYED, BEAVER, CHINCHILLA, ERMINE, MINK, ETC	2.5% AD VAL.
12430	0050	CONEY RABBIT FUR SKINS DRESSED NOT DYED	5% AD VAL.
12440	0050	FUR SKINS,NSPF,WHOLE OR NOT, DRESSED BUT NOT DYED	5% AD VAL.
12460	0100	PLATES,MATS,LININGS,STRIPS, ETC,OF FUR SKINS,DYED,DRESSD	10% AD VAL.
12465	0040	FURSKINS, DRESSED AND DYED, BEAVER, CHINCHILLA, ERMINE, MINK, ETC	4% AD VAL.
12470	0075	RABBIT FUR SKINS, DRESSED, DYED	7.5% AD VAL.
12480	0060	FUR SKINS WHETHER WHOLE OR NOT, NSPF, DRESSED AND DYED	6% AD VAL.
12501	0026	TULIP BULBS	$1.40 PER 1000
12510	0006	LILY BULBS	87¢ PER 1000
12515	0025	NARCISSUS BULBS	$2.10 PER 1000
12520	0022	CROCUS CORMS	30¢ PER 1000
12530	0055	BULBS ROOTS ETC NES IMPORTED FOR HORTICULTURAL PURPOSES	5.5% AD VAL.
12550	0050	FRUIT TREES, FRUIT PLANT CUTTINGS, SEEDLINGS	5% AD VAL.
12570	0040	ORCHID PLANTS	4% AD VAL.
12580	0075	LIVE PLANTS SUITABLE FOR PLANTING NSPF	7.5% AD VAL.
12641	0001	FLOWER SEEDS	1¢ PER LB.
12671	0010	PEPPER SEEDS	3¢ PER LB.
12710	0023	GARDEN AND FIELD SEEDS EXCP GRASS A FORAGE CRP SEED NSPF	1.5¢ PER LB.
13020	0017	CANARY SEED	0.12¢ PER LB.
13030	0005	CORN OR MAIZE CERTIFIED SEED	6¢ PER BU. OF 56 LBS.
13035	0103	CORN OR MAIZE, EXCEPT CERTIFIED SEED	25¢ PER BU. OF 56 LBS.
13040	0052	GRAIN SORGHUM	0.4¢ PER LB.
13063	0050	SEED WHEAT	5% AD VAL.
13120	0127	CORN, MILLED, FIT FOR HUMAN CONSUMPTION	50¢ PER 100 LBS.
13135	0003	RICE MEAL AND FLOUR, FIT FOR HUMAN CONSUMPTION	0.1¢ PER LB.
13180	0100	MILLED GRAIN UNFIT FOR HUMAN CONSUMPTION NSPF	10% AD VAL.
13255	0056	STARCHES, N.S.P.F.	0.55¢ PER LB.
13530	0087	CABBAGE, FRESH, CHILLED OR FROZEN	0.55¢ PER LB.
13541	0060	CARROTS UNDER 4 INCHES LONG	6% AD VAL.
13550	0055	CAULIFLOWER, FRESH, CHLD,OR FROZ, ENTERING JUN 5 TO OCT 15	5.5% AD VAL.
13551	0125	CAULIFLOWER FRSH CHLD O FROZ ENTERED OCT 16 TO JUNE 4 INCL	12.5% AD VAL.
13560	0018	FRESH CELERY ENTERED APRIL 15 TO JULY 31	0.25¢ PER LB.
13570	0045	CHICKPEAS OR GARBANZOS, FRESH, CHILLED, OR FROZEN	1¢ PER LB.
13580	0240	COWPEAS, BLACKEYE, FRESH, CHILLED, OR FROZEN	3.5¢ PER LB.
13590	0259	CUCUMBERS, FRSH, CHLD, FRZ, ENTRD DEC1 TO LAST DAY FEB	2.2¢ PER LB.
13594	0195	CUCUMBERS, FRESH, CHILLED OR FROZ ENTRD JULY 1 AUG 31 INCL	1.5¢ PER LB.
13600	0125	DASHEENS, FRESH, CHILLED, OR FROZEN	12.5% AD VAL.
13610	0005	ENDIVE, FRESH, CHILLED OR FROZEN	0.15¢ PER LB.
13640	0076	HORSERADISH, FRESH, CHILLED OR FROZEN	1.1¢ PER LB.
13650	0008	LENTILS, FRESH, CHILLED OR FROZEN	0.1¢ PER LB.
13680	0250	OKRA, FRESH, CHILLED, OR FROZEN	25% AD VAL.
13690	0044	ONION SETS, FRESH, CHILLED OR FROZEN	0.6¢ PER LB.
13692	0028	PEARL ONIONS N/O 10/16 INCH	1.7¢ PER LB.
13698	0020	PEAS, FRESH OR CHILLED, ENTERING JULY 1 TO SEPT 30 INCL	0.5¢ PER LB.
13699	0035	PEAS, FROZEN, ENTERING JUL 1 TO SEPTEMBER 30, INCLUSIVE	1¢ PER LB.
13701	0081	PEAS, FRSH, CHILLED, OR FROZ ENTERING OCT 1 TO JUNE 30 INCL	2¢ PER LB.
13740	0060	RADISHES, FRESH, CHILLED OR FROZEN	6% AD VAL.
13771	0250	FRESH BRUSSELS SPROUTS	25% AD VAL.
13775	0125	CHAYOTE, FRESH, CHILLED, OR FROZEN	12.5% AD VAL.
13805	0175	BROCCOLI, CAULIFLOWER, OKRA FRESH, CHILLD, FRZN, & CUT, SLICED,ETC	17.5% AD VAL.
14009	0053	MUNG BEANS, DRIED, ENTRY FOR CONSUMPTION MAY1-AUG31, INCL	0.6¢ PER LB.
14010	0063	RED KIDNEY BEANS, DRIED, ENT FOR CONS MAY1 TO AUG31 INCL	1¢ PER LB.
14011	0052	DRIED BEANS, NSPF, ENTRD FOR CONSUMPTION MAY1-AUG31 INCL	0.75¢ PER LB.
14014	0099	MUNG BEANS, DRIED, ETC, ENT FOR CONS 9/1-4/30 WTHDRN ANYTIM	1.2¢ PER LB.
14016	0089	BEANS, DRIED, EXC MUNG, ENT FOR CONS SEPT 1 APR 30 INCL	1.5¢ PER LB.
14020	0062	DRIED SPLIT CHICKPEAS OR GARBANZOS	1.2¢ PER LB.
14021	0088	DRIED CHICKPEAS OR GARBANZOS NOT SPLIT	1.4¢ PER LB.
14025	0030	DRIED BLACK-EYE COWPEAS	0.37¢ PER LB.
14035	0011	DRIED LENTILS	0.15¢ PER LB.
14038	0005	DRIED LUPINES	0.15¢ PER LB.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
14046	0027	PEAS, NES, DRIED, DESICCATED OR DEHYDRATED	0.4¢ PER LB.
14105	0085	SOYBEANS, IN BRINE, PICKLED OR OTHWSE PREP OR PRESRVD NES	8.5% AD VAL.
14120	0123	BEANS, EXCEPT SOYBEANS, PREP OR PRSVD, NOT IN SALT OR BRINE, NOT PICKLED	3¢ PER LB. ON ENTIRE CONTENTS OF CONTAINER
14135	0027	CHICKPEAS OR GARBANZOS, PREPARED OR PRESERVED EXC DRIED	0.75¢ PER LB.ON ENTIRE CONTENTS OF CONTAINER
14145	0080	ONIONS PACKED IN SALT, IN BRINE, OR PICKLED	8% AD VAL.
14150	0175	ONIONS PREP OR PRES NES	17.5% AD VAL.
14155	0047	PEAS IN BRINE PACKED IN SALT PCKLD OR OTHWSE PRES, EXC DRIED	1¢ PER LB. ON ENTIRE CONTENTS OF CONTAINER
14170	0175	WATERCHESTNUTS,IN SALT, PICKLED OR OTHERWISE PRESRVD	17.5% AD VAL.
14177	0120	VEGETABLES IN BRINE, ETC, NSPF, EXCEPT ARTICHOKES	12% AD VAL.
+ 14179	0085	PALM HEARTS, PREPARED OR PRESERVED, NES	8.5% AD VAL.
14502	0070	CHESTNUTS,PREPARED OR PRESERVED, NES	3.5¢ PER LB.
14509	0100	COCONUT MEAT, EXCEPT COPRA, NSPF, OTHWSE PREPARED OR PRESRV	10% AD VAL.
14524	0016	PIGNOLIA NUTS, NOT SHELLED	0.7¢ PER LB.
14528	0100	WALNUTS, NOT SHELLED	5¢ PER LB.
14530	0022	NUTS, EDIBLE, NES, NOT SHELLED	2.5¢ PER LB.
14552	0007	PIGNOLIA NUTS, SHLLD, BLNCHD OR OTHWISE PREP OR PRES	1¢ PER LB.
14553	0006	PISTACHE NUTS, SHLLD, BLNCHD OR OTHWISE PREP OR PRES	1¢ PER LB.
+ 14554	0095	WALNUTS, PICKLED, IMMATURE	5¢ PER LB.
14560	0280	NUTS NSPF, PREPARED OR PRESERVED OTHER THAN SHELLED OR BLANCHED	28% AD VAL.
14612	0016	APPLES, DRIED	0.75¢ PER LB.
14622	0019	APRICOTS, DRIED	1¢ PER LB.
14642	0035	BANANAS, DRIED	3.5% AD VAL.
14644	0075	BANANAS, NOT FRESH OR DRIED, OTHERWISE PREP OR PRESERVED	7.5% AD VAL.
14666	0016	BERRIES, DRIED, EXCEPT BARBERRIES	1¢ PER LB.
14673	0070	BLACK CURRANT, LOGANBERRIES, GOOSEBERRIES, ETC, PREPARED OR PRESERVED	7% AD VAL.
+ 14680	0070	CASHEW APPLES,SAPODILLAS,ETC FRESH OR PREPARED OR PRESRVDED	7% AD VAL.
+ 14721	0010	LEMONS, PREPARED OR PRESERVED	0.6¢ PER LB.
14729	0009	ORANGES, MANDARIN, PACKED IN AIRTIGHT CONTAINERS	0.2¢ PER LB.
14733	0085	CITRUS FRUIT NSPF, FRESH	8.5% AD VAL.
14736	0350	CITRUS FRUITS NSPF, PREPARED OR PRESERVED	35% AD VAL.
14780	0070	GUAVAS FRESH, DRIED PICKLED OR IN BRINE	7% AD VAL.
14785	0040	GUAVAS, PREPARED OR PRESERVED NSPF	4% AD VAL.
14792	0168	MANGOES, PREPARED OR PRESERVED	3.75¢ PER LB.
14835	0350	MELONS, PREPARED OR PRESERVED	35% AD VAL.
14872	0007	PEACHES, FRESH OR IN BRINE IMPORTED 12/1 TO FOL 5/31 INCL	0.1¢ PER LB.
14877	0100	PEACHES, WHITE FLESHED, PREPARED OR PRESERVED, NSPF	10% AD VAL.
14915	0075	PLANTAINS, PREPARED OR PRESERVED	7.5% AD VAL.
14950	0085	FRUITS, NES, FRESH	8.5% AD VAL.
14960	0175	FRUITS, NES, PREPARED OR PRESERVED	17.5% AD VAL.
15200	0070	BANANA FLOUR AND PLANTAIN FLOUR	7% AD VAL.
15205	0150	FRUIT FLOURS, EXCEPT BANANA AND PLANTAIN	15% AD VAL.
15243	0175	FRUIT PASTES & PULPS OF CASHEW APPLE MAMEY COLORADO SAPODILLA, ETC	17.5% AD VAL.
15254	0070	GUAVA PASTE AND PULP	7% AD VAL.
15258	0070	MANGO PASTE AND PULP	7% AD VAL.
+ 15260	0150	TAMARIND PASTE AND PULP	15% AD VAL.
15272	0075	BANANA AND PLANTAIN, PASTE AND PULP	7.5% AD VAL.
15302	0050	JELLIES, JAMS, ETC OF CASHEW APPLE MAMEY COLORADO MANGO SAPODILLA, ETC.	25% AD VAL.
15308	0050	GUAVA JELLY, JAM, MARMALADES AND FRUIT BUTTERS	5% AD VAL.
15316	0055	ORANGE MARMALADE	5.5% AD VAL.
15324	0050	PINEAPPLE JELLIES, JAMS, FRUIT BUTTERS, ETC	5% AD VAL.
15328	0085	QUINCE JELLY, JAM, ETC	8.5% AD VAL.
15332	0070	JELLIES, JAMS, MARMALADES, AND FRUIT BUTTERS, NES	7% AD VAL.
15410	0016	CHESTNUTS, CANDIED, CRYSTALLIZED OR GLACE	2.5¢ PER LB.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

	TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
	15440	0135	GINGER ROOT, CANDIED, CRYSTALLIZED OR GLACE	13.5% AD VAL.
	15455	0100	FRUIT, CANDIED, CRYSTALLIZED OR GLACE	10% AD VAL.
	15460	0200	CANDIED CRYSTALLIZED OR GLCE VEGETABLE SUBSTANCES, NES	20% AD VAL.
	15520	0072	SUGAR, SIRUP, MOLASSES PRINIPAL CRYSTALLINE OR DRY AMORPHOUS FORM.	VARIOUS
	15530	0032	SUGARS, SIRUPS, MOLASSES CONT NOT OV 6% NON-SUGAR SOLIDS	VARIOUS
	15535	0029	SUGARS SIRUPS,ETC CONTAINING NON-SUGAR SOLIDS OV 6 PERCNT	2.9¢ PER GAL.
	15540	0003	SUGAR, SIRUP, MOLASSES, ETC.DERIVED FROM SUGAR CANE/BEET, INEDIBLE	0.012¢ PER LB OF TOTAL SUGARS
	15560	0158	DEXTROSE	1.6¢ PER LB.
	15575	0150	SUGARS, SYRUPS, AND MOLASSES BLENDED, FLAVORED OR UNFLAVORED	15% AD VAL.
	15625	0008	CHOCOLATE, SWEETENED, IN BARS O BLOCKS WEIGHING 10 LBS. OR MORE EA.	0.4¢ PER LB.
	15630	0050	CHOCOLATE, SWEETENED, EXCEPT BARS AND BLOCKS 10 LBS OR MORE	5% AD VAL.
	15635	0030	COCOA BUTTER	3% AD VAL.
	15640	0021	COCOA UNSWEETEN AND COCOA CAKE SUITABLE FOR REDUCTION TO COCOA POWDER	0.37¢ PER LB.
	15645	0050	COCOA, SWEETENED	5% AD VAL.
	15647	0025	CONFECTIONERS COATINGS, OTHR PROD CONT 6.8% COCOA SOLID, ETC	2.5% AD VAL.
	15710	0070	CANDY AND OTHER CONFECTIONERY NSPF	7% AD VAL.
	16115	0017	CASSIA, CASSIA BUDS, AND CASSIA VERA, GROUND	1.5¢ PER LB.
	16119	0013	CINNAMON AND CINNAMON CHIPS GROUND	1.5¢ PER LB.
	16137	0034	GINGER ROOT, GROUND, NOT - CANDIED OR PRESERVED	1¢ PER LB.
+	16143	0130	MACE, BOMBAY OR WILD, UNGROUND	9¢ PER LB.
+	16145	0500	MACE, BOMBAY OR WILD, GROUND	7.5¢ PER LB.
	16153	0075	MARJORAM, MANUFACTURED	7.5% AD VAL.
	16161	0054	MUSTARD SEEDS, WHOLE	0.43¢ PER LB.
	16165	0016	NUTMEGS, GROUND	1.5¢ PER LB.
	16169	0075	ORIGANUM, EXCEPT CRUDE	7.5% AD VAL.
	16171	0108	PAPRIKA GROUND OR UNGROUND	5¢ PER LB.
	16175	0150	PARSLEY, MANUFACTURED	15% AD VAL.
	16179	0024	PEPPER, BLACK OR WHITE, GROUND	1.5¢ PER LB.
	16183	0091	PEPPER, CAPSICUM OR CAYENNE OR RED, UNGROUND, NSPF	2.5¢ PER LB.
	16192	0075	ROSEMARY, MANUFACTURED	7.5% AD VAL.
+	16194	0010	SAGE, UNGROUND	0.5¢ PER LB.
	16196	0001	SAGE, GROUND OR RUBBED	1.5¢ PER LB.
	16203	0075	SAVORY, MANUFACTURED	7.5% AD VAL.
	16207	0075	TARRAGON, MANUFACTURED	7.5% AD VAL.
	16211	0075	THYME, MANUFACTURED	7.5% AD VAL.
	16215	0075	MIXED SPICES,SPICE SEEDS, AND SPICES, NSPF	7.5% AD VAL.
	16555	0022	FRUIT JUICES, UNMIXED, NES NOV 1% ALCOHOL BY VOL	3¢ PER GAL.
	16610	0012	MINERAL WATERS, NATURAL, IMITATION, OR ARTIFICIAL	1.5¢ PER GAL.
	16620	0006	GINGER ALE, GINGER BEER, LEMONADE, AND SODA WATER	1¢ PER GAL.
	16630	0017	VEGETABLE JUICES INCLUDING MIXED UNDER 1/2 PCT ALCOHOL	1¢ PER GAL.
	16640	0005	BEVERAGES, NSPF, UNDER 1/2 % ALCOHOL	1¢ PER GAL.
	16705	0042	ALE PORTER STOUT OR BEER	6¢ PER GAL.
	16715	0016	CIDER, FERMENTED, WHETHER STILL OR SPARKLING	3¢ PER GAL.
+	16725	0062	RICE WINE OR SAKE	25¢ PER GAL.
	16734	0053	WINE,GRAPE,MARSALA OVER 14% ALCOHOL IN CONT NOV 1 GAL	31.5¢ PER GAL.
	16740	0063	VERMOUTH, IN CONTAINERS EACH HOLDING 1 GALLON OR LESS	21¢ PER GAL.
	16750	0048	OTHER FERMENTED ALCOHOLIC BEVERAGES, NES	25¢ PER GAL.
	16815	0150	BITTERS, CONTAINING SPIRITS, UNFIT FOR BEVERAGE USE	94¢ PER GAL.
	16817	0117	BITTERS, CONTAINING SPIRITS, FIT FOR BEVERAGE USE	50¢ PER GAL.
	16818	0126	PISCO AND SINGANI IN CONTRS N/O 1 GAL. VALUED N/O $9 PER GAL	62¢ PER GAL.
	16823	0074	PISCO AND SINGANI IN CONTRS N/O 1 GAL. VALUED OVER $9 PER GAL	$1.25 PER GAL.
	16824	0205	PISCO AND SINGANI IN CONTRS OVER 1 GAL. VALUED N/O $9 PER GAL	50¢ PER GAL.
	16826	0055	PISCO AND SINGANI IN CONTRS OVER 1 GAL. VALUED OVER $9 PER GAL	$1 PER GAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

	TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
	16833	0050	CORDIALS, LIQUEURS, KIRSCHWASSER, AND RATAFIA	50¢ PER GAL.
	16835	0096	GIN	50¢ PER GAL.
+	16846	0499	TEQUILA, IN CONTAINERS EACH HOLDING OVER 1 GALLON	$1.25 PER GAL.
	16852	0246	SPIRITS FOR BEVERAGES, NSPF	$1.25 PER GAL.
	16855	0319	PREPARATIONS IN CHIEF VALUE OF SPIRITS FOR BEVERAGES	$1.25 PER GAL
	17551	0035	SUNFLOWER SEED	0.4¢ PER LB
+	17601	0075	CASTOR OIL, VALUED NOT OVER 20 CENTS PER POUND	7.5% AD VAL
+	17614	0039	CASTOR OIL VALUED OV 20 CTS/LB HAVING LOVIBOND COLOR VALUES GREATER THAN 6 YELLOW AND 0.6 RED	1.5¢ PER LB.
	17615	0021	CASTOR OIL VALUED OV 20 CTS/LB, NES	1.5¢ PER LB.
	17630	0050	OLIVE OIL EDIBLE WEIGHING WITH CONTR NOT UNDER 40 LBS	2.6¢ PER LB
	17633	0030	PALM KERNEL OIL, EDIBLE	0.5¢ PER LB
+	17649	0040	SESAME OIL, UNFIT FOR USE AS FOOD	2.2¢ PER LB.
	17650	0014	SESAME OIL FIT FOR USE AS FOOD	0.7¢ PER LB
	17670	0050	OTHER VEGETABLE OILS, NSPF EXCEPT NUT OILS	5% AD VAL
	17712	0160	ANCHOVY OIL	0.75¢ PER LB. + 5% AD VAL.
+	17716	0100	SHARK OIL	0.4¢ PER LB. + 2% AD VAL.
	17722	0058	HERRING OIL	0 46¢ PER LB.
	17724	0230	MENHADEN OIL	1.7¢ PER LB.
	17726	0126	OTHER FISH OILS NSPF EXCEPT LIVER OILS	0.7¢ PER LB. + 5% AD VAL.
+	17740	0051	MARINE-ANIMAL OILS, NES	0.75¢ PER LB. + 5% AD VAL.
	17758	0186	WOOL GREASE MEDICINAL	5¢ PER LB
	17762	0160	WOOL GREASE NES	2.65¢ PER LB
	17769	0050	ANIMAL OILS FATS AND GREASES, NES, EXC MILK, EDIBLE	5% AD VAL
	17772	0104	ANIMAL OILS FATS AND GREASES NOT EDIBLE NSPF	0 75¢ PER LB + 5% AD VAL
	17830	0100	OIL MIXTURES CHIEF VALUE NOT OF LINSEED OR FLAXSEED OIL	10% AD VAL VARIOUS
	18205	0050	ANTIPASTO	5% AD VAL
	18210	0100	CORNED BEEF HASH	10% AD VAL
	18211	0170	PASTES HASH, PUDDINGS ETC OF VEG AND/OR MEAT OR FISH NES	17% AD VAL
	18215	0140	BEAN CAKE, BEAN STICK, MISO, AND SIMILAR PRODUCTS	14% AD VAL
	18220	0030	BISCUITS,CAKE, WAFERS, SIMLR BAKED PRODUCTS AND PUDDINGS,NES	3% AD VAL
	18230	0025	CEREAL BREAKFAST FOODS AND PREPARATIONS	2.5% AD VAL
	18232	0050	CHEWING GUM	5% AD VAL
	18235	0022	MACARONI, ETC, CONTAINING NO EGG OR EGG PRODUCTS	0.5¢ PER LB
	18236	0022	MACARONI, ETC CONTAINING EGG OR EGG PRODUCTS	0.7¢ PER LB
	18240	0050	YEAST EXTRACT,NON ALCOHOLIC, FOR SEASONING FOOD,EXCEPT SAUCE	5% AD VAL
	18245	0060	SOY SAUCE, THIN	6% AD VAL
	18246	0075	SAUCES EXCEPT THIN SOY	7.5% AD VAL
	18252	0070	SOUPS, SOUP ROLLS, CUBES,ETC NOT CONT OYSTERS OR OYST JUICE	7% AD VAL
	18258	0020	VINEGAR, OTHER THAN MALT	3¢ PER PROOF GAL
	18290	0060	EDIBLE PREPARATIONS OF GELATIN, NSPF	6% AD VAL
	18296	0100	WHEAT GLUTEN	10% AD VAL.
	18450	0023	LINSEED OIL CAKE AND OIL CAKE MEAL	0.12¢ PER LB
	18465	0040	ANIMAL FEED MEAT NES INCL OFFAL PREP OR PRES, INEDIBL	4% AD VAL
+	18610	0050	OSTRICH FEATHERS AND DOWNS CRUDE, SORTED OR TREATED ONLY	5% AD VAL
	18615	0150	FEATHERS AND DOWNS NES	15% AD VAL *
	18620	0150	FUR CUT FOR HATTERS USE AND CARROTED FURSKINS	15% AD VAL
	18630	0002	BRISTLES, CRUDE OR PROCESSED	0.75¢ PER LB.
	18640	0020	HAIR, CURLED SUITABLE FOR USE IN MATTRESSES O PADDINGS	2% AD VAL.
	18650	0040	HUMAN HAIR CRUDE, SORTED, TREATED NOT MADE INTO ARTICLES	4% AD VAL
+	18830	0065	AMBER AND AMBEROID NATURAL WHETHER CRUDE OR PROCESSED	25¢ PER LB.
	18834	0070	CHICLE, REFINED, ADVANCE	2.5¢ PER LB.
	18850	0050	TURPENTINE, SPIRITS AND GUM OF, AND ROSIN	5% AD VAL.
	19010	0002	DRIED BLOOD ALBUMEN	5¢ PER LB
	19025	0170	CATGUT, WHIPGUT, AND ORIENTAL GUT	17% AD VAL.
	19068	0075	MOUNTED OR STUFFED ANIMALS OR PARTS THE PROD OF TAXIDERMY	7.5% AD VAL.
	19115	0025	ANIMAL SUBSTN CRUDE NSPF	2.5% AD VAL.
	19245	0060	LICORICE EXTRACT	6% AD VAL.
+	19270	0200	ISTLE OR TAMPICO, PROCESSED	20% AD VAL (903.90 - FREE)
	19285	0050	STRAW AND OTHER FIBROUS VEGETL SUBSTANCES PROCESSED NES	5% AD VAL.
+	19310	0104	TONKA BEANS	6¢ PER LB.
	20006	0050	HOGGED-WOOD FUEL AND WASTE COMPRESSD INTO FUEL WITH BINDER	5% AD VAL.
+	20045	0010	BRIERROOT IN THE ROUGH OR IN BLKS, BUT NT FURTHER ADVANCED	1% AD VAL.
	20091	0025	SOFTWOOD DOWEL RODS AND PINS PLAIN	2.5% AD VAL.

* Duty temporarily suspended (903.70, 903.80).

+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

	TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
	20238	0010	LUMBER, BOXWOOD, JAPANESE MAPLE AND JAPANESE WHITE OAK	1% AD VAL.
	20240	0003	LUMBER, PHILIPPINE MAHOGANY, RED LAUAN, TANGILE, ETC	75¢ PER 1000 FT., BOARD MEASURE
	20254	0050	LUMBER AND WOOD SIDING NSPF, AND EDGE OR END-GLUED WOOD NSPF	5% AD VAL.
	20256	0040	HARDWOOD FLOORING, OAK, IN STRIPS AND PLANKS	4% AD VAL.
	20260	0080	HARDWOOD FLOORING, EXCEPT IN STRIPS AND PLANKS	8% AD VAL.
	20262	0015	WOOD MOLDINGS, STANDARD, PINE, NOT DRILLED OR TREATED	1.5% AD VAL.
	20266	0085	WOOD MOLDINGS, CARVINGS AND ORNAMENTS FOR DECORATIONS	8.5% AD VAL.
	20310	0100	COMPRESSED WOOD BLOCKS, PLATES, SHEETS, AND STRIPS	10% AD VAL.
	20320	0159	COMPRESSED WOOD TOOL HANDLES INCL FOR CUTLERY AND BROOMS,MOPS,BRUSHES ETC	10.5¢ PER LB. + 8.5% AD VAL.
	20330	0174	COMPRESSED WOOD AND MANUFACTURES , NES	10.5¢ PER LB. + 8.5% AD VAL.
	20405	0170	BASKETS,OF WOOD	17% AD VAL.
	20410	0035	CASKS, BARRELS, AND HOGSHEADS OF WOOD	3.5% AD VAL.
	20420	0080	COOPRS PRODUCTS WOOD NES	8% AD VAL.
	20430	0167	WOOD PACKING BOXES, CASES, CRATES, CONTAINERS, NES	16-2/3% AD VAL.
	20435	0075	WOOD CIGAR AND CIGARETTE BOXES	7.5% AD VAL.
	20630	0075	WOOD DOORS, INCL FLUSH, WITH OR WITHOUT THEIR HARDWARE	7.5% AD VAL.
	20645	0070	MAHOGANY FORKS AND SPOONS	7% AD VAL.
	20647	0085	FORKS AND SPOONS, OF WOOD EXCEPT MAHOGANY	8.5% AD VAL.
	20650	0040	WOOD HANDLES, BROOM A MOP, 3/4 IN OR MORE BY 38 IN OR MORE	4% AD VAL.
	20652	0040	PAINT BRUSH AND ROLLER HANDLES, WOOD	4% AD VAL.
	20653	0065	BRUSH BACKS OF WOOD	6.5% AD VAL.
	20654	0080	WOOD TOOLS, TOOL BODIES AND TOOL HANDLES NES	8% AD VAL.
	20660	0060	WOOD FRAMES, PICTURE AND MIRROR	6% AD VAL.
	20695	0140	MAHOGANY HOUSEHOLD UTENSILS AND PARTS, NSPF	14% AD VAL.
	20698	0080	OTHER HOUSEHOLD UTENSILS AND PARTS OF WOOD, EXC MAHOGANY, NSPF	8% AD VAL.
	20700	0080	ARTICLES NSPF, OF WOOD	8% AD VAL.
	22010	0078	CORK, GRANULATED OR GROUND, N/O 6 LB/CU FT UNCOMPRESSED, EXC REGRANULATED	1.5¢ PER LB
	22015	0037	CORK, GRANULATED OR GROUND, OV 6 LB/CU FT UNCOMPRESS, INC REGRANULATED	0.5¢ PER LB
	22020	0090	CORK, NATURAL A COMP,UNMFRTD CUT,OR MOLDED IN BLOCKS, ETC	4¢ PER LB
	22025	0050	VULCANIZED SHEETS AND SLABS, OF GROUND OR PULVRZD CORK-RUBBR	5% AD VAL.
+	22031	0010	CORK INSULATION, FITTING COVERS, LAGS, AND PIPE COVRINGS	2.5¢ PER LB.
	22035	0130	TAPERED CORK STOPPRS, DISKS, WAFERS, ETC, HOLLOW OR PERFRATD	30¢ PER LB.
+	22036	0033	TAPERED CORK STOPPERS, NT HOLLOW OR PERFORATED, DIAM N/O 0.75 IN.	12¢ PER LB.
	22037	0023	TAPERED DISKS, WAFERS, ETC, NT HOLLOW OR PERFORATED, OF CORK, DIAM N/O 0.75 IN.	12¢ PER LB.
+	22039	0042	TAPERED CORK STOPPERS, NT HOLLOW OR PERFORATED, DIAM OV 0.75 IN.	10¢ PER LB.
	22041	0052	TAPERED DISKS, WAFERS, ETC, NT HOLLOW OR PERFORATED, OF CORK, DIAM OV 0.75 IN.	10¢ PER LB.
+	22047	0028	CORK STOPPERS OF A THICKNESS (OR LENGTH) GREATER THAN MAX DIAM, NT TAPERED	10¢ PER LB.
	22048	0053	CORK DISKS, WAFERS, WASHERS AND STOPPERS, NES	10¢ PER LB.
	22050	0180	CORK MANUFACTURES, NSPF	18% AD VAL.
	22210	0040	RATTAN "EXCEPT WHOLE" AND WEBBING MADE THEREFROM	4% AD VAL.
	22230	0140	BAMBOO, RATTAN AND WILLOW FOR BLINDS, SHUTTERS, CURTAINS,ETC	14% AD VAL.
	22232	0125	WOVEN MATERIAL OF CHIP FOR BLINDS,SHUTTERS,CURTAINS,ETC	12.5% AD VAL.
	22234	0050	WOVEN MATERIAL OF RAFFIA FOR BLINDS,SHUTTERS,CURTAINS,ETC	5% AD VAL.
	22236	0050	WOVEN FIBROUS MATERIAL, NES FOR BLINDS,SHUTTERS,CURTAINSETC	5% AD VAL.
	22240	0250	BASKETS A BAGS, BAMBOO	25% AD VAL.
	22241	0100	BASKETS A BAGS OF WILLOW	10% AD VAL.
	22242	0250	BASKETS AND BAGS, OF RATTAN OR OF PALM LEAF	25% AD VAL.
	22244	0085	BSKTS AND BAGS OF UNSPUN VEG MATERIALS, NES	8.5% AD VAL.
	22255	0030	FLOOR COVERINGS OF CHINA, INDIA, OR JAPAN STRAW	3% AD VAL.
	22257	0080	FLOOR COVERINGS, UNSPUN VEGT MTRL EX CHINA INDIA O JAP STRAW	8% AD VAL.
	22260	0125	ARTICLES NES,OF BAMBOO RATTAN,WILLOW OR CHIP	12.5% AD VAL.
	22262	0040	ARTICLES NES, OF RAFFIA	4% AD VAL.
	22264	0050	ARTICLES NES, OF UNSPUN FIBROUS MATERIAL NSPF	5% AD VAL.
	24000	0040	VENEERS, BIRCH AND MAPLE, NOT REINFORCED OR BACKED	4% AD VAL.
	24002	0100	VENEERS, PHIL MAHOGANY, LAUAN, ETC NOT REINFORCED OR BACKED	10% AD VAL.
	24003	0050	OTHER VENEERS NES, NOT REINFORCED OR BACKED	5% AD VAL.
	24004	0080	DECORATIVE WOOD VENEERS REINFORCED OR BACKED	8% AD VAL.
	24006	0050	WOOD VENEERS, EXCEPT DECORATIVE REINFORCED OR BACKED	5% AD VAL.
	24010	0200	PLYWOOD,SPANISH CEDAR FACE, NO FACE FINSH, O CL FCE FINISH	20% AD VAL.
	24012	0125	PLYWOOD, PARANA PINE FACE, NO FACE FNSH OR CLEAR FINISH	12.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
24014	0075	PLYWOOD,BIRCH FACE PLY, NO FACE FINSH,OR CLEAR FACE FINISH	7.5% AD VAL.
24016	0085	PLYWOOD EURO RED PINE FACE, NO FACE FNSH O CLEAR FACE FNSH	8.5% AD VAL.
24019	0200	PLYWOOD WALNUT FACE,NO FACE FINISH,OR WITH CLEAR FACE FINSH	20% AD VAL.
24021	0200	PLYWOOD,NES,SOFTWD FACE, NO FACE FINSH,OR CLEAR FACE FINISH	20% AD VAL.
24030	0200	WOOD-VNEER PANELS 2 FACES SPANISH CEDAR, CLR FNSHD, ORNOT	20% AD VAL.
24032	0125	WOOD-VNEER PANELS, 2 FACES PARANA PINE CLR FNSH O NT FNSHD	12.5% AD VAL.
24034	0075	WOOD-VNEER PANELS, 2 FACES BIRCH CLR FNSHD OR NOT FNSHD	7.5% AD VAL.
24036	0085	WOOD-VNEER PANELS, 2 FACES EUROP RED PINE CLR FNSH O NTFNS	8.5% AD VAL.
24038	0100	WOOD VENEER PANELS, 2 FACES OTHER WOOD NES, CLEAR FINISHED OR NT FINISHED	10% AD VAL.
24040	0100	WOOD VENEER PANELS, BOTH SIDES FACE FNSHD EXCPT CLEAR	10% AD VAL.
24050	0200	WOOD-VNR PANELS, SPNSH CEDAR 1 FACE, CLEAR FNSHD O N FNSH	20% AD VAL.
24052	0125	WOOD-VNR PANELS, PARANA PINE 1 FACE CLR FNSHD OR NO FNSH	12.5% AD VAL.
24054	0075	WOOD-VENEER PANELS, BIRCH 1 FACE CLEAR FNSHD O NT FNSHD	7.5% AD VAL.
24056	0085	WOOD VNR PANELS, EUROP RED PINE 1 FACE CLR FNSH O N FNSH	8.5% AD VAL.
24058	0100	WOOD VENEER PANELS, ONE FACE PLY, NES	10% AD VAL.
24060	0100	WOOD-VENEER PANELS, 1 VENEER FACE PLY, FINSHD EXCPT CLEAR	10% AD VAL.
24500	0075	HARDBOARD N/FACE FINISHED NOV $48.33 1/3 PER SHORT TON	7.5% AD VAL.
24510	0075	HARDBOARD, N/FACE-FINISHED OV $48.33-1/3, N/OV $96.66-2/3 PER S TON	7 5% AD VAL.
24520	0075	HARDBOARD N/FACE-FINISHED OV $96.662/3 STN	7.5% AD VAL.
24530	0150	HARDBOARD, FACE FINISHED EXC OIL TREATD BUT NOT FURTHR FNSHD	15% AD VAL.
24545	0060	PARTICLE BOARD NT UND 90% WGT OF VIROLA, PTEROCARPUS AND/OR TRIPLARIS	6% AD VAL.
24550	0100	WOOD PARTICLE BOARD, NES	10% AD VAL.
24560	0100	CELLULAR PANELS	10% AD VAL.
24570	0060	GYPSUM OR PLASTER BUILDING BOARDS AND LATH	6% AD VAL.
24580	0152	BUILDING BOARDS NSPF LAMINATED BONDED OR IMPREGNATED W SYNTH RESINS	2.5¢ PER LB + 4.5% AD VAL
25110	0050	FILTER MASSE OF PULP	5% AD VAL.
25115	0075	PRESSBOARD A PRESS PAPER	7.5% AD VAL.
25120	0100	STEREOTYPE-MATRIX BOARD OR MAT	10% AD VAL.
25125	0035	STRAWBOARD AND STRAWPAPER, 0.008 INCH OR MORE THICKNESS	3.5% AD VAL.
25130	0030	TEST OR CONTAINER BOARDS, BURSTING STRENGTH OVER 60 LB	3% AD VAL.
25145	0025	PULPBRD ROLLS FOR BLDG BRDS LAMINATED, COATED, LINED ETC	2.5% AD VAL.
25149	0030	SHOEBOARD	3% AD VAL.
25205	0010	BASIC PAPER TO BE SENSITIZED FOR PHOTOGRAPHY, NOT IMPREGNATED ETC	1% AD VAL.
25210	0040	BASIC PAPER FOR MAKING BLUE OR BROWN PRINT PAPER, NOT IMPREGNATED ETC	4% AD VAL.
25213	0082	BIBULOUS PAPER, INC BLOTTING PPR, NOT IMPRG, ETC NOV 9 LB-RM	1.5¢ PER LB. + 5% AD VAL.
25215	0057	BIBULOUS PAPER INC BLOTTING PPR N/IMPG, ETC OV 9 NOV18LB/RM	1.2¢ PER LB. + 3.5% AD VAL.
25217	0035	BIBULOUS PAPER, INC BLOTTING PPR, N/IMPG, ETC OV18 LB/RM	3.5% AD VAL.
25220	0051	BRISTOL BOARD NOT IMPRG, ETC WEIGHING OVER 18 LB/RM	0.6¢ PER LB. + 2% AD VAL.
25225	0053	CARBONIZING PAPER, NOT IMPRG ETC, WEIGHING NOV 9 LBS PR RM	1¢ PER LB. + 3.5% AD VAL.
25227	0060	CARBONIZING PAPER, NOT IMPREGNATED ETC, WEIGHING OV 9 N/O 18 LB PER REAM	0.8¢ PER LB. + 2.5% AD VAL.
25230	0109	CELLULOSE WADDING, NOT IMPREGNATED ETC	2.5¢ PER LB. + 3% AD VAL.
25235	0075	CIGARETTE PAPER NOT IMPREGNATED ETC	7.5% AD VAL.
25240	0063	CONDENSER,COPY,POTTERY,TISSUE PAPERS NT IMPRGND ETC, NT OVER 9 LBS REAM	1.5¢ PER LB. + 5% AD VAL
25242	0047	CONDENSER,COPY,POTTERY,TISSUE PAPERS NT IMPRGN ETC, OV 9 N/O 18 LBS REAM	1.2¢ PER LB. + 3.7% AD VAL.
25245	0019	DRAW PAPER, NOT IMPREG, ETC NOT CUT TO SIZE,OV 18 LB-RM	0.3¢ PER LB. + 1.5% AD VAL.
25250	0060	FILTERING PAPER NOT IMPREGNATED, COATED, EMBOSSED ETC	6% AD VAL.
25257	0060	COVER PAPER NOT IMPREGNATED COATED OR EMBOSSED, ETC	6% AD VAL.
25259	0059	INDIA A BIBLE PAPER N IMPG ETC, NOT OVER 9 LBS PER RM	1.5¢ PER LB. + 5% AD VAL.
25261	0050	INDIA BIBLE PAPER, N IMPG ETC OVER 9 NOV 15LBS PER RM	1.2¢ PER LB. + 3.5% AD VAL.
25263	0024	INDIA A BIBLE PAPER,N/PRGTD, ETC OV15 NOV30.75LBS PER REAM	0.5¢ PER LB. + 1.5% AD VAL.
25267	0028	BOOK AND PRINTING PAPER, NOT COATED, IMPREGNTD, ETC, NSPF	0.08¢ PER LB. + 2% AD VAL.
25270	0040	STEREO TYPE PAPER N/IMPRGNTD ETC, N/OV 9 LBS PER REAM	1¢ PER LB. + 3.5% AD VAL.
25273	0095	STEROTYPE PAPER N IMPREGNTD ETC OV 9 NOV 18 LBS PER REAM	1¢ PER LB. + 2.5% AD VAL.
25275	0080	WRITING PAPER N/IMPREGNATED ETC OVER 18 LB PER REAM	0.7¢ PER LB. + 3.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
25277	0069	OTHER PAPERS NSPF, NOT IMPREGNATED, COATED, EMBOSSED ETC N/0 9 LBS REAM	0.6¢ PER LB. + 3% AD VAL.
25279	0048	OTHER PAPERS NSPF, NT IMPREGNATED, COATED ETC, OV 9 N/0 18 LBS REAM	0.5¢ PER LB. + 2% AD VAL.
25281	0040	WRAPPING PAPER, SULPHATE WEIGHING OVER 18 POUNDS PER REAM	4% AD VAL.
25284	0060	WRAP PAPER OV 18 LBS/REAM, SULPHITE, INCL MACHINE GLAZED	6% AD VAL.
25286	0050	WRAPPING PAPER EXC SULPHATE A SULPHITE, NT IMPREGNATED ETC,OV 18 LBS REAM	5% AD VAL.
25290	0100	OTHER PAPER NES, NOT IMPREGNATED ETC. EXC WRAPPING PPR, OVER 18 LBS REAM	10% AD VAL.
25305	0031	HANDMADE PAPER NT IMPREGNATED,NT COATED,NT EMBOSSED ETC	0.5¢ PER LB. + 2.5% AD VAL.
25310	0054	HANDMADE PAPER IMPREGNATED, COATED, EMBOSSED, PRINTED, ETC.	0.6¢ PER LB. + 5% AD VAL.
25315	0066	PAPER, CREPED OR PART CREPED AS SECONDARY CONVRTNG PROCES	1¢ PER LB. + 2.5% AD VAL.
25320	0075	CREPE PAPER EXC PPR CREPED AS A SECONDARY CONVRTNG PROC	0.75¢ PER LB. + 2% AD VAL.
25325	0024	VEGETBLE PARCHMENT PAPER	0.5¢ PER LB. + 1.5% AD VAL.
25330	0042	GREASEPROOF PAPER, IMITATION PARCHMENT PAPER INCL GLASSINE	0.5¢ PER LB. + 2.5% AD VAL.
25335	0084	CLOTH-LINED OR REINFORCED PAPER	1¢ PER LB. + 5% AD VAL.
25340	0063	PAPER COVERED W FLOCK,GELATIN,METAL SOLUTION W/DESIGN, PATTERN ETC	2¢ PER LB. + 4% AD VAL.
25345	0045	PAPER, COVER WITH FLOCK, GELATIN OR METAL SOLUTION NES	1¢ PER LB. + 4% AD VAL.
25405	0010	BASIC PAPER TO BE SENSITIZED FOR PHOTOGRAPHY, IMPREGNATED,COATED, ETC	1% AD VAL.
25409	0060	BRISTOL BOARD IMPREG COATED LINED DECORATED ETC OV18LB/RM	0.6¢ PER LB. + 4% AD VAL.
25415	0053	CARBON PAPER, IMPREGNATED ETC, WEIGHING NOT OVER 9 LBS PER REAM	1¢ PER LB. + 3.5% AD VAL.
25418	0041	CARBON PAPER, IMPREGNATED ETC, WEIGHING OVER 9 LBS PER REAM	0.8¢ PER LB. + 2.5% AD VAL.
25420	0088	CELLULOSE WADDING, IMPRGNTD COATED, SUR-COL PRINTED, ETC	2.5¢ PER LB. + 3% AD VAL.
25425	0075	CIGARETTE PAPER, IMPREGNATED COATED,SUR-COLORED PRINTED, ETC	7.5% AD VAL.
25430	0050	SIMPLEX DECAL PAPER IMPRGNT COATED, SURF-CLRD ETC N/PRTD	0.5¢ PER LB. + 2% AD VAL.
25435	0047	DRAWING PAPER, IMPREG COATED RULED, LINED, ETC OV 18 LB/RM	0.4¢ PER LB. + 4% AD VAL.
25440	0060	INDIA OR BIBLE PPR,NOT LITHO PRTD NOT OV 9 LB REAM	1.5¢ PER LB. + 5% AD VAL.
25442	0042	INDIA OR BIBLE PPR,NOT LITHO PRTD, OV 9 N/OV 15 LB-RM	1.2¢ PER LB. + 3.5% AD VAL.
25444	0020	INDIA OR BIBLE PAPER, NOT LITHO PRINTED OVER 15 N/0 30 75 LBS PER REAM	0.5¢ PER LB. + 1.5% AD VAL.
25446	0083	PRTD PPR, EXC INDIA, BIBLE, IMPRG OR COAT N/LITHO-PRINTD	1¢ PER LB. + 2% AD VAL.
25448	0077	PRINTING PAPER NES, EXCL INDIA O BIBLE, NT LITHO PRTD, NT IMREGNTD ETC	1¢ PER LB. + 4% AD VAL.
25450	0280	PRINTING PAPER, LITHOGRAPH, PRINTED	6¢ PER LB.
25454	0058	WAX OR PARAFFIN COATED OR IMPREGNATED PAPER	0.6¢ PER LB. + 4% AD VAL.
25456	0109	WRITING PAPER, IMPRG,CTD ETC NOT LITHO-PRTD,OV 18 LB/RM	0.7¢ PER LB. + 6% AD VAL.
25458	0046	WRITING PAPER INPRG, COATED, ETC, LITHO-PRTD, OVER 18 LB/RM	6¢ PER LB.
25463	0039	PAPER NSPF, NT LITHO PRINTED, NT IMPRG OR COATED, N/0 9 LBS PER REAM	0.6¢ PER LB. + 3% AD VAL.
25465	0032	PAPER,NSPF,N/LITH-PT,N//IMPRG OR COATED, OV 9 NOV 18 LB/RM	0.5¢ PER LB. + 2% AD VAL.
25470	0074	PAPER, NSPF, NOT LITH PRT, NT IMPRG OR COATED, OV 18 LB/RM	1.5¢ PER LB. + 4% AD VAL.
25475	0060	GUMMED PPR, IMPRGNTD AND/OR COATED, NOT LITHO-PRINTED	1.2¢ PER LB.
25480	0041	PAPER, IMPREGNATED, COATED NOT LITHOPRINTED, NOT GUMMED	1¢ PER LB. + 2% AD VAL.
25485	0055	PAPER, NES, NOT LITHO-PRTD, IMPREGNA OR COATED, NOT GUMMED	1¢ PER LB. + 4% AD VAL.
25490	0057	PAPERS NSPF,LITHOGRAPHICALLY PRINTED,N/OV 0.020 IN THICK	6¢ PER LB.
25495	0030	PAPER, NSPF, LITHOGRAPHICALY PRINTED OV .020 INCH THICK	2.5¢ PER LB.
25605	0050	WALL PAPER	5% AD VAL.
25610	0075	CIGARETTE PAPER, CUT TO SIZE CIG BOOKS AND CIG BOOKCOVERS	7.5% AD VAL.
25613	0010	BASIC PAPER CUT TO SIZE OR SHAPE, TO BE SENSITIZED FOR PHOTOGRAPHY USE	1% AD VAL.
25615	0050	FILTERING PAPER CUT TO SIZE OR SHAPE	5% AD VAL.
25620	0082	WRITING PAPER, CORRES CARDS, OV 18LB/RM NOT COLR EMBOSSD ETC	0.7¢ PER LB. + 5% AD VAL.
25625	0081	WRITING PPR CORRESP CARDS OV 18LB/RM, SURFACE-COLORED,ETC	0.7¢ PER LB. + 7.5% AD VAL.
25630	0075	PAPER AND PAPERBOARD CUT TO SIZE OR SHAPE, NSPF	7.5% AD VAL.
25635	0060	PAPETERIES	6% AD VAL.
25640	0080	SHEETS OF WRITING PAPER PREP FOR USE AS COMBINATION SHEETS A ENVELOPES	8% AD VAL.
25642	0075	ENVELOPES, NOT BORDERED,EMBOSSED,PRINTED OR TINTED, ETC	7.5% AD VAL.
25644	0100	PPR ENVELOPES, BORDERED, LND DECORATED,PRINTED, EMBOSSED ETC	10% AD VAL.
25648	0034	BOXES OF PAPER,PAPRBD,PAPIER-MACHE COVERD OR LINED W SPECIAL PAPERS	1¢ PER LB. + 2.5% AD VAL.
25652	0075	BOXES OF PAPER ETC NT COVERED AND NT FOLDED, SET UP OR OTHRWSE ASSEMBLED	7.5% AD VAL.
25654	0070	BOXES, PAPER, PAPERBOARD AND PAPER MACHE, NES	7% AD VAL.
25656	0100	BOUND BLANK BOOKS, DIARIES, NOTE BOOKS AND ADDRESS BOOKS	10% AD VAL.
25658	0040	BOUND BLANK BOOKS EXCEPT DIARIES, NOTEBOOKS OR ADDRESS BOOKS	4% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
25660	0065	ALBMS, AUTOGPH, PHOTO ETC AND ALBUMS FOR PHONOGPH RECORDS	6.5% AD VAL.
25665	0041	PARALLEL PAPER TUBES FOR HOLDING THREAD OR YARN	0.2¢ PER LB. + 4% AD VAL.
25667	0086	TAPERED PAPER TUBES FOR HOLDING THREAD OR YARN	0.7¢ PER LB. + 8% AD VAL.
25670	0050	PULP, ARTICLES EXC PAPER AND PAPERBOARD, NSPF	5% AD VAL.
25675	0040	PAPIER-MACHE ARTICLES, NSPF	4% AD VAL.
25680	0042	ARTICLES OF CELLULOSE WADDING, NSPF	2.5¢ PER LB. + 3% AD VAL.
25685	0062	ARTICLES, NSPF, OF PAPERS, COATED,LINED, PARCHMNT ETC	1¢ PER LB. + 5% AD VAL
25690	0085	ARTICLES, NES, OF PAPER AND PPR/BD EX PULP, PAP MACHE, ETC	8.5% AD VAL.
27045	0015	PRINTED CATALOGS CHIEFLY FOR SALE OF U.S.PRODUCTS, FOREIGN AUTHORSHIP	1.5% AD VAL.
27050	0035	PRINTED CATALOGS CHIEFLY FOR SALE OF U.S.PRODUCTS, EXC FORGN AUTHORSHIP	3.5% AD VAL.
27330	0085	GLOBES, PRINTED	8.5% AD VAL.
27350	0015	DESIGNS FOR USE IN MFG OF FLR OR WALL COVERINGS,TEXTILES, NT OV 20 YRS OLD	1.5% AD VAL.
27355	0040	DRAWINGS A PLANS,ARCH,ENG., ETC NOT OV 20 YEARS OLD, NSPF	4% AD VAL.
27365	0120	DECALCOMNIAS EX TOY, CERAMIC COLOR, NOV 100 LB/1000 SHEETS	37¢ PER LB. + 5% AD VAL.
27370	0064	DECALCMANIAS EX TOY CERAMIC COLOR OV 100 LB PER 1000 SHT	9¢ PER LB. + 5% AD VAL.
27375	0023	DECALCOMNIA, EX TOY, N/CERMC COLORED, N/BACKD W METAL LEAF	10¢ PER LB.
27385	0100	POSTCARDS WITH VIEWS OF ANY PLACE OR LOCALITY IN U.S.	10% AD VAL.
27390	0060	POSTCARDS EXCEPT OF U.S. NOT PRINTED LITHOGRAPHICALLY	6% AD VAL.
27395	0040	POSTCARDS,EXCEPT OF U.S., PRINTED LITHOGRAPHICALLY	4% AD VAL.
27400	0050	SOCIAL AND GIFT CARDS,ETC, WITHOUT GREETING OR WORDING	5% AD VAL
27405	0075	SOCIAL A GIFT CARDS WITH WORDING, WITH OR W/O ENVELOPES	7.5% AD VAL.
27410	0051	PAPER CALENDARS, LITHOGRAPH PRINTED,NT OVER 0.020 IN. THICK	6¢ PER LB.
27415	0020	PAPER CALENDARS, LITHOGRAPH PRINTED, OVER 0.020 IN. THICK	2.5¢ PER LB.
27420	0075	PAPER CALENDARS EXCEPT LITHOGRAPHICALLY PRINTED	7.5% AD VAL.
27423	0048	CIGAR BANDS,WHOLE /PART LITH PRINTED,BUT NO METAL LEAF PRNTG	15¢ PER LB.
27427	0019	CIGAR BANDS,WHOLLY OR PARTLY LITHO-PRTD IN METAL LEAF	32¢ PER LB.
27429	0051	LABELS, FLAPS, A BANDS, NES, LITHO-PRTD, EXC IN METAL LEAF	9¢ PER LB.
27433	0047	LABELS, FLAPS, A BANDS, NES, METAL LEAF LITHOGRAPH PRINTED	15¢ PER LB.
27435	0060	PAPER LABELS,FLAPS,AND BANDS PRINTED EXCEPT LITHOGRHLY	6% AD VAL.
27460	0025	LITHOGRAPHS ON PAPER NT OVER 0.020 INCH THICK, N/0 20 YRS OLD, NSPF	6¢ PER LB.
27465	0015	LITHOGRAPHS ON PAPER OVER 0.020 INCH THICK, NT OVER 20 YRS OLD, NSPF	2.5¢ PER LB.
27470	0040	PHOTOS,ENGRVGS,ETC NSPF,NOT LITHOS,NOT OV 20 YRS OLD	4% AD VAL.
27475	0054	LITHOGRAPHIC PRINTED MATTER ON PAPER NOT OVER 0.020 IN.THICK, NSPF	6¢ PER LB.
27480	0015	LITHOGRAPHIC PRINTED MATTER ON PAPER OVER 0.020 INCH THICK	2¢ PER LB.
27485	0020	PRINTED MATTER, NOT LITHO- GRAPHED, SUSCEPTIBLE OF AUTHRSH	2% AD VAL.
27490	0075	PRINTED MATTER, NSPF	7.5% AD VAL.
30404	0040	ABACA FIBERS, PROCESSED BUT NOT SPUN	4% AD VAL.
+ 30410	0005	FLAX, RAW	0.18¢ PER LB.
30412	0002	FLAX WASTE AND ADVANCED WASTE	0.07¢ PER LB.
30414	0005	FLAX PROCESSED NOT CARDED AND NOT HACKLED	0.18¢ PER LB.
+ 30420	0007	HEMP, RAW, WASTE AND ADVANCED WASTE	0.2¢ PER LB.
30422	0020	HEMP PROCESSED NOT CARDED AND NOT HACKLED	0.4¢ PER LB.
30440	0040	KAPOK FIBERS PROCESSED	4% AD VAL.
30444	0040	RAMIE FIBERS PROCESSED BUT NOT SPUN	4% AD VAL.
30448	0080	SISAL AND HENEQUEN FIBERS PROCESSED BUT NOT SPUN	8% AD VAL.
30458	0040	OTHER VEGETABLE FIBERS PROCESSED BUT NOT SPUN NES	4% AD VAL.
30520	0075	JUTE YARNS A ROVING SINGLE UND 720 YDS A LB	7.5% AD VAL.
30522	0110	JUTE YARNS AND ROVING SINGLES 720 YDS OR OVER A LB	11% AD VAL.
30528	0100	JUTE YARN AND ROVING PLIED UNDER 720 YDS A LB	10% AD VAL.
30530	0125	JUTE YARN AND ROVING PLIED 720 YDS OR OVER A LB	12.5% AD VAL.
30540	0100	YARNS AND ROVING OF OTHER VEGETABLE FIBERS NES	10% AD VAL.
30550	0100	CHENILLE YARNS OF VEGETABLE FIBER EXCEPT COTTON	10% AD VAL.
30642	0128	CAMEL HAIR, IN GREASE OR WASHED, SORTED	12.5¢ PER CLEAN LB.
30652	0009	ALPACA LLAMA A VICUNA HAIR GREASY OR WASHED SORTED	3¢ PER CLEAN LB.
30653	0008	ALPACA LLAMA AND VICUNA HAIR SCOURED	4¢ PER CLEAN LB.
30660	0040	CASHMERE GOAT HAIR ON THE SKIN	8¢ PER CLEAN LB.
30661	0053	CASHMERE GOAT HAIR GREASY OR WASHED NOT SORTED	9¢ PER CLEAN LB.
30670	0280	ANGORA GOAT HAIR, ON THE SKIN	10¢ PER CLEAN LB.
30671	0070	ANGORA GOAT HAIR GREASY OR WASHED NOT SORTED	11¢ PER CLEAN LB.
30672	0030	ANGORA GOAT HAIR GREASY OR WASHED SORTED	11¢ PER CLEAN LB.
30680	0060	ANGORA RABBIT HAIR ON THE SKIN	16¢ PER CLEAN LB.
30681	0219	ANGORA RABBIT HAIR GREASY OR WASHED NOT SORTED	17¢ PER CLEAN LB.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
30682	0046	ANGORA RABBIT HAIR GREASY OR WASHED SORTED	17¢ PER CLEAN LB.
30702	0066	WOOL WASTE, CARD OR BURR, NOT ADVANCED	4.5¢ PER LB.
30704	0067	WOOL WASTE, CARD OR BURR, ADVANCED	7¢ PER LB
30706	0056	WOOL NOILS NOT ADVANCED	6¢ PER LB.
30716	0058	WOOL WASTE YARN NOT GARNETTED OR PICKERED	5¢ PER LB.
30806	0070	OTHER SILK NES PROCESSED BUT NOT MADE INTO YARN	7% AD VAL.
30810	0070	SILK NOILS OVER 50% WEIGHT OF FIBERS OVER 2 IN IN LENGTH	7% AD VAL.
30816	0085	SILK ROVING NOT BLEACHED AND NOT COLORED	8.5% AD VAL.
30818	0100	SILK ROVING BLEACHED OR COLORED	10% AD VAL.
30820	0070	SILK FIBERS PROCESSED BUT NT SPUN EXC ROVING NES	7% AD VAL.
30830	0100	SILK YARN WHOLLY CONT FIBER ORGANZINE, SINGLES, OR TRAM	10% AD VAL.
30835	0100	YARN WHOLLY SILK WITH FIBERS CONTINUOUS EX ORGAN SING O TRAM	10% AD VAL.
30840	0085	SILK YARN NON-CONTINUOUS SINGLES NOT BLEACH NOT COLORED	8.5% AD VAL
30845	0125	SILK YARN NON-CONT SINGLE NOT COLORED OV 58,800 YD A LB	12.5% AD VAL.
30847	0100	SILK YARN NON-CONT SINGLE BLCH OR COL EXC OV 58,000 YD A LB NT COL	10% AD VAL.
30850	0125	SILK YARN NON-CONT PLIED NOT COLORED OVER 29,400 YDS LB	12.5% AD VAL
30851	0100	SILK YARN NON-CONT PLIED EXC NO COLOR OV 29,400 YDS LB	10% AD VAL
30855	0100	YARN WHOLLY SILK IN PART CONTINUOUS FIB A NOT CONTINUOUS	10% AD VAL.
30880	0135	CHENILLE YARNS OF SILK	13.5% AD VAL.
30890	0100	SILK SEWING THREAD AND YARN PUT UP FOR HANDWORK	10% AD VAL.
31210	0050	TOPS ROVING AND YARNS ANIMAL AND HUMAN HAIR NES	5% AD VAL.
31230	0058	METALIZED YARN	3¢ PER LB. + 5% AD VAL
31240	0085	YARNS OF PAPER	8.5% AD VAL.
31250	0100	YARNS NSPF	10% AD VAL.
+ 31575	0100	COIR CORDAGE STRANDED	10% AD VAL.
31650	0135	CORDAGE OF SILK	13.5% AD VAL.
31670	0085	CORDAGE OTHER FIBER NES	8.5% AD VAL.
31901	0090	HAND LOOM FABRICS WHOLLY COTTON NUMBER 14 OR COARSER	9% AD VAL.
31903	0115	HAND LOOM FABRICS WHOLLY COTTON NUMBER 15-34	11.5% AD VAL.
31905	0130	HAND LOOM FABRICS WHOLLY COTTON NUMBER 35-49	13% AD VAL.
31907	0145	HAND LOOM FABRICS WHOLLY COTTON NUMBER 50-59	14.5% AD VAL.
33550	0029	WOVEN FABRICS JUTE BLEACHED COLORED OR FLAME RESISTANT	0.2¢ PER LB. + 2.5% AD VAL.
+ 33570	0032	WOVEN FABRIC CHIEF VALUE JUTE NOT OVER 4 OZ SQUARE YARD NES	3.2% AD VAL.
+ 33585	0050	WOVEN FABRIC CHIEF VALUE JUTE OVER 4 OZ SQUARE YARD NES	5% AD VAL.
33910	0085	WOVEN FABRIC OF PAPER YAR-OTH	8.5% AD VAL.
34720	0070	NARROW FABRICS VEG-FIB EXC COT-SEAMLESS TUBING EXC WICKING	7% AD VAL.
34728	0100	WICKING OF VEGETABLE FIBERS OTHER THAN OF COTTON	10% AD VAL.
34730	0140	NARROW FABRICS OF JUTE WEBBING	14% AD VAL.
34735	0070	OTHER NARROW FABRICS VEGETABLE FIBER EXC COT NES	7% AD VAL.
34772	0060	NARROW FABRIC OF METALIZED YARN	6% AD VAL.
34775	0085	NARROW FABRICS OF OTHER FIBER NES	8.5% AD VAL.
35504	0200	WEBS WADDING BATTING AND NONWOVEN FABRICS VEG FIB EX COT	20% AD VAL.
35520	0135	SILK WEBS WADDING BATTING AND NONWOVEN FABRICS ETC	13.5% AD VAL.
+ 35542	0110	FISH NETTING AND FISH NETS VEG FIB EXC COTTON NES	11% AD VAL
35555	0055	ARTISTS CANVAS VEG FIB EXC COTTON WOVEN OR KNIT COATID ETC	5.5% AD VAL
36035	0172	COIR FLOOR COVERINGS PILE NOT HAND INSERTED OR KNOTTED	5¢ PER SQ. FT.
36036	0070	JUTE FLOOR COVERINGS PILE NOT HAND INSERTED OR KNOTTED	7% AD VAL.
36077	0125	OTHER HAND-HOOKED FLOOR COVERS PILE OR TUFT OV 50% VEG FIBER	12.5% AD VAL.
36079	0125	HANDHOOKED FLOOR COVERINGS OTHER TEXTILE FIBERS NES	12.5% AD VAL.
36082	0165	FLOOR COVERINGS WITH OV 50% OF PILE OR TUFT OF VEG-FIB EXC COTTON	16.5% AD VAL.
36084	0165	FLOOR COVERINGS OTHER FIBERS NES PILE INSERTED INTO BASE NES	16.5% AD VAL.
36153	0070	JUTE FLOOR COVERING NSPF	7% AD VAL.
36409	0150	TAPESTRIES OF VEG. FIBERS EXC COTTON JACQUARD-FIGURED NOT PILE	15% AD VAL.
36414	0150	TAPESTRIES OF VEG. FIBERS EXC COTTON JACQUARD-FIGURED PILE CONSTRUCTION	15% AD VAL.
36418	0150	TAPESTRIES NES NT JACQUARD-FIGURED VEGETABLE FIB EXC COTTON OR FOLK PROD	15% AD VAL.
36425	0135	SILK TAPESTRIES NES	13.5% AD VAL.
36435	0085	TAPESTRIES TEXTILE MATERIALS NES	8.5% AD VAL.
36505	0150	HANDMADE-LACE FURNISHINGS VEG FIB EX COT NOT OV $50 LB	15% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
36514	0200	HANDMADE LACE FURNISHINGS OF SILK OR OTHER FIBERS NES N/O $50 LB	20% AD VAL.
36591	0210	OTHER NET FURNISH ORN OR N-ORN & OTHER FURN ORN OF SILK OR OTH TEX FIB NES	21% AD VAL.
37017	0236	LACE HANDKERCHIEFS A OTHR ORNAMENT HDKRCHIEFS OF VEG FIBERS EXC COTTON	2¢ EACH + 20% AD VAL
37019	0109	SILK HANDKERCHIEFS OF LACE AND SILK HDKFS ORN NES	1¢ EACH + 10% AD VAL.
37022	0129	LACE HANDKERCHIEFS OF OTHER FIBER & OTHER HDKFS OF OTHER FIBER, ORNAMENTED	1¢ EACH + 10% AD VAL.
+ 38595	0171	COIR PILE MATTING AND PILE MATS	5¢ PER SQ. FT.
38961	0225	ARTIFICIAL FLOWERS OF MAN-MADE FIBERS	25¢ PER LB. + 15% AD VAL.
39016	0025	SCRAP CORDAGE OF OTHER MATERIALS NSPF	2.5% AD VAL.
40302	0113	ANTHRACENE 30% PURITY OR OVER BY WEIGHT	1.4¢ PER LB. + 8% AD VAL.
40304	0162	CARBAZOLE WITH PURITY OF 65 PCT OR MORE BY WEIGHT	1.7¢ PER LB. + 12.5% AD VAL.
40306	0056	NAPHTHALENE, SOLIDFYING AT 79 DEGREES C AND OVER	0.7¢ PER LB. + 4% AD VAL.
40308	0189	PHTHALIC ANHYDRIDE	1.2¢ PER LB. + 7% AD VAL.
40310	0274	STYRENE	1.4¢ PER LB. + 9% AD VAL.
40340	0173	PHENOL OR CARBOLIC ACID SPECIFIED DISTILLATION YIELDS	1.5¢ PER LB. + 8.5% AD VAL.
40342	0072	CRESYLIC ACID HAVING SPECIFIED DISTILLATION	0.85¢ PER LB. + 5% AD VAL.
40344	0085	METACRESOL ORTHOCRESOL PARACRESOL ETC W PURITY 75 PCT	0.8¢ PER LB. + 5% AD VAL.
40346	0156	COAL TAR DISTILLATES NSPF HAVING SPECIFIED YIELDS	1.7¢ PER LB. + 10% AD VAL.
40358	0154	ETHOXYQUIN	1.7¢ PER LB. + 12.5% AD VAL.
40370	0163	CAPROLACTAM MONOMER	1.5¢ PER LB. + 10% AD VAL.
40375	0143	HEXAMETHYLENE ADIPAMIDE	1.5¢ PER LB. + 10% AD VAL.
40378	0104	METHYLCYCLOHEXANONE	1.5¢ PER LB. + 10% AD VAL.
40379	0180	MALEIC ANHYDRIDE	1.7¢ PER LB. + 12.5% AD VAL.
40390	0152	MIXTURES IN WHOLE OR PART OF INDUSTRIAL ORGANIC CHEMICALS	1.7¢ PER LB. + 12.5% AD VAL.
40504	0323	TRINITROTOLUENE, VALUED N/O 15¢ PER LB. (SEE TSUS HISTORICAL NOTES)	1.7¢ PER LB + 11% AD VAL
40506	0113	EXPLOSIVES DERIVED FROM BEN- ZENOID CHEMICALS NSPF	1.7¢ PER LB. + 11% AD VAL.
40510	0123	INK POWDERS DERIVED FROM BENZENOID CHEMICALS A PRODUCTS	1.7¢ PER LB. + 11% AD VAL.
40515	0139	PESTICIDES, DERIVED FROM BENZENOID CHEMICALS A PRODUCTS	1.7¢ PER LB. + 12.5% AD VAL.
40520	0203	PHOTOGRAPHIC CHEMICALS FROM BENZENOID CHEMICALS AND PRODUCT	3¢ PER LB. + 19% AD VAL.
40525	0125	PLASTICS MATERIALS, DERIVED FROM BENZENOID PRODUCTS	1.4¢ PER LB. + 9% AD VAL.
40530	0103	PRODUCTS CHIEFLY USED AS ASSISTANT IN PREPARING TEXTILES	1.4¢ PER LB. + 8% AD VAL.
40535	0161	BENZENOID DETERGENTS, WETTING AGENTS, EMULSIFIERS ETC	1.7¢ PER LB. + 12.5% AD VAL.
40540	0182	BENZENOID PRODUCTS CHIEFLY USED AS PLASTICIZERS	1.7¢ PER LB. + 12.5% AD VAL.
40545	0168	SODIUM BENZOATE	1.5¢ PER LB. + 10.5% AD VAL.
40555	0355	BENZENOID SYNTHETIC TANNING MATERIALS	3.5¢ PER LB. + 22.5% AD VAL.
40680	0108	FAST COLOR BASES AND SALTS, AND NAPHTHOL AS AND ITS DERIVATIVES	1.7¢ PER LB. + 10% AD VAL.
40702	0150	ACETANILIDE	1.7¢ PER LB. + 12.5% AD VAL.
40704	0161	BENZALDEHYDE	1.7¢ PER LB. + 12.5% AD VAL.
40706	0130	BENZOIC ACID	1.7¢ PER LB. + 12.5% AD VAL.
40708	0170	2-NAPHTHOL OR BETA-NAPHTHOL	1.7¢ PER LB. + 12.5% AD VAL.
40710	0145	RESORCINOL	1.7¢ PER LB. + 12.5% AD VAL.
40712	0142	SALICYLIC ACID AND ITS SALTS	1.7¢ PER LB. + 12.5% AD VAL.
40720	0112	ACETPHENETIDINE OR PHENACETIN	1.4¢ PER LB. + 10% AD VAL.
40725	0155	ACETYLSALICYLIC ACID OR ASPIRIN	1.7¢ PER LB. + 12.5% AD VAL.
40730	0135	ANTIPYRINE	1.7¢ PER LB. + 12.5% AD VAL.
40732	0101	OTHER SPECIFIED COAL TAR MEDICINALS	1.4¢ PER LB. + 10% AD VAL.
40735	0112	DIETHYLAMINOACETOXYLIDIDE OR XYLOCAINE	1.7¢ PER LB. + 11% AD VAL.
40740	0086	5-ETHYL-5-PHENYLHEXAHYDROPYRIMIDINE-4,6-DIONE	1.2¢ PER LB. + 8.5% AD VAL.
40745	0099	METHYLPHENETHYLHYDANTOIN	1.4¢ PER LB. + 9% AD VAL.
40750	0095	HYDANTOIN DERIVATIVES NSPF	1.4¢ PER LB. + 9% AD VAL.
40755	0091	2-BENZYL-4,5-IMIDAZOLINE HYDROCHLORIDE	1.4¢ PER LB. + 9% AD VAL.
40760	0093	PHENYLBENZYLAMINOETHYLIM- IDAZOLINE HYDROCHLORIDE	1.4¢ PER LB. + 9% AD VAL.
40770	0090	IMIDAZOLINE DERIVATIVES NSPF	1.4¢ PER LB. + 9% AD VAL.
40780	0136	SALOL	1.7¢ PER LB. + 12.5% AD VAL.
40790	0135	GUAIACOL AND ITS DERIVATIVES FROM BENZENOID OR OTHER SOURCES	1.7¢ PER LB. + 12.5% AD VAL.
40805	0270	BENZYL ACETATE	3.5¢ PER LB. + 22.5% AD VAL.
40810	0247	BENZYL BENZOATE	3.5¢ PER LB. + 22.5% AD VAL.
40815	0244	DIPHENYL OXIDE	3.5¢ PER LB. + 22.5% AD VAL.
40820	0114	HELIOTROPIN, DERIVED FROM BENZENOID CHEM AND PRODUCTS	1.7¢ PER LB. + 11% AD VAL.
40825	0242	METHYL ANTHRANILATE	3.5¢ PER LB. + 22.5% AD VAL.
40830	0096	ARTIFICIAL MUSK DERIVED FROM BENZENOID CHEM AND PRODUCTS	2.8¢ PER LB. + 9% AD VAL.
40835	0241	PHENYLACETALDEHYDE	3.5¢ PER LB. + 22.5% AD VAL.
40840	0245	PHENETHYL ALCOHOL	3.5¢ PER LB. + 22.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
40845	0105	SACCHARIN	1.5¢ PER LB. + 9.5% AD VAL.
40860	0234	BENZENOID AROMATIC OR ODORIFEROUS COMPOUNDS NSPF	3.5¢ PER LB. + 22.5% AD VAL.
40870	0236	COUMARIN	3.5¢ PER LB. + 22.5% AD VAL.
40875	0232	METHYL SALICYLATE	3.5¢ PER LB. + 22.5% AD VAL.
40880	0101	VANILLIN	1.5¢ PER LB. + 9.5% AD VAL.
40900	0266	MIXTURES FROM BENZENOID PRODUCTS AND CHEMICALS, NSPF	3.5¢ PER LB. + 22.5% AD VAL.
41520	0050	CHLORINE	5% AD VAL.
41527	0036	IODINE RESUBLIMED	8¢ PER LB.
41550	0050	CHEMICAL ELEMENTS IN ANY PHYSICAL FORM NSPF	5% AD VAL.
41605	1096	ARSENIC ACID	1.5¢ PER LB.
41610	0027	BORIC ACID	0.4¢ PER LB.
41630	0021	PHOSPHORIC ACID	0.8¢ PER LB.
41645	0060	INORGANIC ACIDS, NES	6% AD VAL.
41710	0056	ALUMINUM AMMONIUM SULFATE OR AMMONIA ALUM	0.15¢ PER LB.
41714	0054	POTASSIUM ALUMINUM SULFATE OR POTASH ALUM	0.3¢ PER LB.
41716	0019	ALUMINUM SULFATE	0.05¢ PER LB.
41718	0040	ALUMINUM COMPOUNDS, NSPF	4% AD VAL.
41720	0040	AMMONIA, AQUA	4% AD VAL.
41722	0052	AMMONIA, LIQUID ANHYDROU	0.62¢ PER LB.
41724	0026	AMMONIUM CARBONATE AND BICARBONATE	0.25¢ PER LB.
41726	0092	AMMONIUM CHLORIDE	0.26¢ PER LB.
41728	0078	AMMONIUM MOLYBDATE	10¢ LB. MOLYBDENUM CONTENT + 3% AD VAL
41730	0082	AMMONIUM NITRATE	0.25¢ PER LB.
41732	0020	AMMONIUM PERCHLORATE	0.5¢ PER LB.
41734	0015	AMMONIUM PHOSPHATE, NOT FERTILIZER	0.3¢ PER LB.
41736	0050	AMMONIUM SILICOFLUORIDE	5% AD VAL.
41738	0040	AMMONIUM SULFATE	4% AD VAL.
41742	0160	AMMONIUM VANADATE	16% AD VAL.
41744	0040	AMMONIUM COMPOUNDS NSPF	4% AD VAL.
41750	0005	ANTIMONY OXIDE	0.3¢ PER LB.
41752	0060	ANTIMONY SULFIDE	0.25¢ PER LB. + 6% AD VAL.
41754	0101	ANTIMONY COMPOUNDS NSPF	0.4¢ PER LB. + 10% AD VAL.
41764	0050	ARSENIC COMPOUNDS NSPF	5% AD VAL.
41770	0087	BARIUM CHLORIDE	0.8¢ PER LB.
41772	0160	BARIUM DIOXIDE	2.4¢ PER LB.
41774	0037	BARIUM HYDROXIDE	0.6¢ PER LB.
41776	0031	BARIUM NITRATE	0.5¢ PER LB.
41778	0005	BARIUM OXIDE	1¢ PER LB.
41780	0050	BARIUM COMPOUNDS NSPF	5% AD VAL.
41790	0050	BERYLLIUM OXIDE OR CARBONATE	5% AD VAL.
41792	0050	BERYLLIUM COMPOUNDS NSPF	5% AD VAL.
41800	0140	BISMUTH COMPOUNDS	14% AD VAL.
41814	0041	CALCIUM CARBIDE	0.21¢ PER LB.
41818	0050	CALCIUM CHLORIDE, OTHER THAN CRUDE	5% AD VAL.
41822	0060	CALCIUM HYPOCHLORITE	6% AD VAL.
41824	0022	LIME CHLORINATED WITH NOT MORE THAN 40 PCT AVAIL CHLORINE	0.2¢ PER LB.
41826	0070	CALCIUM MOLYBDATE	10¢ LB. MOLYBDENUM CONTENT + 3% AD VAL
41828	0045	DICALCIUM PHOSPHATE	4.5% AD VAL.
41832	0050	CALCIUM COMPOUNDS NSPF	5% AD VAL.
41840	0150	CERIUM CHLORIDE	15% AD VAL.
41842	0150	CERIUM OXIDE	15% AD VAL.
41844	0150	CERIUM COMPOUND NSPF	15% AD VAL.
41850	0060	CESIUM CHLORIDE	6% AD VAL.
41852	0050	CESIUM COMPOUNDS NSPF	5% AD VAL.
41860	0005	COBALT OXIDE	1.2¢ PER LB.
41862	0015	COBALT SULFATE	1.2¢ PER LB.
41868	0060	COBALT COMPOUNDS NSPF	6% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
41872	0050	COPPER IODIDE, OTHER THAN CRUDE	0.637¢ PER LB. + 5% AD VAL.
41874	0062	COPPER OR CUPRIC OXIDE	0.637¢ PER LB. + 5% AD VAL
41876	0018	COPPER SULFATE	1.3¢ PER LB. ON COPPER CONTENT
41878	0061	COPPER COMPOUNDS NSPF	0.637¢ PER LB. + 5% AD VAL.
41880	0050	GOLD COMPOUNDS	5% AD VAL.
41894	0050	IRON COMPOUNDS NSPF	5% AD VAL.
41900	0050	LEAD ARSENATE	1.2¢ PER LB.
41902	0033	LEAD NITRATE	0.7¢ PER LB.
41904	0075	LEAD COMPOUNDS NSPF	7.5% AD VAL.
41910	0050	LITHIUM COMPOUNDS	5% AD VAL.
41920	0040	MAGNESIUM CARBONATE, NOT PRECIPITATED	4% AD VAL.
41922	0008	MAGNESIUM CARBONATES PRECIPITATED	0.25¢ PER LB.
41924	0027	MAGNESIUM CHLORIDE, ANHYDROUS	0.5¢ PER LB.
41928	0080	MAGNESIUM CHLORIDE OTHER THAN ANHYDROUS	0.21¢ PER LB.
41932	0046	MAGNESIUM OXIDE OR CALCINED MAGNESIA	1¢ PER LB.
41934	0101	EPSOM SALTS	0.187¢ PER LB.
41938	0040	MAGNESIUM COMPOUNDS NSPF	4% AD VAL.
41940	0050	MANGANESE BORATE	5% AD VAL.
41942	0050	MANGANESE SULFATE	5% AD VAL.
41944	0070	MANGANESE COMPOUNDS NSPF	7% AD VAL.
41950	0060	MERCURIC CHLORIDE OR CORROSIVE SUBLIMATE	9¢ PER LB. + 6% AD VAL
41952	0090	MERCUROUS CHLORIDE OR CALOMEL	9¢ PER LB. + 6% AD VAL
41954	0084	MERCURY COMPOUNDS NES	9¢ PER LB. + 6% AD VAL.
41960	0079	MOLYBDENUM COMPOUNDS	10¢ LB. MOLYBDENUM CONTENT + 3% AD VAL
41970	0050	NICKEL CHLORIDE	5% AD VAL.
41974	0050	NICKEL SULFATE	5% AD VAL.
41976	0050	NICKEL COMPOUNDS NSPF	5% AD VAL.
41980	0001	PHOSPHORUS OXYCHLORIDE	1.5¢ PER LB.
41982	0000	PHOSPHORUS TRICHLORIDE	3¢ PER LB.
41984	0050	PHOSPHOROUS COMPOUNDS NSPF	5% AD VAL.
41990	0050	PLATINUM COMPOUNDS	5% AD VAL.
42000	0057	POTASSIUM BICARBONATE	0.5¢ PER LB.
42002	0076	POTASSIUM BROMIDE	2¢ PER LB.
42004	0025	POTASSIUM CARBONATE	0.3¢ PER LB.
42006	0060	POTASSIUM CHLORATE	0.75¢ PER LB.
42008	0053	POTASSIUM CHROMATE AND DICHROMATE	1.1¢ PER LB.
42014	0044	POTASSIUM FERRICYANIDE	1.8¢ PER LB.
42016	0033	POTASSIUM FERROCYANIDE	0.8¢ PER LB.
42018	0011	POTASSIUM HYDROXIDE OR CAUSTIC POTASH	0.15 PER LB.
42020	0098	POTASSIUM IODIDE	12¢ PER LB.
42022	0038	POTASSIUM MOLYBDATE	10¢ LB. MOLYBDENUM CONTENT + 3% AD VAL
42024	0061	POTASSIUM NITRATE	0.42¢ PER LB.
42026	0047	POTASSIUM PERCHLORATE	0.7¢ PER LB.
42028	0104	POTASSIUM PERMANGANATE	3¢ PER LB.
42030	0040	POTASSIUM PERSULFATE	4% AD VAL.
42034	0160	POTASSIUM VANADATE	16% AD VAL.
42036	0040	POTASSIUM COMPOUNDS NSPF	4% AD VAL.
42040	0050	RHODIUM COMPOUNDS	5% AD VAL.
42054	0050	OTHER SELENIUM COMPOUNDS NES	5% AD VAL.
42060	0050	SILVER COMPOUNDS	5% AD VAL.
42068	0040	SODIUM ALUMINATE	4% AD VAL.
42070	0028	SODIUM ARSENATE	0.4¢ PER LB.
42078	0001	SODIUM BORATE, OTHER THAN CRUDE	0.06¢ PER LB.
42082	0400	SODIUM BROMIDE	8¢ PER LB.
42084	0031	SODIUM CARBONATE CALCINED OR SODA ASH	0.12¢ PER LB.
42086	0009	SODIUM CARBONATE,HYDRATED AND SESQUICARBONATE	0.2¢ PER LB.
42088	0058	SODIUM CHLORATE	0.37¢ PER LB.
42094	0042	SODIUM CHLORIDE OR SALT IN BULK	0.8¢ PER 100 LB.
42098	0086	SODIUM CHROMATE AND DICHROMATE	0.87¢ PER LB.
42104	0033	SODIUM FERROCYANIDE	0.45¢ PER LB.
42106	0175	SODIUM HYDROSULFITE	17.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
42108	0061	SODIUM HYDROXIDE	0.2¢ PER LB.
42110	0306	SODIUM MOLYBDATE	10¢ LB. MOLYBDENUM CONTENT + 3% AD VAL
42114	0281	SODIUM NITRITE	1.8¢ PER LB.
42116	0034	SODIUM PHOSPHATE NOT OVER 45% WATER OF CRYSTALLIZATION	0.4¢ PER LB.
42118	0007	SODIUM PHOSPHATE OVER 45% WATER OF CRYSTALLIZATION	0.2¢ PER LB.
42122	0050	SODIUM PYROPHOSPHATES	5% AD VAL.
42134	0025	SODIUM SILICATE	0.15¢ PER LB
42136	0064	SODIUM SILICOFLUORIDE	0.3¢ PER LB.
42144	0018	SODIUM SULFATE,ANHYDROUS	40¢ PER TON
42146	0035	SODIUM SULFATE, CRYSTALLIZED OR GLAUBERS SALT	80¢ PER TON
42152	0000	SODIUM SULFIDE	0.37¢ PER LB
42154	0023	SODIUM SULFITE, BISOSULFITE, METABISULFITE AND THIOSULFATE	0.15¢ PER LB.
42160	0160	SODIUM VANADATE	16% AD VAL.
42162	0050	SODIUM COMPOUNDS, NES	5% AD VAL.
42172	0060	STRONTIUM CARBONATE PRECIPITATED	6% AD VAL
42174	0060	STRONTIUM NITRATE	6% AD VAL.
42176	0060	STRONTIUM OXIDE	6% AD VAL.
42184	0050	STRONTIUM SULFATE NSPF	5% AD VAL.
42186	0050	STRONTIUM COMPOUNDS NSPF	5% AD VAL.
42190	0050	TELLURIUM COMPOUNDS	5% AD VAL.
42200	0050	THALLIUM COMPOUNDS	5% AD VAL.
+ 42210	0175	THORIUM NITRATE	17.5% AD VAL.
42212	0175	THORIUM OXIDE	17.5% AD VAL.
42214	0175	THORIUM COMPOUNDS NSPF	17.5% AD VAL.
42220	0060	TIN DICHLORIDE	6% AD VAL.
42224	0060	TIN TETRACHLORIDE	6% AD VAL.
42226	0060	TIN COMPOUNDS NSPF	6% AD VAL.
42230	0075	TITANIUM COMPOUNDS	7.5% AD VAL.
42258	0060	VANADIUM CARBIDE	6% AD VAL.
42260	0160	VANADIUM PENTOXIDE OR ANHYDRIDE	16% AD VAL.
42262	0160	VANADIUM COMPOUNDS, NES	16% AD VAL.
42270	0060	ZINC ARSENATE	6% AD VAL.
42272	0038	ZINC CHLORIDE	0.5¢ PER LB.
42274	0175	ZINC HYDROSULFITE	17.5% AD VAL.
42276	0030	ZINC SULFATE	0.24¢ PER LB.
42278	0050	ZINC COMPOUNDS NSPF	5% AD VAL.
42280	0050	ZIRCONIUM OXIDE	5% AD VAL.
42282	0050	OTHER ZIRCONIUM COMPOUNDS NSPF	5% AD VAL.
42290	0050	BORON CARBIDE	5% AD VAL.
42292	0060	CHROMIUM CARBIDE	6% AD VAL.
42294	0060	SULFUR DIOXIDE	6% AD VAL.
42300	0050	OTHER INORGANIC COMPOUNDS,NES	5% AD VAL.
42380	0140	MIXTURES OF INORGANIC COMPOUNDS, CHIEF VALUE BISMUTH	14% AD VAL.
42384	0175	MIXTURES OF INORGANIC COMPOUNDS IN CHIEF VALUE HYDROSULFITE, SULFOXYLATE	17.5% AD VAL
42386	0093	MIXTURES OF INORGANIC COMPOUNDS, CHIEF VALUE MERCURY	9¢ PER LB. + 6% AD VAL.
42388	0041	MIXTURES OF INORGANIC COMPOUNDS, CHIEF VAL MOLYBDENUM	10¢ LB. MOLYBDENUM CONTENT + 3% AD VAL
42394	0160	MIXTURES OF INORGANIC COMPOUNDS, CHIEF VALUE VANADIUM	16% AD VAL.
42396	0050	MIXTURES OF INORGANIC COMPOUNDS NSPF	5% AD VAL.
42500	0119	ACRYLONITRILE	1.25¢ PER LB. + 6% AD VAL.
42502	0144	ALDEHYDE AMMONIA	1.5¢ PER LB. + 7.5% AD VAL.
42504	0060	AMINO ACIDS	6% AD VAL.
42506	0050	AMINO ACID SALTS	5% AD VAL
42508	0050	3-AMINO-1, 2, 4-TRIAZOLE	5% AD VAL
42509	0040	AMMONIUM ALGINATE	4% AD VAL.

+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
42510	0050	CYANURIC CHLORIDE,MALAMINE A OTHER COMP CONT A TRIAZINE RING	5% AD VAL.
42512	0134	DIETHANOLAMINE, MONOETHANOL- AMINE, THIETHANOLAMINE	1.5¢ LB. + 7.5% AD VAL.
42514	0109	ETHYLENEDIAMINE	1.5¢ LB. + 7.5% AD VAL.
42518	0060	HEXAMETHYLENETETRAMINE	2.2¢ PER LB.
42520	0050	MONO-, DI-, TRI-/METHYL-, ETHYL PROPYL-, BUTYL/MONOAMINES	5% AD VAL.
42522	0050	ETHYLUREAS, METHYLOLUREAS, OCTAMETHYLPYROPHOSPHORAMIDE ETC	5% AD VAL.
42524	0050	IMIDES FROM NITROGENOUS COMPOUNDS	5% AD VAL.
42526	0050	METHYL ETHYL KETOXIME	5% AD VAL.
42528	0060	N METHYL 2 PYRROLIDONE	6% AD VAL.
42532	0050	NITROPARAFFINS	5% AD VAL.
42534	0060	2-PYRROLIDONE	6% AD VAL.
42536	0050	THIOUREA, THIOUREA DIOXIDE THIOCARBAMATES, CYANATES,ETC	5% AD VAL.
42538	0093	N-VINYL-2-PYRROLIDONE, MONOMER AND POLYMER	1.5¢ PER LB. + 7.5% AD VAL.
42541	0050	GUANIDINE SALTS AND OTHER ACYCLIC AMIDINES	5% AD VAL.
42542	0050	NITRILES NSPF	5% AD VAL.
42552	0087	NITROGENOUS COMPNDS NSPF	1.5¢ PER LB. + 7.5% AD VAL.
42570	0053	ACETIC ACID -	0.265¢ PER LB.
42572	0043	CHLOROACETIC ACID	0.6¢ PER LB.
42574	0171	CITRIC ACID	4.2¢ PER LB.
42576	0107	FORMIC ACID	1.2¢ PER LB.
42578	0020	GALLIC ACID	3¢ PER LB.
42582	0080	LACTIC ACID	8% AD VAL.
42584	0050	NAPHTHENIC ACIDS	5% AD VAL.
42586	0151	OXALIC ACID	1.9¢ PER LB
42587	0060	PROPIONIC ACID AND SORBIC ACID	6% AD VAL.
42588	0020	PYROGALLIC ACID	9¢ PER LB.
42594	0063	TARTARIC ACID	3¢ PER LB.
42600	0079	ACETIC ANHYDRIDE	0.75¢ PER LB.
42604	0060	ORGANIC ACID ANHYDRIDES NSPF	6% AD VAL.
42608	0040	ORGANIC ALUMINUM SALTS	4% AD VAL.
42610	0007	CALCIUM ACETATE, CRUDE	0.2¢ PER LB.
42612	0009	CALCIUM CITRATE OR LIME CITRATE	1.7¢ PER LB.
42614	0004	CALCIUM OXALATE	3.2¢ PER LB.
42618	0050	ORGANIC CALCIUM SALTS NSPF	5% AD VAL.
42622	0150	ORGANIC CERIUM SALTS	15% AD VAL.
42624	0060	COBALT RESINATE	6% AD VAL.
42626	0060	OTHER COBALT SALTS NES	6% AD VAL.
42628	0003	COPPER ACETATE AND SUBACETATE	1.35¢ LB. ON COPPER CONTENT
42632	0080	COPPER NAPTHENATE	0.6¢ PER LB. + 5% AD VAL.
42634	0057	ORGANIC COPPER SALTS NSPF	0.6¢ PER LB + 5% AD VAL.
42636	0031	LEAD ACETATE	1¢ PER LB.
42642	0100	LEAD RESINATE	1.2¢ PER LB.
42644	0075	ORGANIC LEAD SALTS NSPF	7.5% AD VAL.
42646	0050	ORGANIC LITHIUM SALTS	5% AD VAL.
42652	0050	MANGANESE RESINATE	5% AD VAL.
42654	0070	ORGANIC MANGANESE SALTS NSPF	7% AD VAL.
42656	0072	ORGANIC MERCURIAL SALTS	9¢ PER LB. + 6% AD VAL.
42658	0050	NICKEL ACETATE	5% AD VAL.
42662	0050	NICKEL FORMATE	5% AD VAL.
42664	0050	ORGANIC NICKEL SALTS NSPF	5% AD VAL.
42672	0029	TARTAR EMETIC OR POTASSIUM- ANTIMONY TARTRATE	3¢ PER LB.
42676	0093	CREAM OF TARTAR	3.125¢ LB.
42677	0080	POTASSIUM BITARTRATE 90 % OR MORE BY WEIGHT	1.2¢ PER LB.
42678	0180	POTASSIUM CITRATE	7¢ PER LB.
42682	0091	POTASSIUM SODIUM TARTRATE OR ROCHELLE SALTS	2.5¢ PER LB.
42684	0040	ORGANIC POTASSIUM SALTS NSPF	4% AD VAL.
42686	0050	SODIUM ACETATE	5% AD VAL.
42688	0060	SODIUM ALGINATE	6% AD VAL.
42692	0050	SODIUM BITARTRATE	5% AD VAL.
42694	0149	SODIUM CITRATE	6¢ PER LB.
42696	0175	SODIUM FORMALDEHYDE SULFOXYLATE	17.5% AD VAL.
42698	0008	SODIUM FORMATE	1¢ PER LB.
42702	0057	SODIUM OXALATE	1.2¢ LB.
42704	0050	ORGANIC SODIUM SALTS NSPF	5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

	TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
	42706	0050	STRONTIUM POTASSIUM OXALATE	5% AD VAL.
	42708	0050	ORGANIC STRONTIUM SALTS NSPF	5% AD VAL.
+	42712	0050	ORGANIC TELLURIUM SALTS	5% AD VAL
+	42714	0175	ORGANIC THORIUM SALTS	17.5% AD VAL
	42716	0060	ORGANIC TIN SALTS	6% AD VAL
	42718	0075	TITANIUM POTASSIUM OXALATE	7.5% AD VAL.
	42720	0075	ORGANIC TITANIUM SALTS NSPF	7.5% AD VAL.
+	42722	0160	ORGANIC VANADIUM SALTS NSPF	16% AD VAL.
	42724	0175	ZINC FORMALDEHYDE SULFOXYLATE	17.5% AD VAL
	42725	0050	ORGANIC ZINC SALTS NSPF	5% AD VAL.
	42728	0050	SALTS OF ORGANIC ACIDS NSPF	5% AD VAL.
	42730	0050	ACYL HALIDES	5% AD VAL.
	42740	0082	ACETALDEHYDE	1.5¢ PER LB. + 7.5% AD VAL.
	42742	0079	ALDOL OR ACETALDOL	1.5¢ PER LB. + 7.5% AD VAL.
	42744	0497	BUTYRALDEHYDE	1.5¢ PER LB. + 7.5% AD VAL.
	42745	0050	CHLORACETALDEHYDE	5% AD VAL.
	42746	0094	CROTONALDEHYDE	1.5¢ PER LB. + 7.5% AD VAL.
	42748	0060	FORMALDEHYDE OINCLUDING SOLUTIONSO	0.43¢ PER LB.
	42753	0050	GLYOXAL	5% AD VAL.
	42754	0139	PARACETALDEHYDE	1.5¢ PER LB. + 7.5% AD VAL.
	42756	0124	PARAFORMALDEHYDE	2¢ PER LB.
	42758	0102	ALDEHYDES NSPF	1.5¢ PER LB. + 7.5% AD VAL.
	42760	0040	ACETONE	4% AD VAL.
	42762	0040	ETHYL METHYL KETONE	4% AD VAL.
	42764	0040	KETONES NSPF	4% AD VAL.
	42770	0163	ALLYL ALCOHOL	1.5¢ PER LB + 7.5% AD VAL
	42772	0062	AMYL ALCOHOL	2.4¢ PER LB.
	42774	0125	BUTYL ALCOHOL	1.2¢ PER LB.
+	42782	0080	CROTONYL ALCOHOL	1.5¢ PER LB. + 7.5% AD VAL.
	42784	0050	DECYL ALCOHOL	5% AD VAL.
	42792	0059	FUSEL OIL	1.5¢ PER LB.
	42794	0165	HEXYL ALCOHOL	1.5¢ PER LB.
	42797	0187	METHYL OTHER THAN USED IN PROD. NATURAL GAS OR USED DIRECT AS FUEL	07.6¢ PER GALLON
	42798	0050	OCTYL ALCOHOL	5% AD VAL.
	42804	0102	PROPARGYL ALCOHOL	1.5¢ PER LB. + 7.5% AD VAL.
	42806	0287	PROPYL ALCOHOL	1.5¢ PER LB.
	42812	0050	ALCOHOLS, MONOHYDRIC, UNSUBSTITUTED NSPF	5% AD VAL.
	42820	0084	BUTYLENE CHLOROHYDRIN	1.5¢ PER LB. + 7.5% AD VAL.
	42822	0083	ETHYLENE CHLOROHYDRIN	1.5¢ PER LB. + 7.5% AD VAL.
	42824	0109	PROPYLENE CHLOROHYDRIN	1.5¢ PER LB. + 7.5% AD VAL.
	42826	0137	HALOHYDRINS NSPF	1.5¢ PER LB. + 7.5% AD VAL.
	42830	0251	BUTYLENE AND PROPYLENE GLYCOL	1.5¢ PER LB. + 7.5% AD VAL.
	42832	0050	DIPENTAERYTHRITOL AND PENTAERYTHRITOL	5% AD VAL.
	42834	0190	ETHYLENE GLYCOL	1.5¢ PER LB. + 7.5% AD VAL.
	42836	0018	GLYCERINE CRUDE	0.2¢ PER LB.
	42840	0050	GLYCERINE ESTERS AND ETHERS	5% AD VAL.
	42842	0050	SULFONATED POLYALCOHOLS	5% AD VAL.
	42844	0050	TRIOL AND TETROL ALCOHOL	5% AD VAL.
	42846	0108	ALCOHOLS, POLYHYDRIC AND ESTERS, ETHERS ETC. NSPF	1.5¢ PER LB. + 7.5% AD VAL.
	42850	0043	AMYL ACETATE	1¢ PER LB.
	42852	0123	BUTYL ACETATE	2.8¢ PER LB.
	42854	0050	DIETHYL AND DIMETHYL SULFATE	5% AD VAL.
	42858	0043	ETHYL ACETATE	0.75¢ PER LB.
	42862	0050	ETHYL ACRYLATE	5% AD VAL.
	42864	0050	ETHYL METHACRYLATE	5% AD VAL.
	42866	0050	METHYL ACRYLATE	5% AD VAL.
	42868	0046	VINYL ACETATE	0.6¢ PER LB. + 3% AD VAL.
	42872	0050	ESTERS OF MONOHYDRIC ALCOHOLS NSPF	5% AD VAL.
	42880	0115	BUTYLENE OXIDE	1.5¢ PER LB. + 7% AD VAL.
	42882	0050	EPICHLOROHYDRIN	5% AD VAL.
	42884	0244	ETHYLENE OXIDE	1.5¢ PER LB. + 7% AD VAL.
	42886	0228	PROPYLENE OXIDE	1.5¢ PER LB. + 7% AD VAL.
	42888	0313	EPOXIDES AND HALOGENATED EPOXIDES NSPF	1.5¢ PER LB. + 7% AD VAL.
	42890	0029	ETHYL ETHER	1¢ PER LB.
	42892	0050	ISOPROPYL ETHER	5% AD VAL.

+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

	TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
	42894	0129	VINYL ETHER	1.2¢ PER LB + 6% AD VAL.
	42896	0107	ETHERS OF MONOHYDRIC ALCOHOLS NSPF	1.5¢ PER LB + 7.5% AD VAL.
	42900	0084	ACETALS	1.5¢ PER LB. + 7.5% AD VAL.
	42910	0060	BUTYROLACTONE	6% AD VAL.
	42912	0050	LACTONES NSPF	5% AD VAL.
	42920	0375	BUTYLENE,ETHYLENE AND PROPYLENE DICHLORIDE	1.5¢ PER LB + 7.5% AD VAL.
	42922	0065	CARBON TETRACHLORIDE	0.32¢ PER LB.
	42924	0000	CHLOROFORM	2¢ PER LB
	42926	0016	ETHYL CHLORIDE	6¢ PER LB.
	42930	0050	HEXACHLOROETHANE	5% AD VAL.
	42932	0050	METHYLENE CHLORIDE OR DICHLOROMETHANE	5% AD VAL.
	42934	0045	PERCHLOROETHYLENE	4.5% AD VAL.
	42938	0075	TETRACHLOROETHANE	7.5% AD VAL.
	42942	0060	TRICHLOROETHYLENE	6% AD VAL.
	42944	0244	VINYL CHLORIDE	1.25¢ PER LB. + 6% AD VAL
	42946	0252	VINYLIDENE CHLORIDE	1.25¢ PER LB. + 6% AD VAL.
	42947	0130	CHLORINATED HYDROCARBONS	1.5¢ PER LB. + 7.5% AD VAL.
	42948	0050	HALOGENATED HYDROCARBONS NSPF	5% AD VAL.
	42960	0050	SULFUR COMPOUNDS INCLUDING THIOLS, SULFIDES SULFOXIDES ETC	5% AD VAL.
	42970	0150	TETRAETHYL LEAD	15% AD VAL.
	42985	0105	TETRAMETHYL LEAD	10.5% AD VAL.
	42995	0050	ORGANIC COMPOUNDS NSPF	5% AD VAL.
	43510	0015	ALOES, ACONITE, JALAP MANNA, IPECAC, DIGITALIS, ETC. ADVANCE	1.5% AD VAL.
+	43570	0050	OPIUM	$3.60 PER LB. OF ANHYDROUS MORPHINE CONTENT
	43702	0146	CAFFEINE	25¢ PER LB.
	43704	0221	CAFFEINE CITRATED	37.5¢ PER LB.
	43706	0125	CAFFEINE COMPOUNDS, NSPF	12.5% AD VAL.
	43710	0080	COCAINE AND ITS COMPOUNDS	$1.30 PER OZ.
	43712	0050	ERGOTAMINE COMPOUNDS	5% AD VAL.
	43713	0050	NICOTINE AND ITS COMPOUNDS	5% AD VAL.
	43714	0070	OPIUM ALKALOIDS AND THEIR COMPOUNDS	$1.50 PER OZ.
	43716	0089	STRYCHNINE AND ITS SALTS	5¢ PER OZ
	43718	0027	THEOBROMINE	11¢ PER LB
	43720	0050	ALKALOIDS AND THEIR COMPOUNDS, SYNTHETIC NSPF	5% AD VAL
	43722	0020	ALKALOIDS AND COMPDS NSPF NATURAL NOT ARTIFICIALLY MIXED	2% AD VAL.
	43724	0050	ALKALOIDS AND COMPOUNDS NSPF NATURAL	5% AD VAL.
	43730	0020	ANTIBIOTICS, NATURAL, NOT ARTIFICIALLY MIXED	2% AD VAL.
	43732	0050	ANTIBIOTICS NSPF	5% AD VAL
+	43736	0125	BARBITURIC ACID	12.5% AD VAL.
	43738	0167	DIETHYLBARBITURIC ACID AND ITS COMPOUNDS	75¢ PER LB.
	43740	0050	BARBITURIC ACID COMPOUNDS	5% AD VAL.
	43744	0070	CHLORAL HYDRATE	7% AD VAL.
	43749	0050	ENZYMES A FERMENTS NSPF	5% AD VAL.
	43750	0004	ETHYLHYDROCUPREINE, AND COMPOUNDS	10¢ PER OZ.
	43751	0060	GLUCONIC ACID	6% AD VAL.
	43752	0050	GLUCONIC ACID COMPOUNDS NSPF	5% AD VAL.
	43754	0085	GLYCEROPHOSPHORIC ACID, AND ITS COMPOUNDS	8.5% AD VAL.
	43755	0060	HAARLEM OIL	6% AD VAL.
	43756	0105	ADRENOCORTICAL HORMONES, SYNTHETIC	10.5% AD VAL
	43757	0050	HORMONES, SYNTHETIC NSPF	5% AD VAL.
	43758	0020	HORMONES, NATURAL, NOT ARTIFICIALLY MIXED	2% AD VAL.
	43760	0050	HORMONES, NATURAL NSPF	5% AD VAL.
	43764	0037	MENTHOL	17¢ PER LB.
	43765	0050	MESO-INOSITOL HEXANICOTINATE REGARDED AS A VITAMIN OR NOT	5% AD VAL.
	43768	0040	TANNIC ACID 50% OR MORE BY WT AS SPEC NATION FORMULARY XI	4.5¢ PER LB.
	43769	0039	TANNIC ACID 50% OR OVER BY WEIGHT NSPF	4¢ PER LB.
	43770	0140	TERPIN HYDRATE	14% AD VAL.
	43772	0060	THYMOL	6% AD VAL.
	43774	0300	TINCTURES OF OPIUM SUCH AS LAUDANUM OR OTHER LIQUID PREP. OF OPIUM	30% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
43782	0040	SYNTHETIC VITAMINS	4% AD VAL.
43784	0020	VITAMINS NOT ARTIFICIALLY MIXED, NATURAL	2% AD VAL.
43786	0040	VITAMINS, NATURAL, NSPF	4% AD VAL.
43801	0040	VITAMINS IN CAPSULES, PILLS, AMPOULES, TABLET ETC NSPF	4% AD VAL.
43802	0050	DRUGS & RELATED PRODUCTS IN CAPSULES, PILLS, ETC. NSPF	NOT LESS THAN 5% AD VAL.
43930	0015	NATURAL DRUGS, ADVANCED	1.5% AD VAL.
43950	0050	OTHER DRUGS, INCLUDING SYNTHETIC DRUGS	5% AD VAL.
44000	0050	MEDICINAL PREPS IN CAPSULES, AMPOULES PILLS JUBES ETC, NSPF	NOT LESS THAN 5% AD VAL.
44505	0128	ACRYLIC AND METHACRYLIC ACID RESINS	1.3¢ PER LB. + 10% AD VAL.
44510	0133	ACRYLONITRILE RESINS	1.3¢ PER LB. + 10% AD VAL.
44515	0113	ALLYL RESINS	1.3¢ PER LB. + 10% AD VAL.
44520	0147	CELLULOSE ACETATE	6¢ PER LB.
44525	0103	CELLULOSE PLASTIC MATERIALS NES	9.7¢ PER LB.
44530	0147	POLYETHYLENE RESINS	1.3¢ PER LB. + 10% AD VAL.
44535	0161	UREA AND AMINO RESINS INCLUDING MELAMINE	1.3¢ PER LB. + 10% AD VAL.
44540	0050	POLYVINYL ACETATE AND VINYL RESINS 50% A OVER VINYL ACETATE	0.6¢ PER LB. + 3% AD VAL.
44545	0135	VINYL RESINS, NES	1.25¢ PER LB. + 6% AD VAL.
44550	0116	SYNTHETIC PLASTICS MATERIALS NSPF	1.3¢ PER LB. + 10% AD VAL.
44575	0160	ARTIFICIAL MIXTURES OF TWO OR MORE SYNTH PLASTICS MATERIAL	HIGHEST RATE APPLICABLE IN 445.05-.50
44610	0050	NATURAL RUBBER CONTAINING FILLERS EXTENDERS PIGMENTS ETC	5% AD VAL.
44612	0050	CHLORINATED NATURAL RUBBER	5% AD VAL.
44615	0030	SYNTHETIC RUBBER	3% AD VAL.
44630	0050	MIXTURES OF ANY NATURAL OR SYNTHETIC RUBBER PRODUCTS	5% AD VAL.
45010	0060	FLAVORING EXTRACTS ESSENCES ETC NO ALCOHOL, IN AMPOULES ETC	6% AD VAL.
45020	0060	FLAVORING EXTRACTS ETC, NO ALCOHOL AND NOT IN AMPOULES ETC	6% AD VAL.
+ 45224	0035	EUCALYPTUS OIL	3.5% AD VAL.
+ 45248	0030	ORRIS OIL	3% AD VAL.
45254	0125	PEPPERMINT OIL DERIVED FROM MENTHA PIPERITA	12.5% AD VAL.
45258	0020	PINE NEEDLE OIL	2% AD VAL.
45280	0030	DISTILLED OR ESSENTIAL OILS, NES	3% AD VAL.
45502	0075	AGAR AGAR	7.5% AD VAL.
+ 45506	0085	ISINGLASS	8.5% AD VAL.
45516	0066	GELATIN EDIBLE UNDER 40 CENTS PER POUND	0.8¢ PER LB. + 4% AD VAL.
45518	0070	GELATIN, EDIBLE, 40 OR MORE BUT NOT OVER 80 CENTS PER POUND	1.3¢ PER LB. + 5% AD VAL.
45520	0080	GELATIN EDIBLE VALUED OVER 80 CENTS PER POUND	2¢ PER LB. + 6% AD VAL.
45522	0068	PHOTOGRAPHIC GELATIN, VALUED NOT OVER 80 CENTS PER POUND	1.3¢ PER LB. + 5% AD VAL.
45524	0076	GELATIN, PHOTOGRAPHIC, VALUED OVER 80 CENTS PER POUND	2¢ PER LB. + 6% AD VAL.
45530	0101	VEGETABLE GLUE VALUED UNDER 40 CENTS PER POUND	0.5¢ PER LB. + 6% AD VAL.
45532	0075	VEGETABLE GLUE VALUED 40 CENTS OR MORE PER POUND	2¢ PER LB. + 6% AD VAL.
45534	0075	CASEIN GLUE	7.5% AD VAL.
45536	0043	FISH GLUE, VALUED UNDER 40 CENTS PER POUND	0.25¢ PER LB. + 3.5% AD VAL.
45538	0091	FISH GLUE, 40 CENTS OR MORE PER POUND	2¢ PER LB. + 6% AD VAL.
45544	0046	GLUE SIZE VALUED UNDER 40 CENTS PER POUND	0.25¢ PER LB. + 3.5% AD VAL.
45546	0092	GLUE SIZE, VALUED 40 CENTS OR MORE PER POUND	2¢ PER LB. + 6% AD VAL.
46010	0040	AMBERGRIS, CONTAINING NOT OVER 10% ALCOHOL	4% AD VAL.
46015	0120	ANETHOL, CONTAINING NOT OVER 10% ALCOHOL	12% AD VAL.
46025	0120	CITRAL, CONTAINING NOT OVER 10% ALCOHOL	12% AD VAL.
46030	0080	CIVET, CONTAINING NOT OVER 10% ALCOHOL	8% AD VAL.
46035	0075	GERANIOL, CONTAINING NOT OVER 10% ALCOHOL	7.5% AD VAL.
46045	0075	HYDROXYCITRONELLAL, CONTAINING NOT OVER 10% ALCOHOL	7.5% AD VAL.
46050	0120	IONONE, CONTAINING NOT OVER 10% ALCOHOL	12% AD VAL.
46055	0180	LINALYL ACETATE, CONTAINING NOT OVER 10% ALCOHOL	18% AD VAL.
46060	0100	MUSK, GRAINED OR IN PODS CONTAINING NOT OVER 10% ALCOHOL	10% AD VAL.
46065	0120	RHODINOL, CONTAINING NOT OVER 10% ALCOHOL	12% AD VAL.
46070	0150	SAFROL, CONTAINING NOT OVER 10% ALCOHOL	15% AD VAL.
46075	0120	TERPINEOL, CONTAINING NOT OVER 10% ALCOHOL	12% AD VAL.
46080	0120	ODORIFEROUS OR AROMATIC SUBSTANCES, NSPF, NOT MIXED	12% AD VAL.
46085	0067	AROMATIC OR ODORIFEROUS SUBSTANCES ARTIFICIALLY MIXED	8¢ PER LB. + 6% AD VAL.

+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
46090	0077	AROMATIC AND ODORIFEROUS SUBSTANCES, OVER 10% ALCOHOL	8¢ PER LB. + 7.5% AD VAL.
46105	0075	BATH SALTS, NOT PERFUMED	7.5% AD VAL.
46110	0100	BATH SALTS, PERFUMED	10% AD VAL.
46115	0176	BAY RUM OR BAY WATER	8¢ PER LB. & 12% AD VAL.
46120	0040	FLORAL OR FLOWER WATERS	4% AD VAL.
46130	0075	PERFUMES, COLOGNES, TOILET WATER, NOT CONTAINING ALCOHOL	7.5% AD VAL.
46135	0081	PERFUMES, COLOGNES, AND TOILET WATER CONTAINING ALCOHOL	8¢ PER LB. + 7.5 AD VAL.
46140	0075	COSMETICS, ETC NOT CONTAINING ALCOHOL	7.5% AD VAL.
46145	0100	COSMETICS, ETC CONTAINING ALCOHOL	8¢ PER LB. + 7.5% AD VAL.
46505	0110	FATTY-ACID ESTERS ETHERS ETC DERIVED FROM COCONUT PALM OIL	1.5¢ PER LB. + 7.5% AD VAL.
46510	0111	FATTY-ACID ETHERS AND ESTERS FROM POLYHYDRIC ALCOHOLS NSPF	1.8¢ PER LB. + 7.5% AD VAL.
46515	0098	FATTY-ACID AMIDES AMINES ETC DERIVED FROM COCONUT PALM ETC	1.5¢ PER LB. + 7.5% AD VAL.
46520	0102	FATTY-ACID AMIDES, AMINES QUATERNARY AMMONIUM SALTS NSPF	1.8¢ PER LB. + 7.5% AD VAL.
46525	0050	SODIUM AND POTASSIUM SALTS DERIVED FROM COCONUT, PALM ETC	5% AD VAL.
46530	0070	SODIUM AND POTASSIUM SALTS OF FATS AND FATTY ACIDS NSPF	0.7¢ PER LB. + 5% AD VAL.
46535	0050	FATTY ACIDS SULFONATED FROM COCONUT, PALM OIL ETC	5% AD VAL.
46540	0065	FATTY ACIDS AND SALTS, SULFONATED OR SULFATED NSPF	0.7¢ PER LB. + 5% AD VAL.
46545	0050	FATTY ALCOHOLS SULFATED FROM COCONUT, PALM OILS ETC	5% AD VAL.
46550	0062	FATTY ALCOHOLS AND SALTS SULFONATED, OR SULFATED NSPF	0.7¢ PER LB. + 5% AD VAL.
46555	0050	FATTY-ACID ESTERS ETC. FROM COCONUT, PALM-KERNEL AND PALM OILS	5% AD VAL.
46560	0055	FATTY-ACID ESTERS, ETHERS, AMIDES ETC, SULFONATED ETC NSPF	0.3¢ PER LB. + 5% AD VAL.
46565	0070	COCONUT, PALM-KERNEL AND PALM OILS SULFONATED OR SULFATED	7% AD VAL.
46570	0074	TALLOW, SULFONATED	0.3¢ PER LB. + 7% AD VAL.
46575	0077	WOOL GREASE, SULFONATED	1¢ PER LB. + 7% AD VAL.
46580	0100	ANIMAL FATS, OILS OR GREASES SULFONATED OR SULFATED NSPF	0.7¢ PER LB. + 7% AD VAL.
46585	0070	VEGETABLE FATS, OILS, AND GREASES SULFONATED ETC NSPF	7% AD VAL.
46587	0165	CARBOXYMETHYL CELLULOSE SALTS	8¢ PER LB.
46590	0050	DIBASIC-ACID ESTERS, ETHERS, AMIDES, AMINES, SULFONATED OR SULFATED	5% AD VAL.
46592	0050	LIGNIN SULFONIC ACID AND ITS SALTS	5% AD VAL.
46595	0050	SURFACE-ACTIVE AGENTS NES	5% AD VAL.
46605	0040	CASTILE SOAP	4% AD VAL.
46610	0073	TOILET SOAP, NOT OVER 20 CENTS PER POUND	0.5¢ PER LB. + 5% AD VAL.
46615	0057	TOILET SOAP, OVER 20 CENTS PER POUND	0.8¢ PER LB. + 5% AD VAL.
46620	0070	SOAP MADE WHOLLY OR IN PART FROM CASTOR OIL	7% AD VAL.
46625	0054	SOAP AND SOAP POWDER NES	0.5¢ PER LB. + 4% AD VAL.
46630	0050	SYNTHETIC DETERGENTS	5% AD VAL.
47015	0040	BRAZILWOOD, LOGWOOD, CUTCH, HENNA ETC NSPF	4% AD VAL. *
47025	0060	CANAIGRE, CURUPAY, LARCH, ETC OTHER THAN CRUDE OR PROCESSED	6% AD VAL *
47055	0025	MYROBALAN AND SUMAC OTHER THAN CRUDE OR PROCESSED	2.5% AD VAL *
47057	0035	MANGROVE, OAK, QUEBRACHO, ETC NES	3.5% AD VAL *
47085	0040	VEGETABLE COLOR AND TANNING PRODUCTS NSPF, NOT CRUDE ETC	4% AD VAL.
47206	0076	BARIUM CARBONATE, PRECIPITATED	0.6¢ PER LB.
47210	0107	NATURAL BARIUM SULFATE OR BARYTES, CRUDE	$1.27 PER TON
47214	0028	BARIUM SULFATE PRECIPITATED OR BLANC FIXE	0.3¢ PER LB.
47224	0050	CALCIUM CARBONATE PRECIPITATED	5% AD VAL.
47230	0050	CALCIUM SULFATE PRECIPITATED AND SATIN WHITE	0.4¢ PER LB.
47240	0017	OCHERS, CRUDE OR WASHED BUT NOT GROUND	0.06¢ PER LB.
47242	0004	SIENNAS, CRUDE, UNGROUND	0.03¢ PER LB.
47244	0014	SIENNAS, WASHED NOT GROUND	0.1¢ PER LB.
47248	0021	UMBERS, WASHED NOT GROUND	0.09¢ PER LB.
47250	0100	IRON-OXIDE AND HYDROXIDE PIGMENT MATERIALS NSPF	10% AD VAL.
47302	0050	BONE BLACK	5% AD VAL.
47306	0050	LAMPBLACK	5% AD VAL.
47310	0050	CHROME GREEN	5% AD VAL.
47312	0050	CHROME YELLOW	5% AD VAL.
47314	0050	CHROMIUM OXIDE GREEN	5% AD VAL.
47316	0050	HYDRATED CHROMIUM OXIDE GREEN	5% AD VAL.
47318	0050	MOLYBDENUM ORANGE	5% AD VAL.
47319	0050	STRONTIUM CHROMATE	5% AD VAL.
47320	0050	ZINC YELLOW	5% AD VAL.
47324	0083	CUPROUS OXIDE	0.6¢ PER LB. + 7.5% AD VAL.
47328	0064	FERRICYANIDE AND FERROCYANIDE BLUES	2.7¢ PER LB.
47330	0050	IRON OXIDE AND HYDROXIDE, SYNTHETIC	5% AD VAL.
47332	0009	NATURAL OCHERS, GROUND	0.06¢ PER LB.

* Duty temporarily suspended (907.80).

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	* DESCRIPTION	TSUS COLUMN I RATE OF DUTY
47336	0011	NATURAL SIENNAS GROUND	0.1¢ PER LB.
47338	0013	NATURAL UMBERS GROUND	0.09¢ PER LB.
47344	0100	BLUE LEAD SUBLIMED	10% AD VAL.
47346	0021	LEADED ZINC OXIDE NOT OVER 25% LEAD, DRY	0.45¢ PER LB.
47348	0083	LEADED ZINC OXIDE, NOT OVER 25% LEAD, WITH OIL OR WATER	0.8¢ PER LB.
47350	0100	LEADED ZINC OXIDES OVER 25% LEAD BY WEIGHT	10% AD VAL.
47352	0074	LITHARGE	1.25¢ PER LB.
47354	0067	ORANGE MINERAL	1¢ PER LB.
47356	0118	RED LEAD	1.875¢ PER LB.
47358	0150	SUBOXIDE OF LEAD (LEADY LITHARGE)	15% AD VAL.
47360	0023	WHITE LEAD BASIC CARBONATE	0.8¢ PER LB.
47362	0100	BASIC SULFATE OR SUBLIMED WHITE LEAD	10% AD VAL.
47366	0035	VERMILION REDS	24¢ PER LB.
47370	0075	TITANIUM DIOXIDE	7.5% AD VAL.
47372	0031	LITHOPONE CONTAINING UNDER 30% ZINC SULFIDE	0.43¢ PER LB.
47374	0055	LITHOPONE CONTAINING 30% OR MORE ZINC SULFIDE	0.43¢ PER LB. + 3.5% AD VAL.
47376	0029	ZINC OXIDE DRY, NO LEAD	0.6¢ PER LB.
47378	0022	ZINC OXIDE NOT CONTAINING LEAD GROUND WITH OIL OR WATER	1¢ PER LB.
47380	0048	ZINC SULFIDE	1.2¢ PER LB.
47382	0045	PEARL ESSENCE	4.5% AD VAL.
47384	0027	ULTRAMARINE BLUE AND BLUES CONTAINING ULTRAMARINE	1¢ PER LB.
47386	0085	VANDYKE BROWN OR CASSEL EARTH OR CASSEL BROWN	8.5% AD VAL.
47388	0040	PIGMENTS NSPF NOT CONTAINING LEAD	4% AD VAL.
47390	0100	PIGMENTS NSPF CONTAINING LEAD	10% AD VAL.
47402	0542	ARTISTS PAINTS NOT IN SETS, N O 1.5 LB EACH, UNDER $.20 DOZ	0.37¢ PER PIECE
47404	0063	ARTISTS PAINTS IN TUBES ETC N O 1.5 LB EA. AT LEAST $.20 DZ	0.7¢ PER PIECE + 4% AD VAL
47406	0107	ARTISTS PAINTS IN CAKES ETC N O 1.5 LB EA. AT LEAST $.20 DZ	0.62¢ PER PIECE + 6% AD VAL
47408	0120	ARTISTS PAINTS' 0- 1.5 LB EACH, ASSEMBLED INTO SETS	12% AD VAL. ON THE ENTIRE SET
47420	0020	INK POWDERS, NES	2% AD VAL.
47422	0040	DRAWING INK	4% AD VAL.
47426	0020	OTHER INKS	2% AD VAL.
47430	0040	PAINTS AND ENAMEL PAINTS WITHOUT TITANIUM PIGMENTS	4% AD VAL.
47435	0075	PAINTS AND ENAMEL PAINTS CONTAINING TITANIUM PIGMENTS	7.5% AD VAL.
47440	0040	SHELLAC	4% AD VAL.
47442	0050	VARNISHES OLEORESINOUS	5% AD VAL.
47444	0057	VARNISHES, CELLULOSE DERIVATIVE	6¢ PER LB.
47446	0050	VARNISHES NSPF	5% AD VAL.
47450	0040	STAINS	4% AD VAL.
47460	0027	CHALK WHITING PUTTY	0.2¢ PER LB.
47462	0050	PUTTY AND SIMILAR CAULKING OR GLAZING PRODUCTS NSPF	5% AD VAL.
47555	0100	LUB GREASES NOV 10 PCT SALTS OF FATTY ACIDS, AN OR VEG ORIG	10% AD VAL.
47560	0093	LUBRICATING GREASES, NES	1¢ PER LB. + 10% AD VAL.
48510	0008	DYNAMITE AND OTHER HIGH EXPLOSIVES	0.37¢ PER LB.
48520	0007	AZIDES, FULMINATES, ETC.	4¢ PER LB.
48530	0150	SMOKELESS POWDERS	15% AD VAL.
49005	0160	OILS, FATS, AND GREASES, HALOGENATED, NITRATED ETC.	16% AD VAL.
49010	0087	OLEIC ACID	1.5¢ PER LB. + 5% AD VAL.
49024	0050	FATTY ACIDS DERIVED FROM COCONUT, PALM-KERNEL, PALM OILS	5% AD VAL.
49030	0101	LITHIUM STEARATE	0.7¢ PER LB. + 5% AD VAL.
49032	0077	FATTY SALTS OF ANIMAL ORIGIN NSPF	0.7¢ PER LB. + 5% AD VAL.
49040	0000	COBALT LINOLEATE	3.6¢ PER LB.
49042	0100	LEAD LINOLEATE	1¢ PER LB. + 7.5% AD VAL.
49044	0232	FATTY SALTS, DERIVED FROM LINSEED OIL NSPF	1.1¢ PER LB. + 5% AD VAL.
49046	0080	FATTY SALTS FROM HEMPSEED, KAPOK, RAPESEED, SESAME ETC OIL	1¢ PER LB. + 5% AD VAL.
49048	0050	SALTS FROM COCONUT PALM- KERNEL OR PALM OIL	5% AD VAL.
49050	0050	FATTY SALTS OF VEGETABLE ORIGIN NSPF	5% AD VAL.
49090	0057	FATTY ESTERS OF ANIMAL ORIGIN	0.3¢ PER LB. + 5% AD VAL.
49092	0050	FATTY ESTERS FROM COCONUT, PALM-KERNEL OR PALM OILS	5% AD VAL.
49094	0050	FATTY ESTERS OF VEGETABLE ORIGIN NSPF	5% AD VAL.
49310	0030	BLACKINGS POWDERS POLISHES ETC IN CONT NOT OVER 10 LBS EA	3% AD VAL.
49316	0025	MIXTURES, CHIEF VALUE CASEIN	1.3¢ PER LB.
49318	0085	CELLULOSE COMPOUNDS, NOT SPECIALLY PROVIDED FOR	8¢ PER LB.
49320	0004	NATURAL CAMPHOR, CRUDE	0.4¢ PER LB.
49321	0013	NATURAL CAMPHOR ADVANCED	2.4¢ PER LB.
49322	0054	SYNTHETIC CAMPHOR	2.5¢ PER LB.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
49325	0100	BONE CHAR	10% AD VAL.
49326	0075	CHARS AND CARBONS, DECOLORIZING, ETC.	7.5% AD VAL.
49330	0083	DEXTRINE AND SOLUBLE OR CHEMICALLY TREATED STARCHES	1.125¢ PER LB*
49346	0080	MARINE GLUE PITCH	8% AD VAL.
49347	0009	PITCH FROM WOOD	0.4¢ PER LB.
49350	0060	PRODUCTS FOR FINISHING AND PREPARING TEXTILES, NSPF	6% AD VAL.
+ 49367	0085	SALICIN	8.5% AD VAL.
49368	0100	POLYSACCHARIDES, RARE SACCHARIDES, ETC., NES	10% AD VAL.
49382	0050	TALL OIL	5% AD VAL.
49404	0075	BEESWAX, BLEACHED	7.5% AD VAL.
49440	0045	WOOD TAR OIL A WOOD TAR	0.5¢ PER LB.
49452	0050	NON RADIOACTIVE ISOTOPES AND THEIR COMPOUNDS	5% AD VAL.
49460	0025	CEMENTS NSPF	2.5% AD VAL.
49505	0060	WADDING, GAUZE, BANDAGES, PLASTRS ETC COATD W MEDICINAL	6% AD VAL.
49510	0085	SURGICAL SUTURES AND RELATED MATERIALS STERILE	8.5% AD VAL.
49515	0040	DENTAL CEMENTS	4% AD VAL.
49520	0100	FIRST AID KITS PUT UP AND PACKAGED FOR RETAIL TRADE	10% AD VAL.
51111	0005	CEMENT, WHITE NONSTAINING PORTLAND	1¢ PER 100 LBS
51125	0075	CONCRETE MIXES EXCEPT HYDRAULIC CEMENT CONCRETE	7.5% AD VAL.
51131	0210	CONCRETE FLOOR AND WALL TILES	21% AD VAL.
51141	0130	CONCRETE TILES EXCEPT FLOOR AND WALL INCL ROOFING TILES	13% AD VAL.
51151	0060	ARTICLES OF CONCRETE FLOOR AND WALL TILES	6% AD VAL.
51161	0075	CONCRETE ARTICLES EXC FLOOR AND WALL TILE, NOT DECORATED	7.5% AD VAL.
51171	0135	CONCRETE ARTICLES, EXC FLOOR AND WALL TILE, NES, DECORATED	13.5% AD VAL.
51224	0007	PLASTER ROCK O GYPSUM GROUND AND/OR CALCINED WHOLLY O PARTLY	59¢ PER TON
51231	0150	GYPSUM CEMENT NOT OVER $40 PER TON	$5 PER TON
51235	0035	GYPSUM CEMENT OVER $40 PER TON	$7 PER TON
51241	0050	PLASTER OF PARIS STATUES, STATUETTES AND BAS-RELIEFS	5% AD VAL.
51244	0060	PLASTER OF PARIS ARTICLES EX STATUES, STATUETTS A BAS-RELIEF	6% AD VAL.
51321	0050	MARBLE, BRECCIA AND ONYX CHIPS	5% AD VAL.
51336	0039	LIMESTONE CHIPS AND SPALLS, AND CRUSHED OR GROUND, NES	10¢ PER SHORT TON
51341	0025	STONE CHIPS AND SPALLS, AND STONE, CRUSHED OR GROUND, NES	2.5% AD VAL.
51351	0040	STONE STATUARY, SCULPTURE, NES PROFESSIONAL PROD OF SCULPTORS	4% AD VAL.
51374	0060	GRANITE, MONUMENTAL, PAVING, OR BLDG PITCHD LINED HEWN ETC	6% AD VAL.
51381	0075	GRANITE AND ARTICLES OF GRANITE, NSPF, NOT DECORATED	7.5% AD VAL.
51384	0135	GRANITE AND ARTICLES OF GRANITE, NSPF, DECORATED	13.5% AD VAL.
51394	0085	ALABASTER AND/OR JET ARTICLES	8.5% AD VAL.
51411	0025	LIMESTONE, CRUDE, NOT SUITABLE FOR MONUMENT, PAVING O BLG STONE	10¢ PER SHORT TON
51421	0009	LIMESTONE, MONUMENTAL, PAVING, BLDG, NOT HEWN, SAWED, DRESSED, ETC	1¢ PER CU. FT
51424	0105	LIMESTONE, MONUMENTAL, PAVING, BLDG, HEWN, SAWED, DRESSD, POL, ETC	10.5% AD VAL.
51434	0050	CHALK ARTICLES NSPF	5% AD VAL.
51441	0075	LIMESTONE AND ARTICLES OF LIMESTONE, NES, NOT DECORATED	7.5% AD VAL.
51444	0135	LIMESTONE AND ARTICLES OF LIMESTONE, NES, DECORATED	13.5% AD VAL.
51451	0013	MARBLE, BRECCIA, IN BLOCK, ROUGH OR SQUARED ONLY	13.5¢ PER CU. FT.
51454	0012	ONYX, IN BLOCK, ROUGH OR SQUARED ONLY	16¢ PER CU. FT
51457	0009	MARBLE, BRECCIA OR ONYX SAWED OR DRESSD, OVER 2IN THICK	25¢ PER CU. FT
51461	0025	MARBLE, BRECCIA A ONYX SLABS NOT RUBBED AND NOT POLISHED	2.5% AD VAL.
51465	0035	MARBLE BRECCIA AND ONYX SLABS RUBBED OR POLISHED	3.5% AD VAL.
51481	0105	MARBLE, BRECCIA AND ONYX ARTICLES, NES	10.5% AD VAL.
51511	0125	SLATE ROOFING	12.5% AD VAL.
51514	0050	SLATE AND ARTICLES OF SLATE, NSPF, EXCEPT ROOFING	5% AD VAL.
51524	0105	TRAVERTINE, HEWN, SAWED, ETC AS MONUMENTAL, PAVING, BLDG STONE	10.5% AD VAL.
51531	0075	TRAVERTINE ARTICLES, NSPF, NOT DECORATED	7.5% AD VAL.
51534	0135	TRAVERTINE ARTICLES, NSPF, DECORATED	13.5% AD VAL.
51551	0005	STONE, SUIT FOR MONUMENT, PAV, BLDG STONE, UNHEWN, UNSAWED, ETC	1¢ PER CU. FT
51554	0105	STONE, NES, MONUMENT, PAV, BLDG, HEWN, SAWED, DRESSED, POLISHED, ETC	10.5% AD VAL.
51561	0075	STONE A ARTICLES OF STONE NES, NOT DECORATED	7.5% AD VAL.
51564	0135	STONE AND ARTICLES OF STONE NES, DECORATED	13.5% AD VAL.
51611	0025	UNTRIM PHLOGOPITE FROM WHICH NO PIECE OVER 2X1 IN MAY BE CUT	2.5% AD VAL.
51621	0060	PHLOGOPITE WASTE AND SCRAP, VALUED NOT OVER 5 CENTS PER LB	6% AD VAL.
51624	0060	MICA WASTE AND SCRAP, EXCEPT PHLOGOPITE, VALUE N/O 5CTS PRLB	6% AD VAL.

* Duty temporarily increased (945.49).

\+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
51671	0110	MICA CUT OR STAMPED TO DIMEN NOT OVER .006 INCHES THICK	11% AD VAL.
51673	0125	MICA FUSE DISCS SPLIT, OVER .006 INCH THICK, N/PERFORTD ETC	12.5% AD VAL.
51674	0200	MICA, CUT OR STAMPED OV .006 INCH, NOT PERFORATED, ETC NES	20% AD VAL.
51676	0125	MICA,CUT OR STAMPED AND PER- FORATED OR INDENTED,OVER .0066IN	12.5% AD VAL.
51691	0085	MICA, BUILT-UP	8.5% AD VAL.
51694	0125	MICA ARTICLES, NSPF	12.5% AD VAL.
51711	0025	GRAPHITE, ARTIFICIAL, CRUDE AND REFINED	2.5% AD VAL.
51721	0075	GRAPHITE,NATURAL CRYSTALLINE FLAKE, NOT OVER 5.5 CTS PER LB	7.5% AD VAL. *
51724	0035	GRAPHITE,NATURAL CRYSTALLINE FLAKE, VALUED OVER 5.5 CENTSLB	0.4¢ PER LB. *
+ 51727	0025	GRAPHITE, NATURAL CRYSTALLINE LUMP OR CHIP	2.5% AD VAL*
51751	0075	CALCINED PETROLEUM AND COAL COKE, NOT SUITABLE FOR FUEL	7.5% AD VAL.
51761	0060	ELECTRODES, PART CARBON OR GRAPHITE,FURNACE O ELECTROLYTIC	6% AD VAL.
51771	0070	CARBONS A ELECTRODES, FOR ELECT ARC LIGHT UND 0.5 IN DIAM	7% AD VAL.
51774	0060	CARBONS A ELECTRDES FOR PROD ELEC ARC LGHT,0.5 IN DIAM A OV	6% AD VAL.
51781	0050	BRUSHES GRAPHITE, FR ELC GEN MOTORS OR OTH ELECT MACH OR APP	5% AD VAL.
51791	0075	CARBON AND GRAPHITE ARTICLES, NES	7.5% AD VAL.
51821	0040	ASBESTOS YARN, SLIVERS, ETC, WITH OR W/O WIRE AND ARTICLES	4% AD VAL.
51841	0024	PIPES,TUBES A FITTINGS, IN PART ASBESTOS A HYDRAUL CEMENT	0.15¢ PER LB.
51844	0006	ASBESTOS AND HYDRAULIC CEMENT ARTICLES, NES	0.1¢ PER LB.
51851	0045	ASBESTOS ARTICLES, NES	4.5% AD VAL.
51911	0029	PUMICE, CRUDE OR CRUSHED, VALUED NOT OVER $15 PER TON	0.02¢ PER LB.
51914	0042	PUMICE, CRUDE OR CRUSHED, VALUED OVER $15 PER TON	0.04¢ PER LB.
51931	0043	PUMICE, IN GRAINS, OR GROUND PULVERIZED OR REFINED	0.17¢ PER LB.
51937	0021	EMERY,NATURAL CORUNDUM,FLINT ETC IN GRAINS ETC NES	0.4¢ PER LB.
51951	0030	PAPER, CLOTH, ETC, ABRASIVE COATD SHEETS, STRIPS, DISKS,ETC	3% AD VAL.
51983	0075	ABRASIVE WHEELS, DIAMOND	7.5% AD VAL.
51984	0192	ABRASIVE WHEELS BONDED WITH SYNTHETIC RESINS	10¢ PER LB. + 8.5% AD VAL.
51986	0050	ABRASIVE WHEELS, NES	5% AD VAL.
51991	0050	EMERY OR GARNET ABRASIVE ARTICLES NES	5% AD VAL.
51993	0070	PUMICE ABRASIVE ARTICLES	7% AD VAL.
51995	0025	NATURAL CORUNDUM OR ARTIFICL ABRASIVE ARTICLES, NES	2.5% AD VAL.
51997	0075	ABRASIVE ARTICLES, NES	7.5% AD VAL.
52031	0075	INDUSTRIAL DIAMONDS, NATURAL ADVNCD IN COND O VAL, UNSET NES	7.5% AD VAL.
52035	0040	RUBIES AND SAPPHIRES, CUT, NOT SET,SUITABLE FOR JEWELRY	4% AD VAL.
52037	0050	MARCASITES, CUT, NOT SET, SUITABLE FOR JEWELRY	5% AD VAL.
52039	0025	PRECIOUS AND SEMIPRECIOUS STONES, CUT,NOT SET, FOR JEWELRY NES	2.5% AD VAL.
52051	0075	PRECIOUS STONES AND ARTICLES OF SUCH STONES, NES	7.5% AD VAL.
52054	0105	ROCK CRYSTAL AND ARTICLES OF ROCK CRYSTAL, NES	10.5% AD VAL.
52061	0210	SEMI PRECIOUS STONES AND ARTICLES OF SUCH STONES, NES	21% AD VAL.
52071	0040	SYNTHETIC MATERIALS, GEM QUALITY, CUT,NOT SET, SUITBLE FOR JEWELRY	4% AD VAL.
52187	0071	CLAYS ARTIFICIALLY ACTIVATED WITH ACID, ETC	0.05¢ PER LB. + 6% AD VAL.
52241	0035	FELDSPAR, GROUND, CRUSHED OR PULVERIZED	3.5% AD VAL.
52245	0075	NATURAL MINERAL FLUXES, CRSHD, GRND O PULVERIZED, NES	7.5% AD VAL.
52271	0020	MEERCHAUM, CRUDE	2% AD VAL.
52281	0075	MINERAL WOOL, BULK, BATT, BLKT, ETC, WHE OR NOT LND, BACK	7.5% AD VAL.
52331	0008	TALC, STEATITE AND SOAPSTONE CRUDE AND NOT GROUND	0.02¢ PER LB.
52333	0060	TALC, STEATITE A SOAPSTONE GROUND, WASHED, POWDERED OR PUL	6% AD VAL.
52335	0006	TALC STEATITE AND SOAPSTONE, CUT OR SAWED, ETC	0.2¢ PER LB.
52337	0120	TALC, STEATITE AND SOAPSTONE NES,AND ARTICLES OF THESE NES	12% AD VAL.
52351	0009	CARBONATE OF MAGNESIA ARTICLES, NES	0.5¢ PER LB.
52361	0070	PUMICE ARTICLES, NES	7% AD VAL.
52391	0075	MINERAL SUBSTANCE ARTICLES, NES, NOT DECORATED	7.5% AD VAL.
52394	0135	MINERAL SUBSTANCE ARTICLES, NES, DECORATED	13.5% AD VAL.
53101	0042	REFRACTORY MAGNESIA CONTAIN- ING BY WEIGHT NOT OVER 4% LIME	0.19¢ PER LB.
53104	0060	REFRACTORY MAGNESIA CONTAIN- ING BY WEIGHT OVER 4% LIME	6% AD VAL.
53111	0075	REFRAC A HEAT-INSUL MORTARS, RAM MIXES,ETC,SUPER REFRAC PDRS	7.5% AD VAL.
53121	0125	CHROME BRICKS	12.5% AD VAL.
53124	0044	MAGNESITE BRICKS	0.19¢ PER LB. + 2.5% AD VAL.
53133	0075	CARBON OR GRAPHITE CRUCIBLES	7.5% AD VAL.
53135	0050	EARTHENWARE AND STONEWARE CRUCIBLES	5% AD VAL.
53137	0225	PORCELAIN AND SUBPORCELAIN REFRACTORY ARTICLES	22.5% AD VAL.
53139	0075	SHAPED REFRACTORY AND HEAT INSULATING ART,NES A STRUCTURES	7.5% AD VAL.
53214	0030	CERAMIC BRICKS, COATED WITH ENGOBE, GLAZE OR ENAMEL	3% AD VAL.

* Duty temporarily suspended (909.01).

+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
53231	0135	CERAMIC TILES, EXCEPT FLOOR AND WALL, INCLDNG ROOFING TILES	13.5% AD VAL.
53241	0060	FRIEZES, MANTELS AND OTHER CERAMIC TILE CONSTRUCTION ARTIC	6% AD VAL.
53261	0075	CERAMIC CONSTRUCTION ARTICLES NES	7.5% AD VAL.
53311	0025	EARTHENWARE OR STONEWARE, COARSE-GRAIN,FOR FOOD, BEV, ETC	2.5% AD VAL.
53314	0060	EARTHENWARE,FINE-GRAIN HHLD ART,RED NOT OVER $1.50 DZ ART	6% AD VAL.
53316	0060	EARTHENWARE,FINE-GRAIN,HHLD ART, RED, OVER $1.50 DOZ ART	6% AD VAL.
53323	0152	EARTHWARE, FINE GRND, TABLE- WARE,SPEC SETS NOV $3.30 SET	5¢ PER DOZ. PCS + 14% AD VAL.
53325	0236	EARTHWARE, FINE GRND, TABLE- WARE, SPEC SETS $3.30-$7 SET	10¢ PER DOZ. PCS. + 21% AD VAL.
53326	0257	EARTHENWARE FINE GRND TABLE- WARE, SPEC SETS OV$7 NOV$12 SET	10¢ PER DOZ. PCS. + 21% AD VAL.
53341	0175	BONE CHINAWARE,CHIEFLY USED FOR PREPAR,SERV,ETC,FOOD,BEV	17.5% AD VAL.
53411	0040	CERAMIC STATUES, STATUETTES ETC NES OV $2.50 EA, BY PROF SCULPTORS	4% AD VAL.
53421	0060	CERAMIC TILE SMOKERS AND HOUSEHOLD ARTICLES,NES	6% AD VAL.
53431	0025	EARTHENWARE,ETC,COARSE-GRND SMOKERS AND HOUSEHOLD ART, NES	2.5% AD VAL.
53474	0060	EARTHENWARE, FINE-GRND, ETC SMOKERS,ETC ART,NES NOV$1.50DOZ	6% AD VAL.
53476	0030	EARTHENWARE,FINE-GRND,ETC SMOKERS,ETC ART,NES OV $1.50DOZ	3% AD VAL.
53481	0204	EARTHENWARE OR STONEWARE,FG, SMOKERS,ETC ART,NES,NOV $3 DOZ	6¢ PER DOZ.PCS + 17% AD VAL.
53484	0160	EARTHENWARE OR STONEWARE,FG SMOKERS,ETC ART NES $3-$10 DOZ	5¢ PER DOZ.PCS + 15% AD VAL.
53487	0101	EARTHENWARE OR STONEWARE, FG SMOKERS, ETC ART,NES,OV $10 DOZ	2¢ PER DOZ.PCS + 10% AD VAL.
53491	0125	BONE CHINAWARE STATUES, VASES A HOUSEHOLD ARTICLES, NES	12.5% AD VAL.
53494	0225	NONBONE CHINAWARE OR SUBPOR- CELAIN HOUSEHOLD ARTICLES, NES	22.5% AD VAL.
53497	0135	CERAMIC SMOKERS A HOUSEHOLD ART, STATUES, VASES, ETC, NES	13.5% AD VAL.
53511	0150	PORCELAIN INSULATORS W/METAL PTS N/UN 30% WT HI VOLT ELECSYS	15% AD VAL.
53512	0075	FERRITES	7.5% AD VAL.
53514	0150	CERAMIC MAGNETS,ELECTRICAL INSULATORS ETC NES	15% AD VAL.
53521	0300	LAB A INDUST CHEM WARE OF PORCELAIN OR SUBPORCELAIN	30% AD VAL.
53524	0200	LABORATORY AND INDUSTRIAL CHEMICAL WARE OF STONEWARE	20% AD VAL.
53527	0100	CERAMIC LAB A IND CHEM WARE EX POR, SUBPOR, STONEWARE	10% AD VAL.
53531	0150	SANITARY WARE INC PLUMBING FIXTURES ETC OF CERAMIC WARE	15% AD VAL.
53541	0070	MACHINERY PARTS OF PORCELAIN OR SUBPORCELAIN	7% AD VAL.
53611	0225	CERAMIC WARES A ARTICLE NES, PORCELAIN OR SUBPORCELAIN	22.5% AD VAL.
53615	0200	CERAMIC WARES AND ARTICLES, NES, EXC PORCELAIN OR SUBPORCEL	20% AD VAL.
54011	0075	GLASS IN MASS CONTAINING OVER 95 % SILICA BY WEIGHT	7.5% AD VAL.
54013	0105	GLASS IN MASS, NES	10.5% AD VAL.
54014	0020	GLASS WASTE OR SCRAP	2% AD VAL.
54015	0075	GLASS,CRUSHED,POWDERED OR FLAKED	7.5% AD VAL.
54021	0060	ENAMELS,COLORS,ETC OF GLASS,FRIT OR CALCINE, GROUND OR PULVERIZED	6% AD VAL.
54037	0125	SOLID GLASS GLOBULES BALLS SPHERICAL,OVER 6MM IN DIAM	12.5% AD VAL.
54041	0070	GLASS RODS TUBES TUBING, NOT PROCESSED OV 95% SILICA BY WT	7% AD VAL.
54043	0160	GLASS RODS, TUBES, TUBING NOT PROCESSED, NES	16% AD VAL.
54047	0120	GLASS BRICKS BLOCKS, SLABS SQUARES, ETC USED IN BLDG	12% AD VAL.
54051	0085	SMALL GLASS CUBES, FRAGMENTS ETC FOR MOSAICS, DECORATIONS	8.5% AD VAL.
54055	0150	FOAM GLASS IN ANY FORM	15% AD VAL.
54061	0050	SYNTHETIC OPTICAL CRYSTALS IN THE FORM OF INGOTS	5% AD VAL.
54063	0100	SPECTACLE LENS BLANKS -	10% AD VAL.
54065	0200	LENS BLANKS EXC SPECTACLE, NOT OPTICALLY WORKED	20% AD VAL.
54067	0250	OPTICAL GLASS A SYNTHETIC CRYSTALS NES., POLARIZING MATERIAL	25% AD VAL.
54071	0110	GLASS FIBERS, BLK, MATS PADS ETC N/OV 25LB CUFT FLTRS ETC	11% AD VAL.
54111	0035	ORD GLASS CAST OR ROLLED N/GRND ETC OV 4 OZ PER SQ FT	0.3¢ PER LB.
54121	0029	COLORED OR SPEC GLS OPAQUE N PROC OV 40Z/SFT O 15/64 IN THK	0.6¢ PER LB.
54131	0028	COLRD SPEC GLASS OPAQUE NOV 15/64 IN THK NON-OPAQUE ANY THK	0.3¢ PER LB. + 1% AD VAL
54311	0041	ORDINARY GLASS CONTAINING WIRE NETTING	3.8¢ PER SQ. FT.
54411	0220	GLASS STRIPS, NOV 6 IN WIDE OV 160Z SQ FT LONG EDGS PROC	22% AD VAL.
54414	0115	GLASS MEASURING OVER 15/32 IN THICKNESS, PROCESSED	11.5% AD VAL.
54416	0150	GLASS, DRAWN OR BLOWN NOT CONT WIRE NET A N/SUR GR OR POL	15% AD VAL.
54418	0075	GLASS, PROCESSED, NES	7.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
54441	0090	LAMINATED GLASS, WHETHER OR NOT SHAPED OR FRAMED OR BOTH	9% AD VAL.
54451	0175	GLASS MIRRORS, NES NOT OVER 1 SQ FT IN REFLECTING AREA	17.5% AD VAL.
54454	0100	GLASS MIRRORS, NES OVER 1 SQ FOOT IN REFLECTING AREA	10% AD VAL.
54461	0110	GLASS,MULTIPLE-GLAZED UNITS, ENCLOSING VACUUM,AIR OR OTH GAS	11% AD VAL.
54464	0150	GLASS WINDOWS, PAINTED, STAINED OR COLORED AND PARTS	15% AD VAL.
54511	0050	GLASS CONTAINERS F/TOILET PREP, PRODUCED BY AUTO MACH	5% AD VAL.
54517	0160	GLASS CONTAINERS F/TOILET PREP N/PROD BY AUTO MACH	16% AD VAL.
54521	0022	GLASS CONTNRS, EXC AMPOULES, NES W OR W/O CLOS NOV 1/4PT	11¢ PER GROSS
54525	0056	GLASS CONTAINERS, NES, OVER 1/4 PINT NOT OVER 1 PINT	0.37¢ PER LB.
54527	0018	GLASS CONTAINERS, NES, HOLDING OVER 1 PINT	0.2¢ PER LB.
54531	0333	GLASS INNERS FOR VACUUM FLASKS OR VESSELS,NOT OVER 1 PT	4¢ EACH + 20% AD VAL.
54534	0250	GLASS INNERS FOR VACUUM FLASKS, ETC, OVER 1 NOV 2 PINTS	7¢ EACH + 20% AD VAL.
54535	0372	GLASS INNERS FOR VACUUM FLASKS ETC, OVER 2 N/O 4 PTS	10.5¢ EACH + 20% AD VAL.
54537	0325	GLASS INNER FOR VACUUM FLASKS OR VESSELS,OVER 4 PINTS	16.5¢ EACH + 20% AD VAL
54553	0140	GLASS GLOBES AND SHADES	14% AD VAL.
54555	0120	GLASS LAMP BASES	12% AD VAL.
54557	0120	GLASS PRISMS AND ARTICLES FOR CHANDELIERS, WALL BRCKTS	12% AD VAL.
54561	0130	GLASS LENSES A FILTERS AND PARTS FOR LIGHTING A SIGNALS	13% AD VAL.
54563	0120	GLASS REFLECTING LENSES, BUTTONS,ETC,FOR SIGNS OR SIGNAL	12% AD VAL.
54565	0150	GLASS CHIMNEYS	15% AD VAL.
54567	0120	GLASS ILLUMINATING AND RE- FLECTING ARTICLES AND PARTS,NES	12% AD VAL.
54581	0060	GLASS BEADS, CHRISTMAS ORNAMENTS	6% AD VAL.
54585	0200	GLASS CHRISTMAS ORNAMENTS, EXC BEADS, NOV $7.50 PER GROSS	20% AD VAL.
54587	0125	GLASS CHRISTMAS ORNAMENTS, EXC BEADS, OV $7.50 PER GROSS	12.5% AD VAL.
54621	0120	SMOKERS GLASS NES, METAL FLECKS EMBEDDED ETC NOV $1EA	12% AD VAL.
54623	0200	GLASSWARE NES, METAL FLECKS EMBEDDED ETC, NOT OVER $1 EA	20% AD VAL.
54625	0125	GLASSWARE NES, METAL FLECKS EMBEDDED ETC, OVER $1 EA	12.5% AD VAL
54640	0225	SMOKERS GLASSWARE NES VALUED NOT OVER $1 EACH	22.5% AD VAL.
54642	0225	SMOKERS GLASSWARE, NES, VALUED OVER $1 NOT OVER $3 EACH	22.5% AD VAL.
54643	0225	SMOKERS GLASSWARE VALUED OVER $3 EACH, CUT OR ENGRAVED	22.5% AD VAL.
54644	0225	SMOKERS GLASSWARE VALUED OVER $3 EA NOT CUT OR ENGRAVED	22.5% AD VAL.
54646	0175	GLASS PERFUME BOTTLES WITH GRD GLASS STOPPERS N/OVER $1	17.5% AD VAL.
54648	0175	GLASS PERFUME BOTTLES WITH GRD GLS STOPPERS OV $1 NOV $3	17.5% AD VAL.
54649	0175	GLASS PERFUME BOTTLES W GRD GLS STPRS OV $3 CUT OR ENGRVD	17.5% AD VAL.
54650	0175	GLASS PERFUME BOTTLES WITH GRD GLS STPRS OV $3 NOT CUT ENG	17.5% AD VAL.
54711	0075	WATCH GLASSES, ROUND	7.5% AD VAL.
54713	0240	WATCH CRYSTALS OR GLASSES, EXCEPT ROUND	24% AD VAL.
54715	0125	CLOCK A OTH PROTECTIVE GLSS CURVED SURFACE,EXC OPT BLKS,NES	12.5% AD VAL.
54721	0100	GAUGE GLASSES, WHETHER TUBULAR OR NON TUBULAR	10% AD VAL.
54731	0050	BULBS,WITHOUT FITTINGS, FOR INCANDESCENT LAMPS	5% AD VAL.
54737	0125	GLASS ENVELOPES W/O FITTINGS ELECT LAMP,VAC TUBES,ETC NES	12.5% AD VAL.
54741	0075	GLASS ELECTRIC INSULATORS WITH METAL FITTINGS	7.5% AD VAL.
54743	0100	GLASS ELECTRIC INSULATORS WITHOUT METAL FITTINGS	10% AD VAL.
54751	0038	GLASS AMPOULES	12.5¢ PER GROSS
54753	0100	PHARMA HYGIENIC LABORATORY GLSWARE OV 95% SILICA BY WEIGHT	10% AD VAL.
54755	0210	PHARMA HYGIENIC LABORATORY GLSWRE NOV 95% SILICA BY WEIGHT	21% AD VAL.
54801	0070	GLASS TUBES AND TUBING,WITH ENDS PROCESSED,CONT OV 95%SILIC	7% AD VAL.
54803	0160	GLASS TUBES AND TUBING,WITH ENDS PROCESSED,CONT NOV95%SILIC	16% AD VAL.
54805	0125	GLASS ARTICLES NSPF	12.5% AD VAL.
60127	0045	MANGANESE ORE OV 10 PCT BY WGT MANGANESE	0.12¢ LB MANGANESE CONT *
60133	0057	MOLYBDENUM ORE	12¢ PER LB ON MOLYBDENUM CONTENT
60210	0081	ALL LEAD-BEARING ORES	0.75¢ PER LB. ON LEAD CONTENT
60220	0084	ALL ZINC-BEARING ORES	0.67¢ PER LB. ON ZINC CONTENT **

* Duty temporarily suspended (911.07).
** Duty temporarily suspended (911.00).

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

	TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
	60228	0030	COPPER BEARING ORES WHEN COPPER IS BELOW 24¢ PER LB.	1¢ PER LB. ON COPPER CONTENT
	60230	0019	ALL COPPER-BEARING ORES,NES	0.8¢ LB ON COPPER CONT
	60310	0001	ANTIMONY, NEEDLE OR LIQUATED	0.1¢ PER LB.
	60315	0030	FERROUS SCALE	37¢ PER TON
	60325	0103	LEAD DROSS	1.0625¢ PER LB. ON LEAD CONTENT
	60330	0077	ZINC DROSS A SKIMMINGS	0.75¢ PER LB.*
	60340	0099	MATERIALS CV MOLYBDENUM	10¢ LB. MOLYB. CONTENT + 3% AD VAL.
	60345	0198	MATERIALS CHIEF VALUE TUNGSTEN	21¢ LB. TUNGSTEN CONTENT + 10% AD VAL.
	60349	0060	MATERIALS NES CONT OV 10% COPPER,LEAD, ZINC,IF COPPER BELOW 24¢ PER LB.	1¢ LB CU + 0.75¢ LB LEAD + 0.67¢ LB ZINC **
	60350	0083	MATERIALS CONT OV 10%COPPER,LEAD,ZINC - TREATED AT COPPER,LEAD,ZINC PLANT	.8¢ LB CU + .75¢ PB + .67¢ ZN**
	60354	0080	MATERIALS NES CONT PRECIOUS METAL IF COPPER IS BELOW 24¢ PER LB.	1¢ LB CU + 0.75¢ LB LEAD + 0.67¢ LB ZINC **
	60355	0000	MATERIALS CONT OV 5 TOZ GOLD PER S.TON OR OV 100TOZ PRECIOUS METALS STN	0.8¢ LB CU + 0.75¢ LB LEAD + 0.67¢ LB ZINC **
	60370	0075	MATERIALS METAL- BEARING NES	7.5% AD VAL. ***
	60503	0200	PLATINUM UNWROUGHT INCLUDING ALLOYS NES	20% AD VAL.
	60505	0250	PLATINUM SEMIMANUFACTURED GOLD PLATED	25% AD VAL.
	60506	0120	PLATINUM SEMIMANUFACTURED SILVER PLATED	12% AD VAL.
	60508	0200	PLATINUM SEMIMFG INCLUDING PLATINUM ALLOYS NES	20% AD VAL.
+	60527	0160	PLATINUM- OR SILVER-PLATED GOLD	16% AD VAL.
	60548	0105	SILVER UNWROUGHT NES OR SEMIMANUFACTURED	10.5% AD VAL.
	60560	0120	ROLLED PRECIOUS METAL PLATES AND SHEETS UNWORKED OR SEMIMFGD	12% AD VAL.
	60565	0105	ROLLED SILVER SEMI- MANUFACTURED, NES	10.5% AD VAL.
	60566	0200	ROLLED PRECIOUS METALS SEMIMANUFACTURED NES	20% AD VAL.
	60712	0001	IRON OR STEEL WASTE AND SCRAP CONTAINING DUTIABLE ALLOYS	18¢ TON + ADD DUTY ****
+	60718	0001	PIG IRON AND CAST IRON CONTAINING DUTIABLE ALLOY	28¢ PER TON + ADDITIONAL DUTIES
	60735	0032	FERROMANGANESE CONTAINING NOT OVER 1% CARBON	0.3¢ PER LB. MANG. CONT. + 2% AD VAL.
	60736	0032	FERROMANGANESE CONTAINING OVER 1% BUT NOT OVER 4% CARBON	0.46¢ PER LB. ON MANGANESE CONTENT
	60737	0038	FERROMANGANESE CONTAINING OVER 4% CARBON	0.3¢ PER LB. ON MANGANESE CONTENT
	60745	0060	FERROPHOSPHORUS	6% AD VAL.
	60751	0032	FERROSILICON, OVER 60% NOT OVER 80% SILICON	0.5¢ PER LB. ON SILICON CONTENT
	60757	0078	FERROSILICON MANGANESE	0.46¢ PER LB ON MANG.CONT. + 3.5% AD VAL.
	60804	0001	GRANULAR OR SPONGE IRON CONT. DUTIABLE ALLOY	31¢ PER TON + ADDITIONAL DUTIES
	60805	0026	IRON A STEEL POWDERS OTHER THAN ALLOY IRON OR STEEL	0.3¢ PER LB.
	60806	0005	STAINLESS STEEL POWDERS	0.3¢ PER LB.
	60808	0095	IRON OR STEEL POWDERS ALLOYED EXCEPT STAINLESS	9.5% AD VAL.
	60810	0022	GRIT AND SHOT INCL WIRE PELLET OF IRON OR STEEL	0.3¢ PER LB.
	60825	0060	FORGINGS NOT ADVANCED UNALLOYED IRON OR STEEL	6% AD VAL.
	60827	0080	FORGINGS, NOT ADVANCED, ALLOY IRON OR STEEL	8% AD VAL. + ADDITIONAL DUTIES
+	60830	0029	BARS OTHER THAN ALLOY WROUGHT IRON	0.5¢ PER LB.
+	60832	0047	BARS OF ALLOY WROUGHT IRON	0.5¢ PER LB. + 2% AD VAL. + ADD. DUTIES
	60912	0080	STEEL SHEET PLATE CUT, ETC NONRECTANGULAR N/AL NOVBCT LB	8% AD VAL.
	60913	0080	PLATES, ETC, NONREC CUT, ETC EXC ALLOY IRON O STEEL OVBCT LB	8% AD VAL.
	60915	0100	IRON OR STEEL SHEET PLATE ETC ALLOYED CUT ETC NON RECTANG	10% AD VAL. + ADD. DUTIES

* Duty temporarily suspended (911.01).
** Duty on zinc content temporarily suspended (911.02).
*** Duty on synthetic rutile temporarily suspended (911.25).
**** Duty temporarily suspended (911.12)

\+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
60988	0075	ANGLES,SHAPES,ETC COLD FORM N/O 0.29 LB/LFT, NT ALLOY,IRON OR STEEL	7.5% AD VAL.
60990	0095	ANGLES,SHAPES,ETC COLD FORM N/O 0.29 LB/LFT, ALLOYED IRON OR STEEL	9.5% AD VAL. + ADD. DUTIES
61056	0100	CAST IRON PIPES AND TUBES OTHER THAN ALLOY CAST IRON	10% AD VAL.
61058	0120	ALLOY CAST IRON PIPES AND TUBES	12% AD VAL. + ADDITIONAL DUTIES
61062	0100	CAST IRON FITTINGS,N AL CAST,N MALLEABLE;FOR CAST IRON PIPE	10% AD VAL.
61063	0120	ALLOY CAST IRON PIPE FITTING FOR CAST IRON PIPE N MALLEABLE	12% AD VAL. + ADDITIONAL DUTIES
61065	0030	CAST IRON PIPE FTNGS NOT ALY NOT MAL N FOR CAST IRON PIPE	3% AD VAL.
61066	0050	ALLOY CAST IRON PIPE FTNGS NOT MALL N FOR CAST IRON PIPE	5% AD VAL. + ADDITIONAL DUTIES
61070	0080	PIPE FITTINGS MALL CAST IRON NOT ALLOYED NOT ADVANCED	8% AD VAL
61071	0100	PIPE FITTINGS MALLEABLE CAST IRON ALLOYED, NOT ADVANCED	10% AD VAL. + ADDITIONAL DUTIES
61074	0110	PIPE FITTINGS MALLEABLE CAST IRON, ADVANCED IN CONDITION	11% AD VAL.
61080	0110	PIPE AND TUBE FITTINGS OF IRON OR STEEL, NES	11% AD VAL.
61202	0017	UNWROUGHT CEMENT COPPER AND COPPER PRECIPITATES	0.8¢ LB COPPER CONT
61203	0013	UNWROUGHT BLACK COPPER,BLISTER COPPER, AND ANODE COPPER	0.8¢ LB 99.6% CU CONT
61205	0050	UNWROUGHT NICKEL SILVER	0.8¢ PER LB. ON COPPER CONTENT + 5% AD VAL
61206	0013	UNWROUGHT COPPER,NES	0.8¢ LB COPPER CONT
61208	0062	COPPER WASTE AND SCRAP NICKEL SILVER	0.8¢ LB 99.6% CU CONT + 5% AV
61210	0013	COPPER WASTE AND SCRAP,NES	0.8¢ LB 99.6% CU CONT *
61215	0037	PHOSPHOR COPPER	0.8¢ PER LB. ON COPPER CONTENT + 1.5¢ PER LB.
61217	0068	MANGANESE COPPER	0.6¢ PER LB. + 6% AD VAL
61220	0106	MASTER ALLOYS OF COPPER NES	0.6¢ PER LB. + 10% AD VAL
61230	0134	COPPER SHEETS AND PLATES NOT ALLOY NOT SHAPED, CLAD	0.6¢ PER LB. + 12% AD VAL
61231	0018	BARS,SHEETS A STRIP IN COILS OF COPPER NOT CUT,PRESSED,ETC	1.4¢ PER LB.
61232	0118	COPPER PLATES AND STRAIGHT STRIP NOT ALLOYED NOT SHAPED	0.6¢ PER LB. + 11% AD VAL
61234	0132	NICKEL SILVER PLATES AND SHEETS CLAD NOT SHAPED	0.6¢ PER LB. + 12% AD VAL
61235	0155	NICKEL SILVER, NOT SHAPED NES BARS, SHEETS STRIPS	0.8¢ PER LB. ON COPPER CONTENT + 15% AD VAL.
61236	0120	NICKEL SILVER PLATES NOT CLAD NOT SHAPED ETC	0.6¢ PER LB + 11% AD VAL
61238	0127	BRASS PLATES AND SHEETS CLAD, NOT SHAPED ETC	0.6¢ PER LB. + 12% AD VAL
61239	0024	BRASS SHEETS, PLATES AND STRIPS NOT SHAPED, NES	0.8¢ PER LB. ON COPPER CONTENT + 1¢ PER LB.
61240	0126	CUPRO-NICKEL CLAD PLATES AND SHEETS N CUT ETC NONRECT SHAPE	0.6¢ PER LB. + 12% AD VAL
61241	0117	CUPRO-NICKEL SHEETS, PLATES AND STRIP NOT SHAPED, NES	0.6¢ PER LB. + 11% AD VAL.
61243	0130	COPPER ALLOY- PLATES AND SHEETS CLAD NES	0.6¢ PER LB. + 12% AD VAL.
61244	0021	BARS A SHEETS WROUGHT COPPER ALLOY NES N CUT ETC NONRECT SHP	0.8¢ PER LB. ON COPPER CONTENT + 1¢ PER LB
61245	0082	PLATES A STRIPS COPPER ALLOY NES NOT CUT ETC NONRECT SHAPE	0.6¢ PER LB. + 7.5% AD VAL
61250	0118	COPPER BARS PLATES SHEETS STRIPS NAL, NI SIL, CUPRO-NI	0.6¢ PER LB. + 11% AD VAL
61252	0084	BARS PLATES SHEETS STRIPS COPPER ALLOY CUT ETC NONRECTSHP	0.6¢ PER LB. + 7.5% AD VAL.
61255	0046	COPPER FLAKES	5.6¢ PER LB.
61256	0090	COPPER POWDERS	0.6¢ PER LB. + 8.5% AD VAL.
61260	0014	COPPER RODS WROUGHT NOT ALLOYED	1.4¢ PER LB.
61261	0153	NICKEL SILVER, RODS, WROUGHT	0.8¢ PER LB. ON COPPER CONTENT + 15% AD VAL.
61262	0030	BRASS RODS, WROUGHT	0.8¢ PER LB. ON COPPER CONTENT + 1¢ PER LB.
61263	0125	WROUGHT RODS CUPRO-NICKL	0.6¢ PER LB. + 11% AD VAL
61264	0020	RODS, COPPER ALLOY NES WROUGHT	0.8¢ PER LB. ON COPPER CONTENT + 1¢ PER LB.
61270	0153	NICKEL SILVER WIRE NOT PLT OR COATED	0.8¢ PER LB. ON COPPER CONTENT + 15% AD VAL.
61271	0153	NICKEL SILVER WIRE METAL COATED OR PLATED	0.8¢ LB CU CONT + 0.05¢ LB + 15% AD VAL

* Duty temporarily suspended (911.10).

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
61272	0069	WIRE OF COPPER,NES NOT METAL COATED OR PLATED	0.8¢ PER LB. ON COPPER CONTENT + 6% AD VAL
61273	0067	COPPER WIRE COATED OR PLATED WITH METAL, NES	0.8¢ LB CU CONT + 0.05¢ LB + 15% AD VAL
61280	0117	ANGLES SHAPES SECTIONS WRO COPPER NOAL,NI-SILV A CUPRO-NI	0.6¢ PER LB. + 11% AD VAL.
61281	0053	BRASS ANGLES AND CHANNELS	0.8¢ PER LB. ON COPPER CONTENT + 3¢ PER LB
61282	0083	ANGLES SHAPES AND SECTIONS COPPER ALLOYS NES, WROUGHT	0.6¢ PER LB. + 7.5% AD VAL.
61302	0034	COPPER TUBES A TUBING, SEAMLESS NOT ALLOYED	2.6¢ PER LB.
61303	0072	COPPER TUBES, BRAZED NOT ALLOYED	3¢ PER LB.
61304	0116	COPPER PIPES,TUBES AND BLANKS NO ALLOY NES	0.6¢ PER LB. + 11% AD VAL.
61306	0113	NICKEL SILVER PIPES TUBES AND BLANKS THEREFOR	0.6¢ PER LB. + 11% AD VAL.
61308	0080	CUPRO-NICKEL PIPES TUBES AND BLANKS THEREFOR	0.6¢ PER LB. + 7.5% AD VAL
61310	0019	PIPES TUBES A BLANKS ALLOY COPPER NES SEAMLESS	0.8¢ PER LB. ON COPPER CONTENT + 1¢ PER LB
61311	0050	PIPES TUBES A BLANKS ALLOY COPPER NES BRAZED	0.8¢ PER LB. ON COPPER CONTENT + 3¢ PER LB.
61312	0078	PIPES TUBES AND BLANKS THEREFOR COPPER ALLOY NES	0.6¢ PER LB. + 7.5% AD VAL.
61315	0117	COPPER, NICKEL-SILVER AND CUPRO-NICKEL PIPE FITTINGS	0.6¢ PER LB. + 11% AD VAL.
61318	0082	PIPE AND TUBE FITTINGS OF COPPER ALLOY NES	0.6¢ PER LB. + 7.5% AD VAL.
61810	0039	ALUMINUM WASTE A SCRAP	0.7¢ PER LB (TEMP SUSPENDED 911.1220)
61815	0052	WROUGHT RODS OF ALUMINUM	2¢ PER LB.
61817	0095	WROUGHT ALUMINUM ANGLES, SHAPES AND SECTIONS	9.5% AD VAL.
61820	0060	ALUMINUM WIRE NOT PLATED OR COATED	6% AD VAL.
61822	0061	ALUMINUM WIRE COATED OR PLATED WITH METAL	0.05¢ PER LB. + 6% AD VAL.
61825	0056	BARS,PLATES,SHEETS AND STRIP OF ALUMINUM,NOT CLAD	2¢ PER LB.
61827	0045	BARS,PLATES,SHEETS AND STRIP OF ALUMINUM,CLAD	2¢ PER LB.
61829	0120	WROUGHT ALUMINUM BARS,SHEETS ETC CLAD NES	12% AD VAL.
61840	0031	ALUMINUM FLAKES	2.5¢ PER LB.
61842	0095	ALUMINUM POWDERS	9.5% AD VAL.
61847	0095	ALUMINUM PIPES TUBES AND BLANKS THEREFOR ETC NES	9.5% AD VAL.
62008	0120	NICKEL PLATES A SHEETS CLAD NOT CUT ETC TO NONRECT SHAPE	12% AD VAL.
62010	0050	WRGT NICKEL BARS PLATES ETC NES NOT CLD WKD NOT CUT ETC	5% AD VAL.
62012	0070	WRGT NICKEL BARS PLATES ETC NES COLD WKD NOT CUT ETC	7% AD VAL.
62016	0090	NICKEL BARS PLATES ETC WRGT CUT PRESSED ETC TO NONRECT SHPE	9% AD VAL.
62020	0050	WROUGHT NICKEL RODS AND WIRE NOT COLD WORKED	5% AD VAL.
62022	0070	WROUGHT NICKEL RODS AND WIRE COLD WORKED	7% AD VAL.
62026	0090	WROUGHT NICKEL ANGLES SHAPES AND SECTIONS	9% AD VAL.
62030	0032	NICKEL FLAKES	5¢ PER LB.
62040	0030	NICKEL PIPES TUBES A BLANKS NOT COLD WORKED	3% AD VAL.
62042	0040	NICKEL PIPES TUBES A BLANKS COLD WORKED	4% AD VAL.
62046	0090	NICKEL PIPE AND TUBE FITTINGS	9% AD VAL.
62050	0050	NICKEL ELECTRO-PLATING ANODES WROUGHT OR CAST	5% AD VAL.
62215	0060	PLATES SHEETS AND STRIPS OF WROUGHT TIN NOT CLAD	6% AD VAL.
62217	0120	WROUGHT TIN PLATES SHEETS AND STRIPS CLAD	12% AD VAL.
62220	0060	TIN WIRE NOT COATED OR PLATED	6% AD VAL.
62222	0060	TIN WIRE COATED OR PLATE	6% AD VAL.
62225	0060	BARS RODS ANGLES SHAPES AND SECTIONS OF WROUGHT TIN	6% AD VAL.
62235	0060	TIN POWDER AND FLAKES	6% AD VAL.
62240	0060	TIN PIPES TUBES AND BLANKS THEREFOR PIPE AND TUBE FITTINGS	6% AD VAL.
62402	0054	UNWROUGHT LEAD BULLION	1.0625¢ PER LB. ON 99.6% LEAD CONTENT
62404	0131	LEAD WASTE AND SCRAP	1.0625¢ PER LB. ON 99.6% LEAD CONTENT
62410	0073	LEAD PLATES SHEETS NOT ALLOYED NOT CLAD NOT CUT ETC	1.3125¢ PER LB.
62412	0060	LEAD ALLOY PLATES AND SHEETS NOV 13-1/3 CTS LB N CLD CUT ETC	0.75¢ PER LB.
62414	0055	LEAD ALLOY PLATES AND SHEETS OV 13-1/3 CT LB N CLAD CUT ETC	5.5% AD VAL.
62416	0120	LEAD PLATES AND SHEETS CLAD NOT CUT, PRESSED ETC	12% AD VAL.
62418	0060	LEAD STRIPS NOT CUT ETC NOT OVER 13-1/3 CTS PER LB	0.7¢ PER LB.
62420	0055	LEAD STRIPS NOT CUT ETC OVER 13-1/3 CTS LB	5.5% AD VAL.
62422	0029	LEAD PLATES SHEETS A STRIPS CUT PRESSED ETC NOV 13-1/3CTLB	0.75¢ PER LB.
62424	0055	LEAD PLATES SHEETS A STRIPS CUT PRESSED ETC OV 13-1/3 CTLB	5.5% AD VAL.
62430	0022	GLAZIER'S LEAD AND LEAD WIRE	1.3125¢ PER LB.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
62432	0114	LEAD BARS RODS ANGLES ETC, WROUGHT NES NOV 13-1/3 CENTS LB	1.5¢ PER LB.
62434	0113	LEAD BARS RODS ANGLES ETC, WROUGHT NES OV 13-1/3 CENTS LB	11.25% AD VAL
62440	0119	LEAD POWDER AND FLAKES NOT OVER 13-1/3 CENTS PER POUND	1.5¢ PER LB
62442	0112	LEAD POWDER AND FLAKES OVER 13-1/3 CENTS PER POUND	11.25% AD VAL
62450	0050	LEAD PIPES TUBES BLANKS AND PIPE FITTINGS EXC LD ALLOY	1.3125¢ PER LB
62452	0066	LEAD ALLOY PIPES ETC AND FITTINGS NOT OVER 13-1/3 CTS LB	0.75¢ PER LB
62454	0055	LEAD ALLOY PIPES,ETC AND FITTINGS OVER 13-1/3 CENTS LB	5.5% AD VAL
62615	0095	ZINC PLATES ETC NO ALLOY NOT CLAD CUT ETC ROLL ONE DIRECTN	9.5% AD VAL
62617	0014	ZINC PLATES ETC NO AL N CLAD CUT OR CTD ETC RLD A CROSS RLD	0.5¢ PER LB
62618	0014	ZINC PLATES ETC COATED N AL N CLAD ETC RLD A CROSS RLD	0.56¢ PER LB.
62620	0095	ZINC PLATES SHEETS STRIP EXC ALLOY, CUT ETC NOT CLAD	9.5% AD VAL.
62622	0095	ZINC ALLOY PLATES SHEETS AND STRIPS NOT CLAD	9.5% AD VAL
62624	0120	WROUGHT ZINC PLATES SHEETS AND STRIPS CLAD	12% AD VAL
62630	0060	ZINC WIRE, NOT COATED OR PLATED WITH METAL	6% AD VAL
62631	0040	ZINC WIRE COATED OR PLATED WITH METAL	0.05¢ PER LB. + 6% AD VAL
62635	0095	ZINC BARS RODS ANGLES SHAPES AND SECTIONS WROUGHT	9.5% AD VAL
62640	0012	ZINC DUST	0.3¢ PER LB.
62642	0095	ZINC POWDERS AND FLAKES NES	9.5% AD VAL
62645	0095	ZINC PIPES TUBES BLANKS THEREFOR, AND PIPE FITTINGS	9.5% AD VAL
62805	0085	BERYLLIUM UNWROUGHT AND WASTE AND SCRAP	8.5% AD VAL (TEMP SUSP ON WASTE & SCRAP)
62810	0090	BERYLLIUM WROUGHT	9% AD VAL
62815	0050	COLUMBIUM METAL NOT ALLOYD UNWROUGHT AND WASTE AND SCRAP	5% AD VAL (TEMP SUSP ON WASTE & SCRAP)
62820	0090	COLUMBIUM, WROUGHT	9% AD VAL
62825	0050	GERMANIUM UNWROUGHT AND WASTE AND SCRAP	5% AD VAL (TEMP SUSP ON WASTE & SCRAP;
62830	0090	GERMANIUM, WROUGHT	9% AD VAL
62835	0050	HAFNIUM UNWROUGHT AND WASTE AND SCRAP	5% AD VAL (TEMP SUSP ON WASTE & SCRAP)
62840	0090	HAFNIUM WROUGHT	9% AD VAL
62845	0050	INDIUM, UNWROUGHT, WASTE AND SCRAP	5% AD VAL (TEMP SUSP ON WASTE & SCRAP)
62850	0090	INDIUM, WROUGHT	9% AD VAL
62855	0020	UNWROUGHT MAGNESIUM,NOT ALLOYS AND WASTE AND SCRAP	20% AD VAL (TEMP SUSP ON WASTE & SCRAP)
62859	0049	MAGNESIUM WROUGHT	6.5¢ LB MAGNESIUM CONT + 3.5% AD VAL
62870	0105	MOLYBDENUM WASTE A SCRAP	10.5% AD VAL (TEM SUSP ON WASTE & SCRAP)
62874	0125	MOLYBDENUM WROUGHT	12.5% AD VAL
62890	0050	RHENIUM, UNWROUGHT, AND WASTE AND SCRAP	5% AD VAL (TEMP SUSP ON WASTE & SCRAP)
62895	0090	RHENIUM, WROUGHT	9% AD VAL
62905	0050	TANTALUM OTHER THAN ALLOYS UNWROUGHT AND WASTE A SCRAP	5% AD VAL (TEMP SUSP ON WASTE & SCRAP)
62910	0090	TANTALUM, WROUGHT	9% AD VAL
62920	0180	TITANIUM WROUGHT	18% AD VAL
62925	0197	TUNGSTEN WASTE AND SCRAP CONTAINING NOT OV 50% TGSN	21¢ PER LB. ON TUNGSTEN CONTENT + 6% AD VAL
62926	0105	TUNGSTEN WASTE AND SCRAP CONTAINING OVER 50% TUNGSTEN	10.5% AD VAL
62950	0125	URANIUM METAL	12.5% AD VAL (TEM SUSP ON WASTE & SCRAP)
62960	0060	ZIRCONIUM UNWROUGHT EXCEPT ALLOYS AND WASTE AND SCRAP	6% AD VAL (TEM SUSP ON WASTE & SCRAP)
62965	0090	ZIRCONIUM WROUGHT	9% AD VAL
63202	0021	ANTIMONY UNWROUGHT, EXCEPT ALLOYS, A WASTE AND SCRAP	1¢ PER LB (TEM SUSP ON WASTE & SCRAP)
63204	0010	ARSENIC, UNWROUGHT, EXCEPT ALLOYS, AND WASTE AND SCRAP	2¢ PER LB (TEM SUSP ON WASTE & SCRAP;
63212	0050	BORON METAL	5% AD VAL (TEM SUSP ON WASTE & SCRAP)

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
63218	0050	CHROMIUM UNWROUGHT, EXC ALLOYS AND WASTE AND SCRAP	5% AD VAL (TEM SUSP ON WASTE & SCRAP)
63234	0036	MERCURY,UNWROUGHT AND WASTE AND SCRAP	12.5¢ LB (TEMP SUSP ON WASTE & SCRAP)
63242	0086	SILICON CONTAINING NOT OVER 99.7 PERCENT OF SILICON	2¢ LB SILICON CONT (TEM SUS WAST & SCRP)
63260	0019	ANTIMONY ALLOYS CONTAINING 83% OR MORE ANTIMONY	1¢ PER LB.
63262	0090	ANTIMONY ALLOYS NES	9% AD VAL.
63266	0090	ALLOYS OF BISMUTH NES	9% AD VAL.
63300	0090	OTHER BASE METALS NES, UNWROUGHT	9% AD VAL.
64005	0075	STLS ST PRESS CONT FOR TRANSPORT STORAGE COMPRESSGAS	7.5% AD VAL.
64010	0050	MET PRESS CONT O.T STLS ST FOR TRANS STORAGE COMPRESSGAS	5% AD VAL.
64020	0075	DRUMS, FLASKS, AND OTHER CONTAINERS OF STAINLESS STEEL	7.5% AD VAL.
64025	0095	DRUMS AND OT CONTAINERS OF ALUMINUM NOT OVER 5 GALLONS	9.5% AD VAL.
64030	0050	DRUMS FLASKS ETC NES	5% AD VAL.
64035	0065	RESERVOIRS, TANKS,ETC OF METAL WITH CAPACITY OV 75 GAL	6.5% AD VAL.
64040	0060	COLLAPSIBLE TUBES OF METAL	6% AD VAL.
64206	0070	WIRE STRAND OF NICKEL NOT FITTED NOT COVERED	7% AD VAL.
64209	**0075**	**WIRE STRAND OF COPPER**	7.5% AD VAL.
64216	0040	ROPES,CABLE,ETC,OTHR THAN WIRE STRAND NES,N FITT ETC,N COVERED	4% AD VAL.
64218	0075	WIRE STRAND ROPE ETC COVERED NOT FITTED	7.5% AD VAL.
64220	0095	WIRE STRND, RPE, ETC FITTED OR MADE INTO ARTICLES	9.5% AD VAL.
64225	0250	CYLINDER WIRE A,WOVEN-WIRE CLOTH OV55 MESHES/LINEAL INCH	25% AD VAL.
64227	0175	CYLINDER WIRE AND WOVEN-WIRE CLOTH, NES	17.5% AD VAL.
64230	0250	FOURDRINIER WIRES	25% AD VAL.
64245	0105	WRE CLOTH,ETC,UNCUT,NSPF,CTD BEFORE WEAVING UN .075 INCH DIA	10.5% AD VAL.
64247	0125	WRE CLOTH,ETC,UNCUT,NSPF,CTD AFTER WEAVING UN .075 INCH DIAM	12.5% AD VAL.
64250	0075	ST ST WRCL,ETC,UNCUT,NSPF,W MESH NOV 30WIN NOV 7.5CTS/SFT	0.37¢ PER SQ. FT. + 2.5% AD VAL.
64252	0075	STST WRCL,ETC,UNCUT,NSPF,WOV MESH NOV 30WIN OV 7.5CTS/SFT	7.5% AD VAL.
64254	0085	COPPER WRE CL,ETC,UNCUT NSPF WO MESH NOV30W IN NOV 7.5C SFT	0.37¢ PER SQ. FT. + 0.6¢ PER LB.
64256	0055	COPPER WRE CL ETC UNCUT NSPF WOV MESH NOV 30W IN OV 7.5C SFT	0.6¢ PER LB. + 5% AD VAL.
64258	0067	WIRE CLOTH, ETC, UNCUT, NES WOV,MESH NOV 30W IN NOV7.5CSFT	0.37¢ PER SQ. FT.
64260	0050	WIRE CLOTH, ETC, UNCUT, NES WOV,MESH NOV 30W IN OV7.5CSFT	5% AD VAL.
64262	0127	STST WRCL ETC UNCUT NSPF WOV MESH 30-90W/INCH NOV21.25CTSSFT	1¢ PER SQ. FT. + 2.5% AD VAL.
64264	0075	ST ST WRCL, ETC, UNCUT NSPF WOVMESH 30-90W/IN OV21.25CSFT	7.5% AD VAL.
64266	0069	COPPER WIR CL ETC UNCUT NSPF WOV MSH 30-90W/IN NOV21.25CTSFT	1¢ PER SQ. FT. + 0.6¢ PER LB.
64268	0054	COPPER WIR CL ETC UNCUT NSPF WOV MSH 30-90W/IN O21.25CTSSFT	0.6¢ PER LB. + 5% AD VAL.
64270	0067	WIRE CLOTH ETC UNCUT NES WOV MESH 30-90W/IN NOV 21.25CTS SFT	1.06¢ PER SQ. FT.
64272	0050	WIRE CLOTH, ETC, UNCUT, NES WOV MSH 30-90W/IN OV21.25CTSSFT	5% AD VAL.
64274	0150	STST WRCL ETC UNCUT NSPF WOV MESH OV 90 WIRES/LINEAL INCH	15% AD VAL.
64276	0127	COPPER WIR CL ETC UNCUT NSPF WOVEN MESH OV 90 WIRS/LINEALIN	0.6¢ PER LB. + 12.5% AD VAL.
64278	0125	WIRE CLOTH, ETC, UNCUT, NES WOV MESH OV90 WIRE/LINEAL IN	12.5% AD VAL.
64280	0095	IRON OR ST WIRE CLOTH UNCUT N WOVEN INC WELDED WIRE MESH	9.5% AD VAL.
64282	0080	WIRE CLOTH, ETC, UNCUT EXCEPT WOVEN, NES	8% AD VAL.
64285	0070	COPPER WIRE CLOTH ETC CUT TO SHAPE	0.6¢ PER LB. + 6.5% AD VAL.
64287	0070	WIRE CLOTH ETC CUT TO SHAPE, NES	7% AD VAL.
64293	0002	BALE TIES OF IRON OR STEEL STRIP INCLUDNG COTTN BALE TIES	0.02¢ PER LB.
64402	0019	COPPR FOIL NOV 0.006 IN THIK NOT BACKED NOT CUT TO SHAPE	1.5¢ PER LB.
64406	0085	ALUM ETCHED CAPACITOR FOIL BACK CUT TO SHAPE NOV.006 IN	8.5% AD VAL.
64408	0187	ALUM FOIL NOT BACKED OR CUT NOV.00035 IN TK NOV 55C LB	8.8¢ PER LB.
64409	0100	ALUMFOIL NOT BACKED OR CUT NOV .00035 IN TK OV 55C LB	10% AD VAL.
64411	0121	AL FOIL NOT BACK OR CUT OVER .00035 NO .006 IN TK NOV 55CLB	4.6¢ PER LB.
64412	0085	AL FOIL NOT BACK OR CUT OVER .00035 NOV.006 IN TK OV 55C LB	8.5% AD VAL.
64415	0175	TIN FOIL, NOT BACKED OR CUT, NOT OVER .006 INCH THICK	17.5% AD VAL.
64417	0070	LEAD FOIL NOT BACKED OR CUT NOV .006 IN TK NOV 13-1/3 CTLB	0.75¢ PER LB.
64418	0055	LEAD FOIL, NOT BACKED OR CUT NOV.006 IN TK OV 13 1/3 CTS LB	5.5% AD VAL.
64420	0095	ZINC FOIL NOT BACKED OR CUT NOT OVER .006 INCH THICK	9.5% AD VAL.
64422	0090	FOIL OF BASE METALS NES NOT BACK OR CUT NOV .006 IN TK	9% AD VAL.
64424	0107	COPPER FOIL CUT TO SHAPE NOT BACK NOV .006 IN THICK	0.6¢ PER LB. + 10% AD VAL.
64426	0095	ALUMINUM FOIL CUT TO SHAPE NOT BACK NOV .006 IN THICK	9.5% AD VAL.
64428	0055	LEAD FOIL CUT TO SHAPE NOT BACKED NOV .006 IN THICK	5.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN RATE OF DUTY
64430	0095	ZINC FOIL CUT TO SHAPE NOT BACKED NOV .006 IN THICK	9.5% AD VAL
64432	0090	FOIL O BASE METAL NES CUT TO SHAP N BACK NOV .006 IN TK	9% AD VAL
64436	0044	COPPER FOIL BACK COVERED OR DECORATED NOV .006 IN THICK	2.6¢ PER LB. + 4% AD VAL
64438	0051	BASE METAL FOIL NES BACK COV OR DECORAT NOV .006 IN THICK	2¢ PER LB. + 4% AD VAL
64440	0045	COPPER FOIL NES BACKED AND NOT OVER .006 IN THICK	1.6¢ PER LB. + 4% AD VAL
64442	0050	BASE METAL FOIL NES BACK N COV OR DECORAT NOV .006 IN THK	1¢ PER LB. + 4% AD VAL
64446	0044	GOLD LEAF UNMOUNTED NOT OVER 11.40 SQURE INCHES IN AREA	41¢ PER 100 LEAVES
64448	0029	GOLD LEAF UNMOUNTED OVER 11.40 SQUARE INCHES IN AREA	41¢ FOR EACH 1,140 SQ. IN.
64452	0148	GOLD LEAF MOUNTED	3.37¢ PER 100 SQ. IN. + 12.5% AD VAL
64456	0006	SILVER LEAF	2.5¢ PER 100 LEAVES
64460	0200	PLATINUM LEAF	20% AD VAL.
64464	0054	ALUMINUM POWDER OR FLAKES IN LEAF, AREA NOT OV 30.25 SQ IN	3¢ PER 100 LEAVES + 5% AD VAL.
64468	0052	ALUMINUM POWDER OR FLAKES IN LEAF, AREA OVER 30.25 SQ IN	3¢ FOR EACH 3,025 SQ. IN. + 5% AD VAL.
64472	0011	ALUMINUM LEAF, NES, NOT OVER 30.25 SQUARE INCH IN AREA	1.5¢ PER 100 LEAVES
64476	0012	ALUMINUM LEAF, NES, OVER 30.25 SQUARE INCH IN AREA	1.5¢ FOR EACH 3,025 SQ. IN.
64480	0072	COPPER POWDER OR FLAKE IN LEAF AREA NOT OVER 30.25 SQ IN	3¢ PER 100 LEAVES + 5% AD VAL
64484	0052	COPPER POWDER OR FLAKE IN LEAF OVER 30.25 SQ IN IN AREA	3¢ FOR EACH 3,025 SQ. IN. + 5% AD VAL.
64488	0013	COPPER LEAF, NES, NOT OVER 30.25 SQ INCH IN AREA	2¢ PER 100 LEAVES
64492	0014	COPPER LEAF, NES, OVER 30.25 SQUARE INCH IN AREA	2¢ FOR EACH 3,025 SQ. IN.
64495	0042	EMBOSSINGASTAMPING MATERIALS O POWDR,FLAK OR PIGMENT,MOUNTED	0.15¢ PER 100 SQ. IN.
64498	0018	METALLIC FLITTERS	6.6¢ PER LB.
64602	0027	THUMB TACKS OF TWO OR MORE PIECES OF IRON OR STEEL	1.6¢ PER LB.
64604	0080	THUMB TACKS OF COPPER	8% AD VAL.
64606	0004	THUMB TACKS, NES	0.45¢ PER LB.
64617	0075	THREAD DRIVE PINS, ETC FOR USE IN POWDER-ACT HAND TOOLS	7.5% AD VAL.
64620	0012	STAPLES IN STRIP FORM	0.5¢ PER LB
64622	0095	CORRUGATD FASTENERS, GLAZIER POINTS HOOK NAILS A RING NAILS	9.5% AD VAL.
64627	0040	BRDS NAILS ETC O IRON/STEEL 1PC CONS CUT NOV 2 INS LONG	4% AD VAL
64628	0007	BRAD NAIL ETC O IRON STEEL 1 PC CONS CUT OV 2 INS LONG	0.1¢ PER LB
64630	0053	BRADS NAILS SPIKES STAPLES AND TACKS I/S 1 PC CONSTR NES	1.2¢ PER LB.
64632	0033	BRADS NAILS SPIKES STAPLES AND TACKS I/S OF 2 OR MO PCS	1.6¢ PER LB.
64634	0080	BRADS NAILS SPIKES STAPLES AND TACKS OF COPPER	8% AD. VAL.
64636	0095	BRADS NAILS SPIKES STAPLES AND TACKS OF BASE METALS NES	9.5% AD. VAL.
64640	0004	RIVETS OF IRON OR STEEL NOT BRIGHTENED LATHED OR MACHINED	0.2¢ PER LB.
64641	0070	RIVETS OF BASE METAL NES	7% AD. VAL.
64642	0095	COTTERS COTT PINS ETC OF BAS METL USED W SCREWS,BOLTS ETC	9.5% AD. VAL.
64645	0038	FURNITURE GLIDES OF 2 OR MORE PIECES OF IRON OR STEEL	1.8¢ PER LB.
64647	0095	FURNITURE GLIDES OF BASE METAL NES	9.5% AD. VAL.
64651	0115	WOOD SCREW OF BAS METAL, NES HAVING SHANK NOV 0.12 IN DIAM	11.5% AD. VAL
64653	0090	WOOD SCREWS OF BAS METAL,NES HAVING SHANK OV 0.12 IN IN DIAM	9% AD. VAL.
64654	0009	BOLTS, BOLTS A NUTS OF IRON OR STEEL, NES IMP TOGETHER	0.2¢ PER LB.
64656	0003	NUTS OF IRON OR STEEL, NES	0.1¢ PER LB.
64657	0070	STUDS AND STUDDING OF IRON OR STEEL	7% AD. VAL.
64665	0100	SPIRAL AND OTHER LOCK WASHRS OF IRON OR STEEL	10% AD. VAL.
64672	0095	ASSEMBLED BOLTS, SCREW EYES HOOKS,RINGS ETC OF IRON OR STL	9.5% AD. VAL.
64674	0018	MUNTZ OR YELLOW METAL BOLTS NES	1.5¢ PER LB.
64675	0115	BOLTS,NUTS ETC OF BASE METAL NES,WITH SHANK OR THREAD N/O 0.24 IN. DIAM.	11.5% AD. VAL.
64676	0090	BOLTS,NUTS OF BASE METAL NES WITH SHANK O THREAD DIA OV.24IN	9% AD. VAL
64677	0080	STUDS A STUDDING OF BASE METALS NES	8% AD. VAL
64678	0095	ASSEMBLED BLTS SCREW EYES HOOKS RINGS ETC OF BASE MTL NES	9.5% AD. VAL.
64682	0083	PADLOCKS OF BASE METAL NOT CYLINDER OVER 2.5 IN WIDE	18¢ PER DOZ + 5% AD. VAL.
64685	0057	PADLOCKS OF BASE METAL CYLINDER OVER 2.5 IN WIDE	40¢ PER DOZ. + 4% AD. VAL.
64686	0083	CABINET LOCKS OF BASE METAL NOT CYLINDER NOV 1.5 IN WIDE	15¢ PER DOZ. + 4.25% AD. VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
64687	0093	CABINET LOCKS, BASE METAL NT CYLINDER OV 1.5 NOV 2.5INWD	21¢ PER DOZ. + 5% AD. VAL
64688	0062	CABINET LOCK OF BASE METAL NOT CYLINDER OVER 2.5 IN WIDE	32¢ PER DOZ. + 4% AD. VAL.
64695	0055	DOOR CLOSERS AND PARTS THEREOF OF BASE METAL	5.5% AD. VAL.
64697	0060	HARNESS ETC HDWR N COATED OR PLATED WITH PRECIOUS METL	6% AD. VAL
64698	0075	HARNESS ETC HARDWARE COATED OR PLATED WITH PRECIOUS METL	7.5% AD. VAL
64701	0040	HINGES FITTINGS MOUNTINGS FOR MTR VEHICLE, IRN ST ALUM ZN	4% AD. VAL
64703	0095	BUTT HINGES OF IRON STL NES	9.5% AD VAL
64705	0080	HINGES,FITTNGS A MOUNTNGS OF BASE MTL,NES N CTD W PREC METAL	8% AD. VAL
64710	0200	HINGES,FITTNG A MOUNTNGS OF BASE MTL COATED W PREC METAL	20% AD. VAL.
64851	0075	DRAINAGE TOOLS, SCOOPS AND SPADES AND PARTS THEREOF	7.5% AD. VAL
64853	0035	PICKS AND MATTOCKS AND PARTS THEREOF	3.5% AD. VAL
64855	0075	AGRICULTURE OR HORTICULTURE TOOLS AND PARTS THEREOF	7.5% AD. VAL
64857	0075	HOES AND RAKES AND PARTS NES	7.5% AD. VAL
64861	0035	AGRICULTURAL,HORTICULTURAL FORKS AND PARTS,EXCL HAY OR MANURE FORKS	3.5% AD. VAL.
64863	0075	FORKS AND PARTS THEREOF NES	7.5% AD. VAL.
64867	0110	AXES,ADZES,HATCHETS,ASIMILAR HEWNG TOOLS A PARTS THEREOF NES	11% AD. VAL.
64869	0040	SCYTHES, SICKLES, GRASSHOOKS CORN KNIVES AND PARTS THEREOF	4% AD. VAL.
64871	0079	HAY KNIVES AND PARTS	1¢ EACH + 6% AD. VAL.
64873	0167	HEDGE AND GRASS SHEARS AND PARTS THEREOF	5¢ EACH + 11% AD. VAL
64875	0063	PRUNING SHEARS AND SHEEP SHEARS AND PARTS THEREOF	2¢ EACH + 4% AD. VAL
64885	0129	PLIERS, NIPPERS, ETC. NES TO HOLD AND SPLICE WIRE	1.6¢ EACH + 10% AD. VAL.
64889	0095	PTS OF PLIERS,NIPPER,PINCHER A HING TOOLS FOR SPLICING WIRE	9.5% AD. VAL.
64891	0181	TIN SNIPS AND PARTS	5¢ EACH + 11% AD. VAL.
64893	0150	BOLT A CHN CLPPRS ETC PARTS W CUTTING PT CON DUTIABLE ALLOY	15% AD. VAL
64895	0105	BOLT AND CHAIN CLIPPERS ETC,NES AND PARTS	10.5% AD. VAL.
64897	0110	PIPE TOOLS,WRENCHES,A SPANNERS AND PARTS THEREOF	11% AD VAL.
64901	0019	FILES A RASPS WITH O WITHOUT HANDLES NOT OVER 2.5 INCHES	6¢ PER DOZ.
64903	0036	FILES A RASPS WITH O WITHOUT HANDLE OV 2.5 NOT OV 4.5 IN	10¢ PER DOZ
64905	0038	FILES A RASPS WITH O WITHOUT HANDLES OVER 4.5 NOT OV 6.75 IN	14¢ PER DOZ
64907	0022	FILES RASPS WITH OR WITHOUT HANDLE OV 6.75 INCHES IN LENGTH	8¢ PER DOZ
64911	0035	NON-MECHANICAL SAWS	3.5% AD. VAL.
64914	0040	BAND SAW BLADES F MECHANICAL OR NON-MECHANICAL SAWS	4% AD. VAL.
64917	0040	CIRCULAR SAW BLADES	4% AD. VAL.
64919	0050	HACK SAW BLADES	5% AD. VAL
64921	0040	JEWELERS OR PIERCING SAW BLADES	10¢ PER GROSS
64923	0150	CHAIN-SAW BLADE WITH CUTTING PART CONTAINING DUTIABLE ALLOYS	15% AD. VAL.
64924	0045	CHAIN SAW BLDS IN LENGTHS OR CUT TO SIZE, NES	4.5% AD. VAL.
64925	0035	BLADES FOR MECHANICAL OR NONMECHANICAL SAWS, NES	3.5% AD. VAL
64926	0075	METAL TEETH AND CUTTING SEGMENTS SUITABLE F CUTTING MET	7.5% AD. VAL
64927	0095	METAL FRAME HANDLES AND OTHR PARTS FOR NON MECHANCAL SAWS	9.5% AD. VAL
64929	0050	METAL SAW A BLADE PARTS	5% AD. VAL.
64931	0050	BLOW TORCHES OPERATED BY COMPRESSED AIR KEROSENE OR GAS	5% AD. VAL.
64932	0095	BLO TORCH A SIMLR SELF-CONTN TORCHES A MTL PARTS THEREOF,NES	9.5% AD VAL.
64933	0014	ANVILS OF IRON OR STEEL WEIGHING OVER 5 POUNDS EACH	0.5¢ PER LB.
64935	0090	ANVILS, NES	9% AD VAL.
64937	0050	VISES AND CLAMPS EX PTS OF OR ACCESSORIES FOR MACH TOOLS	5% AD VAL.
64939	0045	ABRASIVE WHEELS MOUNTED ON FRAMWORK, HND OR PEDAL OPRATED	4.5% AD VAL
64941	0030	FILES AND RASPS, INCLUDING ROTARY FILES AND RASPS	3% AD VAL.
64943	0150	CUTTING TOOLS WITH CUTTNG PART CONTAINING DUTIABLE ALLOYS	15% AD VAL
64944	0210	TWIST DRILLS NES SUITABLE FOR CUTTING METAL	21% AD VAL
64946	0105	METAL CUTTING TOOLS, NES	10.5% AD VAL
64947	0110	INTERCHANGEABLE TOOLS NOT METAL CUTTING, FOR HAND TOOLS	11% AD VAL.
64948	0075	WIRE-DRAWING A EXTRUSION DIES FOR METAL, NOT FOR CUTTING METAL	7.5% AD VAL
64949	0050	INTERCHANGEABLE TOOLS NOT METAL CUTTING NES	5% AD VAL
64953	0150	TOOL TIPS,PLATES,BLANKS,ETC UNMONTED OF SINTERD MET CARBIDE	15% AD VAL.
64957	0085	FOOD SLICERS,CHOPPERS,ETC. N/O 25 LB.,NT ELECTRIC, HHD OR REST. USE	8.5% AD VAL.
64967	0050	KNIVES A CUTTING BLADES FOR POWER OR HAND MACHINES,NES	5% AD VAL.
64971	0250	PEN, ETC, KNIVES WITH FOLD, BLADES, NOT OVER 40 CTS, DOZ	25% AD VAL.
64973	0250	PEN,ETC KNIVES WITH FOLD. BLADES, OVER 40¢ NOT OVER 50¢ PER DOZ.	25% AD VAL.
64975	0250	PEN, ETC, KNIVES WITH FOLD BLADES, OV 50 CTS NOV $1.25 DOZ	25% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
64977	0349	PEN/POCKET/OTHER KNIVES FOLD BLADES, OVER $1.25 NOV $3DOZ	4.5¢ EACH + 13.5% AD VAL.
64979	0307	PEN/POCKET/OTHER KNIVES FOLD BLADES OVER $3 NOV $6 DOZ	6.2¢ EACH + 12.5% AD VAL.
64981	0167	PEN KNIVES, DECORATED, WITH FOLDING BLADES, OVER $6 PER DOZ	5¢ EACH + 12.5% AD. VAL
64983	0183	PEN/POCKET/OTHER KNIVES FOLD BLADES OVER $6 DOZ, NES	8.7¢ EACH + 13.5% AD. VAL.
64985	0451	BLADES, HANDLES A OTH PARTS FOR PEN OR POCKET KNIVES, ETC	2.75¢ EACH + 13.5% AD. VAL
64987	0174	BUDDING, GRAFTING AND PRUNING KNIVES	8.7¢ EACH + 13.5% AD. VAL
64989	0193	BLADES,HANDLES A OTH PARTS FOR BUDING GRAFT A PRUN KNIVES	2.75¢ EACH + 13.5% AD. VAL.
64991	0185	CUTICLE/CORN KNIVES ETC FOR MANICURE OR PEDICURE AND TWEEZERS	18.5% AD VAL.
65005	0095	KNIVES N.S.P.F. WITH SILVER HANDLES	4¢ EACH + 8.5% AD. VAL.
65007	0085	KNIVES N.S.P.F. WITH SILVER PLATED HANDLES	1¢ EACH + 7.5% AD. VAL
65013	0070	KNIVES NSPF WITH ANIMAL HORN, BONE,IVORY,SHELL ETC HANDLES	2¢ EACH + 6% AD VAL.
65019	0066	HUNTING KNIVES WITH WOOD HANDLES	1¢ EACH + 6% AD. VAL
65035	0089	KITCHEN OR TABLE FORKS WITH SILVER HANDLES	4¢ EACH + 8.5% AD. VAL
65037	0071	KITCHEN OR TABLE FORKS WITH SILVER PLATED HANDLES	0.5¢ EACH + 6% AD VAL
65043	0075	FORKS WITH HANDLES OF ANIMAL HORN,BONE,IVORY,MOTHER-OF-PEARL	2¢ EACH + 6% AD VAL
65051	0125	SPOONS AND LADLES WITH STERLING SILVER HANDLES	12.5% AD. VAL.
65053	0105	SPOONS WITH SILVER PLATED HANDLES	10.5% AD. VAL
65057	0110	SPOONS AND LADLES, NES	11% AD. VAL.
65061	0065	CARVING AND BUTCHER STEELS WITH RUBBER OR PLASTIC HANDLES	1¢ EACH + 6% AD. VAL.
65063	0100	CARVING AND BUTCHER STEELS WITH WOOD HANDLES	2¢ EACH + 8.5% AD. VAL
65065	0076	CARVING A BUTCHER STEELS W OR W/O THEIR HANDLES, NES	2¢ EACH + 6% AD VAL
65071	0124	SAFETY RAZORS, HANDLES, AND FRAMES NOT OVER 50 CTS EACH	1¢ EACH +2.5% AD VAL.
65073	0040	SAFETY RAZORS, HANDLES, AND FRAMES OVER 50 CENTS EACH	4% AD. VAL.
65075	0070	SAFETY RAZOR BLADES	0.1¢ EACH + 3% AD VAL.
65077	0045	NON-ELEC SHAVERS A BLADES A CUTTNG HEADS F NON-EL A ELEC SH	4.5% AD. VAL.
65079	0429	RAZORS, NOT SAFETY, NOT OVER 3 DOLLARS PER DOZ AND PARTS	7.5¢ EACH + 7.5% AD VAL.
65081	0086	RAZORS, NOT SAFETY, OVER 3 DOLLARS PER DOZ AND PARTS	7¢ EACH + 5% AD VAL
65083	0200	HAIR CLIPPERS CUTTING BLADES AND HEADS NOV $1.75 DOZ	20% AD. VAL
65085	0140	HAIR CLIPPERS CUTTING BLADES AND HEADS OVER $1.75 DOZ	4¢ EACH + 9.5% AD VAL
65087	0347	SCISSORS A SHEARS A BLADES NES NOT OVER 50 CENTS PER DOZ	0.87¢ EACH + 11% AD. VAL
65089	0476	SCISSORS A SHEARS A BLADES NES OV 50C A NOV$1.75 PER DOZ	3.75¢ EACH + 11% AD. VAL
65101	0190	NEEDLE BOOKS AND CASES UNDER $1.25 PER DOZ	19% AD. VAL
65103	0125	NEEDLE BOOKS AND CASES, $1.25 OR OV DOZ	12.5% AD. VAL.
65104	0095	EMBROIDERY STILETTOS AND UPHOLSTERY REGULATORS	9.5% AD. VAL.
65107	0237	CROCHET NEEDLES OR HOOKS	50¢ PER 1,000+ 17% AD. VAL
65109	0100	NEEDLES NES	10% AD. VAL.
65111	0100	SEWING,PEDICURE/MANICURE SETS A COMBINATIONS IN LEATHER CASES	10% AD VAL.
65113	0190	SEWING,PEDICURE/MANICURE SETS AND COMBINATIONS IN CASES,NES	19% AD VAL.
65115	0125	CAMPING PICNIC SETS W MTL KNIFE FORK SPOON, COMPACT	12.5% AD VAL.
65121	0110	HAMMERS AND SLEDGES WITH HEADS NOT OVER 3.25 LBS EACH	11% AD. VAL.
65123	0025	HAMMERS AND SLEDGES WITH HEADS OVER 3.25 LBS EACH	2.5% AD VAL
65125	0011	CROWBARS,TRACK TOOLS,WEDGES OF IRON OR STEEL	0.3¢ PER LB.
65127	0110	DRILLING, THREADING, TAPPING TOOLS AND PARTS THEREOF	11% AD. VAL.
65129	0150	CUTTING TOOLS AND PARTS WITH CUTTING PART CONT. DUTIABLE ALLOYS	15% AD. VAL
65131	0110	CHISELS AND OTHER CUTTING TOOLS AND PARTS NES	11% AD. VAL.
65133	0085	PENCIL SHARPENERS, LEAD AND CRAYON POINTERS AND PARTS	8.5% AD. VAL

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
65137	0110	SCREWDRIVERS	11% AD. VAL.
65145	0015	CAST IRON HATTERS IRONS AND TAILORS IRONS	1.5% AD. VAL.
65147	0085	HAND TOOLS INC TABLE ETC,NSPF OF IRON OR STEEL	8.5% AD VAL.
65149	0050	HAND TOOLS NES OF BRASS	5% AD. VAL.
65151	0075	HAND TOOLS,NES OF COPPER	7.5% AD. VAL.
65153	0098	ALUMINUM HAND TOOLS NES	1.7¢ PER LB + 8.5% AD. VAL.
65155	0085	HAND TOOLS,NES	8.5% AD. VAL.
65160	0125	HANDLES FOR TABLEWARE OF SILVER OR SILV PLT OR CTD	12.5% AD. VAL.
65162	0200	HANDLES FOR TABLEWARE OF PRE MET OR PLT OR CTD W PR MET NES	20% AD. VAL.
65203	0060	ANCHORS GRAPNELS A PARTS OF IRON OR STEEL	6% AD. VAL.
+ 65206	0025	CAST MALLEABLE IRON BOOT OR SHOE PLATES ETC	2.5% AD. VAL.
65209	0100	FLEXIBLE METAL TUBING COVRED WITH WIRE ETC W OR WO FITTNGS	10% AD. VAL.
65212	0125	IRON OR STEEL CHAIN A PARTS FOR POWER TRANSMISSION, UNDER 40¢ LB.	12.5% AD VAL.
65215	0060	IRON OR STEEL CHAIN A PARTS FOR POWER TRANSMISSION, 40¢ OR MORE LB.	6% AD VAL.
65218	0060	POWER TRANSMISSION CHAIN OR CHAINS AND PARTS, NES	6% AD. VAL.
65221	0029	ANCHOR OR STUD LINK CHAIN OR CHAINS AND PARTS THEREOF	0.5¢ PER LB.
65224	0030	CHAIN AND PARTS OF IRON OR STEEL UNDER 5/16IN DIAMETER,NES	0.8¢ PER LB.
65227	0014	IRON OR STEEL CHAINS 5/16 TO 3/8 IN DIA A PTS, ROUND LINKS	0.37¢ PER LB.
65230	0006	IRON OR STEEL CHAINS 3/8 TO 3/4 IN DIA A PTS, ROUND LINKS	0.2¢ PER LB.
65233	0005	IRON OR STEEL CHAINS 3/4 IN OR MORE DIA A PTS, ROUND LINKS	0.2¢ PER LB.
65235	0095	IRON OR STEEL CHAIN OR CHAINS NES AND PARTS	9.5% AD. VAL.
65236	0080	COPPER CHAINS AND PARTS	8% AD. VAL.
65238	0095	CHAINS INCLUDING PARTS OF BASE METAL NES	9.5% AD. VAL.
65241	0004	HORSE AND MULE SHOES OF IRON OR STEEL	0.1¢ PER LB.
65242	0095	HORSE AND MULE SHOES OF BASE METAL, NES	9.5% AD. VAL.
65245	0151	STEEL SHAVINGS	2.5¢ PER LB. + 15% AD. VAL.
65250	0063	STEEL WOOL	2¢ PER LB. +6% AD. VAL.
+ 65255	0200	BICYCLE AND VELOCIPEDE BELLS AND PARTS OF BASE METAL	20% AD. VAL.
65265	0060	CROWN CORKS AND BOTTLE CAPS OF BASE METAL	6% AD. VAL.
65270	0085	FRAMES A MIRRORS,0 BASE METAL, NT COATED 0 PLATED W PRECIOUS METAL	8.5% AD. VAL
65272	0200	FRAMES A MIRRORS,0 BASE METAL, COATED OR PLATED W PRECIOUS METAL	20% AD. VAL.
65275	0095	SIGN-PLATES NUMBERS ETC AND OTHER SIGNS OF BASE METAL	9.5% AD. VAL.
65280	0095	EXPANDED METAL OF BASE METAL	9.5% AD VAL.
65284	0040	SPRINGS A LEAVES FOR SPRINGS FOR MOTOR VEHICLE SUSPENSION	4% AD. VAL.
65286	0050	HAIRSPRINGS OF BASE METAL	5% AD. VAL.
65288	0095	SPRINGS AND LEAVES FOR SPRINGS OF BASE METAL, NES	9.5% AD. VAL.
65290	0085	STAINLESS STEEL DOOR AND WINDOW FRAMES	8.5% AD. VAL.
65292	0060	DOOR AND WINDOW FRAMES, IRON OR STEEL, EXCEPT STAINLESS	6% AD. VAL.
65293	0015	COLUMNS, POSTS, ETC, OF CAST IRON, ROUGH OR ADVANCED	1.5% AD. VAL.
65298	0095	HANGARS AND OTHER BUILDINGS, BRIDGES ETC OF BASE METAL NES	9.5% AD VAL.
65302	0035	FENCE OR SIGN POSTS,NOT OF ALLOY IRON OR STEEL	3.5% AD. VAL.
65303	0055	FENCE OR SIGN POSTS, OF ALLOY IRON OR STEEL	5.5% AD. VAL.
65305	0019	COPPER ENGRAVERS PLATES, NOT GROUND	2.6¢ PER LB.
65307	0008	COPPER ENGRAVERS PLATES, GROUND	3¢ PER LB.
65310	0001	LEAD-TIN SOLDERS	0.5¢ PER LB. ON LEAD CONTENT
65315	0050	WIRE,RODS,PLTS,ETC CTD WITH FLUX-USED FOR WELDING ETC NES	5% AD. VAL.
65320	0095	SAFES,STRONG-BOXES,ETC OF BASE METAL	9.5% AD. VAL.
65325	0095	ZINC ANODES FOR CATHODIC PROTECTION OR ELECTRO-PLATING	9.5% AD. VAL.
65330	0050	INCANDESCENT LAMPS OPER BY GAS OR COMPRESS.AIR A KEROSENE 0 GASOLINE	5% AD. VAL.
65335	0050	PORTABLE INDOOR TABLE, FLOOR AND OTHER LAMPS, OF BRASS ETC	5% AD. VAL.
65337	0095	ILLUMINATING ARTICLES, OF BRASS	9.5% AD VAL.

+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
65339	0190	ILLUMINATING ARTICLES OF BASE METAL, NES --	19% AD VAL
65345	0095	PORTABLE STOVES ETC, GAS O COMP AIR A KEROSENE O GASOLINE OPERATED	9.5% AD. VAL.
65350	0060	HEATING O COOKING APPARTUS NES, NON ELECTRIC, A PARTS, OF BASE METAL	6% AD VAL.
65360	0125	STERLING SILVER TABLEWARE	12.5% AD VAL.
65362	0105	HOUSEHOLD AND SANITARY WARES NES OF SILVER	10.5% AD. VAL.
65365	0200	HOUSEHOLD ETC ARTICLES,WARES A PRTS PREC METALS NES	20% AD. VAL.
65370	0160	PLATINUM-PLATED HOUSEHOLD A SANITARY ARTICLES AND WARES	16% AD. VAL.
65375	0200	GOLD-PLATED HOUSEHOLD AND SANITARY ARTICLES AND WARES	20% AD. VAL
65380	0085	SILVER PLATED HOUSEHOLD AND SANITARY ARTICLES AND WARES	8.5% AD. VAL.
65385	0040	CAST ARTICLES,COATED,OF IRON OR STEEL, NOT ENAMELED	4% AD. VAL.
65390	0040	HOUSEHOLD AND SANITARY WARES OF UNENAMELED TIN PLATE	4% AD. VAL.
65395	0085	ARTICLES,WARES,ETC,NSPF,OF IRN OR STEEL N COATED,ETC,N ENAMELD	8.5% AD VAL.
65397	0037	ARTICLES,WARES,ETC NSPF,OF IRN OR STEEL N COATED,ETC,ENAMELED	1¢ PER LB. + 2.5% AD VAL.
65400	0050	BRASS HOUSEHOLD AND SANITARY WARES N COATED W PRECIOUS METAL	5% AD. VAL.
65405	0075	ARTICLES,WARES,ETC,NSPF,OF COPPER,NES N COATED OR PLATED	7.5% AD VAL.
65410	0101	ARTICLES,WARES,ETC,NSPF,OF ALUMINUM,N COATED OR PLATED	1.7¢ PER LB. + 8.5% AD VAL.
65415	0040	TIN HOUSEHOLD AND SANITARY WARE AND ARTICLES NOT COATEDETC	4% AD VAL
65420	0085	HOUSEHOLD AND SANITARY WARES OF BASE METAL NES NOT COATED	8.5% AD VAL
65605	0200	ARTICLES OF PLATINUM INCLUDING ROLLED PLATINUM	20% AD VAL.
65610	0200	ARTICLES OF GOLD INCLUDING ROLLED GOLD	20% AD VAL.
65615	0105	ARTICLES OF SILVER INCLUDING ROLLED SILVER	10.5% AD VAL.
65620	0160	ARTICLES OF BASE METAL COATED OR PLATED WITH PLATINUM	16% AD VAL.
65625	0250	ARTICLES OF BASE METAL COATED OR PLATED WITH GOLD	25% AD VAL.
65630	0100	ARTICLES COATED WITH SILVER ON COPPER OR NICKEL SILVER	10% AD VAL.
65635	0120	ARTICLES OF BASE METAL NES COATED WITH SILVER	12% AD VAL.
65710	0040	MALLEABLE CAST IRON ARTICLES NOT ALLOYED NOT COATED ETC	4% AD VAL.
65715	0060	TIN PLATE MANUFACTURES, NES	6% AD VAL.
65720	0095	IRON OR STEEL ARTICLES NES NOT PRECIOUS METAL PLATED	9.5% AD VAL
65730	0112	ARTICLES OF COPPER NO ALLOY, NIKL SILV OR CUPNIKL NOT PLT	0.6¢ PER LB. + 11% AD VAL.
65735	0077	ARTICLES OF COPPER NT COATED O PLATED WITH PRECIOUS METAL NES	0.6¢ PER LB. + 7.5% AD VAL
65740	0095	ALUMINUM ARTICLES NSPF NOT COATED WITH PRECIOUS METALS	9.5% AD VAL
65750	0090	NICKEL ARTICLES NSPF NOT COATED WITH PRECIOUS METAL	9% AD VAL.
65760	0060	TIN ARTICLES NSPF NOT COATED OR PLATED WITH PRECIOUS METAL	6% AD VAL.
65770	0066	LEAD ARTICLES NSPF NOT PREC MET PLT N/O 13-1/3 CTS LB	0.75¢ PER LB.
65775	0055	LEAD ARTICLES NSPF NOT PREC MET PLT OV 13-1/3 CTS LB	5.5% AD VAL.
65780	0095	ZINC ARTICLES NSPF NOT COATD OR PLT WITH PRECIOUS METAL	9.5% AD VAL.
65790	0096	MAGNESIUM ARTICLES NSPF NOT PRECIOUS METAL CTD	6.7¢ PER LB. ON MAG. CONT. + 3.5% AD VAL.
65800	0090	ARTICLES OF BASE METAL NSPF NOT PRECIOUS METAL COATED	9% AD VAL.
66010	0065	STEAM AND OTHER VAPOR GENER- ATING BOILERS AND PARTS THEREOF	6.5% AD VAL.
66015	0070	ECONOMIZERS SUPERHEATER ETC USED W VAPOR GENERATORS A PTS	7% AD VAL.
66020	0040	APPARATUS FOR GENERAT ACETYLENE GAS FRM CALCIUM CARBIDE, AND PARTS	4% AD VAL.
66022	0070	PRODUCERS GAS AND WATER GAS GENERATORS,ETC.NES AND PARTS	7% AD VAL.
66025	0040	STEAM ENGINES, AND PARTS	4% AD VAL.
66030	0075	STEAM TURBINES AND PARTS	7.5% AD VAL.
66035	0045	VAPOR POWER UNITS, NES AND PARTS	4.5% AD. VAL.
66042	0050	PISTON-TYPE COMPRESSION- IGNITION ENGINES	5% AD. VAL.
66044	0040	PISTON-TYPE INT COMBUSTON ENG OTHR THAN COMPRESSION-IGNITION E	4% AD VAL.
66046	0050	NON-PISTON TYPE INTERNAL COMBUSTION ENGINES -	5% AD VAL.
66052	0040	PARTS OF PISTON-TYPE ENGINES EXCEPT COMPRESSION-IGNITION ENG	4% AD. VAL.
66054	0050	PARTS OF INTERNAL COMBUSTION ENGINES, NES	5% AD. VAL.
66065	0181	GOVERNORS FOR WATER WHEELS, TURBINES,A OTH WATER ENGINES	$1.12 EACH + 17.5% AD VAL.
66070	0075	WATER WHEELS,TURBINES,A OTHER WATER ENGINES AND PARTS,NES	7.5% AD VAL.
66075	0060	HYDROJET ENGINES FOR MOTOR BOATS AND PARTS	6% AD VAL.
66080	0100	SPRING-OPERATED AND WEIGHT OPERATED MOTORS	10% AD. VAL.
66085	0045	NON ELECTRIC ENGINES AND MOTORS AND PARTS NSPF	4.5% AD. VAL.
66092	0030	FUEL INJECTION PUMPS FOR COMP-IGNITION ENGINES AND PARTS	3% AD. VAL.
66094	0050	SUBMERSIBLE PUMPS A PUMPS AND LIQUID ELEVATORS NES	5% AD VAL.
66109	0050	BLOWERS FOR PIPE ORGANS	5% AD VAL.
66110	0070	FANS AND BLOWERS, NES, AND PARTS	7% AD VAL.
66112	0045	COMPRESSORS AND PARTS	4.5% AD VAL.
66115	0050	AIR PUMPS AND VACUUM PUMPS AND PARTS	5% AD VAL.

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
66120	0055	AIR-CONDITIONING MACHINES AND PARTS	5.5% AD VAL.
66125	0045	FURNACE BURNERS, MECHANICAL STOKER ETC AND PARTS	4.5% AD VAL.
66130	0095	INDUSTRIAL A LAB FURNACES AND OVENS, NON-ELECTRIC A PTS	9.5% AD VAL.
66135	0050	REFRIGERATOR A REFRIGERATING EQUIPMENT AND PARTS	5% AD VAL.
66140	0140	CALENDER ROLLS,BOWLS,ETC FOR EMBOSSING,PRESSING ETC	14% AD VAL.
66145	0050	EMBOSSING ROLLERS OF METAL	5% AD VAL.
66150	0080	TEXTILE CALENDERING AND ROLLING MACHINES AND PARTS	8% AD VAL.
66155	0050	CALENDERING AND ROLLING MACH EXC MET A GLAS WRK NES A PTS	5% AD VAL.
66165	0095	INSTANTANEOUS OR STORAGE WATER HEATERS A PTS IND NONELEC	9.5% AD VAL.
66170	0060	INDUST MACH ETC A PARTS FOR TRETMT OF MAT INVLG TMP CHG NES	6% AD VAL.
66185	0050	CREAM SEPARATORS OVER $100 EACH	5% AD VAL.
66190	0055	CENTRIFUGES AND PARTS NES EXCEPT CREAM SEPARATORS	5.5% AD VAL.
66192	0015	CAST IRON PARTS OF FILTERING ETC MACHINES, NOT ALY, NOT ADV	1.5% AD VAL.
66195	0055	FILTERING AND PURIFYING MACHINES NES AND PARTS NES	5.5% AD VAL.
66210	0050	MACHINES FOR PACAGING PIPE TOBACCO,WRAPPNG CANDY ETC AND PARTS	5% AD VAL.
66215	0075	CAN SEALING MACHINES AND PARTS THEREOF	7.5% AD VAL.
66218	0015	CAST IRON PARTS OF CLEANING ETC MACHINES NOT ALY, NOT ADV	1.5% AD VAL.
66220	0055	MACHINERY FOR CLEANING/DRYING BOTTLES ETC,LABELLING ETC A PTS,	5.5% AD VAL.
66226	0050	AUTOMAT WGHG MCH 1/20 OF 1% OR BETR ACCU OF MAX WGHT CAP	5% AD VAL.
66235	0095	SIMPLE PISTON PUMP SPRAYS A POWDER BELLOWS A PARTS	9.5% AD VAL.
66250	0050	MECHANICAL APPLIANCES,NES,FOR DISPERSING LIQUIDS OR POWDERS	5% AD VAL.
66405	0050	MECHANICAL SHOVEL FR EARTH ETC SNOW PLOWS,ETC AND PARTS	5% AD VAL
66410	0050	ELEVATOR,HOIST,WINCHES,ETC AND CONVEYORS AND PARTS NSPF	5% AD VAL
66610	0100	LAWN MOWERS AND PARTS	10% AD VAL.
66625	0055	INDUSTRIAL MACHINERY FR PREPAR A MANFACTURNG FOOD/DRINK A PART	5.5% AD VAL.
66800	0035	MACHINES FOR MAKING CELLULOSIC PULP,PAPER OR PAPERBOARD	3.5% AD VAL.
66802	0050	MACHINES FOR PROCESS.O FINISH.PULP,PAPER,ETC OR MAKE ARTICLES OF	5% AD VAL.
66804	0070	STOCK-TREATING PARTS FOR PULP AND PAPER MACHINES	7% AD VAL.
66806	0035	PTS OF MACHINES MAKING CELLULOSIC PULP,PAPER,PAPERBOARD	3.5% AD VAL.
66807	0050	PARTS OF PULP AND PAPER MACHINES NES	5% AD VAL.
66810	0050	BOOKBINDING MACHINERY,INC BOOK SEWING MACHINES AND PARTS	5% AD VAL.
66815	0080	TEXTILE PRINTING MACHINE	8% AD VAL.
66820	0060	PRINTING MACHINES,NES, INCLUD OFFSET DUPL AND STENCIL	6% AD VAL.
66832	0258	PRINT ROLLERS WITH RAISED PATRNS OF BRASS O FELT A BRASS	$2 EACH + 20% AD VAL.
66834	0200	PRINT BLOCKS A ROLLERS FOR PRTG, CTG, STMPG DESIGNS NES	20% AD VAL.
66836	0050	PRINTING TYPES	5% AD VAL.
66838	0050	STEEL,STEREOTYPE,ETC PLATES ENGRAVED ETC PREPARED FOR PRINT	5% AD VAL.
66850	0089	OTHR PARTS OF PRINTING MACHINES	VARIOUS
67000	0070	MACHINES FOR EXTRUDING OR DRAWG MAN-MADE TEXTILE FILAMNTS	7% AD VAL.
67002	0040	MACHINES USED F PROCESSING VEGETABLE FIBERS EXCEPT COTTON	4% AD VAL.
67004	0070	MACHINES SPECIALLY DESIGNED F PREPARING WOOL A PRODCNG YARN	7% AD VAL.
67006	0060	MACHINES SPECIALLY DESIGNED F PREPRNG FBR NES A PRDCNG YARN	6% AD VAL.
67012	0070	TEXTILE REELING,WARPING,PREPAR YARN ETC MACHINES	7% AD VAL.
67014	0070	WEAVING MACHINES	7% AD VAL.
67016	0065	CIRCULAR KNITTING MACHINES FOR HOSIERY	6.5% AD VAL.
67017	0060	CIRCULAR KNITTING MACHINES NES	6% AD VAL.
+ 67018	0080	FULL-FASHIONED HOSIERY KNITTING MACHINES	8% AD VAL.
67019	0080	V- BED FLAT KNITTING MACHINES	8% AD. VAL.
67020	0070	KNITTING MACHINES EXCEPT CIRCULAR KNITTING MACHINES NES	7% AD. VAL.
+ 67022	0060	LEAVERS, INCLUDING GO- THROUGH MACHINES	6% AD. VAL.
+ 67023	0050	LACE A NET MAKING MACHINES NES	5% AD. VAL.
67025	0070	BRAIDING AND LACE- BRAIDING MACHINES	7% AD. VAL.
67027	0060	EMBROIDERY MACHINES	6% AD. VAL.
67029	0065	TEXTILE MACHINES NES FOR MKG FABRICS A OTH TEXTILE ARTICLES	6.5% AD. VAL.
67033	0080	FINISHING MCHS AND PARTS FOR FELT A NONWOVEN FABRICS	8% AD. VAL.
67035	0065	MACH NES A PTS F MAKING FELT A NONWOVEN FBR INC FLT HAT MKG	6.5% AD. VAL.
67040	0070	WASHING MACHINES OTHER THAN USED IN FINISHING TEXTILE ARTICLES	7% AD VAL.
67041	0055	DRY-CLEANING MACHINES	5.5% AD VAL.
67042	0055	HOUSEHOLD A LAUNDRY TYPES OF IRONING MCH MANGLES A PRESSERS	5.5% AD. VAL.
67043	0080	MACHINERY FOR WASHING,CLEANNG DRYING,ETC AND PARTS,NES	8% AD VAL.
67050	0065	FABRIC FOLDING, REELING, OR CUTTING MACHINES	6.5% AD. VAL.
67052	0050	CARD CLOTHG MADE WITH ROUND IRON OR UNTEMPERED STEEL WIRE	5% AD. VAL
67054	0125	CARD CLOTH,NES, MADE W TEMPD RND ST WIRE,ETC OR W FELT FACE ETC	12.5% AD VAL.
67056	0140	JACQUARD CARDS	14% AD. VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES .

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
+ 67064	0106	NEEDLES FOR EMBROIDERY MACHINES	37¢ PER 1,000 + 10% AD VAL.
+ 67066	0120	SHUTTLES FOR EMBROIDERY MACHINES	12% AD VAL.
67068	0175	SPINNING AND TWISTING RING TRAVELERS	17.5% AD VAL
67070	0100	TEXTILE PINS	10% AD VAL
67072	0130	WIRE HEALDS AND HEDDLES	10¢ PER 1,000 + 12.5% AD. VAL.
67074	0110	PARTS OF TEXTILE MACHINERY, NOT SPECIALLY PROVIDED FOR	VARIOUS
67090	0060	CORDAGE MACHINES AND PARTS	6% AD VAL.
67210	0035	SEWING MACHINES VALUED NOT OVER $10 EACH	3.5% AD. VAL
67215	0050	SEWING MACHINES,NES,OVER $10	5% AD VAL
67220	0109	NEEDLES FOR SEWING MACHINES	37¢ PER 1,000 + 10% AD. VAL.
67222	0120	SHUTTLES FOR SEWING MACHINES	12% AD. VAL
67225	0050	SEWING MACHINE PARTS NES	5% AD VAL
67410	0045	CONVERTER,INGOT MOLD ETC USED IN METALLURGY A MTL FOUNDRY, A PTS	4.5% AD VAL
67420	0075	METAL ROLLING MILLS AND PARTS THEROF	7.5% AD. VAL
67430	0100	MACHINE TOOLS, METAL WORKING FOR CUTTING OR HOBBING GEARS	10% AD. VAL.
67432	0060	BORING DRILLING A MILLING MACHINE FOR METAL-WORKING	6% AD VAL.
67435	0075	METAL-WORKING MACHINE TOOL,NES	7.5% AD VAL.
67440	0055	RECIPROCATING GANG SAW MACHINES	5.5% AD. VAL
67442	0050	MACHINE TOOLS,NES	5% AD VAL
67450	0075	TOOL HOLDERS USED WITH MACH TOOLS A MACH HAND TOOLS	7.5% AD VAL
67452	0100	PARTS OF METALWORKING MACHS FOR CUTTING OR HOBBING GEARS	10% AD. VAL.
67453	0070	PARTS FOR MACHINE TOOL ETC,NES	7% AD VAL.
67455	0050	MACHINES AS MACHINE TOOL ACCESSORIES	5% AD. VAL.
67456	0095	ACCESSORIES, NES F MACHINE A MECHANICAL HAND TOOLS	9.5% AD VAL
67460	0075	HAND TOOLS, NON-ELECTRIC F METAL-WORKING A PARTS THEREOF	7.5% AD. VAL
67470	0045	HAND-DIRECT OR CONTROLD TOOL NON-ELECTRIC NES A PTS	4.5% AD VAL
67475	0045	POWDER-ACTUATED HAND TOOLS, AND PARTS	4.5% AD VAL
67480	0095	GAS-OPERATED WELDING,BRAZING ETC APPLIANCES, HAND-DIR AND PTS	9.5% AD VAL.
67490	0045	GAS-OPERATED WELDING BRAZING ETC APPLIANCES NES A PTS	4.5% AD. VAL
67600	0055	TYPEWRITERS, NON-CALCULATING NES	5.5% AD VAL.
67610	0060	ADDRESSING MACHINES	6% AD VAL.
67612	0040	NUMBERING, DATING, AND CHECK-WRITING MACHINES	4% AD VAL.
67615	0055	ACCOUNTING, COMPUTING, AND OTHER DATA-PROCESSING MACHINES	5.5% AD. VAL
67620	0050	CALCULATING MACHINES FOR MULTIPLYING AND DIVIDING	5% AD VAL.
67622	0050	CASH REGISTERS	5% AD. VAL
67623	0060	ADDING MACHINES	6% AD VAL.
67625	0055	MACHINES, NES, HAVING CALCULATING MECHANISMS	5.5% AD. VAL.
67630	0050	OFFICE MACHINES NSPF	5% AD VAL.
67650	0095	TYPEWRITER PARTS	9.5% AD. VAL
67652	0055	OFFICE MACHINE PARTS NES	5.5% AD. VAL
67820	0050	MACHINES FOR WORKING MINERAL SUBSTANCES OR PRODUCTS,AND PARTS	5% AD VAL.
67830	0055	GLASS-WORKING MACHINES A PARTS	5.5% AD VAL.
67832	0050	MACH NES F ASSEMBLY OF ELECT FIL A DISCHRGE LAMPS ETC A PTS	5% AD. VAL.
67835	0055	MCHS FOR MOLDING O FORMING RUBR O PLASTIC ARTICLES A PARTS	5.5% AD. VAL.
67840	0055	AUTOMATIC VENDING MACHINES, AND PARTS	5.5% AD. VAL.
67845	0060	TOBACCO WORKING MACHINES, AND PARTS	6% AD VAL
67850	0050	MACHINES, NOT SPECIALLY PROVIDED FOR, AND PARTS	5% AD VAL
68005	0095	MOLDING BOXES FOR METAL FOUNDRY	9.5% AD. VAL.
68007	0060	MOLDERS PATTERNS FOR THE MANUFACTURE OF CASTINGS	6% AD. VAL
68012	0055	MOLDS USED FOR RUBBER OR PLASTICS MATERIALS, NES	5.5% AD. VAL.
68015	0055	MOLDS FOR METAL METALLIC CARBIDES GLASS MINERAL MAT NES	5.5% AD. VAL.
68020	0095	TAPS,COCKS,VALVES,ETC, HAND OPERATED AND CHECK, A PTS, OF COPPER	0.6¢ PER LB. + 9% AD. VAL.
68022	0110	HAND-OPERATED A CHECK TAP,VALV ETC CONTRL LIQUIDS,ETC A,PTS NE	11% AD VAL
68025	0055	BALLCOCK MECHANISMS AND PARTS	5.5% AD. VAL
68027	0050	DEVICES TO CONTROL FLOW OF LIQUID GASES OR SOLIDS,NES.	5% AD. VAL
68040	0060	FORGED STEEL GRINDING BALLS	6% AD VAL
68045	0045	FIXED, MULT A VARIABLE RATIO SPEED CHANGERS, AND PARTS	4.5% AD. VAL
68047	0184	SPEED CHANGERS,NES	$1.12 EA. + 17.5% AD VAL.
68048	0225	PARTS NES FOR SPEED CHANGERS AND GEAR BOXES	22.5% AD. VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
68052	0045	TORQUE CONVERTERS,AND PARTS THEREOF	4.5% AD. VAL.
68054	0095	CHAIN SPROCKETS, CLUTCHES, UNIVERSAL JOINTS, AND PARTS	9.5% AD VAL.
68057	0095	LUBRICATION FITTINGS	9.5% AD. VAL.
68060	0015	CAST-IRON ROLLERS FOR MACHS, NOT ALLOYED NOR ADVANCED	1.5% AD. VAL.
68070	0050	KITS FOR REPAIR OF HYDLC BRAKE ETC OR INTER-COMBUST PUMP O CARBURETOR	5% AD. VAL.
68090	0095	MACHINERY PARTS NOT CON- TAINING ELECTRICL FEATURES NSPF	9.5% AD. VAL.
68205	0125	TRANSFORMERS OF LESS THAN 1 KVA	12.5% AD VAL.
68207	0060	TRANSFORMERS RATED 1 KVA OR MORE	6% AD VAL.
68220	0250	SYNCHRONOUS ELEC MOTORS, UND 1/40 HP, VALUED N/O $4.00	25% AD. VAL.
68225	0125	ELECTRIC MOTORS UNDER 1/40 HORSEPOWER NES	12.5% AD VAL.
68230	0060	ELECTRIC MOTORS OF 1/40 OR MORE A NOT OVER 1/10 HORSEPOWER	6% AD. VAL.
68240	0050	MOTORS,ELECTRICAL,OVER 1/10 BUT UNDER 200 HORSEPOWER	5% AD VAL.
68250	0060	ELECTRIC MOTORS OF 200 OR MORE HORSEPOWER	6% AD. VAL.
68252	0050	COMMUTATORS, ELECTRIC	5% AD. VAL.
68255	0250	PARTS OF ELECTRIC MOTORS UNDER 1/40 HORSEPOWER	25% AD. VAL.
68260	0075	GENERATOR,MOTOR GENERATOR CONVERTERS,ETC,ELECTRICAL,NES	7.5% AD VAL.
68270	0080	PERMANENT MAGNETS	8% AD. VAL.
68280	0075	MAGNETIC WORK HOLDERS, AND PARTS	7.5% AD. VAL.
68290	0055	MGNTIC CHUCKS ETC ELEC-MAGN CLUTCHES, CPLNGS, BRKS ETC NES	5.5% AD. VAL.
68295	0085	PRIMARY CELLS AND PRIMARY BATTERIES AND PARTS THEREOF	8.5% AD. VAL.
68310	0085	LEAD-ACID TYPE STORAGE BATTERIES AND PARTS THEREOF	8.5% AD. VAL.
68315	0080	STORAGE BATTERIES AND PARTS NES	8% AD. VAL.
68320	0055	HAND DIRECT/CONTROL TOOL WITH SELF-CONTAIN ELEC MOTOR A PARTS	5.5% AD VAL.
68330	0065	VACUUM CLEANER,FLOOR POLISHER W SELF-CONTAIN ELEC MOTOR A PART	6.5% AD VAL.
68332	0060	ELECTRO-MECH APPLIANCES W ELEC MOTOR A PTS,NES HH,HOTEL,RESTRNT TYPE	6% AD. VAL.
68340	0100	HAIR CLIPPERS AND PARTS	10% AD. VAL.
68350	0065	SHAVER AND SCISSORS WITH SELF CONTAINED ELEC MOTOR AND PARTS	6.5% AD VAL.
68360	0040	IGN MAGNETOS,COILS A OTHR ELEC START A IGN EQUIPMENT A PTS	4% AD VAL.
68365	0040	ELECTRIC LIGHTING EQUIPMENT FOR MOTOR VEHICLES, AND PARTS	4% AD. VAL.
68370	0350	FLASHLIGHTS AND PARTS	35% AD VAL.
68380	0137	PORTABLE ELECT LAMPS AND PARTS, EXCEPT FLASHLIGHTS	13.75% AD VAL.
68390	0040	WELDING MACHINES AND APPARATUS AND PARTS THEREOF	4% AD. VAL.
68395	0050	INDUSTRIAL ELEC FURNACE,WELDNG BRAZING,ETC MACHINES AND PARTS	5% AD VAL.
68410	0055	ELECTRIC FLATIRON, TRAVEL TYPE	5.5% AD. VAL.
68415	0170	ELECTRIC FLATIRONS, NES	17% AD VAL.
68420	0085	PORT ELEC TOASTERS WAFL IRNS OVENS COFFEE MKRS ETC KIT O HH	8.5% AD. VAL.
68430	0040	ELECTRIC COOKING STOVES AND RANGES AND PARTS THEREOF	4% AD. VAL.
68440	0050	ELECTRIC FURNACES, HEATERS, AND OVENS NES, A PARTS THEREOF	5% AD. VAL.
68450	0050	ELEC STORAGE WATER HEATER,SOIL HEATERS,HAIR DRYERS,ETC A PARTS	5.5% AD VAL.
68462	0085	TELEPHONIC APPARATUS AND INSTRUMENTS AND PARTS	8.5% AD. VAL.
68464	0070	ELEC TELEGRAPH TELETYPE ETC APPARATUS A INSTRUMENTS AND PARTS	7% AD VAL.
68470	0075	MICROPHONES,LOUDSPEAKER,HEAD PHONES ETC AND PARTS	7.5% AD VAL
68510	0060	TELEVISION CAMERAS AND PARTS	6% AD. VAL.
68524	0104	RADIO RECEIVERS SOLID STATE OTHER THAN DESIGNED FOR MOTOR VEHICLES	10.4% AD VAL.
68525	0060	RADIO-TELEGRAPHIC ETC EQUIP PARTS NES	6% AD VAL.
68540	0055	TAPE RECORDERS ETC ON MAGNTIZ RECORDING MEDIUM AND PARTS	5.5% AD VAL.
68542	0075	RADIO-TELEVISION-PHONOGRAPH COMBINATIONS	7.5% AD. VAL.
68560	0075	RADIO NAVIGATION AID REMOTE CONTROL A RADAR APPARATUS A PTS	7.5% AD. VAL.
68570	0040	ELECTRIC SOUND OR VISUAL SIGNALING APPARATUS A PARTS	4% AD. VAL
68590	0085	SWITCHBOARDS PANELS, ETC FOR MAKG CONNECTG O BRKG CIRCUIT	8.5% AD. VAL.
68622	0040	AUTM VOLTAGE REG ETC FOR 6, 12 A 24 VOLT SYSTEMS, AND PARTS	4% AD. VAL
68624	0075	AUTOMATIC VOLTAGE A VOLTAGE- CURRENT REGULATORS NES, A PARTS	7.5% AD. VAL.
68630	0100	CHRISTMAS TREE LAMPS ELECTRIC FILAMENT	10% AD. VAL.
68640	0040	INFRA-RED LAMPS, ELECTRIC FILAMENT	4% AD. VAL.
68650	0040	PHOTO-FLASH ELECTRIC FILAMENT LAMPS	4% AD VAL.
68660	0040	SEALED-BEAM LAMPS, ELECTRIC FILAMENT	4% AD. VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
68670	0180	ELEC FIL LAMPS UN 100 VOLT,N/O 0.25 IN DIAM, FOR SURGERY INSTRT	18% AD. VAL.
68680	0040	FILAMENT LAMPS OPERATING LESS 100 VOLTS, NES	4% AD VAL.
68690	0040	ELECTRIC FILAMENT LAMPS, FOR OPERATING AT 100VLTS A OVER,NES	4% AD. VAL.
68710	0050	ELECTRIC DISCHARGE LAMPS INCLUDING ULTRAVIOLET LAMPS	5% AD. VAL.
68720	0055	ELECTRIC ARC LAMPS	5.5% AD. VAL.
68730	0050	ELECTRIC LUMINESCENT LAMPS	5% AD. VAL.
68737	0150	TV PICTURE TUBES, EX COLOR, HAVING NO STRAIGHT LINE DIMENSION ACROSS FACEPLATE OV 16.4 IN.	15% AD VAL.
68804	0085	INSULATED ELECT CONDUCTORS, W/O FITTINGS, OVER 10% COPPER	8.5% AD. VAL.
68806	0075	INSULATED ELECT CONDUCTORS WITHOUT FITTINGS, NES	7.5% AD. VAL.
68810	0200	CHRISTMAS TREE LIGHTING SETS W OR WO BULBS A SIM WIRING SETS	20% AD. VAL.
68812	0050	IGNITION WIRING SETS A WIRNG SETS FOR TRANSPORTATION EQUIP	5% AD. VAL.
68815	0085	INSULATED ELECTRICAL CONDUCTORS WITH FITTINGS NES	8.5% AD. VAL.
68820	0075	UNINSULATED ELEC CONDUCTORS,ALUMINUM WIRE AROUND STEEL OR ALUM. CORE	7.5% AD. VAL.
68825	0060	UNINSULATED ELEC CONDUCTORS,FLEXIBLE, FLAT WIRE AROUND TEX.CORE,ETC	6% AD. VAL.
68830	0100	PIPES OR TUBES, ELEC CONDUIT OF IRON OR STEEL, COATED	10% AD. VAL.
68835	0100	IRON OR STEEL FITTINGS FOR ELECTRICAL CONDUITS	10% AD. VAL.
68840	0055	ELECTRICAL ARTICLES AND ELECT PART OF ARTICLES NSPF	5.5% AD. VAL.
69005	0055	RAIL LOCOMOTIVES AND TENDERS	5.5% AD. VAL.
69010	0115	RAIL VEHICLES SELF-PROPELLED TO CARRY PASSENGERS OR ARTICLES	11.5% AD VAL.
69015	0180	RAILWAY CARS, PASSENGER BAGGAGE, ETC NOT SELF-PROPELLED	18% AD VAL.
69020	0050	WORKSHOPS, CRANES AND OTHER RAILROAD SERVICE VEHICLES	5% AD VAL.
69035	0090	PARTS, EXCPT BRAKE REG FOR CARS PROVIDED FOR IN ITEM 690.15	9% AD VAL.
69040	0055	PARTS OF LOCOMOTIVES AND RAILWAY ROLLING STOCK NES	5.5% AD VAL.
69204	0040	MOTOR BUSES	4% AD VAL.
69214	0085	FIRE ENGINES	8.5% AD VAL.
69216	0050	MOTOR VEHICLES, DESIGNED FOR SPECIAL SERVICES OR FUNCTIONS	5% AD VAL.
69227	0040	MOTOR VEHICLE BODY PTS-OTHER THAN CAST IRON	4% AD VAL.
69235	0055	TRACTORS AND PARTS,EXCEPT AGRICULTURAL	5.5% AD. VAL.
69240	0045	FORK-LIFT AND OTHER SELF- PROPELLED WORK TRUCKS ETC A PTS	4.5% AD. VAL.
69245	0050	TANKS A OTHER SELF-PROPELLED ARMORED MILITARY VEHICLES A PTS	5% AD. VAL.
69250	0050	MOTORCYCLES	5% AD VAL.
69255	0060	MOTORCYCLE PARTS, EXCEPT ENGINES	6% AD. VAL.
69260	0080	VEHICLES, INCL TRAILERS, NOT SELF-PROPELLED, NSPF, AND PARTS	8% AD VAL.
69415	0045	BALLOONS AND AIRSHIPS	4.5% AD. VAL.
69420	0045	GLIDERS	4.5% AD. VAL.
69430	0125	KITES, AND PARTS THEREOF	12.5% AD VAL.
69440	0050	AIRPLANES	5% AD VAL.
69450	0050	SPACECRAFT	5% AD. VAL.
69460	0050	AIRCRAFT AND SPACECRAFT PARTS NES	5% AD. VAL.
69470	0150	PARACHUTES AND PARTS	15% AD. VAL.
69605	0020	YACHTS, OR PLEASURE BOATS VALUED NOT OVER $15000 EACH	2% AD. VAL.
69610	0050	YACHTS, OR PLEASURE BOATS VALUED OVER $15000 EACH	5% AD. VAL.
69615	0060	PARTS FOR YACHTS OR PLEASURE BOATS	6% AD. VAL.
69630	0040	CANOES AND CANOE PADDLES OF WOOD OR BARK	4% AD. VAL.
69635	0060	PNEUMATIC CRAFT	6% AD VAL.
69640	0100	RACING SHELLS, PLEASURE BOATS, ETC, NES AND PARTS	10% AD. VAL.
69650	0050	FLOATING DOCKS AND PARTS THEREOF	5% AD. VAL.
69660	0095	BUOYS, BEACONS,LANDING STAGES ETC AND OTHR FLOAT. STRUCTURES	9.5% AD. VAL.
70054	0060	ZORIS (THONGED SANDALS) OF RUBBER	6% AD VAL.
70208	0210	OTHER HEADWEAR KNIT OF FLAX OR OF BOTH COTTON AND FLAX	21% AD VAL.
70214	0200	HEADWEAR NOT KNIT OF FLAX OR OF BOTH COTTON AND FLAX	20% AD VAL.
70215	0175	CAPS OF PAPER YARN	17.5% AD VAL.
70220	0050	CAPS VEG-FIB EX PAPER YARN COT OR FLAX	5% AD VAL.
70225	0187	HEADWEAR NOT CAP STRAW SEWED NOT BLOCK OR TRIM	85¢ PER DOZ. + 8.5% AD VAL.
70228	0190	HEADWEAR,NOT CAP,STRAW,SEWED, BLOCK OR TRIMMED, N/O $15 DOZ.	94¢ PER DOZ. + 8% AD VAL.
70230	0087	HEADWEAR NOT CAP STRAW SEWED BLOCK ETC OV $15 DZ.	80¢ PER DOZ. + 6% AD VAL.
70232	0198	HEADWEAR NOT CAP OTHER THAN STRAW SEWED	60¢ PER DOZ. + 10% AD VAL.
70235	0063	HEADWEAR PALM LEAF OR PANDAN NOT CAP NOT SEW BLK TRM NOV$3DZ	6.25% AD VAL.
70237	0100	HEADWEAR,NT CAP,VEG FIBER, N SEWED,N BLOCK,N BLEACH OR COLOR	10% AD VAL.
70240	0056	HEADWEAR,EXC CAPS,OF VEG FIBER BLEACHED/COLORED, N SEWED,ETC,	6¢ PER DOZ. + 5% AD VAL.
70245	0250	HEADWEAR NT CAP VEG FIB NES BLCK TRIM N SEW NO $3 DOZ	25% AD VAL.
70247	0118	HEADWEAR EX CAPS VEG-FIB NES NOT SEW OV $3 DZ BLOCK O TRM	$1.02 PER DOZ. + 5% AD VAL.
70285	0163	MEN OR BOYS HEADWEAR OF SILK	40¢ EACH + 8% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
70290	0100	SILK HEADWEAR FOR OTHER PERSONS NES KNIT	10% AD VAL.
70295	0160	SILK HEADWEAR FOR OTHER PERSONS NES NOT KNIT	16% AD VAL.
70320	0275	HEADWEAR FUR NOT ON THE SKIN MENS AND BOYS NOT OVER $12 DOZ	27.5% AD VAL.
70325	0235	HEADWEAR FUR NOT ON THE SKIN MENS A BOYS OV $12 NOV $18 DOZ	23.5% AD VAL.
70330	0200	HEADWEAR FUR NOT ON THE SKIN MENS A BOYS OV $18 NOV $30 DOZ	20% AD VAL.
70335	0070	HEADWEAR FUR NOT ON THE SKIN MENS AND BOYS OVER $30 A DOZEN	$2.75 PER DOZ. + 4% AD VAL.
70340	0550	HEADWEAR FUR NOT ON THE SKIN OTHER PERSONS NOT OVER $9 A DOZ	55% AD VAL.
70345	0650	HEADWEAR FUR NOT ON THE SKIN OTH PERSONS OV $9 NOV $24 DOZ	65% AD VAL.
70350	0200	HEADWEAR FUR NOT ON THE SKIN OTH PERSONS OV $24 NOV $30 DOZ	20% AD VAL.
70355	0114	HEADWEAR FUR NOT ON THE SKIN OTHER PERSONS OVER $30 A DOZEN	$3.40 PER DOZ + 5% AD VAL.
70360	0125	HEADWEAR OF FUR ON THE SKIN	12.5% AD VAL.
70365	0060	HEADWEAR OF LEATHER	6% AD VAL.
70370	0123	HEADWEAR OF REINFORCED OR LAMINATED PLASTICS	10¢ PER LB. + 8.5% AD VAL.
70372	0060	HEADWEAR,OF RUBBER OR PLASTICS NES	6% AD VAL.
70375	0085	OTHER HEADWEAR NES	8.5% AD VAL
70380	0020	NONELAST BRAID FOR HEADWEAR OF ABACA ETC,N BLEACH N COLOR,N SUBST.M-M FIB.	2% AD VAL.
70385	0050	NONELAST BRAID FOR HEADWEAR OF ABACA ETC, BLEACH OR COLOR,N SUBST.M-M FIB.	5% AD VAL.
70434	0300	LACE OR NET GLOVES OTHER FIBER NES & OTHER GLOVES ORNAMENTED NES.	30% AD VAL.
70475	0120	SILK GLOVES AND LININGS KNIT NOT ORNAMENTED NO LACE	12% AD VAL.
70480	0160	SILK GLOVES AND LININGS NOT KNIT NOT ORNAMENTED	16% AD VAL.
70495	0100	GLOVES AND GLOVE LININGS TEXTILE MAT NES NO LACE NOT ORN	10% AD VAL.
70530	0100	GLOVES AND GLOVE LININGS OF FUR ON THE SKIN	10% AD VAL.
70590	0050	GLOVES AND GLOVE LININGS, NSPF	5% AD VAL.
70604	0070	BILLFOLDS, LETTER CASES AND OTH FLAT GOODS, REPTILE LEATHER	7% AD VAL.
70640	0200	HANDBAGS OR POCKETBOOKS, OF BEADS ETC. OR IMITATION GEMS	20% AD VAL.
70645	0175	HANDBAGS OR POCKETBOOKS, WOMENS AND GIRLS, METAL	17.5% AD VAL.
70647	0175	HANDBAGS OR POCKETBOOKS, WOMENS AND GIRLS, PAPER YARNS	17.5% AD VAL.
70650	0220	FLAT GOODS, METAL, VALUED NOT OVER $5 PER DOZEN	22% AD VAL.
70801	0095	OPHTHALMIC LENSES, NOT MOUNTED	9.5% AD VAL.
70803	0140	LENSES, OPTICAL NES, NOT MOUNTED	14% AD VAL.
70805	0200	OPTICAL PRISMS UNMOUNTED	20% AD VAL.
70807	0200	OPTICAL MIRRORS UNMOUNTED	20% AD VAL.
70809	0210	OPTICAL ELEMENTS NSPF, NOT MOUNTED	21% AD VAL.
70821	0175	PROJECTION LENSES MOUNTD	17.5% AD VAL.
70823	0125	MOUNTED LENSES,NES	12.5% AD VAL.
70825	0200	OPTICAL PRISMS, MOUNTED	20% AD VAL.
70827	0200	OPTICAL MIRRORS, MOUNTED	20% AD VAL.
70829	0210	OPTICAL ELEMENTS NES, MOUNTED	21% AD VAL.
70841	0225	LORGNETTES	22.5% AD VAL.
70843	0150	EYEGLASSES, SUNGLASSES, AND GOGGLES, NOT OVER $2.50 PER DPR	15% AD VAL.
70845	0150	EYEGLASSES,GOGGLE,ETC EX FRAME ETC OVER $2.50 DOZEN	15% AD VAL.
70847	0150	FRAMES,MOUNTING AND PARTS OF EYEGLASSES,GOGGLES,ETC	15% AD VAL.
70851	0085	GLASSES, FIELD AND OPERA EXCEPT PRISM BINOCULARS	8.5% AD VAL.
70852	0200	PRISM BINOCULARS	20% AD VAL.
70853	0200	TELESCOPES NES, NOT DESIGNED FOR USE WITH INFRA-RED LIGHT	20% AD VAL.
70855	0055	TELESCOPES, MONOCULAR OR BINOCULAR FOR INFRARED LGHT USE	5.5% AD VAL.
70857	0225	ASTRONOMICAL INSTRUMENTS NSPF	22.5% AD VAL.
70859	0225	PARTS ETC FOR TELESCOPES AND ASTRONOMICAL INSTRUMENTS NSPF	VARIOUS
70871	0200	COMPOUND OPTICAL MICROSCOPES NES, VALUED NOT OVER $25 EACH	20% AD VAL.
70872	0200	COMPOUND OPTICAL MICROSCOPES NES, OVER $25 BUT NOT OVER $50	20% AD VAL.
70873	0225	COMPOUND OPTICAL MICROSCOPES NES, VALUED OVER $50 EACH	22.5% AD VAL.
70875	0225	COMPOUND OPTICAL MICROSCOPES IMAGE PROJECTING	22.5% AD VAL.
70876	0075	COMPOUND OPTICAL MICROSCOPES IMAGE PHOTOGRAPHING AND NSPF	7.5% AD VAL.
70878	0110	MICROSCOPES, ELECTRON NES, ETC AND DIFFRACTION APPARATUS	11% AD VAL.
70880	0150	FRAMES, MOUNTINGS AND PARTS, FOR COMPOUND OPTICAL MICROSCOPE	15% AD VAL.
70882	0110	FRAMES, MOUNTINGS AND PARTS, FOR ELECTRON MICRSCOPES NES ETC	11% AD VAL.
70885	0125	HAND MAGNIFIERS, LOUPES, THREAD COUNTERS ETC	12.5% AD VAL.
70887	0100	DOOR VIEWERS OR DOOR EYE	10% AD VAL.
70889	0225	OPTICAL APPLIANCES AND OPTICAL INSTRUMENTS NSPF	22.5% AD VAL.
70891	0150	FRAMES, MOUNTINGS AND PARTS, FOR HAND MAGNIFIERS, LOUPES ETC	15% AD VAL.
70893	0225	FRAMES, MOUNTINGS, PARTS FOR DOOR EYES A OPTICAL GOODS NSPF	22.5% AD VAL.
70901	0225	OPTICAL MIRRORS AND REFLECTORS FOR MEDICAL ETC USE	22.5% AD VAL.
70903	0125	BINOCULAR LOUPES FOR EYE EXAMINATIONS	12.5% AD VAL.
70905	0250	OPTICAL INSTRUMENTS ETC. AND PARTS NSPF, FOR MEDICAL ETC USE	25% AD VAL.
70906	0095	ANESTHETIC APPARATUS AND INSTRUMENTS, EXCEPT SYRINGES	9.5% AD VAL.
70907	0110	BASAL METABOLISM APPARATUS AND PARTS THEREOF	11% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
70909	0060	BOUGIES,CATHETERS,DRAINS AND SONDES AND PARTS	6% AD VAL.
70910	0095	PERCUSSION HAMMERS, STETHO- SCOPES, AND STETHOSCOPE PARTS	9.5% AD VAL.
70911	0045	SPHYGMOMANOMETERS, TENSIMETERS OSCILLOMETERS PARTS	4.5% AD VAL.
70913	0210	SYRINGES, HYPO AND OTHER, AND PARTS OF EXCEPT NEEDLES	21% AD VAL.
70915	0180	ELECTRO-SURGICAL APPARATUS, AND PARTS THEREOF	18% AD VAL.
70917	0060	ELECTRO MEDICAL APPARATUS NSPF, AND PARTS THEREOF	6% AD VAL.
70919	0110	DENTAL BURS	11% AD VAL.
70921	0085	DENTAL HYPODERMIC NEEDLE	8.5% AD VAL.
70923	0160	MEDICAL,DENTAL,ETC NEEDLES,NES	16% AD VAL.
70925	0070	DENTAL INSTRUMENTS INCLUDING EXTRACTION FORCEPS, AND PARTS	7% AD VAL.
70927	0180	MEDICAL AND SURGICAL INSTRUMENTS ETC NSPF, AND PARTS	18% AD VAL.
70940	0060	MECHANO-THERAPY APPLIANCES, MASSAGE APPARATUS, AND PARTS	6% AD VAL.
70945	0050	OXYGEN THERAPY ETC APPARATUS GAS MASKS ETC, AND PARTS OF	5% AD VAL.
70950	0060	HEARING AIDS AND PARTS	6% AD VAL.
70954	0050	ARTIFICIAL TEETH A DENTURES WHOLLY OR A. MOST WHOLLY OF PLASTIC	5% AD VAL.
70955	0225	ARTIFICIAL TEETH AND DENTURES NSPF	22.5% AD VAL.
70956	0180	BONE AND JOINT PROSTHESES, BONE PLATES, SCREWS, NAILS ETC	18% AD VAL.
70957	0100	ORTHOPEDIC APPLIANCES NSPF, TRUSSES, SPLINTS, EYES, ETC.	10% AD VAL.
70961	0030	X-RAY TUBES AND PARTS OF X-RAY TUBES	3% AD VAL.
70963	0025	X-RAY APPARATUS AND PARTS NES	2.5% AD VAL.
70966	0060	RADIATION APPARATUS NSPF AND PARTS THEREOF	6% AD VAL
71004	0140	PHOTOGRAMMETRICAL INSTRUMENTS AND PARTS THEREOF	14% AD VAL.
71006	0225	OPTICAL RANGE FINDERS EXCEPT SURVEYING RANGE FINDERS	22.5% AD VAL.
71008	0140	OPTICAL INSTRUMENTS AND PARTS NSPF	14% AD VAL.
71012	0140	SURVEYING COMPASSES, AND PARTS THEREOF	14% AD VAL.
71014	0055	GYROSCOPIC COMPASSES AND PARTS THEREOF	5.5% AD VAL.
71016	0095	COMPASSES AND PARTS OTHER THAN GYROSCOPIC OR SURVEY TYPES	9.5% AD VAL.
71020	0077	SHIPS LOGS NES	46¢ EACH + 7% AD VAL.
71021	0250	PARTS FOR SHIPS LOGS NES	25% AD VAL.
71026	0187	ANEMOMETERS NES	$1.12 EACH + 17.5% AD VAL.
71027	0225	ANEMOMETER PARTS NES	22.5% AD VAL.
71030	0055	AUTOMATIC PILOTS AND PARTS THEREOF	5.5% AD VAL.
71034	0055	SEISMOGRAPHS,PORTABLE OR FIELD TYPE AND PARTS THEREOF	5.5% AD VAL.
71036	0110	SEISMOGRAPHS NSPF AND PARTS THEREOF	11% AD VAL.
71040	0080	SURVEY AND HYDROGRAPHIC NON- METAL INSTRUMENTS NES AND PARTS	8% AD VAL.
71042	0140	SURVEYING AND HYDROGRAPHIC INSTRUMENTS AND PARTS NES,METAL	14% AD VAL.
71046	0050	NAVIGATIONAL INSTRUMENTS AND PARTS THEREOF, NSPF	5% AD VAL.
71050	0110	METEOROLOGICAL, HYDROLOGICAL ETC. INSTRUMENTS AND PARTS NSPF	11% AD VAL.
71060	0065	DISC CALCULATORS, SLIDE RULES ETC. AND PARTS, NONMETAL	6.5% AD VAL.
71061	0110	DISC CALCULATORS, SLIDE RULES ETC. AND PARTS, METAL	11% AD VAL.
71063	0110	PROTRACTORS AND PARTS	11% AD VAL.
71065	0100	CALIPERS AND MICROMETERS AND PARTS THEREOF	10% AD VAL.
71067	0130	FOLDING RULES ANL PARTS THEREOF, OF ALUMINUM	13% AD VAL.
71068	0120	FOLDING RULES AND PARTS THEREOF, OF WOOD	12% AD VAL.
71070	0100	FOLDING RULES AND PARTS THEREOF, NSPF	10% AD VAL.
71072	0085	RULES, NONFOLDING	8.5% AD VAL.
71076	0100	LETTERING PENS FOR DRAFTSMEN AND PARTS THEREOF	10% AD VAL.
71078	0055	HAND STYLUSES	5.5% AD VAL.
71080	0075	DRAFTING ETC. INSTRUMENTS, MACHINES AND PARTS, NSPF	7.5% AD VAL.
71086	0175	PROFILE PROJECTORS AND PARTS THEREOF	17.5% AD VAL.
71088	0225	COMPARATOR BENCHES ETC. AND MICROMATIC READING DEVICES	22.5% AD VAL.
71090	0250	OPTICAL MEASURING, CHECKING DEVICES AND PARTS, NSPF	25% AD VAL.
71104	0095	JEWELERS BALANCES AND PARTS THEREOF, INCLUDING WEIGHTS	9.5% AD VAL
71108	0125	BALANCES AND PARTS OF EXCEPT JEWELERS, SPECIFIED SENSITIVITY	12.5% AD VAL.
71125	0070	MACHINES ETC. FOR TESTING TENSION, TORSION ETC. AND PARTS	7% AD VAL.
71130	0210	HYDROMETERS AND SIMILAR FLOATING INSTRUMENTS	21% AD VAL.
71134	0425	CLINICAL THERMOMETERS, LIQUID FILLED, W GRADUATIONS	42.5% AD VAL.
71136	0210	THERMOMETERS, GRADUATED, LIQUID-FILLED, EXCEPT CLINICAL	21% AD VAL.
71137	0070	THERMOMETERS NSPF	7% AD VAL.
71140	0250	OPTICAL PYROMETERS	25% AD VAL.
71142	0080	PYROMETERS, EXCEPT OPTICAL, NON-RECORDING	8% AD VAL.
71145	0140	BAROMETERS, ANEROID, SURVEYING, WITH ALTIMETER SETNG	14% AD VAL.
71147	0045	BAROMETERS, ANEROID NSPF	4.5% AD VAL.
71149	0095	BAROMETERS, NSPF	9.5% AD VAL.
71155	0080	HYGROMETERS AND PSYCHROMETERS NONRECORDING	8% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
71160	0050	THERMOGRAPHS, BAROGRAPHS AND SIMILAR RECORDING INSTRUMENTS	5% AD VAL.
71167	0070	COMBINATION THERMOMETERS, BAROMETERS ETC	7% AD VAL.
71182	0187	FLOW METERS, ANEMOMETERS, AND SPECIFIED HEAT METERS	$1.12 EACH + 17.5% AD VAL.
71183	0225	FLOW METER, ANEMOMETER AND SPECIFIED HEAT METER PARTS	22.5% AD VAL.
71184	0070	GAUGES, REGULATORS, THERMOSTATS ETC. NSPF AND PARTS	7% AD VAL.
71186	0250	OPTICAL DEVICES AND PARTS FOR CHEM OR PHYSICAL ANALYSIS	25% AD VAL.
71188	0110	DEVICES AND PARTS, EXCEPT OPTICAL, FOR CHEM ANALYSIS ETC	11% AD VAL.
71190	0210	TAXIMETERS AND PARTS	21% AD VAL.
71198	0050	REVOLUTION, PRODUCTION AND SIMILAR COUNTERS NES, AND PARTS	5% AD VAL.
71205	0250	ELECTRIC OPTICAL INSTRUMENTS OR APPARATUS AND PARTS THEREOF	25% AD VAL.
71210	0077	ELECTRIC SHIPS LOGS AND DEPTH-SOUNDING DEVICES	46¢ EACH + 7% AD VAL.
71212	0250	PARTS OF ELECTRIC SHIPS LOGS AND DEPTH-SOUNDING DEVICES	25% AD VAL.
71215	0070	ELECTRIC APPRATUS AND PARTS, FOR MEASURING RADIATIONS	7% AD VAL.
71220	0075	ELECTRIC SEISMOGRAPHS AND PARTS THEREOF	7.5% AD VAL.
71225	0184	ELECTRIC ANEMOMETERS	$1.12 EACH + 17.5% AD VAL.
71227	0225	PARTS OF ELECTRIC ANEMOMETERS	22.5% AD VAL.
71247	0060	ELECTRIC AIRCRAFT FLIGHT INSTRUMENTS ETC AND PARTS OF	6% AD VAL.
71249	0100	ELECTRICAL MEASURING ETC DEVICES NSPF AND PARTS THEREOF	10% AD VAL.
71305	0243	METERS, VALUED NOT OVER $10 EACH	75¢ EACH + 16% AD VAL.
71307	0260	METERS, ELECTRICITY SUPPLY ETC, OVER $10 NOT OVER $15	$1.12 EACH + 16% AD VAL.
71309	0122	METERS, ELECTRICITY SUPPLY ETC, OVER $15 EACH	$1.12 EACH + 11% AD VAL.
71311	0217	METERS NSPF VALUED OVER $10 EACH	$1.12 EACH + 17.5% AD VAL.
71315	0225	PARTS OF METERS	22.5% AD VAL.
71317	0236	STROBOSCOPES	$1.12 EACH + 17.5% AD VAL.
71319	0225	PARTS FOR STROBOSCOPES	22.5% AD VAL.
+ 71520	0089	STANDARD MARINE CHRONOMETERS HAVING SPRING-DETENT ESCAPEMENTS	57¢ EACH + 8.5% AD VAL. + 3.5¢ EACH JEWEL
+ 72080	0300	SPECIFIED ASSEMBLIES ETC FOR STD MARINE CHRONOMETERS, S-D ES	VARIOUS
+ 72092	0250	PARTS NSPF FOR STAND. MARINE CHRONOMETERS, SPRING-DETENT ESC	25% AD VAL.
+ 72110	0060	SPECIFIED PARTS IMPORTED WITH STD. MARINE CHRONOMETERS	6% AD VAL.
72202	0120	MOTION-PICTURE CAMERAS VALUED UNDER $50 EACH	12% AD VAL.
72204	0060	MOTION-PICTURE CAMERAS VALUED $50 OR MORE EACH	6% AD VAL.
72210	0125	CAMERAS, STILL AND ENLARGERS WITH LENS CHIEF VALUE OF EACH	12.5% AD VAL.
72212	0100	PHOTOGRAPHIC CAMERAS,FIXED- FOCUS	10% AD VAL.
72214	0170	PHOTOGRAPHIC CAMERAS, OTHER THAN FIXED-FOCUS, N/O $10 EACH	17% AD VAL.
72216	0075	PHOTOGRAPHIC CAMERAS,OTHER THAN FIXED-FOCUS,OVER $10 EACH	7.5% AD VAL.
72218	0075	ENLARGERS AND CAMERA-ENLGRS, LENS NOT CHIEF VALUE	7.5% AD VAL.
72230	0125	CAMERA AND ENLARGER PARTS WITH LENS CHIEF VALUE OF EACH	12.5% AD VAL.
72232	0075	MOTION PICTURE CAMERA PARTS NOT WITH LENS IN CHIEF VALUE	7.5% AD VAL.
72234	0100	PARTS FOR CAMERAS, ENLARGERS A CAMERA-ENLARGERS,NSPF	10% AD VAL.

+ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
72240	0175	SLIDE AND STILL-PICTURE PROJECTORS	17.5% AD VAL.
72242	0055	MOTION PICTURE PROJECTORS FOR SOUND PICTURES ONLY	5.5% AD VAL.
72244	0175	MOVIE PROJECTORS NSPF	17.5% AD VAL.
72246	0175	COMBINATION CAMERA- PROJECTORS	17.5% AD VAL.
72250	0175	PARTS OF PROJECTORS OR CAMERA-PROJECTORS	17.5% AD VAL.
72252	0175	MOVIE EDITORS, SPLICERS ETC. USING A LENS, AND PARTS OF	17.5% AD VAL.
72255	0225	PHOTOGRAPHIC FILM VIEWERS ETC, USING A LENS AND PARTS OF	22.5% AD VAL.
72256	0070	PHOTOGRPHC SPLICERS, EDITORS ETC NSPF, AND PARTS THEREOF	7% AD VAL.
72260	0095	LENS CAPS, HOODS AND ADAPTER RINGS FOR CAMERA ATTACHMENTS	9.5% AD VAL.
72264	0100	PHOTOGRAPHIC FILTERS FOR CAMERAS, ENLARGERS OR FOTOFINSH	10% AD VAL.
72270	0100	PHOTOGRAPHIC PROJECTION SCREENS	10% AD VAL.
72272	0055	PHOTO FLASH-LITING APPARATUS INC ELECTRONIC STROBOSCOPIC	5.5% AD VAL.
72275	0045	PHOTO LIGHT METERS	4.5% AD VAL.
72278	0125	PHOTO RANGE FINDER AND PARTS THEREOF,USED WITH CAMERAS	12.5% AD VAL.
72280	0095	PHOTOGRAPHIC FILM REELS AND REEL CANS	9.5% AD VAL.
72282	0095	PHOTOGRAPHIC FRAMES OR MOUNTS FOR FILM SLIDES	9.5% AD VAL.
72283	0040	HALF-TONE SCREENS, MADE PHOTOGRAPHICALLY ON PLASTICS	4% AD VAL.
72285	0135	HALF-TONE SCREENS FOR USE IN ENGRAVING OR PHOTO PROCESS NSPF	13.5% AD VAL.
72286	0055	CONTACT PRINTERS, DESIGNED AS PHOTOFINISH EQUIPMENT	5.5% AD VAL.
72288	0127	PHOTO DEVELOPING TANKS, OF PLASTIC CAPACITY NOT OVER 2 QT	10¢ PER LB. + 8.5% AD VAL.
72290	0095	PHOTO DEVELOPING TANKS, NES.	9.5% AD VAL.
72292	0095	PHOTO ENLARGING EASELS	9.5% AD VAL.
72294	0050	PHOTOFINISHING EQUIPMENT NSPF, FOR STILL PICTURES	5% AD VAL.
72296	0050	EQUIPMENT FOR PROCESSING AND PRINTING MOTION-PICTURE FILM	5% AD VAL.
72305	0050	MOTION-PICTURE FILM,SENSITIZED UNDER 1 INCH IN WIDTH	5% AD VAL.
72310	0023	MOTION-PICTURE FILM,SENSITIZED 1 INCH OR MORE IN WIDTH	0.05¢ PER 16.5 SQ. IN.
72315	0050	FILM OTHER THAN MOTION-PICTURE FILM, SENSITIZED	5% AD VAL.
72320	0075	EMULSION IN SHEET OR STRIP, PHOTOSENSITIVE, UNEXPOSED	7.5% AD VAL.
72325	0075	PHOTOGRAPHIC DRY PLATES	7.5% AD VAL.
72330	0050	PHOTOGRAPHIC SILVER HALIDE PAPERS, SENSITIZED NOT EXPOSED	5% AD VAL.
72332	0040	PHOTOGRAPHIC PAPERS, BLUE AND BROWN PRINT, AND NSPF	4% AD VAL.
72335	0035	HEAT-SENSITIVE PAPER MADE FOR DUPLICATING AND RECORDING	3.5% AD VAL.
72410	0033	MOTION-PICTURE FILM,NES	0.48¢ PER LIN. FT.
72412	0062	PICTURES RECORDED ON MAGNETIC VIDEO TAPE	0.4¢ PER LIN. FT.
72420	0079	SOUND RECORDING, NES, FOR MOTION PICTURE EXHIBITS	0.5¢ PER LIN. FT.
72425	0050	PHONOGRAPH RECORDS NES	5% AD VAL.
72435	0013	WIRE RECORDINGS NSPF	0.4¢ PER LIN. FT.
72440	0015	MAGNETIC TAPE AND SOUND RECORDINGS NSPF	1¢ PER SQ. FT OF RECORDING SURFACE
72445	0060	MAGNETIC RECORDING MEDIA, NO MATERIAL RECORDED THEREON	6% AD VAL.
72503	0085	GRAND PIANOS AND OTHER KEYBOARD INSTRUMENTS,NSPF	8.5% AD VAL
72504	0076	VIOLINS, VIOLONCELLOS, VIOLAS AND DOUBLE BASSES	25¢ EACH + 7% AD VAL.
72506	0170	STRINGED MUSICAL INSTRUMENTS EXCEPT KEYBOARD NES	17% AD VAL.
72510	0050	PIPE ORGANS	5% AD VAL.
72512	0085	ORGANS EXCEPT PIPE AND ELECTRONIC ORGANS	8.5% AD VAL.
72514	0070	PIANO ACCORDIONS	7% AD VAL.
72516	0080	ACCORDIONS NES AND CONCERTINAS	8% AD VAL.
72518	0070	MOUTH ORGANS	7% AD VAL.
72520	0300	BRASSWIND INSTRUMENTS VALUED NOT OVER $10 EACH	30% AD VAL.
72522	0100	BRASSWIND INSTRUMENTS VALUED OVER $10 EACH	10% AD VAL.
72524	0075	WOOD-WIND INSTRUMENTS	7.5% AD VAL.
72526	0085	WIND INSTRUMENTS NSPF	8.5% AD VAL.
72530	0050	CYMBALS	5% AD VAL.
72532	0085	DRUMS	8.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
72534	0050	CHIMES PEALS OR CARILLONS IN SETS OF 22 OR LESS BELLS	5% AD VAL.
72536	0070	CHIMES,PEALS OR CARILLONS IN SETS OF OVER 22 TO 34 BELLS	7% AD VAL.
72538	0030	CHIMES PEALS OR CARILLONS IN SETS OF MORE THAN 34 BELLS	3% AD VAL.
72540	0085	PERCUSSION MUSICAL INSTRUMENTS NSPF	8.5% AD VAL.
72546	0170	ELECTRONIC FRETTED STRINGED MUSICAL INSTRUMENTS	17% AD VAL.
72547	0170	ELECTRONIC ORGANS, AND ELECTRONIC MUSICAL INSTRUMENTS,NES	17% AD VAL.
72550	0080	MUSIC BOXES	8% AD VAL.
72552	0085	MUSICAL INSTRUMENTS, NES	8.5% AD VAL.
72605	0085	CASES FOR MUSICAL INSTRUMENTS	8.5% AD VAL.
72610	0070	METRONOMES,PITCH PIPES, TUNING FORKS AND TUNING HAMMERS	7% AD VAL.
72615	0060	ROSIN, FOR VIOLIN BOWS	6% AD VAL.
72620	0200	BOW HAIR FOR VIOLINS	20% AD VAL.
72625	0095	MUTES,PEDALS,DAMPERS STANDS ETC, FOR MUSICAL USE	9.5% AD VAL.
72640	0070	STRINGS FOR MUSICAL INSTRUMENTS	7% AD VAL.
72645	0068	TUNING PINS	17¢ PER 1000 PINS + 6% AD VAL.
72650	0070	BOWS AND BOW PARTS, AND CHIN RESTS FOR VIOLINS, VIOLAS ETC	7% AD VAL.
72652	0080	PARTS NES OF VIOLINS, VIOLAS VIOLONCELLOS AND DOUBLE BASS	8% AD VAL.
72655	0170	PARTS NES, FOR STRINGED MUSICAL INSTRUMENTS, NSPF	17% AD VAL.
72660	0060	PIPE ORGAN PLAYER ACTIONS AND PLAYER ACTION PARTS	6% AD VAL.
72662	0050	PARTS OF PIPE ORGANS OTHER THAN PLAYER ACTIONS	5% AD VAL.
72663	0070	PARTS FOR ACCORDIANS AND CONCERTINAS	7% AD VAL.
72665	0100	BRASSWIND INSTRUMNT PART	10% AD VAL.
72670	0075	WOOD-WIND INSTRUMENT PARTS NES	7.5% AD VAL.
72675	0080	MOVEMENTS AND OTHER PARTS OF MUSIC BOXES	8% AD VAL.
72690	0085	PARTS OF MUSICAL INSTRUMENTS NSPF	8.5% AD VAL.
72702	0055	CHAIRS, DENTISTS, BARBERS ETC, ROTATING ETC, AND PARTSOF	5.5% AD VAL.
72704	0085	HOSPITAL, MEDICAL ETC FURNITURE AND PARTS OF NSPF	8.5% AD VAL.
72706	0040	FURNITURE DESIGNED FOR MOTOR VEHICLE USE, AND PARTS THEREOF	4% AD VAL.
72715	0125	FURNITURE AND PARTS OF BENTWOOD	12.5% AD VAL.
72730	0085	CHAIRS,NSPF,OF WOOD	8.5% AD VAL.
72735	0050	FURNITURE, WOOD NSPF	5% AD VAL.
72740	0085	FURNITURE PARTS OF WOOD,NSPF	8.5% AD VAL.
72745	0175	FURNITURE AND PARTS OF TEXTILE MATERIALS EXCEPT COTTON	17.5% AD VAL.
72747	0150	FURNITURE AND PARTS OF REINFORCED OR LAMINATED PLASTIC	15% AD VAL.
72748	0060	FURNITURE AND PARTS OF RUBBER OR PLASTICS NSPF	6% AD VAL.
72752	0060	FURNITURE AND PARTS OF COPPER NSPF	6% AD VAL.
72755	0100	OTHER FURNITURE NES	10% AD VAL.
72786	0150	PILLOWS, CUSHIONS, MATTRESS & SIMILAR FURNISH, OF OTHER MATERIALS NSPF	15% AD VAL.
72805	0105	LINOLEUM, INLAID	10.5% AD VAL.
72810	0060	LINOLEUM, EXCEPT INLAID	6% AD VAL.
72815	0050	FLOOR COVERINGS, WITH FELT BASE	5% AD VAL.
72820	0051	CORK FLOOR COVERINGS	2.5¢ PER LB.
72825	0085	FLOOR COVERINGS NSPF	8.5% AD VAL.
73005	0085	SWORDS, BAYONETS ETC AND PARTS OF, INCLUDING SHEATHS ETC	8.5% AD VAL.
73023	0202	RIFLES, VALUED NOT OVER $5 EACH	37¢ EACH + 11% AD VAL.
73025	0236	RIFLES, VALUED OVER $5 NOT OVER $10 EACH	$1 EACH + 11% AD VAL.
73027	0155	RIFLES, VALUED OVER $10 NOT OVER $25 EACH	$1.20 EACH + 9% AD VAL.
73029	0175	RIFLES, VALUED OVER $25 NOT OVER $50 EACH	$2.50 EACH + 11% AD VAL.
73031	0070	RIFLES, VALUED OVER $50	7% AD VAL.
73037	0250	SHOTGUNS, NOT OVER $5	50¢ EACH + 15% AD VAL.
73039	0203	SHOTGUNS, VALUED OVER $5 NOT OVER $10 EACH	50¢ EACH + 15% AD VAL.
73041	0134	SHOTGUNS, VALUED OVER $10 NOT OVER $25 EACH	$1 EACH + 7.5% AD VAL.
73043	0077	SHOTGUNS, VALUED OV $25 NOT OVER $50 EACH	$1.02 EACH + 5% AD VAL.
73045	0080	SHOTGUNS,OVER $50 EACH	8% AD VAL.
73051	0100	SHOTGUN RIFLE COMBINATIONS, NOT OVER $5 EACH	32¢ EACH + 9.5% AD VAL.
73053	0190	SHOTGUN RIFLE COMBINATIONS, OVER $5, NOT OVER $10 EACH	85¢ EACH + 9.5% AD VAL.
73055	0191	SHOTGUN RIFLE COMBINATIONS, OVER $10, NOT OVER $25 EACH	$1.27 EACH + 9.5% AD VAL.
73057	0150	SHOTGUN RIFLE COMBINATIONS, OVER $25, NOT OVER $50 EACH	$2.12 EACH + 9.5% AD VAL.
73059	0135	SHOTGUN RIFLE COMBINATIONS, VALUED OVER $50 EACH	13.5% AD VAL.
73063	0156	RIFLE STOCKS	$1 EACH + 10% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
73065	0155	RIFLE BARRELS	80¢ EACH + 10% AD VAL.
73067	0090	RIFLE PARTS NSPF	9% AD VAL.
73071	0074	STOCKS FOR SHOTGUNS	42.5¢ EACH + 5% AD VAL.
73073	0025	SHOTGUN BARRELS, FORGED, IN SINGLE TUBES, ROUGH BORED	2.5% AD VAL.
73074	0057	SHOTGUN BARRELS NSPF	35¢ EACH + 5% AD VAL.
73075	0060	SHOTGUN PARTS NSPF	6% AD VAL.
73077	0135	SHOTGUN RIFLE COMBINATION PARTS NES	13.5% AD VAL.
73080	0210	PISTOLS FIRING ONLY BLANK AMMUNITION, AND PARTS THERE OF	21% AD VAL.
73081	0045	FIREARMS NSPF, AND PARTS OF, INCLUDING HARPOON GUNS ETC.	4.5% AD VAL.
73085	0175	RIFLES, EXCEPT FIREARMS, MISSILE EJECTING, AND PARTS OF	17.5% AD VAL.
73086	0045	ARMS NES, EXCEPT FIRE AND SIDE, MISSILE EJECTING, PARTS OF	4.5% AD VAL.
73088	0095	ARMS EXCEPT FIREARMS AND SIDE ARMS NSPF, AND PARTS OF	9.5% AD VAL.
73090	0125	CARTRIDGES AND EMPTY CARTRIDGE SHELLS	12.5% AD VAL.
73091	0060	PERCUSSION CAPS	6% AD VAL.
73092	0080	GUN WADS	8% AD VAL.
73093	0090	MUNITIONS, AMMUNITION NES, AND PARTS THEREOF	9% AD VAL.
73105	0125	SNELLED HOOKS	12.5% AD VAL.
73106	0150	FISHHOOKS, NSPF	15% AD VAL.
73110	0125	FISH BASKETS, OR CREELS	12.5% AD VAL.
73120	0230	FISHING REELS, VALUED NOT OVER $2.70 EACH	23% AD VAL.
73122	0121	FISHING REELS, VALUED OVER $2.70 NOT OVER $8.45 EACH	62.5¢ EACH
73124	0075	FISHING REELS, VALUED OVER $8.45 EACH	7.5% AD VAL.
73126	0135	FISHING REEL PARTS	13.5% AD VAL.
73130	0175	FISHING CASTS OR LEADERS	17.5% AD VAL.
73142	0065	FISHING LINE OF FLAX, PACKAGED FOR RETAIL SALE	6.5% AD VAL.
73144	0135	FISHING LINE OF MATERIALS NSPF, PACKAGED FOR RETAIL SALE	13.5% AD VAL.
73150	0125	FISH LANDING NETS	12.5% AD VAL.
73160	0125	EQUIPMENT FOR SPORT FISHING, ETC AND PARTS, NSPF	12.5% AD VAL.
73240	0175	DOLL CARRIAGES, DOLL STROLLERS AND PARTS THEREOF	17.5% AD VAL.
73250	0045	CHAIN-DRIVEN WHEELED GOODS FOR CHILDRENS USE	4.5% AD VAL.
73252	0090	WHEELED GOODS EXCEPT SKATES AND CHAIN-DRIVEN FOR CHILDREN	9% AD VAL.
73260	0075	BABY CARRIAGES, STROLLERS AND PARTS OF METAL	7.5% AD VAL.
73262	0060	BABY CARRIAGES AND STROLLERS AND PARTS THEREOF NSPF	6% AD VAL.
73405	0200	BAGATELLE, BILLIARD, AND POOL BALLS	20% AD VAL.
73410	0080	BAGATELLE, BILLIARD AND POOL EQUIPMENT NES EXCEPT TABLES	8% AD VAL.
73415	0100	DICE, CHESSMEN ETC.	10% AD VAL.
73420	0055	GAME MACHINES INCLUDING COIN AND DISC OPERATED AND PARTS	5.5% AD VAL.
73425	0167	PLAYING CARDS	2¢ PER PACK + 2% AD VAL.
73430	0080	TABLE TENNIS EQUIPMENT EXCEPT TABLES IN SETS	8% AD VAL.
73432	0100	TABLE TENNIS BALLS	10% AD VAL.
73434	0080	TABLE TENNIS EQUIPMENT, EXCEPT TABLES, AND PARTS OF NES	8% AD VAL.
73440	0080	TABLES ESPECIALLY DESIGNED FOR GAMES, OF WOOD	8% AD VAL.
73442	0095	TABLES ESPECIALLY DESIGNED FOR GAMES NES	9.5% AD VAL.
73445	0085	ARCHERY EQUIPMENT AND PARTS	8.5% AD VAL.
73451	0140	OTHER BADMINTON EQUIPMENT AND PARTS NES	14% AD VAL.
73454	0150	BASEBALL AND SOFTBALL GLOVES AND MITTS	15% AD VAL.
73456	0075	BASEBALL EQUIPMENT AND PARTS, NES	7.5% AD VAL.
73460	0080	CROQUET EQUIPMENT AND PARTS THEREOF	8% AD VAL.
73470	0050	FOOTBALL, SOCCER AND POLO BALLS	5% AD VAL.
73471	0040	POLO MALLETS AND SOCCER GUARDS	4% AD VAL.
73472	0075	FOOTBALL SOCCER AND POLO EQUIPMENT NES AND PARTS OF	7.5% AD VAL.
73475	0060	GOLF BALLS AND PARTS	6% AD VAL.
73477	0075	GOLF EQUIPMENT NSPF AND PARTS THEREOF	7.5% AD VAL.
73480	0045	HOCKEY EQUIPMENT AND PARTS OF, EXCEPT SKATES	4.5% AD VAL.
73485	0060	LAWN TENNIS BALLS	6% AD VAL.
73486	0055	LAWN TENNIS RACKETS NOT STRUNG	5.5% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
73487	0085	LAWN-TENNIS RACKETS, STRUNG	8.5% AD VAL.
73488	0040	LAWN-TENNIS EQUIPMENT AND PARTS NSPF	4% AD VAL.
73490	0050	ROLLER SKATES AND PARTS	5% AD VAL.
73491	0100	ICE SKATES WITH FOOTWEAR PERMANENTLY ATTACHED	10% AD VAL.
73493	0050	OTHER ICE-SKATES AND PARTS THEREOF --	5% AD VAL.
73495	0050	TOBOGGANS	5% AD VAL.
73496	0080	SKIS AND SNOWSHOES	8% AD VAL.
73497	0090	SNOW SPORTING EQUIPMENT AND PARTS THEREOF NSPF	9% AD VAL.
73505	0075	BOXING AND OTHER GLOVES NSPF DESIGNED FOR USE IN SPORTS	7.5% AD VAL.
73509	0120	INFLATABLE BALLS NSPF	12% AD VAL.
73510	0175	NONINFLATABLE HOLLOW BALLS NSPF, DIA NOT OVER 7.5 INCH	17.5% AD VAL.
73511	0135	SPONGE RUBBER BALLS NSPF	13.5% AD VAL.
73512	0075	BALLS FOR GAMES OR SPORTS NSPF	7.5% AD VAL.
73515	0045	UNDERWATER BREATHING DEVICES COMPLETE UNIT FOR PERSON ALONE	4.5% AD VAL.
73517	0035	LACROSSE STICKS	3.5% AD VAL.
73518	0050	SKEET TARGETS	5% AD VAL.
73520	0100	GAME, SPORT, PLAYGROUND ETC EQUIPMENT AND PARTS OF NSPF	10% AD VAL.
73707	0080	SCALE MODEL RAILROAD ETC. STOCK, EQUIPMENT, AND PARTS OF	8% AD VAL.
73709	0095	CONSTRUCTION SETS OR KITS WITH UNITS MADE TO SCALE	9.5% AD VAL.
73715	0175	CONSTRUCTION KITS OR SETS NES	17.5% AD VAL.
73725	0280	STUFFED TOY ANIMALS, VALUED NOT OV $.10 PER INCH OF HEIGHT	28% AD VAL.
73730	0090	STUFFED TOY ANIMALS, VALUED OVER $.10 PER INCH OF HEIGHT	9% AD VAL.
73735	0105	METAL TOY ANIMALS ETC, NOT HAVING A SPRING MECHANISM	10.5% AD VAL.
73740	0175	TOY ANIMALS ETC, NSPF, NOT HAVING A SPRING MECHANISM	17.5% AD VAL.
73745	0120	METAL TOY ANIMALS ETC, HAVING A SPRING MECHANISM	12% AD VAL.
73750	0220	TOY ANIMALS ETC, NSPF, HAVING A SPRING MECHANISM	22% AD VAL.
73755	0105	TOY ALPHABET BLOCKS AND BUILDING BRICKS	10.5% AD VAL.
73760	0160	TOY MUSICAL INSTRUMENTS	16% AD VAL.
73765	0100	MAGIC TRICKS, AND PRACTICAL JOKE ARTICLES	10% AD VAL.
73770	0100	CONFETTI, PAPER DECORATIONS, PARTY FAVORS AND NOISEMAKERS	10% AD VAL.
73780	0220	TOYS NSPF, HAVING A SPRING MECHANISM	22% AD VAL.
73795	0175	TOYS & PARTS OF TOYS NSPF EXC KITES OR TOYS WITH A SPRING MECHANISM	17.5% AD VAL.
74005	0275	JEWELRY ETC. AND PARTS, OF SILVER, NOT OVER $18 PER DOZEN	27.5% AD VAL.
74010	0120	JEWELRY ETC OF PRECIOUS METAL, STONES, PEARLS ETC, NES	12% AD VAL.
74030	0180	JEWELRY ETC. AND PARTS NSPF NOT OVER $.20 PER DOZEN PIECES	18% AD VAL.
74038	0275	JEWELRY ETC AND PARTS NSPF, VALUED OVER $.20 PER DOZEN	27.5% AD VAL.
74050	0075	ROSARIES AND CHAPLETS OF ANY MATERIALS	7.5% AD VAL.
74055	0175	CRUCIFIXES AND MEDALS, OF PRECIOUS METALS	17.5% AD VAL.
74060	0100	CRUCIFIXES OR MEDALS NES	10% AD VAL.
74070	0170	CHAINS ETC, OF PRECIOUS METALS, FOR USE IN JEWELRY	17% AD VAL.
74075	0200	CHAINS ETC, OF BASE METAL, FOR JEWELRY, NOT OVER $.30 YARD	20% AD VAL.
74080	0275	CHAINS ETC, OF BASE METAL, FOR JEWELRY, OVER $.30 YARD	27.5% AD VAL.
74106	0025	CULTURED PEARLS AND PARTS, NOT STRUNG AND NOT SET	2.5% AD VAL.
74110	0200	IMITATION PEARLS AND PEARL BEADS, NOT STRUNG AND NOT SET	20% AD VAL.
74115	0025	CORAL, CAMEOS, CUT NOT SET FOR USE IN JEWELRY	2.5% AD VAL.
74120	0100	BEADS, IVORY NOT STRUNG AND NOT SET	10% AD VAL.
74125	0130	BEADS, SYNTHETIC RESIN, NOT STRUNG AND NOT SET	13% AD VAL.
74130	0070	BEADS, BUGLES AND SPANGLES NES NOT STRUNG AND NOT SET	7% AD VAL.
74135	0035	IMITATION GEMSTONES EXCEPT IMITATION GEMSTONE BEADS	3.5% AD VAL.
74140	0200	METAL RONDELLES FOR JLRY	20% AD VAL.
74150	0125	ARTICLES NSPF OF BEADS BUGLES SPANGLES ETC	12.5% AD VAL.
74504	0090	BUTTONS, METAL, EMBOSSED WITH A DESIGN, PATTERN ETC.	9% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
74508	0050	BUTTONS, METAL NSPF, NOT OVER $.20 PER DOZEN	5% AD VAL.
74510	0275	METAL BUTTON NSPF,OVER 20 CENTS PER DOZEN	27.5% AD VAL.
74520	0180	BUTTONS, PEARL OR SHELL, EXCEPT OF PHILIPPINE ORIGIN	0.87¢ PER LINE PER GROSS + 12.5% AD VAL.
74525	0075	BUTTONS, OF CASEIN	7.5% AD VAL.
74528	0090	BUTTONS, OF GLASS	9% AD VAL.
74530	0085	BUTTONS, WHOLLY OF HORN	8.5% AD VAL.
74534	0095	BUTTONS, NSPF	9.5% AD VAL.
74545	0095	BUCKLES, BUCKLE SLIDES AND PARTS THEREOF	9.5% AD VAL.
74550	0250	PINS, PLAIN,ALL KINDS,NOT JEWELRY, PRECIOUS METAL PLATED	25% AD VAL.
74552	0200	PINS, DRESSMAKERS OR COMMON, NOT PLATED ETC.	20% AD VAL.
74554	0080	HAIRPINS, NOT PLATED ETC	8% AD VAL.
74556	0225	SAFETY PINS, NOT PLATED WITH PRECIOUS METAL ETC.	22.5% AD VAL.
74558	0085	PINS NSPF, NOT PLATED WITH PRECIOUS METAL ETC.	8.5% AD VAL.
74560	0115	HOOKS AND EYES	1.87¢ LB (INCLUD WT OF PKG) + 10.5% AV
74565	0135	CLASPS AND SNAP FASTENERS NSPFONOT OVER $.20 DOZ	13.5% AD VAL.
74566	0120	JEWERLY CLASPS OF GOLD OR PLATINUM, OVER $.20 PER DOZEN	12% AD VAL.
74567	0275	CLASPS, FASTENERS ETC AND PARTS, OVER $.20 PER DOZ NSPF	27.5% AD VAL.
74568	0085	CLASPS, FASTENERS ETC NSPF, OVER $.20 PER DOZEN PIECES	8.5% AD VAL.
74805	0056	LAME AND BULLIONS	3¢ PER LB. + 5% AD VAL.
74810	0080	METALLIC FABRICS ETC. FOR INSIGNIA ETC. FOR U.S. UNIFORMS	8% AD VAL.
74812	0060	INSIGNIA OF METALLIC THREAD ETC. FOR U.S. UNIFORMS	6% AD VAL.
74815	0175	CHRISTMAS TREE DECORATIONS ETC. OF LAME, BULLIONS ETC	17.5% AD VAL.
74820	0210	ARTIFICIAL FLOWERS, FRUIT, FOLIAGE ETC. OF PLASTICS	21% AD VAL.
74821	0425	ARTIFICIAL FLOWERS, FRUIT ETC, NSPF	42.5% AD VAL
74825	0050	CUT NATURAL FLOWERS, DRIED, BLEACHED, COLORED ETC	5% AD VAL.
74832	0110	NATURAL PLANTS ETC. COLORED ETC. FOR ORNAMENTAL USE	11% AD VAL.
74834	0050	ORNAMENTAL ARTICLES OF DRIED OR BLEACHED NATURAL PLANTS	5% AD VAL.
74836	0125	ORNAMENTAL ARTICLES OF COLORED ETC NATURAL PLANTS	12.5% AD VAL.
74840	0070	FEATHERS AND ORNAMENTAL ARTICLES OF FEATHERS NES	7% AD VAL.
75005	0146	COMBS, NOT OVER $4.50 PER GROSS	0.2¢ EACH + 5% AD VAL.
75010	0155	COMBS, RUBBER, OVER $4.50 PER GROSS	0.7¢ EACH + 12% AD VAL.
75015	0107	COMBS, NSPF, OVER $4.50 PER GROSS	0.4¢ EACH + 8% AD VAL.
75020	0085	HAIR ORNAMENTS, NOT COMBS, RUBBER OR PLASTIC, UNSET ETC	8.5% AD VAL.
75022	0275	HAIR ORNAMENTS EXCEPT COMBS NSPF	27.5% AD VAL.
75025	0190	HAIR CURLING DEVICES, NONTHERMIC AND NONORNAMENTAL	19% AD VAL.
75032	0250	BROOMS AND BRUSHES OF VEG. MATERIALS, NOT MOUNTED ETC NSPF	25% AD VAL.
75035	0070	FEATHER DUSTERS	7% AD VAL.
75040	0113	TOOTH BRUSHES	0.4¢ EACH + 8.5% AD VAL.
75045	0231	TOILET BRUSHES EXCEPT TOOTH BRUSHES, NOT OVER $.40 EACH	0.4¢ EACH + 17.5% AD VAL.
75047	0054	TOILET BRUSHES EXCEPT TOOTH BRUSHES, OVER $.40 EACH	0.4¢ EACH + 5% AD VAL.
75050	0080	ARTISTS BRUSHES AND HAIR PENCILS, NOT OVER $.05 EACH	8% AD VAL.
75055	0057	ARTIST BRUSHES AND HAIR PENCILS, OV $.05-$.10 EACH	0.4¢ EACH
75060	0040	ARTISTS BRUSHES AND HAIR PENCILS, OVER $.10 EACH	4% AD VAL.
75065	0100	PAINT BRUSHES NES, EXCLUDING ARTIST BRUSHES	10% AD VAL.
75070	0140	BROOMS AND BRUSHES NSPF	14% AD VAL.
75075	0140	COMBINATION TOILET ARTICLES CONTAINING COMBS OR BRUSHES	14% AD VAL.
75080	0160	PAINT ROLLERS	16% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
75105	0200	UMBRELLAS AND PARASOLS	20% AD VAL.
75110	0125	CANES SEAT STICKS, RIDING CROPS ETC, UNDER $5 PER DOZ EN	12.5% AD VAL.
75111	0100	CANES, SEAT STICKS, RIDING CROPS ETC, $5 PER DOZ OR OV	10% AD VAL.
75115	0120	UMBRELLA HANDLES ETC OF WOOD NOT OVER $2.50 PER DOZEN	12% AD VAL.
75120	0300	METAL PARTS OF UMBRELLAS,CANES SEAT STICK,WHIP,RIDING CROP,ETC	30% AD VAL.
75125	0160	PARTS OF UMBRELLAS, CANES RIDING CROP ETC NSPF	16% AD VAL.
75505	0050	MATCHES IN CONTAINERS,NOT MORE THAN 100 MATCHES	7.5¢ PER GROSS
75510	0023	MATCHES NSPF	1¢ PER 1000 MATCHES
75520	0160	FLARES AND OTHER CHEMICAL SIGNALS	16% AD VAL.
75525	0100	CANDLES AND TAPERS	10% AD VAL.
75530	0135	MANTLES ALCOHOL GAS ETC CHEMICALLY TREATED	13.5% AD VAL.
75540	0021	BLASTNG CAPS HAVING NOT OVER 1 GRAM OF EXPLOSIVE EACH	0.14¢ EACH
75545	0002	BLASTING CAPS, CONTAINING OVER 1 GRAM OF EXPLOSIVE EACH	.24¢ EA + .06¢ EA FOR .5 G EXPLO O 1.5G
75550	0035	FUSES, MINING, BLASTING ETC	42¢ PER 1,000 FT.
75602	0150	POCKET AND TABLE LIGHTERS OF GOLD OR PLATINUM, AND OR GEMS	15% AD VAL.
75604	0250	CIGARET LIGHTERS NES, VALUED NOT OVER $5 PER DOZEN PIECES -	25% AD VAL.
75606	0225	CIGARETTE LIGHTERS NES VALUED OVER $5 PER DOZ PIECES -	22.5% AD VAL.
75610	0120	TABLE LIGHTERS NSPF	12% AD VAL.
75615	0250	POCKET AND TABLE LIGHTER PARTS	25% AD VAL.
75621	0535	TOBACCO PIPES AND BOWLS OF BRIER, NOT OVER $5 PER DOZEN	2.5¢ EACH + 40% AD VAL.
75623	0246	TOBACCO PIPES AND BOWLS OF WOOD ETC NSPF, NOT OVER $5 DOZ	1.25¢ EACH + 20% AD VAL.
75625	0108	TOBACCO PIPES AND BOWLS OF BRIER ETC, OVER $5 PER DOZEN	1.2¢ EACH + 10% AD VAL.
75630	0050	TOBACCO PIPES AND BOWLS OF CLAY AND PIPES W CLAY BOWLS	5% AD VAL.
75635	0132	TOBACCO PIPES AND PIPE BOWLS NES	1¢ EACH + 12.5% AD VAL.
75640	0175	CIGAR AND CIGARETTE HOLDERS OF METAL	17.5% AD VAL.
75645	0144	CIGAR AND CIGARETTE HOLDERS, NSPF	1.25¢ EACH + 7.5% AD VAL.
75650	0175	MOUTHPIECES ETC,FOR PIPES, CIGAR AND CIGARET HOLDERS,METAL	17.5% AD VAL.
75655	0179	MOUTHPIECES ETC, FOR PIPES CIGAR AND CIG HOLDERS, NSPF	0.5¢ EACH + 7.5% AD VAL.
75660	0050	CASES, FOR PIPES OR CIGAR OR CIGARET HOLDERS	5% AD VAL.
76010	0165	MECHANICAL PENCILS	18¢ PER GROSS + 16% AD VAL.
76012	0085	PENCILS, REFILLABLE NSPF	8.5% AD VAL.
76020	0078	PEN POINT HOLDERS	8¢ PER GROSS + 7% AD VAL.
76030	0100	PEN POINTS, GOLD	12.5¢ PER GROSS + 10% AD VAL.
76032	0024	PEN POINTS, NSPF	5¢ PER GROSS
76034	0278	BALLS FOR BALL-POINT PENS AND PENCILS	$1 PER 1000 + 17.5% AD VAL.
76036	0339	REFILL CARTRIDGES FOR PENS AND PENCILS NSPF	2¢ EACH + 13.5% AD VAL.
76038	0095	MECHANICAL PENCIL ACTION	9.5% AD VAL.
76040	0194	PARTS OF FOUNTAIN PENS, BALL -POINT PENS ETC NSPF	2¢ EACH + 13.5% AD VAL.
76042	0095	PARTS FOR PENS AND PENCILS NES	9.5% AD VAL.
76045	0041	PENCIL CLIPS AND PENCIL POINT PROTECTORS	7.5¢ PER GROSS
76050	0025	LEADS,ETC NOT OVER .06 INCH THICK, NOT OVER 2 INCH LONG	2¢ PER GROSS
76052	0020	LEADS ETC NOT OVER .06 INCH THICK OVER 2 INCHES LONG	4¢ PER GROSS
76054	0003	LEADS ETC OVER .06, UNDER .25 INCH THICK, BLACK	0.5¢ PER GROSS
76056	0080	LEADS ETC OVER .06 UNDER .25 INCH THICK, NOT BLACK	8% AD VAL.
76058	0073	LEADS, CRAYONS ETC. OVER .25 INCH THICK	8.5¢ PER GROSS + 5% AD VAL.
76065	0050	BILLIARD CHALK AND TAILORS CHALK	5% AD VAL.
76620	0080	ANTIQUES,IMPORTED WITHIN 3 YRS AFTER SUBSTANTIAL REPAIRS	VARIOUS
77005	0091	LAMINATED PLASTICS, PLATES OR SHEETS	2.5¢ PER LB. + 4.5% AD VAL.
77007	0108	LAMINATED PLASTICS, PRODUCTS NSPF	8¢ PER LB. + 7% AD VAL.
77010	0121	REINFORCED PLASTICS, PRODUCTS NSPF	10¢ PER LB. + 8.5% AD VAL.
77030	0085	RUBBER OR PLASTICS,EXPANDED ETC, NON-FLEXIBLE PRODUCTS NSPF	8.5% AD VAL.
77040	0060	POLYURETHANE,EXPANDED ETC, FLEXIBLE, PRODUCTS NSPF	6% AD VAL.
77045	0190	CELLULOSE,EXPANDED ETC, FLEXIBLE, PRODUCTS NSPF	19% AD VAL.
77070	0060	NATURAL RUBBER, EXPANDED ETC FLEXIBLE, PRODUCTS NSPF	6% AD VAL.
77080	0125	RUBBER OR PLASTICS NES, EX- PANDED, FLEXIBLE PRODUCTS NSPF	12.5% AD VAL.
77105	0081	CELLULOSE ACETATE WASTE AND SCRAP FOR REMANUFACTURE	3.7¢ PER LB.
77120	0060	CELLULOSE ACETATE SHEETS, FILM, STRIPS AND PROFILE SHAPES	6¢ PER LB.
77125	0040	CELLULOSE PLASTIC PROFILE SHAPES OF VULCANIZED FIBER	4% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
77130	0110	CELLULSE FLM,STRIPS A SHEETS NES, UP TO .003 IN. THICK	11% AD VAL.
77131	0059	CELLULSE FLM,STRIPS A SHEETS NES, OVER .003 IN. THICK	8¢ PER LB.
77135	0007	CELLULOSE PLASTICS PROFILE SHAPES NSPF	10¢ PER LB.
77140	0040	PLASTIC IMITATION PATENT LEATHER NOT CELLULOSIC	4% AD VAL.
77142	0060	FILM,STRIP,A SHEET,FLEXIBLE A UNSUPPORTD,N CELLULOSC PLASTICS	6% AD VAL.
77145	0193	ACRYLIC RESIN PLASTIC PROFILE SHAPES NSPF	8.5¢ PER LB.
77150	0042	CASEIN PLASTIC PROFILE SHAPES NSPF	5¢ PER LB.
77155	0100	RUBBER OR NON-CELLULOSE. PLASTIC PROFILE SHAPES NSPF	10% AD VAL.
77203	0085	DISPENSERS, SALT, PEPPER, MUSTARD ETC. RUBBER OR PLASTIC	8.5% AD VAL.
77206	0205	TABLEWARE ,PLATES, CUPS SAUCERS ETC RUBBR O PLASTICS	10.5¢ PER LB + 8% AD VAL.
77209	0085	TRAYS OF RUBBER OR PLASTICS	8.5% AD VAL
77215	0085	HOUSEHOLD ARTICLES NSPF OF RUBBER OR PLASTICS	8.5% AD VAL.
77220	0075	CONTAINERS FOR PACKING ETC MERCHANDISE, RUBBER OR PLASTICS	7.5% AD VAL.
77225	0085	BUCKETS OR PAILS OF RUBBER OR PLASTIC	8.5% AD VAL.
77235	0060	HOUSE FURNISHINGS, CURTAINS COVERS ETC,OF RUBBER OR PLASTIC	6% AD VAL.
77240	0040	NURSING NIPPLES A PACIFIERS OF RUBBER OR PLASTICS	4% AD VAL.
77242	0060	SPECIFIED DRUGGISTS SUNDRIES OF RUBBER OR PLASTICS	6% AD VAL.
77245	0050	PNEUMATC TIRES, AIRPLANE	5% AD VAL.
77251	0040	PNEUMATIC TIRES,NES	4% AD VAL.
77254	0050	NON-PNEUMATIC TIRES	5% AD VAL.
77260	0050	TUBES FOR TIRES, NSPF	5% AD VAL.
77265	0040	HOSE, PIPE AND TUBING NSPF OF RUBBER OR PLASTICS	4% AD VAL.
77270	0060	WALL COVERINGS NSPF, INCLD- ING TILES, OF RUBBER OR PLASTIC	6% AD VAL.
77280	0110	HANDLES AND KNOBS,OF RUBBER OR PLASTICS	10¢ PER LB. + 8.5% AD VAL.
77285	0085	CLOSURES, INCLUDE CAPS, LIDS ETC, OF RUBBER OR PLASTICS	8.5% AD VAL.
77295	0125	CHRISTMAS TREE ORNAMENTS OF RUBBER OR PLASTICS	12.5% AD VAL.
77297	0085	RELIGIOUS ARTICLES OF RUBBER OR PLASTICS NSPF	8.5% AD VAL.
77305	0085	TOYS FOR PETS OF RUBBER OR PLASTICS	8.5% AD VAL.
77310	0085	PLAQUES AND FIGURINES, OF RUBBER OR PLASTICS	8.5% AD VAL.
77315	0004	BRUSH BRISTLES, SPECIFICALLY DEFINED, OF NYLON	1¢ PER LB.
77320	0240	BRUSH BRISTLES, SPECIFICALLY DEFINED, RUBBER OR PLASTIC NES	12.5¢ PER LB. + 15% AD VAL.
77325	0050	GASKETS, OF RUBBER OR PLASTICS	5% AD VAL.
77330	0050	ELECTRIC INSULATORS, OF RUBBER OR PLASTICS	5% AD VAL.
77335	0060	MACHINERY BELTS AND BELTING, OF RUBBER OR PLASTICS NES	6% AD VAL.
77420	0150	ARTICLES OF SHELLAC OR COPAL NSPF	15% AD VAL.
77425	0060	ARTICLES OF NATURAL RUBBER NSPF	6% AD VAL.
77435	0133	ARTICLES OF CASEIN NSPF	8¢ PER LB + 10.5% AD VAL.
77440	0040	ARTICLES OF VULCANIZED FIBER NSPF	4% AD VAL.
77460	0085	ARTICLES OF RUBBER OR PLASTICS NSPF	8.5% AD VAL.
79000	0160	ARTIFICIAL EYES, EXCEPT PROSTHETIC ARTICLES	16% AD VAL.
79003	0095	CASTERS	9.5% AD VAL.
79007	0085	CLOTHESPINS, EXCEPT SPRING TYPE, OF PLASTICS	8.5% AD VAL.
79010	0060	DOG LEADS, COLLARS, MUZZLES ETC. AND SIMILAR DOG EQUIPMENT	6% AD VAL.
79015	0070	RIBBON FLY CATCHERS	7% AD VAL.
79023	0040	HAIR FELT AND ARTICLES THEREOF NSPF	4% AD VAL.
79025	0170	HAND FANS	17% AD VAL.
79030	0060	HARNESS, SADDLES, AND SADDLERY, AND PARTS OF	6% AD VAL.
79037	0060	INCENSE, NSPF	6% AD VAL.
79039	0060	PNEUMATIC MATTRESSES AND OTHER INFLATABLE ARTICLES NSPF	6% AD VAL.
79040	0040	PLANTING POTS IN PART OF PEAT MOSS	4% AD VAL.
79045	0125	SAUSAGE CASINGS OF CELLULOSIC PLASTICS MATERIALS	12.5% AD VAL.
79047	0060	SAUSAGE CASINGS NSPF	6% AD VAL.
79050	0125	SHEETS, STRIPS, TAPES ETC HAVING A SPECIFIED SURFACE	12.5% AD VAL.
79055	0100	SHEETS, STRIPS, TAPES ETC, PRESSURE SENSITIVE NSPF	10% AD VAL.
79059	0249	VACUUM CONTAINERS, CAPACITY NOT OVER 1 PINT	4¢ EACH + 20% AD VAL.
79060	0227	VACUUM CONTAINERS, CAPACITY OVER 1 BUT NOT OVER 2 PINTS	7.5¢ EACH + 20% AD VAL.
79061	0233	VACUUM CONTAINERS, CAPACITY OVER 2 BUT NOT OVER 4 PINTS	10¢ EACH + 20% AD VAL.
79062	0221	VACUUM CONTAINERS, CAPACITY OVER 4 PINTS	16¢ EACH + 20% AD VAL.
79063	0225	VACUUM CONTAINER PARTS EXCEPT GLASS INNERS	22.5% AD VAL.
79070	0070	WIGS, TOUPEES, CHIGNONS, AND SIMILAR ARTICLES	7% AD VAL.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	AVE	DESCRIPTION	TSUS COLUMN I RATE OF DUTY
79105	0185	FUR APPAREL NSPF, OF SILVER BLACK, OR PLATINUM FOX SKINS	18.5% AD VAL.
79110	0085	FUR WEARING APPAREL NSPF, OF DOG, GOAT, OR KID SKINS	8.5% AD VAL.
79115	0100	FUR WEARING APPAREL NSPF, OF FUR SKINS NES	10% AD VAL.
79117	0185	FUR ARTICLES NSPF OF SILVER, BLACK, OR PLATINUM FOX SKINS	18.5% AD VAL.
79119	0085	FUR ARTICLES NSPF, OF FUR SKINS NES	8.5% AD VAL.
79120	0035	PATENT LEATHER CUT OR SHAPED FOR CONVERSION INTO FOOTWEAR	3.5% AD VAL.
79125	0050	LEATHER NSPF CUT OR SHAPED, FOR CONVERSION INTO FOOTWEAR	5% AD VAL.
79130	0050	BELTING LEATHER CUT, ETC. FOR CONVERSION INTO BELTING	5% AD VAL.
79135	0050	LEATHER WELTING	5% AD VAL.
79145	0030	BOOK BINDINGS, WHOLLY OR PART LEATHER	3% AD VAL.
79148	0060	BOOK COVERS, WHOLLY OR PART LEATHER	6% AD VAL.
79150	0035	SHOE LACES, LEATHER	3.5% AD VAL.
79154	0070	STRAPS AND STROPS OF LEATHER	7% AD VAL.
79157	0035	LEATHER BOARD	3.5% AD VAL.
79160	0085	BELTS AND BUCKLES, LEATHER, TO BE WORN ON THE PERSON	8.5% AD VAL.
79165	0100	BAGS, BASKETS, BOXES, AND CASES NSPF, OF LEATHER	10% AD VAL.
79170	0070	WEARING APPAREL NSPF, OF REPTILE LEATHER	7% AD VAL.
79176	0060	WEARING APPAREL NSPF, CHIEF WEIGHT OF LEATHER, EXCEPT REPTILE	6% AD VAL.
79180	0140	LEATHER ARTICLES NSPF, OF REPTILE LEATHER	14% AD VAL.
79190	0040	LEATHER ARTICLES NSPF EXCEPT OF REPTILE LEATHER	4% AD VAL.
79210	0060	ARTICLES OF GELATINE, GLUE, AND COMBINATONS THEREOF NSPF	6% AD VAL.
79222	0170	ARTICLES OF GUT NSPF	17% AD VAL.
79230	0100	ARTICLES OF BEESWAX NSPF, EXCEPT SKIWAX	10% AD VAL.
79232	0030	ARTICLES OF WAX NSPF	3% AD VAL.
79240	0050	ARTICLES OF BONE, HORN, HOOF WHALEBONE AND QUILL, NSPF	5% AD VAL.
79250	0085	ARTICLES OF SHELL NSPF	8.5% AD VAL.
79260	0060	ARTICLES OF IVORY NSPF	6% AD VAL.
79270	0060	ARTICLES OF NATURAL SPONGE NSPF	6% AD VAL.
79275	0070	ARTICLES OF HAIR NSPF	7% AD VAL
79900	0050	ANY ARTICLES, NOT PROVIDED FOR ELSEWHERE	5% AD VAL.

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COMPETITIVE-NEED LIMITATIONS ON GSP EFFECTIVE MARCH 1, 1977

Eligible articles classified in the TSUS items listed below are not entitled to duty-free treatment by virtue of the provisions of section 504(c) of the Trade Act of 1974 when imported from the beneficiary countries or territories listed opposite the item number. 1/

TSUS item No.	Country or territory
106.60	India
107.20	Argentina
107.45	Brazil
107.48	(Argentina (Brazil
107.70	Haiti
111.92	Philippine Republic
121.52	India
121.55	India
130.35	Brazil
130.40	Mexico
130.63	Mexico
131.35	Hong Kong
132.55	Mexico
135.30	Mexico
135.51	Mexico
135.80	Nicaragua
135.90	Mexico
136.00	Dominican Republic
136.80	Mexico
136.98	Dominican Republic
136.99	Republic of China
137.71	Mexico
137.75	Costa Rica
138.05	Mexico
140.09	Thailand
140.10	Chile
140.14	Thailand
140.20	Kenya
140.21	Mexico
140.25	Peru
140.35	Turkey
141.35	Turkey
141.55	Dominican Republic
141.70	Republic of China
141.77	Mexico
145.09	Dominican Republic

1/ This list is revised annually not later than March 1 of each year.

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Competitive-need limitations, con.

TSUS item No.	Country or territory
145.52	Portugal
145.53	Turkey
145.60	Republic of China
146.12	Argentina
146.22	Turkey
146.44	Philippine Republic
147.33	Jamaica
147.36	Republic of China
147.80	Philippine Republic
147.85	Brazil
148.72	Chile
148.77	Republic of Korea
149.15	Dominican Republic
149.50	Chile
152.43	Dominican Republic
152.54	Brazil
152.72	Honduras
153.02	Dominican Republic
153.28	Portugal
154.40	Republic of China
155.20	(Argentina (Brazil (Republic of China (Colombia (Dominican Republic (El Salvador (Guatemala
155.20 (Con.)	(Guyana (India (Jamaica (Nicaragua (Panama (Peru (Philippine Republic (Thailand
155.35	Barbados
156.35	Ivory Coast
156.45	Dominican Republic
161.15	Republic of China
161.53	Syria
161.69	Mexico
166.40	Mexico
168.15	Trinidad
176.15	Brazil
176.33	Malaysia
184.65	Republic of China
186.40	Mexico
192.85	Mexico
200.91	Honduras
202.62	Mexico
203.20	Costa Rica
206.47	Republic of China
206.60	Mexico
206.98	Republic of China

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Competitive-need limitations, con.

TSUS item No.	Country or territory	TSUS item No.	Country or territory
220.10	Portugal	304.58	India
220.15	Portugal	305.20	India
220.20	Portugal	305.22	India
220.25	Portugal	305.28	India
220.35	Portugal	305.30	Republic of China
220.37	Portugal	305.40	Philippine Republic
220.41	Portugal	306.52	Peru
220.48	Portugal	308.30	Republic of Korea
220.50	Portugal	316.50	Philippine Republic
222.10	Hong Kong	319.01	India
222.34	Philippine Republic	319.03	India
222.62	Philippine Republic	319.05	India
240.02	Philippine Republic	319.07	India
240.10	Panama	335.50	India
240.12	Republic of Korea	347.30	India
240.38	Philippine Republic	355.04	Mexico
256.60	Republic of Korea	360.35	India
256.80	Mexico	360.82	Hong Kong
256.85	Mexico	370.17	Portugal
274.00	Mexico	407.08	Dominican Republic
304.04	Philippine Republic	407.12	Romania
304.40	Thailand	408.40	Mexico
304.48	Brazil	417.90	Malaysia

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Competitive-need limitations, con.

TSUS item No.	Country or territory	TSUS item No.	Country or territory
418.78	Chile	493.21	Republic of China
418.80	Mexico	493.82	Mexico
420.82	Israel	494.40	Cayman
422.76	Mexico	511.31	Mexico
425.00	Republic of China	511.51	Syria
425.84	Netherlands Antilles	512.44	Mexico
425.86	Brazil	513.84	Republic of China
426.46	Mexico	514.11	Dominican Republic
437.16	India	514.54	Mexico
437.64	Brazil	516.11	India
460.35	Republic of China	516.24	India
460.60	India	516.71	India
461.05	Israel	516.73	India
461.15	Bermuda	516.74	India
465.70	Argentina	516.76	India
473.46	Mexico	516.94	India
473.48	Mexico	517.24	Malagasy Republic
473.52	Mexico	518.41	Mexico
473.56	Mexico	520.35	Thailand
473.58	Mexico	520.51	Brazil
473.62	Mexico	533.26	Romania
473.66	Mexico	535.31	Mexico
490.44	Hong Kong	540.21	Mexico

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Competitive-need limitations, con.

TSUS item No.	Country or territory	TSUS item No.	Country or territory
540.47	Mexico	624.50	Republic of China
544.11	Republic of China	626.42	Costa Rica
545.31	Republic of China	628.05	Mexico
545.53	Mexico	628.10	Mexico
545.65	Mexico	628.40	Singapore
546.23	Republic of China	640.10	Mexico
603.45	Bolivia	642.06	Hong Kong
603.50	Botswana	646.04	Republic of China
605.66	Singapore	646.86	Hong Kong
610.71	Republic of Korea	646.98	Mexico
612.02	Mexico	649.39	Israel
612.03	Chile	649.71	Republic of China
612.06	(Chile (Peru (Yugoslavia (Zambia	650.79	India
		650.83	Hong Kong
612.15	Mexico	650.87	Hong Kong
612.70	Chile	651.03	Hong Kong
612.72	Chile	651.49	Republic of Korea
613.18	Israel	652.50	Israel
620.08	Mexico	652.84	Mexico
622.20	Malaysia	653.02	Republic of Korea
622.35	Hong Kong	653.03	Mexico
624.02	Mexico	653.85	Republic of China
624.42	Mexico	656.20	Hong Kong

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Competitive-need limitations, con.

TSUS item No.	Country or territory	TSUS item No.	Country or territory
657.90	Mexico	702.20	Hong Kong
660.44	Mexico	702.45	Mexico
672.10	Hong Kong	703.65	Mexico
674.56	Mexico	703.75	Mexico
676.52	(Hong Kong (Mexico	704.34	Philippine Republic
		706.40	Hong Kong
678.50	Republic of China	711.30	Republic of China
683.70	Hong Kong	713.07	Israel
683.80	Hong Kong	713.15	Mexico
684.50	Hong Kong	713.19	Mexico
685.24	(Republic of China (Hong Kong (Republic of Korea (Singapore	724.35	Hong Kong
		726.70	Mexico
685.25	Republic of China	730.27	Brazil
685.90	Mexico	730.29	Brazil
686.30	Republic of China	730.41	Brazil
687.30	Malaysia	731.10	Republic of China
688.10	Republic of China	734.10	Republic of China
688.12	Mexico	734.25	Hong Kong
688.40	Hong Kong	734.30	Hong Kong
692.27	Mexico	734.34	Hong Kong
696.35	Republic of China	734.51	Republic of China
700.54	Hong Kong	734.54	Republic of Korea
702.08	Hong Kong	734.56	Haiti

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Competitive-need limitations

TSUS item No.	Country or territory	TSUS item No.	Country or territory
734.87	Republic of China	771.45	Republic of China
735.11	Republic of China	772.03	Hong Kong
737.40	Hong Kong	772.35	Republic of China
737.80	Hong Kong	772.97	Hong Kong
737.95	Hong Kong	773.10	Hong Kong
740.10	Hong Kong	773.20	Republic of Korea
740.30	Hong Kong	774.60	Hong Kong
741.20	Hong Kong	790.39	Republic of China
745.08	Hong Kong	790.60	Republic of China
748.12	Haiti	790.70	Republic of Korea
748.40	Republic of China	791.17	Argentina
750.25	Hong Kong	791.20	Brazil
750.35	Republic of China	791.25	Mexico
750.65	Republic of Korea	791.76	(Republic of China (Republic of Korea
751.05	Republic of China	791.80	Republic of China
751.20	Republic of China	792.22	India
755.30	Malta	792.50	Philippine Republic
760.65	Republic of China	792.60	Hong Kong
771.05	Republic of China	792.75	Hong Kong

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ARTICLES NOT PRODUCED IN THE UNITED STATES ON JANUARY 3, 1975

Section 504(c) of the Trade Act of 1974 (88 Stat. 2070, 19 U.S.C. 2464) imposes certain limits upon the extension of duty-free preferential treatment to eligible imported articles from beneficiary developing countries under the Generalized System of Preferences.

One of those limits section 504(c)(1)(B), disqualifies from such duty-free treatment imports of an eligible articles from a designated beneficiary country which supplied 50 percent or more of the value of United States imports of such article from all countries during the preceeding calendar year. Section 504(d) of the Trade Act, however, exempts from the limit in subsection 504(c)(1)(B) any eligible article if a like or directly competitive article was not produced in the United States on January 3, 1975, the date of enactment of the Trade Act.

In implementing the Generalized System of Preferences, the Trade Policy Staff Committee considers the following eligible articles as not being produced in the United States on January 3, 1975.

TSUS item No.	Brief Description 1/
114.55	Oyster juice in airtight containers
117.65	Cheeses made from sheep's milk in original loaves and suitable for grating
117.67	Pecorino cheese, made from sheep's milk, in original loaves and not suitable for grating
135.70	Chickpeas or garbanzos, fresh, chilled, or frozen, (but not reduced in size nor otherwise prepared or preserved)
136.50	Lentils, fresh, chilled or frozen
141.79	Palm hearts (whether or not reduced in size), otherwise prepared or preserved (except packed in salt, in brine, or pickled)

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

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TSUS item No.	Brief Description 1/
145.54	Pickled, immature walnuts
146.80	Cashew apples, mameyes colorados, sapodillas, soursops, and sweetsops, fresh or prepared or preserved
147.21	Lemons, prepared or preserved
152.60	Tamarind paste and pulp
161.43	Mace, bombay or wild, not ground
161.45	Mace, bombay or wild, ground
161.94	Sage, not ground
167.25	Rice wine or sake
168.48	Tequila in containers each holding over 1 gallon
176.01	Castor oil valued not over 20 cents per pound
176.14	Castor oil valued over 20 cents per pound, having Lovibond color values greater than 6 yellow and 0.6 red
176.49	Sesame oil unfit for use as food
177.16	Shark oil
177.40	Marine-animal oils, other than fish, seal, and whale (including sperm) oils
186.10	Ostrich feathers and downs, whether or not on the skin, crude, sorted (including feathers simply strung for convenience in handling or transportation), treated, or both sorted and treated but not otherwise processed
188.30	Amber and amberoid, natural, whether crude or subjected to refining processes
192.70	Istle, processed
193.10	Tonka beans

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

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TSUS item No.	Brief Description 1/
200.45	Brierroot, in the rough or not further advanced than cut into blocks
220.31	Fitting covers, lags and pipe coverings of compressed cork
220.36	Tapered stoppers, wholly of cork, not hollow or perforated, with maximum diameter not over 0.75 inch
220.39	Tapered stoppers, wholly of cork, not hollow or perforated, with maximum diameter over 0.75 inch
220.47	Stoppers wholly of cork, not tapered
304.10	Flax, raw
304.20	Hemp, raw, waste, and advanced waste
315.75	Cordage, of coir, of stranded construction
335.70	Woven fabrics of (but not wholly of) jute, weighing not over 4 ounces per square yard
335.85	Woven fabrics of (but not wholly of) jute, weighing over 4 ounces per square yard
355.42	Fish netting and fishing nets (including sections thereof), of vegetable fibers (except of cotton, and except of abaca for use in otter-trawl fishing)
385.95	Pile matting and pile mats, of coir (not including floor covering)
422.10	Thorium nitrate
427.12	Tellurium salts
427.14	Thorium salts
427.22	Vanadium salts

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

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TSUS item No.	Brief Description 1/
427.82	Crotonyl alcohol
435.70	Opium
437.36	Barbituric acid
452.24	Eucalyptus oil
452.48	Orris oil
455.06	Isinglass
493.67	Salicin
517.27	Graphite, natural, crystalline lump or chip
605.27	Platinum- or silver-plated gold
607.18	Pig iron and cast iron containing dutiable chromium, molybdenum, tungsten, or vanadium
608.30	Bars of wrought iron, other than alloy wrought iron
608.32	Bars of alloy wrought iron
652.06	Cast malleable iron boot or shoe plates, including such plates containing leather pegs and plugs
652.55	Non-electric bicycle and velocipede bells and parts thereof, all the foregoing of base metal
670.18	Full-fashioned hosiery knitting machines, other than circular knitting machines
670.22	Leavers (including go-through) machines
670.23	Lace- and net-making machines, other than Leavers (including go-through) machines

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

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TSUS item No.	Brief Description 1/
670.64	Needles for embroidery machines
670.66	Shuttles for embroidery machines
715.20	Standard marine chronometers having spring-detent escapements
720.80	Assemblies and subassemblies for standard marine chronometers having spring-detent escapements, consisting in part of a plate or set of plates, provided for in item 720.67
720.92	Other parts for standard marine chronometers having spring-detent escapements
721.10	Specified parts of clock movements for standard marine chronometers, if imported with any such articles

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

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CHANGES IN THE DESIGNATIONS OF ELIGIBLE ARTICLES AND BENEFICIARY COUNTRIES SINCE THE GSP WAS IMPLEMENTED

A.--Products newly designated as eligible articles

TSUS item No.	Brief description 1/	Effective date
100.73	Live horses n/o $150 each	3/1/77
105.30	Birds, n.s.p.f., fresh, chilled, etc.	Do.
105.60	Bird meat, n.e.s., fresh	Do.
111.10	Dried cod, cusk, haddock, hake and pollock	Do.
111.60	Fish, n.s.p.f., salted and pickled, in containers n/o 15 lbs.	Do.
121.35	Calf and kip lining leather	Do.
121.55	Buffalo leather	Do.
125.01	Tulip bulbs	Do.
125.10	Lily bulbs	Do.
125.15	Narcissus bulbs	Do.
125.20	Crocus corms	Do.
125.50	Fruit trees, fruit plant cuttings, seedlings	Do.
126.71	Pepper seeds	Do.
131.80	Milled grain unfit for human consumption n.s.p.f.	Do.
135.41	Carrots under 4 inches	Do.
135.60	Fresh celery entered April 15 to July 31	Do.
136.10	Endive, fresh, chilled or frozen	Do.
136.40	Horseradish, fresh, chilled or frozen	Do.
136.50	Lentils, fresh chilled or frozen	Do.
136.92	Pearl onions n/o 10/16 inch	Do.
137.71	Fresh Brussels sprouts	Do.
140.20	Dried split chickpeas or garbanzos	Do.
140.21	Dried chickpeas or garbanzos not split	Do.
140.25	Dried black-eye cowpeas	Do.
140.35	Dried lentils	Do.
140.38	Dried lupines	Do.
141.77	Vegetables in brine, etc., n.s.p.f. except artichokes	Do.
146.73	Black currants, loganberries, gooseberries, etc., prepared or preserved	Do.
152.05	Fruit flours except banana and plaintain	Do
152.60	Tamarind paste and pulp	10/1/76
166.20	Ginger ale, ginger beer	3/1/77
176.49	Sesame oil, unfit for use as food	Do.
177.12	Anchovy oil	Do.
177.16	Shark oil	Do.

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

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A.--Products newly designated as eligible articles (cont.)

TSUS item No.	Brief description 1/	Effective date
177.22	Herring oil	3/1/77
177.24	Menhaden oil	Do.
177.26	Other fish oils n.s.p.f., except liver oils	Do.
177.40	Marine-animal oils, n.e.s.	Do.
193.10	Tonka beans	Do.
389.61	Artificial flowers of man-made fibers	Do.
403.58	Ethoxyquin	Do.
403.79	Maleic anhydride	Do.
605.27	Platinum- or silver-plated gold	Do.
642.09	Wire strand of copper	Do.
792.70	Articles of natural sponge n.s.p.f.	Do.
799.00	Any articles, not provided for elsewhere	Do

B.--Products for which the designation of eligible article was removed

TSUS item No.	Brief description 1/	Effective date
121.50	Pig and hog leather	10/1/76
168.47	Tequila, in containers each holding not over 1 gallon	Do.
240.25	Plywood, face finished	2/26/76
455.40	Gelatin, inedible, and animal glue valued under 40 cents per lb.	10/1/76
455.42	Gelatin, inedible, and animal glue valued 40 cents or more per lb.	10/1/76
607.01	Iron or steel products cont ov .2 pct wgt chromium	2/26/76
607.02	Iron or steel products cont ov .1 pct wgt molybdenum	Do.
607.03	Iron or steel products cont ov .3 pct wgt tungsten	Do.
607.04	Iron or steel products cont ov .1 pct wgt vanadium	Do.
687.38	TV picture tubes, ex color, having a straight line dimension across faceplate exceeding 16.4 in.	10/1/76
745.63	Sew-on fasteners and parts of, n/o $.20 per dozen	10/1/76
791.74	Wearing apparel n.s.p.f. of leather, except reptile, and textile materials, chief weight of textiles	3/1/77

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

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C.--Eligible articles for which the TSUS item number has been changed without a change in status of eligibility

New TSUS item No.	Old TSUS item No.	Brief description 1/	Effective date
168.48	168.50 pt.	Tequila, in containers each holding over 1 gallon----------	10/1/76
168.52	168.50 pt.	Spirits for beverages, n.s.p.f.-------	Do.
176.14	176.02 pt.	Castor oil valued ov 20 cts/lb. having Lovibond color values greater than 6 yellow and 0.6 red---	Do.
176.15	176.02 pt.	Castor oil valued ov 20 cts/lb, n.e.s.----------	Do.
220.36	220.38 pt.	Tapered cork stoppers, nt hollow or perforated, diam. n/o 0.75 in.------	Do.
220.37	220.38 pt.	Tapered disks, wafers, etc. nt hollow or perforated, of cork, diam. n/o 0.75 in.----------	Do.
220.39	220.40 pt.	Tapered cork stoppers, nt hollow or perforated, diam. ov 0.75 in.-------	Do.
220.41	220.40 pt.	Tapered disks, wafers, etc., nt hollow or perforated, of cork, diam ov 0.75 in.----------	Do.
220.47	220.45 pt.	Cork stoppers of a thickness (or length) greater than max diam., nt tapered----------	Do.
220.48	220.45 pt.	Cork disks, wafers, washers and stoppers, n.e.s.----------	Do.
687.37	687.40 pt.	TV picture tubes, ex color, having no straight line dimension across faceplate ov 16.4 in.----------	Do.
791.76	791.75 pt.	Wearing apparel n.s.p.f., chief weight of leather, except reptile----------	3/1/77

D.--Changes in the designations of beneficiary developing countries and non-independent countries and territories

Change	Effective date
1. Laos was deleted from the list of designated beneficiary countries----------	10/1/76
2. Portugal was designated as a beneficiary country--------	Do.
3. The name of Taiwan was changed to "Republic of China"---	Do.
4. The name of Dahomey was changed to "Benin"----------	Do.
5. Gilbert and Ellice Islands were redesignated separately as "Gilbert Islands" and "Tuvulu"----------	Do.

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

WILLIAM B. KELLY,
Chairman, Trade Policy Staff Committee.

[FR Doc.77-11386 Filed 4-21-77;8:45 am]

federal register

FRIDAY, APRIL 22, 1977

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:		
AK77–5009		Jan. 21, 1977.
California:		
CA76–5116		Dec. 10, 1976.
Louisiana:		
LA77–4052		Mar. 4, 1977.
Maryland:		
MD77–3017;	MD77–3018; MD77–3020; MD77–3021.	Jan. 14, 1977.
Montana:		
MT77–5021		Mar. 4, 1977.
New Mexico:		
NM77–4077		Apr. 8, 1977.
New Jersey:		
NJ76–3249		Oct. 1, 1976.
NJ76–3252		Oct. 29, 1976.
North Dakota:		
ND77–5020		Feb. 18, 1977.
Pennsylvania:		
PA77–3016		Jan. 28, 1977.
PA77–3029		Feb. 18, 1977.
PA77–3031;	PA77–3039	Apr. 8, 1977.
Texas:		
TX77–4071		Apr. 1, 1977.
Virginia:		
MD77–3041		Mar. 18, 1977.
Washington, D.C.:		
DC77—3040		Do.
Wisconsin:		
WI76–2167;	WI76–2168	Dec. 17, 1976.
WI76–2169		Dec. 28, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:		
AL76–1027	(AL77–1045)	Feb. 20, 1976.
AL76–1124	(AL77–1039)	Oct. 29, 1976.
California:		
CA76–5101	(CA77–5039); CA76–5102 (CA77–5040).	Nov. 19, 1976.
Minnesota:		
MN77–2038	(MN77–2064)	Mar. 18, 1977.
MN77–2039	(MN77–2065); MN77–2040 (MN77–2066).	Mar. 25, 1977.
New Jersey:		
NJ76–3248	(NJ77–3037)	Oct. 1, 1976.
Pennsylvania:		
PA76–3182	(PA77–3049)	June 18, 1976.

Signed at Washington, D.C., this 15th day of April 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3017 - Mod. #6 (42 FR 3042 - January 14, 1977) Counties of Anne Arundel (excluding the D. C. Training School), Baltimore, Baltimore City, Harford, and Howard, Maryland					
Change:					
Carpenters, Soft Floor Layers, Millwrights & Pile Drivers: Anne Arundel (remainder of county), Baltimore, Baltimore City, Harford & Howard Counties:					
Carpenters, soft floor layers, resilient floor layers & pile drivers	$ 9.80	.75	.69		.07
Millwrights	10.10	.75	.69		.07
Linemen & Cable Splicers:					
Zone 1 - From Baltimore City Hall to 25 miles	11.15	.45	1%		½ of 1%
Zone 2 - Over 25 miles to 45 miles from Baltimore City Hall	11.40	.45	1%		½ of 1%
Zone 3 - Over 45 miles from Baltimore City Hall	11.65	.45	1%		½ of 1%
Marble, Tile & Terrazzo Workers' Finishers	6.675	.40	.20		
DECISION #MD77-3018 - Mod. #3 (42 FR 3145 - January 14, 1977) Baltimore City, Maryland					
Change:					
Carpenters	$ 9.80	.75	.69		.07

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AK77-5009 - Mod. #4 (42 FR 4074 - January 21, 1977) Statewide, Alaska					
Add:					
PLUMBERS, RESIDENTIAL: Area II	$13.48	.73	1.40		.15
DECISION NO. CA76-5116 - Mod. #3 (41 FR 54115- December 10, 1976) San Diego County, California					
Change:					
Power Equipment Operators: Dredging (Hydraulic Suction Dredges)					
Leverman	$11.60	.95	$2.00	.50	.04
Watch Engineer; Welder	11.02	.95	2.00	.50	.04
Deckmate	10.54	.95	2.00	.50	.04
Winchman (Stern winch or dredge)	10.47	.95	2.00	.50	.04
Bargeman; Deckhand; Fireman; Oiler; Leveehand (Clamshell Dredges)	9.93	.95	2.00	.50	.04
Leverman	11.60	.95	2.00	.50	.04
Watch Engineer	11.02	.95	2.00	.50	.04
Deckmate	10.54	.95	2.00	.50	.04
Bargemate	10.47	.95	2.00	.50	.04
Bargeman; Deckhand; Fireman; Oiler	9.93	.95	2.00	.50	.04
DECISION #LA77-4052 - Mod. #5 (42 FR 11593 - March 4, 1977) Statewide Louisiana					
Change:					
Painters:					
Zone 5:					
Group 1	$ 7.75				
Group 2	8.05				
Group 3	7.80				
Group 4	8.75				
Group 5	9.00				
Group 6	8.40				
Group 7	8.10				

DECISION #MD77-3020 - Mod. #2 (42 FR 3151 - January 14, 1977) Allegany & Garrett Counties, Maryland	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Unskilled & landscape workers	$ 7.51	.60	.75		
Handy man, tool checker, dump men & spotter	7.54	.60	.75		
Power tool operators, mortar mixer by hand, scaffold builder, hod carrier, concrete puddler, rammer, pipe layer, chainman - rodman, & grade checker	7.65	.60	.75		
Mortar mixer by machine	7.71	.60	.75		
Large wacker	7.76	.60	.75		
Blaster/dynamite, & wagon drill operators (air track)	7.85	.60	.75		
Tunnel Workers:					
Caisson, driller, & mucker	8.34	.60	.75		
Unskilled laborer	7.96	.60	.75		
Gunnite Workers:					
Nozzlemen & gun operators	7.96	.60	.75		
DECISION #MD77-3021 - Mod. #1 (42 FR 3153 - January 14, 1977) Allegany & Garrett Counties, Maryland					
Change:					
Laborers:					
Unskilled, landscape worker, tool checker, dumpmen, handy man, & spotter	$ 7.39	.60	.75		
Power tool operator, mason & plaster tenders, mortar mixer by hand, scaffold builder, hod carrier, concrete puddler, pipe layer, chainman - rodman, rammer, & grade checker	7.51	.60	.75		

DECISION #MD77-3021 (Cont'd) Laborers (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mortar mixer by machine	$ 7.88	.80	.75		
Barko tamper	7.65	.60	.75		
Blaster/dynamite, & Wagon drill operator (air track)	7.69	.60	.75		
Tunnel Workers:					
Caisson, driller, & mucker	8.21	.60	.75		
Laborer - unskilled	7.85	.60	.75		
Gunnite Workers:					
Nozzlemen & gun operators	7.51	.60	.75		
DECISION #MT77-5021 - Mod.#3 (42 FR 12631 - March 4, 1977) Statewide, Montana					
Change:					
Terrazzo Workers & Tile Setters: Broadwater, Lewis & Clark, Meagher and Jefferson (Northern area north of Boulder Hill) Counties	$9.75	.30			

DECISION NO. NM77-4077 - Mod. #1
(42 FR 18836 - April 8, 1977)
Statewide, New Mexico

CHANGE THE DESCRIPTION OF WORK TO READ "Highway, streets, roads, utilities, and light engineering construction consisting of construction of roads, highways, streets, alleys, sidewalks, guard rails, fences, parkways, parking areas, birdle paths, athletic fields, (except structures), highways bridges, grade separation involving highways, earth dams under one million cubic yards, sewer and water lines and other utilities and work incidental thereto but (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction.)

DECISION #NJ76-3249 - Mod. #7 (41 FR 43613 - October 1, 1976) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, & Warren Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers - Heavy & Highway Construction:					
Group 1	$ 9.10	.70	1.00	e	.10
Group 2	8.95	.70	1.00	e	.10
Group 3	8.70	.70	1.00	e	.10
Group 4	8.65	.70	1.00	e	.10
Group 5	8.55	.70	1.00	e	.10
Group 6	8.45	.70	1.00	e	.10
Group 7	8.20	.70	1.00	e	.10
Group 8	8.05	.70	1.00	e	.10
Group 9	8.00	.70	1.00	e	.10
Laborers - Free Air Tunnel Jobs:					
Group 1	9.47	.70	1.00	e	.10
Group 2	9.07	.70	1.00	e	.10
Group 3	8.91	.70	1.00	e	.10
Group 4	8.40	.70	1.00	e	.10
Line Construction:					
Zone 4	12.65	6% + .81	4%		½ of 1%
Marble Setters					
Zone 2	10.00	1.13	1.19	g	
Marble Setter Finishers					
Zone 1	8.28	1.09	1.23	g	
Pipefitters:					
Bergen & Hudson Counties	11.00	1.10	.80	1.00	.25
Footnote:					
g. Paid Holiday: ½ day's pay for Labor Day.					

DECISION #NJ76-3252 - Mod. #4 (41 FR 47827 - October 29, 1976) Bergen, Essex, Hudson, & Passaic Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Marble Setters	$10.00	1.13	1.19	f	
Marble Setter Finishers	8.28	1.09	1.23	f	
Pipefitters:					
Bergen & Hudson Counties	11.00	1.10	.80	1.00	.25
Footnote:					
f. Paid Holiday: ½ day's pay for Labor Day.					
DECISION #ND77-5020 - Mod. #5 (42 FR 10255 - February 18, 1977) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
Change:					
IRONWORKERS:					
Structural, Ornamental and Reinforcing	$9.89	.52	.50		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3016 - Mod # 2 (42 FR - 5632 - January 28, 1977) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania					
Change:					
Electricians					
Zone 2 (Commercial)	$12.20	4.4%	3%+2.6%		1.5%
Line Construction					
Lineman	12.99	.40	1%		1%
Groundman	7.75	.40	1%		1%
Winch truck operator	9.06	.40	1%		1%
DECISION #PA77-3029 - Mod. # 2 (42 FR 10263 - February 18, 1977) Berks County, Pennsylvania					
Change:					
Line Construction					
Cable splicers & lineman	10.83	.40	1%		3/4%
Groundman	6.46	.40	1%		3/4%
Winch truck operator	7.55	.40	1%		3/4%
Ironworkers	11.35	.84	1.21		.02
DECISION #PA77-3031 - Mod. # 1 (42 FR 18839 - April 8, 1977) Lebanon County, Pennsylvania					
Change:					
Line Construction					
Lineman & cable splicer	10.83	.40	1%		3/4%
Groundman	6.46	.40	1%		3/4%
Winch truck operator	7.55	.40	1%		3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3039 - Mod. # 1 (42 FR 18778 - April 8, 1977) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
Change:					
Electricians					
Zone 2	$9.91	.45	3%+.31		1/4%
Line Construction					
Zone 1					
Lineman	12.04	.35	3%		3/8%
Groundman	7.20	.35	3%		3/8%
Winch truck operator	8.41	.35	3%		3/8%
DECISION #TX77-4071 - Mod. #2 (42 FR 17787 - April 1, 1977) El Paso County, Texas					
Change:					
Asbestos workers	$ 7.96	.50	1.17(a)		.03
Plumbers & steamfitters	8.54	.59	.44		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3041 - Mod. # 2 (42 FR 15268 - March 18, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D. C. Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria, Virginia					
Omit:					
On Modification dated 4/8/77 - Footnotes for truck drivers to read (e+f)					
Elevator Constructors Helpers	70%ofJR				
Change:					
Footnotes under vacation for truck drivers to read: (e+f)					
Elevator Constructors Helpers	70% of JR	.545	.35	4%+a+b	.02
DECISION #DC77-3040 - Mod. # 2 (42 FR 15293 - March 18, 1977) Washington, D. C.					
Omit:					
On Modification # 1, dated 4/8/77 - Footnotes for truck drivers to read - (e+f)					
Change:					
Footnotes under vacation for truck drivers to read (e+f)					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. WI76-2167 - Mod. #1 (41 FR 55301 - December 17, 1976) Kenosha County, Wisconsin					
Change:					
Bricklayers	$10.05	.50	.50	.50	
Carpenters	9.85	.40	.60		.04
Electricians	11.28	.51	1%	.25	
Add:					
Roofers	9.62	.40	.15		
Sheet Metal Workers	9.93	.40	.77	1.15	.02
DECISION NO. WI76-2168 - Mod. #1 (41 FR 55303 - December 17, 1976) Langlade, Lincoln & Marathon Counties, Wisconsin					
Change:					
Sheet Metal Workers	$ 9.93	.45	.33		.04
DECISION NO. WI76-2169 - Mod. #1 (41 FR 56620 - December 28, 1976) Racine County, Wisconsin					
Change:					
Plasterers	$ 9.55	.40	.50		

STATE: Alabama COUNTY: Mobile
DECISION NUMBER: AL77-1039 DATE: Date of Publication
Supersedes Decision No.: AL76-1124 dated October 29, 1976, in 41 FR-47719
DESCRIPTION OF WORK: Building Construction (does not include residential construction consisting of single family homes and garden type apartments up to and including 4 stories).

AL77-1039 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.35	.495	1.00	a	.02
Boilermakers	9.50	.75	1.00		.02
Bricklayers, caulkers, cleaners, Marble setters, pointers, stonemasons, terrazzo workers, & tile setters	9.46		1.70		
Marble, tile & terrazzo helpers	6.22	.30	.40		
Carpenters:					
Carpenters, & soft floor layers	9.32	.40	.50		
Carpenters on creosote material, power saw operator	9.57	.40	.50		
Piledrivermen	9.59	.40	.50		
Piledrivermen on creosote material	9.84	.40	.50		
Millwrights	9.87	.40	.50		
Cement masons	9.09	.40	.50		
Electricians:					
Electricians	10.49	.30	1%+.25	.475	1/10%+.05
Cable splicers	10.74	.30	1%+.25	.475	1/10%+.05
Elevator constructors	9.69	.495	.32	4%+b+c	.02
Elevator constructors' helpers	70%JR	.495	.32	4%+b+c	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.70	.30	.15		
Ironworkers	9.73	.40	.40		
Lathers	9.08	.35	.35		.01
Line Construction:					
Linemen	10.49	.30	1%+.25	.475	1/10%+.05
Cable splicers	10.74	.30	1%+.25	.475	1/10%+.05
Painters:					
Brush	9.26	.40	.25		.01
Industrial	9.51	.40	.25		.01
Hazardous	9.76	.40	.25		.01
Spraying bituminous coatings	10.26	.30	.25		.01
Plasterers	9.09	.40	.50		
Plumbers, steamfitters	10.40	.30	.45	d	.03
Roofers	8.84		.30	e	
Roofers helper	6.32				
Sheet metal workers	10.28	.45	.55		.04
Sprinkler fitters	10.10	.60	.90		.08
Welders - rate for craft.					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

A. 2 Paid Holidays: D and E. providing the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day after the paid holidays.

B. 6 Paid Holidays: A through E.

C. Employer contributes 4% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

D. 8 Paid Holidays: A,C,D,E,F, Day after Thanksgiving Day, Christmas Eve, and Mardi Gras.

E. 40 hours paid vacation after 1 year of employment, 2 paid holidays: A & C.

AL77-1039 - (Cont'd)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.00	.40	.40		
GROUP B	6.22	.40	.40		
GROUP C	6.50	.40	.40		
GROUP D	7.39	.40	.40		
GROUP E	7.66	.40	.40		
GROUP F	7.10	.40	.40		
GROUP G	6.86	.40	.40		
GROUP H	6.42	.40	.40		
GROUP I	6.56	.40	.40		
GROUP J	7.23	.40	.40		
GROUP K	6.59	.40	.40		
GROUP L	7.10	.40	.40		
GROUP M	6.56	.40	.40		

GROUP A - General Building Construction Laborers

GROUP B - Mortar mixers (any method), hod carriers, paving breakers, breaking & chipping concrete (any method), air operating tools (elec. or gas), mason and plaster tenders, tile setter & terrazzo helpers, handling creosote or coppertox materials, glass wool and all types insulation, kettle man, asphalt raker & tamper, drills, vibrators, concrete dump bucketman, All concrete rollers, wheel barrows, Georgia buggies, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe for main & side sewers and drainage only), pipe wipers (inside and out).

GROUP C - Gunnite or pressure concrete workers, nozzleman, gunman, rodman, power driven buggy mobiles, height: all work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)

GROUP D - Cofferdam or tunnel workers (underground)

GROUP E - Blasting (powderman)

GROUP F - Concrete sawman

GROUP G - Form setters, roadways, runways, highways

GROUP H - Track laborer

GROUP I - Brick washers (laborers)

GROUP J - Burners on dismantling (anything not to be reused)

GROUP K - Stack laborers

GROUP L - Stack laborers (over 40 ft.)

GROUP M - Tank cleaners (caustic chemicals)

AL77-1039 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	9.27	.40	.50		
GROUP B	8.94	.40	.50		
GROUP C	8.33	.40	.50		

GROUP A: HEAVY EQUIPMENT
Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), draglines, pile driver operator, hoist operator (2 or more drums), cableways, excavators, front end loaders, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrols, pumpcrete machines, gradalls, johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats

GROUP B: MEDIUM EQUIPMENT:
Dozer scrapers, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well point & dewatering systems, subgraders, finishing machines, motorized compactors, wagonmobiles and push carts, riding trenching & ditching machines.

GROUP C: LIGHT EQUIPMENT:
Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric) fireman outboard, motor boat operators and brakemen.

AL77-1039 - (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.01	.40	.50		
GROUP B	6.80	.40	.50		
GROUP C	7.12	.40	.50		
GROUP D	7.39	.40	.50		
GROUP E	7.70	.40	.50		
GROUP F	7.91	.40	.50		
GROUP G	8.70	.40	.50		
GROUP H	9.42	.40	.50		

GROUP A: Truck helpers

GROUP B: Truck helpers when unloading creosote or coppertox materials; Drivers-trucks up to but not including 1½ tons; Stations wagons; Jeeps and automobiles; Truck spotters; General warehousemen.

GROUP C: Mechanic helper; Filling station attendant; Tire repairmen; Grease and wash rack man

GROUP D: Drivers 1½ tons up to but not including 5 tons

GROUP E: Receiving and issuing clerk

GROUP F: Scalemen

GROUP G: Truck drivers on rated 5 tons or 6 yard and over, including heavy equipment such as pole trucks; midd or corning wagons; dumpsters; semi-drivers; agitators; ross carriers; dempsey dumps; euclid trucks; fork lift trucks in warehouse and similar equipment such as tractors; 10 wheelers; jeeps or dump trucks or pickup trucks pulling of four wheel trailers; hauling equipment.

GROUP H: Truck & automobile mechanics

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Tuscaloosa
DECISION NO.: AL77-1045 DATE: Date of Publication
Supersedes Decision No.: AL76-1027 dated February 20, 1976, in 41 FR-7897
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	7.71	.30	.30		.05
Bricklayers, Marble masons, Stonemasons	8.65		.40		.05
Carpenters	6.95				.015
Cement masons	5.175				
Electricians	10.10	.30	1½+.40		½ of 1½
Glaziers	6.85	.20	.20		
Ironworkers	8.50	.60	.815		.04
Laborers:					
Laborers	3.15	.15	.10		
Mason tenders	3.15	.15	.10		
Mortar mixers	3.25	.15	.10		
Millwrights	9.15				
Painters, brush	6.65	.50			
Plasterers	5.175				
Plumbers: Steamfitters	8.85	.30	.35		.05
Roofers	5.45		.20		.05
Sheet metal workers	9.75	.69	.82		.09
Soft floor layers	5.45				
Tile setters	8.40		.40		.05
Truck drivers					
POWER EQUIPMENT OPERATORS:					
Tractors, farm	3.50				
Scrapers	4.00				
Bulldozers, Front end loader	5.00				
Pumps	5.64				
Oiler	6.25	.20	.20		
Cranes, lift truck	7.60	.20	.20		

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA77-5039
DATE: Date of Publication
Supersedes Decision No. CA76-5101 dated November 19, 1976, in 41 FR 51255
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.41	.90	$ 1.17	$1.50	.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	11.02	1.40	.93	1.00	.05
Alameda and Contra Costa Counties	11.95	1.05	1.05		.20
Fresno, Kings, Madera, Mariposa and Merced Counties	10.95	.95	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Cos.	11.90	.80	1.05		.25
Monterey and Santa Cruz Counties	11.60	1.13	1.20		
San Benito and Santa Clara Counties	11.95	1.05	1.05		.02
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	10.85	1.00	1.00	1.00	
Tulare County	11.60	1.00	1.00		.07

DECISION NO. CA77-5039 Page 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	$ 9.30	$ 1.00	$ 1.70		
San Francisco and San Mateo Counties	10.00	.65	.80		
Fresno, Kings, Madera and Tulare Counties	9.80	.80	1.40		
CARPENTERS:					
Carpenters	11.25	1.22	1.71	.75	.06
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.40	1.22	1.71	.75	.06
Millwrights	11.75	1.22	1.71	.75	.06
Piledrivermen, bridge, wharf and dock builders	12.23	.84	1.26	.75	.04
CEMENT MASONS:					
Cement Masons	10.00	1.15	1.43	1.50	.05
Mastic; Magnesite; All Composition Masons	10.25	1.15	1.43	1.50	.05
Men working from swinging or slip form scaffolds	10.25	1.15	1.43	1.50	.05
DRYWALL INSTALLERS	11.52	1.22	1.71	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.80	1%+.90		.03
Cable Splicers	12.84	.80	1%+.90		.03
Amador, Colusa, Sacramento, Butter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra Mountain Watershed					
Electricians	12.89	.95	1%+.95		.045
Cable Splicers	14.18	.95	1%+.95		.045
Tunnels:					
Electricians	13.03	.95	1%+.85		.045
Cable Splicers	14.32	.95	1%+.85		.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Lake Tahoe Area					
Electricians	$ 13.33	.67	1%+.77		.08
Cable Splicers	14.56	.67	1%+.77		.08
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties					
Electricians	11.98	.87	1%+.705		.04
Cable Splicers	13.18	.87	1%+.705		.04
Tunnel:					
Electricians; Cable Splicers' Helpers	12.58	.87	1%+.705		.04
Cable Splicers	13.84	.87	1%+.705		.04
Calaveras and San Joaquin Counties					
Electricians; Technicians	12.15	.92	1%+1.25		.01
Cable Splicers	13.67	.92	1%+1.25		.01
Contra Costa County					
Electricians	13.45	.70	1%+1.00		
Cable Splicers	14.95	.70	1%+1.00		
Del Norte and Humboldt Counties					
Electricians	10.25	.55	1%+1.75		.04
Cable Splicers	11.07	.55	1%+1.75		.04
Fresno, Kings, Madera and Tulare Counties					
Electricians	12.26	.75	1%+.95		.05
Cable Splicers	13.26	.75	1%+.95		.05
Lake, Marin, Mendocino and Sonoma County					
Electricians	12.65	.82	1%+.30		.02
Cable Splicers	13.91	.82	1%+.30		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Monterey County					
Electricians	$ 12.50	.90	1%+.75		.06
Cable Splicers	13.81	.90	1%+.75		.06
Napa and Solano Counties					
Electricians	12.07	.68	1%+.85		.04
Cable Splicers	13.58	.68	1%+.85		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	12.80	.77	1%+1.50		.05
Cable Splicers	14.40	.77	1%+1.50		.05
San Francisco County					
Electricians	13.835	1.04	1%+.90		.06
Cable Splicers	15.56	1.04	1%+.90		.06
San Mateo County					
Electricians	11.77	.82	1%+.50		.03
ELEVATOR CONSTRUCTORS	13.49	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELEPRS (PROB.)	50%JR				
GLAZIERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino, (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (S.W. from east of Fairfield) and Sonoma Counties	11.23	.92	1.35		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Butter, Tehama, Tuolumne, Yolo and Yuba Counties	$ 10.495	.43	$ 1.20		
Fresno, Kings, Madera and Tulare Counties and the remaining portions of Merced County	9.09	.81	1.04	.805	.05
IRONWORKERS:					
Fence Erectors	10.41	1.14	1.86	1.20	.04
Reinforcing	11.30	1.14	1.86	1.20	.04
Ornamental; Structural	11.30	1.14	1.86	1.20	.04
LATHERS:					
Alameda and Contra Costa Counties	11.36	1.09	1.26		.025
Butte, Colusa, Glenn, Humboldt, Lake, (that portion of County from Lakeport up to County Line) Nevada, Placer, Plumas, Shasta, Sierra, Tehama, and Trinity Counties	11.00	.66	.50		.01
Calaveras and San Joaquin Counties	10.55	.68	.55		.01
Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	9.01	.87	.85	1.00	1/86

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Monterey and Santa Cruz Counties	$ 11.30	.68	.55		.01
San Francisco and N½ of San Mateo County	13.07	.66	2.00		.02
San Benito and Santa Clara Counties	10.14	.73	.75		
Fresno, Kings, Madera and Tulare Counties	12.03	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	10.75				.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	1.00		
Southern half of San Mateo County	10.03	.32	1.00		
LINE CONSTRUCTION:					
Contra Costa County					
Groundmen	10.0875	.70	1%+1.00		
Line Equipment Operators	12.1050	.70	1%+1.00		
Linemen	13.45	.70	1%+1.00		
Cable Splicers	14.95	.70	1%+1.00		
Del Norte, Modoc and Siskiyou Counties					
Tree trimmer helper; Groundman	8.18	.45	1%	.10	1/2%
Head Groundman; Headgroundman (Chipper); Powdermen; Jackhammermen	8.69	.45	1%	.10	1/2%
Line Equipment Men	9.95	.45	1%	.10	1/2%
Linemen Polesprayer; Heavy Line Equipment Men;					
Certified Lineman; Welder	11.54	.45	1%	.10	1/2%
Tree Trimmer	10.42	.45	1%	.10	1/2%
Cable Splicer; Leadman; Pole Sprayer	12.78	.45	1%	.10	1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Fresno, Kings, Madera and Tulare Counties					
Groundmen	$ 11.44	.75	1%+.95		.05
Linemen; Line Equipment Operators	12.26	.75	1%+.95		.05
Cable Splicers	13.26	.75	1%+.95		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Groundmen	9.42	.95	1%+1.45		.01
Linemen; Technicians	12.56	.95	1%+1.45		.01
Cable Splicers	13.88	.95	1%+1.45		.01
Napa and Solano Counties					
Linemen	11.82	.68	1%+.85		.04
Cable Splicers	13.30	.68	1%+.85		.04
Butte, Glenn, Lassen, Plumas, Shasta, Tehama and Trinity Counties					
Groundmen	9.58	.87	1%+.705		.02
Linemen; Equipment Operators	11.98	.87	1%+.705		.02
Cable Splicers	13.18	.87	1%+.705		.02
Alameda County					
Groundmen	8.56	.70	1%+.50		.03
Linemen	11.41	.70	1%+.50		.03
Line Equipment Operators	10.27	.70	1%+.50		.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Groundmen	8.97	.73	1%+.75		.045
Linemen	11.21	.73	1%+.75		.045
Cable Splicers	12.33	.73	1%+.75		.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Humboldt County					
Groundmen	$ 8.20	.55	1%+1.75		
Linemen	10.25	.55	1%+1.75		
Cable Splicers	11.07	.55	1%+1.75		
San Francisco County					
Groundmen	11.76	1.04	1%+.90		.06
Linemen; Technicians	13.835	1.04	1%+.90		.06
Cable Splicers	15.56	1.04	1%+.90		.06
San Benito, Santa Clara, and Santa Cruz Counties					
Groundmen	10.80	.87	1%+1.50		.05
Linemen; Line Equipment Operators	12.70	.87	1%+1.50		.05
Cable Splicers	14.29	.87	1%+1.50		.05
MARBLE SETTERS	10.99	1.40	.93	1.03	
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.92	.70	2.34	1.11	
Spray; Sheetrock Taper; Swing stage; Scaffold; Sandblaster Structural Steel	9.32	.70	2.34	1.11	
Fresno, Kings, Madera and Tulare Counties					
Brush; Tapers	11.12	.41	.20		
Spray; Structural Steel	11.37	.41	.20		
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Brush	9.60	.70	.45	.75	.03
Swing Stage; Paperhangers; Bosun Chair; Steam Cleaning; Water Blasting	9.85	.70	.45	.75	.02
Spray; Sandblasting	10.10	.70	.45	.75	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$ 11.22	.99	$ 1.30	.80	.03
Spray	11.47	.99	1.30	.80	.03
Tapers	11.77	.99	1.30	.80	.03
Lake Tahoe Area					
Brush	10.95	.70	.75		
Spray; Structural Steel; Tapers	11.20	.70	.75		
Lake, Marin, Mendocino, San Francisco and Sonoma Cos.					
Brush	10.77	.99	1.10	.80	.03
Spray	11.02	.99	1.10	.80	.03
Tapers	11.72	.99	1.10	.80	.03
Butte, Colusa, Glenn, Lassen, (excluding the extreme SE Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Brush; Pot Tenders; Rollers	8.75	.60	.40		
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	9.25	.60	.40		
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)					
Brush	10.95	.70	.75		
Spray; Structural Steel; Tapers	11.20	.70	.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$ 11.12	.99	$ 1.30	.80	.03
Spray	11.37	.99	1.30	.80	.03
Tapers	11.92	.99	1.30	.80	.03
Del Norte and Humboldt Counties					
Brush	7.55	.50	.20	.80	
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	7.80	.50	.20	.80	
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Counties					
Traffic Delineating Device Applicator	8.87	.50	.35	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	8.48	.50	.35	b	
Helper (wheel stop installer, traffic surface sandblaster, striper)	6.83	.50	.35	b	
Slurry Seal Operation:					
Mixer Operator	8.48	.50	.35	b	
Squeegee Man	7.48	.50	.35	b	
Applicator Operator	6.83	.50	.35	b	
Shuttleman	6.65	.50	.35	b	
Top Man	5.83	.50	.35	b	
Remaining Counties					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	8.87	.50	.35	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.72	.50	.35	b	
Striper	9.97	.50	.35	b	
Helper (striper)	8.22	.50	.35	b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Slurry Seal Operation:					
Mixer Operator	$ 8.87	.50	.35	b	
Squeegee Man	8.37	.50	.35	b	
Applicator Operator	7.72	.50	.35	b	
Shuttleman	6.65	.50	.35	b	
Top Man	6.22	.50	.35	b	
PLASTERERS:					
Alameda and Contra Costa Counties	10.10	.745	1.05		.03
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties	9.79	.56	1.00		
Monterey County	10.60	.71	.35		.01
Fresno, Kings, Madera and Tulare Counties	9.24	.90	1.50	1.11	
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (SE¼), Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties	11.59	.71	1.50		.01
San Francisco County	11.78	.90	1.90		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	9.95	.98	.80	1.25	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.05	.90	1.85	1.20	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.80	1.10		
Fresno, Kings and Madera Counties	9.80	.80	1.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS: (Cont'd)					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	$ 7.455	.455	$ 1.40	.88	
Calaveras and San Joaquin Counties	9.43	.80	1.40	.90	
Marin County	8.32	.80	1.40	.90	
Monterey County	9.15	1.00	1.70	.90	
San Benito, Santa Clara and Santa Cruz Counties	11.80	.70	1.48		
PLUMBERS:					
Alameda County	13.19	1.25	2.29		.12
Contra Costa County	11.87	1.25	2.29		.20
Del Norte and Humboldt Counties	11.33	.71	1.12		.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	13.33	1.14	1.60		.14
Lake Tahoe Area	10.99	.58	.60	1.95	.10
Marin, Mendocino, San Francisco and Sonoma Counties	11.75	1.905	1.50	1.17	.15
San Benito and Santa Clara Counties	14.20	.90	1.65		.14
San Mateo County	11.74	1.05	1.85	1.20	.25
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	12.60	1.39	2.00		.10
Lake, Napa and Solano Counties	13.31	1.13	2.29		.16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	$ 10.94	$ 1.17	$ 1.10	.60	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.19	1.17	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar built up	11.94	1.17	1.10	.60	.04
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties					
Roofers (Slate, tile composition and built up)	11.29	.98	.67		
Felt Machine Operator	11.44	.98	.67		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	11.89	.95	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	11.35	.60	.80		
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties					
Roofers	10.13	.85	1.20	1.63	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	10.38	.85	1.20	1.63	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	11.13	.85	1.20	1.63	.04
Del Norte and Humboldt Counties					
Roofers	10.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	10.75	.90	1.15		
San Francisco and San Mateo Counties					
Roofers	10.93	.60	1.15	1.10	.04
Mastic Workers and Kettlemen (2 kettles) without pumps	11.18	.60	1.15	1.10	.04
Bitumastic; Enamelers; Pipewrappers; Coal tar	11.93	.60	1.15	1.10	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Amador, Sacramento and Yolo Counties					
Roofers (slate, tile and composition)	$ 10.11	$ 1.04	$ 1.10	$1.00	.07
Enameler and Pitch	11.11	1.04	1.10	1.00	.07
San Benito and Santa Clara Counties					
Roofers; Kettle (1 kettle)	10.10	.65	1.14		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	11.25	.66	1.95	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.77	.66	1.40		.02
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	11.09	.66	1.44		.09
Mariposa, Merced, Stanislaus and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	11.15	3%+.66	1.845	1.115	
Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties	12.50	.66	1.74		.12
San Mateo County	12.62	.66	1.81		.12
Modoc and Siskiyou Counties	10.285	.52	.28		.035
Fresno, Kings, Madera and Tulare Counties	11.70	.66	1.22		.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	$ 10.23	.79	$ 1.85	$1.00	.10
Honey Lake Area and Lake Tahoe Area	10.05	.70	.20		
Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	11.30	.60	1.00	c	.10
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	15.61	.60	.90		.09
Remaining Counties	14.82	.60	.90		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	13.30	1.25	2.79		.165
Del Norte and Humboldt Counties	11.64	.61	1.12		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	$ 11.02	$ 1.40	.93	$1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Sierra, Sutter, Tehama, Yolo and Yuba Counties	11.80	.80	.90		.25
TILE SETTERS:					
Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties	12.00	.90	1.20	1.40	.095
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	10.27	.55	.30	1.00	
Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties	9.80	1.00	.50		
Monterey and Santa Cruz Counties	11.90	1.01	.93		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.22 per hour toHoliday Fund plus $.13 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years $.33 per hour to Vacation Fund; 5 years but less than 10 years $.43 per hour to Vacation Fund; over 10 years $.53 per hour to Vacation Fund.

c. Employer contributes $.90 per hour for the first five years of employment; After five years $1.05 per hour to Vacation and Holiday Benefits.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$ 8.295	$ 1.00	$ 1.70	.90	.10
Group 1(a)	8.52	1.00	1.70	.90	.10
Group 1(b)	8.795	1.00	1.70	.90	.10
Group 1(c)	8.345	1.00	1.70	.90	.10
Group 1(d)	8.245	1.00	1.70	.90	.10
Group 1(e)	8.845	1.00	1.70	.90	.10
Group 1(f)	8.495	1.00	1.70	.90	.10
Group 2	8.145	1.00	1.70	.90	.10
Group 3	8.045	1.00	1.70	.90	.10
LABORERS (Gunnite)					
Group 1:	8.755	1.00	1.70	.90	.10
Group 2:	8.165	1.00	1.70	.90	.10
Group 3:	8.045	1.00	1.70	.90	.10
LABORERS (Tunnel and Shaft Work)					
Group 1	9.865	1.00	1.70	.90	.10
Group 2	9.555	1.00	1.70	.90	.10
Group 3	9.375	1.00	1.70	.90	.10
Group 4	9.255	1.00	1.70	.90	.10
LABORERS (Wrecking Work)					
Group 1	8.295	1.00	1.70	.90	.10
Group 2	8.145	1.00	1.70	.90	.10
Group 3	8.045	1.00	1.70	.90	.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-Mold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, tremmjacking, hand-guided lagginghammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, including tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Navis trencher - 300 or similar type (and all small trenchers); Roto and Ditch witch; Rototiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1½" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser beam in connection with laborers' work

Group 1(a): Joy Drill Model TWH-2A; Gardener-Denver Model DM143 and similar type drills; Track drillers; Jack leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (including drilling of same); Tree topper; Bit grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

LABORERS (Cont'd)

Group 1(d): Repair Trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of voids, Precast Manhole Setters, Cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzleman, adductors; Hydraulic Monitor (over 100 lbs pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Viataulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS
(Gunnite)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS
(Tunnel and Shaft Work)

Group 1: Diamond Driller; Groundman; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swmaper

LABORERS
(Wrecking Work)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures

Group 2: Semi-skilled Wrecker (salvaging of other building materials)

Group 3: General Laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Bargeman; Deckhand; Fireman; Oiler					
Area 1	$8.29	$ 1.07*	$ 1.78	.80	.14
Area 2	9.13	1.07*	1.78	.80	.14
Area 3	9.41	1.07*	1.78	.80	.14
Area 4	9.69	1.07*	1.78	.80	.14
Group 2: Deck Engineers; Deck Mate					
Area 1	9.91	1.07*	1.78	.80	.14
Area 2	10.76	1.07*	1.78	.80	.14
Area 3	11.03	1.07*	1.78	.80	.14
Area 4	11.31	1.07*	1.78	.80	.14
Group 3: Welder; Mechanic Welder; Watch Engineer					
Area 1	10.31	1.07*	1.78	.80	.14
Area 2	11.15	1.07*	1.78	.80	.14
Area 3	11.43	1.07*	1.78	.80	.14
Area 4	11.71	1.07*	1.78	.80	.14
Group 4: Clamshell Operator (up to and including 7 cu. yds. m.r.c.)(Long Boom Pay)					
Area 1	11.01	1.07*	1.78	.80	.14
Area 2	11.86	1.07*	1.78	.80	.14
Area 3	12.14	1.07*	1.78	.80	.14
Area 4	12.41	1.07*	1.78	.80	.14
Group 4-A: Clamshell Operator (over 7 cu. yds. m.r.c.(Long Boom Pay)					
Area 1	12.08	1.07*	1.78	.80	.14
Area 2	12.93	1.07*	1.78	.80	.14
Area 3	13.21	1.07*	1.78	.80	.14
Area 4	13.48	1.07*	1.78	.80	.14

POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SCHEDULE II	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING					
Group A-1:					
Bargeman; Deckhand; Levee-hand; Fireman; Oiler					
Area 1	$ 8.27	$ 1.07*	$ 1.78	.80	.14
Area 2	9.11	1.07*	1.78	.80	.14
Area 3	9.39	1.07*	1.78	.80	.14
Area 4	9.67	1.07*	1.78	.80	.14
Group A-2:					
Winchman (stern winch on dredge); Deckmate; Deck Engineer					
Area 1	9.20	1.07*	1.78	.80	.14
Area 2	10.05	1.07*	1.78	.80	.14
Area 3	10.30	1.07*	1.78	.80	.14
Area 4	10.60	1.07*	1.78	.80	.14
Group A-3:					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.85	1.07*	1.78	.80	.14
Area 2	10.70	1.07*	1.78	.80	.14
Area 3	10.98	1.07*	1.78	.80	.14
Area 4	11.25	1.07*	1.78	.80	.14
Group A-4:					
Leverman; Clamshell Operator					
Area 1	10.69	1.07*	1.78	.80	.14
Area 2	11.54	1.07*	1.78	.80	.14
Area 3	11.82	1.07*	1.78	.80	.14
Area 4	12.09	1.07*	1.78	.80	.14

TOW BOATS (Dredging): Work on self-propelled vessels (except skiffs powered by out-board motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Deckhand/Mechanics					
Area 1	$ 9.55	.89	$ 1.61	$1.18	
Area 2	10.05	.89	1.61	1.18	
Area 3	10.30	.89	1.61	1.18	
Area 4	10.55	.89	1.61	1.18	
Operator Mechanic/Watch Engineer					
Area 1	10.75	.96	1.36	1.15	
Area 2	11.25	.96	1.36	1.15	
Area 3	11.50	.96	1.36	1.15	
Area 4	11.75	.96	1.36	1.15	
Building and Heavy Construction Tow Boats (work on self-propelled vessels)					
Boat Operators	10.75	.96	1.36	1.15	

FOOTNOTES:
Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 80 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (Piledriving)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.78	$ 1.35*	$ 2.00	.90	.24
Group 1(a)	9.11	1.35*	2.00	.90	.24
Group 1(b)	9.26	1.35*	2.00	.90	.24
Group 2	9.89	1.35*	2.00	.90	.24
Group 2(a)	10.10	1.35*	2.00	.90	.24
Group 3	10.40	1.35*	2.00	.90	.24
Group 3(a)	10.78	1.35*	2.00	.90	.24
Group 4	11.33	1.35*	2.00	.90	.24
Group 5	11.48	1.35*	2.00	.90	.24

*Includes $.23 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Piledriving)

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2: Tugger Hoist (hoisting material only)

Group 2-A: Compressor Operator (2-7); Generator (100 K.W. or over); Pump (2-7); Welding Machine (2-7) (Powered other than by electricity)

Group 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom type lifting device

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer Tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or Gasoline powered Crane Piledriver (w/o boiler) up to and including 1 cu. yd.; Truck Crane, up to and including 25 tons hoisting material only

Group 5: Operator of Diesel or Gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane, over 25 tons hoisting material or performing piledriving work

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1:	$ 8.70	$10.10	$ 1.35*	$ 2.00	.90	.24
Group 2:	9.05	10.45	1.35*	2.00	.90	.24
Group 3:	9.26	10.66	1.35*	2.00	.90	.24
Group 4:	9.81	11.21	1.35*	2.00	.90	.24
Group 5:	10.02	11.42	1.35*	2.00	.90	.24
Group 6:	10.17	11.57	1.35*	2.00	.90	.24
Group 7:	10.32	11.72	1.35*	2.00	.90	.24
Group 8:	10.72	12.12	1.35*	2.00	.90	.24
Group 9:	10.94	12.34	1.35*	2.00	.90	.24
Group 10:	11.14	12.54	1.35*	2.00	.90	.24
Group 10-A:	11.25	12.65	1.35*	2.00	.90	.24
Group 11:	11.42	12.82	1.35*	2.00	.90	.24
Group 11-A:	12.49	13.95	1.35*	2.00	.90	.24
Group 11-B:	12.77	14.25	1.35*	2.00	.90	.24
Group 11-C:	13.07	14.55	1.35*	2.00	.90	.24

*Includes $.23 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
AREAS I and II)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shmp parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman): Motorman; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Servime Engineer (mobile and grease rank); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

Group 5: Compressor Operator (2 to 7); Concrete Mixers (over 1 yard); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II)

Group 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker Breaker with or without Compressor Combination; Pavement Breaker, truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-Place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" m.r.c.) Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift (or similar); Chemical Grouting Machine; Combination Backhoe and Loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track Laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II)

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yds. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and including 1 cu. yds.) (crant attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-alls (up to and including 1 cu yd.); Power Shovels, Clamshells, Draglines, (up to and including 1 cu. yds. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (over 5 tons); Loader (over 4 yds., up to and including 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers, up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yd.per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds., up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote Controlled Earthmoving Equipment

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply) Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 9.905	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.00	1.195	.70	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.015	1.195	.70	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LIFT JITNEYS, Fork Lift	$ 10.035	$ 1.195	.70	$1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	10.055	1.195	.70	1.00	
TRUCK REPAIRMAN HELPER	10.075	1.195	.70	1.00	
VACUUM TRUCK under (3,500 gallons)	10.085	1.195	.70	1.00	
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.10	1.195	.70	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.115	1.195	.70	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.155	1.195	.70	1.00	
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.165	1.195	.70	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.175	1.195	.70	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	$ 10.20	$ 1.195	.70	$1.00	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting); Jetting and wate: trunk (4,000 gals. and under 5,000 gals.); Rubber tired Jumbo	10.215	1.195	.70	1.00	
HEAVY DUTY TRANSPORT (high bed)	10.22	1.195	.70	1.00	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	10.245	1.195	.70	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	10.255	1.195	.70	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	10.265	1.195	.70	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	10.315	1.195	.70	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	$10.355	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	10.44	1.195	.70	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	10.45	1.195	.70	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	10.455	1.195	.70	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Skids (debris box, over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 water level)	$ 10.48	$ 1.195	.70	$1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	10.54	1.195	.70	1.00	
TRUCK REPAIRMAN	10.575	1.195	.70	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 18 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	10.585	1.195	.70	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers and fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	$ 10.64	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	10.79	1.195	.70	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER w/wo auger,over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	$ 10.94	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	11.09	1.195	.70	1.00	
BULK CEMENT SPREADER w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. and including 95 yds. water level)	11.24	1.195	.70	1.00	

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of tawnship 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS FOR
POWER EQUIPMENT OPERATORS (Cont'd)

*Area 1: (Cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N. W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA77-5040 DATE: Date of Publication

Supersedes Demision No. CA76-5102 dated November 19, 1976, in 41 FR 51272

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.41	.90	$ 1.17	$ 1.50	.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francismo, San Mateo, Solano and Sonoma Counties	11.02	1.40	.93	1.00	.05
Alameda and Contra Costa Cos.	11.95	1.05	1.05		.20
Fresno, Mariposa and Merced Cos.	10.95	.95	1.00		
El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	11.90	.80	1.05		.25
Monterey and Santa Cruz Counties	11.60	1.13	1.20		
San Benito and Santa Clara Cos.	11.95	1.05	1.05		.20
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	10.85	1.00	1.00	1.00	
BRICK TENDERS:					
San Francisco and San Mateo Cos.	10.00	.65	.80		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.30	1.00	1.70		
Fresno County	9.00	.80	1.40		
CARPENTERS:					
Carpenters	11.25	1.22	1.71	.75	.06
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.40	1.22	1.71	.75	.06
Millwrights	11.75	1.22	1.71	.75	.06
Piledrivermen, Bridge, Wharf and Dock Builders	12.23	.84	1.26	.75	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Cement Masons	$10.00	$ 1.15	$ 1.43	$ 1.50	.05
Mastic; Magnesite; All Composition Masons	10.25	1.15	1.43	1.50	.05
Men working from swinging or Slip Form Scaffolds	10.25	1.15	1.43	1.50	.05
DRYWALL INSTALLERS	11.52	1.22	1.71	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.80	1%+.90		.03
Cable Splicers	12.84	.80	1%+.90		.03
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	12.89	.95	1%+.85		.045
Cable Splicers	14.18	.95	1%+.85		.045
Lake Tahoe Area					
Electricians	13.33	.67	1%+.77		.08
Cable Splicers	14.56	.67	1%+.77		.08
Tehama County					
Electricians (Family residences, limited to 3 stories)	7.81	.75	1%+.45		.04
Electricians (4 stories):					
Electricians	11.98	.87	1%+.705		.04
Cable Splicers	13.18	.87	1%+.705		.04
Calaveras and San Joaquin Cos.					
Electricians	12.15	.92	1%+1.25		.01
Cable Splicers	13.67	.92	1%+1.25		.01
Contra Costa County					
Electricians	13.45	.70	1%+1.00		
Cable Splicers	14.95	.70	1%+1.00		
Del Norte and Humboldt Counties					
Electricians	10.25	.55	1%+1.75		.04
Cable Splicers	11.07	.55	1%+1.75		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fresno County					
Electricians (family residences not to exceed 2 stories)	$ 7.75	.60	1%+.95		.05
Electricians (3-4 stories):					
Electricians	12.26	.75	1%+.95		.05
Cable Splicers	13.26	.75	1%+.95		.05
Marin and Sonoma Counties					
Electricians	12.65	.82	1%+.30		.02
Cable Splicers	13.91	.82	1%+.30		.02
Mariposa, Merced and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	12.50	.90	1%+.75		.06
Cable Splicers	13.81	.90	1%+.75		.06
Napa and Solano Counties					
Electricians	12.07	.68	1%+.85		.04
Cable Splicers	13.58	.68	1%+.85		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	12.80	.77	1%+1.50		.05
Cable Splicers	14.40	.77	1%+1.50		.05
San Francisco County					
Electricians	13.835	1.04	1%+.90		.06
Cable Splicers	15.56	1.04	1%+.90		.06
San Mateo County					
Electricians	11.77	.82	1%+.50		.03
ELEVATOR CONSTRUCTORS	13.49	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E of Fairfield), Sonoma Counties	$11.23	.92	$ 1.35		.02
Alpine, Amador, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Nevada, Placer, Sacramento, San Joaquin, Sutter, Tuolumne, Yolo and Yuba Counties	10.495	.43	1.20		
Fresno and Remaining portions of Merced County	9.09	.81	1.04	.885	.05
IRONWORKERS:					
Fence Erectors	10.41	1.14	1.86	1.20	.04
Reinforcing	11.30	1.14	1.86	1.20	.04
Ornamental; Structural	11.30	1.14	1.86	1.20	.04
LATHERS:					
Alameda and Contra Costa Cos.	11.36	1.09	1.26		.025
Humboldt, Nevada, Placer and Tehama Counties	11.00	.66	.80		.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.08	
Calaveras and San Joaquin Counties	10.55	.68	.55		.01
Marin and Sonoma Counties	9.01	.87	.85	1.00	1/8¢
Monterey and Santa Cruz Counties	11.30	.68	.55		.01
San Francisco and N¼ of San Mateo County	13.07	.66	2.00		.02
San Benito and Santa Clara Counties	10.14	.73	.75		
Fresno County	11.43	.35	.45		
Mariposa, Merced and Tuolumne Counties	10.75				.01
Southern half of San Mateo County	10.03	.32	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	$ 8.92	.70	$ 2.34	$ 1.11	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblasters; Structural Steel	9.32	.70	2.34	1.11	
Fresno County					
Brush; Tapers	11.12	.41	.20		
Spray; Structural Steel	11.37	.41	.20		
Del Norte and Humboldt Counties					
Brush	7.55	.50	.20	.80	
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	7.80	.50	.20	.80	
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area)					
Brush	11.22	.99	1.30	.80	.03
Spray	11.47	.99	1.30	.80	.03
Tapers	11.77	.99	1.30	.80	.03
Sutter, Tehama and Yuba Counties					
Brush; Pot Tender; Rollers	8.75	.60	.40		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	9.25	.60	.40		
Lake Tahoe Area					
Brush	10.95	.70	.75		
Spray; Structural Steel; Tapers	11.20	.70	.75		
Marin, San Francisco and Sonoma Counties					
Brush	10.77	.99	1.10	.80	.03
Spray	11.02	.99	1.10	.80	.03
Tapers	11.72	.99	1.10	.80	.03
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	11.12	.99	1.30	.80	.03
Spray	11.37	.99	1.30	.80	.03
Tapers	11.92	.99	1.30	.80	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Mariposa, Merced and Tulumne Counties					
Brush	$ 9.60	.70	.45	.75	.02
Swing Stage, Paperhangers, Bosun Chair, Steam Cleaning and Water Blasting	9.85	.70	.45	.75	.02
Spray, Sandbasting	10.10	.70	.45	.75	.02
PLASTERERS:					
Alameda and Contra Costa Cos.	10.10	.745	1.05		.03
Sutter and Yuba Counties	9.79	.56	1.00		
Fresno County	9.24	.90	1.25	1.00	
Monterey County	10.60	.71	.35		.01
Alpine, Amador, Calaveras, Eldorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo and Yuba Counties	11.59	.71	1.50		.01
San Francisco County	11.78	.90	1.90		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Solano, Sonoma and Tehama Counties	9.80	.98	.50	1.00	.01
Mariposa, Merced and Tuolumne Counties	9.05	.90	1.55	1.20	
PLASTERERS TENDERS:					
Alameda and Contra Costa Cos.	8.87	.60	1.10		
Fresno County	9.80	.80	1.40		
Marin County	8.32	.80	1.40	.90	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS TENDERS: (Cont'd)					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	$ 7.455	.455	$ 1.40	.80	
Calaveras and San Joaquin Cos.	9.43	.80	1.40	.90	
Monterey County	9.15	1.00	1.70	.90	
San Benito, Santa Clara and Santa Cruz Counties	11.80	.70	1.40		
PLUMBERS:					
Alameda County	13.10	.83	1.55		.12
Contra Costa County	12.72	.90	1.72		.20
Del Norte and Humboldt Counties	11.49	.61	1.12		.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	13.33	1.14	1.60		.14
Lake Tahoe Area	10.99	.58	.60	1.85	.10
Marin, San Francisco and Sonoma Counties	11.75	1.905	1.50	1.17	.15
San Benito and Santa Clara cos.	14.20	.90	1.65		.14
San Mateo County	11.74	1.05	1.85	1.20	.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter Tehama, Tuolumne and Yuba Counties	12.60	1.39	2.00		.10
Napa and Solano Counties	13.31	1.13	2.29		.16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Alameda and Contra Costa Cos.					
Roofers	$10.94	$1.17	$ 1.10	.60	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.19	1.17	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	11.94	1.17	1.10	.60	.04
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile and Composition and built up)	11.29	.98	.67		
Felt Machine Operator	11.44	.98	.67		
El Dorado, Placer, Sutter and Yuba Counties					
Roofers	11.89	.95	.40		
Fresno County					
Roofers	11.35	.60	.80		
Marin, Napa, Solano and Sonoma Counties					
Roofers	10.13	.85	1.20	1.63	.04
Mastic Workers; Kettlemen (2 kettle w/o pumps)	10.38	.85	1.20	1.63	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	11.13	.85	1.20	1.63	.04
Del Norte and Humboldt Counties					
Roofers	10.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	10.75	.90	1.15		
San Francisco and San Mateo Cos.					
Roofers	10.93	.60	1.15	1.10	.04
Mastic Workers and Kettlemen (2 kettles w/o pumps)	11.18	.60	1.15	1.10	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	11.93	.60	1.15	1.10	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont;'d)					
Amador, Sacramento and Yolo Counties					
Roofers	$10.11	$1.04	$ 1.10	$ 1.00	.07
Enamelers and Pitch	11.11	1.04	1.10	1.00	.07
San Benito and Santa Clara Cos.					
Roofers; Kettleman (1 kettle)	10.10	.65	1.14		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	11.25	.66	1.95	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.77	.66	1.40		.02
Amador, El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Cos.	11.09	.66	1.44		.09
Mariposa, Merced and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Cos.	11.15	3%+.66	1.845	1.115	
San Mateo County	12.62	.66	1.81		.12
Del Norte, Humboldt, Marin, San Francisco and Sonoma Cos.	12.50	.66	1.74		.12
Fresno County	8.75	.66	1.22		.09
SOFT FLOOR LAYERS:					
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	10.23	.79	1.25	1.00	.10
Lake Tahme Area	10.05	.70	.20		
Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	11.30	.60	1.00	b	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	$15.61	.60	.90		.09
Remaining Counties	14.82	.60	.90		.08
STEAMFITTERS:					
Alameda and Contra Costa Cos.	13.30	1.25	2.29		.165
Del Norte and Humboldt Cos.	11.64	.61	1.12		.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	11.02	1.40	.93	1.00	
El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	11.80	.80	.90		.25
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Cos.	12.00	.98	1.20	1.40	.095
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	10.27	.55	.30	1.00	
Fresno, Mariposa and Merced Counties	9.80	1.00	.50		
Monterey and Santa Cruz Counties	11.99	1.01	.93		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.90 per hour for the first five years of employment; After five years $1.05 per hour to Vacation and Holidays Benefits.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$ 8.295	$ 1.00	$ 1.70	.90	.10
Group 1(a)	8.52	1.00	1.70	.90	.10
Group 1(b)	8.795	1.00	1.70	.90	.10
Group 1(c)	8.345	1.00	1.70	.90	.10
Group 1(d)	8.245	1.00	1.70	.90	.10
Group 1(e)	8.845	1.00	1.70	.90	.10
Group 1(f)	8.495	1.00	1.70	.90	.10
Group 2	8.145	1.00	1.70	.90	.10
Group 3	8.045	1.00	1.70	.90	.10
LABORERS (Gunnite)					
Group 1:	8.755	1.00	1.70	.90	.10
Group 2:	8.165	1.00	1.70	.90	.10
Group 3:	8.045	1.00	1.70	.90	.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagginghammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, including tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis trencher - 300 or similar type (and all small trenchers); Roto and Ditch witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1½" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model WH143 and similar type drills; Track drillers; Jack leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (including drilling of same); Tree topper; Bit grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

LABORERS (Cont'd)

Group 1(d): Repair Trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of voids, Precast Manhole Setters, Cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzleman, adductors; Hydraulic Monitor (over 100 lbs pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS
(Gunnite)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborer

POWER EQUIPMENT OPERATORS	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$ 8.70	$10.10	$ 1.35*	$ 2.00	.90	.24
Group 2:	9.05	10.45	1.35*	2.00	.90	.24
Group 3:	9.26	10.66	1.35*	2.00	.90	.24
Group 4:	9.81	11.21	1.35*	2.00	.90	.24
Group 5:	10.02	11.42	1.35*	2.00	.90	.24
Group 6:	10.17	11.57	1.35*	2.00	.90	.24
Group 7:	10.32	11.72	1.35*	2.00	.90	.24
Group 8:	10.72	12.12	1.35*	2.00	.90	.24
Group 9:	10.94	12.34	1.35*	2.00	.90	.24
Group 10:	11.14	12.54	1.35*	2.00	.90	.24
Group 10-A:	11.25	12.65	1.35*	2.00	.90	.24
Group 11:	11.42	12.82	1.35*	2.00	.90	.24
Group 11-A:	12.49	13.95	1.35*	2.00	.90	.24
Group 11-B:	12.77	14.25	1.35*	2.00	.90	.24
Group 11-C:	13.07	14.55	1.35*	2.00	.90	.24

*Includes $.23 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATOES
AREAS I and II)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Moss Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

Group 5: Compressor Operator (2 to 7); Concrete Mixers (over 1 yard); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (3 to 7); Welding Machines (powered other than by electricity) (2 to 7)

Group 6: BLH Lima Road Pastor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam or over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II)

Group 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-Plane Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" m.r.c.) Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift (or similar); Chemical Grouting Machine; Combination Backhoe and Loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required When swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compresser Drill Combination; Track Laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II)

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yds. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and including 1 cu. yds.) (crant attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-alls (up to and including 1 cu yd.); Power Shovels, Clamshells, Draglines, (up to and including 1 cu. yds. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (over 5 tons); Loader (over 4 yds., up to and including 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yd.per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote Controlled Earthmoving Equipment

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 9.905	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.00	1.195	.70	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.015	1.195	.70	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LIFT JITMEYS, Fork Lift	$ 10.035	$ 1.195	.70	$ 1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	10.055	1.195	.70	1.00	
TRUCK REPAIRMAN HELPER	10.075	1.195	.70	1.00	
VACUUM TRUCK under (3,500 gallons)	10.085	1.195	.70	1.00	
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.10	1.195	.70	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.115	1.195	.70	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.155	1.195	.70	1.00	
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.165	1.195	.70	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.175	1.195	.70	1.00	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	$ 10.20	$ 1.195	.70	$1.00	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting); Jetting and water truck (4,000 gals. and under 5,000 gals.); Rubber tired Jumbo	10.215	1.195	.70	1.00	
HEAVY DUTY TRANSPORT (high bed)	10.22	1.195	.70	1.00	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	10.245	1.195	.70	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	10.255	1.195	.70	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	10.265	1.195	.70	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	10.315	1.195	.70	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd)					
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	$10.355	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete 8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	10.44	1.195	.70	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	10.45	1.195	.70	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	10.455	1.195	.70	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd)					
BULK CEMENT SPREADER (w/wo Auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Skids (debris box, over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 water level)	$ 10.48	$ 1.195	.70	$1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	10.54	1.195	.70	1.00	
TRUCK REPAIRMAN	10.575	1.195	.70	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 18 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trumks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	10.585	1.195	.70	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers and fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	$ 10.64	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	10.79	1.195	.70	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd)					
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	$ 10.94	$ 1.195	.70	$1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	11.09	1.195	.70	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Cont'd)					
BULK CEMENT SPREADER w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. and including 95 yds. water level)	$ 11.24	$ 1.195	.70	$1.00	

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of towpship 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9W, range 3E,
Thence Westerly to the N.W. corner of township 9W, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS FOR
POWER EQUIPMENT OPERATORS (Cont'd)

*Area 1: (Cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N. W. corner of township 48N, range 7W, Mt. Diable base-line and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Crow Wing
DECISION NUMBER: MN77-2064 DATE: Date of Publication
Supersedes Decision No. MN77-2038, dated March 18, 1977 in 42 FR 15245
DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS	$5.64	.26	.15		
POWER EQUIPMENT OPERATORS					
Asphalt Distributor-Spreader	7.26	.26	.15		
Asphalt Plant	7.66	.26	.15		
Bulldozer	7.66	.26	.15		
Crusher & Screening Plant	7.66	.26	.15		
Front-End-Loader	7.66	.26	.15		
Motor Patrols	7.94	.26	.15		
Rollers:					
Base	6.53	.26	.15		
Finish	7.04	.26	.15		
Tractors-Over D-2 TD-6	8.35	.26	.15		
TRUCK DRIVERS					
Over 8 cubic yards	7.04	.26	.15		
Semi-Tractor Trailer	7.26	.26	.15		
3-Axle	7.32	.40	.45		

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NOTICES

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Renville
DECISION NUMBER: MN77-2065 DATE: Date of Publication
Supersedes Decision No. MN77-2039, dated March 25, 1977 in 42 FR 16341
DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS	$4.79				
POWER EQUIPMENT OPERATORS					
Asphalt Plant	7.13	.26	.15		
Bulldozers	7.13	.26	.15		
Concrete Paving Machine	7.13	.26	.15		
Loaders - Front End	6.23				
Mechanics	7.13	.26	.15		
Rollers - Base	6.55	.26	.15		
Scrapers	7.40				
Tractors - Over 50 H.P.	7.50				
TRUCK DRIVERS					
Semi	6.76	.26	.15		
Tandem	6.55	.26	.15		

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: Brown
DECISION NUMBER: MN77-2066 DATE: Date of Publication
Supersedes Decision No. MN77-2040, dated March 25, 1977 in 42 FR 16341
DESCRIPTION OF WORK: Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS	$6.08				
POWER EQUIPMENT OPERATORS					
Asphalt Distributor-Spreader	6.75				
Asphalt Plant	7.85	.45	.35		
Backhoe	7.03				
Bulldozer	6.60				
Concrete Paving Machine	7.85	.45	.35		
Crane/Derrick/Dragline	7.49				
Crusher	6.68				
Front-End-Loader	7.01				
Mechanics	7.85	.45	.35		
Motor Patrols	7.06				
Rollers - Finish	7.85	.45	.35		
Scraper	7.00				
Screed Operator	6.92	.45	.35		
TRUCK DRIVERS					
Single	5.30				
Semi	6.40				
Tandem	6.82				

NOTICES

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SUPERSEDEAS DECISION

STATE: NEW JERSEY

COUNTIES: ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM

DECISION NO.: NJ77-3037

DATE: DATE OF PUBLICATION

Supersedes Decision No. NJ76-3248 dated October 1, 1976 in 41 FR 43598

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & REFRIGERATION MECHANICS:					
Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air-conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled airconditioning that does not exceed 15 tons	$ 8.50	.045	.18	r	.04
ASBESTOS WORKERS:					
ZONE 1	11.62	.70	.75		
ZONE 2	11.10	.70	.75		.025
ZONE 3	10.25	.92	1.03	1.74	.04
ZONE 4	11.44	.55	1.00		.03
ZONE 5	11.72	.70	.75		.06

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Atlantic, Burlington (Bass River and Washington Twps.), Cape May, Cumberland and Ocean (Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union Twps.) Counties

ZONE 2 - Burlington (Bordentown, Burlington, Chesterfield, Easthampton, Florence, Mansfield, Mount Holly, New Hanover, North Hanover, Pemberton, Roebling, Springfield, Wrightstown and Woodlawn Twps.), Mercer, Monmouth (Allentown, Blansinburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Manasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake Heights, Upper Freehold, Wall and West Belmar Twps.) and Ocean (Remainder of County) Counties

ZONE 3 - Monmouth (remainder of County) County

ZONE 4 - Salem County

ZONE 5 - Burlington (remainder of County), Camden and Gloucester Counties

DECISION NO: NJ77-3037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$10.57	8%	20%+.25	10%	.01
BOILERMAKERS HELPERS	10.04	8%	20%+.25	10%	.01
BRICKLAYERS, STONEMASONS, MARBLE MASONS, CEMENT MASONS, PLASTERERS, TILE LAYERS AND TERRAZZO WORKERS:					
ZONE 1					
Bricklayers, Stonemasons, Marble Masons and Plasterers	9.72	.75	.80		.02
Cement Masons, Tile Layers and Terrazzo Workers	9.47	.75	.80		.02
ZONE 2					
Bricklayers, Stonemasons, Marble Masons, Tile Layers and Terrazzo Workers	10.10	.95	1.00		
Cement Masons	10.15	.85	.80		
Plasterers	9.27				
ZONE 3	9.90	.50	.25		.02
ZONE 4	10.10	.60	1.00		.03
ZONE 5	11.02		.58		

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Atlantic and Cape May Counties

ZONE 2 - Camden, Gloucester and Salem Counties

ZONE 3 - Cumberland County

ZONE 4 - Burlington and Mercer Counties

ZONE 5 - Monmouth and Ocean Counties

CARPENTERS, MILLWRIGHTS AND INSULATORS:					
ZONE 1	10.65	8%	7%		1/5 of 1%
ZONE 2					
Carpenters and Insulators	10.65	8%	7%		1/5 of 1%
Millwrights	10.90	8%	7%		1/5 of 1%
ZONE 3	10.65	8%	7%		1/5 of 1%
ZONE 4	10.15	.60	.70	.50	.02

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AREA COVERED BY CARPENTERS, MILLWRIGHTS AND INSULATORS

ZONE 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties

ZONE 2 - Burlington (except the City of Bordentown), Monmouth and Ocean Counties

ZONE 3 - Mercer (beginning from the present Post Office in Lawrenceville to a point northward through the present "Radio Site" to the junction of Rosedale Road and Read's Mill Road to the junction of Pennington and Mount Rose Road to the Somerset County Line; again starting at the present Post Office in Lawrenceville and eastward to the junction of Brunswick Pike and Delaware and Raritan Canal Bridge taking the center of the road to Clarksville then south on Providence Line Road to the Pennsylvania Railroad then east to Dutch Neck North to Grover's Mills to the Middlesex County Line) County

ZONE 4 - Burlington (City of Bordentown only) and Mercer (remainder of County) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOCKBUILDERS & PILEDRIVERMEN:					
ZONE 1	10.42	1.88	1.30	a	.12
ZONE 2	10.92	1.25	1.73	.71	.02

AREA COVERED BY DOCKBUILDERS & PILEDRIVERMEN ZONES

ZONE 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer (Trenton Area), Ocean and Salem Counties

ZONE 2 - Mercer (Princeton Area) and Monmouth Counties

DRYWALL TAPERS & FINISHERS					
ZONE 1	10.60	1.10	.50		.10
ZONE 2	9.75	.94	.75	.85	.03

AREA COVERED BY DRYWALL TAPERS & FINISHERS ZONES

ZONE 1 - Atlantic, Burlington, Cape May, Cumberland, Mercer, Monmouth & Ocean Counties

ZONE 2 - Camden, Gloucester & Salem Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	11.70	6%	18+1.00		.01
ZONE 2	12.80	6%	18+.40		.13
ZONE 3	11.90	6%	18+.45		.05
ZONE 4	11.24	6%	18+.30		.04
ZONE 5	11.08	6%	18+.35		.02

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS

ZONE 1 - Monmouth & Ocean Counties

ZONE 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) and Mercer Counties

ZONE 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Townships in Burlington County and that portion of Shamong, Tabernacle, Woodland Townships north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Townships in the county south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad, along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Mantua, Harrison, South Harrison, Woolwich and Logan Twps. and Fitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps. north of a line following State Hwy. #45 northeast from Penswick Creek to the Borough of Woodstown, around and including Woodtown to U.S. Hwy #40 and east on #40 to Upper Pittsgrove Twp. line) Counties

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AREA COVERED BY ELECTRICIANS & CABLE SPLICERS (CONT'D)

ZONE 4 - Atlantic (that portion south and west of a line following the White Horse Pile (U.S. Hwy #30) in a southeasternly direction from Camden County to the Mays Landing - DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of County), Cumberland, Gloucester (remainder of County) & Salem (remainder of county) Counties

ZONE 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	12.09	.545	.35	4%+b+c	.02
Helpers	8.46	.545	.35	4%+b+c	.02
Probationary Helpers	6.045				
GLAZIERS:					
Monmouth and Ocean Counties	11.50	.91	.65		.02
Atlantic and Cape May Counties	7.80		.30		
Camden, Gloucester and Salem Cos.	10.08	.45	.25		.01
Burlington (that portion north of a line that begins at Florence-Roebling and that extends in a southeasterly direction that includes Fort Dix to the Ocean County Line) & Mercer Counties	9.41	.35	.50		.02
IRONWORKERS-STRUCTURAL, ORNAMENTAL AND REINFORCING:					
ZONE 1	10.82	7%	23%	10%	1%
ZONE 2	11.60	.64	1.21		
ZONE 3	11.75	.84	1.21		.03
ZONE 4	10.36	.79	1.11		.05

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Monmouth & Ocean (northern half of county) Counties

ZONE 2 - Atlantic, Cape May, Camberland (that portion east of a line drawn from the Delaware Bay through the Town of Cedarville and upwards to the point where the county lines of Gloucester, Cumberland & Atlantic meets) & Ocean (remainder of county) Counties

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AREA COVERED BY IRONWORKERS ZONES (CONT'D)

ZONE 3 - Burlington (southern portion of county up to but not including Lumberton & Chatsworth Twps.) Camden, Cumberland (remainder of county), Gloucester & Salem Counties

ZONE 4 - Burlington (remainder of county) & Mercer Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION:					
ZONE 1 .					
Laborers, mason tenders and plasterers tenders	7.40	.55	.40		.02
Air, gas, electric tool operators	7.65	.55	.40		.02
Gunnite men	7.80	.55	.40		.02
ZONE 2					
Construction laborers	7.60	.40	.65		.02
Brick tenders, motor tenders, scaffold builders (brick), hod carriers (brick) & power tool operators	7.70	.40	.65		.02
Motorized buggy operators, burners, nozzlemen (gunnite work)	7.825	.40	.65		.02
Jackhammer operators, barkm tamper operators & concrete vibrator operators (over 27 lbs)	7.95	.40	.65		.02
Plasterer & lather tenders	8.10	.40	.65		.02
ZONE 3					
Laborers	8.10	.40	.40		.02
Hod carriers, mason tenders, operators of jackhammers, tampers and electric hammers	8.35	.40	.40		.02
ZONE 4	8.45	.45			.02
ZONE 5					
Laborers	7.45	.40	.65		.02
Jackhammers	7.70	.40	.65		.02
ZONE 6					
Laborers	7.70	.40	.80		.02
Hod carriers and plasterers tenders	7.80	.40	.80		.02

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AREA COVERED BY LABORERS, BUILDING ZONES

ZONE 1 - Atlantic, Burlington (Twps of Washington and Bass River), Cape May, Cumberland (Twps of Fairfield, Millville, Maurice River, Lawrence Dawne and Commercial) and Ocean (that portion of the county up to and including Lacey Twp.) Counties

ZONE 2 - Burlington (Twps of Edgewater Park, Delance, Willingsboro, West Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morrestown, Mt. Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong, Tabernacle and Woodland), Camden, Gloucester and Salem Counties

ZONE 3 - Mercer (Twps of Princetown, Lawrence and West Windsor and Boro of Princeton) County

ZONE 4 - Monmouth (Twps of Matawan, Union Beach, Raritan, Keansburg, Highlands, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro. and Marlboro) County

ZONE 5 - Mercer (Twps of Washington, Highstown and East Windsor) Monmouth (remainder of county) and Ocean (remainder of county) Counties

ZONE 6 - Burlington (remainder of county) and Mercer (remainder of county) Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
ZONE 1					
GROUP 1	8.60	.70	1.00	d	.10
GROUP 2	8.30	.70	1.00	d	.10
GROUP 3	8.25	.70	1.00	d	.10
GROUP 4	8.10	.70	1.00	d	.10
GROUP 5	8.00	.70	1.00	d	.10
GROUP 6	7.75	.70	1.00	d	.10
GROUP 7	7.70	.70	1.00	d	.10
GROUP 8	7.60	.70	1.00	d	.10
ZONE 2					
GROUP 1	9.10	.70	1.00	d	.10
GROUP 2	8.95	.70	1.00	d	.10
GROUP 3	8.70	.70	1.00	d	.10
GROUP 4	8.65	.70	1.00	d	.10
GROUP 5	8.55	.70	1.00	d	.10
GROUP 6	8.45	.70	1.00	d	.10
GROUP 7	8.20	.70	1.00	d	.10
GROUP 8	8.05	.70	1.00	d	.10
GROUP 9	8.00	.70	1.00	d	.10
FREE AIR TUNNEL JOBS					
GROUP 1	9.47	.70	1.00	d	.10
GROUP 2	9.07	.70	1.00	d	.10
GROUP 3	8.91	.70	1.00	d	.10
GROUP 4	8.40	.70	1.00	d	.10

AREA COVERED BY LABORERS, HEAVY & HIGHWAY CONSTRUCTION ZONES

ZONE 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean & Salem Counties

ZONE 2 - Monmouth County

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CLASSIFICATION DEFINITIONS
LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 1

Group 1 - Blasters

Group 2 - Finisher, Rammers, Pavers, Gunnite Nozzle Men, Stone Cutters & Form Setters

Group 3 - Timbermen

Group 4 - Wagon Drill Operator, Drill Master, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammer & Tree Cutter Operators, Sandblasting, Cutting, Burning & such other power tools used to perform work usually done manually by Laborers

Group 5 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 6 - Wagon drill operator helpers, Drill Master Helpers, Power Carrier and Magazine Tenders

Group 7 - Wrapping and Coating of all pipes

Group 8 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Waterproofing, Rakers & Tampers on Cold Patch Work

LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 2

Group 1 - Blasters

Group 2 - Finishers, Rammers, Pavers, Gunnite Nozzle Men And Stonecutters

Group 3 - Timbermen

Group 4 - Form Setters

Group 5 - Wagon Drill Operators, Drill Maters, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammers and Tree Cutter Operators, Sandblasting, Cutting, Burning and Such other power tools used to perform work usually done manually by laborers

Group 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders

Group 8 - Wrapping and Coating of all Pipe

Group 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Water-Proofing, Rakers and Tampers on Cold Patch Work

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LABORERS - FREE AIR TUNNEL JOBS

GROUP 1 - Blasters

GROUP 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Blmck Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

GROUP 3 - Semi-skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men)

GROUP 4 - All others (including Powder Watchmen, change house attendants, Top Laborers)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, ASPHALT CONSTRUCTION:					
STREET:					
Head Rakers	7.90	.60	1.00	d	.10
Rakers & Screed Men	7.75	.60	1.00	d	.10
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.50	.60	1.00		.10
PLANT:					
Scale Mixer & Burner Men	7.75	.60	1.00	d	.10
Feeders & Dust Men	7.50	.60	1.00	d	.10
LATHERS:					
ZONE 1	10.00	.60	.25		.02
ZONE 2	7.85		.15		.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - Burlington, Camden, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

ZONE 2 - Atlantic & Cape May Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LEADBURNERS	10.75	.40	.25	e	.01
LINE CONSTRUCTION:					
ZONE 1					
Linemen, Cable Splicers & Equipment Operators	11.70	6% + .60	1%+.40		1/2 of 1%
Groundmen	9.75	6% + .60	1%+.40		1/2 of 1%
ZONE 2					
Linemen, Cable Splicers & Equipment Operators	13.20	6%	1%+.40		1/2 of 1%
Groundmen & Winch Operators	10.55	6%	1%+.40		1/2 of 1%
ZONE 3					
Linemen	11.90	6%	1%+.45		1/2 of 1%
Groundmen & Winch Operators	9.50	6%	1%+.45		1/2 of 1%
ZONE 4					
Linemen	11.80	6%	1%+.30		1/2 of 1%
Line Digger Truck Drivers	7.33	6%	1%+.30		1/2 of 1%
Groundmen	8.48	6%	1%+.30		1/2 of 1%
ZONE 5					
Linemen, Equipment Operators, Technicians & Centified Linemen Welders	11.75	.25	1%+.60		1/2 of 1%
Truck Drivers	8.33	.25	1%+.60		1/2 of 1%
Groundmen	7.74	.25	1%+.60		1/2 of 1%

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AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Monmouth & Ocean Counties

ZONE 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south -southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon and continuing along the Pennsylvania Railroad to the Ocean County Line) & Mercer Counties

ZONE 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Twps. in the county and that portion of Shamong, Tabernacle, Woodland Twps north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Twps. in the county south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Manuta, Harrison, South Harrison, Woolwich and Logan Twps. and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps. North of a line following State Hwy. #45 northeast from Penswick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Hwy #40 and east on #40 to Upper Pittsgrove Twps. line) Counties

ZONE 4 - Atlantic (that portion south and west of a line following the White Horse Pike (U. S. Hwy. #30) in a southeasterly direction from Camden County to the Mays Landing-DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of Corbin City to the Tuckahoe River), Cumberland, Gloucester (remainder of county) and Salem (remainder of county) Counties

ZONE 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

DECISION NO. NJ77-3037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Zone 1					
Base Rates:					
Paperhanding, Painting & Allied Work	$ 9.55		.50		
Spraying & Sandblasting	10.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	9.85		.50		
Spraying & Sandblasting under these sonditions	10.75		.50		
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Water Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures	10.45		.50		
Spraying & Sandblasting under these conditions	11.10		.50		
Zone 2					
Painters on New Construction and Major Alterations	9.40	.55	.50	.30	.05
Painters on Repaint Work	8.90	.55	.50	.30	.05
Spraying or application of hazardous or dangerous materials on Repaint Work	9.50	.55	.50	.30	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.55	.55	.50	.30	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Repaint Work as described above	9.05	.55	.50	.30	.05
On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steam-cleaning, Spraying or application of hazardous materials	10.00	.55	.50	.30	.05
ZONE 3					
Commercial brush & roller	9.75	.50	.50		.05
Commercial spray or dipping, or the use of any special material, brushing steel or tanks, or working swing or bosun chair	10.50	.50	.50		.05
Roller on steel or tanks	10.65	.50	.50		.05
Sandblasting or power tools, spraying or the use of any special material on steel or tanks	11.25	.50	.50		.05
ZONE 4					
New Construction:					
Brush or roller, paperhanging, & vinyl-wall covering	10.75	.55	.55		.85
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack-work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools, & hazardous materials (ie. creosote, epoxy, acid, pitchmastic & urethanes)	11.75	.55	.55		.85
Repaint Construction					
Brush or roller, paperhanging & vinyl-wall covering	8.80	.55	.55		.85
Work on all structural steel					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
& iron, steeples, stacks, tanks, flagpoles, all swing work & window-jack work above 2 stories, spray painting & sandblasting & line striping by machinery all power tools & hazardous materials (ie. creosote, epoxy, acid, pitchmastic & urethanes)	9.00	.55	.55		.05
ZONE 5					
New Construction & Major Alteration Work:					
Brush & Roller Rates:					
Any surface except steel	8.75	.40	.25		
Any surface except steel (exotic materials)	9.75	.40	.25		
Steel & swing	9.00	.40	.25		
Steel & swing (exotic material)	10.00	.40	.25		
Steel above 70'	9.40	.40	.25		
Steel above 70' (exotic materials)	10.40	.40	.25		
Spray Rates:					
Any surface except steel	8.80	.40	.25		
Any surface except steel (exotic materials)	9.80	.40	.25		
Steel & Swing	9.05	.40	.25		
Steel (exotic materials)	10.05	.40	.25		
Steel above 70'	9.45	.40	.25		
Steel above 70' (exotic materials)	10.45	.40	.25		
Sandblasting Rates:					
Any surface except steel	8.80	.40	.25		
Steel & swing	9.05	.40	.25		
Steelabove 70'	9.45	.40	.25		
Vacuum Blasting Rates:					
Any surface except steel	9.10	.40	.25		
STeel & swing	9.35	.40	.25		
Steel above 70'	9.75	.40	.25		
Repaint Work (except bridges,) tank towers & all other open structural steel):					
Any surface	8.00	.40	.25		
Any surface (exotic materials)	8.50	.40	.25		

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AREA COVERED BY PAINTERS ZONES

ZONE 1 - Monmouth & Ocean (northern half of county) Counties

ZONE 2 - Mercer County

ZONE 3 - Burlington, Camden, Gloucester & Salem (the northern portion of county north of Salem Bridge) Counties

ZONE 4 - Atlantic, Cape May & Ocean (remainder of county) Counties

ZONE 5 - Cumberland & Salem (remainder of county) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	11.73	4%	.47		.025
ZONE 2	11.30	.62	1.10	1.00	.05
ZONE 3	10.25	1.04	.77	1.10	.09
ZONE 4	11.69	.67	.90		.05
ZONE 5	11.49	5%	.75		.05
ZONE 6	10.96	.41	.70	1.00	.20

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Atlantic, Burlington (that portion of the County including Atsion, Bass River Twp., Batsto, Chatsworth, Green Bank, Herman, Jenkins, New Gretna, Quaker Bridge, Wading River, Washington & Woodland Twp.), Cape May, Cumberland, Gloucester (Ashbury, Blue Bell, Malaga & Newfield Twps. only), Ocean (southern half of the county to and including Whiting, Bamber, Waretown & Barnegat Light) & Salem (that portion of the county including Aldine, Alliance, Alloway, Brotmanville, Canton, Centerton, Friesburg, Hancock's Bridge, Lower Alloways Creek Twps., Moore's Corner, Norma, Oakwood Beach, Olivet,Penn (Beach), Pittsgrove Twp. Quinton & Shirley) Counties

ZONE 2 - Burlington (that portion of the county starting on the west by the Delaware River, on the north by a line following the center of High Street to the Pennsylvania Railroad running from Camden to Mount Holly, Birmingham, Seaside Park & Shore Points on the Jersey Coast. Along afore-said Railroad to the Town of Whitings; thense diagonally across Burlington County to the junction of Burlington, Camden & Atlantic Counties), Camden, Gloucester (remainder of county) & Salem (remainder of county) Counties

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AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES (CONT'D)

ZONE 3 - Mercer (Bakersville, Berrien City, Clarksville, Dutch Neck, East Windsor Twp., Edinburg, Etra, Grover's Mills, Hightstown, Locust Corner, Mount Rose, North Princeton, Penns Neck, Port Mercer, Princeton & Rosedale) County

ZONE 4 - Burlington (remainder of county), Mercer (remainder of county) & Monmouth (Allentown only) Counties

ZONE 5 - Monmouth (the southern half of the county to and including Manalapan, Eton, Jerseyville, West Farms, Collingwood Park & Deal) & Ocean (remainder of Counties) Counties

ZONE 6 - Monmouth (remainder of county) County

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.39	7%	15%	f	3%
GROUP 2	12.68	7%	15%	f	3%
GROUP 3	11.85	7%	15%	f	3%
GROUP 4	11.75	7%	15%	f	3%
GROUP 5	11.53	7%	15%	f	3%
GROUP 6	11.07	7%	15%	f	3%
GROUP 7	10.80	7%	15%	f	3%
GROUP 8	10.64	7%	15%	f	3%
GROUP 9	10.59	7%	15%	f	3%
GROUP 10	10.48	7%	15%	f	3%
GROUP 11	10.43	7%	15%	f	3%
GROUP 12	10.21	7%	15%	f	3%
GROUP 13	9.83	7%	15%	f	3%
GROUP 14	9.67	7%	15%	f	3%
GROUP 15	9.35	7%	15%	f	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet or over above ground level.

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only). drillmaster. quarry master (down the hole drill); draglines; elevator graders; engines. large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous. Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau. DW's, Ukes, pumpcrete-unit type; pumpcrete machines squeezecrete & concrete pumping; scrapers-LeTourneau. DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	$16.09	7%	15%	f	3%
GROUP 2	14.39	7%	15%	f	3%
GROUP 3	13.53	7%	15%	f	3%
GROUP 4	12.84	7%	15%	f	3%
GROUP 5	11.17	7%	15%	f	3%
GROUP 6	10.80	7%	15%	f	3%
GROUP 7	10.66	7%	15%	f	3%
GROUP 8	10.31	7%	15%	f	3%
GROUP 9	9.78	7%	15%	f	3%

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

DECISION NO.: NJ77-3037	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1					
Composition, Rollermen and Kettlemen	10.25	.60	.77		
Slate, Tile, Damproofing & Mopmen	10.50	.60	.77		
Helpers	4.60	.60	.77		
ZONE 2					
Composition	11.36	1.30	.82	g	
Mechanic II (reroofing)	5.50	1.30	.82	g	
Slate & Tile	10.75	1.00	.50		
Asphalt Shingle:					
Commercial	8.91	1.00	.50		
Re-roofing	8.10	1.00	.50		
ZONE 3					
Composition, Damp and Waterproofing	11.30	.80	.60		
Slate and Tile	11.425	.80	.60		
Slate and Tile Helpers	10.30	.80	.60		
ZONE 4					
Composition, Waterproofing, Slate and Asphalt Shingle	10.15	.50	.60		

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Atlantic, Cape May and Cumberland Counties

ZONE 2 - Burlington (Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties

ZONE 3 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whitings, Wheatland and Cedar Bridge inclusive) Counties

ZONE 4 - Burlington (remainder of County), Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties

DECISION NO.: NJ77-3037	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
ZONE 1	10.30	.95	.77		.02
ZONE 2	10.33	6%+.37	5%+.10	8%	.07
ZONE 3	10.21	.84	.60		.02
ZONE 4	11.84	1.01	.65		.03

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Atlantic, Cape May & Cumberland Counties

ZONE 2 - Monmouth & Ocean Counties

ZONE 3 - Burlington & Mercer Counties

ZONE 4 - Camden, Gloucester & Salem Counties

SOFT FLOOR LAYERS					
ZONE 1	10.65	8%	7%		1/5 of 1%
ZONE 2	10.22	6%	5% + .50		

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester & Salem Counties

ZONE 2 - Burlington, Mercer, Monmouth & Ocean Counties

SPRINKLER FITTERS:					
ZONE 1	12.04	.60	.90		.10
ZONE 2	12.15	.60	.90		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Camden, Gloucester, Mercer (Town of Trenton) & Salem (Penns Grove excluding Penns Grove Airport) Counties

ZONE 2 - Atlantic, Burlington, Cape May, Cumberland, Mercer (remainder of county), Monmouth, Ocean & Salem (remainder of county) Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS FINISHERS:					
Atlantic & Monmouth Counties	8.45	6%	7%		
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	5.45	g&h	i	j&k	
GROUP 2	5.55	g&h	i	j&k	
GROUP 3	5.70	g&h	i	j&k	
GROUP 4	5.85	g&h	i	j&k	
ZONE 2					
GROUP 1	6.50	l	m	n+o	
GROUP 2	7.20	l	m	n+o	
GROUP 3	7.35	l	m	n+o	
GROUP 4	7.40	l	m	n+o	
GROUP 5	7.55	l	m	n+o	
GROUP 6	7.75	l	m	n+o	
GROUP 7	7.90	l	m	n+o	
ZONE 3					
GROUP 1	7.27	.68	.75	p+q	
GROUP 2	7.50	.68	.75	p+q	
GROUP 3	7.55	.68	.75	p+q	
GROUP 4	7.65	.68	.75	p+q	
GROUP 5	7.75	.68	.75	p+q	

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Atlantic & Cape May Counties

ZONE 2 - Burlington (that portion west of the Jersey Turnpike to the Delaware River), Camden, Cumberland, Gloucester & Salem Counties

ZONE 3 - Burlington (remainder of county), Mercer, Monmouth & Ocean Counties

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 1

GROUP 1 - Warehousemen and Helpers

GROUP 2 - Teamsters & Chauffeurs

GROUP 3 - Drivers on Tractors, Trailers, 10 wheel Flats and Dumps

GROUP 4 - Drivers on Euclids, 10 Wheel Tractors and Tractor Trailer Trucks, Low Beds and Pole Trailers

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TRUCK DRIVERS - ZONE 2

GROUP 1 - Ten wheel dump truck driver and trailer dump driver off site

GROUP 2 - Straight truck driver (helper)

GROUP 3 - Warehousemen, fork lift truck and part men

GROUP 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & flat bed trucks.

GROUP 5 - All truck towing

GROUP 6 -Winch straight tractor and trailer truck driver and Euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dump-crete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, asphalt distributor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar type equipment

GROUP 7 - Mechanics

TRUCK DRIVERS - ZONE 3

GROUP 1 - Mechanic Helper

GROUP 2 - Drivers on the following type vehicles: Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer, bead, hot pass, bus, dumpcrete, transit mixers, agitator mixer, half truck, winch truck, side-o-matic, dynamite, powder, X-Ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, truck with mechanical tailgate, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (intransit), parts chaser, escort, scissor, Hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader, Nipper, fuel trucks (drivers on fuel trucks including handling of unit), skid truck (debris container - entire unit), concrete mobile trucks (entire unit), Expediter (parts chaser), beltcrete trucks, pumpcrete trucks, line truck, reel truck, wreckers, utility trucks, tack trucks, warehousemen, warehouse parts-men, yardmen, lift truck in warehouse, helper when required on lift truck in warehouse, warehouse clerk, parts man, material checkers, receivers, shippers, binning men (materials), cardex man; helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; drivers on the following type vehicles: Broyhill Coal tar epoxy trucks, Little-Ford Bituminous distributor, Slurry seal truck or vehicle, Thiokol trackmaster pick-up (swamp cat pickup), bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and on-site repair shop, team drivers, vacuum or vac-all trucks (entire unit)

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 3 (CONT'D)

GROUP 3 - Drivers on straight 3-axle materials: Truck & Floats

GROUP 4 - Drivers on all Euclid-Type Vehicle: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors, and wagons, Dumptors, Straight, Bottom, Rear and side dumps, Carryalls and scrapers (not self-loading - loading over the top), Water sprinkler, Trailers, Water pulls and similar types of vehicles; Drivers on tractors and trailer type vehicles: Flat, Floats, I-beam, Low beds, Water sprinkler, Bituminous transit mix, Road Oil, Fuel, Bottom, Dump Hopper, Rear Dump, Office Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole Spread, Bituminous Distributor, Water Pulls, (entire unit) (Tractor Trailer), Reel Trailer and similar types of vehicles

GROUP 5 - Winch trailer drivers

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Independence Day; Presidential Election Day, Veterans Day or Thanksgiving Day.

b. Paid Holidays: A through F

c. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

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FOOTNOTES: (Cont'd)

e. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 30 full days for the employer during the 90 calendar days immediately prior to the holiday, and the employee works his regular scheduled work days immediately preceeding and following the holiday.

f. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

g. $1.00 per week employer contribution to Life Insurance Fund per employee.

h. Employer contributes $2.30 per day per employee to Health and Welfare Funds.

i. Employer contributes $1.60 per day per employee to the Pension Fund.

j. One week vacation after one year's work; two weeks vacation after 3 year's work.

k. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.

l. Employer contributes $25.50 per week per employee to the Health Welfare Fund.

m. Employer contributes $13.00 per week per employee to the Pension Fund

n. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.

o. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day, Armistice Day, 2 Personal Holidays, Good Friday, and Christmas Eve afternoon (provided the employee works that morning) on the condition that the employee works or is available for work on at least 2 days in the week in which the holiday occurs.

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FOOTNOTES: (Cont'd)

p. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160).

q. Paid Holidays: A through F,plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

r. Paid Holidays: A through F plus Armistice Day and Washington's Birthday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northumberland
DECISION NO.: PA77-3049 DATE: Date of Publication
Supersedes Decision No. PA76-3182, dated June 18, 1976, in 41 FR 24860.
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$9.95	.65	.60		.01
Boilermakers	12.05	.75	1.00		.02
Bricklayers & Stonemasons	9.80	.40	.50		
Carpenters	9.50	.35	.40		.03
Cement masons	9.70 [a]				
Electricians:					
Delaware, Lewis & Trubut	9.23	.40	1%+.35	.60	.02
Remainder of County	11.20	.30	1%+.20		.05
Glaziers:					
Edgewell, Ralph, Knulpmont, Coal, Marion Heights Twps:	9.14	.35	.10		.01
Remainder of County	8.09	.25	.30		.01
Ironworkers	10.63	.84	1.21		.03
Laborers:					
North of Susquehanna River	7.00	.30	.35		
South of Susquehanna River	7.30	.25	.30		
Lathers	9.01	.25	.25		.01
Marble & Tile Setters	9.50		.50		
Painters:					
Brush	8.55	.50	.30		.05
Tapers	8.81	.50	.30		.05
Hazardous	9.81	.50	.30		.05
Piledrivermen	10.42	1.88	1.30	a	.12
Roofers:	e				
Coal, East Cameron, Jackson, Jordan, Little Mahony, Lower Augusta, Upper Mahony, Point Rockfeller, Shamokin, Upper Mahony, Washington, West Cameron, Zerbe Composition	9.71	.60	.55		
Remainder of County Composition	9.20	.75	.70		
Plumbers	10.45	.30	.65		.12
Steamfitters	10.45	.30	.65		.12
Sprinkler fitters	11.61	.60	.90		.08
Sheet metal workers	10.08	.50	.50		.02
Soft floor layers	8.63	.35	.40		.03
Welders: Receive rate for craft					

DECISION NO.: PA77-3049 Page 2

FOOTNOTE:

a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lift, 20 ft lift and over machine to the above

CLASS 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core driller helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 Ft and over

GROUP 7A: 150 ft. and over

GROUP 7B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc.77-11455 Filed 4-21-77;8:45 am]

FRIDAY, APRIL 22, 1977
PART V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development
Office of Child Development

■

HEAD START PROGRAM

Policies and Procedures Applicable to Financial Assistance

federal register

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

Office of Child Development

HEAD START PROGRAM

Policies and Procedures Applicable to Financial Assistance

Pursuant to section 517(d) of the Headstart-Follow Through Act (Title V, Pub. L. 93-644), notice is hereby given of proposed grant administration policies and procedures applicable to financial assistance for Head Start Programs.

The purpose of these proposed grant administration policies and procedures is to provide a basic reference for use by Head Start project directors and other program officials concerned with business management of Head Start projects. They are generally based on the requirements set forth in 45 CFR Part 74, Administration of Grants, which establishes uniform policies and procedures for the administration of HEW grants and principles for determining allowable costs under HEW grants to the various types of grantee organizations; provisions of the HEW Grants Administration Manual; and on administrative requirements set out in Title V of Pub. L. 93-644.

The basis for the proposed policies and procedures is the belief of the Office of Human Development that it is desirable to provide readily available uniform administrative guidelines for all Head Start programs as well as for other OHD constituent programs, and to provide uniform interpretation and implementation, where applicable, of the Headstart-Follow Through Act and the Head Start regulations. The proposed policies and procedures are responsive also to a need to assist Head Start agencies to observe the administrative requirements and standards comtemplated and insisted upon by section 517(a) of the Act.

Included among the proposed policies and procedures which will have a major impact on Head Start grantees is the required adherence to certain financial management standards such as the maintenance of adequate financial records which permit comparison of actual expenditures with budgeted amounts, and which result in accurate, current, and complete disclosure of the financial results of the project in accordance with reporting requirements. (Part I, Chapter 3, Section I.) The proposed policies and procedures also describe the composition of acceptable matching funds including allowable in-kind contributions (Part I, Chapter 2, Section A). Proposed requirements for maintenance of records for in-kind contributions are also stated. Other proposed policies cover budget revision procedures (Part I, Chapter 1, Section L.); grant related income (Part I, Chapter 3, Section B.); record retention and access (Part I, Chapter 3, Section D.); reporting requirements (Part I, Chapter 4); procurement and property management standards (Part I, Chapters 5 and 6); and procedures related to grant closeout (Part I, Chapter 9).

The proposed policies and procedures based on the provisions applicable to all discretionary HEW grants as specified in the HEW Grants Administration Manual include policies and procedures related to general grantee eligibility describing the basis for proof of eligibility (Part I, Chapter 1, Section B.); use of unobligated grant funds (Part I, Chapter 1, Section F.); use of consultants (Part I, Chapter 3, Section F.); use of small businesses and minority-owned businesses (Part I, Chapter 8, Section B.); requirements for coordination with State and local communities under the project notification and review system (Part I, Chapter 1, Section I.); alterations and renovations (Part I, Chapter 3, Section H.); surveys and questionnaires (Part I, Chapter 3, Section P.); and use of audio-visual materials (Part I, Chapter 3, Section R.).

The proposed policies and procedures based on specific provisions of Title V, Pub. L. 93-644 cover labor standards (Part II, Subpart A, Chapter 3, Section F.), maintenance of effort (Part I, Chapter 3, Section Q.); grantee appeals (Part II, Subpart A, Chapter 3, Section G.); and guidelines and procedures for establishing wage comparability (Part II, Subpart A, Chapter 3, Section E.).

Additionally, several proposed policies and procedures are based on proposed rules which, it is expected, will be codified in 45 CFR Part 1301. They were published in the FEDERAL REGISTER on May 5, 1976, and are subject to modification prior to publication as final rules. They do, however, reflect policy now in effect and, as such, are currently applicable. Such policies and procedures include Head Start audit and accounting system certification requirements under which a Head Start grantee must perform, or have performed, an annual audit and must annually submit an audit report (Part II, Subpart A, Chapter 3, Section A.); the establishment of insurance requirements (Part II, Subpart A, Chapter 3, Section C.); and personnel administration standards for Head Start grantees (Part II, Subpart A, Chapter 3, Section D.).

Head Start grantees may submit written comments pertaining to these policies and procedures within thirty (30) days from the date of this Notice. Comments should be addressed to the Department of Health, Education, and Welfare, Office of Human Development, Division of Grants and Contract Management, Room 341F, South Portal Building, 200 Independence Ave. SW., Washington, D.C. 20201.

Dated: March 5, 1977.

SAUL R. ROSOFF,
Acting Director,
Office of Child Development.

Approved: April 18, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development.

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OMB/GAM TN 77-1 (1/1/77)

OHD
GRANTS
ADMINISTRATION
MANUAL

THE OFFICE OF HUMAN DEVELOPMENT
U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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Introduction

This manual sets forth applicable administrative policies, procedures and guidelines to recipients of discretionary project grants awarded by program offices in the Office of Human Development except those funded by RSA. It is intended to serve as a basic reference for business officers and project directors of grantee institutions who are engaged in the administration and financial management of grants awarded by OHD program offices. The provisions of this manual are not applicable to construction grants.

The policies and procedures included herein are subject to applicable Federal laws and regulations and any changes made thereto adopted subsequent to its publication. In the event these policies and procedures conflict with applicable Federal laws, regulations and policies, the following order of precedence shall prevail:

1. Federal Legislation
2. Federal Regulations
3. Terms and Conditions of Grant Award
4. OHD Grants Administration Manual
5. HEW Grants Administration Manual

The principles upon which these OHD policies are based are prescribed in the following documents available from the U.S. Government Printing Office, Washington, D.C.

1. Code of Federal Regulations (Title 45)
   Title 45 includes the administrative and program regulations applicable to OHD grants. Compilations are available in booklet form from the U.S. Government Printing Office.
2. Federal Register
   This publication is used to announce proposed and final rule making issuances, including announcements, of new programs and regulations, as well as policies issued by the Office of Management and Budget, the Department of Health, Education, and Welfare and the Office of Human Development.
3. HEW Grants Administration Manual
   The HEW manual sets forth detailed requirements to which all HEW awarding offices must adhere in the administration of grant supported projects. It is available on a subscription basis, including new chapters as they are issued, from the U.S. Government Printing Office.

Grantee institutions are encouraged to maintain, or have access to, copies of the referenced documents which present both basic and detailed guidance on administrative policies and procedures to be used in the administration of OHD program grants.

Stanley B. Thomas, Jr.
Assistant Secretary for
Human Development

Organization of the Manual

The OHD Grants Administration Manual is structured into parts which differentiate between a) general policies, procedures and guidelines applicable to all projects supported by OHD discretionary grants, and b) provisions and requirements specific to projects supported under a particular OHD program. The directives included in **Parts II through III** either supplement or deviate from, and take precedence over, policies, procedures and guidelines included in Part I. Where an administrative matter is not discussed in the applicable program part or subpart, the provisions of Part I will apply. Therefore, grantees should be cognizant of the provisions of Part I and the requirements of the program part or subpart related to the program under which support is provided to have a complete understanding of administrative requirements applicable to its projects.

Glossary of Terms

BUDGET PERIOD

A period of time within an approved project period covered by a specific budget for which an award is made. Budget periods are generally for 12 month periods, but may be for a shorter or longer period, if appropriate.

CODE OF FEDERAL REGULATIONS (CFR)

The Code of Federal Regulations (hereinafter referred to as "CFR") is a series of books published by the Federal government which contain a codification of the general and permanent rules published in the *Federal Register* by agencies of the Federal government including HEW and OHD. The CFR is divided into 50 titles which represent broad areas subject to Federal regulation. Generally, regulations applicable to OHD programs may be found in Title 45. The CFR is available to the public by purchase on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. Additionally, it is available for public inspection and copying at the Department's central and regional office information centers pursuant to the Department's public information regulations (45 CFR Part 5).

DEPARTMENT OF HEW

The U.S. Department of Health, Education, and Welfare.

GRANT

Financial assistance to carry out a project, which is based on an approved program plan and budget.

GRANTEE

The agency, institution or organization to which a grant is made and which is accountable to the Federal Government for all project funds and non-cash contributions to the project, and for the performance of the grant supported activity.

GRANTING OFFICE

The office within OHD authorized to administer grants awarded under legislative or delegated authority.

GRANTS ADMINISTRATION MANUAL (GAM)

The staff manual (hereinafter referred to as the "GAM") published by the Department of Health, Education, and Welfare which sets forth policies for the administration of grants by agencies of the Department. The manual is available to the public by purchase on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. In addition, it is available for public inspection and copying in the Department's central and regional office information centers pursuant to the Department's public information regulations (45 CFR Part 5).

LOCAL GOVERNMENT

A local unit of government including specifically (i) a county, municipality, city, town, township, school district, council of governments, or other regional or interstate government entity; (ii) any agency or instrumentality of local government exclusive of institutions of higher education and hospitals.

NONPROFIT ORGANIZATION

An organization no part of whose net earnings may lawfully inure to the benefit of any shareholder or individual.

OHD

The Office of Human Development within the Department of Health, Education, and Welfare and its program and regional offices.

PRIOR APPROVAL

Written permission obtained from an authorized OHD official in advance of an act which would result in either (1) the obligation or expenditure of funds or (2) the performance of an activity under the grant supported project.

PROGRAM DIRECTOR/PROJECT DIRECTOR/PRINCIPAL INVESTIGATOR

A qualified individual designated by the grantee to be responsible for the overall direction of the project.

PROJECT

An activity supported by Federal funds and any required matching contribution in accordance with program legislation which permits the granting office to exercise judgment in approving the project, the project period, the grantee and the amount of the award. The term does not include activities supported by formula grants awarded to States having statutory entitlement to funds. Projects may be classified in several ways, e.g. on the basis of purpose (research, training, service, etc.). Set forth below is a brief glossary of commonly used designations.

Type of Project

Demonstration

A project to establish or demonstrate the feasibility of new methods or new types of services.

Research

A project to develop new knowledge or to evaluate existing knowledge in new settings.

Service

A project to support the cost of developing, organizing, establishing, providing or expanding the delivery of services.

Training

A project to support the increase in numbers of personnel trained in techniques pertinent to the delivery or to the performance of functions necessary to the development of such services.

Type of Grant

New

The initial grant made in support of a project requested on an application.

Continuation (non-competing)

A grant which provides support for a budget after the first budget period and during the approved project period.

Supplemental

An additional award to support activities carried on in a currently funded budget period.

Competing Extension

A grant to continue a project beyond the project period and based on successful competition with other projects.

PROJECT PERIOD

The total time for which support of a project has been approved.

SECRETARY

The Secretary of Health, Education, and Welfare or his designee.

STATE

As the term is defined in the specific program legislation authorizing project support; except that the term excludes State institutions of higher education, State hospitals and local governments.

Part I
OHD Administrative Requirements

Chapter 1

Application, Review, Award, and Amendment of Grants

A. APPLICATION PROCEDURES

1. GENERAL DISCUSSION

Applications and instructions for filing applications can be obtained from the granting office authorized to fund projects for which the application will be made. The instructions will include information regarding addresses to which completed applications should be sent, the number of copies required and deadlines, where established.

2. NEW GRANTS

New applications are those submitted for a project not currently receiving OHD support. The granting office will provide information regarding funding cycle, if any, and other information pertinent to the submission of an application.

3. CONTINUATION GRANTS

Applications for grants to continue project support beyond the initial budget period will be routinely mailed to the grantee several months before the beginning date of the next budget period. These applications should be submitted in accordance with program instructions and must include the original and (2) copies. If application forms are not received by the grantee at the proper time, it is the responsibility of the grantee institution to request them from the appropriate granting office. Continuation applications do not compete with new applications for funds.

4. SUPPLEMENTAL GRANTS

Applications to request support for additional activities or for other modifications to the current approved grant supported project may be obtained from the appropriate granting office upon request. Additional funds awarded as supplemental grants become part of the current year grant but do not necessarily represent a permanent increase in the funding level for the project.

5. COMPETING EXTENSION (RENEWAL) GRANTS

If a grantee wishes to apply for further support for the same project beyond the scheduled expiration of the approved project period, he should submit a competing project period extension application. Such an application is appropriate when the results of the original project seem so fruitful as to warrant support beyond that originally intended. If approved for funding in competition with new and other extension applications, the project will be extended and grant awards will continue to be made in support of the project during

the extended period. Any unobligated funds remaining from the earlier project will be available for use as determined by the responsible granting office during the extended project period.

6. WITHDRAWAL OF PENDING APPLICATION

An application for grant support may be withdrawn at any time by the applicant organization at the written request of an authorized official. Correspondence regarding withdrawal of an application should be addressed to the office which acknowledged receipt of the application.

B. ELIGIBILITY (GAM CHAPTER 1-00)

Office of Human Development programs award grants only to nonprofit organizations and State or local government agencies (including Indian Tribes). Nonprofit organizations which have not previously received OHD support must submit proof of their nonprofit status with the grant application. Any of the following is acceptable evidence of nonprofit status:

1. A reference to the applicant organization's listing in the Internal Revenue Service's most recent list of tax-exempt organizations described in Section 501(c) (3) of the IRS Code.
2. A copy of a currently valid Internal Revenue Service tax exemption certification;
3. A statement from a State taxing body or State Attorney General certifying that the applicant organization has a nonprofit status and that none of its net earnings may lawfully accrue to any private shareholders;
4. Any of the above proof from a State or parent organization, and a statement signed by the parent organization that the applicant organization is a local nonprofit affiliate.

In addition the above administrative eligibility requirements, several OHD grant programs have specific requirements relating to the applicant's organizational functions and ability to administer the activity for which the grant is being sought. Applicants should consult the appropriate program regulations to determine if such additional requirements apply.

C. GRANT AWARDS

Applicants whose projects have been approved for support by the OHD program office will be advised by a "Notice of Grant Awarded". This notice will include the grant number, the period for which the project is intended to be supported (project period), the amount of Federal funds awarded for the budget period and any special conditions under which the grant is made.

D. NOTICE TO UNSUCCESSFUL GRANT APPLICANTS (GAM CHAPTER 1-62)

Agencies and organizations whose grant applications have been disapproved or not funded will be promptly notified in writing. Notification of disapproval will be sent to the official who signed the application. Upon request, applicants will be provided a full explanation of the reasons for disapproval or inability to award a grant.

E. RECOMMENDED LEVEL OF SUPPORT

Application instructions may request grantees to provide estimates of the financial requirements anticipated to be necessary to support the project for additional budget

periods immediately succeeding the initial budget period. The granting office may choose to reflect on the "Notice of Grant Awarded" a recommended level of support for the project based on this information. The grantee may use the recommended level of support as the basis for requesting funds on a continuation application. However, such estimated amounts for continuation grants to not constitute a commitment by the granting office to award future funds beyond the initial budget period. Continued support for a program will be based on the grantee's anticipated needs, funds remaining from prior awards, the availability of congressional appropriations, compliance with the terms and conditions of the award, and satisfactory progress in the conduct of the project.

F. UNOBLIGATED BALANCES

At the option of the granting office, estimated or actual unobligated balances remaining at the end of a budget period may be treated in the following ways:

1. As an offset (deduction) from a continuation award for the current or a succeeding budget period if there is one;
2. As a carryover for use in the current budget period, in addition to the current grant award, for purposes requested and justified. Permission to use such funds, however, does not represent a permanent increase in the funding level; or
3. As a refund to the Federal government, if the unobligated balance is cash which has already been transferred to the grantee; or as a withdrawal of obligating authority for funds not drawn.

In no instance may a grantee use an unobligated balance in a budget period subsequent to that for which the funds were awarded without prior written approval from the authorized official of the granting office.

If the granting office permits use of the unobligated balance as an offset or a carryover to the current continuation award, a revised "Notice of Grant Awarded" will be issued reflecting that decision. However, if the granting office permits use of the unobligated balance as an offset in the succeeding budget period, the unobligated balance will be restricted from use in the current budget period unless prior approval in writing for its use is obtained. The "Notice of Grant Awarded" for the succeeding budget period will give consideration to this unobligated balance and its issuance will constitute the authority for the grantee to obligate these funds.

G. SALARY INFORMATION IN APPLICATIONS (GAM CHAPTER 1-470)

Applicants for grants from OHD programs which require the submission of salary rates or amounts for individuals in connection with proposed budgets, may request that such specific salary rates or salary amounts for individuals not be made available to nonFederal reviewers of the application. When an applicant makes such a request the specific salary rates must be identified separately on an individual page. Also, on a separate page, undetailed salary summary totals shall be provided and must include the following information:

1. The name of those key individuals (or position description when individuals have not been determined) identified in the program narrative who are expected to work on the project;
2. Position or job title;
3. Percentage of time devoted by these individuals to work on the project; and
4. The amount of salary support requested from the grant.

H. PROJECT PERIOD SYSTEM OF OBLIGATING FUNDS FOR DISCRETIONARY PROJECT GRANTS (GAM CHAPTER 1-85)

1. GENERAL

All OHD discretionary project grants, are funded in accordance with the Project Period System. Under this system, multi-year projects or multi-year portions thereof may be programmatically approved in their entirety, or a portion thereof, but funded in annual increments or budget periods subject to the availability of Federally appropriated and apportioned funds and continued satisfactory progress. A budget period is normally 12 months, except that the budget periods in certain circumstances may vary in order to permit granting offices to arrange advantageous anniversary dates.

The length of a project period is determined by the granting office on the basis of the length of time requested by the applicant to complete the project and the frequency of competitive or indepth review desirable for proper management of the project.

2. EXPENDITURE OF FUNDS

Subject to limitations or restrictions which may be imposed by the granting office, funds awarded to a grantee remain available for obligation by the grantee at any time during the project period. Grantees may not obligate grant funds to conduct program operational activities subsequent to the termination date of the project. However, funds obligated during the project period may be expended subsequent to the termination of the project. OHD assumes no liability for project costs which exceed the total amount of Federal funds authorized on the Notice of Grant Awarded for that budget period.

Grant funds may not be used to reimburse obligations or expenditures made prior to the beginning date of an initial grant for a new project unless preaward costs are specifically provided for in the approved budget and have been approved in writing by the granting office prior to being incurred. The grantee may, at its own risk, prior to the beginning date of a continuation award, incur expenditures which are considered essential to the conduct of the project. OHD will allow reimbursement of such expenditures from the continuation grant when awarded, provided that the items concerned are incorporated in the approved budget of the continuation grant, and, when required, prior approval was obtained. If the continuation grant is not approved and funded, OHD assumes no liability to reimburse the grantee for such expenditures.

I. PROJECT NOTIFICATION AND REVIEW SYSTEM (GAM CHAPTER 1-40)

1. GENERAL

Several Office of Human Development grant programs are subject to the revisions of the Project Notification and Review System established by Part I of Attachment A to OMB Circular A-95. A listing of covered programs is included as Appendix B to this manual.

2. NEW PROJECTS AND COMPETING EXTENSIONS

The project notification and review system requires applicants for grants that support projects which have not previously received support, and applicants for competing extensions, to coordinate their plans at the local level through the State and areawide clearinghouse. Names and addresses of clearinghouses are available from the appropriate granting office. Potential grant applicants must notify *both* the State and areawide

clearinghouse at the earliest feasible time of their intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs the notification need be sent only to the state clearinghouse. Many clearinghouses have their own notification forms and instructions and applicants should obtain this material directly from them. If the clearinghouses have no prescribed form applicants should provide, at a minimum, the following information:

a. Name, Address & Telephone numbers of applicant organizations
b. Location of the Project to be administered; and
c. Brief description of the project, including
   (1) Purpose,
   (2) Cost,
   (3) Beneficiaries,
   (4) Impact on the environment
   (5) Federal program under which assistance will be sought,
   (6) Anticipated date of application Submission; and
   (7) Name of contact person

Clearinghouses have thirty (30) days in which to comment on plans and resolve problems with the applicant and have an additional thirty (30) days to comment on completed grant applications. Grant applications must include with the application submitted to the granting office

a. Any comments made by or through the clearinghouses with a statement that such comments have been considered; or
b. A statement that no comments have been received.

Applications which do not include this information will be returned as incomplete.

3. NON-COMPETING CONTINUATIONS

Generally, applications for non-competing continuations are not subject to the full notification and review requirements. If the project has been submitted to the clearinghouse for review initially, or at some time during the project period, and there are no substantive changes in the continuation request, subsequent clearinghouse review is not required unless the clearinghouse requests re-reviews. Substantative changes to the application which will require full clearinghouse review, irrespective of such a request by the clearinghouse, include activities which alter the direction, nature, scope, location or scale of the project or activity being supported, or which might involve changes in the beneficiary population or target group being served. This does *not* include purely administrative changes accounting, auditing, personnel, contracting, etc. that deal with project management.

4. INDIAN TRIBES

Applications from Federally recognized Indian Tribes are not subject to the requirements of the Project Notification and Review System. However, Indian Tribes may voluntarily participate in the system and are encouraged to do so.

J. PROJECT CHANGES

1. CHANGE OF SPONSORSHIP

Under certain circumstances, the granting office may authorize a change in grantee. Such reasons may include

a. Termination for cause,
b. Voluntary termination by a grantee, and
c. Change of Grantee Name

In the event of a change resulting from a termination, the terminating grantee will accomplish the required grant closeout procedures in accordance with the provisions of Chapter 4 of this Part. Applications for replacement grantees will be submitted in accordance with Chapter 1 of this Part and applicable program instructions.

When only a name change is involved, the grantee will provide the following documents to the granting office:

a. A copy of the instrument which affected the name change, authenticated by a proper official of the State having jurisdiction;
b. An opinion of counsel for the grantee that the change of name was properly effected in accordance with applicable law; and
c. A list of all affected OHD grants accompanied by a new application face page for each grant showing new grantee name and new principal officers, if any.

Receipt of the above documents and acknowledgements of acceptance by the granting office will constitute a name change agreement.

2. DENIAL OF REFUNDING

A grantee's application for a non-competitive continuation (refunding) may be denied by the granting office. Such denial may be for cause or for inability of the granting office to continue support of the project. Notification will be sent to the official who signed the application and will include a full explanation of the reasons for denial. Some OHD programs provide specific procedures under which a grantee may appeal a denial of refunding. Such procedures may be found in applicable program regulations.

3. PROJECT EXTENSIONS

A grantee may request an administrative extension of the project period when it is determined that a project may not be effectively brought to a close within the time allotted. The request must be in writing to the granting office and must be submitted and approved prior to the termination date of the project as originally anticipated. Such a request must state the reasons for extending the project and the new anticipated completion date. Extensions may be approved not to exceed a total of twelve (12) months.

4. CHANGES IN SCOPE

Grantees may not, without written approval by the granting office, make changes in the project which would alter the program objectives as stipulated in the approved application, the direction of the project, the type of services delivered or training provided, or which might result in a deviation from the intent of the legislation which authorized the award of the grant. In the event of uncertainty, questions should be referred to the granting office for final determination.

K. REVIEW AND DIRECTION OF PROGRAM EFFORT — RESEARCH, DEMONSTRATION AND TRAINING GRANTS ONLY

1. CHANGES IN SCOPE OF PROJECT

The Project Director (Principal Investigator) may make changes in methodology, procedures, or other aspects that would expedite achievement of the project's objectives as long as the original objectives are not changed.

Grantees must request prior approval for changes in the objectives of the project. In the event the methodology is stated as a specific objective of the work, the approval requirement also applies to changes in methodology.

2. TEMPORARY ABSENCE OF PROJECT DIRECTOR (PRINCIPAL INVESTIGATOR)

When absence of the Project Director is anticipated to exceed three consecutive months, plans for the conduct of the project during the absence must be approved by the granting office. A request for such approval must be signed by an authorized official and submitted at least 30 days before the departure of the Project Director, or as soon as it is known that the absence will occur. The grant may be terminated if the arrangements made by the grantee are not approved by the granting office.

3. WITHDRAWAL OF PROJECT DIRECTOR (PRINCIPAL INVESTIGATOR)

Granting offices must be notified 30 days in advance of the withdrawal of the Project Director. The grantee, submitting such notification, may request that:

a. The grant be terminated, in which case the grantees must also submit a final "Progress Report," a "Financial Status Report," and a "Final Invention Statement;" or
b. The project be continued under the direction of another Project Director. Such a request must include a biographical sketch of the proposed Project Director describing qualifications and must be submitted to the granting office for re-evaluation of the project. The appointment of a new Project Director must be approved by the responsible granting office. The grant may be terminated if the qualifications of the proposed individual are not approved.

4. PHYSICAL RELOCATION OF PROJECT DIRECTOR (PRINCIPAL INVESTIGATOR)

When the Project Director moves from one domestic institution to another, the project may be supported at the new institution without competitive review for a period up to the remainder of time previously approved for support, provided that (1) the original institution agrees in writing to relinquish the project, (2) the investigator plans no significant change in research objectives and level of expenditure from that described in the project previously approved, and (3) the new institution submits an application for support of the project. If (1) or (2) of the above provisions do not apply, the application will be reviewed as a new application and will compete for available funds.

L. BUDGET REVISIONS

1. GENERAL

The approval of a project budget by the granting office constitutes prior approval for the expenditure of funds for specific items included in that budget. Except as provided in Paragraph B below, grantees may make revisions between and among budget categories within the total direct costs budget of the grant to meet unanticipated requirements, provided that grant funds will be used for purposes consistent with Federal regulations or policies governing the program.

2. PRIOR APPROVAL REQUIREMENTS

OHD policy for all grantees relative to budget revisions is the same as that stated in Subpart L of Title 45 CFR Part 74, except that in accordance with the option provided in Paragraph (d) of Section 74.102, OHD has elected to waive Paragraphs 74.102(b)(3) and (b)(4). Thus, for all discretionary project grants, grantees must request prior written approval for budget revisions whenever:

a. The revisions result from changes in the scope or objectives of the grant supported project.
b. The revisions indicate a need for additional Federal funding;
c. The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs;
d. The revisions involve any purpose disapproved or restricted as a condition of the grant award.
e. The revisions would cause the expenditure of funds for any items which require prior approval under the applicable cost principles contained in the appendices to 45 CFR Part 74, or other duly promulgated policies of HEW and OHD, including:
   (1) The acquisition of any item of equipment. Equipment is defined as an item of nonexpendable personal property having a unit cost of $300 or more and a life expectancy of one year or more. However, institutions of higher education are required to obtain prior approval for the acquisition of equipment only where research equipment has a unit acquisition cost of $1,000 or more, or in any instance where the total cost of all equipment in a budget period exceeds 125 per cent of the amount allotted for the permanent equipment category.
   (2) Transfer of funds to cover the cost of alterations and renovations of facilities to accommodate grant supported activities.
   (3) Domestic travel in any budget period in excess of $500 or 125 percent of the amount originally budgeted for domestic travel, whichever is greater. Approval for foreign travel will be given only in those cases where it is demonstrated that: (1) such travel is essential to the purpose of the grant; (2) when possible, the travel is assigned to personnel already traveling on other business; and (3) travel is by U.S. carrier wherever feasible. Travel to Canada, Guam, American Samoa, Puerto Rico, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands shall not be considered foreign travel for the purpose of this policy. Request for the approval of foreign travel must be sent to the responsible granting office and must include the following information:
      (a) Title and brief description of the project;
      (b) Complete itinerary. All dates, destinations, and carriers,
      (c) List of all persons traveling,
      (d) Detailed itemization (or estimate) of the costs including air fares, per diem, other costs, etc., of the travel;
      (e) Justification of the requested travel in terms of the success or failure of overall project purposes and objectives.
      (f) Proposed activities or participation of each traveler and why it is indispensable.
   (4) Funds rebudgeted in or out of traineeships;
   (5) Funds used to produce any audio visual materials for viewing by the general public (See Chapter 3).

Grantees shall submit requests for budget revisions requiring prior approval on the same budget forms used for grant applications, although changes as indicated in Item (2.e) above may be requested by letter. The request must include an explanation of the changes requested, and must be signed by officials of the grantee who are authorized to approve program plans and sign applications for funding.

3. REVIEW AND APPROVAL OF REQUESTS FOR BUDGET REVISIONS

Within 30 days from the date of receipt of the request for budget revision, the granting office will notify the grantee in writing whether or not the revision has been approved. If the revision is still under consideration at the end of the 30 day period, the granting office will inform the grantee in writing as to when a decision can be expected.

Chapter 2

Cost Sharing, Matching and Payments

A. COST SHARING AND MATCHING (45 CFR 74, SUBPART G)

1. GENERAL DISCUSSION

Most Office of Human Development grant programs require the grantee to contribute a portion of the total cost of the project. The specific percentages of maximum Federal financial participation may be found in applicable program regulations.

2. DEFINITIONS

a. Project costs. All allowable costs incurred by a grantee in accomplishing the objectives of a project during the project period, including allowable in-kind contributions made by third parties. Project costs are limited to allowable costs as provided for in Subpart Q of 45 CFR Part 74.
b. Matching share. That portion of allowable project costs not borne by the Federal government.
c. Cash contributions. The grantee's cash outlay, including the outlay of money contributed to the grantee by third parties, i.e., public agencies and institutions and by private organizations and individuals.
d. In-kind contribution. The value of noncash contributions provided by the grantee, by other public agencies and institutions, and by private organizations and individuals. In-kind contributions may consist of charges for real property and equipment and the value of goods and services directly benefiting the grant program and specifically identifiable to it.

3. COMPOSITION OF NONFEDERAL SHARE

a. Allowable costs to satisfy matching or cost sharing requirements may include:
   (1) Charges incurred by the grantee as project costs, including noncash items such as depreciation or use charges for grantee owned property as determined in accordance with applicable cost principles and indirect costs in excess of those allowable as a charge to the grant;
   (2) Project costs financed with cash contributed or donated to the grantee by nonFederal third parties (or by the Federal government where Federal legislation so allows).
   (3) Project costs represented by services and real or personal property donated to the grantee by nonFederal third parties (in-kind). Such costs are acceptable as part of the nonFederal share when they are:
      (a) identifiable from grantee records;
      (b) are not included as contributions for any other Federally assisted program; and
      (c) are necessary and reasonable for proper and efficient accomplishment of project objectives.

b. Matching or cost sharing may not be financed by other Federal funds or by non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Federal legislation. Costs must also be allowable under the applicable cost principles and must be necessary and reasonable for the proper and efficient accomplishment of project objectives. Allowable contributions to satisfy matching requirements may be in any budget category or combination of categories which are allowable under law and applicable cost principles.
c. The same contribution may not be counted towards two or more projects. However, when a contribution is related to two or more projects, it may be prorated among the projects involved.

4. IN-KIND CONTRIBUTIONS (WHEN PERMITTED UNDER THE SUBSTANTIVE STATUTE INVOLVED)

a. Volunteer Services.
   (1) Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled persons. Each hour of volunteered service may be counted if the service is an integral and necessary part of an approved project.
   (2) Rates for volunteers should be consistent with those regular rates paid for similar work in other activities of the grantee. In cases where the kinds of skills required for the project activities are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.
   (3) When an employer, other than the grantee, furnishes the services of an employee, these services should be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost), provided these services are in the same skill for which the employee is normally paid. If the services involve skills other than those for which the employee is normally paid, they should be valued according to the instructions in the preceding paragraph.
b. Donated real or tangible personal property (expendable and nonexpendable).
   (1) Tangible personal property. Examples of tangible personal property may include office equipment, supplies, or workshop and classroom supplies. The amount to be allowed as matching when tangible personal property is donated (donor transfers Title) to the grantee shall be determined as if the grantee had purchased the materials and had paid the fair market value at the time of the transfer. Donated nonexpendable property is subject to the same prior approval requirements as purchased nonexpendable property.
   (2) Donated real property (land and buildings). The value of donated real property (where donor transfers Title) shall be determined as if the grantee has purchased the property and had paid the fair market value of the property at the time of transfer. The amount allowed for matching purposes will be a depreciation or use charge based on this fair market value.
   (3) Donated use of property. The amount which may be allowed as matching for property (real and tangible personal property) donated for use only (donor retains Title) shall be determined as if the grantee has rented the property and had paid the property's fair rental value.
   (4) Appraisal. Grantees may be required to establish the value of real property through the use of an independent appraiser (e.g., a private realty firm or General Services Administration representative) and certified by a responsible official of the grantee.
c. Other Charges

Other necessary charges incurred specifically for the direct benefit of the project may be accepted as matching share provided that they are adequately supported and permissible under the law. Such charges must be reasonable and properly justified.

5. RECORD OF MATCHING CONTRIBUTIONS

a. Grantees must maintain accounting records which show the amount and nature of matching contributions. Contributions shall be accounted for in the same manner as Federal grant funds. In-kind contributions shall be fairly valued and will be accepted to the extent that the items would otherwise constitute allowable costs. Records supporting in-kind contributions from third parties must include the following: (a) documentation of the extent of volunteer services, supported by the same methods used by the grantee for its employees, and (b) documentation of the basis for determining the charges for personal services, material, equipment, buildings, and land.

b. Matching contribution records are subject to audit in the same manner and to the same extent as records dealing with the receipt and disposition of Federal grant funds.

6. RESEARCH GRANTS (GAM CHAPTER 2-140)

Recipients of research grants may select one of two alternative approaches to cost sharing: (1) Institutional Cost Sharing Agreement, or (2) the project-by-project method.

a. *Institutional Agreement.* Such agreements cover the aggregate of all research grants awarded by agencies of the Department of Health, Education, and Welfare. The grantee agrees to maintain a stipulated average level of cost sharing for all covered projects each fiscal year. There may be no contribution on some projects provided the overall average is maintained through higher contribution on other projects.

Institutional cost sharing agreements will be negotiated by the U.S. Public Health Service in HEW on behalf of OHD. Usually, such agreements will cover all research grants and contracts subject to cost sharing awarded by HEW to a particular grantee organization. However, in unusual cases, separate agreements for individual departments or locations of a grantee organization may be negotiated if deemed to be advantageous. All projects subject to an institutional cost sharing agreement will incorporate that agreement by reference. In no case will individual cost sharing agreements be negotiated on projects that are covered by an institutional agreement.

The institutional cost sharing agreement will specify the grantee's contribution as an average percentage contribution on all covered projects. The adequacy of the grantee's overall contribution will be tested on the basis of the grantee's fiscal year. The average contribution on all covered projects during the fiscal year must be consistent with the level established by the agreement. During a given fiscal year there may be no contribution (or only a token contribution) on some projects, provided that the overall average is maintained through higher contributions on other projects. However, there must be at least some cost sharing on every project (when considered over the total term of the project period as a whole).

When submitting required financial reports on projects covered by an institutional cost sharing agreement, the grantee shall report on the Federal share of costs only. The grantee should also indicate in the remarks section of such reports that the project is subject to an institutional cost sharing agreement and the effective date of that agreement.

Unreimbursed indirect costs applicable to research projects subject to limitations on recovery of indirect costs may be combined with other grantee contributions for institutional cost sharing purposes. This principle also applies to unrecovered fringe benefits on projects subject to limitations on the recovery of fringe benefits.

Grantees requesting further information on institutional cost sharing should direct their inquiries to:

Cost and Audit Management Branch
Office of Administrative Management
Public Health Service
5600 Fishers Lane
Rockville, Maryland 20852

b. *Project-by-Project Agreements.* Cost sharing arrangements for individual research projects shall be negotiated separately with the granting office. Such arrangements will cover the entire project period (including all non-competing continuations or supplements) and will provide for the percentage of total project costs (i.e., the combined Federal and grantee non-Federal share) which the applicant proposes to contribute to the planned research. There may be no contribution in some years of the project period, provided that the agreed overall percentage for the project as a whole is met. Separate cost sharing arrangements will not be required for non-competing continuations and supplements.

The grant will not be awarded until the applicant and the granting office have agreed to a cost sharing percentage for the project. This agreed percentage will be specified in the "Notice of Grant Awarded" and will signify acceptance of the applicant's cost sharing arrangement.

If there is an early termination of the project period, the negotiated cost sharing percentage will apply to the actual period of Federal support. However, the granting office may at its discretion retroactively approve lower percentages to avoid unanticipated hardships on grantee institutions.

The amount of the grantee's cost sharing during the period covered by a "Financial Status Report" or "Report of Research Grant Expenditures" should be indicated on that report. If the grantee did not cost share during the period, he should write "no C.S." on the appropriate line of the report form.

B. GRANT PAYMENTS (45 CFR, PART 74, SUBPART K)

1. After receipt of a grant award, the grantee will be advised of the method to be used by OHD to make payments under the grant. The types of payment methods used are briefly described below:

a. *Letter of Credit*

A Letter of Credit authorizes a grantee to draw funds from the Treasury through a Federal Reserve Bank and the grantee's commercial bank. This method is used when *all* of the following conditions are met:

(1) there will be a continuing relationship between the grantee and OHD for at least a twelve month period *and* the total amount of advances to be received is $250,000 or more;
(2) the grantee has established, or demonstrated a willingness to establish, procedures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the grantee; and
(3) the grantee's financial management system meets the standards for fund control and accountability prescribed in Subpart H of 45 CFR Part 74.

b. *Advance by Treasury Check*

An advance by Treasury check will be made to a grantee upon request or through the use of predetermined payment schedules. This method of payment shall be for all grantees whose awards are less than $250,000.

c. *Reimbursement by Treasury Check*

Reimbursement by Treasury Check shall be the method of payment when the grantee does not meet all the requirements for a Letter of Credit and does not qualify for advances by Treasury Check. However, the granting office may select this payment method if the grantee does not conform to the requirements prescribed in a.(2) and a.(3) above.

2. Request for Advance or Reimbursement

Grantees shall be authorized to submit, no less often than monthly, a request for advances or reimbursements when letters of credit or predetermined automatic Treasury check advances are not used.

3. Withholding Payments

Unless otherwise required by law, payments for proper charges made by grantees will not be withheld at any time during the project period unless: (a.) a grant has been suspended; or (b.) the grantee is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any program sponsored. Under such conditions, OHD will, upon notice, inform the grantee that payments will not be made for obligations incurred after a specified date until the conditions causing the suspension are correct or the indebtedness to the Federal government is liquidated.

4. Instructions for Requesting Payments

a. *Division of Accounting Operations*

Grants which are paid by Treasury check paid through the HEW Division of Accounting Operations will receive instructions with the transmittal of the grant award. Generally, such payments are in advance and are based on the Grantee's fund requirements as stated in the application. Grants which are paid under a letter of credit will be provided with the necessary documents at the time the award is made.

b. *Departmental Federal Assistance Financing System (DFAFS)*

Grants which are paid by Treasury check paid through the DFAFS will receive instructions with the transmittal of the grant award. These payments will be based on the submission of a Recipient Monthly Cash Request Form (NIH-1522-4) which will be furnished to the grantee by the Department's Federal Assistance Financing Branch when the grant award is entered into the system. Grants which are paid under a letter of credit will be provided with the necessary documents at the time of award.

5. Cash Disbursement Reporting

Each of the above payment systems includes a requirement for reporting or verification of cash disbursed by the grantee. Failure of a grantee to comply with the appropriate reporting requirement may result in a decision to pay the grantee on a reimbursement basis rather than in advance.

Chapter 3

Financial and Administrative Requirements

A. GRANTEE ADMINISTRATIVE RESPONSIBILITIES

GENERAL DISCUSSION

In applying for a grant, the applicant organization agrees to administer the project in accordance with the governing OHD regulations and policies in effect at the time of award. Where the grantee organization has a policy not covered by OHD policy, or where the grantee policy is more restrictive than OHD policy, the grantee policy will prevail. The grantee organization assumes legal responsibility for fiscal and administrative management and fulfillment of any special conditions which may be prescribed for the conduct of the project. The grantee organization is responsible for performing the agreed upon project and for using the grant prudently for the purposes set forth in the approved application and "Notice of Grant Awarded."

B. GRANT RELATED INCOME (45 CFR, SUBPART F)

Grant related income is income derived by a grantee organization from activities conducted under the auspices of the grant supported activity. Examples of income producing activities may include:

1. Fees received by the grantee organization or an employee for personal services performed in connection with and during the period of grant-supported activity.
2. Sale of items generated or produced as a consequence of a demonstration project (This does not include the sale of property purchased for use in the project).

1. ACCOUNTABILITY

The grantee is accountable to OHD for income generated by activities performed under projects supported by OHD grants. Disposition of such income may be made in accordance with one or a combination of the following alternatives:

(a) Income may be used to further the purposes of the project for which the grant was made; or

(b) Income may be deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs shall be based.

If the terms and conditions of the grant do not specify disposition, the income shall be used to further the objectives of the project under which the grant was made in accordance with alternative (a) above. However, the proportionate Federal share of program income applicable to the Federal participation in the project may not be used as a matching contribution.

a. Interest Income

Pursuant to Section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State will not be held accountable for interest earned on Federal grant pending their disbursement for project purposes. All other grantees must refund all interest earned on the Federal grant by check made payable to the U.S. Treasury.

b. Royalties on Copyrights

Royalties received by grantees from copyrights on publications or other works developed under OHD grant supported projects shall be handled in accordance with the following:

(1) Royalties received during the project period shall be retained by the grantee and used to further the objectives of the project unless otherwise specified by OHD.

(2) Royalties received after the termination or completion of the project period will be retained by the grantee unless the terms of the grant provide otherwise.

c. Sale of Property

Proceeds from the sale of property shall be handled in accordance with the provisions of the "Property" section of this manual.

2. APPLICABLE CREDITS

Applicable Credits are not considered to be program income but are receipt or negative-expenditure types of transactions which offset, reduce, or eliminate an expense chargeable to the project. Examples are purchase discounts, rebates or allowances, and adjustments for overpayments and other erroneous charges.

3. RECORDS

Records of the receipt and disposition of project related income must be maintained by the grantee in the same manner as required for the funds which gave rise to the income.

C. REIMBURSEMENTS FROM OTHER FEDERAL AGENCIES

1. GENERAL DISCUSSION

OHD grantees are encouraged to seek other Federal funds to supplement financial assistance provided by OHD grant funds. When the grantee is reimbursed by a non-OHD Federal agency for carrying on program activities which were originally supported by an OHD grant, the reimbursement reduces or eliminates the previous expenditure of OHD grant funds and is *not* considered to be program income. The resultant balances, including carryover balances, are considered to be OHD grant funds and may be retained by the grantee, but shall not be expended without the prior approval of the responsible granting office.

2. REPORTING TO OHD

Grantees who are not able to anticipate the amount of reimbursements which may be obtained from other non-OHD Federal sources should budget OHD grant funds for these activities. Subsequent reimbursements received from non-OHD Federal agencies should be reported in the "remarks" section of the "Financial Status Report" submitted to OHD. Also, a proposed budget and an appropriate work plan should be submitted to the

responsible granting office detailing how the freedup balances of OHD grant funds are to be used. Grantees submitting continuation applications shall include, in the proposed work statement, details on how any carryover balances resulting from non-OHD Federal reimbursements will be used. Approval of the application through issuance of a Notice of Grant Awarded will constitute approval to expend these carryover balances.

Grantees who are able to reliably anticipate the funding of project costs by sources other than OHD should not request funds from OHD for the same activities. Funds received for carrying on such activities do not represent a reimbursement to the OHD program grant.

D. RECORDS RETENTION AND ACCESS (45 CFR 74, SUBPART D)

1. RETENTION

a. Financial records, supporting documents, statistical records and all other records pertinent to a grant supported project (including delegate agency, and contractor records where a negotiated contract awarded was in excess of $10,000) shall be retained for three years, subject to the following qualifications:

(1) Records relative to pending audits or audit findings resulting from audits by or on behalf of the Federal government shall be retained until such findings have been resolved;

(2) Records for nonexpendable property which was acquired wholly or in part with Federal funds shall be retained for three years after final disposition of the property.

b. The starting date for the three year retention period is as follows:

(1) Financial records – the retention period for each year's records starts from the date of submission by the grantee to the granting office of the final "Financial Status Report" for the budget period.

(2) Non-expendable property – the date on which the property was disposed of, e.g., payment by the grantee to OHD for the Federal share of the fair market value of such property when required (See Chapter 6); and

(3) Indirect cost rate proposals:

(a) if submitted to the Federal government, the date of submission;

(b) if not submitted to the Federal government, the ending date of the grantee's fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

c. OHD may request the transfer of certain records to its custody when it determines that the records possess long-term retention value. However, in order to avoid duplicate records maintenance, OHD may make arrangements with grantees to retain any records which are continuously required for joint use. When records are transferred to or maintained by the Department of Health, Education, and Welfare, the three year retention requirement is not applicable to the grantee.

2. ACCESS

The Department of Health, Education, and Welfare, Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the grantee, delegate agency, or contractor (for negotiated contracts over $10,000), when such records are determined by any of them to be pertinent to a specific grant or project, for the purpose of making audit, examination, excerpts or transcripts. Additionally, the grantee shall have access to delegate agency records or records of contractors for purposes described in this paragraph.

3. SUBSTITUTION OF MICROFILM

Grantees are authorized, if they so desire, to substitute microfilm copies in lieu of original records.

4. RESTRICTION ON PUBLIC ACCESS

Unless required by law, OHD will not place restrictions on grantees which will limit public access to the grantees records (or delegate agencies and contractors), except when the records must remain confidential for the following reasons:

a. to prevent a clearly unwarranted invasion of personal privacy;

b. to comply with an Executive Order or statute which specifically requires the records to be kept secret;

c. to protect commercial or financial information obtained from a person or a firm on a privileged or confidential basis.

E. PERSONNEL ADMINISTRATION GUIDELINES

1. GUIDELINES

Except for State and local government grantees included under a formal Merit System, grantees should develop and maintain a suitable personnel management system. Unless otherwise specified by program regulations the following guidelines may be used where applicable:

a. A position classification system which

(1) differentiates between levels of responsibility and complexity of work;

(2) requires position descriptions and job titles;

(3) calls for periodic determination of correctness of position descriptions; and

(4) identifies necessary position requirements.

b. A recruitment and selection system which

(1) provides for the announcement of facancies to staff as well as other known sources of manpower;

(2) establishes controls to insure consistency with the budget plan;

(3) enables a comparison of job candidate qualifications with position requirements;

(4) establishes procedures for applicant interviews, reference checks, and final selection by an appropriate official and for evaluating the effectiveness of compliance with title VI of the Civil Rights Act of 1964 as amended.

c. Compensation determination based on analysis of

(1) job requirements;

(2) comparability with similar work in the local labor market;

(3) periodic reviews of pay scales; and

(4) fringe benefits comparable to other similar organizations.

d. A performance rating system that

(1) establishes performance standards;

(2) requires periodic rating; and

(3) forms the basis for consideration of future pay adjustments.

e. A merit promotion plan under which promotion is based on increased responsibility and employee qualifications.

f. A staff utilization and career development program which

(1) requires analysis of manpower needs and staff use;

(2) provides job training or retraining where applicable;

(3) provides career counseling; and

(4) provides supervisory training.

g. A clear, consistent, written policy with respect to
   (1) working hours;
   (2) work schedules,
   (3) overtime,
   (4) vacation schedules and other absences;
   (5) maintenance of attendance records for all employees with proper supervisory controls,
   (6) travel,
   (7) per diem,
   (8) training; and
   (9) outside employment.
h. A personnel relations program which includes
   (1) open channels of communication for distribution of information, expression of grievances, and the encouragement of ideas for organizational improvement;
   (2) written standards for employee conduct and conflict of interest;
   (3) a fair and equitable disciplinary system to handle conduct violations, and
   (4) the provision of medical services to all employees as appropriate.
i. A file and records system which includes all official documents related to the employment of each staff member and other persons participating in grant supported activities. Such records should be maintained in an orderly and accessible file system which is capable of providing necessary information to supervisors, accountants and auditors, as well as to employees. Among the documents which should be included in these files are actions related to hiring, dismissal, promotions, commendations, and adverse actions.

2. DOCUMENTATION

The grantee's personnel policies and procedures should be documented in writing and issued to, or made available to, all grantee employees.

3. CONFLICT OF INTEREST

Some OHD programs have specific regulations concerning conflict of interest. It is suggested that grantees not covered by these regulations establish safeguards to prevent employees from using their positions for purposes which are, or give the appearance of being, motivated by a desire for private gain for themselves or others, such as those with whom they have family, business or other ties. Institutions receiving grant support should have written guides for staff members (administrators, faculty members, professional staff and other employees) indicating the conditions under which outside activities, relationships or financial interest are proper or improper, and providing for notification of these kinds of activities, relationships, or financial interests to a responsible and objective institution official. Additionally, whether or not the grantee is subject to specific conflict of interest regulations, all grantee employees whose duties include contracting with and expending Federal grant funds, shall adhere to the Code of Conduct provisions in 45 CFR 74.152.

F. USE OF CONSULTANTS (GAM CHAPTER 1-45)

1. GENERAL

Grantees are expected to carry out project activities by utilizing the services of their employees whenever feasible. However, the nature of efforts undertaken in connection with an OHD grant supported project sometimes makes it necessary for the grantee to utilize

consultant services to accomplish the project objectives. For purposes of this policy, a consultant is an individual who is engaged to give professional advice or services, for a fee, but not as an employee of the organization which pays the fee, except as indicated in Paragraph 3 of this section.

2. APPROVAL

Grantees are expected to anticipate their requirements for consultant services and justify the proposed need in the grant application. If, however, the need for consultant services was not anticipated and subsequently arises, prior approval from OHD shall not be required.

3. PAYMENTS TO GRANTEE EMPLOYEES

Consulting fees paid (over and above salary) by grantees to their own employees may not be charged to an OHD grant supported project. However, as provided in Appendix D to 45 CFR Part 74, charges representing extra compensation (above base salary) paid by an educational institution to its faculty members for consulting work may be authorized where the following conditions are determined to exist:

a. The consultation is across departmental lines or involves a separate or remote operation, and
b. The work performed by the consultant is in addition to the faculty member's regular departmental load.

4. DOCUMENTATION OF SERVICES RENDERED

Grantees shall obtain from their consultants a written report on the results of the consultation and an invoice which documents the basis for the fee paid.

G. BONDING AND INSURANCE (45 CFR 74, SUBPART C)

Except as may be otherwise provided in applicable program regulations, grantees may observe their regular requirements and practices with respect to bonding and insurance except as provided below.

Recipients of OHD program grants which include support for facility improvements (including alterations or renovations of real property) shall follow their own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For facility improvement contracts exceeding $100,000, the following minimum requirements must be followed:

1. A bid guarantee shall be obtained from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment, such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
2. A performance bond shall be obtained from the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such a contract.
3. A payment bond shall be obtained from the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment, as required by law, of all persons supplying labor and materials in the execution of the work provided for in the contract.

H. ALTERATION AND RENOVATION OF FACILITIES (GAM CHAPTER 1-44)

1. GENERAL

"Alteration and renovation" is considered to be work required to change the interior arrangements or other physical characteristics of an existing facility or installed equipment so that it may be more effectively utilized for the project. Alteration and renovation may include work referred to as improvements, conversion, rehabilitation, remodeling or modernization.

2. GENERAL PROVISIONS

Alteration and renovation costs may be charged to the project provided:

a. The building has a useful life consistent with project purposes and is architecturally and structurally suitable for conversion to the type of space required;
b. The alteration and renovation is essential and no other suitable space is available;
c. The expected length of use of rented space as reflected in a lease agreement is considered prior to alteration or renovation of such space; and
d. The costs incurred are consistent with the prior approval requirements and other provisions of this Manual.

3. ALLOWABLE COSTS

a. Alteration and renovation costs shall be limited to the costs of modifying existing space and utilities within a completed and finished structure. The cost of adapting any of the following building features to the needs of the project are generally allowable:
   (1) physical characteristics – interior dimensions, surfaces, furnishings, and finishes; and
   (2) environment – temperature, humidity, ventilation, acoustics.
b. The following are examples of costs which are not allowable:
   (1) new construction; and
   (2) relocation of exterior walls, roofs, or floors.
c. Pursuant to the grantee's accounting system, certain costs of installing equipment may be listed as either equipment costs or alteration and renovation costs. These include the temporary removal and replacement of wall sections, door frames, etc., in order to place equipment in its permanent location. The costs of connecting utility lines, replacing finishes and furnishings, and installing any accessory devices required for the equipment's proper and safe utilization may be considered either equipment costs or alteration and renovation costs.

I. FINANCIAL MANAGEMENT STANDARDS (45 CFR 74, SUBPART H)

Accounting for project funds will be in accordance with the grantee's own accounting practices subject to the standards listed below. OHD grantees shall institute and maintain financial management systems which provide for:

1. Accurate, current, and complete disclosure of the financial results of each project in accordance with Federal reporting requirements;
2. Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to

authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income;
3. Effective control over and accountability for all project funds and personal property acquired for project use;
4. Comparison of actual with budgeted amounts for each project and, when specifically required by project – performance reporting requirements, relation of financial information with performance or productivity data;
5. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement of these funds by the grantee;
6. Procedures for determining the allowability and allocability of costs in accordance with applicable cost principles;
7. Accounting records which are supported by source documentation;
8. Audits to be performed which analyze the fiscal integrity of grantees or delegate agency's financial transactions and reports and the compliance with applicable program and administrative regulations, terms and conditions. A more detailed discussion of audits is provided below.
9. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

J. INSTITUTIONAL AUDITS

1. GENERAL DISCUSSION

Grantees are required pursuant to 45 CFR § 74.61(h)(1) to have examinations or audits made by individuals who are sufficiently independent of those who authorize the expenditure of project funds to produce unbiased opinions, conclusions and judgments. Generally, these examinations should be conducted by independent accountants selected by the grantee who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

2. TYPE OF AUDIT

The audit is intended to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the grant. The audit requirements contained in Subpart H of 45 CFR 74 do not intend that each grant supported project be examined. Generally, audits should be conducted on an organizational basis to test the fiscal integrity of financial transactions as well as compliance with the terms and conditions of all Federal grants for which the grantee is responsible. Such tests should include an appropriate sampling of various Federally assisted projects including OHD sponsored projects.

3. FREQUENCY OF AUDIT

Audits shall be conducted with reasonable frequency, on a continuing basis or at scheduled intervals, usually annually, but not less frequently than every two (2) years. The frequency of these audits shall depend upon the nature, size, and complexity of the grantee organization. The grantee shall advise the Grants Management Budget Office (for grants awarded by regional offices) in the Regional Office or the Grants and Contracts Management Division (for grants awarded by Central Office) as to the frequency and scheduled completion dates of the audits to be conducted. *Note*: The provisions of Paragraphs B & C above do not apply to the Head Start and Native American Programs.

4. SUBMISSION OF REPORT

Within thirty (30) days after completion of the audit, the grantee shall transmit one copy of the audit to either the Grants and Contracts Management Division, Office of Administration and Management, Office of Human Development for grants funded by the Central Office or the Grants Management Budget Office in the Regional Offices for grants awarded by the regions.

5. RESOLUTION OF AUDIT FINDINGS

Grantees shall take the necessary and appropriate actions to resolve audit findings and recommendations contained in audit reports particularly as they relate to OHD supported projects. Grantees will be notified in writing by OHD as to specific areas of concern when corrective action is considered necessary. The grantee shall be required to respond to those findings in writing no later than 30 days from the postmark date of notification. If the response is not accepted, the grantee will be notified of the proposed disallowance or other necessary corrective action and of the right to appeal in accordance with Departmental appeal procedures.

K. FEDERAL INCOME TAX

Determination of the tax status of an individual receiving payments in any form from an Office of Human Development grant is the responsibility of the Internal Revenue Service.

L. MILITARY SERVICE

The Office of Human Development will not intercede on behalf of an individual in relation to military status.

M. SAFETY PRECAUTIONS

The Office of Human Development assumes no responsibility with respect to accidents, illnesses or claims arising out of any work performed under a grant supported project. The grantee institution is expected to take necessary steps to insure or protect itself and its personnel and to comply with the applicable local, State or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (20 CFR 1910) and the Atomic Energy Act of 1954 (42 CFR 2021).

N. LABORATORY ANIMALS (GAM CHAPTER 1-43)

Organizations using warm-blooded animals in research, training, testing, or other activities supported by funds from OHD must provide written assurance to the Office for Protection from Research Risks, NIH, that they will evaluate on a continuing basis their animal facilities with regard to the care, use and treatment of such animals consistent with the standards established by the Animal Welfare Act, the DHEW publications "Principles for Use of Experimental Animals" and, "Guide for Care and Use of Laboratory Animals, Fourth Edition." Assurance requirements are limited to the description, on a one-time basis, of administrative mechanisms for the continuing evaluation of institutional facilities and activities concerned with the care and use of animals. Further details will be provided by the Office for Protection from Research Risks, NIH.

O. PUBLICATION AND PUBLICITY

Project directors are encouraged to make the results and accomplishments of their grant supported activities available to the public. Prior approval of OHD is not required nor should responsibility for the direction of the activity be ascribed to OHD. However, an acknowledgement of OHD support must be made through use of the following or comparable footnote:

"This project was supported by Grant No. , awarded by the Department of Health, Education, and Welfare, OHD (granting office)."

In the event that the organization wishes to join with OHD in a simultaneous news release announcing the results of a project, the action should be coordinated with the appropriate information officer within the responsible granting office.

Three reprints of publications resulting from work supported in whole or in part by OHD program grants must be submitted to the responsible granting office.

P. SURVEYS AND QUESTIONNAIRES (GAM CHAPTER 1-11)

Whenever an OHD program sponsors the use by a grantee of a report form or "plan" to collect identical kinds of information or data from 10 or more persons, the responsible granting office must obtain prior clearance from the Office of Management and Budget, in accordance with OMB Circular A-40 (revised May 3, 1975), and its forms clearance procedures. A report form or "plan" used by a recipient of an OHD program grant is considered to be sponsored by OHD when:

1. The recipient of a grant uses the report form or "plan" to collect information that the responsible granting office has requested for the planning, operation or evaluation of its program;
2. The terms and conditions of the grant provide for approval by the granting office of the survey design, questionnaire content or data collection procedure; or
3. The terms and conditions of the grant provide for submission of data to the OHD granting office received from individual respondents and/or special tabulations relative to the data.

Grantees collecting information may not represent to their respondents that the information is being collected for or in association with OHD unless the responsible OHD granting office has determined that such a representation would be true in the particular case and has authorized the grantee in writing to make the representation in a suitably qualified form. Such acknowledgements are encouraged but not required.

Q. MAINTENANCE OF EFFORT

Where required by program legislation or regulations, applications for grants must include a written assurance that the services provided under the project will be in addition to, and not in substitution for, comparable services provided without Federal assistance.

R. AUDIO-VISUAL MATERIALS (GAM CHAPTER 1-450)

Grantees may use project funds to produce motion picture films, video or audio tapes or similar audio-visual materials in connection with fulfilling the objectives of a project. Particular care must be exercised to assure that such material facilitates the purposes of the project and that acknowledgment of grant support is indicated. Such acknowledgment must be expressed in the following language:

"The production of this material was supported by Grant No. from (*name of granting office*). However, its contents are solely the responsibility of (*name of grantee organization*) and are in no way the responsibility of (*name of granting office*)."

Prior approval by the granting agency is required when the grantee intends to produce audio-visual materials for listening or viewing by the general public. In this regard, the following situations would routinely be considered as involving the general public: 1) broadcast on commercial or educational television or radio; 2) showing in commercial movie houses; 3) showing in public places, i.e., airports, waiting rooms, etc.; 4) showing by civic associations, schools (except as a teaching tool in a classroom setting), clubs, or similar lay groups.

A grantee's request for approval to produce audio-visual materials shall be in writing and include the following:

1. name of project; grant number, name of grantee organization;
2. objectives of the project;
3. subject matter of films, and relation to project objectives;
4. intended audience; medium in which film will be shown;
5. estimated costs;
6. format; credits; length, etc.; and
7. method of production (contract or grantee staff).

S. APPEALS

1. GENERAL DISCUSSION

OHD program grantees may appeal certain adverse administrative decisions. The administrative decisions which may be appealed vary with the individual programs. However, the following types of decisions may be appealed in all programs:

a. Termination, in whole or in part, of project support for cause;
b. A determination that an expenditure not allowable under the project has been charged to the project, or that the grantee has otherwise failed to discharge its obligation to account for project funds;
c. The disapproval of a grantee's request for permission to incur an expenditure during the term of a project;
d. A determination that a grant is void;
e. Establishment of indirect cost rate (except where the grantee has appealed to the Armed Services Board of Contract Appeals with respect to such determination under a contract with the Department).

2. INDIRECT COST APPEALS

Indirect cost appeals must be made in accordance with the procedures set forth in 45 CFR Part 75, Informal Grant Appeals Procedures. Generally, grantees must submit their request for reconsideration to the appropriate Regional Director no later than thirty (30) days after the postmark date of the Regional Offices notification to the grantee of its determination of the issues and its decision.

Although the request for reconsideration need not follow any prescribed format, it must clearly identify the issue(s) in dispute and must contain a full statement of the grantee's position on such issue(s) along with pertinent facts and reasons in support of its position.

The grantee will be advised by the Regional Director that its application for review has been received. Also, the grantee will be provided an opportunity to meet with the Regional Director or his designee to state its position relative to the questioned indirect costs. Within 45 days after the above meeting (or 45 days after submission of any supplemental information provided by the grantee) the Regional Director will notify the grantee in writing of his decision.

If the Regional Director's decision is adverse to the grantee, the notification will state the basis of the decision and will inform the grantee of its right to appeal the decision to the Departmental Grants Appeals Board pursuant to 45 CFR Part 16. However, such an appeal must be made within thirty (30) days after the postmark date of the written notification or the decision will become final.

3. FORMAL APPEALS

Grantees may formally appeal adverse administrative decisions to the Departmental Grant Appeal Board pursuant to 45 CFR Part 16. The Departmental Grant Appeal Board is established within the Office of the Secretary, HEW. Members are appointed by the Secretary.

The application for review must be submitted directly to the Board and need not follow any prescribed form. The application must clearly identify the question or questions in dispute and contain a full statement of the grantee's position. The responsible OHD granting office shall be notified that such an appeal is being made. Grantees should consult 45 CFR Part 16 to obtain additional information concerning this procedure.

Chapter 4

Reporting Requirements

A. REPORTING REQUIREMENTS (45 CFR 74, SUBPART I AND J)

1. GENERAL DISCUSSION

The following reports, as appropriate, will be used by grantees to report the results of financial transactions and program progress to OHD:

a. Financial
b. Report
c. Request
d. Program

Each report is discussed in the sections following. The report forms and specific instructions are provided in the applicable program section of this manual.

2. FINANCIAL STATUS REPORT

Grantees will use this form to report to OHD the status of funds for all grant supported projects. A final "Financial Status Report" must be submitted to the appropriate OHD office no later than ninety (90) days after the termination date of the project period. Except for research, demonstration and training projects, all OHD grant programs require a quarterly "Financial Status Report" which must be submitted not later than thirty days after each quarter of the budget period. Research, demonstration and training grantees must submit an annual "Financial Status Report" not later than ninety (90) days after the end of each budget period.

Grantees should use the Remarks section (Item 12) of this report to identify any reimbursements received during the period from other Federal agencies for grant supported activities. This information should include the amount of funds received and the source. If such funds replace OHD grant funds originally budgeted for the same purpose, they should also be included in Item 10-m of the report.

3. REPORT OF FEDERAL CASH TRANSACTIONS

This report is required when funds are advanced to grantees through letters of credit or Treasury checks. OHD will use this report to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant or project. *Note:* Grantees paid through the HEW Federal Assistance Financing System (DFAFS) do not submit this report (See Chapter 2, 4.b.).

This report will be made on a quarterly basis commencing with the calendar quarter in which payments to the grantee begin. In instances where the grantee's annual grants total $2,000,000 or more, OHD may require a monthly report. The report should be mailed to the appropriate OHD office no later than 15 working days following the close of each month or calendar quarter, as applicable.

OHD may require that the grantee include in the "Remarks" section of the report, a forecast of Federal cash requirements and the amount of cash in excess of three days' requirements held by delegate agencies together with a short narrative explanation of actions taken by the grantee to reduce such excess balances.

4. REQUEST FOR ADVANCE OR REIMBURSEMENT

This form is designed to serve as (a) a request for advance payment when a letter of credit or a predetermined automatic Treasury check advance method is not used or (b) a request for reimbursement. A determination will be made by OHD at the time a grant is awarded as to whether funds will be paid to the grantee in advance or on a reimbursement basis.

a. Advances. This form will be used by grantees to obtain advance payments on other than a predetermined automatic basis. When used for this purpose, the form must be filled out completely each time it is submitted.
b. Reimbursements. If the grant agreement provides for payment on a reimbursable basis, these payments will be made as requests are submitted to OHD. When payments are made on this basis, section 11 of the report must be completed each time it is submitted.

5. PROGRAM PROGRESS REPORTS

A "Program Progress Report" is required in the same frequency as the "Financial Status Report" for each grant supported project. This report should cover project accomplishments since the last report submitted, and should measure progress toward the achievement of the goals stated in the grant application.

Within ninety (90) days of the termination of a project, a final "Program Progress Report" must be submitted to the granting office. This report should include a summary of the overall achievements of the project related to the project's goals. Most OHD programs provide specific instructions for the completion of this report either in program regulations or guidelines.

Generally, however, "Program Progress Reports" shall include, to the extent appropriate to the particular project, the following:

a. A comparison of actual accomplishments to the goals established for the period where the output of the project can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.
b. Reasons for slippage in those cases where established goals were not met, and
c. Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

In some cases, more specific information to be included in these reports may be determined and agreed upon by the granting office and the grantee at the time the grant is awarded. Generally, however, "Program Progress Reports" will cite accomplishments to date and include a brief statement of unusual problems which developed and how they were solved.

Grantees should report to the granting office on an exception basis whenever the progress of work does not conform to the conditions of the award agreement. Thus, the grantee is responsible for immediately alerting the responsible granting office to major problems which may have arisen, significant changes in project direction or schedule, or significant changes in project costs.

6. ACCOUNTING BASIS

Except for the "Report of Federal Cash Transactions," grantees may complete required financial reports using the same accounting basis (i.e., cash or accrued expenditure (accrual)

used in maintaining accounting records. However, the basis used must be consistent for all projects administered by the grantee.

B. DELINQUENT REPORTS (GAM CHAPTER 1-42)

1. POLICY

It is the policy of OHD that administrative action be taken to assure the submission by grantees of all required reports. The failure of a grantee to submit required reports within the designated time prescribed may be a basis for suspension, termination, or denial of refunding.

2. PROCEDURE

Grantees whose program progress or financial status reports have not been received within 30 days of the required submission date will be notified in writing that the report has not been received and that the subject report or suitable explanation for failure to submit the report must be received within two (2) weeks. If, after two weeks, no satisfactory response is provided, the grantee will be advised in writing of the action to be taken. Such action may result in converting payments to the grantee to the cash reimbursement method, suspension, termination, and/or decision by the granting agency not to award additional grants to the delinquent grantee.

3. WAIVER

In unusual cases, the granting office may waive the requirements of the report or extend the data for submission when officials of the grantee organization are able to satisfactorily demonstrate that the report cannot be furnished in a timely manner for reasons legitimately beyond its control.

Chapter 5

Grantee Procurements

A. PROCUREMENT (45 CFR 74, SUBPART P)

1 GENERAL DISCUSSION

Detailed below are certain standards applicable to grantee procurement of supplies, equipment, construction, and other services under projects supported by OHD program grant funds. These standards are designed to assure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal laws and other requirements.

These standards do not relieve the grantee of responsibility regarding the settlement and satisfaction of all contractual obligations and administrative issues arising out of these procurements. The grantee is the responsible authority, without recourse to the Federal government, in such issues which may include disputes, claims, protests of award, and source evaluation. Matters concerning violation of laws are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

2 PROCUREMENT STANDARDS

Grantees may use their own procurement procedures which reflect applicable State and local laws, rules and regulations, provided that the procurements adhere to the following standards:

a Code of Conduct - Grantees shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in the awarding and administration of contracts. The standards shall include, but not be limited to, a prohibition against soliciting or accepting gratuities, favors, or anything of monetary value from contractors or potential contractors. The standards shall provide for appropriate disciplinary actions for noncompliance.

b Free Competition - Procurement transactions shall be conducted in a manner to provide, to the maximum extent, open and free competition. The grantee should be alert to organizational conflicts of interests or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

3 PROCUREMENT PROCEDURES

Grantees shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

a Proposed procurement actions shall be reviewed by appropriate grantee officials to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

b Solicitations for supplies and services shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

c Positive efforts shall be made by the grantee to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts under projects supported by OHD program grant funds.

d All proposed sole source contracts in which the aggregate expenditure is expected to exceed $5,000 shall be subject to prior approval by the granting office.

e A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions, and specifications of the contract, and to assure adequate and timely followup of all purchases.

f The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, or incentive contracts) *shall be determined by the grantee to be appropriate for the particular* procurement and for promoting the best interests of the program involved. The "cost plus-a-percentage-of-costs" method of contracting *shall not* be used.

g If the grantee is a State or local government, formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph 4 below is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State or local law or regulations. When formal advertising is employed by the State or local government:

(1) Awards shall be made to responsible bidders whose bids are responsive to the invitation and are most advantageous to the State or local government grantee, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State or local government grantee.

(3) Any or all bids may be rejected when it is in the State or local government grantee's interest to do so, and such rejections are in accordance with applicable State or local laws, rules, and regulations.

4. NEGOTIATED PROCUREMENTS BY STATE OR LOCAL GOVERNMENTS

Procurements may be negotiated by State or local government grantees if it is not practicable or feasible to use formal advertising. Generally, procurements may be negotiated if one or more of the following conditions prevail:

a. The public exigency will not permit the delay incident to advertising.

b. The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the responsible granting program office for prior approval.

c. The aggregate amount involved does not exceed $10,000.

d. The contract is for personal or professional services, or for any service to be rendered by a university, college or other educational institution.

e. The material or services are to be procured and used outside the limits of the United States and its possessions.

f. No acceptable bids have been received after formal advertising.

g. The purchases are for highly perishable materials or medical supplies; for material or services where the prices are established by law; for technical items or equipment

requiring standardization and interchangeability of parts with existing equipment; for experimental, developmental or research work; for supplies purchased for authorized resale; and for technical or specialized supplies requiring substantial initial investment for manufacture; and

h. Negotiation is otherwise authorized by applicable Federal, State, or local law, rules or regulations.

5. PROCUREMENT RECORDS

Grantees shall maintain procurement records and files which shall include at least the following:

a Basis for contractor selection;

b Justification for lack of competition when competitive bids or offers are not obtained; and

c Documentation of the basis for the award cost or price.

6. CONTRACTOR RESPONSIBILITY

Contracts shall be awarded only to responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

7. CONTRACT PROVISIONS

a The grantee shall include provisions to define a sound and complete agreement in all contracts which it awards.

b Contracts awarded by a State or local government shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

c All contracts awarded by State or local government grantees in excess of $10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

d In all contracts for construction or facility improvement in excess of $100,000, the applicable bonding requirements set forth in 45 CFR Part 74, § 74.16 shall be observed.

e All negotiated contracts (except those of $10,000 or less) shall include provisions giving access to, and requiring retention of, the contractor's records in accordance with §§ 74.20, 74.21, and 74.23(b) of Title 45 of the *Code of Federal Regulations*.

f Provisions for compliance with Executive Order No. 11246, entitled "Equal Employment Opportunity," as supplemented in Department of Labor regulations (41 CFR Part 60), shall be included in all contracts to which they are applicable.

g All contracts in excess of $2,000 for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874), as implemented in Department of Labor regulations (29 CFR Part 3). The grantee shall report all suspected or reported violations to the responsible granting office.

h When required by the OHD program authorizing legislation, all construction contracts awarded by grantees in excess of $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). The grantee shall report all suspected or reported violations to the granting agency.

i Where applicable, all construction contracts exceeding $2,000 and all other contracts awarded by grantees which exceed $2,500 and which involve the employment of mechanics and laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as implemented by Department of Labor regulations (29 CFR Part 5).

j All research or development contracts shall contain a notice to the effect that rights to inventions conceived or first actually reduced to practice in the course of or under the agreement shall be governed by the DHEW Patent Regulations (45 CFR Parts 6 and 8), the terms and conditions of the grant, and any pertinent regulations or other requirements consistent therewith issued by the grantee. The grantee shall assure that the contractor of the research or development work either is given all necessary information regarding these matters or is advised as to the source of such information.

k Contracts in excess of $100,000 shall contain provisions which require the recipient to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857h et seq.). Suspected violations shall be reported by the grantee in writing to the regional office of the United States Environmental Protection Agency, with a copy to the responsible granting office.

Chapter 6

Property

A. PROPERTY (45 CFR 74, SUBPART O)

1. GENERAL DISCUSSION

This section provides applicable policies and procedures for the acquisition, utilization and disposition of property furnished or acquired in whole or in part under projects supported by OHD program grant funds. Grantees may use their own property management policies and procedures as long as the provisions set forth below are observed.

2. DEFINITIONS

a. Personal property. Property of any kind except real property. Such property may be tangible (having physical existence) or intangible (having no physical existence, such as patents, inventions, and copyrights).

b. Nonexpendable personal property. Tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition includes at least all tangible personal property as defined above.

c. Expendable personal property. Tangible personal property other than nonexpendable personal property.

3. NONEXPENDABLE PERSONAL PROPERTY

a. Title

Title to nonexpendable personal property acquired by the grantee shall be vested with the grantee, except that OHD may require the grantee to transfer title to the property to OHD or a third party named by OHD if the project is financed solely by Federal funds, the property has an acquisition cost of $1,000 or more, and the property is unique or difficult and costly to replace.

b. Use and Disposition

(1) The grantee shall use property acquired under a project supported by an OHD program grant as long as there is a need for the property to accomplish the purpose of the project whether or not the project continues to be supported by OHD program grant funds. When there is no longer a need for the property to accomplish the purpose of the project, the grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(a) Projects supported by grants received from other OHD program offices.

(b) Projects supported by grants of other Federal agencies.

(2) When the grantee no longer needs the property in any of its grant supported projects, the property may be used for its own official activities in accordance with the following standards:

(a) The grantee may use the property for its own official activities without reimbursement to OHD if it has an acquisition cost of less than $500 and was used four years or more.

(b) The grantee may retain all other nonexpendable property for its own use provided that OHD is fairly compensated for its share of the property. The amount of compensation shall be computed by applying the percentage of OHD participation in the grant supported project to the current fair market value of the property.

(3) If the grantee has no need for the property, disposition of the property shall be made as follows:

(a) Property with an acquisition cost of less than $500 and used four years or more may be sold and the entire proceeds retained by the grantee. For other property with an acquisition cost of less than $1,000, OHD shall be reimbursed from the proceeds of the sale of the property with the amount computed by applying the percentage of OHD participation in the grant supported project to the sale's proceeds.

(b) The grantee shall request disposition instructions from OHD for nonexpendable property with an acquisition cost of over $1,000. OHD shall issue such instructions to the grantee within 120 days.

(i) If the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed with an amount computed by applying the percentage of the grantee's participation in the grant supported project to the current fair market value of the property, plus any shipping or interim storage cost incurred.

(ii) If instructed to otherwise dispose of the property, the grantee shall be reimbursed by OHD for the costs incurred in disposition of the property.

(iii) If disposition instructions are not issued by OHD within 120 days, the grantee shall sell the property and reimburse OHD with an amount computed by applying the percentage of OHD's participation in the grant supported project to the sale's proceeds. In addition, from the OHD share, the grantee may retain $100 or 10 percent of the total proceeds, whichever is greater, to cover its selling and handling expenses.

(iv) OHD may reserve title to property with an acquisition cost of $1,000 or more, where the project is financed solely with Federal funds and the property is unique or difficult and costly to replace, subject to the following conditions:

1. The right to require transfer of title may be a special condition in the grant agreement or, if approved subsequent to the grant award, otherwise made known in writing to the grantee at the time approval is given.

2. OHD shall issue disposition instructions within 120 days after the property is no longer needed for the project for which it was acquired. If OHD fails to issue disposition instructions within 120 days, the grantee shall act in accordance with paragraph (b)(iii).

c. Federally Owned Property

Title to Federally Owned Property (property to which the Federal Government retains title) remains vested by law with the Federal Government. Upon termination of the grant or

need for the property, such property shall be reported to OHD for appropriate disposition instructions.

4. PROPERTY MANAGEMENT STANDARDS

Grantee's property management standards for nonexpendable personal property shall include at least the following:

a. A policy that requires prudence in the acquisition of equipment. A review should take place to assure that equipment is needed and that the need cannot be met with equipment already in the possession of the grantee;

b. Property records that shall be maintained accurately and provide for: a description of the property, manufacturer's serial number or other identification number, acquisition date and cost, source of the property, location, use, and condition of the property, and ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses OHD for its share;

c. A physical inventory of property reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property;

d. A control system to insure adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented;

e. Adequate maintenance procedures to keep the property in good condition; and

f. Proper sales procedures for unneeded property which will provide for competition to the extent practicable and result in the highest possible return.

5. EXPENDABLE PERSONAL PROPERTY

Expendable personal property which has not been used up by the expiration of the grant may be sold or retained by the grantee. However, when the total inventory value of any unused expendable personal property exceeds $500, OHD must be compensated for its share of the cost. The amount of compensation shall be computed by applying the percentage of OHD participation in the grant supported project to the current fair market value of the property if it is retained by the grantee, or to the proceeds of sale if the items are sold.

6. INTANGIBLE PROPERTY

a. Patents and Inventions

(1) *General*

All inventions conceived or actually reduced to practice in the course of or under an OHD supported project are subject to the DHEW patent regulations contained in Title 45, Subtitle A, Parts 6 and 8 of the *Code of Federal Regulations*. Each such invention shall be promptly and fully reported to the Assistant Secretary for Health, DHEW through the appropriate granting office. Instructions for the proper method of reporting should be requested by the grantee from the Patents Branch, Office of General Counsel, DHEW.

A standard Institutional Patent Agreement which is applicable to the grant programs of all constituent agencies of DHEW is offered to qualified grantee institutions. It gives the grantee institution a first option to retain principal rights in and to administer inventions made in the course of, or under, research supported by DHEW (exclusive of contracts and subject to the conditions set forth in the Agreement). In general, any institution which has

established a formal patent policy should give serious consideration to entering into an Institutional Patent Agreement. Requests for information should be addressed to:

Assistant Secretary for Health and Scientific Affairs
Department of Health, Education, and Welfare
Washington, D.C. 20201

(2) *Determination of Ownership*

Determination as to ownership and disposition of rights to such inventions, including whether a patent application shall be filed, and if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may be issued shall be made either by the Assistant Secretary for Health, whose decision shall be considered as final, or where the grantee has a separate formal Institutional Patent Agreement with DHEW, by the grantee in accordance with that agreement.

The OHD patent policy applies as a condition of the grant award and is agreed to by the grantee in applying for and accepting the award. Similarly, prompt and full reporting of any invention arising in the course of activity supported by the grant is also a condition of the grant award.

(3) *Third Party Responsibility*

The grantee shall obtain appropriate patent agreements to fulfill the requirements of this provision from all persons, contractors, delegate agencies, etc. who perform any part of the work under the grant, except such clerical and manual labor personnel as will have no access to technical data, and except as otherwise authorized in writing by the granting office.

The grantee shall insert in each delegate agency agreement having an experimental, developmental, or research component or objective, a clause making this provision applicable to the delegate agency and its employees.

b. Copyrights

Except as otherwise provided in the terms and conditions of the grant agreement, the author or grantee is free to copyright any books, publications or other copyrightable materials developed in the course of or under a project supported by an OHD grant. However, any such copyrighted materials shall be subject to a royalty-free, nonexclusive, and irrevocable license to the Government to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

Chapter 7

Cost

A. COSTS (45 CFR 74, SUBPART Q)

1. GENERAL DISCUSSION

The principles for identifying and measuring costs, as well as for determining their allowability, are prescribed in Subpart Q of 45 CFR Part 74. Subpart Q prescribes four separate sets of cost principles. Each grantee is subject to one set only, according to the classification of the grantee. Cost-type contracts under an OHD-funded project are also subject to the cost principles applicable to the contractor's classification, which may not necessarily be the same as that of the grantee. The four sets of cost principles and their applicability are as follows:

45 CFR 74	*Applicable To*
Appendix C	State and Local Government Agencies
Appendix D	Institutions of Higher Education
Appendix E	Hospitals
Appendix F	Nonprofit Organizations

2. DIRECT COSTS

A direct cost is any cost which can be identified with a particular cost objective relative to the approved project. Within the limits of allowable costs and the total approved budget, the grantee may use grant funds for any purpose required to carry out the approved project.

3. INDIRECT COSTS

Indirect costs are those expenditures which cannot be readily identified with a specific project. The amount of indirect costs applicable to a project is based on an indirect cost rate which must be approved by the HEW Regional Comptroller. They usually include, but are not limited to, those costs associated with the general administration and management of the grantee institution and the operation and maintenance of its facilities. Grantees may not be reimbursed as indirect costs for those types of costs which are identical to the types of costs treated as direct costs for other Federally supported projects. OHD program grantees may charge indirect costs to the project with the following exceptions:

a. Indirect costs on training grants, except those awarded to State and local government agencies, will be allowed at the lesser of the institution's actual indirect costs or 8 percent of total direct costs (exclusive of equipment, tuition and stipends),
b. Projects on which indirect costs are limited or prohibited by law or regulations will be reimbursed in accordance with those restrictions.

A full discussion of indirect costs, including guidance on establishment of rates, is included in chapters 6-100, 6-110, 6-120, 6-150 and 6-160 of the GAM.

4. ALLOWABLE DIRECT PROJECT COSTS

Provided below are examples of allowable direct costs commonly incurred by OHD program grantees in the conduct of an approved project. Such costs are subject to the principles prescribed in the appropriate appendix to Subpart Q of 45 CFR Part 74. For certain grantees, some of these costs may be treated as indirect costs. The types of costs which are often treated as indirect are designated by an asterisk(*).

a. Alterations and Renovations

Subject to prior approval by the granting office, regulations and other applicable rules, grantees must insure that, (1) the building has a useable life consistent with program purposes and is architecturally suitable for the project; (2) alterations and renovations are essential to the project and no other suitable space is available; and (3) the expected length of use of rented space as reflected in a lease agreement is considered prior to alteration or renovation of such space. See Chapter 3 for further discussion of this term.

b. (*)Audits

Cost for a CPA or other such accounting services to review and analyze grantee financial and administrative practices, procedures and records.

c. Babysitting Costs

Child care costs to allow authorized participants or representatives to attend official board or council meetings, subject to limitations as program guidelines may state.

d. (*)Bonding

When required by program regulations or grantee organization practice.

e. Books and Periodicals

When required for the conduct of the project.

f. (*)Communication

Resulting from local and long distance telephone calls, telegrams, postage and other communication costs necessary to the project.

g. Consultant Services

Payments including fees, travel expenses and related costs for individuals other than staff providing service to the project, subject to limitations imposed by program regulations or other applicable rules (see Chapter 3).

h. (*)Depreciation or Use Charges

Grantees shall be compensated for the use of grantee-owned facilities through depreciation or use allowances. Methods of computation for such costs are included in the applicable cost principles

i. (*)Dues

For membership in professional organizations or societies, if it can be shown that such membership is necessary to accomplish the purposes of the project.

j. Equipment

When required for project activities and subject to prior approval requirements included in applicable cost principles.

k. Fringe Benefits

The employer's share in proportion to the salary paid under the project to the extent that such payments are made under formally established and consistently applied institutional policies.

l. (*)Insurance

Premium costs for general liability, vehicle liability, fire and theft, and comprehensive property damage where applicable. Some OHD grant programs have specific insurance requirements and reference should be made to applicable program regulations or guidelines.

m. Meals

Food provided to program service recipients and to project staff, volunteers and others connected with the project when such services are part of the approved program.

n. Motion Picture Production

Subject to the specific limitations on use of audio-visual materials (See Chapter 3 for further discussion of this term).

o. Publications

Articles and other work in scientific and technical journals provided:
(1) The article or work reports work performed on the project;
(2) The merit of the article or work is used by the journal as the first criterion in acceptance for inclusion in the journal;
(3) Publication charges are equitably applied by the journal to all parts regardless of the sources of financial support;
(4) The journal is not operated for a profit, and
(5) The copyright is owned and managed by a nonprofit corporation.

Such charges may include special plates, charts, diagrams, and reprints. Costs of publishing books, monographs and pamphlets reporting the work are subject to policies concerning copyright and disposition of project related income.

p. (*)Recruiting and Relocation

Transportation costs for new employees, dependents, and household goods, when such costs are normally paid by the grantee regardless of the source of funds, when it can be shown to be in the interest of the grant supported project.

q. Registration Fees

For professional meetings when it can be shown to be necessary to accomplish project objectives

r. (*)Rentals

Charges for the use of equipment or space not owned by the grantee, subject to the applicable cost principles. Generally, the decision to lease or purchase equipment should be based on the lowest cost to the project considering the length of the project and life expectancy of the equipment. With respect to space, since OHD programs generally do not permit the purchase of land or buildings or the construction of facilities to house project activities, lease arrangements are necessary for space not available within the grantee's own resources. The type of such lease agreements should be based upon the lowest cost to the project considering the length of the project. A full discussion of various types of rental agreements is included in Chapter 6-10 of the GAM.

s. Salaries and Wages

Remuneration paid to employees of a grantee organization for services provided in connection with a grant supported activity. Such compensation must be consistent with the salary and wages policy of the grantee institution applied to all activities whether or not supported by Federal funds. Amounts charged to projects for personal services must be based on institutional payrolls, documented and approved in accordance with generally accepted practices. Documentation standards are as follows:
(1) For State and local government agencies
  (a) Time and attendance records for all employees, and
  (b) Time distribution records for employees whose compensation is chargeable to more than one project or other cost objective
(2) For all other organizations
  (a) Monthly after-the-fact reports of the distribution of effort for professional staff members, or
  (b) An adequate appointment and workload distribution system accompanied by monthly reviews and a reporting of any significant changes in the workload distribution of each professional staff member, and
  (c) Time and attendance and payroll distribution records for nonprofessional staff members

t. Supplies

Expendable materials used in connection with project activities

u. (*)Taxes

When related to employment, services, travel, renting or purchasing for the project. However, institutions must avail themselves of tax-free status exemptions for which activities supported by Federal funds may qualify them or for which they are entitled by virtue of their status as a nonprofit organization.

v. Transportation

Costs incurred for freight, express, cartage, postage and other transportation services relating to goods purchased or delivered. Additionally, the costs associated with the movement of equipment from one grantee to another when approved by the granting office

w. Travel

Cost may include:

(1) Transportation and subsistence for project staff and others related to activities supported with Federal funds. Travel costs are limited to the extent provided by the grantee institution's formal travel policy, except that less than first-class air travel on United States carriers must be used when available. If the grantee institution has no formal travel policy, HEW travel regulations will apply in determining the amount chargeable to the project. Amounts expended for travel are subject to the prior approval requirements stipulated in the budget revision section of Chapter 1.

(2) Transportation costs for project recipients, staff, and others to the site where services are being provided, subject to existing program restrictions. The purchase of motor vehicles for this purpose may be allowable, provided it is treated as an item of equipment and prior approval of the appropriate granting office is obtained.

5. UNALLOWABLE PROJECT COSTS

Provided below are examples of unallowable costs which might be incurred in connection with grant supported activities. Federal funds may not be used for these purposes, nor may such costs be charged to the nonFederal share of project expenditures.

(a) Advertising

Including the costs of direct mail, exhibits, newspaper, magazine and radio or TV ads, except that costs may be allowed for recruitment of project staff, procurement of scarce items used in the conduct of the project, and for disposal of surplus materials.

(b) Bad Debts

Including losses (whether actual or estimated) arising from uncollectable customers accounts and other claims, related costs, and related legal costs.

(c) Construction

Not allowable unless specifically provided for in the program legislation.

(d) Contingency Funds for Reserves

Funds for possible future events or conditions arising from presently know or unknown causes, the outcome of which is indeterminable.

(e) Entertainment

Cost of amusement, diversion, social activities, ceremonials, and incidental costs relating thereto, such as meals, lodgings, rentals, transportation and gratuities.

(f) Fines and Penalties

Cost of fines, and penalties resulting from violation of or failure of the institution to comply with Federal, State, and local laws and regulations.

(g) Fund Raising

Costs of organized fund raising including financial campaigns, endowment drives, solicitation of gifts and bequests and similar expenses incurred solely to raise capital or obtain contributions.

(h) Interest Costs

Costs incurred for interest on borrowed capital or temporary use of endowment funds is unallowable.

(i) Land or Buildings

Acquisition cost of real property is unallowable (See depreciation and use allowance).

Chapter 8

Public Policy Requirements

A. ENVIRONMENTAL IMPACT

The National Environmental Policy Act of 1969 (NEPA), P.L. 91-190, establishes national policy goals and procedures for protecting and enhancing the environment. The provisions of this act are applicable to activities supported in whole or in part through grants awarded by OHD program offices. However, unless a significant environmental impact is anticipated by the applicant, no specific environmental impact statement is required.

B. USE OF A SMALL BUSINESSES AND MINORITY-OWNED BUSINESSES (GAM CHAPTER 1-46)

Grantees are encouraged to be aware of, solicit, and make use of small businesses and minority-owned businesses in the acquisition of services or products, including alteration and renovation, consultant and other services, and procurement of supplies and equipment. In carrying out this objective, grantees are encouraged to:

1. Become aware of those small business enterprises and minority business enterprises that are competent to provide the services or products that the grantee usually acquires.
2. Ensure that such firms are included in invitations for bids or requests for proposals;
3. Use minority-owned banks, and
4. Make use of the advice and assistance available from Government organizations. This may include the Office of Minority Business Assistance, HEW; Office of Minority Business Enterprise, Department of Commerce; Field Offices of the Small Business Administration and Regional Offices of HEW. The Facilities Engineering and Construction Agency, HEW, and its regional field engineers will assist in identification of minority firms in performing alteration and renovation projects. Additionally, the Small Business Administration publishes a listing of minority firms that have been approved for assistance, and SBA Field Offices can assist in identification of small business sources.

C. CIVIL RIGHTS

Office of Human Development grant programs must be administered in conformance with the Civil Rights Act of 1964, as amended; 45 CFR, Part 80 and Part 81, issued pursuant thereto by the Department of Health, Education, and Welfare, and Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against the handicapped. Title VI of the Civil Rights Act of 1964 states that no person shall on the ground of race, color, or national origin, be excluded from participation under any program or activity receiving Federal financial assistance. Every grant applicant is required to submit an Assurance of Compliance (Form HEW 441 or 441B) with its initial application for a grant. No OHD grant awards may be made without an Assurance of Compliance on file with the grant application.

D. HUMAN SUBJECTS (45 CFR PART 46)

1. General

Safeguarding the rights and welfare of human subjects who are involved in activities supported by OHD program grant funds is the responsibility of the grantee. This applies to grantee institutions performing research, development, demonstration or other activities. For the purposes of this policy, a human subject "at risk" is an individual who may be exposed to the possibility of injury, including physical, psychological, or social injury, as a consequence of participation as a subject in any research, development or related activity which departs from the application of those established and accepted methods necessary to meet the subject's needs, or which increases the ordinary risks of daily life, including the recognized risks inherent in a chosen occupation or field of service. The individuals must be protected in accordance with the provisions of HEW Regulations 45 CFR Part 46.

2. Assurance Required

In order to provide for the adequate discharge of this responsibility, all applicants for projects involving human subjects "at risk" must execute a formal assurance that appropriate committees in the aplicant organization will conduct both an initial review of proposals, and a continuing review of supported projects. Guidelines for the establishment and operation of such a system are provided in DHEW Publication No. (NIH) 72-102, the *Institutional Guide to DHEW Policy on Protection of Human Subjects*. The Office of Human Development also requires an annual certification of such reviews. To negotiate the required assurance, applicants must contact the Office for Protection from Research Risks, National Institutes of Health, Bethesda, Maryland 20014.

E. CITIZENSHIP

The Office of Human Development will not intercede in behalf of a non-United States citizen who may be a project director or is otherwise participating on a project and whose stay in the United States may be limited by visa status. Therefore, a grantee institution shall determine, and the application should indicate, that any individual's visa will allow him to remain in the country a sufficient length of time to be productive on the project.

Chapter 9

Grant Closeout, Suspension, and Termination

A. GRANT CLOSEOUT (45 CFR 74, SUBPART M)

Grant closeout is the process by which OHD determines that all applicable administrative actions and all required work of the project have been completed by the grantee and the responsible granting office. In closing out OHD program grants, the grantee must observe the following procedures:

1. Submit, within 90 days after the completion date of the project, all financial, performance, and other reports required as a condition of the grant.
2. Refund or otherwise dispose of any unencumbered cash balance advanced to the grantee in accordance with instructions from the responsible granting office.
3. Account for the disposition of property acquired in whole or in part with OHD grant funds. Such accounting and disposition shall be accomplished in accordance with the provisions of Subpart O, 45 CFR Part 74 and this manual.

Grant closeout should be completed within 180 days after the date of completion of the project. Although grants may be closed prior to a final audit, OHD retains the right to recover an appropriate amount after fully considering the recommendations of any disallowed costs that might result from a final audit. Grants are considered complete when all work under the project is completed or the date appearing on the "Notice of Grant Awarded" document indicating the project ending date has been reached.

Grantees should also be aware of the records retention requirements included in Subpart D, 45 CFR Part 74, and in this manual. Closeout of a project does not affect the time period for records retention.

B. GUIDELINES AND PROCEDURES APPLICABLE TO SUSPENSION AND TERMINATION FOR CAUSE

1. General Consideration

The decision to terminate grant support represents a serious judgment that must reflect a thorough analysis of all relevant factors. It is based on a determination that the grantee has failed to comply with one or more of the terms and conditions of the grant, and that such failure is of sufficient magnitude to warrant the termination of grant support.

2. Initial Contact

When conditions are identified which may be serious enough to cause the granting office to consider termination, the grantee institution shall be advised by letter of the nature of the problem and that failure to correct the deficiency may result in suspension or termination of the grant. The grantee shall respond in writing within thirty (30) days of the date of such letter, describing the action or the plan designed to correct the deficiency.

3. Suspension

If a satisfactory written response to the letter described above is not received within thirty (30) days of the date of such letter, the granting office may issue a notice suspending authority to obligate grant funds in whole or in part. The notice of suspension will be sent by certified mail (return receipt requested), shall be set forth the effective date of the suspension and shall identify any costs which may be incurred by the grantee during the period of suspension.

A suspension shall remain in effect until (a) the grantee has taken satisfactory corrective action, or (b) the grantee has given assurances that corrective action will be taken or (c) OHD terminates the grant. Pursuant to (a) or (b) above, the suspension shall be lifted only by written notice from the granting office.

4. Termination Action

Termination action will normally be taken after a suspension has been in effect for a reasonable length of time without correction of the deficiency. If circumstances warrant, however, termination action may be taken in lieu of a suspension (but after a 30-day period to take corrective action has expired).

5. Accounting Requirements

Within 90 days after the effective date of termination, the grantee shall furnish a final financial status report. Within 30 days of a request therefore, the grantee shall remit to the OHD any amounts found due. If a request for review is filed under the OHD Grant Appeals Procedure, no grant closeout actions may be taken pursuant to the notice of termination until such request has been disposed of, except that the filing of the request does not affect the authority to suspend assistance during the grant appeals proceedings.

C. PROCEDURES APPLICABLE TO TERMINATION ON OTHER GROUNDS

1. Termination by OHD with Consent of the Grantee

When the granting office wishes to terminate grant support with the consent of the grantee, both parties shall agree upon the termination conditions, including the effective date, and, in the case of partial termination, the portion to be terminated. All such agreements shall be in writing and signed by the authorized grantee institution official and the responsible official of the granting office.

2. Termination by the Grantee

When the grantee wishes to terminate grant support unilaterally, the authorized grantee official shall provide written notification to the granting office, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated. The responsible granting official shall provide the grantee with written acknowledgment of the notice and written instructions regarding termination or close-out procedures.

Appendix A

GRANTS MANAGEMENT AND BUDGET OFFICERS OFFICE OF HUMAN DEVELOPMENT

REGION I
Grants Management and Budget Officer
Office of Human Development, DHEW
JFK Federal Building
Room 1500
Boston, Massachusetts 02203

REGION II
Grants Management and Budget Officer
Office of Human Development, DHEW
Federal Building
26 Federal Plaza
New York, N.Y. 10007

REGION III
Grants Management and Budget Officer
Office of Human Development, DHEW
3535 Market Street
Philadelphia, Pennsylvania 19101

REGION IV
Grants Management and Budget Officer
Office of Human Development, DHEW
50 7th Street, N.E.
Atlanta, Georgia 30323

REGION V
Grants Management and Budget Officer
Office of Human Development, DHEW
300 South Wacker Drive
15th Floor
Chicago, Illinois 60636

REGION VI
Grants Management and Budget Officer
Office of Human Development, DHEW
Fidelity Union Tower -- Room 500
1507 Pacific Avenue
Dallas, Texas 75202

REGION VII
Grants Management and Budget Officer
Office of Human Development, DHEW
Twelve Grand Bldg. -- 5th Floor
Kansas City, Missouri 64106

REGION VIII
Grants Management and Budget Officer
Office of Human Development, DHEW
1961 Stout Street -- Room 11037
Denver, Colorado 80202

REGION IX
Grants Management and Budget Officer
Office of Human Development, DHEW
Federal Building
50 Fulton Street
San Francisco, California 94102

REGION X
Grants Management and Budget Officer
Office of Human Development, DHEW
Dexter Horton Building
710 Second Avenue
Seattle, Washington 98101

HEADQUARTERS
Grants Officer
Office of Human Development, DHEW
South Portal Building
Room 341F
200 Independence Ave. S.W.
Washington, D.C. 20201

Appendix B

OHD DISCRETIONARY GRANT PROGRAMS COVERED BY OMB CIRCULAR A-95

CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER	PROGRAMS OR ACTIVITIES COVERED BY OMB CIRCULAR A-95
13.600	Child Development - Head Start
13.612	Native American Programs -- Grants to Support Urban Indian Programs
13.623	Runaway Youth Projects
13.628	Child Development -- Child Abuse and Neglect Prevention and Treatment
13.631	Developmental Disabilities -- Special Projects
13.632	Developmental Disabilities -- Demonstration Facilities and Training
13.634	Special Programs for the Aging -- Title III, Section 308, Model Projects on Aging
13.637	Special Programs for the Aging -- Training Grants to States for In-Service Training

Part II
Office of Child Development

OFFICE OF CHILD DEVELOPMENT

The policies, procedures and guidelines set forth in this Part apply to grants awarded by the Office of Child Development (OCD). The Part is further divided into subparts which relate to the individual programs funded by OCD e.g. Head Start, Child Welfare Research and Development, and Child Abuse and Neglect Prevention and Treatment. These directives relate to specific requirements and provisions included in the various OCD program regulations or statutes. Therefore, they either supplement or deviate from and take precedence over the administrative policies, procedures and guidelines included in Part I of this manual. Where an administrative matter is not discussed in the applicable program subpart, the policies contained in Part I shall apply. Therefore, OCD grantees should be cognizant of both Part I and the applicable OCD program Subpart of this manual to have a complete understanding of applicable administrative requirements.

Subpart A
Child Development - Head Start

REFERENCES TO PROPOSED RULES

Various policies stated in this Part are based on proposed rules which, when finalized, will be codified in 45 CFR Part 1301. They were published in the *Federal Register* on May 5, 1976. They are, however, subject to modification prior to publication as final rules. Until they are published as final rules, they are not, per se, controlling or currently applicable. The proposed rules referred to in this Part reflect policy now in effect which, as such, is controlling.

Chapter 1
Application, Review, Award and Amendment of Grants

A. APPLICATION REQUIREMENTS UNDER THE HEAD START PROGRAM

1. SUBMISSION OF APPLICATIONS

a. New and Supplemental Grants

Applications for grants to support new Head Start projects or to supplement existing projects may be submitted at any time.

b. Continuation Grants

Applications for grants to continue project support beyond the initial budget period will be provided to grantees at least six months prior to the beginning date of the next budget period. Applications must be submitted by the grantee at least 90 days prior to the start of the new budget period.

Chapter 2

Cost Sharing, Matching and Payments

A. MATCHING REQUIREMENTS FOR HEAD START PROJECTS

1. GENERAL DISCUSSION

In accordance with the provisions of 45 CFR 1301.4-1, Federal financial assistance for a Head Start project shall not exceed 80 percent of the approved costs of the project. Specific provisions regarding composition of the nonFederal share, valuation of contributions, and record requirements are included in the "Cost Sharing, Matching and Payment" Section of Chapter 2, Part I of this manual.

2. INCREASE IN FEDERAL SHARE

Under certain circumstances, Federal financial assistance for a Head Start project may exceed the limitation indicated in paragraph A above. Specific provisions regarding eligibility for an increase in the Federal share and procedures for applying for such an increase may be obtained from the appropriate granting office.

3. LIMITATION ON ALLOWABLE MATCHING COSTS

Costs allowable as nonFederal share contributions to Head Start projects are limited to those project costs specified in Part I, Chapter 2, of this manual. Head Start grantees may not use an excess of nonFederal contributions to other Federally assisted projects as matching contributions to Head Start projects.

OHDAGAM TN 77-1 (1/1/77)

Chapter 3

Financial and Administrative Requirements

A. AUDITS

1. GENERAL DISCUSSION

In accordance with the provisions of 45 CFR Part 1301.3-3, each Head Start grantee shall perform, or cause to have performed, an annual audit to determine (1) whether the grantee is complying with the terms and conditions of the grant, including the applicable laws, regulations and directives; and (2) whether appropriate financial and administrative procedures and controls have been installed and are operating effectively. Head Start grantees shall include their delegate agencies' administration of Head Start projects within their own annual audit or shall provide for separate independent audits of delegate agencies. The audit and the report of audit will be performed in conformance with the *Audit Guide for Head Start and Other Child Development Programs*, and/or such other instructions as may be prescribed.

2. AUDITOR SELECTION

Examinations in the form of audits or internal audits of grantees' financial transactions shall be made by individuals who are sufficiently independent of those who authorize the expenditure of project funds to produce unbiased opinions, conclusions or judgments. Generally, if the grantee is a private agency, the services of an independent certified public accountant, or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, shall be secured. If the grantee is a local public agency or if its accounting records are maintained by a State or local public agency, the auditing official or official governmental auditing agency which customarily conducts the agency's audits may be substituted for an independent auditor provided that the audit is conducted in compliance with the provisions of the *Audit Guide* and other applicable instructions.

The grantee shall furnish the auditor with copies of appropriate project documents, and all applicable OCD and OHD directives, including this manual.

3. PERIOD OF AUDIT COVERAGE

The annual audit shall cover the immediate prior budget period of the Head Start project. A Head Start grantee may, however, submit a written request for a different coverage period (e.g., a grantee's fiscal year). The granting office, upon consideration of the request, may provide written approval to the grantee.

4. SUBMISSION OF AUDIT REPORT

The annual audit shall commence after the close of the budget or other approved period in time for the audit to be completed and the audit report to be submitted by the grantee within four months after the close of the budget or other period. The grantee shall transmit seven (7) copies of the annual audit report to the appropriate Regional Audit Director, and two (2) copies of each such report to the Grants and Contracts Management Division, Office of Administration and Management, Office of Human Development for grants awarded by the Central Office, or two (2) copies to the Grants Management/Budget Office in the Regional Offices for grants awarded by the regions.

5. RESPONSE TO AUDIT FINDINGS

When requested to do so, grantees shall respond in writing to observations and recommendations in annual audit reports within thirty (30) calendar days from the date the grantee is notified of the findings and recommendations, unless an extension of time is expressly granted. In the response, the grantee may take exception to particular findings and recommendations. The rationale for such exceptions should be clearly set out in the response. The response should point out corrections already made and state what action is proposed and the estimated completion date of such action. Although the grantee need not send all documentation supporting corrections, unless requested to do so, documentation of actions taken must be available for review during later audits.

The grantee's response and any additional requested information will be considered in determining whether specific expenditures of grant funds or contributions to the nonFederal share should be allowed or disallowed. The responsible granting office official will send the grantee a written notice of the determination to allow or disallow expenditures. Unless the grantee appeals a disallowance determination within thirty (30) calendar days after the postmark date of the notice, the determination will become final.

In those instances where no adverse findings have been identified, the grantee will be notified that the audit report submitted is acceptable and no further action is required.

6. APPEALS

Grantees may appeal determinations to disallow costs resulting from audits in accordance with the appeals procedures set forth in Chapter 3, Part I of this manual.

7. SATISFACTION OF FINAL AUDIT DISALLOWANCES

Unless the grantee receives written notice granting an extension, all final disallowances shall be satisfied within ninety (90) days of the date on which the disallowance becomes final. Grantees will be instructed in writing how to satisfy final disallowances. Failure by the grantee to satisfy a final disallowance or take corrective action to remedy deficiencies in its accounting system and internal controls, may result in suspension, termination, or other remedial action. The United States reserves the right to bring suit or take other appropriate legal action to recover the amounts in question.

B. ACCOUNTING SYSTEM CERTIFICATION

1. General Discussion

In accordance with the provisions of 45 CFR Part 1301.3-4, grantees must comply with the standards for financial management systems set forth in 45 CFR 74, Subpart H in order to receive or continue receiving financial assistance under the Head Start program. In determining whether an applicant can adhere to these standards, the applicant may be requested to submit an accounting system certification. Generally, applicants who have had past experience in administering other Federal grants will not have to further demonstrate that their financial management systems are in compliance with Subpart H of 45 CFR 74.

OHD/GAM TN 77-1 (1/1/77)

OHD/GAM TN 77-1 (1/1/77)

However, they may be requested to do so in individual cases. The accounting system certification states that the applicant and its delegate agencies have established an adequate accounting system with appropriate internal controls to safeguard assets, check the accuracy and reliability of their accounting data, promote operating efficiency and encourage compliance with prescribed management standards set forth in Subpart H of 45 CFR 74 and any additional fiscal and accounting requirements established by OCD and/or OHD.

The certification may be furnished by an independent certified public accountant, an independent State-licensed public accountant, or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to the applicant. A form which serves as accounting system certification will be furnished to applicants as appropriate.

2. New Applicants

An applicant for an initial Head Start grant shall submit an accounting system certification to the granting office when requested to do so. Applicants who are unable to obtain the certification should forward a statement of explanation to the granting office. The granting office may process the application without the statement where it can reasonably be expected that the statement will be furnished at or before the commencement of the initial budget period (e.g., when a new organization's accounting system is still in the process of development at the time of application). *In no event, however, will the grant be awarded until the proper statement has been submitted.*

3. On-going Grantees

Although accounting system certifications are usually required prior to the initial Head Start grant, there may be instances when a new certification will be required from an on-going grantee (for example, when there has been a significant increase in the amount of Head Start funds provided, or annual audits indicate severe fiscal problems). An on-going grantee will be notified in writing if a new certification must be submitted.

4. Delegate Agencies

Prior to a release or commitment of any project funds to a new delegate agency, a grantee must receive from that agency an adequate accounting system certification. This certification must be retained by the grantee and need not be transmitted to the granting office unless requested. Any funds released in violation of the requirement stated in this paragraph may be disallowed as a charge against the project.

C. INSURANCE REQUIREMENTS FOR HEAD START GRANTEES

1. General

In accordance with the requirements of 45 CFR 1301.3-2, private nonprofit Head Start agencies and their delegate agencies shall be covered by adequate student accident insurance, liability insurance for accidents on the agencies' premises, and transportation liability insurance. Student accident insurance shall cover medical costs and death benefits for accidents during program hours and periods immediately preceding and following program hours. It shall also covet official activities, such as field trips away from agency premises and at times other than program hours. Liability insurance shall cover the staff and the agency for liability for accidents to children, staff, volunteers, parents and visitors on the agency's premises.

There shall be adequate transportation liability insurance covering the agency, owners, and drivers of all vehicles utilized for the provision of transportation services in the Head Start program. When the agency provides the vehicle or vehicles, the cost of transportation liability insurance including collision is an allowable item of program costs. When the vehicles are publicly owned, or if they are privately owned, only the amount of the costs of transportation liability insurance attributable to use of the vehicles in the Head Start program is an allowable item of program costs.

2. Limitations of Coverage and Selection of Carrier

The amount of liability coverage carried by a private nonprofit Head Start grantee or delegate agency may vary depending upon the number of children served and the types of services provided. Grantees and delegate agencies should avail themselves of the services of an independent insurance agent or broker for advice and assistance in obtaining the proper coverage. Grantees must comply with all applicable State and local insurance requirements.

D. PERSONNEL ADMINISTRATION STANDARDS FOR HEAD START GRANTEES

Head Start regulations require grantees to establish personnel administration policies and procedures which must be issued or made available to all grantee and delegate agency employees (45 CFR 1301.6-2). These policies must include written standards related to conflict of interest (45 CFR 1301.6-6), nepotism (45 CFR 1301.6-8), and political activities (45 CFR 1301.6-9). Therefore, Head Start grantees must develop personnel policies which include all the items identified in the Personnel Administration Guidelines section of Chapter 3, Part I of this manual in order to satisfy OCD regulatory requirements.

E. GUIDELINES AND PROCEDURES ESTABLISHING WAGE COMPARABILITY

1. General Discussion

In accordance with the provisions of 45 CFR 1301.6-3,

> "persons employed in carrying out Head Start programs shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to persons providing substantially comparable services, or in excess of the average rate of compensation paid to persons providing substantially comparable services in the area of a person's immediately preceeding employment, whichever is higher or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938."

The chief purpose of this provision is to assure that grantee salaries and wages are, in all cases, equitably established and comparable to the local community wage structure and economic circumstances. This provision applies to all full and part-time Head Start employees whose salaries are supported by Head Start project funds.

2. Minimum Wage Requirement

All Head Start grantees and delegate agencies are required to pay employees at least the Federal minimum wage.

3. Comparability Exceptions

a. *Previously Employed in Higher Wage Area*

In some instances an employee may be paid a salary which is higher than the local comparable wage. Certain employees may be paid at the average rate of compensation for persons providing substantially comparable services in the area of the employee's immediately preceding employment. This applies to employees who have been previously employed in a higher wage area than that of the grantee. The purpose of this provision is to make it possible for grantees in low wage areas to employ competent employees from higher wage areas. Grantees should exercise caution in using this standard as a basis for establishing salary comparability. If the employee involved leaves the employ of the grantee or delegate agency, the salary for that position or class of positions will have to be determined anew. Also, excessive use of this basis for determining comparability can result in serious inequities in the overall salary structure.

b. *Experts and Consultants Exceptions*

Experts and consultants who are independent contractors or who work for independent firms and who perform services on an intermittent or occasional basis are not covered by the comparability requirement.

c. *Established Civil Service/Merit Systems*

Some grantees or delegate agencies are part of long-established public or private agencies which apply a civil service or other merit system to Head Start-supported employees. In these instances, all positions covered under such civil service or merit systems will be deemed comparable and no extensive organizational review, position analyses, or comparability determinations will be necessary – provided that these employees are filling positions or types of positions in existence before the agency or institution received a Head Start program grant and that the salary scale has not been changed as a result of the Head Start grant.

4. Comparability Determination Procedures

The following are suggested means for undertaking wage comparability determinations. Methods for establishing wage comparability will vary among grantees and delegate agencies, although every grantee and delegate agency should already be utilizing a rational system for determining appropriate salaries and wages.

a. *Organizational Review.* Review organization plan and job descriptions to insure currency and direct relationship to missions and functions. Position descriptions should accurately portray the nature of jobs and the various positions should be clearly related to each other in a rational pattern. Larger agencies may already be utilizing a well-established job classification system.

b. *"Bench-Mark" job identifications.* Identify "bench mark" jobs at several levels in the organization for which local comparability can be determined and in relationship to which compensation for other jobs may be set. Obviously, the salary of the Director will generally be a bench mark position in setting salary scales for lower level positions. Grantees are cautioned, however, not to use the Director's position or any other position as a bench mark if the incumbent's salary is not related to local wages, but rather to the area of his immediately preceding employment. At the low end, employees to be compensated at the minimum wage rate will be bench mark positions.

c. *Local Source Data.* In most communities several local sources are available for consultation in determining comparability.

(1) Published Wage Surveys. The Bureau of Labor Statistics (BLS) publishes survey reports which are particularly valuable in establishing wages for office, maintenance and custodial jobs and should be a prime source for information on these jobs in the major metropolitan areas for which such material is available. When published sources of salary data are used, the grantee should remember that the precise salary figure may not be an exact guide to the salary which should be paid, since adjustments may be needed because of the experience and expertise of the particular employee. A salary survey generally presents an average rate or range for a number of employees occupying a position; thus the entry rate for that position should generally be set lower, and the rate for an employee with long experience and considerable expertise may be higher.

(2) Local State Employment Offices. Local offices of the State Employment Service may have unpublished information on local wage scales.

(3) Local Government. Local city or county governments will have data on local public pay scales and may know of local wage surveys not obtainable elsewhere. In most instances, local public pay scales should be used as the standard for rates for teachers.

(4) Other Local Agencies. Other local agencies may employ persons in substantially comparable jobs. The grantee may wish to make an informal check with a few agencies which employ persons in positions comparable to those of the grantee. The grantee or delegate agency should not use local agency sources when this information is available from sources (1), (2) or (3) above.

d. *State Government Data.* If local data for some positions is not available from any of the above sources or if the only comparable jobs are in the State government, the grantee should look to Statewide sources. Some State Employment offices will have wage analysts, and State governments through their personnel departments will usually be able to provide the salary schedules for State employees.

e. *National Data.* If the grantee can discover neither local nor State data on a certain position or group of positions after exhausting the above sources, or if persons are required with such unusual skills that the labor area for the skill is nationwide, the grantee may then check national data to verify that the salary planned for that position is reasonable. However, any rate based on national comparability should be adjusted to relate to a bench mark position for which local comparability has been established, and this may require an adjustment in accordance with the local cost of living.

f. *Fringe Benefit Consideration.* Adjustments may be indicated if employees in comparable positions are paid fringe benefits which significantly exceed the benefits payable to grantee employees, or if the reverse is true. However, information about fringe benefits paid to employees in comparable jobs may not be readily available and in such cases it will not be required that a detailed comparison be made. If the information is obtainable it should be considered when establishing comparability.

5. Documentation

Grantees and delegate agencies are required to document the methods by which wage comparability was established. Such documentation shall be available in the grantee's files for review by HEW audit and inspection personnel and personnel of the General Accounting Office. The documentation maintained shall include:

(1) The procedure used to review the organization plan and position descriptions.

(2) An explanation of how "bench mark" positions were identified.
(3) An explanation of any procedures used to obtain State, local, or National data on non-bench mark positions and the way in which such positions are related to the bench mark positions, and
(4) Copies of any certifications or back-up information – e.g. a statement by a local survey facility.

F. LABOR STANDARDS

In accordance with the requirements of 45 CFR 1301.6-10, all laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting or decorating, of buildings or other facilities in connection with Head Start projects shall be paid wages at rates no less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 USC 276(a)).

G. APPEALS PROCEDURES UNDER HEAD START PROGRAM

1. Expenditures Appeals

Head Start grantees may appeal a disallowed expenditure or a disapproval of a written request to incur an expenditure. Such adverse decisions must be appealed in accordance with the provisions of 45 CFR Part 16. Prior to instituting the formal appeal process established by Part 16, the grantee must exhaust the informal appeal procedures outlined in the "Financial and Administrative Requirements" Section in Chapter 3, Part I of this manual.

2. Appeals of Termination, Suspension and Denial of Refunding

Head Start grantees may appeal a decision to suspend a grant, terminate grant support, or to deny refunding to a project. Such appeals must be accomplished in accordance with the provisions of 45 CFR Part 1303.

H. DELEGATION OF PROGRAM OPERATIONS

Delegations of program operations under a Head Start grant must have specific prior approval by the appropriate granting office. A budget for each delegate agency must be submitted as part of the grant application. Approval of the grant application and budget will constitute OHD approval of the delegation of program operations by the applicant. Such arrangements shall be formalized by written agreement between the grantee and delegate agency and must be on file in the grantee's office.

Chapter 4
Reporting Requirements

A. REPORTING REQUIREMENTS FOR HEAD START GRANTEES

1. GENERAL DISCUSSION

In accordance with the requirements of Subpart I, 45 CFR Part 74 and the "Reporting Requirements" Section of Chapter 4, Part I of this manual, Head Start grantees are required to submit the following financial reports.

a. Financial Status Report
b. Report of Federal Cash Transactions

Each of the above reports must be submitted quarterly. The "Financial Status Report" is due not later than 30 days following the end of the quarter. The "Report of Federal Cash Transactions" is due not later than 15 working days following the end of the quarter. In addition, each grantee must submit, along with the "Financial Status Report," a program progress report. Instructions for the completion of this report will be furnished by OCD.

2. REIMBURSEMENTS FROM OTHER FEDERAL AGENCIES

Head Start grantees who are reimbursed by other Federal agencies for grant supported activities (e.g. Dept. of Agriculture payments for nutrition activities) should report such reimbursements in the Remarks section (Item 12) of the "Financial Status Report" citing the amount of funds received and the source. If such funds replace Head Start grant funds originally budgeted for the same purpose, and result in an unobligated grant balance at the end of the report period, they should also be included in Item 10-m of the report.

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federal register

MONDAY, APRIL 25, 1977

highlights

PRINCIPAL EXECUTIVE BRANCH OFFICIALS OF THE ADMINISTRATION OF JIMMY CARTER

The Office of the Federal Register will publish supplement 3 to the U.S. Government Manual on May 2. This supplement will be a separate part in the FEDERAL REGISTER. Executive agencies may obtain copies by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office no later than April 28. Copies may also be purchased for 75 cents from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FCC—Network broadcasting by standard AM and FM stations; policies and procedures 16415; 3–28–77

HEW/SRS—Inpatient services in certain institutions; payment termination.. 4125; 1–24–77

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List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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Subscriptions and distribution.....	**202**–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–5220
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Title 3—The President

PROCLAMATION 4503

Mother's Day, 1977

By the President of the United States of America

A Proclamation

Recent shifts in our culture and society have created new patterns of life for many American mothers and families.

Some of these changes have been desirable, and some not so desirable. But all have put new burdens on the women who must adapt to the shifts—the mothers of America.

By and large they have met the challenge of change with grace, intelligence, and dignity.

Mother's Day should no longer be merely a day on which we reaffirm our love for our mothers. It should also be an occasion for admiration of the way American mothers have maintained those family bonds that protect us from the uncertainties of a changing society and give meaning and direction to our lives.

And it should be an occasion for those of us in public life to reflect on what government can do to help the mothers of America keep our families strong.

In recognition of the contributions of all mothers to their families and to the Nation, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), designated the second Sunday in May each year as Mother's Day and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, May 8, 1977, be observed as Mother's Day. I call upon government officials to display the flag of the United States on all government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-11981 Filed 4-21-77;4:44 pm]

Memorandum of February 19, 1977

Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Syria

[Presidential Determination No. 77-12]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, February 19, 1977.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine that the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling to Syria in fiscal year 1977 approximately $15 million of agricultural commodities, is in the national interest of the United States, and I waive such exclusion.

Jimmy Carter

STATEMENT OF REASONS THAT A WAIVER UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

Syria is a key to our efforts to achieve a just and lasting peace in the Middle East. Our success will depend in part on Syria's confidence in our intention to develop a broad and constructive bilateral relationship with that country. Concessional sales of agricultural commodities to Syria constitute a tangible demonstration of our intended role in that regard.

Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales under Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. Syria has been trading with Cuba in recent years. However, under Section 103(d)(3) the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest.

The considerations noted above make the proposed sales of agricultural commodities to Syria and the necessary waiver important to the national interest of the United States.

[FR Doc.77-11938 Filed 4-21-77;3:40 pm]

Memorandum of April 1, 1977

Determination Under 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Zaire

[Presidential Determination No. 77-13]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, April 1, 1977.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby determine that a waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling $15.3 million worth of agricultural products, is in the national interest of the United States and I do waive that exclusion.

Jimmy Carter

STATEMENT OF REASONS AS TO WHY THE SALE TO ZAIRE UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) IS IN THE NATIONAL INTEREST

In response to the Republic of Zaire's current needs, the United States plans to export to that country during fiscal year 1977, $15.3 million worth of agricultural commodities financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480).

Zaire's size, population, and great mineral and energy resources make it one of the most important countries of sub-Saharan Africa and a nation with a considerable base for economic development. Zaire has in the last few years achieved political stability and significant economic progress. These achievements are now threatened by a severe balance of payments crisis. In helping Zaire to meet this crisis, this concessional sale of agricultural products will also serve America's national interest: it will help reinforce the stability and the continued development of a key African country; it will help to protect this country's own substantial financial stake in Zaire and our access to Zaire's mineral and energy resources; and it will encourage the continued cooperation of a friendly government which plays a leading role in African and Third-World councils. These concessional sales will consist of 4,000 metric tons of rice, valued at $1.0 million, 5,000 metric tons of corn/grain sorghums, valued at $600,000, 3,000 metric tons of tobacco, valued at $13.3 million, and $400,000 worth of other agricultural commodities.

Section 103(d)(3) of Public Law 480 excludes from eligibility for concessional sales under Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials or commodities, so long as those countries are governed by Communist regimes. In 1975, the last year for which we have data, Zaire imported $1,054 worth of goods from Cuba while selling that country $2 worth of Zairian products. However, under Section 103(d)(3) the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest.

The considerations noted above make the proposed sale of agricultural commodiites to Zaire and the necessary waiver important to the national interest of the United States.

[FR Doc.77-11939 Filed 4-21-77;3:41 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Subpart C—Standards

OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations modify the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11–14. These regulations are needed to provide for orderly marketing of flue-cured tobacco in light of the production and marketing situation confronting the flue-cured tobacco industry.

EFFECTIVE DATE: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

J. W. York, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–2567.

SUPPLEMENTARY INFORMATION: A notice was published on March 7, 1977 (41 FR 26701) that the Department was considering a modification of the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11–14, which are issued by authority of The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.). The proposed modifications would: (1) modify and delete certain definitions to clarify terminology related to grade determination; (2) rephrase certain rules to govern and facilitate grade application; (3) modify certain percentages involving tolerances; and (4) add grades C4GK, X3S, C4S, and N1BO to more accurately describe tobacco as it is presently prepared for market. Numerous comments on these proposed modifications were received by the Department. After a thorough analysis and evaluation of those comments, the Department is hereby modifying the Official Standard Grades for Flue-Cured Tobacco as proposed with certain omissions, clarifications, and additions. These modifications are aimed at improving the quality of flue-cured tobacco brought to market by providing more accurate definitions and grade determinations.

As was explained in the statement of consideration accompanying the notice of proposed modifications cited above, changes in cultural and marketing practices in the flue-cured tobacco industry which have been intensified in the last 3 years have made it necessary to modify certain standard grades for flue-cured tobacco. Two particular problems which have resulted in a lowering of the overall quality of flue-cured tobacco brought to market under present cultural and marketing practices are the increase of foreign matter present in tobacco and to some extent, the waste tolerances allowed in certain grades of tobacco. The proposed modifications were aimed at resolving or reducing these problem areas, where appropriate, by restricting further the amount of foreign matter allowed in certain grades of flue-cured tobacco and, at the same time, eliminating waste tolerances in certain grades of tobacco and modifying these tolerances in other grades.

Various comments were received in response to the proposed modifications as published. A significant number of those comments were in favor of the modifications as proposed. Other comments suggested certain changes in the proposed modifications. Several commenters opposed the use of the word "noticeable" in replacement of the word "normal" in the current definition of "clean" under § 29.1004 of the current standards. These commenters suggested that such a change was too drastic taking into consideration the fact that the term "noticeable" is ambiguous and does not allow for any degree of detection by sight or feel; whereas, the term "normal" is a less rigid term. As an example, those commenters stated that the P and X grades of tobacco have always contained a certain amount of sand or dirt regardless of the method of harvesting and curing, which is considered normal for those grades and the term "normal" would be more appropriate than "noticeable" in the definition of "clean" with respect to such tobacco. In light of the points raised in the comments received it seems appropriate to replace the word "noticeable" with the word "normal" in the definition of clean (§ 29.1004) contained in these standards. For the same reason, in all cases where the word "noticeable" had replaced the word "abnormal" throughout the proposed modification the terms "moderate" and/or "excessive" will be instituted.

In response to other comments received and upon further reconsideration of the proposed modifications, the following definitions and rules are amended:

(1) The definition of the term "dirty" was originally deleted from the proposal. Further evaluation has confirmed that this definition is still needed and the Department is replacing this term in the appropriate place; for example, under "definitions," § 29.1013 shall now describe "dirty" and all succeeding sections shall be renumbered accordingly.

(2) The definition of foreign matter is changed by replacing the word "abnormal" with the word "excessive." This is being done because of comments received which suggested that this definition should take into account the sand factor.

(3) Rule 24 is changed by replacing the word "abnormal" with the word "excessive." The reason for this change is the same as (2) above.

(4) Rule 26: A new section, 29.1132 is being added to the proposed modifications in accordance with comments received to coincide with the definition of "dirty" and to add new special factors of "dirt" and "sand" to the current special factors of "U" and "W" appearing in the current standards. These special factors may be applied to any grade in the Primings Group, including first quality Nondescript from the Primings group.

The majority of the commenters felt the proposal to increase uniformity requirements on certain grades and to reduce allowable injury and waste tolerances on several grades to be unnecessary at this time. The Secretary's position, after a thorough review of the comments, is that the current official standards provide for a sufficient differential between grades on waste, injury, and uniformity factors but that the proposed amendment may have more adequately accomplished the objective. However, because this portion of the proposal was opposed by many segments of the tobacco industry, the Secretary has determined that the current standards relating to injury and waste tolerances can be used for the 1977 flue-cured season. The only exception to this determination is a reduction of the waste tolerance in the "N" group from 60 to 50 percent, as it met with strong support from the industry and should prove highly beneficial to the producer. Therefore, no change will be made in the current standards to reflect either an increase or decrease in any uniformity, injury or waste percentage factor, except as stated herein in relation to the "N" group. If the problems necessitating this revision still exist after this trial period, further amendments to the flue-cured standards will be considered for the 1978 and following seasons. It is anticipated that the State Departments of Agriculture, the Farm Bureaus, and Extension Service, with assistance from the Secretary, will cooperate in providing educational programs throughout the flue-cured region to explain the modification to producers and attempt to convince them that it is advantageous to market clean and ripe tobacco from the standpoint of accrued monetary benefits.

The addition of new grades, C4GK, X3S, C4S, and N1BO, met favorably with the majority of the commenters and this portion of the amendment is adopted without change.

Tobacco not covered by any standard grade is designated as "No–G" or "No–G–F." Commenters felt that a more precise definition of the symbol "F" for "foreign matter" on a basket ticket would serve as a deterrent for producers to market an undesirable product and thereby improve the quality of this tobacco. For example, Rule 24 describes "No–G–F" as containing "stalks, suckers, or foreign matter, such as straw, strings, rubber bands, grass, weeds, or an excessive amount of dirt or sand." Accordingly, beginning with the 1977 flue-cured season, the graders shall specifically mark on the basket ticket after "No–G–F" special factors "dirt" or "sand" as applicable. For example, "No–G–F—sand."

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) The Department has met with representatives of all segments of the flue-cured tobacco industry and familiarized them with the proposed amendments;

(b) Farmers, warehousemen, and buyers are now making plans for the marketing of the 1977 crop which is expected to begin before mid-July; and

(c) These amendments are necessary to continue orderly marketing conditions in the flue-cured marketing area.

Therefore, after consideration of all relevant facts, good cause exists for making the amendments herein effective on April 25, 1977.

Accordingly, Part 29 of this Title, as amended, follows in its entirety:

In Subpart C of Part 29 delete §§ 29.1001 through 29.1225 and substitute therefor the following:

Subpart C—Standards

OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO (U.S. TYPES 11, 12, 13, AND 14)

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29.1004 Clean.
29.1005 Color.
29.1006 Color intensity.
29.1007 Color symbols.
29.1008 Combination symbol.
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29.1010 Crude.
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29.1029 Lemon (L).
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29.1032 Maturity.
29.1033 Mixed color (KM)
29.1034 Mixed group (M).
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29.1037 No–G–F.
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29.1040 Orange (F).
29.1041 Orange Red (FR).
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29.1045 Packing.
29.1046 Prematurity.
29.1047 Quality.
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29.1049 Red (R).
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29.1052 Slick (S).
20.1053 Smoked.
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29.1055 Special factor.
29.1056 Steam-dried.
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29.1058 Stemmed.
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29.1074 Variegated (K).
29.1075 Variegated Red or Scorched (KR).
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29.1101 Elements of quality and degrees of each element.

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29.1107 Rule 1.
29.1108 Rule 2.
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29.1110 Rule 4.
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29.1112 Rule 6.
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29.1114 Rule 8.
29.1115 Rule 9.
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29.1117 Rule 11.
29.1118 Rule 12.
29.1119 Rule 13.
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29.1121 Rule 15.
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29.1125 Rule 19.
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29.1128 Rule 22.
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29.1130 Rule 24.
29.1131 Rule 25.
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29.1161 Wrappers (A Group).

GRADES

Sec.
29.1162 Leaf (B Group).
29.1163 Smoking Leaf (H Group).
29.1164 Cutters (C Group).
29.1165 Lugs (X Group).
29.1166 Primings (P Group).
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29.1168 Nondescript (N Group).
29.1169 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.1181 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.1225 Key to standard grademarks.

AUTHORITY: Sections 29.1001 to 29.1225 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 511m.

Subpart C—Standards

OFFICIAL STANDARDS GRADES FOR FLUE-CURED TOBACCO (U.S. TYPES 11, 12, 13, AND 14)

DEFINITIONS

§ 29.1001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.1002 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality Chart.)

§ 29.1003 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.1004 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower position of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

§ 29.1005 Color.

The third factor of a grade based on the relative hues, saturations or chromas, and color values common to the type.

§ 29.1006 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. (See Elements of Quality Chart.)

§ 29.1007 Color symbols.

As applied to flue-cured tobacco, color symbols are L—lemon, F—orange, FR—orange red, R—red, V—greenish, K—variegated, KR—variegated red or scorched, G—green, GR—green red, GK—green variegated (may be scorched), GG—gray green, KL—variegated lemon, KF—variegated orange, KV—variegated greenish, and KM—variegated (scorched) mixed.

§ 29.1008 Combination symbol.

A color or group symbol used with another symbol to form the third factor of a grademark to denote a particular side or characteristic of the tobacco. As applied to flue-cured tobacco, the combination symbols are XL—lub side, PO—oxidized primings, XO—oxidized lugs or cutters, BO—oxidized leaf or smoking leaf, GL—thin-bodied nondescript, and GF—medium-bodied nondescript.

§ 29.1009 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.1010 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude (See rule 20.)

§ 29.1011 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.1012 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damage. (See rule 21.)

§ 29.1013 Dirty.

The state of tobacco containing moderate to excessive amounts of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 24 and 26.)

§ 29.1014 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.1015 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard Grades for Flue-cured, U.S. Types 11–14, are shown in chart form. Words have been selected to describe the degrees of each element.

§ 29.1016 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf.

§ 29.1017 Fire-killed.

Any leaf of which 5 percent or more of its surface has a set green color caused by excessive heat in the curing process. Any lot containing 5 percent or more of such tobacco may be described as fire-killed. (See rule 23.)

§ 29.1018 Flue-cured.

Tobacco cured under artificial atmospheric conditions by a process of regulating the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco; or tobacco cured by some other process which accomplishes the same results.

§ 29.1019 Foreign matter.

Any extraneous substance or material such as straw, strings, rubber bands, grass, weeds, or an excessive amount of dirt or sand. (See rule 24.)

§ 29.1020 Form.

The stage or preparation of tobacco such as stemmed or unstemmed.

§ 29.1021 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.1022 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3F means: Leaf, good quality, orange color.

§ 29.1023 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See rule 19.)

§ 29.1024 Greenish (V).

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See rule 18.)

§ 29.1025 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Flue-cured, U.S. Types 11–14, are: Wrappers (A), Leaf (B), Smoking Leaf (H), Cutters (C), Lugs (X), Primings (P), Mixed (M), Nondescript (N), and Scrap (S).

§ 29.1026 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state, but which is not serious enough to be classified as waste. (See definitions of Damage and Waste; see also rule 14.)

§ 29.1027 Leaf scrap.

A byproduct of stemmed or unstemmed tobacco.

§ 29.1028 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See Elements of Quality Chart.)

§ 29.1029 Lemon (L).

Yellow.

§ 29.1030 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.1031 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.1032 Maturity.

The degree of ripeness. (See Elements of Quality Chart.)

§ 29.1033 Mixed color.

Distinctly different colors of the type mingled together. (See rule 16.)

§ 29.1034 Mixed group.

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

§ 29.1035 Nested.

Any lot of tobacco which has been loaded, packed, or arranged to conceal tobacco of inferior grade, quality, or condition. Nested includes: Any lot of tobacco which contains injured or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 23.)

§ 29.1036 No–G.

A designation applied to a lot of tobacco which is nested, offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type. (See rule 23.)

§ 29.1037 No–G–F.

A designation applied to a lot of tobacco that contains stalks, suckers, or foreign matter. (See rule 24.)

§ 29.1038 Oil.

A soft semifluid constituent of tobacco. (See Elements of Quality Chart.)

§ 29.1039 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Flue-cured, U.S. 11–14. (See rule 23.)

§ 29.1040 Orange (F).

A reddish yellow.

§ 29.1041 Orange Red (FR).

A yellowish red.

§ 29.1042 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.1043 Oxidized (O).

A term applied to tobacco that has deteriorated and turned black during the curing process. Any leaf of which 10 percent or more or its surface has been blackened during the curing process may be described as oxidized. Oxidized tobacco is also known as barn scald or barn rot. (See rules 23 and 25.)

§ 29.1044 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.1045 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.1046 Prematurity.

A condition of growth and development characteristic of the lower leaves of the tobacco plant. Premature leaves have some appearance of ripeness due to a process of starvation caused by translocation of plant food elements from these leaves to other leaves higher on the stalk.

§ 29.1047 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.1048 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.1049 Red (R).

A brownish red.

§ 29.1050 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, swelled stems, frozen tobacco, frozen stems, or stems that have not been thoroughly dried in the curing process. (See rule 23.)

§ 29.1051 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.1052 Slick.

A term used to denote tobacco having a close or tight leaf structure. Any leaf of lemon or orange color of which 20 percent or more of its surface is close or tight may be described as slick. (See rule 17.)

§ 29.1053 Smoked.

Any tobacco affected by smoke or fumes in the curing process. (See rule 23.)

§ 29.1054 Sound.

Free of damage.

§ 29.1055 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rules 10, 21, 22, and 26.)

§ 29.1056 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.1057 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.1058 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.1059 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.1060 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.1061 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.1062 Symbol (S).

As applied to Flue-cured tobacco the symbol (S), when used as the third factor of a grademark, denotes slick, unripe tobacco in lemon or orange color. (See rule 17.)

§ 29.1063 Tobacco.

Tobacco as it appears betwen the time it is primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semi-manufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.1064 Tobacco Products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.1065 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.1066 Type 11.

That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt and Middle Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina and the district extending eastward to the coastal plains region. That portion of this type known as Old Belt Flue-cured, normally characterized by a heavier body and darker color shade and produced principally in the Piedmont sections of Virginia and North Carolina, may be classified as Type 11a; and that portion of the type known as Middle Belt Fluecured, normally characterized by a thinner body and lighter color shade and produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina, may be classified as Type 11b.

§ 29.1067 Type 12.

That type of flue-cured tobacco commonly known as Eastern Flue-cured or Eastern Carolina Flue-cured, produced principally in the coastal plains section of North Carolina, north of the South River.

§ 29.1068 Type 13.

That type of flue-cured tobacco commonly known as Southeastern Fluecured or South Carolina Flue-cured, produced principally in the coastal plains section of South Carolina and the southeastern counties of North Carolina, south of the South River.

§ 29.1069 Type 14.

That type of flue-cured tobacco commonly known as Southern Flue-cured, produced principally in the southern section of Georgia, in northern Florida, and to some extent in Alabama.

§ 29.1070 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.1071 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See rule 13.)

§ 29.1072 Unsound (U).

Damaged. (See rule 21.)

§ 29.1073 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.1074 Variegated (K).

Any tobacco that does not blend with the normal colors of the type; any leaf of which 20 percent or more of its surface is grayish, mottled, bleached, dotyfaced, scalded, or sunbaked. (See rule 15.)

§ 29.1075 Variegated red or scorched (KR).

A red discoloration which usually results from excessive heat in the curing process. Any leaf of which 20 percent or more of its surface has been reddened in the curing proces may be described as variegated red or scorched. (See rule 16.)

§ 29.1076 Waste.

The portion or portions of the web of tobacco leaves which have been lost or rendered less servicable for use in tobacco products, including: (a) Portions which have decomposed or largely decomposed by field diseases and fieldfiring, pole-burning, bulk-burning; (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind.

§ 29.1077 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 22.)

§ 29.1078 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of Quality Chart.)

ELEMENTS OF QUALITY

§ 29.1101 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with group.

Elements	Degrees				
Maturity	Immature	Unripe	Mature	Ripe	Mellow.
Leaf structure	Tight	Close	Firm	Open	
Body	Heavy	Fleshy	Medium	Thin	
Oil	Lean	Oily	Rich		
Color intensity	Pale	Weak	Moderate	Strong	Deep.
Width	Stringy	Narrow	Normal	Spready	
Length		(1)	(1)	(1)	
Uniformity		(2)	(2)	(2)	
Injury tolerance		(2)	(2)	(2)	
Waste tolerance		(2)	(2)	(2)	

[1] Expressed in inches.
[2] Expressed in percentage.

RULES

§ 29.1106 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.1107 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.1108 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.1109 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.1110 Rule 4.

All standard grades must be clean.

§ 29.1111 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.1112 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.1113 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.1114 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.1115 Rule 9.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.1116 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.1117 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Marketing Program Branch and approved by the Director.

§ 29.1118 Rule 12.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.1119 Rule 13.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be closely related, but may be of a different group, quality, and color from the major portion.

§ 29.1120 Rule 14.

The application of injury tolerance as an element of quality shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.1121 Rule 15.

Any lot of tobaco containing 20 percent or more of variegated tobacco other than variegated red or scorched shall be described as variegated and designated by the color symbol "K," "KL," "KF," or "KV."

§ 29.1122 Rule 16.

Any lot of ripe tobacco which contains 20 percent or more of variegated red or scorched tobacco shall be designated by the color symbol "KR." Any lot of unripe tobacco which is under 20 percent greenish or green but which contains 20 percent or more of scorched tobacco, or any lot of tobacco which contains 20 percent or more of a color distinctly different from the major color shall be classified as mixed color and designated by the color symbol "KM."

§ 29.1123 Rule 17.

Any lot of lemon, or orange colored tobacco containing 20 percent or more of slick tobacco shall be designated by the symbol "S" in the X, C, or B groups.

§ 29.1124 Rule 18.

Any lot of mature tobacco in lemon or orange color containing 20 percent or more of greenish tobacco, or any lot which is not green but which contains 20 percent or more of greenish and green tobacco combined shall be designated by the color symbol "V."

§ 29.1125 Rule 19.

Any lot of tobacco containing 20 percent or more of green tobacco, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbols "G," "GR," "GK," "GG," or the combination symbols "GL," or "GF."

§ 29.1126 Rule 20.

Crude tobacco shall not be included in any grade of any color except green, green red, green variegated, gray green, or the combination symbols "GL," or "GF" in the nondescript group. Any lot containing 20 percent or more of crude tobacco shall be classified as nondescript.

§ 29.1127 Rule 21.

Damaged tobacco which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark.

§ 29.1128 Rule 22.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark.

§ 29.1129 Rule 23.

Tobacco shall be designated by the grademark "No-G," when it is nested, offtype, semicured, firekilled, smoked, oxidized over 10 percent, or has an odor foreign to the type.

§ 29.1130 Rule 24.

Tobacco shall be designated by the grademark "No-G-F," when it contains stalks, suckers, or foreign matter such as straw, strings, rubber bands, grass, weeds, or an excessive amount of dirt or sand.

§ 29.1131 Rule 25.

Any lot of tobacco containing 10 percent or less of oxidized tobacco (except as provided in rule 12) shall be designated by the combination symbols "PO," "XO," or "BO." Crude or green tobacco containing 10 percent or less of oxidized shall be graded "N2."

§ 29.1132 Rule 26.

Tobacco that contains a moderate amount of dirt or sand, but which otherwise meets the specifications of any Primings grade, including the first quality Nondescript from the Primings group, shall be designated by placing the special factor, "dirt" or "sand" after the grademark.

GRADES

§ 29.1161 Wrappers (A group).

This group consists of leaves from the C and B group stalk positions. Wrappers are mature to ripe, elastic, have small and blending fibers, and show a low percentage of injury affecting wrapper yield.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances.

A1L—Choice quality lemon wrappers: Firm leaf structure, medium body, spready, deep color intensity, rich in oil, 18 inches or over in length, 30 percent of leaves not lower than B3 or C3, 5 percent injury tolerance affecting wrapper yield.

A1F—Choice quality orange wrappers: Firm leaf structure, fleshy, spready, deep color intensity, rich in oil, 18 inches or over in length, 30 percent of leaves not lower than B3 or C3, 5 percent injury tolerance affecting wrapper yield.

§ 29.1162 Leaf (B group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the B group have a pointed tip, tend to fold, usually are heavier in body than the other groups, and show little or no ground injury.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances.

B1L—Choice quality lemon leaf: Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2L—Fine quality lemon leaf: Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3L—Good quality lemon leaf: Ripe, firm leaf structure, medium body, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4L—Fair Quality Lemon Leaf

Ripe, firm leaf structure, medium body, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5L—Low Quality Lemon Leaf

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6L—Poor Quality Lemon Leaf

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B1F Choice Quality Orange Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2F Fine Quality Orange Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3F Good Quality Orange Leaf

Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4F Fair Quality Orange Leaf

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste,

B5F Low Quality Orange Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6F Poor Quality Orange Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B1FR Choice Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2FR Fine Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity 85 percent; injury tolerance, 10 percent.

B3FR Good Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4FR Fair Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent, injury tolerance 20 percent, of which not over 5 percent may be waste.

B5FR Low Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6FR Poor Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B4R Fair Quality Red Leaf

Ripe, firm leaf structure, heavy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5R Low Quality Red Leaf

Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B3K Good Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4K Fair Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5K Low Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6K Poor Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KR Good quality Variegated Red or Scorched Leaf

Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance 15 percent.

B4KR Fair Quality Variegated Red or Scorched Leaf

Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KR Low Quality Variegated Red or Scorched Leaf

Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B3V Good Quality Greenish Leaf

Mature, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance 15 percent.

B4V Fair Quality Greenish Leaf

Mature, firm leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5V Low Quality Greenish Leaf

Mature, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B3KL Good Quality Variegated Lemon Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KL Fair Quality Variegated Lemon Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent of which not over 5 percent may be waste.

B5KL Low Quality Variegated Lemon Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KL Poor Quality Variegated Lemon Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KF Good Quality Variegated Orange Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KF Fair Quality Variegated Orange Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KF Low Quality Variegated Orange Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6WF Poor Quality Variegated Orange Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KM Good Quality Variegated Mixed Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KM Fair Quality Variegated Mixed Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KM Low Quality Variegated Mixed Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KM Poor Quality Variegated Mixed Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B4KV Fair Quality Variegated Greenish Leaf

Unripe, firm leaf structure, medium body, normal width. Uniformity, 70 percent; tolerance, 25 percent waste.

B5KV Low Quality Variegated Greenish Leaf

Unripe, firm leaf structure, medium body, narrow. Uniformity, 70 percent; tolerance, 30 percent waste.

B6KV Poor Quality Variegated Greenish Leaf

Unripe, firm leaf structure, medium body, stringy. Uniformity, 70 percent; tolerance, 40 percent waste.

B3S Good Quality Slick Leaf

Unripe, close leaf structure, fleshy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4S Fair Quality Slick Leaf

Unripe, close leaf structure, fleshy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

B5S Low Quality Slick Leaf

Unripe, tight leaf structure, fleshy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B4G Fair Quality Green Leaf

Immature, close leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5G Low Quality Green Leaf

Immature, tight leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6G Poor Quality Green Leaf

Immature, tight leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B5GR Low Quality Green Red Leaf

Immature, tight leaf structure, heavy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B4GK Fair Quality Green Variegated Leaf

Immature, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5GK Low Quality Green Variegated Leaf

Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6GK Poor Quality Green Variegated Leaf

Immature, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B5GG Low Quality Gray Green Leaf

Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

§ 29.1163 Smoking Leaf (H Group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the H group show a high degree of maturity, more open leaf structure in relation to the B Group, and a

material amount of injury characteristic of very ripe leaf tobacco.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances

H3L Good Quality Lemon Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4L Fair Quality Lemon Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

H5L Low Quality Lemon Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6L Poor Quality Lemon Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

H1F Choice Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

H2F Fine Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity 85 percent; injury tolerance, 10 percent.

H3F Good Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4F Fair Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5F Low Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6F Poor Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 20 percent may be waste.

H4FR Fair Quality Orange Red Smoking Leaf

Mellow, open leaf structure, fleshy, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

Mellow, open leaf structure, fleshy lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6FR Poor Quality Orange Red Smoking Leaf

Mellow, open leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

H4K Fair Quality Variegated Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5K Low Quality Variegated Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6K Poor Quality Variegated Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

§ 29.1164 Cutters (C Group).

This group consists of leaves normally grown at or just below the midportion of the stalk. Leaves of the C group have a tendency to roll concealing the stem or midrib. Cutters usually have a rounded tip, are thin to medium in body, and show some ground injury.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances.

C1L Choice Quality Lemon Cutters

Ripe, open leaf structure, thin, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent, injury tolerance, 5 percent.

C2L Fine Quality Lemon Cutters

Ripe, open leaf structure, thin, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3L Good Quality Lemon Cutters

Ripe, open leaf structure, thin, oily, strong color intensity, spready, 18 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4L Fair Quality Lemon Cutters

Ripe, open leaf structure, thin, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5L Low Quality Lemon Cutters

Ripe, open leaf structure, thin, lean in oil, weak color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C1F Choice Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

C2F Fine Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3F Good Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, strong color intensity, spready, 18 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4P Fair Quality Orange Cutters

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5F Low Quality Orange Cutters

Ripe, open leaf structure, medium body, lean in oil, weak color intensity, normal width, 16 inches or over in length. Uniformity 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C4KR Fair Quality Variegated Red or Scorched Cutters

Ripe open leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4V Fair Quality Greenish Cutters

Mature, open leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KL Fair Quality Variegated Lemon Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KM Fair Quality Variegated Mixed Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4S Fair Quality Slick Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4G Fair Quality Green Cutters

Immature, close leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4GK Fair Quality Green Variegated Cutters

Immature, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

§ 29.1165 Lugs (X Group).

This group consists of leaves normally grown near the bottom of the stalk. Leaves of the X group usually have a blunt tip and open face; they show some ground injury characteristic of the group.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances.

X1L Choice Quality Lemon Lugs

Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 6 percent may be waste.

X2L Fine Quality Lemon Lugs

Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

X3L Good Quality Lemon Lugs

Ripe, open leaf structure, thin, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4L Fair Quality Lemon Lugs

Ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X5L Low Quality Lemon Lugs

Ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

X1F Choice Quality Orange Lugs

Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

X2F Fine Quality Orange Lugs

Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

X3F Good Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4F Fair Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X5F Low Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

X3KR Good Quality Variegated Red or Scorched Lugs

Ripe, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4KR Fair Quality Variegated Red or Scorched Lugs

Ripe, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X3V Good Quality Greenish Lugs

Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4V Fair Quality Greenish Lugs

Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KL Fair Quality Variegated Lemon Lugs

Unripe, close leaf structure, thin. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KF Fair Quality Variegated Orange Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KV Fair Quality Variegated Greenish Lugs

Unripe, firm leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X3KM Good Quality Variegated Mixed Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4KM Fair Quality Variegated Mixed Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X3S Good Quality Slick Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4G Fair Quality Green Lugs

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X5G Low Quality Green Lugs

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 40 percent waste.

X4GK Fair Quality Green Variegated Lugs

Immature, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

§ 29.1166 Primings (P Group).

This group consists of round-tipped leaves from the lowest portion of the stalk. Leaves of the P group ripen prematurely as a result of starvation and show a material amount of injury characteristic of leaves grown close to the ground.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances.

P2L Fine Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

P3L Good Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

P4L Fair Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P5L Low Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

P2F Fine Quality Orange Printings

Prematurely ripe, open leaf structure, medium body, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

P3F Good Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

P4F Fair Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P5F Low Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

P4G Fair Quality Green Primings

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

P5G Low Quality Green Primings

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 40 percent waste.

§ 29.1167 Mixed (M Group).

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances.

M4F Fair Quality Mixed Groups

Ripe, firm leaf structure, heavy, lean in oil, injury tolerance 30 percent, of which not over 10 percent may be waste.

M5F Low Quality Mixed Groups

Ripe, firm leaf structure, heavy, lean in oil, injury tolerance 40 percent, of which not over 20 percent may be waste.

M4KR Fair Quality Variegated Red or Scortched Mixed Groups

Ripe, firm leaf structure, fleshy, lean in oil. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M4KM Fair Quality Variegated Mixed Groups

Unripe, close leaf structure, heavy. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M5KM Low Quality Variegated Mixed Groups

Unripe, tight leaf structure, heavy Injury tolerance 40 percent, of which not over 20 percent may be waste.

M5GK Low Quality Green Variegated Mixed Groups

Immature, tight leaf structure, heavy. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M5GK Low Quality Green Variegated Mixed Groups

Immature, tight leaf structure, heavy. Injury tolerance 40 percent, of which not over 20 percent may be waste.

§ 29.1168 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. Grades, Grade Names, Minimum Specifications, and Tolerances.

N1L—Best nondescript from the P group: tolerance: 50 percent waste.

N1XL—Best nondescript from the X group: tolerance: 50 percent waste.

N1K—Best nondescript from the H group: tolerance: 50 percent waste.

N1R—Best, heavy, dark-colored nondescript from the B group: tolerance: 50 percent injury or waste.

N1KV—Best, variegated, medium-bodied, greenish nondescript from the B group: tolerance: 50 percent injury or waste.

N1GL—Best, thin, crude green nondescript from the P or X groups: tolerance: 50 percent crude, injury, or waste.

N1GF—Best, medium-bodied, medium-colored, crude green nondescript from the B or C groups: tolerance: 50 percent crude, injury or waste.

N1GR—Best, heavy, dark-colored, crude green nondescript from the B group: tolerance: 50 percent crude, injury, or waste.

N1GG—Best, crude gray green nondescript from the B group: tolerance: 50 percent crude, injury, or waste.

N1PO—Oxidized tobacco from the P group: tolerance: 50 percent injury or waste.
N1XO—Oxidized tobacco from the X or C groups: tolerance: 50 percent injury or waste.
N1BO—Oxidized tobacco from the B or H groups: tolerance: 50 percent injury or waste.
N2—Poorest nondescript of any group or color: tolerance: Over 50 percent crude, injury, or waste.

§ 29.1169 Scrap (S Group).

A byproduct of stemmed or unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. Grade, Grade Name and Specifications.

S—Scrap; loose, whole, or broken unstemmed leaves; or the web portion of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.1181 Summary of Standard Grades.

2 GRADES OF WRAPPERS

A1L, A1F.

24 GRADES OF LEAF

B1L, B2L, B3L, B4L, B5L, B6L, B1F, B2F, B3F, B4F, B5F, B6F, B1FR, B2FR, B3FR, B4FR, B5FR, B6FR, B4R, B5R, B3K, B4K, B5K, B6K.

16 GRADES OF SMOKING LEAF

H3L, H4L, H5L, H6L, H1F, H2F, H3F, H4F, H5F, H6F, H4FR, H5FR, H6FR, H4K, H5K, H6K.

10 GRADES OF CUTTERS

C1L, C2L, C3L, C4L, C5L, C1F, C2F, C3F, C4F, C5F.

10 GRADES OF LUGS

X1L, X2L, X3L, X4L, X5L, X1F, X2F, X3F, X4F, X5F.

8 GRADES OF PRIMINGS

P2L, P3L, P4L, P5L, P2F, P3F, P4F, P5F.

6 GRADES OF GREENISH

B3V, B4V, B5V, C4V, X3V, X4V.

15 GRADES OF VARIEGATED

B3KL, B4KL, B5KL, B6KL, B3KF, B4KF, B5KF, B6KF, B4KV, B5KV, B6KV, C4KL, X4KL, X4KF, X4KV.

7 MIXED GRADES

M4F, M5F, M4KR, M4KM, M5KM, M4GK, M5GK.

15 GRADES OF GREEN

B4G, B5G, B6G, B5GR, B4GK, B5GK, B6GK, B5GG, C4G, C4GK, X4G, X5G, X4GK, P4G, P5G.

7 GRADES OF VARIEGATED MIXED

B3KM, B4KM, B5KM, B6KM, C4KM, X3KM, X4KM.

6 GRADES OF VARIEGATED RED OR SCORCHED

B3KR, B4KR, B5KR, C4KR, X3KR, X4KR.

5 GRADES OF SLICK

B3S, B4S, B5S, C4S, X3S.

13 GRADES OF NONDESCRIPT

N1L, N1XL, N1K, N1R, N1KV, N1GL, N1GF, N1GR, N1GG, N1PO, N1XO, N1BO, N2.

1 GRADE OF SCRAP

S

Special factors "U" (unsound) and "W" (doubtful-keeping order) may be applied to all grades. The special factors "dirt" or "sand" may be applied to any grade in the Primings group, including first quality Nondescript from the Primings group. Tobacco not covered by the standard grades is designated "No–G," or "No–G–F."

KEY TO STANDARD GRADEMARKS

§ 29.1225 Key to Standard Grademarks.

GROUPS

A—Wrappers. B—Leaf. H—Smoking Leaf. C—Cutters. X—Lugs. P—Primings. M—Mixed Group. N—Nondescript. S—Scrap.

QUALITIES

1—Choice. 2—Fine. 3—Good. 4—Fair. 5—Low. 6—Poor.

COLOR SYMBOLS

L—Lemon. F—Orange. FR—Orange red. R—Red. K—Variegated. KR—Variegated red or scorched. G—Green. V—Greenish. GR—Green red. GK—Green variegated. GG—Gray green. KL—Variegated lemon. KF—Variegated orange. KV—Variegated greenish. KM—Variegated mixed.

COMBINATION SYMBOLS

XL—Lug side. PO—Oxidized primings. XO—Oxidized lugs or cutters. BO—Oxidized leaf or smoking leaf. L—Thin-bodied nondescript. GF—Medium-bodied nondescript.

SPECIAL SYMBOL

S—Slick

Dated: April 20, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-11756 Filed 4-22-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 554]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh Valencia oranges shipped from District 2 of the California-Arizona production area to measure at least 2.32 inches in diameter (163 and larger sizes), during the period April 29, 1977, through January 15, 1978. The regulation recognizes that the composition of the crop is such that more than ample quantities of larger, more desirable sizes of oranges are available to meet fresh market demand. It is in the interest of producers and consumers to establish the minimum size of Valencia oranges as specified. The smaller sizes of oranges can be marketed in export and in processing outlets.

DATES: Effective dates: April 29, 1977, through January 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTAL INFORMATION: Notice was published in the FEDERAL REGISTER on April 4, 1977 (42 FR 17879), that consideration was being given to the establishment of a size regulation for Valencia oranges grown in District 2, under the applicable provisions of the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The regulation was recommended by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notice provided that written comments in connection with the proposed regulation be submitted by April 15, 1977. None were received.

The specified minimum size requirement reflects the Secretary's appraisal of the crop and current and prospective marketing conditions. The 1976–77 crop of Valencia oranges is currently estimated at 55,500 carlots. The demand in regulated fresh market channels is expected to require about 38 percent of this volume. The remaining 62 percent would be available for utilization in export, processing, and other outlets. Fresh shipments of California-Arizona Valencia oranges are now in progress. The volume and size composition of the crop of Valencia oranges grown in the production area are such that ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels. The regulation is necessary to assure shipment of Valencia oranges of the more desirable sizes in the interest of growers and consumers, and it would contribute to the establishment and maintenance of orderly marketing conditions.

After consideration of all relevant matters presented, including the proposals set forth in the notice and other available information, it is found that the regulation of shipments of Valencia oranges, as set forth in this regulation, is in accordance with the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that good cause exists for making this regulation effective at the time hereinafter set forth and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) a notice of proposed rulemaking concerning this regulation was published in the FEDERAL REGISTER on April 4, 1977 (42 FR 17879), and no objection to it was received; (2) the regulatory provisions are the same as those contained in the notice; (3) the recommendation and supporting information for regulation of Valencia oranges were submitted to the Department after an open meeting of the committee in District 2 of the production area, which was held to consider recommendations for regulation, after giving due notice of the meeting, and interested persons were afforded an opportunity to submit their views at this meeting; and (4) information concerning the provisions and effective time has been provided to handlers of Valencia oranges.

Accordingly, the minimum size requirement for the handling of Valencia oranges is as follows:

§ 908.854 Valencia Orange Regulation 554.

Order. (a) During the period April 29, 1977, through January 15, 1978, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle", "handler", and "District 2" shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: April 19, 1977, to become effective April 29, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11763 Filed 4-22-77;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 329—INTEREST ON DEPOSITS

Adoption of Amendments Pertaining to Certain "Noninsured Banks" in Massachusetts

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: This regulation groups Massachusetts "banking companies" with mutual savings banks for purposes of the regulation of interest or dividends which may be paid on time and savings deposits. Massachusetts banking companies are more akin to mutual savings banks than to commercial banks in their operations, but the FDIC's regulations currently are worded so that banking companies are treated as commercial banks for purposes of interest rate regulation. By grouping banking companies with mutual savings banks, these amendments will afford banking companies the .25 percent rate differential advantage over commercial banks that is now afforded mutual savings banks.

EFFECTIVE DATE: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Daniel Wm. Persinger, Assistant General Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429. (202–389–4324)

SUPPLEMENTARY INFORMATION: Section 18(g) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(g) ("Section 18(g)"), provides the Federal Deposit Insurance Corporation ("FDIC") with the authority to regulate the rates of interest or dividends paid on time and savings deposits by FDIC insured State-chartered banks that are not members of the Federal Reserve System ("insured nonmember banks") and by non-FDIC insured banks in certain states ("noninsured banks"). The Commonwealth of Massachusetts is a State in which noninsured banks are subject to interest and dividend rate regulation by the FDIC. Under the authority of section 18(g), the Board of Directors of the FDIC has promulgated regulations which establish the rates of interest which may be paid by all insured nonmember banks, regardless of location, and by noninsured banks (including noninsured mutual savings banks) in Massachusetts. 12 CFR Part 329.

One form of noninsured bank operating in Massachusetts is the "banking company." Mass. Gen. Laws Ann. ch. 172A. Massachusetts banking companies operate on a limited scale. The bulk of their loans are consumer loans. They are prohibited by State law from making commercial loans and are subject to strict limitations on real estate loans. Banking companies are permitted to accept and pay interest on deposits. In view of the foregoing, the Board of Directors of the FDIC has determined that banking companies are more like mutual savings banks than commercial banks in the scope of their activities.

Part 329 of the FDIC's regulations is currently worded so that banking companies are treated as commercial banks and, therefore, are limited to the payment of a lower maximum rate of interest on time and savings deposits than mutual savings banks and savings and loan associations. To eliminate this unfair competitive disadavntage and to permit banking companies to effectively compete with thrift institutions, the Board of Directors of the FDIC has decided to adopt amendments to Part 329. The amendments group Massachusetts banking companies with mutual savings banks and guaranty savings banks in New Hampshire for purposes of setting ceilings on the interest rates the banks can pay their depositors. This affords such banking companies the same .25 percent rate differential advantage over commercial banks as that afforded mutual savings banks. Because this decision is based on the limited activities carried on by banking companies, if, in the future, banking companies should broaden their activities, it may be necessary for the FDIC to reevaluate the appropriateness of continuing to afford them such a rate advantage.

The FDIC published in the FEDERAL REGISTER (42 FR 12188) notice of its proposed amendments to Part 329. Interested parties were given the opportunity to submit, not later than April 4, 1977, data, views and recommendations regarding the proposed amendments. Comments were received from the Savings Banks Association of Massachusetts, the National Association of Mutual Savings Banks, and the Massachusetts Commissioner of Banks. The comments from the two trade associations were generally favorable. The Commissioner of Banks stated that, in her opinion, Massachusetts banking companies are neither commercial banks nor savings banks, but that they are consumer installment lenders and they should not be subject to FDIC regulation.

The FDIC has reviewed the comments and has made one minor structural change in its proposal, in that it has changed the language of its citation to the Massachusetts law. Otherwise, the proposed amendments are hereby adopted without change. Because the amendments represent a substantive rule which relieves a restriction, the Board of Directors of the FDIC has determined, pursuant to § 302.6 of the rules and regulations of the FDIC, that good cause exists for the waiver of the thirty day period before the amendments become effective.

12 CFR Part 329 is amended as follows:

1. In § 329.0 the third sentence is revised to read as follows:

§ 329.0 Scope.

* * * Except for §§ 329.7, 329.8, and 329.10, the provisions of this Part 329 do not apply to: (a) Mutual savings banks; (b) guaranty savings banks operating in the State of New Hampshire, so long as the guaranty savings banks operate substantially under and pursuant to the laws of the State of New Hampshire pertaining to mutual savings banks and do not engage in commercial banking; or (c) corporations operating in the Commonwealth of Massachusetts as banking companies pursuant to the provisions of Chapter 172A of the General Laws of the Commonwealth of Massachusetts.

2. In § 329.7 paragraph (a) is revised to read as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.

(a) *Definitions.* For the purpose of this section, the term "mutual savings bank" includes: (1) Any mutual savings bank, (2) any guaranty savings bank which operates in the State of New Hampshire substantially under and pursuant to the laws of that State pertaining to mutual savings banks so long as the guaranty savings bank does not en-

gage in commercial banking, and (3) any corporation operating in the Commonwealth of Massachusetts as a banking company pursuant to the provisions of Chapter 172A of the General Laws of the Commonwealth of Massachusetts.

* * * * *

By Order of the Board of Directors, April 19, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.11807 Filed 4-22-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-GL-8; Amdt. 39-2878]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Model CF6-50A/CF6-50C/CF6-50C1/CF6-50D/CF6-50E/CF6-50E1 and CF6-50H Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) action requires installation of fuel and oil tubes with protective coverings. The protective covering will prevent fuel and oil tube penetration in the event of an uncontained engine fire.

DATES: *Effective Date:* April 29, 1977. *Compliance:* Compliance required not later than January 31, 1978.

ADDRESSES: Copies of General Electric Service Bulletin 72-447 may be obtained by contacting: General Electric Company, Commercial Engine Division, Commercial Publications; Mail Drop F119, Cincinnati, Ohio 45215.

FOR FURTHER INFORMATION CONTACT:

Mark Mixell, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There have been instances of fires within the compressor which penetrated the air bleed manifolds and burned through oil lines below the compressor case. Since this condition may exist or develop in other engines of the same type design a proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring the installation of a protective shield on General Electric CF6 Series engines was published in 41 FR 31567. After publishing the notice, the agency determined that the proposed installation did not provide adequate protection of the fuel and oil tubes from a fire originating in the compressor. Accordingly, that notice was amended (41 FR 7159) to propose an Airworthiness Directive requiring installation of fuel and oil tubes with protective coverings below the compressor.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, an evaluation of the anticipated impacts has been made, and it is expected that the final rule will be neither costly nor controversial.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

GENERAL ELECTRIC. Applies to General Electric Models CF6-50A, CF6-50C, CF6-50C1, CF6-50D, CF6-50E, CF6-50E1 and CF6-50H engines installed in aircraft certificated in all categories.

Compliance required by January 31, 1978, unless previously accomplished.

To prevent possible burn through of fuel or oil tubes located below the compressor section, accomplish the following in accordance with General Electric Service Bulletin (CF6-50) 72-447 dated December 30, 1976, or subsequent FAA Approved revision thereto:

(a) Replace the Fuel Manifold, Part Number 9008M43G01, 9008M43G02 or 9008M43G03, with Part Number 9200M17G01, 9200M17G02 or 9200M17G03.

(b) Replace the Lube Supply, Part Number 9043M25G02, with Part Number 9200M11G01.

(c) Replace the "B" Sump Scavenge Aft, Part Number 9068M88G01 or 9194M18G01, with Part Number 9200M10G01.

(d) Replace the "B" Sump Scavenge Forward, Part Number 9005M64G01, with Part Number 9191M72G01.

(e) Replace the "C" Sump Scavenge, Part Number 9054M44G01, with Part Number 9200M15G03.

(f) Replace the "D" Sump Scavenge, Part Number 9055M93G01, with Part Number 9200M16G02.

Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

This amendment becomes effective April 29, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Company, Cincinnati, Ohio 45215. These documents may also be examined at the Federal Aviation Administration, Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at Great Lakes Region.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois on April 15, 1977.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc.77-11749 Filed 4-22-77;8:45 am]

[Docket No. 77-SW-15; Amdt. 39-2877]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Aircraft Corporation Models M20E, F, and J Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: A new Airworthiness Directive (AD) is being issued to require removal and replacement of Stewart-Warner oil coolers on Mooney Models M20E, F, and J airplanes to prevent possible loss of oil.

DATES: Effective date April 21, 1977, and was effective upon receipt for all recipients of the airmail letter dated April 15, 1977. Compliance required within the next five (5) hours time in service after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT:

Martin J. Saunders, Propulsion Section (ASW-214), Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 524.

SUPPLEMENTARY INFORMATION: There have been reports of internal corrosion causing holes in the oil cooler resulting in loss of engine oil and subsequent loss of engine power. Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued to remove and replace the defective Stewart-Warner oil coolers on Mooney Models M20E, F, and J airplanes.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective April 21, 1977, and was effective upon receipt for all recipients of the airmail letter dated April 15, 1977, which contained this amendment, by adding the following new AD:

MOONEY: Applies to Models M20E (Serial Numbers 101 through 400, 470 through 1217, 1219, 1221, 1223 through 1308, 670001 through 670062, 690001 through 690073, 700001 through 700039, 700041 through 700043, 700045 through 700052, 700055, 700056, 700060, 700061, 21-0001 through 21-1180); M20F (Serial Numbers 660002 through 660004, 670001 through 670363, 670365 through 670385, 670387 through 670482, 670484 through 670539, 680001 through 680206, 690003 through 690090, 690092, 700001 through 700061, 700063 through 700066, 700070 through 700072, 22-0001 through 22-1437); M20J (Serial Numbers 24-0001 through 24-0154) airplanes.

Compliance: Required as indicated, unless already accomplished. To prevent loss of engine oil accomplish the following:

(a) Before the next flight of the affected airplanes, remove the upper engine cowl and visually check the engine oil cooler to determine whether it is a Stewart-Warner Model 8432H (Serial Numbers 001 through 449).

(1) If the oil cooler is not of the model and serial numbers listed above, make an entry in the aircraft maintenance records indicating that this Airworthiness Directive (AD) has been accomplished and the airplane may be returned to service.

(2) If the oil cooler is of a model and serial number listed above, prior to each flight within the next five (5) hours time in service after the effective date of this AD, check the oil cooler for oil leaks. If any leaks are detected, comply with the removal and replacement requirements referenced in paragraph (b) of this AD before further flight.

A pilot may perform the visual checks outlined in items (a)(1) and (a)(2), above, pursuant to the provisions of FAR 43.3(h).

NOTE.—For the requirements regarding the listing of compliance and method of compliance with paragraphs (a)(1) and (a)(2) of this AD in the aircraft permanent maintenance record, see FAR 91.173.

(b) Within the next five (5) hours time in service after the effective date of this AD, remove and replace the defective cooler with a Stewart-Warner Model 8432H oil cooler (Serial Numbers 500 and up).

(c) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OBM Circular A-107.

Issued in Fort Worth, Texas, on April 13, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-11751 Filed 4-22-77;8:45 am]

[Docket No. 75-NE-28; Amdt. 39-2879]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-58 Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), (DOT).

ACTION: Final rule.

SUMMARY: AD 75-13-01 requires inspections of main rotor stationary star assemblies. Because of a design change, some of these assemblies do not have to be inspected. This revision replaces the assembly number with the specific part numbers of the stars that must be inspected.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward W. Maila, Airframe Section, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone 617-273-7336.

SUPPLEMENTARY INFORMATION: A telegraphic AD was issued May 16, 1975, and AD 75-13-01 was issued effective June 13, 1975, to require inspections of the stationary stars for cracks. At that time all stationary stars under this assembly part number were made of magnesium. Subsequently the manufacturer obtained approval for and manufactured the stationary stars of aluminum which is more resistant to the type of cracking experienced in the magnesium stars. This revision of the AD is to assure that the inspection requirements apply only to the magnesium stars and not to the aluminum stars which have experienced no service difficulties.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations, (14 CFR 39.13) Amendment 39-2238 (40 FR 25203), AD 75-13-01, is further amended as follows:

1. In the last sentence of the first paragraph, delete "stationary star assembly, P/N S1610-24013," and insert the following in its place: "magnesium stationary stars, P/Ns S1610-24013-0, S1610-24013-1, and S1610-24013-2."

2. Paragraph (a), delete "assemblies."

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Massachusetts on April 15, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-11750 Filed 4-22-77;8:45 am]

[Airspace Docket No. 76-CE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Bloomfield, Iowa, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area at Bloomfield, Iowa, to provide controlled airspace for aircraft executing a new nondirectional beacon (NDB) approach procedure to Runway 36 at the Bloomfield, Iowa, Municipal Airport.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Alden C. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64106; telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on Thursday, February 24, 1977 (42 FR 10854), which proposed to designate a transition area at Bloomfield, Iowa. The City of Bloomfield, Iowa, installed an NDB on the Bloomfield Municipal Airport. This facility will serve as the navigational aid for an instrument approach procedure to Runway 36 at the airport. It is necessary that a transition area be designated at Bloomfield, Iowa, based at 700-feet above the ground, to encompass the flight of aircraft executing the new instrument approach procedure. No objections were received from this Notice.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), is amended, effective 0901 G.m.t., June 16, 1977, by adding the following new transition area:

BLOOMFIELD, IOWA

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Bloomfield Municipal Airport (latitude 40°44'41" N., longitude 92°25'46" W.); and within 3 miles each side of the 177° bearing from the Bloomfield Municipal Airport, extending from the 6.5 mile radius area to 8.5 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61, Federal Aviation Regulations (14 CFR 11.61))

NOTE.—The Federal Aviation Administration has determined that this document does

not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on April 14, 1977.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc.77-11748 Filed 4-22-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

PART 295—EMERGENCY REGULATIONS

CROSS REFERENCE: For a document which transfers all remaining provisions of Part 295 of 18 CFR Chapter I to Part 1000 of 18 CFR Chapter X, see FR Doc. 77-11878 appearing under 18 CFR Chapter X in the Rules and Regulations section of this issue of the FEDERAL REGISTER.

CHAPTER X—ADMINISTRATOR—EMERGENCY NATURAL GAS ACT OF 1977

PART 1000—REGULATIONS UNDER THE EMERGENCY NATURAL GAS ACT OF 1977

Emergency Regulations

AGENCY. Administrator—Emergency Natural Gas Act of 1977.

ACTION: Final rule.

SUMMARY: This is a republication and codification of the general orders issued by the Administrator of the Emergency Natural Gas Act during the natural gas crisis of 1977.

This order will cause a republication and codification of these general orders into regulations. There have been no substantive changes; editorial changes have been made to conform with the Federal Register format.

DATES: Effective April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

J. Paul Douglas, 202-432-1212, Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Room 9200.

SUPPLEMENTARY INFORMATION: President Carter signed into law the Emergency Natural Gas Act of 1977, Pub. L. No. 95-2 on February 2, 1977. This Act empowered the President to order interstate gas pipelines to transfer gas from surplus to shortage areas until April 30, 1977. Further, the President could authorize interstate pipelines to purchase natural gas for delivery prior to August 1, 1977, at fair and equitable prices. To implement this Act, President Carter designated Richard Dunham, Chairman of the Federal Power Commission as Administrator.

The Administrator's General Orders created a Natural Gas Act organizational structure, and set guidelines for the emergency purchase of natural gas. These orders were issued by the Administrator to alleviate the natural gas crisis and to keep gas flowing to high priority users.

A new section 1000.1, Definitions, has been added which includes the terms defined in the Emergency Natural Gas Act. This order will create a new Part 1000, and a new Chapter X of Title 18, removing these general orders from Part 295, Chapter I of Title 18 in which they were previously published.

Pursuant to 5 U.S.C. 533 and Pub. L. No. 95-2, the Administrator hereby codifies and republishes the general orders issued under Pub. L. 95-2 as Part 1000, Chapter X, Title 18 of the Code of Federal Regulations to be entitled "Regulations under The Emergency Natural Gas Act of 1977, Emergency Regulations" effective on date of issuance of this order.

The purpose of Part 1000, Chapter X, of Title 18 of the Code of Federal Regulations is to set forth the general orders issued by the Administrator to implement the Emergency Natural Gas Act of 1977. The substance of these regulations are unchanged from the General Orders Nos. 1-6, and Order Nos. 1-A, 2-A, 4-A, and 6-A, issued by the Administrator. The form and order of appearance have been changed in some instances for editorial reasons. A new section, Definitions, has been added which includes the terms defined in the Emergency Natural Gas Act.

Section 1 sets forth the definitions used for these regulations. Section 2 defines the organizational structure which was established to implement the Act. Section 3 further delineates the organizational structure by detailing the procedure for daily and weekly consultation. Section 4 sets the general criteria for emergency purchases under section 6 of Pub. L. No. 95-2. Section 5 details the purchaser and seller reporting requirements. Among other things, section 6 exempts transport and operational facilities used for emergency purchases of natural gas from regulation under the Natural Gas Act or state law. Section 7 defines emergency supplies. Section 8 restricts emergency purchases to qualified purchasers.

The regulations adopted herein govern the organization, implementation, purchase, reporting and exemptions associated with the Emergency Natural Gas Act of 1977 which are under the control of the Administrator of this Act or those to whom such power has been delegated.

The Administrator finds: (1) The notice, public comment procedure and effective date provisions of 5 U.S.C. 553 do not apply with respect to the Part herein adopted.

(2) In view of the purpose, intent, and effect of the Part herein ordered, good cause exists for making it effective upon issuance of this order.

(3) The adoption of the regulations prescribed herein is necessary and appropriate for the administration of the Emergency Natural Gas Act.

The Administrator, acting pursuant to the provisions of the Emergency Natural Gas Act, Pub. L. No. 95-2, and Executive Order No. 11969 (February 2, 1977), orders:

(A) That Part 1000, Chapter X, Title 18 of the Code of Federal Regulations is adopted to read as follows:

Sec.

1000.1 Definitions.
1000.2 Organizational structure for the administration of Pub. L. No. 95-2.
1000.3 Details for daily and weekly consultation through conference procedures.
1000.4 General criteria for emergency purchases under section 6 of Pub. L. No. 95-2.
1000.5 Reporting requirements.
1000.6 Emergency use exemptions.
1000.7 Emergency supplies.
1000.8 Purchaser qualification for emergency purchases.

AUTHORITY: Pub. L. 95-2 and authority delegate to the Administrator by the President in Executive Order 11969.

§ 1000.1 Definitions.

(a) When used in this Part, unless the context otherwise requires:

(1) "Act" means the Emergency Natural Gas Act of 1977, Pub. L. No. 95-2, 91 Stat. 4.

(2) "Administrator" means the individual delegated by the President of the United States to implement the Act.

(3) "Interstate Pipeline" means any natural gas company which is engaged in the transportation of natural gas by pipeline as defined in section 2(b) of the Natural Gas Act. (15 U.S.C. 717a).

(4) "Intrastate pipeline" means any person (other than an interstate pipeline) engaged in the transportation by pipeline of natural gas.

(5) "Interstate natural gas" means natural gas (other than natural gas transported pursuant to a transportation certificate issued under 18 CFR 2.79) transported by an interstate pipeline in a facility which is certificated under the Natural Gas Act or which would be required to be certificated but for section 1(c) of such Act.

(6) "Local distribution company" means any person (including a Governmental entity) which receives natural gas for local distribution and resale to natural gas users.

(7) "Antitrust laws" means the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 13, 14-19, 20, 21, 22-27), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), Sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8-9), and the Act of June 19, 1936, Chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a), and similar state laws.

(8) "State" means any state of the United States and the District of Columbia.

(9) "High priority use" means the use of natural gas in a residence; or the use of natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day; or any other use of natural gas the termination of which the President determines would endanger life, health or maintenance of physical property.

§ 1000.2 Organizational structure for the administration of Pub. L. 95-2.

(a) The decisional responsibility and the legal actions to be taken under Pub. L. No. 95-2 are those of the Administrator and not those of any non-governmental personnel.

(b) Participation of non-governmental personnel in the personnel groups established herein is for information data gathering and general advisory purposes only.

(c) The consultation group shall be composed of the following persons:

(1) Governmental representatives to be designated by the Attorney General, the Secretaries of the Interior and Agriculture, the Federal Trade Commission, the Administrator of the Federal Energy Administration, as well as staff members to be assigned by the Federal Power Commission;

(2) Consumer representatives, designated by the Secretaries of Health, Education and Welfare and Housing and Urban Development from members of the general public;

(3) Representatives of state and local governments, as designated by the National Governors' Conference, the National Association of Regulatory Utility Commissioners, the Conference of Mayors, and the National Association of Counties;

(4) Representatives of the natural gas industry, including interstate and intrastate natural gas pipelines and local distribution companies.

(d) These personnel shall be further divided into working groups, as necessary.

§ 1000.3 Details for daily and weekly consultation through conference procedures.

(a) As provided in Order No. 1, representatives of various parties are to participate in conferencing procedures under Pub. L. 95-2. The Emergency Gas Requirements Group will meet weekly on Wednesday at 10 a.m., Room 9200, 825 North Capitol Street, NE., Washington, D.C. 20426. The functions of this group are to review the prior week's national gas operations, consider general gas transfer operational guidelines covering the next week's gas flows, consider plans for refilling storage during future periods and to assemble data for reports to the President through the Administrator concerning actions taken under Pub. L. No. 95-2.

(b) The Daily Work Group will meet in Room 9200, 825 North Capitol Street, NE., Washington, D.C. at 8:30 a.m. The functions of this group are to include the maintenance of daily contact with pipelines and distributors to determine their expected daily requirements and supply, to comment on requests for orders requiring the transportation and/or deliveries of gas and to recommend proposed actions appropriate to the resolution of these matters. The Daily Work Group will meet with the Emergency Gas Requirements Group at their weekly meetings.

(c) The membership and functions of both groups will change from time to time as the situation demands.

§ 1000.4 General criteria for emergency purchases under section 6 of Pub. L. No. 95-2.

(a) Under section 6(a) of the Act the President may authorize emergency purchases of gas upon appropriate terms and conditions which shall include provisions for fair and equitable prices. Until further order, the Administrator herein determines that the term "fair and equitable" is satisfied by the setting of price levels comparable to the price at which natural gas has recently sold in intrastate commerce. No subsequent action by the Administrator may require a refund of any monies collected or the reduction of prices in any transaction complying with this section and otherwise complying with the Act.

(b) Emergency purchases may be made without prior notification to or authorization by the Administrator where the price for such sales is equal to or less than $2.25 per MMBtu, inclusive of all state and local taxes and other adjustments.

(1) With respect to a wellhead sale of natural gas, $2.25 per MMBtu is the maximum consideration that may be received by the seller if the natural gas is delivered at the wellhead without prior notification to or authorization by the Administrator. The price is inclusive of any form of payment to the seller or to any affiliate of the seller for any services however denominated that are necessary to deliver the gas at the wellhead.

(2) The seller or any affiliate of the seller may not receive in the transaction any additional charges above for commissions, brokerage fees, finders fees or similarly described charges.

(c) Where the seller of the gas will be required to use alternate fuel to replace the volumes sold, emergency purchases may be made without prior notification to or authorization by the Administrator, where such price is equal to or less than the cost of alternate fuel plus 7 percent. No subsequent action by the Administrator may require a refund of any monies collected or the reduction of prices in any transaction complying with this section and otherwise complying with the Act.

(d) Where a distribution company or intrastate pipeline makes an emergency sale it may receive its overall replacement cost plus applicable transportation and storage costs, if any. No subsequent action by the Administrator may require a refund of any monies collected or the the reduction of prices in any transaction complying with this section and otherwise complying with the Act. Emergency purchases may be made without prior notification to or authorization of the Administrator where such price is equal to or less than its overall replacement cost plus applicable transportation and storage costs, if any.

(e) Purchase of natural gas at prices in excess of the levels set forth above shall be permitted only upon authorization by the Administrator upon a showing that the subject gas is not otherwise available, and that the purchase of such gas by the purchaser will promote the objectives of this Act and is fair and equitable in the circumstances. Where the seller of the gas will be required to use alternate fuel to replace the volumes sold, the Administrator will consider the appropriateness of such price, based upon the cost of alternate fuel suitably adjusted for loss of efficiency and increased maintenance costs. Upon authorization of such higher price, no subsequent action by the Administrator may require a refund of any monies collected or the reduction of prices in any transaction so authorized.

(f) When a transaction is effected prior to or after February 3, 1977, including all delivery or transportation arrangements, whether or not covered by an express authorization of the Administrator in a specific order, the transaction shall be deemed to be "authorized" and "ordered" for purposes of Sections 6 and 9 of the Act.

§ 1000.5 Reporting requirements.

(a) Section 12 of the Act requires weekly reporting of prices and volumes of natural gas delivered, transported or contracted for. Therefore, within 72 hours of the commencement of deliveries in any transaction under the Act, the purchaser or recipient of gas shall advise the Administrator in writing:

(1) The section of the Act or Administrator's orders or regulations under which the transaction is made;

(2) The estimated volumes to be delivered on a daily basis and in the aggregate;

(3) The price (on an MMBtu basis) and the basis on which such price is derived;

(4) The name, business address and telephone number of the seller or sellers;

(5) How the gas is being transported and the compensation paid for transportation;

(6) Whether the gas involved has been sold under FPC emergency procedures within 60 days of the report;

(7) The amount and method of determination of any broker's fees, commissions, or finder's fees paid in relation to the transaction;

(8) Other relevant terms and conditions of the transaction.

(b) If the deliveries began before February 11, 1977, this information shall be filed by February 16, 1977, or within 72 hours of receipt of actual notice.

(c) On the second Wednesday following commencement of deliveries, and on each Wednesday thereafter, the recipient shall report the actual prices and volumes for all deliveries.

(d) Any person selling gas pursuant to § 1000.4, shall within 15 days of the commencement of deliveries, and on the first of each month thereafter, file with the Administrator a statement setting forth either:

(1) The details of its conversion to alternate fuel which made available the

gas sold under the order. Such statement shall contain a computation of the amounts and prices of the alternate fuel used or purchased, and any other information relevant to the derivation of the price being charged for the gas from the cost of alternate fuel; or

(2) A statement setting forth its overall replacement costs for gas and the method of derivation of the price charged for the sale of gas under the order from such replacement costs.

§ 1000.6 Emergency use exemptions.

(a) Any pipeline which complies with an order to transport gas or construct and operate facilities to transport gas when that gas has been authorized as an emergency purchase under section 6(a) of the Act is not subject to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

(b) Section 9(b) of the Act makes certain contractual provisions concerning the commingling of gas unenforceable, if an authorization under section 6(a) of the Act applies to the delivery, transportation or contract for supplies of such gas.

§ 1000.7 Emergency supplies.

(a) "Emergency supplies" in section 6 of the Act shall be deemed to mean natural gas that is necessary to enable the purchasing party to serve uses of natural gas other than the boiler fuel uses and industrial use with alternate fuel capability specified in Priorities 4 through 9 (18 CFR 2.78(a)(1)(iv)–(ix)) below:

(4) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(6) Interruptible requirements of more than 300 Mcf per day, but less than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(7) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day), where alternate fuel capabilities can meet such requirements.

(8) Interruptible requirements of more than 3,000 Mcf per day, but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(9) Interruptible requirements of more than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

§ 1000.8 Purchaser qualification for emergency purchases.

(a) From February 22, 1977 until April 30, 1977, no pipeline or distribution company may contract to purchase emergency supplies pursuant to section 6 of Pub. L. 95–2 of contemporaneously with execution of the contract, the pipeline or distribution company is delivering directly or indirectly any natural gas for uses defined in 18 CFR 2.78(a)(1)(iv)–(ix).

(b) The obligation to determine whether it is qualified to make such a purchase is imposed on the purchaser, not the seller. Each sale consummated pursuant to section 6(a) of the Act (91 Stat. 4, 8) shall be deemed to be authorized as to the seller and any person transporting such gas for the purchaser if the seller receives from the purchaser a statement, in a form satisfactory to the seller, that the purchaser is entitled to purchase such gas. The seller may deem the purchaser's execution of a contract to purchase gas a statement that the purchaser is qualified to purchase such gas.

(c) If it is later demonstrated that the purchaser was not qualified to purchase gas, neither the seller nor the reserves from which deliveries are made shall become subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act (15 U.S.C. § 717, et seq.).

(d) The purchaser may be liable for civil and/or criminal penalties under section 11 of the Act (91 Stat. 9–10).

(B) The regulations adopted herein shall be effective upon issuance of this order.

(C) These regulations are issued pursuant to the authority of Pub. L. 95–2 and the authority delegated to the Administrator by the President in Executive Order No. 11969 and shall be published in the FEDERAL REGISTER.

RICHARD R. DUNHAM,
Administrator.

REDESIGNATION TABLE

CFR Part No.	Prior Order No.
1000.1	Order No. 1.
1000.2	Order No. 1–A.
	Order No. 3.
1000.3	Order No. 2.
1000.4	Order No. 2–A.
	Order No. 5 (2d para.).
1000.5	Order No. 4.
	Order No. 4–A.
1000.6	Order No. 5, (1st para.).
	Order No. 6, (1st para.).
1000.7	Order No. 6, (2d para.).
1000.8	Order No. 6–A.

[FR Doc.77-11878 Filed 4-22-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER C—EMPLOYMENT TAX

[T.D. 7483]

PART 34—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Withholding Tax on Certain Winnings From State-Conducted Lotteries

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to the withholding of tax on certain winnings from State-conducted lotteries. In general, these regulations require any State or State agency to withhold a tax on lottery winnings of more than $5,000. These regulations implement a provision of the Tax Reform Act of 1976.

DATE: The temporary regulations apply to winnings paid after January 2, 1977.

FOR FURTHER INFORMATION CONTACT:

John P. MacMaster of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3516).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains temporary employment tax regulations (26 CFR Part 34) under section 3402(q) of the Internal Revenue Code of 1954. Section 3402(q) was added to the Code by section 1207(d) of the Tax Reform Act of 1976 (Pub. L. 94–455, 90 Stat. 1705) in order to require withholding on certain winnings from State-conducted lotteries.

IN GENERAL

New section 3402(q) of the Code requires, among other things, that every State or State agency making a payment of winnings above certain limits from a State-conducted lottery must deduct and withhold a tax equal to 20 percent of the payment. Winnings are generally subject to withholding under this provision if the winnings, less the amount of the wager, exceed $5,000. The temporary regulations provide that winnings not in the form of money are to be taken into account at their fair market value. In addition, the temporary regulations prescribe that payments of $5,000 or less are also subject to withholding if the total amount of all payments of winnings from a wager, less the amount of the wager, exceeds or is expected to exceed $5,000. For example, if a person wins $1,000 per year for the remainder of the person's life, each payment of $1,000 would be subject to the withholding requirements if, based on the person's life expectancy, it is determined that the total of all the payments is expected to exceed $5,000.

The temporary regulations provide that a State must deduct and withhold the appropriate tax at the time the payment is actually or constructively made. Generally, this means that the required deduction and withholding will be made at the time the winnings are first made available to the winner, even though the winner does not present the winning ticket for payment until a later date. However, the requirement that the State remit the tax and report the winnings is deferred until the winner's identity is known. Hence, if a winner does not collect the winnings there is no obligation to remit the tax or report the winnings.

A person who is to receive a payment of winnings subject to withholding must furnish a statement to the person making the payment. The statement is made

under the penalties of perjury and must contain information about the person who is to receive the payment and about any person who is entitled to any portion of it. In addition, every State making a payment of winnings subject to withholding must file a return on a Form W–2G for each winner. This return must contain the name, address, and social security number of the winner.

DRAFTING INFORMATION

The principal author of this regulation was John P. MacMaster of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, a new part 34, Temporary Employment Tax Regulations Under the Tax Reform Act of 1976, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted:

Sec.
34.3402–1 Extension of withholding of income tax at source to certain winnings from State-conducted lotteries.

AUTHORITY. Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

§ 34.3402–1 Extension of withholding of income tax at source to certain winnings from State-conducted lotteries.

(a) *General rule.* On or after January 3, 1977, every person, including a State or a political subdivision thereof, the District of Columbia, or any instrumentality of the foregoing, making any payment of winnings from a State-conducted lottery which are subject to withholding shall deduct and withhold from such payment a tax in an amount equal to 20 percent of such payment.

(b) *Exception.* The tax described in paragraph (a) of this section shall not apply in the case of a payment of winnings from a State-conducted lottery made to a nonresident alien individual or a foreign corporation when such payment is subject to tax under section 1441 (a) (relating to withholding on nonresident aliens) or tax under section 1442 (a) (relating to withholding on foreign corporations).

(c) *Special rules.* For purposes of paragraph (a) of this section—

(1) The term "winnings from a State-conducted lottery which are subject to withholding" means proceeds of more than $5,000 from a wager placed in a lottery conducted by an agency of a State acting under authority of State law, but only if such wager is placed with the State agency conducting such lottery, or with its authorized employees or agents. Such term shall include—

(i) Any installment payment of $5,000 or less, if the aggregate proceeds from such wager to be paid on or after January 3, 1977, exceed or will exceed $5,000;

(ii) Any periodic payment of $5,000 or less, when payments are to be made for the life of a person (or for the lives of more than one person), if it is actuarially determined that the aggregate proceeds from such wager to be paid on or after January 3, 1977, are expected to exceed $5,000; and

(iii) The total proceeds, if proceeds exceed $5,000, and not merely proceeds in excess of $5,000.

(2) The term "proceeds from a wager" means the amount determined by aggregating the amounts received by the person (or persons) making a wager and reducing such amount by the amount of the wager. For purposes of the preceding sentence, in the case of installment or periodic payments the first of such payments shall be reduced by the amount of the wager.

(3) Proceeds which are not money shall be taken into account at their fair market value.

(4) A payment of winnings is made when it is actually paid or constructively paid. Winnings are constructively paid when they are credited to or set apart for the winner without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made.

(5) When a person other than the State agency conducting the lottery, or its authorized employees or agents, makes a payment of winnings, such other person shall deduct and withhold as required under paragraph (a) of this section. However, in no case shall more than 20 percent of the proceeds from a wager be deducted and withheld.

(6) Except as provided in subparagraph (7) of this paragraph, for purposes of sections 3403 and 3404 and the regulations thereunder and for purposes of so much of subtitle F (except section 7205) and the regulations thereunder as relate to chapter 24, payments to any person of winnings from a State-conducted lottery which are subject to withholding shall be treated as if they were wages paid by an employer to an employee.

(7) Solely for purposes of application of the deposit rules under section 6302(c) and the regulations thereunder and the return requirement of section 6011 and the regulations thereunder, the withholding from winnings shall be deemed to have been made no earlier than at the time the winner's identity is known by the State. Thus, winnings from a State-conducted lottery shall be subject to withholding at the earlier of the time actually or constructively paid. However, the time for depositing the withheld taxes and filing a return with respect thereto shall be determined by reference to the date on which the State knows the winner's identity. If the State's obligation to pay lottery winnings to a particular winner is terminated other than by payment, all liabilities and requirements resulting from the requirement that the State deduct and withhold with respect to such winnings will also terminate.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A purchases a lottery ticket for $1 in the State W lottery from an authorized agent of State W. On February 1, 1977, the drawing is held and A wins $5,001. Since the proceeds of the wager ($5001—$1) are not greater than $5,000, State W is not required to withhold or deduct any amount from A's winnings.

Example (2). Assume the same facts as in example (1) except that A wins $5,002. State W must deduct and withhold tax at a rate of 20% from $5,001 ($5002 less the $1 wager), or $1,000.20.

Example (3). B purchases a lottery ticket for $1 in the State X lottery from an authorized agent of State X. On June 1, 1977, the lottery drawing is held and B wins the grand prize, $50,000, payable $1,000 a month. State X must deduct and withhold tax at the rate of 20% from each of such payments. Therefore, $199.80 must be withheld from the first monthly payment to B ($(\$1000-\$1)\times 20\% = \$199.80$) and $200 ($\$100\times 20\%$) must be withheld from each monthly payment thereafter.

Example (4). Assume the same facts as in example (3), except that B wins an automobile rather than the grand prize. The fair market value of the automobile on the date on which it is made available to B is $10,001. State X must deduct and withheld a tax of $2,000 ($(\$10{,}001-\$1)\times 20\%$). This may be accomplished, for example, by B's paying $2,000 to State X. Alternatively, if State X, as part of the prize, pays all taxes required to be deducted and withheld, State X must deduct and withhold tax not only on the fair market value of the automobile less the wager, but also on the taxes it pays that are required to be deducted and withheld. This results in a pyramiding of taxes requiring the use of an algebraic formula. Under this formula, State X must withhold a tax of 25 percent of the fair market value of the automobile less the wager ($2,500) and, in addition, State X should indicate on Form W–2G the amount of such winnings, $12,501 ($10,001 + 25% ($10,001—$1)).

Example (5). C purchases a lottery ticket for $1 in the State Y lottery from an authorized agent of State Y. On January 1, 1976, a drawing is held and C wins $100 a month for the rest of C's life. It is actuarially determined that, on January 3, 1977, C's life expectancy is 5 years. Based on that determination, the aggregate payments to C made on or after January 3, 1977, pursuant to his wager will exceed $5,000. Therefore, State Y must deduct and withhold $20 from each monthly payment made on or after January 3, 1977. (None of such payments is reduced by the amount of the wager because the amount of the wager was offset by the first payment of winnings which was made before January 3, 1977.)

Example (6). Assume the same facts as in example (5) except that in order to fund its own obligation to make the payments State Y purchases in its own name as owner an annuity of $100 a month for C's life from E Corporation. Although State Y remains liable for the withholding of tax, E Corporation as paying agent for State Y should deduct and withhold from each monthly payment in the manner as described in example (5).

Example (7). D purchases a lottery ticket for $1 in the State W lottery from an authorized agent of State W. D purchases the ticket on behalf of himself and on behalf of E and F, who have contributed equal

amounts toward the purchase of the ticket and who have agreed to share equally in any prizes won. On February 1, 1977, the drawing is held and the ticket which D purchases wins $6,001. Since the proceeds of the wager ($6,001—$1) are greater than $5,000 State W is required to withhold and deduct 20 percent of such proceeds.

Example (8). On February 1, 1977, a drawing is held in the State X lottery in which a winning ticket is selected. The person holding the winning ticket is entitled to proceeds of $100,000 payable either as a lump sum upon demand or $10,000 a year for ten years. Under State law, the winning ticket must be presented to an authorized agent of State X before February 1, 1978. Until the ticket is presented, State X does not know the identity of the winner. On December 1, 1977, F, the winner, presents the winning ticket to an authorized agent of the State X lottery. As a result the winnings are constructively paid to F on February 1, 1977. Since F has the option of receiving the entire proceeds upon demand, State X is required to deduct and withhold $20,000 ($100,000×20%) from the proceeds of F's winnings on February 1, 1977, but for purposes of determining the time at which the deposit and inclusion on Form 941 of these taxes is to be made, the withholding shall be deemed to have been made on December 1, 1977.

(e) *Statement by recipient.* Every person who is to receive a payment of winnings from a State-conducted lottery which are subject to withholding shall furnish the person making such payment a statement, made under the penalties of perjury, containing the name, address, and taxpayer identification number of the person receiving the payment and of each person entitled to any portion of such payment.

(f) *Return by payor.* Every person making any payment of winnings from a State-conducted lottery which are subject to withholding shall file a return on Form W-2G with the Internal Revenue Service Center serving the district in which is located the principal place of business of the person making the return on or before February 28 of the calendar year following the calendar year in which the payment of winnings is made. In the case of a payment to more than one winner, a separate Form W-2G shall be filed with respect to each such winner. Each Form W-2G shall contain the following:

(1) Name, address, and employer identification number of the person making the payment;

(2) Name, address, and social security number of the winner;

(3) Date and amount of the payment and amount withheld; and

(4) Type of wagering transaction.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 14, 1977.

LAWRENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-11803 Filed 4-22-77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

Subpart—CSA Income Poverty Guidelines (Revised) CSA Instruction 6004-1j

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is revising its income poverty guidelines. The Economic Opportunity Act requires yearly revisions of the poverty guidelines for use by every agency administering programs under the Act in which the poverty line is used to judge eligibility for participating in programs. These annual revisions assure that the income guidelines reflect the changes in the cost of living.

DATES: This rule is effective May 25, 1977. Comments must be received on or before May 25, 1977.

ADDRESSES: Please address all comments to: Ms. Maryann J. Fair, Community Services Administration, Office of Operations, Policy Development and Review Division, 1200 19th Street, NW., Washington, D.C. 20506, 202-254-5670.

FOR FURTHER INFORMATION CONTACT:

Ms. Maryann J. Fair, 202-254-5670

SUPPLEMENTARY INFORMATION: In order that the true level of poverty which is used to determine program eligibility does not change as a result of substantial increases in the cost of living as measured by the Consumer Price Index, CSA by authority of section 625 of the Economic Opportunity Act of 1964, as amended, revises, from time to time, its poverty income guidelines in order to keep them abreast of changes in the cost of living for the poor. This amendment to § 1060.2 revises the guidelines previously published in § 1060.2-1–§ 1060.2-2 (CSA Instruction 6004-1i) to reflect the percentage change in the Consumer Price Index from 1975 to 1976 as set forth in the Economic Report of the President, January 1977. The text defining "Income" and "A Farm Residence" remains unchanged.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2942))

ROBERT C. CHASE,
Acting Director.

In 45 CFR Chapter X, § 1060.2-1 through § 1060.2-2 are revised to read as follows:

§ 1060.2-1 Applicability.

This subpart applies to all grants financially assisted under Titles II, III-B and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1060.2-2 Policy.

(a) The attached income guidelines are to be used for all those CSA-funded programs, whether administered by a grantee or delegate agency, which use CSA poverty income guidelines as admission standards. These guidelines do not supersede alternative standards of eligibility approved by CSA.

(b) The guidelines are also to be used in certain other instances where required by CSA as a definition of poverty, e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

(c) The attached guidelines are based upon Table 16, Money Income and Poverty Status of Families and Persons in the United States: 1975 and 1974 Revisions, Bureau of the Census, *Current Population Reports*, P-60, No. 103, September 1976, page 33 and the percentage change in the Consumer Price Index from 1975 to 1976 as set forth in Table B-47, page 241 of the Economic Report of the President, January 1977, and in the U.S. Bureau of Labor Statistics *Monthly Labor Review* for February 1977.

(d) The following definitions, from *Current Population Reports*, P-60, No. 91, Bureau of the Census, December 1973 have been adopted by CSA for use with the attached poverty guidelines.

(1) *Income.* Refers to total cash receipts before taxes from all sources. These include money wages and salaries before any deductions, but not including food or rent in lieu of wages. They include receipts from self-employment or from own farm or business after deductions for business or farm expenses. They include regular payments from public assistance, social security, unemployment and workmen's compensation, strike benefits from union funds, veterans benefits, training stipends, alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is non-cash income; such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or non-farm housing.

(2) *A Farm Residence.* Is defined as any dwelling on a place of 10 acres or more with $50 or more annual sales of farm products raised there; or any place less than 10 acres having product sales or $250 or more.

CSA Poverty guidelines for all States except Alaska and Hawaii

Family size	Nonfarm family	Farm family
1	$2,970	$2,550
2	3,930	3,360
3	4,890	4,170
4	5,850	4,980
5	6,810	5,790
6	7,770	6,600

NOTE.—For family units with more than 6 members, add $960 for each additional member in a nonfarm family and $810 for each additional member in a farm family.

CSA Poverty guidelines for Alaska

Family size	Nonfarm family	Farm family
1	$3,720	$3,200
2	4,920	4,210
3	6,120	5,220
4	7,320	6,230
5	8,520	7,240
6	9,720	8,250

NOTE.—For family units with more than 6 members, add $1,200 for each additional member in a nonfarm family and $1,010 for each additional member in a farm family.

CSA Poverty guidelines for Hawaii

Family size	Nonfarm family	Farm family
1	$3,430	$2,940
2	4,530	3,870
3	5,630	4,800
4	6,730	5,730
5	7,830	6,660
6	8,930	7,590

NOTE.—For family units with more than 6 members, add $1,100 for each additional member in a nonfarm family and $930 for each additional member in a farm family.

[FR Doc.77-11747 Filed 4-22-77;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21035; RM-2786]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Lancaster, Wisconsin; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken assigning a first Class A FM Channel to Lancaster, Wisconsin. Petitioner, Joy Broadcasters, stated that the Lancaster area was rapidly growing and a first local FM programming service was needed. Assignment of this Class A FM channel would provide the community with its first local nighttime service.

EFFECTIVE DATE: May 31, 1977.

ADDRESS: Federal Communications, Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 20, 1977.

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted December 22, 1976, 42 FR 1279, inviting comments on a proposal to assign Channel 249A to Lancaster, Wisconsin, as its first FM assignment. The proceeding was instituted on the basis of a petition filed by Joy Broadcasters ("petitioner").

2. Lancaster (pop. 3,756)[1], seat of Grant County (pop. 48,398) is located approximately 113 kilometers (70 miles) west of Madison, Wisconsin. It has no local aural broadcast service now in operation.

3. Petitioner stated that the Lancaster area is rapidly growing and also submitted information with respect to the facilities and organizations in the area. It noted that an industrial area is located north of the Lancaster city limits where trailer homes are manufactured. In supporting comments, petitioner asserts that there is a need for a first local FM programming service, and states that it will apply for a construction permit promptly if the channel is assigned.

4. In response to the Notice, Bert R. Peterson ("Peterson"), permittee (BP-20030) of AM Station WGLR, Lancaster, Wisconsin, filed an opposition, contending that his station, which is now under construction, will provide a first local broadcast service and will serve the significant needs and interests of the Lancaster area and surrounding communities. He disputes petitioner's statement that there has been a rapid growth in the population of Lancaster, and questions the ability of the community to support another radio station. Peterson states that he knows of no land that is available for lease or purchase in the area where petitioner proposes to locate his station. He also disputes petitioner's claim of being a corporation since he could find no information on the corporate nature of Joy Broadcasters. However, Peterson concludes that, if the Commission were to assign Channel 249A to Lancaster, he will apply for a construction permit to operate a station.

5. In reply comments petitioner asserts that, although a construction permit has been granted for a broadcast station in Lancaster, it is not yet providing service, and therefore there is no local broadcast service available to Lancaster. It contends that Peterson's questions regarding tower site do not validly raise an issue in the present context, as FM antennas can be mounted on various kinds of towers and need not depend on the availability of a site suitable for an AM station. Petitioner concludes that Peterson presented no significant objections or adverse comments, and it urges that the proposed channel should be assigned to Lancaster.

6. After careful consideration of the supporting comments by petitioner and the opposing comments filed by Bert R. Peterson, we conclude that it would be in the public interest to assign Channel 249A to Lancaster, Wisconsin. Even though an application has been granted for a construction permit for an AM station in Lancaster, it is a daytime-only station. The proposed FM station would provide the important benefit of a first local nighttime service to the community. Peterson's assertions fall short of raising a valid issue as to the availability of a site or of the legal ability of Joy Broadcasters to seek to use the channel.[2] As to the question of whether Lancaster can support another radio station, such allegations as to economic impact are normally deferred for resolution at the application stage rather than in a rule making context. See *Carroll Broadcasting Co.* v. *F.C.C.*, 258 F. 2d 440 (D.C. Cir. 1958).

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

§ 73.202 [Amended]

8. In view of the foregoing, *it is ordered*, That effective May 31, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City	Channel No.
Lancaster, Wis.	249A

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-11829 Filed 4-22-77;8:45 am]

[1] Both population figures are taken from the 1970 Census.

[2] Questions on these points, if again raised, can best be considered in connection with an application for use of the channel.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1265]

PARTS 1080–1089—FREIGHT FORWARDERS; GENERAL

C. S. Greene and Co., Inc., Authorized To Operate to Other Ports in United States and Dominion of Canada

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Rerouting Order (Service Order No. 1265).

SUMMARY: The C. S. Greene and Company, Inc., a freight forwarder of general commodities authorized to reroute export shipments through any port in the Dominion of Canada or through any available port on the U.S. east and gulf coasts. This rerouting is necessary because of a work stoppage by Longshoremen at the ports named in its permit, viz., Boston, Mass., New York, N.Y., and Philadelphia, Pa.

DATES: Effective date: 12:01 a.m., April 15, 1977. Expiration date: 11:59 p.m., April 30, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7840. TLX 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of April, 1977.

It appearing, that C. S. Greene and Company, Inc., is a freight forwarder authorized under Permit No. FF-84, to operate as a freight forwarder of commodities generally, for export, from points in specified Midwestern States, to the ports of Boston, Mass., New York, N.Y., Philadelphia, Pa., and other ports on the east and gulf coasts of the United States effectively closed by a strike of the International Longshoremen's Association; that this labor disturbance has rendered it impossible for said freight forwarder to handle the traffic offered it so as promptly to serve the public; that this emergency condition affecting said freight forwarder is a matter beyond its control calling for immediate and interim relief; that the authorization granted herein is required to best promote service in the interest of the public and the commerce of the people; that notice and subject procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice; wherefore:

It is ordered, That pursuant to sections 1(16) and 420 of the Interstate Commerce Act, 49 U.S.C. 1(16) and 1020, the C. S. Greene and Company, Inc., be and it is hereby, authorized to operate to any port in the Dominion of Canada, insofar as such movement is in the United States, and to any port on the east and gulf coasts of the United States not effectively closed by the strike of the International Longshoremen's Association, on commodities which it otherwise is authorized to handle as a freight forwarder under Permit No. FF-84;

It is further ordered, That said freight forwarder be, and it is hereby, directed promptly to print and file with the Commission tariffs showing its rates and charges for the service authorized herein and otherwise to comply with the provisions of the Interstate Commerce Act;

It is further ordered, That this order be, and it is hereby, made effective at 12:01 a.m., April 15, 1977, and shall expire at 11:59 p.m., April 30, 1977, unless otherwise modified, changed or suspended, and "

It is further ordered, That copies of this order shall be served upon said freight forwarder; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board members Joel E. Burns, Lewis R. Teeple and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11819 Filed 4-22-77;8:45 am]

[Service Order No. 1265-A]

PARTS 1080–1089—FREIGHT FORWARDERS; GENERAL

C. S. Greene and Company, Inc., Authorized To Operate to Other Ports in United States and Dominion of Canada

AGENCY: Interstate Commerce Commission.

ACTION: Vacating of Emergency Rerouting Order (Service Order No. 1265-A).

SUMMARY: This order violates Service Order No. 1265 which authorized C. S. Greene and Company, Inc., a freight forwarder of general commodities to reroute export shipments because of a work stoppage by Longshoremen.

DATE: Effective Date: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7840. TLX 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of April, 1977.

Upon further consideration of Service Order No. 1265-A and good cause appearing therefor:

It is ordered, That:

In Parts 1080-1089 reference to C. S. Greene and Company, Inc., authorized to operate to other ports in United States and Dominion of Canada be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 12:01 a.m., April 20, 1977; that copies of this order and direction shall be served upon said freight forwarder; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11822 Filed 4-22-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 10—GENERAL PROVISIONS

List of Addresses of Law Enforcement District Offices; Correction

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Corrections.

SUMMARY: On February 15, 1977, an amendment making changes in addresses of law enforcement district offices was published in the FEDERAL REGISTER (FR Doc. 77-4557). That document is hereby corrected.

EFFECTIVE DATE: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Margaret C. Cash, Regulations Coordinator, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-9237.

The following changes should be made on page 9181 of FR Doc. 77-4557 in § 10.22, in the column headed "Address of district office":

1. The telephone number for the Atlanta, Ga., office is changed to read "404-881-4761."

2. The telephone number for the Nashville, Tenn., office is changed to read "615-251-5532."

3. The address for the Glen Burnie, Md., office is corrected to read "95 Aquahart Rd."

4. The address and telephone number for the Boston, Mass., office is changed to read "P.O. Box 277, Newtonville, Mass. 02160 (617-965-5100, ext. 254)."

This correction was prepared by Margaret C. Cash, Regulations Coordinator, Division of Law Enforcement.

Dated: April 14, 1977.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77-11817 Filed 4-22-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in designated counties of Virginia and North Carolina to be inspected and meet minimum quality and size requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

DATES: Comments due May 13, 1977.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone 202-447-3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 104 and Order No. 953, both as amended, regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Southeastern Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendation made by the committee at its public meeting in Norfolk, Virginia, on April 7, 1977.

The grade and size requirements recommended herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The specific proposals, hereinafter set forth, would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to the grade, size, and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed would be so exempted because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments also would be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

The proposal is as follows:

§ 953.317 Handling regulation.

During the period June 5 through July 31, 1977, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Except as provided in paragraphs (c) and (e), no handler shall ship any potatoes unless an appropriate inspection certificate has been issued covering them by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not apply to potatoes shipped for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity, except that the handler thereof shall comply with the safeguard requirements of paragraph (d) of this section. Shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540-51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Pub. L. 92-233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

Dated: April 20, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11762 Filed 4-22-77;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

[26609]

INTEREST ON DEPOSITS

Restricting Payment of Negotiated Rates of Interest on Pooled Time Deposits of $100,000 or More

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Withdrawal of proposed rule.

SUMMARY: The FDIC has determined not to adopt at this time an amendment to its interest rate regulations which was proposed in March 1976. The amendment would have prohibited insured nonmember banks from paying interest on pooled time deposits of $100,000 or more at a rate in excess of existing rate ceilings established for time deposits of less than $100,000. The proposal was designed to restrict the practice of pooling funds into deposits of $100,000 or more in order to obtain negotiated rates of intreest—a practice which was viewed as a violation of interest rate limitations established pursuant to statutory directive—and to minimize the potential for disruptive shifts of funds among depositary institutions as a result of pooling activities. Opposition to the proposal generally focused on the view that it would be unfair to small depsitors. Because of the considerable public opposition to the proposal, if adopted, might prove ineffective to achieve its intended purpose, and the difficulty in enforcing the proposal, the FDIC has decided not to adopt the proposal at this time. This action is intended to indicate to the public that the FDIC no longer considers the proposal a viable measure.

EFFECTIVE DATE: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Alan J. Kaplan, Attorney, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, 202–389–4433.

SUPPLEMENTARY INFORMATION: By notice published in the FEDERAL REGISTER on March 8, 1976 (41 FR 9896), the Board of Directors of the Federal Deposit Insurance Corporation proposed to amend § 329.3(a) of Part 329 of Title 12 of the Code of Federal Regulations (12 CFR 329.3(a)) to prohibit insured nonmember banks, including mutual savings banks, from undertaking to pay negotiated rates of interest on time deposits of $100,000 or more which consist of or represent funds acquired or solicited substantially for the purpose of pooling such fnnds to obtain a rate of interest in excess of the applicable maximum rates specifically prescribed for deposits of less than $100,000. The period for receipt of public comments, originally set to expire on April 16, 1976 (41 FR 9896), was subsequently extended to May 10, 1976 (41 FR 14395) and thereafter further extended to July 9, 1976 (41 FR 20895).

Pub. L. 93–123 (87 Stat. 449) directs FDIC's Board of Directors to establish the maximum interest rates which may be paid by insured nonmember banks on time deposits of less than $100,000. The Board's proposal to restrict the payment of negotiated rates of interest on pooled time deposits of $100,000 or more was based in part upon the Board's concern, shared by other Federal financial supervisory authorities, that the pooling of funds to purchase large denomination certificates of deposit at negotiated rates of interest is contrary to the statute which directs the establishment of interest rate limitations and violates the regulations which implement those limitations. The proposal was also based in part upon the belief that pooling activity has at least the potential to result in higher costs to financial institutions for deposit funds and to lead to disruptive shifts of funds from thrift institutions and small banks, thereby thwarting one of the intended purposes of interest rate limitations.

The FDIC received eighty-six comments from the public. Sixty-nine of those comments opposed adoption of the proposal, fourteen favored its adoption, and three expressed no position. Those opposed to adoption of the proposal generally expressed the view that the proposal was unfair to small depositors and that it would result in a shifting of funds out of bank certificates of deposit and into other forms of nondeposit investments. Several respondents indicated that the proposed amendment would not prevent the practice of pooling because certificates of deposit are available on the secondary market. Respondents supporting the proposal generally recognized that pooling to achieve negotiated rates of interest results in a circumvention of existing interest rate ceilings established pursuant to statutory directive. Several banks, particularly smaller banks and those in rural communities, expressed the view that pooling could lead to disruptive shifts of funds, especially from institutions outside large money centers.

After careful consideration of the comments received and other available information, and after consultation with the other Federal financial supervisory authorities, the Board of Directors has determined not to adopt the proposed amendment at this time. In making this determination, the Board notes the recent decision of the Board of Governors of the Federal Reserve System not to adopt a similar proposal which had been under consideration by the Board of Governors. In addition, the FDIC took action in February 1977 (42 FR 10312) to limit to $40,000 in any one insured bank the Federal deposit insurance coverage afforded to deposits of any trust or other business arrangement which has registered or is required to register with the Securities and Exchange Commission as an investment company under section 8 of the Investment Company Act of 1940. It is believed that this action will serve to minimize the potential for disruptive shifts of funds among depositary institutions as a result of pooling.

By order of the Board of Directors, dated April 19, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77–11808 Filed 4–22–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77–NE–8]

TRANSITION AREA

Proposed Designation of 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to amend the description of the Palmer, Massachusetts, 700-foot Transition Area. The change will provide more controlled airspace for aircraft executing a new standard instrument approach procedure (NDB–A) to the Palmer Metropolitan Airport, Palmer, Massachusetts.

DATES: Comments on or before May 25, 1977. (Proposed effective date: August 11, 1977.)

ADDRESSES: Comments in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ANE–7, Attn: Rules Docket Clerk, Docket No. 77–NE–8, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE–536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone 617–273–7285.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

Persons desiring copies of the NPRM should contact: Rules Docket Clerk, Office of the Regional Counsel, ANE–7, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment would convert additional airspace west of Palmer from uncontrolled airspace to controlled airspace. The FAA has determined that this amendment to the Palmer, Massachusetts, 700-foot transition area is necessary to provide controlled airspace for aircraft executing a new standard instrument approach procedure (NDB–A) to the Palmer Metropolitan Airport, Palmer, Massachusetts.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), effective August 11, 1977, as follows:

1. By deleting Line 5 of the description of the Palmer, Massachusetts, 700-foot transition area and inserting in lieu thereof the following:

PALMER, MASSACHUSETTS, 700-FOOT TRANSITION AREA

Line 5. And within 4.5 miles each side of the 202° bearing from the Palmer, Mass. RBN 42°13'26" N.; 72°18'47" W., extending from the 5-mile radius area to 10.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)), sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Burlington, Massachusetts, on April 12, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77–11752 Filed 4–22–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 717–1]

APPROVAL AND PROMULGATION OF AIR QUALITY IMPLEMENTATION PLANS

Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from New York State to revise its State Implementation Plan (SIP). The State is seeking approval from the Environmental Protection Agency (EPA) of a "special limitation" granted by the State pursuant to Part 225.2 of Title 6 of its Official Compilation of Codes, Rules and Regulations (6 NYCRR 225.2). The proposed revision will continue a relaxation of the sulfur-in-fuel-oil limitation for the Long Island Lighting Company's (LILCO) Northport Generating Facility (Units 1, 2 and 3) and LILCO's Port Jefferson Generating Facility (Units 3 and 4), both of which are located in Suffolk County, New York. The "special limitation" for both facilities will permit the use until May 31, 1980 of fuel oil having a maximum sulfur content of 2.8 percent, by weight. Previously, these facilities were limited by State regulation to the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight.

DATES: Comments must be received on or before May 25, 1977.

ADDRESSES: All comments should be addressed to: Gerald M. Hansler, P.E., Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007.

Copies of the proposal are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 908, Region II Office, 26 Federal Plaza, New York, New York 10007.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

New York State Department of Environmental Conservation, Region I, Building No. 40, State University of New York, Stony Brook, New York 11794.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, 212–264–2517.

SUPPLEMENTARY INFORMATION: On March 17, 1977, New York State requested that EPA consider a proposed revision to its SIP. This revision request was submitted in accordance with all applicable EPA requirements pursuant to 40 CFR Part 51 including a public hearing which was held at Stony Brook, Long Island on January 17, 1977.

Accompanying its March 17, 1977 request, the State submitted an evaluation report prepared by the hearing officer at the public hearing and a copy of a March 15, 1977 order signed by the Commissioner of the New York State Department of Environmental Conservation. This order was issued to the Long Island Lighting Company (LILCO) pursuant to 6 NYCRR 225.2 (c) and becomes effective upon EPA approval. It essentially grants an extension to a "special limitation" currently in effect for LILCO. The State's previous action was proposed for approval by EPA on May 25, 1976 (41 FR 21360) and approved on July 20, 1976 (41 FR 29817).

"Special limitations" allow the use of fuel oil with a sulfur content higher than that normally required under State regulations. The currently approved "special limitation" which expires on May 31, 1977, allows the use of 2.8 percent sulfur-in-fuel-oil at units 3 and 4 of the LILCO Port Jefferson Generating Facility and 2.5 percent sulfur-in-fuel-oil at units 1, 2 and 3 of the LILCO Northport Generating Facility. The "special limitation" being proposed by this notice increases the current sulfur-in-fuel-oil limitation for the applicable units at the Northport Generating Facility from 2.5 to 2.8 percent, but keeps the current limitation for the applicable units at the Port Jefferson Generating Facility at 2.8 percent. The proposed "special limitation" expires May 31, 1980.

The order for the proposed "special limitation" contains several conditions including:

1. The operation by LILCO of an approved ambient air monitoring network.
2. The employment of a fuel switching system to protect State ambient air quality standards.
3. The reporting of fuel switching incidents.

A control strategy demonstration submitted by the State on March 16, 1976 pursuant to the currently approved "special limitation" for LILCO will be used by EPA to evaluate the proposed "special limitation." The "special limitation" can be approved by EPA only if the control strategy demonstrates attainment and maintenance of the national ambient air quality standards at all times without the use of fuel switching. In addition, EPA acknowledges receipt on November 16, 1976 of LILCO's submission to the State in support of this current action. EPA requests any additional information from interested parties regarding the impact of the LILCO Generating Facilities on Long Island and Connecticut. The impact on Connecticut was not considered in the State's control strategy demonstration.

This notice is issued as required by section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Dated: April 11, 1977.

GERALD M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.77–11757 Filed 4–22–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

TARIFFS

International Telex Service With the Domestic Telex and TWX Services

AGENCY: Federal Communications Commmission.

ACTION: Extension of time.

SUMMARY: This order extends the filing deadlines in Docket 21005 so that the

Commission may consider pending interlocutory requests prior to the submission of comments and responsive pleadings.

DATES: Comments must be received on or before May 9, 1977; Responses must be received on or before June 9, 1977; and Replies must be received on or before June 20, 1977.

ADDRESSES: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Tariff and Services Division, Common Carrier Bureau, 202–632–5550.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 19, 1977.

By the Chief, Common Carrier Bureau.

In the matter of interface of the International Telex Service with the Domestic Telex and TWX Services (42 FR 13139).

1. Before the Commission for consideration is the April 15, 1977 TRT Telecommunications Corporation (TRT) motion to extend the time for filing comments in Docket No. 21005 pending resolution by the Commission of TRT's motion to establish discovery procedures and defer the submission of comments in Docket 21005, filed February 17, 1977.

2. It appearing, That comments are currently due to be filed April 25, 1977, and responses and replies to be filed April 25, 1977 and June 8, 1977;

3. It further appearing, That comments should not be required to be filed prior to Commission action on TRT's interlocutory request and the next scheduled Agenda meeting is subsequent to the current filing date;

4. *It is ordered*, Pursuant to delegated authority, 47 CFR 0.303(c), That the dates for filing comments and responsive pleadings are extended to the following dates:

(a) Comments, May 9, 1977;
(b) Responses, June 9, 1977;
(c) Replies, June 20, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
DANIEL R. OHLBAUM,
Acting Chief, Common Carrier Bureau.

[FR Doc.77–11830 Filed 4–22–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

[Ex Parte No. MC–43; Sub No. 6]

MOTOR CARRIER SAFETY

Lease and Interchange of Vehicles

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: This is a proposed revision of regulations involving lease of vehicles and requirements for inspection at augmentation point. The proposed rule provides that when motor carriers are commonly controlled and jointly maintain and administer a uniform safety program, no inspection will be required at the point of augmentation if (1) both carriers remain under common control; (2) the equipment be inspected on the day it is to be leased and found to meet the requirements of the Federal Motor Carrier Safety Regulations of the Department of Transportation. A study conducted by the Bureau of Operations found the procedure proposed by this regulation would be more efficient than granting a waiver of the present regulations to petitioning carriers. The effect of the proposal is to grant a waiver of inspections presently required by regulation, enabling carriers to provide a more expeditious service to the shipping public.

COMMENT DATE: Comments by June 24, 1977.

ADDRESS: Send comments to: Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

John L. Chaney, Chief, Interpretations, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, 202–275–7842.

SUPPLEMENTARY INFORMATION: The proposal for the revision of 49 CFR 1057.4(c) was initiated after the Section of Motor, Water, Forwarder Operations, in the Commission's Bureau of Operations, conducted a study as to the effectiveness and efficiency of the present regulations in 49 CFR 1057.4(c). The regulation, as it presently reads, requires the carrier leasing the equipment before taking possession of the equipment, to inspect the equipment to insure that the equipment complies with the Motor Carrier Safety Regulations of the Federal Highway Administration of the Department of Transportation. It has been the practice of the Motor Carrier Leasing Board to grant a petition for waiver of the regulation when the petitioning carriers are under common control and jointly maintain and administer a uniform safety program under which the vehicles are properly inspected before they depart from the terminal, and the past safety records of the controlling carrier are satisfactory. In granting such waivers, the Board has recognized that requiring additional inspections when commonly controlled carriers are involved may be time consuming, repetitious and costly. On the other hand, carriers operating under a waiver of the inspection are able to eliminate extra operating costs and provide for more expeditious service to the shipping public.

The proposed revision of the regulations would have the same effect as granting a waiver of the regulations.

Accordingly, it is proposed that 49 CFR 1057.4(c) be revised to read as follows:

§ 1057.4 Augmenting equipment.

* * * * *

(c) *Safety inspection of equipment by the authorized carrier.* It shall be the duty of the authorized carrier, before taking possession of the equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make such inspection and has been duly authorized by such carrier to make such inspection as a representative of the carrier in order to insure that the said equipment complies with the Motor Carrier Safety Regulations of the Federal Highway Administration of the Department of Transportation. However, where carriers leasing equipment are commonly controlled and jointly maintain and administer a uniform safety program, no such inspection at the point of lease is required; *provided*, That both carriers remain under common control and the equipment be inspected on the day it is to be leased and found to meet the requirements of the Motor Carrier Safety Regulations of the Department of Transportation. If an inspection is required, the person making the inspection shall certify the results thereof on a report in the form hereinafter set forth, which report shall be retained and preserved by the authorized carrier, and if his inspection discloses that the equipment does not comply with the requirements of the said safety regulations, possession thereof shall not be taken. When such an inspection has been made, the authorized carrier or an officer or partner thereof, or a safety director or other supervisory employee responsible for safety compliance, shall certify on the inspection report that the person who made the inspection, whether an employee or person other than an employee, is competent and qualified to make such inspection and has been duly authorized to do so by such carrier as its representative. When equipment other than a power unit is leased, a form of report applicable to such equipment may be used.

* * * * *

(5 U.S.C. 553 and 559 (49 U.S.C. 304))

NOTE.—This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–11820 Filed 4–22–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of a Proposed Report

A request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 14, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requested emergency clearance of the revised FPC Form 69, Alternate Fuel Demand Due To Natural Gas Curtailments. This form will be used to collect data from interstate pipeline companies which will enable FPC to assess the incremental demand placed on alternative fuel due to natural gas curtailments.

The basic data in the revised form remains the same. However, all large end-users will now be detailed on Schedule 1 whether curtailed or not, and alternate fuel usages will be reported in equivalent MCF rather than percent of use. Also, a new column has been added to Table 1 for recording actual gas receipts for the year. FPC has reduced the reporting cycle to once annually.

Emergency clearance of this form was requested as a direct result of the recent extremely cold winter experienced by this county. Natural gas is in a critically short supply, largely because of those extreme weather conditions. FPC urgently needs the information collected by this form to prepare the public for what is by most forecasts expected to be another harsh winter in 1977–78. Therefore, if emergency clearance processing was denied and the normal 45-day process was implemented, the data would not be available in time for FPC analysis, and the result could be damaging to the American public as well as the American economy.

Respondents of the Form 69 will total 115. The average burden per response is estimated to be 130 hours, and the total burden will be 14,950 hours for the annual form.

GAO granted clearance of the Form 69 on April 19, 1977, under number B–180228 (R0206). This clearance will expire on March 31, 1978.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77–11800 Filed 4–22–77;8:45 am]

REGULATORY REPORTS REVIEW

Receipt and Approval of a Proposed Report

A request for clearance of a proposed report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on March 28, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

The Federal Energy Administration (FEA) requested emergency clearance of the revised Form FEA–G101–A–2, Alternative Fuel Demand Due to Natural Gas Curtailments. This form will be used to collect data which will enable FEA to assess the incremental demand placed on alternative fuels due to natural gas curtailments.

This form collects information from companies and municipalities. The authority for collecting these data is provided in section 13 of the Federal Energy Administration Act of 1974 (Pub. L. 93–275) as amended, the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93–319) as amended, and the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159) as amended.

This form is a revision of the FEA–G101–P–1 of the same title and the basic data elements remain the same. However, a new supplement is attached to the form to collect large end-users alternate fuel usage. Also, all large end-users will now be detailed on Schedule 1's, whether curtailed or not, and the FEA has reduced the reporting cycle to once annually.

FEA will also require those companies reporting on the FPC–69 (approximately 63) to file the FEA–G101–A–2 supplement and addendum.

Emergency clearance of this form was requested as a direct result of the recent extremely cold winter experienced by this country. Natural gas is in a critically short supply, largely because of those extreme weather conditions. FEA urgently needs the information collected by this form to prepare the U.S. public for what is by most forecasts expected to be another harsh winter in 1977–78. Therefore, if emergency clearance processing was denied and the normal 45-day process was implemented, the data would not be available in time for FEA analysis, and the result could be damaging to the American public as well as the American economy.

Respondents on the FEA–G101–A–2 will total 1,763 (approximately 63 companies will file the supplement and addendum only), the average burden per response is estimated to be 291 hours and the overall burden will total 513,150 hours.

GAO granted preliminary clearance on April 7, 1977, and final clearance on April 15, 1977, under number B–181254 (RO193). This clearance will expire on March 31, 1978.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77–11801 Filed 4–22–77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

APRIL 13, 1977.

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, May 10 and 11, 1977, from 9 a.m. to 4 p.m., Room 5651, GSA Regional Office Building, Seventh and D Streets, SW., Washington, DC. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following proposed projects: (a) Renovations to the Heating, Ventilating and Airconditioning systems, Health, Education, and Welfare Department, South Building, Washington, D.C. (b) Renovation of Computer Facility, Health, Education, and Welfare Department, North Building, Washington, D.C. The meeting will be open to the public.

JOHN F. GALUARDI,
Regional Administrator.

[FR Doc.77–11879 Filed 4–22–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463), announcement is made of the following Council meeting:

NAME: National Professional Standards Review Council.

DATE AND TIME: May 16, 1977 (10:00 a.m. to 5:00 p.m.), May 17, 1977 (9:00 a.m. to 1:00 p.m.).

PLACE: Auditorium (first floor), DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

PURPOSE OF MEETING: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4990.

Dated: April 14, 1977.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.77-11745 Filed 4-22-77;8:45 am]

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-77-0017]

MANAGEMENT RESOURCE CONSULTANTS FOR THE FIDCR APPROPRIATENESS REPORT

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 USC 2946, this agency announces the award of Contract No. HEW-100-77-0017 to the Center for Systems and Program Development Inc., 1522 K Street, NW. Washington, D.C. 20005. The purpose of this contract is to obtain administrative and management support to assist the HEW Committee assigned to evaluate the appropriateness of the Federal Interagency Day Care Requirements (FIDCR). The contractor will assist HEW in assuring that a draft appropriateness report and twenty state-of-the-art day care papers are adequately reviewed by experts, practitioners and other people outside HEW. In addition, the contractor will assist in the management of resources and consultants involved in the preparation of the Appropriateness Report. The estimated contract is $116,863. The intended expiration date is August 1, 1977.

Dated: April 19, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc.77-11790 Filed 4-22-77;8:45 am]

[Modification No. 17 to Contract No. HEW-OS-74-25]

PANEL STUDY OF INCOME DYNAMICS

Contract Award

Pursuant to Section 606 of the Community Services Act of 1974 (Pub. L. 93-644) 42 USC 2946, this agency announces the award of Modification No. 17 to Contract No. HEW-OS-74-25 to the Regents of the University of Michigan, 260 Research Administration Building, Ann Arbor, Michigan, 48105, to continue the "Panel Study of Income Dynamics" for the tenth year. The purpose is to continue the annual interviews with a sample of about 5000 heads of households. The study analyzes the changing welfare of these families and individuals through the years, with particular emphasis on jobs, income and family structure in the lower income population. The analyses help in estimating the causes of and escape from poverty as well as the relationship of government programs to changing welfare. The estimated cost of this modification is $628,000 and the intended completion date is December 31, 1977.

Date: April 18, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc.77-11789 Filed 4-22-77;8:45 am]

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act. (Pub. L. 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: May 18-19, 1977.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Phone: AC/404 633-3311, Extension 3701. FTS 236-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents in public health practice.

Agenda: The Committee wil consider the current status of influenza vaccine in the prevention and control of epidemic influenza in the United States and develop recommendation for 1977-78. It will also continue its regular review of recommendations on the use of other biologics in public health practices including pneumococcal polysaccharide vaccine and immune serum globulins.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 18, 1977.

WILLIAM C. WATSON, JR.,
Acting Director, Center for Disease Control.

[FR Doc.77-11865 Filed 4-22-77;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION VI

Statement of Organization, Functions, and Delegations of Authority

Section AD6.20E of Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, Office of the Regional Director, Region VI, headquartered in Dallas, Texas, has been amended to combine into a single Regional Equal Employment Opportunity Office the responsibilities for all Region VI Equal Employment Opportunity programs. The amended Section supersedes the Section published as 1E86.20E (40 FR 4666, 1/31/75) and reads as follows:

E. Office of Equal Employment Opportnity: Carries out equal employment opportunity activities within the Regional Office, particularly as they relate to special focus minority groups and women, as mandated by Executive Order 11478 and as amended by Pub. L. 92-261 (42 USC 2000 e16), Departmental and Civil Service Commission Regulations which require the establishment and maintenance of a positive program of non-discrimination in employment based on race, color, religion, sex and national origin. The major functions of the Office (including provisions which focus on the Federal Women's Program and the Spanish-Speaking Program) are:

1. Provide direction and guidance on the EEO system to Regional managers and employees at Regional Office headquarters through development and issuance of directives, instructions, and guidelines.

2. Coordinate and formulate the Regional Affirmative Action Plan; monitor and evaluate efficiency and effectiveness of the Plan.

3. Process discrimination complaints based on age (Pub. L. 93-259) and race, color, religion, sex and national origin (Pub. L. 92-261). Manage the Regional EEO complaint system and prepare proposed dispositions on all formal complaints: ensure adequacy of counselors as well as investigators through training and assignment.

4. Maintain surveillance over minority employment data and provide for the analysis and issuance of manpower information relevant to minority and female employment profiles through the OS automatic data systems, identifying problems and recommending alternatives.

5. Develop recommendations of policies and guidance on activities related to the status of minorities and women employed by the Regional Office.

6. Develop and issue guidelines providing technical advice in assuring understanding and positive attitudes toward equal employment opportunities for minorities and women to Regional managers and employees.

7. Coordinate, represent and provide liaison functions for Regional organizations at the Departmental level and with other Federal and private agencies and organizations having to do with minority employment interest groups and other ethnic groups and women to develop awareness of the needs and attitudes of these special focus groups as affected by HEW programs, and to provide leadership in the creation of quality programs.

8. Advise Regional managers in implementing special focus group employment programs, providing guidance in recruitment, training, upward mobility and career counseling.

9. When designated, represents the Regional Director at meetings with organizations concerned with EEO and provides advice, assistance (direct or by referral to appropriate authorities) to minority and female employees, applicants and special interest groups.

Dated: April 14, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-11788 Filed 4-22-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

COAL MINING PLAN—WYOMING

Availability of Proposed Decision for Mine Plan Submitted for Approval

In accordance with the requirements of 30 CFR Part 211.5(c)(2), notice is hereby given that Arch Mineral Corporation, P.O. Box 459, Hanna, Wyoming 82327, has submitted a modified mine plan to mine, by surface mining operations, an additional 660 acres. The proposed plan modifies a previously approved mine plan on coal lease W-16466 and proposes mining through 1986. The Seminoe No. 1 Mine is located in Hanna Basin, Carbon County, Wyoming, in T. 22 N., R. 82 W., T. 22 N., R. 83 W., and T. 22 N., R. 84 W. The modified plan also proposes to bring the Seminoe No. 1 mine into full compliance with the Coal Mining Operating Regulations, 30 CFR Part 211, and the Department of the Interior and State of Wyoming Cooperative Agreement. The Seminoe No. 1 mine plan was initially received for review by the Mining Supervisor on May 12, 1976.

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the modified mining plan. Any person having an interest, which is or may be adversely affected, may request a public meeting in writing. Requests for a public meeting should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, Box 25046, Denver Federal Center, Denver, Colorado 80225. All requests should be made within 20 days from the date of publication of this notice. No decision on the modified plan will be made prior to 20 days from the date of this notice.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-11744 Filed 4-22-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Notice of Commission Action

Notice is hereby given that—

(1) On December 20, 1976, the Commission issued a "Notice of Suspension of Investigation", which was published in the FEDERAL REGISTER on December 23, 1976 (41 FR 55947). Pursuant to the terms of that notice, this investigation was suspended, effective at the close of business on December 20, 1976, only during the pendency of investigation No. TA-201-19 (Television Receivers). On March 22, 1977, the Commission transmitted to the President the report of its determination in investigation No. TA-201-19. Accordingly, investigation No. 337-TA-23 resumed at the opening of business on March 23, 1977. Complainants' motion for modification of order tolling periods of time during suspension, motion No. 23-68, which pursuant to the Commission's order of suspension was not considered during the period of suspension, is moot as the result of the resumption of the investigation.

(2) On March 23, 1977, the Commission considered whether to further suspend this investigation, a matter raised by certain respondents' motion for clarification of Commission's order suspending investigation, which was docketed by the Office of the Secretary as motion No. 23-71. In considering motion No. 23-71, the Commission granted in part and denied in part certain respondents' motion No. 23-73.

(3) As the result of its consideration of motion No. 23-71 and complainants' response to said motion, the Commission voted not to suspend this investigation further.

(4) Pursuant to 19 U.S.C. 1337(b)(1) and the "Notice Concerning Commission Action" designating this investigation as a more complicated investigation (41 FR 50357, Nov. 15, 1976), the Commission must conclude this investigation not later than January 3, 1978.

By order of the Commission.

Issued: April 20, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-11836 Filed 4-22-77;8:45 am]

[337-TA-24]

CERTAIN EXERCISING DEVICES

Determination and Order

On the basis of the record in investigation No. 337-TA-24, Certain Exercising Devices, the United States International Trade Commission, under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and the Administrative Procedure Act (5 U.S.C. 551 et seq.)—

1. Determines that there are violations of section 337 in the unlicensed importation into the United States of certain exercising devices by reason of their having been made in accordance with claims 1, 2, 6-10, and 12 of U.S. Patent No. 3,743,280 and in their unlicensed sale by the owner, importer, consignee, or agent of either, the tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States;

2. Finds as a result of the determination of violation, and after considering the effect of an exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, that unlicensed articles i.e., certain exercising devices, made in accordance with claims 1, 2, 6-10, and 12 of U.S. Patent No. 3,743,280, should be excluded from entry into the United States for the term of this patent; and

3. Determines that the bond provided for in section 337(g)(3) is to be as prescribed by the Secretary of the Treasury in the amount of 350 percent of the value of the articles concerned, f.o.b. foreign port.[1]

1. Articles made in accordance with claims 1, 2, 6-10 and 12 of U.S. Patent No. 3,743,280 shall, upon the publication of this notice in the FEDERAL REGISTER and until the expiration of such patent, be excluded from entry into the United States except (1) as provided in paragraph 2 below of this order, or (2) as such importation is under sublicense of a U.S. licensee of said patent.

2. Notwithstanding the foregoing, from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he ap-

[1] Commissioner Ablondi dissents from this determination as it relates to the level of the bond provided for in section 337(g)(3). *Accordingly, it is ordered—*

proves this action, or the President disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt, the articles concerned shall be entitled to entry under bond in the amount of three hundred and fifty per centum (350%) of the value, f.o.b. foreign port, of the articles concerned.

3. This order will be published in the FEDERAL REGISTER and served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury.

By order of the Commission.

Issued: April 20, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-11837 Filed 4-22-77;8:45 am]

[AA1921-166]

CERTAIN PARTS FOR SELF-PROPELLED BITUMINOUS PAVING EQUIPMENT FROM CANADA

Investigation and Hearing

Having received advice from the Department of the Treasury on April 7, 1977, that parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value, the United State International Trade Commission on April 19, 1977, instituted investigation No. AA-1921-165 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in conjunction with the investigation will be held in Chicago, Illinois, on Wednesday, May 4, 1977. The location and time of the hearing will be announced at a later time. All parties shall there and then have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(d)), shall be filed with the Secretary of the Commission, in writing, not later than noon, Friday, April 29, 1977.

By order of the Commission.

Issued: April 20, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-11838 Filed 4-22-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-27]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON SPACE VEHICLES

Meeting

The NASA Research and Technology Advisory Council, Panel on Space Vehicles will meet May 17-19, 1977 at the Langley Research Center, Hampton, Virginia, 23665. The meeting will be held in Building 1219, Room 225. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the conference room (40 persons). All visitors to the Langley Research Center must first report to the receptionist in the lobby of Building 1219 for registration and badging.

The NASA Research and Technology Advisory Council, Panel on Space Vehicles serves in an advisory capacity only. The Panel provides the agency with a focal point for assessment and recommendation in the program area concerned with the cross-discipline application of advanced technologies to space vehicle systems. The current Chairman is Mr. R. James Gunkel. The Panel has fourteen members. The following list outlines the approved schedule and agenda for the May 17-19, 1977 meeting of the Panel on Space Vehicles. For further information, please contact Mr. William C. Hayes, Jr., Executive Secretary, NASA Headquarters, Washington, DC, 20546 (area code 202, 755-2243).

MAY 17, 1977

Time	Topic
8:30 a.m.	Report of the Chairman (Purpose: To summarize action taken at the February 1977 meeting of the Research and Technology Advisory Council.)
9:15 a.m.	Report of the Executive Secretary (Purpose: To inform the Panel of recent or proposed changes in NASA policy or organization which might affect Space Vehicles Panel functions.)
9:30 a.m.	Report on the Technology Program of the Office of Space Flight (Purpose: To brief the Panel members on future mission opportunities/options and the supporting research and technology program of the Office of Space Flight.)
12:15 a.m.	Report on the Technology Program of the Office of Space Sciences (Purpose: To brief the Panel members on future mission opportunities/options and the supporting research and technology program of the Office of Space Sciences.)
2:30 p.m.	Report on the Technology Program of the Office of Applications. (Purpose: To brief the Panel members on future mission opportunities/options and the supporting research and technology program of the Office of Applications.)

MAY 18, 1977

Time	Topic
8:30 a.m.	Report on the Space Technology Program of the Office of Aeronautics and Space Technology. (Purpose: To inform the Panel members of the proposed new initiatives for, and augmentations of, the research and technology base program.)
1 p.m.	Report on the Space Technology Shuttle/Spacelab Payloads Program. (Purpose: To inform the Panel members of the status and future direction of the Flight Experiments and Orbiter Experiments Programs.)

MAY 19, 1977

Time	Topic
8:30 a.m.	Report on the Long Duration Exposure Facility. (Purpose: To inform the Panel members of the status and future direction of the Long Duration Exposure Facility Project and its associated experiment program.)
1 p.m.	Selection of Topics to be Reported to the Research and Technology Advisory Council. (Purpose: To discuss and formulate topics to be forwarded to the Research and Technology Advisory Council.)
4 p.m.	Selection of Agenda Topics. (Purpose: To identify topics for potential inclusion in the agenda of the Subsequent Panel meeting.)
4:30 p.m.	Adjournment.

DUWALD L. CROW,
Associate Deputy Administrator.

APRIL 19, 1977.

[FR Doc.77-11758 Filed 4-22-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 3. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications to incorporate exposure-dependent minimum critical power ratio (MCPR) operating limits.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 26, 1977, as supplemented by letter dated March 18, 1977, (2) Amendment No. 34 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-11736 Filed 4-22-77;8:45 am]

[Doc. Nos. STN 50-556; STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA, ET AL.

Prehearing Conference

In the Matter of Public Service Co. of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative, Inc. (Black Fox, Units 1 and 2).

Notice is hereby given that the prehearing conference required by § 2.752 of the Commission's Rules of Practice, 10 CFR Part 2, will be held at 10 a.m. on Friday, May 6, 1977, in Courtroom No. 3, U.S. District Courthouse, 333 West 4th Street, Tulsa, Oklahoma 74103.

This prehearing conference will be held by the Atomic Safety and Licensing Board (the Board) established to conduct this licensing proceeding, which involves an application for construction permits for two nuclear reactors designated as Black Fox Station, Units 1 and 2, which are proposed to be built in Oklahoma. This prehearing conference will deal with the following matters:

1. Oral argument on any outstanding motion;
2. Further simplification, clarification and specification of issues, if necessary;
3. The necessity or desirability of amending any pleadings;
4. Obtaining stipulations on admissions of fact and on the contents and authenticity of documents to avoid unnecessary proof;
5. Identification of witnesses and any limitations on the number of expert witnesses;
6. Discussion of the agreed-upon schedule, if necessary; and
7. Any other matters that may aid in the orderly disposition of the proceeding.

The parties are directed to confer in advance of this prehearing conference in such manner as they deem appropriate, to discuss any stipulations that might be reached with regard to presentation of evidence and the conduct of the evidentiary hearing to be scheduled by further order of the Board. The Board will require a report on such meeting at the prehearing conference.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be scheduled by the Board. However, the Board will not receive limited appearances from members of the public at this prehearing conference but will entertain such limited appearances at the beginning of the evidentiary hearing.

Issued at Bethesda, Maryland, this 15th day of April, 1977.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.77-11651 Filed 4-22-77;8:45 am]

[Byproduct Material License No. 29-13613-02]

RADIATION TECHNOLOGY, INC.

Hearing

Radiation Technology, Inc., Lake Denmark Road, Rockaway, New Jersey 07866, is the holder of Byproduct Material License No. 29-13613-02, which authorizes the use of radioactive materials in an irradiation facility with conditions specified therein. The license was issued originally on November 11, 1970 and will expire on November 30, 1980.

On January 5, 1977, the Director of Inspection and Enforcement, pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282) and 10 CFR 2.205 of the Commission's regulations, served on the Licensee a Notice of Violation together with a Notice of Proposed Imposition of Civil Penalties. The Notice of Proposed Imposition of Civil Penalties, incorporating by reference the Notice of Violation, alleged that the Licensee was responsible for nine separate items of noncompliance which were violations of the Commission's regulations and license conditions and set forth the civil penalty to be assessed for each violation. These alleged violations were based on the results of an inspection of licensed activities on October 27 and November 1, 1976.

An answer dated January 31, 1977 to the Notice of Proposed Imposition of Civil Penalties was received from the Licensee. The Director of Inspection and Enforcement, after due consideration of the response by Licensee, served on the Licensee an Order Imposing Civil Penalties by letter dated March 14, 1977. By letter dated April 1, 1977 the Licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before Hon. Samuel W. Jensch, Administrative Law Judge, at a time and place to be set by the Administrative Law Judge.

The issues before the Administrative Law Judge to be considered and decided shall be:

(a) Whether the Licensee committed violations of the Commission's regulations and conditions of the license designated as Items 1, 2, 3, 4, 5, 6, 7, 8 and 9 in the Notice of Violation issued to Licensee; and

(b) Wheher the Order Imposing Civil Penalties as it relates to Items 1 though 9 in the Notice should be sustained.

A prehearing conference will be held by the Administrative Law Judge, at a date and place to be set by him, to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the Licensee not later than twenty (20) days from the date of publication of this Notice in the FEDERAL REGISTER.

Required papers may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C.

20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of April, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-11655 Filed 4-22-77;8:45 am]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Issuance of Facility Operating License and Negative Declaration

Notice is hereby given that pursuant to the Decision of the Atomic Safety and Licensing Appeal Board, dated May 18, 1972, subsequently affirmed by the U.S. Court of Appeals Second Circuit (482 F. 2d 234, July 5, 1973) and certiorari denied by the U.S. Supreme Court (417 U.S. 951, June 10, 1974), the Nuclear Regulatory Commission, (the Commission) has issued Facility Operating License No. R-128 to The Trustees of Columbia University in the City of New York (the licensee). This license authorizes operation of a TRIGA Mark II nuclear reactor (the facility) at steady state reactor core power levels not in excess of 250 kilowatts thermal and in the pulse mode with reactivity insertions up to a maximum of 1.5% delta k/k, for training and research purposes in accordance with the provisions of the license and the Technical Specifications. The facility is located at the licensee's campus in the Morningside Heights area of New York City, New York.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application, as amended, for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The Commission has prepared an environmental impact appraisal for this Facility Operating License and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

The license is effective as of its date of issuance and shall expire on December 30, 2003.

A copy of (1) the application by the licensee dated May 6, 1963, as amended; (2) the Decision dated May 18, 1972; (3) Facility Operating License No. R-128, complete with Technical Specifications (Appendix A); (4) the Commission's concurrently issued Supplemental Safety Evaluation, to which is appended the Commission's related Safety Evaluation dated March 18, 1968 and Supplement dated November 19, 1969; and (5) the Commission's Environmental Impact Appraisal, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Public Health Library, New York City Department of Health, 125 Worth Street, New York, New York. A copy of items (3), (4), and (5) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of April 1977.

For the Nuclear Regulatory Commission.

GERALD B. ZWETZIG,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11737 Filed 4-22-77;8:45 am]

ABNORMAL OCCURRENCE REPORT

Radiography Incident

An NRC policy statement pertaining to implementation of Section 208 of the Energy Reorganization Act of 1974 (Pub. L. 93-438, 42 U.S.C. 5848), as amended, was published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10950). Included in the policy statement are criteria for the Commission to apply in determining whether incidents or events occurring at or associated with licensed activities or facilities are reportable as "abnormal occurrences" (i.e., unscheduled incidents or events which the Commission determines to be significant from the standpoint of public health or safety). In order to provide wide dissemination of information to the public, a FEDERAL REGISTER notice is issued on each abnormal occurrence, with copies distributed to the NRC Public Document Room and all local public document rooms. At a minimum, each such notice contains the date and place of the occurrence, and describes its nature and probable consequences.

Additional information will be made available, if appropriate, by means of summary reports placed in the NRC Public Document Room and in all local public document rooms, and/or the quarterly abnormal occurrence reports to Congress. The quarterly reports are available from National Technical Information Service, Springfield, Virginia 22161 at a nominal cost.

The abnormal occurrence described below is the first such event since promulgation of the policy in the February 24 FEDERAL REGISTER notice.

INADVERTENT RADIATION EXPOSURE TO TWO PAINTERS

Date and Place.—On March 18, 1977, the Pittsburgh Testing Laboratory notified the NRC that two painters had apparently been exposed to radiation while working in an area where industrial radiography was being performed.

Nature and Probable Consequences.—On March 17, 1977, while painting a bridge under construction in Pittsburgh, Pennsylvania, two workers entered the main span of a bridge where two radiographic exposures were being made using iridium-192. The two had entered via an unobserved manway.

Upon completion of the radiographic exposures, two radiographers entered the span to return the radioactive sources to their shielded containers. They found the painters working in a high radiation area.

One of the painters had been in a radiation field of 0.1 to 0.15 rem per hour for 45 minutes and received a whole body dose of 0.1 rem. The second painter had worked close to a 73 curie iridium-192 source and had passed under a 46 curie source during his work. Reenactment and evaluation by NRC indicated that the second painter received a dose of 4.5 rems to small portions of each shoulder, 0.9 rem to the whole body, and 0.6 rem to the eyes.

The consequences of this incident are limited to the individuals involved and are expected to be minimal. The painters were examined by a physician, but did not show any symptoms of illness.

Cause or Causes.—The exposure of the two individuals can be attributed to the apparent failure of the radiographers to maintain direct surveillance over access to the high radiation areas, and to post conspicuous warnings at all access points.

ACTION TAKEN TO PREVENT RECURRENCE

Licensee.—This incident was reviewed by the corporate radiation safety coordinator and his staff at a meeting with all radiographic personnel. The importance of maintaining direct surveillance over all access points to a high radiation area, and of posting conspicuous warnings, was stressed.

NRC.—An investigation, including reenactment of the exposure situation, was completed on March 19, 1977. Appropriate enforcement action for the activities apparently not in compliance with NRC regulations is under consideration.

Dated at Bethesda, Maryland, this 13th day of April, 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director of Operations.

[FR Doc.77-11656 Filed 4-22-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.129, "Maintenance, Testing, and Replacement of Large Lead Storage Batteries for Nuclear Power Plants," describes a method acceptable to the NRC staff for performing the maintenance, testing, and replacement of large lead storage batteries for all types of nuclear power plants. This guide endorses IEEE Standard 450-1975, "IEEE Recommended Practice for Maintenance, Testing and Replacement of Large Lead Storage Batteries for Generating Stations and Substations."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.129 will, however, be particularly useful in evaluating the need for an early revision if received by June 24, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 18th day of April 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-11653 Filed 4-22-77;8:45 am]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission has issued a topical report, NUREG-0143, "The Correlation of Peak Ground Acceleration Amplitude with Seismic Intensity and Other Physical Parameters."

The Commission's regulations (in 10 CFR Part 100, Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants") require that applicants relate historic earthquake data (intensity) to potential motion (acceleration). The scientific base for the correlation of peak ground acceleration with intensity has been expanded by increasing the number of strong motion accelerograms included in that base to nearly 1500. In addition, this report identifies the significant variables affecting the correlation between intensity and acceleration and assesses the importance of these variables with regard to seismic risk in the Eastern United States.

This work was done by Computer Sciences Corporation under contract to the NRC.

The report is available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Paper copy: $5, Microfiche: $3.)

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 14th day of April 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-11660 Filed 4-22-77;8:45 am]

[Doc. No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The operation of shock suppressors is required to protect the reactor coolant system and all other safety related systems and components and was assumed in the Staff Safety Evaluation Report. Operating history of this and other plants has indicated that shock suppressors were not always operable. Accordingly, this amendment requires the operability and surveillance of safety related shock suppressors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 1, 1975, as supplemented by letters dated February 11, 1976, August 30, 1976, September 13, 1976, and February 15, 1977, (2) Amendment No. 23 to Facility Operating License No. DPR-51, and (3) the Commission's Safety Evaluation issued August 10, 1976. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11659 Filed 4-22-77;8:45 am]

[Doc. No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modified the method utilized to assure the operability of the relief valves used in the Automatic Depressurization System of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 11, 1977, (2) Amendment No. 22 to License No. DPR-35, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11657 Filed 4-22-77;8:45 am]

[Dockets Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 28 and 25 to Facility Operating Licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Zion Station Units Nos. 1 and 2, located in Zion. The amendments are effective as of the date of issuance.

These amendments delete the references to the methodologies to be employed in conducting the biological and entrainment monitoring programs, and delete the requirement for a taxonomic corroboration program at the Zion Station.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action. A negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendments dated September 23, 1976, (2) Amendments Nos. 28 and 25 to Licenses Nos. DPR-39 and DPR-48, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60685. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of April 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-11732 Filed 4-22-77;8:45 am]

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Provisional Operating License No. DPR-5, issued to Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for the Indian Point Nuclear Generating Unit No. 1 (the facility) located in Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to reflect the defueled, nonoperating status of the reactor. The licensee has no plans at present for further operation of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1976, (2) Amendment No. 16 to License No. DPR-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of April 1977.

For the Nuclear Regulatory Commission.

GERALD B. ZWETZIC,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11731 Filed 4-22-77;8:45 am]

[Doc. Nos. 50-329; 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2; HEARING

It is ordered That the evidentiary hearing scheduled to resume at 9:30 a.m. on May 9, 1977, will reconvene in the Clouds Room on the 23rd Floor of the Allerton Hotel, 701 North Michigan Avenue, Chicago, Illinois.

Dated at Bethesda, Maryland, this 15th day of April, 1977.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc. 77-11654 Filed 4-22-77;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-57 issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications relating to required periodic surveillance on the recirculation pump discharge valves and an administrative change to delete reference to recirculation pump discharge valve bypass line hydraulic shock suppressors.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 3, 1976, (supplemented by letter dated January 6, 1976) and January 26, 1977, (2) Amendment No. 41 to License No. DPR-57 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-11733 Filed 4-22-77;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will (1) add surveillance requirements for the reactor pressure vessel stabilizers, (2) correct portions of the administrative controls section, and (3) correct typographical errors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1975, (2) Amendment No. 32 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52406. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-11734 Filed 4-22-77;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.; WOLF CREEK GENERATING STATION, UNIT NO. 1

Issuance of Amendment to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has previously authorized the Kansas Gas and Electric Company and the Kansas City Power and Light Company (the Applicants) to conduct certain site activities in connection with the Wolf Creek Generating Station, Unit No. 1, prior to a decision regarding the issuance of a construction permit. Notice of the Limited Work Authorization was published in the FEDERAL REGISTER on February 3, 1977 (42 FR 6651).

Since that time, the Director of Nuclear Reactor Regulation has determined that additional activities requested to be undertaken by the Applicants pursuant to their letters of March 19, 1976 and March 25, 1977 may be authorized under the Limited Work Authorization. The additional activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and 50.10(e)(3) and include the following:

Foundation work for the turbine building, reactor building, control building, auxiliary building, fuel building, radwaste tunnel, radwaste building, diesel generator building, essential service water structure, and circulating and make up water intake structures; excavation and installation of make up pipe and electrical conduit; and lakework.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Kansas Gas and Electric Company and the Kansas City Power and Light Company and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

A copy of (1) the Atomic Safety and Licensing Board (Board) Partial Initial Decision dated January 18, 1977; (2) the applicants' Preliminary Safety Analysis Report and amendments thereto; (3) the applicants' Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated October 1975; and (5) the Commissions' letters of authorization, dated January 24, 1977, and April 18, 1977, and (6) the applicants' letters of March 19, 1976 and March 25, 1977 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Coffey County Courthouse, Burlington, Kansas.

Dated at Rockville, Maryland this 18 day of April 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Project Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-11735 Filed 4-22-77;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment modified the existing Monticello Technical Specifications to add a note defining the acceptable method of testing safety-relief valves in order that a positive indication of valve operation is obtained during required surveillance testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 8, 1977, (2) Amendment No. 26 to License No. DPR–22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77–11658 Filed 4–22–77;8:45 am]

[Docket No. P–564–A]

PACIFIC GAS & ELECTRIC CO. (STANISLAUS NUCLEAR PROJECT, UNIT 1)

Antitrust Hearing

Before the Atomic Safety and Licensing Board.

On May 5, 1976, the U.S. Attorney General gave his advise to the U.S. Nuclear Regulatory Commission (the Commission) regarding the antitrust aspects of the application by Pacific Gas and Electric Company (the Applicant) to construct the Stanislaus Nuclear Project, Unit 1. The Commission published in the FEDERAL REGISTER on May 17, 1976, a "Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" (41 FR 20225). This notice provided that petitions to intervene and requests for hearing be filed by June 16, 1976.

On June 15, 1976, this Atomic Safety and Licensing Board (the Board) was constituted for the purpose of ruling on petitions to intervene in this proceeding. The Board consists of Mrs. Elizabeth S. Bowers and Mr. Edward Luton as members, and Mr. Daniel M. Head as chairman.

Because of various motions indicating that settlement negotiations were being conducted between the Applicant and certain potential Intervenors, the time to file petitions to intervene was extended by the Board until October 15, 1976. On that date, petitions to intervene and requests for hearing were received from the Northern California Power Agency (NCPA), the State of California Department of Water Resources (DWR), and the Cities of Anaheim and Riverside, California (Cities). Appropriate responses thereto were filed by the Applicant and the Commission Regulatory Staff (the Staff).

By Memorandum and Order dated April 15, 1977, the Board granted the petitions to intervene by NCPA, DWR and the Cities, and ordered that a hearing be held on the antitrust aspects of the Stanislaus application. This Notice of Antitrust Hearing is to implement that Memorandum and Order.

Accordingly, notice is hereby given that a hearing will be held, pursuant to Section 105 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011, et seq., to determine whether the activities under the proposed Stanislaus license will create or maintain a situation inconsistent with the antitrust laws.

This hearing will be held by an Atomic Safety and Licensing Board appointed to conduct the proceeding. The members of that Licensing Board are the same as the members of this Petitions Board, with Mrs. Bowers and Mr. Luton serving as members, and Mr. Head designated as chairman. The Licensing Board will set the date and place of the hearing ordered by this Notice.

Pleadings, documents and other papers required to be filed may be submitted by mail or telegram to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Attention: Supervisor, Docketing and Service Section, 1717 H Street N.W., Washington, D.C. 20555. Pending further order of the Licensing Board, the parties are required to file, pursuant to the provisions of § 2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such pleading, document or paper with the Commission.

The record of this antitrust proceeding to date is available for public inspection in the Public Document Room of the Commission at 1717 H Street N.W., Washington, D.C. 20555. Further documents relating to this proceeding will also be placed in the Public Document Room and will be available for inspection by the public.

Any person who wishes to make an oral or written statement setting forth his position on the antitrust aspects of this proceeding but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715(a) of the Commission's Rules of Practice, 10 CFR Part 2. Limited appearances will be received at the time of the evidentiary hearing, and will be controlled by such limits and conditions as may be fixed by the Board. Persons desiring to make limited appearances are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

It is so ordered.

Issued at Bethesda, Maryland, this 15th day of April, 1977.

For the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.77–11652 Filed 4–22–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Meetings

The April 26, 1977, meeting of the Shippers Advisory Committee, announced in the April 4, 1977, issue of the FEDERAL REGISTER (42 FR 17935), is canceled. At its meeting of April 19, 1977, the committee recommended amendment of the current regulations which it considers appropriate in the current supply situation, and requested that the meeting scheduled for April 26 be canceled.

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on May 17 and 24, 1977.

The meetings will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meetings and other information pertaining to the meetings may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: April 21, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77–11998 Filed 4–22–77;9:10 am]

CIVIL AERONAUTICS BOARD

[Docket 30616]

AMERICAN AIRLINES, INC., ET AL.

"Super-Saver" Discount Fares; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Burton S. Kolko to Administrative Law Judge Marvin H. Morse. Future communications should be addressed to Judge Morse.

Dated at Washington, D.C., April 19, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77–11824 Filed 4–22–77;8:45 am]

CHARTER TRIPS BETWEEN THE UNITED KINGDOM AND THE UNITED STATES

Order Granting Waivers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1977.

By an exchange of diplomatic notes concluded on April 7, 1977, the United States and the United Kingdom renewed an Understanding governing, inter alia, the charterworthiness of passenger charter trips operated by the carriers of both countries between their respective territories. The Understanding is extended from April 1, 1977, to March 31, 1978. In principal effect, the Understanding provides that:

1. Except as otherwise provided in the Understanding, the air transport authorities of each country will accept as charterworthy air charter traffic which originates in the territory of the other and which is organized and operated pursuant to the rules of the other air transport authority, or according to waivers of such rules granted for exceptional reasons;

2. The Parties will accept modifications or additions to charterworthiness rules of the other Party, subject to objection and a right, following consultations, not to accept charters pursuant to such changes after a 30-day period;

3. The Parties may object to a charter rate within 30 days after receipt of notice of the rate, with a right, following consultation, to take appropriate action to prevent the use of such charter rate;

4. There be limitations imposed on the administrative burden of filing requirements and on enforcement procedures;

5. The air transport authorities of the country where a passenger charter is originated have the primary responsibility for enforcement of charterworthiness rules;

6. Passenger charterworthiness rules will be applied and enforced in a nondiscriminatory manner;

7. Rights are granted to operate charters where points in the territories of both Parties are served on any flight leg, provided a stop of at least two nights is made in the homeland for charters originating in the territory of the other Party; and

8. Withholding of approval for such flights is permitted only after consultations, and only with regard to flights commencing more than 120 days after submission of a notice of objections with a request for consultations.

Amendments to the Understanding provide that:

1. The United Kingdom reserves the right to decline to accept substitution on ABC flights from the general public in excess of seven percent of the contracted seats of each advance booking charter group and to require that no such substitution take place within seven days before the planned departure of the out bound flight.

2. During the period April 1, 1977 to March 31, 1978, the number of seats flown by any individual air carrier on U.S. originating ABC trips with durations of between 7 and 13 days shall be no more than one-half the number of seats flown by such carrier on trips with durations of 14 days or more.

3. Information on the substitution of U.S. origination ABC passengers is to be submitted to U.K. authorities.

4. The operation of the substitution provisions for U.S.-originating ABC's will be reviewed in consultations to be held not later than December 1977.

The renewed Understanding represents the recognition by both the United Kingdom and the United States that if passenger charter operations between their territories are to be facilitated there must be an accommodation as to the differing rules governing charter operations in effect under the laws and regulations of the two countries. Both the U.K. charter rules and the U.S. charter rules are designed, inter alia, to insure that the necessary distinction between group charter travel and individually ticketed service is maintained and that charters do not in reality become simply a guise for the performance of individually ticketed service. Although the U.K. rules differ in various respects from the requirements of U.S. rules, the Board is satisfied that the U.K. charter regulations are sufficient to maintain that distinction between charter and individually ticketed services contemplated under the provisions of the Federal Aviation Act of 1958 (the Act).

Under current Board charter regulations, U.S. carriers are required to confom to the U.S. charter rules for U.K.-originating as well as U.S.-originating charters, in the absence of the grant of a waiver or other exception in the regulations. The same is true with respect to U.K. scheduled carriers. U.K. charter carriers have authority in their permits which provides for the application of U.K. rules for U.K.-originating inclusive tour charters, but not for other types of charters. Each of the Board's charter regulations provides, nevertheless, for waiver of the requirements contained therein upon a finding that such waiver is in the public interest and that there are special or unusual circumstances warranting the grant of such a waiver.[1] The grant of appropriate waivers will, in accordance with section 1102 of the Act, extend the implementation of the obligations assumed by the United States in the April 1, 1976, Understanding as renewed on April 7, 1977.[2]

In view of the foregoing, and in consideration of the renewed Understanding effectuated by the exchange of diplomatic notes concluded April 7, 1977, the Board's responsibilities under section 1102 of the Act, and the effect of the Understanding in providing assurance that the U.S.-originating public will have the opportunity to travel to the United Kingdom under charter rules found by the Board to be in the public interest, the Board finds that the provisions of the renewed Understanding represents a special circumstance which warrants an extension of waivers of the Board's various charter regulations to the extent necessary to permit U.S. certificated carriers and U.K. foreign air carriers to operate charters originating in the United Kingdom pusuant to the U.K. charter rules, and that the grant of such waivers would be in the public interest. Similarly, the Board finds that it is in the public interest to exempt U.S. indirect air carriers, pursuant to section 103(3) of the Act, from the provisions of Title IV of the Act insofar as is necessary to permit any such air carrier to organize U.K.-originating charters operated under U.K. rules pursuant to the provisions of the renewed Understanding.[3]

In light of the renewed Understanding providing for acceptance as charterworthy those U.K.-originating charters operated pursuant to U.K. charter regulations, no useful purpose would be served by requiring waiver applications with respect to individual charter flights or series of flights. Accordingly, the Board finds that it is in the public interest to extend the blanket waiver from the charter regulations for all U.S. certificated carriers, and for U.K. carriers holding foreign air carrier pemits issued by the Board, extending for the duration of the renewed Understanding (or the Understanding as it may further be extended). The exemptions for in-

[1] See §§ 207.16, 208.3a, 213.13, 214.2, 372.3, 372a.3, 373.30, 378.30, and 378a.3 of the Board's Economic and Special Regulations.

[2] The Board previously granted identical waivers pursuant to Order 76–7–93, July 23, 1976, but such waivers expired by the terms of that Order upon the expiration of the previously effective Charter Memorandum of Understanding on December 31, 1976.

[3] The Board has declined to exercise jurisdiction over foreign indirect air carriers organizing foreign-originating charters. Accordingly, no additional authority is needed to permit U.K. indirect air carriers to organize U.K.-originating charters according to U.K. rules.

direct air carriers will extend for the same duration.[1]

Accordingly, *it is ordered*, That:

1. To the extent respectively applicable, waivers of the provisions of §§ 207.-11, 208.6, 212.8, and 214.7 of the Board's Economic Regulations as granted in Order 76–7–93 (except with respect to the provsiions of such sections governing charters to direct air carriers and direct foreign air carriers for commercial traffic), and of such other provisions of the Board's charter regulations as would otherwise be inconsistent with the waivers granted herein, be and they hereby are renewed for all U.S. air carriers authorized to provide charter service (including off-route charter service) between the United Kingdom and the United States,[2] and all foreign air carriers of U.K. nationality holding foreign air carrier permits authorizing charter service (including off-route charter service) between the United Kingdom and the United States, insofar as is necessary to permit such air carriers and foreign air carriers to operate charters originating in the United Kingdom and destined for the United States in accordance with rules governing the charterworthiness of such charters as applied by the U.K. aviation authorities: *Provided, however*, That such waivers shall apply only to the extent contemplated by the renewed Understanding incorporated in the exchange of diplomatic notes between the United States and the United Kingdom, concluded April 7, 1977 (or such Understanding as it may further be amended, modified, or extended); *And provided further*, That the waivers granted herein shall not relieve such carriers from the requirements contained in Parts 207, 208, 212, and 214 of the Board's Economic Regulations, other than those relating to the charterworthiness of charters performed pursuant to those regulations;

2. All U.S. indirect air carriers of passengers be and they hereby are relieved, pursuant to section 101(3) of the Act, from the provisions of Title IV of the Act, insofar as is necessary to permit any such indirect air carrier to organize U.K.-originating passenger charters pursuant to the rules governing the charterworthiness of such charters as applied by the U.K. aviation authorities in accordance with the provisions of the renewed Understanding incorporated in the exchange of diplomatic notes between the United States and the United Kingdom concluded April 7, 1977;

3. This order may be modified, amended, or revoked by the Board without notice or hearing;

4. The waivers, exemptions, and authorization granted herein shall terminate upon the expiration of the Understanding on Passenger Charter Air Services incorporated in an exchange of diplomatic notes between the United States and the United Kingdom concluded April 7, 1977, or such Understanding as it may be amended, modified, or extended; and

5. This order shall be served upon all U.S. air carriers holding a certificate of public convenience and necessity issued by the Board, all U.K. holders of, and applicants for, a foreign air carrier permit, the Departments of State and Transportation, and the Ambassador of the United Kingdom.

This order shall be published in the FEDERAL REGISTER

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–11828 Filed 4–22–77;8:45 am]

[Docket 29968]

LOUISVILLE SERVICE CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 7, 1977 at 10 a.m. (local time) in Room 203 at the Commonwealth Convention Center, 221 River City Mall, Louisville, Kentucky 40202. At the conclusion of the hearing in Louisville, the hearing will be recessed until June 15, 1977 at 10 a.m. (local time) in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C.

The civic parties will be heard in alphabetical order in Louisville. The remainder of the parties will be heard in Washington, D.C.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served January 17, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 19, 1977.

WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.77–11825 Filed 4–22–77;8:45 am]

[Docket 30605]

SKYCRAFT AIR TRANSPORT, INC.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of April, 1977.

Application of Skycraft Air Transport Inc. for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

By application filed March 11, 1977,[1] Skycraft Air Transport Inc. (Skycraft) requests a foreign air carrier permit to engage in charter foreign air transportation with respect to persons and their accompanying baggage, and planeload charter foreign air transportation with respect to property, between any point or points in Canada and any point or points in the United States, utilizing "small aircraft"[2] pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

FITNESS OF APPLICANT FOR A FOREIGN AIR CARRIER PERMIT

Skycraft was incorporated under the Business Corporations Act of the Province of Ontario on March 9, 1972.[3] The Air Transport Committee of the Canadian Transport Commission has issued Skycraft license No. A.T.C. 559/76 (CF), dated November 12, 1976, a class 9–4 license which authorizes the holder to operate international charter commercial air services from a base at Oshawa, Ontario. The licensee is restricted in its operations to the use of Groups A, B, C, and D aircraft.[4] The Canadian Department of Transport, Civil Aviation Branch, has issued Skycraft Operating Certificate No. 3760 which certifies that the carrier is adequately equipped and able to conduct a safe operation.

Skycraft was issued its Operating Certificate by the Canadian Department of Transport on January 25, 1977 and has therefore not had sufficient revenue experience to produce a profit and loss statement. The company's balance sheet as of January 31, 1977 shows assets of $915,500, all of which is accounted for by aircraft at cost, except for $22,000. The company has issued 200,000 second preference shares and 3 common shares for a total of $200,003 of share capital. A large portion of the company's debt, $694,787 of a total $794,787 is held by a company shareholder.

In its application, the carrier lists the following aircraft available for charters to the United States:

Type of aircraft	Number owned or leased	Passenger seating capacity	Maximum authorized takeoff weight
			Pounds
Douglas DC-3/C47	2	28	26,900
Beechcraft G18S	2	9	9,700
DeHavilland DHC-6	1	19	11,579
DeHavilland DHC-2	2	6	5,100
Cessna 310N	1	4	5,200
Cessna 172M	2	3	2,300
Cessna 150	4	1	1,600

The applicant has had no safety or tariff violations or any accidents involving deaths or injuries.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies upon the Nonscheduled Air Service Agreement signed by the Governments of Canada and the United States on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic note No. 108, dated March 8, 1977, the Government of Canada designated the applicant under the Agreement to perform charter services with small aircraft.[5] The aircraft the applicant plans to use in its operations between the United States and Canada are within the scope of the designation.

OWNERSHIP AND CONTROL OF THE APPLICANT

The officers of the corporation are Mr. Charles Robson, President and Director; Ms. Ursula M. Robson, First Vice President, Secretary, and Director; Mr. Reginald Parsons, Second Vice President and Director; and Ms. Nancy Meagher, Treasurer. All of the officers are Canadian citizens. The company's issued stock of 200,000 second preference shares and three common shares is held by Cluaran Associates Ltd., a company owned by Canadian citizens and incorporated under the laws of the Province of Ontario. The debt of the applicant is held by the Bank of Montreal, Oshawa, Ontario, ($100,000) and by Cluaran Associates Ltd. ($694,787).

The applicant states that no officer, director, or stockholder of Skycraft holds any stock or interest in any U.S. carrier, any Canadian or other foreign air carrier, any person engaged in a phase of aeronautics, any common carrier, or in any person whose principal business is the holding of stock in, or control of, any such entities.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Skycraft Air Transport Inc. is substantially owned and effectively controlled by nationals of Canada;

2. That it is in the public interest to issue a foreign air carrier permit for small aircraft operations to Skycraft Air Transport Inc. authorizing it to engage in charter foreign air transportation with small aircraft with respect to persons and their accompanied baggage and planeload charters of property between any point or points in Canada and any point or points in the United States;

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Skycraft Air Transport Inc. is fit, willing, and able properly to perform the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That except to the extent granted herein, the application of Skycraft Air Transport Inc. in Docket 30605 should be denied; and

6. That an evidentiary hearing is not required in the public interest.

Accordingly, *It is ordered*, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions stated herein, and why a foreign air carrier permit in the form of the specimen permit attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Skycraft Air Transport Inc.;

2. Any interested person having objection to the issuance, without hearing of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[6]

4. In the event no objections are filed, all further procedure steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Skycraft Air Transport Inc. and the Ambassador of Canada in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

SPECIMEN PERMIT

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

Skycraft Air Transport Inc. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may hereafter be, prescribed for carriage by small aircraft in Annex B (III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement: *Provided*, That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations.[1] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B(III)(A) of such Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such groups, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey, includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a

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[1] As noted, similar waivers were granted by the Board in Order 76–7–93, with respect to the United Kingdom and also had previously been granted with respect to Canadian-originating charters (order 74–5–37, dated May 8, 1974) and Swiss-originating charters (order 76–1–2, dated January 2, 1976), pursuant to a charter Agreement and Understanding with those countries.

[2] Pursuant to sec. 401(e)(6) of the Act, and in the absence of any Board regulations precluding such operations, U.S. carriers holding certificates of public convenience and necessity issued by the Board pursuant to sec. 401(d)(1) of the Act are authorized to provide off-route charter service between the United Kingdom and the United States in accordance with Board regulations.

[1] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[2] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

[3] Skycraft was originally incorporated under the name Cedam Limited. Cedam Limited did not engage in air transportation activities. On October 6, 1976 the company's Articles of Incorporation were amended to change the company's name to Skycraft and to extend the objects of the Corporation to include the establishment of air transportation services.

[4] Under Canadian Air Transport Committee regulations, aircraft are grouped according to the maximum authorized takeoff weight on wheels as follows: Group A—not greater than 4,300 pounds, Group B—over 4,300 pounds, but not greater than 7,000 pounds, Group C—over 7,000 pounds, but not greater than 18,000 pounds, and Group D—over 18,000 pounds, but not greater than 35,000 pounds.

[5] See Docket 26473.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Annex B(III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour. (In some instances split passenger charters are authorized.)

point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) Flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) Flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privilages thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on _____. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided, however*, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the _____.

_____
Secretary.

[SEAL]

Issuance of this permit to the holder approved by the President of the United States on _____ in _____.

[FR Doc.77-11826 Filed 4-22-77;8:45 am]

SPIRIT OF 76 OVERLAND EXPRESS, INC.

Long-Haul Motor Carrier Application for Air Freight Forwarder Authority

Notice is hereby given, pursuant to § 296.84 of the Board's Economic Regulations (14 CFR 296.84), that an application for air freight forwarder operating authority has been filed by:

Spirit of 76 Overland Express, Inc., 6069 Maywood Ave., Huntington Park, Calif. 90255.

The above-named applicant is a long-haul motor carrier as defined by § 296.1 of the Board's Regulations.

Objections to this application may be filed with the Civil Aeronautics Board, Supplementary Services Division, pursuant to § 296.85 of the Board's Regulations, on or before May 25, 1977.

Dated at Washington, D.C., April 18, 1977.

JOHN V. COLEMAN,
Chief, Supplementary Services Division, Bureau of Operating Rights.

[FR Doc.77-11823 Filed 4-22-77;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

VOTING AGE POPULATION FOR 1976 Estimates

In accordance with the requirements of the Federal Election Campaign Act of 1971 (Pub. L. 92-225) as amended (Pub. L. 93-443), notice is hereby given that the estimates of the voting age population (18 years of age and over) for July 1, 1976 for each State, congressional district, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and the Virgin Islands are as shown in the following table. These estimates have been certified to the Federal Election Commission.

JUANITA M. KREPS,
Secretary.

Estimates of the Population of Voting Age for States, Congressional Districts, and Selected Outlying Areas: July 1, 1976

[In thousands]

State and congressional district	Population 18 and over
United States	149,469
Alabama	2,501
1	347
2	360
3	363
4	391
5	342
6	352
7	346
Alaska	240
Arizona	1,530
1	359
2	386
3	402
4	383
Arkansas	1,458
1	343
2	372
3	406
4	337
California	15,227
1	389
2	395
3	332
4	344
5	368
6	338
7	332
8	344
9	358
10	339
11	361
12	343
13	349
14	372
15	353
16	405
17	356
18	342
19	356
20	367
21	314
22	341
23	383
24	398
25	303
26	333
27	358
28	336
29	291
30	302
31	287
32	336
33	330
34	329
35	336
36	324
37	372
38	323
39	368
40	491
41	370
42	344
43	486
Colorado	1,786
1	313
2	379
3	342
4	378
5	374
Connecticut	2,215
1	365
2	385
3	371
4	350
5	375
6	369
Delaware	403
District of Columbia	510
Florida	6,131
1	345
2	366
3	314
4	429
5	497
6	445
7	378
8	417
9	342
10	507
11	517
12	414
13	381
14	396
15	383
Georgia	3,363
1	311
2	319
3	309
4	342
5	297
6	378
7	364
8	322
9	384
10	337
Hawaii	603
1	289
2	314
Idaho	553
1	287
2	266
Illinois	7,787
1	271
2	299
3	331
4	345
5	292
6	330
7	258
8	279
9	381
10	324
11	316
12	357
13	335
14	344
15	327
16	313
17	347
18	332
19	328
20	336
21	342
22	342
23	306
24	355
Indiana	3,632
1	299
2	354
3	325
4	330
5	336
6	328
7	347
8	331
9	340
10	330
11	310
Iowa	1,997
1	337
2	321
3	329
4	341
5	344
6	324
Kansas	1,638
1	325
2	338
3	327
4	314
5	334
Kentucky	2,360
1	356
2	334
3	307
4	318
5	351
6	353
7	341
Louisiana	2,531
1	317
2	323
3	319
4	306
5	316
6	334
7	317
8	299
Maine	739
1	376
2	362
Maryland	2,884
1	382
2	359
3	343
4	382
5	332
6	405
7	305
8	376

State and congressional district	Population 18 and over
Massachusetts	4,135
1	352
2	337
3	334
4	338
5	332
6	329
7	330
8	374
9	333
10	350
11	346
12	381
Michigan	6,192
1	296
2	340
3	332
4	336
5	324
6	346
7	307
8	323
9	329
10	359
11	355
12	332
13	264
14	327
15	319
16	314
17	324
18	324
19	339
Minnesota	2,723
1	350
2	356
3	315
4	317
5	327
6	354
7	352
8	352
Mississippi	1,540
1	306
2	287
3	312
4	306
5	329
Missouri	3,368
1	259
2	321
3	307
4	360
5	304
6	355
7	389
8	369
9	353
10	351
Montana	512
1	265
2	247
Nebraska	1,080
1	367
2	359
3	354
Nevada	419
New Hampshire	569
1	286
2	283
New Jersey	5,175
1	349
2	399
3	355
4	338
5	331
6	369
7	331
8	338
9	347
10	298
11	357
12	330
13	361
14	335
15	336
New Mexico	760
1	391
2	369
New York	12,881
1	377
2	311
3	305
4	303
5	329
6	340
7	342
8	372
9	357
10	347
11	332
12	243
13	358
14	283
15	328
16	330
17	359
18	396
19	298
20	363
21	200
22	377
23	333
24	325
25	351
26	347
27	348
28	334
29	351
30	334
31	327
32	337
33	318
34	320
35	324
36	321
37	291
38	341
39	327
North Carolina	3,790
1	332
2	328
3	338
4	369
5	347
6	333
7	348
8	338
9	337
10	355
11	364
North Dakota	439
Ohio	7,397
1	310
2	311
3	305
4	323
5	330
6	339
7	320
8	339
9	313
10	351
11	333
12	336
13	326
14	309
15	339
16	327
17	327
18	337
19	328
20	296
21	256
22	317
23	327
Oklahoma	1,949
1	312
2	332
3	341
4	335
5	298
6	332
Oregon	1,648
1	433
2	420
3	369
4	427
Pennsylvania	8,476
1	326
2	320
3	308
4	317
5	358
6	359
7	321
8	349
9	344
10	365
11	361
12	344
13	328
14	312
15	360
16	353
17	352
18	323
19	354
20	312
21	335
22	348
23	351
24	339
25	338
Rhode Island	661
1	320
2	341
South Carolina	1,917
1	322
2	350
3	324
4	323
5	310
6	287
South Dakota	469
1	238
2	231
Tennessee	2,941
1	379
2	386
3	361
4	392
5	350
6	380
7	369
8	325
Texas	8,472
1	359
2	396
3	385
4	373
5	324
6	385
7	447
8	323
9	335
10	411
11	406
12	300
13	336
14	316
15	350
16	347
17	340
18	304
19	327
20	303
21	396
22	356
23	337
24	315
Utah	773
1	389
2	384
Vermont	328
Virginia	3,516
1	343
2	341
3	346
4	331
5	349
6	347
7	389
8	345
9	368
10	356
Washington	2,533
1	354
2	352
3	397
4	370
5	377
6	358
7	325
West Virginia	1,277
1	315
2	338
3	311
4	314
Wisconsin	3,176
1	344
2	362
3	372
4	338
5	326
6	352
7	363
8	354
9	365
Wyoming	268
Outlying Areas	
Puerto Rico	1,794
Guam	52
Virgin Islands	60

[FR Doc.77-11760 Filed 4-22-77;8:45 am]

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, May 10, 1977, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist bloc countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has three parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Prepresentation of papers or comments by the public.

(3) Discussion of future role of the Subcommittee.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Dated: April 20, 1977.

RAUER H. MEYER,
Director, Office of Export Administration Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-11798 Filed 4-22-77;8:45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Wednesday, May 18, 1977, at 8:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing

procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion of work program of the Committee.
(4) Reports of work groups on: (a) Dimensional inspection machines; (b) Accuracy definition; (c) Control unit performance criteria; and (d) Accuracy values.
(5) Use of minimum block processing time as a control unit parameter.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

The complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 1, 1977 (42 FR 5991).

Dated: April 19, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77–11799 Filed 4–22–77;8:45 am]

Economic Development Administration

TRIFINE TROUSERS COMPANY, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Trifine Trousers Company, Inc., 34 West 33d Street, New York, New York 10001, a producer of men's and boys' slacks, was accepted for filing on April 18, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77–11802 Filed 4–22–77;8:45 am]

National Oceanic and Atmospheric Administration

MILWAUKEE COUNTY ZOO

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a Permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Milwaukee County Zoo, 10001 West Bluemound Road, Milwaukee, Wisconsin 53226, to take six (6) California sea lions, (*Zalophus californianus*) for public display.

The requested animals will be captured by a professional collector on or near Santa Cruz or San Miguel Islands off Santa Barbara, California, with a hoop net on land or with a modified gill net in the water.

The animals will be acclimated at the collector's facility then shipped to the Milwaukee facility by commercial aircraft and truck. At the facility the animals will be displayed in an L-shaped pool 165 feet long by 16 feet wide with a varying depth of 3 to 6 feet. In addition there are two haul-out islands, 10 feet by 17 feet and 5 feet by 5 feet, and two indoor holding pools, each 6½ feet by 8½ feet by 1 to 2 feet deep.

The sea lions are desired to provide recreational and educational benefits to the estimated 1,470,000 visitors that visit the facility annually. The facility is a non-profit organization.

The Director has been working for 43 years in zoological park work and has been the Director of the Milwaukee facility for over 30 years. The Director's assistant has over 18 years working experience at the facility.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 25, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 14, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77–11798 Filed 4–22–77;8:45 am]

SPARKY'S SCHOOL OF SEALS

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a Permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Sparky's School of Seals, Route 4, Box 562, Carthage, Missouri 64836 to take two (2) California sea lions, (*Zalophus californianus*) for public display.

The requested animals will be captured by a professional collector on or near Santa Cruz or San Miguel Islands off Santa Barbara, California, with a hoop net on land or with a modified gill net in the water.

The animals will be acclimated at the collector's facility then shipped to the Carthage facility by commercial aircraft and truck.

The Applicant maintains and displays his animals at Como Park Zoo, St. Paul, Minnesota. At the St. Paul facility the animals will be displayed in a pool 22 feet by 18 feet by 7 feet deep. In addition, there is a haul-out island 60 feet in diameter and two holding pools. The Applicant provides winter holding facilities, if needed, at Carthage, which consist of two pools 10 feet by 12 feet by 4 feet deep with two holding tanks each 8 feet by 4 feet.

Sparky's School of Seals is a profit-making venture that records some 800,000 visitors a year. The show is visited by school children in the St. Paul area.

Mr. Brand has worked with sea lions for 20 years. Veterinary services are provided at the St. Paul facility by the University of Minnesota, School of Veterinary Medicine. Veterinary care is available at the winter quarters in Carthage, Missouri.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 25, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 14, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77–11797 Filed 4–22–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

WINTER NAVIGATION BOARD ON GREAT LAKES-ST. LAWRENCE SEAWAY

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Winter Navigation Board to be held on 12 May 1977 at the St. Lawrence Seaway Development Corporation Administration Building in Massena, New York. The meeting will be in session from 9 a.m. until approximately 3:30 p.m.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension investigations being conducted pursuant to Pub. Laws 91–611, 93–251, and 94–587.

The primary purpose of the meeting is to discuss several items concerning the immediate future of the winter navigation program. These items include Interim Feasibility Report No. 2, future coordination with Canada, and the FY 77, 78 and 79 programs. Interim Feasibility Report No. 2 is to address requirements for a permanent, Federally funded year-round navigation program on the entire Great Lakes-Seaway system. Other items to be discussed include the status of FY 77 program activities and the Environmental Planning Task Force.

The meeting will be open to the public, subject to the following limitations:

(a) As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

(b) Written statements, to be made part of the minutes, may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is limited because of the time schedule. Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48321, telephone 313–226–6770.

Dated: April 18, 1977.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Lieutenant Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc.77–11746 Filed 4–22–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1040]

DEREGULATION OF RULES ON EMISSIONS AUTHORIZED IN AMATEUR RADIO SERVICE

Petitions for Reconsideration of Actions

APRIL 18, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20777	Pt. 97.....	Deregulation of pt 97 of the Commission's rules regarding emissions authorized in the Amateur Radio Service.	
		Filed by Robert M. Booth, attorney for the American Radio Relay League, Inc.l	Apr. 11, 1977
		Filed by R. Russell Eagan and David E. Hilliard, attorneys for the the R. L. Drake Co.	Apr. 14, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed on or before May 10, 1977. Replies to an opposition must be filed on or before May 20, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–11694 Filed 4–22–77;8:45 am]

[RM-2789]

FM BROADCAST STATIONS, LA CROSSE, WIS.

Change in Table of Assignments

Adopted: April 15, 1977.
Released: April 20, 1977.

By the Chief, Broadcast Bureau:

In the matter of amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (LaCrosse, Wisconsin), memorandum opinion and order (proceeding terminated).

1. The Commission has before it a petition [1] submitted by Mr. Dwight Carver requesting the assignment of Channel 269A to LaCrosse, Wisconsin, as that community's fourth FM assignment.

2. Petitioner attempted to incorporate by reference all pertinent information contained in a previous petition filed by another party who earlier had sought the assignment of Channel 269A to La-Crosse.[2] On November 17, 1976, the Commission sent a letter to Mr. Carver advising him that it would not be possible to incorporate by reference the previously submitted petition since the material it contained extended over a prior two year period and it could not be certain that the situation it described remained unchanged. The Commission's letter illustrated this point by advising Mr. Carver that there was an application pending (BPH-10030) to change the transmitter site of Station KRCH-FM (formerly KWEB-FM), Rochester, Minnesota, which, if granted, would foreclose the use of Channel 269A at La-Crosse. Then, on December 27, 1976, the Commission granted Mr. Carver's December 13, 1976, request for an additional thirty days in which to file the supplemental data requested by the Commission. Although apprised of the pendency of the Rochester application, Mr. Carver did not lodge a timely objection to the application, and a construction permit was granted to Station KRCH-FM allowing it to change its transmitter site. On January 17, 1977, the Commission received Mr. Carver's supplementary information as well as a petition objecting to the now already approved KRCH-FM transmitter site change. On February 25, 1977, the Commission sent Mr. Carver a letter advising him that his objection to the KRCH-FM site change could not be accepted since it was not timely filed.

3. Since the approved KRCH-FM transmitter site change moves the station eastward approximately 8 kilometers (5 miles), Commission spacing requirements would now indicate that the proposed La-Crosse station would have to be located at a site at least 14.5 kilometers (9 miles) east of the community. As a result, a Class A station would not be able to provide the requisite city-grade signal to La-Crosse. As indicated previously, Mr. Carver had been given notice of the proposed KRCH-FM conflict and failed to make a timely objection. Since a Class A station on Channel 269A would now not be able to provide the required coverage and still meet spacing requirements, such an assignment does not appear warranted and Mr. Carver's petition will have to be denied.[3]

4. Accordingly, *it is ordered*, That the subject petition is denied.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-11831 Filed 4-22-77;8:45 am]

[1] Public Notice of the filing of this petition was given November 19, 1976, Report No. 1017.

[2] A Notice of Proposed Rule Making (40 FR 18462) in Docket No. 20435, RM-2398, was released on April 18, 1975, based on a petition led on June 12, 1974, by Family Radio, Inc. Although comments received indicated that a potential air hazard problem existed at the proposed tower site, the issue became moot when Family Radio obtained the license of LaCrosse FM Station WWLA-FM. Since Family already had a station and since no other party expressed an interest in the Channel 269A proposal, we issued a Memorandum Opinion and Order, 41 Fed. Reg. 29394, denying the petition.

[3] See Batavia, New York, 16 R.R. 2d 1654 (1969).

FEDERAL ENERGY ADMINISTRATION

EAST COAST NATURAL GAS DISTRIBUTION

Meetings

Notice is hereby given that the FEA will resume a series of public meetings at which representatives of the East Coast natural gas distribution industry will speak on certain natural gas subjects. These meetings were originally announced by notice dated January 11, 1977 and published in the FEDERAL REGISTER on January 17, 1977 at page 3207, but they were cancelled as stated in a notice dated February 18, 1977 and published in the FEDERAL REGISTER on February 18, 1977 at page 10032. The meetings will consist of presentations of factual, technically oriented information followed by an informal discussion period. Discussions will be restricted to the subject matter of the presentations and will not involve FEA policies concerning the gas distribution industry.

All meetings will be open to the public. They are scheduled to be held in Room 3000-B, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., and will begin at 10 a.m. If a change in the location or time of the meeting is required for any reason an announcement to that effect will be made at the time and place of the meeting as stated in this notice. The dates of the meetings, the names of the speakers and the subjects to be discussed are as follows:

APRIL 26

EAST COAST GAS DISTRIBUTORS' RATEMAKING POLICY—PART I

Mr. Edward Smallwood—Washington Gas Light Company.

Mr. Edward Sondey—The Brooklyn Union Gas Company.

MAY 3

EAST COAST GAS DISTRIBUTORS' RATEMAKING POLICY—PART II

Mr. Fred Wilcox—UGI Corporation.

MAY 10

EAST COAST GAS DISTRIBUTORS' STATE LEGAL AND REGULATORY CONSIDERATIONS

Mr. Paul Harrington—Washington Gas Light Company.
Mr. Richard Stewart—Southern Connecticut Gas Company.

MAY 17

IMPACT OF FEDERAL ACTIONS ON LOCAL GAS DISTRIBUTION ISSUES

Mr. Paul Hathaway—Consolidated Edison Company, of New York, Inc.
Mr. J. W. Dunlop—The Brooklyn Union Gas Company.

An FEA official will chair each meeting and may impose such procedures or rules which, in the official's judgment, will insure an orderly meeting. Any questions concerning the meetings should be directed to Mr. Larry Dewey, Office of Oil and Gas, Room 3450, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, 202-566-9047.

Issued in Washington, D.C., April 19, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-11742 Filed 4-20-77;10:39 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 225]

PEOPLES FINANCIAL CORP.

Receipt of Application for Permission to Acquire Control of Peoples Savings and Loan Association

APRIL 20, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Peoples Financial Corporation, St. Louis, Missouri, for approval of acquisition of an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended 12 U.S.C. 1730a (e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the transfer of 216,721 shares or 79.6 percent of the stock of Peoples Savings and Loan Association held by James E. Scaletty, Paul LaForge, and E. W. Miller to Peoples Financial Corporation, all of the stock of which is owned by such individuals, in return for the assumption by it of debt not to exceed the amount of $725,000 incurred in connection with the acquisition by such individuals of their stock in Peoples Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision. Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 25, 1977.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.77-11818 Filed 4-22-77;8:45 am]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRANCOLOMBIANA, S.A. AND ANDINO CHEMICAL SHIPPING INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 16, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Renato C. Giallorenzi, Esquire, Giallorenzi and Stiles, 67 Broad Street, New York, New York 10004.

Agreement No. 10293, between Flota Mercante Grancolombiana, S.A. (Flota) and Andino Chemical Shipping Inc. (ACS), would provide for the establishment of a space chartering arrangement for the transportation of bulk liquid cargo in the trade between U.S. Gulf ports and Atlantic Coast ports of Colombia, whereby ACS will provide Flota with the necessary space on vessels owned or operated by ACS pursuant to the terms and conditions set forth in the Agreement.

By order of the Federal Maritime Commission.

Dated: April 20, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11840 Filed 4-22-77;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 16, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth wih particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 9615-24 modifies the above-named conference agreement by altering the service obligations of the Spanish Olive Section specified in Article 13.

By order of the Federal Maritime Commission.

Dated: April 20, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11839 Filed 4-22-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E77-95]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 13, 1977, Columbia Gas Transmission Corporation (Columbia) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to make certain emergency purchases of natural gas from Belco Petroleum Corporation (Belco), Wolfson Oil Company (Wolfson), W. A. Moncrief, et al. (Moncrief), Burk Royalty Company, et al. (Burk), Kaiser-Francis Oil Company (Kaiser-Francis), Cadasco, Inc. (Cadasco), Robert G. Hall (Hall), and Kettle Oil Producing Company (Kettle), Columbia also requests permission to have this gas transported.

Columbia states that it does not qualify to purchase gas under Order No. 6. However, Columbia requests approval of these purchases on the basis of Columbia's "firm oral agreements" to make these purchases. Columbia also states that some of the sellers have expended fund in reliance on Columbia's offers to purchase. Colorado Interstate Gas Company, Docket No. E77-31 (February 28, 1977), recognizes that the seller's expenditure of funds in reliance on the purchaser's eligibility may justify authorization of the proposed sale notwithstanding Order No. 6. Cf. El Paso Natural Gas Company (April 14, 1977). Thus, the sales by Cadasco and Kettle should be authorized.

On March 4, 1977, Cadasco agreed to sell up to 5,000 Mcfd from production in Schleicher County, Texas, through July 31, 1977. The price is $2.25 per MMBtu. Cadasco will transport and deliver the gas to Northern Natural Gas Company (Northern) in Schleicher County. Northern will transport and deliver the volumes to Panhandle Eastern Pipe Line Company (Panhandle) near Mullinville, Kansas. Panhandle will deliver the volumes to Columbia near Maumee, Ohio. Columbia has agreed to pay the following transportation charges: Northern—13.74 cents per Mcf plus 4.5 percent of the volumes delivered; Panhandle—23.25 cents per Mcf plus 10 percent of the volumes delivered. Columbia will also pay Cadasco a gathering and transportation charge of 39 cents per Mcf plus a compression charge of 8.4 cents per Mcf.

On February 16, 1977, Kettle agreed to sell up to 2,000 Mcfd from the No. 1 King well, Payne County, Oklahoma. The price is $2.25 per MMBtu, inclusive of all state and local taxes and other adjustments.

Kettle will transport and deliver the gas in Payne County to Cities Service Gas Company Cities Service). Cities Service will deliver the gas to Panhandle in Reno County, Kansas. Panhandle will deliver the gas to Columbia near Maumee, Ohio. Columbia has agreed to pay the following transportation charges: Cities Service—13.77 cents per Mcf plus 4 percent of the volumes for shrinkage; Panhandle—21.92 cents per Mcf plus 7 percent of the volumes for shrinkage. Columbia will pay Kettle 0.25254 cents per Mcf for transportation.

Columbia shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I authorize Columbia to purchase gas from Cadasco and Kettle at a price not to exceed $2.25 per MMBtu in accordance with Order No. 2. Pursuant to Section 6(c) of the Act, I authorize Northern, Panhandle, and Cities Service to transport gas for Columbia as described above. Since the parties have agreed upon the transportation charges, I find no basis

for prescribing other charges. Columbia shall, however, submit a statement explaining the basis for the transportation charges by Cadasco and Kettle.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia, Belco, Wolfson, Moncrief, Burk, Kasler-Francis, Cadasco, Kettle, Northern, Panhandle, and Cities Service. This order shall also be published in the FEDERAL REGISTER.

This order is subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 19, 1977.

[FR Doc.77-11777 Filed 4-22-77;8:45 am]

[Docket No. E77-96]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 18, 1977, Honesdale Gas Company (Honesdale) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for an order authorizing Tennessee Gas Pipeline Company (Tennessee) to transport natural gas which Honesdale has purchased under Section 6(a) of the Act.

Honesdale has purchased 30,000 Mcf of natural gas from Roy M. Teel Co. (Teel) to be produced from the Monroe Field area, Monroe, Louisiana. Honesdale has purchased this gas at a price of $2 per Mcf. To the extent that the price does not exceed $2.25 per MMBtu, inclusive of all state and local taxes and other adjustments it is fair and equitable in accordance with Order No. 2.

Teel has installed facilities to deliver the gas to Tennessee's pipeline near Monroe, Louisiana.[1] Tennessee will deliver the gas to Honesdale at an existing delivery point in Pennsylvania.

Honesdale shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Teel to sell to Honesdale up to 30,000 Mcf of natural gas at a price not to exceed $2.25 per MMBtu, inclusive of all state and local taxes and other adjustments. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order Tennessee to transport gas for Honesdale. Honesdale shall submit all relevant information regarding the charges to be paid to Teel and Tennessee for the transportation of this gas.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Honesdale, Tennessee, and Teel. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 19, 1977.

[FR Doc.77-11778 Filed 4-22-77;8:45 am]

[Docket No. E77-97]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 19, 1977, Larco Gas Corporation (Larco) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to commence an emergency sale under Section 6 to Transwestern Pipeline Company (Transwestern). For the reasons set forth below, I grant Larco's petition.

Larco states that Transwestern submitted a signed contract to Larco and that the contract, at Larco's request, was redrafted to include a representation that Transwestern was eligible to make the proposed purchase under Order No. 6. Larco, in reliance on the contract, spent approximately $12,000 to acquire right-of-way and materials and committed itself to spend an additional $20,000 for materials to make the sale to Transwestern. Larco states that it is not likely that this right-of-way and material could be used to market this gas to any purchaser other than Transwestern. Subsequent to these expenditures, Transwestern informed Larco that it was not eligible to make the purchase under Order No. 6.

A number of proceedings under the Act have recognized that detrimental reliance on Order No. 2 is sufficient to permit authorization of a proposed sale even though the purchaser is not otherwise qualified to make the purchase under Order No. 6. El Paso Natural Gas Company, Docket No. E77-53 (April 14, 1977); North Central Oil Corporation, Docket No. E77-88 (April 12, 1977); Inexco Oil Company, Docket No. E77-79 (March 28, 1977); Natural Gas Pipeline Company of America, Docket No. E77-48 (March 4, 1977), United Gas Pipe Line Company, Docket No. E77-33 (March 2, 1977), and Colorado Interstate Gas Company, Docket No. E77-31 (February 28, 1977). Larco has demonstrated such reliance and its sale to Transwestern should be authorized.

Larco proposed to sell approximately 1,000 Mcfd to Transwestern from five wells in Pecos County, Texas,[1] at a price of $2.25 per Mcf through July 31, 1977. To the extent that the proposed price does not exceed $2.25 per MMBtu, inclusive of all state and local taxes and other adjustments, it is fair and equitable in accordance with Order No. 2.

Pursuant to Section 6(a) of the Act, I authorize Transwestern to purchase approximately 1,000 Mcfd of natural gas from Larco at a price not to exceed $2.25 per MMBtu inclusive of all state and local taxes and other adjustments.

Transwestern shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Larco and Transwestern. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 19, 1977.

[FR Doc.77-11779 Filed 4-22-77;8:45 am]

[Docket No. E77-98]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order

On April 19, 1977, Texas Gas Transmission Corporation (Texas Gas), as agent for certain of its customers,[1] filed, pursuant to Section of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to transport natural gas which it is purchasing for certain of its customers and to construct the facilities necessary to receive the gas into its pipeline system.

Texas Gas, as agent, executed a contract on March 18, 1977, with Bodcaw Company (Bodcaw) for the purchase of approximately 8,000 Mcfd from the Sailes and Danville Fields, Bienville Parish, Louisiana. The total price to be paid by Texas Gas, as agent, is $2.25 per MMBtu. Thus, the proposed price is fair and equitable in accordance with Order No. 2.

Texas Gas will construct a meter station, side valve and related facilities adjacent to Texas Gas' pipeline in Claireborne Parish, Louisiana, at an estimated cost of $7,600. These costs will be paid on a pro-rata basis by Texas Gas' customers which receive these volumes. In addition, Texas Gas' proposed transportation rates are based upon the cost data suporting the settlement rates in Texas Gas' most recent Federal Power Commission rate case in Docket No. RP76-17 and the retention of a percent of the transported volumes for compressor fuel and company use and loss. I find no basis for prescribing other charges since the parties have agreed upon the transportation charges and payment of the construction costs.

Based upon the foregoing, Texas Gas is authorized to purchase gas, as agent, from Bodcaw, to construct facilities to receive such gas and to transport such gas for certain of its customers. This authorization is conditioned on: (i) Texas Gas' submission of the names of the customers for which it is acting as agent, (ii) those customers agreeing to submit reports as required by Order No. 4, and (iii) such customers certifying that they are entitled to purchase gas under the provisions of Order No. 6.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Gas and Bodcaw. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 19, 1977.

[FR Doc.77-11780 Filed 4-22-77;8:45 am]

[Docket No. E77-79]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order; Correction

Please change the word "authoriaation" to "authorization" in the first line of the fifth paragraph of the supplemental order issued on April 15, 1977, in Docket No. E77-79, Inexco Oil Company.

RICHARD L. DUNHAM,
Administrator.

APRIL 19, 1977.

[FR Doc.77-11775 Filed 4-22-77;8:45 am]

[Docket No. E77-94]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By order issued April 14, 1977, pursuand to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), Columbia Gas of Ohio, Inc. (Columbia-Ohio), was authorized to make a number of emergency purchases under Section 6(a). Included in the authorized purchases was a purchase from Pride Refinery, Inc. (Pride).[1]

On April 18, 1977, Lone Star Gas Company (Lone Star) filed a protest to Columbia-Ohio's petition insofar as such petition concerns the proposed purchase from Pride. Lone Star states that: (i) Pride does not have title to the gas it proposes to sell unless and until such gas is actually received by Pride, (ii) Pride will not actually receive the gas if it releases the gas to Lone Star and uses an alternate fuel in lieu thereof, (iii) the contract between Lone Star and Pride requires Lone Star to supply only Pride's own natural gas requirements, and (iv) the provisions of the contract between Lone Star and Pride are not abrogated by reason of Section 9(b) of the Act (91 Stat. 4, 9).

Lone Star's protest raises the question of whether Pride has the legal authority to sell gas to Columbia-Ohio. It is, therefore, appropriate to stay the April 14, 1977 order in this proceeding insofar as that order authorized Columbia-Ohio to purchase gas from Pride.

Within twenty (20) days of this order, Columbia-Ohio, Lone Star and Pride shall submit a joint statement to the Administrator. Such statement shall answer the following question:

Does Pride have legal authority to make the proposed sale to Columbia-Ohio?

Columbia-Ohio, Lone Star, and Pride may also submit individual statements regarding their respective positions.

To the extent not inconsistent with the provisions of this order, the provisions of the April 14, 1977, order remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia-Ohio, James P. Dunigan, Inc., Energy Industrial Development, Inc., Marie Edwards Gillespie, et al., Kilgore Brothers, Mid-Plains Pipeline Company, Onix Corporation, Pride, Rocanville Corporation, Amoco Gas Company, Lone Star, Lone Star Gathering Company, Natural Gas Pipeline Company of America, Trunkline Gas Company, Tennessee Gas Pipe Line Company, Columbia Gulf Transmission Company, and Columbia Gas Transmission Corporation. This order shall also be published in the FEDERAL REGISTER.

This order is subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 19, 1977.

[FR Doc.77-11776 Filed 4-22-77;8:45 am]

[Docket No. RM77-13]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS FROM WELLS COMMENCED ON OR AFTER JANUARY 1, 1977, FOR THE PERIOD JANUARY 1, 1977, TO DECEMBER 31, 1978

Order Denying Motion to Delete Arkansas-Missouri Power Co. as a Party

APRIL 19, 1977.

On March 11, 1977, Arkansas-Missouri Power Company (Ark-Mo) filed a motion pursuant to Section 1.12 of the Commission's Regulations requesting that it be deleted as a party respondent to the national rate-setting procedure for the 1977-1978 biennium. Ark-Mo contends that it is subject to Commission jurisdiction because its transmission line crosses an interstate border, but that its avowed interest in the interstate rate charged by its interstate pipeline suppliers is not sufficient to warrant active participation in the proceeding.

In its March 1, 1977, order the Commission made all interstate companies respondents to the proceeding because of the widespread effects of the Commission's ultimate action. As Ark-Mo has acknowledged, the rate set by the Commission will have a direct impact on the Ark-Mo system inasmuch as, it purchases gas from interstate pipelines. However, the fact that Ark-Mo is a party respondent does not mandate active participation by the company. Ordering Paragraph (D) of the March 1, 1977, order requires only those respondents that are interested file by April 1, 1977, a notice of participation. No party is constrained to participate. We do, however, seek to ensure that all interstate companies which will concededly be affected by any rate order in this proceeding receive service of all filed documents upon which the final Commission action will be based. In this way all respondents, whether active participants or not, will be able to follow the progress of proposed rates and other relevant matters. For this reason, the Ark-Mo motion will be denied.

The Commission finds:

The motion of Ark-Mo to be deleted as a party respondent should be denied.

The Commission orders:

The motion of Ark-Mo to be deleted as a party respondent to the proceeding in Docket No. RM77-13 is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11856 Filed 4-22-77;8:45 am]

[Docket No. RM77-13]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS FROM WELLS COMMENCED ON OR AFTER JANUARY 1, 1977, FOR THE PERIOD JANUARY 1, 1977, TO DECEMBER 31, 1978

Order Granting Motion to Delete Cascade Natural Gas Corp. as a Party

APRIL 19, 1977.

On March 24, 1977, Cascade Natural Gas Corporation (Cascade) filed a letter requesting that it be deleted as a party respondent to the national rate-setting procedure for the 1977-1978 biennium. Cascade contends that it is no longer subject to Commission jurisdiction because it has abandoned its only interstate activity pursuant to the Commission's order of March 21, 1976 in Mountain Fuel Resources, Inc., Docket No. CP76-111 and Cascade Natural Gas Corporation, Docket No. CP76-131.

Inasmuch as Cascade is no longer a jurisdictional natural gas company, we will grant its request to be deleted as a party respondent in this proceeding.

The Commission finds:

The request of Cascade to be deleted as a party respondent should be granted.

[1] Honesdale will reimburse Teel for the cost of installing and operating these facilities.

[1] The identity and location of the wells are given in Exhibit A of the contract submitted with the application.

[1] These customers are local distribution companies and interstate pipelines as defined in §§ 2 (1), (5) of the Act (91 Stat. 4).

[1] Incorrectly listed as Pride Refining, Inc., in the April 14, 1977, order.

The Commission orders:

The request of Cascade to be deleted as a party respondent to the proceeding in Docket No. RM77-13 is granted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11855 Filed 4-22-77;8:45 am]

[Docket No. RI77-57]

ASHLAND OIL, INC.

Notice of Petition for Special Relief

APRIL 15, 1977.

Take notice that on April 11, 1977, Ashland Oil, Inc. (Petitioner), P.O. Box 1503, Houston, Texas 77001, in Docket No. RI77-57 filed a petition for special relief pursuant to Sections 1.7(b), 2.76 and 2.56a(g) of the Commission's Regulations. Petitioner requests relief from the nation-wide rates prescribed in Opinion No. 770 for the proposed sales of natural gas to Michigan Wisconsin Pipe Line Company from Blocks 290 and 291, Ship Shoal Area. Petitioner requests a rate of $1.6139 per Mcf which includes a 4.0¢ per Mcf charge for transporting the gas to the point of delivery at its platform located in Block 207, Ship Shoal Area.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11768 Filed 4-22-77;8:45 am]

[Docket No. ER76-45]

CONSUMERS POWER CO.

Notice of Tariff Change

APRIL 14, 1977.

Take notice that Consumers Power Company (Consumers) on March 31, 1977, tendered for filing proposed changes in its Federal Power Commission Electric Service Tariff, Original Volume No. 1, Federal Power Commission Nos. 1, 5, 6, 7, 9, 12, 13, 14, 17, 29, 32, and 40. Consumers states that the proposed changes would increase revenues from jurisdictional sales and service by $4,058,278 based on the 12-month period ending December 31, 1975.

The proposed changes in Consumers Power Company's tariffs were filed in accordance with an order issued by the Federal Power Commission on March 7, 1977, in the above docket approving a settlement agreement entered into by the parties to this proceeding.

Consumers states that copies of the filing were served upon Consumers Power Company's jurisdictional customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11772 Filed 4-22-77;8:45 am]

[Docket Nos. CP73-258—260, etc.]

EL PASO EASTERN CO., ET AL.

Order Consolidating Proceedings, Terminating Consolidated Proceedings, Granting Requests to Withdraw Applications, etc.

APRIL 14, 1977.

In the matter of El Paso Eastern Co. (Docket Nos. CP73-258 and CP73-259); El Paso Natural Gas Co. (Docket No. CP73-260); Southern Energy Co. (Docket Nos. CP73-271, and CP73-272); Southern Natural Gas Co. (Docket No. CP73-273); Consolidated System LNG Co. (Docket Nos. CP73-283, and CP73-284); El Paso LNG Terminal Co. (Docket No. CP77-269); El Paso Eastern Co. (Docket No. CP77-270); United Gas Pipe Line Co. (Docket No. CP77-271); United LNG Co. (Docket No. CP77-272); El Paso Eastern Co. (Docket Nos. CP77-330, and CP77-331); El Paso Natural Gas Co. (Docket No. CP77-332).

By order issued September 25, 1973, in El Paso Eastern Company, et al., Docket No. CP73-258, et al. (1973) the Commission, inter alia, consolidated the proceedings in twelve dockets,[1] granted various interventions, and set the consolidated proceedings for hearing. By order issued December 28, 1973, the Commission severed the issue of site location for the proposed construction of the compressor station in Loudoun County, Virginia in Docket No. CP73-283 from issues in the consolidated proceedings in El Paso Eastern Company, et al., Docket No. CP73-258, et al., and consolidated it with Consolidated System LNG Company, Docket Nos. CP71-290, CP73-283 (1973) for disposition. In this order we dispose of numerous procedural and substantive questions.[2]

With respect to the twelve dockets presently consolidated, the following aspects of these proposals are relevant to our actions herein. Docket No. CP73-258 is an application by El Paso Eastern Company (El Paso Eastern) for Commission authorization to import approximately 154 trillion Btu annually of LNG which El Paso Eastern has contracted to purchase from El Paso Algeria Company (El Paso Algeria). El Paso Algeria would purchase the gas in Algeria from Societe Nationale Sonatrach (Sonatrach). Docket No. CP73-259 is an application by El Paso Eastern to deliver the gas it imports to Transcontinental Gas Pipe Line Corporation (Transco Pipe Line) for El Paso Eastern's account. Transco Pipe Line, in turn, would deliver an equivalent quantity of gas for El Paso Eastern to El Paso Natural Gas Company (El Paso Natural) at a point in Refugio County, Texas. In Docket No. CP73-260, El Paso Natural requests authorization to connect its system with Transco Pipe Line's system at the delivery point in Refugio County, Texas. Favorable Commission action on the application would authorize the construction of a 24-inch diameter, 418.5 mile long pipeline system between Refugio County, Texas and El Paso's system at Waha, Texas. The cost of this pipeline and associated facilities was originally estimated at $87,999,014.[3]

[1] Docket Nos. CP73-258, CP73-259, CP73-260, CP73-267, CP73-268, CP73-269, CP73-270, CP73-271, CP73-272, CP73-273, CP73-283, CP73-284.

[2] Both the September 25 and December 28, 1973, orders are unreported.

[3] In Docket No. CP73-267, Transco Energy Company (Transco Energy) sought authorization to import 154 trillion Btu annually of LNG which it would also purchase from El Paso Algeria. In Docket No. CP73-268, Transco Terminal Company (Transco Terminal) sought authorization to construct and operate LNG facilities in connection with Transco Energy's imports and El Paso Eastern's imports in Gloucester County, New Jersey, at an estimated cost of $206,734,000. In Docket No. CP73-269, Transco Energy requests authorization to sell its imported gas to Transco Pipe Line; and, in Docket No. CP73-270, Transco Pipe Line requests authorization to construct and operate facilities in connection with the gas imported by Transco Energy and by El Paso Eastern. On March 4, 1977, Transco Pipe Line, Transco Energy, and Transco Terminal filed a joint motion to withdraw the applications in these dockets. A notice of withdrawal of the applications in these four dockets was issued by direction of the Commission on March 29, 1977. The withdrawal was effective April 4, 1977.

Southern Energy Company (Southern Energy) requests authorization to import 41 trillion Btu annually of LNG which would be purchased from El Paso Algeria (Docket No. CP73-271) and to construct and operate facilities at Elba Island, Chatham County, Georgia, in connection with this importation (Docket No. CP73-272). Southern Natural Gas Company (Southern Natural) requests authorization to construct and operate facilities in connection with the gas imported by Southern Energy (Docket No. CP73-273). On October 26, 1976, Southern Natural and Southern Energy filed a joint

Twenty six days of hearings were subsequently held in these consolidated proceedings. The record in these consolidated proceedings has not been closed; and, thus, no decision on the merits has been rendered by the Presiding Administrative Law Judge.

On October 15, 1976, El Paso Eastern requested Commission authorization to import 410.625 trillion Btu annually of LNG to the Texas Gulf Coast over a period of 20 years.[4] The filing was termed an "amendment" of its application in Docket No. CP73-258. This filing noted that the gas proposed for import would be sold 65% to El Paso Natural and 35% to United LNG Company (United LNG). United LNG had not previously been an applicant in any of the consolidated proceedings.

On March 1, 1977, a number of related applications were filed with the Commission. A document which was alleged to be a supplement to the October 15, 1976, amendment in Docket No. CP73-258 stated that a site in the Matagorda Bay area on the Texas Gulf Coast near Port O'Connor in Calhoun County, Texas (hereinafter sometimes referred to as the Port O'Connor Terminal) had been selected to receive the 410.625 trillion Btu of LNG sought to be imported annually.

A filing by El Paso Eastern, which purported to be an amendment to Docket No. CP73-259, requested Commission authorization of the sale of 65% of the imported gas to El Paso Natural. Salient differences between this filing and the original application in Docket No. CP73-259 include the absence of any displacement through the Transco Pipe Line system (i.e., the sale contemplated in the amendment would be directly between El Paso Eastern and El Paso Natural) and the larger volume of gas to be sold to El Paso Natural (i.e., approximately 267 trillion Btu annually in the March 1, 1977, filing versus 154 trillion Btu annually in the original application).

On March 1, 1977, El Paso Natural also filed a document which allegedly constituted an amendment to Docket No. CP73-260. Specifically, El Paso Natural requests Commission authorization, inter alia, to construct and operate 463 miles of pipeline, of which the first 31 miles would be 36 inch diameter pipeline and would connect the Port O'Connor Terminal to United Gas Pipe Line Company's (United Pipe Line) system near, Victoria, Texas. The remaining 432 miles of pipeline would be 30 inch diameter pipeline and would complete the connection of the Port O'Connor Terminal to El Paso's system at Waha, Texas. Important differences between the filing of March 1, 1977, and the original application in Docket No. CP73-260 include the different pipelines and routes proposed and the different volumes of imported gas to be carried in these pipelines.

Applications in four other dockets were also filed on March 1, 1977. In Docket No. CP77-269, El Paso LNG Terminal Company (El Paso Terminal) requests Commission authorization to construct and operate LNG receiving, storage and gasification facilities at the Port O'Connor Terminal site. El Paso Eastern requests Commission approval of the sale for resale of 35% of the imported gas to United LNG in Docket No. CP77-270; and United LNG requests Commission approval of the sale for resale of this gas to United Pipe Line in Docket No. CP77-272. Finally, United Pipe Line requests Commission authorization to construct and operate facilities on its Refugio-Sterlington line near Victoria, Texas, in Docket No. CP77-271.

I

With respect to all of these dockets, we conclude that two separate and distinct proceedings are involved. All documents received in Docket Nos. CP73-258, CP73-259, and CP73-260, which relate to the applications filed April 4, 1973, and all documents in Docket Nos. CP73-267, CP73-268, CP73-269, CP73-270, CP73-271, CP73-272, CP73-273, CP73-283, and CP73-284 are related to the importation of LNG at sites in Gloucester County, New Jersey; Chatham County, Georgia; and Cove Point, Maryland. This is one proceeding. On the other hand, all documents received on and after October 15, 1976, which relate to the October 15, 1976, filing in Docket No. CP73-258, all documents received on and after March 1, 1977, which relate to the March 1, 1977, filing in Docket Nos. CP73-259 and CP73-260, and all document filed in Docket Nos. CP77-269, CP77-270, CP77-271, and CP77-272 related to the importation of LNG at the Port O'Connor Terminal site in the Matagorda Bay Area on the Texas Gulf Coast. This is the other separate and distinct proceeding.

The proceeding related to the Gloucester County, New Jersey; Chatham County, Georgia; and Cove Point, Maryland, importation scheme is apparently moribund. Transco Energy, Transco Terminal, Transco Pipe Line, Southern Energy, and Southern Natural have filed requests or motions to withdraw their respective applications.[5] The request to withdraw the applications by Transco Energy, Transco Terminal, and Transco Pipe Line has been granted.[6] We see no reason why the request by Southern Energy and Southern Natural should not also be granted.

The applications by Consolidated System LNG Company in Docket Nos. CP73-283 and CP73-284 in connection with the importation of 61 trillion Btu of LNG annually at Cove Point, Maryland, have not been the subject of a motion to withdraw the applications. In the absence of such a request and given the possibility that Consolidated System LNG Company may wish to pursue their applications as filed, we decline, at this time, to dismiss the applications. We will, however, terminate the consolidated proceedings involving Docket Nos. CP73-283 and CP73-284.

We also conclude that the filings and proceedings in Docket Nos. CP73-258, CP73-259, and CP733-260 which relate to the applications filed April 4, 1973, should be severed from those filings which relate to the October 15, 1976, and March 1, 1977, applications in these three dockets. As we have heretofore noted, the October 15, 1976, and March 1, 1977, filings in these three dockets cannot be considered as "amendments" to the earlier April 4, 1973, filings in these three dockets.[7] These two sets of filings are distinct and separate. Accordingly, we will assign new docket numbers to all filings and documents in Docket Nos. CP73-258, CP73-259, and CP73-260, which relate to the applications filed on October 15, 1976, and March 1, 1977, and will consolidate these new dockets with Docket Nos. CP77-269, CP77-270, CP77-271, and CP77-272 for purposes of hearing and decision.[8] Since El Paso Eastern and El Paso Natural are no longer pursuing the applications in the form originally filed in Docket Nos. CP73-258, CP73-259, and CP73-260, we will dismiss the applications in Docket Nos. CP73-258, CP73-259, and CP73-260 and terminate the proceedings involving those applications.

II

The applications which we have consolidated require an examination, under Section 3 of the Natural Gas Act (Act), 15 U.S.C. § 717b, to determine whether the importation would be in the public interest. The construction and opera-

motion to withdraw the applications in these dockets.

Docket No. CP73-283 is an application by Consolidated System LNG Company for a certificate of public convenience and necessity authorizing the construction and operation of a compressor station near Leesburg, Virginia, and the sale for resale of natural gas to Consolidated Gas Supply Corporation. Docket No. CP73-284 involves an application by Consolidated System LNG Company to import 61 trillion Btu of LNG annually which would be purchased from El Paso Algeria.

[4] The 410.625 trillion figure is approximately equal to the sum total of the import authorizations sought by El Paso Eastern, Transco Energy, Southern Energy, and Consolidated System LNG in Docket Nos. CP73-258, CP73-267, CP73-271, and CP73-284. The period for importation in those dockets, however, was 25 years; and the points of importation as heretofore noted, were Gloucester County, New Jersey; Chatham County, Georgia; and Cove Point, Maryland.

[5] Commission authorization is required to withdraw these applications because a hearing has been held. 18 C.F.R. § 1.11(d) (1976).

[6] N. 3, supra.

[7] Upon its own motion, the Commission may for good cause decline to permit any amendment. (18 CFR § 1.11(a) (1976).

[8] This treatment obviates the need for the filing of petitions to intervene by those who have filed such petitions in response to the notices in Docket Nos. CP73-258, CP73-259, and CP73-260 related to the October 15, 1976, and March 1, 1977, filings.

tion of facilities and the sale for resale in interstate commerce of LNG as proposed in the applications require a determination that these activities are required by the public convenience and necessity under Section 7 of the Act, 15 U.S.C. § 717f. We believe that the significant questions presented by these applications require a formal public hearing at which time all issues bearing upon the public interest can be developed. Among the issues which we deem relevant for consideration are reliability of service of the foreign supply, the dependence of certain distributors on foreign LNG to meet residential and commercial markets, environmental impact of any proposed action, the proper method of pricing of the LNG supply, shipping costs, overall economic feasibility of the project, end-use allocation of the LNG supply, availability of alternative fuels for the markets to be served by the project, engineering feasibility of the project, and overall project safety.

On March 16, 1977, El Paso Natural filed a motion for expedited procedures. In its motion El Paso Natural notes that the supply contract between El Paso Atlantic and Sonatrach gives either party the right to terminate the contract after April 30, 1977, if all requisite Algerian and United States approvals of the project have not been received by tht date. El Paso Atlantic believes, however, that Sonatrach will not exercise its option to terminate the contract if it sees that the Commission is expediting its decision-making procedures so as to render a final decision on the merits on or before December 31, 1977.

We agree that limited phasing of the hearing in these procedeings is appropriate and will provide for the convening of a hearing on the direct case of the applicants on nonenvironmental issues to commence not later than June 1, 1977. This hearing date will allow all parties and Staff sufficient time to prepare for cross-examination in connection with the voluminous filings in these consolidated proceedings. A prehearing conference shall also be held on April 25, 1977, at which time the Presiding Administrative Law Judge shall discuss scheduling and other matters which may be appropriate for consideration at that time.

A hearing on environmental issues shall be held after Staff has finished its Environmental Impact Statement, and the record shall remain open for purposes of receiving such environmental testimony and further trial of the issues involved therein. No decision shall be issued prior to the completion of such testimony and subsequent closing of the record.

We do not wish to imply, however, that the Presiding Administrative Law Judge may not provide for the hearing of some testimony related to environmental issues before the Staff's Environmental Impact Statement is finalized. The hearing of environmental testimony in two phases, as proposed in El Paso Natural's motion, may or may not be appropriate. We also leave to the Presiding Administrative Law Judge the task of taking such action as may be appropriate to expedite the proceedings.

It is the Commission's intention that this processing should be expedited in every reasonable way. We intend to maintain a schedule which will permit a final decision to be issued by the end of 1977, with approximately the following mileposts:

July 1—Circulation of Staff's draft Environmental Impact Statement.

September 1—Circulation of final Environmental Impact Statement.

November 1—Initial Decision.

November 20—Briefs on Exceptions.

November 30—Briefs Opposing Exceptions.

III

In computing the filing fee which was submitted with these applications, El Paso Natural subtracted the estimated cost of construction of the facilities proposed in Docket No. CP73–260, as originally filed ($86,648,100), from the estimated cost of construction of the facilities proposed in the filing of March 1, 1977, in Docket No. CP73–260 ($251,673,000). El Paso Natural apparently believes that this treatment is appropriate on the ground that the March 1, 1977, filing was an "amendment to a pending application" within the meaning of Section 159.2 of the Commission's Rules. 18 CFR § 159.2(c) (1975). As heretofore noted, the filing of March 1, 1977, in Docket No. CP73–260 is, in no meaningful sense, an "amendment" of the application originally filed in Docket No. CP73–260. The pipelines are different, and the points of interconnection are different.

Needless to say, the Commission's ultimate decision on the March 1, 1977, filing in Docket No. CP73–260 will involve consideration of different factors than decision on the original application in Docket No. CP73–260. Furthermore Staff's analysis of the March 1, 1977, filing will not be aided by any analysis of the original application. In sum, the work required by the Commission in connection with the filing of March 1, 1977, will not be lessened by the work in connection with the earlier filing in Docket No. CP73–260. We conclude that the treatment of filing fees suggested by El Paso Natural is inconsistent with the purpose of Part 159 of our rules. Order No. 317, Establishing Fees for Application Filed with the Commission, 35 FPC 30 (1966). Since we have also concluded that the March 1, 1977, filing is not an "amendment" to the application in Docket No. CP73–260, we require El Paso Natural to pay, within thirty days of the date of issuance of this order, by check or money order payable to the Treasurer of the United States the sum of $56,321.26. See, 18 CFR § 159.3(a) (1976).

IV

In order to allow all parties to the proceedings, which we consolidated by order of September 25, 1973, an opportunity to intervene in the new proceedings which we consolidate for hearing and disposition in this order, we will require the Secretary to publish this order and the following notice in the FEDERAL REGISTER.

Take notice, therefore, that the document filed on October 15, 1976, by El Paso Eastern, as supplemented on March 1, 1977, has been designated as Docket No. CP77–330 and that the document filed on March 1, 1977, by El Paso Eastern in Docket No. CP73–259 and the document filed on March 1, 1977 by El Paso Natural in Docket No. CP73–260 have been designated as Docket No. CP77–331 and Docket No. CP77–332, respectively. Notices of these documents were issued on November 1, 1976 (41 FR 49529) and on March 9, 1977 (41 FR 14776) and a description of the proposals in these documents is contained in these notices.

Any person desiring to be heard or to make any protest with reference to said applications in Docket Nos. CP77–330, CP77–331, CP77–332 should on or before May 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The Commission further finds: (1) It is appropriate and in the public interest that:

(a) The joint motion by Southern Energy and Southern Natural to withdraw the applications in Docket Nos. CP73–271, CP73–272, and CP73–273 be granted;

(b) New docket numbers be given to all filings received on and after October 15, 1976, which are related to the October 15, 1976, filing in Docket No. CP73–258, as supplemented on March 1, 1977, and to all filings received on and after March 1, 1977, which are related to the March 1, 1977, filings by El Paso Eastern in Docket No. CP73–259 and by El Paso Natural in Docket No. CP73–260;

(c) The applications filed by El Paso Eastern in Docket Nos. CP73–258 and CP73–259, and by El Paso Natural in Docket No. CP73–260 be dismissed.

(d) The consolidated proceedings set for hearing and decision by Commission Order of September 25, 1973, in *El Paso Eastern Company, et al.*, Docket Nos. CP73–258, et al., as modified by Commission Order of December 28, 1973, be terminated;

(e) The proceedings in Docket Nos. CP77–269, CP77–270, CP77–271, and CP 77–272, and in the docket numbers given to the filings in Docket Nos. CP73–258, CP73–259, and CP73–260 noted in (b) above be consolidated for hearing and disposition; and

(f) A public hearing be held respecting matters involved and issues presented in these consolidated proceedings.

(2) El Paso Natural should be required to pay additional filing fees in connection with its filing of March 1, 1977, in Docket No. CP73–260 in the amount of $56,321.26.

The Commission orders: (A) The joint motion by Southern Energy and Southern Natural to withdraw the applications in Docket Nos. CP73–271, CP73–272, and CP73–273 is hereby granted.

(B) All filings, received on and after October 15, 1976, which are related to the October 15, 1976, filing by El Paso Eastern in Docket No. CP73–258 shall be assigned Docket No. CP77–330.

(C) All filings, received on and after March 1, 1977, which are related to the March 1, 1977, filing by El Paso Eastern in Docket No. CP73–259 shall be assigned Docket No. CP77–331.

(D) All filings, received on and after March 1, 1977, which are related to the March 1, 1977, filing by El Paso Natural in Docket No. CP73–260 shall be assigned Docket No. CP77–332.

(E) The applications filed by El Paso in Docket Nos. CP73–258 and CP73–259 and by El Paso Natural in Docket No. CP73–260 are hereby dismissed.

(F) The consolidated proceedings set for hearing and decision by Commission Order of September 25, 1973, in *El Paso Eastern Company, et al.*, Docket No. CP73–258, et al., as modified by Commission Order of December 28, 1973, are hereby terminated.

(G) Docket Nos. CP77–269, CP77–270, CP77–271, CP77–272, CP77–330, CP77–331, and CP77–332 are consolidated for purposes of hearing and disposition.

(H) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C., respecting the matters involved and the issues presented in the proceedings consolidated by Ordering Paragraph (G).

(I) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose pursuant to Section 3.5(d) of the Commission's General Rules, 18 CFR § 3.5(d) (1976), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Commission's Rules of Practice and Procedure.

(J) On or before May 13, 1977, applicants shall complete their filing of their direct case. As part of the direct case, El Paso Eastern shall file testimony and exhibits on the ships to be provided by Sonatrach, to include any contracts for these ships.

(K) A prehearing conference shall be convened on May 5, 1977, at 10 a.m. Hearings on the direct case of the applicants on non-environmental issues in these consolidated proceedings shall be convened on June 14, 1977, at 10 a.m. The Presiding Administrative Law Judge shall fix dates for the filing of answering testimony on non-environmental issues after completion of cross-examination of applicants' direct testimony.

(L) The Commission's Rules of Practice and Procedure shall apply in this proceeding except to the extent modified or supplemented herein.

(M) Within thirty (30) days of the date of issuance of this order, El Paso Natural shall remit by check or money order payable to the Treasurer of the United States the sum of $56,321.26.

(N) The Secretary shall cause prompt publication of this order and notice to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11766 Filed 4-22-77;8:45 am]

[Docket No. CP77-244]

EL PASO NATURAL GAS CO.

Notice of Application; Correction

APRIL 5, 1977.

Page 16471, line 23, Change "1,500" to "5,000".

Published in the FEDERAL REGISTER on 3-28-77, 42 FR (16471).

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11770 Filed 4-22-77;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Accepting Settlement

APRIL 15, 1977.

This order addresses a proposed Stipulation and Agreement and involves formulation of a suitable curtailment plan for Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

BACKGROUND

Michigan Wisconsin initiated this proceeding on December 29, 1975, when it filed seven tariff sheets[1] setting forth a proposed permanent curtailment plan for use on its system. By our order of January 30, 1976, we suspended the effectiveness of the sheets for one day and permitted interventions. The sheets were placed into effect on February 10, 1976. Pursuant to notice issued March 30, 1976, a settlement conference was held on April 13, 1976. Then on August 4, 1976, in response to a motion filed July 2, 1976, by Michigan Wisconsin, we ordered that a hearing be held on August 27, 1976, for the purpose of receiving into evidence a proposed Stipulation and Agreement and accompanying testimony and exhibits.

By the Presiding Administrative Law Judge's certification of August 19, 1976, we were advised that such a hearing had been convened on schedule. Tendered for Commission review were the proposed Stipulation and Agreement (Exhibit No. 1), supporting documents and testimony (Exhibit Nos. 2–11), and the one volume transcript of proceedings. Following notice issued August 30, 1976, comments in full support of the Stipulation and Agreement were filed by Michigan Wisconsin, Michigan Power Company, Michigan Gas Utilities Company, North Central Public Service Company, Michigan Consolidated Gas Company, the Wisconsin Distributor Group[2] (WDG), and Staff.[3] Illinois Power Company (Illinois Power) submitted comments in which it objected solely to the manner in which storage injections would be classified under the curtailment plan contemplated in the Stipulation and Agreement. A further round of (reply) comments on this issue pitted Michigan Wisconsin and WDG, on the one hand, against Illinois Power, on the other.[4]

THE STIPULATION AND AGREEMENT

The Stipulation and Agreement essentially perpetuates the curtailment plan that went into effect on February 10, 1976. The seven tariff sheets containing that plan comprise Exhibit No. 2, and include Paragraphs 9.2 through 9.8 of the General Terms and Conditions of Michigan Wisconsin's FPC Gas Tariff, Second Revised Volume No. 1. The key provisions of the plan are found in Paragraph 9.4. That paragraph initially sets forth the following priorities of service, to be curtailed in reverse order:

1. Residential, and small commercial requirements having a Maximum Day Requirement of less than 50 Mcf, com-

[1] Second Revised Sheet No. 26 and Original Sheet Nos. 26A, 26B, 26C, 26D, 26E, and 26F to Michigan Wisconsin's FPC Gas Tariff, Second Revised Volume No. 1.

[2] Consisting of Wisconsin Natural Gas Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, Wisconsin Fuel & Light Company, and Wisconsin Gas Company.

[3] Commission Staff specifically reserved its right (under Section 5 of the Natural Gas Act) to submit appropriate filings in the event of changed circumstances which may affect the justness and reasonableness of Michigan Wisconsin's curtailment plan.

[4] Illinois Power's reply comments followed the reply comments of Michigan Wisconsin and WDG and were submitted in conjunction with, and as an alternative to, a motion to strike those replies as being impermissible under the Commission's Rules of Practice and Procedure. The motion is denied.

[5] On March 1, 1977, El Paso Natural, El Paso Atlantic, El Paso Terminal, and El Paso Eastern filed a joint motion requesting that Docket Nos. CP73–258, CP73–259, and CP73–260 be served from the other dockets with which these dockets were consolidated. For the reasons set forth herein, this request is granted only in part. An earlier motion by El Paso, filed on October 15, 1976, to sever Docket Nos. CP–73–258, CP73–259, and CP73–260 was denied by operation of law on November 15, 1976. 18 C.F.R. § 1.12(e) (1976).

pany use, except for power generation, and lost and unaccounted for gas.

2. Commercial and industrial requirements having a Maximum Day Requirement of less than 300 Mcf and all industrial requirements for feedstock and process needs.

3. All requirements not specified in (1), (2), (4), (5), or (6).

4. Requirements for boiler fuel use having a Maximum Day Requirement of 300 Mcf to 1,500 Mcf.

5. Requirements for boiler fuel use having a Maximum Day Requirement of 1,500 Mcf to 3,000 Mcf.

6. Requirements for boiler fuel use having a Maximum Day Requirement of 3,000 Mcf or more.

Paragraph 9.4 further provides that net customer storage injections are not included in a particular priority, but are instead distributed among the priorities on the basis of each customer's end use profile during the base period (the 1974–1975 contract year). Finally, Paragraph 9.4 sets forth certain definitions to be used in connection with these priorities of service.

The remaining paragraphs of the curtailment plan provide for temporary interruption of service (9.2), curtailment of service for supply deficiency (9.3), individual relief from curtailment (9.5), demand charge adjustment resulting from curtailment (9.6), unauthorized overrun penalties (9.7), and end use reporting requirements (9.8).

Article I of the Stipulation and Agreement modifies slightly the definitions of "Process Gas," "Boiler Fuel," and "Maximum Day Requirements" as contained in Paragraph 9.4, and provides that, upon Commission approval of the Stipulation and Agreement, Michigan Wisconsin will file First Revised Sheet No. 26C reflecting these changes. At the August 17, 1976, hearing, counsel for Michigan Wisconsin advised (Tr. 12) that the following paragraph should be added to Article I of the Stipulation and Agreement:

It is also agreed to exempt from curtailment the small general service customers purchasing gas under Rate Schedule SGS–1 for one year, until September 1, 1977, in order to permit the installation of alternate fuel capability by certain industrial customers.

Article II of the Stipulation and Agreement relates to a portion of Paragraph 9.8 whereunder customers are permitted to adjust their recorded actual monthly purchases during the 1974–1975 base year to reflect "the annual requirements of the net increase in customers attached on or before August 31, 1977." This caveat stems from the fact that Michigan Wisconsin currently has pending in Docket No. CP75–195 an application which, if approved, would allegedly enable it to increase peak day deliverability without increasing annual gas supply, as a consequence of which it would be adding new customers and thereby changing the end use apportionment on its system. In Article II the parties agree upon adjustment procedures to be utilized in the event the Commission denies Michigan Wisconsin's application in Docket No. CP75–195.

Article III provides for the plan to become permanent upon the tender and acceptance of a Final Environmental Impact Statement, in compliance with Section 102 of the National Environmental Policy Act, pending which it will remain an interim plan. Article III further decrees that the Stipulation and Agreement can become effective only upon its acceptance in toto by the Commission.

Positions of the Parties

As hereinabove mentioned, the only issue as to which the parties manifest disagreement is the proper treatment of storage gas. Illinois Power begins with the presumption that it is the Commission's general policy to classify all storage requirements in Priority 2 (under a 467–B plan) unless a showing is made that such a result would be inconsistent with end use. Illinois Power finds support for its position in Opinion No. 754–A, Panhandle Eastern Pipeline Company, Docket No. RP71–119 (issued February 27, 1976) and would distinguish the court's holding in Arkansas Power & Light Co. v. FPC, 517 F.2d 1223 (D.C. Cir. 1975). Illinois Power proceeds to equate priority 2 under Michigan Wisconsin's proposed plan with priority 2 under a 467–B plan and asserts that Michigan Wisconsin has failed to make the requisite showing to support its proposed method of classifying storage injections. Illinois Power criticizes Michigan Wisconsin's proposed method of storage classification as improperly premised on its distributors' annual sales profiles and not on the end use made of gas during the winter when volumes are being withdrawn from storage. Further, Illinois Power suggests that a precise correlation between withdrawals and end use could not be achieved in any event since many distributors do not meter on a daily basis. Illinois Power attempts to discount alternative reliance on a winter sales profile as potentially unrepresentative due to the fact that storage may be used during only a portion of the winter. In the wake of Michigan Wisconsin's asserted failure to establish a nexus between storage injections and end use, Illinois Power emphasizes the Commission's well-established policy of encouraging development of storage facilities, states that it has developed its own storage in reliance upon this policy, and argues that it would be unduly disadvantaged by "the deliberate downgrading of storage injections" contemplated in the Michigan Wisconsin plan.

Michigan Wisconsin and WDG initially dispute Illinois Power's contention that the Commission generally requires priority 2 classification for all storage volumes. Citing both court[1] and Commission[2] authority, these parties submit that each proposed method must be judged on its own merits against applicable end use standards. Michigan Wisconsin would distinguish the Commission's retention of priority 2 classification for all storage gas in Opinion Nos. 754–A and 778 by pointing out that in each of those cases the Commission's decision was predicated on a finding that deficiency of supply was expected to be of such a magnitude as to require year round curtailment into priority 2. WDG views the Commission's action in those cases as stemming from a failure of proof by parties who would have seen such classification discontinued.

In urging rejection of Illinois Power's proposal to classify all storage gas within priority 2 under the Michigan Wisconsin plan, Michigan Wisconsin and WDG observe the lack of record evidence showing the impact of such a measure on Michigan Wisconsin's customers. Due Process requires that parties be given an opportunity to present relevant evidence and to cross-examine. Illinois Power has foregone these opportunities in this proceeding. WDG makes much of the fact that Illinois Power voluntarily passed up the opportunity to cross-examine Michigan Wisconsin's sponsoring witnesses and chose to present no rebuttal evidence on this issue. Michigan Wisconsin agrees with Illinois Power that data could not be obtained which would permit accurate correlation of storage withdrawals with ultimate end use, but views this as insufficient reason to dispense altogether with an attempt to tie storage classification to end use, as, in Michigan Wisconsin's opinion, would be the case if Illinois Power's proposal were adopted. Michigan Wisconsin adds that such a measure would unduly discriminate against its customers who have elected to forego development of their own storage facilities in reliance upon the company use facilities of Michigan Wisconsin and, conversely, would unduly favor customers such as Illinois Power and Michigan Consolidated who have their own storage capability.

In urging acceptance of the method contained in the plan, Michigan Wisconsin and WDG emphasize the end use orientation of storage classification thereunder. WDG finds this method consistent with the methods approved by the Commission in Opinion No. 697–A, El Paso Natural Gas Company, 52 FPC 1876 (1974) and Texas Gas Transmission Company, Docket No. RP72–64 (order issued September 3, 1976). Michigan Wisconsin posits that, since consumers in all priorities are allegedly served with gas withdrawn from storage, it is only fair that storage gas be classified throughout the six priorities. In further defense of this aspect of the Michigan Wisconsin plan, Michigan Wisconsin and

[1] *Pacific Gas & Electric Co.* v. *FPC*, 506 F.2d 33 (D.C. Cir. 1974); *Arkansas Power & Light Co.* v. *FPC*, 517 F.2d 1223, 1234–36 (D.C. Cir. 1975).

[2] Arkansas Louisiana Gas Company, Docket No. RP71–122 (order issued June 3, 1976); Opinion No. 778, Transcontinental Gas Pipe Line Company, Docket No. RP72–99 (issued October 8, 1976).

WDG stress the lengthy negotiations which produced the Stipulation and Agreement, the fact that all customers save Illinois Power support the plan in toto, the relatively small percentage of Illinois Power's total supply which is purchased from Michigan Wisconsin, and, finally, the fact that, according to current projections, Illinois Power will be curtailed only slightly and only in priorities 5 and 6 during the upcoming year under Michigan Wisconsin's method. WDG advises that its members would likely withdraw their support of the Stipulation and Agreement in the event the plan's treatment of storage gas is disturbed.

Discussion

We focus first on the storage issue. Michigan Wisconsin and WDG are correct in their view that we have found no single method of storage classification to be appropriate for pipelines in general. Our inclusion of pipeline customer storage injections in 467–B priority 2 was intended to be binding in a given case[7] and, indeed, could be accorded no binding force and effect given the context in which it appeared.[8] Since curtailment priorities are assigned on the basis of end use, inquiry must be made in each case as to the ultimate end use of storage gas once withdrawn for use, and storage injections are to be classified so as to properly reflect the nature of such use.[9] The proponent of any particular method of storage classification assumes the burden of demonstrating how its adoption for a particular system will serve this purpose. In the Panhandle Eastern and Transcontinental proceedings mentioned supra, this burden was not met by those challenging the status quo, nor could it have been given the severe degree of curtailment on those systems warranting priority 1 or 2 classification for all storage injections.[10]

Exhibit No. 9 contains Michigan Wisconsin's index of customer requirements for the 1974–1975 base period. As shown therein, only Michigan Consolidated and Illinois Power received gas for injection into storage during that time. For Michigan Consolidated, monthly net injections begin and peak in May, then taper downward through October, and are non-existent from November through April. (Exh. No. 9, p. 42). Illinois Power's monthly net injections begin in April, increase and stabilize in May through August, fall off rapidly in September and October, and cease altogether from November through the end of March. (Ex. No. 9, p. 74). Net monthly storage withdrawals, if any, would logically occur during the winter months for both distributors. It is therefore to these months which we should initially look for evidence of the end use to which customer storage gas is put.

Storage withdrawals are to be viewed as an independent source of winter supply. On days when net storage withdrawals occur, the net volumes withdrawn are presumed devoted to end uses in the same proportions as gas which is delivered to the distributor's particular market area from all other sources of supply. Exhibit No. 9 shows Michigan Wisconsins' deliveries to Michigan Consolidated and Illinois Power on a month by month basis. Unfortunately, the data for Illinois Power cannot be considered reliable due to apparent reporting errors.[11]

The data for Michigan Consolidated, on the other hand, clearly demonstrates that Michigan Consolidated received gas from Michigan Wisconsin throughout the winter for priority 3 through 6 end uses. Thus, assuming winter sales by Michigan Consolidated in these lower priorities, it follows that Illinois Power's proposed classification of all net storage injections within priority 2 would be unrepresentative of actual end use. Illinois Power's proposal is accordingly rejected.

It does not automatically follow, however, that the method of storage classification contemplated in the settlement should be adopted. In fact, further reference to Exhibit No. 9 reveals that, using the reasoning described above, Michigan Consolidated's annual end use profile is somewhat different from its winter end use profile. Yet, notwithstanding the fact that Michigan Consolidated could have insisted on matching storage injection priority to winter end use (the effect of which would have been to upgrade storage injection priority since the overall end use of gas is higher in the winter than in the summer), it chose not to do so. Thus, no party to this proceeding, including Staff, appears so wedded to the end use concept of storage classification that it would move to undermine the settlement should that concept not be strictly applied. In any event, the record supports the popular belief of the parties that data are not available which would facilitate precise match-up of winter withdrawals and summer injections.

Under these circumstances, we find that the method of storage classification embodied in the settlement represents an acceptable accommodation. It is consistent in spirit with the end use concept and has not been shown to be inferior to any other workable method of storage classification available to Michigan Wisconsin. In addition, it enjoys the overwhelming support of the parties to this proceeding, a fact which, while not in and of itself dispositive, should not be overlooked where the complexities of curtailment are involved.[12]

The announced objective of the settlement plan as here proposed is to protect service to residential and small commercial customers and to maintain gas service for high priority industrial use (Exhibit No. 10, page 3). This objective is consistent with the basic end use policies which we embraced in Order Nos. 467 et seq. and which we have continued to mold in later curtailment proceedings. Upon consideration, we find that the settlement plan has been properly designed to achieve its objective in a just and reasonable and not unduly discriminatory manner. We shall therefore accept the plan and give it effect as an interim plan pending an environmental review.

The Commission finds: The Stipulation and Agreement which was certified to us on August 19, 1976, in this proceeding constitute a just and reasonable settlement of all issues addressed in these proceedings.

The Commission orders: The Stipulation and Agreement is hereby accepted and permitted to take effect in accordance with its terms.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11773 Filed 4-22-77;8:45 am]

[7] In Order No. 467–B we stated:
Orders in Docket No. R–469 are not finally determinative of the rights and duties of a given pipeline, its customers or ultimate consumers; [they] expressly envision [ ] further proceedings. (49 FPC at 585).

[8] *Pacific Gas & Electric Co.* v. *FPC*, supra note 5.

[9] *Arkansas Power & Light Co.* v. *FPC*, supra note 5.

[10] See Opinion No. 754–A at Slip op. p. 9; Opinion No. 778, Transcontinental Gas Pipe Line Corporation, Docket No. RP72–99 (issued October 8, 1976) at Slip op. p. 51.

[11] Exhibit No. 3 indicates that Illinois Power served requirements in all 6 priorities during the base year with Michigan Wisconsin gas. Exhibit No. 9, page 42, however, reflects no deliveries of flowing gas by Michigan Wisconsin at any time during the base year for priorities 3 through 6; that portion of Illinois Power's requirements allocated to priorities 3 through 6 is reported totally within "storage injections" for the months September–October 1974 and April–August 1975. Yet, according to Paragraph 9.4, storage injections are to be classified as a function of annual end use requirements. Hence, were Illinois Power accurate in reporting no flowing gas requirements in priorities 3 through 6 for the base period, then none of its storage injections should be allocated to these priorities either, but should instead be divided solely between priorities 1 and 2. Illinois Power's opposition to the method of storage classification prescribed in Paragraph 9.4 clearly suggests, however, that the error lies in Illinois Power's reporting of priority 3 through 6 flowing gas requirements and not in its misallocation of storage injections, assuming no requirements in these lower priorities.

[12] *Consolidated Edison Company of New York, Inc.* v. *FPC*, et al., 511 F. 2d 378 (D.C. Cir. 1974).

[Docket No. CP76–208, etc.]

MID-CONTINENT GAS STORAGE CO., ET AL.

Order Providing Formal Hearing, Consolidating Proceedings, and Granting Interventions

APRIL 14, 1977

On December 10, 1975, Mid-Continent Gas Storage Company (Mid-Continent), filed an application as supplemented on July 2, 1976, pursuant to section 7(c) of the Natural Gas Act authorizing the acquisition, construction, and operation

of certain pipeline and storage facilities. On February 12, 1977, Iowa Illinois Gas and Electric Company (Iowa-Illinois) filed a petition to intervene and application for a partial exemption under section 1(c) of the Natural Gas Act. On February 6, 1977, Northern Illinois Gas Company (NI-Gas) filed a petition to intervene and an application for continuing exemption under section 1(c) of the Natural Gas Act.

It is proposed that Mid-Continent, a wholly-owned subsidiary of NI-Gas, would develop and operate the Media Field as an aquifer natural gas storage reservior. The field and related equipment would be acquired from NI-Gas at original cost and NI-Gas would provide equity financing and management services. It is contemplated that Mid-Continent would construct 43.5 miles of 30 inch pipeline to connect the Media field with Amarillo pipeline of Natural Gas Pipeline Company of America (Natural) in Rock Island County, Illinois. Mid-Continent would receive injection gas at and deliver withdrawal gas for its customers' accounts at said interconnection. Mid-Continent's customers would be Northern Natural Gas Company, Iowa-Illinois Gas and Electric Company, and Kaskaskia Gas Company (together, The Customers).

The application states that Natural presently delivers gas into the Mississippi River District portion of NI-Gas' intrastate system which includes a distribution main extending from Rock Island County to a point 7.5 miles west of the Media Field. In order to postpone investment by Mid-Continent in the 30-inch pipeline, NI-Gas states, that it has agreed that during the initial testing period (estimated by Mid-Continent at approximately 30 months) NI-Gas would transport gas from Rock Island County to an interconnecting point between NI-Gas' distribution main and a 10-inch pipeline to the Media Field to be constructed by Mid-Continent.

Further, NI-Gas states, it has agreed that during the initial testing period it would facilitate the delivery of test withdrawal gas to Mid-Continent's customers. It is said that most of the withdrawal gas during this period would be delivered by Mid-Continent into NI-Gas' Mississippi River District distribution system and used to serve the daily requirements of that system. In order to make equivalent volumes of gas available to Mid-Continent's customers, Natural would, on each day withdrawals would be made, reduce its deliveries to NI-Gas in Rock Island County and increase deliveries to Mid-Continent's customers by an amount equivalent to the withdrawal quantities used by NI-Gas. It is stated that no more than five days during the initial testing period would test withdrawal quantities of gas exceed NI-Gas' daily gas requirements for the Mississippi River District. On those days, NI-Gas states, a quantity of gas (estimated at no more than 15,000 Mcf on any one day) would be transported back through NI-Gas' distribution main to Rock Island County for delivery to Natural. Natural would, in turn, deliver these volumes to Mid-Continent's customers by displacement, the application states.

NI-Gas alleges that all of the gas to be transported by it would be received within the State of Illinois and that virtually all of the gas would be consumed within the State of Illinois. Further, NI-Gas states, the transportation and rescheduling arrangements are for a limited term and would permit Mid-Continent to undertake its initial tests without first incurring the substantial investments associated with the construction of the 30-inch pipeline. The application states that NI-Gas' participation in the transportation and rescheduling arrangements are contingent upon the Commission's declaration that NI-Gas's existing exemption under the Section 1(c) of the Natural Gas Act would not be affected by its participation in these arrangements and NI-Gas requests that the Commission so find.

Similarly, Iowa-Illinois, requests a declaration of partial exemption under section 1(c) of the Natural Gas Act that, with respect to the contemplated arrangements for the transportation, rescheduling and sale of natural gas, such contemplations are non-jurisdictional as to it and its status under the Natural Gas Act will not be affected thereby.

Iowa-Illinois states that its participation will not require additional facilities of Iowa-Illinois, the volumes of gas to be injected, stored, and withdrawn, all within the state of Illinois, for its distributive use will be transported solely by others for its account, and by Natural utilizing existing points of delivery between Natural and Iowa-Illinois. Iowa-Illinois states that in the anticipated course of events, volumes made available for injection, storage and withdrawal, will not be sold, by it, for resale, but an exception could occur. To occur, if at all, during the development period, and only in the event of its default or as a result of the dissolution of its participation in the storage project, Iowa-Illinois says that its storage gas could be sold.

Iowa-Illinois alleges that it will participate to the extent of 5% under the Development Agreement. During its term, and subsequently under a Service Agreement pursuant to Midco's FPC Gas Tariff, Iowa-Illinois further alleges that through rescheduling arrangements, it will cause to be delivered storage injection volumes to the Natural-NI-Gas Rock Island delivery point (during the development stage) or (subsequently) to the Natural-Mid-Continent delivery point. Iowa-Illinois anticipates consummation of a rescheduling agreement with Natural which will provide for the passage of title from Natural to it of rescheduled injection volumes which will be delivered by Natural at the NI-Gas delivery point (ultimately to Mid-Continent delivery point) for the account of Iowa-Illinois, as a top gas, or to Mid-Continent as to base and operational gas. The base gas would allegedly be sold by Iowa-Illinois, to Mid-Continent but will not be sold for resale. Title to top gas would remain with Iowa-Illinois, the transportation of which will be by others—Natural, NI-Gas (and ultimately by Mid-Continent), and by displacement, withdrawal volumes will be delivered by Natural to Iowa-Illinois at existing delivery points.

The application for a certificate of public convenience and necessity of Mid-Continent in Docket No. CP76-208, as well as the petition of Iowa-Illinois to intervene therein and its application for a partial exemption, was noticed on January 30, 1976 (41 FR 4608). The application of NI-Gas for a similar exemption, in Docket No. G-10632, was noticed on April 27, 1976 (41 FR 17683). Timely petitions for leave to intervene were filed by Iowa-Illinois, the Brick People, et al., NI-Gas, Southern Union Gas Company, Northern Natural Gas Company, (Northern) Natural Gas Pipeline Company of America, Kaskaskia Gas Company, Northern States Power Company (Minnesota and Wisconsin), Minnesota Gas Company, Wisconsin Gas Company, Michigan Wisconsin Pipe Line Company, Metropolitan Utilities District of Omaha, and Iowa Electric Light and Power Company; a late notice of intervention was filed by the Public Service Commission of Wisconsin and untimely petitions to intervene were filed by the Kansas City Star Company, Lake Superior District Power Company, Northern Central Public Service Company, Nebraska Natural Gas Company, Wisconsin Power and Light Company, and Iowa Power and Light Company. A deficient petition for leave to intervene was filed by Iowa Public Service Company. Mid-Continent filed an answer in opposition to petitions to intervene of the Brick People and the Kansas City Star Company, Flambeau Paper Division. An answer to the same was filed by the Flambeau Paper Company.

We find that these proceedings should be set for hearing. The Brick People, et al., question the need for this storage field, asking whether new customers will be served as a result; whether existing customers will be curtailed to furnish gas for storage purposes, therefore making gas available to distributors to serve new customers; and question what end use these new customers would have for this gas. They ask which of Northern's customers, having what end uses, would in fact be forced to bear additional gas service interruptions caused by the new storage gas injection requirements; which of these customers have alternate fuel capabilities (other than propane); whether new customers that might be added to as a result of the Media Storage Project now in use, or if not yet built, could utilize alternate fuels; whether existing rate payers of Northern should be saddled with the enormous cost of this project; whether the storage field service would be used to augment winter service to customers with alternate fuel capabilities; and would this new storage service be in the public interest.

The Flambeau Paper Company survivor in interest to the Kansas City Star Company, Flambeau Paper Division, and the Lake Superior District Power Company (Lake Superior) point out that the gas used in Lake Superior's electric generating plant has an end use efficiency of approximately 57% when the steam generated is also used to operate the Flambeau Paper Company's plant. Consequently, these two companies object strenuously to Midco's proposed installation of compressors whose gas-fueled internal combustion engines have an operating efficiency of approximately 30%. They also state that without steam from Lake Superior's plant the operation of Flambeau Paper plant is not economically feasible.

While the Commission has consistently required pipelines to husband existing supplies of gas through the use of storage and has favored the development of new storage projects to assist pipelines in meeting existing peak day requirements, the question of whether pipelines should be permitted to increase storage to meet the demands of new high-priority customers has not been resolved. If gas supplies continue to decline, then all increased storage capability will ultimately be neded to meet the demands of existing customers. However, if growth occurs in the interim, the new customers will be assigned to the appropriate curtailment priorities with existing customers curtailed proportionately. This could lead to a situation where other existing high-priority users, such as industrial feedstock consumers, are curtailed significantly in advance of the date that they would otherwise be curtailed because a pipeline has used its expanded storage capability to permit its distributors to add new residential and small commercial customers.

Because growth is a factor in these proceedings, we believe the hearing established below should address the question of whether applicant should be permitted to increase its storage capability to satisfy additional demands represented by growth and, if the question is answered negatively, what conditions should be attached to any permanent certificates issued in these proceedings to prohibit such use. Thus, the hearing prescribed in these consolidated proceedings is to develop a record inter alia regarding the following issues:

I. How is the public convenience and necessity advanced by the construction and operation of these proposed facilities and proposed declaration of exemptions?

II. What customers and which priority markets will be served if the proposed facilities are constructed and which customers and which priority markets will be likely to be curtailed to furnish gas for this proposed service?

III. What effect would the construction and operation of the proposed facilities have on existing customers, and what is the current gas balance of each of the customers from 1973 to 1979?

IV. Who should pay the cost of the proposed facilities and service?

V. Describe the impact of diverting additional gas supplies to storage during the summer period on existing customers, as well as the impact of declarations of exemptions.

VI. Will any existing customers of the customers receive less gas on an annual and peak day basis as a result of the proposed facilities?

VII. If new customers are proposed to be served, identify these customers and their peaks day and annual requirements according to the priorities prescribed in 18 CFR § 2.78(a)(1), to include, but not limited to alternate fuel capability, priority level, and location.

VIII. Does the continued addition of new customers advance the public interest?

IX. State in detail the activities contemplated herein by NI-Gas and Iowa-Illinois.

X. What conditions, if any, should be attached to the permanent certificates, if any, issued in these proceedings?

XI. What is the projected standard operating efficiency of the gas-fueled compressor engines, and how much improvement thereas can be achieved?

The responses to these issues should give consideration to the Commission's determination in *Northern Natural Gas Company*, Opinion No. 773, —— FPC —— (August 13, 1976), wherein we stated (id. at 2-3):

> In general, we agree with the conclusion of the Administrative Law Judge, that a pipeline presently curtailing existing customers should not be authorized to attach new customers regardless of the priority of use to which the new customers would put any natural gas which they receive. In the absence of some compelling public interest consideration existing customers should not be cut off in order that new customers may receive service who had never previously received natural gas deliveries. In addition, we agree with the Judge that the de minimis nature of the proposed new service cannot be controlling since one de minimis approval after another can accumulate to the point where there is a substantial effect on the other customers of the pipeline. We further agree with the Judge that the availability of alternate fuels is not controlling where the customers' facilities for using gas or other fuels have not yet even been installed and no determination on either an absolute or economic basis can be made.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and the issues presented in these proceedings, as hereinbefore described.

(2) The public convenience and necessity warrants the consolidation of Docket Nos. CP76-208, CP76-276, and G-10632 in pertinent part.

(3) Participation in these proceedings by aforementioned intervenors may be in the public interest. Permitting the filing of the late petitions to intervene will not delay the proceedings and may be in the public interest. The petition of Iowa Public Service Company to intervene or denied without orejudicate.

The Commission orders: (A) The proceedings in Docket Nos. CP76-208, CP76-276, and pertinent parts of G-10632 set for hearing and disposition.

(B) Pursuant to the Natural Gas Act, particularly Sections 4, 5, and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR Part 1), and the Regulations under the Natural Gas Act (18 CFR Chapter I, Subchapter E), and a prehearing conference shall be held on May 17, 1977, commencing at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to discuss procedural issues and the clarification of issues.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the prehearing conference in this proceeding with authority to establish and change all procedural dates, and to rule on all motions (with the sole exceptions of petitions to intervene, motions to consolidate or sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) The direct case of Mid-Continent including testimony on the issues raised by this order, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before April 11, 1977. All supporting intervenors shall file testimony and exhibits comprising their cases in chief on or before April 19, 1977. Similarly, opposing intervenors and Staff may file their testimony on or before May 3, 1977, and should said filing give rise to the need for Mid-Continent or supporting intervenors to file in rebuttal, the same shall be done on or before May 10, 1977.

(E) The aforementioned are permitted to intervene in the instant proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in the proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11769 Filed 4-22-77;8:45 am]

[Docket No. ES77-24]

PACIFIC POWER & LIGHT CO.

Notice of Application

APRIL 14, 1977.

Take notice that on April 8, 1977, Pacific Power & Light Company (Appli-

cant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue not to exceed $40,000,000 in aggregate principal amount of its Serial Preferred Stock of the par value of $100 per share or No Par Serial Preferred Stock (New Preferred Stock) and exempting the issuance and sale thereof from the competitive bidding requirements of § 34.1a of the Commission's regulations.

The New Preferred Stock will consist of a new series of either Applicant's presently authorized No Par Serial Preferred Stock or Applicant's presently authorized Serial Preferred Stock of the par value of $100 per share. The New Preferred Stock will be entitled to cumulative dividends at such rates, will be redeemable at such redemption prices, will be entitled to such preferences on voluntary or involuntary liquidation and, in the case of the No Par Serial Preferred Stock, will have such voting rights as shall be approved and fixed by Applicant's Board of Directors after Applicant has received from underwriters, through either competitive bids or negotiation, their proposed terms for the purchase of the New Preferred Stock.

Proceeds from the issuance and sale of the New Preferred Stock will be used to repay short-term notes prior to or as they mature and to finance, in part, Applicant's 1977–1978 construction program presently estimated at $602,141,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11771 Filed 4–22–77;8:45 am]

[Docket Nos. E–8514, E–9133, and ER76–302]

SOUTHERN SERVICES, INC.

Order Approving Settlement

APRIL 15, 1977.

On February 1, 1977, Southern Company Services, Inc., together with Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company (collectively "Southern Company Affiliates") filed a proposed Settlement Agreement intended to resolve all issues in these proceedings. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered.

The subject dockets were initiated by filings of annual revisions to the Southern Company Power Pool Intercompany Interchange Contract (Intercompany Contract) for calendar years 1974, 1975, and 1976, respectively. By orders issued July 5, 1974, December 31, 1974, and December 31, 1975, respectively, the Commission, inter alia suspended the proposed rate changes and entered upon hearings concerning their lawfulness.

The proposed Settlement Agreement, entered into by and between Southern Company Affiliates and the Cities of Acworth, et al. and the City of Dalton, primarily provides for the filing of a new Intercompany Contract together with new procedures to be used thereunder and a set of rate schedules to be used in calendar year 1977. Such filing was in fact made on December 1, 1976, in Docket No. ER77–86. By order issued December 27, 1976, in that docket, the Commission entered upon a hearing concerning the lawfulness of the new Intercompany Contract. Any objections as to the new Intercompany Contract may be raised in that proceeding inasmuch as no party has waived the right to do so.

Public notice of the filing of the proposed settlement was issued on February 15, 1977, with comments due on or before February 28, 1977. On March 14, 1977, Staff filed comments in support of the proposed settlement.

Based on our review of the record in these proceedings, including the Settlement Agreement itself, the Commission finds that the proposed settlement represents a reasonable resolution of the issues in these proceedings in the public interest. Accordingly, the settlement shall be approved.

The Commission finds: The proposed Settlement Agreement should be approved and made effective as hereinafter ordered.

The Commission orders: (A) The Settlement Agreement is hereby accepted, incorporated herein by reference and approved.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Southern Company Affiliates or any other person or party.

(C) Docket Nos. E–8514, E–9133, and ER76–302 are hereby terminated.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11767 Filed 4–22–77;8:45 am]

[Docket Nos. RP76–15 and RP76–98]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Tariff Sheet Filing

APRIL 15, 1977.

Take notice that on April 6, 1977, Algonquin Gas Transmission Company ("Algonquin Gas") filed the following proposed tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Second Revised Sheet No. 20–A. Third Revised Sheet No. 20–B.

The tariff sheets are identical to the tariff sheets attached to a settlement reached by Algonquin Gas and its regular SNG–1 customers in Docket Nos. RP76–15 and RP76–98 and are being filed for Commission acceptance on condition that the Commission fails to approve such settlement prior to the expiration of thirty days from the date of such tariff filing.

By its tariff filing, Algonquin Gas proposes to extend the Purchased Feedstock Adjustment Clause ("PFAC") applicable to its Rate Schedule SNG–1 consistent with the settlement in Docket Nos. RP76–15 and RP76–98. The PFAC would provide, through a Deferred Gas Cost Account with related amortization, surcharges for reimbursement to Algonquin Gas for undercharges or reimbursement to the Company's customers for overcharges resulting from the difference between (i) the actual feedstock costs for manufacturing gas delivered under such Rate Schedule SNG–1, and (ii) the base feedstock costs included in the charges to such customers for service under such rate schedule.

Algonquin Gas further states that copies of the filing have been served upon all of its customers and interested state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11784 Filed 4–22–77;8:45 am]

[Docket No. ER77–242]

DETROIT EDISON CO.

Tariff Change

APRIL 15, 1977.

Take notice that The Detroit Edison Company (Detroit) on April 4, 1977 tendered for filing a Certificate of Concurrence with a letter agreement, dated January 15, 1977, with Consumers Power Company, The Detroit Edison Company, and Indiana & Michigan Electric Company which amends the Emergency Service Schedule A, a part of the Operating Agreement between the above parties, dated March 1, 1966. Detroit indicates that the letter agreement provides effective April 15, 1977 for an increase in the minimum charge for Emergency energy from 17.5 mils per kilowatthour to 30 mills per kilowatthour.

Detroit also indicates that the increased rate is necessary to more adequately compensate parties supplying Emergency energy for their operating costs and that the effect upon Emergency energy transactions conducted during the past twelve months would be very minimal.

The Detroit Edison Company respectfuly requests that pursuant to § 35.11 of the Commission's rules and regulations, the Commission waive the notice requirements contained in § 35.3 of the regulations and permit Detroit Edison's concurrence, and the enclosed Amendment No. 10 to the Operating Agreement, to become effective on April 15, 1977.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11781 Filed 4–22–77;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Further Extension of Time

APRIL 15, 1977.

On April 8, 1977, Nantahala Power and Light Company filed a motion to further extend the time for filing responses to the motion filed by the Town of Highlands, North Carolina, on March 9, 1977. By Commission notice issued March 24, 1977, an extension of time was granted to April 14, 1977. The motion states that counsel for all parties have been contacted and have no objections to the extension.

Upon consideration, notice is hereby given that the date for filing responses is extended to and including May 6, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11785 Filed 4–22–77;8:45 am]

[Project No. 382]

SOUTHERN CALIFORNIA EDISON CO.

Location and Procedures for Public Session

APRIL 15, 1977.

By letter issued November 26, 1976, the Federal Power Commission advised Congressman William M. Ketchum that in light of his request and those of other residents of Kern County asking for a public hearing on the operation of Borel Project No. 382, the Commission had determined that three short-term procedures should be implemented before it examined the application for a new license for Borel Project No. 382 filed by Southern California Edison Company. The first short-term procedure involved the Commission's Secretary requesting from the U.S. Corps of Engineers information respecting the operation of Lake Isabella and any agreements they have with the downstream irrigation districts. The second short-term procedure involved an informal conference conducted by the Commission's Staff to be held in Washington, D.C. with the following parties invited to participate: (a) U.S. Corps of Engineers; (b) Southern California Edison Co.; (c) all interested Federal and State agencies; and (d) all intervenors to the relicensing proceeding. Both short-term procedures 1 and 2 have now been implemented. The third short-term procedure provided that a public session would be held in the vicinity of the Borel Project No. 382 for the purpose of giving the public an opportunity to make its views known to the Commission regarding the operation of the Borel Project.

The Borel Project No. 382, owned and operated by Southern California Edison Company, was licensed by the Federal Power Commission in 1925. The Borel Project, located on the Kern River in Kern County, California, is, in part, within the Corps of Engineers' Isabella Reservoir. During dry years, when the Corps' Isabella reservoir is below 110,000 acre-feet, as is the current situation, Southern California Edison Company can reactivate that part of its Borel Canal within the Corps' reservoir in order to maintain adequate water flows to the Borel powerhouse. Generally, the aforementioned requests for a public hearing concerned primarily the effects the reactivation of the Borel Canal may have on public safety, recreation, and fishery resources.

In accordance with the Commission direction of November 26, 1976, Commission staff counsel will convene two public sessions in the City Council Chambers, 1501 Truxton Avenue, Bakersfield, California, beginning at 10:00 a.m., on May 13, 1977, and at 7:00 p.m., on May 13, 1977, and continuing thereafter until concluded so that members of the public, including interested Federal, State and local agencies, may be afforded an opportunity to state their views orally and in writing regarding the operation of the Borel project and any effects it may have on public safety, recreation and fishery resources. All oral and written statements presented will be transcribed by a court reporter into the written record of the public session.

To avoid confusion and to insure that all persons have the opportunity to state their positions, the following procedures will be observed at the public session:

All persons desiring to be heard or wishing to submit written statements should, prior to the convening of the sessions listed above, fill out cards with their names, addresses, and the organization they represent, if any. The cards then should be given to the Commission staff counsel. Blank cards will be available at the entrance to the City Council Chambers.

When a person's name is called, the person should come forward and state his name, address, and organization, if any. If he has a written statement, he should give the reporter a copy. If an oral statement is to be given, the person should proceed to make the statement. In cases where a person submits a written statement and also wishes to make an oral statement, the oral remarks should only summarize briefly the highlights of the written statement, since all written statements will be copied into the record as though read. The statements made at the public session do not constitute evidence, and the persons giving statements will not be subject to cross-examination.

If a person desires to make a statement for the record but is unable to be present at the time their name is called, they may leave a copy of their statement with the reporter, and such statement will be copied into the record as though read or presented orally. If for any reason a person desiring to be heard is unable to attend the public session in person, he may submit a written statement by May 13, 1977, to the Secretary, Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and such statement will be made a part of the record of the public session.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11782 Filed 4–22–77;8:45 am]

[Project No. 2384]

WESTERN MASSACHUSETTS ELECTRIC CO.

Application for Change in Land Rights

APRIL 15, 1977.

Public notice is hereby given that an application was filed on March 1, 1977 under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by Western Massachusetts Electric Company (WMECO) (Correspondence to: Mr. Leon E. Magiathlin, Jr., Vice President, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089) for Commission approval of the

conveyance of a parcel of the project lands to the Town of Buckland (Town).

The Gardners Falls Project is located on the Deerfield River in the towns of Buckland and Shelburne in Franklin County, Massachusetts. The 0.74 acre parcel that would be conveyed is located in the northwestern corner of the project area, on the western portion of the project recreation area which is approximately 1200 feet upstream of Gardners Falls Dam, on the west bank of the Deerfield River in the Town of Buckland.

The parcel that would be conveyed encroaches on the Gardners Falls Road which provides the only access to the Town of Buckland's sewage treatment plant. WMECO states that the encroachment is the result of an inadvertent misdescription of the project boundary in the license granted to WMECO by the Commission on July 15, 1964 and that it was never WMECO's intention that the project encroach on the road. WMECO has accordingly applied for Commission approval of its intended conveyance of the encroaching parcel to the Town.

Applicant has requested the shortened procedure provided for under § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 3, 1977, file with the Federal Power Commission, 825 N. Capitol St. NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's rules of practice and procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11783 Filed 4-22-77;8:45 am]

CONSOLIDATED GAS SUPPLY CORP.

Revised Tariff Sheets

[Doc. No. RP72-157 (R&D 77-2a)]

APRIL 19, 1977.

Take notice that on April 7, 1977, Consolidated Gas Supply Corporation (Consolidated) tendered for filing Substitute Twenty-Second Revised Sheet Nos. 8 and 9 to its FPC Gas Tariff, Second Revised Volume No. 1. Consolidated states that these sheets are filed pursuant to Section 13 (R&D Cost Adjustment Clause) of the General Terms and Conditions of its tariff and that the Substitute Tariff Sheets are proposed to become effective May 1, 1977, in lieu of Twenty-Second Revised Nos. 8 and 9 which were filed on March 31, 1977.

According to Consolidated, the Substitute Sheets reflect a decrease of $0.6 million from the revenue level of the rates shown in Twenty-Second Revised Sheet Nos. 8 and 9. Consolidated states that the effect of this change reduces the filed R&D Cost Adjustment surcharge from 0.11 cent per Mcf to 0.01 cent per Mcf.

Consolidated requests waiver of any Commission Rule or Regulation in order that the Substitute Sheets may become effective on May 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-11852 Filed 4-22-77;8:45 am]

[Doc. No. E-9588]

FLORIDA POWER CORP.

Application for Sale of Electric Transmission Facilities

APRIL 19, 1977.

Take notice that Florida Power Corporation on April 8, 1977, applied for an Order under Section 203 of the Federal Power Act authorizing the sale by Florida Power Corporation of 2.1 miles of a 115 kv transmission tie line in Bay County, Florida, to Gulf Power Company for a consideration of $146,000.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-11851 Filed 4-22-77;8:45 am]

[Project No. 1971]

IDAHO POWER CO.

Application for Amendment of License

APRIL 19, 1977.

Public notice is hereby given that an application for amendment of license was filed on March 8, 1977, under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Company (IPC) (Correspondence to: Mr. Lee S. Sherline, Leighton and Sherline, Suite 406, 1701 K Street NW., Washington, D.C. 20006; and Mr. William R. Fleming, General Counsel, Idaho Power Company, P.O. Box 70, Boise, Idaho 83721) for the Hells Canyon Project, FPC Project No. 1971, located on the Snake River in the Counties of Payette, Adams, and Washington, Idaho, and the Counties of Wallowa, Baker, and Malheur, Oregon. The Snake River is a navigable waterway of the United States.

According to the application, IPC proposes to tap the Brownlee-Boise Bench 230 kV transmission line of Project No. 1971 at a point approximately two miles southeast of the Paddock Valley Reservoir in Washington County, Idaho, and from that point construct a 230 kV double circuit transmission line approximately 24 miles long, extending in a southwesterly direction through the County of Payette and passing approximately one mile south of the Town of Payette, Idaho. The proposed transmission line, which would cross the Payette and Snake Rivers as well as lands under the jurisdiction of the Bureau of Land Management, would connect to the existing IPC non-project Ontario substantion, located approximately one mile north of the Town of Ontario in the County in Malheur, Oregon.

IPC states that the proposed transmission line is necessary to provide needed electrical service to the rapidly growing western Idaho and eastern Oregon regions.

Applicant requests the use of the shortened procedures pursuant to § 1.32 (b) of the Commission's Rules and Regulations.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 6, 1977. Protests will be considered by the Commission determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b) (18 CFR 1.32(b) (1976)), a hearing before the Commission may be held on this application without further notice if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11854 Filed 4-22-77;8:45 am]

[Docket No. ER77-291]

INDIANA & MICHIGAN ELECTRIC CO.

Changes in Rates and Charges

APRIL 19, 1977.

Take notice that American Electric Power Service Corporation (AEP) on April 8, 1977, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), Modification No. 10 dated March 15, 1977, to the Interconnection Agreement dated December 30, 1960 (1960 Agreement), between Indiana Company and Indianapolis Power & Light Company (Indianapolis Company), designated Indiana Company Rate Schedule FPC No. 21.

AEP indicates that Modification No. 10 provides, effective May 15, 1977, for participation by the parties in Economy Energy transactions involving systems which are not parties to the 1960 Agreement.

AEP also indicates that under the proposed Modification, transactions with systems not a party to the 1960 Agreement would be priced, as was previously contemplated under the 1960 Agreement, on the basis of costs incurred, plus a sharing by all of the participants of the savings realized by the ultimate receiving system. Transmission losses are one of the costs incurred. Each system participating in an Economy Energy transaction other than as the supplying or receiving system would receive 15 percent of the savings; the supplying and ultimate receiving system would divide the remainder of the savings. AEP states that the proposed 15 percent of savings allocated to each intermediate system was arrived at through negotiation and is intended to recognize participation in the transaction. AEP further states that since Economy Energy Tranactions will depend upon the availability of Economy Energy, the need of another system for such energy and possible transmission restrictions, it is impossible to estimate the transactions and revenues resulting from the proposed service.

Copies of the filing were served upon Indianapolis Power & Light Company, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11854 Filed 4-22-77;8:45 am]

[Project No. 733]

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Issuance of Annual License(s)

APRIL 19, 1977.

On February 27, 1969, The Western Colorado Power Company, Licensee for Ouray Project No. 733, located on the Uncompahgre River in Ouray County, Colorado, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 733 was issued effective April 13, 1960, for a period ending April 12, 1970. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on April 12, 1976. In order to authorize the continued operation and maintenance of the project pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Colorado-Ute Electric Association, Inc.

Take notice that an annual license is issued to the Colorado-Ute Electric Association, Inc. for the period April 13, 1977, to April 12, 1978, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before April 12, 1978, a new annual license will be issued each year thereafter, effective April 13 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11848 Filed 4-22-77;8:45 am]

[Docket No. ER77-294]

INTERSTATE POWER CO.

Filing of a Rate Schedule Amendment

APRIL 19, 1977.

Take notice that Interstate Power Company on April 11, 1977, tendered for filing a proposed amendment to its FPC Electric Service Rate Schedule, Number 110. The rate schedule involved is an electric service agreement between Interstate and Independence, Iowa. Interstate indicates that the proposed amendment expands the scope of service available to the city by providing firm power service to the city.

Interstate states that the City of Independence requested firm power service from Interstate to supplement the existing capacity of the city's municipal utility system. Interstate also states that it is able to provide the requested firm power service from its system and consequently, an amendment to the electric service agreement with the city was executed to reflect the applicable firm power service provisions.

Interstate requests an effective date of March 25, 1977, for the amendment and a waiver of the 30 days filing limitation of § 35.3(a) as the City desires that firm power service commence with the beginning meter reading date that Interstate will use in computing the April billing for Independence.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11845 Filed 4-22-77;8:45 am]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Filing of Proposed Stipulation and Agreement

APRIL 19, 1977.

Take notice that on April 8, 1977, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) submitted a proposed Stipulation and Agreement for approval by the Commission. Kansas-Nebraska states that the proposed Agreement is the result of discussions among Kansas-Nebraska, its jurisdictional customers and the Commission Staff. Kansas-Nebraska further states that the Agreement, if approved, would settle all issues in the captioned proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 27, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11847 Filed 4-22-77;8:45 am]

[Docket No. ER77-292]

KANSAS POWER AND LIGHT CO.

Tender of Service Schedule

APRIL 19, 1977.

Take notice that on April 8, 1977, The Kansas Power and Light Company (KPL) tendered for filing Service Schedule H, Interim Participation Power Service, to the Interconnection Contract between KPL and Central Kansas Power Company, Inc. (Central Kansas), designated KPL Rate Schedule FPC No. 123. The requested effective date is June 1, 1977.

KPL states that under the service schedule it will furnish to Central Kansas a maximum of 112 mW of capacity from June 1, 1977 through May 31, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11841 Filed 4-22-77;8:45 am]

[Docket No. ER77-299]

MONTAUP ELECTRIC CO.

Tariff Filing

APRIL 19, 1977.

Take notice that Montaup Electric Company, on April 12, 1977, tendered for filing service agreements providing for Montaup's transmission of certain power purchase of the Middleborough (Massachusetts) Municipal Gas and Electric Department pursuant to Montaup's generally applicable transmission tariff. This service commenced on March 1, 1977 and will terminate on October 31, 1977.

Montaup requests waiver of the Commission's notice requirements to allow an effective date of March 1, 1977 for this service.

Copies of the filing were served upon the Middleborough Municipal Gas and Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11844 Filed 4-22-77;8:45 am]

[Docket No. ER77-300]

MONTAUP ELECTRIC CO.

Tariff Filing

APRIL 19, 1977.

Take notice that Montaup Electric Company, on April 12, 1977, tendered for filing (1) a contract between Montaup and the Town of Hingham (Massachusetts) Municipal Lighting Plant for the sale of 2.8526 percent (3,600 kW) of the capability of Montaup's Somerset No. 6 unit to Hingham and (2) a service agreement providing for the transmission of the Hingham purchase across Montaup's system pursuant to Montaup's generally applicable transmission tariff. Service under the rate schedules commenced on March 1, 1977 and will terminate on April 30, 1977.

Montaup requests waiver of the Commission's notice requirements to allow an effective date of March 1, 1977 for this service.

Copies of the filing were setrved upon the Hingham Municipal Lighting Plant and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 77-11843 Filed 4-22-77;8:45 am]

[Docket No. ER77-928]

OHIO VALLEY ELECTRIC CORP.

Tariff Change

APRIL 19, 1977.

Take notice that Ohio Valley Electric Corporation (Ohio Valley), on April 12, 1977, tendered for filing a proposed Modification No. 4 dated as of April 30, 1976 to the First Supplementary Transmission Agreement dated July 10, 1953 among Ohio Valley Electric Corporation and its Sponsoring Companies. Each of the Sponsoring Companies filed a Certificate of Concurrence in Modification No. 4. The Certificate of Concurrence filed by the Toledo Edison Company also concurs in the First Supplementary Transmission Agreement and Modifications Nos. 1, 2 and 3 thereto.

Ohio Valley indicates that proposed Modification No. 4 effects changes in the First Supplementary Transmission Agreement referred to above with respect to the furnishing by Louisville Gas and Electric Company, one of the Sponsoring Companies, of certain transmission facilities in lieu of certain transmission facilities in lieu of certain transmission facilities previously furnished. An effective date of June 1, 1977 has been designated for the proposed Modification. Waiver of certain notice requirements has also been requested.

Copies of the filing are being mailed to each jurisdictional customer under the First Supplementary Transmission Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11846 Filed 4-22-77;8:45 am]

[Docket No. RP77-6]

SEA ROBIN PIPELINE CO.

Revised Tariff Sheets and Surcharge Adjustment

APRIL 19, 1977.

Take notice that on March 31, 1977, Sea Robin Pipeline Company (Sea Robin) tendered for filing tariff sheets which reflect the elimination from the proposed rates in the captioned docket of the costs associated with facilities which are not certificated and in service on March 31, 1977. The tendered tariff sheets are:

ORIGINAL VOLUME NO. 1

Thirteenth Revised Sheet No. 4

ORIGINAL VOLUME NO. 2

Fifth Revised Sheet No. 6
Fifth Revised Sheet No. 21
Fifth Revised Sheet No. 39
Fifth Revised Sheet No. 64
Sixth Revised Sheet No. 96
Fifth Revised Sheet No. --

These tariff sheets are filed pursuant to the Commission order of November 30, 1976, in the instant docket.

Sea Robin states that the rates shown on Thirteenth Revised Sheet No. 4 reflect also Sea Robin's current gas cost and surcharge adjustment determined in accordance with the provisions of the PGA clause to its FPC Gas Tariff.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11849 Filed 4-22-77;8:45 am]

[Docket No. CP77-324]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

APRIL 18, 1977.

Take notice that on March 31, 1977, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-324 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on a best efforts basis for Piedmont Exploration Company, Inc. (Piedmont Exploration) a wholly owned subsidiary of Piedmont Natural Gas Company, Inc. (Piedmont), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 30 dekatherms (dths) of natural gas per day for Piedmont Exploration pursuant to the proposed Rate Schedule TS-2. Applicant states that under the terms of the proposed Rate Schedule TS-2, it would transport on an interruptible, best efforts basis, a maximum daily transportation quantity to be agreed upon by service agreement dated March 23, 1977, between Applicant and Piedmont Exploration. Applicant further states that Piedmont, a direct customer of Transcontinental Gas Pipe Line Corporation (Transco), has acquired from it producing subsidiary gas supplies of approximately 30 dths per day in the South Gist Field, located in Newton County, Texas which would be delivered to Applicant at its existing interconnection located in New County, Texas, and Applicant would redeliver said volume of gas to Transco at either point of interconnection in East Feliciana Parish or Beauregard Parish, Louisiana for delivery to Piedmont.

Applicant states that the transportation rate which it proposes to charge for transportation service under the Rate Schedule TS-2 is an amount equal to its rate for deliveries in the particular zone at which the proposed delivery would be made, based on the 100 percent DCQ load factor level rate, less Texas Eastern's purchased gas costs and fuel cost and is identical to its Rate Schedule TS rate. Applicant further states that the delivery volumes would be reduced 3 percent to offset volumes used by Applicant in the performance of the proposed transportation service, and pursuant to the Rate Schedule, Piedmont Exploration would reimburse Applicant for any cost of construction that may be required to receive the gas supplies.

Applicant asserts that it is currently curtailing deliveries to its customers at approximately 380,000 dths per day. Consequently, there exists available capacity on its system to render the proposed transportation service, it is said. It is stated that the proposed transportation service to be rendered for Piedmont Exploration would result in an immediate reduction of curtailments on Piedmont's system, and would avoid costly and time-consuming duplication of expensive pipelines facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

[Docket No. RP73-64]

SOUTHERN NATURAL GAS CO.

Notice of Petition

APRIL 19, 1977.

Take notice that on March 25, 1977, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202, filed in Docket No. RP73-64 a petition for approval for tracking the costs associated with new pipeline supplies in its Purchased Gas Adjustment Account. Southern will be receiving new pipeline supplies from Sea Robin Pipeline Company (Sea Robin) which are associated with Sea Robin's purchase of gas from Block 22, Vermilion Area, offshore Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 29, 1977. Protests will be considered by the Commission in determining the appropriate parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11850 Filed 4-22-77;8:45 am]

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11842 Filed 4-22-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1977 No. 15]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending April 9, 1977

ACTIONS OF THE BOARD

Statement by Governor Philip E. Coldwell, before the Senate Committee on Banking, Housing and Urban Affairs on the expenditures and budgets of the Federal Reserve Banks and Board of Governors.

Amendment to Regulation Q, to create a category of deposits under which member banks could pay maximum interest rates for consumer-type time deposits to savers in individual Retirement Accounts and Keogh Plan retirement accounts.

Mr. Charles J. Siegman, Division of International Finance, promoted from Associate International Division Officer to Senior International Division Officer, effective March 27, 1977.

Mr. James R. Wetzel, Division of Research and Statistics, promoted from Associate Research Division Officer to Senior Research Division Officer, effective March 27, 1977.

Mr. Robert A. Eisenbeis, Division of Research and Statistics, appointed Associate Research Division Officer, effective March 27, 1977.

Mr. Joseph S. Sims, Board Members' Offices, appointed Special Assistant to the Board in the Public Affairs section of the Office of Board Members, effective April 18, 1977.

Issuance of capital notes by Arkansas Bank and Trust Company, Hot Springs, Arkansas.

Issuance of subordinated capital notes by First Bank & Trust Company of South Bend, South Bend, Indiana.

Mingo Bankshares, Inc., Puxico, Missouri, extension of time to May 14, 1977, within which to acquire shares of Puxico State Bank, Puxico, Missouri.[1]

SYB Corporation, Oklahoma City, Oklahoma, extension of time to May 6, 1977, within which to consummate the acquisition of more than 80 per cent of the voting shares of Stock Yards Bank, Oklahoma City, Oklahoma.[1]

Merchants & Farmers Bank, Columbus, Mississippi, to make an additional investment in bank premises.[1]

Ewing Bank and Trust Company, West Trenton, New Jersey, extension of time to October 17, 1977, within which to establish a branch office at 790 River Road, West Trenton, New Jersey.[1]

Minster State Bank, Minster, Ohio, extension of time to September 1, 1977, within which to establish its branch on State Route 66, village of New Bremen, German Township, Ohio.[1]

Deregistration pursuant to Regulation G for Union Teachers Credit Union, Chicago, Illinois.[1]

Citibank Overseas Investment Corporation, Wilmington, Delaware, extension of time within which to complete its investment in First National City (Costa Rica) S.A., San Jose, Cost Rica.[1]

Banco Internacional S. A., Montevideo, Uruguay, proposed merger by The First National Bank of Boston, Boston, Massachusetts; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Mutual Savings & Loan Association of Richmond County, Port Richmond, New York, proposed merger with Northfield Savings Bank, Staten Island, New York; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Northampton National Bank of Easton, Easton, Pennsylvania, proposed acquisition by the First National Bank of Allentown, Allentown, Pennsylvania; report to the Comptroller of the Currency on competitive factors.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Citizens Bank & Trust Company, Campbellsville, Kentucky. Branch to be established at 640 West Main Street, Campbellsville, Taylor County.[2]

Bay City Bank & Trust Company, Bay City, Michigan. Branch to be established at 1513–1517 Columbus Avenue, Bay City.[2]

American Security Bank, Mount Pleasant, Michigan. Branch to be established at 1900 North Winn Road, Beal City, Nottawa Township, Isabella County.[2]

Tompkins County Trust Company, Ithaca, New York. Branch to be established at 114–120 East Seneca Street, Ithaca, Tompkins County.[2]

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

APPROVED

Northern Trust Company: re: Branch, Hong Kong.

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

First National Bank of Boston: re: Comptitive Factors report re: Banco Internacional, S.A., Montevideo, Uruguay.

Morgan Guaranty International Finance Corporation: re: investment, indirectly acquire 100 percent of the shares of Companie General de Mandatos, S.A. Madrid, Spain.

NCNB International Banking Corporation: re: Investment, to acquire all of the capital stock in NCNB (Export Finance) Limited, London.

Bank of America N.T. and S.A.: re: investment, to acquire 6.34 percent of the shares of the Foreign Trade Bank of Iran.

Hawaii Bancorporation, Inc.: re: investment, to acquire indirectly 42 percent of the shares of a de novo banking corporation "Pacific Commercial Bank" Apia, Western Samoa.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

NBC Corp., Jackson, Tennessee, for approval to acquire 100 percent of the voting shares of the successor by merger to The National Bank of Commerce of Jackson, Jackson, Tennessee and to acquire 83.1 percent of the voting shares of The First National Bank of Gibson County, Humboldt, Tennessee.

Allen Bancshares, Inc., Allen, Oklahoma, for approval to acquire 94.375 percent of the voting shares of Farmers State Bank, Allen, Oklahoma, Allen, Oklahoma.[2]

Montbello Bankcorp, Inc., Denver, Colorado, for approval to acquire 80 percent or more of the voting shares of Montbello State Bank, Denver, Colorado.

DENIED

Sibley Bancorporation, Sibley, Iowa, for approval to acquire 93 percent or more of the voting shares of The First National Bank of Sibley, Sibley, Iowa.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

CleveTrust Corporation, Cleveland, Ohio, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Columbus Trust Company, Columbus, Ohio, a proposed new bank.

Ellis Banking Corporation, Bradenton, Florida, for approval to acquire 50.1 percent or more of the voting shares of Citizens Bank of Bunnell, Bunnell, Florida.

The Royal Trust Company, Montreal, Quebec, Canada, for approval to acquire 80 percent or more of the voting shares of Baymeadows Bank, Jacksonville, Florida.

Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, for approval to acquire 77 percent or more of the voting shares of Eagle River State Bank, Eagle River, Wisconsin.[2]

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Citibanc Group, Inc., Alexander City, Alabama, notification of intent to engage in de novo activities (acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance: any insurance for the holding company and its subsidiaries; any insurance that is directly related to an extension of credit by a bank or a bank related firm of the kind described in this regulation or is directly related to the provision of other financial services by a bank or such a bank related firm or is otherwise sold as a matter of convenience to the purchaser so long as the premium income from sales within this subdivision does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision) in Alexander City, Andalusia, Anniston, Goodwater, Lineville, Roanoke, and Tuskegee, all located in Alabama, through a subsidiary, Consumers' Insurance Services (4/6/77).[2]

DELAYED

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (acting as agent in the sale of insurance protecting collateral held against its extensions of credit) at 4908–A West Mercury Boulevard, Hampton, Virginia, through a subsidiary, Landmark Finance Corporation of Virginia (4/4/77).[2]

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

REACTIVATED

Metro Bancshares, Inc., Kansas City, Missouri notification of intent to engage in de novo activities (leasing personal property or acting as agent, broker, or adviser in leasing such property provided all leases are to serve as the functional equivalent of an extension of credit to the lessee of the property; the leased property is to be acquired specifically for an earlier leasing transaction; all leases are on a nonoperating basis and at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the terms of the lease; the maximum lease term during which the lessor must recover the lessor's full investment in the property plus the estimated total cost of financing the property shall be 40 years; at the expiration of the lease all interest in the property shall be either liquidated or re-leased on a nonoperating basis as soon as practicable but in no even later than two years from the expiration of the lease; however, in no case shall the lessor retain any interest in the property beyond 50 years after its acquisition of the property) at Metro North State Bank, 221 N.E. Barry Road, Kansas City, Missouri (4/5/77).[2]

PERMITTED

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services) at 5972 University Boulevard, Suite No. 1, Jacksonville, Florida, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (4/7/77).[2]

Industrial National Corporation, Providence, Rhode Island, notification of intent to relocate de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services) from 1691 Ware Avenue, East Point, Georgia to Washington Plaza Shopping Center, Washington Road, East Point, Georgia, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (4/7/77).[2]

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services) at 42–A Court Square, Mocksville, North Carolina, through a subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (4/7/77).[2]

CORRECTION

On H. 2 No. 13 permission for Union Trust Bancorp to engage in nonbanking activities should not have included acting as agent in the sale of insurance protecting collateral held against the extension of credit at 135 Caldwell Street, Rock Hill, South Carolina, through a subsidiary, Landmark Finance Corporation of South Carolina (3/24/77).[2]

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Citizens and Southern Holding Company, Atlanta, Georgia, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit for any person; servicing loans and other extensions of credit for any person; and operation of a licensed small loan company and of an installment sales finance company) at 4701 Jonesboro Road, Forest Park Georgia, through a subsidiary, Citizens and Southern Finance Company (4/8/77).[2]

Marshall & Ilsley Corporation, Milwaukee, Wisconsin, notification of intent to relocate de novo activities (equipment leasing to business and manufacturing customers on a noncancellable full payout basis, to purchase conditional sales contracts from equipment suppliers and manufactuers, and to make chattel security loans on commercial and industrial equipment) from the Southfield, Michigan office to 3040 Charlevoix Drive, S.E., Grand Rapids, Michigan, through its subsidiary, First National Leasing Corp. (4/8/77).[2]

First Bank System, Inc., Minneapolis, Minneapolis, Minnesota, notification of intent to engage in de novo activities (mortgage banking activities in three additional markets) in the Canadian Providences of Alberta, Manitoba and Saskatchewan, through its subsidiary, FBS Financial, Inc. (4/9/77).[2]

Metro Bancshares, Inc., Kansas City, Missouri, notification of intent to engage in de novo activities (leasing personal property or acting as agent, broker, or adviser in leasing such property provided all leases are to serve as the functional equivalent of an extension of credit to the lessee of the property; the leased property is to be acquired specifically for the leasing transaction under consideration or will have been acquired for an earlier leasing transaction; all leases are on a nonoperating basis and at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the terms of the lease; the maximum lease term during which the lessor must recover the lessor's full investment in the property plus the estimated total cost of financing the property shall be 40 years; at the expiration of the lease all interest in the property shall be either liquidated or released on a nonoperating basis as soon as practicable but in no event later than two years from the expiration of the lease; however, in no case shall the lessor retain any interest in the property beyond 50 years after its acquisition of the property) at Metro North State Bank, 221 N.E. Barry Road, Kansas City, Missouri (4/6/77).[2]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation) at 6075 South State Street, Murray, Utah, through its indirect subsidiary, FinanceAmerica Corporation (a Utah Corporation), a subsidiary of FinanceAmerica Corporation (4/8/77).[2]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company particularly commercial and residential real estate loans) at 1325 South 800 East Street, Orem, Utah, through its subsidiary, Utah Mortagage Loan Corporation (4/8/77).[2]

First Security Corporation, Salt Lake City, Utah, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company particularly commercial and residential real estate loans) at 1445 South Poplar Street, Casper, Wyoming, through its subsidiary, Utah Mortgage Loan Corporation (4/8/77).[2]

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Berkshire Hathaway Inc., New Bedford, Massachusetts, notification of intent to indirectly acquire Buffalo Evening News, Inc., Buffalo, New York, a newspaper publishing business, through its subsidiary, Blue Chip Stamps (4/8/77).[2]

Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

Republic of Texas Corporation, Dallas, Texas, prior certification that its proposed divestiture by its subsidiary, The Howard Corporation, of the Town & Country Shopping Center, Midland, Texas, through the sale of such shopping center to Hotelmattschappij Duin & Daal B.V., a corporation of Holland, is necessary or appropriate to effectuate the policies of the Bank Holding Company Act.[4]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Tompkins County Trust Company, Ithaca, New York. Branch to be established at 114–120 East Seneca Street, Ithaca, Tompkins County.

The Ohio Citizens Trust Company, Toledo, Ohio. Branch to be established at 2200 Jefferson Avenue, Toledo, Lucas County.

Valley Bank of Nevada, Las Vegas, Nevada. Branch to be established on the Southwest Corner of the intersection of Glendale Avenue and Rock Boulevard, Reno.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Hamburg Financial, Inc., Hamburg, Iowa, for approval to acquire 82.5 percent of the voting shares of Iowa State Bank, Hamburg, Iowa.

Klossner Bancorporation, Incorporated, Klossner, Minnesota, for approval to acquire 80.1 percent or more of the voting shares of Klossner State Bank, Klossner, Minnesota.

[4] Processed on behalf of the Board of Governors under delegated authority.

Krey Co., Ltd., Pratt, Kansas, for approval to acquire 51 percent of the voting shares of The Peoples Bank, Pratt, Kansas.

NBM Corporation, McAlester, Oklahoma, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of The National Bank of McAlester, McAlester, Oklahoma.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Florida Bankshares, Inc., Hollywood, Florida, for approval to acquire an additional 20,000 shares of the voting shares of First National Bank of Sebring, Sebring, Florida.

The Royal Trust Company, Montreal, Quebec, Canada and Royal Trust Bank Corp., Miami, Florida, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of Royal Trust Bank of South Dade, N.A., Dade County, Florida, a proposed new bank.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Chemical New York Corporation, New York, New York, notification of intent to relocate de novo activities (making of direct loans and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a finance company; and acting as agent for the sale of credit life insurance, credit accident and health insurance, and credit related property and casualty insurance issued in connection with extensions of credit) from 1515 Mockingbird Lane, Charlotte, North Carolina to 5 Woodlawn Green, Charlotte, North Carolina (4/4/77).[1]

Fidelcor, Inc., Rosemont, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals including second mortgages on properties in North Carolina where the loans are owned by direct or indirect subsidiaries of Fidelcor; engaging in a general consumer finance business; purchasing installment contracts arising from the sale of personal property and services; and, with respect to all of the above, selling credit life and credit accident and health insurance, and mortgage life and disability insurance, and accidental death insurance and casualty insurance on the collateral; and through Master Life Insurance Company, an indirect subsidiary of Fidelcor, reinsuring consumer type credit life insurance sold; the location indicated is relevant to the reinsurance only as establishing a location of credit transaction to which the reinsurance relates) from 664 Washington Street, Eden, North Carolina to 620 Van Buren Road, Eden, North Carolina, through its subsidiaries, Fidelcor Financial Centers, Inc. and Trefoil Mortgage Company (3/31/77).[1]

First Maryland Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing such loans and other extensions of credit for its own account or for the account of others and to operate as a sales finance company) at 20 Mall Shopping Center, Guilderland, New York, through its subsidiary, Albany Discount Corporation (4/6/77).[1]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in de novo activities (making installment loans to individuals for personal, family or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; and acting as agent in the sale of insurance protecting collateral held against the extensions of credit) at 4908-A West Mercury Boulevard, Hampton, Virginia, through a subsidiary, Landmark Finance Corporation of Virginia (4/4/77).[1]

Trust Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (the business of providing data processing services to banks and bank holding companies including, but not limited to, processing for checking and savings accounts, savings certificates, installment loans, commercial loans, overdraft banking, automated proof transit, general ledger, and check reconcilement) at 2140 N.E. 2nd Street, Gainesville, Florida, through a subsidiary, Trusco Data Systems of Florida, Inc. (4/7/77).[1]

Trust Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (the business of acting as agent for the sale of decreasing term credit life and credit accident and health insurance) at The Exchange, Cobb County; 8 Lavista Perimeter Park, Tucker; 1895 Phoenix Boulevard, College Park; and 25 Park Place, N.E., Atlanta, all located in Georgia and 5444 Bay Center Drive, Tampa, Florida, through a subsidiary, Adair Mortgage Company (4/5/77).[1]

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit for any person) at 120 South Ridgewood Avenue, Daytona Beach, Florida, through a subsidiary, Sunbank Mortgage Company (4/4/77).[1]

National Detroit Corporation, Detroit, Michigan, notification of intent to engage in de novo activities (making, acquiring, and servicing for its own account and for the account of others, mortgage loans and other extensions of credit in connection with the purchase, development and/or improvement of real property) at 200 Renaissance Center, Detroit, Michigan, through its subsidiary, NBD Mortgage Company (4/8/77).[1]

Krey Co. Ltd., Pratt, Kansas, for approval to acquire substantially all of the assets of two consumer finance offices of Central States, Inc., Pratt, Kansas with offices in Guymon, Oklahoma and Liberal, Kansas.

Peoples Credit Co., Kansas City, Missouri, for permission to retain the assets of Midwest Data Processing (a division of Peoples Credit Co.), Kansas City, Missouri (engaged in providing bookkeeping and data processing services for the holding company and its subsidiary banks as well as for nonaffiliated banks and other commercial businesses and non-profit organizations)

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company; leasing real property or acting as agent, broker, or adviser in the leasing of real property; servicing loans and other extensions of credit for itself and others) at 556 California Street, San Francisco, California, through its subsidiary, BA Mortgage Company, Inc. (4/4/77).[1]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company; leasing real property or acting as agent, broker, or adviser in the leasing real property or acting as agent, broker, or adviser in the leasing of real property; servicing loans and other extensions of credit for itself and others) from 2600 Douglas Road, Suite 1010, Coral Gables, Florida to 5401 West Kennedy Boulevard, Tampa, Florida, through its subsidiary, BA Mortgage Company, Inc. (4/4/77).[1]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company; leasing real property or acting as agent, broker, or adviser in the leasing of real property; servicing loans and other extensions of credit for itself and others) at 5909 West Loop Road, Suite 625, Bellaire, Texas, through its subsidiary, BA Mortgage Company, Inc. (4/4/77).[1]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in de novo activities (the making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit for other persons) at East 11516 Sprague Avenue, Spokane, Washington, through its subsidiary, Rainier Mortgage Company (4/4/77).[1]

U.S. Bancorp, Portland, Oregon, notification of intent to engage in de novo activities (leasing of personal property and equipment and acting as agent, broker, or adviser in the leasing of such property) at 733 North 7th Street, Boise, Idaho, through its subsidiary, Bancorp Leasing Inc (4/1/77).[1]

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Arkansas Best Corporation, Fort Smith, Arkansas, through its wholly-owned subsidiary, Arkansas-Best Freight System, Inc. an interstate motor carrier, notification of intent of its purchase of a portion of the operating rights of Great Lakes Express, Inc., Saginaw, Michigan, also an interstate motor carrier (4/7/77).[1]

For Certification Pursuant to the Bank Holding Company Tax Act of 1967.

None.

REPORTS RECEIVED

None.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, April 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11835 Filed 4-22-77;8:45 am]

FLORIDA BANKSHARES, INC.

Acquisition of Bank

Florida Bankshares, Inc., Hollywood, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 12.5 percent of the voting shares of First National Bank of Sebring, Sebring, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 17, 1977.

Board of Governors of the Federal Reserve System, April 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11759 Filed 4-22-77;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING

Tar and Nicotine Content Results

The latest results of cigarette testing were published in the FEDERAL REGISTER on Monday, December 13, 1976, 41 FR 54221. Results of retesting of reformulated Parliament brand of cigarettes were published in the FEDERAL REGISTER on Friday, April 15, 1977, 42 FR 19925.

As a result of a request from Lorillard, the manufacturer of Kent Golden Lights Cigarettes, the Federal Trade Commission authorized its Tobacco Research Laboratory to conduct two retests of Kent Golden Lights: first, by inserting the cigarettes to the standard depth of 11 mm. into the cigarette holders of a cigarette smoking machine, and second, by inserting the cigarettes to a depth of 5 mm. At this time, the FTC rejects the results of the 5 mm. test as inappropriate in measuring tar and nicotine levels. The results by the standard 11 mm. method used by the Tobacco Research Laboratory were as follows:

[In milligrams per cigarette]

	TPM dry	Nicotine
Kent Golden Lights, king size, filter, soft pack	8	0.6

In testing cigarettes the FTC's Tobacco Research Laboratory routinely inserts them "⅞" (11 mm.) into the cigarette holders on its cigarette smoking machine. Recent developments in ventilated filtration systems have raised the question of whether and to what extent of the depth of insertion should vary from the 11 mm. standard. An 11 mm. insertion would affect a ventilated filtration system that utilized that portion of the cigarette within 11 mm. of the tip, and therefore the "tar" and nicotine figures. Of special concern when considering any such modification of the standard 11 mm. insertion is whether the insertion depth would and should be decreased beyond the point where consumers cover the cigarette with their lips, fingers, or both when they puff. The Commission believes that additional information is necessary before deciding whether further action should be taken in connection with this matter.

By direction of the Commission dated April 11, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11738 Filed 4-22-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN APPAREL PRODUCTS IN CHIEF VALUE LEATHER AND CHIEF WEIGHT TEXTILE MATERIALS

Extension of Exemption From Bilateral Textile Agreements

APRIL 22, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Extending until June 1, 1977 the exemption from bilateral textile agreements of certain apparel products which are in chief weight textile materials and chief value nontextile materials.

SUMMARY: A notice published in the FEDERAL REGISTER on March 21, 1977 (42 FR 15359) announced establishment of TSUS 791.74 to cover "certain wearing apparel of leather which is: In part of textile materials, the aggregate weight of which exceeds the weight of any individual nontextile material contained therein," and delayed its inclusion under the textile import restraint program until May 1, 1977. The purpose of the present notice is to announce an extension of that exemption through May 31, 1977.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.77-12019 Filed 4-22-77;10:58 am]

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR THE REPUBLIC OF KOREA

Information for Investors

The Agency for International Development (A.I.D.) has advised the Korea National Housing Corporation ("KNHC") that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the KNHC an amount not to exceed $10,000,000 and subject to the satisfaction of certain further terms and conditions by the KNHC, A.I.D. will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 221 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to finance housing for lower income families.

Eligible investors interested in extending a guaranteed loan to the KNHC should communicate promptly with:

Duncan Cameron, Esquire, Cameron, Hornbostel and Adelman, 1707 H Street NW., Washington, D.C. 20006.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships or associations substantially beneficially owned the U.S. citizens; (3) foreign corporations whose share capital is at least 95% owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D.

The KNHC projects a schedule of disbursements covering approximately thirty months from the date of the loan agreement and prospective Investors should consider this in proposing a guaranteed loan to the KNHC. In addition, the Investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the KNHC.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the KNHC. The KNHC and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Dated: April 14, 1977.

DONALD A. GARDNER,
Deputy Director, Office of Housing, Agency for International Development.

[FR Doc.77-11743 Filed 4-22-77;8:45 am]

FEDERAL AVIATION ADMINISTRATION

GREAT FALLS, MONTANA, RADAR APPROACH CONTROL FACILITY

Reduction of Hours

Notice is hereby given that on or about May 5, 1977, the Great Falls, Montana, Radar Approach Control Facility will be closed each day from 11 p.m. to 7 a.m.

local time. This information will be reflected in forthcoming issues of the Airman Information Manual.

Issued in Aurora, Colorado, on April 15, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-11753 Filed 4-22-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Doc. No. EX77-4; Notice 1]

INVACAR LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Invacar, Ltd., of Benfleet, Essex, England, has petitioned for a temporary exemption from 49 CFR 571.123 Motor Vehicle Safety Standard No. 123, Motorcycle Controls and Displays, on the basis that its vehicle presents on overall level of safety equivalent to a conforming one.

Petitioner is a manufacturer of a three-wheeled enclosed single passenger motor vehicle, which is a "motorcycle" for purposes of compliance with the Federal motor vehicle safety standards. Invacar's Model 70 has been developed to provide mobility for the disabled. To accommodate the widest range possible of paraplegic problems, Model 70 is available with 56 variations of its control system. These include 14 variations of basic controls with a steering wheel, 18 variations with bicycle-type handle bar steering, and 12 different control arrangements each, with right or left hand tiller bar steering. Thus the vehicle will not comply with the controls required of conventional motorcycles by Standard No. 123 but it will provide an equivalent level of safety in that the controls that are available are sufficient for safe operation on the open road. Since the vehicle has an enclosed cabin it provides an overall level of occupant safety superior to that of conventional two-wheeled motorcycles with exposed riders. By September 1977 it is contemplated that Model 70 will have obtained United Kingdom type-approval for four-wheeled motor vehicles, including installation of a roll bar for driver protention and structural compliance based upon a 30 mph frontal impact. In response to a request from NHTSA for statistics concerning accident involvement of invalid-operated vehicles, petitioner submitted data, available for examination in the docket, that showed a safety record superior to two-wheeled motorcycles albeit inferior to four-wheeled vehicles. By providing transportation for invalids an exemption would appear to be in the public interest. Since the company intends to provide driver training, "possibly in conjunction with static driving trainers, in order to reduce the risk to drivers" an exemption would be consistent with the objectives of the Traffic Safety Act. Invacar will not export more than 2500 vehicles to the United States in any 12-month period that the exemption is in effect. The vehicle is represented as complying with all other standards that apply to motorcycles. Without the variations in control location that an exemption would provide, the company could not sell the Model 70 in the United States.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Invacar, Ltd. Comments should refer to the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: May 25, 1977.

(Sec. 3, Pub. L. 92-548, 88 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 18, 1977.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.77-11688 Filed 4-22-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment, or possession of firearms incured by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Alfonso, Benny, 138 Reynolds Road, West Islip, New York, convicted on September 26, 1955, in the United States District Court, Southern District of New York.

Alford, Ward H., 601 Poplar Avenue, Waynesboro, Virginia, convicted on September 11, 1935, in the Circuit Court, County of Rockbridge, Virginia.

Andrews, John C., 59 Georgiana Street, New London, Connecticut, convicted on August 25, 1970, in the Superior Court of New London County, Connecticut.

Bedgood, Charles I., 3451 Rich Road, North Muskegon, Michigan, convicted on March 24, 1955, in a Special Court-Martial, United States Marine Corps, 29 Palms, California; on April 30, 1956, in a Special Court-Martial, United States Marine Corps, Camp Pendleton, California; on December 23, 1957, in the Circuit Court for the County of Ottawa, Michigan; on November 17, 1958, and on February 14, 1964, in the Circuit Court for the County of Muskegon, Michigan.

Bensen, Louis B., 33540 Washington Drive, Yucaipa, California, convicted on October 22, 1937, in the Common Pleas Court, Monmouth County, Freehold, New Jersey; and on November 26, 1974, in the San Bernadino Municipal Court, Central Division, Department B, San Bernadino, California.

Bouchayer, Raymond A., 548 Alder Street, Chico, California, convicted on June 21, 1971, in the United States District Court for the Northern District of California.

Brown, Keith L., Rural Route 3, Box 668, Conersville, Indiana, convicted on September 13, 1958, in the Decatur County, Indiana Circuit Court.

Budinoff, Daniel W., 154 Hobart Avenue, Port Chester, New York, convicted on June 21, 1971, in the County Court, County of Winchester, New York.

Burnham, William C., 7842 St. Fabian Lane, Baltimore, Maryland, convicted on March 24, 1973, in a Special Court Martial, Headquarters Force Troops, Fleet Marine Force, Atlantic, Camp Lejeune, North Carolina.

Collette, Herman D., III, 2925 Southwest 28th Place, Gainesville, Florida, convicted on February 11, 1971, in the Circuit Court, Alachua County, Florida.

Colley, David E., 440 Burks Place, Forest Park, Georgia, convicted on or about February 14, 1967, in the Superior Court, Fulton County, Georgia.

DePasquale, Guy J., 208 Lantzy Road, Mechanicsburg, Pennsylvania, convicted on September 18, 1968, in the Court of Quarter Sessions of Cumberland County, Pennsylvania.

Feenstra, Norlon, Jr., 15017 161st Avenue, Grand Haven, Michigan, convicted on January 21, 1970, in the Ottawa County Circuit Court, Grand Haven, Michigan.

Ferguson, James T., 1549 Lucille Drive, Pittsburgh, Pennsylvania, convicted on December 3, 1935, in the United States District Court, Western District, Pennsylvania.

Freeman, Rex O., Jr., 1007 Hackney, Houston, Texas, convicted on April 8, 1974, in the 174th District Court, Harris County, Texas.

Gibbons, James P., 2509 19th Street East, Tuscaloosa, Alabama, convicted on September 7, 1971, in the Tuscaloosa Circuit Court, Sixth Judicial District, Alabama.

Hughes, James C., P.O. Box 711, Retail, Washington, convicted on April 23, 1973, in the Superior Court, Kitsap County, Washington.

Jacobs, Brown V., 169 High Street, Greenville, Mississippi, convicted on October 15, 1971, in the United States District Court, Northern District of Mississippi (Greenville).

Kelleher, Andrew J., 416 Baker Avenue, Clearwater, Florida, convicted on April 21, 1972, in the United States District Court, Middle District of Florida.

Kelly, Daniel L., 4462 Casa Bonita Place, Salt Lake City, Utah, convicted on March 2, 1959, in the District Court for Salt Lake County, Utah; and on April 30, 1962, in the District Court of the Seventh Judicial District, Sanpete County, Utah.

Kipple, Richard A., 6810 Mt. Tacoma Drive, SW, Tacoma, Washington, convicted on September 3, 1964, in the Superior Court, Pierce County, Washington.

Lape, Floyd H., Bay Crest Estates, P.O. Box 5508, Charleston, Oregon, convicted on September 29, 1956, in the District Court of Montgomery County, Kansas.

Michalec, Donald D., 314 East Baker, St. Paul, Minnesota, convicted on October 18, 1962, in the Ramsey County District Court, St. Paul, Minnesota.

Padgett, Laulie, Route 1, Box 58, Dupont, Georgia, convicted on March 15, 1954, and on October 16, 1961, in the United States District Court, Middle District, Georgia.

Rankin, Ollian M., Route 2, Box 88, Piedmont, Alabama, convicted on September 7, 1973, in the United States District Court, Northern District of Alabama.

Ray, Jessie M., 2214 Granada Drive, Austin, Texas., convicted on May 19, 1971, in the United States District Court, Eastern District of Louisiana, New Orleans, Louisiana.

Reeves, James C., 3957 Berryman, Mar Vista, California, convicted on January 20, 1972, in the District Court of Tarrant County, Texas.

Schiavone, James J., 195 Prince Street, New York, New York, convicted on December 28, 1970, in the United States District Court for the Southern District of New York.

Semmont, Samuel B., Jr., 2219 Christian Street, Baltimore, Maryland, convicted on December 9, 1966, in the Criminal Court of Baltimore, Baltimore, Maryland.

Shoop, Barry L., 605 G. Willow Street, Highspire, Pennsylvania, convicted on February 28, 1975, in the Cumberland County Court of Common Pleas, Carlisle Pennsylvania.

Smith, Verle W., 424 Charles, Reedsburg, Wisconsin, convicted on April 19, 1948, in the Sauk County Court, Wisconsin.

Sturtsman, Thomas C., 100 Worchester Avenue, Harrisburg, Pennsylvania, convicted on March 4, 1974, in the Court of Common Pleas, Blair County, Pennsylvania.

Warren, Max W., 109 West Normal Avenue, Troy, Alabama, convicted on or about June 22, 1973, in the Montgomery County Circuit Court, Montgomery, Alabama.

Watts, Joseph B., 435 Loring Drive, Sumter, South Carolina, convicted on November 5, 1962, in the Court of General Sessions, Sumter County, Sumter, South Carolina.

Wood, August, 7673 North 44th Street, Augusta, Michigan, convicted on July 16, 1962, in the Circuit Court, Benzie County, Beulah, Michigan.

Yates, John A., 400 Blue Reef, Bali Hai Estates, Hiawatha, Iowa, convicted on October 9, 1964, in the District Court, Linn County, Cedar Rapids, Iowa.

Signed at Washington, D.C., this 11th day of April 1977.

REX D. DAVIS,
Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.77-11774 Filed 4-22-77;8:45 am]

Office of the Commissioner of Customs

[T.D. 77-115]

JEANIE CREATIONS, INC.

Recordation of Trade Name

APRIL 19, 1977.

On March 1, 1977, there was published in the FEDERAL REGISTER (42 FR 11937) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124) of the trade name JEANIE CREATIONS, INC., used by Jeanie Creations, Inc. The notice advised that prior to final action on the application filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "JEANIE CREATIONS, INC." is hereby recorded as the trade name of Jeanie Creations, Inc., a corporation organized under the laws of the State of New York, located at 19 West 36th Street, New York, New York 14903, when applied to ladies sportswear, manufactured in Guam, Manila, Hong Kong, India, Taiwan, and Korea.

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc.77-11805 Filed 4-22-77;8:45 am]

[T.D. 77-114]

JEANIE JEANS, INC.

Recordation of Trade Name

APRIL 19, 1977.

On March 1, 1977, there was published in the FEDERAL REGISTER (42 FR 11937) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124) of the trade name JEANIE JEANS, INC., used by Jeanie Jeans, Inc. The notice advised that prior to final action on the application filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "JEANIE JEANS, INC." is hereby recorded as the trade name of Jeanie Jeans, Inc., a corporation organized under the laws of the State of New York, located at 19 West 36th Street, New York, New York 14903, when applied to ladies sportswear, manufactured in Guam, Manila, Hong Kong, India, Taiwan, and Korea.

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc.77-11804 Filed 4-22-77;8:45 am]

[T.D. 77-116]

LAURA ACCESSORIES, INC.

Recordation of Trade Name

APRIL 19, 1977.

On March 1, 1977, there was published in the FEDERAL REGISTER (42 FR 11937) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124) of the trade name LAURA ACCESSORIES, INC., used by Laura Accessories, Inc. The notice advised that prior to final action on the application filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "LAURA ACCESSORIES, INC." is hereby recorded as the trade name of Laura Accessories, Inc., a corporation organized under the laws of the State of New York, located at 19 West 36th Street, New York, New York 14903, when applied to ladies sportswear, manufactured in Guam, Manila, Hong Kong, India, Taiwan, and Korea.

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc.77-11806 Filed 4-22-77;8:45 am]

Internal Revenue Service

[Delegation Order No. 163]

OFFICE OF INTERNATIONAL OPERATIONS AND PHILADELPHIA SERVICE CENTER

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: Tax Administration of the Northern Mariana Islands Social Security Act will be accomplished by the Office of International Operations and Philadelphia Service Center. The text of the delegation order appears below.

EFFECTIVE DATE: April 19, 1977.

FOR FURTHER INFORMATION CONTACT:

William A. Lind (PR:L), 1111 Constitution Ave., NW., room 3238, Washington, D.C. 20224, Telephone 202-566-4658. (This is not a toll-free telephone number.)

R. C. BLANKENSHIP,
Acting Director, Legislative Analysis Division.

1. The authority granted to the Commissioner of Internal Revenue by Treasury Department Order No. 150-86 to perform functions on behalf of the Northern Mariana Islands with respect to the administration, collection and enforcement, and assessment of the taxes (including interest and penalties) imposed by the Northern Mariana Islands Social Security Act, is hereby delegated to the Director of International Operations. This authority is also delegated to the Director, Philadelphia Service Center to the extent the Director, under the Internal Revenue Code and Regulations promulgated thereunder, is authorized to perform similar functions with respect to the taxes imposed by chapters 2 and 21 of the Internal Revenue Code of 1954 as amended.

2. The authority to perform any act delegated by paragraph 1 may be redelegated to any officer or employee who

is delegated authority to perform a similar act under the Internal Revenue Code and Regulations promulgated thereunder.

WILLIAM E. WILLIAMS,
Acting Commissioner.

[FR Doc.77-11739 Filed 4-22-77;8:45 am]

Office of the Secretary

[Supplement to Dept. Circular, Public Debt Series—No. 9-77]

TREASURY NOTES OF SERIES P-1979

Interest Rate

APRIL 20, 1977.

The Secretary of the Treasury announced on April 19, 1977, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 9-77, dated April 13, 1977, will be 5⅞ percent per annum. Accordingly, the notes are hereby redesignated 5⅞ percent Treasury Notes of Series P-1979. Interest on the notes will be payable at the rate of 5⅞ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-11816 Filed 4-22-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 374]

ASSIGNMENT OF HEARINGS

APRIL 20, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 9859 (Sub-No. 4), Kane Transfer Co., now being assigned June 6, 1977 (1 week), at Baltimore, Md., in a hearing room to be later designated.

MC 129808 (Sub-No. 23), Grand Island Contract Carrier, Inc., now assigned May 9, 1977, at Dallas, Tex., is canceled and application dismissed.

MC 128720 (Sub-No. 5), Merchants Freight Line, Inc., now being continued to June 21, 1977 (3 days), in room A-440, Federal Court House, 801 Broadway, Nashville, Tenn.

MC 125952 (Sub-No. 26), Interstate Distributor Co., now being assigned July 7, 1977 (1 day), at Seattle, Wash., in a hearing room to be later designated.

MC 142554, Custom Carriers, Inc., now being assigned July 8, 1977 (1 day), at Seattle, Wash., in a hearing room to be later designated.

MC 946 Sub-No. 6, Ferdinand Arrigoni, Inc., MC 115521 Sub-No. 4, McDermott Bus Corp., MC 118848 Sub-No. 22, Domenico Bus Service, Inc., MC 142530 Sub-No. 1, Pioneer Bus Corp., and MC 140797 Sub-No. 1, Blue & Grey Transit, Inc., now assigned May 4, 1977, at Newark, N.J., are canceled and reassigned May 4, 1977 (3 days), at New York, N.Y., and will be held in room A, 6th Floor, U.S. Customs, 6 World Trade Center.

MC 142698, B. A. Strickland, now being assigned July 11, 1977 (2 days), at Seattle, Wash., in a hearing room to be later designated.

MC 129631 (Sub-No. 53), Pack Transport, Inc., now being assigned July 13, 1977 (3 days), at Seattle, Wash., in a hearing room to be later designated.

MC 134068 (Sub-No. 31), Kodiak Refrigerated Lines, Inc., now being assigned July 18, 1977 (1 week), at Seattle, Wash., in a hearing room to be later designated

No. 36526, Colorado Intrastate Freight Rates and Charges—1977, now being assigned July 6, 1977 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 42011 (Sub-No. 29), D. Q. Wise & Co., Inc., now being assigned July 11, 1977 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 124947 (Sub-No. 50), Machinery Transports, Inc., now being assigned July 13, 1977 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 138732 Sub-No. 6, Osterkamp Trucking, Inc., now being assigned July 18, 1977 (2 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 116457 Sub-No. 19, General Transportation, Inc., now being assigned July 20, 1977 (3 days), at Phoenix, Ariz., in a hearing room to be later designated

No. 36515, Arizona Electric Power Cooperative, Inc. v The Denver and Rio Grande Western Railroad Co., et. al. and No. 36530, Bituminous Coal, Cameo, Colo., to Cochise, Ariz., now being assigned for continued Pre-hearing Conference on June 7, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C

ROBERT L. OSWALD,
Secretary

[FR Doc 77-11812 Filed 4-22-77;8:45 am]

[Notice No. 156]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 25, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76938, filed March 30, 1977. Transferee: TRENCO, INC., 2109 Marydale Avenue, Williamsport, Pennsylvania 17701. Transferor: Commercial Cartage, Inc., Capitol and Washington Streets, P.O. Box 2786, Charleston, West Virginia, 25301. Transferee's representative: Michael J. Casale, Esq., 329 Market Street, Williamsport, Pennsylvania, 17701. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit Nos. MC 135234 (Sub-No. 8) and MC 135234 (Sub-No. 9) issued March 19, 1974, and September 27, 1974, respectively, as follows: *Electric cable and copper coils*, between Decatur, Ill., Marion, Ind., and Chester, S.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas. Restriction: The operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Essex International, Incorporated, of Fort Wayne, Ind.; (1) *Electric cable, and aluminum rod*, in coils, from the facilities of Alcan Aluminum Corporation at or near Williamsport, Pa., and Tucker, Ga., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin and the District of Columbia; and (2) *Aluminum rod*, in coils, from the destination points named in (1) above to the facilities of Alcan Aluminum Corporation at or near Williamsport, Pa., and Tucker, Ga. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 133085 and subs thereafter. Dual authority will be involved. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77002, filed March 1, 1977. Transferee: LOUIS F. SCHERER, an individual, doing as, SCHERER MOVING AND STORAGE, 1510 15th Ave. Monroe, Wis. 53566. Transferor: Frank J. Kubly Transfer, Inc., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, Attorney at Law, 121 West Doty Street, Madison, Wis. 53703. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 27754, issued September 26, 1974, as follows: *Household goods as defined by the Commission, and emigrant movables*, between points in Green and LaFayette Counties, Wis., that part of Rock County, Wis., on and west of U.S. Highway 51 but not including Janesville and Beloit, Wis.), those in Oregon, Rutland, Montrose, Primrose, and Perry Townships, in Dane County, Wis., and those in that part of Iowa County, Wis., on and south of U.S. Highway 18, on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to Peoria, Ill., thence along U.S. Highway 150 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Mississippi River, and points in that part of Iowa on and east of U.S. Highway 63. Between those points in Wisconsin specified next above, on the one hand, and, on the other, points in Minnesota. Transferee presently holds no authority from this Commission.

No. MC-FC-77029, filed March 15, 1977. Transferee: H. O. Bouchard, Inc., MRC Box 141A, Bangor, Maine, 04401. Transferor: Ralph E. Curtis & Son, Inc., 123 Mt. Hope Avenue, Bangor, Maine, 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine, 04038. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate Nos. MC 116632 (Sub-No. 3); MC 116632 (Sub-No. 5); MC 116632 (Sub-No. 8); MC 116632 (Sub-No. 11); No. MC 116632 (Sub-No. 13); No. MC 116632 (Sub-No. 15); and No. MC 116632 (Sub-No. 16); issued July 17, 1961; July 11, 1963; December 31, 1964; August 15, 1969; March 24, 1970; August 23, 1973; and September 26, 1975 as follows: *Lumber*, between points in Washington and Hancock Counties, Maine on the one hand, and, on the other, port of entry on the United States-Canada Boundary line at or near Calais, Maine; from points in Washington and Hancock Counties, Maine, to points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; *Lumber*, from Princeton, Whitneyville, and Waite, Maine, to points in Vermont; From Houlton, Smyrna Mills, Sherman Station, and Staceyville, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; *Lumber*, from Van Buren and La Grange, Maine, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; *Lumber*, from Masardis, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; *Wooden Fencing*, from Fort Kent and Hampden, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; From Van Buren and La Grange, Maine, to points in Maryland and Delaware; *Lumber*, from ports of entry on the United States-Canada Boundary line located at or near Fort Fairfield and Van Buren, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania; from the port of entry on the United States-Canada Boundary line located at or near Houlton, Maine, to points in Maine; From the port of entry on the United States-Canada Boundary line located at or near Calais, Maine, to points in Maine (except points in Washington and Hancock Counties); *Lumber and wooden pallets*, from points in Aroostock (except Houlton, Smyrna Mills, and Marsardis) and Penobscot (except Sherman Station and Staceyville), Counties, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia; and *Lumber*, from the ports of entry on the United States-Canada Boundary line located at or near Van Buren, Fort Fairfield, Houlton, Fort Kent, Madawaska, and Calais, Maine, to points in Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Ohio, Michigan, and the District of Columbia; From Beddington and Ellsworth, Maine, to points in Vermont; From Masardis, Maine, to points in Delaware, Maryland, and the District of Columbia; and *Wooden Fencing*, from Van Buren, Maine, to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Ohio. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77033, filed March 16, 1977. Transferee: SKIP'S TRUCKING, INC., 112 Adeline Street, Oakland, California 94607. Transferor: Baldwin Trucking, Inc., 192 98th Avenue, Oakland, California 94603. Applicant's representative: Michael C. Leiden, 1182 Market Street, Suite 207, San Francisco, California 94102. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 135779, issued November 23, 1971, as follows: Household goods as defined by the Commission between points in Berkeley, Albany, Oakland, Piedmont, and Emeryville, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77037, filed March 15, 1977. Transferee: MARINE TRANSPORT, INC., P.O. Box 9628, 7737 Hampton Blvd., Norfolk, Va. 23505. Transferor: Marine Stevedoring Corp., P.O. Box 9628, 7737 Hampton Blvd., Norfolk, Va. 23505. Applicant's representative: Richard Brown, Attorney at Law, Suite 400 Overlook Blvd., 6121 Lincolnia Rd., Alexandria, Va. 22312. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-136181 (Sub-No. 1), issued October 17, 1974, as follows: (1) *General commodities* (except commodities in bulk) moving in containers or trailers, and (2) *empty containers*, with restrictions. Between Norfolk, Va., on the one hand, and, on the other, points in the Norfolk, Va. Commercial Zone, as defined by the Commission. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77038, filed March 15, 1977. Transferee: MI-GLENN PRODUCE CORP., doing business as, Mi-Glenn Corp., P.O. Drawer J., South Fallsburg, N.Y. 12710. Transferor: Glenn-Dor Products Corp., 36 Fraser Ave., South Fallsburg, N.Y. 12710. Applicants' representative: Roy D. Pinsky, Attorney at Law, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 56967 Sub-1, and 56967 Sub-4, issued June 21, 1965, and March 11, 1977, respectfully as follows: *Live poultry*, from Watkins Glen, N.Y., to New York, N.Y., serving intermediate and off-route points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line south of Waverly, N.Y., and extending, along New York Highway 34 to Venice Center, N.Y., thence in a westerly direction to Benton Center, N.Y., thence along New York Highway 14-A to Pen Yan, N.Y., thence along New York Highway 54-A via Branchport, N.Y., to Hammondsport, N.Y., thence in a southwesterly direction to Greenwood, N.Y., thence south to the New York-Pennsylvania State line, thence east along the New York-Pennsylvania State line to the point of beginning, south of Waverly, including the points specified, for pick-up only. From Watkins Glen over New York Highway 14 to Montour Falls, N.Y., thence over New York Highway 224 to Van Etten, N.Y., thence over New York Highway 34 to Spencer, N.Y., thence over New York Highway 223 to Candor, N.Y., thence over New York Highway 96 to Owego, N.Y., thence over New York Highway 17 to the New York-State Jersey State line, near Hillburn, N.Y.; thence over New Jersey Highway 17 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to Fort Lee, N.J., thence across the George Washington Bridge to New York, and return over the same route with no transportation for compensation except as otherwise authorized. From Watkins Glen to the New York-New Jersey State line, as specified above, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to Jersey City, N.J., thence through the Holland Tunnel to New York, and return over the same route with no transportation for compensation except as otherwise authorized.

Empty egg and poultry crates, From New York, N.Y., to Watkins Glen, N.Y., serving the intermediate and off-route

points in the New York territory described above, for delivery only: From New York, N.Y., over the above-specified routes to Watkins Glen, and return over the same routes with no transportation for compensation except as otherwise authorized. *Groceries*, From New York, N.Y., to Elmira, N.Y., serving no intermediate points: From New York over above-specified routes to Owego, N.Y., thence over New York Highway 17 to Elmira, and return over the same routes with no transportation for compensation except as otherwise authorized. *Honey*, during the season extending from the 1st day of October to the 31st day of December, inclusive. From Watkins Glen, N.Y., to New York, N.Y., serving the intermediate point of Odessa, N.Y., and the off-route point of Dundee, N.Y., for pick-up only: From Watkins Glen over the above-specified routes to New York, N.Y., and return over the same routes with no transportation for compensation except as otherwise authorized. *Grapes*, during the season extending from the 15th day of September to the 31st day of October, inclusive, from Hector, N.Y., to New York, N.Y., serving intermediate and off-route points within ten miles of Hector for pick-up only: From Hector over New York Highway 414 to Watkins Glen, N.Y., thence to New York, N.Y., as specified above, and return over the same routes with no transportation for compensation except as otherwise authorized. Irregular routes: *Butter, cheese*, and *eggs*, Between New York, N.Y., and points in New York and New Jersey within 25 miles of New York, N.Y., on the one hand, and, on the other, points in New York, *Dressed poultry*, From New York, N.Y., and points in New York and New Jersey within 25 miles of New York, N.Y., to points in New York, with no transportation for compensation on return except as otherwise authorized. Also (1) *Dairy products*, (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b) of the Interstate Commerce Act, in mixed loads with dairy products, from Friendship, N.Y., to New York, N.Y., and those points in New Jersey in and north of Hunterton, Somerset, and Middlesex Counties, N.J.; and (3) *Paper articles*, as described in Appendix XI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 290, 291. From New York, N.Y., and those points in New Jersey in and north of Hunterdon, Somerset, and Middlesex Counties, N.J., to Friendship, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77039, filed March 15, 1977. Transferee: LYLE JOSEPH KLEINSCHMIT, doing business as LYLE KLEINSCMIT, 4838 Gleen St., Route No. 5, Rapid City, S. Dak. 57701. Transferor: Widner, Inc., P.O. Box 689, 1935 Hill St., Sturgis, S. Dak. 57785. Applicants' representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, S. Dak. 57701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 134336 Sub-4, and 134336 Sub-5, issued August 25, 1972, and September 29, 1976, respectively, as follows: *Lumber* and *lumber products*, from Spearfish, S. Dak., to those points in that part of Nebraska west of U.S. Highway 81, and from the facilities of J. U. Dickson Sawmill at or near Sturgis, S. Dak., to points in Nebraska, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77072, filed April 7, 1977. Transferee: NORTH IOWA EXPRESS, INC., 1921 NE. 58th Avenue, Des Moines, Iowa 50313. Transferor: Rex S. Bennett, doing business as Charles City Transfer, 1515 Maine Street, Des Moines, Iowa 50309. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought for purchase by transferee of the operating rights of transfer or as set forth in Certificate of Registration No. MC 120993 (Sub-No. 1) issued April 2, 1964, as follows: General commodities between specified towns and cities in Iowa over a specified regular route. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11811 Filed 4-22-77;8:45 am]

[Notice No. 52]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 19, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provided that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Feld Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 1074TA), filed April 4, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative. E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from the Ash Grove Plant, at or near Sequoita, Mo., to Bayway, N.J., for 180 days. Supporting shipper: Exxon Chemical Company, P.O. Box 3272, Houston, Tex. 77001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108313 (Sub-No. 13TA), filed April 4, 1977. Applicant: CALEDONIA LINES, INC., Sunny Sol Blvd., P.O. Box 8, Caledonia, N.Y. 14423. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed gases and liquid chemicals*, in bulk (except liquified petroleum gases); and (2) *Chemicals, cleaners, detergents and waxes*, in containers and empty containers for those commodities, between Mobile and Evans City, Ala., Denver, Colo., Edgemoor, Del., St. Petersburg, Ft. Lauderdale, Jacksonville, and Tampa, Fla., Augusta and Brunswick, Ga., Danville, Ill., Beechgrove and Hammond, Ind., Calvert City and Louisville, Ky., Lake Charles, Plaquemine, Gramercy, Geismar, Baton Rouge, Taft, and Reserve, La., Orrington, Maine, Curtis Bay, Md., Wyandotte, Montague, Midland, and Ludington, Mich., Festus, Mo., Merrimack, N.H., Newark, Bayonne, and Linden, N.J., Niagara Falls, Syracuse, Buffalo, Warwick, Caledonia, Utica, Friendship, and Vestal, N.Y., Charlotte and Acme, N.C., Ashtabula, South Point, Berberton, and Columbiana, Ohio, Erie, Pa., Charleston, Tenn., Houston, Tex., Milford, Hopewell, and Norfolk, Va., Natrium, Moundsville, and Charleston, W. Va., Hudson, Milwaukee, and Port Edwards, Wis. (except as presently authorized), under a continuing contract with Jones Chemicals, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Philip R. Bleecker, Traffic Manager, Jones Chemicals, Inc., 100 Sunny Sol Blvd., Caledonia, N.Y. 14423. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 S. Clinton St., Syracuse, N.Y. 13202.

No. MC 108449 (Sub-No. 399TA), filed April 4, 1977. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from LaCrosse, Wis., to points in Wisconsin, Minnesota, and Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hawkeye Chemical Co., P.O. Box 899, Clinton, Iowa. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 48958 (Sub-No. 131TA), filed April 1, 1977. Applicant: ILLINOIS CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products*, in bags or in bulk, from points in Costilla County, Colo., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Ohio, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colorado Aggregate Company, Inc., P.O. Box 24, Blanca, Colo. 81123. Send protests to: Roger L. Cuchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., Room 492, U.S. Customs House, Denver, Colo. 80202.

No. MC 54444 (Sub-No. 7TA), filed April 4, 1977. Applicant: MAIN EXPRESS & STORAGE CO., INC., 5938 S. 13th St., Milwaukee, Wis. 53221. Applicant's representative: G. Phillip Beltz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail radio and electronic equipment stores, between Milwaukee, Wis., on the one hand, and, points in Wisconsin on the other, restricted to traffic originating at or destined to retail stores of Radio Shack Division of Tandy Corporation, in Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Radio Shack Div. Tandy Corporation, 2617 W. 7th St., Fort Worth, Tex. 76107. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 96938 (Sub-No. 4TA), filed April 1, 1977. Applicant: ARKANSAS TRANSIT HOMES, INC., 8400 Mabelvale Pike, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles); *buildings*, in sections (except prefabricated buildings), in initial movements, in truckaway service, from Faulkner, Perry, Lonoke, White, and Pulaski Counties, Ark., to points in Mississippi, Tennessee, Louisiana, Texas, and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark 72201.

No. MC 111045 (Sub-No. 139TA), filed April 4, 1977. Applicant: REDWING CARRIERS, INC., P.O. Box 426, 7809 Palm River Road, Tampa, Fla. 33601. Applicant's representative: L. W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank vehicles, from Muscle Shoals, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Tennessee Valley Authority, 633 Chestnut St., 620 Commerce Union Bank, Chattanooga, Tenn. 37401. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW., 53rd Terrace, Miami, Fla. 33166.

No. MC 115311 (Sub-No. 215TA), filed April 4, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from St. Clair, Mich., Akron, Ohio, and Iberia Parish, La., to points in North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Morton Salt Company, a Division of Morton-Norwich Products, Inc., 110 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 115322 (Sub-No. 129TA), filed April 1, 1977. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Abel's Bagels, Inc., at Buffalo, N.Y., to points in Delaware, Maryland, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Abel's Bagels, Inc., a Division of Lenders Bagel Bakery, Inc., 75 Empire Drive, West Seneca, N.Y. 14224. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 115496 (Sub-No. 46TA), filed April 5, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Roy E. Hamrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and those points in Louisiana east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: East Highlands Company, P.O. Box 746, Albertville, Ala. 35950. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 116077 (Sub-No. 381TA), filed April 4, 1977. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Corpus Christi, Tex., to points in Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CPS International, Inc., International Plaza, Englewood Cliffs, N.J. 07632. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 116314 (Sub-No. 31TA), filed April 5, 1977. Applicant: MAX BINSWANGER TRUCKING, 13846 Firestone Blvd., Santa Fe Springs, Calif. 90670. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Crestmore, Calif., to points in Salt Lake County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Riverside Cement Company, P.O. Box 832, Riverside, Calif. 92502. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 117762 (Sub-No. 3TA), filed April 4, 1977. Applicant: MIKE FALCONE, JR. & SONS, INC., 9504 Ocala St., Silver Spring, Md. 20901. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet padding, floor tile and materials, equipment, and supplies* used in the installation thereof, between the warehouse facilities of Shields Associates, Inc., Beltsville, Md., and points in Virginia, Maryland, New Jersey, Pennsylvania, and the District of Columbia and points in its commercial zone, under a continuing contract with Shields Associates, Inc., Beltsville, Md. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Ave. NW., Room 1413, Washington, D.C. 20423.

No. MC 118159 (Sub-No. 207TA), filed April 4, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novelty ice cream products and water ices* (except in bulk), in mechanically refrigerated trailers, from Ocala, Fla., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except points in Tennessee, Virginia, West Virginia, Kentucky, Maine, New Hampshire, and Vermont), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Bond Ice Cream, Inc., 800 Packerland Drive, Green Bay, Wis. 54303. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 123233 (Sub-No. 70TA), filed April 4, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the Port of Entry on the International Boundary Line between the United States and Canada located at or near Alexandria Bay, N.Y., to Lawrenceburg, Ind., restricted to the transportation of traffic having an immediate prior movement in foreign commerce in through, single-line local service originating in the Province of Quebec, Canada, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Joseph E. Seagram & Sons, Inc., 800 Third Ave., New York, N.Y. 10022. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 123872 (Sub-No. 68 TA), filed April 4, 1977. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies* used in the installation, manufacture, packaging, and sale of floor coverings when moved in mixed shipments with floor coverings (except commodities in bulk), from Lyerly, Ga., Greenville and Landrum, S.C., to points in Colorado, Iowa, Kansas, and Nebraska, for 180 days. Supporting shipper: Bigelow-Sanford, Inc., Box 3089, Greenville, S.C. 29602. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 129455 (Sub-No. 16TA), filed April 1, 1977. Applicant: CARRETTA TRUCKING INC., 301 Mayhill St., Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets*, set up, crated, and uncrated, from Marion, Va., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted: (1) to store-door delivery service, and (2) to a continuing contract with L. Grossman's, a division of Evans Products Company of Braintree, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. Grossman's, a division of Evans Products Company, 200 Union St., Braintree, Mass. 02184. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 134286 (Sub-No. 21TA), filed April 1, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1584, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, Suite 350, Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, canned, and packaged foodstuffs*, from the plantsites and/or warehouse facilities of La Choy Food Products, a Division of Beatrice Foods Co., at or near Archbold, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the named origin and destined to the above-described states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Curt Spengler, Traffic Manager, La Choy Food Products, A Division of Beatrice Foods Co., 901 Stryker St., Archbold, Ohio 43502. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 134783 (Sub-No 28TA), filed April 4, 1977. Applicant: DIRECT SERVICE, INC., 940 East 66th St., Lubbock Tex. 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from Lubbock, Tex., to points in Chicago, Ill., and its commercial zone, as defined by the Commission, restricted to shipments originating at the plantsite and storage facilities utilized by John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Sent protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 139495 (Sub-No. 224TA), filed April 4, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herber Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, in vehicles equipped with mechanical refrigeration: (1) from Reading, Pa., to points in Michigan, Iowa, and Missouri; and (2) from Blufton, Ind., to points in Iowa, Nebraska, Colorado, Kansas, and Missouri, for 180 days. Supporting shipper: Bachman Foods, Inc., 2501 Kutztown Road, Reading, Pa. 19603. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., 110 North Market, Wichita, Kans. 67202.

No. MC 139495 (Sub-No. 225TA), filed April 4, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oil and cocoanut oil bars*, from Opelousas, La., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Lou Ana Foods, Inc., P.O. Box 591, Opelousas, La. 70570. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 North Market, Wichita, Kans. 67202.

No. MC 141402 (Sub-No. 8TA), filed April 1, 1977. Applicant: LINCOLN FREIGHT LINES, INC., State Highway Route 32, P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Bldg., Indianapolis, Ind. 46051. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass jars, bottles, container, caps, covers, and skids*, for the account of Brockway Glass Company, Inc., from Lapel, Ind., to Fremont, Ohio; Louisville, Ky.; Champaign, Chicago, and Plainfield, Ill., under a continuing contract with Brockway Glass Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Company, Inc., Lapel, Ind. 46051. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 142356 (Sub-No. 3TA), filed April 4, 1977. Applicant: J. S. BRAYANT TRUCKING COMPANY, INC., Route 3, Box 214C, Lynchburg, Va. 24504. Applicant's representative: Michael L. Rogsby, 200 W. Grace St., Suite 415, Lynchburg, Va. 24504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and shredded scrap steel*, between Washington, D.C., on the one hand, and, on the other, Lynchburg, Radford and Roanoke, Va., under a continuing contract with Lynchburg Foundry Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lynchburg Foundry Company, Box 411, Lynchburg, Va. 24505. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 142941 (Sub-No. 2TA), filed April 4, 1977. Applicant: SCARBOROUGH TRUCK LINES, 1313 N. 25th Ave., Phoenix, Ariz. 85009. Applicant's representative: Phil B. Hammond, 111 W. Monroe, 10th Floor, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery items, dessert preparations, NOI, and coin operating vending machines* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Leaf Confectionery, Inc., at Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., 1155 N. Cicero Ave., Chicago, Ill. 60651. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg. 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 143133TA, filed April 4, 1977. Applicant: SHEPPARD ENTERPRISES, INC., 101 Philadelphia St., Hanover, Pa. 17331. Applicant's representative: Daniel M. Frey, 31 York St., Hanover, Pa. 17331. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power steering units*, from Hanover, Pa., to Chicago, Ill.; Detroit, Mich.; Pontiac, Mich.; Fort Wayne, Ind.; Troy Grove, Ill.; and Bridgeman, Mich.; and (2) *Resin coated sand*, from Troy Grove, Ill., and Bridgeman, Mich., to Reading, Pa., under a continuing contract with International Foundry Supply, Inc., for 180 days. Supporting shipper: International Foundry Supply, Inc., P.O. Box 1053, Reading, Pa. 19603. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., 228 Walnut St., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 143135TA, filed April 1, 1977. Applicant: AIR-VAN LTD., 2741 W. Harvard Blvd., Roseburg, Oreg. 97470. Applicant's representative: Ernest E. Cantril (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between Mahlon Sweet Airport, near Eugene, Oreg., on the one hand, and, on the other, points in Douglas County, Oreg.; restricted to traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 143136TA, filed April 1, 1977. Applicant: NEWMAN'S GARAGE & TOWING SERVICE, INC., 1514 Heidt St., Columbia, S.C. 29204. Applicant's representative: Melton Kligman, 1408 Bull St., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles* in tow-away service, between Columbia, S.C., on the one hand, and, on the other, points in Florida, Georgia, Alabama, Tenenssee, North Carolina, Virginia, West Virginia, Maryland and the District of Columbia, for 180 days. Supporting shippers: Shealy's Inc., Mack Truck, 2123 Main St.; Southeastern Equipment, Inc., 1105 Pulaski St., Columbia, S.C. 29201. Carolina Nationalease, 501 Huger St.; Ryder Truck Rental, Inc., P.O. Box 725, Columbia, S.C. 29202. Southeastern Freight Lines, P.O. Box 5887, Columbia, S.C. 29205. Send protests to E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11814 Filed 4-22-77;8:45 am]

[Notice No. 53]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 20, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an orginal and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1239 (Sub-No. 8TA), filed April 5, 1977. Applicant: PONY TRUCKING, INC., 501 State Route 7, Steubenville, Ohio 43952. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars, billets, sheet, strip, agricultural implements* (steel discs), between Midland Pa., on the one hand, and Portland Muncie, Indianapolis, Greenwood, South Bend, Bluffton, Ft. Wayne, Connersville, Kokomo, New Castle, Anderson and Speedway, Ind.; Chicago, Rockford, Roselle, Joliet and Moline, Ill.; Detroit, Flint, Mt. Clemans, Lansing, Troy, Holland, Jackson and Battle Creek, Mich., on the other. Restriction: The operations herein authorized are limited to a transportation service to be performed under a continuing contract with Crucible, Inc., a division of Colt Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority Supporting shipper: Crucible, Inc., P.O. Box 226, Midland, Pa. 15059. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 5227 (Sub-No. 24TA), filed April 5, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain handling equipment and related parts and accessories*, from the facilities of Sweet Manufacturing Company, at or near West Point, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California and Nevada; and (2) *Equipment, materials and supplies*, used in the manufacture of the commodities named in (1) above, from the facilities of Sweet Manufacturing Company, at or near Springfield, Ohio, to the facilities of Sweet Manufacturing Company, at or near West Point, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. C. Johnson, General Manager, Regional Distribution Center, Sweet Manufacturing Company, Box 33, West Point, Nebr. 68788. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 35807 (Sub-No. 70TA), filed April 4, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: D. E. Wells (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records, payroll checks, reports and audit, and accounting media*, between Hamden, Conn., and points in Ulster, Orange and Dutchess Counties, N.Y., under a continuing contract with Mid-Hudson Savings Bank; Rondout Savings Bank; Ellenville Savings Bank; Savings & Loan Association of Newburgh; and Northeast Data Com., Inc., for 180 days. Supporting shipper: Mid-Hudson Savings Bank, 88 Main St., Fishkill, N.Y. 12524. Rondout Savings Bank, 300 Broadway, Kingston, N.Y. 12401. Ellenville Savings Bank, 80 N. Main St., Ellenville, N.Y. 12428. Savings & Loan Association of Newburgh, 800 Broadway, Newburgh, N.Y. and Northeast Data Com., Inc., 264–270 Amith Road, Woodbridge, Conn. 06525. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 64651 (Sub-No. 9 TA), filed April 6, 1977. Applicant: STAR TRANSPORT CO. INC., P.O. Box 2006, 1791 Westchester Drive, High Point, N.C. 27260. Applicant's representative: C. G. Pusey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, advertising matter, display racks, and premiums* when moving at the same and in the same vehicle with foodstuffs, from the facilities of American Home Foods, Division of American Home Products Corporation, at LaPorte, Ind., to points in Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Home Foods, Division of American Home Products Corporation, 686 Third Ave., New York, N.Y. 10017. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 117119 (Sub-No. 622TA), filed April 7, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail discount stores (except commodities in bulk), from the storage facilities of Howard Bros. Discount Stores, at Monroe, La., to Plainview, Tex., for 180 days. Supporting shipper: Howard Bros. Discount Stores, Inc., 3030 Aurora, Monroe, La. 71201. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 117815 (Sub-No. 262TA), filed April 7, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, woodchips, charcoal lighter fluid* (naphtha distilled), *vermiculite other* than crude, *fireplace logs, sawdust wax impregnated, plant bedding and potting soil*, from Belle, Mo., to points in Iowa and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117940 (Sub-No. 218TA), filed April 6, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used in the operation of retail department stores (except foodstuffs, commodities in bulk and household goods as defined by the Commission), from the New York, N.Y. Commercial Zone, the Boston, Mass. Commercial Zone, and the Philadelphia, Pa. Commercial Zone, to the facilities of Nordstrom in Tukwila, Wash., and Nordstrom stores, in Seattle, Tacoma, Yakima, Spokane, Bremerton, Bellingham and Bellevue, Wash., for 180 days. Supporting shipper: Nordstrom, Inc., 2101 Andover Park East, Tukwila, Wash. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118831 (Sub-No. 150TA), filed April 6, 1977. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Gary L. Honbarrier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bromide*, in bulk, in tank vehicles, from El Dorado, Ark., to the Du Pont Cape Fear Plant, near Wilmington, N.C., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Company, 1007 Market St., Wilmington, Del. 19898. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 121517 (Sub-No. 1TA), filed April 7, 1977. Applicant: ELLSWORTH MOTOR FREIGHT, INC., P.O. Box J, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th St., 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime hydrated lime and ground limestone*, from Marble City and Sallisaw, Okla., to points in Arkansas, Kansas, Bowie and Cass Counties, Tex., and Jackson, Caddo and Webster Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: St. Clair Lime Co., P.O. Box 894, Oklahoma City, Okla. 73101. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 123407 (Sub-No. 363TA), filed April 5, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, in bags, from the plantsite of Persolite Products, at or near Florence, Colo., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Perlite of Oklahoma, 3304 Alexander Lane, Bethany, Okla. 73008. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 124887 (Sub-No. 29TA), filed April 5, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave., and 13th St., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Co., Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia and those points in Louisiana east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: East Highlands Co., P.O. Box 746, Albertville, Ala. 35950. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 126555 (Sub-No. 44TA), filed April 6, 1977. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from Casper and Worland, Wyo., to Milikin, Colo., restricted against oil field commodities as described in Mercer Extension, Oil Field Commodities 74 MCC page 459, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colorado Alfalfa Products Company, Rt. 1, Milikin, Colo. 80543. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 127049 (Sub-No. 14TA), filed April 6, 1977. Applicant: KRUEPKE TRUCKING, INC., 4881 Highway 45, Jackson, Wis. 53037. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fans, heaters, heat recyclers, vacuum cleaners, household compactors, door chimes, range hoods and splash plates, roof chappings, and parts and accessories and exhibition booths* for the foregoing commodities; (a) from Hartford, Wis., to Dallas, Tex.; Atlanta, Ga., and Nashville, Tenn.; and (b) between Hartford, Wis., and Old Forge, Pa.; and (2) Parts used in the manufacture of the commodities in (1) above, from Jacksonville and Jonesboro, Ark.; Gainesville, Ga.; and Columbus, Ohio, to Hartford, Wis., under a continuing contract with Broan Manufacturing Company, Inc., of Hartford, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Broan Manufacturing

No. MC 5227 (Sub-No. 24TA), filed April 5, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain handling equipment and related parts and accessories*, from the facilities of Sweet Manufacturing Company, at or near West Point, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California and Nevada; and (2) *Equipment, materials and supplies*, used in the manufacture of the commodities named in (1) above, from the facilities of Sweet Manufacturing Company, at or near Springfield, Ohio, to the facilities of Sweet Manufacturing Company, at or near West Point, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. C. Johnson, General Manager, Regional Distribution Center, Sweet Manufacturing Company, Box 33, West Point, Nebr. 68788. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 35807 (Sub-No. 70TA), filed April 4, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: D. E. Wells (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records, payroll checks, reports and audit, and accounting media*, between Hamden, Conn., and points in Ulster, Orange and Dutchess Counties, N.Y., under a continuing contract with Mid-Hudson Savings Bank; Rondout Savings Bank; Ellenville Savings Bank; Savings & Loan Association of Newburgh; and Northeast Data Com., Inc., for 180 days. Supporting shipper: Mid-Hudson Savings Bank, 88 Main St., Fishkill, N.Y. 12524. Rondout Savings Bank, 300 Broadway, Kingston, N.Y. 12401. Ellenville Savings Bank, 80 N. Main St., Ellenville, N.Y. 12428. Savings & Loan Association of Newburgh, 800 Broadway, Newburgh, N.Y. and Northeast Data Com., Inc., 264–270 Amith Road, Woodbridge, Conn. 06525. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 64651 (Sub-No. 9 TA), filed April 6, 1977. Applicant: STAR TRANSPORT CO. INC., P.O. Box 2006, 1791 Westchester Drive, High Point, N.C. 27260. Applicant's representative: C. G. Pusey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, advertising matter, display racks, and premiums* when moving at the same and in the same vehicle with foodstuffs, from the facilities of American Home Foods, Division of American Home Products Corporation, at LaPorte, Ind., to points in Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Home Foods, Division of American Home Products Corporation, 686 Third Ave., New York, N.Y. 10017. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 117119 (Sub-No. 622TA), filed April 7, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail discount stores (except commodities in bulk), from the storage facilities of Howard Bros. Discount Stores, at Monroe, La., to Plainview, Tex., for 180 days. Supporting shipper: Howard Bros. Discount Stores, Inc., 3030 Aurora, Monroe, La. 71201. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 117815 (Sub-No. 262TA), filed April 7, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, woodchips, charcoal lighter fluid* (naphtha distilled), *vermiculite other* than crude, *fireplace logs, sawdust wax impregnated, plant bedding and potting soil*, from Belle, Mo., to points in Iowa and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117940 (Sub-No. 218TA), filed April 6, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used in the operation of retail department stores (except foodstuffs, commodities in bulk and household goods as defined by the Commission), from the New York, N.Y. Commercial Zone, the Boston, Mass. Commercial Zone, and the Philadelphia, Pa. Commercial Zone, to the facilities of Nordstrom in Tukwila, Wash., and Nordstrom stores, in Seattle, Tacoma, Yakima, Spokane, Bremerton, Bellingham and Bellevue, Wash., for 180 days. Supporting shipper: Nordstrom, Inc., 2101 Andover Park East, Tukwila, Wash. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 108393 (Sub-No. 117TA), filed April 6, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, from Newark, Ohio, to Evansville.

No. MC 111401 (Sub-No. 484TA), filed April 7, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric* (muriatic acid, in bulk, in tank vehicles), from Deer Park, Tex., to points in Arkansas, Louisiana, Mississippi and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkla Chemical Corporation, P.O. Box 751, Little Rock, Ark. 72203. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 111956 (Sub-No. 39TA), filed April 5, 1977. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Christian V. Graf, 407 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plantsite and shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Fremont, Ohio, to points in Pennsylvania (on and east of U.S. Highway 220); New York (on and south of Interstate Highway 84); New Jersey (on and north of New Jersey Highway 33); and the District, restricted to transportation originating at the above origin and destined to the above destination, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 113651 (Sub-No. 219 TA), filed April 5, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. 47303. Applicant's representative: H. Barney Firestone, 327 S. LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers (except in, in tank vehicles), *and*

Company, Inc., 926 W. State St., Hartford, Wis. 53027. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 129455 (Sub-No. 17TA), filed April 5, 1977. Applicant: CARRETTA TRUCKING, INC., 301 Mayhill St., Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shaving cream, shampoo, soap and store displays*, knocked down, from Morristown, N.J., to Phoenix, Ariz.; Salt Lake City, Utah; Denver, Colo., and points in Alameda, Contra Costa, Los Angeles, Orange, Santa Clara, San Francisco, and San Mateo Counties, Calif., under a continuing contract with The Mennen Company, of Morristown, N.J., for 180 days. Supporting shipper: The Mennen Company, Morristown, N.J. 07960. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 129962 (Sub-No. 1TA), filed March 30, 1977. Applicant: GERARD HARBEC TRANSPORT, INC., 200 Rue Comeau Nord, Farnham, Quebec, Canada J2N 2R6. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal rollers*, between the ports of entry on the International Boundary Line between the United States and Canada, at or near Highgate Springs, Richford, North Troy, Derby Line, Norton and Canaan, Vt.; Pittsburg, N.H.; Coburn Gore and Jackman, Maine, on the one hand, and, on the other, points in Maine, New Hampshire and Vermont, restricted to traffic originating at or destined to the plantsite facilities of Gutta Percha Industries of Farnham Ltd., Farnham, Quebec, Canada, for 180 days. Supporting shipper: Gutta Percha Industries of Farnham Ltd., 949 Main St., East, Farnham, Quebec, Canada J2N 2R6. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 134922 (Sub-No. 228TA), filed April 6, 1977. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials or products, powders, granules and pellets*, in vehicles equipped with mechanical refrigeration (except in bulk), from Kobuta, Pa., to points in California, for 180 days. Supporting shipper: Arco Polymer, Inc., 1500 Market St., Philadelphia, Pa. 19103. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 136916 (Sub-No. 17TA), filed April 5, 1977. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hard ferrites*, in bulk, in dump vehicles, from Edgewater, N.J., to Saugerties, N.Y., for 180 days. Supporting shipper: Ferroxcube Corp., 5083 Kings Highway, Saugerties, N.Y. 12477. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 138762 (Sub-No. 5TA), filed April 4, 1977. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gases*, in bulk, from the Ports of Entry on the United States-Canada International Boundary line in Michigan and New York, to points in Michigan, Minnesota, New York, Ohio, Pennsylvania and Indiana, on traffic originating at Sarnia, Ontario, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: R. L. Jones, Manager, Supply & Transportation, Stillings Petroleum (Canada) Ltd., 670 Canda Place, 407 2nd St., S.W., Calgary, Alberta, Canada T2P 2Y3. Robert H. Crossett, Traffic Mgr., Phila. Division, S.K.F. Industries, Inc., Front St. and Erie Ave., Philadelphia, Pa. 19132. James D. Christen, Traffic Analyst Amoco Oil Company, 220 E. Randolph Drive, Chicago, Ill. 60680. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 138991 (Sub-No. 20TA), filed April 6, 1977. Applicant: K. J. TRANSPORTATION, INC., 100 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: John M. Nader, Route 3, Box 4, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (except in bulk), from Pabst, Ga., to Dayton, Ohio, for 180 days. Supporting shipper: Albert W. Vontz, III, Vice-President, Sales Manager, Service Distributing Co., d.b.a. Heidelburg Distributing Co., 1224 Shaeffer St., Dayton, Ohio 45404. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 S. Clinton St., Room 1259, Syracuse, N.Y. 13202.

No. MC 139091 (Sub-No. 20TA), filed April 7, 1977. Applicant: LOGAN MOTOR LINES, INC., 2829 Mays St., P.O. Box 30038, Amarillo, Tex. 79120. Applicant's representative: Clayton J. Logan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery items* (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Leaf Confectionery, at or near Chicago, Ill., to Baltimore, Md.; Boston, Mass.; Buffalo, New York City and its Commercial Zone, Syracuse, N.Y.; Cleveland and Columbus, Ohio; Philadelphia and Pittsburgh, Pa., under a continuing contract with Leaf Confectionery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., 1155 N. Cicero Ave., Chicago, Ill. 60651. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 139163 (Sub-No. 10TA), filed April 5, 1977. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1265 La Quinta Drive, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 E. Walnut St., P.O. Box J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines and parts, materials and supplies* used in the manufacture, installation or sale of such commodities, between Chicago, Ill., and its commercial zone, on the one hand, and, points in Colorado, Utah, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio and Kentucky, under a continuing contract with Xerox Corporation, for 180 days. Supporting shipper: Xerox Corporation, 3000 Des Plaines, Des Plaines, Ill. 60018. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 140563 (Sub-No. 9TA), filed April 5, 1977. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, 4481 Moreland Ave., Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper*, from the plantsite and warehouse facilities of Bowater Southern Paper Corporation, at Calhoun, Tenn., to point in Alabama, Florida (on and north of Florida Highway 50), Georgia, Kentucky, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bowater Southern Paper Corporation Calhoun, Tenn. 37309. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 141085 (Sub-No. 3TA), filed April 5, 1977. Applicant: EAST COAST TRUCKING, INC., 90 Rentell Road, Hamden, Conn. 06514. Applicant's representative: John E. Fay, 630 Oakwood Ave., Suite 127, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed log products, millwork, materials, accessories, parts and supplies* for assembly, processing, and manufacture of log homes, between Great Barrington, Mass., and Lawrenceville, Va., on the one hand, to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, New Mexico, Ohio, Colorado, Kansas, Maryland, Oklahoma, Tennessee, Texas, South Carolina, West Virginia and Wisconsin on the other, under a continuing contract with New England Log Homes, Inc., d/b/a NELHI, 2301 State St., Hamden, Conn. 06518. Send protests to: J. D. Perry, Jr., Interstate Commerce Commission, Bureau of Operations, 135 High St., Room 324, Hartford, Conn. 06101.

No. MC 142048 (Sub-No. 5TA), filed April 5, 1977. Applicant: PACIFIC TRANSPORTATION LINES, INC., 443 Delaware Ave., Buffalo, N.Y. 14202. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Empire Freezers of Syracuse, Inc., at Syracuse, N.Y., to points in Connecticut, Massachusetts, New Hamshpire, New Jersey and the New York, N.Y. Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Empire Freezers of Syracuse, Inc., Syracuse Industrial Center, Farrell Road, P.O. Box 770, Syracuse, N.Y. 13201. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 W. Huron St., Buffalo, N.Y. 14202.

No. MC 143134TA, filed April 6, 1977. Applicant: SAMSON TRANSPORTATION, INCORPORATED, 6521 W. 65th St., Cleveland, Ohio 44102. Applicant's representative: George S. Maxwell, 1104 One Public Square, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps, solvents, detergents and similar chemical compounds*, from Barberton, Ohio, to points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, under a continuing contract with Malco Products, Inc., for 180 days. Supporting shipper: Malco Products, Inc., 361 Fairview Lane, Barberton, Ohio 44203. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Bldg., 1240 E. 9th St., Cleveland, Ohio 44199.

No. MC 143141 (Sub-No. 1TA), filed April 1, 1977. Applicant: TOM CHAFFEE, Box 657, 524 N.W. Highway 24, Topeka, Kans. 66601. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe and accessories*, from the plantsite and/or warehouse facilities of Vinylplex, Inc., at or near Pittsburg, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee and Texas, under a continuing contract with Vinylplex, Inc., for 180 days. Supporting shipper: Vinylplex, Inc., 1800 Atkinson Ave., Pittsburg, Kans. 66762. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 143148TA, filed April 4, 1977. Applicant: JOE F. MAZZOTTI, 7360 Race St., Denver, Colo. 80229. Applicant's representative: Stockton and Lewis, 1650 Grant St., Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Kansas City, Mo., and Los Angeles, Calif., and the commercial zones of each, to the plantsite of Engbar Pipe and Steel Co., at Denver, Colo., under a continuing contract with Engbar Pipe & Steel Co., for 180 days. Supporting shipper: Engbar Pipe & Steel Co., 4755 Washington St., Denver, Colo. 80216. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143149TA, filed April 4, 1977. Applicant: GARY PESSMAN, doing business as, GARY PESSMAN TRUCKING, R.R. No. 1, Fulton, Ill. 61252. Applicant's representative: Winston A. Hollard, P.O. Box 14006, 5900 W. Colfax Ave., Suite 20, Denver, Colo. 80214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Steel articles, viz: Angles*, NOI: *bars or rods*, NOI, *bars, sheet or tin plate; channels*, NOI: *columns*, NOI, other than sheet; *pipe or tubing*, NOI: *plate or sheet, NOI*, galvanized, lacquered, leaded, painted, primed, tarred or plain, corrugated or not corrugated; plate or sheet, NOI, expanded or perforated; plate, structural, NOI: sheets, reinforced with expanded steel; strip steel, NOI: from the plantsites of steel producing mills, in Fairfield, Ala.; Alquippa, Bethlehem, Clairton, Homestead, Johnstown and Pittsburgh, Pa.; Cleveland and Youngstown, Ohio; Lackawanna, N.Y.; Burns Harbor, Gary, Hammond and Portage, Ind.; Chicago, Granite City, Hennepin and Sterling, Ill.; Kansas City and St. Louis, Mo.; Kansas City, Kans.; Norfolk, Nebr.; Houston, Tex.; Geneva; Utah; Torrance, Calif., to Denver, Colo., and its Commercial Zone; (B) *Iron and steel material*, from the points of origin shown in (A) above, manufactured, into *racks, pallets, storage or warehouse iron or steel KD*, in packages or loose, from Denver, Colo. and its commercial zone, to points in Alabama, Arizona, Arkansas, California, Conecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming, also return movement of *used rack, pallets, storage or warehouse, iron or steel, KD*, when replaced with new rack or pallets, storage or warehouse, iron or steel, KD, at applicable schedule rate and charge, under a continuing contract with Steel Storage Systems, Inc., and Steel Inc., for 180 days. Supporting shippers: Steel Storage Systems, Inc., Thomas D. Fahey, President, 6301 Dexter St.; and Steel Inc., John L. McCallin, President, 6300 Clermont St., Commerce City, Colo 80022. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 143150TA, filed April 4, 1977. Applicant: JAMES E. ROBERTS, doing business as, ROBERTS TRUCKING, 7086 Washington Blvd., Elkridge, Md. 21227. Applicants' representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe; forms and molds* used in the manufacture thereof: (1) from Jessup, Md., and Manassas, Va., and their respective commercial zones, to points in Maryland, Delaware, Virginia, West Virginia, Pennsylvania, and the District of Columbia and its commercial zone; and (2) between Jessup, Md., and Manassas, Va., and their respective commercial zones, under a continuing contract with Concrete Pipe and Products Co., Inc., Jessup, Md., for 180 days. Supporting shipper: William H. Street, III, Vice President and General Manager, Concrete Pipe and Products Co., Inc., P.O. Box 71, Jessup, Md. 20794. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11810 Filed 4-22-77;8:45 am]

[AB-142]

NEW ORLEANS AND COAST RAILROAD CO.

Abandonment of Railroad Services

APRIL 15, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the New Orleans and Lower Coast Railroad of a portion of its line known as "South End" between Port Sulphur and Empire, a distance of 21.2 miles, in Plaquemine Parish, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that abandonment is being proposed primarily to avoid relocation of a portion of the right-of-way which is required for a levee enlargement and setback project by the Army Corps of Engineers in the Port Sulphur area. The major commodity previously handled on this line was elemental sulphur. However, no shipments of this commodity have occurred in the last six months because it is now being handled by water carriers. It is anticipated that traffic diverted as a result of abandonment will move either by water carrier or motor carrier. Even if all the diverted traffic was to move by motor carrier, there would only be an addition of 5 trucks each working day to Louisiana State Highway 23. A diversion of this magnitude will not cause any significant increases in fuel consumption, noise, air pollution, or congestion.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 27, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11809 Filed 4-22-77;8:45 am]

[Nos. 36363, 36364]

RAILROAD ASSET VALUATION AND ACCOUNTING FOR RAILROAD RIGHT-OF-WAY

Petition for Rulemaking

Order. At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 12th day of April 1977.

Upon consideration of petitions filed April 30, 1976, by the United States Department of Transportation (DOT), for the institution of rulemaking proceedings to consider: (1) whether railroad assets should be valued at replacement cost rather than at original cost, and (2) whether existing railroad right-of-way should be subject to depreciation or betterment accounting; and

It appearing, that DOT argues that the subjects of the proposed rulemaking proceedings must be resolved concurrently with the development of a new uniform cost and revenue accounting system for railroads pursuant to section 307 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("4-R Act"; Pub. L. 94-210, 90 Stat. 55 (49 U.S.C. 20(3)), and further argues that formal proceedings should be instituted to afford the public an opportunity to comment:

It further appearing, that the proposed issues are not matters that can be dealt with expeditiously in the initial design of the new system of accounts required by section 307; and that the petitions were specifically excluded from consideration in No. 36367, Revision to the Uniform System of Accounts for Railroads (notice of proposed rulemaking served August 2, 1976);

It further appearing, that the proposed issues were among the subjects considered in the report the Coordinator, in Ex Parte No. 271," Net Investment—Railroad Rate Base and Rate of Return," 345 I.C.C. 1492 (1976); and that, to the extent that the issues considered in Ex Parte No. 271 pertain to section 205 of the 4-R Act, they are subject to further comment in the rulemaking proceeding instituted in Ex Parte No. 338, Standards and Procedures for the Establishment of Adequate Railroad Revenue Levels (notice of proposed rulemaking served March 10, 1977);

It further appearing, that comments received in Ex Parte No. 338 may permit resolution of the issues raised in one or both of these proposals, or allow the nature and scope of any needed separate inquiry into these and related matters to be better defined; and accordingly, that the granting of the petitions for rulemaking at the present time would be premature, unnecessary and undesirable; therefore:

It is ordered, That the petitions for institution of rulemaking proceedings be, and they are hereby, denied.

By the Commission. (Commissioner Stafford did not participate.)

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11813 Filed 4-22-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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Nuclear Regulatory Commission	17
Railroad Retirement Board	7
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1

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 12 FR 20216, April 18, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 20, 1977 2:00 p.m.

CHANGES IN THE MEETING: Addition of item G-30, Docket No. RP71-107, (Phase II) PGA75-1, et al., Northern Natural Gas Company upon the affirmative vote of Chairman Dunham, Commissioners Holloman and Watt. Addition of item G-31, Docket No. RP71-29, et al., (Phase 110, United Gas Pipe Line Company upon the affirmative vote of Chairman Dunham, Commissioners Smith, Holloman and Watt.

KENNETH F. PLUMB,
Secretary.

[S-220-77 Filed 4-20-77;12:04 pm]

2

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

DATE AND TIME: April 25, 1977; 5:00 p.m.

PLACE: Room 800, 1121 Vermont Avenue, NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: (1) Review of Los Angeles School Desegregation Report; (2) Issuance and enforcement of Commission subpenas for hearing in Memphis, Tennessee, on May 9-10, 1977.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-221-77 Filed 4-20-77;12:04 pm]

3

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 20216, April 18, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 20, 1977, 2:00 p.m.

CHANGES IN THE MEETING: The following items have been added to upon the affirmative vote of Chairman Dunham, Commissioners Smith and Holloman. G-32, Docket No. CP77-332, Trunkline Gas Company; G-33, Docket No. CP77-313, Texas Eastern Transmission Corporation; Docket No. CP77-325, Consolidated Gas Supply Corporation; Docket No. CP77-337, Algonquin Gas Transmission Company; the following item has been added upon the affirmative vote of Chairman Dunham, Commissioners Smith and Watt. G-34, Docket Nos. RP71-29, et al., (Phase III) United Gas Pipe Line Company.

KENNETH F. PLUMB,
Secretary.

[S-222-77 Filed 4-20-77;1:50 pm]

4

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10:00 a.m.-April 27, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 30314, Part 370—Employee Responsibilities and Conduct.

STATUS: Open.

PERSON TO CONTACT:
Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-223-77 Filed 4-20-77;3:57 pm]

5

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, April 27, 1977, at 2:30 p.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C., to consider the following items of official Board business:

1. Possible candidates for a position at a Federal Reserve Bank. This matter was originally considered at a meeting on April 29, 1977.

2. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b (c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System.

Dated: April 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-224-77 Filed 4-20-77;4:57 pm]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 75, page 20364, April 19, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., April 21, 1977.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

CHANGES IN THE MEETING: The following item has been changed from the open portion to the closed portion of the meeting: Application for Permission to Organize a New Federal Association Arnando Ernesto Fernandez, et al., Miami, Dade County, Florida.

No. 18, April 20, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S-225-77 Filed 4-20-77;5:11 pm]

7

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 73, Page 19954, Friday, April 15, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., April 22, 1977.

CHANGES IN THE MEETING: Additional items to be considered at the portion of the meeting open to the public: (11) Use of Board Form RL-12 in obtaining medical examinations in disability cases. (12) Approval of expenditure

of $4,796.00 for installation of a security card access control system for the Board's Bureau of Data Processing and Accounts.

[S-226-77 Filed 4-21-77;9:29 am]

8

AGENCY HOLDING THE MEETING: Federal Reserve System.

The previously announced meeting of the Board of Governors of the Federal Reserve System on April 20, 1977, included an additional item:

Possible candidates for a position at a Federal Reserve Bank.

The business of the Board required that the item be added, and no earlier announcement of the change was possible.

This item was closed to public observation because the item falls under exemption(s) in the Government in the Sunshine Act (5 U.S.C. 552(c)).

The previously announced closed items were:

Amendments to the Federal Reserve System's retirement, thrift and long-term disability income plan. This matter was originally scheduled for a meeting on March 23, 1977

The meeting was held at 12:00 noon in the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System.

Dated: April 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-227-77 Filed 4-21-77;10:25 am]

9

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Thursday, April 28, 1977, 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. 20463.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTION OF MEETING OPEN TO THE PUBLIC:

I. Future meetings.
II. Correction and approval of minutes, April 14, 1977.
III. Advisory Opinion 1977-13.
IV. Procedures for electing Commission Chairman.
V. Presentation of findings of in-depth survey on impact of the F.E.C.A. on 1976 elections by Richard Wirthlin and Peter Hart.

PORTION OF MEETING CLOSED TO THE PUBLIC:

VI. Executive Session: A. Compliance; B. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, Telephone 202-523-4065.

MARJORIE W. EMMANS,
Secretary to the Commission.

[S-228-77 Filed 4-21-77;2:46 pm]

10

AGENCY HOLDING THE MEETING: The Renegotiation Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 RF 18341.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 26, 1977.

CHANGES IN MEETING: The time and date of the meeting are changed to 10 a.m., May 3, 1977. In all other respects, the original announcement in 42 FR 13167-8 is unchanged.

Dated: April 21, 1977.

GOODWIN CHASE,
Chairman.

[S-229-77 Filed 4-21-77;3:44 pm]

11

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 10 a.m., Thursday, April 28, 1977.

PLACE: Room 856, 1919 M Street, NW, Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Safety and Special Radio Services—1—Petition for partial reconsideration of actions taken in the Second Report and Order in Docket No. 19478, deleting the requirement for frequency coordination for offset assignments in the 450-470 MHz Business band and restricting "fixed" use to the mobile station band.

Common Carrier—1—Formal Complaint of ITT World Communications Inc. against Puerto Rico Telephone Co., File No. TS-1-77.

Common Carrier—2—Notice of Proposed Rule Making concerning amendment of the accounting rules for telephone companies (Part 31) to include the ratemaking treatment for certain plant and expense items as prescribed in Docket No. 19129.

Cable Television—1—Petition for Special Relief (CSR-1082) filed on behalf of American Television and Communications Corporation, operator of 13 cable television systems in central Florida; and Partial Opposition filed on behalf of Sun World Broadcasters, Inc., (WSWB-TV).

Cable Television—2—Remand from U.S. Court of Appeals (D.C. Circuit) with respect to Vanhu, Inc., Seattle, Washington, and United Community Antenna Systems, Inc., d/b as Master Cable TV Systems, Seattle, Washington; and petition by KIRO, Inc. for ruling consistent with court mandate and motion for oral argument.

Renewal—1—Indianapolis Black Media Coalition's petition to deny renewal applications of five Indianapolis area radio stations.

Television—1—Application by Coral Television Corporation, WCIX-TV, Channel 6, Miami, Florida, for a construction permit for a 100 percent satellite television station on Channel 33, Miami, Florida; objection of Sunbeam Television Corporation, WCKT-TV, Channel 7, Miami, Florida to acceptance of the application for filing.

Broadcast—1—Temporary suspension of certain portions of Sections 73.313, 73.333, 73.684 and 73.699 of the Commission's Rules and Regulations concerning terrain roughness calculations.

Complaint and Compliance—1—Investigation into the operation of Radio Stations WZYQ, Frederick, Maryland, and WZYO-FM, Braddock Heights, Maryland.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: April 21, 1977.

[S-232-77 Filed 4-21-77; 4:07 pm]

12

AGENCY HOLDING THE MEETING: Federal Communications Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, page 20744, Thursday, April 21, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m. Thursday, April 28, 1977.

STATUS: Closed Meeting.

CHANGES IN THE MEETING: This meeting has now been rescheduled for 10:30 a.m., Wednesday, April 27, 1977, in Room 856, 1919 M St., NW., Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: April 20, 1977.

[S-233-77 Filed 4-21-77;4:07 pm]

13

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 2 p.m., Wednesday, April 27, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No. and Subject

Special—1—Progress Report on the Implementation of the Spectrum Management Policy and Coordinating Committee recommendations; and Notice of Inquiry concerning practices and procedures for spectrum management in the land mobile services governed by Parts 89, 91, and 93 of the Commission's Rules.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: April 20, 1977.

[S-234-77 Filed 4-21-77;4:07 pm]

14

AGENCY HOLDING THE MEETING: Tennessee Valley Authority.

TIME AND DATE: 10:30 a.m., Thursday, April 28, 1977.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—Personnel Actions—None.

B—Consulting and Personal Service Contracts—None.

C—Purchase Awards.

1. Req. No. 140700—Turbine rotors for Johnsonville, Kingston, Paradise, and Widows Creek Steam Plants.

2. Req. No. 821533—Condenser circulating water pumps for proposed Hartsville and Phipps Bend Nuclear Plants.

3. Req. No. 821298—Sump pumps for proposed Hartsville and Phipps Bend Nuclear Plants.

4. Req. No. 539658 (Reissue)—Electric tower cranes for construction pool equipment.

5. Req. No. 821399—Structural steel for fuel building for proposed Hartsville and Phipps Bend Nuclear Plants.

6. Req. No. 821047—Balance of plant piping systems for proposed Hartsville and Phipps Bend Nuclear Plants.

7. Req. No. 821606—Radiation monitoring system for Bellefonte Nuclear Plant, units 1 and 2.

8. Req. No. 820104 (Reissue)—6900-volt auxiliary power switch-gear for proposed Hartsville and Phipps Bend Nuclear Plants.

D—Project Authorizations.

1. No. 3221—Construct the Lewisburg, Tennessee, 161-kv substation and transmission line connections.

2. No. 3158.1—Amendment to ionizer project (in collaboration with Electric Power Research Institute and Air Pollution Systems).

E—Fertilizer Items—None.

F—Power Items.

1. Deed conveying to City of New Albany, Mississippi, a 43-acre portion of TVA's Blue Mountain Substation site—Tippah County, Mississippi.

2. New power contract with North East Mississippi Electric Membership Corporation.

3. Interconnection agreement with Louisville Gas and Electric Company—replacement of 1942 agreement.

4. Memorandum of Understanding between the Department of the Army and Tennessee Valley Authority for transmission line modifications for the Tennessee-Tombigbee Waterway project.

5. Agreement with Alabama Power Company for utility relocations—Upper Bear Creek Dam and Reservoir.

G—Real Property Transactions.

1. Contract with Roane County, Tennessee, for highway adjustments in the Kingston Steam Plant area.

2. Grant of coal mining easement to La-Follette Mining Company affecting tract of land in Campbell County, Tennessee.

3. Grant of coal mining easement to Peabody Coal Company affecting land in Henderson, Union, and Webster Counties, Kentucky—tract XCBCR-1M.

4. Filing of condemnation suits.

5. Grant of permanent easement for a sewerline affecting 0.3 acre of Guntersville Reservoir land in Jackson County, Alabama—tract XIGR-122S.

H—Unclassified.

1. Supplement to letter agreement with the Knoxville TVA Employees Credit Union for van pool demonstration project.

2. Designation of personnel security officer.

3. Approval of plans of Kingsport Press for construction of outfall at Bolston River mile 129. OR for an industrial wastewater treatment plant.

Dated: April 21, 1977.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-343-4537.

[S-235-77 Filed 4-21-77; 4:17 pm]

15

AGENCY HOLDING MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on 4/20/77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., April 27, 1977.

CHANGES IN THE MEETING:

The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Holloman, and Smith.

G-7.—Docket Nos. CP74-138, CP74-139, Trunkline LNG Company Docket No. CP74-140, Trunkline Gas Company.

G-8.—Docket No. RP76-140, Natural Gas Pipeline Company of America Docket No. RP77-4, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

G-9.—Docket No. CI74-319, James M. Forgotson, Operator for Gulf Coast Venture

G-10.—Docket No. CI66-176, Skelly Oil Company

G-11.A—Docket Nos. G-17350, G-17351, CP69-346 and CP69-347, Pacific Gas Transmission Company Docket No. CP75-340, Northwest Pipeline Corporation

B—Docket No. CP77-186, Texas Eastern Transmission Corporation

G-12.—Docket Nos. CP65-393, Florida Gas Transmission Company, Docket Nos. CI65-584, CI77-70, and CI77-81, Amoco Production Company, a Subsidiary of Standard Oil Company of Indiana, Docket No. CI73-70 and CI77-31, Columbia Gulf Transmission Company, Docket No. CP73-157, Natural Gas Pipeline Company of America, Docket No. CP77-31, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Docket No. CP77-37, Sea Robin Pipeline Company.

M-1.—Docekt No. RM76-17, Research Development and Demonstration; Accounting; Advance Approval of Rate Treatment.

M-2.—Emergency Supplies of Natural Gas to Pipelines and Distributors.

M-3.—Memorandum relative to Curtailment Impact Next Winter.

KENNETH F. PLUMB,
Secretary.

[S-236-77 Filed 4-21-77;4:37 pm]

16

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on 4/18/77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m. April 26, 1977.

CHANGE IN THE MEETING:

The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Holloman, and Smith.

P-9.—Docket No. ER76-848, Montana Power Company.

M-1.—Docket No. RM77- , Residential Electric Bill Data for United States Bureau of Labor Statistics FPC Form No. 3-P.

M-2.—Docket No. RM76-17, Research Development and Demonstration; Accounting; Advance Approval of Rate Treatment.

KENNETH F. PLUMB,
Secretary.

[S-237-77 Filed 4-21-77;4:41 pm]

17

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 14, 1977, 42 FR 19571.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Monday, April 18, 1977.

CHANGES IN THE MEETING: Affirmation of the Commission Action on Appointment of New ACRS Member.

Meeting time is changed to 1:25 p.m., Friday, April 22, 1977.

WALTER MAGEE,
Chief, Operations Branch.

[S-239-77 Filed 4-22-77;10:12 am]

federal register

MONDAY, APRIL 25, 1977

PART II



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

TANKERMAN REQUIREMENTS; QUALIFICATIONS OF PERSONS IN CHARGE OF OIL TRANSFER OPERATIONS

VOL. 42, NO. 79 — APR 25, 1977 — UNIV

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 155]

[CGD 74-44a]

QUALIFICATIONS OF THE PERSON IN CHARGE OF OIL TRANSFER OPERATIONS

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: The Coast Guard is proposing to revise the regulations governing the qualifications of the person in charge of oil transfer operations. This change is proposed in order to bring the regulations in line with the proposed regulations governing the qualifications of personnel involved in the handling, transfer, and transportation of dangerous cargoes in bulk aboard ships and barges.

DATES: (1) Comments must be received on or before: July 7, 1977. (2) Public Hearing: The Coast Guard will hold a public hearing on June 21 and 22, 1977, beginning at 9 a.m. in room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C.

ADDRESSES: Comments should be submitted to and are available for examination at the Marine Safety Council (G-CMC/81), room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Copies of studies referenced in this document are available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. (202-426-1477).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 74-44a), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. The proposal may be changed in light of comments received before final action on this proposal. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to make comments notify Captain Greiner at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the request.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are Captain Nelson Emory, Project Manager, and Lieutenant Edward J. Gill, Jr., Project Attorney.

DISCUSSION OF THE PROPOSED REGULATIONS

The qualifications of the person in charge of an oil transfer operation are being revised to reflect the proposed requirements for a tankerman published in this issue of the FEDERAL REGISTER (42 FR 21190).

In consideration of the foregoing, it is proposed to amend Part 155 of Title 33 of the Code of Federal Regulations as follows:

By revising § 155.710 to read as follows:

§ 155.710 Qualifications of person in charge.

(a) The person in charge of oil transfer operations on a tankship, as defined in § 30.10-67 of Title 46 of the Code of Federal Regulation, must:

(1) Be designated as person in charge by the master;

(2) Hold a license authorizing service as a deck officer aboard the tankship;

(3) Hold the appropriate endorsement under Subpart 10.11 of Title 46 of the Code of Federal Regulations for the grade of product being transferred; and

(4) Have served during the preceding 12 months aboard the tankship or another tankship built to the same basic plans and having the same cargo containment, control, and monitoring systems.

(b) The service required in paragraph (a)(4) of this section includes:

(1) Assisting the person in charge of the cargo transfer operation during at least two transfers of cargo; or

(2) Equivalent experience acceptable to the Officer in Charge, Marine Inspection.

(c) The person in charge of tank cleaning operations conducted at a tank cleaning facility must be a tankerman certificated for the grade of cargo last carried.

(d) The person in charge of oil transfer operations on a tank barge must be:

(1) A properly certified tankerman for the cargo being transferred; or

(2) A licensed officer with a tankerman endorsement for the cargo being transferred.

(e) The person in charge of oil transfer operations on a cargo and miscellaneous or passenger vessel must:

(1) Be designated as person in charge by the master;

(2) Hold a license authorizing service as an officer aboard the vessel; and

(3) Hold any tankerman endorsement including the "tankerman—flam. (restricted)" endorsement.

(f) The person in charge of bunker fuel oil transfer operations on cargo and miscellaneous, tank, and passenger vessels must have a valid license authorizing service as master, mate, or engineer on the vessel.

(g) The operator of an uninspected vessel of 100 gross tons or more shall instruct the person in charge of oil transfer operations in:

(1) The duties of the person in charge; and

(2) The federal water pollution laws and regulations that apply to the vessel.

(h) The person in charge of oil transfer operations on a foreign flag tankship, tank barge, cargo and miscellaneous vessel, or passenger vessel must have a license or certificate authorizing service as a master, mate, pilot, engineer, or operator on the vessel.

(86 Stat. 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4)).)

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: April 19, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc 77-11872 Filed 4-22-77;8:45 am]

[46 CFR Parts 10, 12, 30, 31, 35, 70, 90, 98, 105, 151, and 157]

[CGD 74-44]

TANKERMAN REQUIREMENTS

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: The Coast Guard is proposing to issue regulations governing the qualifications of personnel involved in the handling, transfer, and transportation of dangerous cargoes in bulk aboard ships and barges. Human error and lack of awareness of the hazards involved on the part of personnel engaged in these operations has resulted in several, recent, marine casualties. Better qualified personnel in charge of these operations should lead to a reduction in similar casualties.

DATES: (1) Comments must be received on or before: July 7, 1977. (2) Public Hearing: The Coast Guard will hold a public hearing on June 21 and 22, 1977, beginning at 9 a.m. in room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Copies of studies referenced in this document are available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. (202-426-1477).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 74-44), the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. The proposal may be changed in light of comments received before final action on this proposal. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to make comments notify Captain Greiner at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the request.

DISCUSSION OF THE PROPOSED REGULATIONS

A new dimension has been added to the Coast Guard's traditional responsibility of protecting lives and property at sea. The protection of the marine environment now constitutes an integral part of its overall statutory mission. This is the culmination of worldwide concern about the continuing pollution of territorial waters as well as the open seas.

The potential for water pollution, insofar as marine transportation is concerned, stems primarily from the release of dangerous or noxious cargoes from either ships or barges. Loading and discharging accidents, along with vessel groundings, collisions, and fires have all contributed to creating a situation of national concern.

The passage of the Ports and Waterways Safety Act of 1972 in the United States and the drafting of the International Marine Pollution Convention of 1973, provided the impetus and authority for the proposed regulations. Other recent regulatory proposals have been directed at vessel design, construction, repair and operational factors whose modification could result in reduction of pollution. This document addresses personnel requirements. Specifically, changes are being proposed to 46 CFR Parts 10, 12, 30, 31, 35, 70, 90, 98, 105, 151, and 157.

The proposal redefines and establishes more satisfactory qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk.

A study sponsored by the Maritime Administration entitled, "A Model Economic and Safety Analysis of the Transportation of Hazardous Substances in Bulk," which was completed in July 1974, concluded that the marine mode was the safest method of transporting such products. If this safety position is to be maintained and improved, and if the Coast Guard's pollution prevention efforts are to be successful, more attention must be devoted to the capabilities of those who will operate the increasingly complex equipment being designed for increasingly hazardous substances. The importance of personnel is emphasized by data collected on those marine casualties, which indicates that human error is the contributing factor in 85% of all casualties. For example, in 1974 and 1975 over 2,200 polluting incidents, resulting in the accidental discharge of 1,813,171 gallons of oil and other hazardous substances, were attributable to human error. Examples of human error include; allowing tank overflow, improper valve handling, and improper hose connections. The lack of awareness of the hazards involved on the part of personnel engaged in transfer further compounds the problem. Better qualified personnel in charge of such operations should lead to a reduction of similar incidents.

Recognition of the need for personnel qualification improvement is also documented in the report released August 16, 1974 by the National Transportation Safety Board (NTSB) on the fatal explosion and fire on the *M/V Venus*. In this report, it was stated that the third mate, who was in charge of tank cleaning operations at the time of the explosion, had never worked on board a tankship prior to joining the vessel shortly before the casualty. He had received no training in tankship operations nor was any required. Basically, he qualified for the assignment solely on the strength of his deck officer's license. The Board recommended that the Coast Guard eliminate this defect in the regulations by requiring tankerman endorsements on such licenses before granting eligibility for this type of service. A "tankerman" is an individual who has been trained in, and is capable of performing efficiently, the necessary operations on tank vessels which relate to the handling of cargo. It is recognized that the person in charge of cargo transfer operations on tankships must be an experienced individual who is knowledgeable in vessel stability, cargo loading, weather, tide conditions, port operations and vessel mooring, in addition to having formal shoreside and practical training in the handling of cargo. Since these qualifications are primarily requirements for a deck license, it is proposed that a licensed deck officer be required to perform this function.

Additionally, it was recommended by the NTSB that continuing eligibility (upon renewal of certificates or licenses) be contingent upon recency of service and training exercises or other demonstrations of current knowledge.

The Coast Guard's on-going reviews of existing regulations have disclosed the validity of the NTSB's findings. The entire existing "tankerman" regulatory scheme, although workable in the past, is not responsive to present day operations. Moreover, because of the increase in the kinds and physical properties of cargoes, and since tankerman certification is now required only for combustible or flammable products in the several grades, it is proper now to propose to extend such certification to all dangerous liquids and compressed gases. For example, an obvious deficiency exists in the case of cargoes of those products regulated by Title 46, Subchapter O, Part 151, of the Code of Federal Regulations, which an individual may now be authorized to handle simply upon the attestation of an employer that he is so qualified. No exemption, type of training or amount of experience is stipulated. Resolution of this situation is achieved by the new categories and standards in this proposal.

The basic endorsement will be "tankerman—flammable." A restricted form of the basic endorsement, "tankerman—flammable (restricted)", is provided for those persons who are not engaged in transfer operations, such as a tankerman on a towing vessel which is towing a tank barge; or a tankerman on a freight vessel or a Seabee/Lash vessel which is transporting bulk liquid cargo in deep tanks or portable tanks.

Separate endorsements as "tankerman—Liquefied Gas" and "tankerman—bulk dangerous liquids" will be required for those persons engaged in the transfer of bulk dangerous chemicals and liquefied gases. Certain cargoes within these two categories will require a "special" endorsement naming the specific cargo the tankerman is authorized to transfer, when this cargo is of an extremely hazardous nature or requires special handling.

A "limited" endorsement is also authorized for a tankerman involved in the transfer of a specific cargo in a dedicated service, where the cargo is both non-flammable and non-toxic, and would ordinarily require a bulk dangerous liquid endorsement.

No tankerman endorsement will be required for the transfer of inert gases such as nitrogen or non-flammable, non-toxic refrigerant gases, such as dichlorodifluoromethane.

The Inter-Governmental Maritime Consultative Organization (IMCO), through its Subcommittee on the Standards of Training and Watchkeeping, has developed detailed recommendations covering the proposed regulations. Recommednations concerning the training and qualification of personnel aboard dangerous cargo carriers have been circulated to all member governments. These suggestions speak to the different levels of compulsory training necessary for the officers and crew having primary responsibility for the cargo, as well as to the general training of all others aboard in the hazards involved, and in firefighting and other appropriate emergency procedures. These proposed regulations seek to put the IMCO recommendations into effect.

Although the ideas expressed above seem fairly straightforward and simple, some difficulty is envisioned in the actual mechanics of implementation. It is hoped that commentors will provide helpful suggestions in this subject area. A "phase-in" approach may be desirable in the case of those regulations concerning, for example, the carriage and transfer of certain flammable and combustible liquids and bulk dangerous liquids which are already being transported by the marine mode within the United States. However, in the case of shipment of hazardous substances such as liquefied natural gas, which is a new cargo for United States flag vessels, the proposed regulations will become effective

without a "phasing in" period. This is because of the identified hazards presented by the transport of such cargoes and the immediate need for personnel who are trained in and capable of handling these cargoes.

Where approval of mandatory training courses might present a problem, the Coast Guard is prepared to demonstrate flexibility during the development phases of satisfactory courses of instruction. As examples, where formal training in "chemical cargo" handling might not be available to all, a group within the marine industry could develop an acceptable curriculum paralleling an already approved course. For firefighting, operators could prepare their personnel in the basics with an approved classroom course, and then augment this with an approved field facility course.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are Captain Nelson Emory, Project Manager, and Lieutenant Edward J. Gill, Jr., Project Attorney.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46 of the Code of Federal Regulations as follows:

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

1. By adding a new Subpart 10.11 to read as follows.

Subpart 10.11—Cargo Transfer

Sec.

10.11–1 Purpose.
10.11–3 Definitions.
10.11–5 Privileges and limitations.
10.11–6 Expiration date.
10.11–7 Eligibility requirements: experience.
10.11–8 Eligibility requirements: training/examination.
10.11–9 Renewal of endorsement as tankerman.
10.11–11 Verification of experience.

AUTHORITY: 86 Stat. 427, as amended, (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4).

§ 10.11–1 Purpose.

This subpart prescribes the requirements for issuing a license endorsement as tankerman, and describes the various tankerman endorsements that authorize a licensed officer to serve as a tankerman or as the person in charge of the transfer and transport of liquid or liquefied gas cargo carried in bulk on a vessel.

§ 10.11–3 Definitions.

As used in this Subpart:

"Bulk Cargo"—means liquid or liquefied gas cargo of more than 250 barrels in a vessel's tanks which is pumped on and off the vessel, including liquid or liquefied gas cargo in a portable tank having a capacity greater than 110 U.S. gallons.

"Bulk Flammable Cargo"—means certain bulk liquids listed in § 12.20–5(a) of this Subchapter whose primary hazard is flammability or combustibility.

"Bulk Dangerous Cargo" means certain bulk dangerous liquids or liquefied gases listed in § 12.20–5(a) (2) and (3) of this Subchapter which have hazards other than, or in addition to, the conventional flammability and combustibility of petroleum products.

"Bulk Dangerous Cargo—Special" means certain bulk dangerous cargoes that are designated as special and require an endorsement on a license specifically naming the cargo or cargoes he is qualified to transfer. These special cargoes are the following:

LIQUEFIED GAS

Methane (LNG)
Ethane
Ethylene
Chlorine
Ethylene Oxide
Methyl Acetylene-Propadiene Mixture
Sulfur Dioxide
Propylene Oxide

BULK DANGEROUS LIQUIDS

Allyl Chloride
Carbon Disulphide
Chlorosulfonic Acid
Epichlorohydrin
Motor Fuel Antiknock Compounds
Oleum
Phosphorus
Propylene Oxide
Sulfur (liquid)
Sulfuric Acid

"Liquefied Gas (LG)"—means bulk liquid cargo which has a vapor pressure of at least 1.76 kp/cm² (25 psi) at 37.8° C (103° F).

"Person in Charge" means a person who:

(a) Holds a license authorizing service as a deck officer aboard a vessel; and

(b) Is designated as person in charge by the master. A tankerman required on vessels under § 31.15–1(b) of this Chapter may serve as the person in charge of the vessel.

"Tankerman"—means a person holding a license endorsement issued by the Coast Guard that attests to his competency in the handling and transfer on tankships and tank barges of:

(a) Flammable or combustible liquid cargo in bulk; or

(b) Dangerous liquid or liquefied gas cargo in bulk.

"Tankerman — flam. (restricted)" — means a person holding a license endorsement issued by the Coast Guard that attests to his competency and authorizes him to serve aboard cargo, passenger, and towing vessels that are required to carry a tankerman.

"Tankerman (barge)"—means a person holding a license endorsement issued by the Coast Guard that attests to his competency in the handling and transfer on tank barges of:

(a) Flammable or combustible liquid cargo in bulk; or

(b) Dangerous liquid or liquefied gas cargo in bulk.

§ 10.11–5 Privileges and limitations.

(a) The holder of a license endorsement as "tankerman" is qualified to handle and transfer on tankships and tank barges bulk liquid or liquefied gas cargoes endorsed on his license as follows:

"Bulk Dangerous Cargo—Limited"—means certain bulk dangerous liquid cargoes which are non-flammable and non-toxic, and are transported in a dedicated service. These limited cargoes are the following:

Caustic Potash Solution
Caustic Soda Solution
Hydrochloric Acid
Nitric Acid (70% or less)
Phosphoric Acid
Sodium Hypochlorite Solution (15% or less)

Endorsement:	*Cargoes authorized to handle and Transfer*
(1) Tankerman—flammable	Those cargoes listed in 12.20–5(a)(1).
(2) Tankerman—bulk dangerous liquids.	Those cargoes listed in 12.20–5(a)(2) and 12.20–5(a)(1).
(3) Tankerman—liquefied gas	Those cargoes listed in 12.20–5(a)(3).
(4) Tankerman—liquefied gas (plus specifically named cargo).	Specifically named "Special" Bulk Dangerous Cargo listed in 10.11–3; and those liquefied gas cargoes listed in 12.20–5(a)(3).
(5) Tankerman—bulk dangerous liquids (plus specifically named cargo).	Specifically named "Special" Bulk Dangerous Cargo listed in 10.11–3 and those bulk dangerous liquid cargoes listed in 12.20–5(a)(2), and those flammable and combustible Liquid Cargoes listed in 12.20–5(a)(1).
(6) Tankerman (limited to specifically named cargo).	Specifically named Bulk Dangerous Liquid Cargo listed in 10.11–3.
(7) No tankerman endorsement required.	Nitrogen, carbon dioxide, dichlorodifluoromethane, dichlormonofluoromethane, dichlorotetrafluoroethane, monochlorodifluoremethane, monochlorotetrafluoroethane, monochlorotrifluoromethane.

TABLE 10.11–5.—*Training/Service Requirements for Endorsements*

Tankerman endorsement [1]	Documented service	Firefighting course	Coast Guard examination	Training course required: Liquified gas	Bulk dangerous liquid	Special
Flammable	×	×	×[2]			
Flammable (restricted)		×	×[2]			
Liquified gas	×	×		×		
Bulk dangerous liquid	×	×			×	
Liquified gas (plus specifically named cargo)	×	×				×
Bulk dangerous liquid (plus specifically named cargo)	×	×				×
Bulk dangerous liquid (limited to specially named cargo)	×	×			×	

[1] Each tankerman endorsement will be further restricted by the addition of the word (barge) if an individual's qualifications were obtained for (in) barges.
[2] An approved training course may be substituted for the Coast Guard examination.

(b) A licensed officer authorized to serve as a tankerman under previous regulations remains authorized to serve in that same capacity for a period of five years from the effective date of these regulations or until the reissuance of his license, whichever occurs first, except that a person serving on a tankship or tank barge transporting liquefied natural gas cargo must have a "tankerman-LG–methane" endorsement issued under this Subpart.

(c) At any time during the five year period provided for in paragraph (b) of this section, a licensed officer may make application for and receive an endorsement authorizing service as tankerman under this section if he meets the eligibility requirements.

§ 10.11–6 Expiration date.

The expiration date to a tankerman endorsement is the same as the expiration date of the license on which it is placed.

§ 10.11–7 Eligibility requirements; experience.

To be eligible for an original endorsement as tankerman, a licensed officer must meet the requirements in § 12.20–11 of this Subchapter within three years.

§ 10.11–8 Eligibility requirements: training/examination.

To be eligible for an original endorsement as tankerman, a licensed officer must comply with the requirements of § 12.20–13 of this Subchapter.

§ 10.11–9 Renewal of endorsement as tankerman.

(a) A "tankerman" endorsement is not renewed unless an applicant for renewal passes all of the qualifications necessary for the endorsement.

(b) Each applicant for renewal must comply with § 10.02–9(a) through (d).

(c) An applicant for renewal of a tankerman endorsement must meet the requirements in § 12.20–15 (f) through (i) of this Subchapter.

(d) An applicant who does not qualify for renewal of his tankerman endorsement at the time of renewal of his license may, if he requests in writing on his application, renew his license without renewing the endorsement.

§ 10.11–11 Verification of experience.

(a) Service and experience must be verified by—

(1) Certificates of discharge; and

(2) A letter attesting to the applicant's overall service and qualifications, including—

(i) The grades of products transferred by the vessel on which the applicant served; and

(ii) A statement as to the grades of products for which the applicant is considered to be the person in charge.

(b) The letter required in paragraph (a)(2) of this section must be signed by the deck officer directly responsible for training and supervising the applicant.

(c) If the certificate of discharge required in paragraph (a)(1) of this section is not issued, a letter from the master or other representative of management is required in addition to the letter from the deck officer.

2. By adding a new § 10.30–10 to read as follows:

§ 10.30–10 Firefighting qualifying courses.

(a) A student who takes an approved course of training and successfully completes the course, including the written or practical examination required under § 10.30–3(c), is entitled to a firefighting certificate—

(1) In a form prescribed by the school that is acceptable to the Coast Guard; and

(2) Signed by the head of the school and the local Officer in Charge, Marine Inspection or a designated representative of either or both.

(b) The following firefighting certificates are issued under this section:

(1) "Firefighting (ship)"—no limitation as to vessels.

(2) "Firefighting (barge)"—limited to barges.

(c) A student is issued a "Firefighting (ship)" certificate if he completes the following curriculum:

(1) A total of at least 24 classroom hours covering:

(i) The fire hazards of all dangerous cargoes.

(ii) Fire prevention.

(iii) Fire chemistry.

(iv) Fire extinguishing agents and equipment.

(v) Firefighting procedures.

(vi) Emergency equipment.

(vii) Fire detecting systems.

(viii) First aid.

(2) A field exercise program of at least eight hours individual "hands on" training in firefighting procedures including class A, B, C, and D fires and extinguishing agents on vessels and covering:

(i) The following concerning fire mains:

(A) Nozzle and hose handling.

(B) Types of fire mains.

(C) Inspection of fire mains.

(D) Team work.

(E) Low and high velocity fog.

(F) Use of the fire main on the following fires:

(*1*) Machinery space bilge fire.

(*2*) In-process tank fire.

(*3*) Cabin fire.

(*4*) Drip pan fire.

(*5*) Manifold flange fire.

(*6*) Tank hatch (ullage cover) fire.

(ii) Pickup and use of foam on an in-process tank fire and an oil spill fire.

(iii) The following concerning portable extinguishers:

(A) Limitations.

(B) Inspection.

(C) Recharging.

(D) Use of extinguishers on the following fires:

(*1*) Galley fire.

(*2*) Cabin fire.

(*3*) Electrical fire.

(*4*) Flammable liquid fire.

(*5*) Drip pan fire.

(iv) The limitations and use of fresh air, self-contained (air-pac) and oxygen breathing apparatus in a smoke house and during rescue operations.

(d) A student is issued a "firefighting (barge)" certificate if he completes the following curriculum:

(1) A total of at least ten classroom hours covering:

(i) The fire hazards of all dangerous cargoes.

(ii) Fire prevention.

(iii) Fire chemistry.

(iv) Fire extinguishing agents and equipment.

(v) Firefighting procedures.

(vi) Emergency equipment.

(vii) First aid.

(2) A field exercise program of at least four hours individual "hands on training" in firefighting procedures including class A, B, and C fires and extinguishing agents on tank barges covering:

(i) The following concerning portable and semi-portable extinguishers:

(A) Limitations.

(B) Inspection.

(C) Recharging.

(D) Use of extinguishers on the following fires:

(*1*) Flammable liquid fire.

(*2*) Electrical fire.

(*3*) Cabin fire.

(*4*) Galley fire.

(*5*) Drip pan fire.

(ii) The following concerning nozzle and hose handling:

(A) Types.
(B) Inspection.
(C) Team work.
(D) Low and high velocity fog.
(E) Use of a nozzle and hose on the following fires:
(*1*) In-process tank fire.
(*2*) Manifold flange fire.
(*3*) Drip pan fire.
(*4*) Tank hatch (ullage cover) fire.
(iii) The pickup and use of foam on oil spill fires.

(e) A school which provides classroom instruction only is granted approval to issue letters of completion for the classroom portion of the required firefighting training.

(f) An individual who completes a classroom course only must—
(1) Present the letter of completion of the classroom course to an approved field exercise training facility; and
(2) Successfully complete the necessary field training at the field training facility within—
(i) Six months of completing the classroom instruction; or
(ii) Within the time specified by the field training facility.

(g) A school which provides field training only is granted approval to issue firefighting certificates when the student has successfully completed the required field training.

(h) Each instructor of an approved firefighter training course must possess qualifications acceptable to the Coast Guard.

(i) The following training schools have approved firefighting courses:

CLASSROOM INSTRUCTIONS ONLY

* * * * *

FIELD EXERCISE TRAINING ONLY

* * * * *

CLASSROOM INSTRUCTION AND FIELD EXERCISE TRAINING

* * * * *

3. By adding a new § 10.30–15 to read as follows:

§ 10.30–15 Qualifying courses for specific tankerman endorsements.

(a) A student who takes an approved course of training and successfully completes the course, including the written or practical examination required under § 10.30–3(c) of this Part, is entitled to an appropriate certificate for a specific tankerman endorsement—
(1) In a form prescribed by the school that is acceptable to the Coast Guard; and
(2) Signed by the head of the school and the local Officer in Charge, Marine Inspection or a designated representative of either or both.

(b) The following certificates for specific tankerman endorsements are issued under this section:
(1) "Tankerman—Flam."—qualifying course for flammable and combustible liquid cargoes.
(2) "Tankerman — LG" — qualifying course for liquefied gas cargoes.
(3) "Tankerman—Blk. Dang. Liquids"—qualifying course for bulk dangerous liquid cargoes having hazards other than or in addition to combustibility or flammability.
(4) "Tankerman — LG (Special)" — qualifying course for a specially named liquefied gas cargo which is designated as special and listed in §§ 10.13–3 and 12.20–3 of this Subchapter.
(5) "Tankerman—Blk. Dang. Liquids (Special)"—qualifying course for a specifically named bulk dangerous liquid cargo which is designated as special and listed in §§ 10.11–3 and 12.20–3 of this Subchapter.
(6) "Tankerman (Renewal)"—qualifying course for renewal of a "Tankerman — Flam.", "Tankerman — LG", "Tankerman — Blk. Dang. Liquids," "Tankerman—LG (Special)", or "Tankerman—Blk. Dang. Liquids (Special)" endorsement.

(c) Except as provided in paragraph (d), a student is issued a certificate listed in paragraph (b) if he completes at least 35 hours of instruction in the following subjects:
(1) Characteristics of the grade of cargo involved.
(2) General arrangement of cargo tanks.
(3) Suction and discharge pipelines and valves, cargo pumps, and cargo hose.
(4) Operation of cargo pumps.
(5) Operations connected with the loading and discharging of the cargo.
(6) Rules and regulations pertaining to the specific tankerman endorsement.

(d) A student is issued a certificate for completion of a "tankerman flam," course if he completes at least 21 hours of instruction in the subjects listed in paragraph (c).

(e) A school with an approved course for a specific tankerman endorsement may establish a refresher training course which will be accepted for renewal of the endorsement. The refresher course must include at least 6 hours of instruction in the subjects listed in paragraph (c).

(f) Each instructor of an approved tankerman course must—
(1) Hold a license or merchant mariner's document endorsed for the specific tankerman endorsement the course is intended for; or
(2) Possess other appropriate qualifications acceptable to the Coast Guard.

(g) The following training schools have approved courses for specific tankerman endorsements:

* * * * *

PART 12—CERTIFICATION OF SEAMEN

4. By revising Subpart 12.20 to read as follows:

Subpart 12.20—Tankerman

Sec.
12.20–1 Purpose.
12.20–3 Definitions.
12.20–5 Privileges and limitations.
12.20–7 Application and issue.
12.20–9 Eligibility requirements: general.
12.20–11 Eligibility requirements: experience.
12.20–13 Eligibility requirements: training examination.
12.20–15 Requirements for renewing a tankerman's endorsement.
12.20–17 Verification of experience.
12.20–19 Increase in scope.

AUTHORITY: 86 Stat. 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4)).

§ 12.20–1 Purpose.

This subpart prescribes the requirements for issuing a certificate as tankerman as required by 46 U.S.C. 391(a) and describes the endorsements that authorize the tankerman to transfer and transport various liquid or liquefied gas cargoes carried in bulk on a vessel.

§ 12.20–3 Definitions.

As used in this subpart:

"Bulk Cargo" means liquid or liquefied gas cargo of more than 250 barrels in a vessel's tanks which is pumped on and off the vessel, including liquid or liquefied gas cargo transported in a portable tank having a capacity greater than 110 U.S. gallons.

"Bulk Flammable Cargo" means certain bulk liquids listed in § 12.20–5(a) of this Subchapter whose primary hazard is flammability or combustibility.

"Bulk Dangerous Cargo" means certain bulk liquids or liquefied gases listed in § 12.20–5(a) (2) and (3) of this Subchapter which have hazards other than, or in addition to the conventional flammability and combustibility of petroleum products.

"Bulk Dangerous Cargo—Special" means certain bulk dangerous cargoes that are designated as special and require an endorsement on a tankerman's document specifically naming the cargo or cargoes he is qualified to transfer. These special cargoes are the following:

LIQUEFIED GAS

Methane (LNG)
Ethane
Ethylene
Chlorine
Ethylene Oxide
Methyl Acetylene-Propadiene Mixture
Sulfur Dioxide
Propylene Oxide

BULK DANGEROUS LIQUIDS

Allyl Chloride
Carbon Disulphide
Chlorosulfonic Acid
Epichlorohydrin
Motor Fuel Antiknock Compounds
Oleum
Phosphorus
Propylene Oxide

"Bulk Dangerous Cargo—Limited"—means certain bulk dangerous liquid cargoes which are non-flammable and non-toxic, and are transported in a dedicated service. These limited cargoes are the following:

Caustic Potash Solution
Caustic Soda Solution
Hydrochloric Acid
Nitric Acid (70 pct or less)
Phosphoric Acid
Sodium Hypochlorite Solution (15 pct or less)
Sulfur (liquid)
Sulfuric Acid.

"Liquified Gas (LG)"—means a bulk cargo which has a vapor pressure of at least 1.76 kp/cm² (25 psi) at 37.8° C (103° F).

"Person in Charge" means a person who—
(a) Is certified as a tankerman;
(b) Has been designated as responsible for the transfer of bulk cargo to or from a tank barge; and
(c) Has the authority to sign the declaration of inspection required by § 35.35–30 of this Chapter, and 33 CFR 156.150.

"Tankerman"—means a person holding a certificate issued by the Coast Guard that attests to his competency in the handling and transfer on tankships and tank barges of—
(a) Flammable or combustible liquid in bulk; or
(b) Dangerous liquid or liquefied gas cargo in bulk.

"Tankerman—flam. (restricted)"—means a person holding a certificate issued by the Coast Guard that attests to his competency and authorizes him to serve aboard cargo, passenger, and towing vessels that are required to carry a tankerman.

"Tankerman (barge)"—means a person holding certificate issued by the Coast Guard that attests to his competency in the handling and transfer on tank barges of—
(a) Flammable or combustible liquid cargo in bulk; or
(b) Dangerous liquid or liquefied gas cargo in bulk.

§ 12.20–5 Privileges and limitations.

(a) The holder of a certificate as "tankerman" or "tankerman (barge)" is qualified to be in charge of the transfer on tank barges of bulk liquid or liquefied gas cargoes endorsed on his document as follows:

Cargoes authorized to handle and Transfer

Endorsement:
(1) Tankerman—Flam:
Acetone
Amyl actate (iso-, n-)
Amyl alcohol (n-)
Amyl tallate
Asphalt
Asphalt blending stocks:
Roofers flux
Straight run residue
Butyl acetate (iso-, n-, sec-)
Butyl alcohol (iso-, n-, sec-, tert-)
Butyl benzyl phthalate
1,3-butylene glycol
Cumene
Cycloaliphatic resins
Cyclohexane
Cyclohexanol
Cymens (para-)
Decyl alcohol (iso-, n-)
Decyl benzene (-n)
Decyl benzene (n-)
Decaldehyde (iso-, n-)
Decene
Diacetone alcohol
Dibutyl phthalate (ortho-)
Diethylbenzene
Diethylene glycol
Diethylene glycol monobutyl ether (methyl carbitol)
Diethylene glycol monobutyl ether acetate
Endorsement—Continued
Diethylene glycol monoethyl ether
Diethylene glycol monomethyl ether
Diglycidal ether of bisphenyl-A
Diheptyl phthalate
Diisobutylene
Diisobutyl carbinol
Diisobutyl ketone
Diisodecyl phthalate
Dinonyl phthalate
Dioctyl phthalate
Diphenyl-diphenyl oxide
Dipropylene glycol
Distillates:
Straight run
Flashed feed stocks
Diundecyl phthalate
Diodecanol
Dodecylbenzene (commercial)
Epoxylated linear alcohols, C11–C15
Ethoxylated alcohols, C12–C15
Ethoxy triglycol (crude)
Ethyl acetate
Ethyl alcohol
Ethyl benzene
Ethyl butanol
Ethylene glycol
Ethylene glycol monobutyl ether
Ethylene glycol monobutyl ether acetate
Ethylene glycol monoethyl ether
Ethylene glycol monoethyl ether acetate
Ethylhexaldehyde
2-Ethyl hexanol
Ethyl hexyl tallate
Farfuryl alcohol
Gas oil: cracked
Gasoline blending stocks:
Alkylates
Reformates
Gasolines:
Casinghead (natural)
Automotive, (containing not over 4.23 grams lead per gallon)
Aviation (containing not over 4.86 grams lead per gallon)
Polymer
Straight run
Glycerine
Glycol diacetate
Glyoxal (40%)
Heptane
Heptanol
Hexane (iso-, n-)
Hexanol
Hexene
Hexylene glycol
Isphorone
Jet fuels:
JP–1 (kerosene)
JP–3
JP–4
JP–5 (kerosene, heavy)
Kerosene
Latex, liquid synthetic
Methyl acetate
Methyl alcohol
Methyl amyl acetate
Methyl amyl alcohol
Methyl ethyl ketone
Methyl formal (dimethyl formal)
Methyl isobutyl ketone
Methyl isobutyl carbinol
Mineral spirits
Naphtha:
Solvent
Stoddard solvent
Varnish makers' and painters' (75 pct.)
Nonane
Nonene
Nonyl alcohol
Nonyl phenol
Nonyl phenol (ethoxylated)
Octene
Octyl alcohol (iso-, n-)
Endorsement—Continued
Octyl aldehyde (iso-)
Octyl epoxytallate
Oils:
Absorption
Aromatic
Clarified
Coal oil
Coal tar
Croton
Crude oil
Diesel oil
Fuel oils:
No. 1 (Kerosene)
No. 1–D
No. 2
No. 2–D
No. 4
No. 5
No. 6
Heartcut distillate
Lubricating
Mineral seal
Mineral
Motor
Neatsfoot
Linseed
Penetrating
Range
Residual
Resin
Resinous petroleum
Road
Rosin
Sperm
Spindle
Spray
Tall
Tanner's
Transformer
Turbine
Edible oils, including:
Castor
Coconut
Cotton seed
Fish
Lard
Olive
Palm
Peanut
Safflower
Soya bean
Tucum
Vegetable
Pentadecanol
Pentane (iso-, n-)
1-Petene
Petrolatum
Petroleum naphtha
Phosphorized bicyclic terpine
Phthalate plasticizers
Polybutene
Polyethylene glycols
Polymerized esters
Polypropylene
Polypropylene glycol methyl ether
Polypropylene glycols
Propyl acetate (iso-, n-)
Propyl alcohol (iso-, n-)
Propylene butylene polymer
Propyl ether (iso-)
Propylene glycol
Propylene tetramer
Sorbitol
Soybean oil (epoxidized)
Sulfolane
Tallow
Tetradecanol
Tetradecene
Tetradecyl benzene
Tetraethylene glycol
Tetrahydronaphthalene
Toluene
Tridecanol
Tridecene
Tridecyl benzene
Triethyl benzene
Triethylene glycol

Endorsement—Continued
Triethylene glycol diethyl butyrate
Tripropylene glycol
Turpentine
Undecanol
Undecene
Undecylbenzene
Waxes:
Carnauba
Paraffin
Xylene (meta-, para-, ortho-)
Zinc Dialkyldithiophosphate
(2) Tankerman—Blk. dang. liquids:
Acetic acid
Acetic anhydride
Acetone cyanohydrin
Acetonitrile
Acrylic acid
Acrylonitrile
Adiponitrile
Allyl alcohol
Allyl chloride
Aminoethylethanolamine
Ammonium hydroxide (28 pct or less NH3)
Aniline
Benzene
Benzyl chloride
(Iso-, n-) butyl acrylate
(Iso-, n-, sec-, tert-) butylamine
(N-) butyl ether
Butyl methacrylate
(Iso-, n-, crude) butyraldehyde
Camphor oil
Carbolic oil
Carbon tetrachloride
Caustic potash solution
Caustic soda solution
(Mono-) chlorobenzene
Chloroform
(Crude) chlorohydrins
Chloroprene
Coal tar naphtha
Creosote
Cresols
Crotonaldehyde
Cyclohexanone
Cyclohexylamine
(Iso-, n-) decyl acrylate
Dibutylamine
Dichlorobenzene
1,1-Dichloroethane
2,2'-Dichloroethyl ether
Dichloromethane
1,1- or 1,2-dichloropropane
1,3-dichloropropene
Diethanolamine
Diethylamine
Diethylenetriamine
Diethylethanolamine
Diisopropanolamine
Diisopropylamine
Dimethylethanolamine
Dimethylformamide
1,4-dioxane
Ethanolamine
Ethyl acrylate
Ethylene chlorohydrin
Ethylene cyanohydrine
Ethylenediamine
Ethylene dibromide
Ethylene dichloride
Ethyl ether
2-ethylhexyl acrylate
Ethyl methacrylate
2-ethyl-3-propyl acrolein
Formaldehyde solution (37 to 50 pct)
Formic acid
Furfural
Hydrochloric acid
2-hydroxyethyl acrylate
Isoprene
Mesityl oxide
Methyl acrylate
2-methyl-5-ethyl pyridine
Methyl methacrylate

Endorsement—Continued
(Alpha-) methyl styrene
Morpholine
Naphthalene (liquid)
Nitric acid (70 pct or less)
(Mono-) nitrobenzene
1- or 2-nitropropane
(Ortho-, para-) nitrotoluene
Paraldehyde
Pentachloroethane
Phenol
Phosphoric acid
Phthalic anhydride (liquid)
(Iso-, n-) propanolamine
Propionic acid
Propionic anhydride
(Iso-, n-) propylamine
Pyridine
Sodium hydrosulfide solution (45 pct or less)
Sodium hypochlorite solution (15 pct or less)
Styrene
Sulfur (liquid)
Sulfuric acid
1,1,2,2-tetrachloroethane
Tetraethylenepentamine
Tetrahydrofuran
Toluene diisocyanate
Tricresyl phosphate (containing 1 pct or more of the ortho isomer)
Triethanolamine
Triethylamine
Triethylenetetramine
Urea, ammonium nitrate solution (containing more than 2 pct NH3)
(Iso-, n-) valeraldehyde
Vinyl acetate
Vinylidene chloride
Vinyl ethyl ether
Vinyl toluene; and
Table 151.05 of 46 CFR Part 151, except:
Acetaldehyde
Ammonia
Butadiene
Carbon disulphide
Chlorine
Chlorosulfonic acid
Dimethylamine
Epichlorohydrin
Ethyl chloride

Endorsement—Continued
Methyl bromide
Motor fuel antiknock compounds
Oleum
Phosphorus
Propylene oxide
Sulfur dioxide; and those flammable or combustible liquid cargoes listed in 12.20–5(a)(1).
(3) Tankerman—LG:
Acetaldehyde
Ammonia
Butadiene
Butane
Butylene
Dimethylamine
Ethylamine
Ethyl chloride
Methyl bromide
Methyl chloride
Propane
Propylene
Vinyl chloride
(4) Tankerman—LG (plus specifically named cargo):
Specifically named "special" bulk dangerous cargo listed in 12.20–3; and those liquefied gas cargoes listed in 12.20–5(a)(3)
(5) Tankerman—bulk. dangerous liquids (plus specifically named cargo):
Specifically named "special" bulk dangerous cargo listed in 12.20–3; and those bulk dangerous liquid cargoes listed in 12.20–5(a)(2), and those flammable or combustible liquid cargoes listed in 12.20–5(a)(1)
(6) Tankerman (limited to specifically named cargo):
Specifically named bulk dangerous liquid cargo listed in 12.20–3
(7) No tankerman endorsement required:
Nitrogen
Carbon dioxide
Dichlorodifluoromethane
Dichlormonofluoromethane
Dichlorotetrafluoroethane
Monochlorodifluoremethane
Monochlorotetrafluoroethane
Monochlorotrifluoromethane

QUALIFICATION TABLE 12.20–5(b).—*Training/Service Requirements for Endorsements*

Tankerman endorsement [1]	Documented service	Firefighting course	Coast Guard examination	Training course required: Liquified gas	Training course required: Bulk dangerous liquid	Training course required: Special
Flammable	×	×	×[2]			
Flammable (restricted)		×	×[2]			
Liquified gas	×	×		×		
Bulk dangerous liquid	×	×			×	
Liquefied gas (plus specifically named cargo)	×	×				×
Bulk dangerous liquid (plus specifically named cargo)	×	×				×
Bulk dangerous liquid (limited to specifically named cargo)	×	×			×	

[1] Each tankerman endorsement will be further restricted by the addition of the word (barge) if an individual's qualifications were obtained for (in) barges.
[2] An approved training course may be substituted for the Coast Guard examination.

(b) A person authorized to serve as tankerman or to transfer products under previous regulations shall remain authorized to serve in that same capacity for a period of five years from the effective date of these regulations, or until the reissuance of his merchant mariner's document, whichever occurs first, except that a person serving on a tankship or tank barge transporting liquefied natural gas cargo must have a "tankerman-LG-methane" endorsement issued under this Subpart.

(c) A person authorized to serve as a tankerman under previous regulations may, at any time during the five year period provided for in paragraph (b), make application for and be issued a certificate as tankerman endorsed under this subpart if he:

(1) Presents a certificate of completion of an approved firefighting training course from a school which is listed in § 10.30–10 of this Subchapter, that is dated within 24 months before the month of application for endorsement; [1] and

(2) Meets the requirements for renewal of certificates contained in § 12.20–15(e) of this Subpart for recent service.

§ 12.20–7 Application and issue.

(a) Applicants who meet the requirements in this subchapter are issued a certificate endorsed for the products they are qualified to transfer.

(b) The certificate is valid for five years.

§ 12.20–9 Eligibility requirements: general.

To be eligible for an original certificate as tankerman issued under this Subpart, a person must:

(a) Be at least 18 years of age;

(b) Be able to speak, read, and understand the English language; and

(c) Pass the medical examination and an engineer officer in § 10.05(e) of this Subchapter, except that an applicant for a "tankerman (barge)" endorsement must have uncorrected vision of at least 20/200 in each eye correctable to at least 20/30 in one eye and 20/50 in the other eye.

§ 12.20–11 Eligibility requirements: experience.

(a) In determining the service requirements of this section, credit for one transfer operation is given for one complete work shift during the transfer operation, or a partial work shift if the shift includes either the hooking up and commencement of transfer or the shutting down of transfer operations and disconnecting. Credit is not given for more than one transfer during a single operation even if work is performed in excess of one normal shift.

(b) Each applicant for a "tankerman——flammable liquids" endorsement must have service as an assistant to a certificated tankerman including:

(1) At least 10 transfers of flammable or combustible liquid cargoes during the 12 months prior to application for certification; or

(2) At least 5 transfers of combustible or flammable products if the applicant has a valid tankerman's certificate for liquefied gas.

(c) An applicant for a "tankerman—flam. (restricted)" endorsement is not required to meet the experience requirement in paragraph (b).

(d) Each applicant for a "tankerman—LG" endorsement must have service as an assistant to a LG tankerman including:

(1) At least 10 transfers of LG cargoes during the 12 months prior to application for certification; or

(2) At least five transfers of LG cargoes if the applicant has a valid tankerman's certificate for any other grade of product.

(e) Each applicant for a "tankerman—bulk dangerous liquids" endorsement must have service as an assistant to a bulk dangerous liquids tankerman including:

(1) At least 10 transfers of bulk dangerous liquid cargoes during the 12 months prior to the application for certification; or

(2) At least five transfers of bulk dangerous liquid cargoes if the applicant has a valid certificate as tankerman for any other grade of product.

(f) Each applicant for a "tankerman (special)" endorsement must have service as an assistant to a person with a "tankerman (special)" endorsement including:

(1) At least 10 transfers of the specifically named special cargo during the 12 months prior to the application for certification; or

(2) At least five transfers of the specifically named special cargo if the applicant has a valid certificate as tankerman.

(g) If a new chemical product is developed and added to the list in § 12.20–3(c) of this Subpart, the service requirements of paragraph (e)(1) need not be met during the first 12 months after publication of the product in the list if the applicant:

(1) Meets the training requirements of § 12.2013(f) of this Subpart; and

(2) Submits documentary evidence that he is trained in, and competent to safely handle the new product.

(h) Required service must be documented and substantiated to the satisfaction of the Officer in Charge, Marine Inspection.

§ 12.20–13 Eligibility requirements: training/examination.

(a) To be eligible for an original endorsement as "tankerman" each applicant must present a certificate of completion from an approved firefighting training course, which is listed in § 10.30–10 (d)(1) or (d)(2) of this Subchapter, for tankerman or tankerman (barge) that is dated within 24 months before the month af application for endorsement.[2]

(b) Each applicant for a "tankerman flammable" or "tankerman—flam. (restricted)" endorsement must:

(1) Pass a written examination administered by the Coast Guard covering:

(i) Cargo tanks and tank venting; (ii) Cargo pipelines and valves; (iii) Cargo pumps and hose/loading arms; (iv) Loading and discharging procedures; and (v) Pollution prevention and control; or

(2) Satisfactorily complete an approved training course for flammable cargoes, listed in § 10.30–15 of this Subchapter, within 24 months before the month of application for endorsement.

(c) An applicant for a "tankerman—flam. (barge)" endorsement may be examined orally and is not required to take the written examination required in paragraph (a).

(d) Each applicant for a "tankerman—LG" endorsement must satisfactorily complete an approved training course for LG, listed in § 10.30–15 of this Subchapter, within 24 months before the month of application for endorsement.

(e) Each applicant for a "tankerman—bulk dangerous liquids" endorsement must satisfactorily complete an approved training course for bulk dangerous liquids, listed in § 10.30–15 of this Subchapter, within 24 months before the month of application for endorsement.

(f) Each applicant for a "tankerman (special)" endorsement must satisfactorily complete an approved training course for the specifically named special cargo, listed in § 10.30–15 of this Subchapter, within 24 months before the month of application for endorsement.

§ 12.20–15 Requirements for renewing a tankerman's endorsement.

(a) An endorsement is not renewed unless an applicant for renewal possesses all of the qualifications necessary for the endorsement.

(b) An applicant must make written application for renewal of an endorsement on Coast Guard Form CG–719B, Seaman's Certificate Application.

(c) An applicant must appear, in person, before an Officer in Charge, Marine Inspection.

(d) A tankerman's endorsement will be renewed within 12 months after the date of expiration of the endorsement, except if the endorsement expired beyond the 12 month period during which time the applicant was serving in the Armed Forces or the Merchant Marine and there was no reasonable opportunity for renewal. The period of service in the Armed Forces or the Merchant Marine following the date of expiration is added to the 12 month period.

(e) No endorsement will be renewed more than 90 days before its expiration date, unless there are extraordinary circumstances that justify an early renewal. The reasons for the early renewal must appear, in detail, in the records of the Officer in Charge, Marine Inspection renewing the document.

(f) An applicant for renewal of a "tankerman—flam." endorsement must:

(1) Have served under the authority of the endorsement within the three years immediately preceding the date of the application for renewal; and

(2) Complete an approved firefighting course within 24 months before the month of application for endorsement.

(g) An applicant for renewal of a "tankerman—flam. (restricted)" endorsement must complete an approved firefighting course within 24 months

[1] During a one year period from the effective date of these regulations, completion of a recognized marine firefighting training course since January 1, 1974, will be accepted as meeting the requirement of this paragraph.

[2] During a one year period from the effective date of these regulations, completion of a recognized marine firefighting training course since January 1, 1974, will be accepted as meeting the requirement of this paragraph.

before the month of application for renewal.

(h) An applicant for renewal of a "tankerman" endorsement other than "tankerman flam." must:

(1) Meet the requirements for renewal of the "tankerman flam" endorsement; and

(2) Complete an approved training course or refresher course listed in § 10.-30–15 of this Subchapter for the specific endorsement to be renewed, within 24 months before the month of application for renewal.

(i) An applicant for renewal of a "tankerman" endorsement other than "tankerman—flam. (restricted)" who has not served under the authority of the endorsement within the three years immediately preceding the date of application for renewal must meet the requirements for an original endorsement as "tankerman".

§ 12.20–17 Verification of experience.

(a) Service acquired on tank barges or shore facilities must be documented by a representative of management and the qualified person directly training and supervising the applicant.

(b) Service acquired on a vessel must be documented by—

(1) Certificates of discharge; and

(2) A letter from the qualified person directly training and supervising the applicant.

(c) If a certificate of discharge required in paragraph (b) is not issued, a letter from the master or other representative of management is required in addition to the letter from the person supervising the applicant.

(d) The letters of service required in paragraphs (b) and (c) must verify the applicant's overall service and qualifications, including the grades of products transferred.

§ 12.20–19 Increase in scope.

An applicant who has previously qualified for a specific tankerman endorsement may obtain additional endorsements by completing the service or training requirements under § 12.20–11 (c) of this Subpart for the endorsement desired.

PART 30—GENERAL PROVISIONS

5. By revising § 30 10–71 to read as follows:

§ 30.10–71 Tankerman—TB/ALL.

(a) The term "tankerman" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency in the handling and transfer on tankships and tank barges of:

(1) Flammable or combustible liquid cargo in bulk; or

(2) Dangerous liquid or liquefied gas cargo in bulk.

(b) The term "tankerman—flam. (restricted)" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency and authorizes him to serve aboard cargo, passenger, and towing vessels that are required to carry a tankerman.

PART 31—INSPECTION AND CERTIFICATION

6. By amending § 31.15–1 as follows:

§ 31.15–1 Licensed officers and crew—TB/ALL.

* * * * *

(c) The person in charge of a cargo transfer operation for a tankship shall:

(1) Be designated as person in charge by the master;

(2) Hold a license authorizing service as a deck officer aboard the tankship;

(3) Hold the appropriate endorsement under Subpart 10.11 of this Chapter for the grade of product being transferred, except that if a tankerman is required on the Certificate of Inspection under paragraph (b) of this Section, the tankerman may serve as the person in charge; and

(4) Have served during the preceding 12 months aboard the tankship or another tankship built to the same basic plans and having the same cargo containment, control, and monitoring systems.

(d) The service required in paragraph (c) must include:

(1) Assisting the person in charge of the cargo transfer operation during at least two transfers of cargo; or

(2) Equivalent experience acceptable to the Officer in Charge, Marine Inspection.

(e) The person in charge of a cargo transfer operation is responsible for the safe loading, transport, and discharge of the cargo.

(f) On a vessel with a Certificate of Inspection that requires only one licensed officer other than the master, the master may be the person in charge of the cargo transfer operation if his license is endorsed as tankerman for the grade of cargo being transferred.

7. By revising § 31.15–5 as follows:

§ 31.15–5 Tank barges—B/ALL.

(a) A tank barge under this subchapter is not required to be manned unless the Officer in Charge, Marine Inspection determines that manning is necessary for the protection of life and property, and the safe operation of the vessel.

(a–1) A towing vessel towing a barge which is not required to be manned must have on board, while towing, at least one certificated tankerman of any endorsement, including the "tankerman—flam. (restricted)" endorsement.

(a–2) If cargo transfer (other than in an emergency) or tank cleaning is carried out, it must be supervised by certificated tankerman endorse for the cargo involved.

* * * * *

§ 31.15–6 [Deleted]

8. By deleting § 31.15–6.

PART 35—OPERATIONS

9. By amending § 35.35–1 to read as follows:

§ 35.35–1 Men on duty—TB/ALL.

(a) The owner, master, or person in charge shall ensure that a sufficient number of crew, with license endorsements or certificates as tankerman for the grade of cargo being transferred, are on duty to perform cargo transfer operations.

(b) The owner, master, or person in charge of a tank barge shall ensure that a certificated tankerman is on duty to perform cargo transfer operations. The licensed or certificated tankerman is the person in charge of the tank barge.

(b–1) The owner, master, or person in charge shall ensure that the tankerman required in paragraph (b) is certificated for the cargo being transferred. A licensed officer, as described in Subpart 10.11 of this Chapter, who is authorized to serve as a tankerman, may serve as a tankerman on a tank barge.

* * * * *

(d) The person in charge of a cargo transfer operation for a tankship shall:

(1) Be designated as person in charge by the master;

(2) Hold a license authorizing service as a deck officer aboard the tankship;

(3) Hold the appropriate endorsement under Subpart 10.11 of this Chapter for the grade of product being transferred, except that if a tankerman is required on the Certificate of Inspection under § 31.15–1(b) of this Part, the tankerman may serve as the person in charge; and

(4) Have served during the preceding 12 months aboard the tankship or another tankship built to the same basic plans and having the same cargo containment, control, and monitoring systems.

(e) The service required in paragraph (d) must include:

(1) Assisting the person in charge of the cargo transfer operation during at least two transfers of cargo; or

(2) Equivalent experience acceptable to the Officer in Charge, Marine Inspection.

PART 70—GENERAL PROVISIONS

10. By amending § 70.05–30 to read as follows:

§ 70.05–30 Combustible liquid cargo in bulk.

* * * * *

(b) Each vessel to which this section applies must have on board a person holding a license authorizing service aboard the vessel, with a tankerman's endorsement, including the "tankerman—flam. (restricted)" endorsement.

(c) The person designated as the person in charge of the transfer from a passenger vessel's integral tanks must:

(1) Be qualified as a tankerman under paragraph (b); and

(2) Have authority to sign the declaration of inspection required by § 35.35–30 of this Chapter and 33 CFR Part 156.150.

(d) The person designated as the person in charge of the transfer from a passenger vessel's portable tanks must:

(1) Be qualified as a tankerman under § 98.30–19 of this Chapter; and

(2) Have authority to sign the declaration of inspection required in § 35.35–30 of this Chapter and 33 CFR 156.150.

11. By adding a new § 70.10–49 to read as follows:

§ 70.10–19 Tankerman.

(a) The term "tankerman" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency in the handling and transfer on tankships, as defined in § 30.10–67 of this Chapter, and tank barges of:

(1) Flammable or combustible liquid cargo in bulk; or

(2) Dangerous liquid or liquefied gas cargo in bulk.

(b) The term "tankerman—flam. (restricted)" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency and authorizes him to serve aboard cargo, passenger, and towing vessels that are required to carry a tankerman.

PART 90—GENERAL PROVISIONS

12. By amending § 90.05–35 to read as follows:

§ 90.05–35 Flammable and combustible liquid cargo in bulk.

* * * * *

(b) Each vessel to which this section applies must have onboard a person holding a license authorizing service aboard the vessel, with a tankerman's endorsement, including the "tankerman—flam. (restricted)" endorsement.

(c) The person designated as the person in charge of the transfer from a cargo or miscellaneous vessel's integral tanks must:

(1) Be qualified as a tankerman under paragraph (b); and

(2) Have authority to sign the declaration of inspection required by § 35.35–30 of this Chapter and 33 CFR 156.150.

(d) The person designated as the person in charge of the transfer from a cargo or miscellaneous vessel's portable tanks must:

(1) Be qualified as a tankerman under § 98.30–19 of this Chapter; and

(2) Have authority to sign the declaration of inspection required in § 35.35–30 of this Chapter and 33 CFR 156.150.

13. By adding a new § 90.10–40 to read as follows:

§ 90.10–40 Tankerman.

(a) The term "tankerman" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency in the handling and transfer on tankships, as defined in § 30.10–67 of this Chapter, and tank barges of:

(1) Flammable or combustible liquid cargo in bulk; or

(2) Dangerous liquid or liquefied gas cargo in bulk.

(b) The term "tankerman—flam. (restricted)" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency and authorizes him to serve aboard cargo, passenger, and towing vessels that are required to carry a tankerman.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

14. By revising § 98.30–17 to read as follows:

§ 98.30–17 Qualifications of person in charge.

No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of a product to or from a portable tank unless:

(a) On tank barges, the person holds a valid tankerman's certificate for the grade of cargo carried;

(b) On self-propelled tank, cargo and miscellaneous, or passenger vessels, the person holds:

(1) A valid license authorizing service on the vessel; and

(2) A suitable endorsement for the grade of cargo being transferred; and

(c) On vessels not covered by paragraphs (a) or (b), the person meets the requirements for tank barges in paragraph (a).

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

15. By revising § 105.50–5 to read as follows:

§ 105.50–5 Tankerman.

(a) Except as provided in paragraph (b), each commercial fishing vessel dispensing petroleum products must have on board a person holding a:

(1) License with a "tankerman—flam." endorsement; or

(2) Certificate issued by the Coast Guard attesting to his competency as a tankerman.

(b) Each commercial fishing vessel dispensing grade "D" or lower petroleum products must have on board a person holding:

(1) A license with a "tankerman—flam. (restricted)" endorsement; or

(2) A "tankerman flam. (restricted)" certificate.

(c) The requirements for a license endorsement as tankerman are in Subpart 10.11 of this Chapter.

(d) The requirements for a certificate attesting to a person's competency as a tankerman are in Subpart 12.20 of this Chapter

Subpart 105.60 [Deleted]

16. By deleting Subpart 105.60.

PART 151—UNMANNED BRIDGES CARRYING CERTAIN BULK DANGEROUS CARGOES

17. By revising § 151.30–53 to read as follows:

§ 151.30–53 Tankerman.

(a) The term "tankerman" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency in the handling and transfer on tankships, as defined in § 30.10–67 of this Chapter, and tank barges of:

(1) Flammable or combustible liquid cargo in bulk; or

(2) Dangerous liquid or liquefied gas cargo in bulk.

(b) The term "tankerman—flam. (restricted)" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency and authorizes him to serve aboard cargo, passenger, and towing vessels that are required to carry a tankerman.

18. By revising § 151.45–3 to read as follows:

§ 151.45–3 Manning.

(a) A barge is not required to be manned unless the Officer in charge, Marine Inspection determines that manning is necessary for the protection of life and property, and the safe operation of the vessel. Each vessel that requires manning for safe operation may be subject to additional requirements as determined by the Commandant.

(b) A towing vessel towing a barge which is not required to be manned must have on board, while towing, at least one certificated tankerman of any endorsement, including the "tankerman—flam. (restricted)" endorsement.

(c) If cargo transfer (other than in an emergency) or tank cleaning is carried out, it must be supervised by a certificated tankerman endorsed for the cargo involved.

19. By revising § 151.45–4 to read as follows:

§ 151.45–4 Cargo handling.

(a) The owner, master, or person in charge shall ensure that a sufficient number of persons are on duty to perform cargo transfer operations.

(a–1) The owner, master, or person in charge of a tank barge shall ensure that a person holding a license endorsement or certificate as a tankerman is on duty to perform transfer operations. The licensed or certificated tankerman is the person in charge of the tank barge.

(a–2) The owner, master, or person in charge shall ensure that the tankerman required in paragraph (a–1) is certificated for the cargo being transferred.

PART 157—MANNING REQUIREMENTS

20. By revising § 157.10–80 to read as follows:

§ 157.10–80 Tankerman.

(a) The term "tankerman" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency in the handling and transfer on tankships, as defined in § 30.10–67 of this Chapter, and tank barges of:

(1) Flammable or combustible liquid cargo in bulk; or

(2) Dangerous liquid or liquefied gas cargo in bulk.

(b) Each tankerman endorsement is restricted by the word "barge" if the individual's qualifications were obtained for barges.

(c) The term "tankerman—flam. (restricted)" means any person holding a license endorsement or a certificate issued by the Coast Guard that attests to his competency and authorizes him to serve aboard cargo, passenger, and towing vessels that are required to carry a tankerman.

(86 Stat. 427, as amended (46 U.S.C. 391a); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(n)(4)).)

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

Dated: April 19, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.77–11871 Filed 4–22–77;8:45 am]

federal register

MONDAY, APRIL 25, 1977

PART III



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

TRANSPORT CATEGORY AIRPLANE POST CRASH FUEL SYSTEMS

Fire and Explosion Hazard Reduction; Public Hearing

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 33, and 121]

[Docket No. 12274; Notice No. 74–16B]

TRANSPORT CATEGORY AIRPLANE POST CRASH FUEL SYSTEMS

Fire and Explosion Hazard Reduction; Public Hearing

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule, public hearing and agenda, reopening of comment period.

SUMMARY: This notice announces a public hearing and invites interested persons to state their views or to provide information on the practicability and availability of aircraft systems and techniques for reducing the hazards of fuel system fires and explosions associated with survivable turbine powered transport category airplane accidents.

DATES: Public hearing from June 13 to June 17, 1977. Comment period is reopened to August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Presiding Officer, William J. Sullivan, Chief, Safety Regulations Division (AFS–900), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202–755–8714.

ADDRESSES: Requests to be heard should indicate the subject matter of the presentation and time required, and be sent to:

Public Hearing Notice No. 74–16B, Flight Standards Service (AFS–900), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Phone: 202–755–8714.

The public hearing will be held at the:

Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Auditorium, 3rd floor, Phone: 202–755–8714.

Written comments concerning matters presented at the hearing should indicate Docket No. 12274, and be submitted in duplicate to:

Federal Aviation Administration Office of the Chief Counsel, Rules Docket No. 12274, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Federal Aviation Administration, on March 27, 1974, issued a Notice of Proposed Rulemaking (Notice No. 74–16; 39 FR 12260; April 4, 1974) which proposed to require an explosion prevention system for each fuel tank and fuel vapor and vent space for the type certification of turbine engine powered transport category airplanes. In addition, the notice proposed to require existing turbojet engine powered airplanes and newly manufactured turbine engine powered airplanes used in operations conducted under Part 121 and in those operations conducted under Parts 123 and 135 that are subject to Subpart J of Part 121, to be equipped with such explosion prevention means by specified dates. The purpose of the notice was directed toward preventing fires and explosions of intact fuel systems. On May 20, 1974, Notice No. 74–16A was issued in order to allow commenters additional time to submit comments.

In response to Notice Nos. 74–16, and 74–16A, numerous comments were received from industry associations, foreign airworthiness authorities, operators and traveling public. The majority of comments received opposed the proposed requirements or significant portions of those requirements. The more significant comments received included the following:

Commenters argued that the proposed requirements would have little or no effect in reducing the hazards of impact-survivable airplane accidents when the fuel system integrity is breached.

Commenters claimed that the problems the proposed requirements were trying to solve could be more efficiently and effectively accomplished by other means.

Based on these comments and on the FAA's review of recent service experience, the FAA believes the following:

That further consideration should be given to the practicability and availability of aircraft systems and techniques for reducing the hazards of fuel system fires and explosions associated with impact-survivable turbine powered transport category airplane accidents before further action is taken with respect to the proposed amendments in Notice No. 75–16.

That Part 33 of the Federal Aviation Regulations should be added to the scope of Notice No. 74–16 to consider engine systems that would be effective toward reducing the hazards of fuel system fires and explosions.

That a public hearing would provide a forum to obtain information needed to determine whether a requirement should be developed to reduce the hazards of fuel system fires and explosions associated with both in-flight and impact-survivable turbine powered transport category airplane accidents.

In light of the need for a public hearing, the comment period for Notice 74–16 is reopened to August 1, 1977, to permit the receipt of new or revised comments based upon matters presented at the hearing. Written comments should indicate Docket No. 12274, and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket No. 12274, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Before taking further action based on Notice 74–16, the FAA will consider all statements presented at the hearing and all written statements and comments submitted to the regulatory docket. The substance of the proposals contained in the notice may be changed in the light of those statements and comments presented.

INVITATION TO ATTEND

Interested persons are invited to attend the hearings and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the regulatory docket. Persons wishing to make oral statements at the hearings must notify the FAA on or before June 6, 1977, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit within the hearing schedule. Requests to be heard should indicate the subject matter of the presentation, time required, and be sent to: Public Hearing Notice No. 74–16B, Flight Standards Service (AFS–900), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; or Phone: (202) 755–8714.

SCOPE OF PUBLIC HEARING

This hearing is intended to provide opportunity for interested persons to provide information, views, and arguments, supported by pertinent data, reports, or other information, on the following issues:

What are the aircraft systems and techniques that would be effective in preventing or reducing the fire and explosion hazard caused by spillage of fuel from damaged fuel tanks?

What are the aircraft systems and techniques that would be effective in preventing or reducing the fire and explosion hazard caused from any effects of heating of the fuel in undamaged fuel tanks?

What are the merits of each system or technique as related to the other systems and techniques?

What drawbacks do the systems and techniques incur?

When can effective systems be developed?

How quickly can effective systems be introduced into service?

What related R&D efforts are in progress on these systems and techniques?

What are the probable impacts (if any) and benefits of these systems and techniques on aircraft weight, energy consumption, inflation, the environment, and the cost to the traveling public?

PUBLIC HEARING AGENDA

The following is the agenda for the hearing:

JUNE 13

10–10:30—Opening Session.
10:30–12 noon—Government Presentations: Review of Transport Category Airplane Accident Experience; Current Federal Aviation Regulations to Reduce Post Crash Fire and Explosion Hazards.
1:30–4 p.m. — Government Presentations: Fuel Volatility; Crash-resistant Tanks; Fuel Tank Inerting.

JUNE 14

10–12 noon — Government Presentations: Fuel Tank Foam; Engine Ignition Suppression; Anti-misting Fuel.
1:30–4 p.m.—Public Presentations and Discussions.

JUNE 15

10–12 noon—Public Presentations and Discussions.
1:30–4 p.m.—Public Presentations and Discussions.

JUNE 16

10–12 noon—Public Presentations and Discussions.
1:30–4 p.m.—Public Presentations and Discussions.

JUNE 17

10–12 noon—Public Presentations and Discussions.
1:30–4 p.m.—Public Presentations and Discussions.

HEARING PROCEDURES

Persons who plan to attend the hearing should be aware of the following procedures, which have been established to facilitate the workings of the hearing:

(a) The hearing will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Since the hearing will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons will be allowed to make rebuttal statements and to put forth questions.

(b) The hearing will begin at 10 a.m. on the morning of June 13, 1977, at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Auditorium, 3rd Floor. There will be no admission fee or other charge to attend and participate. All hearing sessions will be open, to all persons, on a space available basis. The Presiding Officer may accelerate the hearing to enable early adjournment if the progress of the hearing is more expeditious than planned.

(c) All hearing sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be docketed. In addition, the sessions will be tape recorded, and the recordings will also be docketed.

(d) The FAA will not consider material presented at the hearing by participants on any issue that is not within the scope of the Hearing. Position papers or other hand-out material may be accepted at the discretion of the Presiding Officer.

(e) Statements made by FAA participants at the hearing should not be taken as expressing a final FAA position.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 20, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77–11730 Filed 4–22–77;8:45 am]

register

federal

MONDAY, APRIL 25, 1977

PART IV



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

■

FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

Proposed Rulemaking

V 42 79 A R

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 888]

[Docket No. R-77-311]

FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend the Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for all market areas, in compliance with the requirements of section 8(c)(1) of the Housing Act of 1937, as amended, and § 888.103 of 24 CFR that Section 8 Fair Market Rents be established by the Secretary and published in the FEDERAL REGISTER at least annually. The last annual revision of the Fair Market Rents applicable to new construction and substantial rehabilitation was accomplished by their publication in the FEDERAL REGISTER in final form on April 6, 1976. The proposed Fair Market Rents are intended to reflect the changes which have occurred in the general levels of market rents for recently completed or newly constructed dwelling units within each market area since their last annual or special (interim) revision.

DATES: Interested parties are invited to submit written comments, data, suggestions, or objections by May 20, 1977.

ADDRESSES: All materials which persons wish to submit should be sent to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, by calling 202-472-4810.

SUPPLEMENTARY INFORMATION: These Fair Market Rents are based primarily on the levels of rentals paid for recently constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. They are estimates of the rentals that prospective tenants who have incomes above 80 percent of the median income would be willing and able to pay for newly constructed living units of modest design.

They include some rents for which no changes are proposed, including those for three market areas in the State of Alaska which were just recently established (Barter Island, North Costal Area; Costal Area, North of Aleutians; and Inland Area, North of Aleutians).

After consideration of the comments received in response to this publication, revised Fair Market Rents will be published.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

It is therefore proposed that Schedule A of Part 888 be amended as set forth below.

NOTES: It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

Issued on April 18, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM.)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for: (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar; (2) congregate housing dwelling units are the same as for non-congregate units; and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

AREA OFFICE Hartford, Conn. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WINDHAM	DETACHED	-	-	396	447	483
	SEMI-DETACHED/ROW		320	376	424	459
	WALKUP	267	315	371	420	455
	ELEVATOR	288	339	396	-	-
STAMFORD	DETACHED	-	-	441	491	527
	SEMI-DETACHED/ROW	-	363	417	468	503
	WALKUP	309	358	414	462	497
	ELEVATOR	333	382	441	-	-
RIDGEFIELD	DETACHED	-	-	441	491	527
	SEMI-DETACHED/ROW	-	363	417	468	503
	WALKUP	309	358	414	462	497
	ELEVATOR	333	382	441	-	-
NORWICH	DETACHED	-	-	419	469	506
	SEMI-DETACHED/ROW	-	341	398	445	481
	WALKUP	288	336	393	442	477
	ELEVATOR	311	360	419	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Hartford, Conn. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HARTFORD	DETACHED	-	-	426	476	512
	SEMI-DETACHED/ROW	-	348	404	453	488
	WALKUP	295	344	400	449	484
	ELEVATOR	318	369	426	-	-
DANBURY	DETACHED	-	-	432	483	519
	SEMI-DETACHED/ROW	-	355	411	459	494
	WALKUP	302	350	407	455	491
	ELEVATOR	324	375	432	-	-
NEW HAVEN	DETACHED	-	-	426	476	512
	SEMI-DETACHED/ROW	-	348	404	453	488
	WALKUP	295	344	400	449	484
	ELEVATOR	318	369	426	-	-
BRIDGEPORT	DETACHED	-	-	432	483	519
	SEMI-DETACHED/ROW	-	355	411	459	494
	WALKUP	302	350	407	455	491
	ELEVATOR	324	375	432	-	-
NEW LONDON	DETACHED	-	-	419	469	506
	SEMI-DETACHED/ROW	-	341	398	445	481
	WALKUP	288	336	393	442	477
	ELEVATOR	311	360	419	-	-
NEW MILFORD	DETACHED	-	-	411	455	491
	SEMI-DETACHED/ROW	-	327	389	433	468
	WALKUP	280	323	385	428	462
	ELEVATOR	303	346	411	-	-

INSURING OFFICE Bangor, Me. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
AUGUSTA	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
BANGOR	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
BRUNSWICK	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
CALAIS	DETACHED	-	338	371	455	542
	SEMI-DETACHED/ROW	250	326	357	439	525
	WALKUP	223	294	337	403	469
	ELEVATOR	303	352	453	-	-
LEWISTON	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
PORTLAND	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-

INSURING OFFICE Bangor, Me. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERVILLE	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Boston, Mass. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOSTON	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	382	447	567	627
	WALKUP	295	372	404	434	500
	ELEVATOR	316	396	467	-	-
CAPE COD	DETACHED	-	-	463	496	583
	SEMI-DETACHED/ROW	-	-	367	447	498
	WALKUP	256	323	334	372	410
	ELEVATOR	287	364	411	-	-
PITTSFIELD	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	332	415	447	482
	WALKUP	265	308	343	387	446
	ELEVATOR	268	323	398	-	-
SPRINGFIELD	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	313	382	439	498
	WALKUP	199	299	334	387	456
	ELEVATOR	258	323	398	-	-
WORCESTER	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	340	415	520	578
	WALKUP	297	323	374	474	530
	ELEVATOR	299	356	437	-	-
FALL RIVER	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	337	424	467	498
	WALKUP	290	308	374	406	432
	ELEVATOR	-	339	420	-	-

AREA OFFICE Boston REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOWELL	DETACHED	-	-	598	682	722
	SEMI-DETACHED/ROW	-	374	453	520	570
	WALKUP	305	347	396	476	515
	ELEVATOR	309	387	459	-	-
SALEM	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	357	429	487	586
	WALKUP	271	339	374	451	530
	ELEVATOR	316	396	472	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Manchester, N. H. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CONCORD	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
DOVER	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
KEENE	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
MANCHESTER	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
NASHUA	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
PORTSMOUTH	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-

INSURING OFFICE Providence, R. I. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PROVIDENCE	DETACHED	-	-	443	487	520
	SEMI-DETACHED/ROW	-	350	419	476	515
	WALKUP	256	339	410	465	509
	ELEVATOR	256	361	476	-	-
NEWPORT	DETACHED	-	-	423	461	500
	SEMI-DETACHED/ROW	-	301	355	423	454
	WALKUP	216	285	339	385	415
	ELEVATOR	255	323	369	-	-
WESTERLY	DETACHED	-	-	443	499	528
	SEMI-DETACHED/ROW	-	339	426	476	515
	WALKUP	263	322	416	465	509
	ELEVATOR	263	339	426	-	-
PAWTUCKET	DETACHED	-	-	443	487	520
	SEMI-DETACHED/ROW	-	316	376	445	479
	WALKUP	249	300	368	436	471
	ELEVATOR	256	342	436	-	-
WOONSOCKET	DETACHED	-	-	414	480	512
	SEMI-DETACHED/ROW	-	298	347	414	472
	WALKUP	241	281	347	381	414
	ELEVATOR	263	350	471	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Burlington, Vt. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BENNINGTON	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
BRATTLEBORO-	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
BURLINGTON	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
MONTPELIER	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
RUTLAND	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Camden, New Jersey REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CAMDEN	DETACHED	-	-	430	503	561
	SEMI-DETACHED/ROW	-	344	392	467	517
	WALKUP	258	282	361	436	484
	ELEVATOR	295	340	414	-	-
ATLANTIC CITY	DETACHED	-	-	414	496	554
	SEMI-DETACHED/ROW	-	345	393	460	510
	WALKUP	277	301	354	429	477
	ELEVATOR	305	399	498	-	-
BURLINGTON	DETACHED	-	-	430	497	555
	SEMI-DETACHED/ROW	-	344	391	461	511
	WALKUP	268	292	355	430	478
	ELEVATOR	295	340	414	-	-
GLOUCESTER	DETACHED	-	-	430	503	561
	SEMI-DETACHED/ROW	-	344	392	467	517
	WALKUP	258	282	361	436	484
	ELEVATOR	295	340	414	-	-
TRENTON	DETACHED	-	-	452	535	593
	SEMI-DETACHED/ROW	-	355	418	498	549
	WALKUP	291	315	393	468	516
	ELEVATOR	316	384	506	-	-
VINELAND	DETACHED	-	-	397	485	537
	SEMI-DETACHED/ROW	-	327	375	442	493
	WALKUP	254	278	337	412	460
	ELEVATOR	285	330	400	-	-

AREA OFFICE Newark, New Jersey REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEWARK	DETACHED	-	-	526	612	686
	SEMI-DETACHED/ROW	-	370	466	535	593
	WALKUP	318	349	433	499	536
	ELEVATOR	395	441	551	630	676
ASBURY PARK	DETACHED	-	-	513	598	642
	SEMI-DETACHED/ROW	318	354	443	521	560
	WALKUP	302	333	420	486	522
	ELEVATOR	379	426	538	-	-
NORTH BERGEN	DETACHED	-	-	568	653	697
	SEMI-DETACHED/ROW	-	385	498	576	615
	WALKUP	334	364	475	541	577
	ELEVATOR	411	456	593	672	719
FREEHOLD	DETACHED	-	-	533	621	667
	SEMI-DETACHED/ROW	335	355	464	542	581
	WALKUP	304	334	441	507	543
	ELEVATOR	381	427	559	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Albany, N. Y. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBANY	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
GLEN FALLS	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
MASSENA	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
PLATTSBURGH	DETACHED	-	-	379	445	494
	SEMI-DETACHED/ROW	-	262	334	395	445
	WALKUP	195	247	315	369	419
	ELEVATOR	292	321	393	-	-
SYRACUSE	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
POUGHKEEPSIE	DETACHED	-	-	436	503	560
	SEMI-DETACHED/ROW	-	305	370	440	490
	WALKUP	241	283	341	407	452
	ELEVATOR	314	361	441	-	-

INSURING OFFICE Albany, N. Y. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERTOWN	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
SCHENECTADY	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
BINGHAMTON	DETACHED	-	-	393	469	522
	SEMI-DETACHED/ROW	-	265	346	421	462
	WALKUP	215	263	318	382	434
	ELEVATOR	296	322	407	-	-
ITHACA	DETACHED	-	-	393	469	522
	SEMI-DETACHED/ROW	-	265	346	421	462
	WALKUP	215	263	318	382	434
	ELEVATOR	296	322	407	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Buffalo, N.Y. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BUFFALO	DETACHED	-	-	386	456	497
	SEMI-DETACHED/ROW	-	348	380	436	481
	WALKUP	259	306	341	391	433
	ELEVATOR	357	399	497	-	-
ELMIRA	DETACHED	-	-	407	465	543
	SEMI-DETACHED/ROW	322	370	405	460	503
	WALKUP	264	323	371	440	475
	ELEVATOR	347	408	401	-	-
JAMESTOWN	DETACHED	-	-	391	44	515
	SEMI-DETACHED/ROW	-	34	386	441	506
	WALKUP	252	293	362	396	431
	ELEVATOR	362	410	509	-	-
ROCHESTER	DETACHED	-	-	405	477	531
	SEMI-DETACHED/ROW	327	341	377	449	504
	WALKUP	253	286	343	387	444
	ELEVATOR	370	409	493	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE NEW YORK, N. Y. REGION II NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW YORK CITY	DETACHED	---	---	588	680	772
	SEMI-DETACHED/ROW	---	429	515	595	675
	WALKUP	354	408	491	567	644
	ELEVATOR	491	593	684	776	873
SUFFOLK	DETACHED	---	---	474	566	664
	SEMI-DETACHED/ROW	321	359	421	505	592
	WALKUP	298	327	395	453	513
	ELEVATOR	366	402	485	---	---
WESTCHESTER	DETACHED	---	---	567	656	750
	SEMI-DETACHED/ROW	---	430	517	597	685
	WALKUP	352	409	493	570	652
	ELEVATOR	415	475	561	699	---
ORANGE	DETACHED	---	---	400	507	570
	SEMI-DETACHED/ROW	---	290	357	449	514
	WALKUP	224	271	334	420	480
	ELEVATOR	298	367	474	573	---
ROCKLAND	DETACHED	---	---	522	621	715
	SEMI-DETACHED/ROW	---	363	465	553	640
	WALKUP	289	342	436	518	596
	ELEVATOR	347	415	524	---	---
NASSAU	DETACHED	---	---	517	622	724
	SEMI-DETACHED/ROW	---	372	460	554	647
	WALKUP	322	348	430	518	603
	ELEVATOR	380	427	529	637	---

AREA OFFICE NEW YORK, N. Y. REGION II NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PUTNAM	DETACHED	---	---	464	540	633
	SEMI-DETACHED/ROW	282	341	415	479	564
	WALKUP	264	319	387	451	528
	ELEVATOR	343	403	493	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE San Juan, P. R. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN JUAN	DETACHED	-	-	374	414	515
	SEMI-DETACHED/ROW	-	295	330	381	474
	WALKUP	219	262	300	346	410
	ELEVATOR	332	400	436	474	544
PONCE	DETACHED	-	-	311	373	465
	SEMI-DETACHED/ROW	-	250	282	345	427
	WALKUP	175	224	248	303	360
	ELEVATOR	300	336	378	447	502
MAYAGUEZ	DETACHED	-	-	292	357	441
	SEMI-DETACHED/ROW	-	246	273	330	401
	WALKUP	170	220	251	297	347
	ELEVATOR	267	289	384	431	483
ARECIBO	DETACHED	-	-	292	357	441
	SEMI-DETACHED/ROW	-	246	273	330	401
	WALKUP	170	220	251	297	347
	ELEVATOR	267	289	384	431	483
ST. THOMAS	DETACHED	-	-	535	687	747
	SEMI-DETACHED/ROW	-	397	520	590	610
	WALKUP	228	294	380	417	434
	ELEVATOR	-	-	-	-	-
ST. CROIX	DETACHED	-	-	459	506	529
	SEMI-DETACHED/ROW	-	348	448	493	513
	WALKUP	223	256	331	377	397
	ELEVATOR	-	-	-	-	-

INSURING OFFICE Wilmington, Del. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
Wilmington	DETACHED	-	-	351	388	462
	SEMI-DETACHED/ROW	-	233	290	370	417
	WALKUP	221	229	286	354	-
	ELEVATOR	243	293	389		
Dover	DETACHED	-	-	323	358	406
	SEMI-DETACHED/ROW	-	222	268	340	368
	WALKUP	197	222	268	340	-
	ELEVATOR	225	272	352	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Washington, D. C. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WASHINGTON, D.C.	DETACHED	---	---	---	549	614
	SEMI-DETACHED/ROW	---	---	417	464	548
	WALKUP	251	326	395	464	537
	ELEVATOR	291	373	498	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE BALTIMORE, MD. REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BALTIMORE	DETACHED	---	---	499	586	669
	SEMI-DETACHED/ROW	---	309	340	428	541
	WALKUP	261	294	334	412	536
	ELEVATOR	277	328	413	---	---
ABERDEEN	DETACHED	---	---	409	478	575
	SEMI-DETACHED/ROW	---	267	310	376	492
	WALKUP	227	256	300	36[illegible]	478
	ELEVATOR	241	282	357	---	---
HAGERSTOWN	DETACHED	---	---	412	475	552
	SEMI-DETACHED/ROW	---	296	312	374	464
	WALKUP	251	2[illegible]2	307	360	459
	ELEVATOR	266	310	365	---	---
SALISBURY	DETACHED	---	---	409	470	533
	SEMI-DETACHED/ROW	---	272	310	378	464
	WALKUP	230	259	3[illegible]5	363	459
	ELEVATOR	244	2[illegible]5	363	---	---
ANNAPOLIS	DETACHED	---	---	4[illegible]9	5[illegible]6	66[illegible]
	SEMI-DETACHED/ROW	---	309	34[illegible]	42[illegible]	541
	WALKUP	261	294	334	41[illegible]	53[illegible]
	ELEVATOR	277	328	413	---	---
CAMBRIDGE	DETACHED	---	---	40[illegible]	470	533
	SEMI-DETACHED/ROW	---	272	310	378	464
	WALKUP	23[illegible]	259	305	363	459
	ELEVATOR	244	285	363	---	---

AREA OFFICE BALTIMORE, MD REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CUMBERLAND	DETACHED	---	---	412	475	552
	SEMI-DETACHED/ROW	---	296	312	374	464
	WALKUP	251	282	307	360	459
	ELEVATOR	266	310	365	---	---
FREDERICK	DETACHED	---	---	445	507	593
	SEMI-DETACHED/ROW	---	294	337	399	498
	WALKUP	249	280	330	384	493
	ELEVATOR	264	308	393	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Philadelphia REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED	-	-	420	450	483
	SEMI-DETACHED/ROW	240	290	356	424	464
	WALKUP	223	268	337	413	452
	ELEVATOR	322	376	427	-	-
ALLENTOWN	DETACHED	-	-	404	452	536
	SEMI-DETACHED/ROW	240	290	352	425	464
	WALKUP	223	277	335	424	452
	ELEVATOR	287	32[illegible]	389	-	-
BELLEFONTE	DETACHED	-	-	422	479	524
	SEMI-DETACHED/ROW	224	284	367	403	506
	WALKUP	216	264	33[illegible]	403	426
	ELEVATOR	227	29[illegible]	382	-	-
HARRISBURG	DETACHED	-	-	402	459	[illegible]89
	SEMI-DETACHED/ROW	-	290	336	425	464
	WALKUP	222	280	317	413	452
	ELEVATOR	28[illegible]	335	383	-	-
LANCASTER	DETACHED	-	-	371	447	489
	SEMI-DETACHED/ROW	-	283	332	413	477
	WALKUP	207	268	322	393	447
	ELEVATOR	246	31[illegible]	370	-	-
YORK	DETACHED	-	-	349	437	481
	SEMI-DETACHED/ROW	-	259	316	384	436
	WALKUP	20[illegible]	246	288	360	413
	ELEVATOR	240	30[illegible]	36[illegible]	-	-

AREA OFFICE Philadelphia REGION III Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POTTSTOWN	DETACHED	-	-	384	448	477
	SEMI-DETACHED/ROW	-	271	342	401	427
	WALKUP	218	262	300	365	413
	ELEVATOR	260	319	382	-	-
READING	DETACHED	-	-	384	448	477
	SEMI-DETACHED/ROW	-	271	342	401	427
	WALKUP	218	262	300	365	413
	ELEVATOR	260	319	382	-	-
SCRANTON	DETACHED	-	-	395	460	542
	SEMI-DETACHED/ROW	240	289	347	415	491
	WALKUP	240	276	333	404	463
	ELEVATOR	300	348	396	-	-
BETHLEHEM	DETACHED	-	-	404	452	536
	SEMI-DETACHED/ROW	240	290	352	425	464
	WALKUP	223	277	335	424	452
	ELEVATOR	287	328	389	-	-
WELLSBORO	DETACHED	-	-	296	328	356
	SEMI-DETACHED/ROW	204	235	278	309	333
	WALKUP	204	235	265	307	333
	ELEVATOR	245	295	339	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Pittsburgh REGION III - Phildelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW CASTLE	DETACHED	-	-	370	436	506
	SEMI-DETACHED/ROW	-	312	353	414	480
	WALKUP	219	270	318	370	430
	ELEVATOR	255	317	381	-	-
PITTSBURGH	DETACHED	-	-	399	455	525
	SEMI-DETACHED/ROW	-	344	378	434	500
	WALKUP	246	306	360	408	472
	ELEVATOR	270	336	404	-	-
ERIE	DETACHED	-	-	375	406	484
	SEMI-DETACHED/ROW	-	324	356	384	460
	WALKUP	228	281	332	380	442
	ELEVATOR	267	329	396	-	-
SHARON	DETACHED	-	-	370	436	506
	SEMI-DETACHED/ROW	-	312	353	414	480
	WALKUP	219	270	318	370	430
	ELEVATOR	255	317	381	-	-
ALTOONA	DETACHED	-	-	375	428	479
	SEMI-DETACHED/ROW	-	322	354	408	461
	WALKUP	231	278	335	392	451
	ELEVATOR	254	312	375	-	-
JOHNSTOWN	DETACHED	-	-	375	428	479
	SEMI-DETACHED/ROW	-	322	354	408	461
	WALKUP	231	278	335	392	451
	ELEVATOR	254	312	375	-	-

AREA OFFICE RICHMOND, VIRGINIA REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RICHMOND	DETACHED	---	---	329	381	451
	SEMI-DETACHED/ROW	---	274	311	355	396
	WALKUP	210	245	303	355	396
	ELEVATOR	218	272	317	---	---
NORFOLK	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
VIRGINIA BEACH	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
PORTSMOUTH	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
SUFFOLK	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
CHESAPEAKE	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---

AREA OFFICE RICHMOND, VIRGINIA REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROANOKE	DETACHED	---	---	309	363	408
	SEMI-DETACHED/ROW	---	239	294	350	390
	WALKUP	188	222	273	345	388
	ELEVATOR	198	253	309	---	---
LYNCHBURG	DETACHED	---	---	309	363	408
	SEMI-DETACHED/ROW	---	239	294	350	390
	WALKUP	188	222	273	345	388
	ELEVATOR	198	253	309	---	---
DANVILLE	DETACHED	---	---	309	363	408
	SEMI-DETACHED/ROW	---	239	294	350	390
	WALKUP	188	222	273	345	388
	ELEVATOR	198	253	309	---	---
NEWPORT NEWS	DETACHED	---	---	316	383	420
	SEMI-DETACHED/ROW	---	252	300	364	400
	WALKUP	201	229	273	347	382
	ELEVATOR	222	240	287	---	---
FREDRICKS-BURG	DETACHED	---	---	340	393	448
	SEMI-DETACHED/ROW	---	246	304	360	407
	WALKUP	195	232	293	360	407
	ELEVATOR	205	246	309	---	---
HARRISONBURG	DETACHED	---	---	293	319	399
	SEMI-DETACHED/ROW	---	233	274	316	359
	WALKUP	176	212	250	306	359
	ELEVATOR	199	231	283	---	---

AREA OFFICE RICHMOND, VIRGINIA REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WARRENTON	DETACHED	---	---	293	319	399
	SEMI-DETACHED/ROW	---	233	274	316	359
	WALKUP	176	212	250	306	358
	ELEVATOR	199	231	283	---	---
BRISTOL	DETACHED	---	---	253	319	347
	SEMI-DETACHED/ROW	---	194	244	294	338
	WALKUP	180	194	238	291	335
	ELEVATOR	195	251	339	---	---
HAMPTON	DETACHED	---	---	316	383	420
	SEMI-DETACHED/ROW	---	252	300	364	400
	WALKUP	201	229	273	347	382
	ELEVATOR	222	240	287	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Charleston, W. Va. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHARLESTON	DETACHED	---	---	376	413	461
	SEMI-DETACHED/ROW	---	314	355	396	444
	WALKUP	204	260	301	355	400
	ELEVATOR	301	349	392	---	---
BECKLEY	DETACHED	--	--	339	372	415
	SEMI-DETACHED/ROW	--	250	319	349	392
	WALKUP	220	250	284	316	348
	ELEVATOR	267	316	354	--	--
BLUEFIELD	DETACHED	--	--	339	372	415
	SEMI-DETACHED/ROW	--	250	319	349	392
	WALKUP	220	250	284	316	348
	ELEVATOR	267	316	354	--	--
HUNTINGTON	DETACHED	--	--	342	411	447
	SEMI-DETACHED/ROW	--	250	325	389	428
	WALKUP	176	233	307	370	406
	ELEVATOR	267	316	383	--	--
PARKERSBURG	DETACHED	--	--	302	349	383
	SEMI-DETACHED/ROW	--	244	285	329	362
	WALKUP	205	234	277	311	344
	ELEVATOR	260	311	378	--	--
WHEELING	DETACHED	--	--	304	376	426
	SEMI-DETACHED/ROW	--	245	288	361	411
	WALKUP	206	238	280	350	382
	ELEVATOR	263	314	381	--	--

INSURING OFFICE Charleston, W. Va. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MARTINSBURG	DETACHED	---	---	350	389	435
	SEMI-DETACHED/ROW	---	292	330	372	416
	WALKUP	224	272	318	350	395
	ELEVATOR	298	327	364	--	---
FAIRMONT	DETACHED	---	--	350	389	435
	SEMI-DETACHED/ROW	---	292	330	372	416
	WALKUP	224	272	318	350	395
	ELEVATOR	298	327	364	--	--
POINT PLEASANT	DETACHED	---	--	301	347	379
	SEMI-DETACHED/ROW	---	241	284	327	360
	WALKUP	204	233	275	309	342
	ELEVATOR	258	309	345	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Birmingham, Ala. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BIRMINGHAM	DETACHED	-	-	313	382	415
	SEMI-DETACHED/ROW	-	237	274	352	384
	WALKUP	187	221	265	339	369
	ELEVATOR	233	269	387	-	-
DOTHAN	DETACHED	-	-	301	342	372
	SEMI-DETACHED/ROW	-	218	268	327	360
	WALKUP	186	218	268	327	360
	ELEVATOR	246	273	335	-	-
FLORENCE	DETACHED	-	-	296	374	410
	SEMI-DETACHED/ROW	-	233	296	374	410
	WALKUP	190	212	258	323	355
	ELEVATOR	238	265	323	-	-
HUNTSVILLE	DETACHED	-	-	296	368	405
	SEMI-DETACHED/ROW	-	237	296	368	405
	WALKUP	187	225	269	309	339
	ELEVATOR	233	281	336	-	-
MOBILE	DETACHED	-	-	310	372	395
	SEMI-DETACHED/ROW	-	224	286	342	377
	WALKUP	187	216	255	342	377
	ELEVATOR	233	270	319	-	-
MONTGOMERY	DETACHED	-	-	296	387	424
	SEMI-DETACHED/ROW	-	221	281	387	424
	WALKUP	187	212	256	307	337
	ELEVATOR	233	265	320	-	-

AREA OFFICE Birmingham, Ala. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TUSCALOOSA	DETACHED	-	-	305	372	407
	SEMI-DETACHED/ROW	-	208	256	332	364
	WALKUP	187	208	256	332	364
	ELEVATOR	233	266	320	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Jacksonville, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSONVILLE	DETACHED	-	-	273	337	373
	SEMI-DETACHED/ROW	-	241	273	328	345
	WALKUP	191	220	273	328	345
	ELEVATOR	234	285	361	-	-
FORT WALTON BEACH	DETACHED	-	-	260	350	379
	SEMI-DETACHED/ROW	-	221	243	316	337
	WALKUP	185	203	243	316	337
	ELEVATOR	235	273	325	-	-
GAINESVILLE	DETACHED	-	-	301	388	417
	SEMI-DETACHED/ROW	-	256	285	354	369
	WALKUP	218	236	285	354	369
	ELEVATOR	253	295	360	-	-
PANAMA CITY	DETACHED	-	-	260	337	343
	SEMI-DETACHED/ROW	-	219	243	311	325
	WALKUP	185	203	243	311	325
	ELEVATOR	235	273	325	-	-
PENSACOLA	DETACHED	-	-	260	350	379
	SEMI-DETACHED/ROW	-	221	243	316	337
	WALKUP	185	203	243	316	337
	ELEVATOR	235	273	325	-	-
TALLAHASSEE	DETACHED	-	-	337	378	384
	SEMI-DETACHED/ROW	-	247	270	337	351
	WALKUP	205	223	268	337	351
	ELEVATOR	250	290	350	-	-

INSURING OFFICE Coral Gables, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MIAMI	DETACHED	-	-	326	371	435
	SEMI-DETACHED/ROW	-	244	310	378	407
	WALKUP	247	252	327	421	435
	ELEVATOR	264	272	336	-	-
FORT LAUDERDALE	DETACHED	-	-	348	408	437
	SEMI-DETACHED/ROW	-	251	319	402	412
	WALKUP	212	237	307	402	425
	ELEVATOR	217	238	323	-	-
FORT MYERS	DETACHED	-	-	293	345	388
	SEMI-DETACHED/ROW	-	228	260	310	335
	WALKUP	210	235	285	340	363
	ELEVATOR	222	246	288	-	-
KEY WEST	DETACHED	-	-	326	382	459
	SEMI-DETACHED/ROW	-	255	328	388	415
	WALKUP	226	288	365	386	409
	ELEVATOR	243	320	394	-	-
WEST PALM BEACH	DETACHED	-	-	356	392	490
	SEMI-DETACHED/ROW	-	231	278	353	383
	WALKUP	222	237	302	375	398
	ELEVATOR	237	259	361	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Tampa, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TAMPA	DETACHED	-	-	327	361	382
	SEMI-DETACHED/ROW	-	226	261	327	350
	WALKUP	194	220	250	311	350
	ELEVATOR	220	248	283	-	-
COCOA	DETACHED	-	-	302	364	384
	SEMI-DETACHED/ROW	-	200	248	306	335
	WALKUP	183	200	233	263	281
	ELEVATOR	209	227	265	-	-
DAYTONA BEACH	DETACHED	-	-	316	379	400
	SEMI-DETACHED/ROW	-	229	248	308	335
	WALKUP	183	205	239	270	288
	ELEVATOR	209	234	273	-	-
FORT PIERCE	DETACHED	-	-	316	379	400
	SEMI-DETACHED/ROW	-	229	248	308	335
	WALKUP	183	205	239	270	288
	ELEVATOR	209	234	273	-	-
LAKELAND	DETACHED	-	-	301	362	377
	SEMI-DETACHED/ROW	-	264	297	340	365
	WALKUP	224	239	266	330	347
	ELEVATOR	250	267	300	-	-
ORLANDO	DETACHED	-	-	307	364	378
	SEMI-DETACHED/ROW	-	232	285	331	360
	WALKUP	182	212	255	307	324
	ELEVATOR	207	240	288	-	-

INSURING OFFICE Tampa, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SARASOTA	DETACHED	-	-	312	376	391
	SEMI-DETACHED/ROW	-	251	283	345	375
	WALKUP	205	231	259	343	362
	ELEVATOR	234	261	287	-	-
ST. PETERSBURG	DETACHED	-	-	315	380	400
	SEMI-DETACHED/ROW	-	226	273	333	354
	WALKUP	185	224	266	327	343
	ELEVATOR	210	251	327	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Atlanta, Ga. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ATLANTA	DETACHED	-	-	296	346	384
	SEMI-DETACHED/ROW	-	224	252	297	327
	WALKUP	193	213	244	291	319
	ELEVATOR	241	258	319	-	-
ALBANY	DETACHED	-	-	285	352	379
	SEMI-DETACHED/ROW	-	209	258	323	345
	WALKUP	180	204	252	317	339
	ELEVATOR	248	276	343	-	-
AUGUSTA	DETACHED	-	-	277	350	387
	SEMI-DETACHED/ROW	-	209	241	317	339
	WALKUP	190	204	239	306	328
	ELEVATOR	247	268	314	-	-
BRUNSWICK	DETACHED	-	-	294	349	377
	SEMI-DETACHED/ROW	-	209	252	306	328
	WALKUP	192	204	246	300	323
	ELEVATOR	268	286	349	-	-
COLUMBUS	DETACHED	-	-	304	358	392
	SEMI-DETACHED/ROW	-	221	269	321	356
	WALKUP	197	215	263	316	344
	ELEVATOR	265	287	353	-	-
MACON	DETACHED	-	-	307	327	367
	SEMI-DETACHED/ROW	-	215	261	293	338
	WALKUP	186	209	258	277	310
	ELEVATOR	257	284	353	-	-

AREA OFFICE Atlanta, Ga. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROME	DETACHED	-	-	282	338	371
	SEMI-DETACHED/ROW	-	193	239	295	321
	WALKUP	169	187	235	289	316
	ELEVATOR	241	265	332		
SAVANNAH	DETACHED	-	-	318	379	410
	SEMI-DETACHED/ROW	-	239	277	337	364
	WALKUP	203	226	272	332	358
	ELEVATOR	278	306	373	-	-
VALDOSTA	DETACHED	-	-	267	326	369
	SEMI-DETACHED/ROW		198	248	317	345
	WALKUP	170	193	233	289	323
	ELEVATOR	237	265	322	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Louisville, Ky. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOUISVILLE	DETACHED	-	-	333	399	440
	SEMI-DETACHED/ROW	-	263	303	374	422
	WALKUP	206	244	296	362	408
	ELEVATOR	278	322	395	-	-
LOUISVILLE	MOBILE HOME	-	-	221	257	-
ASHLAND	DETACHED	-	-	329	387	429
	SEMI-DETACHED/ROW	-	263	309	367	410
	WALKUP	210	245	290	347	385
	ELEVATOR	284	326	391	-	-
BOWLING GREEN	DETACHED	-	-	300	363	411
	SEMI-DETACHED/ROW	-	238	289	342	386
	WALKUP	197	222	261	326	391
	ELEVATOR	253	293	354	-	-
CORBIN	DETACHED	-	-	321	395	436
	SEMI-DETACHED/ROW	-	261	305	370	413
	WALKUP	209	243	288	350	389
	ELEVATOR	282	323	388	-	-
COVINGTON	DETACHED	-	-	333	405	447
	SEMI-DETACHED/ROW	-	289	307	382	425
	WALKUP	219	254	287	359	397
	ELEVATOR	290	331	374	-	-

AREA OFFICE Louisville, Ky. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOPKINSVILLE	DETACHED	-	-	316	379	422
	SEMI-DETACHED/ROW	-	238	289	361	403
	WALKUP	196	225	267	330	397
	ELEVATOR	260	301	367	-	-
HOPKINSVILLE	MOBILE HOME	-	-	249	272	-
LEXINGTON	DETACHED	-	-	323	391	430
	SEMI-DETACHED/ROW	-	256	301	376	416
	WALKUP	209	244	295	364	402
	ELEVATOR	275	315	386	-	-
MIDDLESBORO	DETACHED	-	-	320	383	424
	SEMI-DETACHED/ROW	-	250	295	355	412
	WALKUP	198	232	279	341	391
	ELEVATOR	236	270	316	-	-
MURRAY	DETACHED	-	-	324	388	431
	SEMI-DETACHED/ROW	-	255	297	361	405
	WALKUP	198	232	273	335	394
	ELEVATOR	271	312	375	-	-
NEWPORT	DETACHED	-	-	330	404	446
	SEMI-DETACHED/ROW	-	275	307	382	426
	WALKUP	219	254	286	359	397
	ELEVATOR	290	331	385	-	-

AREA OFFICE Louisville, Ky. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OWENSBORO	DETACHED	-	-	334	396	439
	SEMI-DETACHED/ROW	-	247	308	372	416
	WALKUP	199	228	290	352	390
	ELEVATOR	267	307	390	-	-
PADUCAH	DETACHED	-	-	315	380	421
	SEMI-DETACHED/ROW	-	245	290	356	411
	WALKUP	203	233	277	343	391
	ELEVATOR	267	305	369	-	-
FRANKFORT	DETACHED	-	-	317	381	420
	SEMI-DETACHED/ROW	-	244	297	360	403
	WALKUP	197	227	281	343	396
	ELEVATOR	254	293	364	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Jackson, Miss. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSON	DETACHED	-	-	307	350	418
	SEMI-DETACHED/ROW	-	218	279	338	381
	WALKUP	177	219	283	319	361
	ELEVATOR	247	255	316	-	-
BILOXI	DETACHED	-	-	297	337	358
	SEMI-DETACHED/ROW	-	220	271	326	340
	WALKUP	184	202	249	314	329
	ELEVATOR	233	262	312	-	-
CORINTH	DETACHED	-	-	238	294	340
	SEMI-DETACHED/ROW	-	189	221	278	310
	WALKUP	168	184	210	268	294
	ELEVATOR	233	265	315	-	-
GREENVILLE	DETACHED	-	-	273	323	357
	SEMI-DETACHED/ROW	-	193	221	278	310
	WALKUP	171	187	210	268	294
	ELEVATOR	237	270	315	-	-
GREENWOOD	DETACHED	-	-	273	323	337
	SEMI-DETACHED/ROW	-	198	238	304	317
	WALKUP	171	187	232	290	304
	ELEVATOR	230	268	310	-	-
GULFPORT	DETACHED	-	-	281	330	351
	SEMI-DETACHED/ROW	-	210	256	320	334
	WALKUP	183	204	249	306	320
	ELEVATOR	240	271	312	-	-

AREA OFFICE Jackson, Miss. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HATTIESBURG	DETACHED	-	-	241	286	332
	SEMI-DETACHED/ROW	-	187	218	273	304
	WALKUP	171	182	214	260	286
	ELEVATOR	220	255	303	-	-
SOUTHAVEN	DETACHED	-	-	267	283	319
	SEMI-DETACHED/ROW	-	187	234	269	334
	WALKUP	166	182	228	279	319
	ELEVATOR	215	250	330	-	-
TUPELO	DETACHED	-	-	273	323	343
	SEMI-DETACHED/ROW	-	189	238	304	317
	WALKUP	168	184	232	290	304
	ELEVATOR	226	263	315	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Greensborm, N. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENSBORO	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	190	220	260	310	340
	ELEVATOR	231	252	315	-	-
ASHEVILLE	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	185	215	250	300	335
	WALKUP	185	215	250	300	335
	ELEVATOR	231	252	315	-	-
CHARLOTTE	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	190	220	260	310	340
	ELEVATOR	231	252	315	-	-
DURHAM	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	185	210	250	305	335
	WALKUP	185	210	250	305	335
	ELEVATOR	231	252	315	-	-
GREENVILLE	DETACHED	-	-	275	325	360
	SEMI-DETACHED/ROW	175	195	230	280	305
	WALKUP	175	195	230	280	305
	ELEVATOR	231	252	315	-	-
RALEIGH	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	185	215	255	305	335
	ELEVATOR	231	252	315	-	-

AREA OFFICE Greensboro, N. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WILMINGTON	DETACHED	-	-	285	325	365
	SEMI-DETACHED/ROW	175	195	235	280	310
	WALKUP	175	195	235	280	310
	ELEVATOR	231	252	315	-	-
WINSTON-SALEM	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	190	220	260	310	340
	ELEVATOR	231	252	315	-	-
FAYETTEVILLE	DETACHED	-	-	280	325	365
	SEMI-DETACHED/ROW	185	210	245	295	330
	WALKUP	180	205	240	290	325
	ELEVATOR	231	252	315	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Columbia, S. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENVILLE	DETACHED	-	-	324	362	399
	SEMI-DETACHED/ROW	205	220	263	325	364
	WALKUP	205	220	263	325	364
	ELEVATOR	252	274	336	-	-
GREENWOOD	DETACHED	-	-	324	343	399
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	269	330	-	-
MYRTLE BEACH	DETACHED	-	-	330	390	417
	SEMI-DETACHED/ROW	213	226	274	325	364
	WALKUP	213	226	274	325	364
	ELEVATOR	253	274	336	-	-
NORTH AUGUSTA	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	263	330	-	-
ORANGEBURG	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	241	263	314	-	-
ROCKHILL	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	358
	ELEVATOR	242	263	330	-	-

AREA, OFFICE Columbia, S. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBIA	DETACHED	-	-	343	383	407
	SEMI-DETACHED/ROW	213	226	274	325	364
	WALKUP	213	226	274	325	364
	ELEVATOR	253	273	330	-	-
AIKEN	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	269	330	-	-
ANDERSON	DETACHED	-	-	324	343	399
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	269	330	-	-
BEAUFORT	DETACHED	-	-	344	382	410
	SEMI-DETACHED/ROW	202	218	263	330	370
	WALKUP	202	218	263	330	370
	ELEVATOR	249	274	336	-	-
CHARLESTON	DETACHED	-	-	344	382	410
	SEMI-DETACHED/ROW	213	226	263	330	370
	WALKUP	213	226	263	330	370
	ELEVATOR	253	273	330	-	-
FLORENCE	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	253	319	358
	WALKUP	196	213	253	319	353
	ELEVATOR	252	269	330	-	-

AREA OFFICE Columbia, S. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPARTANBURG	DETACHED	-	-	324	364	399
	SEMI-DETACHED/ROW	206	220	263	325	364
	WALKUP	206	220	263	325	364
	ELEVATOR	252	274	336	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Knoxville, Tenn. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KNOXVILLE	DETACHED	-	-	270	330	370
	SEMI-DETACHED/ROW	-	210	260	320	360
	WALKUP	195	205	250	310	345
	ELEVATOR	235	265	325	-	-
CHATTANOOGA	DETACHED	-	-	270	330	370
	SEMI-DETACHED/ROW	-	225	260	320	355
	WALKUP	205	220	255	310	345
	ELEVATOR	235	265	325	-	-
JOHNSON CITY	DETACHED	-	-	255	320	360
	SEMI-DETACHED/ROW	-	210	240	310	345
	WALKUP	185	200	230	290	330
	ELEVATOR	230	260	320	-	-
KINGSPORT	DETACHED	-	-	255	320	360
	SEMI-DETACHED/ROW	-	210	240	310	345
	WALKUP	185	200	230	290	330
	ELEVATOR	230	260	320	-	-
OAKRIDGE	DETACHED	-	-	275	335	375
	SEMI-DETACHED/ROW	-	215	265	325	365
	WALKUP	200	210	255	315	350
	ELEVATOR	240	270	330	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Memphis, Tenn. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MEMPHIS	DETACHED	-	-	312	380	440
	SEMI-DETACHED/ROW	-	258	285	335	387
	WALKUP	191	222	259	291	331
	ELEVATOR	253	290	346	-	-
JACKSON	DETACHED	-	-	260	299	340
	SEMI-DETACHED/ROW	-	220	247	286	330
	WALKUP	178	210	235	266	298
	ELEVATOR	256	292	336	-	-
UNION CITY	DETACHED	-	-	260	299	340
	SEMI-DETACHED/ROW	-	214	257	292	331
	WALKUP	176	193	226	255	282
	ELEVATOR	257	297	352	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Nashville, Tenn. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NASHVILLE	DETACHED	-	-	283	334	364
	SEMI-DETACHED/ROW	-	211	254	313	351
	WALKUP	185	205	243	308	340
	ELEVATOR	197	265	341	-	-
CLARKSVILLE	DETACHED	-	-	283	334	364
	SEMI-DETACHED/ROW	-	211	248	313	341
	WALKUP	185	205	243	308	335
	ELEVATOR	197	265	341		
COLUMBIA	DETACHED	-	-	276	320	361
	SEMI-DETACHED/ROW	-	211	248	309	341
	WALKUP	177	200	243	297	324
	ELEVATOR	197	265	341	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE CHICAGO, ILL. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHICAGO	DETACHED	---	---	550	580	675
	SEMI-DETACHED/ROW	---	425	466	507	569
	WALKUP	308	339	408	494	515
	ELEVATOR	365	419	520	557	---
MOLINE	DETACHED	---	---	502	530	591
	SEMI-DETACHED/ROW	---	406	430	485	512
	WALKUP	297	326	392	469	---
	ELEVATOR	343	378	482	---	---
ROCKFORD	DETACHED	---	---	423	451	511
	SEMI-DETACHED/ROW	---	363	384	403	430
	WALKUP	253	281	334	387	---
	ELEVATOR	298	333	400	---	---
ROCK ISLAND	DETACHED	---	---	502	530	591
	SEMI-DETACHED/ROW	---	406	430	485	512
	WALKUP	297	326	392	469	---
	ELEVATOR	343	378	482	---	---
STERLING	DETACHED	---	---	406	433	492
	SEMI-DETACHED/ROW	---	357	378	396	423
	WALKUP	251	279	330	381	---
	ELEVATOR	293	327	393	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Springfield, Ill. REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
Springfield	DETACHED	-	-	399	447	505
	SEMI-DETACHED/ROW	-	318	374	423	479
	WALKUP	273	311	371	420	467
	ELEVATOR	331	372	444	-	-
Belleville	DETACHED	-	-	347	399	458
	SEMI-DETACHED/ROW	-	269	325	375	432
	WALKUP	222	262	322	372	419
	ELEVATOR	278	315	389	-	-
Carbondale	DETACHED	-	-	364	415	472
	SEMI-DETACHED/ROW	-	287	342	386	446
	WALKUP	242	279	339	388	434
	ELEVATOR	300	339	411	-	-
CHAMPAIGN	DETACHED	-	-	337	387	442
	SEMI-DETACHED/ROW	-	262	316	364	417
	WALKUP	218	255	313	361	405
	ELEVATOR	286	311	382	-	-
Danville	DETACHED	-	-	384	435	494
	SEMI-DETACHED/ROW	-	309	363	411	467
	WALKUP	262	300	360	408	456
	ELEVATOR	321	360	432	-	-
EAST ST. LOUIS	DETACHED	-	-	337	389	448
	SEMI-DETACHED/ROW	-	258	314	365	421
	WALKUP	211	251	312	362	409
	ELEVATOR	278	319	395	-	-

INSURING OFFICE Springfield, Ill. REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LaSalle	DETACHED	-	-	374	427	487
	SEMI-DETACHED/ROW	-	297	353	403	460
	WALKUP	242	272	338	387	432
	ELEVATOR	305	345	419	-	-
Peoria	DETACHED	-	-	413	466	525
	SEMI-DETACHED/ROW	-	336	392	441	498
	WALKUP	288	328	388	439	486
	ELEVATOR	350	389	463	-	-
Quincy	DETACHED	-	-	330	376	431
	SEMI-DETACHED/ROW	-	264	306	352	406
	WALKUP	208	245	302	349	395
	ELEVATOR	264	301	374	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE INDIANAPOLIS, IND. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
INDIANAPOLIS	DETACHED	---	---	370	449	472
	SEMI-DETACHED/ROW	---	253	308	389	410
	WALKUP	223	248	295	383	---
	ELEVATOR	279	317	381	---	---
BLOOMINGTON	DETACHED	---	---	347	404	428
	SEMI-DETACHED/ROW	---	228	285	345	367
	WALKUP	197	222	280	339	---
	ELEVATOR	252	290	367	---	---
EVANSVILLE	DETACHED	---	---	349	404	426
	SEMI-DETACHED/ROW	---	241	295	361	383
	WALKUP	211	236	289	356	---
	ELEVATOR	252	290	360	---	---
FORT WAYNE	DETACHED	---	---	361	418	444
	SEMI-DETACHED/ROW	---	263	303	364	385
	WALKUP	233	257	296	356	---
	ELEVATOR	286	323	380	---	---
GARY	DETACHED	---	---	407	469	491
	SEMI-DETACHED/ROW	---	286	354	412	435
	WALKUP	254	278	345	406	---
	ELEVATOR	308	347	433	---	---
HAMMOND	DETACHED	---	---	407	469	491
	SEMI-DETACHED/ROW	---	286	354	412	435
	WALKUP	254	278	345	406	---
	ELEVATOR	304	342	428	---	---

AREA OFFICE INDIANAPOLIS, IND. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAFAYETTE	DETACHED	---	---	369	425	447
	SEMI-DETACHED/ROW	---	255	309	373	388
	WALKUP	224	249	304	362	---
	ELEVATOR	270	308	389	---	---
SOUTH BEND	DETACHED	---	---	410	468	489
	SEMI-DETACHED/ROW	---	276	352	410	433
	WALKUP	246	271	345	405	---
	ELEVATOR	301	334	434	---	---
TERRE HAUTE	DETACHED	---	---	368	426	448
	SEMI-DETACHED/ROW	---	254	311	369	392
	WALKUP	217	247	304	365	---
	ELEVATOR	268	308	391	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Detroit, Michigan REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DETROIT	DETACHED	-	-	431	450	481
	SEMI-DETACHED/ROW	-	368	399	423	459
	WALKUP	243	277	347	382	409
	ELEVATOR	275	343	447	-	-
ANN ARBOR	DETACHED	-	-	431	450	481
	SEMI-DETACHED/ROW	-	368	399	423	459
	WALKUP	243	277	347	382	409
	ELEVATOR	275	343	447	-	-
FLINT	DETACHED	-	-	379	421	450
	SEMI-DETACHED/ROW	-	284	347	387	424
	WALKUP	226	262	313	355	393
	ELEVATOR	261	326	425	-	-
SAGINAW	DETACHED	-	-	379	421	450
	SEMI-DETACHED/ROW	-	284	347	387	424
	WALKUP	226	262	313	355	393
	ELEVATOR	261	326	425	-	-
YPSILANTI	DETACHED	-	-	431	450	481
	SEMI-DETACHED/ROW	-	368	399	423	459
	WALKUP	243	277	347	382	409
	ELEVATOR	275	343	447	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE GRAND RAPIDS, MICH. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GRAND RAPIDS	DETACHED	---	---	348	392	413
	SEMI-DETACHED/ROW	---	277	315	359	381
	WALKUP	190	223	272	310	---
	ELEVATOR	244	297	340	---	---
BATTLE CREEK	DETACHED	---	---	347	396	418
	SEMI-DETACHED/ROW	---	280	314	358	374
	WALKUP	204	231	270	319	---
	ELEVATOR	263	294	344	---	---
BENTON HARBOR	DETACHED	---	---	350	399	421
	SEMI-DETACHED/ROW	---	284	317	361	399
	WALKUP	208	235	273	339	---
	ELEVATOR	263	301	345	---	---
KALAMAZOO	DETACHED	---	---	355	399	421
	SEMI-DETACHED/ROW	---	289	317	360	377
	WALKUP	213	240	279	312	---
	ELEVATOR	268	298	357	---	---
LANSING	DETACHED	---	---	375	430	451
	SEMI-DETACHED/ROW	---	272	310	381	413
	WALKUP	201	223	272	341	---
	ELEVATOR	261	294	343	---	---
MUSKEGON	DETACHED	---	---	319	372	398
	SEMI-DETACHED/ROW	---	246	283	333	371
	WALKUP	197	228	268	318	---
	ELEVATOR	245	280	321	---	---

INSURING OFFICE GRAND RAPIDS, MICH REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRAVERSE CITY	DETACHED	---	---	392	443	464
	SEMI-DETACHED/ROW	---	289	353	404	422
	WALKUP	211	242	298	350	---
	ELEVATOR	279	312	372	---	---
MARQUETTE	DETACHED	---	---	359	408	430
	SEMI-DETACHED/ROW	---	288	321	364	381
	WALKUP	222	229	275	315	---
	ELEVATOR	263	294	339	---	---
JACKSON	DETACHED	---	---	377	438	459
	SEMI-DETACHED/ROW	---	295	334	377	405
	WALKUP	224	257	317	355	---
	ELEVATOR	278	310	389	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Minneapolis, St. Paul REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MINNEAPOLIS ST. PAUL	DETACHED	-	-	430	484	518
	SEMI-DETACHED/ROW	-	-	364	413	453
	WALKUP	232	285	332	408	431
	ELEVATOR	268	360	413	-	-
DULUTH	DETACHED	-	-	433	486	503
	SEMI-DETACHED/ROW	-	-	366	416	460
	WALKUP	223	265	327	410	432
	ELEVATOR	266	305	385	-	-
MANKATO	DETACHED	-	-	423	476	491
	SEMI-DETACHED/ROW	-	-	344	393	433
	WALKUP	239	257	303	327	350
	ELEVATOR	312	340	404	-	-
ROCHESTER	DETACHED	-	-	438	491	507
	SEMI-DETACHED/ROW	-	-	352	421	463
	WALKUP	232	271	332	394	417
	ELEVATOR	314	361	425	-	-
ST. CLOUD	DETACHED	-	-	426	477	493
	SEMI-DETACHED/ROW	-	-	364	413	453
	WALKUP	232	241	286	389	413
	ELEVATOR	306	323	387	-	-
WORTHINGTON	DETACHED	-	-	405	456	470
	SEMI-DETACHED/ROW	-	-	341	389	429
	WALKUP	237	247	290	330	353
	ELEVATOR	316	336	398	-	-

INSURING OFFICE Cincinnati, Ohio REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CINCINNATI	DETACHED	-	-	476	521	545
	SEMI-DETACHED/ROW	-	333	390	440	468
	WALKUP	229	265	322	376	404
	ELEVATOR	341	379	460	-	-
DAYTON	DETACHED	-	-	467	515	548
	SEMI-DETACHED/ROW	-	314	371	435	463
	WALKUP	277	309	355	417	445
	ELEVATOR	385	423	493	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Cleveland, Ohio REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CLEVELAND	DETACHED	-	-	457	498	543
	SEMI-DETACHED/ROW	-	322	375	413	456
	WALKUP	268	297	345	388	423
	ELEVATOR	327	359	423	-	-
AKRON	DETACHED	-	-	419	454	494
	SEMI-DETACHED/ROW	-	311	358	394	438
	WALKUP	258	287	330	371	406
	ELEVATOR	313	343	401	-	-
FINDLAY	DETACHED	-	-	371	405	443
	SEMI-DETACHED/ROW	-	267	322	356	397
	WALKUP	217	244	295	335	368
	ELEVATOR	271	300	366	-	-
LORAIN	DETACHED	-	-	403	439	479
	SEMI-DETACHED/ROW	-	288	344	379	421
	WALKUP	237	265	317	350	392
	ELEVATOR	295	325	391	-	-
MANSFIELD	DETACHED	-	-	365	400	438
	SEMI-DETACHED/ROW	-	264	314	348	390
	WALKUP	215	242	289	330	363
	ELEVATOR	270	301	362	-	-
TOLEDO	DETACHED	-	-	432	462	503
	SEMI-DETACHED/ROW	-	307	362	398	441
	WALKUP	254	283	334	376	410
	ELEVATOR	312	343	409	-	-

INSURING OFFICE Cleveland, Ohio REGION V-Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YOUNGSTOWN	DETACHED	-	-	397	432	470
	SEMI-DETACHED/ROW	-	291	336	371	413
	WALKUP	241	268	310	351	384
	ELEVATOR	297	327	383	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE COLUMBUS, OHIO REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBUS	DETACHED	---	---	405	460	485
	SEMI-DETACHED/ROW	---	285	350	400	430
	WALKUP	240	270	320	370	390
	ELEVATOR	330	380	430	---	---
ATHENS	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
LIMA	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
MARIETTA	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
NEWARK	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
SPRINGFIELD	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---

AREA OFFICE COLUMBUS, OHIO REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TROY	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
ZANESVILLE	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE MILWAUKEE, WIS. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MADISON	DETACHED	---	---	412	477	507
	SEMI-DETACHED/ROW	---	285	357	414	446
	WALKUP	240	262	319	370	---
	ELEVATOR	277	305	378	---	---
REEDSVILLE	DETACHED	---	---	375	427	456
	SEMI-DETACHED/ROW	---	285	327	388	417
	WALKUP	221	244	290	350	---
	ELEVATOR	249	270	352	---	---
SUPERIOR	DETACHED	---	---	395	466	492
	SEMI-DETACHED/ROW	---	283	330	399	431
	WALKUP	226	256	308	364	---
	ELEVATOR	265	290	366	---	---
MILWAUKEE	DETACHED	---	---	419	486	510
	SEMI-DETACHED/ROW	---	320	368	432	464
	WALKUP	266	291	322	364	---
	ELEVATOR	310	335	395	---	---
EAU CLAIRE	DETACHED	---	---	374	437	464
	SEMI-DETACHED/ROW	---	267	320	377	440
	WALKUP	232	249	295	344	---
	ELEVATOR	255	279	342	---	---
GREENBAY	DETACHED	---	---	353	410	434
	SEMI-DETACHED/ROW	---	270	313	371	399
	WALKUP	214	233	286	333	---
	ELEVATOR	239	267	336	---	---

AREA OFFICE MILWAUKEE, WIS REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WAUSAU	DETACHED	---	---	373	441	465
	SEMI-DETACHED/ROW	---	277	325	382	409
	WALKUP	215	238	292	342	---
	ELEVATOR	250	291	349	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Little Rock, Arkansas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FAYETTSVILLE	DETACHED	---	---	255	303	366
	SEMI-DETACHED/ROW	166	202	248	296	356
	WALKUP	154	182	226	270	310
	ELEVATOR	239	277	349	---	---
LITTLE ROCK	DETACHED	---	---	281	319	383
	SEMI-DETACHED/ROW	178	217	267	303	364
	WALKUP	171	204	237	293	327
	ELEVATOR	243	295	366	--	---
TEXARKANA	DETACHED	--	--	275	319	394
	SEMI-DETACHED/ROW	168	205	252	300	362
	WALKUP	164	187	237	292	327
	ELEVATOR	237	275	347	--	--
TEXARKANA	MOBILE HOME	---	147	214	274	305
FORT SMITH	DETACHED	---	---	246	292	352
	SEMI-DETACHED/ROW	160	193	239	283	342
	WALKUP	150	173	223	263	306
	ELEVATOR	229	266	337	--	--
JONESBORO	DETACHED	--	--	266	315	380
	SEMI-DETACHED/ROW	170	207	257	304	366
	WALKUP	152	186	239	289	327
	ELEVATOR	243	282	356	---	---

AREA OFFICE New Orleans, La. REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW ORLEANS	DETACHED	---	---	286	338	410
	SEMI-DETACHED/ROW	164	217	272	324	387
	WALKUP	156	196	247	291	336
	ELEVATOR	277	346	439	--	--
LAKE CHARLES	DETACHED	--	--	304	362	438
	SEMI-DETACHED/ROW	183	233	291	345	413
	WALKUP	165	209	263	309	359
	ELEVATOR	318	370	469	--	--
LAFAYETTE	DETACHED	--	--	293	342	422
	SEMI-DETACHED/ROW	170	228	279	332	401
	WALKUP	160	200	254	299	347
	ELEVATOR	307	356	452	--	--
BATON ROUGE	DETACHED	--	--	258	306	370
	SEMI-DETACHED/ROW	152	198	248	294	351
	WALKUP	141	184	234	265	305
	ELEVATOR	266	311	392	--	--
BURAS	DETACHED	--	--	289	346	422
	SEMI-DETACHED/ROW	170	225	279	330	398
	WALKUP	159	200	249	297	349
	ELEVATOR	276	349	447	--	--
HOUMA	DETACHED	--	--	278	330	400
	SEMI-DETACHED/ROW	163	215	268	316	379
	WALKUP	152	193	243	285	333
	ELEVATOR	275	341	432	---	--

INSURING OFFICE Shreveport, La. REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHREVEPORT	DETACHED	---	---	300	353	426
	SEMI-DETACHED/ROW	197	225	281	332	401
	WALKUP	167	196	251	296	341
	ELEVATOR	279	303	390	--	--
ALEXANDRIA	DETACHED	--	--	254	312	374
	SEMI-DETACHED/ROW	175	201	240	295	353
	WALKUP	150	186	228	278	322
	ELEVATOR	248	289	352	--	--
MONROE	DETACHED	--	--	257	330	395
	SEMI-DETACHED/ROW	163	198	243	312	373
	WALKUP	152	188	239	294	340
	ELEVATOR	251	290	370	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Albuquerque REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBUQUERQUE	DETACHED	---	---	289	354	399
	SEMI-DETACHED/ROW	210	240	267	319	378
	WALKUP	172	213	241	285	331
	ELEVATOR	216	253	320	--	--
ALAMOGORDO	DETACHED	--	--	291	345	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR	203	237	294	--	--
ARTESIA	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	345
	ELEVATOR	205	241	304	--	--
CARLSBAD	DETACHED	--	--	297	353	426
	SEMI-DETACHED/ROW	224	254	283	338	403
	WALKUP	181	228	258	307	352
	ELEVATOR	205	241	305	--	--
CLOVIS	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	345
	ELEVATOR	205	238	299	--	--
FORT SUMNER	DETACHED	--	--	304	363	435
	SEMI-DETACHED/ROW	231	261	290	345	414
	WALKUP	187	233	262	308	359
	ELEVATOR	213	247	313	--	--

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GALLUP	DETACHED	---	---	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	192	239	269	320	348
	ELEVATOR	220	254	321	--	--
HOBBS	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	345
	ELEVATOR	205	238	299	--	--
LA CRUCES	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	345
	ELEVATOR	205	238	299	--	--
LAS VEGAS	DETACHED	--	--	305	361	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	232	263	310	359
	ELEVATOR	213	247	313	--	--
LOS ALAMOS	DETACHED	--	--	312	369	447
	SEMI-DETACHED/ROW	238	268	299	356	427
	WALKUP	192	239	269	319	369
	ELEVATOR	218	253	321	--	--
RATON	DETACHED	--	--	305	361	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	232	263	310	359
	ELEVATOR	213	247	313	---	---

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SOCORRO	DETACHED	---	---	291	345	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR	203	237	297	--	--
RUIDOSO	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	239	269	320	371
	ELEVATOR	218	253	321	--	--
DULCE	DETACHED	--	--	318	378	456
	SEMI-DETACHED/ROW	242	272	305	364	434
	WALKUP	195	243	274	325	376
	ELEVATOR	247	288	363	--	--
ISLETA	DETACHED	--	--	283	337	406
	SEMI-DETACHED/ROW	214	244	272	323	386
	WALKUP	173	216	245	290	336
	ELEVATOR	223	258	325	--	--
JEMEZ	DETACHED	--	--	291	346	417
	SEMI-DETACHED/ROW	220	250	279	334	398
	WALKUP	178	223	251	298	345
	ELEVATOR	226	263	334	--	--
LAGUNA	DETACHED	--	--	287	353	426
	SEMI-DETACHED/ROW	224	254	275	334	404
	WALKUP	183	226	256	304	352
	ELEVATOR	231	269	341	---	---

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA FE	DETACHED	---	---	305	361	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	177	232	263	310	359
	ELEVATOR	202	247	313	--	--
SLIVER CITY	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	239	269	320	371
	ELEVATOR	220	254	321	--	--
TRUTH OR CONSEQUENCES	DETACHED	--	--	291	345	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR	203	237	299	--	--
FARMINGTON	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	237	269	320	371
	ELEVATOR	220	254	321	--	--
TERRA AMARILLO	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	239	269	320	371
	ELEVATOR	218	253	321	--	--
TAOS	DETACHED	--	--	315	373	451
	SEMI-DETACHED/ROW	240	270	303	359	431
	WALKUP	194	241	272	322	373
	ELEVATOR	221	256	323	--	---

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MESCALERO	DETACHED	---	---	305	363	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	233	263	312	360
	ELEVATOR	238	276	350	--	--
PENASCO	DETACHED	--	--	310	369	444
	SEMI-DETACHED/ROW	236	266	297	354	423
	WALKUP	190	237	267	316	367
	ELEVATOR	241	322	356	--	--
POJOAQUE	DETACHED	--	--	304	363	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	233	263	312	360
	ELEVATOR	238	276	350	--	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Oklahoma City, Oklahoma REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OKLAHOMA CITY	DETACHED	---	---	234	259	312
	SEMI-DETACHED/ROW	166	190	223	254	297
	WALKUP	158	168	201	248	290
	ELEVATOR	271	290	317	--	--
ADA	DETACHED	--	--	239	260	325
	SEMI-DETACHED/ROW	151	201	230	255	309
	WALKUP	151	176	207	250	303
	ELEVATOR	249	270	311	--	--
ARDMORE	DETACHED	--	--	249	286	329
	SEMI-DETACHED/ROW	168	213	236	273	313
	WALKUP	165	187	235	265	301
	ELEVATOR	272	292	369	--	--
ENID	DETACHED	--	--	256	321	354
	SEMI-DETACHED/ROW	174	193	243	305	336
	WALKUP	165	181	234	292	313
	ELEVATOR	284	305	402	--	--
GUYMON	DETACHED	--	--	253	321	373
	SEMI-DETACHED/ROW	167	191	242	305	356
	WALKUP	150	181	234	292	313
	ELEVATOR	253	287	370	--	--
LAWTON	DETACHED	--	--	253	311	372
	SEMI-DETACHED/ROW	180	199	241	298	354
	WALKUP	153	187	231	288	323
	ELEVATOR	253	284	351	--	--

AREA OFFICE Oklahoma City REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHAWNEE	DETACHED	---	---	233	288	325
	SEMI-DETACHED/ROW	151	196	221	274	309
	WALKUP	143	173	220	256	292
	ELEVATOR	240	264	337	--	--
STILLWATER	DETACHED	--	--	234	266	304
	SEMI-DETACHED/ROW	153	175	213	260	288
	WALKUP	146	167	197	255	283
	ELEVATOR	243	257	305	--	--
WOODWARD	DETACHED	--	--	238	288	326
	SEMI-DETACHED/ROW	145	173	234	260	319
	WALKUP	132	159	228	276	311
	ELEVATOR	222	250	363	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Tulsa, Oklahoma REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TULSA	DETACHED	---	---	346	399	450
	SEMI-DETACHED/ROW	242	268	322	371	415
	WALKUP	204	226	277	320	346
	ELEVATOR	326	340	422	--	--
BARTLESVILLE	DETACHED	--	--	294	351	399
	SEMI-DETACHED/ROW	199	228	271	330	369
	WALKUP	163	185	224	268	295
	ELEVATOR	257	274	339	--	--
MC ALESTER	DETACHED	--	--	258	313	360
	SEMI-DETACHED/ROW	194	217	238	291	333
	WALKUP	150	171	192	233	259
	ELEVATOR	253	268	303	--	--
MUSKOGEE	DETACHED	--	--	288	345	393
	SEMI-DETACHED/ROW	206	232	276	329	373
	WALKUP	158	179	217	259	285
	ELEVATOR	268	285	341	---	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Dallas, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DALLAS	DETACHED	---	---	313	373	449
	SEMI-DETACHED/ROW	181	215	268	319	384
	WALKUP	175	206	260	308	357
	ELEVATOR	284	330	419	--	--
SHERMAN	DETACHED	--	--	284	339	409
	SEMI-DETACHED/ROW	160	192	239	285	342
	WALKUP	147	177	232	275	329
	ELEVATOR	259	302	381	--	--
TYLER	DETACHED	--	--	286	342	411
	SEMI-DETACHED/ROW	166	199	248	293	354
	WALKUP	147	185	231	272	316
	ELEVATOR	277	324	410	--	--
WACO	DETACHED	--	--	286	340	411
	SEMI-DETACHED/ROW	165	199	246	294	354
	WALKUP	147	157	232	275	319
	ELEVATOR	280	317	400	--	--
MARSHALL	DETACHED	--	--	255	314	376
	SEMI-DETACHED/ROW	167	204	243	300	360
	WALKUP	149	185	226	276	321
	ELEVATOR	238	275	338	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Fort Worth, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FORT WORTH	DETACHED	---	---	280	347	449
	SEMI-DETACHED/ROW	169	199	265	329	424
	WALKUP	147	173	235	290	361
	ELEVATOR	275	303	413	--	--
ABILENE	DETACHED	—	--	314	394	510
	SEMI-DETACHED/ROW	173	216	294	370	480
	WALKUP	139	173	239	299	372
	ELEVATOR	—	330	457	--	--
SAN ANGELO	DETACHED	--	--	290	345	436
	SEMI-DETACHED/ROW	168	208	276	328	417
	WALKUP	141	174	237	279	336
	ELEVATOR	276	339	432	--	--
WICHITA FALLS	DETACHED	--	--	262	323	388
	SEMI-DETACHED/ROW	163	205	247	305	367
	WALKUP	151	190	232	286	331
	ELEVATOR	271	315	386	--	--
JUNCTION	DETACHED	--	--	271	356	402
	SEMI-DETACHED/ROW	173	208	257	339	382
	WALKUP	163	197	247	323	355
	ELEVATOR	280	321	410	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Houston, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOUSTON	DETACHED	---	---	380	461	545
	SEMI-DETACHED/ROW	230	267	334	402	477
	WALKUP	207	239	325	393	445
	ELEVATOR	370	390	479	--	--
BEAUMONT	DETACHED	--	--	354	458	507
	SEMI-DETACHED/ROW	202	250	312	406	447
	WALKUP	183	236	299	387	410
	ELEVATOR	344	413	520	--	--
BRYAN	DETACHED	--	--	395	462	542
	SEMI-DETACHED/ROW	251	277	379	442	540
	WALKUP	196	223	311	364	427
	ELEVATOR	372	390	507	--	--
EL CAMPO	DETACHED	--	--	354	461	508
	SEMI-DETACHED/ROW	181	235	306	396	408
	WALKUP	172	208	286	372	392
	ELEVATOR	317	356	466	--	--
LUFKIN	DETACHED	--	--	328	410	470
	SEMI-DETACHED/ROW	184	223	292	364	416
	WALKUP	157	196	261	325	358
	ELEVATOR	300	348	449	--	--
TEXAS CITY	DETACHED	--	--	335	400	480
	SEMI-DETACHED/ROW	178	225	310	370	425
	WALKUP	170	212	299	355	410
	ELEVATOR	312	362	510	--	--

INSURING OFFICE Lubbock, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LUBBOCK	DETACHED	---	---	291	385	458
	SEMI-DETACHED/ROW	183	224	274	363	431
	WALKUP	171	215	264	352	413
	ELEVATOR	225	269	318	--	--
AMARILLO	DETACHED	--	--	300	395	451
	SEMI-DETACHED/ROW	189	228	281	370	421
	WALKUP	176	217	270	358	402
	ELEVATOR	230	274	323	--	--
EL PASO	DETACHED	--	--	274	366	419
	SEMI-DETACHED/ROW	189	209	264	354	404
	WALKUP	176	198	253	341	385
	ELEVATOR	215	259	308	--	--
MIDLAND	DETACHED	--	—	304	390	440
	SEMI-DETACHED/ROW	199	234	289	381	417
	WALKUP	189	226	281	362	403
	ELEVATOR	235	279	328	--	--
ODESSA	DETACHED	--	--	309	396	442
	SEMI-DETACHED/ROW	199	237	292	375	415
	WALKUP	187	226	281	363	398
	ELEVATOR	235	279	328	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE San Antonio, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN ANTONIO	DETACHED	---	---	271	356	402
	SEMI-DETACHED/ROW	173	208	257	339	382
	WALKUP	163	197	247	323	355
	ELEVATOR	280	321	410	--	--
AUSTIN	DETACHED	--	--	281	346	388
	SEMI-DETACHED/ROW	183	214	267	328	371
	WALKUP	173	200	253	311	339
	ELEVATOR	293	313	403	--	--
CORPUS CHRISTI	DETACHED	--	--	281	346	388
	SEMI-DETACHED/ROW	183	214	267	328	371
	WALKUP	171	200	253	311	339
	ELEVATOR	294	313	404	--	--
EAGLE PASS	DETACHED	--	--	284	377	423
	SEMI-DETACHED/ROW	194	220	270	358	365
	WALKUP	176	195	245	322	350
	ELEVATOR	280	321	410	--	--
HARLINGEN	DETACHED	--	--	305	408	461
	SEMI-DETACHED/ROW	162	212	278	371	420
	WALKUP	140	192	239	318	349
	ELEVATOR	253	296	401	--	--
LAREDO	DETACHED	--	--	284	378	422
	SEMI-DETACHED/ROW	189	220	270	360	400
	WALKUP	176	195	245	322	350
	ELEVATOR	280	323	410	--	--

AREA OFFICE San Antonio, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
VICTORIA	DETACHED	---	---	278	374	422
	SEMI-DETACHED/ROW	180	210	264	355	402
	WALKUP	161	186	239	321	351
	ELEVATOR	288	310	398	--	--
DEL RIO	DETACHED	--	--	284	378	422
	SEMI-DETACHED/ROW	198	220	270	360	400
	WALKUP	176	195	245	322	350
	ELEVATOR	280	323	410	--	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Des Moines, Iowa REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DES MOINES	DETACHED	-	-	409	455	520
	SEMI-DETACHED/ROW	-	282	366	422	478
	WALKUP	217	243	311	360	394
	ELEVATOR	291	335	398	-	-
BETTENDORF	DETACHED	-	-	398	446	513
	SEMI-DETACHED/ROW	-	286	378	417	474
	WALKUP	234	250	324	368	397
	ELEVATOR	293	336	410	-	-
DAVENPORT	DETACHED	-	-	398	446	513
	SEMI-DETACHED/ROW	-	286	378	417	474
	WALKUP	234	250	324	368	397
	ELEVATOR	293	336	410	-	-
CEDAR RAPIDS	DETACHED	-	-	399	446	513
	SEMI-DETACHED/ROW	-	273	367	404	474
	WALKUP	222	238	314	356	398
	ELEVATOR	288	332	403	-	-
COUNCIL BLUFFS	DETACHED	-	-	362	419	469
	SEMI-DETACHED/ROW	-	267	339	383	442
	WALKUP	207	225	287	336	370
	ELEVATOR	270	311	368	-	-
DUBUQUE	DETACHED	-	-	409	456	522
	SEMI-DETACHED/ROW	-	293	352	396	461
	WALKUP	225	243	288	336	399
	ELEVATOR	294	331	403	-	-

INSURING OFFICE Des Moines, Iowa REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MASON CITY	DETACHED	-	-	381	423	487
	SEMI-DETACHED/ROW	-	275	350	376	437
	WALKUP	223	241	294	343	377
	ELEVATOR	287	331	397	-	-
SIOUX CITY	DETACHED	-	-	412	479	550
	SEMI-DETACHED/ROW	-	308	371	416	483
	WALKUP	234	287	341	380	463
	ELEVATOR	290	333	406	-	-
WATERLOO	DETACHED	-	-	382	423	463
	SEMI-DETACHED/ROW	-	275	329	371	430
	WALKUP	239	257	297	346	380
	ELEVATOR	291	334	407	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Kansas City, Kansas REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KANSAS CITY (Mo. & Kans.)	DETACHED	-	-	339	387	414
	SEMI-DETACHED/ROW	-	246	304	387	414
	WALKUP	197	238	266	347	389
	ELEVATOR	215	298	397	-	-
JOPLIN	DETACHED	-	-	281	325	351
	SEMI-DETACHED/ROW	-	232	275	321	343
	WALKUP	162	186	229	270	292
	ELEVATOR	205	283	377	-	-
ST. JOSEPH	DETACHED	-	-	276	357	391
	SEMI-DETACHED/ROW	-	230	270	357	391
	WALKUP	191	224	267	305	335
	ELEVATOR	215	298	397		
SEDALIA	DETACHED	-	-	262	298	324
	SEMI-DETACHED/ROW	-	209	251	298	324
	WALKUP	173	196	241	284	309
	ELEVATOR	204	282	375	-	-
SPRINGFIELD	DETACHED	-	-	273	324	345
	SEMI-DETACHED/ROW	-	238	278	324	345
	WALKUP	160	187	218	260	287
	ELEVATOR	205	283	377	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Topeka, Kansas REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TOPEKA	DETACHED	-	-	348	403	437
	SEMI-DETACHED/ROW	-	288	340	394	429
	WALKUP	190	242	296	354	406
	ELEVATOR	213	291	368	-	-
GARDEN CITY	DETACHED	-	-	336	388	413
	SEMI-DETACHED/ROW	-	266	327	380	404
	WALKUP	204	236	288	346	388
	ELEVATOR	213	291	368	-	-
PITTSBURG	DETACHED	-	-	328	383	416
	SEMI-DETACHED/ROW	-	268	311	369	393
	WALKUP	199	233	281	346	388
	ELEVATOR	206	286	362	-	-
SALINA	DETACHED	-	-	329	382	423
	SEMI-DETACHED/ROW	-	269	323	371	412
	WALKUP	201	233	283	344	380
	ELEVATOR	213	291	368	-	-
WICHITA	DETACHED	-	-	340	398	427
	SEMI-DETACHED/ROW	-	274	331	388	422
	WALKUP	187	238	290	355	403
	ELEVATOR	213	291	368	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE St. Louis, Mo. REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ST. LOUIS	DETACHED	-	-	399	433	481
	SEMI-DETACHED/ROW	-	266	332	408	476
	WALKUP	193	244	307	380	422
	ELEVATOR	240	289	407	-	-
CAPE GIRARDEAU	DETACHED	-	-	330	387	443
	SEMI-DETACHED/ROW	-	208	278	361	4[illegible]
	WALKUP	157	196	259	331	387
	ELEVATOR	225	274	375	-	-
COLUMBIA	DETACHED	-	-	355	425	466
	SEMI-DETACHED/ROW	-	229	301	370	419
	WALKUP	185	219	290	364	407
	ELEVATOR	236	288	409	-	-
KIRKSVILLE	DETACHED	-	-	352	422	465
	SEMI-DETACHED/ROW	-	218	282	367	407
	WALKUP	167	205	265	345	381
	ELEVATOR	230	284	402	-	-
ROLLA	DETACHED	-	-	328	394	440
	SEMI-DETACHED/ROW	-	203	263	345	396
	WALKUP	151	188	251	322	365
	ELEVATOR	215	257	370	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Omaha, Nebraska REGION VII- Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OMAHA	DETACHED	-	-	381	444	481
	SEMI-DETACHED/ROW	-	274	334	390	450
	WALKUP	184	217	278	336	367
	ELEVATOR	278	320	381	-	-
GRAND ISLAND	DETACHED	-	-	380	431	465
	SEMI-DETACHED/ROW	-	289	354	414	479
	WALKUP	177	197	238	283	307
	ELEVATOR	-	-	-	-	-
LINCOLN	DETACHED	-	-	405	457	489
	SEMI-DETACHED/ROW	-	278	337	395	458
	WALKUP	203	233	276	334	364
	ELEVATOR	285	327	389	-	-
NORFOLK	DETACHED	-	-	389	443	475
	SEMI-DETACHED/ROW	-	266	326	380	440
	WALKUP	205	218	271	334	356
	ELEVATOR	-	-	-	-	-
NORTH PLATTE	DETACHED	-	-	377	428	466
	SEMI-DETACHED/ROW	-	283	346	383	466
	WALKUP	164	236	271	325	351
	ELEVATOR	-	-	-	-	-
SCOTTS BLUFF	DETACHED	-	-	378	430	461
	SEMI-DETACHED/ROW	-	283	337	397	457
	WALKUP	202	222	253	307	337
	ELEVATOR	-	-	-	-	-

INSURING OFFICE DENVER, COLO. REGION VIII-DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DENVER	DETACHED	---	---	344	402	445
	SEMI-DETACHED/ROW	---	---	331	373	402
	WALKUP	---	251	294	361	395
	ELEVATOR	202	251	300	---	---
COLORADO SPRINGS	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	249	283	334
	WALKUP	---	204	235	266	300
	ELEVATOR	176	204	242	--	---
DURANGO	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	229	273	340	393
	WALKUP	193	210	258	318	354
	ELEVATOR	203	222	273	---	---
GRAND JUNCTION	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	325	366	421
	WALKUP	---	254	308	343	378
	ELEVATOR	227	265	327	---	---
GREELEY	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	231	269	331	383
	WALKUP	195	212	254	309	345
	ELEVATOR	214	220	261	---	---
PUEBLO	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	260	293	344
	WALKUP	---	211	248	274	307
	ELEVATOR	191	223	268	---	---

INSURING OFFICE HELENA, MONT. REGION VIII-DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HELENA	DETACHED	---	---	328	377	413
	SEMI-DETACHED/ROW	[illegible]	251	319	370	405
	WALKUP	194	243	311	363	398
	ELEVATOR	208	257	328	---	---
BILLINGS	DETACHED	---	---	347	380	414
	SEMI-DETACHED/ROW	---	250	339	374	407
	WALKUP	202	243	330	367	400
	ELEVATOR	216	256	343	---	---
BOZEMAN	DETACHED	---	---	321	380	413
	SEMI-DETACHED/ROW	---	249	315	372	405
	WALKUP	204	242	308	365	398
	ELEVATOR	217	249	315	---	---
BUTTE	DETACHED	---	---	319	385	418
	SEMI-DETACHED/ROW	---	257	312	378	410
	WALKUP	218	251	305	371	402
	ELEVATOR	231	271	327	---	---
GREAT FALLS	DETACHED	---	---	310	382	425
	SEMI-DETACHED/ROW	---	227	304	365	410
	WALKUP	182	220	286	378	411
	ELEVATOR	213	233	299	---	---
HAVRE	DETACHED	---	---	288	321	353
	SEMI-DETACHED/ROW	---	210	282	314	347
	WALKUP	165	204	275	307	340
	ELEVATOR	190	242	294	---	---

INSURING OFFICE HELENA, MONT. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KALISPELL	DETACHED	---	---	326	392	424
	SEMI-DETACHED/ROW	---	242	319	384	417
	WALKUP	200	235	311	375	409
	ELEVATOR	221	249	326	---	---
MILES CITY	DETACHED	---	---	288	321	353
	SEMI-DETACHED/ROW	---	210	282	314	347
	WALKUP	165	204	275	307	340
	ELEVATOR	190	242	294	---	---
MISSOULA	DETACHED	---	---	341	407	438
	SEMI-DETACHED/ROW	---	255	333	396	429
	WALKUP	187	242	327	385	418
	ELEVATOR	201	262	340	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE FARGO, N.D. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FARGO	DETACHED	---	---	340	376	420
	SEMI-DETACHED/ROW	---	242	275	326	368
	WALKUP	189	226	261	317	357
	ELEVATOR	226	268	315	---	---
BISMARK	DETACHED	---	---	329	378	405
	SEMI-DETACHED/ROW	---	250	293	333	378
	WALKUP	207	242	284	320	358
	ELEVATOR	214	264	314	---	---
DICKINSON	DETACHED	---	---	296	356	387
	SEMI-DETACHED/ROW	---	236	273	334	352
	WALKUP	179	215	254	284	338
	ELEVATOR	212	246	285	---	---
GRAND FORKS	DETACHED	---	---	347	396	420
	SEMI-DETACHED/ROW	---	238	291	338	394
	WALKUP	183	227	275	322	370
	ELEVATOR	226	268	315	---	---
MINOT	DETACHED	---	---	308	369	398
	SEMI-DETACHED/ROW	---	218	280	332	373
	WALKUP	169	207	267	312	353
	ELEVATOR	201	242	286	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SIOUX FALLS, S.D. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SIOUX FALLS	DETACHED	---	---	333	354	384
	SEMI-DETACHED/ROW	---	280	310	339	369
	WALKUP	236	266	295	325	354
	ELEVATOR	244	274	303	333	---
ABERDEEN	DETACHED	---	---	325	354	384
	SEMI-DETACHED/ROW	---	280	310	339	369
	WALKUP	---	266	295	325	354
	ELEVATOR	---	---	---	---	---
PIERRE	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	236	269	301	334	365
	ELEVATOR	---	---	---	---	---
RAPID CITY	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	288	318	347	384
	WALKUP	239	271	304	337	369
	ELEVATOR	246	279	311	344	---
MISSION	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	236	269	301	334	365
	ELEVATOR	---	---	---	---	---
FORT THOMPSON	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	236	269	301	334	365
	ELEVATOR	---	---	---	---	---

INSURING OFFICE SIOUX FALLS, S.D. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MCLAUGHLIN	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	256	269	301	334	365
	ELEVATOR	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SALT LAKE CITY, UTAH REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SALT LAKE CITY	DETACHED	---	---	338	373	424
	SEMI-DETACHED/ROW	---	269	286	295	330
	WALKUP	169	236	253	262	293
	ELEVATOR	229	296	338	---	---
PROVO	DETACHED	---	---	296	338	390
	SEMI-DETACHED/ROW	---	236	262	296	338
	WALKUP	187	229	253	288	331
	ELEVATOR	---	---	---	---	---
VERNAL	DETACHED	---	---	353	415	466
	SEMI-DETACHED/ROW	---	288	344	407	458
	WALKUP	178	233	280	332	374
	ELEVATOR	---	---	---	---	---
CEDAR CITY	DETACHED	---	---	282	312	336
	SEMI-DETACHED/ROW	---	217	253	283	300
	WALKUP	162	211	247	277	294
	ELEVATOR	---	---	---	---	---
LOGAN	DETACHED	---	---	276	306	324
	SEMI-DETACHED/ROW	---	192	216	246	282
	WALKUP	150	186	210	240	276
	ELEVATOR	---	---	---	---	---
MOAB	DETACHED	---	---	282	312	336
	SEMI-DETACHED/ROW	---	217	253	283	300
	WALKUP	162	211	247	277	294
	ELEVATOR	---	---	---	---	---

INSURING OFFICE CASPER, WYO. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CASPER	DETACHED	---	---	412	470	527
	SEMI-DETACHED/ROW	---	283	373	470	514
	WALKUP	244	283	373	470	514
	ELEVATOR	320	373	438	---	---
CHEYENNE	DETACHED	---	---	399	470	514
	SEMI-DETACHED/ROW	---	283	347	457	502
	WALKUP	238	283	347	457	502
	ELEVATOR	296	360	412	---	---
CODY	DETACHED	---	---	373	437	489
	SEMI-DETACHED/ROW	---	296	354	429	470
	WALKUP	238	289	354	418	470
	ELEVATOR	302	354	412	---	---
GILLETE	DETACHED	---	---	399	483	540
	SEMI-DETACHED/ROW	---	283	373	476	528
	WALKUP	244	283	373	470	509
	ELEVATOR	309	367	429	---	---
JACKSON	DETACHED	---	---	431	514	566
	SEMI-DETACHED/ROW	---	322	399	483	533
	WALKUP	270	309	386	476	502
	ELEVATOR	334	380	444	---	---
LARAMIE	DETACHED	---	---	373	444	508
	SEMI-DETACHED/ROW	---	296	360	444	489
	WALKUP	238	289	354	444	481
	ELEVATOR	289	354	405	---	---

INSURING OFFICE CASPER, WYO. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POWELL	DETACHED	---	---	373	437	489
	SEMI-DETACHED/ROW	---	296	354	429	470
	WALKUP	238	289	354	418	470
	ELEVATOR	302	354	412	---	---
RIVERTON	DETACHED	---	---	373	438	489
	SEMI-DETACHED/ROW	---	296	354	425	470
	WALKUP	238	289	354	418	470
	ELEVATOR	296	354	412	---	---
ROCK SPRINGS	DETACHED	---	---	418	476	540
	SEMI-DETACHED/ROW	---	289	386	476	527
	WALKUP	251	289	373	476	514
	ELEVATOR	328	380	431	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE PHOENIX, ARIZ. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHOENIX	DETACHED	---	---	320	375	412
	SEMI-DETACHED/ROW	---	214	261	309	347
	WALKUP	181	198	241	306	341
	ELEVATOR	295	356	407	---	---
CASA GRANDE	DETACHED	---	---	289	304	341
	SEMI-DETACHED/ROW	---	188	238	280	318
	WALKUP	137	170	213	251	287
	ELEVATOR	291	352	400	---	---
FLAGSTAFF	DETACHED	---	---	337	404	441
	SEMI-DETACHED/ROW	---	219	266	314	352
	WALKUP	167	201	258	307	345
	ELEVATOR	---	---	---	---	---
TUCSON	DETACHED	---	---	296	353	390
	SEMI-DETACHED/ROW	---	202	254	298	336
	WALKUP	170	199	249	281	322
	ELEVATOR	301	364	414	---	---
YUMA	DETACHED	---	---	303	352	390
	SEMI-DETACHED/ROW	---	219	265	312	350
	WALKUP	163	195	244	288	325
	ELEVATOR	---	---	---	---	---
KEAMS CANYON	DETACHED	---	---	284	311	349
	SEMI-DETACHED/ROW	---	182	235	272	305
	WALKUP	149	182	211	243	303
	ELEVATOR	---	---	---	---	---

AREA OFFICE LOS ANGELES, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOS ANGELES	DETACHED	---	---	451	542	586
	SEMI-DETACHED/ROW	---	409	435	523	565
	WALKUP	261	285	378	429	467
	ELEVATOR	356	444	544	---	---
BAKERSFIELD	DETACHED	---	---	353	442	486
	SEMI-DETACHED/ROW	---	---	331	414	454
	WALKUP	201	226	300	376	414
	ELEVATOR	286	317	416	---	---
LANCASTER	DETACHED	---	---	387	474	518
	SEMI-DETACHED/ROW	---	282	362	443	483
	WALKUP	232	256	330	403	440
	ELEVATOR	333	363	463	---	---
OXNARD	DETACHED	---	---	409	515	553
	SEMI-DETACHED/ROW	---	359	392	497	533
	WALKUP	245	271	331	418	446
	ELEVATOR	351	384	469	---	---
SANTA BARBARA	DETACHED	---	---	488	523	554
	SEMI-DETACHED/ROW	---	437	469	506	535
	WALKUP	242	268	343	456	487
	ELEVATOR	345	379	478	---	---
SANTA MARIA	DETACHED	---	---	314	347	381
	SEMI-DETACHED/ROW	---	250	298	325	362
	WALKUP	222	244	297	322	350
	ELEVATOR	323	353	430	---	---

AREA OFFICE LOS ANGELES, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
VENTURA	DETACHED	---	---	409	515	553
	SEMI-DETACHED/ROW	---	359	392	497	533
	WALKUP	245	271	331	418	446
	ELEVATOR	351	384	469	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SACRAMENTO, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SACRAMENTO	DETACHED	---	---	330	391	427
	SEMI-DETACHED/ROW	---	277	316	376	413
	WALKUP	219	255	281	361	398
	ELEVATOR	287	332	374	---	---
CHICO	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	244	286	347	383
	ELEVATOR	---	---	---	---	---
DAVIS	DETACHED	---	---	330	391	427
	SEMI-DETACHED/ROW	---	280	316	376	413
	WALKUP	210	265	297	361	398
	ELEVATOR	---	---	---	---	---
PLACERVILLE	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	251	286	347	383
	ELEVATOR	---	---	---	---	---
REDDING	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	251	286	347	383
	ELEVATOR	---	---	---	---	---
STOCKTON	DETACHED	---	---	330	391	427
	SEMI-DETACHED/ROW	---	271	316	376	413
	WALKUP	208	255	286	352	398
	ELEVATOR	282	326	369	---	---

INSURING OFFICE SACRAMENTO, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YREKA	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	251	286	347	383
	ELEVATOR	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SAN DIEGO, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN DIEGO	DETACHED	---	---	355	396	474
	SEMI-DETACHED/ROW	---	261	312	382	423
	WALKUP	232	261	293	363	392
	ELEVATOR	267	329	379	---	---
EL CAJON	DETACHED	---	---	355	396	474
	SEMI-DETACHED/ROW	---	261	312	382	423
	WALKUP	232	261	293	363	392
	ELEVATOR	267	329	379	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE San Francisco, California REGION IX - San Francisco

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN FRANCISCO	DETACHED	--	---	548	630	700
	SEMI-DETACHED/ROW	--	366	429	532	617
	WALKUP	297	310	394	473	530
	ELEVATOR	332	437	527	--	--
FRESNO	DETACHED	--	--	329	351	388
	SEMI-DETACHED/ROW	--	261	309	340	375
	WALKUP	215	250	279	338	367
	ELEVATOR	277	311	391	--	--
MODESTO	DETACHED	--	--	331	361	381
	SEMI-DETACHED/ROW	--	249	311	324	356
	WALKUP	228	240	287	309	349
	ELEVATOR	263	304	391	--	--
SAN JOSE	DETACHED	--	--	449	471	494
	SEMI-DETACHED/ROW	--	327	375	427	460
	WALKUP	255	275	355	392	422
	ELEVATOR	292	315	396	--	--
OAKLAND - MARIN	DETACHED	--	--	482	521	563
	SEMI-DETACHED/ROW	--	377	437	480	508
	WALKUP	245	263	340	408	427
	ELEVATOR	300	335	411	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SANTA ANA, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA ANA	DETACHED	---	---	367	442	525
	SEMI-DETACHED/ROW	---	290	346	410	483
	WALKUP	220	269	326	385	435
	ELEVATOR	328	385	465	---	---
SAN BERNARDINO	DETACHED	---	---	305	368	433
	SEMI-DETACHED/ROW	---	230	290	350	408
	WALKUP	190	228	286	341	384
	ELEVATOR	340	375	471	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Honolulu, Hawaii REGION IX - San Francisco

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HONOLULU	DETACHED	---	---	458	527	555
	SEMI-DETACHED/ROW	---	---	409	498	531
	WALKUP	279	319	391	464	499
	ELEVATOR	302	344	408	--	--
GUAM	DETACHED	---	---	372	487	530
	SEMI-DETACHED/ROW	---	---	--	--	--
	WALKUP	228	291	359	433	--
	ELEVATOR	---	---	--	--	--
HILO	DETACHED	---	---	350	423	466
	SEMI-DETACHED/ROW	---	290	333	406	449
	WALKUP	238	255	300	377	413
	ELEVATOR	---	---	--	--	--
KAUAI	DETACHED	---	---	405	474	515
	SEMI-DETACHED/ROW	---	363	388	457	498
	WALKUP	237	270	296	369	403
	ELEVATOR	---	---	--	--	--
KONA	DETACHED	---	---	384	457	500
	SEMI-DETACHED/ROW	---	324	367	440	483
	WALKUP	257	292	345	422	458
	ELEVATOR	---	---	--	--	--
MAUI	DETACHED	---	---	410	482	524
	SEMI-DETACHED/ROW	---	350	393	465	507
	WALKUP	254	291	357	433	468
	ELEVATOR	---	---	--	--	--

AREA OFFICE Honolulu, Hawaii REGION IX - San Francisco

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRUST TERRITORY	DETACHED	---	---	490	517	583
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE RENO, NEVADA REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RENO	DETACHED	---	---	382	438	510
	SEMI-DETACHED/ROW	---	261	342	431	---
	WALKUP	214	255	318	394	---
	ELEVATOR	292	338	420	---	---
LAS VEGAS	DETACHED	---	---	378	447	520
	SEMI-DETACHED/ROW	---	237	368	415	---
	WALKUP	193	224	268	348	---
	ELEVATOR	273	307	357	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Anchorage, Alaska REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ANCHORAGE	DETACHED	-	-	567	615	670
	SEMI-DETACHED/ROW	-	487	542	590	647
	WALKUP	352	399	455	519	575
	ELEVATOR	447	526	590	-	-
FAIRBANKS	DETACHED	-	-	599	654	718
	SEMI-DETACHED/ROW	-	512	575	647	702
	WALKUP	447	487	551	623	687
	ELEVATOR	553	632	706	-	-
JUNEAU	DETACHED	-	-	574	629	683
	SEMI-DETACHED/ROW	-	490	543	598	652
	WALKUP	396	443	497	559	614
	ELEVATOR	474	568	629	-	-
KETCHIKAN	DETACHED	-	-	443	534	552
	SEMI-DETACHED/ROW	-	366	420	474	528
	WALKUP	295	342	396	451	505
	ELEVATOR	364	444	507	-	-
BARTER ISLAND, NORTH COASTAL AREA	DETACHED	-	640	703	773	851
	SEMI-DETACHED/ROW	-	621	683	751	826
	WALKUP	548	603	663	729	802
	ELEVATOR	-	-	-	-	-
COASTAL AREA, NORTH OF ALEUTIANS	DETACHED	-	640	703	773	851
	SEMI-DETACHED/ROW	-	621	683	751	826
	WALKUP	548	603	663	729	802
	ELEVATOR	-	-	-	-	-

AREA OFFICE Anchorage, Alaska REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
[illegible] AREA, [illegible] OF ALEUTIANS	DETACHED	-	[illegible]	703	773	891
	SEMI-DETACHED/ROW	-	[illegible]	683	751	826
	WALKUP	548	603	663	729	802
	ELEVATOR	-	-	-	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE [illegible], Idaho REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
[illegible]	DETACHED	-	[illegible]	383	429	480
	SEMI-DETACHED/ROW	-	282	338	384	440
	WALKUP	215	263	314	380	428
	ELEVATOR	282	347	403	-	-
[illegible]	DETACHED	-	-	322	368	418
	SEMI-DETACHED/ROW	-	249	294	364	411
	WALKUP	192	240	271	326	370
	ELEVATOR	255	295	357	-	-
McCALL	DETACHED	-	-	306	345	384
	SEMI-DETACHED/ROW	-	234	273	319	358
	WALKUP	176	215	254	306	345
	ELEVATOR	222	273	326	-	-
POCATELLO	DETACHED	-	-	396	448	497
	SEMI-DETACHED/ROW	-	309	358	400	447
	WALKUP	233	283	332	397	448
	ELEVATOR	290	355	421	-	-
TWIN FALLS	DETACHED	-	-	325	368	411
	SEMI-DETACHED/ROW	-	255	297	347	389
	WALKUP	193	231	279	326	378
	ELEVATOR	240	295	352	-	-
LEWISTON	DETACHED	-	-	327	370	407
	SEMI-DETACHED/ROW	-	257	300	331	379
	WALKUP	191	227	265	324	360
	ELEVATOR	251	300	340	-	-

AREA OFFICE Boise, Idaho REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COEUR D'ALENE	DETACHED	-	-	304	355	390
	SEMI-DETACHED/ROW	-	230	271	338	374
	WALKUP	175	210	254	304	340
	ELEVATOR	222	273	332	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Portland, Oregon REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ONTARIO	DETACHED	-	-	290	329	368
	SEMI-DETACHED/ROW	-	231	270	316	357
	WALKUP	178	217	257	309	349
	ELEVATOR	226	277	331	-	-
PORTLAND	DETACHED	-	-	267	33[illegible]	373
	SEMI-DETACHED/ROW	196	227	260	323	359
	WALKUP	181	214	247	309	346
	ELEVATOR	247	300	354	-	-
[illegible]END	DETACHED	-	-	260	30[illegible]	340
	SEMI-DETACHED/ROW	-	221	254	28[illegible]	320
	WALKUP	174	207	241	275	308
	ELEVATOR	242	294	340	-	-
COOS BAY	DETACHED	-	-	267	300	334
	SEMI-DETACHED/ROW	-	221	254	288	320
	WALKUP	174	207	241	274	308
	ELEVATOR	242	294	340	-	-
EUGENE	DETACHED	-	-	279	322	35[illegible]
	SEMI-DETACHED/ROW	-	220	255	286	319
	WALKUP	165	212	243	277	309
	ELEVATOR	229	295	33[illegible]		
MEDFORD	DETACHED	-	-	274	331	364
	SEMI-DETACHED/ROW	-	227	260	317	350
	WALKUP	181	214	247	292	325
	ELEVATOR	24[illegible]	301	347	-	-

AREA OFFICE Portland, Oregon REGION Region X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WEST SALEM	DETACHED	-	-	262	314	349
	SEMI-DETACHED/ROW	-	211	247	299	334
	WALKUP	168	202	237	283	321
	ELEVATOR	239	293	339	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Seattle, Wash. REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SEATTLE	DETACHED	-	-	302	371	405
	SEMI-DETACHED/ROW	-	247	299	340	382
	WALKUP	198	235	285	327	370
	ELEVATOR	264	323	356	-	-
PORT ANGELES	DETACHED	-	-	291	344	381
	SEMI-DETACHED/ROW	-	221	267	323	362
	WALKUP	180	216	266	315	346
	ELEVATOR	213	253	303	-	-
LONGVIEW	DETACHED	-	-	265	316	358
	SEMI-DETACHED/ROW	-	216	245	295	348
	WALKUP	175	203	231	281	323
	ELEVATOR	216	253	281	-	-
ABERDEEN	DETACHED	-	-	272	320	362
	SEMI-DETACHED/ROW	-	216	258	304	348
	WALKUP	191	219	248	287	340
	ELEVATOR	211	236	281	-	-
BELLINGHAM	DETACHED	-	-	267	358	393
	SEMI-DETACHED/ROW	-	220	244	293	330
	WALKUP	181	203	243	288	331
	ELEVATOR	225	241	282	-	-
OLYMPIA	DETACHED	-	-	260	308	347
	SEMI-DETACHED/ROW	-	209	247	287	326
	WALKUP	189	201	248	285	329
	ELEVATOR	221	250	286	-	-

AREA OFFICE Seattle, Wash. REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YAKIMA	DETACHED	-	-	264	303	343
	SEMI-DETACHED/ROW	-	215	246	299	340
	WALKUP	170	205	243	330	370
	ELEVATOR	211	245	278	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Spokane, Washington REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPOKANE	DETACHED	-	-	262	322	381
	SEMI-DETACHED/ROW	-	220	251	309	368
	WALKUP	174	212	242	299	335
	ELEVATOR	232	300	338	-	-
CHENEY	DETACHED	-	-	262	322	381
	SEMI-DETACHED/ROW	-	220	251	309	368
	WALKUP	174	212	242	299	335
	ELEVATOR	232	300	338	-	-
KENNEWICK	DETACHED	-	-	332	393	432
	SEMI-DETACHED/ROW	-	276	319	378	415
	WALKUP	201	239	289	341	378
	ELEVATOR	281	334	414	-	-
PULLMAN	DETACHED	-	-	326	379	418
	SEMI-DETACHED/ROW	-	254	304	356	395
	WALKUP	195	239	289	341	375
	ELEVATOR	261	334	406	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

[FR Doc.77-11578 Filed 4-22-77;8:45 am]

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federal register

TUESDAY, APRIL 26, 1977

highlights

PRINCIPAL EXECUTIVE BRANCH OFFICIALS OF THE ADMINISTRATION OF JIMMY CARTER

The Office of the Federal Register will publish supplement 3 to the U.S. Government Manual on May 2. This supplement will be a separate part in the FEDERAL REGISTER. Executive agencies may obtain copies by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office no later than April 28. Copies may also be purchased for 75 cents from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 88, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 17–23, 1977. The amendment recognizes that demand for lemons has improved, since the regulation was issued. This action will increase the supply of lemons available to consumers.

DATES: Weekly regulation period April 17–23, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Lemon Administrative Committee, established under the marketing agreement and order, and other available information, it is found that the limitation of handling of lemons, as provided in this amendment will tend to effectuate the declared policy of the act.

(2) Demand in the lemon markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit lemon handlers to ship a larger quantity of lemons to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 20,000 cartons, in the interest of producers and consumers.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.388 Lemon Regulation 88 (42 FR 19865) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period April 17, 1977, through April 23, 1977, is established at 250,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: April 21, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Market Service.

[FR Doc.77–11903 Filed 4–25–77;8:45 am]

[Peach Regulation 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Regulation by Grade and Size

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for fresh peaches grown in Georgia for the 1977 season. These requirements are designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the amended marketing agreement and order, and upon other available information, it is found that this regulation will tend to effectuate the declared policy of the act.

(2) This regulation is based on the Department's appraisal of the crop and current and prospective market conditions for Georgia peaches. These grade and size requirements are necessary to prevent shipment of peaches which do not meet such requirements, and are designed to permit shipment of ample supplies of peaches of an acceptable quality and of the more desirable sizes in the interest of producers and consumers pursuant to the declared policy of the act. The less stringent size requirements early in the season reflect the fact that earlier-maturing varieties of peaches generally mature at smaller sizes than do later maturing varieties. The exception of peaches shipped in bulk to adjacent markets from grade, size, and inspection requirements follows the practice of prior years and is designed to permit shipment of peaches which are of a quality and size acceptable in the adjacent markets but are not suitable for distribution in more distant markets in competition with peaches from other areas.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting April 14, 1977, after giving due notice, to consider supply and market conditions for peaches and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of peaches. Shipments of peaches are expected to begin April 26, 1977, and this regulation should apply to all shipments of peaches in order to effectuate the declared policy of the act. Compliance with this regulation will not require of handlers any preparation which cannot be completed by April 26, 1977. It is necessary, to effectuate the

declared policy of the act, to make this regulation effective as specified.

§ 918.319 Peach Regulation 1.

Order. (a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) During the period April 26 through August 31, 1977, do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well-healed hail marks or split pits not scored as serious damage, or peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period April 26 through May 4, 1977, are smaller than $1\frac{5}{8}$ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count of such peaches in any container in such lot, may be smaller than $1\frac{5}{8}$ inches in diameter.

(3) During the period May 5 through May 12, 1977, are smaller than $1\frac{3}{4}$ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent by count of such peaches in any container in such lot, may be smaller than $1\frac{3}{4}$ inches in diameter.

(4) During the period May 13 through August 31, 1977, are smaller than $1\frac{7}{8}$ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than $1\frac{7}{8}$ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this chapter shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets, except for peaches in new containers, during the period April 26, through August 31, 1977.

(c) The maturity regulations contained in § 918.400 of this chapter are hereby suspended with respect to shipments of peaches to all destinations other than those in the adjacent markets during the period April 26, through August 31, 1977.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk" and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: April 22, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–12103 Filed 4–25–77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

DELETION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule.

SUMMARY: The Farmers Home Administration is deleting the provision in its regulations which requires funds included in the loan for payment of interest to be collected and applied as a regular payment at the time of loan closing. This action is being taken since this provision is inconsistent with the promissory note, which allows the interest to be collected when due.

DATES: April 26. 1977.

FOR FURTHER INFORMATION CONTACT:

Paul R. Conn, Director, Multiple Family Housing Loan Division, 202–447–7207.

SUPPLEMENTARY INFORMATION:

§ 1822.95 [Amended]

Paragraph 1822.95(c) (5) of Subpart D, Part 1822, Title 7, Code of Federal Regulations (40 FR 4278, 42 FR 4408) is deleted. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This deletion, however, is not published for proposed rulemaking since the purpose of the change is to correct a current inconsistency in the regulation and any delay would be contrary to the public interest.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: April 13, 1977.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.77–11907 Filed 4–25–77;8:45 am]

SUBCHAPTER K—PROPERTY MANAGEMENT

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Subpart A—Liquidation of Loans and Acquisition of Property

Subpart C—Disposal of Acquired Property

MISCELLANEOUS AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: A Farmers Home Administration regulation is amended to allow rural housing property located in an area whose designation has been changed from rural to nonrural, but is otherwise suitable for retention in the FmHA program, to be considered as suitable property. This amendment is necessary to add language implementing a provision of the Housing Authorization Act of 1976. In addition, other various editorial changes have been made.

DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. R. M. Yates, 202–447–3752.

SUPPLEMENTARY INFORMATION: Various sections of Subparts A and C of Part 1955, Chapter XVIII, Title 7, Code of Federal Regulations (41 FR 32698) are amended. Section 1955.3(c) of Subpart A is amended to add language inadvertently omitted when published as a rule. Section 1955.103(e) of Subpart C is amended to add language implementing a provision of the Housing Authorization Act of 1976 which provides that Government-acquired housing located in nonrural (formerly rural) areas may be treated as suitable property and handled as if in an area eligible for loans and servicing through the Farmers Home Administration. Paragraph (g) of this section is amended by deleting language no longer applicable.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking for the following reasons: The change in § 1955.3(c) corrects an omission made in the August 5, 1976, rulemaking publication; the changes in § 1955.103 (e) and (g) which are needed to obtain just and proper sale values for Government acquired housing implement the Housing Authorization Act of 1976 and to delay its implementation would be contrary to the public interest.

Accordingly, §§ 1955.3 and 1955.103 (e) and (g) are amended as follows:

1. In § 1955.3, paragraph (c) is amended beginning on the fifth line from the bottom of this paragraph as follows:

§ 1955.3 Definitions.

* * * * *

(c) *Loans to organizations.* * * * LH except to individuals without a loan agreement; and Rural Cooperative Housing (RCH); Business and Industrial (B&I) to both individuals and groups. Economic Opportunity Cooperative (EOC) loans are no longer being made, but those already made will be referred to as organization loans.

* * * * *

2. Section 1955.103 is amended as follows:

In paragraph (e) by adding a sentence to the end of this paragraph; and in paragraph (g) by placing a period following the word "sanitary" in the third line from the bottom of this paragraph and deleting the remainder of that sentence.

§ 1955.103 Definitions.

* * * * *

(e) *Suitable property.* * * * Rural Housing property located in an area whose designation has changed from rural to nonrural and which is otherwise suitable property shall be considered as if it were still in a rural area.

* * * * *

(g) [Amended]

((7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301); sec. 10 Pub. L. 93–357, 85 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Dated: April 5, 1977.

DENTON E. SPRAGUE,
Acting Administrator, Farmers Home Administration.

[FR Doc.77–11906 Filed 4–25–77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to release a portion of San Diego County in California from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.

EFFECTIVE DATE: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. M. A. Mixson, USDA, APHIS, Veterinary Services, Federal Building, Room 748, Hyattsville, MD., 301–436–8073.

SUPPLEMENTARY INFORMATION: This amendment excludes a portion of San Diego County in California from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended]

In § 82.3, in paragraph (a)(3) relating to the State of California, subdivision (v) relating to San Diego County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of April 1977.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

[FR Doc.77–11905 Filed 4–25–77;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. E. R. Mackery, USDA, APHIS, Veterinary Services, Room 868, Federal Building, Hyattsville, Md. 20782, 301–436–8685.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1976 ed.), as amended January 21, 1976 (41 FR 3074), April 16, 1976 (41 FR 16145), July 23, 1976 (41 FR 30321), and November 30, 1976 (41 FR 52433), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective list therein as follows:

§ 97.2 Administrative instructions prescribing the commuted traveltime.

* * * * *

OUTSIDE METROPOLITAN AREA

THREE HOURS

Add: Lincoln, Nebraska (when served from Leshara, Nebraska).

* * * * *

SIX HOURS

Add: Nogales, Arizona (when served from Ajo, Arizona).

* * * * *

(64 Stat. 561; 7 U.S.C. 2260.)

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of April 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77–11866 Filed 4–25–77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendments to Small Refiner Bias Under Entitlements Program With Respect to Processing Agreements

AGENCY: Federal Energy Administration (FEA).

ACTION: Final rule.

SUMMARY: This rule amends the small refiner bias under FEA's domestic crude oil allocation (entitlements) program to

eliminate issuances of all bias entitlements with respect to small refiners' processing agreements with other refiners. FEA has determined that the bias entitlements issuable with respect to processing agreements do not serve the underlying rationale of the bias, which is to compensate for the relative inefficiencies of the smaller refiners.

DATES: Effective Date, refiners' crude oil runs to stills for June 1977. Comments due on or before May 21, 1977 (see Supplementary Information).

ADDRESS: Send comments to: Executive Communications, Room 3309, Federal Energy Administration, Box LR, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Reading Room), 12th and Pennsylvania Avenue, NW., Room 2107, Washington, D.C., 202–566–9161.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue, NW., Room 3104, Washington, D.C. 20461, 202–566–9833.

Doris Dewton (Program Office), 2000 M Street, NW., Room 6128H, Washington, D.C. 20461, 202–254–8660.

Michael Paige (Office of General Counsel), 12th and Pennsylvania Avenue, NW., Room 5134, Washington, D.C. 20461, 202–566–9565.

SUPPLEMENTARY INFORMATION: On February 10, 1977, FEA issued a notice of proposed rulemaking and public hearing (42 FR 9394, February 16, 1977) to amend the small refiner bias under the entitlements program set forth at 10 CFR 211.67(e) to eliminate issuances of all bias entitlements with respect to processing agreements for the account of small refiners.

The amended § 211.67(e)(2) adopted herein provides that no bias entitlements shall be issuable under § 211.67(e)(1) with respect to any volume of a small refiner's crude runs attributable to a processing agreement with another refiner, but does not eliminate from a small refiner's bias calculations crude runs attributable to processing agreements with non-refiners.

Discussion of Comments

In addition to requesting oral and written comments on the proposed amendment, FEA specifically requested public comments on the following alternative approaches: (1) whether bias entitlements issuances should be eliminated as to all processing agreements except those agreements in effect in February 1976; (2) whether FEA should eliminate issuances of small refiner bias entitlements only as to crude runs attributable to processing agreements which, when added to the small refiner's other crude run volumes, would result in total crude runs in excess of the small refiner's capacity, or a specified increment thereof; (3) whether bias entitlements should be issued based on the crude oil run levels of the particular refiner actually processing the crude oil; and (4) whether provisions should be made to permit bias entitlements for processing agreements entered into for the purpose of continuing product output during shutdowns due to normal maintenance, repairs or turnarounds.

Comments on the proposed amendment and alternatives were invited through March 11, 1977, and sixty-six written comments were received by FEA. The public hearing on this proposal was held on March 10 and fifteen persons presented oral statements. The oral statements and written comments presented the views of major refiners, large independent refiners, small refiners, independent marketers, trade associations, and government agencies. FEA is satisfied that the comments received fairly represent the broad range of interests which would be affected by any such changes in the benefits received by small refiners under the entitlements program.

A majority of the comments received by FEA supported the proposed amendment. There was virtual unanimity with FEA's finding that abuses had occurred and that many processing agreements currently in effect for the account of small refiners had no business justification other than to earn bias entitlements.

Most important, no evidence was presented in the record of this proceeding to justify issuance of bias entitlements for processing agreements outside a small refiner's plant, where the efficiencies of the refiner processing the crude oil in most cases would bear no relation to the small refiner's inefficiencies for which the bias is designed to compensate. Very little evidence was presented which substantiated any conclusion that processing fees being demanded were too high to permit small refiners to market the products produced therefrom competitively, and no evidence was presented that related the additional entitlement revenues necessary for small refiners to enter into these processing agreements directly to the amount of bias entitlements currently receivable with respect thereto. Accordingly, FEA concludes that the Agency has no basis for continuing to provide bias entitlements for small refiners' processing agreements with other refiners, in that the inefficiencies that the bias amounts are designed to compensate for do not bear any relation to any alleged competitive disadvantages of small refiners with respect to obtaining processing arrangements or with respect to the processing fees charged.

The principal objections that were raised in opposition to the proposal were (1) that processing agreements are necessary to secure an adequate supply of crude oil prior to refinery expansion; and (2) it is frequently less costly for a small refiner to have crude oil processed at a refinery located near the point of purchase than to transport it for refining in the small refiner's plant.

Neither of these objections convinced FEA that its proposal should not be adopted. If small refiners wish to enter into processing agreements for independent economic reasons, FEA believes that elimination of bias entitlements for out-of-plant processing should not make such agreements uneconomic. Further, there was no evidence presented at the public hearing or in written comments that ran contrary to FEA's tentative finding that many small refiners were entering into processing agreements solely for the purpose of earning additional bias entitlements. Some of the testimony indicated that processing agreements had become difficult to obtain, and that processing agreement fees had risen to take into account the bias entitlements under arrangements whereby the benefits of the bias entitlements are shared with the processing refiner.

Of the four alternative approaches suggested by FEA, only Alternative #2 was favored by a slight majority of the small refiners submitting comments. Alternative #2 proposed that bias entitlements be granted for processing agreements up to a stated percentage of the small refiner's capacity. FEA's conclusion from the record in this proceeding is that there is no rationale for a partial elimination of bias entitlements for processing agreements based solely on a refiner's capacity. Such a provision would not distinguish between processing agreements entered into for independent economic reasons and those undertaken to take advantage of the bias. Further, such a provision would not eliminate the undesirable incentives and market distortions FEA has determined exist with respect to small refiners entering processing agreements, but would only serve to establish a ceiling on the level of processing agreements for which small refiners would receive additional bias entitlements.

A majority of the comments opposed the other three alternatives presented. Opposition to the "grandfathering" provision (Alternative #1) was nearly unanimous, the consensus being that the rule should either allow or disallow bias entitlements for processing agreements. Several small refiners commented in favor of Alternative #4, which proposed allowing bias entitlements for processing agreements during shutdowns. Many comments, however, pointed out that most refiners had informal arrangements with other refiners in anticipation of occasional shutdowns or disruptions. FEA has therefore concluded that there were no persuasive arguments advanced for adopting any of the alternatives.

The Amendments Adopted

Based on its analysis of the material submitted in the public hearing and in the written comments, and upon all other information available to it, FEA has determined to adopt the amendments to the small refiner bias essentially as proposed, effective for June 1977 crude oil runs to stills. At this time FEA is soliciting comments, as discussed below, on whether to establish procedures under which small refiners who enter into processing agreements as part of a program of plant expansion could apply for bias

entitlements on those processing agreements.

In the proposed rule of February 10, 1977, FEA initially determined that the bias entitlements issuable with respect to processing agreements do not serve the underlying rationale of the bias, which is to compensate for the relative inefficiencies of the smaller refiners. This initial determination has been confirmed by the material submitted in the record of this proceeding. The evidence indicates that in many cases the refined products produced pursuant to such processing agreements are not entering the distribution systems of the small refiners concerned. FEA further concludes that the high level of the bias for such processing agreements, particularly for refiners in the lower capacity ranges, appears to have had the effect of creating economic distortions and inefficiencies in the marketplace counter to the objectives of the Emergency Petroleum Allocation Act of 1973, as amended (the "EPAA").

The amendment to § 211.67(e) adopted herein does not eliminate from a small refiner's bias calculations crude runs attributable to processing agreements with non-refiners. The intended effect of this provision is to permit small refiners to compete for processing agreements with non-refiners and to provide an incentive for utilization of small refiner capacity by non-refiners.

Because the formula for bias entitlements grants an optimal number of bias entitlements at the 30,000 barrel per day (B/D) level, FEA is aware that the elimination of the issuance of bias entitlements for processing agreements could have the effect of encouraging refiners above the 30,000 B/D level to enter into processing agreements so as to artifically reduce the computation of their crude runs in their refineries to 30,000 B/D for purposes of maximizing their small refiner bias entitlements. FEA does not believe that the amendment adopted today will encourage refiners to change their production methods so as to utilize a higher level of processing agreements, as it would not be consistent with the normal logistics and business practices of refiners in that range. FEA will closely monitor the effect of the rule adopted today to ascertain whether small refiners in the 30,000 to 175,000 B/D range seek to maximize entitlement issuances through exchanges or other arrangements to take advantage of the higher small refiner bias as crude runs decrease toward the 30,000 B/D level.

Relation of Rule Adopted to Procedures for Modification of Small Refiner Purchase Exemption

Some comments raised the interrelationship of FEA's proposed changes to the bias with the procedures for modification of the small refiner entitlement purchase exemption of section 403(a) of the Energy Policy and Conservation Act, Pub. L. 94–163 (the "EPCA").

FEA adopted Special Rule No. 6 on December 31, 1975, (41 FR 1044, January 6, 1976) to implement section 403(a) of the EPCA. Special Rule No. 6 generally exempted all qualified small refiners from any purchase requirements that they would otherwise have had as to the first 50,000 B/D of their crude runs and from a proportion of the entitlement purchase requirements for run levels from 50,000 to 100,000 B/D.

On May 12, 1976 (41 FR 20392, May 18, 1976), FEA revoked Special Rule No. 6 pursuant to the authority of section 455 of the EPCA. Section 455 of the EPCA generally permitted FEA to modify the small refiner purchase exemption if FEA determined that the exemption resulted in an unfair economic or competitive advantage for its beneficiaries with respect to other small refiners or otherwise had the effect of seriously impairing FEA's ability to provide for the attainment of the objectives set forth in section 4(b)(1) of the EPAA. In its modification of the statutory purchase exemption, together with the revocation of Special Rule No. 6, FEA increased the number of entitlements issuable to small refiners, as this was believed to be a more equitable way to effect the Congressional intent underlying section 403(a) of the EPCA. The May 12, 1976 amendments were not subsequently disapproved by either House of Congress under the procedures set forth in section 551 of the EPCA, and thus became effective with respect to entitlement issuances for April 1976.

The increase in the small refiner bias adopted in lieu of the statutory purchase exemption as implemented by Special Rule No. 6 benefitted both small refiner purchasers and sellers of entitlements. As to small refiner entitlement purchasers, the bias increase in effect retained a portion of the statutory entitlement purchase exemption, since the issuance of the related incremental bias entitlements has the effect of exempting domestic crude oil receipts from entitlement purchase obligations. Therefore, only a reduction in the portion of the bias attributable to the April 1976 increase therein for small refiner purchasers is subject to the Congressional review required under section 455 of the EPCA, since that portion of the bias is all that remains of the statutory purchase exemption under Special Rule No. 6. The elimination of bias entitlements for processing agreements under this rule affects the calculation of the volume of crude runs for purposes of receiving bias entitlements, but does not affect the basic amount of the increased bias, and thus is not subject to Congressional approval under section 455 of the EPCA.

Although changes in the manner of computing the volumes of crude runs affects the number of bias entitlements a small refiner will actually receive and in some instances could result in a diminution of bias entitlements issued to a small refiner even though the amount of the small refiner bias remains unchanged, FEA's adoption of this final rule does not in fact reduce the amount of bias entitlements received by any small refiner entitlement purchasers as a result of the adoption of the May 12, 1976 amendments. From an analysis of the data reported to FEA, it is shown that only two small refiners who benefited under the statutory purchase exemption were parties at that time to processing agreements. Since the crude runs for both of these firms exceeds 30,000 B/D, the elimination of bias entitlements for processing agreements under this final rule would actually serve to increase bias entitlements issued to these two firms. Thus, no beneficiary of the statutory purchase exemption is adversely affected by these amendments as compared to its situation at the time the Congressional review period was completed and the modification of the exemption was effective.

Further Comments Solicited

Although FEA is adopting this rule in accordance with its proposal, FEA recognizes that, where processing agreements are entered into as a means of securing crude oil supplies prior to expansion of plant capacity, it may be desirable to grant bias entitlements for such agreements. Accordingly, FEA hereby solicits comments from interested parties on whether to adopt a modification to the rule adopted today which would permit application for bias entitlements to be issued for crude runs under processing agreements entered into pursuant to a bona fide program of plant expansion. FEA requests specific comments from refiners as to appropriate standards to evaluate the types of plant expansions that would be eligible and the amount of bias entitlements necessary for this purpose.

Criteria could be established which would include only certain types of expansions based on the capacity of the final unit; for example, very small plant expansions could be disallowed. Special consideration could be given to expansions or renovations which would result in an improved yield of lighter products. FEA also requests comments as to (1) the type of documentation that refiners should be required to submit to demonstrate that they are undertaking an expansion, e.g., whether a refiner must certify as to specified financial commitments before bias entitlements would be granted for processing agreements; and (2) the type of showing a refiner should be required to make to demonstrate that a processing agreement is required for a specified period and that a particular level of bias entitlements is needed to make the processing agreement economic. FEA is also interested in receiving comments as to the necessity for procedures to verify that expansion's for which processing agreement bias entitlements have been awarded are actually taking place.

In this regard, written comments will be accepted and considered if filed by May 21, 1977. Comments should be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box LR, the Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to FEA

with the designation "Processing Agreements for Plant Expansions under the Small Refiner Bias." Fifteen copies should be submitted.

EFFECTIVE DATE

Many small refiners were concerned about the date of implementation of the proposed rule. Several comments opposing the March 1, 1977, effective date argued that the notice was insufficient to enable small refiners to avoid serious economic hardships from existing processing agreements. FEA has determined that an effective date prior to June 1, 1977 would not give small refiners sufficient time to adjust to the amendment herein adopted, in that commitments as to crude runs and product sales have already been made based on the issuance of bias entitlements. Accordingly, FEA is adopting this rule effective for June 1977 crude oil runs, since refiners have been on notice as to the potential adoption hereof since the publication of the proposed rule on February 16, and reasonable notice is provided for small refiners by the issuance of this final rule in April 1977 to structure June 1977 crude oil runs and processing agreements.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, and Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act Pub. L. 94-163, as amended Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10, Code of Federal Regulations, is amended as set forth below, effective June 1, 1977.

Issued in Washington, D.C., April 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

Section 211.67 is amended in subparagraph (2) of paragraph (e) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(e) *Small refiner bias.*

* * * * *

(2) Effective for refiners' volumes of crude oil runs to stills for June 1977, no entitlements shall be issuable under paragraph (e)(1) of this section with respect to any volume of a small refiner's crude oil runs to stills attributable to a processing agreement for the account of that small refiner with another refiner.

[FR Doc.77-11930 Filed 4-21-77;3:01 pm]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 329—INTEREST ON DEPOSITS

Individual Retirement Accounts ("IRA") and Keogh (H.R. 10) Plans

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: These amendments establish a new deposit category for IRA and Keogh funds. They are designed to give depositors an opportunity to earn interest on IRA and Keogh funds at the highest rate allowed by Federal regulation for deposits in any insured commercial bank or thrift institution. It is needed because depositors currently are unable to receive maximum interest on their retirement funds unless they deposit those funds in a six-year time deposit in a thrift institution such as a mutual savings bank or savings and loan association. The amendments will allow both insured nonmember commercial banks and mutual savings banks to pay interest on IRA or Keogh funds with a maturity of three years or longer at a rate which does not exceed the highest permissible rate that may be paid by any insured nonmember bank on deposits of less than $100,000. That rate is presently 7¾ percent per year.

EFFECTIVE DATE: July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429, (202) 389-4324.

ADDRESS: Alan R. Miller, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Room 6108, Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: For some time FDIC, in conjunction with the Board of Governors of the Federal Reserve System, and pursuant to its authority under sections 9 and 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828(g)), has been considering the creation of a separate category of time deposit encompassing IRA and Keogh funds. Special provisions of FDIC's regulations permit withdrawal prior to maturity of IRA or Keogh funds where the depositor is 59½ years of age or older or has become disabled, and waive the $1,000 minimum amount requirement as to such funds where they are held in 4 and 6 year time deposits. However, no provision is made for higher interest rates than those payable on other time deposits with comparable maturities.

The special provisions mentioned above were made in light of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, "ERISA") which amends sections 401 and 408 of the Internal Revenue Code (12 U.S.C. 401 and 408). They were designed to avoid the situation in which the holder of an IRA or a Keogh deposit either has to pay a penalty for withdrawal of the deposit prior to maturity or suffers tax penalties for failure to withdraw the deposit at the mandatory distribution age for IRA and Keogh funds.

In July of 1975, prior to adopting the above special provisions, FDIC published a list of questions in the FEDERAL REGISTER (40 FR 28099) in order to solicit public comment on several issues involved in the special treatment of IRA (and later Keogh) accounts. Among these questions was one directed to the desirability of eliminating the ¼ percent interest rate differential between commercial banks and thrift institutions whereby the latter are generally permitted to pay interest on any given category of time or savings deposit at an annual rate ¼ of 1 percent above the maximum rate that commercial banks are allowed to pay. The differential was initially created to offset the competitive advantage enjoyed by commercial banks because of the relatively limited variety of services which could be offered by thrift institutions as compared to commercial banks.

After reconsidering the comments received on the rate differential and after consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, the FDIC has concluded that in the case of IRA and Keogh funds there is serious question whether any useful purpose can be served by preserving the differential. In fact, it can be argued that rather than preserving the competitive parity of thrift institutions vis-a-vis commercial banks, maintenance of the differential as to IRA and Keogh deposits actually tips the competitive balance in favor of thrift institutions. This is because IRA and Keogh deposits are by nature extremely long-term deposits where, over time, even a fractional differential yields a significantly greater aggregate dollar return to the depositor.

The Board of Governors of the Federal Reserve System recently announced that it is taking similar action to amend Federal Reserve Regulation Q. To quote from the Board's announcement: "a penalty for choosing deposits at a particular type of institution is clearly inconsistent with the objectives of maximizing the total amount of earnings on retirement savings that the Congress sought to encourage through establishment of IRA and Keogh programs * * *." The FDIC concurs in this view.

In amending its regulations, FDIC is aware of Pub. L. 94-200 which provides, in part, that an interest rate differential for any category of deposit existing on December 10, 1975 may not be reduced or eliminated without first obtaining the approval of both Houses of Congress. Since FDIC's action will have the effect of creating a new category for IRA and Keogh deposits, the provisions of Pub. L. 94-200 presumably do not apply. However, the FDIC will consider comments on this particular issue.

Under the amended regulations, insured nonmember banks will be able to offer up to 7¾ percent interest on IRA and Keogh deposits having a minimum maturity of three years. In addition, any such bank that wants to do so will be allowed to modify its existing deposit contracts to take advantage of the amendment.

In view of the fact that FDIC previously solicited public comments on the issues which are the subject of the following amendments, the Board of Directors of FDIC has determined that compliance with the notice and comment rulemaking procedures set forth in the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)) is unnecessary. However, the Board of Directors will consider post-promulgation comments submitted to FDIC prior to the July 6 effective date of the amendments.

12 CFR Part 329 is amended as follows:

1. Section 329.6(b) is changed by adding new subparagraph (4) to read as follows:

§ 329.6 Maximum rates of interest payable on time and saving deposits by insured nonmember banks other than insured nonmember mutual savings banks.[13]

* * * * *

(b) *Deposits of Less than $100,000*

* * * * *

(4) *Individual Retirement Account and Keogh (H.R. 10) plan deposits.* Except as provided in paragraph (a), no insured nonmember bank may pay interest on any time deposit with a maturity of three years or more which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) plan established pursuant to 26 U.S.C. 408 or 26 U.S.C. 401, at a rate in excess of the highest permissible rate that may be paid on time deposits of under $100,000 by any insured nonmember mutual savings bank subject to the provisions of this Part. The provisions of § 329.4(e) of this Part shall not apply where qualified existing time deposit contracts are amended to conform to the requirements of this subparagraph (4).

* * * * *

2. Section 329.7(b) is changed by revising section 329.7(b)(3) and by adding a new subparagraph (6) to read as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits of insured nonmember mutual savings banks.[14]

* * * * *

(b) *Maximum rates payable.*

* * * * *

(3) *Time deposits of less than $100,000.* Except as provided in paragraphs (b), (4), (5) and (6) of this section no insured nonmember mutual savings bank shall pay interest or dividends on any time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule: * * *

* * * * *

(6) *Individual Retirement Account and Keogh (H.R. 10) plan deposits.* Except as provided in paragraph (b)(2), no insured nonmember mutual savings bank may pay interest on any time deposit with a maturity of three years or more which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) plan established pursuant to 26 U.S.C. 408 or 26 U.S.C. 401, at a rate in excess of the highest permissible rate that may be paid on time deposits of under $100,000 by any insured nonmember mutual savings bank subject to the provisions of this Part. The provisions of § 329.4(e) of this Part shall not apply where qualified existing time deposit contracts are amended to conform to the requirements of this subparagraph (6).

* * * * *

By order of the Board of Directors April 19, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-11934 Filed 4-25-77;8:45 am]

[13] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

[14] The maximum rates of interest payable by insured nonmember mutual savings banks as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember mutual savings bank located outside of the States of the United States and the District of Columbia.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Doc. C-2872]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Walter Switzer, Inc., Trading as Switzer's, et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This is a consent order requiring a Phoenix, Arizona, retailer of women's wearing apparel, including furs and fur products, among other things, to cease violating the labeling, invoicing, and advertising provisions of the Fur Products Labeling Act.

DATES: Complaint and order issued March 4, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

William A. Arbitman, Director, San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102, 415-556-1270.

SUPPLEMENTARY INFORMATION: In the Matter of Walter Switzer, Inc., a corporation, d/b/a Switzer's, and Walter E. Switzer, Jr., individually and as an officer of said corporation. The prohibited trade practices, and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.30 Composition of goods; 13.30-30 Fur Products Labeling Act; § 13.73 Formal regulatory and statutory requirements; 13.73-10 Fur Products Labeling Act; § 13.95 Identity of product; 13.95-20 Fur Products Labeling Act; § 13.135 Nature of product or service; § 13.205 Scientific or other relevant facts. Subpart—Invoicing Products Falsely: § 13.1108 Invoicing products falsely; 13.1108-45 Fur Products Labeling Oct. Subpart—Misbranding or Mislabeling: § 13.1185 Composition; 13.1185-30 Fur Products Labeling Act; § 13.1230 Identity; § 13.1255 Manufacture or preparation; 13.1255-30 Fur Products Labeling Act; § 13.1260 Nature; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1590 Composition; 13.1590-30 Fur Products Labeling Act; § 13.1623 Formal regulatory and statutory requirements; 13.1623-30 Fur Products Labeling Act; § 13.1655 Identity; § 13.1685 Nature; 13.1685-35 Fur Products Labeling Act; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1845 Composition; 13.1845-30 Fur Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements; 13.1852-35 Fur Products Labeling Act; § 13.1855 Identity; § 13.1865 Manufacture or preparation; 13.1865-40 Fur Products Labeling Act: § 13.1870 Nature; 13.1870-40 Fur Products Labeling Act: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended. Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f.)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That Walter Switzer, Inc., a corporation, trading and doing business as Switzer's, or under any other name, its successors and assigns, and its officers, and Walter Switzer, Jr., individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

legible all of the information required to be disclosed by each subsection of section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder.

B. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words or figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

C. Falsely or deceptively advertising any fur product by failing to show in words plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11935 Filed 4-25-77;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Children's Wearing Apparel Containing TRIS; Interpretation as Banned Hazardous Substance

Correction

FR Doc. 77-11438 appearing at page 20479, in the issue of Wednesday, April 20, 1977, in the third column, the document was inadvertently published as a proposed rule, rather than a rule. The heading should read as set forth above. The document is reprinted below.

AGENCY: Consumer Product Safety Commission.

ACTION: Correction of an interpretation.

SUMMARY: On April 8, 1977 the Commission published an interpretation that TRIS-treated children's clothing and uncut fabric intended for sale to consumers for use in such clothing are banned hazardous substances under the Federal Hazardous Substances Act. In this document the Commission is making editorial corrections to that interpretation.

DATES: The corrections are effective immediately.

FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6470.

SUPPLEMENTARY INFORMATION: The following are editorial corrections to "Children's Wearing Apparel Containing TRIS; Interpretation as Banned Hazardous Substance," published on April 8, 1977 (FR Doc. 77-10616, 42 FR 18850):

1. On page 18850, first column, the telephone area code of Francine Shacter, the person to contact for further information, is 301 not 202.

2. On page 18852, middle column, in the section on References, the correct citation for (13) is "March 16, 1977 NCI draft Bioassay of TRIS (2,3-dibromopropyl) phosphate for possible Carcinogenicity."

3. On page 18853, middle column, under Commission Action on Petitions, the correct citation for the Federal Hazardous Substances provision is 2(q)(1)(A).

4. Also on page 18853, third column, in the final paragraph before the regulatory language, the paragraph beginning with the word "Accordingly," should state that "the Commission amends * * *," rather than "the Commission proposes to amend * * *"

Dated: April 13, 1977.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Doc. No. 76N-0115]

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Streptomycin and Streptomycin-Containing Drugs; Updating and Technical Revision

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: This rule amends the antibiotic regulations that provide for streptomycin and streptomycin-containing drugs for human use. This action is taken because of the need to update and make technical changes to the regulations. These amendments provide only for the sterile bulk drug and an injectable dosage form, set maximum and minimum potency limits, and designate one official method for determining potency of streptomycin sulfate.

EFFECTIVE DATE: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed, in the FEDERAL REGISTER of May 18, 1976 (41 FR 20414), to amend the antibiotic drug regulations in Parts 436 and 444 (21 CFR Parts 436 and 444) to update and technically revise the regulations that provide for streptomycin and streptomycin-containing drugs. Sixty days were allowed for public comment.

One comment was received from a drug manufacturer. It objected to the proposed designation of the turbidimetric assay as the official method of determining potency of streptomycin sulfate. The manufacturer contends that another method, the agar cup plate diffusion assay, which it uses, is more precise and more informative. The manufacturer requested time to investigate further the turbidimetric assay because it is not currently equipped to convert to the turbidimetric assay.

The Commissioner has considered the comment but, for the following reasons, does not find cause to revise the proposed regulation:

1. The proposal did not introduce the turbidimetric assay nor did it modify the procedure; it merely deleted an alternative method, a microbiological agar diffusion assay, so that only one method would be designated as official. The turbidimetric assay, which FDA finds to give equivalent results to other assay methods, has been used by FDA laboratories for many years and, where its use is appropriate, has become the preferred analytical procedure for the certification program.

2. The manufacturer may have mistakenly inferred that it is now required to use the turbidimetric assay. This is not the case. Under § 436.2 (21 CFR 436.2), an assay method other than that designated as the official method may be used by manufacturers provided the results obtained are as accurate as those produced by the official method. Since FDA has observed no significant difference in the assay values obtained in the past by the manufacturer's chosen method, the Commissioner has no objection to its continued use of that procedure. In view of the foregoing, the Commissioner finds that the amendments should be adopted as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 436 and 444 are amended as follows:

§ 436.33 [Amended]

1. Part 436 is amended in § 436.33 *Safety test*, paragraph (b), by deleting to amend Parts 436 and 444 as follows: the entry for "Streptonicozid sulfate" from the table therein.

2. Part 444 is amended:

a. By revising § 444.70a to read as follows:

§ 444.70a Sterile streptomycin sulfate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile streptomycin sulfate is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 650 micrograms and not more than 850 micrograms of streptomycin per milligram. If it is packaged for dispensing, its content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of streptomycin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine or histamine-like substances.

(vi) Its loss on drying is not more than 5.0 percent.

(vii) Its pH in an aqueous solution containing 200 milligrams per milliliter is not less than 4.5 and not more than 7.0.

(viii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, and identity.

(ii) Samples required:

(a) If the batch is packaged for repacking or for use in manufacturing another drug:

(1) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic syringe and needle, remove all of the withdrawable contents from each container represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Accurately dilute the sample thus obtained with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of streptomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 200 milligrams per milliliter.

(8) *Identity*—(i) *Reagents.* (a) 10 percent ferric chloride stock solution: Dissolve 5 grams of $FeCl_3.6H_2O$ in 50 milliliters of 0.1*N* HCl.

(b) 0.25 percent ferric chloride solution: Dilute 2.5 milliliters of 10 percent ferric chloride in 0.1*N* HCl to 100 milliliters with 0.01*N* HCl. Prepare the solution fresh daily.

(ii) *Procedure.* Using distilled water, dilute the sample to be tested to a concentration of approximately 1,000 micrograms per milliliter. To 5.0 milliliters of this solution, add 2.0 milliliters of 1*N* NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and then acidify the solution by adding 2.0 milliliters of 1.2*N* HCl. Add 5.0 milliliters of 0.25 percent ferric chloride reagent. A violet color indicates the presence of streptomycin.

§ 444.72a [Revoked]

b. By revoking § 444.72a *Sterile streptonicozid sulfate.*

§ 444.170a [Revoked]

c. By revoking § 444.170a *Streptomycin-polymyxin-bacitracin tablets.*

d. By revising § 444.270a to read as follows:

§ 444.270a Sterile streptomycin sulfate.

The requirements for certification and the tests and methods of assay for sterile streptomycin sulfate, packaged for dispensing, are described in § 444.70a.

e. By revising § 444.270b to read as follows:

§ 444.270b Streptomycin sulfate injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate injection is an aqueous solution of streptomycin sulfate. It may contain one or more suitable and harmless buffer substances and stabilizing agents. Each milliliter contains streptomycin sulfate equivalent to 400 milligrams, 420 milligrams, or 500 milligrams of streptomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of streptomycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine or histamine-like substances. Its pH is not less than 5.0 and not more than 8.0. The streptomycin sulfate used conforms to the standards prescribed by § 444.70a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The streptomycin sulfate used in making the batch for potency, histamine, loss on drying, pH, and identity.

(b) The batch for potency, sterility, pyrogens, safety, histamine (except that the results of this test performed on the streptomycin sulfate used in making the batch may be submitted instead), and pH.

(ii) Samples required:

(a) The streptomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) If the batch is packaged for use in the manufacture of another drug:

(i) For all tests except sterility: Five containers, each containing not less than 2.0 milliliters.

(ii) For sterility testing: 20 containers, each containing not less than 2.0 milliliters.

(2) If the batch is packaged for dispensing:

(i) For all tests except sterility: A minimum of eight immediate containers.

(ii) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and method of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Using a suitable hypodermic syringe and needle, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Accurately dilute the portion with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of streptomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter, except use a test dose concentration of 1.5 milligrams per milliliter in lieu of 2.0 milligrams per milliliter.

(5) *Histamine* (the histamine test may be omitted if it is performed on the streptomycin sulfate used in preparing the injection). Proceed as directed in § 436.35 of this chapter.

(6) pH. Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

§§ 444.270c, 444.570, 444.570a, 444.570b, 444.570c [Revoked]

1. By revoking §§ 444.270c Streptomycin sulfate for injection, 444.570 Streptomycin dermatologic dosage forms, 444.570a Streptomycin ointment; dihydrostreptomycin ointment, 444.570b Streptomycin for topical use; streptomycin with (the blank being filled in with the name of the vehicle if a packaged combination) for topical use, and 444.570c Streptomycin-bacitracin - polymyxin gauze pads.

Effective date: This regulation shall become effective May 26, 1977.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: April 13, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-11764 Filed 4-25-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Doc. No. 77N-0073]

PART 539—BULK ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

PART 544—OLIGOSACCARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

Streptomycin and Streptomycin-Containing Drugs Conforming Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending provisions for certification of animal-use streptomycin drug products to conform with amendments to provisions for human-use streptomycin drug products. The human-use amendments are published elsewhere in this issue of the FEDERAL REGISTER, under FDA Docket No. 76N-0115.

DATES: Effective May 26, 1976.

FOR FURTHER INFORMATION CONTACT:

Frank Pugliese, Bureau of Veterinary Medicine (HFV-234), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3460.

SUPPLEMENTARY INFORMATION: These amendments are nonsubstantive, and they do not affect currently approved new animal drug applications (NADA's) or requirements for certification of the named antibiotic drug products.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 539 and 544 are amended as follows:

1. Part 539 is amended in § 539.170 by revising paragraph (a)(1)(ii), (iii), and (a)(4)(i); and by revising paragraph (b)(2), (3), and (4); and by amending paragraph (b)(1) in the second sentence by changing "§ 444.70a(b)(1)(x)" to read "§ 444.70a(b)(1)." The revised paragraphs read as follows:

§ 539.170 Streptomycin sulfate veterinary grade; dihydrostreptomycin hydrochloride veterinary grade.

(a) * * *

(1) * * *

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 14.0 percent.

* * * * *

(4) * * *

(i) In addition to complying with the requirements of § 514.50 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams of streptomycin or dihydrostreptomycin per gram, and the total number of grams of streptomycin or dihydrostreptomycin in each package. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, safety, loss on drying, pH, and streptomycin content, if dihydrostreptomycin.

* * * * *

(b) * * *

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Using a 1-gram sample, proceed as directed in § 436.200 (b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter.

* * * * *

2. Part 544 is amended:

a. By revising § 544.170a to read as follows:

§ 544.170a Streptomycin - polymyxin-bacitracin tablets.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Streptomycin-polymyxin-bacitracin tablets are tables composed of streptomycin, polymixin B, and bacitracin, with or without the addition of one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 250 milligrams of streptomycin, 200,000 units of polymyxin B, and 5,000 units of bacitracin. Its loss on drying is not more than 3 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. The streptomycin used conforms to the standards prescribed therefor by § 444.70a(1) of this chapter, except § 444.70a(a)(1), (ii), (iii), and (v). The polymyxin used conforms to the standards prescribed by § 448.30(a) (i) and (ii) of this chapter. The bacitracin used conforms to the standards prescribed therefor by § 448.10(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Unless each tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 510.55 of this chapter, each package shall bear on the outside wrapper or container and the immediate container the statement, "Expiration date ------", the blank being filled in with the date that is 18 months after the month during which the batch was certified.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 514.50 of this chapter, a person who requests certification of a batch of streptomycin-polymyxin-bacitracin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin, polymyxin, and bacitracin used in making such batch were completed, the potency of each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(ii) Except as otherwise provided in paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(*a*) The batch: average potency per tablet, average loss on drying, and if required by paragraph (a)(1) of this section, disintegration time.

(*b*) The streptomycin used in making the batch: potency, safety, loss on drying, and pH.

(*c*) The polymyxin used in making the batch: potency and safety.

(*d*) The bacitracin used in making the batch: potency, safety, loss on drying, and pH.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch:

(*1*) For potency and loss on drying: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(2) For disintegration time: six tablets.

(*b*) The streptomycin used in making the batch; five packages containing approximately equal portions of not less than 0.5 gram each.

(*c*) The polymyxin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

(*d*) The bacitracin used in making the batch; six packages, each containing approximately equal portions of not less than 0.5 gram.

(*e*) In the case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii) (*b*), (*c*), and (*d*) of this section, and no sample referred to in paragraph (a)(4)(iii) (*b*), (*c*), and (*d*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay—(1) Potency—(i) Streptomycin content.* Using 12 tablets, proceed as directed in § 544.173a(b)(1)(i) of this chapter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, preparing the sample as follows: Place a representative number of tablets into a high speed glass blender jar containing sufficient 10-percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated). Its content of polymyxin B is satisfactory if it contains not less than 85 percent of the number of units of polymyxin B it is represented to contain.

(iii) *Bacitracin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample as follows: Place a representative number of tablets into a high speed glass blender jar containing sufficient 1-percent potassium phosphate buffer, pH 6.0 (solution 1) to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 1 unit of bacitracin per milliliter (estimated). In lieu of the test organisms described in § 436.105 of this chapter, use either test organisms R or V, described in § 436.103 of this chapter. Its content of bacitracin is satisfactory if it is not less than 85 percent of the number of units of bacitracin it is represented to contain.

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Disintegrating time.* Proceed as directed in § 436.212 of this chapter.

b. In § 544.170b, paragraph (a)(1) is amended by revising the fifth sentence therein—"It is nontoxic."—to read "It passes the safety test."; paragraph (a)(4)(i) is amended in the second sentence by deleting "toxicity" and inserting "safety"; and paragraph (b) (2) and (3) is revised to read as follows:

§ 544.170b Streptomycin hydrochloride/streptomycin sulfate oral solution.

(a) * * *

(1) * * * It passes the safety test. * * *

* * * * *

(4) * * *

(i) * * * Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, safety, and pH.

* * * * *

(b) * * *

(2) *Safety.* Proceed as directed in § 444.70a(b)(4) of this chapter.

(3) *pH.* Proceed as directed in § 444.70a(b)(7) of this chapter.

* * * * *

c. In § 544.173a, paragraph (a)(1) is amended by revising the fifth sentence—"Its moisture content is not more than 10 percent."—to read "Its loss on drying is not more than 10 percent."; paragraph (a)(4)(ii) (*a*) and (*b*) is revised; paragraph (a)(4)(iii)(*a*)(*1*) is amended by deleting "For potency and moisture;" and inserting therefor "For potency and loss on drying"; paragraph (a)(4)(iii) (*b*) is revised; paragraph (b)(1)(i) is amended by deleting that portion of the first sentence up to the colon and inserting in its place, "Using 12 tablets, proceed as directed in § 436.105 of this chapter, preparing the sample as follows:"; and paragraph (b) (2) and (3) is revised to read as follows:

§ 544.173a Streptomycin/dihydrostreptomycin tablets.

(a) * * *

(1) * * * Its loss on drying is not more than 10 percent. * * *

* * * * *

(4) * * *

(ii) * * *

(*a*) The batch: Average potency per tablet, average loss on drying, and if required by paragraph (a)(1) of this section, disintegration time.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; potency, safety, loss on drying, pH, streptomycin content, and crystallinity if it is dihydrostreptomycin, and crystalline if it is crystalline dihydrostreptomycin sulfate.

(iii) * * *

(*a*) * * *

(*1*) For potency and loss on drying: * * *

* * * * *

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

* * * * *

(b) * * *

(1) * * *

(i) Using 12 tablets, proceed as directed in § 436.105 of this chapter, preparing the sample as follows: * * *

* * * * *

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter.

* * * * *

d. In § 544.173b, paragraph (a)(1) is amended by revising the fifth sentence—"The streptomycin used conforms to the standards prescribed therefor by § 444.70a(a)(1) of this chapter, except paragraphs (a)(1)(ii), (iv), (v), and (vi) of that section."—to read "The streptomycin conforms to the standard prescribed therefor by § 444.70a(a)(1) of this chapter, except paragraph (a)(1)(iii), (v), and (vi) of that section."; and paragraph (a)(4)(ii)(*b*) and (iii)(*b*) and paragraph (b) are revised to read as follows:

§ 544.173b Streptomycin/dihydrostreptomycin syrup; streptomycin/dihydrostreptomycin in gel (streptomycin/dihydrostreptomycin oral suspension); potency.

(a) * * *

(1) * * * The streptomycin conforms to the standard prescribed therefor by § 444.70a(a)(1) of this chapter, except paragraphs (a)(1)(iii), (v), and (v)(i) of that section. * * *

* * * * *

(4) * * *

(ii) * * *

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; potency, safety, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(iii) * * *

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; five packages, each containing approximately equal portions of not less than 0.5 gram.

* * * * *

(b) *Tests and methods of assay—(1) Streptomycin content.* Proceed as directed in § 446.70a(b)(1) of this chapter. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin that it is represented to contain.

(2) *Dihydrostreptomycin content.* Using dihydrostreptomycin working standard as a standard of comparison, proceed as directed in § 444.70a(b)(1) of this chapter. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of dihydrostreptomycin that it is represented to contain.

* * * * *

e. In § 544.173c, paragraph (a)(1) is amended by revising the fourth sentence—"It is nontoxic."—to read "It passes the safety test"; paragraph (a)(2) introductory text and paragraph (a)(3) are revised; paragraph (b)(1) is amended by revising the first sentence; and paragraph (b)(2), (3), and (4) is revised to read as follows:

§ 544.173c Streptomycin/dihydrostreptomycin sodium sulfathiazole solution.

(a) * * *

(1) * * * It passes the safety test. * * *

(2) *Packaging; labeling.* It shall be packaged and labeled in accordance with the requirements of § 510.55 of this chapter; except that in addition to the requirements of § 510.55, each package shall bear on the outside wrapper and container and the immediate container:

* * * * *

(3) *Requests for certification; samples.* The person who requests certification of a batch shall submit in connection with his request the same information and number of samples for the batch prescribed by § 444.270b(a)(3) of this chapter.

(b) * * *

(1) *Potency.* Proceed as directed in § 444.70b(a)(3) of this chapter, except if it contains dihydrostreptomycin use the dihydrostreptomycin working standard as a standard of comparison. * * *

(2) *Sterility, pyrogens, histamine, streptomycin content if it is dihydrostreptomycin.* Proceed as directed in §§ 444.10a(b)(2) and 444.70a(b)(2), (3), and (5) of this chapter.

(3) *Safety.* Proceed as directed in § 436.33 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1.5 milligrams of streptomycin or dihydrostreptomycin per milliliter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted drug.

f. In § 544.173d, paragraph (a)(1) is amended by revising the third sentence—"Its moisture content is not more than 7 percent."—to read "Its loss on drying is not more than 7 percent."; and paragraphs (a)(4)(ii) (*a*) and (*b*) and (b)(2) are revised to read as follows:

§ 544.173d Streptomycin/dihydrostreptomycin sulfate oral powder; streptomycin sulfate/dihydrostreptomycin sulfate oral granules; dihydrochloride oral powder/oral granules.

(a) * * *

(1) * * * Its loss on drying is not more than 7 percent. * * *

* * * * *

(4) * * *

(ii) * * *

(*a*) The batch; potency and loss on drying.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; potency, safety, loss on drying, pH, and streptomycin content if it is dihydrostreptomycin.

* * * * *

(b) * * *

(2) *Loss on drying.* Using a 1-gram sample, proceed as directed in § 436.200(b) of this chapter.

g. In § 544.173e, by revising paragraphs (a)(1), (a)(4)(ii) (*a*) and (*b*), (a)(4)(iii)(*b*), and (b)(1)(i and (2) to read as follows:

§ 544.173e Streptomycin/dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Streptomycin-kaolin-pectin-aluminum hydroxide gel powder and dihydrostreptomycin-kaolin-pectin-aluminum hydroxide gel powder are streptomycin or dihydrostreptomycin, kaolin, pectin, and dried aluminum hydroxide gel, with or without the addition of one or more suitable and harmless diluents, coloring, and flavorings. Its content of streptomycin or dihydrostreptomycin is not less than 37.5 milligrams per gram of powder. Its loss on drying is not more than 10 percent. The streptomycin used conforms to the standards prescribed therefor by § 444.70a(a)(1) of this chapter, except paragraph (a)(1)(ii), (iii), and (v) of that section. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 444.10a(a) of this chapter, except the standards for sterility, pyrogens, and histamine content. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(4) * * *

(ii) * * *

(*a*) The batch; average potency per gram of powder and average loss on drying.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; potency, safety, loss on drying, pH, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iii) * * *

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; five packages, in each containing approximately equal portions of not less than 0.5 gram.

* * * * *

(b) * * *

(1) * * *

(i) *Streptomycin content.* Using 3.0 grams of the sample, proceed as directed in § 444.70a(b)(1) of this chapter. Its potency is satisfactory if it contains not less than 85 percent of the number of milligrams of streptomycin it is represented to contain.

* * * * *

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

§ 544.211a [Amended]

h. In § 544.211a *Dihydrostreptomycin/streptomycin sulfates aqueous solution*, paragraph (a)(1) is amended in the second sentence by deleting the phrase "moisture content" and substituting therefor the phrase "loss on drying"; paragraph (a)(2) is amended by deleting the reference to "§ 444.270b(a)(2)" and substituting therefor "§510.45"; paragraph (a)(3) is amended by deleting the reference to "§ 444.70a(a)(3) (ii) or (iii)" and substituting therefor "§ 510.55"; paragraph (a)(4) is amended in the first sentence by deleting the reference to "§ 544.211b(a)(4)" and substituting therefor "§ 514.50 of this chapter"; paragraph (b)(3) is amended in its heading by deleting the word "toxicity" and substituting therefor the word "safety"; and paragraph (b)(4) is amended by deleting the reference to "§ 440.80a(b)(5)(ii)" and substituting therefor "§ 436.202".

i. In § 544.211b, paragraph (a)(3) is amended by deleting the reference to "§ 444.70a(a)(3) (ii) or (iii)" and substituting therefor "§ 510.55"; and paragraphs (a)(1) (ii) and (v), (a)(4)(ii)(*a*), (a)(4)(iii)(*b*) and (*c*), (a)(4)(iv)(*b*), and (b)(3) are revised.

The revised paragraphs read as follows:

§ 544.211b Dihydrostreptomycin/streptomycin sulfates.

(a) * * *

(1) * * *

(ii) It passes the safety test.

* * * * *

(v) Its loss on drying is not more than 5 percent.

* * * * *

(3) *Labeling.* It shall be labeled in accordance with § 510.55 of this chapter, except that each package shall bear on the outside wrapper or container the number of grams of dihydrostreptomycin, the number of grams of streptomycin, and the total number of grams of both salts in the immediate container.

(4) * * *

(ii) * * *

(*a*) The batch; content of dihydrostreptomycin and streptomycin, sterility, safety, pyrogens, histamine content, loss on drying, and pH.

* * * * *

(iii) * * *

(*b*) The dihydrostreptomycin used in making the batch; three packages, each containing approximately equal portions of not less than 0.5 gram.

(*c*) The streptomycin used in making the batch; three packages, each containing approximately 0.5 gram.

(iv) * * *

(*b*) For sterility testing: 20 packages. Each such package shall contain not less than 0.5 gram of dihydrostreptomycin and 0.5 of streptomycin taken from different parts of such batch.

* * * * *

(b) * * *

(3) *Sterility, safety, pyrogens, histamine, loss on drying, pH.* Using the total potency of the sample for preparing dilutions and weighings, proceed as directed in § 444.70a(b)(2), (3), (4), (5), (6), and (7) of this chapter.

§ 544.274 [Amended]

j. In § 544.274 *Streptomycin sulfate/dihydrostreptomycin sulfate/crystalline dihydrostreptomycin sulfate injectable*, by amending paragraph (a)(4)(ii)(*a*) in the first sentence by deleting the reference to "toxicity" and substituting therefor the word "safety".

k. By revising § 544.370a to read as follows:

§ 544.370a Streptomycin for topical use; streptomycin with (the blank being filled in with the name of the vehicle if a package combination) for topical use.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin for topical use conforms to all the requirements prescribed by § 444.70a(a)(1) of this chapter for streptomycin, and may be packaged in combination with a container of a suitable and harmless vehicle.

(2) *Packaging.* The immediate container of streptomycin for topical use shall be of colorless transparent glass so closed as to be a tight container as defined by the U.S.P., shall be sterile at the time of filling and closing, shall be so sealed that its contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 20 milligrams.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 201.105 of this chapter (regulations issued under section 502(f) of the act), each package shall bear on its outside label or labeling, as hereinafter indicated, the following:

(i) On the outside wraper or container and the immediate container, the statement, "Expiration date _____", the blank being filled in with the date that is 48 months after the month during which the batch was certified.

(ii) If it is a packaged combination, on the immediate container of the vehicle in the combination, a statement giving the method of dissolving the streptomycin in the vehicle and the statement "The solution may be stored at room temperature for 1 week without significant loss of potency".

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 514.50 of this chapter, a person who requests certification of a batch of streptomycin for topical use shall submit with his request a statement showing the batch mark, the number of packages of each size in each batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, safety, pyrogens, histamine content, loss on drying, and pH. If such batch, or any part thereof, is to be packaged with a vehicle, such request shall be accompanied by a statement that such vehicle conforms to the requirements prescribed therefor by this section.

(ii) Such person shall submit in connection with his request an accurately representative sample of the batch, consisting of the following:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch; but in no case less than 50 immediate containers.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch so that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(iii) In case of an initial request for the certification of a batch of streptomycin for topical use which is to be packaged in combination with a container of a vehicle, or when any change is made in the composition of such vehicle, such person shall submit in connection with his request five packages of the vehicle included in the combination.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 444.70a(b)(1) of this chapter. The potency of streptomycin for topical use is satisfactory if the immediate containers are represented to contain:

(i) Less than 500 milligrams and contain 85 percent or more of the number of milligrams so represented;

(ii) More than 500 milligrams and contain 90 percent or more of the number of milligrams so represented.

(2) *Sterility, safety, pyrogens, histamine, loss on drying, pH.* Proceed as directed in § 444.70a(b)(2) through (7).

l. In § 544.370b, paragraphs (a)(1), (a)(4)(ii)(*b*) and (iii)(*b*), and (b) are revised to read as follows:

§ 544.370b Streptomycin-erythromycin ointment.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Streptomycin-erythromycin ointment is streptomycin and erythromycin in a suitable and harmless ointment base, with or without one or more suitable sulfonamides and with or without suitable and harmless dispensing and suspending agents. Its moisture content is not more than 1.0 percent. It contains per gram not less than 3 milligrams of streptomycin and not less than 5 milligrams of erythromycin. The streptomycin used conforms to the requirements of § 444.70a(a)(1) of this chapter, except paragraph (a)(1)(ii), (iii), (iv), and (v) of that section. The erythromycin used conforms to the standards prescribed by § 452.10(a)(1) of this chapter, except paragraph (a)(1)(ii), (v), (vi), and (viii) of that section. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(4) * * *

(ii) * * *

(*b*) The streptomycin and erythromycin used in making the batch: Potency, pH, loss on drying, and color-identity test, if it is erythromycin.

(iii) * * *

(*b*) The streptomycin used in making the batch: six packages, each containing approximately equal portions of not less than 0.5 gram.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.*—(i) *Streptomycin content.* Proceed as directed in § 436.105 of this chapter, except prepare the sample as follows: Place a representative quantity of the ointment (usually an entire container) in a blending jar containing approximately 225 milliliters of chloroform. Using a high-speed blender, blend the mixture for 3 minutes. Transfer the blended material to a large Buchner funnel (at least 10 centimeters in diameter) fitted with a highly retentive filter paper and attached to a vacuum line. Apply vacuum long enough to ensure removal of chloroform from the filter cake. Place the filter cake and the paper in a blending jar containing 250 milliliters of 0.1*M* phosphate buffer, pH 8.0, and blend for 10 minutes. Filter the blended material through a fast, porous, filter paper. Dilute the filtrate to obtain a solution for assay containing 1.0 microgram per milliliter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(ii) *Erythromycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample as follows: Place a representative quantity of the ointment (usually an entire container) in a blending jar and add sufficient methyl alcohol to give a volume of approximately 100 milliliters. Using a high-speed blender, blend the mixture for 2 to 3 minutes. Add 400 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0, and blend for 2 to 3 minutes. Dilute the mixture to 1.0 microgram per milliliter (estimated) using 0.1*M* potassium phosphate buffer, pH 8.0. Its content of erythromycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

m. By revising § 544.373a to read as follows:

§ 544.373a Streptomycin/dihydrostreptomycin ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Streptomycin ointment and dihydrostreptomycin ointment are streptomycin or dihydrostreptomycin in a suitable and harmless ointment base, with or without suitable and harmless dispersing and suspending agents and

preservatives. Their potency is not less than 5,000 μg per gram of ointment. The streptomycin used conforms to the requirements of § 444.70a(a)(1) of this chapter, except paragraph (a)(1) (ii), (iii), (iv), (v), and (vi) of that section. The dihydrostreptomycin used conforms to the requirements of § 444.10a(a) of this chapter, except the standards for sterility, safety, pyrogens, histamine, and loss on drying. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Packaging.* Streptomycin ointment and dihydrostreptomycin ointment shall be packaged in collapsible tubes which shall be well-closed containers as defined by the U.S.P., and each such tube shall not be larger than the 2-ounce size—but if the ointment is labeled solely for hospital use it may be packaged in immediate containers of glass that meet the test for tight containers as defined by the U.S.P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards; but minor changes that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(3) *Labeling.* In addition to the labeling requirements prescribed by § 510.55 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the statement, "Expiration date _____", the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(4) *Requests for certification; samples.* (i) In addition to complying with the requirements of § 514.50 of this chapter, a person who requests certification of a batch of streptomycin ointment or dihydrostreptomycin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug constituting such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor, if any, by this section.

(ii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, results of the tests and assays. These tests and assays shall be made on an accurately representative sample and shall consist of the following:

(*a*) The batch; potency.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; potency, pH, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iii) Except as otherwise provided by paragraph (a)(4)(iv) of this section, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(*a*) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers unless each such container is packaged for hospital use and contains more than 2 ounces, in which case the sample shall consist of approximately 1 ounce of ointment for each 5,000 immediate containers in the batch, but in no case less than five 1-ounce portions. Such sample shall be collected by taking single immediate containers or 1-ounce portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) The streptomycin or dihydrostreptomycin used in making the batch; five packages containing approximately equal portions of not less than 0.5 gram each.

(*c*) In case of an initial request for certification, the ingredients used in making the ointment base of the batch: one package of each containing approximately 200 grams, except for the suspending and dispersing agents used, in which case the sample shall consist of approximately 5 grams.

(iv) No result referred to in paragraph (a)(4)(ii)(*b*) of this section, and no sample referred to in paragraph (a)(4)(iii)(*b*) of this section, is required if such result or sample has been previously submitted.

(b) *Tests and methods of assay*—(1) *Streptomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample as follows: Accurately weigh the tube and contents and squeeze approximately 1.0 gram into a blending jar containing 50 milliliters of 0.1*M* potassium phosphate buffer (pH 7.8 to 8.0). Re-weigh the tube to obtain weight of ointment used in the test. Using a high-speed blender, blend the mixture for 3 minutes. Dilute an aliquot of the mixture to contain 100 micrograms of streptomycin base (estimated) per milliliter. Transfer 1.0 milliliter of this solution to a 100-milliliter flask and make up to volume with 0.1*M* potassium phosphate buffer (pH 7.8 to 8.0). Use this last dilution in the assay for potency. The potency of streptomycin ointment is satisfactory if it contains not less than 85 percent of the number of micrograms of streptomycin base per gram it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in paragraph (b)(1) of this section, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of micrograms of dihydrostreptomycin base per gram it is represented to contain.

n. In § 544.373b, paragraphs (a)(1), (a)(4)(iii)(*b*), (b)(1)(i) introductory text, (b)(1)(iii), (b)(1)(iii) (*a*) and (*b*), (b)(1)(iv), (b)(1)(iv)(*a*) introductory text, and (b)(2) are revised to read as follows:

§ 544.373b Streptomycin/dihydrostreptomycin-polymyxin-neomycin ointment.

(a) * * *

(1) *Standards of identity, strength, quality and purity.* Streptomycin-polymyxin-neomycin ointment and dihydrostreptomycin-polymyxin-neomycin ointment are streptomycin or dihydrostreptomycin, polymyxin, and neomycin in a suitable and harmless ointment base, with or without one or more suitable sulfonamides, and with or without suitable and harmless dispersing and suspending agents. Their moisture content is not more than 1 percent. Their potency is such that when used as directed in their labeling each dose shall contain not less than 250 milligrams of streptomycin or dihydrostreptomycin, 100,000 units of polymyxin B, and 150 milligrams of neomycin. The streptomycin used conforms to the requirements of § 444.70a(a)(1) of this chapter, except paragraph (a)(1) (ii), (iii), (iv), and (v) of that section. The dihydrostreptomycin used conforms to the requirements of § 444.10a(a) of this chapter, except the standards for sterility, safety, pyrogens, and histamine. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 448.30 of this chapter, except the standard for safety. The neomycin used conforms to the standards prescribed by § 444.42a(a)(1) (i), (v), and (vi) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(4) * * *

(iii) * * *

(*b*) The streptomycin or dihydrostreptomycin used in making the batch: six packages, each containing approximately equal portions of not less than 0.5 gram.

* * * * *

(b) * * *

(1) * * *

(i) *Streptomycin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample in one of the following ways:

* * * * *

(iii) *Polymyxin content.* Proceed as directed in § 436.105 of this chapter, preparing the sample as follows:

(*a*) Place a convenient-sized representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 10-percent potassium phosphate buffer, pH 6.0, containing 2 grams of K_2HPO_4 and 8 grams of KH_2PO_4 in each 100 milliliters, and shake. Remove the buffer layer and repeat the extraction with 25-milliliter portions of buffer at least three times and any additional times that may be necessary to ensure complete extraction of the antibiotic. Combine the extractives and make the proper estimated dilutions in 10-percent potassium phosphate buffer pH 6.0, to give a concentration of 10 units per milliliter (estimated). If the sample contains a water-soluble base, accurately weigh a representative sample and place in a blending jar containing 1 milliliter of polysorbate 80 and sufficient 10-percent potassium phosphate buffer, pH 6.0, to give a final volume of 200 milliliters. Use a high-speed blender and blend the mixture for 2 minutes. Make the proper estimated dilutions, using 10-percent potassium phosphate buffer, pH 6.0.

(*b*) The standard curve is prepared in the following concentrations: 6.4, 8.0, 10.0, 12.5, and 15.6 units per milliliter in 10 percent potassium phosphate buffer, pH 6.0. The 10-units-per-milliliter concentration is used as the reference point. Calculate from the quantity of neomycin that would be present when the sample is diluted to contain 10 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding the calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use the standard curve to calculate the polymyxin content. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(iv) *Neomycin content.* Proceed as directed in § 436.105 of this chapter:

(*a*) Prepare the samples as directed in paragraph (b)(1)(i)(*a*) of this section or by a blending technique as follows: * * *

* * * * *

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

o. In § 544.973b by revising paragraph (b)(2) to read as follows:

§ 544.973b Streptomycin/dihydrostreptomycin solution for inhalation therapy.

* * * * *

(b) * * *

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted drug.

Effective date: This regulation shall become effective May 26, 1976.

(Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b))

Dated: April 19, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-11765 Filed 4-25-77;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Poloxalene Liquid Feed Supplement

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Commissioner of Food and Drugs is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (38-281V) filed by Smith Kline Animal Health Products, Div. of Smith Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, proposing the safe and effective use of a 10 gram per pound poloxalene liquid feed supplement for the control of legume (alfalfa, clover) bloat in cattle grazing on prebloom legumes.

EFFECTIVE DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), § 558.465 is amended by revising paragraph (d) to read as follows:

§ 558.465 Poloxalene liquid feed supplement.

* * * * *

(d) *Conditions of use.* (1) For control of legume (alfalfa, clover) and wheat pasture bloat in cattle, use 7.5 grams of poloxalene per pound of liquid feed supplement (1.65 percent weight/weight). Each animal must consume 0.2 pound of supplement per 100 pounds of body weight daily for adequate protection.

(2) For control of legume (alfalfa, clover) bloat in cattle grazing of prebloom legumes, use 10.00 grams of poloxalene per pound of liquid supplement (2.2 percent weight/weight). Each animal must consume 0.15 pound of supplement per 100 pounds of body weight daily for adequate protection. If consumption exceeds 0.2 pound of supplement per 100 pounds of body weight daily, cattle should be changed to a supplement containing 7.5 grams of poloxalene per pound.

(3) Poloxalene liquid premix must be thoroughly blended and evenly distributed into a liquid feed supplement and offered to cattle in a covered liquid feed supplement feeder with lick wheels. The formula for the liquid feed supplement, on a weight/weight basis, is as follows: Ammonium polyphosphate 2.66 percent, phosphoric acid (75 percent) 3.37 percent, sulfuric acid 1.00 percent, water 10.00 percent, and molasses sufficient to make 100.00 percent, vitamins A and D and/or trace minerals may be added. One free-turning lick wheel per 25 head of cattle must be provided.

(4) The medicated liquid feed supplement must be introduced at least 2 to 5 days befor legume consumption to accustom the cattle to the medicated liquid feed supplement and to lick wheel feedings. If the medicated liquid wheel supplement feeding is interrupted, this 2- to 5-day introductory feeding should be repeated.

Effective date. This regulation shall be effective April 26, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) .)

Dated: April 19, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-11870 Filed 4-25-77;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAW AND ORDER

PART 12—CODE OF OFFENSES FOR NAVAJO-HOPI SETTLEMENT ACT SECRETARIAL RESPONSIBILITIES

SUBCHAPTER N—GRAZING

PART 153—GRAZING REGULATIONS FOR FORMER NAVAJO-HOPI JOINT USE AREA LANDS

Revision of Regulations Affecting Lands Formerly Held in Joint Ownership

APRIL 18, 1977.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This notice revises regulations affecting the lands formerly held in joint, undivided and equal ownership between the Navajo and Hopi Tribes. On February 10, 1977 an order was entered in Federal District Court in Arizona partitioning the Joint Use Area and making

the lands part of the respective tribes' reservations. In that order and in the Settlement Act, which authorized partitioning, the Secretary of Interior was directed to accomplish certain tasks: (1) Livestock reduction; (2) range restoration; and (3) surveying, monumenting and fencing of the partition line. The existing regulations are revised to eliminate those parts which are not related to completion of these tasks.

EFFECTIVE DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William Benjamin, Project Officer, Bureau of Indian Affairs, P.O. Box 1889, Flagstaff, Arizona 86001, 602-774-5261.

SUPPLEMENTARY INFORMATION: On July 2, 1975, regulations establishing a law and order code and controlling grazing on the Joint Use Area were promulgated 25 CFR Pts. 12 and 153, 40 FR 28026-28041. Those regulations were needed because of the undivided, joint and equal ownership between the Navajo and Hopi Tribes of the lands affected by the decision of *Healing* v. *Jones*, 210 F. Supp. 125 (D. Az. 1962), and beginning on October 14, 1972, orders of the District Court in supplemental proceedings to effectuate the decision. As a result, the area declared to be both tribes' was referred to as the "Joint Use Area." On December 22, 1974, the Navajo-Hopi Settlement Act, Pub. L. 93-531, 88 Stat. 1712, 25 U.S.C. 640d—640d-24, was enacted. It provided for the partition of those lands after a period of mediated negotiation between the tribes. Under the Settlement Act and earlier court orders, the Secretary of Interior was to reduce excess livestock on the Joint Use Area and was directed to restore the range. The Settlement Act also charged the Secretary with surveying, monumenting and fencing of the partition line. On February 10, 1977, the District Court in the supplemental proceedings now entitled *Sekaquaptewa, et al.* v. *MacDonald, et al.*, Civ. No. 579 Pct (JAW), accepted the recommended partition line of the mediator, ordered the land partitioned and declared the lands to be part of the respective tribes' reservations. The Joint Use Area was thus formally eliminated. While the order recognized that each tribe was being vested with civil and criminal jurisdiction over its lands, the court also charged the Secretary of the Interior with ensuring that law and order are maintained and that the civil rights of persons not be obstructed during the period that livestock reduction and range restoration are being carried out. On March 11, 1977, the District Court entered an order explicitly declaring that the Secretary of Interior had exclusive authority and jurisdiction over all activities that are in any way connected with livestock reduction, range restoration, and surveying, monumenting, and fencing of the former Joint Use Area lands. Because of the seizure of allegedly trespassing Navajo livestock on February 28, 1977, by the Hopi Tribe acting under a tribal ordinance, the Hopi and Navajo Tribes were enjoined in the order from interfering with or conducting any of the aforementioned activities.

The need for the extensive involvement of the Bureau of Indian Affairs in Joint Use Area matters has now been curtailed by partitioning. However, livestock reduction and range restoration continue. But notwithstanding the partitioning of what may now be referred to as the former Joint Use Area and those lands being made a part of the respective reservations, there is a need for the Secretary to fulfill his responsibilities and to do so independently. Thus, it is proposed to reduce the amount of Bureau of Indian Affairs involvement in former Joint Use Area matters to the minimum extent possible consistent with the obligation to fulfill those responsibilities specifically mandated by the Settlement Act and existing orders of the Court. However, the jurisdiction asserted under the Law and Order Code for the Joint Use Area extended only to Indians. But because of the Settlement Act and court orders vest the Secretary with exclusive subject matter jurisdiction over the aforementioned activities, jurisdiction under the Code of Offenses is enlarged to include all persons.

The assertion of this jurisdiction will last so long as it takes to complete the Settlement Act mandated tasks. As they are fulfilled for each range management unit, complete exclusive jurisdiction will then be vested in the respective tribes. The regulations in 25 CFR Pt. 12 have been revised to eliminate those subparts and those crimes not pertaining to livestock reduction, range restoration and surveying, monumenting and fencing of the partition boundary. Retained are only those powers concluded to be reasonably necessary to accomplish these tasks. Part 153 has been revised to delete the Joint Use Committee composed of representatives of each tribe and to change names so as to recognize the partition of the lands.

In order to effectuate reduction and restoration, the former Joint Use Area has been divided into five management units. Each of these units will be fenced and cross-fenced into range units. It is these activities which must be accomplished so as to have an orderly administration of the Area and to achieve the goals set by the statute. The goals can only be accomplished by the continued presence of Bureau of Indian Affairs personnel who must delicately oversee the removal of the affected persons' livelihood—their livestock.

There is an immediate need for maintaining the Bureau of Indian Affairs' activities without interruption. These matters are directly conferred on the Secretary both by statute and court order. Therefore, the finding is hereby made that this rule-making is exempt from the public procedure requirements of 5 U.S.C. 553(b). Under the above mentioned circumstances, public procedure is impractical. In view of the fact that the changes represent a reduction of existing regulations and constitute revisions made necessary by court order and statute, public procedure thereon is unnecessary. And because of the detrimental exertion of jurisdiction by either tribe in the former Joint Use Area due to uncertainty over their authority, public procedure is contrary to the public interest. Therefore, under 5 U.S.C. 553(b)(3)(B), these revised regulations are published to become effective on April 26, 1977.

(5 U.S.C. 301, 25 U.S.C. 9, 463, and 640d-18.)

Part 12—*Code of Offenses for Navajo-Hopi Settlement Act Secretarial Responsibilities* is revised to read as follows:

Subpart A—Title, Purpose and Definitions

Sec.
12.1 Title.
12.2 Purpose.
12.3 Definition.

Subpart B—Judicial Power

12.4 Judicial power.

Subpart C—The Court of Appeals

12.5 Jurisdiction.
12.6 Composition.
12.7 Sessions.

Subpart D—Trial Court

12.8 Composition.
12.9 Court sessions.
12.10 Qualification of judges.
12.11 Disqualification.
12.12 Removal.

Subpart E—Jurisdiction of Court

12.13 Jurisdiction.

Subpart F—Rules and Court of Powers

12.14 Court rules.
12.15 Powers of the courts.

Subpart G—Court Officials

12.16 Officers of the courts.
12.17 Court clerks.
12.18 Representation before the courts.

Subpart H—General Provisions

12.19 Public records.
12.20 Copies of laws.
12.21 Complaints.
12.22 Arrests.
12.23 Arrest warrants.
12.24 Notification of rights at time of arrest.
12.25 Summons in lieu of warrant.
12.26 Hot pursuit.
12.27 Search warrant defined.
12.28 Issuance of search warrant.
12.29 Execution and return of search warrant.
12.30 Search without a warrant.
12.31 Contraband, confiscated, and abandoned property.
12.32 Arraignment.
12.33 Rights of accused at arraignment.
12.34 Receipt of plea at arraignment.
12.35 Bail—release prior to trial.
12.36 Bail—release by police officer.
12.37 Bail—release pending appeal.
12.38 Withdrawal of guilty plea.
12.39 Issuance of subpoenas.
12.40 Service of subpoena.
12.41 Failure to obey subpoena.
12.42 Witness fees.
12.43 Trial procedure.
12.44 Jury trial.
12.45 Contempt of court.
12.46 Commitments.
12.47 Right of appeal.
12.48 Cooperation by Federal employees.

Subpart I—Sentencing

Sec.
12.49 Nature of sentences.
12.50 Sentence of imprisonment.
12.51 Payment of fines.
12.52 Failure or inability to pay fines.
12.53 Commutation of sentence.
12.54 Suspension of sentence; probation.
12.55 Violation of suspended sentence.
12.56 Disposition of fines.
12.57 Civil remedies not precluded.

Subpart M—Criminal Code of Offenses

12.58 Definitions.
12.59 Aiding and abetting.
12.60 Assault.
12.61 Battery.
12.62 Bribery—giving.
12.63 Bribery—receiving.
12.64 Bribery—soliciting.
12.65 Carrying a concealed weapon.
12.66 Conspiracy.
12.67 Criminal negligence.
12.68 Criminal trespass.
12.69 Cruelty to animals.
12.70 Disobedience to a lawful order of the court.
12.71 Disorderly conduct.
12.72 Escape.
12.73 Extortion.
12.74 Fraud.
12.75 Interfering with an officer.
12.76 Misusing property.
12.77 Perjury.
12.78 Receiving stolen property.
12.79 Refusing to aid an officer.
12.80 Theft.
12.81 Unlawful burning.
12.82 Interference with livestock reduction, range restoration, surveying, monumenting and fencing.

Subpart N—Land; Livestock and Area Regulation Offenses

12.83 Branding livestock of another.
12.84 Failure to control livestock diseases and parasites.
12.85 Grazing, introduction without a permit.
12.86 Livestock roundups.
12.87 Making false reports of stock owned.
12.88 Refusal to brand or mark livestock.
12.89 Refusal to dispose of cull or infected animals.
12.90 Trespass—inter-district.
12.91 Unauthorized use of range.
12.92 Unauthorized fencing.
12.93 Violation of regulations.
12.94 Other actions not precluded.

Subpart R—Other Provisions

12.95 Police.
12.96 Police commissioners.
12.97 Police training.
12.98 Indian policemen.
12.99 Dismissal.
12.100 Return of equipment.

AUTHORITY: 5 U.S.C. 301; 25 U.S.C. 2, 9, and 640d-18.

Subpart A—Title, Purpose and Definitions

§ 12.1 Title.

The provisions contained in Part 12 shall be known as the "Code of Offenses for Navajo-Hopi Settlement Act Secretarial Responsibilities".

§ 12.2 Purpose.

(a) It is the purpose of the regulations in this code to provide the means through adequate law enforcement for the completion of those tasks imposed upon the Secretary of Interior in the Navajo-Hopi Settlement Act, Act of December 22, 1974, Pub. L. 93-531, 88 Stat. 1712, 55 U.S.C. 640d—640d-24.

(b) The regulations in this code shall continue to apply until such time as notice is published in the FEDERAL REGISTER of the completion of the Settlement Act mandated responsibilities within a range management unit located within the former Joint Use Area.

(c) The regulations in this code shall be enforced by the Court of Indian Offenses known as the Court as provided in 25 CFR Part 12.

§ 12.3 Definitions.

In this code, unless the context otherwise requires:

(a) "Adult" shall mean a person who is 18 years of age or older.

(b) "Code" shall mean the Code of Offenses for Navajo-Hopi Settlement Act Secretarial Responsibilities.

(c) "Indian" shall mean any person of Indian descent who is a member of any recognized Indian tribe under federal jurisdiction.

(d) "Non-Indian" shall mean a person who is not an Indian.

(e) "Person" shall mean an individual and, where relevant, a corporation or unincorporated association.

(f) "Property" shall mean both real and personal property.

(g) "Courts" shall mean the Trial Court and Court of Appeals for the former Joint Use Area.

(h) "Project Officer" means the Project Officer of the Bureau of Indian Affairs Administrative Office, Flagstaff, Arizona 86001, to whom has been delegated the authority of the Commissioner to act in those matters respecting the former Joint Use Area pertaining to completion of the tasks imposed upon the Secretary of the Interior under the Navajo-Hopi Settlement Act, 25 U.S.C. 640d, et seq.

(i) "Former Joint Use Area" shall mean that area found in *Healing* v. *Jones*, 210 F. Supp. 125 (D.Az.) 1962 to be held in joint, undivided and equal ownership by the Navajo and Hopi Tribes and partitioned on February 10, 1977, by the District Court in the supplemental proceeding entitled *Sekaquaptewa* v. *MacDonald* No. 579 Act (JAW), as authorized under the Settlement Act.

Subpart B—Judicial Power

§ 12.3 Judicial power.

The judicial powers within the former Joint Use Area shall be vested in a Court of Appeals and a Trial Court.

Subpart C—The Court of Appeals

§ 12.5 Jurisdiction.

The Court of Appeals shall have jurisdiction to hear appeals from final orders and final judgments of the Trial Court as provided in the Appeal provisions contained herein.

§ 12.6 Composition.

The Court of Appeals shall consist of a single Judge, other than the presiding Judge of the Court which rendered the order or judgment from which appeal is taken. When the Chief Judge is the Judge of the rendering Court, an Associate Judge shall sit as the Appeal Court Judge, with at least two other Judges to hear the appeal.

§ 12.7 Sessions.

The Court of Appeals shall meet within twenty working days after notice of an appeal or application for other relief has been filed with the Clerk of the Court, or as soon thereafter as possible.

Subpart D—Joint Use Trial Court

§ 12.8 Composition.

The Trial Courts shall consist of a Judge appointed by the Commissioner of Indian Affairs or his duly appointed representative. There shall be a Chief Judge whose duties shall be full time; and there may be one or more Associate Judges who may be called to serve when the occasion arises. The Associate Judges may be hired on contract and compensated on a per diem basis.

§ 12.9 Court sessions.

(a) Regular sessions of the Trial Courts may be held on a regular workday at times and places designated by the Chief Judge.

(b) Special sessions of the Trial Courts may be held as necessary upon call of the Chief Judge: Provided, That such sessions are held at reasonable times and places.

§ 12.10 Qualifications of judges.

Any person over the age of 21 years shall be eligible to serve as a Judge of the Court if he has never been convicted of a felony or, within the preceding year, been convicted of a misdemeanor other than a minor traffic violation. Such person shall complete a course of training in judicial procedures.

§ 12.11 Disqualification.

No Judge shall hear or determine any case wherein he has any direct interest or wherein any relative, by marriage or blood in the first or second degree, is a party. Any party to a proceeding may raise the issue of the qualification of the Judge to hear the case.

§ 12.12 Removal.

(a) Any Judge of the Court may be suspended, dismissed, or removed by the Commissioner of Indian Affairs or his representative for any of the following reasons:

(1) Conviction of felony in any court;

(2) Conviction of any offensive involving moral turpitude in any court;

(3) Conviction of the offense of disorderly conduct;

(4) Being under the influence of alcoholic beverages while presiding over the Court;

(5) Any other conduct unbecoming to a Judge of the Court.

(b) A judge shall be given full and fair opportunity to reply to any and all charges for which he may be removed from his judicial office.

Subpart E—Jurisdiction of Court

§ 12.13 Jurisdiction.

(a) The Trial Court of the Courts of the former Joint Use Area shall have jurisdiction over all offenses enumerated in the code when committed by any person within the former Joint Use Area.

(1) All persons employed by the Bureau of Indian Affairs shall be subject to jurisdiction of the Courts.

(b) The jurisdiction of the Courts shall be exclusive of any other court over those matters pertaining to livestock reduction, range restoration, surveying, monumenting and fencing within the former Joint Use Area with respect to any offense enumerated herein over which a Federal Court may assert jurisdiction, the jurisdiction of the Courts shall be concurrent and not exclusive.

Subpart F—Rules and Court Powers

§ 12.14 Court rules.

The Chief Judge of the Trial Court shall promulgate rules to govern the proceedings in the Trial Courts, subject to the approval of the Project Officer of the former Joint Use Area, *Provided*, That such rules shall not abridge, enlarge, or modify any substantive rights and shall preserve the right of trial by jury as provided in Subpart H, section 12.44 of this Chapter.

§ 12.15 Powers of the courts.

The Court of Appeals and the Trial Courts shall have, but not be limited to, the following powers:

(a) To punish for contempt any of its officers or other persons present at judicial proceedings;

(b) To compel witnesses to attend and testify and to produce documents or other tangible objects to be used as evidence: *Provided*, That a defendant in a criminal trial may not be compelled to be a witness against himself.

Subpart G—Court Officials

§ 12.16 Officers of the courts.

Officers of the Courts shall include:

(a) Court Clerks and court interpreters;

(b) Police Officers, Probation Officers, and other persons when carrying out orders of the Courts;

(c) Professional and lay counsel representing parties before the Courts;

(d) Bailiffs; and

(e) Prosecutor.

§ 12.17 Court clerks.

(a) A person shall be employed to serve the Courts and shall be known as the Clerk of the Court. Additional clerks may be employed as necessary.

(b) The Clerk of the Court is charged with the duty of assisting the lawful functioning of the courts. Such duties shall include, but not be limited to, the following:

(1) Drafting complaints, subpoenas, warrants, writs, or other orders of the Court;

(2) Maintaining records of court proceedings;

(3) Administering oaths;

(4) Collecting and accounting for fines and other property taken into the custody of the Courts;

(5) Accepting bonds; and

(6) Filing notices of appeal and petitions.

§ 12.18 Representation before the courts.

A person before the Courts may represent himself or have another person or a professional attorney serve as his counsel.

Subpart H—General Provisions

§ 12.19 Public records.

Except as otherwise provided in this Code, the Courts shall keep open for inspection a record of all proceedings of each Court. Such record shall reflect the title of the case, the names and addresses of parties and witnesses, the substance of the complaint, the date of the hearing or trial, by whom conducted, the findings of the Court or jury, and the judgment or order entered, together with any other facts or circumstances deemed of importance to the case.

§ 12.20 Copies of laws.

The Courts shall be provided with, or have access to, all tribal, Federal and state laws and regulations of the Bureau of Indian Affairs applicable to the conduct of persons within the boundaries of the former Joint Use Area.

§ 12.21 Complaints.

(a) All prosecutions for violation of the Code of Offenses shall be initiated by complaint. A Complaint is a written statement sworn to by the complaining witness and charging that a named individual(s) has committed a particular criminal offense.

(b) Complaints shall contain:

(1) The signature of the complaining witness sworn to before a judge or an individual designated by the Chief Judge; and

(2) A written statement by the complaining witness describing in ordinary language the nature of the offense committed including the time and place as nearly as may be ascertained; and

(3) The name or description of the person alleged to have committed the offense; and

(4) The section of the Code of Offenses allegedly violated.

(c) The Chief Judge of the Court may designate an individual who shall be available to assist persons in drawing up complaints and who shall screen them for sufficiency. Complaints shall then be submitted without unnecessary delay to a judge to determine whether a warrant or summons should be issued.

(d) If the complaint, or the complaint together with other sworn statements, is sufficient to establish probable cause to believe that a crime has been committed by the person charged, the court shall issue a warrant pursuant to 12.23 of this Code instructing the police to arrest the named accused or, in lieu thereof, the court shall issue a summons commanding the accused to appear before the court at a specified time and place to answer to the charge.

(e) When an accused has been arrested without a warrant, a complaint shall be filed forthwith with the court for review as to whether probable cause exists to hold the accused, and in no instance shall a complaint be filed later than at the time of arraignment.

§ 12.22 Arrests.

(a) Arrest is the taking of a person into police custody in order that he may be held to answer for a criminal offense.

(b) No police officer shall arrest any person for a criminal offense set out in the Code except when:

(1) The officer shall have a warrant signed by a Judge of the Courts commanding the arrest of such person, or the officer knows for a certainty that such a warrant has been issued; or

(2) The offense shall occur in the presence of the arresting officer; or

(3) The officer shall have probable cause to believe that an offense has been committed and that the person to be arrested has committed the offense.

§ 12.23 Arrest warrants.

(a) Every judge of the Courts shall have authority to issue warrants to arrest and such warrants shall be issued only upon a showing of probable cause in sworn written statements. The trial judge shall deny the issuance of a warrant, if he finds that there is not probable cause to believe that the offense charged has been committed by the named accused.

(b) The arrest warrant shall contain the following information:

(1) Name or description and address, if known, of the person to be arrested.

(2) Date of issuance of the warrant.

(3) Description of the offense charged.

(4) Signature of the issuing judge.

§ 12.24 Notification of rights at time of arrest.

Upon arrest the suspect shall be advised of the following rights:

(a) That he has the right to remain silent.

(b) That any statements made by him may be used against him in court.

(c) That he has the right to obtain counsel at his own expense.

(d) That if he wishes to answer questions of the police, he may have his counsel present with him.

§ 12.25 Summons in lieu of warrant.

(a) When otherwise authorized to arrest a suspect a police officer or a judge may, in lieu of a warrant, issue a summons commanding the accused to appear before the Court at a stated time and place and answer to the charge.

(b) The summons shall contain the same information as a warrant, except that it may be signed by a police officer.

(c) If a defendant fails to appear in response to a summons, a warrant for his arrest shall be issued.

§ 12.26 Hot pursuit.

A police officer may arrest a person beyond the territorial boundaries of the former Joint Use Area when such officer has probable cause to believe that the person has committed an offense and is attempting to escape arrest.

§ 12.27 Search warrant—defined.

A search warrant is a written order, signed by a Court judge, and directed to a police officer ordering him to conduct a search and seize items or property specified in the warrant. A warrant shall describe the property or place to be searched and shall describe the items or person to be seized.

§ 12.28 Issuance of search warrant.

(a) Every Court judge shall have the power to issue warrants for the search and seizure of property and premises of any person under the jurisdiction of the court.

(b) No warrant of search and seizure shall be issued except upon probable cause that a search will discover: stolen, embezzled or contraband or otherwise criminally possessed property; property which has been or is being used to commit a criminal offense; or property which constitutes evidence of the commission of a criminal offense. Such probable cause shall be supported by a duly signed, written and sworn statement based upon reliable information.

§ 12.29 Execution and return of search warrant.

Warrants of search and seizure shall only be executed by police officers. The executing officer shall return the warrant to the Court within the time limit shown on the face of the warrant, which in no case shall be longer than 10 days from the date of issuance. Warrants not returned within such time limit shall be void.

§ 12.30 Search without a warrant.

No police officer shall conduct any search without a valid warrant except:

(a) Incident to making a lawful arrest; or

(b) With consent of the person being searched; or

(c) When he has probable cause to believe that the person searched may be armed and dangerous; or

(d) When the search is of a moving vehicle and the officer has probable cause to believe that it contains contraband, stolen, or embezzled property.

§ 12.31 Contraband, confiscated, and abandoned property.

(a) The disposition of all property, confiscated as contraband, seized as evidence, or otherwise taken into the custody of the Court, shall be determined at a hearing before a Trial Court.

(b) The Trial Court shall, upon satisfactory proof of ownership, order such property to be delivered to the rightful owner, unless such property is required as evidence, it shall not be returned until final judgment in the case is entered. In no case shall property be returned where possession of such property is unlawful; such property may be declared property of the United States. However, property delivered to the custody of the Court by a private person shall become the property of such person if it is not claimed within 30 days after the hearing.

(c) Any property declared to be the property of the United States may be dealt with as authorized by Federal law.

(d) The Clerk of the Court shall keep written records of all transfers and dispositions of property taken into the custody of the Court.

(e) Contraband shall mean:

(1) Any property, under this Code, which is illegal to possess.

§ 12.32 Arraignment.

(a) Arraignment is the bringing of an accused before the court, informing him of his rights and of the charge against him, receiving his plea, and setting bail as appropriate in accordance with § 12.35.

(b) Arraignment shall be held in open court without unnecessary delay after the accused is taken into custody and in no instance shall arraignment be later than the next regularly scheduled session of court.

§ 12.33 Rights of accused at arraignment.

Before an accused is required to plead to any criminal charge the judge shall:

(a) Read the complaint to the accused and determine that he understands the complaint and the section of the Code which he is charged with violating, including the maximum authorized penalty; and

(b) Advise the accused that he has the right to remain silent; to be tried by a jury; and to be represented by counsel at his own expense and that the arraignment will be postponed should he desire to consult with counsel.

§ 12.34 Receipt of plea at arraignment.

(a) If the accused pleads "not guilty" to the charge, the judge shall then inform him of a trial date and set conditions for bail prior to trial.

(b) If the accused pleads "guilty" to the charge the judge shall determine that the plea is made voluntarily and that the accused understands the consequences of the plea, including the rights which he is waiving by the plea. The judge may then impose sentence or defer sentencing for a reasonable time in order to obtain any information he deems necessary for the imposition of a just sentence. The accused shall be afforded an opportunity to inform the court of facts in mitigation of the sentence.

(c) If the accused refuses to plead, the judge shall enter a plea of not guilty on his behalf.

§ 12.35 Bail—Release prior to trial.

Every person charged with a criminal offense before the Court shall be entitled to release from custody pending trial under whichever one or more of the following conditions is deemed necessary to reasonably assure the appearance of the person at any time lawfully required:

(a) Release on personal recognizance upon execution by the accused of a written promise to appear at trial and all other lawfully required times.

(b) Release to the custody of a designated person or organization agreeing to assure the accused's appearance.

(c) Release with reasonable restrictions on the travel, association, or place of residence of the accused during the period of release.

(d) Release after deposit by the accused or a bail bondsman's bond in either cash or other sufficient collateral in an amount specified by the judge or a bail schedule. The judge, in his discretion, may require that the accused post only a portion of the total bond, the full sum to come due if the accused fails to appear as ordered.

(e) Release after execution of bail agreement by two responsible members of the community.

(f) Release upon any other condition deemed reasonably necessary to assure the appearance of the accused as required.

§ 12.36 Bail—Release by police officer.

Any Police Officer authorized to do so by the court may admit an arrested person to bail pursuant to the bail schedule or release upon personal recognizance. Police Officers shall have available a bail schedule prepared by the court which shall be used for setting money bond where such condition of release is deemed necessary. Any Police Officer who refuses to release an accused on bail or who specifies a bail condition which the accused is unable to satisfy shall bring such accused before a judge for review of the release conditions at the first available opportunity and without unnecessary delay.

§ 12.37 Bail—Release pending appeal.

Every person who has been convicted of an offense and who has filed an appeal or a petition for a writ of habeas corpus shall be treated in accordance with the provision of § 12.36 of this chapter unless the judge has substantial reason to believe that no conditions of release will reasonably assure the appearance of the accused or that release of the accused is likely to pose a danger to the community, to the accused, or to any other person. If the judge finds such to be the case he may order detention of the accused.

§ 12.38 Withdrawal of guilty plea.

The court may, in its discretion, allow a defendant to withdraw a plea of guilty whenever it appears that the interest of justice and fairness would be served by doing so.

§ 12.39 Issuance of subpoenas.

(a) Upon request of any party to a case or upon the court's own initiative, the court shall issue subpoenas to compel the testimony of witnesses, or the production of books, records, documents or any other physical evidence which is relevant and necessary to the determination and not an undue burden on the person possessing the evidence of the case. The clerk of the court may act on behalf of the court and issue subpoenas which havce been signed by a judge and which are to be served within the confines of the former Joint Use Area.

(b) A subpoena shall bear the signature of the Chief Judge or an Associate

Judge of the Court and it shall state the name of the court, the name of the person or description of the physical evidence to be subpoenaed, the title of the proceeding, and the time and place where the witness is to appear or the evidence is to be produced.

§ 12.40 Service of subpoena.

(a) A subpoena may be served at any place within or without the confines of the former Joint Use Area but any subpoena to be served outside the former Joint Use Area shall be issued personally by a judge of the Court.

(b) A subpoena may be served by any Police Officer or other person appointed by the court for such purpose. Service of a subpoena shall be made by delivering a copy of it to the person named or by leaving a copy at his place of residence with any competent person 16 years of age or older who also resides there.

(c) Proof of service of the subpoena shall be filed with the clerk of the court by noting on the back of a copy of the subpoena the date, time, and place that it was served and noting the name of the person to whom it was delivered. Proof of service shall be signed by the person who actually served the subpoena.

§ 12.41 Failure to obey subpoena.

In the absence of a justification satisfactory to the court, a person who fails to obey a subpoena may be deemed to be in contempt of court and a bench warrant may be issued for his arrest.

§ 12.42 Witness fees.

(a) Each witness answering a subpoena shall be entitled to a fee as set by rules of the Courts and approved by the Project Officer for each day his services are required in court. In addition, the court may order the payment of reasonable travel and living expenses of the witness.

(b) The fees and expenses provided for in this section shall be paid to the witness upon completion of the trial, but such expenses may be taxed as costs against the defendant if he is found guilty, provided, however, that no defendant shall be incarcerated solely because of his inability to pay such costs immediately.

(c) If the court finds that a complaint was not filed in good faith but with frivolous or malicious intent, it may order the complainant to reimburse the Court for the expenditures incurred under this section, and such order shall constitute a judgment upon which execution may be levied.

§ 12.43 Trial procedure.

(a) The time and place of court sessions, and all other details of judicial procedure shall be set out in rules of court adopted pursuant to § 12.14 of this Code.

(b) The court shall not be bound by common law rules of evidence, or the rules of evidence which pertain in state or federal courts.

§ 12.44 Jury trial.

(a) A jury trial shall be held if: (1) Requested by either party in a civil case; or (2) Requested by the defendant in a criminal case where imprisonment is a possible penalty for the offense charged.

(b) A list of eligible jurors shall be prepared and maintained by the Project Officer or his representative. Any person over the age of 21 years, not subject to judicial restraint by any court, and who resides within the former Joint Use Area may be listed as an eligible juror. Jurors shall be compensated at a rate recommended by the Judge and approved by the Project Officer.

(c) A jury shall consist of seven persons chosen at random by the presiding Judge from the persons listed as eligible to serve as jurors.

(d) Each party shall have the right to challenge an unlimited number of jurors for cause on the basis of lack of qualifications, partiality, or other acceptable reason. Whether or not cause exists shall be determined by the Judge in all instances. In addition, each party shall have the right to a maximum of three peremptory challenges for jurors, for which no reasons need be given and which the judge may not refuse to grant.

(e) A judge shall instruct the jury with regard to the applicable law and the jury shall decide all questions of fact on the basis of that law.

(f) The jury shall deliberate in secret and return a verdict of guilty or not guilty. The judge shall render judgment in accordance with the jury verdict.

(g) A jury may render a verdict by a vote of 6 to 1 in criminal cases.

§ 12.45 Contempt of Court.

(a) The Judges of the Courts may rule a person in contempt of court if he willfully and unjustifiably, disrupts, obstructs, or otherwise interferes with the due and orderly course of proceedings in the courtroom, after being advised by the Court to cease.

(b) All rulings of, and sentences for, contempt shall be announced immediately after the acts of contempt occur.

(c) A person found in contempt of court may be sentenced to imprisonment for a period not to exceed 30 days or to pay a fine not to exceed $150, or both.

§ 12.46 Commitments.

(a) No person shall be detained, jailed, or imprisoned for more than 36 hours pursuant to an arrest unless there be issued an express or conditional commitment order signed by a duly qualified Judge of a Trial Court. Any person arrested on a Friday, Saturday, or a day before a legal holiday who does not provide bail may be held in custody pending arraignment until noon of the next regular business day of the Trial Court.

(b) There shall be issued for each person held for trial a temporary commitment order and, for each person held after sentencing, a final commitment order.

§ 12.47 Right of appeal.

(a) Any party to a case, other than the prosecution in a case, who is aggrieved by a final order or final judgment of a Trial Court, shall have the right to appeal to the Court of Appeals.

(b) The appealing party shall file with the Clerk of the Court a notice of appeal along with a filing fee of $5 within ten (10) days after the entry of the final order or final judgment from which appeal is taken. The filing fee may be waived in the appeal of a conviction if the defendant files an affidavit swearing that he is without funds to pay the filing fee. If the Court of Appeals finds that the appellant is without funds to pay the filing fee, it shall order that the fee be permanently waived.

(c) If the Court of Appeals finds that any or a combination of the following has occurred, it shall order the judgment or order reversed or may remand the case for retrial: (1) Irregularities in the proceedings or conduct by the jury, adverse party, or his counsel prejudicial to the appellant; (2) Any ruling, order, or abuse of discretion which may have prevented a fair trial; (3) Newly discovered evidence which could not, with reasonable diligence, have been produced at trial; (4) Insufficient evidence to support the verdict; (5) Any error of law occurring at the trial prejudicial to the appellant; or (6) Any other reason which would warrant reversal by a court when reviewing a similar appeal.

(d) If the Court of Appeals finds that reversal under paragraph (c) of this section is unwarranted, it shall affirm the judgment or order appeal from; no further appeal under this Code shall thereafter be permitted.

§ 12.48 Cooperation by Federal employees.

(a) No field employee of the Bureau of Indian Affairs shall obstruct, interfere with, or control the function of the Courts or influence such functions in any manner except as permitted by the regulations or in response to a request for advice or information from the Court.

(b) Employees of the Bureau of Indian Affairs, particularly those engaged in social, health, or education services, shall assist the courts upon their request in the preparation and presentation of the facts in the case and in the proper treatment of individual offenders.

Subpart I—Sentencing

§ 12.49 Nature of sentences.

Except as otherwise provided hereunder, a person found guilty of violating a provision of the Code may be sentenced to the penalty provided in such offense. Sentences shall be imposed without unreasonable delay and shall not exceed the maximum penalties provided by law. The penalties provided for the offense are maximum penalties and should be imposed only in extreme cases.

§ 12.50 Sentences of imprisonment.

(a) A person sentenced to imprisonment may work for the benefit of the Hopi or Navajo Tribes or for the benefit of the former Joint Use Area. Any work performed shall reduce the sentence at the rate of two days of incarceration for each day of work performed. "Day of work" shall mean at least four hours of work performed in any 24-hour period. Any work performed shall be under the supervision of any person authorized by the Court.

(b) Any sentence of imprisonment shall be reduced by any time spent in jail before judgment was entered.

§ 12.51 Payment of fines.

(a) Any person sentenced to pay a fine shall pay such fine in cash or money order to the Clerk of the Court who shall issue a receipt therefor.

(b) If the full amount of the fine cannot immediately be paid, the Court may provide for the payment of such fine in installments.

§ 12.52 Failure or inability to pay fines.

(a) A sentence of imprisonment shall not be imposed upon any indigent person in the form of an alternative to a fine, i.e. "dollars or days."

(b) Any person sentenced to pay a fine shall not be imprisoned to work off such fine if, by reason of indigency, he is unable to pay the fine imposed.

(c) Any person who is presently able to pay a fine or an installment of a fine and who willfully refuses to do so may be ordered imprisoned for, or allowed to work off, the unpaid amount of the fine at the rate of $5.00 per day for each day in jail or $10.00 for a day of work performed.

§ 12.53 Commutation of sentence.

The Judge of the sentencing Court may, at any time that one-half or more of an original sentence of imprisonment has been served, commute such sentence to a lesser period upon proof that the person sentenced served without misconduct.

§ 12.54 Suspension of sentence; probation.

(a) The Judge of the sentencing Court may suspend any sentence upon condition that the defendant comply with such reasonable terms and conditions as the Court deems necessary.

(b) When considering suspending any sentence, the Court shall consider the prior record of the defendant, his background, character, financial condition, family and work obligations, the circumstances of the offense, and attempts at restitution.

§ 12.55 Violation of suspended sentence.

(a) Any person accused of violating the terms or conditions of his suspended sentence shall be afforded a hearing before the sentencing Court to determine the truth of the accusations.

(b) Where, by a preponderance of testimony, a person is found to have violated the terms or conditions of his suspended sentence, such person may be ordered to serve his original sentence or any portion thereof.

§ 12.56 Disposition of fines.

(a) All money fines imposed for the commission of an offense shall be in the nature of an assessment of the payment of designated Court expenses. Such expenses may include the payment of fees to jurors and witnesses answering a subpoena. All fines assessed and collected shall be paid over to the Project Officer or his disbursing agent to be deposited in a special account labeled "Special Deposit, Court Funds" to the disbursing agent's credit in the Treasury of the United States. The disbursing agent shall withdraw such funds in accordance with existing federal regulations upon the order of the Clerk of the Court signed by a Judge of the Court for payment of special fees to the jurors and witnesses. The disbursing agent and the Clerk of the Court shall keep an accounting of all such deposits and withdrawals for the inspection of any interested person.

(b) Whenever such funds shall exceed the amount necessary for the payment of court expenses hereinbefore mentioned, the Project Officer shall designate further expenses of the Court which shall be paid by these funds.

§ 12.57 Civil remedies not precluded.

The imposition or suspension of any penalty, on condition of restitution to one whose person or property has been injured, for the commission of any offense under this Code shall not preclude an application for any civil remedy for such injuries.

Subpart M—Code of Offenses

§ 12.58 Definitions.

In this subpart, unless the context otherwise requires:

(a) "Adult" shall mean a person who is 18 years of age or older.

(b) "Bodily injury" shall mean impairment of physical condition or substantial pain.

(c) "Deadly weapon" shall mean any instrument used in such a manner as to render it capable of causing death or serious bodily injury.

(d) "Serious bodily injury" shall mean physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

(e) "Person" shall mean a person as defined in § 12.3(e).

(f) "Range management personnel" shall mean the Project Officer or his representatives.

§ 12.59 Aiding and abetting.

(a) When an act is declared an offense under this Code, and no punishment for counseling or aiding in the commission of the act is expressly prescribed by law, a person who counsels or aids another in the commission of the act is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed the maximum penalty for the offense for which he aided and abetted.

§ 12.60 Assault.

(a) A person who unlawfully attempts or threatens to cause bodily injury to another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed fifty ($50) dollars, or both.

§ 12.61 Battery.

(a) A person who:

(1) Willfully and unlawfully uses force or violence upon the person of another; or

(2) By threatening force or violence, causes another to harm himself; or

(3) Recklessly causes physical injury to another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.62 Bribery—giving.

(a) A person who gives or offers to give to another person money, property or other thing of value with intent to influence a public servant in the discharge of his public duties is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.63 Bribery—receiving.

(a) A public servant who asks, receives, or offers to receive from another, money, property, or other thing of value, with intent or upon a promise to be influenced in the discharge of his public duties, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.64 Bribery—soliciting.

(a) A person who obtains or seeks to obtain money, property, or other thing of value, upon a claim or representation that he can or will improperly influence the action of a public servant in the discharge of his public duties is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.65 Carrying a concealed weapon.

(a) A person who has concealed on or about his person a dangerous weapon is guilty of an offense.

(b) A dangerous weapon as used in paragraph (a) of this section shall include any:

(1) Airgun, blowgun, explosive device, pistol, or other firearm;

(2) Bayonet, dagger, switchblade, bowie knife, or other kind of knife;

(3) Sling shot, club, blackjack, or chain;

(4) Sword, sword cane, or spear;

(5) Metal knuckles; or

(6) Any other instrument capable of lethal use, possessed under circumstances not appropriate for lawful use.

(c) A folded pocket knife with a blade 3" or less is not considered a dangerous weapon, except a switchblade.

(d) Paragraph (a) shall not apply to any person authorized by the tribal, state, federal governments, or subdivisions thereof to carry such weapons.

(e) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

(f) Any weapons concealed in violation of this section shall be subject to seizure and forfeiture as provided in § 12.31 of Subpart H.

§ 12.66 Conspiracy.

(a) A person is guilty of conspiracy if, with the intent to commit or to have another person commit any action constituting an offense under this Code, he conspires with one or more persons to engage in or cause the commission of such action.

(b) No agreement amounts to a conspiracy unless some act besides such agreement is done to effectuate the object thereof by one or more of the parties to the agreement.

(c) Upon a trial for conspiracy, the defendant shall not be convicted unless one or more overt acts are expressly alleged in the complaint, nor unless one of the acts alleged is proved, but other overt acts not alleged may be given in evidence.

(d) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed 180 days (6 months) or to pay a fine not to exceed $500, or both.

§ 12.67 Criminal negligence.

(a) A person who:

(1) Recklessly endangers the safety of another; or

(2) Acts with careless disregard for the safety of another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.68 Criminal trespass.

(a) A person who:

(1) Enters or remains upon any public property for an unlawful purpose; or

(2) Without good cause enters, remains upon, or traverses private lands or other property not his own, where notice against trespassing has been reasonably communicated by the owner or occupant is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.69 Cruelty to animals.

(a) A person who wantonly or maliciously inflicts pain, suffering, or death upon any animal is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) dollars, or both.

§ 12.70 Disobedience to a lawful order of the Court.

(a) A person who willfully disobeys any order, subpoena, warrant, or command duly issued by a Joint Use Court or any Officer thereof is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed Fifty ($50) dollars, or both.

§ 12.71 Disorderly conduct.

(a) A person who:

(1) Engages in fighting or provokes a fight;

(2) Disrupts any lawful public or religious meeting;

(3) Causes unreasonable noise; or

(4) Uses language or gestures knowing them to be obscene or likely to provoke a fight is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.72 Escape.

(a) A person who willfully escapes, attempts to escape, or assists in an escape, from lawful custody, is guilty of an offense.

(b) "Lawful custody" shall mean confinement by court order or actual or constructive restraint by a police officer pursuant to an arrest.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) dollars, or both.

§ 12.73 Extortion.

(a) A person who compels or induces another person to deliver property to himself or to a third person by threatening that if the property is not delivered, the actor or another will:

(1) Cause physical injury to some person; or

(2) Cause damage to property; or

(3) Accuse some person of a crime or cause criminal charges to be instituted against some person; or

(4) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule; or

(5) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(6) Use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty in such manner as to affect some person adversely is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.74 Fraud.

(a) A person who obtains property:

(1) By willful misrepresentation of fact; or

(2) By falsely interpreting; or

(3) By failure to reveal facts which he knows should be revealed, with intent to defraud another of such property is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed one hundred and eighty ($180) dollars, or both.

§ 12.75 Interfering with an officer.

(a) A person who willfully prevents or attempts to prevent a police officer from effecting an arrest or from otherwise discharging his official duty by:

(1) Creating a substantial risk of bodily harm to the officer or any other person; or

(2) Employing means of resistance which justify or require substantial force to overcome is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.76 Misusing property.

(a) A person who, without proper authority, knowingly uses or damages any property not his own is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed Twenty ($20) dollars, or both.

§ 12.77 Perjury.

(a) A person who knowingly makes a false statement while under oath, or who induces another to do so or who signs an affidavit knowing the same to be false, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) dollars, or both.

§ 12.78 Receiving stolen property.

(a) A person who buys, receives, conceals, or aids in concealing any property which he knows or should know has been obtained by theft, extortion, fraud or other means constituting an offense under the provisions of this Law and Order Code is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) dollars, or both.

§ 12.79 Refusing to aid an officer.

(a) A person who willfully refuses to assist a police officer:

(1) In the lawful arrest of any person;

(2) In conveying a lawfully arrested person to the nearest place of confinement, when such assistance is reasonably requested, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed Fifty ($50) dollars, or both.

§ 12.80 Theft.

(a) A person, who unlawfully takes or exercises control over property whether or not possession was originally obtained with consent of the owner, with the intent of permanently depriving the owner of the value or use of the property for the benefit of himself or another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.81 Unlawful burning.

(a) A person who:

(1) Willfully and unlawfully causes or attempts to cause damage to any Federal Government property by fire or explosion; or

(2) Negligently causes damage to any property by fire or explosion; or

(3) Sets fire to any forest, brush, or grasslands, or sets a campfire, with careless disregard for the spread or escape of such fire, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days or to pay a fine not to exceed One Hundred and Twenty ($120) dollars, or both.

§ 12.82 Interfering with livestock reduction, range restoration or surveying, monumenting and fencing.

(a) Any person who: (1) Willfully impedes Bureau of Indian Affairs personnel or its agents in the execution of their duties involving the gathering of and movement from the former Joint Use Area range of trespassing livestock; or (2) Willfully and substantially interferes with the Bureau or its agents in the execution of their duties involving restoration of the range of the former Joint Use Area; or (3) Willfully and substantially interferes with Interior Department personel or its agents in surveying, monumenting or fencing the boundary partitioned to the Navajo and Hopi Tribes under the Settlement Act or any management or range units within the former Joint Use Area, shall be guilty of a crime.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days or to pay a fine not to exceed One Hundred and Twenty ($120) dollars, or both.

Subpart N—Land; Livestock and Area Regulation Offenses

§ 12.83 Branding livestock of another.

(a) A person who: (1) Willfully brands or marks an animal with a brand or mark other than the recorded brand of the owner of the animal; or (2) Willfully alters or obliterates any brand or mark on any animal not his own with intent to convert the animal to his or some third person's use without the consent of the owner is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) dollars, or both.

§ 12.84 Failure to control livestock diseases and parasites.

(a) A person who willfully refuses to dip or treat any livestock under his ownership or control in accordance with orders or directions initiated by authorized range management personnel of the former Joint Use Area is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.85 Grazing, introduction without a permit.

(a) A person who: (1) Knowingly permits livestock under his ownership or control to graze upon lands within the former Joint Use Area; or (2) Willfully introduces or causes the introduction of any livestock into unallotted or unallocated lands within the former Joint Use Area without a valid permit issued by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.86 Livestock roundups.

(a) A person who willfully hinders, harasses, obstructs, or otherwise interferes with persons conducting roundups authorized by the Project Officer is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.87 Making false reports of stock owned.

(a) A person who: (1) Knowingly makes a false report as to the total number of stock under his ownership or control; or (2) Willfully refuses to report the number of stock under his ownership or control, when required or requested by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.88 Refusal to brand or mark livestock.

(a) A person, who willfully refuses to brand or mark any livestock under his ownership or control when required or requested by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.89 Refusal to dispose of cull or infected animals.

(a) A person who willfully refuses to dispose of or remove any cull or infected animals designated for disposal or removal by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.90 Trespass—inter-district.

(a) A person who knowingly permits any livestock under his ownership or control to occupy or graze upon land reserved by range management personnel for demonstration, administration or agricultural purposes, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.91 Unauthorized use of range.

(a) A person who willfully: (1) Grazes livestock under his ownership or control in the former Joint Use Area in excess of the number allowed under his grazing permit; or (2) Refuses to graze livestock under his ownership or control in accordance with plans made public by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.92 Unauthorized fencing.

(a) A person who fences any land knowing such fencing is not authorized by range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.93 Violation of regulations.

(a) A person who willfully: (1) Violates any provision of 25 CFR Part 153; or (2) Violates or refuses to comply with lawful orders and directions issued by the Secretary of the Interior or his representatives for the purpose of regulating the use or occupancy of the former Joint Use Area is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) dollars, or both.

§ 12.94 Other actions not precluded.

The arrest, conviction, or sentencing of any person for violating any provision contained in this part shall not preclude impoundment, seizure, or other authorized action taken by range management personnel for the enforcement of regulations for, or management of, the former Joint Use Area.

Subpart R—Other Provisions

§ 12.95 Indian Police.

The Project Officer shall be recognized as commander of the Indian police of the former Joint Use Area and shall be held responsible for the general efficiency and conduct of the members thereof. It shall be the duty of the Project Officer or his duly authorized representative to keep himself informed as to the efficiency of the Indian police in the discharge of their duties, to subject them to regular inspection, to inform them of their duties, and keep a strict accounting of the equipment issued them in connection with their official duties. It shall be the duty of the Project Officer to detail such Indian Policemen as may be necessary to carry out the orders of the Court and to preserve order during court sessions. The Project Officer shall investigate all reports and charges of misconduct on the part of Indian Policemen and shall exercise such proper disciplinary measures as may be consistent with existing regulations.

§ 12.96 Police commissioners.

The Project Officer may, with the approval of the Commissioner of Indian Affairs, designate as police commissioner any qualified person. Such Police Commissioner shall obey the orders of the Project Officer and see that the orders of the Court are properly carried out. The police commissioner shall be responsible to the Project Officer for the conduct and efficiency of the Indian Police under his direction and shall give such instruction and advice to them as may be necessary. The police commissioner shall also report to the Project Officer all violations of law or regulation and any misconduct of any member of the Indian Police.

§ 12.97 Police training.

It shall be the duty of the Project Officer to maintain from time to time as circumstances require and permit classes of instruction for the Indian Policemen. Such classes shall familiarize the Policemen with the manner of making searches and arrests, the proper and human handling of prisoners, the keeping of records of offenses and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with Indian communities in establishing better social relations.

§ 12.98 Indian policemen.

(a) The Project Officer may, with the approval of the Commissioner of Indian Affairs, employ and appoint Indians as Indian Police whose qualifications shall be as follows: (1) A candidate must be in sound physical condition and of sufficient size and strength to perform the duties required. (2) He must be possessed of courage, self-reliance, intelligence, and a high sense of loyalty and duty. (3) He must never have been convicted of a felony, nor have been convicted of any misdemeanor for a period of one year prior to appointment.

(b) The duties of an Indian policeman shall be:

(1) To obey promptly all orders of the police commissioner or the Court when assigned to that duty;

(2) To lend assistance to brother officers;

(3) To report and investigate all violations of any law or regulation coming to his notice or reported for attention;

(4) To arrest all persons observed violating the laws and regulations for which he is held responsible;

(5) To inform himself as to the laws and regulations applicable to the jurisdiction where employed and as to the laws of arrest;

(6) To prevent violations of the laws and regulations;

(7) To report to his superior officers all accidents, births, deaths, or other events or impending events of importance;

(8) To abstain from the use of intoxicants or narcotics and to refrain from engaging in any act which would reflect discredit upon the police department;

(9) To refrain from the use of profane, insolent, or vulgar language;

(10) To use no unnecessary force or violence in making an arrest, search, or seizure;

(11) To keep all equipment furnished by the government in reasonable repair and order;

(12) To report the loss of any and all property issued by the government in connection with official duties;

(13) To collect and issue receipts for bail.

§ 12.99 Dismissal.

The Project Officer may remove any Indian Policeman for any noncompliance with the duties and requirements as set out in the police duty guidelines or for neglect of duty.

§ 12.100 Return of equipment.

Upon the resignation, death, or discharge of any member of the Indian police, all articles or property issued him in connection with his official duties must be returned to the Project Officer or his representative.

Part 153—*Grazing Regulations for Former Navajo-Hopi Joint Use Area Lands*, is revised to read as follows:

Sec.
153.1 Definitions.
153.2 Authority.
153.3 Purpose.
153.4 Establishment of range units.
153.5 Grazing capacity.
153.6 Grazing on range units authorized by permit.
153.7 Kind of livestock.
153.8 Grazing fees.
153.9 Duration of grazing permits.
153.10 Assignment, modification and cancellation of permits.
153.11 Conservation and land use provisions.
153.12 Range improvements, ownership, and new construction.
153.13 Payment of tribal fees.
153.14 Special permit requirement and provisions.
153.15 Violations.
153.16 Fences.
153.17 Livestock trespass.
153.18 Control of livestock diseases and parasites.
153.19 Impoundment and disposal of unauthorized livestock.

AUTHORITY: The provisions of this Part 153 issued under 5 U.S.C. 301; 25 U.S.C. 2, and 640d–18.

§ 153.1 Definitions.

As used in this Part 153, terms shall have the meanings set forth in this section.

(a) "Project Officer" means the Special Project Officer of the Bureau of Indian Affairs Administrative Office, Flagstaff, Arizona 86001, to whom has been delegated the authority of the Commissioner to act in matters respecting the former Joint Use Area.

(b) "Former Joint Use Area" means the area established by the United States District Court for the District of Arizona in the case entitled *Healing* v. *Jones*, 210 F. Supp. 125 (1962), which is inside the Executive Order Area (Executive Order of December 16, 1882) but outside Land Management District 6 and which was partitioned by court order dated February 10, 1977.

(c) "Range unit" means a tract of range land designated as a management unit for administration of grazing.

(d) "Permit" means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land. The term as used herein shall include written authorizations issued to enable the crossing or trailing of domestic livestock across specified tracts or range units.

(e) "Animal unit" means one adult cow with unweaned calf by her side or the equivalent thereof based on comparative forage consumption. Conversion factors to be accepted are: ewe, doe, buck, ram, 0.25; horse, mule, donkey, burro, 1.25 animal units.

(f) "Tribe" means the Navajo or Hopi Tribes including all bands, chapters, villages and clans.

(g) "Allocate" means to apportion grazing privileges including the determination of who may graze livestock, the number and kind of livestock, and the place such livestock will be grazed.

§ 153.2 Authority.

It is within the general authority of the Secretary to protect Indian trust lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing. Also, under the Navajo-Hopi Settlement Act, 25 U.S.C. 640d–640d–24, the Secretary is to (a) reduce livestock grazing within the former Joint Use Area to carrying capacity, (b) restore the range to the maximum grazing extent feasible, and (c) survey, monument and fence the partition boundary.

§ 153.3 Purpose.

These regulations are issued to carry out the Secretary's responsibilities mandated by the Settlement Act. The regulations of Part 153 apply only to the former Joint Use Area of the 1882 Executive Order Area. Parts 151 and 152 do not apply to the former Joint Use Area.

§ 153.4 Establishment of range units.

The Project Officer will use Soil and Range Inventory data to establish range units on the former Joint Use Area to allow for a program of surface land use so as to restore the land to its full grazing potential to the maximum extent feasible.

§ 153.5 Grazing capacity.

The Project Officer shall prescribe the maximum number and kind of livestock which may be grazed without inducing damage to vegetation or related resources on each range unit and the season or seasons of use to achieve the objectives of the land recovery program required by the Settlement Act.

The stocking rate upon which the grazing permits are issued shall be reviewed on a continuing basis and adjusted as conditions warrant.

§ 153.6 Grazing on range units authorized by permit.

Grazing use of range units is authorized only by a grazing permit. The Project Officer shall assign grazing privileges to each tribe for their respective reservation land within the former Joint Use Area. Grazing use by tribal enterprises will be permitted and permits may be issued in the name of the tribe. The Project Officer shall issue permits to persons or enterprises based on the determination by the respective tribes.

§ 153.7 Kind of livestock.

Each tribe may determine, subject to the grazing capacity, the kind of livestock that may be grazed on the range units within their reservation lands.

§ 153.8 Grazing fees.

(a) The respective tribal governing bodies may determine whether grazing fees will be charged and the rate to be charged for the use.

(b) Annual grazing fees, if any, shall be paid in advance and payment shall be made to the Project Officer for immediate disbursement to the appropriate tribal treasurer.

§ 153.9 Duration of grazing permits.

Each tribe may determine the maximum duration of grazing permits not to exceed 5 years per permit period and subject to § 153.10(b).

§ 153.10 Assignment, modification and cancellation of permits.

(a) Grazing permits shall not be assigned, subpermitted or transferred without the consent of the tribe involved and the Project Officer.

(b) The Project Officer may revoke or withdraw all or any part of the grazing permit by cancellation or modification on 30 days written notice of violation of permit or special conditions affecting the land or the safety of the livestock thereon, as may result from flood, disaster, drought, contagious diseases, etc. Except in the case of extreme necessity, cancellation or modification shall be effected on the next annual anniversary date of the grazing permit following the date of notice. Revocation or withdrawal of all or any part of a grazing permit by cancellation or modification as provided herein shall be an appealable decision under 25 CFR Part 2. For the purpose of taking an appeal, decisions of the Project Officer shall be considered under 25 CFR 2 in the same manner as taking an appeal of a decision of an Area Director.

§ 153.11 Conservation and land use provisions.

Grazing operations shall be conducted in accordance with recognized principles of good range management. Conservation management plans necessary to accomplish this will be made a part of the grazing permit.

§ 153.12 Range improvements; ownership; new construction.

Improvements placed on the permitted land shall be considered affixed to the land unless specifically excepted therefrom under the permit terms. Written permission to construct or remove improvements must be obtained from the respective tribe within whose reservation the lands are located and the Project Officer, who will specify the maximum time allowed for removal of improvements so excepted.

§ 153.13 Payment of tribal fees.

Fees and taxes exclusive of annual grazing rental provided for in § 153.8 which may be assessed by the respective tribes in connection with grazing permits shall be billed for by the respective tribe and paid annually in advance to the designated tribal official. Failure to make payments will subject the grazing permit to cancellation and may disqualify the permittee from receiving future permits so long as he is delinquent.

§ 153.14 Special permit requirements and provisions.

All grazing permits shall contain the following provisions:

(a) Because the lands covered by the permit are in trust status, all of permittee's obligations on the permit and the obligations of his sureties are to the United States as well as to the beneficial owners of the land. Annual rent and other obligations under the terms of a valid grazing permit shall constitute a first lien on livestock permitted.

(b) The permittee agrees he will not use, cause, or allow to be used any part of the permitted area for any unlawful conduct or purpose.

(c) The permit authorized the grazing of livestock only and the permittee shall not utilize the permitted area for hay cutting, hunting, post or timber cutting or any other use without authorization from the Project Officer.

§ 153.15 Violations.

In addition to the penalties provided in this part, violation of the provisions of this part are subject to penalties of the Code of Offenses applicable to the former Joint Use Area.

§ 153.16 Fences.

Fencing will be erected by the Federal Government around the perimeter of the 1882 Executive Order Area, Land Management District 6, and on the boundary of the former Joint Use Area partitioned to each tribe by Order of District Court on February 10, 1977. Fencing of other areas in the former Joint Use Area will be required for a range recovery program in accordance with the range units established under § 153.4. Such fencing shall be erected at Government expense and such ownership shall be clearly identified by appropriate posting on the fencing. Intentional destruction of Federal property will be treated as a violation of the Federal criminal statute, 18 U.S.C. 1164.

§ 153.17 Livestock trespass.

In addition to any criminal liability, the owner of any grazing livestock in trespass on the former Joint Use Area is liable to a civil penalty of $1 per head for each animal thereof for each day of trespass, together with the reasonable value of the forage consumed and damages to property injured or destroyed. The Project Officer shall take action to collect all such penalties and damages and seek injunctive relief when appropriate. All payments for such penalties and damages shall be credited to the tribe on whose lands the livestock trespassed. The following acts are prohibited:

(a) The grazing upon or driving across any of the former Joint Use Area of any livestock without an approved grazing or crossing permit.

(b) Allowing livestock to drift and graze on lands without an approved permit.

(c) The grazing of livestock upon lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by permittee upon any land withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the re-

ceipt of notice from the Project Officer of such withdrawal, or refusal to remove livestock upon instructions from the Project Officer when an injury is being done to the Indian lands by reason of improper handling of livestock.

§ 153.18 Control of livestock diseases and parasites.

Whenever livestock within the former Joint Use Area become infected with contagious or infectious diseases or parasites or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable laws.

§ 153.19 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock within any range unit of the former Joint Use area which are not removed therefrom within the periods prescribed by the regulation may be impounded and disposed of by the Project Officer as provided herein.

(a) When the Project Officer determines that unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded anytime 5 days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When the Project Officer determines that unauthorized livestock use is occurring but does not have complete knowledge of the number and class of livestock or if the name and address of the owner thereof are unknown such livestock may be impounded anytime 15 days after the date of notice of intent to impound unauthorized livestock is first published in the local newspaper, posted at the nearest chapter house and in one or more local trading posts. The notice will identify the area or areas in which it will be effective.

(c) Unauthorized livestock on the former Joint Use Area which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in the areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice anytime within the twelve-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in the local newspaper, posted at the chapter house and in one or more local trading posts. The notice will describe the livestock and specify the date, time and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owner may redeem the livestock anytime before the time set for the sale by submitting proof of ownership and paying for all expenses incurred in gathering, impounding and feeding or pasturing the livestock.

(f) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public sale to the highest bidder, provided his bid is at or above the minimum amount set by the Project Officer. If a bid at or above the minimum is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the Project Officer shall furnish the buyer a bill of sale or other written instrument evidencing the sale.

(g) The proceeds of any sale of livestock as provided herein shall be applied as follows: First, to the payment of all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. Second, in payment of any penalties or damages assessed pursuant to § 153.17 of this part which penalties or damages shall be credited to the tribe on whose lands the livestock trespassed as provided in said section. Third, any remaining amount shall be paid over to the owner of said livestock upon his submitting proof of ownership. If any proceeds remaining after payment of the first and second items noted above are not claimed within one year from the date of the sale, such remaining proceeds will be credited to the tribe owning the land.

RAYMOND V. BUTLER,
Acting Commissioner, of Indian Affairs.

APRIL 18, 1977.

[FR Doc.77-11858 Filed 4-25-77; 8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6710-1, CH 11]

PART 1067—FUNDING OF CSA GRANTEES

Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA

Correction

In FR Doc. 77-10269, appearing at page 18402, in issue of Thursday, April 7, 1977, the table on page 18403 has several typographical errors. For the convenience of the reader, the table is reprinted as set forth below:

Required documents

Sections of the act under which funds requested	Applicant	Forms to be submitted prior to formal application [1]						Forms to be submitted at time of formal application								
		424	3	5	393	394	395	424	25	25a	419	84 [5]	When delegating programs [2]			
													85	87	11	
I. 221:																
A. Initial funding.	Community action agency.	X	X	X	-----	Opt.	X	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	-----	X [3]	X [3]	X	X [4]	X	X	X	X	X	X	X	X	
B. Refunding..	Community action agency.	X	X [3]	X [3]	-----	Opt.	X	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	-----	X [3]	-----	X	X [4]	X	X	X	X	X	X	X	X	
II. 222:																
A. Initial funding.	Community action agency.	X	-----			Opt.	X [4]	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	-----	X [3]	X	Opt.	X [4]	X	X	X	X	X	X	X	X	
B. Refunding..	Community action agency.	X	-----			Opt.	X [4]	X	X	X	X	X	X	X	X	
	Limited purpose agency (including SEOO's).	X	-----			Opt.	X [4]	X	X	X	X	X	X	X	X	
III. 231	State economic opportunity offices.	X	-----			Opt.	X [4]	X	X	X	X	----	X	X	X	

[1] For refundings, submission will be 150 days prior to PYE.
[2] Except SEOO's.
[3] Keep on file.
[4] Except sec. 1.
[5] Except Program Account 01.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-126]

PART 0—COMMISSION ORGANIZATION

Establishment of a New Land Mobile Spectrum Management Division in the Safety and Special Radio Services Bureau

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Part O of the Commission's Rules and Regulations is amended to add a new Land Mobile Spectrum Management Division to the Safety and Special Radio Services Bureau. This document implements the revised land mobile spectrum management program approved by the Commission on June 24, 1976, and enables the Safety and Special Radio Services Bureau to assume, from the Spectrum Management Task Force, the majority of the land mobile spectrum management program responsibilities.

EFFECTIVE DATE: May 2, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mr. Bernard I. Kahn, Management Systems Division, 632-7513.

SUPPLEMENTARY INFORMATION:

Adopted: February 23, 1977.

Released: April 20, 1977.

In the matter of amendment of Part 0, Subpart A of the Commission's rules and regulations concerning organization of the Safety and Special Radio Services Bureau.

1. On February 23, 1977, the Commission approved the establishment of a new Land Mobile Spectrum Management Division in the Safety and Special Radio Services Bureau to accommodate the transfer of the majority of the Land Mobile Spectrum Management Program responsibilities formerly held by the Spectrum Management Task Force in the Office of Chief Engineer. The Spectrum Management Task Force was a temporary, experimental and developmental operation. The new Land Mobile Spectrum Management Division and the existing Industrial and Public Safety Facilities Division, will both report to a new Assistant Bureau Chief for Land Mobile Spectrum Management residing in the immediate office of the Bureau Chief. The new organization will provide an orderly transition for the transfer of the Land Mobile Spectrum Management Program and will also centrally locate responsibility for the future operation and integration of the manual and the automated land mobile systems.

2. This Order is issued to designate and establish the new division.

3. Because this amendment relates to internal Commission organization and practice, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. Authority for the amendment adopted herein is contained in sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

5. Accordingly, it is ordered, that effective May 2, 1977, Part O of the Commission's Rules and Regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Section 0.132(f) is amended to read as follows:

§ 0.132 Units in the Bureau.

The detailed operations of the Bureau are performed within six major units, as follows:

* * * * *

(f) Land Mobile Spectrum Management Division.

[FR Doc.77-11976 Filed 4-25-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO No. 1264]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Authorized To Operate Certain Unit-Grain Trains Comprised of Sixty Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1264).

SUMMARY: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company is authorized to add ten additional cars to each of two remaining unit-grain trains to be shipped under a tariff requiring the shipment of five consecutive trainloads of not more than fifty cars per train. The total weight of the grain to be transported by each train is to remain at the weight specified by the tariff. Because of soft track resulting from spring thaws it is necessary that the maximum load transported by each car be reduced below the carload weights required by the applicable tariff.

DATES: Effective date: 12:01 a.m., April 11, 1977. Expiration date: 11:59 p.m., May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, TLX 89 2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of April, 1977.

It appearing, That because of tariff requirements the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is operating a unit-grain train transporting shipments of 4,625 tons of 2,000 lbs. in not more than 50 covered hopper cars; that compliance with such tariff provision requires that each car be loaded with a minimum of 185,000 lbs. or full visible capacity and that such unit-grain train must make 5 consecutive trips for a total of 23,125 tons; that 3 consecutive trips under said tariff have been completed; that because track deterioration due to spring thaws has necessitated reduction of weight limits over territory transversed to a maximum of 157,000 lbs.; that such reduction in weight limits prevents compliance by the shipper with the minimum weight limit provisions of the tariff; that the MILW is willing and able to provide 10 additional cars to the 50 car complement of the train to accomplish the total of 23,125 tons required by tariff within 5 consecutive trips; that the shipper is willing and able to load to full visible capacity as required by tariff but is prevented from doing so by the present inability of the MILW to comply fully with its tariff provisions; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1264 Service Order No. 1264.

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate certain unit-grain trains comprised of sixty cars.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) be, and it is hereby authorized to operate one unit-grain train of sixty (60) covered hopper cars on two remaining trips, transporting a minimum weight of 4,625 tons of grain, in lieu of a unit-grain train of fifty (50) cars to enable the shipper to complete his obligation to ship five consecutive shipments of 4,625 tons of grain as required by MILW Grain Tariff 18710-C, ICC B-8437. The consent of the shipper must be obtained before the shipment is made and reference to this order endorsed on the bill-of-lading and waybills covering the shipment.

(b) *Rules and Regulations Suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., April 11, 1977.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 16, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by fil-

ing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc 77-11973 Filed 4-25-77;8:45 am]

[Amdt. 6; S.O. No. 1188]

PART 1033—CAR SERVICE

Chicago, Rock Island & Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago & North Western Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of emergency order (Amendment No. 6 to Service Order No. 1188).

SUMMARY: This amendment extends for six months a service order which authorizes the Chicago, Rock Island and Pacific Railroad Company to operate over tracks owned by the Chicago and North Western Transportation Company at Spring Valley, Illinois. The Chicago and North Western Transportation Company is unable to operate over its line serving Spring Valley because of track conditions. The order enables the Chicago, Rock Island and Pacific Railroad to provide continued rail service to shippers located on such tracks at Spring Valley.

DATES: Effective date: April 15, 1977. Expiration date: October 15, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, TLX 89 2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of April 1977.

Upon further consideration of Service Order No. 1188 (39 FR 24016; 40 FR 2990, 30267; 41 FR 2644, 29387 and 45843), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1188 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1188 Service Order No. 1188.

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.* * * *

(e) *Expiration date.* This order shall expire at 11:59 p.m., October 15, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2) 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11974 Filed 4-25-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 131]

[Doc. No. 76N-0175]

MILK

Stabilizers and Emulsifiers in Lowfat and Skim Milk; Further Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposesd rule.

SUMMARY: The Food and Drug Administration (FDA), based upon requests for extension of time submitted by the Milk Industry Foundation, the International Association of Ice Cream Manufacturers, and Stein Hall and Co., Inc., is extending the time to May 11, 1977 for submitting comments on the proposal to allow the use of stabilizers and emulsifiers in lowfat and skim milk.

DATE: New deadline for comments, May 11, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene McGarrahan, Division of Food Technology (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 26, 1976 (41 FR 46873), the Commissioner of Food and Drugs proposed amendments to the standards of identity for lowfat milk (21 CFR 131.135) and skim milk (21 CFR 131.145) (formerly 21 CFR 18.10 and 18.20, respectively, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) that would permit the optional use of safe and suitable stabilizers to increase the viscosity of the food, with or without added emulsifiers. The proposal also provided for definitions of the terms "nonfat milk solids" and "nonfat milk-derived solids". Comments were to be filed on or before December 27, 1976.

In the FEDERAL REGISTER of February 8, 1977, based upon requests for extension received from the Milk Industry Foundation, Stein Hall and Co., Inc., and the Association of New England Milk Dealers, the Commissioner issued a 60-day extension of the comment period, to April 11, 1977.

The Commissioner has received a request for further extension of the comment period from the Milk Industry Foundation and the International Association of Ice Cream Manufacturers so that their Boards of Directors will have the necessary opportunity to consider the proposal at their next semiannual meeting scheduled for April 25, 26, and 27, 1977. The Commissioner has also received a request for further extension of the comment period from Stein Hall and Co., Inc., the firm asserting that it is conducting consumer tests and that additional time is needed to prepare adequate comments. The Commissioner concludes that the requests for extension should be granted and hereby extends the comment period on the proposal to May 11, 1977.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and comments shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371 (e))) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: April 20, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-12018 Filed 4-25-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 75, 77]

TRAINING AND RETRAINING OF MINERS

Findings of Fact

AGENCY: Mining Enforcement and Safety Administration, Interior.

ACTION: Proposed Rule; Notice of Findings of Fact.

SUMMARY: This Notice contains the findings of fact of the Secretary of the Interior on issues raised by written comments, objections and the grounds therefor presented in a public hearing concerning proposed regulations for the training and retraining of miners. The findings of fact are based on relevant evidence submitted in the written comments, and information received in response to the proposed rulemaking and the public hearing. Under section 101 (g) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(g)), (the Act) within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary is required to make findings of fact which shall be public. The findings of fact represent the position of the Secretary relative to the issues raised and are used by the Secretary to develop the final rules on the training and retraining of miners.

FOR FURTHER INFORMATION CONTACT:

Donald P. Schlick, Acting Assistant Administrator, Education and Training, Mining Enforcement and Safety Administration (MESA), Department of the Interior, Room 917, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703-235-1580. The transcript of the hearing and information submitted for the record are available for public inspection at the above address.

SUPPLEMENTARY INFORMATION: Notices of the proposed rules for the training and retraining of coal miners were published in the FEDERAL REGISTER for July 29, 1976 (41 FR 31553 and 31556). The proposed rules amend Parts 75 and 77, Chapter I, Title 30, Code of Federal Regulations by adding a new Subpart T and a new Subpart U, respectively. The public was afforded more than 45 days following publication to submit to the Administrator, MESA, written comments and objections concerning the proposed rules and to request a public hearing on such objections. Written objections were timely filed with the Administrator stating the grounds for objections and requesting a public hearing on all of the proposed rules. A Notice of Objections Filed and Hearing Requested was published in the FEDERAL REGISTER for Subpart T of Part 75 on November 11, 1976 (41 FR 49838) and Subpart U of Part 77 on November 15, 1976 (41 FR 50299). A notice was then published in the FEDERAL REGISTER on December 2, 1976 (41 FR 52890), announcing a public hearing to be held for the purpose of receiving relevant evidence on the issues raised in the comments and objections. The public hearing was held on January 5 and 6, 1977, in the House Chamber, State Capitol Building, Charleston, West Virginia, and on January 10 and 11, 1977, in the auditorium (Rm. 269) of the Main Post Office Building, 1823 Stout St., Denver, Colo-

rado. The record of the public hearing was held open until February 12, 1977, for the submission of additional comments and information.

The findings of fact on the issues raised and upon which the public hearing was held are set forth below.

GENERAL

1. *Issue.* Whether the Secretary of the Interior has the authority to regulate training.

Finding. There were numerous questions from operators' representatives concerning whether the Secretary of the Interior has the authority to regulate training. It is found that the Secretary of the Interior has the authority to regulate training under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, Pub. L. 91-173. Section 101 (a) provides that, "The Secretary shall * * * develop, promulgate, and revise as may be appropriate, improved mandatory safety standards for the protection of life and the prevention of injuries in a coal mine."

Studies conducted on the nexus between training and improved miners' safety in coal mines include the "Review and Evaluation of Current Training Programs Found in Various Mining Environments" prepared by the Bendix Corporation (1976), "An Assessment of the Impact of Pre-employment Training on The Safety Experience of Miners and Off-Highway Vehicle Operators" prepared by Bascomb Associates, Inc. (1975), and the "Industrial Engineering Study of Hazards Associated with Underground Coal Mine Production" prepared by Theodore Barry and Associates (1971). Results from these studies indicate that safety and general accident prevention training leads to significant improvements in the corresponding injury rates and safety prospects of miners and particularly of entry level miners.

In addition, such training requirements serve to meet one of the stated purposes of Congress when enacting the Act: "(T)o improve and expand, in cooperation with the States and the coal mining industry, * * * training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry." (Sec. 2(g))

Accordingly, section 502(a) of the Act evidences Congressional recognition of the nexus between improved mine safety and training programs and places an affirmative obligation upon the Secretary to expand such training programs; regulation and specifications of safety training programs assist the Secretary in fulfilling this obligation.

2. *Issue.* Whether training regulations are necessary or justifiable.

Finding. Studies conducted for the Department have shown that training and retraining of miners are necessary to improve health and safety in coal mines. The "Industrial Engineering Study of Hazards Associated With Underground Coal Mine Production" (1971) by Theodore Barry and Associates (p. iii) states, "A very strong relationship was found to exist between fatal accident occurrences and low task experience." Although it is recognized that there are many good industry sponsored training programs, minimum training standards are necessary in order to achieve a minimum uniform level of safety and health training.

3. *Issue.* What are the anticipated costs of the regulations.

Finding. Operators' representatives inquired what the anticipated costs of the regulations are. MESA reviewed its prior economic impact evaluation on the proposed rules in January 1977, and concluded that training costs for the first year training will approximate $31 million and that training costs for the initial two year period will approximate $65 million. These anticipated costs are contained in the cost evaluations statement attached to MESA's negative declaration, dated January 26, 1977, that an Economic Impact Statement is not necessary. The anticipated training costs are well within the stated cost parameters of $50 million and $75 million for the first one year and two year periods of regulation, respectively, above which an Economic Impact Statement is required.

4. *Issue.* Whether the assigned courses and course hours are satisfactory or necessary, for example, should cardiopulmonary resuscitation (CPR) and explosives training be mandatory for all miners and should instruction in miners' rights and fire protection be included.

Finding. Comments were received from operators and labor representatives that support the concept of allowing a greater degree of flexibility in the choice of specific subjects and times allocated to each topic to improve the educational soundness of the training program. For example, many comments were received that two hours of training in procedures for entering and leaving the mine, transportation and communications would be inappropriate for a small mine or one in the initial stages of development. Because the circumstances, practices and accident experiences in the coal mining industry vary from mine to mine, minimum training standards should allow flexibility for the operator to tailor his program of instruction to his particular mining operation.

While some comments suggested that explosive training for all miners may not be appropriate, explosives are inherently dangerous and nearly universally used in mining and some training in explosive hazard recognition is necessary for all miners. Where a miner's job requires that he works more closely with explosives, he should have more extensive training.

Many comments made the point that cardiopulmonary resuscitation (CPR) training is a difficult subject requiring psychomotor coordination, and is not appropriate training for all miners. However, miners should have ready access to persons trained in CPR within the mine. Therefore I find that some miners should be trained in CPR.

Comments were received that the minimum training standards should include instruction in miners' statutory rights. Congress recognized that miners have an important role in insuring their own safety and health, and Congress has given miners specific rights under the Act. It is found that an effective health and safety program requires full participation by the miner, and instruction in the miner's statutory rights will improve his participation.

The need for fire protection training was questioned by one commenter. Requirements for training in fire protection are presently generally stated in 30 CFR 75.1101 and 75.1704 for underground mines and in 30 CFR 77.1100 and 77.1101 for surface mines. Therefore it is not necessary to specifically require training in fire protection in the new training standards.

5. *Issue.* Whether the regulations should require miners to participate in the training course.

Finding. Providing training to miners is the operator's responsibility. An operator who does not provide training to miners employed at the mine would risk violating the mandatory standards.

6. *Issue.* Whether representatives of miners should have input into the development and conduct of training programs.

Finding. Several commenters pointed out that miner acceptance of the program is likely to be improved as it the likelihood that the program is tailored to specific health and safety problems at the mine if representatives of the miners participate in the development of the training program. It is found that a training program for a particular mine would be enhanced by participation of the representative of the miners at the mine in the development of the program. The regulations should provide an opportunity for input from the miners.

7. *Issue.* Will MESA have the means to provide necessary assistance, and if not, what impact will that have on enforcement.

Finding. MESA presently has 10 Training Centers and 22 training field offices. These facilities have the ability to provide assistance in training instructors so that they may become approved by MESA. MESA also has the ability to provide sample instruction guides, suggested curricula and course materials. However responsibility for complying with the regulations rests with the operator to develop an approved training program for the miners at his mine. Testimony at the public hearing indicates that many large operations already have the ability to meet the proposed requirements. Numerous small mine operators may require more extensive assistance from MESA.

8. *Issue.* Whether training received by a qualified person will satisfy the proposed mandatory training.

Finding. The training for qualified persons required by certain sections in 30 CFR Parts 70, 71, 75 and 77 is designed to ensure the qualifications of specific individuals to perform specified tasks. Such training is not designed as a general safety training program, and therefore does not satisfy the goals of the proposed regulations. The proposed training regulations are additional requirements to those specified for qualified persons.

9. *Issue.* Whether the requirements allow adequate flexibility to permit centralized training, on-the-job training, and otherwise allow training to vary according to the particular operation.

Finding. Comments received from operators of small mines indicated that centralized cooperative training ought to be permitted. Although each mine must have an individually approved plan, flexibility in the method of achieving the desired result should not be precluded. Training in the job environment is an acceptable and recognized method of training for experienced miners assigned to new work assignments and for annual retraining when training, not production, is the primary goal. It is found that flexibility in the conduct of the training program with regard to location and type of training is important to making a training program as worthwhile for the trainees as possible.

10. *Issue.* Whether all experienced and inexperienced miners must first complete training before performing any work in a coal mine.

Finding. Studies conducted by Theodore Barry and Associates and others demonstrate that untrained miners are more likely to be involved in mining accidents than miners who have received training. In light of this, it is found that it is essential that training for such miners be completed prior to performing any work in a coal mine. On-the-job training is acceptable only after this initial training has been received and the miner is being trained for a specific work assignment.

11. *Issue.* Whether training for inexperienced and experienced miners should be spread over a period of weeks or concentrated in the first few days of employment.

Finding. Comments were received from representatives of miners suggesting that training should be split into two segments, separated by six to eight weeks of job experience. Some operators requested that initial training be spread over a longer period of time. As noted in Finding ten, studies have shown that the initial employment period is a very dangerous one and that pre-production training will have a significant impact on reducing accidents and injuries. The study by Theodore Barry and Associates (p. 257) states that "the first 1 to 3 weeks of a job are extremely hazardous when compared to the remainder of the worker's career at a particular task". Therefore it is found that in order to improve safety, initial training should be completed prior to production assignments.

12. *Issue.* Whether there should be a provision for conducting periodic unscheduled emergency evacuation drills under MESA supervision.

Finding. Practice escapeway drills and escapeway maps at strategic locations and at each working section are required under 30 CFR 75.1704-2 and 77.1101 Further, the proposed regulations require instruction in emergency escape. Periodic unscheduled escapeway drills under MESA supervision would not significantly improve the miners' knowledge of the mine's escapeways and would be an unwarranted hardship particularly in mines with low coal seams.

13. *Issue.* Should there be a provision for periodic review of the adequacy of training and how will the regulations be enforced.

Finding. Comments received by the Department suggested that MESA periodically review approved training plans. It was felt that such review would ensure effective compliance with the regulations. It is found that periodic review of training plans is an effective method of monitoring performance under the approved plans. It is also found that circumstances, practices, conditions and the accident experience at the mine, in addition to other information available to MESA, should also be used in monitoring approved plans. Plans will also be reviewed when an operator requests a change in the approved plan.

14. *Issue.* Whether special provisions for training at Accident Prevention (AP) mines should be included.

Finding. MESA has developed systems for identifying those mines with high injury frequency rates, a history of previous violations, and mine management relative to safety and health. Those mines which liberate high quantities of methane are also readily identifiable. It is found that training plans for such mines should undergo closer scrutiny by MESA to ensure that the training plan is developed and implemented with regard to the particular problem of the mine. The Training Center Chief should have the flexibility to require additional training at mines where the need for such additional training is indicated.

15. *Issue.* Whether the regulations should require periodic upgrading of the skills of supervisory personnel.

Finding. Requirements for periodic training of supervisors in order to upgrade their skills are presently undergoing development by the Department. It is found that regulations for training and retraining of miners should not be delayed pending development of training regulations for supervisors.

SECTIONS 75.2000 AND 77.2000

16. *Issue.* Whether the surface training regulations should exclude surface areas of underground mines.

Finding. Many comments brought to light the differences among jobs and their respective hazard potentials at various locations at surface mines and surface work areas of underground mines. For example, a miner working in a preparation plant is exposed to different hazards than a miner working at an auger machine beneath a highwall. It is found that the regulations should not exclude surface work areas of underground mines but should allow sufficient flexibility to permit a training program to be tailored to a specific operation.

17. *Issue.* Whether small operators and independent contractors should be exempted from complying with the training regulations.

Finding. Comments received from representatives of small coal mine operators recognized that miners working at small mines are subject to most of the same safety and health hazards as those miners working at large mines. The ability of the small coal mine operators to provide training was however brought out as an issue. Since it is recognized that the need for training at small mines exists, it is found that small operators should not be excluded from the requirements to provide training. As to the specific training required, it is found that flexibility in developing an approved plan is necessary to accomplishing effective training. MESA has the capability of assisting small operators in developing a training plan which can be approved by MESA.

As was vividly brought out at the public hearings, miners employed to do construction work by construction contractors experience occupational hazards unique in the mining industry. Therefore, it is found that miners employed by independent contractors should not be excluded from the coverage of the regulations. It is found that flexibility in tailoring a training plan to specific work performed will accommodate the need for providing effective training for miners doing construction work.

SECTIONS 75.2001 AND 77.2001

18. *Issue.* Whether the terms "experienced miner," "inexperienced miner," "agent," "opening," "work stoppages," "safe operating procedures," "experienced foremen," "experienced machine or equipment operators" and "interested persons" should be defined or clarified.

Finding. Numerous commenters suggested that various terms which are used in the proposed regulations should be clarified or defined. It is found that the terms "experienced miner" and "inexperienced miner" should be clarified in the final regulations.

Many requests for clarification of the term "agent" were received. It is found that the regulations will be improved if the final regulations specify those classes of miners who are not covered, i.e., supervisory personnel and others such as office workers designated by the operator and approved by the Training Center Chief.

Comments were received which questioned the meaning of the terms, "work stoppages," "experienced foremen," "experienced machine or equipment operators" and "interested persons." It is found that the regulations will be more clearly understood if these terms are defined or otherwise clarified by spelling out exactly who and what is meant.

One comment was received as to the meaning of the term "opening." It is found that the term "opening" needs no additional clarification or definition as the meaning of that term is fairly well recognized in the industry.

It is found that questions as to the meaning of the term "safe operating procedures" can be resolved by incorporating a definition of the term in the final

regulations in order to emphasize that such procedures be reduced to written form for purposes of consistency, predictability and enforcement.

SECTIONS 75.2002 AND 77.2002

19. *Issue.* Should MESA "approve" training programs.

Finding. Some mine operators objected to provisions requiring MESA approval of training plans. It was argued that plan approval was not relevant to the actual performance of training and that MESA should not control the development and content of a training program. It is found that the most efficient method of assuring quality training is for MESA to require instruction in specific courses and to approve plans and then monitor training performance under the plan through a system of periodic review and actual course monitoring. Such an approach will ensure that minimum standards are maintained while still allowing for the flexibility necessary to make the program relevant to the particular operation.

20. *Issue.* Whether the time limits are sufficient for the operator to submit a training program for approval.

Finding. One comment suggested that six months for the submission to MESA of a training program for approval was not adequate. Training and course materials are already available from MESA, and many of the major coal mine operators have instructors presently approved by MESA. It is found that a time period of six months after the effective date of the regulations is ample time for operators to prepare a training plan that can be submitted for approval.

21. *Issue.* Whether prior MESA approval should be required for changes in instructors, course materials, and time allocations in approved programs.

Finding. Comments were received that operators should be allowed to make changes in an approved training program without obtaining prior approval by MESA. In order for MESA to maintain the integrity of approved training programs, any changes in the approved plan should be approved by the Training Center Chief. It is found that prior approval of changes in an approved training plan is necessary to ensure the training program is effective.

SECTIONS 75.2003 AND 77.2003

22. *Issue.* Whether the regulations should include a brief outline of course material, a general description of teaching methods or guidelines for an acceptable program.

Finding. Some operators expressed the view that MESA should include specific course outlines and teaching methods within the published regulations. The proposed regulations set out the general subjects to be taught and give specific guidance as to what topics should be covered in each course. The operator should retain the flexibility to develop his own training materials and program. The final regulations should give guidance as to what is required to develop a training plan that can be approved by MESA. It is found that it is impractical to specify in the regulations the course materials and general description of the teaching methods to be used. MESA can provide support in terms of course material and training aids to operators.

23. *Issue.* Whether instructors should be approved by MESA, and if so, whether the criteria for approval should be set forth.

Finding. Several commenters suggested that MESA should not approve instructors. Other commenters wanted standards for approval set forth in the regulations. MESA control over the qualifications of the instructors teaching in an approved program is of paramount importance in assuring the quality of the instruction given. It is found that the best way to ensure the qualifications of the instructors is for MESA to approve them. It is further found that in order to fairly administer the approval of instructors, the regulations should specify the standards by which MESA will approve or disapprove instructors.

24. *Issue.* Whether qualifications should be established for the company official responsible for health and safety training at the mine.

Finding. Representatives of miners wanted the regulations to establish qualifications for the person designated by the operator who is responsible for health and safety training at the mine. The person whose qualifications should be of greater concern to MESA is the instructor. The individual responsible for health and safety training at the mine may be involved only in management of the program. It is found that to effectively administer the training program, MESA need only know the identity of the person responsible for health and safety training at the mine.

25. *Issue.* Whether under §§ 75.2003(c) and 77.2003(c) the Chief of the Training Center should specify in writing his reasons for disapproving any phase or time reduction of a training program.

Finding. Representatives of operators and an educator requested that the regulations specify that the Training Center Chief should specify his reasons in writing for disapproving all or any portion of a training plan submitted for approval. It is found that the proposed regulations do provide, and were intended to provide, that the Training Center Chief communicate his reasons in writing for disapproving all or any portion of a training plan. Clarity in specifying those areas of a plan deemed deficient is necessary for efficiency in the approval process and for developing the best training plan.

It was suggested that an administrative appeal procedure should be included. An administrative appeal process in addition to those created in the Act would be administratively cumbersome and would not significantly improve the quality of training plans. It is therefore found that an administrative appeal process from plan disapproval is not necessary to be included in these regulations since the Act and other regulations provide a means for administrative appeal.

26. *Issue.* Whether the word "reasonable" should be inserted before the word "time" in §§ 75.2003(c)(1) and 77.2003(c)(1).

Finding. One commenter suggested that the time fixed by the Chief of the Training Center "within which discussions shall be held or alternative revisions or changes submitted before final approval is made" should be "reasonable." It is agreed that such time periods should be "reasonable" in order to expedite the approval of plans. It is therefore found that the addition of the word "reasonable" in the cited sections would improve the regulations.

27. *Issue.* Whether the official responsible for health and safety training must be "at the mine."

Finding. Operators expressed concern over the requirement in the proposed regulations that "the name and position of the person designated by the operator who is responsible for health and safety training at the mine" be included in the training plan. Confusion apparently resulted over whether the person responsible for the training program at the mine had to be physically present at the mine. MESA's administrative needs would be satisfied if MESA can identify and contact the person responsible for training for the mine. It is therefore found that the responsible official need not be physically present at the mine. The person responsible may be responsible for training for more than one mine.

28. *Issue.* Whether an operator can proceed with phases of a training program that have been approved or whether the entire program must be approved before implementation.

Finding. Miner representatives inquired whether an operator may proceed with phases of a training program that have been approved or whether the entire program must be approved before implementation. If approval is given to proceed with portions of a training program, the operator may then concentrate on revising those phases of the training program which were not approved in order to obtain MESA approval of the entire training program. It was intended and it is found that an operator may proceed with phases of a training program that have been approved by the appropriate MESA Chief of the Training Center.

SECTIONS 75.2004 AND 77.2004

29. *Issue.* Whether the operator should bear the burden of proof for demonstrating that a newly hired miner has received prior training.

Finding. Operator representatives objected to the portion of the proposed regulations placing on the operator the burden of proving that newly hired miners have received prior training. When States, associations of mine operators, miner representatives, other mine operators, private associations or educational institutions provide training through a MESA approved program, MESA should require, as a condition of approval of the training program, that certificates be issued to miners. Such certificates should constitute acceptable evidence that a newly hired miner has received training. MESA will also have records of miners who have received training, and operators may verify through MESA that miners have received training. It is found that the operator, as the employer of the miner, is in the best position to assure himself, and to provide to MESA information substantiating the fact that a newly hired miner has been trained.

30. *Issue.* Whether inexperienced miners should receive certificates from MESA as proof of training received.

Finding. Operator representatives suggested that inexperienced miners should receive certificates from MESA as proof of training received. MESA will not actually train miners and therefore cannot issue certificates to miners having completed training. As discussed in finding of fact number 29, it is found that MESA should, however, require as a condition of approval of a training program, that miners completing an approved program be issued a certificate.

31. *Issue.* Whether the operator should be required to submit "proof" to the representative of the miners that an inexperienced miner has been trained.

Finding. Labor representatives inquired whether the operator should be required to submit "proof" to the representatives of the miners that an inexperienced miner has been trained. It is found that the operator should make available for inspection by the miners' representative training records of each miner currently working at the mine. It is further found that accessibility to such records by the representative of the miners recognizes the role Congress intended for miner representatives and should improve the effectiveness of the training program.

32. *Issue.* Whether the words "preceding initial employment" should be deleted from §§ 75.2004(c) and 77.2004(c) to eliminate any conflict as to which employees are to be given training.

Finding. An operator's representative recommended that the words "preceding initial employment" should be deleted from §§ 75.2004(c) and 77.2004(c) to eliminate any conflict as to which employees are to be given training. It is found that the word "initial" should be deleted to clarify that a miner need not repeat the required designated training for inexperienced miners if the miner received such training at the mine within 12 months preceding his employment or reemployment at the mine.

33. *Issue.* Whether relative to first aid and cardiopulmonary resuscitation (CPR) training the operator is liable when an instructor fails to use or misuses the proposed technique resulting in injury to the trainee miner.

Finding. A representative of an operator questioned whether, relative to first aid and cardiopulmonary resuscitation (CPR) training, the operator is liable when an instructor fails to use or misuses the proposed technique resulting in injury to the trainee miner. It is not clear from the context or wording of the question and from comments at the hearing what type of liability is referred to and to whom and in what situations and it is accordingly improper to prejudge the existence of any liability which may arise. In general, furthermore, it is not the function of the Secretary to advise private parties of their civil liability under diverse state laws.

34. *Issue.* Whether once a miner is trained such training is sufficient although the miner changes jobs or mines.

Finding. Several operators suggested that once a miner is trained, the miner should not have to be retrained when he changes jobs or mines. When a miner leaves one mine to work in another mine he will encounter many new and different circumstances which affect his health and safety. For example in an underground mine, roof and rib control, ventilation, transportation, communications and the mine map in addition to the authority and responsibility of supervisors are all factors unique to the particular mine. In order to ensure that every miner is trained in such areas vital to the miner's safety it is found that it is necessary to train experienced miners entering jobs at new mines. As pointed out in the Theodore Barry Report, when experienced miners change jobs within the same mine, they are subject to increased safety hazards associated with their new work assignments. Training for such miners should be specifically related to their new assignments. For example, in an underground mine, if a miner employed on a roof bolting machine changes jobs to that of a shuttle car operator, that miner needs specific training in the safe operation of a shuttle car in order to perform his job safely.

It is therefore found that training for an experienced miner who changes jobs or mines is essential to promoting safety in the mines.

SECTIONS 75.2006 AND 77.2006

35. *Issue.* Whether training should be required for all new work assignments.

Finding. Operators' representatives questioned the administrative manageability of training miners for new work assignments, particularly in light of the high absentee rate in the coal mining industry. High absentee rates lead to miners performing tasks for which they have not been trained or for which they do not have experience. Studies have shown that there is a correlation between fatalities and task experience. It is found that safety will be improved by providing training for miners assigned to hazardous work duties such as mobile equipment operators, blasting and drilling equipment operators, haulage and conveyor system operators and roof control equipment operators before miners perform such work.

36. *Issue.* Whether the acceptable work experience requirement for reassigned miners should be changed.

Finding. Several comments were received that the proposal that miners have 40 hours of experience within 12 months in performing certain jobs in order to avoid training for a new work assignment, should be changed to accommodate the administrative problems associated with keeping track of each miner performing such jobs. It is recognized that the administrative problems are considerable, and it is found that specific hours of experience should not be specified in the regulations. However, it is found that training in the performance of certain hazardous jobs and assurance from the operator that the miner has demonstrated knowledge of the safe operating procedures should accomplish the goal of improving safety.

37. *Issue.* Whether in §§ 77.2006(a) there is a conflict between the term "on-the-job training" and the wording "shall not perform such new work duties until the training * * * has been completed."

Finding. Numerous operators pointed out what was believed to be a conflict in § 77.2006 of the proposed regulations in which performance of new work duties was not permitted before a miner was trained and the provision that training to satisfy this requirement may include on-the-job training. It was intended that the on-the-job training be done under the direct supervision of an instructor and that the primary objective would be training rather than production. In this context, no conflict is found. It is found that the difficulties are resolved if the regulations more clearly specify that instruction shall be given in an on-the-job environment.

38. *Issue.* Whether §§ 75.2006 and 77.2006 would conflict with job bidding provisions or state laws.

Finding. One commenter suggested that the proposed regulations could conflict with contractual provisions and State laws. Other operators saw no conflict. A review of the Bituminous Coal Operators Association—United Mine Workers of America 1974 Wage Agreement reveals no apparent conflict with regard to job bidding provisions. Similarly, no conflict is found with State laws. Section 506 of the Federal Coal Mine Health and Safety Act of 1969 provides that insofar as any State law is in conflict with the Federal Act or any health or safety standard, such State law shall be superseded by the Federal Act or regulation. However, if a State law or regulation provides for more stringent health and safety standards than do the Federal Act or regulations, the State law shall not be held to be in conflict with the Act.

39. *Issue.* Whether requirements for training on new machinery and for dispatchers should be written as separate regulations.

Finding. Comments from representatives of miners suggested that separate provisions be included for training miners who operate new or modified machinery and for training dispatchers. Studies recognize that miners operating new or modified machinery, just as miners operating old machinery for the first time, are more likely to be involved in accidents. It is found that specific

training in such circumstances will improve safety. Dispatchers, as a job classification with considerable responsibility affecting the safety of many miners, may require specific training and testing to ensure that minimum job qualifications are met. Separate training regulations for qualified hoistmen, qualified electricians, miners involved in blasting and drilling, preshift examiners, and supervisors are presently undergoing development by the Department. It is found that it is more appropriate to consider specific training requirements for dispatchers within the framework of those regulations.

40. *Issue.* Whether the proficiency test required of machine operators should be recorded and attested to by signature.

Finding. Representatives of operators addressed the issue of whether the proficiency test required of machine operators should be recorded and attested to by signature. It is found that the proficiency test should be recorded and attested to by the signature of the mine operator or a responsible agent of the operator. The effect of the signature is to have the operator attest to the machine operator's training and skill in handling machinery safely and thereby clearly place responsibility for safe machine operation upon the operator of the mine.

SECTIONS 75.2007 AND 77.2007

41. *Issue.* Whether to include a provision to the effect that if a training program is conducted during a regular shift, miners should be compensated at regular rates; if conducted on overtime, miners should be compensated at premium rates.

Finding. Representatives of the miners suggested that the regulations require compensation of miners attending training sessions at the regular or overtime rate of pay, depending on when the course is given. One operator suggested that all training be conducted on regular shifts. It is found that such training for miners should be at the expense of the operator, and where "regular rates" are defined, such rates should apply. There are many circumstances where "regular rates" may not be defined in which case it is a matter best left between the operator and the miners in his mine. It is found that training, for maximum effectiveness, should be provided during the regular shift.

42. *Issue.* Whether the last two words of §§ 75.2007(b)(1) and 77.2007(b)(1), "each miner" should be changed to "job classification."

Finding. An operator's representative suggested that the last two words of §§ 75.2007(b)(1) and 77.2007(b)(1), "each miner" should be changed to "job classification." It is found that the words "each miner" along with the preceding phrase, "which are related to the tasks and work assignments of" should be deleted from §§ 75.2007(b)(1) and 77.2007(b)(1). This deletion should clarify that the purpose of the training is not to be narrowed to job related requirements per se but to give miners a general familiarization and appreciation of the Act and to enable miners to work safely and maintain a safe work environment. In this way, the training is intended as an overview of the health and safety regulations including miners rights in order to acquaint miners with occupational health and safety requirements and safeguards.

SECTIONS 75.2008 AND 77.2008

43. *Issue.* Whether the reduction in amount of time for instruction provisions should be eliminated since operators may file section 301(c) petitions for modification.

Finding. A representative of the miners suggested that §§ 75.2009 and 77.2009 be eliminated since operators may file section 301(c) petitions for modification. It is found that §§ 75.2009 and 77.2009 should be retained. Compared to section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, these sections provide for a more informal process which will permit the prompt consideration of requests for course time reduction and formulation of any necessary changes thereby allowing for increased flexibility in applying the course time requirements to particular operations. Section 301(c) does allow the operator to apply for a modification of a mandatory safety standard including the training standards and may be invoked when the informal remedy under §§ 75.2009 and 77.2009 is exhausted.

44. *Issue.* Whether reductions in instruction time permitted by the Chief of the Training Center should have the concurrence of the District Manager.

Finding. An operator introduced the issue of whether reduction in instruction time permitted by the Chief of the Training Center should have the concurrence of the District Manager. It is found that authority to reduce course time should remain with the Chief of the Training Center. The pertinent training expertise resides with the Chief of the Training Center. In addition, centralized authority will facilitate effective and responsible agency administration of the training programs and expedite effectuating time changes which otherwise could result in delay of implementation. The Training Center Chief will, however, for purposes of enforcement, confer with the District Manager and keep the District Manager apprised on matters concerning the implementation of the training regulations.

SECTIONS 75.2009 AND 77.2009

45. *Issue.* Whether MESA's program for approving instructors should be conducted at regular intervals in the immediate region of the mine site.

Findings. Representatives of operators suggested that MESA's program for approving instructors should be conducted at regular intervals in the immediate region of the mine site. MESA has the ability to conduct an ongoing and regular process for approving instructors. This contemplates that MESA will conduct instructor training programs on a regular basis at the training center sites and on an intermittent basis at or around mine sites, which may involve using a centralized training location for several mines in a particular area. Such intermittent programs at or around the mines is necessitated by the limits in resources and facilities available to MESA.

46. *Issue.* Should operators be given a specified time to have instructors approved before the effective date of the training program.

Finding. Representatives of operators questioned the time limits to have instructors approved. It is found that, for purposes of having instructors approved, the operator has approximately ten months from the effective date of the regulations to implement an approved training program. This is considered a reasonable time within which to have instructors approved. So long as instructors are approved by the date of the implementation of the training program, then the operator has met the time requirement under the regulations.

47. *Issue.* Should MESA promptly notify the employer upon approval of an instructor.

Finding. A representative of the operators suggested that MESA should promptly notify the employer upon approval of an instructor. It is found that the effectiveness of the training program will be improved if MESA promptly notifies the operator of the approval of an instructor and that the instructor has successfully completed the required training course. In addition, the instructor will receive a certificate from MESA indicating successful completion of the course.

SECTIONS 75.2010 AND 77.2010

48. *Issue.* Whether the records of training should be kept by the operator at the mine or other specified location.

Finding. Representatives of operators questioned whether the records of training should be kept by the operator at the mine or some specified location. It is found that the records of training should be kept by the operator at the mine site or any other location chosen by the operator and approved by the Training Center Chief. This should allow a prompt and thorough check of the training records.

Dated: April 20, 1977.

WILLIAM D. BETTENBERG,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-11902 Filed 4-25-77;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 207]

NAVIGATION REGULATIONS

Disestablishment of Seaplane Restricted Area; Extension of Time

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments to the notice published 16 March 1977 (42 FR 14739), proposing to disestablish the seaplane restricted area located in San Francisco Bay bordering the Coast Guard Air Station. We normally allow 30 to 45 days for public comment on proposed rules. However, the previous notice was inadvertently shortened to less than that.

DATE: Comments on or before 1 June 1977.

ADDRESS: Send comments to: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attn: DAEN-CWO-N.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Eppard, 202-693-5070.

SUPPLEMENTARY INFORMATION: The Commander, Twelfth Coast Guard District has requested that a seaplane restricted area located in San Francisco Bay bordering the Coast Guard Air Station in South San Francisco, San Mateo County, California, be disestablished as the Coast Guard no longer requires the use of the area nor requires that watercraft be restricted from the area at any time. Accordingly, we propose to delete and reserve paragraph (d) of 33 CFR 207.640 to disestablish this seaplane restricted area as set forth below:

§ 207.640 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisan Bay, San Joaquin River, and Connecting Waters, California.

* * * * *

(d) [Reserved]

* * * * * *

NOTE.—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(40 Stat. 266; 33 U.S.C. 1.)

Dated: April 14, 1977.

MARVIN W. REES,
Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.77-11864 Filed 4-25-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket 20642]

RADIO BROADCAST SERVICES

Clear Channel Broadcasting in the Standard Broadcast Band; Order extending time for filing reply comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: At the request of Daytime Broadcasters Association, this Order extends the time for filing reply comments to allow it to study comments filed in the Clear Channel proceeding.

DATE: Reply comments must be received on or before June 27, 1977.

ADDRESS: Send reply comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 13, 1977.

Released: April 18, 1977.

In the matter of clear channel broadcasting in the standard broadcast band.

1. The Commission presently has before it a Motion Requesting Extension of Time for Filing Reply Comments regarding the Notice of Inquiry and Notice of Proposed Rule Making in the above-captioned proceeding, 40 F.R. 58467. The present deadline for filing reply comments is April 25, 1977. Daytime Broadcasters Association ("DBA") requests that the date be extended to July 26, 1977.

2. Counsel for DBA states that because of the volume of comments which DBA must address in its reply comments, DBA's limited resources, and the fact that the DBA chairman and its counsel will be heavily preoccupied in the next two months with other urgent matters, it is impossible to complete the extensive reply comments by the present deadline date.

3. Although we are persuaded that good cause has been shown for some additional time in which to file reply comments, we do not believe that a sufficient showing has been made to justify an extension of the length requested. Accordingly, *it is ordered,* That the motion for extension of time for filing reply comments submitted by Daytime Broadcasters Association is granted to the extent that the present deadline for filing reply comments is extended through June 27, 1977, and is denied in all other respects.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-11977 Filed 4-25-77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-039]

OCCUPTATIONAL EXPOSURE TO SULFUR DIOXIDE

Informal Public Hearing on Proposed Standard; Change in Location of Hearing

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Change in location of public hearing on proposed sulfur dioxide standard.

SUMMARY: This notice changes the location for the previously announced informal rulemaking hearing on the proposed standard for occupational exposure to sulfur dioxide.

DATES: The hearing will begin at 9:30 a.m. on May 3, 1977.

ADDRESSES: The hearing will now be held in the New Department of Labor Auditorium, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Stephen Kaffee, Office of Committee Management, Docket No. H-039, N3633, U.S. Department of Labor, 3rd and Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8024.

SUPPLEMENTARY INFORMATION: On February 18, 1977, a notice was published in the FEDERAL REGISTER (42 FR 10017) to inform interested persons that an informal public hearing was scheduled for May 3, 1977 on the proposed OSHA standard for occupational exposure to sulfur dioxide. That notice stated that the hearing would begin at 9:30 a.m. at the Departmental Auditorium, Constitution Avenue between 12th and 13th Streets, N.W., Washington, D.C.

The purpose of this document is to notify interested persons that the location of the informal public hearing on the proposed sulfur dioxide standard has been changed. The hearing will now be held at the following location: New Department of Labor Auditorium, Department of Labor Building, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210. The hearing will begin at 9:30 a.m. on May 3, 1977, as originally scheduled at the new location.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).

Signed at Washington, D.C., this 21st day of April, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-12005 Filed 4-25-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A471]

FLORIDA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Florida Counties as a result of various adverse weather conditions shown in the following chart:

FLORIDA—9 COUNTIES

Alachua—Severe freeze January 17 through January 25, 1977.
Calhoun—Below normal temperatures beginning October 1, 1976, followed by freezing conditions through January 31, 1977.
Dixie—First frost October 23, 1976, followed by long periods of freezing temperatures with heavy rainfall through January 31, 1977.
Gadsden—Unusually cold weather October 1, 1976, through January 31, 1977.
Gilchrist—Prolonged cold, snow, ice, etc., January 17 through January 22, 1977.
Levy—Severe freeze and frost January 1 through January 31, 1977.
Liberty—Below normal temperatures beginning October 1, 1976, followed by freezing conditions through January 31, 1977.
Madison—Beginning October 1, 1976, excessive rains, some flooding, early frost and freeze through January 31, 1977 (especially hard freeze conditions beginning January 16 through January 31, 1977).
Okaloosa—Excessive rains beginning October 1, 1976, followed by freezing through January 31, 1977.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Reubin O'D. Askew that such designation be made.

Applications for emergency loans must be received by this Department no later than June 13, 1977, for physical losses and January 13, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 20th day of April, 1977.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-11940 Filed 4-25-77;8:45 am]

Forest Service

TIMBER MANAGEMENT PLAN; DeSOTO NATIONAL FOREST, MISS.

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the DeSoto Timber Management Plan, DeSoto National Forest, Mississippi, USDA–FS–DES (ADM.) 77–08.

The DeSoto National Forest contains 232,928 acres of National Forest land in Forrest, George, Greene, Pearl River, Perry, and Stone Counties, in Mississippi.

Management actions include timber harvesting, and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This draft environmental statement was transmitted to CEQ on April 18, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Street NW., Rm. 804, Atlanta, Georgia 30309.
USDA, Forest Service, 350 Milner Building, Box 1291, Jackson, Mississippi 39205.

A limited number of single copies are available upon request to Forest Supervisor B. F. Finison, Box 1291, Jackson, MS. 39205.

Copies of the environmental statement have been sent to various Federal, State, and Local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from State and Local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor B. F. Finison, Box 1291, Jackson, MS. 39205. Comments must be received by June 20, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: April 18, 1977.

THOMAS W. SEARS,
Acting Regional
Environmental Coordinator.

[FR Doc.77-11868 Filed 4-25-77;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) that a meeting of the National Advisory Committee on an Accessible Environment will be held on May 8–9, 1977 at 9 a.m. The May 8 meeting will be held at the Washington Hilton Hotel, 1919 Connecticut Avenue, NW., Washington, D.C. The May 9 meeting will be held at the Department of Health, Education, and Welfare South Building, 330 C Street SW., Room 3113, Washington, D.C.

The National Advisory Committee on an Accessible Environment is established under the 1974 amendments to the Rehabilitation Act, Pub. L. 93–516, 29 U.S.C. 792, et seq. The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the Committee shall be open to the public. On the first day the Committee Chairman will discuss activities since the previous meeting and call for government spokespersons to report on program activities and plans of the Architectural and Transportation Barriers Compliance Board. The full Committee will then break into subcommittee meetings to discuss specific area concerns and reconvene as a full Committee to receive subcommittee recommendations at the end of the first day. On the second day, the Committee will meet in conjunction with the Architectural and Transportation Barriers Compliance Board, if the Board is composed. During the second afternoon, the National Advisory Committee will discuss and plan agenda topics for the next meeting.

Persons interested in attending the meeting should contact Ms. Laurinda Steele, Coordinator, Architectural and Transportation Barriers Compliance Board, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201. telephone 202–245–1801.

ROBERT JOHNSON,
Acting Executive Director, Architectural and Transportation Barriers Compliance Board.

[FR Doc.77-11994 Filed 4-25-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Doc. 27573, Agreement C.A.B. 26537; Order 77–4–76]

IATA

Agreement Adopted Relating to Specific Commodity Rates

Issued under delegated authority April 15, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolution of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 43rd Meeting of the TC1 Specific Commodity Rates Board held in Miami Springs, Florida on February 22, 1977.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structure applicable within the Western Hemisphere. These revisions are outlined in the attachment hereto, and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *it is ordered*, That: Agreement C.A.B. 26537, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

Agreement CAB 26537

IATA commodity item No.[1]	Specific commodity rate at— Cents per kilogram	Minimum weight, kilogram	Market
Rates added under existing commodity descriptions:			
100	[2] 40	200	Miami, Fla. to Barranquilla.
	[2] 56	200	Miami, Fla. to Bogota.
	[3] 63	200	Miami, Fla. to Cali.
	[2] 40	200	Miami, Fla. to Cartagena.
	[2] 56	200	Miami, Fla. to Medellin.
	[2] 56	200	Miami, Fla. to Pereira.
0007	30	1,000	Mazatlan to Los Angeles, Cal.
	25	2,000	Do.
	30	1,000	Mexico City to Los Angeles, Cal.
	25	2,000	Do.
0009	[2] 55	100	Merida to San Juan.
	[2] 35	500	Mexico City to Miami, Fla.
	[2] 71	100	Mexico City to San Juan.
0326	47	200	Mexico City to Los Angeles, Cal.
	43	500	Do.
1400	26	200	Mexico City to Houston, Tex.
	26	200	Mexico City to San Antonio, Tex.
1477	30	1,000	Santo Domingo to New York, N.Y.
1491	[2] 56	200	Miami, Fla. to Bogota.
1566	[3] 102	2,000	Salvador to New York.
2199	49	100	Mexico City to Los Angeles, Cal.
	37	500	Do.
	35	1,000	Do.
2420	40	500	Mexico City to Denver, Col.
2460	[4] 35	1,000	Mexico City to New York, N.Y
	[4] 44	2,000	Do.
4204	[2] 35	200	Miami, Fla. to Barranquilla.
	[2] 48	200	Miami, Fla. to Bogota.
	[2] 53	200	Miami, Fla. to Cali.
	[2] 48	200	Miami, Fla. to Medellin.
	[2] 48	200	Miami, Fla. to Pereira.
4206	[2] 40	100	Miami, Fla. to San Salvador.
4416	21	500	Port Au Prince to Miami, Fla.
5305	[2] 38	200	Barranquilla to Miami, Fla.
6001	[2] 50	200	Mexico City to Chicago, Ill.
	[2] 45	500	Do.
	43	100	Mexico City to Los Angeles, Cal.
	37	500	Do.
6100	[2] 40	200	Mexico City to Dallas, Tex.
7101	48	500	Mexico City to Los Angeles, Cal.
7104	[2] 56	200	Miami, Fla. to Bogota.
7600	[2] 69	100	Merida to San Juan.
7900	[2] 50	500	Mexico City to Chicago, Ill.
8200	[2] 49	100	Mexico City to Los Angeles, Cal.
	[2] 28	200	Mexico City to San Antonio, Tex.
9310	[2] 86	1,000	Porto Alegre to Miami, Fla.
	[2] 80	1,000	Sao Paulo to Miami, Fla.
9516	[2] 34	500	Mexico City to Denver, Colo.
9521	35	500	Port An Prince to New York, N.Y.
9910	[2] 47	1,000	Bogota to Miami, Fla.
9994	31	500	Bermuda to New York, N.Y.
	[2] 49	500	Bogota to Miami, Fla.
	[2] 40	200	Miami, Fla. to Barranquilla.
Rates changed under existing commodity descriptions:			
0007	35	100	Mazatlan to Denver, Colo.
	30	500	Do.
Rates canceled under existing commodity descriptions:			
1400		[5] 100	Mexico City to Houston, Tex.
2420		[5] 500	Mexico City to Los Angeles, Cal.
		[5] 1,000	Do.
7104		[5] 300	Miami, Fla. to Bogota.
Rates extended under existing commodity descriptions:			
1421	[4] 57	100	Bogota to Baltimore, Md.
	[4] 68	100	Bogota to Boston, Mass.
	[4] 57	100	Bogota to Charlotte, N.C.
	[4] 68	100	Bogota to Cleveland, Ohio
	[4] 68	100	Bogota to Detroit, Mich.
	[4] 68	100	Bogota to Hartford, Conn.
	[4] 53	100	Bogota to Jacksonville, Fla.
	[4] 53	100	Bogota to Orlando, Fla.
	[4] 57	100	Bogota to Philadelphia, Pa.
	[4] 68	100	Bogota to Pittsburgh, Pa.
	[4] 53	100	Bogota to Tampa, Fla.
	[4] 57	100	Bogota to Washington, D.C.
	[4] 57	100	Medellin to Baltimore, Md.
	[4] 57	100	Medellin to Charlotte, N.C.
	[4] 68	100	Medellin to Cleveland, Ohio.
	[4] 68	100	Medellin to Detroit, Mich.
	[4] 68	100	Medellin to Hartford, Conn.
	[4] 53	100	Medellin to Jacksonville, Fla.
	[4] 53	100	Medellin to Orlando, Fla.
	[4] 57	100	Medellin to Philadelphia, Pa.
	[4] 68	100	Medellin to Pittsburgh, Pa.
	[4] 53	100	Medellin to Tampa, Fla.
	[4] 57	100	Medellin to Washington, D.C.

IATA commodity item No.[1]	Specific commodity rate at— Cents per kilogram	Minimum weight, kilogram	Market
2201	[4] 49	300	Barranquilla to New York, N.Y.
	[4] 55	300	Bogota to New York, N.Y.
	[4] 55	300	Cali to New York, N.Y.
	[4] 55	300	Medellin to New York, N.Y.
	[4] 55	300	Pereira to New York, N.Y.
4491	[4] 73	500	Bogota to Los Angeles, Cal.
	[4] 45	500	Bogota to Miami, Fla.
	[4] 61	500	Bogota to New York, N.Y.
	[4] 86	500	Bogota to San Francisco, Cal.

[1] See applicable tariffs for complete commodity descriptions.
[2] Expires December 31, 1977.
[3] Expires April 30, 1978.
[4] Expires September 30, 1977.
[5] Expires Apr. 30, 1977.

Item No.	Description
0009	Foodstuffs, spices and beverages, excluding strawberries.[1] [5]
1566	Cigars.[3]
2460	Underwear.[3]
2804	Hammocks.[3]
6928	Pyrethrum extract in containers, not exceeding 50 kg per container.[1] [3]
7060	Paper and rubber manufactures, excluding newspapers, periodicals, magazines, books, catalogues and braille type equipment.[3]
9310	Sporting guns.[3]
9910	Furniture and furniture parts.[2]
9910	Furniture.[3]

[1] Description changed.
[2] Area of application changed.
[3] New description.

[FR Doc.77-11827 Filed 4-25-77;8:45 am]

[Docs. 25546/28266]

MACKEY CERTIFICATION PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 17, 1977 at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, Washington, D.C. 20428, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served January 18, 1977 and the supplemental prehearing conference reports served February 10 and March 4, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 20, 1977.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.77-11997 Filed 4-25-77;8:45 am]

CIVIL SERVICE COMMISSION

ESTABLISHMENT OF PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS

Ecology Series, GS-408

AGENCY: U.S. Civil Service Commission.

ACTION: Notice.

SUMMARY: The Civil Service Commission has established a prescribed minimum education requirement for ecologists employed within the Federal service. Ecology is a new professional occupation and the prescribed requirement will assure fair and equitable recruitment and placement actions with respect to the duties of individual positions.

EFFECTIVE DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Raymond R. Yinger, Personnel Management Specialist, Bureau of Policies and Standards, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, 202-632-5612.

SUPPLEMENTARY INFORMATION: In accordance with Section 3308 of Title 5, United States Code, the Civil Service Commission has established a prescribed minimum educational requirement for ecologists employed within the Federal service. The requirement, the duties of the positions, and the reasons for the Commission's decision that the requirement is necessary are set forth below:

THE ECOLOGY SERIES, GS-408
GS-5 THROUGH GS-15

Minimum Educational Requirement. Candidates must have successfully completed a full 4-year or longer course of study in an accredited college or university leading to a bachelor's or higher degree in biology or a related field of science underlying ecological research. This total course of study must have included at least 40 semester hours in basic and applied biological sciences, including a total of at least 6 semester hours in population ecology, community ecology, and systems ecology and 15 semester hours in the physical or mathematical sciences. The nature and quality of this required coursework must have been such that it would serve as a prerequisite for more advanced study in ecology.

Duties. Ecologists perform professional and scientific work that utilizes both a systems approach and factual analysis to study the interrelationships of organisms with each other, with factors of their physical and chemical environment, and with society. Such relationships are considered primarily at the levels of individuals, populations, communities, and ecosystems. Ecologists analyze biological components and processes in the context of ecosystems including environmental factors, physical-chemical-biological relationships, and social relationships using quantitative analytic and synthetic systems analysis techniques to predict the effects of planned or natural changes in ecosystems and to develop solutions to ecological problems.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without thorough cross-disciplinary training in ecology, the several fields of biological science that underly ecology, and the relevant physical or mathematical sciences. The duties of the positions require the application of highly technical scientific knowledge and skills which can only be acquired through the successful completion of a course of study leading to a baccalaureate or higher degree in an accredited college or university which has scientific libraries, well equipped laboratories, and thoroughly trained instructors who give expert guidance and evaluate progress competently.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11951 Filed 4-25-77;8:45 am]

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Agriculture Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy for Congressional Affairs, Office of Congressional and Public Affairs, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc. 77-11954 Filed 4-25-77;8:45 am]

GRANT OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Agriculture Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy for Public Affairs, Office of Congressional and Public Affairs, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11953 Filed 4-25-77;8:45 am]

REVOCATION OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Justice Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office of the Assistant Attorney General, Land and Natural Resources Division.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11956 Filed 4-25-77;8:45 am]

GRANT OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Justice Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office of Legislative Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11955 Filed 4-25-77;8:45 am]

GRANT OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Justice Department

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Associate Attorney General, Office of the Associate Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-11952 Filed 4-25-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, May 11, 1977, at 9 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. The Executive Session will convene at 9:00 a.m. and the General Session will convene at approximately 11:30 a.m.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) maintenance of the processor performance tables and further investigation of total systems performance; and (b) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

EXECUTIVE SESSION

(1) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

GENERAL SESSION

(2) Opening remarks by the Chairman.
(3) Presentation of papers or comments by the public.
(4) Discussion of further work program of the Subcommittee.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (1), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: April 21, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-11914 Filed 4-25-77;8:45 am]

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, May 11, 1977, at 1:30 p.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of pro-

duction and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report by Department of Defense on the status of their paper addressing: (a) What software is being transferred to East Europe; (b) Mechanisms used to transfer this software; (c) Key software areas which should be considered for control; and (d) Software areas which should not be controlled.

(4) Discussion of assignments and review of the draft report dated February 7, 1977 on the transfer of computer software technology.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Date: April 21, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-11913 Filed 4-25-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF WORLD, INC.

Receipt of Application for Public Display

Notice is hereby given that the following Applicant has applied in due form for a Permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Gulf World, Inc., 15412 West Highway 98, Panama City Beach, Florida 32407 to take five (5) Atlantic bottlenosed dolphins (*Tursiops truncatus*), five (5) California sea lions (*Zalophus californianus*), and five (5) harbor seals (*Phoca vitulina*).

The dolphins will be maintained in a main pool 60 feet by 30 feet by 12 feet with a volume of 162,000 gallons, and three holding tanks which measure 15 feet by 10 feet by 6 feet with a combined capacity of 20,250 gallons. The sea lions will be maintained in a pool 29 feet by 8 feet by 4 feet with a volume of 6,900 gallons and a haul-out area of 22 feet by 7 feet. The harbor seals will be maintained in a pool 31 feet by 20 feet by 2 feet with a haul-out area of 14 feet by 9 feet. The water for these displays is taken from the Gulf of Mexico and is filtered.

Gulf World is a profit making corporation that is visited by 95,000 people annually.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Gandy Boulevard, Duval Building, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors. Written data or views, or request for a public hearing on this application, should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 26, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 17, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-11948 Filed 4-25-77;8:45 am]

MYSTIC MARINE LIFE AQUARIUM

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a Permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C.; 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Mystic Marine Life Aquarium, Mystic, Connecticut 06355 to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) and to retain a stranded harbor porpoise (*Phocoena phocoena*) for public display.

The bottlenosed dolphins will be captured by a professional collector off the coast of Florida, with a seine net.

The dolphins will be shipped to the Connecticut facility by commercial aircraft and truck.

The dolphins and porpoise will be maintained in a main pool 70 feet long by 40 feet wide by 20 feet deep. Two holding pools are available each measuring 30 feet in diameter by 9 feet deep. The volume of water circulated in these pools 410,000 gallons which is maintained to be comparable to low salinity sea water.

The dolphins are requested to be part of the marine mammal display of the Aquarium which is visited by some 500,000 visitors a year. The institution is privately owned and self supporting.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved. It is the opinion of this veterinarian that the harbor porpoise will not readapt to the wild if released.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 26, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 19, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management National Marine Fisheries Service.

[FR Doc.77-11949 Filed 4-25-77;8:45 am]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Three Public Meetings

Notice is hereby given of three meetings of the New England Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Fishery Management Council has authority, effective March 1, 1977 over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings as it deems necessary.

The first of the three Council meetings will be held on May 23 and 24, 1977, from 10 a.m. to 5 p.m., and 9 a.m. to 4 p.m., respectively at the Holiday Inn, Woodbury Avenue, Portsmouth, New Hampshire.

PROPOSED AGENDA

1. Report on the Council Scallop Plan.
2. Review of Council Final Management Plan for Hearing.
3. Development of Council Silver Hake Management Plan.
4. Other Business.

The second of these three Council meetings will be held on July 5 and 6, 1977, from 10 a.m. to 5 p.m., and 9 a.m. to 4 p.m., respectively at the Newport Treadway Inn, On the Harbor, Newport, Rhode Island.

PROPOSED AGENDA

1. Development of Herring Final Management Plan.
2. Development of Council Silver Hake Final Management Plan.
3. Review of proposed Final Management Plan for Red Fish and Pollock.
4. Other Business.

The third in this series of Council meetings will be held on August 2 and 3, 1977, from 10 a.m. to 5 p.m., and 9 a.m. to 4 p.m., respectively at the Holiday Inn, Cooks Corner, Brunswick, Maine.

PROPOSED AGENDA

1. Review of Final Management Plan for Silver Hake.
2. Review of Final Management Plan for Red Fish.
3. Review of Final Management Plan for Pollock.
4. Development of Council Final Management Plan for Red Crab.
5. Development of Council Final Management Plan for Squid.
6. Development of Council Final Management Plan for Red Hake.
7. Other Business.

These meetings are open to the public and there will be seating at each for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or about 10 days before each of these meetings:

Mr. Spencer Apollonio, Executive Director, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Apollonio at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

APRIL 18, 1977.

[FR Doc.77-11916 Filed 4-25-77;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Tuesday, May 17, 1977 from 9:45 a.m. to 5 p.m. and Wednesday, May 18, 1977 from 9:45 a.m. until 1 p.m. in Room 4830, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

Discussion of Draft Report on the Need for Independent Reassessment of the Strategies for Achieving the Goals of the National Environmental Policy Act;

Discussion of CTAB's views on U.S. Technology Policy; and

Review of organization and function of CTAB.

The meeting will be open to public observation. The public may submit written statements of inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-serve basis.

Copies of minutes and materials distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence S. Feinberg, Administrator, Room 3865, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5065.

Dated: April 21, 1977.

BETSY ANCKER-JOHNSON, Ph. D.,
Assistant Secretary for Science and Technology.

[FR Doc.77-11978 Filed 4-25-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY COMMITTEE ON PRIORITY CHEMICALS TESTING

Meeting

APRIL 21, 1977.

This notice is intended to advise all interested persons of the schedule for the

meeting of the TSCA Interagency Committee on Priority Chemicals Testing established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing of chemical substances and mixtures.

The next meeting will be held Thursday, April 28, 1977, at 1 p.m. in the CEQ Conference Room, 722 Jackson Place, Washington, D.C. Further information may be obtained by calling the Committee Secretary, 382-2027. All interested persons are invited to attend.

WARREN R. MUIR,
Chairman, TSCA ICPCT.

[FR Doc.77-12038 Filed 4-25-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ROCKY MOUNTAIN ARSENAL, COLORADO

Filing of Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on April 15, 1977 provided the Council on Environmental Quality with Draft Environmental Impact Statement concerning Disposal of Chemical Agent Identification Sets at Rocky Mountain Arsenal, Colorado.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from Project Manager, Chemical Demilitarization and Installation Restoration, Building E-4585, Attn: DRCPM-DR-T (Mr. G. Anderson), Aberdeen Proving Ground, Md., phone 301-671-2270.

In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, phone 202-694-1163.[1]

Dated: April 19, 1977.

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.77-11936 Filed 4-25-77;8:45 am]

ROCKY MOUNTAIN ARSENAL, COLORADO

Filing of Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on April 15, 1977 provided the Council on Environmental Quality with Draft Environmental Impact Statement concerning Part 1 Pilot Containment Operations at Rocky Mountain Arsenal, Colorado.

[1] A copy is also on file with the original document at the Office of the Federal Register.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from Office of the DA Project Manager for Chemical Demilitarization and Installation Restoration, Building E, 4585, ATTN: DRCPM-DR-T (Mr. G. Anderson) Aberdeen Proving Ground, Md. 21010, phone 301-671-2270.

In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, phone 202-694-1163.[1]

Dated: April 11, 1977.

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.77-11937 Filed 4-25-77;8:45 am]

Department of the Army

DISCHARGE REVIEW BOARDS

Plan for Review of Discharges of Certain Vietnam Era Personnel

Notice is hereby given that the Secretary of Defense has established a Special Discharge Review Program to review certain administrative discharges received by former service members during the Vietnam Era (August 4, 1964 through March 28, 1973). Also eligible are certain service members presently in a deserter status whose absence commenced during the Vietnam Era.

Because the plan establishes agency procedures to be followed, notice of proposed rule making and procedures thereto, are not necessary. In addition, notice of proposed rule making and the procedures thereto are impracticable, unnecessary, and contrary to the public interest, in view of the need to implement the program at the earliest possible date.

The Department of the Army is the Executive Agent for the conduct of this program. The Plan for Review of Discharges of Certain Vietnam Era Personnel is published below.

Effective date: This plan was effective April 5, 1977.

FREDERICK R. DALY,
GS Project Officer, Special Discharge Review Program.

PLAN FOR REVIEW OF DISCHARGES OF CERTAIN VIETNAM ERA PERSONNEL

1. *General:* This plan provides guidance for the implementation of a program concerning the processing of deserters-at-large and review of discharges for eligible former members of the Armed Services during the Vietnam War.

2. *Concept:* a. Deserters-at-large will be afforded an opportunity to return to military control and be discharged promptly in accordance with applicable Department of Defense and individual Service regulations by reason of "prolonged unauthorized absence". Deserters have a period of 180 days from the date of announcement of detailed procedures for the program (5 April 1977) to return to military control. Upon return and discharge, the records of these persons will be reviewed for possible upgrading of their discharges under this program.

b. Discharge reviews will be conducted by the Discharge Review Boards (DRB) of the Military Departments on an on-the-record basis after the individual has had an opportunity to submit information he wants considered along with the material in his military record.

c. Discharged personnel will have a 180 day period from the announcement of detailed application procedures (5 April 1977) to apply for a review of their discharge.

d. Military Departments have 14 days to respond to the individual confirming receipt of his/her application. A notification will be sent to the applicant stating that he/she will have 30 days to submit any additional data desired to be considered along with the material in the military records. The discharge review process will be accomplished within 180 days after receipt of the application.

e. Requests on behalf of discharged personnel who are deceased or mentally incompetent may be initiated by their surviving spouse, next-of-kin, or legal representative. In these cases, proof of death or legal proof of mental incompetency will be required as an additional document.

f. Persons discharged as a result of sentence by a General Court-Martial or discharged with a Bad Conduct Discharge by sentence of a Special Court-Martial are not eligible for review of their discharges under this program. Such individuals will be advised that any request for review of their discharges will be submitted in accordance with application procedures under existing regulations of their respective former Service under 10 U.S.C. 1552 or 1553 as applicable.

3. *Deserters-at-Large:* a. A toll free telephone number will be established which can be used by deserters to inform their Service of their desire to participate in this program (see paragraph 4a (3) below). Deserters will be requested to provide the necessary information to verify their status and will be told subsequent instructions will be provided to them by their Service by mail at a later date.

b. The Secretaries of the Military Departments will establish procedures for expedited verification of status and procurement of necessary military records of deserters who apply. The records will be screened to determine whether or not the deserter meets the criteria for discharge. If other charges were pending at the time of desertion or absence, an appropriate authority will determine whether these charges will be dismissed or retained for possible prosecution. Those who deserted in or from a combat zone are not eligible.

c. If charges other than those for desertion or absence are pending and a decision has been made that these charges will not be dismissed, the deserted will be informed of this fact, as well as the fact of non-eligibility for the program.

d. Persons eligible for discharge pursuant to this program will be instructed to return to military control as directed by the military service concerned. Charges for desertion and/or absence will be dismissed and applicants will be discharged in accordance with applicable Department of Defense and individual service regulations by reason of "prolonged unauthorized-absence."

e. In the cases of those discharged, notification will be made to the FBI (National Crime Information Center) that the individual's return to military control is no longer desired and that status as an Absentee from the Armed Services is cancelled.

f. If the individual is discharged with an Under Other Than Honorable Discharge (enlisted personnel) or separated Under Other Than Honorable Conditions (officer personnel), the service record will be forwarded directly to the DRB of the Military Department concerned so that the individual may have his/her discharge reviewed under the discharge review part of this program.

g. These instructions are also applicable to any deserter who has been returned to military control but not discharged on the date of the public announcement of the program provided that the period of absence or desertion commenced between 4 August 1964 and 28 March 1973.

h. Deserters who are outside the United States and return to military control may be processed under this program if international agreements permit.

4. *Discharge Reviews.* Military Department DRBs will process an application considered within this program under the procedures outlined below using the criteria contained in Inclosure 1. Augmentation of the DRBs and support administrative facilities are authorized and directed in order to ensure that the reviews can be conducted within 180 days after receipt of application.

a. *Applications.* Application procedures will be simplified. Use of DD Form 293 (Application for Review of Discharge or Separation from the Armed Forces of the Untied States) and formal application procedures currently in use will not be required.

(1) The Secretary of the Army shall establish a Joint Liaison Office in St. Louis. The Army will provide facilities, communications and logistical support for all Services on a reimbursable basis. Staffing of the office will be on a proportional basis considering the potential number of requests from each Service.

(2) This Joint Liaison Office will have the functions of responding to initial inquiries, receiving applications, sending letters of confirmation to each applicant, notifying the respective Service of the former member's desire for a discharge review, and coordinating the retrieval of records from the National Personnel Records Center. The Joint Liaison Office will ensure that the address of the individual is furnished along with the personnel record.

(3) Toll free telephone service will be established for this Joint Liaison Office so that individuals may apply for discharge review by a telephone call. (This same number can be used for initial contacts by deserters.) The telephone numbers and mailing address of the Joint Liaison Office will be given widespread publicity so that telephonic or written requests can be accommodated.

(4) At the time of calling, caller will be notified that under the Privacy Act, he may refuse to provide the requested information. The caller will be notified that should the information not be provided, it may not be possible to process his request. The caller will be informed that he/she will receive a letter providing additional information. Unless otherwise specified by applicant, it will be assumed that the requestor is seeking upgrade to Honorable Discharge by reason of this program.

(5) Upon application, the requestor will be furnished a letter explaining the program, advising him of the opportunity to submit additional information, and advising him that if additional documentation is not received within 30 days, an initial review by the DRB will be based on the material in his military records only.

(6) A request for the military record will be levied on the National Personnel Records Center. After receipt of a response from the applicant or the passage of 30 days from the date of the letter, the file will be forwarded to the DRB for review. (Services may have the applicant respond directly to their DRB if this is more appropriate for their method of operation.)

(7) The Joint Liaison Office will be staffed so that it can be operational from 0700 to 2000 hours CST/DST on a seven day a week basis initially. Subsequent operating hours can be adjusted based on workload experience.

b. *Procedures.* (1) Cases will be reviewed within 180 days after receipt of application. The initial review of the individual's records and information submitted in response to the letter will be in closed session by the DRB. Expedited processing procedures are encouraged to reduce the administrative processing time to a minimum consistent with careful consideration of each request for review.

(2) Applicants with discharges Under Other than Honorable Conditions who meet one of the special considerations (Inclosure 1) will be upgraded to a general discharge under honorable conditions (or may be upgraded to an honorable discharge if the DRB so determines) unless there are compelling reasons to the contrary. Compelling reasons are the following:

(a) Discharge was for desertion or absence in or from the combat zone. An individual who departed the combat zone on leave, TDY, or other authorized absence basis and did not return is considered to have deserted or absented himself in or from the combat zone. Conversely, an individual who failed to report to an embarkation point for further assignment to the combat zone is not considered to have been absent in or from the combat zone.

(b) Discharge was based on an act of violence or violent conduct.

(c) Discharge was based on cowardice or misbehavior before the enemy.

(d) Discharge was based on an act or conduct that would be subject to criminal prosecution if it had taken place in a civilian environment.

(3) Applicants with discharges Under Other than Honorable Conditions who meet the mitigating factors (Inclosure 1) may be upgraded to a general discharge under honorable conditions (or an honorable discharge) when the DRB finds such upgrading is appropriate based on the total circumstances of the case.

(4) Individuals with general discharges under honorable conditions may apply under this program for review to the DRB of their former Military Department. The DRB shall consider in their deliberations the President's desire that discharges be re-examined in a spirit of compassion.

(5) When initial review by the DRB does not result in granting of the full relief requested, requesters will be advised of their right to further review by the DRB.

c. *Counsel.* Neither counsel nor applicant will appear at the initial review in closed session of the Board. In the event an applicant's request for upgrading is initially denied, the application, upon request, shall be reviewed by the DRB de novo, (anew). At this stage, the applicant may appear and be represented by counsel. Upon request, counsel will be provided without charge to applicants who at this stage do not have a discharge under honorable conditions. In the latter case, the Military Departments shall ensure the availability of counsel, but may use counsel from outside the Department of Defense.

d. *Findings, Conclusions, and Reasons.* A statement of Findings, Conclusions, and Reasons must be prepared for each final determination as to every application considered under this program in accordance with DRB procedures as set forth in applicable service regulation.

e. *Notification to the Veteran's Administration.* Each DRB will provide a monthly listing of the individuals whose discharges have been upgraded under this program. (Not required if computer program is established.)

f. *Cases on Hand.* DRB will screen the cases on hand at the time this program is announced and determine which cases qualify for review under this program. A letter will be dispatched to those applicants qualifying for review under this

[1] A copy is also on file as part of the original document at the Office of the Federal Register.

program, advising them of this fact, explaining the program, and advising them of the opportunity to submit additional information. All issues raised in the DD Form 293 will be considered.

5. *Separation Program Designator (SPD).* Each individual will have the SPD shown as KCR. The authority will be DOD Discharge Review Program (Special).

6. *Funding and Accounting Procedures:* a. Each Military Department will initially provide the additional resources required to operate this program. Separate accounting controls will be established to identify the costs of the program separately from normal operations. Costs will be accumulated at Budget Program levels for each Budget Program affected.

b. Reimbursement to Department of the Army for the costs of facilities, communications, and logistical support of the Joint Services Liaison Office will be made by the Departments of the Navy and Air Force in accordance with normal reimbursement procedures.

c. A consolidated report of the DRP (Special) costs will be provided by the Department of the Army to the Assistant Secretary of Defense (Comptroller), at the end of each fiscal quarter.

d. For deserters, a final pay voucher will be prepared after final determination of the case to reflect all pay and allowances which have accrued to the individual as of the date of the desertion. The amount due, if any, will be offset by any costs such as transportation, food, etc.

7. *Inter-Agency Actions.* Successful accomplishment of this program will require assistance of other agencies outside the Department of Defense and Department of Transportation.

8. *Public Affairs Guidance.* a. This program has national significance. The Assistant Secretary of Defense (Public Affairs) (OASD (PA)) will:

(1) Provide overall public affairs guidance to the Services;

(2) Make initial and subsequent DoD release with details of the program to national electronic and print media;

(3) Provide initial release and comprehensive program explanation to national veterans organizations and other associations/groups as appropriate;

(4) Inform members of the Armed Forces through internal information media;

(5) Coordinate with Veterans Administration Public Affairs Office and request VA make maximum use of their media to disseminate program information.

b. Each Service, in line with OASD (PA) guidance, will:

(1) Provide public affairs guidance to all installations/bases so public affairs office will be immediately responsive to query at the local level;

(2) Provide specific public affairs guidance for personnel engaged in face-to-face or phone contact with applicants.

9. *Records and Reports:* a. Records generated by this program will be filed and disposed of under existing Service directives. In all cases where upgrading takes place, the internal military record of the individual will reflect the original discharge as well as the upgraded discharge. Individuals upgraded will have their DD 214 annotated to reflect they are not eligible for reenlistment except on receipt of a separate waiver from the Military Service concerned.

b. The Department of the Army will provide a monthly consolidated report showing data on deserters returned and discharge review activities. The first report will be submitted to Assistant Secretary of Defense (M&RA) by the 10th of the month following the first full calendar month of operation of the program. Each Military Department will complete a case data sheet on each case processed and forward a copy to the Army Council of Review Boards, Room 1E464, The Pentagon, by close of business Friday of each week.

c. The Secretary of the Army will submit a comprehensive final report and program evaluation to the Secretary of Defense within 60 days following completion of the program.

10. The Department of the Army is Executive Agent for the conduct of the program.

CRITERIA FOR DISCHARGE REVIEW

1. *Types of Discharges Eligible:* All discharges (including Clemency discharges) except Honorable Discharges and punitive discharges as a result of sentence by court-martial.

2. *Period of Service Covered by the Discharge:* a. Discharged during the period 4 August 1964 through 28 March 1973.

b. Deserter-at-large from that period who surrenders and who is separated under this program.

3. *Special Considerations.* Applicants with discharges Under Other than Honorable Conditions who meet one of the following considerations with have their discharges upgraded to a general discharge under honorable conditions (or may be upgraded to an Honorable Discharge if the DRB so determines) unless there are compelling reasons to the contrary:

a. Received a U.S. Military decoration other than a service medal.

b. Was wounded in action.

c. Satisfactorily completed an assignment in Southeast Asia or in the Western Pacific in support of operations in Southeast Asia.

d. Completed alternate service or was excused therefrom in accordance with Presidential Proclamation 4313 of 16 September 1974.

e. Received an Honorable Discharge from a previous tour of military service.

f. Had a record of satisfactory active military service for 24 months prior to discharge.

4. *Mitigating Factors.* Applicants with discharges under other than honorable conditions may also qualify for upgrading to a general discharge under honorable conditions (or an Honorable Discharge) when a Service Discharge Review Board finds such action is appropriate based on all of the circumstances of a particular case and on the quality of the individual's civilian record since discharge. Factors to consider in this regard include:

a. Age, general aptitude, and length of service at time of discharge.

b. Education level at the time of discharge.

c. Individual entered the service from a deprived background.

d. Actions which led to the discharge were alleged at the time of discharge to have been motivated by conscience.

e. Individual entered the service upon a waiver of normally applicable entrance standards.

f. Possible personal problems which may have contributed to the acts which led to discharges.

g. Record of good citizenship since discharge. Boards are encouraged to give weight to this factor when a good record is documented.

h. Was discharged for drug or alcohol abuse and, if so, any contributing or extenuating circumstances.

i. Other factors which the applicant contends warrant an upgrade in discharge.

5. Applicants with General Discharges (Under Honorable Conditions) may apply under this program for review to the DRB of their former Military Department. The DRB shall consider in their deliberations the President's desire that discharges be re-examined in a spirit of compassion.

[FR Doc.77-12021 Filed 4-25-77;8:45 am]

PRIVACY ACT OF 1974

System of Records

The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

FR Doc. 75-21075 (40 FR 35151) August 18, 1975.
FR Doc. 75-22781 (40 FR 41970) September 9, 1975.
FR Doc. 75-26296 (41 FR 2952) January 20, 1976.
FR Doc. 76-20187 (41 FR 28806) July 13, 1976.
FR Doc. 76-21185 (41 FR 30824) July 26, 1976.
FR Doc. 76-27015 (41 FR 39798) September 16, 1976.
FR Doc. 76-32920 (41 FR 49960) November 11, 1976.
FR Doc. 77-5005 (42 FR 9700) February 17, 1977.
FR Doc. 77-9080 (42 FR 16465) March 28, 1977.
FR Doc. 77-11277 (42 FR 20326) April 19, 1977.

Notice is hereby given that the Department of the Army submitted a proposed new system of records on March 17, 1977 pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their

intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)).

The Department of the Army invites public comments concerning the proposed new record system. Interested persons are invited to submit written data, views and arguments to Headquarters, Department of the Army (DAAG-AMR-R), Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20314 on or before May 26, 1977. The system will become effective, within 30 days, as proposed without further notice unless comments are received which result in a contrary determination.

AO708.16aUSREDCOM

System name:

708.16 Military Personnel Data File, USREDCOM

System location:

Primary system: Computer Operations Section, Command Control Support Division, Directorate of Operations, J3, Building 501, United States Readiness Command (USREDCOM), MacDill Air Force Base (AFB), FL 33608. Computer products: Military Personnel Division, J1, Room 160, Building 501, USREDCOM, MacDill AFB, FL 33608.

Categories of individuals covered by the system:

All Army, Navy, Marine Corps, and Air Force personnel assigned for duty with USREDCOM, MacDill AFB, FL 33608.

Categories of records in the system:

File contains following information on all military personnel assigned for duty with USREDCOM: (1) Social security number (SSN), (2) name, (3) rank, (4) pay grade, (5) date of rank, (6) branch of service, (7) Army officer branch, (8) basic active service date, (9) basic pay entry date, (10) date of birth, (11) passport expiration date, (12) organization and division, (13) Joint Table of Distribution paragraph and line number, (14) alert status, joint task force, (15) immunization dates, (16) weapon qualification, (17) primary military specialty/Air Force specialty code (MOS/AFSC), (18) marital status, (19) secondary MOS/AFSC, (20) duty MOS/AFSC, (21) officer evaluation report/enlisted efficiency report (OER/EER) date, (22) date assigned to supervisor, (23) reserve/regular officer, (24) duty telephone number, (25) building and room number, (26) home address, (27) nearest town, (28) home telephone number, (29) spouse's name, (30) date arrived USREDCOM, (31) projected loss date, (32) expiration term of service, (33) foreign service availability code, (34) human personal reliability screening date, (35) language proficiency, (36) enlisted evaluation report weighted average, (37) primary MOS evaluated, (38) primary evaluation date, (39) primary score, (40) secondary MOS evaluated, (41) secondary evaluation date, (42) secondary score, (43) name of OER rater, (44) duty title, (45) permanent grade, officers, (46) permanent date of rank, (47) rated category, (48) highest professional military education, (49) civilian education, (50) source of commission, (51) mandatory retirement date, officers.

Authority for maintenance of the system:

Title 10 U.S.C., § 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of system is to maintain a consolidated joint personnel file pertaining to Army, Navy, Marine Corps, and Air Force personnel. Although each service has its own personnel records system, USREDCOM requires a consolidated system of basic personnel data that would allow the production of Command Manning Rosters, Immunization Rosters, Joint Task Force Deployment Rosters, Locator Rosters, and retrievability of individual personnel data as needed in the Joint Military Personnel Division.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The entire personnel system is an online disk resident application with backup maintained on magnetic tape.

Retrievability:

Standard reports and ad hoc retrievals are generated via remote terminals using a data management system. Additionally, updates and record brousing may be accomplished in the interactive mode through keying by SSN.

Safeguards:

All personnel qualified to add, change, or delete records of this file must be cleared for TOP SECRET as the computer equipment used to maintain this file is physically located within a TOP SECRET access area. The overall classification of the personnel file is "For Official Use Only", but all operators have individual "Pass Words" which are required for access to the computer file. All output products have the following statement printed at the beginning of each page: "This roster contains Privacy Act information and will not be released unless request meets the requirements of para 3-2, AR 340-21".

Retention and disposal:

All personnel data collected from military records for local use of this command are deleted from the data file upon the departure of the individual from USREDCOM. No history is maintained on departing individuals under this system.

System manager(s) and address:

Chief, Military Personnel Division, Directorate of Personnel, J1, USREDCOM, MacDill AFB, FL 33608.

Notification procedure:

Information may be obtained from:

Directorate of Personnel, J1, Attn: RCJ1-MP, Room 160, Building 501, USREDCOM, MacDill AFB, FL 33608, Telephone area code 813-830-4106.

Record access procedures:

Requests from individuals should be addressed to: Chief, Military Personnel Division, ATTN: RCJ1-MP, USREDCOM, MacDill AFB, FL 33608.

Written requests for information should contain the full name of the individual, SSN, current address, and telephone number.

Visits are permitted at the Directorate of Personnel, J1, Room 168, and at the Military Personnel Division, Room 160, Building 501, MacDill AFB, FL 33608, where computer products are maintained. For personal visits, the individual should be able to provide some acceptable identification; e.g. military identification card, driver's license, or some other acceptable identification card, and give some verbal information which can be verified from his/her file.

Contesting record procedures:

The Army's rules for access to records, contesting contents, and appealing initial determinations are contained in 32 CFR Part 505 (Army Regulation 340-21).

Record source categories:

Fields of data recorded in this system were taken from official military personnel records of the individual upon his/her reporting to USREDCOM for duty.

Systems exempt from certain provisions of the act:

None.

MAURICE W. ROCHE,
Director, Correspondence and Directives. Office of the Assistant Secretary of Defense (Comptroller).

APRIL 21, 1977.

[FR Doc.77-11857 Filed 4-25-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 717-5; OPP-50291]

EXPERIMENTAL USE PERMITS

Issuance

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2224-EUP-12. Mobil Chemical Company, Richmond, Virginia 23261. This experimental use pemit allows the use of 1,194 pounds of the insecticide ethoprop on cabbage, corn, cucumbers, peanuts, potatoes, snapbeans, soybeans, sugarcane, and sweet potatoes to evaluate control of nematodes, corn rootworms, wireworms, and rootknots. A total of 493 acres is involved; the program

is authorized only in the States of Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina North Dakota, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, and Virginia. The experimental use permit is effective from April 16, 1977, to April 16, 1978. Permanent tolerances for residues of the active ingredient in or on cabbage, corn, cucumbers, peanuts, potatoes, snapbeans, soybeans, sugarcane, and sweet potatoes have been established (40 CFR 180.282).

No. 464–EUP–51. Dow Chemical U.S.A., Midland, Michigan 48640. This experimental use permit allows the use of 8,400 pounds of the herbicide chlorpyrifos on cotton to evaluate control of bollworms and boll weevils. A total of 1,200 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Georgia, Mississippi, South Carolina and Texas. The experimental use permit is effective from April 1, 1977, to April 1, 1978. A permanent tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.342).

Interested parties wishing to review the experimental use permits are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202–755–4851 before visiting the FPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday.

STATUTORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: April 18, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77–11863 Filed 4–25–77;8:45 am]

[FRL 717–4; OPP–250004]

PESTICIDE PROGRAMS

Notification of the Secretary of Agriculture of a Proposed Regulation

Notice is hereby given as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92–516, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 751; 7 U.S.C. 136 et seq., hereinafter referred to as FIFRA) that the Administrator of the Environmental Protection Agency (EPA) has forwarded to the Secretary of the U.S. Department of Agriculture, a copy of EPA's proposed regulation designed to implement section 25(c)(3) of FIFRA, which authorizes the Administrator to establish standards for the special packaging of pesticides.

Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture a copy of any proposed regulation at least 60 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the proposed regulation) the comments of the Secretary and the response thereto of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign such regulation for publication in the FEDERAL REGISTER anytime after that 30 day period.

Pursuant to FIFRA section 25(a)(3), a copy of this proposed regulation has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate. The section 25(c)(3) proposed regulation was submitted to the FIFRA Scientific Advisory Panel on February 17, 1977, as required by section 25(d). The Panel approved the proposed regulation for publication.

Dated: April 19, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.77–11862 Filed 4–25–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 1 Through April 8, 1977

Notice is hereby given that during the week of April 1 through April 8, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

APRIL 21, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of Apr. 1 through Apr. 8, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Apr. 1, 1977	Byron Elevator, Inc., Owasso, Mich. (If granted: The Mar. 16, 1977, remedial order issued by region V would be rescinded and Byron Elevator, Inc., would not be required to refund alleged overcharges in its sales of covered products.)	FRA–1249 FRS–1249	Appeal of a remedial order issued by region V on Mar. 16, 1977; stay requested.
Do	Chanslor-Western Oil & Development Co., Torrance, Calif. (If granted: The FEA's Feb. 18, 1977, decision and order would be rescinded and the firm would be permitted to sell 100 pct of the crude oil produced from its Torrance main zone unit at upper tier ceiling prices.)	FXA–1248	Appeal of FEA's decision and order in Chanslor-Western Oil & Development Co., 5 FEA par. ---- (Feb. 18, 1977.)
Do	Cleary Petroleum Co., Oklahoma City, Okla. (If granted: Crude oil produced from the J. A. Little A Lease located in Archer County, Tex., would be sold at upper tier ceiling prices.)	FEE–4042	Price exception (sec. 212.73).
Do	Edgington Oil Co., Inc., Washington, D.C. (If granted: The FEA's Dec. 15, 1976, decision and order would be modified to increase the amount of exception relief Edgington Oil Co. would receive from its entitlements purchase obligation.)	FMR–0097	Modification of FEA's decision and order in Edgington Oil Co., Inc., 4 FEA par. 83,243 (Dec. 15, 1976).
Do	Texaco, Inc., New York, N.Y. (If granted: The FEA's Mar. 2, 1977, order denying a portion of Texaco's information request would be rescinded and the firm would received access to FEA data relating to passthrough of increased nonproduct costs by refiners before Feb. 1, 1976.)	FFA–1247	Appeal of FEA information request denial dated Mar. 2, 1977.
Apr. 4, 1977	Consumers Federation of America, Washington, D.C. (If granted: The FEA Office of Exceptions and Appeals would appoint and pay a special public counsel to represent consumers in connection with FEA rulemaking proceedings involving price and allocation controls for middle distillates.)	FSG–0040	Request for assignment of a special public counsel.
Do	Gary Western Co., Englewood, Colo. (If granted: Gary Western Co. would receive an exception from the requirements of 10 CFR 212.83(c)(2)(iii)(E) and would not be required to calculate nonproduct cost increases by the output adjusted method.)	FEE–4023	Price exception (sec. 212.83).
Do	Luke Bros., Inc., Oklahoma City, Okla. (If granted: Luke Bros., Inc., would receive a temporary stay of the refund requirements in the remedial order issued by region VI on Oct. 5, 1976, pending judicial review.)	FST–0039	Temporary stay of the remedial order issued by region VI on Oct. 5, 1976.
Do	Sentry Refining Co., New York, N.Y. (If granted: The FEA's Mar. 4, 1977, decision and order would be rescinded and Sentry Refining Co. would be permitted to begin purchasing crude oil that may be allocated pursuant to sec. 211.65 before it actually begins its refinery operations and would quality as a refiner for purposes of sec. 211.67 before its proposed refinery at St. Mary's, W. Va., becomes operational.)	FXA–1231	Appeal of FEA's decision and order in Sentry Refining Co., 5 FEA par. ---- (Apr. 4, 1977).
Apr. 5, 1977	Brinkerhoff Drilling Co., Denver, Colo. (If granted: Brinkerhoff Drilling Co would receive an extension of the relief granted in FEA's Nov. 1, 1976, decision and order to permit crude oil produced from the Track lease, well No. 1 located in Roosevelt County, Mont., to be sold at upper tier ceiling prices.)	FXE–4047	Extension of the relief granted in Brinkerhoff Drilling Co., 4 FEA par. 83,173 (Nov. 1, 1976)
Do	Buck Drilling & Exploration, Oklahoma City, Okla. (If granted: The FEA's Feb. 15, 1977, stay decision and order issued to Buck Drilling & Exploration would be vacated.)	FEX–0139	Supplemental order to the FEA's decision and order in Buck Drilling & Exploration, 5 FEA par. 85,028 (Feb. 15, 1977).

Date	Name and location of applicant	Case No.	Type of submission
Do	Coastal States Gas Corp., Houston, Tex. (If granted: Coastal States Gas Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Almeda gas plant.	FEE–4045	Price exception (sec. 212.165).
Do	Daleco Resources, Beverly Hills, Calif. (If granted: Daleco Resources' Maino and Pricco leases would be classified as stripper well properties.)	FEE–4048	Price exception (sec. 212.73).
Do	Eagle Oil Co., Columbus, Ohio. (If granted: The FEA's Mar. 23, 1977, decision and order would be rescinded and Eagle Oil Co. would be assigned a new, lower priced supplier to replace its base period supplier, Tresler Oil Co.)	FXA–1251	Appeal of FEA's decision and order in Eagle Oil Co., 5 FEA par. ---- (Mar. 23, 1977).
Do	Gas Engine & Compressor Service, Inc., Longview, Tex. (If granted: Gas Engine & Compressor Service, Inc., would be permitted to retroactively increase its prices for condensate and natural gas liquids above the maximum level allowed in the mandatory petroleum price regulations.)	FEE–4046	Price exception (sec. 212.165).
Do	Superior Oil Co. (McElmo Creek), Houston, Tex. (If granted: Crude oil produced from the McElmo Creek unit located in San Juan County, Utah, would be sold at upper tier ceiling prices.)	FEE–4049	Price exception (sec. 212.76).
*Do	The Refinery Corp., Washington, D.C. (If granted: FEA's Feb. 18, 1977, decision and order would be rescinded and the Refinery Corp. would be relieved of its obligations to purchase any entitlements pursuant to the revised notice of special correction amount under entitlements program (41 FR 42700 (Sept. 18, 1976)).)	FXA–1252	Appeal of FEA's decision and order in The Refinery Corp., 5 FEA par. 80,554 (Feb. 18, 1977).
Aug. 6, 1977	Austral Oil Co., Inc., Houston, Tex. (If granted: The FEA would recalculate the exception relief granted to Austral Oil Co. in the Mar. 1, 1977, decision and order to take into consideration the change in upper tier ceiling prices.)	FEX–0141	Supplemental order to Austral Oil Co., Inc., 5 FEA par. ---- (Mar. 1, 1977).
Do	Biglane Operating Co., Natchez, Miss. (If granted: Biglane Operating Co.'s wells located in Ellis Lake Field, Wilkinson County, Miss., and Flat Lake Field, Adams County, Miss., would be classified as stripper well properties.)	FEE–4050	Price exception (sec. 212.73).
Do	Bonray Oil Co., Oklahoma City, Okla. (If granted: The FEA's Mar. 11, 1977, stay decision and order issued to Bonray Oil Co., would be rescinded.)	FEX–0140	Supplemental order to Bonray Oil Co., 5 FEA par. ---- (Mar. 11, 1977).
Do	Boyd Oil Corp., Contoocook, N.H. (If granted: The FEA's Mar. 3, 1977, stay decision and order issued to Boyd Oil Corp. would be vacated.)	FEX–0143	Supplemental order to Boyd Oil Corp., 5 FEA par. ---- (Mar. 3, 1977).
Do	General Distributors, Inc., Snow Hill, Md. (If granted: The FEA's Feb. 23, 1977, remedial order issued by region III would be rescinded and General Distributors, Inc., would not be required to refund alleged overcharges in its propane sales.)	FRA–1250 FRS–1250	Appeal of FEA's remedial order issued by region III on Feb. 23, 1977; stay requested.
Do	General Distributors, Inc., Snow Hill, Md. (If granted: The FEA's Mar. 10, 1977, decision and order would be modified to permit General Distributors, Inc., to retroactively increase its rates in propane sales.)	FMR–0008	Modification of FEA's decision and order in General Distributors, Inc., 5 FEA par. .. (Mar. 10, 1977).
Do	House Oil Co., Clare, Mich. (If granted: House Oil Co. would be assigned a new supplier of motor gasoline to replace its base period supplier, Naph-Sol Refining Co.)	FEE–4056	Exception to change suppliers.
Do	Phillips Petroleum Co., Bartlesville, Okla. (If granted: FEA region VI's Mar. 24, 1977, decision and order would be rescinded and Phillips Petroleum Co. would not be required to comply with a special report order issued to the firm by region VI on Dec. 3, 1976.)	FSG–0041 FES–0085	Special redress; stay request.
Do	Southland Oil Co., Jackson, Miss. (If granted: The FEA would review the entitlements exception relief granted to Southland Oil Co. during its 1976 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	FEX–0142	Review of entitlements exception relief.
Do	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its Headlee Gas, Headlee Cycling, Houma, Krotz, and Toca gas plants.)	FEE–4051— FEE–4055	Price exception (sec. 212.165).
Do	The Refinery Corp., Washington, D.C. (If granted: The FEA's Feb. 18, 1977, decision and order would be rescinded.)	FMR–0099	Request for modification of decision and order in The Refinery Corp., 5 FEA par. 80,554 (Feb. 18, 1977).
Apr. 7, 1977	Beacon Oil Co., Hanford, Calif. (If granted: Beacon Oil Co. would receive a stay of its entitlement purchase obligation as stated in FEA's Dec. 7, 1976, decision and order.)	FES–0086	Stay of FEA's decision and order in Beacon Oil Co., 4 FEA par. 85,041 (Dec. 7, 1976).
Do	Exxon Co., U.S.A., Houston, Tex. (If granted: The FEA would stay exception proceedings with respect to the appropriate method of recovery of nonproduct costs for the period prior to Feb. 1, 1976, pending final completion of the pending rulemaking proceeding or of a judicial determination with regard to this issue.)	FES–0091	Stay request with respect to the method of recovery of nonproduct costs.
Do	Garrett Production Co., Longview, Tex. (If granted: The Feb. 8, 1977, remedial order issued by FEA region VI would be rescinded and Garrett Production Co. would not be required to refund overcharges in its sales of crude oil during the period December 1973 through November 1974.)	FRA–1253	Appeal of the remedial order issued by FEA region VI on Feb. 8, 1977.

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Martha Nell Jackson/W. P., Jackson Estate. (If granted: Crude oil produced from the W. P. Jackson Estate's wells would be sold at upper tier ceiling prices.)	FEE-4058	Price exception (sec. 212.73).
Do.....	Mason & Hanger-Silas Mason Co., Inc. (If granted: The Mason & Hanger-Silas Mason Co., Inc., would not be included as one of the 50 most-energy-consumptive corporations and the firm would be exempted from the requirement contained in sec. 375(a) of the Energy Policy and Conservation Act that it report its progress in improving energy efficiency to the FEA.)	FEA-1255	Appeal of FEA notice at 41 F.R. 54977 (Dec. 16, 1976)
Do.....	Pawnee Petroleum Co., Seminole, Okla. (If granted: The FEA's Mar. 4, 1977, decision and order would be rescinded and Pawnee Petroleum Co. would be permitted to retroactively and prospectively treat its Logan lease, Strothers # C well and the Riley No. 1 well as stripper well properties.)	FXA-1254	Appeal of FEA's decision and order in Pawnee Petroleum Co., 5 FEA par. ---- (Mar. 4, 1977).
Do.....	Pennzoil Producing Co., Washington, D.C. (If granted: The FEA's Apr. 1, 1977, decision and order would be modified and the percentage of crude oil to be sold at upper tier ceiling prices would be increased.)	FEX-0144	Supplemental order to Pennzoil Producing Co., 5 FEA par. ---- (Apr. 1, 1977).
Do.....	Pierce & Dehlinger, Midland, Tex. (If granted: Crude Oil produced from the Greathouse & Pierce No. 1 Carter well located in Lea County, N. Mex., would be sold at upper tier ceiling prices.)	FEE-4057	Price exception (sec. 212.73).

[FR Doc.77-11926 Filed 4-21-77;2:19 pm]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 8 Through April 15, 1977

Notice is hereby given that during the week of April 8 through April 15, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service or notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

APRIL 21, 1977.

APPENDIX IX.—*List of cases received by the Office of Exceptions and Appeals, Week of Apr. 8 through Apr. 15, 1977*

Date	Name and location of applicant	Case No.	Type of submission
Apr. 8, 1977	Husky Oil Co., Washington, D.C. (If granted: The FEA would review the entitlements exception relief granted to the Husky Oil Co. during its 1976 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	FEX-0145	Review of entitlements relief (supplemental order).
Do.....	John B. Walker Texaco, Inc., Jackson, Miss. (If granted: The FEA's Mar. 11, 1977, decision and order would be rescinded and Walker would be permitted to retain certain revenues which it received between Nov. 1, 1973, and Apr. 8, 1974, as a result of charging prices for No. 2-D diesel fuel in excess of the maximum lawful prices which the firm was permitted to charge under the provisions of 10 CFR 212.93.)	FXA-1256	Appeal of decision and order in John B. Walker Texaco, Inc., 5 FEA par ---- (Mar. 11, 1977).
Do.....	Tenneco Oil Co., Houston, Tex. (If granted: At least 59.5 pct of the crude oil produced and sold from the Myrtle E. Cross lease located in Beamis Shutts field, Ellis County, Kans., would be sold at upper tier ceiling prices for the benefit of the working interest owner.)	FEE-4059	Price exception (sec. 212.-73).
Do.....	Whaleco Fuel Corp., Brooklyn, N.Y. (If granted: The Whaleco Fuel Corp. would be permitted to import No. 2 heating oil and residual fuel oil for the period May 1, 1977, through Apr. 30, 1979, on a fee-free basis.)	FPI-0112	Exception from the base fee requirements (sec. 213.35).
Apr. 11, 1977	Boston Gas Co., Washington, D.C. (If granted: The Boston Gas Co. would receive a further extension of the exception relief granted by the FEA regional office in Boston, Mass., on Mar. 8, 1974, until Jan. 1, 1978, or 180 d after its sec. 211.29 application is decided, whichever is later.)	FXE-4061	Extension of exception relief granted in Boston Gas Co., 5 par. ---- (Mar. 25, 1977).
Do.....	City of Long Beach, Calif., Long Beach, Calif. (If granted: The FEA's Feb. 11, 1977, interpretation would be rescinded and prices specified in certain written contracts for the sale of the city of Long Beach's crude oil would constitute posted prices for purposes of the ceiling price rules applicable to the first sales of domestic crude oil.)	FIA-125	Appeal of FEA interpretation dated Feb. 11, 1977 (sec. 212.73).
Do.....	Quincy Oil, Inc., Quincy, Mass. (If granted: Quincy Oil, Inc., would be granted an exception from the application of the provisions of ruling 1977-5 to permit the firm to establish its selling price for No. 6 fuel oil above the maximum level permitted under the mandatory petroleum price regulations. The firm would be granted a stay of the refund requirements contained in the Nov. 2, 1976, remedial order issued to the firm pending a decision on its exception application.)	FEE-4060 FRS-4060	Price exception (ruling 1977-5; sec. 212.93). Stay requested.

APPENDIX IX.—*List of cases received by the Office of Exceptions and Appeals, Week of Apr. 8 through Apr. 15, 1977*—Continued

Date	Name and location of applicant	Case No.	Type of submission
Apr. 12, 1977	Braden-Zenith, Inc., Wichita, Kans. (If granted: The FEA's Mar. 30, 1977, remedial order would be rescinded and Braden-Zenith, Inc., would not be required to refund alleged overcharges made on sales of crude oil produced from the Zenith waterflood unit.)	FRA-1258 FRS-1258	Appeal of the FEA region VII's remedial order dated Mar. 30, 1977. Stay requested.
Do.....	Braden-Zenith, Inc., Wichita, Kans. (If granted: Braden-Zenith, Inc., would receive a temporary stay of the requirements of the FEA region VII's Mar. 30, 1977, remedial order pending a final determination of its request for stay and appeal of that order.)	FST-0040	Request for temporary stay.
Do.....	Gary Operating Co. (Altonah), Englewood, Colo. (If granted: The Gary Operating Co. would be permitted to increase its prices for natural gas liquid products produced at the Altonah gas processing plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-4064	Price exception (sec. 212.165).
Do.....	Gary Operating Co. (Bluebell), Englewood, Colo. (If granted: The Gary Operating Co. would receive an extension of the exception relief granted in the FEA's Dec. 23, 1976, decision and order and would be permitted to increase its prices for natural gas liquid products produced at the Bluebell gas processing plant to reflect nonproduct cost increases in excess of $0.005/gal.	FXE-4065	Extension of exception relief granted in Gary Operating Co., 5 FEA par. 83,005 (Dec. 23, 1976)
Do.....	Gulf Oil Corp., Tulsa, Okla. (If granted: The FEA's Mar. 4, 1977, decision and order would be rescinded and the Gulf Oil Corp. would be permitted to determine the price of the crude oil which it produced and sold from the South Timbalier block formation in Louisiana without regard to a current cumulative deficiency which accrued with respect to properties within the formation during the period between Feb. 29, 1976, and Apr. 9, 1976.)	FXA-1260	Appeal of decision and order in Gulf Oil Corp., 5 FEA par. ---- (Mar. 4, 1977).
Do.....	Mohawk Petroleum Corp., Inc., Los Angeles, Calif. (If granted: The FEA would review the entitlements exception relief granted to Mohawk Petroleum Corp., Inc., during its 1976 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	FEX-0147	Review of entitlements exception relief (supplemental order).
Do.....	Natrogas, Inc., Minneapolis, Minn. (If granted: The FEA's Mar. 8, 1977, decision and order would be rescinded and Natrogas, Inc., would be assigned a new, lower priced supplier of propane to replace its base period suppliers, Shell Oil Co., Mobil Oil Co., and Warren Petroleum.)	FXA-1259	Appeal of decision and order in Natrogas, Inc., 5 FEA par. ---- (Mar. 8, 1977).
Do.....	Oklahoma Natural Gas Co., Tulsa, Okla. (If granted: The Oklahoma Natural Gas Co. would receive an extension of the exception relief granted in the FEA's Dec. 3, 1976, decision and order and would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FXE-4062	Extension of exception relief granted in Oklahoma Natural Gas Co., 4 FEA par. 83,218 (Dec. 3, 1976).
Do.....	Texaco, Inc. (Delhi), Houston, Tex. (If granted: Texaco, Inc., would be permitted to increase its prices for natural gas liquid products produced at the Delhi gas plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-4063	Price exception (sec. 212.165).
Apr. 13, 1977	Farmland Industries, Inc., Kansas City, Mo. (If granted: Farmland Industries, Inc., would receive an extension of the exception relief granted in the FEA's Nov. 23, 1976, and Feb. 8, 1977, decisions and orders and would be permitted to increase its prices for natural gas liquid products produced at the Gillette, Lamont, Merizon, and Quitman plants to reflect nonproduct cost increases in excess of $0.005/gal.)	FXE-4067- FXE-4070	Extension of exception relief granted in Farmland Industries, Inc., 4 FEA par. 83,205 (Nov. 23, 1976); Farmland Industries, Inc., 5 FEA par. 83,063 (Feb. 8, 1977).
Do.....	Fuels, Inc., Marietta, Ga. (If granted: The FEA's Mar. 30, 1977, remedial order would be rescinded and Fuels, Inc., would not be required to refund alleged overcharges made on sales of propane.)	FRA-1261 FRS-1261	Appeal of FEA region IV's remedial order issued on Mar. 30, 1977. Stay requested.
Do.....	Gulf Oil Corp., Tulsa, Okla. (If granted: Crude oil produced from the Northwest Graylin D Sand unit located in Logan County, Colo., would be sold at upper tier ceiling prices.)	FEE-4066	Price exception (sec. 212.73).
Do.....	Texas American Oil Corp., Midland, Tex. (If granted: The Texas American Oil Corp. would receive a stay of the provisions of the FEA's decision in Texas American Oil Corp., 5 FEA par. ---- (Apr. 5, 1977).)	FES-0092	Stay request.
Apr. 14, 1977	Charter Oil Co., Jacksonville, Fla. (If granted: The FEA would review the entitlements exception relief granted to the Charter Oil Co. during its 1976 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	FEX-0148	Review of entitlements exception relief (supplemental order).
Do.....	Robert E. Davis, Great Bend, Kans. (If granted: The Weeks property located in Russell County, Kans., and the Gartung lease located in Stafford County, Kans., would be classified as stripper well properties during the months of November 1973 through December 1974.)	FEE-4072 FES-4072	Price exception (sec. 212.73 (a)). Stay requested.
Do.....	Jim Ellis, Tyler, Tex. (If granted: Crude oil produced from the Nay Perry lease located in Henderson County, Tex., would be sold at upper tier ceiling prices.)	FEE-4071	Price exception (sec. 212.73).
Do.....	Southern Natural Resources, Inc., Birmingham, Ala. (If granted: Southern Natural Resources, Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Sea Robin gas plant.)	FEE-4073	Price exception (sec. 212.165).
Apr. 15, 1977	Champlin Petroleum Co., Fort Worth, Tex. (If granted: The Champlin Petroleum Co. would receive a stay of the proceedings in its exception application filed on Jan. 21, 1977, pending a final determination of the firm's judicial proceeding filed in the Federal District Court in St. Louis, Mo.)	FES-3590	Stay request.
Do.....	Sunland Refining Corp., Bakersfield, Calif. (If granted: The FEA's Dec. 15, 1976, decision and order would be vacated effective Jan. 1, 1977.)	FEX-0149	Modification of decision and order in Sunland Refining Corp., 4 FEA par. 83,260 (Dec. 15, 1976).

[FR Doc.77-11925 Filed 4-21-77;2:19 pm]

EXCEPTION FROM REFINERS PRICE RULES GOVERNING ORDER OF RECOVERY OF INCREASED NON-PRODUCT COSTS DURING PERIOD JANUARY 1, 1975 THROUGH JANUARY 31, 1976

Deadline for Filing Applications

I. INTRODUCTION—HISTORY OF PROCEEDINGS

During the period from January 1, 1975 through January 31, 1976 the FEA Mandatory Petroleum Price Regulations required refiners to regard increased crude oil and purchased product costs ("product costs") as having been recovered prior to the recovery of any increased non-product costs ("sequential recovery") in calculating the amount of increased non-product costs they had recovered. These calculations are an essential element in determining the maximum permissible selling prices which a firm may charge for the covered products which it sells and the amount of increased product costs that is available to be carried forward as "banked" costs for recovery in future periods. The applicable regulations during this period of time prohibited the banking of unrecovered increased non-producuct costs. 10 CFR 212.83(e)(9) (deleted in 41 FR 15330 (April 12, 1976)). Thus, all increased product costs incurred by a firm were required to be passed through before the firm could increase its prices to reflect any increased non-product costs. In addition, any increased non-product costs which were not recovered in the month subsequent to the month in which they were incurred could not be reflected in the selling prices charged in subsequent months. The FEA Regulations also provided that a refiner could pass through its increased non-product costs only if its profit margin in the current fiscal year did not exceed its base period profit margin. 10 CFR 212.11 (deleted in 41 FR 9087 (March 3, 1976)).

On August 3, 1976 the FEA proposed a "class exception" to permit refiners that were not constrained during 1975 by the profit margin limitation to compute their recoveries of increased non-product costs under a proportional method from January 1975 through January 1976, rather than the sequential method authorized by the FEA Regulations. 41 FR 33282 (August 9, 1976). According to the proportional method a portion of each type of increased costs—product and non-product—is deemed to have been recovered in prices charged by refiners whether or not all available increased product costs had first been recovered.

On September 30, 1976 the FEA issued a notice which clarified the procedures which it would apply in considering whether exception relief would be granted from the refiners price rule requiring the sequential method of recovering increased non-product costs. 41 FR 43953 (October 5, 1976). In that notice the FEA observed that the proceeding which it had initiated on August 3, 1976 did not properly constitute a class exception proceeding and should be re-

garded instead as an invitation to refiners to seek individual exception relief within the scope of a consolidated exception proceeding. The FEA further stressed that the exceptions process was the only available means of obtaining administrative relief from the sequential recovery provisions of the FEA Regulations:

> In the August 3, 1976 notice of this proposed class exception, FEA reaffirmed that the interpretation which was issued on February 1, 1976 of the November 29, 1974 regulations is correct, i.e., increased product costs were required to be recovered first and banking of unrecovered increased non-product costs was not permitted. FEA wishes to emphasize that it fully intends to enforce this interpretation of the regulations in all instances other than those in which a firm has applied for and been granted relief by FEA's Office of Exceptions and Appeals. 41 FR 43953 (October 5, 1976).

On October 13, 1976 the FEA held a public hearing in order to afford interested persons an opportunity to express their views regarding issues which would be raised in Applications for Exception from the FEA regulatory provisions governing the recovery of increased nonproduct costs by refiners during 1975 and January 1976. At that hearing the FEA indicated that, while the hearing was designed to facilitate the collection of data and comments concerning issues which would probably be raised in a number of exception applications, the FEA fully intended to adhere to its position of only considering the propriety of exception relief on a firm by firm basis pursuant to properly filed exception applications.

As of this date the following firms have filed Applications for Exception from the provisions of the FEA Regulations which specified the order of recoupment of non-product cost increases during 1975 and January 1976: Apco Oil Corporation (Case No. FEE–3399), Exxon Company, U.S.A. (Case No. FEE–3417), Southland Oil Company (Case No. FEE–3448), Tosco Corporation (Case No. FEE–3467), Continental Oil Company (Case No. FEE–3520), Shell Oil Company (Case No. FEE–3545), Champlin Petroleum Company (Case No. FEE–3590), Standard Oil Company of Indiana (Case No. FEE–3708), Time Oil Company (Case No. FEE–3893), and Quaker State Oil Refining Corporation (Case No. FEE–3898). (The Southland Application, however, has been dismissed because FEA determined that it had been filed prematurely. Southland stated that it had complied with the applicable FEA regulatory requirements during the period in question and its Application consisted only of a request that it receive equitable treatment in the light of any action which the FEA might take in exception proceedings initiated by other firms which failed to comply with the FEA Regulations.)

A preliminary analysis of data submitted to the FEA indicates that at least 48 other firms implemented non-product cost increases during this period in a manner that was not consistent with the FEA Regulatory requirements. See 41 FR 40559–40560 (September 20, 1976).

II. Deadline for Filing Application and Specification

The FEA has determined that a limit should be placed upon the period of time in which refiners will be permitted to file Applications for Exception from the FEA regulatory provisions which governed the order of recovery of increased non-product costs by refiners during the period from January 1, 1975 through January 31, 1976. In a notice published in the Federal Register on February 4, 1976, the FEA explicitly set forth its interpretation of those regulations. Thus, firms which believe that they may experience difficulties as a consequence of that interpretation have been on notice for over a year of their need to seek exception relief. The FEA reaffirmed its interpretation in the notice which it issued on August 3, 1976. 41 FR 33282 (August 9, 1976). In addition, the notice which the FEA issued on September 30, 1976 and the statements made by the FEA at the October 13, 1976 hearing informed firms that they must file individual exception applications if they wished to obtain administrative relief from the sequential recovery provisions. Since the dates of that notice and hearing refiners have had more than six months to request exception relief. Moreover, on the basis of the principles discussed in a Decision which it issued on April 14, 1977 denying an Application for Stay which Exxon Company, U.S.A. submitted (Exxon Co., U.S.A., 5 FEA Par. ------ (April 14, 1977)), there appears to be no valid reason why the FEA should further delay its determination of exception applications from these regulatory provisions. Additional delay could also adversely affect the substantial interest which the FEA has already recognized consumers have in these matters.

Based on a consideration of several factors, it would appear that a filing deadline is necessary to ensure an orderly consideration of the Applications which may be submitted. As we have indicated, nine Applications are currently pending before the FEA, and it is possible that as many as 48 other Applications may be subsequently filed. The Office of Exceptions and Appeals, which is charged with the responsibility of adjudicating these Applications, must establish a time frame for conducting these proceedings in an orderly, expeditious manner which avoids unnecessary duplication of effort. An additional factor underlying the FEA's determination to impose a filing deadline is reflected in the concern expressed by several of the firms that have already filed Applications that the burdens associated with participating in these proceedings should be equitably distributed. A filing deadline will serve to enable the FEA to allocate the burdens of participation in a manner which is equitable as well as being suited to provide a sound foundation for its determinations.

In view of the lengthy period of time which has elapsed since the FEA stated its sequential recovery interpretation and invited the submission of individual exception requests, it has been determined that 60 days would afford a reasonable opportunity to file exception applications. Consequently, notice is hereby being provided that the FEA will not consider any Application for Exception from the provisions of the FEA Regulations which governed the order of recovery of increased nonproduct costs by refiners during 1975 and January 1976 as being filed in a timely manner if the submission is filed with the FEA Office of Exceptions and Appeals later than June 27, 1977.

Any questions regarding this notice should be directed to Melvin Goldstein, Director of the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461.

Issued in Washington, D.C., April 21, 1977.

Eric J. Fygi,
Acting General Counsel.

[FR Doc.77-11697 Filed 4-21-77;4:27 pm]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
02194---	Compagnie Generale Maritime: *Aquilon, Kouang Si, Malais Marquisien, Mauricien, Moheli, Moroni, Si Kiang, Tigre, Vanoise, Var, Vaucluse, Velay, Ventoux, Vienne, Vivarais, Vosges, Yang Tse, Kangourou, Korrigan, Zambeze, Zeebrugge, Zelande, Tellier, Pascal, Marion Dufresne, Licorne Atlantique, Licorne Pacifique, Licorne Oceane, Rodin, Rostand, Rousseau, Montcalm, Martiniquais.*
02295---	The Great Eastern Shipping Co., Ltd.: *Jag Deesh.*
02344---	Empresa Lineas Maritimos Argentinos S.A.: *Mendoza, Santa Cruz II.*
02429---	G & C Towing Inc.: *E. Stuart Eichert.*
02471---	P. T. Djkarta Lloyd: *Djatiluhur.*
02976---	Arthur-Smith Corp.: *EBL–61, TCB–312.*
03479---	Okada Shosen Kabushiki Kaisha: *Iyo Maru, Tsugaru Maru.*
03508---	Taiyo Gyogyo K.K.: *Banshu-Maru No. 3.*
03836---	Splosna Plovba: *Celje.*
03972---	Chimo Shipping Ltd.: *Sir John Crosbie, Chesley A. Crosbie.*
04037---	C. F. Bean Corp.: John H. Shary.
04081---	Jugoslavenska Oceanska Plovidba, Kotor: *Orjen.*
04173---	Foss Launch & Tug Co.: *PT & S 286–2.*
04226---	National Marine Service Inc.: *N.M.S. No. 1463,* N.M.S. No. 1464.
04228---	Compagnie Maritime Belge (Lloyd Royal) S.A.: *Van Dyck.*
04420---	Navigazione Alta Italia S.P.A.: *Gino.*
04677---	Compania Gijonese De Navegacion S.A.: *Pola De Laviana.*
05431---	Tidewater Construction Corp.: *Rig Samson.*
05437---	The Dow Chemical Co.: *DC 405, DC 406, DC 407, DC 408, DC 409, DC 411, DC 412.*
05520---	Union Carbide Corp.: *DXE–1105, DXE–1110, DXE–1104, TCB–68.*
05537---	Empresa Navegacion Mambisa: *Juarez, Jesus Menendez.*
05834---	Koyo Suisan K.K.: *Sumiyoshi Maru No. 35, Koyo Maru No. 6.*
06248---	Commercial corporation sovrybflot: *Oreanda, Kerch, Almak, Klyasma, Strelets, Gerkules.*
06359---	Malaysian International Shipping Corp., Berhad: *Rimba Cengal, Rimba Sepetir.*
06339---	Tokumaru Kaiun K.K.: *Shintoku Maru.*
06676---	Overseas Maritime Ltd.: *Bonanza.*
06684---	Explorer Navigation Corp. Ltd.: *Panamax Mercury.*
06746---	Fukada Salvage K.K.: *North Sea.*
06877---	Societe Francaise De Transports Maritimes: *Penchateau.*
06937---	Kabushiki Kaisha Usufuku Honten: *Shofuku Maru No. 38, Shofuku Maru No. 58.*
07091---	Atlastor Navigation Ltd.: *Aepos.*
07255---	Teh Tung Steamship Co. Ltd.: *Allied Pioneer.*
07258---	Chi Lee Navigation S.A.: *Chi Lee.*
07519---	Mares Nortenos Armadores S.A.: *Juventus.*
07550---	Erato Shipping Inc.: *Golden Laurel.*
07574---	Georgian Shipping Co.: *Kerch, Borzhomi, Kremenchug, Adygeni.*
07817---	Yick Fung Shipping and Enterprises Co. Ltd.: *New Sulu Sea, New Coral Sea, New Sapphire Sea.*
09074---	Zuito Shipping Co. Ltd.: *Seine Maru.*
09545---	Maytide Line,Co. Ltd.: *Duke Star.*
09713---	Iwakiri Suisan K.K.: *Yashima Maru No. 3.*
09788---	Daejin Shipping Co. Ltd.: *Sun Yang No. 22.*
09846---	Silver Bay Shipping Co. S.A. of Panama: *Silver Bay.*
10003---	Kamekichi Koyama: *Kiyo Maru No. 28.*
10260---	Hollywood Marine Inc.: *Hollywood 1502, TCB 311.*
10417---	T. Smith & Son Inc.: *SHB–9, SHB–10, SHB–11, SHB–12, SHB–13.*
10577---	Tokai Shipping Co. Ltd.: *Oregon Rainbow.*
10729---	Dragon Navigation S.A.: *Sun Dragon.*
11258---	J. Jost Ohg, Hamburg: *Bravenes.*
11259---	Schenk Seafood Sales Inc.: *Indian.*
11417---	Etablissement Maritime Camille: *Nopal Yona.*
11486---	Lee-Vac Ltd.: *Domar 7001.*
12010---	Bernhard Hanssen & Co.: *Musketeer Friend, Musketeer Fighter.*
12024---	Venezolana De Buques-Venebuques, C.A.: *Andreina, Paola Michaelangeli.*
12041---	Uiterwyk Corp. *Playas.*
12049---	MS Meteor Reederei & Schiffahrts GMBH & KG: *Meteor II.*
12065---	La Islas Navegacion S.A.: *Atropos Island.*
12071---	International Trans Caribbean Navigation Inc.: *Carib Freeze.*
12091---	Green Nobility Line S.A.: *Green Nobility.*
12125---	Reading & Bates Drilling Co.: *J. W. Bates.*
12166---	S.P.A. Pesca Oceanica Sarda: *Sagitta.*
12188---	Moreton Co., Ltd.: *World Saga.*
12251---	Maritime Corp. Dolphin Primera S.A.: *Aurelia.*
12268---	Augusto Rodriguez Da Silva: *Peerless.*
12283---	Junzo Sasaki: *Mitomaru No. 52.*
12306---	K/S Olsen Daughter Carriers A/S & Co.: *Lionheart.*
12309---	Licetus Shipping Inc.: *Eurounity.*
12310---	Deep Sea Rig Trading Ltd.: *Highland Piper.*
12332---	Aggelikos Prostatis Corp.: *Angelic Protector.*
12339---	Gulf Water Fueling Inc.: *Hollywood 150, GDM 60, S–1512.*
12380---	Alabama River Towing Co., Inc.: *MBL 602.*
12385---	S.I.T.M.A.-Soc Ind. Transporti Marittimi: *Corrado Secondo.*
12388---	Emerson Maritime Inc. S.A.: *Gogo Ranger.*
12390---	Raven Shipping Ltd.: *Ariadne E.*
12391---	Evel Corp.: *Mistral.*
12392---	Product Transport Corp.: *North Highness.*
12393---	Hyundae Enterprise Co. Ltd.: *Scansilva.*
12394---	Eternity Navigation Co. S.A.: *Montparnasse, Montmartre.*
12395---	Pan World Shipping Co. S.A.: *Fidelity, Kyokushin.*
12396---	KG Marine Service GmbH & Co.: *Chemtrans Sirius.*
12400---	Islander Shipping Co. Ltd.: *Saturnia.*
12401---	Olita Compania Naviera S.A. Panama: *Nopal Luna.*
12402---	Soloil Compania Naviera Inc.: *Costis.*
12406---	Syuichi Nishimura: *Mitsumaru No. 30.*
12407---	Kumagoro Akiyama: *Narita Maru No. 35.*
12408---	Yuryo Gyogyo Kabushiki Kaisha: *Yuryo Maru No. 8.*
12409---	Wei Shin Shipping S.A.: *Chung Sam.*
12410---	Doei Unyu K.K.: *Koei Maru No. 3.*
12411---	Hartley Shipping Corp.: *Hartley Ace.*
12412---	Compania Orosol De Navegacion S.A.: *Sol De Oro.*
12413---	Eiyu Kaiun K.K.: *Awajishima Maru, Eiyu Maru, Asuka Maru.*
12414---	Nueva Naviera S.A.: *Zim Atlantic, Zim Iberia.*
12416---	Fuga Bulk Carriers Inc.: *Dona Paz.*
12418---	Westfield Shipping Co. S.A.: *Dimos Halcoussis.*
12420---	San Marco Petroli S.P.A.: *Mar, Graziella Zeta.*
12421---	Inter Invest Shipping Co. Panama Inc.: *Andriana II.*
12423---	Lee Wang Zin Navigation S.A.: *Lee Wang Zin.*
12428---	P/R Septimus: *Septimus.*
12429---	P/R P.A. Bornholm AF 15/4–69: *Egin.*
12431---	I/S Melsomvik: *Melsomvik.*
12432---	Cayzer, Irvine & Co. Ltd.: *Everett F. Wells.*
12433---	Leda Shipping Co. (Bermuda) Ltd.: *Leda.*
12434---	United Arab Shipping Co. (S.A.G.): *Al Kadisiah, Al Sabahiah, Al Jabiriah, Al Shamiah, Al Ahmadiah, Al Mansouriah, Al Odillah, Al Rumaithiah, Al Gourainiah, Al Khalidiah, Al Omariah, Al Aridhiah, Al Solaibiah, Al Farwaniah, Al Shidadiah, Al Salehiah, Al Mubarakiah, Ibn Majid, Al Salimiah, Ibn Battotah, Ibn Rushd, Ibn Hayyan, Ibn Tufail, Ibn Zaidoun, Ibn Hazm, Ibn Abdoun, Ibn Al-Atheer, Ibn Al-Haitham, Ibn Al-Nafees, Ibn Duraid, Ibn Qutaiban, Ibn Asakir, Ibn Khaldoon, Ibn Alroomi, Ibn Bassam, Ibn Albeitar, Ibn Shuhaid.*
12436---	Polestar Navigation S.A.: *Polar Ace.*
12437---	Centaurus shipping corp.: *Centaurus.*
12439---	Quadrant Shipping corp.: *Aegean Captain.*
12440---	Rigait Shipping Companla S.A.: *Pericles Halcoussis.*
12441---	Far Eastern Carriers S.A.: *Evergreen.*
12442---	Ashcroft Co. Ltd.: *Menkar.*
12444---	Primera Maritime Enterprise S.A.: *Primera Peak.*
12445---	Gloria Maritime Enterprise S.A.: *Gloria Peak.*
12446---	Apollo Transport S.A.: *Apollo Peak.*

By the Commission.

Joseph C. Polking,
Acting Secretary.

[FR Doc.77-11931 Filed 4-25-77;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR Part 542 and section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01087---	Dampskibseselskabet Torm A/S: *Torm Gyda, Torm Estrid, Torm Ragnhild.*
01331---	Poling Transportation Corp.: *Chester A. Poling.*
01420---	Athelregent Tankers Co. LTD.: *Athelregent.*
01439---	Cory Maritime LTD.: *Queensgarth.*
01502---	Moore-McCormick Lines, Inc.: *Mormacpride, Mormacscan, Mormaclake, Mormaccove.*
01561---	Lubeck Linie Aktiengesellschaft: *Regina Maris.*
01574---	Fearnley and Eger: *Fernview.*
01641---	The Bank Line Ltd.: *Eimbank.*
01874---	A/S Sobral: *Nopal Luna.*
01877---	Carbocoke Societa Di Navigazione S.P.A.: *Fezzano.*
01905---	Ben Line Steamers Ltd.: *Cramond.*
01910---	Deutsche Dampschiffahrts Gesellschaft Hansa: *Rabenfels.*

Certificate No.	Owner/Operator and Vessels
01919---	Aksjeselskapet Pelagos: *Perikum.*
02004---	Rederiet For MS Columbialand: *Columbialand.*
02013---	Granges AB: *Rautas.*
02032---	D.B. Deniz Nakliyate T.A.S.: *Batman.*
02060---	Aries Shipping Co.: *Elena.*
02063---	Eunice Shipping Co.: *World Grace.*
02077---	Fairfax Shipping Co.: *World Grandeur.*
02078---	Fenton Shipping Co.: *World Gratitude.*
02079---	Gentry Shipping Co.: *World Guardian.*
02080---	Gresham Shipping Co.: *World Guidance.*
02081---	Heron Inc.: *World Hope.*
02082---	Huxley Shipping Co.: *World Ideal.*
02088---	Kelso Shipping Co.: *World Intelligence.*
02108---	Questra Shipping Co.: *Northern Conqueror.*
02109---	Remus Shipping Co.: *Northern Conquest.*
02112---	Samson Shipping Co.: *Northern Unity.*
02116---	Easton Corp.: *World Seajarer.*
02117---	Urea Shipping Co.: *World Sincerity.*
02119---	Vega Shipping Co.: *World Spirit.*
02121---	Walden Shipping Co.: *Spyros Niarchos.*
02198---	The Peninsular and Oriental Steam Navigation Co.: *Meynell, Jedforest.*
02242---	Dal Deutsche Afrika-Linien G.M.B.H. and Co.: *Urundi.*
02243---	Astramar Compania Argentina De Navegacion Sociedad Anonima Comercial: *Astrasur, Astrasalta, Astrapatagonia.*
02286---	China Union Lines, Ltd.: *Union Freedom.*
02351---	Andrevirgin Compania Naviera S.A.: *Agios Andreas.*
02453---	The Turnbull Scott Shipping Co. Ltd.: *Redgate.*
02660---	Partenreederei Ms Inge Kruger: *Cap Doukato.*
02712---	Tarpon Towing Inc.: *RT–4, RT–3.*
02715---	Allied Towing Corp.: *ATC 6000.*
02716---	Aktieselskabet Det Dansk-Franske Dampskibsselskab: *Holland.*
02831---	Endasa Shipping Co. Ltd.: *Lalinda.*
02852---	Philippine Pacific Shipping Co.: *Pacmerchant.*
02855---	Great Pacific Shipping Co.: *Rose S.*
02877---	Nippon Yusen K.K.: *Iyo Maru.*
02889---	Showa Kaiun K.K.: *Keisho Maru.*
02929---	Sofiumar-Societe D'Armement Fluvial and Maritime: *Port Blanc, Port De Bouc.*
02949---	Valley Towing Service, Inc.: *MM–5, MM–6, MM–4.*
02958---	Kawasaki Kisen K.K.: *Masukawa Maru, Isuzugawa Maru, Muneshima Maru, Fukukawa Maru.*
02960---	Taiyo Kaiun Kabushiki Kaisha: *Oigawa Maru.*
02961---	Kobe Kisen Kabushiki Kaisha: *Yaekawa Maru.*
02975---	Venture shipping (Managers) Ltd.: *Universal Venture.*
03004---	Rederi Ab Soya: *Falstaff.*
03139---	Offshore Marine Ltd.: *Bay Shore.*
03166---	St. Grigorousa Maritime Co. Ltd. of Monrovia, Liberia: *St. Nicholas II.*
03289---	Det Forende Dampskibsselskab A/S: *Damman Express.*
03320---	Botelho Shipping Corp.: *Emilia Rosello.*
03438---	Inui Kisen Kabushiki Kaisha: *Wakamiyasan Maru.*
03452---	Kyoei Tanker K.K.: *Arita Maru.*
03537---	Herlofson Shipping Co. A/S: *Tank Princess.*
03561---	Skibsaksjeselskapet Solvang: *Kongsgaard.*
03627---	Igert (A Corp.): *MBL–611.*
03972---	Chimo Shipping Ltd.: *Andrew C. Crosbie.*
04002---	Compagnie Des Messageries Maritimes: *Maori, Rousseau, Rostand, Rodin, Licorne Oceane, Licorne Pacifique, Licorne Atlantique, Marion Dufresne, Pascal, Tellier, Zelande, Zambeze, Zeebrugge, Korrigan, Kangourou, Yang Tse, Vosges, Vivarais, Vienne, Ventoux, Velay, Vaucluse, Var, Vanoise, Tigre, Si Kiang, Moroni, Moheli, Mauricien, Martiniquais, Marquisien, Aquilon, Malais, Kouang Si.*
04061---	Sanko (Hongkong) Ltd.: *Maritime Brilliance, Maritime Dominion.*
04136---	Thomas Marine Co.: *C–201, C–202, ETT 108.*
04173---	Foss Launch and Tug Co.: *Foss 141.*
04226---	National Marine Service Inc.: *N.M.S. No. 2504, LTC No. 54.*
04244---	Buchanan Shipping Co., Inc.: *Star Bay.*
04256---	Far Eastern Navigation Corp. Ltd.: *Tunglee.*
04337---	Zephyr Shipping Corp.: *Vronti.*
04422---	Hai Shang Navigation Corp.: *Grand Commonwealth.*
04601---	American Tunaboat Association: *Constitution.*
04623---	Seaspan International Ltd.: *Seaspan 901.*
04703---	Yokkaichi Enyo Gyogyo K.K.: *Daienmaru No. 11.*
04813---	Golar Fruit, Inc.: *Golar Fruit.*
05016---	Hess Oil Virgin Islands Corp.: *U–704.*
05079---	N. V. Gebr. Uden's Scheepvaart and Agentuur Maatschappij: *Eemhaven.*
05114---	N. V. Stoomvaartmaatschappij De Maas: *Woensdrecht.*
05281---	Slade Inc.: *S 1512.*
05700---	The Trans Oceanic Steamship Co. Ltd.: *Ocean Endeavour.*
05834---	Kooyoo Suisan Kabushiki Kaisha: *Kooyoommaru No. 6, Seikomaru No. 8, Sumiyoshi Maru No. 35.*
05846---	Nordsee Deutsche Hochseefischerei GMBH: *Bremen, Hannover, Kiel, Mainz, Stuttgart, Wiesbaden.*
06013---	Osaka Asahi Kaiun Kabushiki Kaisha: *Kyokushin.*
06104---	Perseveranza S.P.A. di Navigazione: *Maddalena.*
06114---	Masahei Yamamoto: *Seishumaru No. 32*
06640---	Aomori Prefectural Government: *Aomori Maru.*
06764---	Crane Navigation S.A.: *Silver Crane.*
06819---	Williams Shipping Co., Inc.: *Grand Bahama, Gordon L.*
06853---	Shipping Co. Knud I. Larsen: *Hans Sif.*
06880---	Targulf Shipping Co.: *Tarpon Seaway.*
06937---	Kabushiki Kaisha Usufuku Honten: *Syofuku Maru No. 38, Syofuku Maru No. 58.*
07019---	Allied Shipping International Corp.: *Golden Jason.*
07173---	Athenian Transpetrol Co. S.A. of Panama: *Stolt Athenian.*
07203---	Nava Shipping Co., Ltd.: *Alexandros T.*
07234---	Lepanto Shipping Corp.: *Lepanto.*
07594---	Viamares Armadora S.A.: *Loyal Colocotronis.*
07627---	Kochi Prefectural Government: *Tosakaien Maru.*
07663---	Molave Bulk Carriers, Inc.: *Don Rene.*
07695---	Partrederiet of 30–4–70: *Merc Phoenecia.*
07718---	Tokyo Teion Senpaku K.K.: *Aden Maru.*
07772---	Great Eastern Maritime Co., Ltd.: *Lavander.*
07781---	Elmo Shipping Co.: *World Achilles.*
07838---	Marneptunea Armadora S.A. Panama: *Makron.*
08005---	Imperio Delmar S.A.: *Santa Clio.*
08071---	Anglo Nordic Bulkships (management) Ltd.: *Nordic Mariner, Nordic Leader.*
08168---	Apollonian Glory Co. S.A.: *Anco Glory.*
08199---	Gulf Shipping Corp. Ltd.: *Mansoor.*
08347---	F.A.M. Flota Argentina Mineralera S.A. de Navegacion C.I.F.M.I.: *Punta Indigo.*
08356---	Tarpon Shipping Co. of Liberia: *Tarpon Sealane.*
08370---	Indiana & Michigan Electric Co.: *Lois Vivian.*
08386---	Mercator Mariners Ltd.: *Corinna.*
08454---	Shipshape Mariners Ltd.: *Domina.*
08573---	Harvester Navigation S.A.: *Harvester.*
08617---	Fairmont Enterprises Ltd.: *Tradewind West.*
08676---	Apollonian Wave Co. S.A.: *Apollonian Wave.*
08683---	Far East Shipping Co, Ltd.: *Venus Gas.*
08746---	N.V. Bocimar: *Stolt Boel.*
08776---	Lendas Maritime Co. Ltd.: *Lendas.*
08836---	Interessenteskab Heering Christel: *Heering Christel.*
08889---	Companhia Portuguesa de Transportes Maritimos E.P.: *Ribeira Grande, Ponta Garca, Monte Brasil, Horta, Acores.*
08924---	Friendship Marine Inc.: *Oilbird.*
08982---	Fodele Shipping Co. Ltd.: *Fodele II.*
09069---	Spanier Towing, Inc. *SMC–3002, SMC–3001.*
09148---	United Pal Co.: *Saas Fee.*
09203---	Zeta Shipping Co.: *Antonis.*
09243---	Calabria Shipping Co. Ltd.: *Sitia.*
09269---	Garden Sun Shipping Ltd.: *Garden Sun.*
09295---	Bentsen Line A/S: *Anett Bentsen.*
09297---	Norma Shipping Corp.: *Norma M. Byrne.*
09374---	International Ocean Transport Corp.: *Cities Service Norfolk.*
09393---	Hongkong Senpaku Co. Ltd. S.A.: *Okuni.*
09600---	Tarsprings Shipping Co.: *Tarpon Springs.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–11932 Filed 4–25–77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1486]

RAY-MAR EXPEDITION CORP.

Order of Revocation

On April 15, 1977, Ray-Mar Expedition Corporation, 380 Mountain Road, Union City, NJ 07087, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1486 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Order, Commission Order No. 201.1 (Revised), § 5.01(b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1486 issued to Ray-Mar Expedition Corporation, be and is hereby revoked effective April 15, 1977 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ray-Mar Expedition Corporation.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77–11933 Filed 4–25–77;8:45 am]

FEDERAL POWER COMMISSION

[Doc. No. CP77–328]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

APRIL 18, 1977.

Take notice that on April 4, 1977, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77–328 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of up to 60,000 Mcf of natural gas per day for United Gas Pipe Line Company (United) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a limited term transportation agreement dated March 28, 1977, with United, in which Applicant has agreed to transport up to a maximum of 60,000 Mcf of natural gas per day for United commencing on May 1, 1977, and continuing for a period ending January 31, 1978, and thereafter until such date as any differences between deliveries and redeliveries are eliminated, in accordance with the terms of this Agreement.

Applicant further states that United would purchase the subject gas from Delhi Gas Pipeline Corporation (Delhi), which volumes Delhi would make available to Northern Natural Gas Company (Northern) in Pecos County, Texas, and Northern would deliver to Applicant an equivalent volume at an existing interconnection between Northern and Applicant in Mills County, Iowa (Mills County Delivery Point). Applicant states that it would transport on a best efforts basis such gas and redeliver to United on a daily basis, volumes of gas thermally equivalent to the volumes received by it, at existing points of interconnection between United and Applicant in Vermillion Parish, Louisiana (Erath Redelivery Point) or near Goodrich, Polk County, Texas (Goodrich Redelivery Point).

The rate Applicant proposed to charge United for the proposed transportation service is 12.0 cents per Mcf of gas transported and redelivered. Applicant indicates that it would use its existing facilities to render the proposed transportation services.

Applicant indicates that United needs the proposed transportation services due to gas supply shortages on its system which have caused it to curtail deliveries of gas to its customers. The proposed services would permit United to receive quantities of gas into its interstate pipeline system without the need to construct extensive facilities, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11919 Filed 4–25–77;8:45 am]

[Doc. No. CP76–97]

STINGRAY PIPELINE CO.

Amended Application

APRIL 18, 1977.

Take notice that on April 7, 1977, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed an Amendment to its application previously filed in Docket No. CP76–97 on September 23, 1975, pursuant to Section 7(c) of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation of gas for Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Company (Trunkline), all as more fully set forth in the application and amendment which are on file with the Commission and open to public inspection.

In its Amendment, Stingray proposes to construct and operate approximately fifteen miles of 24-inch O.D. transmission line to connect Stingray's existing system in West Cameron Block 564, Offshore Louisiana, to High Island Block 330, Offshore Texas, together with related facilities for the transmission of gas through and between Stingray's existing offshore system and the High Island Offshore System (HIOS). The total cost of the facilities applied for by Stingray is estimated to be approximately Seventeen Million Five Hundred Fifty-Three Thousand Dollars ($17,553,000).

Stingray will transport through its system and to and from the HIOS system gas produced from Offshore Texas and Offshore Louisiana for Natural and Trunkline pursuant to an existing tariff. Natural and Trunkline have the right to purchase substantial portions of such gas as a result of advance payment agreements with various producers.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 4, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11921 Filed 4-25-77;8:45 am]

[Doc. No. CI75-45, et al.]

TENNECO OIL CO., ET AL.

Extension of Time

APRIL 18, 1977.

On April 6, 1977, Placid Oil Company filed, on behalf of itself and other members of the Placid Group, a motion to extend the time in which to submit the amended application and information required by Ordering Paragraphs (A) and (C) (iii) of Opinion No. 789, issued March 7, 1977, in the above-designated proceeding.

Notice is hereby given that an extension of time is granted to and including June 6, 1977, to comply with Ordering Paragraphs (A) and (C) (iii) of Opinion No. 789.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11918 Filed 4-25-77;8:45 am]

[Doc. No. CP75-363]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application To Amend

APRIL 18, 1977.

Take notice that on April 1, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-363 an application to amend the Commission's order issued November 11, 1975, in said docket pursuant to Section 7(e) of the Natural Gas Act by authorizing the transportation of up to 2,000 Mcf of natural gas per day for Owens-Corning Fiberglas Corporation (Owen-Corning), the only direct industrial customer of Applicant, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of November 11, 1975 authorized Applicant to transport on an interruptible basis up to 600 Mcf of natural gas per day for Owen-Corning. Applicant states that the transportation, which began on December 13, 1975, was authorized for a term of one year and three months, and took place between a point near Falfurrias, Jim Wells County, Texas, where the gas was delivered to Applicant by South Texas Natural Gas Gathering Company (South Texas) and a point near Anderson, South Carolina where Applicant delivers the gas to Owens-Corning for high-priority use at its Anderson plant. Applicant indicates that it charged Owens-Corning a transportation rate of 22 cents per Mcf delivered to Owens-Corning and retained 3 percent of the transportation volumes as compensation for compressor fuel and line loss, and the source of the gas was a well in the Bob Cooper Field, Brooks County, Texas. Applicant states that the last delivery of gas from this source was on November 24, 1976, because of depletion of reserves.

Applicant states that on December 22, 1976, Texas Gas Transmission Corporation (Texas Gas) and Applicant were granted temporary authorization to transport additional volumes of gas to Owens-Corning's Anderson, South Carolina plant. Applicant further states that on January 11, 1977, it filed a telegraphic request to amend its certificate in the instant docket to receive up to 2,000 Mcf of natural gas per day from Texas Gas at an existing point of exchange located near Eunice, Louisiana, for transportation and ultimate delivery to Owens-Corning's Anderson, South Carolina plant, and the period of such service was to be no more than 90 days. Applicant states that it was granted temporary authorization pursuant to telegram of January 11, 1977.

Applicant states that the last delivery of the gas pursuant to such temporary authorization was on March 8, 1977. Applicant asserts that the original reason for the availability of the gas was a strike by employees at Owens-Corning's Jackson, Tennessee, plant which is served by Texas Gas. Applicant further states that because of the strike, Owens-Corning did not need the 2,000 Mcf of natural gas per day at the Jackson, Tennessee, plant and found it beneficial to have the gas diverted to its Anderson, South Carolina plant which is served by Applicant. On or about March 8, 1977, the strike at the Jackson plant terminated and the subject volumes of gas were once again needed at the Jackson plant, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before May 4, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11920 Filed 4-25-77;8:45 am]

[Doc. No. RI77-2]

TRITON OIL & GAS CORP.

Order Granting Petition for Special Relief

APRIL 18, 1977.

On October 8, 1976 Triton Oil & Gas Corporation (Triton) filed a petition for special relief in accordance with § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76). The increased base rate of 58.08 cents per Mcf, Petitioner alleged, was needed to enable it to repair leaks in the casing and to restore production from its well in the J. B. McDonald lease, Iberia Parish, Louisiana so that the pipeline buyer, Texas Gas Transmission Company (TGT) can receive the well's remaining 409,200 Mcf of gas reserves. Petitioner stated that it ceased operating the well in May 1976 due to the leak in the well casing. It says that if the proposed remedial work is not performed the leases and the well will be abandoned. At the time production ceased, Petitioner was collecting a base contract rate of 21 cents per Mcf plus 6.2 cents per Mcf in tax reimbursement. TGT has advised Petitioner in a June 29, 1976 letter that it would purchase this gas at the price found by the Commission to be just and reasonable purusant to 18 CFR 2.76.

No interventions in opposition to the petition have been filed to date. A notice of Triton's petition was issued October 27, 1976, and appeared in the FEDERAL REGISTER at 41 FR 48413, November 3, 1976.

Staff has reviewed the cost information supplied by Triton and has determined on that information, that the proposed rate is cost justified. Upon consideration of the data submitted and Staff's analysis thereof, we conclude that the petition should be granted.

The Commission finds: The petition for special relief filed by Triton in Docket No. RI77-2 meets the criteria set forth in § 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above stated reasons, the petition for special relief filed by Triton in Docket No. RI77-2 is hereby granted. Triton is authorized to collect from TGT a base rate of 58.084 cents per Mcf plus full tax reimbursement and BTU adjustment at 14.65 p.s.i.a. for all gas produced from the subject well effective as of the date of this order, or upon completion of the proposed reworking stated in this petition, whichever date is later.

(B) This rate is contingent upon Triton's filing with the Commission a statement, signed by Texas Gas Transmission, that the proposed remedial work has been fully completed. This statement shall be filed within 30 days of the effective date of the proposed rate as stated in Ordering Paragraph (A), above.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11923 Filed 4-25-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

FIFTH ANNUAL REPORT OF THE PRESIDENT ON FEDERAL ADVISORY COMMITTEES COVERING CALENDAR YEAR 1976

Availability of Publication

The above report is available to Federal Government sources by contacting the Office of Management and Budget, Committee Management Secretariat, Washington, D.C. 20503, 202-395-5193.

Purchase of the report by the general public is available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price is $2.60, the Stock Number is 040-000-00379-7, and the Catalog Number is PR 38.10(976).

The Compilation of Agency Submissions for the Fifth Annual Report of the President on Federal Advisory Committees Covering Calendar Year 1976 will be available on microfilm for viewing and/or purchase through the National Archives and Records Service at a later date which will be announced in the FEDERAL REGISTER.

Dated: April 15, 1977.

JAMES E. O'NEILL,
Acting Archivist of the United States.

[FR Doc.77-1193 Filed 4-25-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Education

EDUCATIONAL AGENCIES AND INSTITUTIONS

Comments on Collection of Information and Data Acquisition Activity

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics has proposed a collection of information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

This data acquisition activity is subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Description of the proposed collection of information and data acquisition activity follow below.

Written comments on the proposed activity are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 26, 1977 and should be addressed to Administrator, National Center for Education Statistics, attention: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: April 20, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

National Assessment of Educational Progress (Background information for achievement tests).

2. AGENCY/BUREAU/OFFICE

National Center for Education Statistics.

3. AGENCY FORM NUMBERS

NCES 2371-30-33, 36-38, 40-42.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

"* * * The (National) Center (for Education Statistics) shall—* * * collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States * * *" (Sec. 501. (a) of Pub. L. 93-380; Sec. 406.(b) of the General Education Provision Act, 20 U.S.C. 1221e-1).

5. VOLUNTARY/ OBLIGATORY NATURE OF RESPONSE

Voluntary.

6. HOW INFORMATION TO BE COLLECTED WILL BE USED

NCES 2371-30, 31, 32: One form at each age level (9, 13 and 17) will be used to obtain information related to previous experience in the use of hand calculators and in the use of the metric system. The information will be correlated to achievement tests in these areas. The analysis and interpretation of the information will help to assay the impact of hand calculators upon mathematics education and will help to identify effective methods for the teaching of the metric system.

NCES 2371-33: Information regarding the amount of time spent on mathematics instruction will be obtained. The information is designed to assist federal, state and local governments, the education community and the public in the improvement of mathematics education.

NCES 2371-36: The information obtained will be used in selecting the sample of students in each school and for the analysis of the data. The information will be available to researchers to assist in the interpretation of the test data.

NCES 2371-37: The information obtained will provide background variables for the analysis of test data related to the consumer knowledge of 17-year-old youths. The information will assist in determining the extent of 17-year-old knowledge about consumer issues and the sources of such knowledge. The analysis and interpretation of the background information and test item achievement will provide valid information to assist federal, state and local governments, the education community, governmental and non-governmental consumer organizations and the public in improving consumer education.

NCES 2371-38: The information obtained will provide background variables for the analysis of test data related to the speaking/listening skills of 17-year-old youths. The information will assist in understanding the factors affecting speaking/listening skills as measured by the tests and in understanding the differences among various population groups. The analysis and interpretation of the background information and test item achievement will provide federal, state and local governments, the education community and the public with valid information regarding the functional communication competence of youths.

NCES 2371-40, 41, 42: The forms will be used as quality control instruments to ascertain that student sample selection and assessment procedures were carried out according to specifications and to assure the quality of the testing program.

7. DATA ACQUISITION PLAN

a. *Method of collection:* Mail (NCES 2371-40) and personal interview (NCES 2371-30-32, 33, 36-38, 40-42).

b. *Time of collection:* October, 1977 to May, 1978.

c. *Frequency:* Annually.

8. RESPONDENTS

a. *Type:* School principals.

b. *Number:* Sample: NCES 2371-33, 550; NCES 2371-36, 1520; NCES 2371-40, 44; NCES 2371-42, 44.

c. *Estimated average man-hours per respondent:* NCES 2371-33, .25; NCES 2371-36, .50; NCES 2371-40, .10; NCES 2371-42, .05.

a. *Type:* Students.

b. *Number:* Sample: NCES 2371-30, 18,300; NCES 2371-31, 26,600; NCES 2371-32, 31,200; NCES 2371-37, 13,000; NCES 2371-38, 3,200; NCES 2371-41, 44.

c. *Estimated average man-hours per respondent:* NCES 2371-30, .15; NCES 2371-31, .15; NCES 2371-32, .15; NCES 2371-37, .16; NCES 2371-38, .15; NCES 2371-41, .20.

9. INFORMATION TO BE COLLECTED

a. *From school principals:*

NCES 2371-33: Total time of scheduled mathematics instruction for primary grade levels and recent changes in total time given to computation skills and general mathematics instruction.

NCES 2371-36: Enrollment and average daily attendance, size of community, racial/ethnic composition of student body, occupational level of parents, and whether the school participates in ESEA Title I.

NCES 2371-40: Suggestions for improvements in survey procedures.

NCES 2371-42: Procedures used for selection of students for testing, changes in enrollment.

b. *From students:*

NCES 2371-30, 31, 32: Experience with the metric system and hand calculators, types of mathematics instruction taken.

NCES 2371-37: Self-rating questions regarding knowledge of consumer information and education, consumer habits, personal finance, quality and prices of goods and services.

NCES 2371-38: Language spoken prior to enrollment in school, informal and formal speech therapy and training received.

NCES 2371-41: Questions regarding administration of test booklets.

[FR Doc.77-11911 Filed 4-25-77;8:45 am]

Office of Education

OCCUPATIONAL INFORMATION

Interagency Agreement

CROSS REFERENCE: For the text of an interagency agreement of the National Occupational Information Coordinating Committee, which is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Employment and Training and the

Commissioner of Labor Statistics, see FR Doc. 77-11880, issued by the Committee, which appears as Part II of this issue.

Federal Council on the Aging

COUNCIL MEETING

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Federal Council on the Aging will hold a quarterly meeting on May 18, 19, 20, 1977 from 9:30 a.m. to 5 p.m. in Room 5051, HEW-North Building, 330 Independence Ave. SW., Washington, D.C. 20201. The agenda will consist of: Development of national health policy for the elderly, HEW welfare reform recommendations, Presidential transmittal to Congress of FCA annual report, Proposed evaluation of the Federal Council on the Aging, Administrative location of services for the frail elderly, Long term financing of Social Security, Amendments to the Older Americans Act, Impact of energy/weather crisis on elderly, Status report of Council projects and Mandatory retirement issues.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

APRIL 20, 1977.

[FR Doc.77-11946 Filed 4-25-77;8:45 am]

Food and Drug Administration

[Docket No. 76N-0494]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

Correction

In FR Doc. 77-9556 appearing at page 17526 in the issue for Friday, April 1, 1977, the following corrections should be made in the table on page 17528:

(1) In the column labeled "Other Information", for the substance protein hydrolysates, item "d." now reading "Nestle Products Technical Assistance and toxicological information concerning HVP." should have read "Nestle Products Technical Assistance Co., Ltd. NESTEC. 1975. Technological and toxicological information concerning HVP."

(2) In the column labeled "Animal study report—Order number", for the substance caffeine, "Mutagenic evaluation (hose mediated, * * *" should read "Mutagenic evaluation (host mediated, * * *".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Doc. No. NFD-466, FDAA-532-DR]

ALABAMA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 9, 1977, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms and flooding beginning about April 4, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Alabama.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, FDAA Region IY, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alabama to have been adversely affected by this declared major disaster:

The counties of:

Etowah St. Clair
Jefferson

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 9, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 77-11894 Filed 4-25-77;8:45 am]

[Doc. No. NFD-461; FDAA-3025-EM]

COLORADO

Amendment To Notice of Emergency Declaration

Notice of emergency for the State of Colorado, dated January 29, 1977, and amended on February 15, 1977, and March 10, 1977, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 29, 1977:

The county of:
Douglas

The purpose of this designation is to provide emergency livestock feed and cattle transportation assistance only in the aforementioned affected area effective the date of this Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1977.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistant Administration.

[FR Doc.77-11895 Filed 4-25-77;8:45 am]

[Doc. No. NFD-463; FDAA-3035-EM]

MICHIGAN

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Michigan, dated March 2, 1977, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 2, 1977:

The county of:
Chippewa

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected area effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 1, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11896 Filed 4-25-77;8:45 am]

[Doc. No. NFD-462; FDAA-3013-EM]

MINNESOTA

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Minnesota, dated June 17, 1976, and amended on June 28, 1976, August 27, 1976, November 9, 1976, December 30, 1976, January 14, 1977, January 19, 1977, and February 11, 1977, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The counties of:
Houston Koochiching

The purpose of these designations is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 1, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11897 Filed 4-25-77;8:45 am]

[Doc. No. NFD-464; FDAA-3024-EM]

UTAH

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Utah, dated January 20, 1977, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 20, 1977:

The counties of:

Box Elder Kane
Garfield Washington

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 17, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster, Assistance Administration.

[FR Doc.77-11900 Filed 4-25-77;8:45 am]

[Doc. No. NFD-467; FDAA-530-DR]

VIRGINIA

Amendment to Notice of Major Disaster

Notice of Major disaster for the State of Virginia dated April 7, 1977, is hereby amended to include the following county determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 7, 1977:

The county of:

Giles

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 14, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11901 Filed 4-25-77;8:45 am]

WASHINGTON

[Doc. No. NFD-460; FDAA-3037-EM]

Amendment to Notice of Emergency Declaration

Notice of emergency for the State of Washington, dated March 31, 1977, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 31, 1977:

The county of:

Kittitas

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected area effective the date of this amended Notice.

Notice of emergency for the State of Washington, dated March 31, 1977, is hereby further amended to make the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 31, 1977, eligible for cattle transportation assistance effective the date of this amended Notice.

The counties of:

Benton Yakima

The above-listed counties were previously declared eligible for emergency livestock feed assistance. This assistance remains available in the designated areas.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1977.

WILLIAM B. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-11898 Filed 4-25-77;8:45 am]

[Docket No. NFD-465; FDAA-531-DR]

WEST VIRGINIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of West Virginia, dated April 7, 1977, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 7, 1977:

The county of:

Mercer

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 12, 1977.

THOMAS P. DUNNE,
Administrator Federal Disaster Assistance Administration.

[FR Doc.77-11899 Filed 4-25-77;8:45 am]

Office of Interstate Land Sales Registration

[Doc. No. N-77-741]

CONNESTEE FALLS, ET AL.

Hearing

In the matter of Connestee Falls Units 1-32, OILSR No. 0-4918-38-302, ED-77-4; Holly Forest Units 1-5, OILSR No. 0-4919-38-303, ED-77-2; Keowee Key, OILSR No. 0-4920-46-103, ED-77-3.

Pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.155(b) Notice is hereby given that:

1. Connestee Falls Units 1-32, Holly Forest Units 1-5, and Keowee Key, its officers and agents, hereinafter referred to as "Respondents," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.), received a Notice of Suspension dated March 23, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that its Statement of Record submitted February 22, 1977, for Connestee Falls Units 1-32, Holly Forest Units 1-5 and Keowee Key located in Charlotte, North Carolina, were not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondents filed an answer dated March 27, 1977, in answer to the allegations of the Notice of Suspension dated March 23, 1977.

3. In said answer the Respondents requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Chief Administrative Law Judge, in Room 7146, Department of HUD Building, 451 Seventh Street SW., Washington, D.C. on June 8, 1977 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before May 10, 1977.

5. The Respondents are hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This Notice shall be served upon the Respondents forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 5, 1977.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc.77-11893 Filed 4-25-77;8:45 am]

Office of the Secretary

[Doc. No. N-77-506]

PRIVACY ACT OF 1974

Final Amendments of Notice of Systems Records

AGENCY: Department of Housing and Urban Development.

ACTION: Final notice of amendments of systems of records.

SUMMARY: This notice adopts amendments to HUD's Systems of Records un-

der the Privacy Act. The notice adds a routine use applicable to the system of records designated HUD/DEPT-34 (Pay and Leave Records of Employees) for disclosures to State and local taxing authorities concerning compensation to employees for personal services. It also adds a specific exemption applicable to the system of records designed as HUD/DEPT-15 (Equal Opportunity Housing Complaints), which will allow HUD to withhold records compiled and maintained for the purpose of enforcing Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.

EFFECTIVE DATE: Immediately on publication.

FOR FURTHER INFORMATION CONTACT:

Harold Rosenthal, Departmental Privacy Act Officer, (202) 755-5192.

SUPPLEMENTAL INFORMATION: On October 8, 1976, the Department of Housing and Urban Development published at 41 FR 44557 certain proposed amendments to its Notice of Systems of Records pursuant to the Privacy Act of 1974, P. L. 93-579, 5 U.S.C. 552a. Public comments were invited and were to be submitted by November 8, 1976. No comments were received. Accordingly action is being taken to finalize this notice of systems of records.

The Department has determined that an Environmental Impact Statement is not required with respect to this notice. A copy of the Finding of Inapplicability is available for inspection in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, Washington, D.C.

It is hereby certified that the economic and inflationary impacts of this notice have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, the Department of Housing and Urban Development adopts the following amendments to its Privacy Act Systems of Records:

1. HUD adopts the routine uses of system HUD/DEPT-34 to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Routine Uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Annual reporting of W-2 statements to Internal Revenue Service, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirements set forth in Section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions.

2. HUD adopts the specific exemption for system HUD/DEPT-15 to read as follows:

Systems exempted from certain provisions of the Act:

Pursuant to 5 U.S.C. 552a(k)(2), all investigatory material, including conciliation files, in records contained in this System which meet the criteria of this sub-section is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the agency regulations in order for the Department's Fair Housing and Equal Opportunity and legal staffs to perform their functions properly.

For the convenience of the public, the Department is republishing the two systems of records, as amended, in their entirety as follows:

HUD/DEPT-34

System name:

Pay and Leave Records of Employees.

System location:

Department Central Office.

Categories of individuals covered by the system:

HUD employees.

Categories of records in the system:

Name, Social Security number and employee number, grade, step and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Routine Uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuances of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions and other authorized purposes. Annual reporting of W-2 statements to Internal Revenue Service, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirements set forth in Section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual, machine-readable and magnetic media.

Retrievability:

Name of employee; Social Security Number.

Safeguards:

Physical, technical, and administrative security is maintained with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal:

Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with fiscal records program approval by GAO, as appropriate, or General Records Schedules of GSA.

System manager(s) and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 7th Street NW., Washington, D.C. 20410.

Notification procedure:

For inquiry about existence of records, contact the Privacy Officer at Headquarters, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at Headquarters. A list of all locations is given in Appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Officer at the appropriate location (a list of all locations is given in Appendix A); (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

HUD/DEPT-15

System name:

Equal Opportunity Housing Complaints.

System location:

Housing discrimination files are located at the office where originated and may also be transferred to associated area and/or regional offices, or the Department's Central Office. For a complete listing of these, with addresses, see Appendix A.

Categories of individuals covered by the system:

Individuals filing housing discrimination complaints; individuals, officials, and organizations complained about; managers; grant or project applicants; builders; developers; contractors; appraisers; property owners; mortgagors; candidates for positions; witnesses; attorneys; individuals in disaster and EO files, Titles VI, VIII and IX complainants. Does not include files on HUD employee complaints regarding their employment. Notices regarding these inquiries under the Privacy Act are published by the U.S. Civil Service Commission.

Categories of records in the system:

Allegations of housing discrimination; names of complainant and persons or organizations complained about; investigation information; details of discrimination cases; compliance reviews; marketing activity; complaints under Titles VI, VIII and IX; conciliation files, correspondence; affidavits; complaint status reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Routine Uses paragraphs in prefatory statement. Other routine uses: used for investigation, preparing litigation, and monitoring compliance by non-federal EO-concerned agencies, the U.S. Department of Justice (including the FBI), the U.S. Department of Labor (including the Office of Federal Contract Compliance), U.S. Courts, the Veterans Administration, the Farmers' Home Administration, complainants, respondents and attorneys.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records kept in lockable desks and file cabinets.

Retrievability:

Usually retrievable by name of complainant and, in some instances, by case file number.

Safeguards:

Offices are locked at night and access to files during the day is limited to authorized personnel. Files are locked.

Retention and disposal:

HUD handbooks establish procedures for retention and disposition of records. Generally retained for two years, then transferred to Federal Records Center for an additional five years.

System manager(s) and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Notification procedure:

For inquiry about existence of records, contact the Privacy Officer at the appropriate location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Officer at the appropriate location (a list of all locations is given in Appendix A); (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Record source categories:

Subject and other individuals, Federal and non-federal government agencies, law enforcement agencies, credit bureaus, financial institutions, current and previous employers, corporations or firms, EO counselors and witnesses.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(2), all investigatory material, including conciliation files, in records contained in this System which meet the criteria of this sub-section is exempted from the notice, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (3)(1), (e)(4)(G), (H), and (I), and (f) of the agency regulations in order for the Department's Fair Housing and Equal Opportunity and legal staffs to perform their functions properly.

Issued at Washington, D.C., on April 19, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-11044 Filed 4-25-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 4062]

CALIFORNIA

Opening of Land Subject to Section 24 of the Federal Power Act

APRIL 18, 1977.

Pursuant to the order of the Federal Power Commission DA-1122 issued December 2, 1976, and by virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) (1970), as amended, and in accordance with the authority redelegated to me by the State Director, California State Office, Bureau of Land Management, issued January 21, 1977 (42 FR 3901), as amended, it is ordered as follows:

1. The Commission finds that the value of the following described land, withdrawn in Power Site Classification No. 115, will not be injured or destroyed by conveyance subject to the provisions of section 24 of the Federal Power Act.

HUMBOLDT MERIDIAN

POWER SITE CLASSIFICATION 115

T. 7 N., R. 5 E.,
Sec. 20, E½E½NW¼SW¼.
The area described aggregates 10 acres in Humboldt County.

2. The State of California has waived its preference right of application for highway rights-of-way on material sites afforded it by section 24 of the Federal Power Act.

3. The land shall be made immediately available for consummation of a pending Forest Service exchange application CA 711, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and subject to the provisions of section 24 of the Federal Power Act, supra.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-11971 Filed 4-25-77;8:45 am]

[R27]

CALIFORNIA

Order Providing for Opening of Public Lands

APRIL 18, 1977.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), the following-described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 35 E.,
Sec. 31, All.

T. 30 S., R. 36 E.,
Sec. 31, E½.
T. 31 S., R. 36 E.,
Sec. 1, Lots 3, 4, 5, 6, 11, 12, 13, and 14, and SW¼;
Sec. 11, NE¼, E½NW¼, and S½.
T. 31 S., R. 35 E.,
Sec. 31, All;
Sec. 33, All;
Sec. 35, All;
Sec. 36, All.
T. 32 S., R. 35 E.,
Sec. 1, All;
Sec. 3, All;
Sec. 5, All;
Sec. 7, All;
Sec. 9, All;
Sec. 11, All;
Sec. 17, All;
Sec. 19, All.

The areas described aggregate 9,642.43 acres.

2. The above lands are located in Kern County, approximately 16 miles northeast of Tehachapi, and were acquired for the purposes of consolidating the public lands and providing for multiple use management of all the resources.

3. The United States does not have jurisdiction as to the minerals in the following described land as the mineral rights were not reconveyed by exchange:

MOUNT DIABLO MERIDIAN

T. 31 S., R. 35 E.,
Sec. 36, All.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open (except as provided in paragraph 3 hereof) to the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws. All valid applications received at or prior to 10 a.m., May 31, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–11970 Filed 4–25–77; 8:45 am]

[R 2295]

CALIFORNIA

Order Providing for Openings of Lands

APRIL 19, 1977.

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and pursuant to the authority delegated by the State Director (37 FR 491, January 12, 1972) as amended, and pursuant to the determination of the Federal Power Commission in DA 1095, California, April 21, 1971, it is ordered as follows:

1. Pursuant to DA 1095 the Commission finds that the Power Projects numbered 125, 966 and 1209 described below are no longer needed for power and are vacated.

SAN BERNARDINO MERIDIAN, CALIFORNIA

POWER PROJECT 125

T. 2 N., R. 8 W.,
Sec. 5, lots 3, 4, 5, 6, 11, 12, N½SW¼, SE¼SW¼, W½SW¼SW¼;
Sec. 6, lots 9, 10, 13, 14, E½SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼;
Sec. 7, lots 1, 2, 3, 4, E½NW¼, E½SW¼;
Sec. 18, lots 1, 2, E½NW¼.

T. 3 N., R. 8 W.,
Sec. 32, lots 1, 2, 3, 4, N½, N½S½;
Sec. 33, N½NW¼, SW¼NW¼.
T. 2 N., R. 9 W.,
Sec. 12, SE¼SE¼;
Sec. 13, N½, SW¼;
Sec. 14, all;
Sec. 15, SE¼;
Sec. 21, N½SE¼, N½S½SE¼;
Sec. 22, N½, SW¼, N½SE¼, SW¼, SE¼.

The area described aggregate approximately 3,921 acres.

POWER PROJECT 966

T. 1 N., R. 9 W.,
Secs. 6, 7.
T. 2 N., R. 9 W.,
Secs. 4, 5, 8, 17, 18, 19, 29, 30, 31, 32.
T. 3 N., R. 9 W.,
Secs. 29, 32, 33.
T. 1 N., R. 10 W.,
Secs. 12, 14.
T. 2 N., R. 10 W.,
Secs. 19, 20, 21, 22, 23, 24.

Portions of the above described sections aggregate approximately 146 acres.

POWER PROJECT 1209

T. 2 N., R. 9 W.,
Sec. 19.
T. 2 N., R. 10 W.,
Secs. 18, 19, 20, 21, 22, 23, 24.

Portions of the above described sections aggregate approximately 58 acres.

2. As found in DA 1095, the Commission offered no objection to the cancellation of PSC No. 79 by the U.S.G.S. pursuant to its publication of notice (36 FR 22190), to the extent that it affects the following described lands:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 9 W.,
Sec. 21, lot 2.

All lands within 50 feet of the marginal limits of the canals, pipelines, tunnels, or other power structures of H. W. O'Melveny, trustee, as shown on a right-of-way map approved by the Secretary of the Interior, June 23, 1897, or of the Electric Power Co. of Los Angeles as shown on a right-of-way map approved by the Secretary of the Interior, April 9, 1904, or of their successors in interest within the following described tracts:

T. 2 N., R. 8 W.,
Sec. 7, NW¼NE¼;
Sec. 15, S½S½NW¼SW¼, and SW¼SW¼;
Sec. 16, NW¼SW¼ and S½S½;
Sec. 17, NW¼NE¼, S½NE¼, NE¼NW¼ and NE¼SE¼;
Sec. 18, N½NE¼;
Sec. 21, NE¼NE¼.
T. 1 N., R. 9 W.,
Sec. 5, SW¼NW¼ nd NW¼SW¼;
Sec. 6, lots 1 and 2, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 7, lot 2, NE¼NE¼, SE¼NW¼NE¼, N½SW¼NE¼, SE¼NE¼NW¼, N½SE¼NW¼, SE¼NE¼SW¼, and E½SE¼SW¼.
Sec. 18, lot 1 and NE¼NW¼.
T. 2 N., R. 9 W.,
Sec. 4, lots 4, 5, 11, and 12, N½SW¼, and SW¼SW¼;
Sec. 5, lot 1;
Sec. 8, E½NE¼;
Sec. 9, NW¼NW¼, S½N½, and N½SE¼;
Sec. 10, NW¼SW¼ and S½SW¼;
Sec. 15, W½NE¼, N½NW¼, and SE¼NW¼;
Sec. 17, S½NW¼ and W½SW¼;
Sec. 18, lot 4, E½SW¼, N½SE¼, and SE¼SE¼;
Sec. 19, E½NE¼;
Sec. 20, NW¼NW¼, S½N½, NE¼SW¼, and N½SE¼;
Sec. 21, lots 1 to 4, inclusive;
Sec. 28, NE¼NW¼;
Sec. 29, E½NE¼, NE¼SE¼, and SW¼SE¼;
Sec. 31, NE¼SE¼ and S½SE¼;
Sec. 32, N½SW¼ and SW¼SW¼.
T. 3 N., R. 9 W.,
Sec. 31, lots 2 and 3, NE¼SW¼, and N½SE¼;
Sec. 32, NW¼SW¼ and S½S½;
Sec. 33, SW¼SW¼.
T. 1 N., R. 10 W.,
Sec. 11, E½SE¼;
Sec. 12, S½N½ and NW¼SW¼.
T. 2 N., R. 10 W.,
Sec. 11, N½SE¼ and SE¼SE¼.
Sec. 13, SW¼NE¼, NW¼, W½SE¼, and SE¼SE¼;
Sec. 14, NE¼NE¼.
T. 3 N., R. 10 W.,
Sec. 25, N½SE¼ and SW¼SE¼;
Sec. 36, NW¼NE¼.

The area described aggregates approximately 322 acres.

The State of California has waived its preference right of application for highway right-of-way or material sites afforded it by section 24 of the Federal Power Act.

At 10 a.m. on May 31, 1977, the aforedescribed lands, all of which lie within the boundaries of the Angeles National Forest shall be open to such disposition as may be made of National Forest lands.

All lands not otherwise withdrawn or reserved have been open to applications and offers under the mineral leasing laws and to location under the U.S. Mining Laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–11980 Filed 4–25–77;8:45 am]

[Wyoming 58829]

WYOMING

Application

APRIL 15, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Stauffer Chemical Company of Wyoming, Green River, Wyoming filed an application for a right-of-way to construct a 4 inch natural gas pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.
Sec. 22, NE¼SE¼, S½S½;
Sec. 24, S½N½.

The pipeline will serve as a lateral line to transport natural gas from Texaco No. 3 well in section 24, Township 18 North, Range 98 West in Sweetwater County, Wyoming, to a point on Stauffer Chemical Company of Wyoming's six-inch gasline in section 21, Township 18 North, Range 98 West.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–11972 Filed 4–25–77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Bureau of Land Management, Curtis V. McVee, State Director, 555 Cordova Street, Anchorage, Alaska 99501.

OMB NO. 42-R160

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To conduct nesting raptor habitat inventories on national resource lands in Alaska; includes peregrine falcon habitat.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Louis D. Jurs
Bureau of Land Management
555 Cordova St.
Anchorage, AK 99501

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
DATE OF BIRTH: 2/7/41
HEIGHT: 6'2" WEIGHT: 200
COLOR HAIR: Brown COLOR EYES: Green
PHONE NUMBER WHERE EMPLOYED: 907-277-1561
SOCIAL SECURITY NUMBER: 569-52-2466
OCCUPATION: Wildlife Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
USDI; Bureau of Land Management

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Management of public lands of the United States
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Curtis McVee, State Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Various Alaska locations, including the northwest Arctic slope and the Kuskokwim River watershed.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Have approval of Alaska Fish and Game

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:

10. DESIRED EFFECTIVE DATE: 5/23/77

11. DURATION NEEDED: 4 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Detailed description of proposed work is attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Curtis V. McVee, State Director
DATE: 2/28/77

3-200
16-740

STATE OFFICE,
Anchorage, Alaska,
January 17, 1977.

MEMORANDUM

To: Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.

From: State Director, Bureau of Land Management.

Subject: Endangered Species Permit Request.

As part of BLM's ongoing wildlife inventory effort on Alaska's national resource lands, we plan to continue our nesting raptor survey work during the upcoming summer season. This will be a continuation of the work conducted during 1975–76.

As before, methodology will include aerial reconnaissance to determine presence/absence of nesting raptors, and ground surveys to determine species and nesting productivity. Most of the ground work would be accomplished by raft or riverboat as many of the nesting cliffs border navigable streams. It may be necessary to discharge firearms or use other audio devices to cause birds to take flight for identification purposes.

Field investigations will be carried out by two BLM personnel or contract personnel. Investigators will be competent biologists with expertise in avian biology. They will work under the supervision of our State Office wildlife biologist.

Another phase of our summer field operations will include project evaluations and general inventory work.

During the fall of 1976, artificial nest structures were placed at Sagwon Bluffs. A short evaluation survey (one or two days) to determine use of these structures will be necessary. This work will be carried out by the Fairbanks District wildlife biologist.

In addition, general wildlife inventories will be conducted in a number of locations. While these are not specifically aimed at raptors, the chance of encounter is always present. Biologists performing this work would merely note the occurrence of the birds and their location. No intensive investigations would be made.

The following table summarizes the locations and work covered by this request:

Location(s)	Work performed	Investigators
(1) Northwest Arctic: a. Utukok River b. Kokolik River c. Ridges and cliffs of North Slope Uplands.	Aerial reconnaissance by fixed or rotary wing aircraft to determine presence of nesting raptors. Ground surveys with spotting scopes, rafts, etc. to determine species present and productivity of same. May involve discharge of firearms/loud audio devices to cause birds to take flight for inventory and identification, especially on large cliffs. Some climbing may be required.	Avian biologists (2) hired or contracted by BLM under supervision of state biologist.
(2) Kuskokwim River watershed: a. Main Kuskokwim River b. George River c. Tatlawiksuk River d. Nixon River e. Takotna River f. E. Fk. Kuskokwim River g. Cheeniktchuk River h. Oskawalik River i. Molokuk River	General wildlife inventory	District biologists.
(3) Portage Habitat Mgt. area	do	Do.
(4) Tangle Lakes/Delta River area	do	Do.
(5) Denali Highway	do	Do.
(6) Gulkana River	do	Do.
(7) Sagwon Bluffs of Sagavanirktok River	Evaluation of artificial nest structures; visual survey only.	Do.
(8) Middle Yukon River	General inventory for development of habitat management plan.	Do.
(9) Alaska pipeline corridor—Fairbanks North.	do	Do.

All raptorial birds encountered will be surveyed and catalogued, including, but not limited to:

Arctic peregrine falcon, *Falco peregrinus tundrius.*
American peregrine falcon, *F. p. anatum.*
Bald Eagle, *Haliaeetus leucocephalus.*
Golden Eagle, *Aculia chrysaetos.*
Gryfalcon, *Falco rusticolus.*
Merlin, *Falco columbarius.*
Red-tailed (Harlan's) Hawk, *Buteo jamaicensis harlani.*
Osprey, *Pandion haliaetus.*
Kestel, *Falco sparverius.*
Goshawk, *Accipiter sentilis.*
Rough-legged Hawk, *Buteo lagopus.*
Marsh Hawk, *Circus cyapcus.*

Owls, waterfowl, shorebirds, passerines, and other avian and mammalian wildlife will also be inventoried as they are encountered during the course of the raptor surveys.

In summary, then, the principal impacts anticipated will involve some harassment of birds at neries during the fly-by period, and during the short time period nest locations are ground checked. No permanent damage to the birds, physically or behaviorally, is visualized.

Upon your approval, please forward this request to the Endangered Species Permit Office. The permit should be issued in the name of Mr. Curtis McVee, State Director.

With final permit approval, and in accordance with the proposed surface protection regulations for NPRA, we will submit a detailed work plan for that portion of the study taking place on the Reserve, for interagency/state review and comment.

New information generated by the entire study effort will be made available to those agencies needing the data.

Any questions concerning this application should be made to Mr. Lou Jurs, wildlife biologist, Division of Resources, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501; phone 907–277–1561, extension 144.

Thank you for your assistance in this matter.

CURTIS V. MCVEE.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-711-07; please refer to this number when submitting comments. All relevant comments received on or before May 26, 1977 will be considered.

Dated: April 20, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-11787 Filed 4-25-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following applications for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Knoxville Zoological Park at Chilhowee Park, P.O. Box 1631, Knoxville, Tennessee 37914, Guy L. Smith, III, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one): [X] IMPORT OR EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Importation of two (2) female Asiatic lions, captive born, from Tierpark/Berlin East Germany, for the purpose of propagation.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Knoxville Zoological Park
at Chilhowee Park
P. O. Box 1631
Knoxville, Tennessee 37914

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION: n/a
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Municipal zoological park
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:
Guy L. Smith, III, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:
n/a

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Knoxville Zoological Park
at Chilhowee Park
P. O. Box 1631
Knoxville, Tennessee 37914

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit number)
1. 63 El-1 3. PRT-7-08-P-Z-NY
2. PRT2-8 4. PRT 2-310

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [ ] YES [ ] NO
(If yes, list jurisdictions and type of document)
See attached letter

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 4/1/77

11. DURATION NEEDED: indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: See attached letters verifying captive birth of specimens, that we are acquiring them legally from Tierpark/Berlin Zoo. Also see letters verifying price of species and delivery specifications. Also attached is supporting data required by the Endangered Species Act of 1973.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): W. Smith
DATE: 3/9/77

3-200
(6/74)

GPO 893-042

CITY OF KNOXVILLE, TENNESSEE,
MUNICIPAL ZOO, *March 9, 1977.*

DIRECTOR,
U.S. FISH AND WILDLIFE SERVICE,
Department of the Interior,
Washington, D.C.

DEAR SIR: The information immediately following represents an application to the Department of the Interior for the importation of an endangered species for the Knoxville Zoological Park at Chilhowee Park, P.O. Box 1631, Knoxville, Tennessee 37914, U.S.A., as required by the Endangered Species Act of 1973: specifically as indicated in paragraph 17.12, Section (b)(1), Part 17, for two (2) female Asiatic lions, *Panthera leo persica* (Meyer, 1826).

1. Name and address of the applicant: Knoxville Zoological Park at Chilhowee Park, P.O. Box 1631, Knoxville, Tennessee 37914.

2. The number of specimens and common and specific names (genus, species, subspecies) of each species or subspecies of each fish or wildlife to be imported:

Two (2) female Asiatic lions, captive born, *Panthera leo persica*, (Meyer, 1826); currently housed at the Tierpark Berlin/East Germany.

3. Complete statement of the purpose of such importation: Since its inception the Knoxville Zoological Park at Chilhowee Park has specialized in and is very successful in the propagation of large cats, genus *Panthera*. As well as being a cultural and educational facility, we earnestly accept our responsibilities to all wildlife, especially those species considered endangered. Whereas many zoological institutions have curtailed reproduction in their captive populations of large cats, ie *Panthera*, the Knoxville Zoological Park at Chilhowee Park is actively reproducing the following species:

a. Bengal tiger, *Panthera tigris;*
b. Black leopard, *Panthera pardus;*
c. American couger, *Felis concolor;*
d. Jaguar, *Panthera onca;* and
e. African lion, *Panthera leo.*

We are also actively trying to reproduce the Siberian tiger, *Panthera tigris altaica*, in which we have one (1) male and two (2) female specimens, which are now becoming sexually mature. The Knoxville Zoological Park at Chilhowee Park has been fortunate to have had the following reproductive rate in the last three (3) years, 1974 through 1976:

a. African lion, *Panthera leo*—21 births;
b. Bengal tigers, *Panthera tigris*—9 births;
c. Jaguar, *Panthera onca*—7 births;
d. Black leopard, *Panthera pardus*—4 births; and
e. Couger, *Felis concolor*—5 births.

Therefore, from five (5) species of large cats the Knoxville Zoological Park at Chilhowee Park has successfully reproduced all five (5) species, collectively producing forty-six (46) offspring.

It is our understanding that only two (2) other zoological institutions in the United States have these species in their collections as captive breeding stock, those being the Lincoln Park Zoo, Chicago, Illinois, and a zoo in the state of Colorado.

It has been arranged for the Lincoln Park Zoo in Chicago, Illinois to place one (1) male Asiatic lion, *Panthera leo persica* on a breeding loan to the Knoxville Zoological Park at Chilhowee Park. This would therefore permit the Knoxville Zoological Park to have one (1) male and two (2) female Asiatic lions, *Panthera leo persica*, from two (2) distinct and separate blood lines with which to assist in the propagation of this extremely endangered species. It is our considered opinion that this request be granted on the basis that a new blood line would be highly favorable to this species in terms of captive propagation in the U.S. zoological institutions. In fact, we consider it imperative!

4. If live fish and wildlife are involved, include a detailed description of the type, size and construction of the container, arrangements for feeding, watering and otherwise caring for the fish or wildlife in transit, and arrangements for caring for the fish or wildlife on entry into the United States:

The animals in question will be exported legally from the Scientific Department of Tierpark Berlin/East Germany, of the Deutsche Demokratische Republik.

The shipping containers, one for each specimen, will be 105 centimeters long, 55 centimeters wide and 65 centimeters high. Arrangements have been made within the containers for water during the specimens transit. Food will be provided to the specimens prior to air departure and upon arrival in New York. Mr. Guy Smith, III, Director of the Knoxville Zoological Park at Chilhowee Park will personally pick up and care for the specimens in transit to Knoxville, Tennessee.

The gross weight of the shipping containers will be 80 kilos each. Shipment will be made on a Thursday with Interflug (D.D.R. Airlines), flight I.F. 250 to Praque/C.S.S.F., with the Czechoslovakian Airlines flight O.K. 600 from Praque to New York, U.S.A. Arrival time will be at 17:40 hours on the same Thursday.

It is not possible to provide a photograph of the shipping containers, but we can assure you and your office that the crates will be of sufficient strength to ensure the specimens containment and adequate ventilation, etc.

We cite the international reputation of the institution and the director of Tierpark Berlin, in terms of providing every possible consideration for the specimens well being during transit. Every effort will be made to satisfy all requirements to ensure a safe arrival of the specimens.

5. The address and complete description of the facilities where such fish or wildlife will be kept:

The two (2) female Asiatic lions, *Panthera leo persica*, will be housed in an open-air enclosure at the Knoxville Zoological Park at Chilhowee Park, P.O. Box 1631, Knoxville, Tennessee 37914, in the United States of America, and will reside specifically in the quarters provided for this species.

The Asiatic lion facilities will provide the following features necessary for their proper captive management:

a. The denning area was specifically designed to provide the following—night quarters, cubbing facilities, feeding and watering equipment, and an upper-level platform to avoid excessive exposure to sun, etc.

b. The exhibit yard itself, measuring sixty (60) square feet of land surface will provide soil (grassed) areas as well as a section of a sand substratum. The circumference of the enclosure is 240 feet. The height of the enclosure wall is 12 feet with an additional 4 foot overhang. Shrubbery is provided on the outer portion of the enclosure wall to provide windbreaks and a feeling of security.

The enclosure wall itself is of Behlan wire, 2" × 4" mesh which is coated with black paint of a non-lead variety which is non toxic. The exhibit is further furnished with logs and appropriate live plant material.

c. In terms of security, entry into the exhibit is through two (2) distinct and separate doors, both of which are secured by a keyed lock.

d. All dens are provided with sleeping platforms and feeding and watering equipment. Heating the denning areas is provided by electric heating fixtures. In case of electrical failure backup portable heating units are available.

e. Routine cleaning, disinfecting, and other husbandry details will be provided by a specifically trained keeper, who already has past experience with large cats. Supervision of the specimens will come under the General Curator and staff Zoologist, twenty-four (24) hour observation will be conducted by our staff of animal technicians. All veterinary needs will be conducted by the staff veterinarians of the new School of Veterinary Medicine at the University of Tennessee, Knoxville, Tennessee 37916. The veterinary staff there is comprised of some thirty (30) veterinarians, all of which specialize in the various aspects of veterinary medicine.

6. A statement, if applicable, of the applicants qualifications and previous experience is caring for and handling captive wildlife:

The animal population at the Knoxville Zoological Park at Chilhowee Park is under the direct supervision of the Director, Guy L. Smith, III; the Assistant Director, Mark Rowles; the General Curator, John Fleming; the Zoologist, James Dattilo; the Curator of Reptiles and Birds, Johnny Arnet; and the Head Animal Technician, Keith Dayhuff. All of these individuals have Biology or Zoology degrees or have from five (5) to fourteen (14) years of experience in captive animal management.

7. A copy of contract or other arrangements under which such fish or wildlife is to be imported, showing the name and address of the seller or consignor, date of contract, contract price, number and weight (if available), and description of items:

A copy of the letter to Mr. Guy L. Smith, III from G. Van Den Brink, B. V. should supply the above information as well as a copy of a telegram stating the price of the two specimens, from and to the agove mentwo specimens, from and to the above mentioned parties.

8. A certification: I hereby certify that the foregoing information is complete and accurate to the best of my knowledge and belief. I understand that the information is submitted for the purpose of obtaining an exemption from the requirements of The Endangered Species Conservation Act of 1969 (83 stat. 275) and that any false statements herein may be subject to the criminal penalties of 18 U.S.C. 1001.

9. The signatures of the applicants: See below.

Your consideration of the foregoing will be very much appreciated.

Sincerely,

GUY L. SMITH, III,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-684-C07; please refer to this number when submitting comments. All relevant comments received on or before May 26, 1977 will be considered.

Dated: April 20, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-11786 Filed 4-25-77;8:45 am]

Geological Survey

MOBIL-CONSOL PRONGHORN MINE

Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the U.S. Geological Survey (USGS), Department of the Interior, has commenced the preparation of a draft environmental impact statement (EIS) to evaluate the impacts of Federal approval of the proposed Mobil-Consol Pronghorn mine in Campbell County, Wyoming. The EIS will cover the proposed surface mining and reclamation plan for a new mine to be located on a portion of existing Federal coal lease No. W-23929, owned by the Mobil Oil Corporation. The mine will be operated by the Consolidation Coal Company.

A multi-disciplined task force is being established to prepare the statement. The draft environmental statement (DES) will be circulated for public review, and comments received will be considered in the preparation of the final environmental statement (FES). The final statement will be considered by the Secretary of the Interior in making his decision on approval of the proposed Pronghorn mining and reclamation plan.

A public meeting on the proposed Federal action and EIS will be held at 7 p.m. on May 4, 1977, at the Campbell County Park and Recreation Center, 1000 Douglas Highway, Gillette, Wyoming. All interested agencies, organizations, or persons desiring to submit comments or suggestions for consideration in connection with the preparation of the draft environmental impact statement are invited to express them at the public meeting or submit them to the Director, U.S. Geological Survey, 108 National Center, Reston, Virginia 22092. Comments and views should be received on or before June 1, 1977.

Dated: April 20, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-11945 Filed 4-25-77;8:45 am]

[Phosphate Land Classification Order Utah No. 7]

UTAH

Phosphate Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SALT LAKE MERIDIAN, UTAH

PHOSPHATE LANDS

T. 2 S., R. 20 E., unsurveyed
Sec. 25, NE¼SE¼;
Sec. 34, S½;
Sec. 35, S½NE¼, SE¼NW¼, S½;
Sec. 36, E½NE¼, W½SW¼, SE¼SW¼, E½SE¼.
T. 3 S., R. 20 E.,
Sec. 1, lots 1, 3, and 4, SE¼NE¼, S½NW¼, NE¼SW¼, W½SW¼, E½SE¼;
Secs. 2, 3, and 10;
Sec. 11, N½, NE¼SW¼, W½SW¼, E½SE¼;
Sec. 12;
Sec. 14, W½NW¼, NW¼SW¼;
Sec. 15.
T. 2 S., R. 21 E., in part unsurveyed
Sec. 10, SE¼SW¼, SE¼;
Sec. 11, W½SW¼;
Sec. 12, NE¼NE¼, S½N½, E½SW¼, SE¼;
Sec. 13, lots 1 to 4, inclusive, N½N½;
Sec. 14, lots 1 to 3, inclusive, NE¼NE¼, NW¼, W½SW¼;
Sec. 15, lots 1 and 2, NE¼, S½NW¼, SW¼, N½SE¼;
Sec. 16, S½NE¼, SE¼NW¼, S½;
Sec. 17, SE¼SE¼;
Sec. 20, NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 21, lots 1 to 3, inclusive N½NE¼ SW¼NE¼, W½, W½SE¼;
Sec. 22, lots 1 to 5, inclusive, NW¼NW¼;
Sec. 23, lots 2 to 5, inclusive, and lots 7, NE¼NW¼;
Sec. 24, lots 7 to 8, inclusive;
Sec. 25, lot 1;
Sec. 26, lots 1 to 4, inclusive;
Sec. 27, lots 1 to 5, inclusive, S½SW¼, SW¼SE¼;
Sec. 28, lots 1 to 3, inclusive, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 29;
Sec. 30, lots 1 to 8, inclusive, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 31 to 35, inclusive;
Sec. 36, lots 1 to 6, inclusive, S½NW¼, SW¼, W½SE¼, SE¼SE¼.
T. 3 S., R. 21 E.,
Sec. 1, lots 1 to 6, inclusive, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Secs. 2 to 8, inclusive;
Sec. 9, lots 1 to 4, inclusive, NW¼NE¼, E½W½;
Sec. 10, NE¼NE¼;
Sec. 11, NE¼NE¼, NW¼;
Sec. 16, lots 1 and 2;
Sec. 17, N½, NE¼SW¼, N½SE¼;
Sec. 18, N½NE¼, NE¼NW¼.
T. 2 S., R. 22 E., in part unsurveyed
Sec. 1, S½S½;
Sec. 2, S½S½;
Sec. 3, S½S½;
Sec. 4, SE¼SW¼, SE¼SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, SE¼;
Sec. 8, lots 3 and 4, S½SW¼, SW¼SE¼;
Sec. 9, lots 1 to 4, inclusive;
Sec. 10, lots 1 to 4, inclusive;
Sec. 11, lots 1 to 4, inclusive;
Sec. 12, lots 1 to 7, inclusive;
Sec. 13, lots 1 to 4, inclusive;
Sec. 17, lots 1 to 5, inclusive, NW¼NE¼, N½NW¼;
Sec. 18, lots 1 to 5, inclusive, N½NE¼, NE¼NW¼;
Sec. 22, lot 1;
Sec. 23, lots 1 to 6, inclusive;
Sec. 24, lots 1 to 9, inclusive, SE¼SW¼, SW¼SE¼;
Sec. 25, lots 1 to 12, inclusive, NW¼NE¼, SW¼SW¼;
Sec. 26;
Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 5, inclusive, S½S½;
Sec. 29, lots 1 to 3, inclusive;
Sec. 31, lots 1 to 9, inclusive;
Sec. 32, lots 1 to 8, inclusive, NE¼, N½SE¼;
Secs. 33 to 35, inclusive;
Sec. 36, lots 1 to 6, inclusive, W½NW¼, SE¼NW¼, SW¼;
H.E.S. 40, 41, 42, and 43.

All or parts of the following mineral surveys included in Phosphate Reserve No. 24, Utah No. 3: Mineral Survey 6907; Mineral Survey 6908; Mineral Survey 6909; Mineral Survey 6910; Mineral Survey 6911; Mineral Survey 6912; Mineral Survey 6778.

T. 3 S., R. 22 E.,
Sec. 1, lot 4;
Sec. 2, lots 1 to 4, inclusive, SW¼NW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, N½S½;
Sec. 4, lots 1 to 6, inclusive, SW¼NE¼, S½NW¼, N½S½, NW¼SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
T. 2 S., R. 23 E.,
Sec. 7, lots 1 to 4, inclusive, S½NE¼, SE¼;
Sec. 8, S½N½, S½;
Secs. 17 to 20, inclusive;
Sec. 30, lots 1 to 4, inclusive, W½E½;
Sec. 31, lots 1 to 4, inclusive, W½NE¼, NW¼SE¼.

NONPHOSPHATE LANDS

T. 2 S., R. 20 E., unsurveyed
Sec. 27, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 34, N½;
Sec. 35, SW¼NW¼.
T. 3 S., R. 20 E.,
Sec. 1, SE¼SW¼, SW¼SE¼;
Sec. 11, SE¼SW¼, W½SE¼;
Sec. 13;
Sec. 14, NE¼, E½NW¼, NE¼SW¼, S½SW¼, SE¼;
Secs. 22 to 26, inclusive;
Sec. 27, lots 1, 2, and 3, W½NE¼, NE¼NW¼;
Sec. 35, N½NE¼, SE¼NE¼;
Sec. 36, N½, N½SW¼, SE¼SW¼, SE¼.
T. 4 S., R. 20 E.,
Sec. 1, lots 1 and 2, SE¼NE¼.
T. 2 S., R. 21 E., in part unsurveyed
Sec. 8, S½S½;
Sec. 9, SW¼SW¼;
Sec. 14, E½SW¼, W½SE¼;
Sec. 16, NW¼NE¼, NE¼NW¼, W½NW¼;
Sec. 17, N½, SW¼, NE¼SE¼, W½SE¼.
Sec. 18, lots 7 and 8, NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 19;
Sec. 20, NW¼, NW¼SW¼;
Sec. 23, lots 1 and 6, NW¼NE¼;
Sec. 30, NW¼NE¼, NE¼NW¼.
T. 3 S., R. 21 E.,
Sec. 1, lot 7;
Sec. 9, NE¼NE¼, S½NE¼, SE¼;
Sec. 10, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 11, W½NE¼, SE¼NE¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 12, N½NE¼, NW¼;
Sec. 14, NW¼NE¼, NW¼, NW¼SW¼;
Sec. 15;
Sec. 16, lots 3 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 17, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 18, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 19 to 21, inclusive;
Sec. 22, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 27, N½NE¼, SW¼NE¼, W½, W½SE¼;
Secs. 28 to 32, inclusive;
Sec. 33, lots 2, 3, and 4, N½, N½S½;
Sec. 34, NW¼, NW¼SW¼.
T. 4 S., R. 21 E.,
Sec. 4, lot 4;
Sec. 5, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 3 S., R. 22 E.,
Sec. 1, lots 2 and 3, S½NW¼;
Sec. 2, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼.
Sec. 3, S½S½;
Sec. 4, lot 7, S½SW¼, SW¼SE¼;
Sec. 5, S½SE¼;
Sec. 6, lot 7;
Sec. 7, lots 1 and 2, NE¼, E½NW¼;
Sec. 8, N½N½, SW¼NW¼;
Sec. 9, N½N½.
T. 2 S., R. 23 E.,
Sec. 5, S½;
Sec. 6, lot 6, S½SE¼;
Sec. 7, N½NE¼;
Sec. 8, N½N½.

The area described aggregates about 72,923 acres, more or less, of which about 50,251 acres are classified as phosphate lands, and about 22,672 acres are classified as nonphosphate lands.

Dated: April 1, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-11876 Filed 4-25-77;8:45 am]

Office of Hearings and Appeals

[Doc. No. M 77-159]

ALROSHA COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Alrosha Coal Company, Inc., 1100 Hamilton National Branch Building, Knoxville, Tennessee 37902, has filed a petition to modify the application of 30 CFR 77.1605, loading and haulage equipment; installations, to its Alrosha Coal Company, Inc., Mine, located in Anderson County, Tennessee.

The substance of Petitioner's statement is as follows:

1. Petitioner is engaged in the underground mining of coal and maintains a roadway of about 2 miles between its coal mine and the state highway. This roadway is the subject of this petition.

2. The modification of the regulation is necessary for the safe and confident operation of the coal mine. The alternate methods specified will at all times guarantee no less than the measure of safety and protection afforded to the miners, to others and to the property and to equipment at Petitioner's mine as does the regulation sought to be modified.

3. There are two other coal mines presently operating in the vicinity of Petitioner's mine which also use the subject roadway and will benefit by the granting of the relief sought.

4. Copies of this petition have been served upon and furnished to the representative of the Petitioner's miners.

5. The alternate method of accomplishing the purpose of the regulation sought to be modified is as follows:

(a) A daily inspection of all coal-hauling vehicles shall be made and any defects shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

(b) All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

(c) Roadway surfaces shall be kept free of debris, excessive water, snow and ice, and maintained as free as practicable of small ditches (washboard effects).

(d) A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highway side of the road regardless of their direction of travel.

(e) Warning signs shall be posed designating curves, steep grades where should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

(f) All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

(g) All haulage vehicles shall have: original manufacturer's brakes; and an emergency (parking) braking system.

(h) Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

(i) On roads that afford only one traffic lane, a minimum width of 12 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 26, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 14, 1977.

[FR Doc.77-11986 Filed 4-25-77;8:45 am]

[Doc. No. M 77-146]

J & H COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), J & H Coal Co., Inc., 113 North Webb Avenue, Whitesburg, Kentucky 41858, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 1 Mine, located in Letcher County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that having canopies installed on its equipment creates a hazard to the operators.

2. Petitioner's equipment consists of the following: one (1) Paul's roof bolting machine—height 28 inches; and two (2) AR4 Elkhorn scoops—height 28 inches.

3. The No. 1 Mine is in the Hazard No. 4 Rider Seam which ranges in height from 29 to 40 inches. In this seam Petitioner is daily running into rolling top. Petitioner also has rolls in the floor which contribute to the difficulty of using canopies. By installing canopies on the equipment Petitioner is limiting the vision of the operators of the equipment, which creates a hazard to them as well as to other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and because of the position required to be seated in the equipment, the installation of canopies could be a contributing factor to accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 26, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 14, 1977.

[FR Doc.77-11987 Filed 4-25-77;8:45 am]

[Doc. No. M 77-149]

LOONEY & FIELDS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Looney & Fields Coal Co., Route 1, Box 219, Elkhorn City, Kentucky 41522, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 1 A-7 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. This petition is in reference to canopies on haulage equipment and roof bolting and loading machines. These consist of 2-188 loading machines and 1-88 Long Air Dox loading machine, 1 face drill, 1 Paul's roof bolter, 1 Acme roof bolter and 3 Porter buggys.

2. Petitioner feels that the installation of canopies on its equipment is creating a hazard to the equipment operators.

3. The mine is in the Elkhorn seam and ranges from 38 to 50 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such manner as to prevent them from getting against the roof and possibly destroying roof support. This only allows a 23-inch vertical operating compartment and limits the vision of the equipment operator. This creates a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operator's vision is limited and because of the position required in order to be seated in the decks, the installation of canopies could be a contributing factor in any accidents which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 26, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 14, 1977.

[FR Doc.77-11988 Filed 4-25-77;8:45 am]

[Doc. No. M 77-150]

PONTIKI COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pontiki Coal Corporation, Box 57, Lovely, Kentucky 41231, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Pontiki No. 1 Mine, located in Martin County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner requests a modification of the mandatory safety standard with respect to the below-listed equipment used in or to be used in the Pontiki No. 1 Mine: Joy 21SC shuttle car, present minimum coalbed—41 inches; floor to top of canopy—38 inches.

2. Canopies have been reduced to the height listed above. With this height there is very little, if any, vision left for the operator. Also, Petitioner feels that it is creating a hazard for the shuttle car operator himself, since the canopies have been lowered level with the loading bed. The operator is in an uncomfortable position and at times exposes himself to hazards, which are created by the lowered canopy.

3. Petitioner feels at this time, under present conditions, that the canopies on its Joy 21SC shuttle cars create a greater hazard, than any benefits to be gained by their use.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 26, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 14, 1977.

[FR Doc.77-11989 Filed 4-25-77;8:45 am]

[Doc. No. M 77-151]

PONTIKI COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pontiki Coal Corporation, Box 57, Lovely, Kentucky 41231, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Pontiki No. 2 Mine, located in Martin County, Kentucky.

The substance of Petitioner's statement is as follows:

1. The equipment for which Petitioner asks the waiver is as follows: one Schroeder coal drill; one Lee-Norse roof bolting machine; one S & S scoop; one 14 BU Joy loading machine; and one 15 BU Joy cutting machine.

2. Petitioner's equipment is only about 7 to 8 inches lower than the overall seam height of about 48 inches. Also, Petitioner plans to use header boards to aid in its roof support.

3. Petitioner feels that, in mining, a cab or canopy on its equipment would so restrict the operators' vision that hazards would be created. Petitioner feels that the hazards would exceed any benefits to be gained.

REQUEST FOR HEARING OR COMMENT

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 26, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 14, 1977.

[FR Doc.77-11990 Filed 4-25-77;8:45 am]

[Doc. No. M 77-145]

STAR CRAFT COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Star Craft Coal Co., Box 2781, Pikeville, Kentucky 41501, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its No. 1 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that the installation of canopies on its equipment is creating a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two Kersey 944 tractors, one Elkhorn scoop, AR4, one roof bolting machine, Galis 3500, one Joy 14BU10 loading machine and one Joy 15RU cutting machine.

3. The No. 1 Mine is in the lower Elkhorn Seam and ranges from 44 to 52 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from getting against the roof and possibly destroying roof support. This only allows a 23-inch vertical operating compartment which limits the vision of the equipment operators and creates a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and because of the position required in order to be seated in the decks, the installation of canopies could be a contributing factor in any accident which may arise.

5. The representative of the miners feels that canopies would be unsafe because the top runs up and down and the equipment will just clear the roof now.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 26, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

APRIL 14, 1977.

[FR Doc77-11991 Filed 4-25-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 15, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by May 3, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

CALIFORNIA

Sacramento County

Sacramento, *Van Voorhies House*, 926 G St.

CONNECTICUT

Fairfield County

Greenwich, *Strickland Road Historic District*, Strickland Rd. and Mill Pond Cir.

Hartford County

Hartford, *Buckingham Square District*, Capitol Ave., Linden Pl., Main and Buckingham Sts.

Hartford, *Second Church of Christ*, 307 Main St.

Windsor Locks, *Pinney, David, House and Barn*, 58 West St.

IDAHO

Nez Perce County

Lewiston vicinity, *Nez Perce Snake River Archeological District.*

ILLINOIS

Adams County

Quincy, *Morgan-Wells House*, 421 Jersey St.

Fulton County

Canton vicinity, *Orendorf Site.*

Massac County

Mermet vicinity, *Bremer Mounds and Village Site.*

Monroe County

Waterloo, *Peterstown House*, 275 N. Main St.

Wayne County

Sims vicinity, *Mayberry Mound and Village Site.*

White County

Manuie vicinity, *Hubele Mounds and Village Site.*

Winnebago County

Rockton vicinity, *Macktown Historic District*, W of Rockton on Pecatonica River.

KENTUCKY

Boyle County

Danville, *Trinity Episcopal Church*, 320 W. Main St.

Jefferson County

Louisville, *Courier-Journal Building*, 405 S. 4th St.

Woodford County

Versailles vicinity, *Offutt-Cole Tavern*, N of Versailles on U.S. 62 at jct. of Old Frankfort Rd.

MASSACHUSETTS

Franklin County

New Salem, *New Salem Common Historic District*, S. Main St.

Middlesex County

Tyngsboro vicinity, *Tyng, Col. Jonathan, House*, 80 Tyng Rd.

Norfolk County

Norfolk vicinity, *The Warelands*, 103 Boardman St.

Plymouth County

Brockton, *Kingman, Gardner J., House*, 309 Main St.

Worcester County

Milford, *Milford Town Hall*, 52 Main St.
North Oxford vicinity, *Barton, Clara, Homestead*, SW of North Oxford on Clara Barton Rd.

Petersham vicinity, *Gay Farm (Negus Hill)*, S of Petersham off Nichewaug Rd.

Sturbridge, *Sturbridge Common Historic District*, Main St. between Hall Rd. and I-86.

NEW JERSEY

Essex County

West Orange, *St. Mark's Episcopal Church*, 13 Main St.

Somerset County

Basking Ridge, *Cofee House*, 214 N. Maple Ave.

NEW MEXICO

Colfax County

Raton, *Raton Downtown Historic District*, roughly bounded by Rio Grande, Clark, 1st and 3rd Sts.

NEW YORK

Albany County

Albany, *St. Mary's Church*, 10 Lodge St.

Hamilton County

Blue Mountain Lake, *Blue Mountain House Annex*, NY 30.

Schuyler County

Montour Falls, *Montour Falls Historicc District*, Genesee and Main Sts.

OREGON

Harney County

Frenchglen vicinity, *Oregon Central Military Road*, 35 mi. S of Frenchglen.

PUERTO RICO

Guayama, *Casco Antiguo de Guayama*, Plaza de Guayama and environs.

TENNESSEE

Knox County

Mascot vicinity, *Chesterfield*, N of Mascot off Old Rutledge Pike.

WEST VIRGINIA

Kanawha County

Charleston, *East End Historic District*, roughly bounded by the Kanawha River, East Ave., Brooks, Washington, Quarrier, and Lee Sts.

[FR Doc.77-11579 Filed 4-25-77;8:45 am]

PUBLIC INVOLVEMENT IN SERVICE'S PLANNING PROCESS

Availability of Draft Guideline

The National Park Service hereby publishes notice of availability of a draft guideline for public involvement in the Service's planning process. The Director, National Park Service, will approve the guideline upon completion of public review and comment and appropriate action pursuant thereto.

The guideline provides the basis for structuring public involvement programs for the full range of planning activities and underscores the Service's commitment to effective public involvement in planning and management. It provides guidance in a wide spectrum of subject areas, including development of program strategies, use of various public involvement techniques, and allocation of responsibilities.

Copies of the guideline are available from the Director, National Park Service, Interior Department, 18th and C Streets, NW., Room 1214, Washington, D.C. 20240. Interested persons are asked to provide their comments to the same address. Comments will be accepted until June 10, 1977.

Dated: April 19, 1977.

GARY EVERHARDT,
Director,
National Park Service.

[FR Doc.76-11912 Filed 4-25-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-32]

DOT MATRIX IMPACT PRINTERS AND SOLENOIDS AND PRINT HEAD ASSEMBLIES

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on March 14, 1977, and an amendment to the complaint on March 28, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Centronics Data Computer Corp., Hudson, New Hampshire 03051, alleging that unfair methods of competition and unfair acts exist in the importation of dot matrix impact printers into the United States, or in their sale, by reason of the alleged coverage of the solenoids and print head assemblies thereof by claims 1 and 4 of U.S. Letters Patent 3,690,431. In addition, the complaint alleges unfair methods of competition and unfair acts in the misappropriation of complainant's trade secrets and confidential and proprietary information relating to the manufacture of said solenoids and print head assemblies. The complaint further alleges that the effect or tendency of each of the unfair methods of competition and unfair acts or both of them is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests both temporary and permanent exclusion from entry into the United States of the imports in question.

Having considered the complaint and the amendment to the complaint, the United States International Trade Commission, on April 7, 1977, determined that the complaint was properly filed and therefore has, that same day, ordered—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c), whether, on the basis of the allegations set forth in the complaint, the amendment to the complaint and the evidence adduced in this proceeding, there is a violation or reason to believe that there is a violation of subsection (a) of this section in the importation of

(i) Print head assemblies for dot matrix impact printers,

(ii) Solenoids forming a part of such print head assemblies, and

(iii) Dot matrix impact printers containing such print head assemblies

into the United States, or in their sale, by reason of (A) such solenoids and assemblies allegedly being covered by claims 1 and 4 of the U.S. Letters Patent 3,690,431 and such importation not being authorized by the patent owners and (B) alleged misappropriation of trade secrets and confidential and proprietary information related to the manufacture and assembly of print head assemblies and solenoids for dot matrix impact printers, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint, the amendment to the complaint, and this notice are to be served:

FOREIGN MANUFACTURER

Mannesmann-Prazisionstechnik GmbH, D-7900 Ulm, Postfach 29 69, Germany.

DOMESTIC IMPORTERS

SCI Systems, Inc., 8600 Memorial Parkway, S.W., Huntsville, Alabama 35802.

Data + Technik, 24 Avon Circle, Needham Heights, Massachusetts 02194.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer; and

(4) That, for the purpose of the investigation so instituted, H. L. Weisberg, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses must be submitted by the parties in accordance with § 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, Apr. 27, 1976). Pursuant to §§ 210.16 (d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response may be subject to the penalties described in § 210.21(d) of the Commission's Rules of Practice and Procedure.

The complaint and amendment to the complaint are available for inspection by interested parties at the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission:

Issued: April 21, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-11960 Filed 4-25-77;8:45 am]

[Investigation No. 337-TA-33]

LIGHT SHIELDS FOR SONAR APPARATUS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on March 24, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Lowrance Electronics, Inc., 12000 East Skelly Drive, Tulsa, Okla. 74128, alleging that unfair methods of competition and unfair acts exist in the importation of certain sonar apparatus incorporating light shields into the United States, or in their sale, by reason of the alleged coverage of such light shields by all claims of U.S. Letters Patent No. 3,747,413. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests that the imports in question be excluded from entry into the United States until the expiration of U.S. Letters Patent No. 3,747,413.

Having considered the complaint, the United States International Trade Commission, on April 18, 1977, ordered—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine, under subsection (c), whether, on the basis of the allegations set forth in the complaint and the evidence adduced in this proceeding, there is a violation of subsection (a) of this section in the unauthorized importation of—

(i) Certain light shields for sonor apparatus, and

(ii) Sonar apparatus incorporating such light shields into the United States, or in their sale, by reason of such light shields' and sonar apparatus' allegedly being covered by one or more of the claims of U.S. Letters Patent No. 3,747,413, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:

DOMESTIC IMPORTER

SeaDeep International, Inc., 820 Ritchie Highway, Severna Park, Maryland 21146.

FOREIGN MANUFACTURER

Arai & Co., Inc., 41-1 Chome, Kanda-cho, Chikusa-ku, Nagoya, Japan.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer; and

(4) That, for the purpose of the investigation so instituted, Steven K. Morrison, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named as Commission Investigative Attorney.

Responses must be submitted by the parties in accordance with § 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response may result in the application of the penalties described in § 210.21(d) of the Commission's Rules of Practice and Procedure.

The complaint is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission Building, Washington, D.C., and in the New York City Office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: April 21, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-11959 Filed 4-25-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Doc. No. 76-33]

ALMAR PHARMACY

Hearing

Notice is hereby given that on August 16, 1976, the Drug Enforcement Administration, Department of Justice, issued to Almar Pharmacy, Carnegie, Pennsylvania, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AA5944928 issued to the above-named retail pharmacy pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Tuesday, May 3, 1977, in Courtroom No. 3, U.S. Court of Claims, 717 Madison Place, NW., Washington, D.C.

Dated: April 20, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-11909 Filed 4-25-77;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Meeting

The regular spring meeting of the Business Research Advisory Council will be held at 9:30 a.m., May 25, 1977, at the New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C., Room N-5437 (A, B, and C). The agenda for the meeting is as follows:

1. Chairman's Opening Remarks.
2. Commissioner's Remarks.
3. Committee Reports: (a) Occupational Safety and Health; (b) Wages and Industrial Relations; (c) Consumer and Wholesale Prices; and (d) Manpower and Employment.
4. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 18th day of April 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77-11793 Filed 4-25-77;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 1 p.m., May 18, 1977, at the General Accounting Office Building in Room 4454, 441 G Street NW., Washington, D.C. The agenda for the meeting is as follows:

1. Work in Progress: (a) Program developments since the last meeting.
2. New Work: (a) Response to President's Committee on Federal Pay; (b) Research proposals—the Fair Labor Standards Act; and (c) Study of pension benefit amounts.
3. Special Issues: (a) Estimates of COLA clause effects on settlements.
4. Planning Issues.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 19th day of April 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77-11792 Filed 4-25-77;8:45 am]

OCCUPATIONAL INFORMATION

Interagency Agreement

CROSS REFERENCE: For the text of an interagency agreement of the National Occupational Information Coordinating Committee, which is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics, see FR Doc. 77-11880, issued by the Committee, which appears as Part II of this issue.

Employment and Training Administration

OCCUPATIONAL INFORMATION

Interagency Agreement

CROSS REFERENCE: For the text of an interagency agreement of the National Occupational Information Coordinating Committee, which is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics, see FR Doc. 77-11880, issued by the Committee, which appears as Part II of this issue.

LEGAL SERVICES CORPORATION

EQUAL OPPORTUNITY INSTRUCTION

Complaint Review Procedure

APRIL 11, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. As a condition for approval of its grant, each recipient must give assurance to the Corporation that, "it will not discriminate on the basis of race, color, religion, sex, age or national origin against (1) any person applying for employment or employed by the applicant with respect to any personnel action proposed or taken concerning the applicant or employee; or (2) any person seeking participation in, or the benefits or proceeds of the program or programs supported in whole or part by [its] grant."

Pursuant to Section 1008(e) of the Legal Services Corporation Act, the Director of the Office of Equal Opportunity of the Legal Services Corporation hereby publishes the following Instruction.

COMPLAINT REVIEW PROCEDURE

A. PURPOSE

Any person adversely affected by a decision of any LSC recipient program (the "Program") on a complaint of discrimination against that person based on race, religion, color, sex, age, marital status, national origin, physical handicap, political affiliation, or any other basis prohibited by law, may request a review of the decision by the Director of Equal Opportunity at:

Legal Services Corporation, 733 Fifteenth Street, NW., No. 700, Washington, D.C. 20005, Telephone 202-376-5100.

Programs are required to notify complainants of their right to appeal adverse decisions to the Corporation.

The Program's own procedure for consideration and review of a decision by the Program must be exhausted prior to a request for review by the Director of Equal Opportunity.

B. REVIEW REQUESTS PROCEDURE

Each request shall be in writing and signed by the complainant; and shall specifically state the grounds of the complaint, the Program's decision of the complaint, the date the decision was received by the complainant, and the reasons review is being sought. A copy of the complaint and all relevant documents shall be enclosed.

The request for review must be made within 15 days after receipt of the Program's decision.

C. REVIEW

Upon receipt of a request, the Director shall undertake a review to determine whether:

a. The Program had a valid complaint procedure in effect at the time the complainant submitted his or her complaint;

b. the provisions of the procedure were fully complied with in addressing the complainant's grievance; and

c. the decision is substantially supported by the evidence presented.

D. DECISION

If the Director finds that the Program did not have a valid complaint procedure in effect at the time that the complaint was made or that the provisions of a valid complaint procedure were not fully complied with in processing the grievance, the grievance shall be returned to the Program for consideration in accordance with a valid complaint procedure.

If the Director finds that the decision is not substantially supported by the evidence presented, the Director may require the Program to reconsider the grievance, or, if the Director finds that the grievance is substantially supported by the evidence presented then the Director may require the Program to take action to redress the grievance.

Comment: If the complainant has filed a complaint with the EEOC or other appropriate enforcement agency before requesting review, the Director may withhold his or her decision until the agency action is completed.

E. PROHIBITION

No person shall be penalized, disciplined or subjected to any reprisal because he or she submitted a request to review the disposition of a complaint of discrimination.

Effective date: This Instruction shall become effective May 26, 1977.

CHARLES WHITE,
Director of Equal Opportunity.

[FR Doc.77-11865 Filed 4-25-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

APRIL 22, 1977.

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, May 16-17, 1977. These sessions will be open to the public and will be held in Room 4832 of the U.S. Department of Commerce Building, 14th Street Between Constitution Avenue and E Street, NW., Washington, D.C., beginning at 9 a.m. on both days.

The Committee consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The Agenda will include the following topics:

MAY 16, 1977

0900 Opening Remarks.
0915 Private and Federal Port Development Issues—Robert H. Wardwell, Office of Port and Intermodal Development, MARAD, and
0945 Richard L. Schultz, Executive Vice President, American Association of Port Authorities.
1030 Review of material for NACOA Sixth Annual Report.
1700 Adjournment.

MAY 17, 1977

0900 Opening Remarks.
0915 Review of material for NACOA Sixth Annual Report (continued).

Adjournment at approximately 1330.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.77-12114 Filed 4-25-77; 9:00 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Six Meetings; Correction

APRIL 21, 1977.

Meetings of the Advisory Research Grants Panel on May 16, 17, 19, 20, 23 and 26, 1977, to review applications for the Translations Program submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977, were announced in FEDERAL REGISTER, Vol. 42, pages 20520-1, April 20, 1977. Each announcement is hereby corrected to state that I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) (instead of 5 U.S.C. 552 (b)).

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11942 Filed 4-25-77;8:45 am]

National Endowment for the Arts

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on May 13-14, 1977, from 9 a.m. to 6 p.m., and May 15, 1977, from 9:30 a.m. to 1 p.m., in the Presidential Room, Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on May 13-14, from 9 a.m. to 2:30 p.m., and May 15, from 9:30 a.m. to 11:30 a.m., on a space available basis. Accommodations are limited. The agenda for these sessions will include discussions of Literature, Music, Federal-State and Museum Program guidelines; Work Experience Internship Program; long-range planning; a National Assembly of State Arts Agencies report; and other Federal agencies and the arts.

The remaining sessions of this meeting, on May 13-14 from 2:30 p.m. to 6 p.m. and on May 15 from 11:30 a.m. to 1 p.m., are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977. These sessions may be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-11917 Filed 4-25-77;8:45 am]

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

APRIL 19, 1977.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C., on May 12-13, 1977.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, NW., 1st Floor Conference Room, Washington, D.C. The majority of the proposed meeting on May 12, 1977, and the afternoon session on May 13, 1977, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The session of the meeting which will be open to the public on May 12, 1977 is listed below:

12:45-2 — Presentation — Bicentennial State and Local Histories—William Alderson, Director, American Association for State and Local History; Gerald George, Managing Editor, American Association for State and Local History; and Joe B. Frantz, Author of the Texas State History.

The morning session on May 13, 1977, will convene at 9:30 a.m. and will be open to the public. The agenda for the morning session will be as follows:

MINUTES OF THE PREVIOUS MEETING
REPORTS

A. Summary of Recent Business and Introduction of New Staff Members.
B. Chairman's Grants.
C. Application Report.
D. Gifts and Matching Report.
E. Challenge Grants.
F. State Humanities Programs.
G. American Issues Forum—Final Report.
H. Fiscal Year 1978 Appropriations and Supplemental Appropriation Request for Fiscal Year 1977.
I. Federal Reorganization.
J. Evaluation.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11943 Filed 4-25-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974—REPORTS ON NEW SYSTEMS

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period April 4, 1977 through April 15, 1977 the Office of Management and Budget received the following reports on new (or revised) systems of records.

FEDERAL RESERVE SYSTEM

SYSTEM NAME: Municipal Securities Principal and Municipal Securities Representative records.

REPORT DATE: March 24, 1977.

POINT-OF-CONTACT:

Mr. Theodore E. Allison, Secretary of the Board, Board of Governors of the Federal Reserve System, 20th and Constitution, NW., Washington, D.C. 20551.

SUMMARY: The report proposes a system of records to monitor compliance with professional qualifications requirements for municipal securities principals and representatives.

DEPARTMENT OF DEFENSE

SYSTEM NAME: Library Authorized Patron File.

REPORT DATE: March 31, 1977.

POINT-OF-CONTACT:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1000 Independence Avenue SW., Washington, D.C. 20314.

SUMMARY: The report proposes a system of records to be used to control "cir-

culation and patron access" to the library at the U.S. Air Force Academy.

DEPARTMENT OF AGRICULTURE

SYSTEM NAME: Rejected Applications.

REPORT DATE: April 4, 1977.

POINT-OF-CONTACT:

Mr. Douglas S. Wood, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250.

SUMMARY: This system provides documentation of rejected applications for crop insurance and related correspondence between applicants and the Federal Crop Insurance Corporation.

DEPARTMENT OF DEFENSE

SYSTEM NAME: Skill Qualification Test.

REPORT DATE: April 12, 1977.

POINT-OF-CONTACT:

Mr. William Cavaney, Executive Secretary, Defense Privacy Board, 1000 Independence Avenue SW., Washington, D.C. 20314.

SUMMARY: This proposed system is intended to replace the Military Occupational Specialty Test as part of the training and evaluation of Army enlisted personnel.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-11969 Filed 4-25-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 20, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release..

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Purchasers' Questionnaire for Metal-Walled Above-Ground Swimming Pools from Japan Investigation, (TA-1921-165), single time purchasers of metal-wall swimming pools, Evinger, S. K., 395-3710.

Producers' Questionnaire for Metal-Walled Swimming Pools From Japan Investigation (No. AA1921-165), single time producers of metal-walled above-ground swimming pools, Evinger, S. K., 395-3710.

DEPARTMENT OF HEALTH EDUCATION, AND WELFARE

Social Security Administration, Survey of Disabled Children Receiving Supplemental Security Insurance Benefits, SSA-3517, single time, parents or rep. payee of disabled children receiving SSI, Human Resources Division, C. Louis Kincannon, 395-3532.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Quality Assurance Case Review Analysis Form, SSA-8508, on occasion, SSI beneficiaries selected for sampling, Human Resources Division, C. Louis Kincannon, 395-3532.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, National Survey of Crime Severity, Supplement to the National Crime Survey, NCS-201, and NCS 212, single time, members of households in 376 PSU's, George Hall, 395-6140.

DEPARTMENT OF LABOR

Employment and Training Administration, Weekly PSE Expansion Report, ETA-3, weekly, State and local agencies, Housing, Veterans and Labor Division, Strasser, A., 395-3532.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Request to be Selected as Payee, SSA-50, on occasion, individuals, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-12036 Filed 4-25-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 19, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the names of the agency sponsoring the proposed collection of information; the agency form number(s), if aplicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, (a) Spiny Lobster Logbook (in English), (b) Cuaderno de Registro de Pesca Para la Langosta (in Spanish), other (see SF-83), captains of U.S. lobster boats fishing off south Florida, Maria Gonzalez, 395-6132.

DEPARTMENT OF LABOR

Employment and Training Administration, Special Mail Survey of Sponsors of WIN Programs, MT-1069, single time, WIN staff, housing, veterans and labor division, C. Louis Kincannon, 395-3532.

REVISIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Project Staff Survey Instrument, PH-2, annually, employees of the PHA's housing projects, Sunderhauf, M. B., 395-6140.

REVISIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research:
- Project Manager Survey Instrument, PH-3, annually, project managers of PHA housing projects, Sunderhauf, M. B., 395-6140.
- Board of Commissioners Survey Instrument, PH-6, annually, Chairman, Board of Commissions of PHA, Sunderhauf, M. B., 395-6140.
- Executive Director Survey Instrument, PH-5, annually, Executive Director of Public Housing Agency, Sunderhauf, M. B., 395-6140.
- Household Survey Instrument, PH-1, annually, residents of PHA's housing projects, Sunderhauf, M. B., 395-6140.
- Housing Authority Staff Survey Instrument, PH-4, annually, employees of PHA's central office, Sunderhauf, M. B., 395-6140.

EXTENSIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Application for Assistance Under Section 214 of the Foreign Assistance Act of 1961, as Amended, AID-1010-2, on occasion, boards of directors of private organizations, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Tanker and Barge Shipments of Crude Oil and Petroleum Products, From P.A.D. District III, 6-1308M, monthly, petroleum companies, Marsha Traynham, 395-4529.
- Production of Other Finished Products at Petroleum Refineries, 6-1336-A, annually, petroleum refiners, Marsha Traynham, 395-4529.
- Shipments of Asphalts and Road Oils, 6-1329A, annually, companies who sell asphalt and road oils, Marsha Traynham, 395-4529.
- Value at Wells of Crude Oil Purchased, company report, 6-1326-A, annually, petroleum companies, Marsha Traynham, 395-4529.
- Stocks and Sales of Pig Tin (Importers, Brokers, Jobbers, and Dealers), 6-1133-M, monthly, importers, agents, brokers and dealers, Marsha Traynham, 395-4529.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- District V Monthly Petroleum Report Supplement, 6-1320-M, monthly, petroleum companies, Marsha Traynham, 395-4529.
- Crude Petroleum Gathered From Leases in Selected States, 6-1309-M, monthly, petroleum companies, Marsha Traynham, 395-4529.
- Slab Zinc, 6-1151-MA, monthly, consumers of Zinc, Marsha Traynham, 395-4529.
- Lead (Secondary Smelter and Consumer Report), 61108-MA, monthly, consumers of lead, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 77-12037 Filed 4-25-77;8:45 am]

OHIO RIVER BASIN COMMISSION

KANAWHA RIVER BASIN

Comprehensive Coordinated Joint Plan; Availability of Report

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin Commission has completed a report summarizing the current Comprehensive Coordinated Joint Plan (CCJP) for the Kanawha River Basin portion of the River Basin. The Report currently is being reviewed by the Governors, and the head of each Federal agency, and each interstate agency, from which a member of the Commission has been appointed.

Views, comments and recommendations on the CCJP are requested by July 13, 1977. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.77-11968 Filed 4-25-77;8:45 am]

SCIOTO RIVER BASIN

Comprehensive Coordinated Joint Plan; Availability of Report

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin Commission has completed a report summarizing the current Comprehensive Coordinated Joint Plan (CCJP) for the Scioto River Basin portion of the Ohio River Basin. The Report currently is being reviewed by the Governors, and the head of each Federal agency, and each interstate agency, from which a member of the Commission has been appointed.

Views, comments and recommendations on the CCJP are requested by July 13, 1977. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.77-11979 Filed 4-25-77;8:45 am]

POSTAL SERVICE

COMPUTER PROGRAM RELATING TO COST SEGMENTS AND TABLE OF ATTRIBUTIONS

Availability and Conference

APRIL 18, 1977.

Notice is hereby given that the Postal Rate Commission will make available to the public a computer program and certain related material, developed by its Office of Planning and Operations, which replicate the cost attributions to the various cost segments made by the Commission in Docket No. R76-1. The computer program and accompanying material (in hard copy form) will be placed in the Docket Room of the Commission and will include: (1) a written description of the system; (2) schematics of the system; (3) data bases, including distribution keys from the Opinion and Recommended Decision of the Commission in Docket No. R76-1; and (4) a program listing. The program, which was developed for use by individuals with minimal computer experience, will be made available on April 25, 1977. Thereafter a conference will be held on April 28, 1977, at which time the Commission staff will discuss the computer program and accompanying material with the public. The April 28 conference will commence at 9 a.m. and will be held in the Commission's conference room, Suite 500, 2000 L Street, NW., Washington, D.C. 20268.

It is anticipated that following the filing of the next request of the Postal Service for changes in rates and fees, the Commission staff will make appropriate changes in the program on the basis of data contained in the request. The revised model will thereafter be made publicly available so that participants will have an opportunity to examine the "ripple effect" of any change in either the level of attributable costs or the distribution keys utilized to attribute costs.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-11992 Filed 4-25-77;8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

ANNUAL SELECTION MEETING

Pursuant to section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that the Annual Selection Meeting for the President's Commission on White House Fellowships will be held at 1 p.m. until 10 p.m. on May 20-22, 1977, at Airlie House in Warrenton, Virginia.

The Annual Selection Meeting is part of the screening process of the White House Fellowships program. During the three-day meeting the thirty-seven White House Fellow National Finalists will be interviewed by the members of the Presidential Commission. At the conclusion of this meeting, the Commission recommends to the President fourteen to twenty of these National Finalists to serve as White House Fellows. On May 23, 1977, the President will announce the 1977-78 class of White House Fellows.

It has been determined by the Chairman of the Civil Service Commission that due to the very nature of the screening process where personnel records and confidential character references must be used which, if revealed to the public, would constitute a clear invasion of an applicant's privacy, the content of these meetings falls within the provisions of section 552b(c)(6) of title 5 of the United States Code and that these meetings will be closed to the public.

W. LANDIS JONES,
Director.

[FR Doc.77-11958 Filed 4-25-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1292; Amendment No. 1]

CALIFORNIA

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 11301), is amended by extending the date for physical damage until the close of business on June 17, 1977, and for economic injury until the close of business on January 16, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 18, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-11887 Filed 4-25-77;8:45 am]

CASPER DISTRICT ADVISORY COUNCIL

Meeting; Change of Date

The Small Business Administration Casper District Advisory Council has changed the date of its public meeting from 9:30 a.m., Friday, May 6, 1977, at the Champagne Room of the Ramada Inn, Casper, Wyoming to 9 a.m., Friday, May 20, 1977, in the Fort Casper Room of the Holiday Inn, Casper, Wyoming, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Jerry S. King, District Director, U.S. Small Business Administration, P.O. Box 2839, Casper, Wyoming 82602, 307-265-5550, Extension 5266.

Dated: April 19, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-11884 Filed 4-25-77;8:45 am]

DES MOINES DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Des Moines District Advisory Council will hold a public meeting at 10 a.m., Friday, May 27, 1977, at the Des Moines Golf and Country Club, Des Moines, Iowa, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write or call J. Harold Sears, District Director, U.S. Small

Business Administration, 210 Walnut Street, Des Moines, Iowa 50309, 515–862–4567.

Dated: April 19, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77–11885 Filed 4–25–77;8:45 am]

[Declaration of Disaster Loan Area No. 1315]

ILLINOIS

Declaration of Disaster Loan Area

Williamson County and adjacent Counties within the State of Illinois constitute a disaster area because of physical damage resulting from flash flooding on March 28, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 13, 1977, and for economic injury until the close of business on January 13, 1978, at:

Small Business Administration, Branch Office, Illinois National Bank Building, One North Old State Capitol Plaza, Springfield, Illinois 62701.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77–11888 Filed 4–25–77;8:45 am]

[Declaration of Disaster Loan Area No. 1316]

MICHIGAN

Declaration of Disaster Loan Area

The County of Eaton, Kalamazoo and adjacent counties, within the State of Michigan, constitute a disaster area because of physical damage caused by tornado which occurred on April 2, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 14, 1977, and for economic injury until the close of business on January 13, 1978 at:

Small Business Administration, District Office, 477 Michigan Avenue, McNamara Bldg., Detroit, Michigan 48226.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 15, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–11889 Filed 4–25–77;8:45 am]

[Declaration of Disaster Loan Area No. 1318]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

The area of 15th and Sullivan Streets in the City of Claremont in Sullivan County, New Hampshire, constitutes a disaster area because of damage resulting from a fire which occurred on March 23, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 20, 1977, and for economic injury until the close of business on January 19, 1978, at:

Small Business Administration, District Office, 55 Pleasant Street, Concord, New Hampshire 03301.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 19, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–11890 Filed 4–25–77;8:45 am]

[Declaration of Disaster Loan Area No. 1319]

NEW YORK

Declaration of Disaster Loan Area

The Counties of Otsego, Rensselaer, Saratoga and adjacent counties within the State of New York, constitute a disaster area as a result of damage resulting from excessive rainfall and snow runoff which occurred March 12 through March 20, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 14, 1977, and for economic injury until the close of business on January 13, 1978 at:

Small Business Administration, District Office, Federal Building, Room 1073, 100 South Clinton Street, Syracuse, New York 13202.

or other locally announced locations.

Dated: April 15, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–11891 Filed 4–25–77;8:45 am]

[Declaration of Disaster Loan Area No. 1314]

OHIO

Declaration of Disaster Loan Area

The County of Jefferson and adjacent counties, within the State of Ohio, constitute a disaster area because of physical damage resulting from heavy rains and flooding on April 2 through April 3, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 13, 1977, and for economic injury until the close of business on January 13, 1978 at:

Small Business Administration, District Office, AJC Federal Building Room 317, 1240 East Ninth Street, Cleveland, Ohio 44199.

or other locally announced locations.

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77–11892 Filed 4–25–77;8:45 am]

[License No. 05/05–5109]

SC OPPORTUNITIES, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that SC Opportunities (licensee) 1112 7th Avenue, Monroe, Wisconsin 53566 was licensed by the Small Business Administration on January 16, 1976, to operate as a small business investment company pursuant to the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

On September 8, 1976, the licensee provided equity financing to SCO New Orleans, Inc. (SCON) a small business concern, SCON is a Delaware corporation operating a Swiss Colony franchise store in New Orleans, Louisiana.

SCON is an associate of the licensee since SCON was owned by SC America, Inc. (SCA), a Wisconsin Corporation. Mr. Ray Kubly, Mr. Robert Soderholm and Mr. Michael Kubly, all stockholders of the licensee, own more than 10 percent each of the stock of SCA. 51 percent of the stock of SCON was sold to Mr. Ray Rathle and 49 percent of the stock was acquired by licensee for $4900. On September 13, 1976, licensee also provided financing to SCON in the form of a note in the amount of $14,473 bearing interest at the rate of 9.5 percent annually.

The transaction falls within the purview of § 107.1004 of the regulations because the financing was used to acquire property from an associate of the licensee.

Notice is hereby given that any person may submit to SBA written comments no later than May 11, 1977, on this financing. And such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in New Orleans, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 19, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77–11893 Filed 4–25–77;8:45 am]

WASHINGTON, D.C. DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration, Washington, D.C. District Advisory Council will hold a public meeting at 10 a.m., Monday, May 23, 1977, in Suite 250, Executive Building, 1030—15th St. NW., Washington, D.C. 20417, to discuss such matters as may be discussed by members, staff of the Small Business Administration, or others present. For further information, write or call Leon J. Bechet, District Director, at the above address, 202–653–6965.

Dated: April 19, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77–11886 Filed 4–25–77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM–7/59]

SHIPPING COORDINATING COMMITTEE

Meeting

An open meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Thursday, May 12, 1977, in Room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to discuss preparations for the 38th Session of the Council of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London May 23–27, 1977. Agenda items to be covered at the meeting include:

Status of the IMCO Convention (IMCO Membership);

Consideration of the Reports of the subsidiary organs of the Council:

Report of the Legal Committee.

Report of the Committee on Technical Cooperation.

Report of the Facilitation Committee.

Headquarters facilities and accommodations: Report on progress achieved since the 37th Session of the Council.

Work program and budget for the tenth financial period 1978–79.

Preparations for the Tenth Regular Session of the Assembly.

Requests for further information on the meeting should be directed to CAPT Donald C. Hintze, United States Coast Guard. He may reached by telephone at 202–426–2280.

CARL TAYLOR, JR.,
Acting Director,
Office of Maritime Affairs.

APRIL 14, 1977.

[FR Doc.77–11881 Filed 4–25–77;8:45 am]

[Public Notice CM–7/60]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 2 p.m. on Thursday, May 19, 1977, in Room 7426 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the 18th Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London during September 12–16, 1977. In particular, the working group will discuss the following topics:

Code of Safety Requirements for Mobile offshore drilling units.

Operational standards for shipboard radio equipment.

Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft.

Matters relating from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, United States Coast Guard. He may be reached by telephone at 202–426–1345.

CARL TAYLOR, JR.,
Acting Director,
Office of Maritime Affairs.

APRIL 20, 1977.

[FR Doc.77–11882 Filed 4–25–77; 8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 16, 1977, at 10 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at 2022 Camino del Rio North, San Diego, California 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Security Training Institute, 2223 El Cajon Blvd., San Diego, California 92104 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 12, 1977.

HERBERT R. RAINWATER,
Director,
VA Regional Office.

[FR Doc.77–11967 Filed 4–25–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 375]

ASSIGNMENT OF HEARINGS

APRIL 21, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 54444 Sub 6, Main Express & Storage Co. now being assigned July 11, 1977 (1 week) at Madison, Wisconsin in a hearing room to be later designed.

No. 36432 (Sub-No. 1), Fresh Fruits and Vegetables, Transcontinental Eastbound, now being assigned for continued Prehearing Conference on June 1, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 1 Sub 34, Chicago and North Western Transportation Company Abandonment Between Norfolk, Nebraska and Winner, South Dakota, In Madison, Pierce, Antelope, Knox and Boyd Counties, Nebraska and Gregory and Tripp Counties, South Dakota now being assigned July 12, 1977 (9 days) at Norfolk, Nebraska in a hearing room to be later designated.

MC 134755 (Sub-80), Charter Express, Inc., now being assigned June 14, 1977 (1 day) at Omaha, Nebraska, in a hearing room to be later designated.

MC 123872 (Sub-56), W & L Motor Lines, Inc., now being assigned June 15, 1977 (1 day) at Omaha, Nebraska, in a hearing room to be later designated.

MC 140829 (Sub-14), Cargo Contract Carrier Corp., now being assigned June 16, 1977 (2 days) at Omaha, Nebraska, in a hearing room to be later designated.

MC 113678 (Sub-640), Curtis, Inc., now being assigned June 20, 1977 (1 day) at Omaha, Nebraska, in a hearing room to be later designated.

MC 142491 (Sub-1), D & E Transport, Inc., now being assigned June 21, 1977 (2 days) at Omaha, Nebraska, in a hearing room to be later designated.

MC 110563 (Sub-191), Coldway Food Express, Inc., now being assigned June 23, 1977 (2 days) at Omaha, Nebraska, in a hearing room to be later designated.

MC 720 Sub 16, Bird Trucking Co., Inc. now being assigned July 12, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 127042 Sub 177, Hagen, Inc. now being assigned July 14, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 114273 Sub 261, CRST, Inc. now being assigned July 18, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 140134 Sub 7, Caldarulo Trading Co. now being assigned July 19, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 111321 Sub 203, Jones Truck Lines, Inc. now being assigned July 21, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated

MC 125820 Sub 8, Elk Valley Freight Line, Inc. now being assigned June 1, 1977 (3 days) at Fayetteville, Tennessee and will be held in the Board Room of the Lincoln County Bank, 302 East College Street

MC 114632 (Sub-86), Apple Lines, Inc. and MC 135936 (Sub-18), C & K Transport, Inc., now being assigned July 6, 1977 (1 day) at Omaha, Nebraska, in a hearing room to be later designated.

MC 124774 (Sub-97), Midwest Refrigerated Express, Inc.; MC 124774 (Sub-98), Midwest Refrigerated Express, Inc.; MC 139850 (Sub-6), Four Star Transportation, Inc.; MC 139999 (Sub-16), Redfeather Fast Freight, Inc. and MC 142239 (Sub-3), Washington Transportation Co., now being assigned July 7, 1977 (2 days) at Omaha Nebraska, in a hearing room to be later designated.

MC 114569 (Sub-156), Shaffer Trucking, Inc.; Mc 133689 (Sub-93), Overland Express, Inc. and MC 142431 (Sub-2), Waymar Transport Corp., now being assigned July 11, 1977 (2 days) at Omaha, Nebraska, in a hearing room to be later designated.

MC 57697 (Sub-No. 6), Lester Smith Trucking, Inc., MC 61592 (Sub-No. 394), Jenkins Truck Line, Inc., MC 74321 (Sub-No. 125), B. F. Walker, Inc., MC 83841 (Sub-No. 199), Hunt Transportation, Inc., MC 83539 (Sub-No. 439) C & H Transportation Co., Inc., MC 100666 (Sub-No. 329), Melton Truck Lines, Inc., MC 109397 (Sub-No. 345), Tri-State Motor Transit Co., MC 124947 (Sub-No. 49), Machinery Transport, Inc. and MC 140241 (Sub-No. 8), Dlake Transport, Inc., now being assigned for continued hearing on June 13, 1977 (2 weeks), at the Trave-Lodge South, 161 West Sixth Street, Salt Lake City, Utah.

MC 113678 Sub 629, Curtis, Inc. now assigned June 8, 1977 at Minneapolis, Minnesota is cancelled, application dismissed.

MC 127811 Sub 8, Brynwood Transfer, Inc. now being assigned June 8, 1977 (1 day) at Minneapolis, Minnesota in a hearing room to be later designated.

MC-F 12872, East Texas Motor Freight Lines, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc., MC 41432 Sub 148, East Texas Motor Freight Lines, Inc. and MC 10761 Sub 281, Transamerican Freight Lines, Inc. now being assigned May 17, 1977 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 114569 (Sub-161), Shaffer Trucking, Inc.; MC 124896 (Sub-19), Williamson Truck Lines, Inc.; MC 134105 (Sub-17), Celeryvale Transport, Inc.; MC 134755 (Sub-85), Charter Express, Inc.

MC 134755 (Sub-86), Charter Express, Inc.; MC 134983 (Sub-4), Mid Continent Trucking Company; MC 139379 (Sub-1), Les Mathre Trucking, Inc.; MC 139379 (Sub-2), Les Mathre Trucking, Inc. and MC 139973 (Sub-9), J.H. Ware Trucking, Inc., now being assigned July 13, 1977 (3 days) at Omaha, Nebraska, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11961 Filed 4-25-77;8:45 am]

[Notice No. 376]

ASSIGNMENT OF HEARINGS

APRIL 21, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

No. 36515, Arizona Electric Power Cooperative, Inc. v. Atchison, Topeka & Santa Fe Railroad & Southern Pacific Transportation Co., now being assigned for continued Prehearing Conference on June 7, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of No. 36515, Arizona Electric Power Cooperative, Inc. v. The Denver and Rio Grande Western Railroad Company, et al. and No. 36530, Bituminous Coal, Cameo, Colo., to Cochise, Ariz.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11962 Filed 4-25-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 21, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 11, 1977.

FSA No. 43352—*Joint Rail-Water Container Rates—Ace Lines—Ace Lines Limited.* Filed by Ace Lines, Ace Lines Limited, (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals on the U.S. Atlantic and Gulf Coast ports, to ports in Australia and New Zealand.

Grounds for relief. Water competition.

Tariff. Ace Lines tariff No. 1, I.C.C. No. 1, F.M.C. No. 6.

Rates are published to become effective on May 20, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11963 Filed 4-25-77;8:45 am]

[Notice No. 157]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 26, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC 77056. By application filed March 31, 1977, J. A. GRIMM & WHEELING MOTOR EXPRESS, INC., 2995 Grand Avenue, Pittsburgh, PA 15225, seeks temporary authority to transfer the operating rights of Dorothy H. Loughman, an individual, d.b.a WAYNESBURGH-PITTSBURGH LOCAL EXPRESS, R.D. No. 1, Sycamore, PA 15364, under section 210a(b). The transfer to J. A. GRIMM & WHEELING MOTOR EXPRESS, INC., of the operating rights of Dorothy H. Loughman, an individual, d.b.a. WAYNESBURGH-PITTSBURGH LOCAL EXPRESS, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11965 Filed 4-25-77;8:45 am]

[Notice No. 158]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 26, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. 1132:

No. MC-FC 77093. By application filed April 19, 1977, AJL, INC., 26013 13th SE, Space No. 37, Kent, WA 98431, seeks temporary authority to transfer the operating rights of Mayo C. Robison, an individual, d.b.a. LUMBER TRUCKING SERVICE, 943 South Nebraska, Seattle, WA 98108, under section 210a(b). The transfer to AJL, INC., of the operating rights of Mayo C. Robison, an individual, d.b.a. LUMBER TRUCKING SERVICE, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11966 Filed 4-25-77;8:45 am]

[Notice No. 2]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Trans-American Van Service, Inc., MC-22254 -83	MC-22254 -80	Aug. 30, 1976
Schneider Transport, Inc. MC-51146 -407	MC-51146 -407	Sept. 13, 1976
River Trails Transit Lines, Inc., MC-58522 -9	MC-58522 -10	Mar. 8, 1977
Tri-State Transport, Inc., MC-57315 -23	MC-57315 -24	Aug. 9, 1976
D.b.a. General Motor Lines, MC-58549-22	MC-58549 -21	July 2, 1976
Mutual Transportation, Inc., MC-92068 -15	MC-92068 -14	May 17, 1976
Mutual Transportation, Inc., MC-92068 -16	MC-92068 -17	Mar. 15, 1977
Swanson Freight Lines, Inc., MC-96784 -6	MC-96784 -5	Dec. 12, 1975
Barber Transportation Co., MC-97699 -46	MC-97699 -44	Feb. 10, 1977
Pre-Fab Transit Co., MC-107295 -756	MC-107295 -757	May 12, 1976
Western-Commercial Transport, Inc., MC-116063 -141	MC-116063 -142	July 12, 1976

Temporary authority application	Final action or certificate or permit	Date of action
G. G. Parsons Trucking Co., MC-117427 -73	MC-117427 -74	Sept. 29, 1976
Tiona Truck Line, Inc., MC-118535 -71	MC-118535 -72	May 14, 1976
Marshall Service, Inc., MC-123274 -5	MC-123274 -4	Feb. 28, 1977
Richard Dahn, Inc., MC-124004 -38	MC-124004 -39	Apr. 6, 1977
Florida Rock & Tank Lines, Inc., MC-126276 -30	MC-126276 -77	Jan. 21, 1977
B. & B. Motor Lines, Inc., MC-127100 -14	MC-127100 -15	Mar. 25, 1977
Pinto Trucking Service, Inc., MC-128383 -26	MC-128383 -30	Feb. 23, 1974
Pinto Trucking Service, Inc., MC-128383 -49	MC-128383 -41	Sept. 13, 1974
Coyote Truck Line, Inc., MC-136318 -37	MC-136318 -38	Nov. 16, 1976
R. G. Stanko Express, Inc., MC-138522 -2	MC-138522 -1	Dec. 3, 1976
Northern Express, Inc., MC-138574 -3	MC-138574 -2	Aug. 11, 1976
William G. Brown, MC-139404 -5	MC-139404 -6	Dec. 1, 1976
J. P. Montgomery, Inc., MC-140024 -63	MC-140024 -53	Aug. 23, 1976
General Transfer Co., MC-141056 -1	MC-141056 -2	Dec. 10, 1976
Atlas Warehousing Co., MC-141150 -1	MC-141150 -2	Nov. 3, 1976
Countrystyle, Inc., MC-141365	MC-141365 -1	May 11, 1976
Collins & May Trucking Co., Inc., MC-142116 -1	MC-142116 -2	Mar. 25, 1977

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11964 Filed 4-25-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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Commodity Futures Trading Commission	1
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1

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 a.m. April 28, 1977.

PLACE: 2033 K Street, 5th Floor Hearing Room.

MATTERS TO BE CONSIDERED: Planning and Zero-Base Budgeting, CFTC Objectives, Resource Allocation and Priorities.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey.

[S-240-77 Filed 4-22-77;10:38 am]

2

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Friday, April 29, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

Salary structure adjustment at the Federal Reserve Bank of Minneapolis.

2. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b (c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System.

Dated: April 21, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[S-230-77 Filed 4-21-77;4:03 pm]

3

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission [F.C.S.C. Meeting Notice No. 5–77].

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

DATE, TIME AND SUBJECT MATTER

Wednesday, May 4, 1977, 10:30 a.m., Consideration of Hungarian Claims.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202–653–6156.

Dated at Washington, D.C., on April 20, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-231-77 Filed 4-21-77;4:03 pm]

4

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., May 4, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public.

Docket 60–A, *Makah*
Docket 100–B–1, *Klamath and Modoc*
Docket 182–A, *Fort Sill Apache*
Docket 272, *Creek*
Docket 342–G, *Seneca*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street, N.W., Washington, D.C. 20006. Tel. 202–653–6184.

[S-241-77 Filed 4-22-77;10:33 am]

federal register

TUESDAY, APRIL 26, 1977

PART II

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

■

INTERAGENCY AGREEMENT

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

INTERAGENCY AGREEMENT

ACTION: Notice.

SUMMARY: Published below is an Interagency Agreement of the National Occupational Information Coordinating Committee. The National Occupational Information Coordinating Committee has been established with the general purpose of improving coordination and communication and cooperation in the development of an occupational information system designed to meet the common occupational information and data needs of the vocational education programs and employment and training programs at national, State, and local levels.

SUPPLEMENTARY INFORMATION: The Education Amendments of 1976 (Pub. L. 94-482) Section 202(a) amends the Vocational Education Act of 1963 and establishes a National Occupational Information Coordinating Committee. An Interagency Agreement of the National Occupational Information Coordinating Committee specifying the purpose and designed to activate working arrangements was signed by the four statutory members March 2, 1977. The Committee, as specified in the Act, is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics.

Dated: April 21, 1977

R. E. ALLYN,
Staff Director, National Occupational Information Coordinating Committee.

INTERAGENCY AGREEMENT OF THE NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

The Vocational Education Act of 1963, Section 161(b), as amended by the Education Amendments of 1976, Title II, Section 202(a), establishes a National Occupational Information Coordinating Committee (NOICC). The members of this Committee are the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Commissioner of Labor Statistics, and the Assistant Secretary of Labor for Employment and Training.

The National Occupational Information Coordinating Committee replaces the Occupational Information Coordinating Committee established August 22, 1975 and adds the Administrator of the National Center for Education Statistics, Department of Health, Education, and Welfare.

Specifically, the Office of Education and the National Center for Education Statistics of the U.S. Department of Health, Education, and Welfare, and the Bureau of Labor Statistics and the Employment and Training Adminstration of the U.S. Department of Labor agree to carry out the intent of Congress as set forth in Section 161(b) of the Act, as amended.

The parties agree to the following paragraphs:

1. The NOICC in the use of program data and employment data will improve coordination between and communication among vocational education and employment and training program administrators, planners, researchers, and other trainers. These efforts will be directed toward assuring the availability and systematic use of uniform program and occupational information and employment data. To this end a system will be designed so that accurate comparisons can be made from State to State and, whenever possible, will include reporting of data by labor market areas within the State for purposes of planning and program development.

2. The NOICC will develop and implement by September 30, 1977 an occupational information system to meet the common occupational information and data needs of the vocational education programs and employment and training programs at the national, State, and local levels. This system will include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications.

3. The NOICC will assist each State's Occupational Information Coordinating Committee (SOICC) as required by law and as specified in Federal rules and regulations formulated and approved by NOICC.

4. NOICC will utilize funds for national activities in improving coordination and communication, designing and implementing an occupational information system (OIS), and funding SOICC activities required to implement an occupational information system that will meet the needs for planning and operating programs of the State Board for Vocational Education and administering agencies under the Comprehensive Employment and Training Act (CETA) of 1973.

5. The NOICC will determine the purposes for which disbursement of funds are to be made consistent with fulfilling the requirements of the Act. In addition, the NOICC will determine the amount of funds required to annually carry out its functions. A formal budget request, to support NOICC's activities, based on such estimates, will be submitted by the Office of Education.

6. The signatories, the four statutory members of NOICC, agree that each will delegate authority to a person on his or her staff to act as a member of a Technical Steering Group.

7. The Technical Steering Group will, in accordance with Memorandums of Understanding agreed to by the members of the NOICC, carry out the functions assigned to it.

[FR Doc.77-11880 Filed 4-25-77;8:45 am]

federal register

TUESDAY, APRIL 26, 1977
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

ENVIRONMENTAL PROTECTION AGENCY

COAL MINING POINT SOURCE CATEGORY

Effluent Limitations Guidelines for Existing Sources

VOL. 42 NO. 80 PAGES 21379-21500

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 716-4]

PART 434—COAL MINING POINT SOURCE CATEGORY

Effluent Limitations Guidelines for Existing Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 13, 1976, the Environmental Protection Agency promulgated effluent limitations guidelines and proposed additional effluent limitations guidelines and new source performance standards for the coal mining point source category. The rule promulgated today establishes final effluent limitations guidelines for the coal mining point source category and includes a number of major changes and clarification to the earlier rule making which reflect comments received on the earlier rule making as part of public participation in EPA's rule making procedures. These effluent limitation guidelines will be incorporated in National Pollutant Discharge Elimination System permits issued by the Federal EPA or by States with approved programs.

EFFECTIVE DATE: April 26, 1977, to be fully complied with by July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert B. Schaffer, Director, Effluent Guidelines Division (WH-552), Environmental Protection Agency, Washington, D.C. 20460. (202/426-2576.)

SUPPLEMENTARY INFORMATION:

Summary of Procedural Background

The Environmental Protection Agency today promulgates final effluent limitations guidelines for the coal mining point source category. On October 17, 1975, the Agency published interim final and proposed regulations for this point source category. (40 FR 48830.) The interim final regulations announced in that publication controlled only the pH of the effluent. The standards proposed at that time were with respect only to pretreatment for existing sources and presented only general requirements.

On May 13, 1976, the Agency published additional interim final effluent limitations guidelines, and proposed additional new sources performance standards for this point source category. 41 FR 19832 and 41 FR 19841. These interim final regulations expanded the list of pollutants which dischargers must control. The regulations published in interim final form included, for all four subparts of Part 434, limitations based upon the use of best practicable control technology currently available.

The proposed new source performance standards covered Subpart A (coal preparation plant subcategory) and Subpart B (coal storage, refuse storage, and coal preparation plant ancillary subcategory). 41 FR 19841. Effluent limitations guidelines based upon the use of best available technology economically achievable were proposed for all four subparts. Finally, pretreatment standards for new sources were proposed for subparts A and B. As noted above, the regulations promulgated today address only the use of best practicable control technology currently available—that technology and those regulations which must be implemented by July 1, 1977, pursuant to section 301 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1311.

The Agency is not promulgating pretreatment standards for this point source category at this time nor does it intend to promulgate such standards in the future, because there are no known situations in which such standards would be applicable. Should information become available which indicates that there is a need for such standards, they will be issued. The regulations based upon best available technology economically achievable also are not being promulgated today because the Agency has embarked on a major effort to publish these regulations (which must be implemented by 1983) with requirements for control of a large number of priority water pollutants. Since the Agency intends to restudy this industry extensively with respect to priority water pollutants and the 1983 level of technology and since the permits which would incorporate this technology will not be written in the near future, it was deemed more reasonable to promulgate the revised BAT limitations at one time rather than publish effluent limitations guidelines now which must be revised within one or two years. These regulations do not include final new source performance standards; these standards will be announced in the near future in the Federal Register. At that time the Agency will also propose new source performance standards for those subcategories for which new source standards have not been proposed.

Summary of Rule and Outline of Major Changes

The regulations promulgated today incorporate several revisions to the interim final effluent limitations guidelines published on May 13, 1976. For the most part, these changes were brought about by consideration of the substantial number of comments received from industrial and environmental groups. These comments are summarized in detail in the Appendix to this preamble. However, several major points were raised which will be addressed in this preamble. Although the agency did not receive criticism with respect to the organization of the regulations, the Agency's own review indicated that a reorganization of the subparts was necessary to eliminate certain of the ambiguities which existed in the May 13 publication. Also, there appeared to be substantial confusion over some of the definitions and these have been reorganized and to some extent, are revised. These are the major changes brought about by or considered for today's announcement:

1. *Reorganization of the subparts.* The interim final effluent limitations guidelines published on May 13, 1976 contained four subparts. The first subpart addressed preparation plant discharges; the second subpart addressed discharges from coal storage, refuse storage and coal preparation plant ancillary areas. And the third and fourth subparts addressed discharges from active mining operations. Each subpart contained a section setting forth specialized definitions for that subpart. Many of the specialized definitions were the same for several of the subparts and thus it was decided that it would be more readable to convert subpart A into a presentation of definitions which apply throughout Part 434. The previous subpart A covered coal preparation plants, and, as noted below, the Agency has decided to combine Subparts A and B into the Subpart B presented today.

In addition, Subpart B, as presented today, is further subdivided, in order to provide a distinction between acid and alkaline water and to be consistent with regulations pertaining to mine drainage.

2. *General definitions.* The term "active mining area" has been defined to clearly state with respect to surface mines, that these effluent limitations guidelines (and new source performance standards to be promulgated soon) do not apply once grading has been completed to return the earth to the desired contour and once reclamation work has begun. The previous definition was confusing in that it spoke of reclamation work being "commenced" or "completed". There is a new definition, for coal preparation plant associated areas. This term is defined to mean the area around the coal preparation plant which was previously included in the ancillary areas subject to previous Subpart B. Thus, the new Subpart B includes the areas previously subjected to both subparts A and B.

3. *Discharges from coal preparation plants.* Perhaps the strongest criticism of the interim final regulations published on May 13, was with respect to the requirement of no discharge from coal preparation plants. Many coal mining companies submitted comments to the Agency. They strongly suggested that there was a misconception as to the facts of operation of coal preparation plants, and that when the Agency and its contractor concluded that a coal preparation plant had a closed cycle system they were mistaken in most instances. The industry contentions were that even when a coal preparation plant is designed to recycle water, there are points in the system and occasions when discharges are necessary. Close examination of this problem revealed that there was very little disagreement as to the fundamental facts of operation of a coal preparation plant and that by simply combining Subparts A and B and imposing the restrictions that were previously applied to Subpart B, to the new subpart, the problem could be resolved with no increase in environmental degradation. Simply stated, it was found by the Agency after careful inspection that there are virtually no coal preparation plants which are not surrounded by areas subject to the previous subpart B effluent limitations guidelines, and that with the provision in the previous § 434.12(c), allowing for a discharge of waste water from a coal preparation plant when that waste water is combined for treatment with the discharges from facilities covered under other subparts of Part 434, owners and operators of coal preparations plants would not in practice be subject to a "no discharge" standard, but rather would be subject to the limitations applied to previous Subpart B. This is because the common form of operation of a coal preparation plant and associated areas is to have a common pond or series of ponds and treatment facilities for all the discharges and runoffs from those facilities. It was found that consideration of a coal preparation plant without the surrounding associated or ancillary areas is an unrealistic approach. With the qualifications noted below in the discussion of manganese, the limitations which are applied to coal preparation plants and associated areas under the new § 434.22 are the same effluent limitations that governed discharges from coal storage, refuse storage, and coal preparation plant ancillary areas in the previous regulations and which, as explained above, were in fact the limitations which would have governed discharges from coal preparation plants previously subject to subpart A.

Note should be made that regulations for preparation plants and associated areas have been divided into two groups, one for acidic and one for alkaline wastes. EPA's Office of Enforcement is preparing guidance for dischargers who have questions as to which group they belong.

4. *Exemption for discharges resulting from extraordinary volumes due to precipitation events.* Another area in which there was substantial comment was with respect to the exemption for discharges from coal mining facilities which result from unusual precipitation events. The effluent limitations guidelines provide that any untreated overflow, increase in volume of a point source discharge of discharge from a by-pass system from facilities designed, constructed and maintained to contain or treat the discharges from the facilities and areas covered by the various subparts, which discharges would result from a 10-year, 24-hour precipitation event, shall not be subject to the limitations set forth in those subparts, to the extent of the overflow. See, eg., § 434.22(c). This does not mean that only after a rainfall equalling or exceeding the 10-year, 24-hour precipitation event may untreated effluent be discharged. It means that after a precipitation event or other cause (snowmelt, for example) which forces an overflow, by-pass, or increase in the volume of point source discharge from a facility designed, constructed and maintained to contain or treat the amount of water which will result from the 10-year, 24-hour, precipitation event, the overflow, by-pass or increase in volume of the point source discharge shall be permitted. The 10-year, 24-hour, precipitation event, a figure which for each geographical area of the country, can be found in the text noted in § 434.11(h).

Several representatives of coal mining companies objected to this exemption provision as implying that, especially with respect to surface mining operations, the operators would be required to maintain an unnecessarily large retention structure. However, none of the coal mining companies submitted information which demonstrated that the construction or maintenance of these structures is unreasonable. To the contrary, the investigation by the Agency into the reasonableness of this requirement revealed that a retention structure sufficient to contain a 10-year, 24-hour storm event is relatively small, that the 10-year, 24-hour storm event is a widely used engineering design criteria which has been adopted for other purposes in this and other industries for many years. The United States Department of Interior, in comments on the interim final effluent limitations guidelines, suggested that certain changes be made in those regulations, but did not criticize the use of the 10-year, 24-hour precipitation event as a design criteria for an overflow exemption.

In light of the many comments with respect to the 10-year, 24-hour rainfall event exclusion, EPA consulted with the Office of Coal Mine Health and Safety, Mining Enforcement and Safety Administration of the Department of Interior. Representatives of that office stated that the 10-year, 24-hour rainfall event in virtually all situations is a lesser rainfall than would occur during the rainfall event utilized by that office as the minimum design criteria for impoundment facilities. The lowest design criteria is a 6-hour maximum precipitation event, the highest is a "maximum precipitation event." For the Pittsburgh area, a 10-year, 24-hour precipitation event is about 4 inches, a 6-hour event is slightly greater than 4 inches, and a maximum precipitation event is about 26 inches.

Under 30 CFR Part 77, which presents the Mandatory Safety Standards, Surface Coal Mines and Surface Work Areas of Underground Coal Mines, plans for the design, construction and maintenance of structures which impound water, sediment or slurry (above a certain size) are required to contain many details of the structure. The actual size will depend on several factors, including area to be served and downstream risk. Among the specific requirements of 30 CFR 77.216-2(a) are the following:

(10) A statement of the runoff attributable to the probable maximum precipitation of 6-hour duration and the calculations used in determining such runoff.

(17) A certification by a registered engineer that the design of the impounding structure is in accordance with current, prudent engineering practices for the maximum volume of water, sediment, or slurry which can be impounded therein and for the passage of runoff which would result from the designated precipitation event; or, in lieu of the certification, a report indicating what additional investigations, analyses, or improvement work are necessary before such a certification can be made, including what provisions have been made to carry out such work in addition to a schedule for completion of such work.

From a review of the relevant regulations and design guidelines and from discussions with representatives of the appropriate Federal regulatory agencies, EPA is confident that the impoundment facilities needed to comply with the regulations promulgated today are reasonable, and that there is no additional danger caused by implementation of these regulations. Should any evidence be submitted to the Agency to indicate that the impoundment facilities needed to meet these regulations would necessitate construction of a structure which would violate safety standards set out by a State or Federal Agency, EPA will consider the granting of a variance on an expedited basis. Under no circumstances will an owner or operator be required to violate applicable safety standards in order to meet these regulations. If difficulty arises in more than isolated instances, consideration will be given to amendment of these regulations. It must be emphasized, however, that the State and Federal authorities with whom EPA has consulted on this matter uniformly concluded that no safety issues are raised by the use of a 10-year, 24-hour storm event as a design criteria.

It must be emphasized that the regulations for the coal mining point source category do not require any specific treatment technique, construction activity, or other process for the reduction of pollution. The effluent limitations guidelines merely state a final limitation on the amount of pollutants which may be discharged from this industry, and allows for an excursion from the normal requirements when there is a discharge from a facility properly designed to contain a large precipitation event.

While there has been criticism of the 10-year, 24-hour formula used by the Agency, the few alternatives suggested by the environmental groups and industry are substantially less satisfactory. For example, the suggestion that discharges from containment facilities be allowed regardless of effluent limitations, when the rainfall in inches is equal to or greater than

$$\frac{\text{the duration of the storm in minutes}}{100} + 0.2,$$

is impractical. The duration of a storm has no close relationship to the quantity of water which falls during the storm or to the ability of a containment facility to gradually treat and discharge the water (these facilities are designed to allow relatively clean water to escape). It is also unclear as to what would be considered a storm. Also, it is difficult to conceive of a workable enforcement scheme which relies on measurement of a storm, when the exact time of the initiation of the storm or rainfall event may be unclear. It would require an owner or op-

erator to carefully note the time when any rainfall begins. It is also apparent that under the formula proposed by several of the coal mining companies, discharges without limitation on pollutants would be allowed quite often during the year, and for rainfall events which can hardly be termed unusual. Indeed, the use of the formula above may well continue the problem of periodic environmental degradation to receiving streams which results from the flushing of pollutants in coal mining areas into those streams.

Another formula which was suggested by several coal mining companies would allow for uncontrolled discharges from facilities which are designed to maintain a volume of water equal to or exceeding the volume resulting from the inches of rainfall equivalent to

$$\frac{\text{the time of the rainfall event expressed in hours}}{5}$$

Because this formula also places reliance on the duration of time of the storm rather than on the containment facility and the volume of water which must be contained, it is inappropriate for use in these water pollution regulations. Moreover, this formula, like the alternative formula suggested above, would allow discharges in situations where the rainfall is substantially less than would be considered an unusual precipitation event. The effect of the alternative formula suggested by the coal mining companies would be to convert the 10-year, 24-hour provision presently in the regulations into a fairly routine allowance on discharges without restrictions on the quantities of pollutants, rather than an excursion provision, as presently exists. Also, neither suggestion by the industry would allow for discharges caused by sudden snowmelts, since these would not be considered precipitation events under the suggested formulae.

Use of a provision such as § 434.22(b), which allows for the release of waste water when there is an unusual precipitation event, is not restricted solely to the mining extraction industries; such an allowance, excursion, or exemption has been used in several other industries in which the major source of pollution results from rainfall runoff. For example, when attempting to control the discharges of highly polluting wastes from feedlot operations, the regulatory authority must necessarily consider the feasibility of containing large quantities of rainfall runoff. These considerations were raised during the consideration of the Federal Water Pollution Control Act Amendments of 1972 ("FWPCA") and there is prominent mention of the 10-year, 24-hour storm event as a realistic method of addressing the problem. In debate on the predecessor bill to the FWPCA, Senator Dole noted to Senator Muskie some of the practices which are used in the State of Kansas to contain pollutants from feedlots; the following dialogue ensued:

(Mr. Dole) Retention basins and other devices can be employed to accommodate any normal runoff from feedlots, but as a practical matter it is impossible to construct retention structures to handle the runoff from extreme rainfall conditions which could statistically be expected to occur. For instance, in Kansas the maximum probable precipitation resulting from a storm occurring in a 24-hour period within a 10-square mile area is 24 to 28 inches. Such a torrential downpour has never occurred, but the statistical probability of its happening shows that it is entirely impractical and unfeasible to expect a feedlot operator to contain all the runoff associated with it. But the bill would seem to set such a requirement.

The question which I pose is: To what extent does the zero discharge requirement of the pending bill impose on feedlot operators a requirement for providing for containment of runoff resulting from the maximum probable 24-hour storm?

Mr. Muskie. As we understand the application of the zero discharge requirement as it relates to runoff from feedlots, containment facilities must be provided for feedlots which would provide complete control for the runoff resulting from the 24-hour storm to be experienced once in a 10-year period.

This would involve 3 inches of runoff water over the area concerned.

"A Legislative History of the Water Pollution Control Act Amendments of 1972," Library of Congress Research Service, (93rd Cong., 1st Sess.) at 1298.

5. *Limitations on dissolved iron.* Several coal mining companies objected to the requirements of previous § 434.32 that limited the discharges of both total iron and dissolved iron. Commenters, particularly the Peabody Coal Company and the National Coal Association, pointed out that there is little value in monitoring total iron and dissolved iron in that the former test will incorporate the pollutants measured in the latter analysis. The Agency has carefully considered the benefits to be derived from requiring an analysis of dissolved iron as well as total iron and has concluded that while there may be some small incremental protection provided by monitoring for both, in the vast majority of cases the total iron analyses will adequately demonstrate the potential for environmental degradation which results from the presence of the iron in the effluent. Accordingly, the Agency has deleted the requirement that dissolved iron be monitored in discharges from point sources within the acid or ferruginous mine drainage subcategory

6. *Limitation on discharge of manganese.* Several coal mining companies objected to the effluent limitations contained in the May 13 interim final regulations with respect to manganese. The objections essentially contended the requirement of maintaining a pH of 6–9 was inconsistent with the requirement of obtaining a manganese level as set forth in those limitations because manganese can only be reduced when the pH is at 9 or slightly above 9. To a lesser extent, the companies contended that there is no need for a manganese standard at all. The Agency has reviewed all the data available on the question and has concluded that an operator or owner can indeed obtain the mandated manganese levels while at the same time meeting the 6–9 pH requirements, but the Agency concedes that the manganese is only removed at the high end of the allowed pH range. Accordingly, included in these regulations is a provision which allows the State or Federal NPDES writer to adjust the required pH level when the application of neutralization and sedimentation treatment technology continues to result in inability to comply with the manganese limitations set forth in these effluent limitations guidelines. See e.g., § 434.22(d). Of course, the adjustment of pH can be made only to the extent that it is necessary to allow for compliance with the manganese limitation.

A second objection to the interim final manganese effluent limitations is that according to commenters, manganese is a relatively minor pollutant and therefore the Agency should not be emphasizing the control of this pollutant. While the effluent limitations guidelines do not attempt to control troublesome water pollutants on the basis of toxicity or receiving water quality criteria, it is important to note that manganese has been designated a pollutant of concern by several reputable scientific bodies. According to the National Academy of Sciences and National Academy of Engineering, in "Water Quality Criteria 1972" (Washington, D.C. 1972), "Manganese is objectionable in public water supplies because of its effect on taste . . . staining of plumbing fixtures, spotting of laundered clothes, and accumulation of deposits in distribution systems." As noted in "Quality Criteria for Water", U.S. Enviromental Protection Agency, (Washington, D.C. 1975) the presence of low concentrations of iron in addition to the concentrations of manganese may intensify the adverse effects of manganese. It is well known that manganese is often present with iron concentrations in the effluent from coal mining operations.

7. *Monitoring method for metal analysis.* Additional objections to manganese and iron limitations state that the analytical procedure used to develop the data base for the limitations contained in the interim final limitations guidelines is inconsistent with the methods used for monitoring purposes. In order to get results which correlate with the regulations promulgated, monitoring samples shall be analyzed in accordance with the procedures required by 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," using a soft digestion. Therefore, the same procedures used in the technical studies on which the regulations are based will be used to monitor the effluent.

8. *Western Coal Mines.* The Effluent Guidelines Division of EPA has received a substantial body of information from EPA Region VIII (located in Denver, Colorado) with respect to the limitations on discharges from coal mines in the Western United States. Representatives of that Region believe more stringent numbers are appropriate in light of actual experiences with those mines. These data appear to support effluent limitations guidelines for a number of parameters significantly more stringent than the limitations announced today. The reasons for the apparent ability of Western coal mines to discharge pollutants in less concentration than is the case of Eastern coal mines are many, and certainly include the relatively more even topography of Western coal mines, the emphasis on recycle of relatively scarce water supplies, and the relatively lower concentration of pollutants in the geologic formations being exploited. The Agency is undertaking a thorough evaluation of the information being supplied from permit-granting authorities in the Western United States. It is anticipated that consideration will be given to proposal of a separate subcategory with respect to all pollutant parameters for those coal mining operations located in the Western United States which have attributes such that they are able to meet more stringent effluent limitations.

The Agency has determined not to promulgate national TSS limitations for mines in some Western States. Until national limitations guidelines are published which address Western mines and TSS, NPDES permit writers shall calculate TSS restrictions utilizing the same discretion and with the same deference to statutory factors as they have in the past. It is the policy of the Environmental Protection Agency that if any discharger has received a final NPDES permit which calls for compliance with limitations more stringent than those later published in the FEDERAL REGISTER, the discharger is still obligated to meet the terms of the final permit. Thus, whether a discharger has a final State or final Federal NPDES permit calling for more stringent discharge controls that operator will not be permitted to rely on today's promulgation of effluent limitations guidelines to obtain modification of that permit.

9. *Extend the applicability of effluent limitations guidelines to all point sources at surface coal mines until release of the reclamation bond by an appropriate state agency.* By use of the definition "active mining area" effluent limitations guidelines do not apply to discharges from areas affected by surface coal mining after these areas have been graded. Environmental groups have stated that the applicability of effluent limitations guidelines should be extended to cover discharges from areas affected by surface coal mining up to the time these areas are released from their reclamation bond by an appropriate state agency. To support this position these groups have submitted reports which show that the most critical period for water pollution abatement is during the period of reclamation and revegetation of areas affected by surface coal mining.

As noted in Appendix B of this rulemaking, Technical Summary and Basis for Regulations, the Agency recognizes that there is water quality degradation caused by discharges from areas affected by surface coal mining and that discharges from areas that have been graded but have not been reclaimed or revegetated can cause more severe pollution than discharges from areas included under this regulation.

EPA is conducting an intensive analysis of available information with respect to the water pollution which originates in surface mines undergoing revegetation and reclamation. When the Agency has had an adequate opportunity to review this information, it may propose extending coverage of effluent limitations guidelines or new source performance standards to cover the period of revegetation.

10. *General Environmental Benefits to be Obtained by Regulations of Coal Mine Discharges.* The effluent limitations guidelines promulgated today are technology standards and are not designed with precision to obtain designated water quality levels in the streams and other receiving water bodies into which coal mining discharges flow. However, there has been general criticism of the coal mining regulation voiced by representatives of the industry, to the effect that the technology-based standards may not be needed in light of the benefits (or lack of benefits) which will accrue if dischargers are forced to comply with the limitations. It is impossible in this preamble to summarize the many works that have been written on the environmental effects of coal mining and coal mining discharges. However, even by examining a small portion of those works and focusing on only one Regional area, one can appreciate that significant environmental benefits will accrue should reduction in coal mining pollutant loadings be achieved.

One of the most respected studies of the effects of coal mining discharges is presented in "Acid Mine Drainage in Appalachia," a Report by the Appalachian Regional Commission (Washington, D.C. 1969). This report was sent to the President by direction of the Appalachian Regional Development Act, as amended, incorporated the views of many respected experts, and included the advice and assistance of members of the National Research Council of the National Academy of Scientists-National Academy of Engineering. The conclusions of "Acid Mine Drainage" demonstrate the effect of just one of the pollutant parameters controlled by these effluent limitations guidelines upon just one area of the United States, the Appalachian region. That study concluded:

About 10,500 miles of streams in eight states of the Appalachian Region are affected by mine drainage. These streams are polluted by increased amounts of acids, sediment, sulfate, iron and hardness of which the most significant pollutant is acid.

The study documented many of the direct economic costs resulting from acid mine pollution but noted that "the general environmental and aesthetic degradation of affected areas, the destruction of a aquatic life, and the deterrence to water based recreation caused by acid mine drainage might well exceed these other more readily measured costs." Users of water in the Appalachian Region who are affected by the introduction of acid into the water supplies of that region include operators and owners of industrial plants, utilities, barges and tow boats, and municipal water supplies; and the officials of public agencies with responsibilities for highway culverts and bridges. The direct annual economic impact on navigation on the portions of the Monongahela River open to navigation was estimated in the 1969 report to be $1,370,000. For the municipal water supplies of Pittsburgh, it was estimated that there would be an annual savings of approximately $480,000 were the acid mine problem to be substantially abated.

The effect of acid mine drainage on fishing resources is well known. The recreational use of water is affected significantly by pH levels of 5 or lower; swimming is pre-empted by levels of pH 4 or lower. The pH of streams must reach a level of 6.0 for there to be maintenance and growth of the fishery in warm water. In a cold water stream there will be full production of the fishery at a pH at 6.0 and maintenance and growth at pH 5.5–6.0.

As emphasized above, the analysis of benefits which result from the control of acid mine drainage in the Appalachian Region addresses merely one of the pollutants controlled by these regulations and with respect to only one of the major coal mining areas in the United States. The Agency has collected and studied a large amount of material relating to the general environmental benefits which would result from the implementation of these regulations. EPA has concluded that there will be significant benefits, both indirectly and directly to users of the waterways affected by coal mining pollution, if compliance with these regulations is accomplished.

ECONOMIC ANALYSIS

The report, "Economic Impact of Effluent Guidelines Coal Mining," indicates that the promulgated rules are not expected to affect significantly prices, production or capital availability. Therefore, little effect is expected on industry growth, employment, local economies or the balance of trade. Copies of this document are available through the National Technical Information Service, Springfield, Virginia 22151.

The economic impact report satisfies the requirements for an Economic Impact Analysis even though the Environmental Protection Agency has determined that this regulation does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A–107.

The report entitled "Development Document for Effluent Limitations Guidelines and New Source Performance standards for the Coal Mining Point Source Category," May 1976, details the analysis undertaken in support of these regulations and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460, at all EPA regional

offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

In addition, Section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concerns in effecting additions to or alterations in their equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program, write to EPA, Office of Analysis and Evaluation, WH-586, 401 M St. SW., Washington, D.C. 20460.

Dated: April 28, 1977.

DOUGLAS M. COSTLE,
Administrator.

Subpart A—General Definitions

Sec
434.10 Applicability.
434.11 General definitions.

Subpart B—Coal Preparation Plants and Associated Areas

434.20 Applicability.
434.21 (Reserved).
434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.
434.31 (Reserved).
434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Alkaline Mine Drainage Subcategory

434.40 Applicability; description of the alkaline mine drainage subcategory.
434.41 (Reserved).
434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304(b), Federal Water Pollution Control Act, as amended, (33 U.S.C. 1311, 1314(b)).

Subpart A—General Definitions

§ 434.10 Applicability.

Except as provided specifically in this subpart A and in other subparts of this Part 434, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this Part 434. The general definitions set forth in this subpart A apply to all subparts of the Part 434.

§ 434.11 General definitions.

(a) The term "acid or ferruginous mine drainage" means mine drainage which before any treatment either has a pH of less than 6.0 or a total iron concentration of more than 10 mg/l.

(b) The term "active mining area" means a place where work or other activity related to the extraction, removal, or recovery of coal is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

(c) The term "alkaline mine drainage" means mine drainage which before any treatment has a pH of more than 6.0 and a total iron concentration of less than 10 mg/l.

(d) The term "coal mine" means an active mining area, including all land and property placed upon, under or above the surface of such land, used in or resulting from the work of extracting coal from its natural deposits by any means or method, including secondary recovery of coal from refuse or other storage piles derived from the mining, cleaning, or preparation of coal.

(e) The term "coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.

(f) The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, slurry ponds, drainage ponds, coal refuse piles, and coal storage piles and facilities.

(g) The term "mine drainage" means any water drained, pumped or siphoned from a coal mine.

(h) The term "ten-year 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable re-occurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S." May 1961, and subsequent amendments, or equivalent regional or rainfall probability information developed therefrom.

Subpart B—Coal Preparation Plants and Associated Areas

§ 434.20 Applicability.

The provisions of this subpart are applicable to discharges from coal preparation plants and associated areas, including discharges which are pumped, siphoned or drained from coal storage, refuse storage and coal preparation plant ancillary areas related to the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite and anthracite.

§ 434.21 [Reserved].

§ 434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the concentration of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from that point source normally are acidic prior to treatment.

[In milligrams per liter]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Iron, total	7.0	3.5
TSS	70.0	35.0
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the concentration of pollutants, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from that point source normally are alkaline prior to treatment.

[In milligrams per liter]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Iron, total	7.0	3.5
TSS	70.0	35.0
pH	Within the range 6.0 to 9.0.	

(c) Any untreated overflow, increase in volume of a point source discharge, or discharge from a by-pass system from facilities designed, constructed, and maintained to contain or treat the discharges from the facilities and areas covered by this subpart which would result from a 10-year 24-hour precipitation event, shall not be subject to the limitations set forth in paragraph (a) of this section.

(d) Where the application of neutralization and sedimentation treatment technology results in inability to comply with the manganese limitations set forth in paragraph (a) of this section, the permit issuer may allow the pH level in the final effluent to be exceeded to a small extent in order that the manganese limitations in paragraph (a) of this section will be achieved.

(e) Where discharges from coal preparation plants and associated areas are combined for treatment or discharge with wastewater from sources within other subcategories in this point source category, the concentration of pollutants allowed to be discharged in the combined discharge shall not exceed the concentration of pollutants which would be allowed under the respective limitations applicable to that subcategory (or subcategories). Where a parameter (manganese or total iron as examples) is subject to different limitations under different subparts, the more stringent limitation applies.

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

§ 434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.

The provisions of this subpart are applicable to acid or ferruginous mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.31 [Reserved]

§ 434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are sound to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the concentration of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

[In milligrams per liter]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70.0 [1]	[1] 35.0
pH	Within the range 6.0 to 9.0.	

[1] These TSS effluent limitations shall not apply to discharges from coal mines located in the following States: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. In these States, TSS limitations shall be determined on a case-by-case basis.

(b) Any untreated overflow, increase in volume of a point source discharge, or discharge from a by-pass system from facilities designed, constructed, and maintained to contain or treat the discharges from the facilities and areas covered by this subpart which would result from a 10-year 24-hour precipitation event, shall not be subject to the limitations set forth in paragraph (a) of this section.

(c) Drainage which is not from an active mining area shall not be required to meet the limitations set forth in paragraph (a) of this section as long as such drainage is not commingled with untreated mine drainage which is subject to the limitations in paragraph (a) of this section.

(d) Where the application of neutralization and sedimentation treatment technology results in inability to comply with the manganese limitations set forth in paragraph (a) of this section, the permit issuer may allow the pH level in the final effluent to be exceeded to a small extent in order that the manganese limitations in paragraph (a) of this section will be achieved.

Subpart D—Alkaline Mine Drainage Subcategory

§ 434.40 Applicability; description of the alkaline mine drainage subcategory.

The provisions of this subpart are applicable to alkaline mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.41 [Reserved]

§ 434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the concentration of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

[In milligrams per liter]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Iron, total	7.0	3.5
TSS	70.0 [1]	[1] 35.0
pH	Within the range 6.0 to 9.0.	

[1] These TSS effluent limitations shall not apply to discharges from coal mines located in the following States: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. In these States, TSS limitations shall be determined on a case-by-case basis.

(b) Any untreated overflow, increase in volume of a point source discharge, or discharge from a by-pass system from facilities designed, constructed, and maintained to contain or treat the discharges from the facilities and areas covered by this subpart which would result from a 10-year 24-hour precipitation event, shall not be subject to the limitations set forth in paragraph (a) of this section.

(c) Drainage which is not from an active mining area shall not be required to meet the limitations set forth in paragraph (a) of this section as long as such drainage is not commingled with untreated mine drainage which is subject to the limitations in paragraph (a) of this section.

APPENDIX A—LEGAL AUTHORITY

(1) EXISTING POINT SOURCES

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations guidelines, pursuant to sections 301 and 304(b) of the Act, for the coal preparation plant and associated areas subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C) and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Coal Mining Point Source Category," May 1976, provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

APPENDIX B—TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

This Appendix summarizes the basis of final effluent limitations guidelines for existing sources to be achieved by the application of best practicable control technology currently available.

(1) GENERAL METHODOLOGY

The effluent limitations guidelines set forth herein were developed in the following manner. The point source categdry was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the coal preparation plants and associated areas (Subpart B), and the acid or ferruginous mine drainage subcategory (Subpart C) and the alkaline mine drainage subcategory, (Subpart D) of the coal mining point source category.

(i) *Categorization.* For the purpose of studying waste treatment and effluent limitations the coal mine point source category was initially subcategorized by the established Standard Industrial Classification (SIC) groups applicable to the coal mining industry. These SIC groups were then further subdivided by: geographic location of the mine, type of mine (surface or deep), and size of mine (annual tonnage); all based on anticipated variations in raw waste water. After statistical analysis of the data obtained during the study it was determined that based on waste treatment the coal mining point source category should be divided into three discrete subcategories based on the origin of the waste water, i.e., waste water from the mining activities and waste water from the coal preparation activities, or mining services activities. Waste water was further subdivided by the characteristics of the effluent (acid or alkaline).

(1) *Subpart B—Coal Preparation Plants and Associated Areas.* The provisions of this subpart are applicable to discharges from coal preparation plants and associated areas, including discharges which are pumped, siphoned or drained from coal storage, refuse storage and coal preparation plant ancillary areas related to the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite and anthracite.

(2) *Subpart C—Acid or Ferruginous Mine Drainage.* The provisions of this subpart are applicable to acid or ferruginous mine drainage resulting from the mining of coal of any rank, including but not limited to bituminous, lignite, and anthracite.

(3) *Subpart D—Alkaline Mine Drainage.* The provisions of this subpart are applicable to alkaline mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

(ii) *Waste characteristics.* The raw waste characteristics of coal preparation plant process water (Subpart B) are highly dependent upon the particular process or recovery technique utilized in the operation. Process techniques generally require an alkaline media for efficient and economic operation; therefore process water does not dissolve significant quantities of the constituents present in the raw coal. The principal pollutant present in coal preparation plant process water is suspended solids. In preparation plants cleaning coal fines, process water contains less suspended solids than process water at coal preparation plants which do not clean or recover coal fines.

The raw waste characteristics of the waste water discharged from the actual coal mining activities themselves vary significantly. The chemical characteristics of raw mine drainage are determined by local and regional geology of the coal, associated overburden, and mine bottom. Raw mine drainage ranges from grossly polluted to drinking water quality. Major differences were observed between the two classes of raw mine drainage (1) acid or ferruginous, and (2) alkaline, which are generally representative of geographic areas.

Acid or ferruginous mine drainage (Subpart C) can be characterized as raw mine drainage, requiring neutralization and sedimentation, which is acid with high iron concentrations and varying concentrations of other metal ions including aluminum, manganese, nickel, and zinc, plus varying concentrations of total suspended solids. Alkaline mine drainage (Subpart D) can be characterized as raw mine drainage of generally acceptable quality, not requiring neutralization, but possibly requiring sedimentation to reduce concentration of suspended solids.

Effluent limitations guidelines and standards of performance are established to control pollutant parameters which are chosen primarily on the following criteria: (1) Pollutants are frequently present in coal mine point source discharges in concentrations deleterious to aquatic organisms;' (2) technology exists for the reduction or removal of the pollutants in question; and (3) research data indicate that certain concentrations of pollutants are capable of disrupting an aquatic ecosystem. The following were identified as the pollutants in coal mine drainage, and preparation plants and associated areas wastewater discharges; acidity, iron, manganese, aluminum, nickel, zinc, and suspended solids.

Several other waste water constituents were considered including: total dissolved solids, sulfates, fluorides, strontium, and ammonia. Effluent limitations have not been proposed for ammonia sulfates, fluoride, and strontium because best practicable control technology is not currently available for their removal. Total dissolved solids concentrations in coal mine discharges approach levels capable of disrupting an aquatic ecosystem, but economically feasible technology for achieving substantial reductions in dissolved solids levels does not exist at this time.

(iii) *Origin of waste water pollutants.* Coal preparation plants fall into three general stages, based on degree of cleaning and unit operations. Stage 1 consists of crushing and sizing which are basically dry processes and do not produce a waste water discharge. Stage 2 consists of primary crushing, sizing, gravity separation of coarse coal, dewatering of clean coal and refuse, and removal of coal and refuse fines from process waters. Stage 3 consists of crushing, sizing, gravity separation of all sizes, of coal, secondary separation of coal fines or froth flotation, dewatering of clean coal and refuse, heavy media recovery when required, thermal drying of clean coal, and removal of coal and refuse fines from process water. Stages 2 and 3 coal preparation plants use water in the beneficiation processes. Fine coal and mineral particles are suspended in the coal preparation plant process waters, and some minerals associated with the coal and its impurities are dissolved in the coal preparation plant's process water. Additional waste water of a non-contact nature may result from boiler blowdowns and non-contact cooling waters such as bearing cooling water.

The waste water situation evident in the mining segment of the coal industry is unlike that encountered in most other industries. Water enters mines via precipitation, ground water infiltration, and runoff where it may become polluted by contact with materials in the coal, overburden material, or mine bottom. Except for dust control and fire protection, water is not used in the actual mining of coal in the U.S. at the present time. Waste water handling and management is required, and is a part of most coal mining methods or systems to insure the continuance of the mining operation and to improve the efficiency of the mining operation. This waste water is discharged from the mine as mine drainage. Mine drainage may be polluted and require treatment before it can be discharged to navigable waters. In addition to handling and treating often massive volumes of waste water during actual mining operations or coal loading, coal mine operators are faced with the same burden during idle periods. Mine drainage may continue indefinitely after all mining operations have ceased if proper mining methods and control technology are not employed, or even increase in intensity after mine closure if proper mine drainage control technology is not employed. Control of mine drainage after mine closure or abandonment is not included in this final regulation although techniques are described in the Development Document, referenced below, which can control or ameliorate mine drainage after mine closure and all activities associated with the mine have ceased.

Water enters preparation plant associated areas such as coal storage and refuse storage, via precipitation, wash down, and runoff, where it comes into contact with coal or coal refuse. The wastewater discharges from coal preparation plants and associated areas contain pollutants similar to the pollutants discharged by the mine served by the preparation plant. As with the coal mining segment of the industry, waste water handling from coal preparation plants associated areas continues during idle periods; and may continue indefinitely from refuse storage after preparation plant closure if proper control technology is not employed, although these control technologies are not required as part of these final regulations.

The wastewaters from the actual mining and the coal preparation plants and associated areas of the coal mining industry are essentially unrelated to production quantities. Therefore, raw waste loadings are expressed in terms of concentration rather than units of production.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available. Although it is legally permissible to base effluent limitations on in-process changes, the technology used as the basis for this regulation is end-of-pipe treatment only.

Waste water control technology includes techniques employed before, during and after the actual mining operation to reduce or eliminate adverse environmental effects resulting from waste water discharges from coal mine point sources. Control technology as discussed in the Development Document, referenced below, has been categorized as to control technology related to surface mining, underground mining, and coal preparation.

Surface mine pollution control technology is divided into two major categories—mining technology (specific mining techniques) and final waste water pollution control technology (reclamation of land areas disturbed by mining). Although these surface mine pollution control technologies are addressed in the development document, referenced below, they are not included as part of this final regulation, but may be used to reduce the volume and expense of waste water treatment required during operations and reduce or eliminate adverse environmental effects after activities associated with the mine have ceased.

Underground mine pollution control technology is divided into methods of reducing water influx into mine workings, and preplanned flooding on mine closure. The reduction of water influx into underground mines can reduce the volume and expense of waste water treatment during operations, though it is not required by this final regulation. While it has been demonstrated that preplanned flooding on deep mine closure can reduce or control water pollution after mine closure it is not included as part of this final regulation.

Coal preparation pollution control technology is divided into surface water control and final waste water pollution control technology at preparation plant refuse disposal areas (reclamation). While reclamation of preparation plant refuse disposal areas has been demonstrated as control technology which ameliorates this aspect of pollution from mining, it is not required as part of this final regulation.

That water quality degradation may be caused by discharges from areas affected by mining during a time period which is not included under this regulation is recognized by the Agency. In many cases the pollution from these areas is more severe than that from the active area included in this regulation. The Agency is considering possible application of section 208 of the Act (Best Management Practices) which will address in detail control technologies to be used toward the amelioration of these aspects of coal mining related pollution and will be providing guidance to control this facet of the pollution problem. As noted in the preamble to the regulations promulgated today EPA also is conducting an intensive analysis of data which may lead to extension of coverage of these regulations, or of new source performance standards.

Waste water treatment technology is categorized in the Development Document, referenced below, as to treatment technology for coal preparation plant process waste water and associated areas point source discharges and treatment technology for the two classes of mine drainage. Coal preparation plant process waste water treatment consists primarily of clarification techniques for suspended solids removal including thickeners, flocculation, settling basins, vacuum filtration, and pressure filtration.

Treatment technology for acid or ferruginous mine drainage includes flow equalization, acidity neutralization and precipitation of insoluble metal hydroxides, ferrous iron oxidation, and suspended solids removal. Surface holding ponds or underground sumps are employed to equalize the flow of mine drainage before treatment. Mineral acidity in the raw mine drainage is neutralized with an alkali, usually hydrated lime, which removes iron, manganese, and other soluble metals through the formation of their insoluble hydroxides. When iron is present in raw mine drainage in the ferrous form, usual practice is to provide aeration facilities for oxidation to the ferric state. Suspended solids are formed as a result of the chemical treatment. Both earthen settling basins and mechanical clarifiers are used for removal of suspended solids. It was observed that total iron is one of the most commonly analyzed constituents of acid or ferruginous mine drainage, and iron reduction is generally representative of the overall effectiveness of the neutralization process. It has been demonstrated that, with total iron removed to within 3.5 mg/l, total aluminum, total nickel, and total zinc are removed to within the limits suggested in the preamble to 40 CFR Part 434 (40 FR 48830). Therefore, total aluminum, total nickel, and total zinc are not included in the limitations guidelines of this regulation for acid or ferruginous mine drainage.

Treatment technology for alkaline mine drainage generally consists of solids removal in settling ponds. Some alkaline mine drainages may require no treatment to meet this regulation. It has been demonstrated that natural aeration in settling ponds can reduce total iron concentrations in alkaline mine

drainages from over 3 mg/l to less than 3 mg/l. Alkaline mine drainage was observed to have low concentrations of other metal ions. Therefore, the pollutant parameters included in the alkaline mine drainage subcategory of 40 CFR Part 434 (40 FR 48830) have been revised to include only total iron, total suspended solids and pH.

Solid waste control must be considered. Best practicable control technology as known today, requires disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) *Cost estimates for control of waste water pollutants.* The estimated capital investment required for coal mining facilities to meet effluent guidelines should be no more than 132 million dollars and on a per ton basis may cost up to 42 cents per ton of designed annual capacity for BPT depending on size, location and type of mine. Annual operating costs of effluent treatment facilities inclusive of capital charges are estimated to be less than 90 million dollars and may range up to 28 cents per ton for BPT. The estimated investment cost to meet BPT for coal preparation plants is 52.5 million dollars or approximately 41 cents per ton of annual design capacity. Annual costs of treatment inclusive of capital charges for the preparation plants and associated areas are estimated to be less than 7 cents per ton of prepared coal. The above estimates are based on the assumption that no treatment facilities are presently in place.

(vi) *Energy requirements and nonwater quality environmental impacts.* Energy requirements for compliance with these final and proposed effluent limitations guidelines are low. The main use of energy is for pumps, mixers, and control instruments. Wherever feasible, gravity flow is used in coal preparation plants and mine drainage treatment facilities. Mine dewatering is considered an inherent part of the mining method or system.

Inherent to coal preparation is the major problem of solid waste disposal which also can be a source of air pollution. The amount of additional waste and resultant air pollution produced as a result of these regulations is insignificant relative to that already present; consequently, a minimal impact is expected.

(vii) *Economic impact analysis.* These guidelines will require a total investment of no more than 132 million dollars for BPT. Annual costs are estimated to be less than 90 million dollars for BPT. Prices of raw coal are expected to rise between 0 and 28 cents per ton as a result of BPT. Prepared coal prices will increase no more than 7 cents in 1977. Prices will not rise immediately to cover compliance costs. In the interim net revenues are expected to be reduced by no more than 2.9 percent for coal mines and 5.7 percent for coal preparation plants and associated areas. These profitability decreases are not expected to result in closures of mines or preparation plants. Some closures of marginal establishments existing under unique circumstances may result from the guidelines.

The impact of these regulations on employment, local economics, industry growth and the balance of trade is not expected to be significant.

Executive Orders 11821 (November 27, 1974) and 11949 (December 31, 1976) require that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the economic impact of the proposal has been evaluated.

OMB Circular A-107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The Administrator has directed that all regulatory actions which are likely to result in annualized costs in excess of $100 million will require certification.

The economic impact of these regulations has been considered in accordance with Executive Orders 11821 and 11949. Projected effects of the regulations on prices and economics of the industry as summarized above have been reviewed by the Agency.

Appendix C—Summary of Public Participation

Prior to this publication, factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of interim final rule making for the coal mining point source category published October 17, 1975 (40 FR 48830) and interim final rulemaking published on May 13, 1976 (41 FR 19832), and in the notice of public review procedures published October 6, 1973 (38 FR 21202). In addition, each regulation as promulgated in interim final form was supported by two other documents; (1) the document entitled "Development Document for Interim Final Effluent Limitation Guidelines and New Source Performance Standards for the Coal Mining Point Source Category" and (2) the document entitled "Economic Impact of Interim Final Effluent Guidelines on the U.S. Coal Mining Industry." These documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of interim final rulemaking.

Prior to the publication of the notice of interim final rulemaking (40 FR 48830) a development document was distributed to federal agencies, all state and territorial pollution control agencies, industry trade associations and conservation organizations. Comments on that report were solicited. The major comments received and the Agency's response were described in the notice of interim final rulemaking (40 FR 48830).

Interested persons were again invited to participate in the rulemaking by submitting written comments following the publication of the promulgated interim final regulation (41 FR 19832).

Summary of Comments

The following responded to the request for written comments contained in the notice of interim final rulemaking: Reclamation & Engineering Services, Inc.; Old Ben Coal Company; Island Creek Coal Company; West Virginia—Citizen Action Group; Peabody Coal Company; The Pittston Coal Company; Bethlehem Steel Corporation; Kentucky Coal Association, Inc.; Consolidation Coal Company; Save Our Cumberland Mountains; National Coal Association; The Valley Camp Coal Company; American Electric Power Service Corporation; U.S. Environmental Protection Agency, Region VIII; U.S. Department of Interior.

Commenters suggested that the effluent limitations guidelines remain applicable to point sources in this category until (in the case of surface mines) release of the reclamation or revegetation bonds. Also, there was suggestion that, with respect to both surface and deep mines, regardless of the nature of activity on the mining property and whether or not performance bonds are involved, the effluent limitations guidelines be applicable as long as there is a point source pollution problem.

There is no question that pollution often continues to result from coal mines which have ceased active operation. Indeed, in some cases, when a mining area is no longer subject to regular supervision, the pollutants in the discharges may increase. However, EPA does not today extend coverage of these effluent limitations guidelines to include inactive areas or those areas undergoing revegetation or reclamation. This is not to say that point sources discharging pollutants may not be covered by NPDES permits; it means only that national effluent limitations guidelines do not apply. The Agency is conducting an intensive analysis of data with respect to water pollution created during the revegetation stages, and may in the future propose extension of coverage. With respect to closed mines and abandoned mining areas the Agency does not intend to issue effluent limitations guidelines because regulation of such point sources is not amenable to production oriented effluent limitations guidelines.

Several commenters request the basis and rationale for the following statement from the Federal Register, page 19837, first paragraph: "Effluent limitations have not been proposed for ammonia, sulfates, fluoride and strontium because the levels observed in coal mine wastewater discharges generally do not warrant concern."

The above statement, quoted from 40 FR 19837, may be misleading. Pollutant parameters such as ammonia, sulfates, fluoride and strontium do warrant concern but best practicable control technology is not currently available for the removal of these pollutants. Therefore, there is no way to require treatment for removal of these parameters with today's BPT regulations. These parameters shall be reconsidered during the BAT technical study.

A commenter states that the character of discharge waters and treatment technologies are affected by geologic, hydrologic and climatic factors so that mines operating in different geological areas will have different discharge water characteristics. The commenter suggests the establishment of limitations on a geographical basis.

The Agency considered the subcategorization of the coal mining category as described in the Development Document. In that study, it was determined that two distinct classes of raw mine drainage existed (Acid or Ferruginous and Alkaline). These two classes of wastewater are based on wastewater treatment technology required, but reflect regional and local geologic conditions. This industry categorization consists of two large regions. Region I, states or areas characterized by acid or ferruginous raw mine drainage, is comprised of Maryland, Pennsylvania, Ohio and northern West Virginia. Isolated mines or areas in Western Kentucky and along the Illinois-Indiana border also exhibit acid or ferruginous raw mine drainage. Region II includes all the remaining coal producing areas which exhibit predominantly alkaline raw mine drainage.

Statistical analysis of all raw mine drainage obtained during the field program substantiated the categorization based on the chemical characteristics of the raw mine drainage. Based on this information, it was

determined that there was no need for further industry categorization of the coal mining industry other than by raw mine drainage characteristics. However, as noted in the preamble, EPA is reviewing data with respect to Western coal mines to determine if a separate subcategory should be established for coal mines in that area.

Design criteria for treatment facilities (e.g., liners for settling basins) was requested by a commenter in order to avoid contamination of surface and ground water.

The function of these effluent limitations guidelines is not to present design criteria for equipment needed to comply with the regulation; however, background documents to these regulations and the substantial technical resources of EPA's Regional Offices may be consulted to obtain information on the proper construction of settling basins.

Commenters recommended promulgation of effluent limitations for known toxic substances under the authority of section 307(a) of the Federal Water Pollution Control Act (FWPCA).

The Agency has embarked on a major effort to identify toxic water pollutants in effluents resulting from coal mining operations, and to examine available pollution control technology which can substantially remove those pollutants. At the conclusion of those studies EPA may propose section 307(a) toxic water pollutant standards or may address the problems in the context of revised effluent limitations guidelines. Until it has data available to support section 307(a) standards, the Agency does not intend to act under that section.

A commenter suggests the exemption of BPT requirements for plants which do not have the required technology in place in time to meet the July 1, 1977 statutory compliance date.

This comment necessarily is limited to coal mining category point sources which do not have the final NPDES permits, because final NPDES permits are not affected by the promulgation of these effluent limitations guidelines. The ability of the Administrator to consider the physical difficulties of installing the equipment by July 1, 1977, necessary to meet these effluent limitations and guidelines, is limited. The factors set forth in section 304(b)(1)(B) of the Act do not include consideration of the time necessary for installation, and the legislative history of the relevant sections of the Act is likewise devoid of consideration of this factor. The reasonableness of the technology underlying BPT levels is inherently based on the possibility of installing the technology regardless of the proximity to the July 1, 1977 date. The contention that the statutory deadline should be dispositive in deriving these effluent limitations guidelines is particularly inappropriate in the coal mining industry because (1) the technology needed to meet the BPT levels is not sophisticated and is widely practiced; (2) the BPT levels and underlying technology were presented to the industry well over two years prior to the date of this publication; and (3) even if a facility must initiate implementation of BPT technology, the time needed to bring about full compliance is relatively short. The Agency has announced an enforcement policy which applies to dischargers who do not have final NPDES permits. This policy allows the use of a compliance schedule which requires the attainment of BPT levels at some point beyond July 1, 1977, when there hs been good faith efforts to meet the July 1, 1977, date and when there have been delays in the issuance or resolution of NPDES permits. A more thorough explication of this policy appears in "Environment Reporter," Number 6, June 11, 1976, "Current Developments" at 241-246.

Commenters request the inclusion of railroads and the area surrounding the mine portal as part of the definition of an active mine area.

The terms "active mining area", "coal mine" and "coal preparation plant associated areas" are defined in § 434.11 clearly to include point source discharges resulting from the area near the mine portal.

A commenter recommended changing the term quantity to concentration. This would be a more accurate representation and avoid confusion, as limitations are expressed as milligrams per liter.

The appropriate changes are reflected in today's publication.

Commenters state that data from the Draft Development Document indicates some alkaline mine drainage may contain manganese and dissolved iron in quantities above those limitations established for acid drainage. Limitations for these two parameters are requested.

Manganese is not found to be a significant problem in alkaline mine drainage. Manganese removal is obtained at the higher pH levels found in alkaline drainage, by the manganese being precipitated out of solution. Thus, it was concluded that separate limitations for manganese are unnecessary. Limitations for dissolved iron are being deleted from these regulations for reasons explained in the preamble.

Commenters believed that the cost of compliance estimations are incorrect due to their being based on analytical techniques, used to develop base line regulatory data, which are improper. A commenter adds that samples analyzed for the EPA regulations, were not digested by the procedure required by law.

The analytical methods used by the contractor in analyzing waste water samples obtained during the study were those as specified in the Federal Register, Part 136, dated October 16, 1973. This regulation provides a number of equivalent methods to be used in the analysis of waste water and under the parameters for iron and manganese, there is the availability of both colorimetric as well as instrumental methods for measurement. The contractor's choice of method was the use of atomic absorption spectral chromatography. Under the prescribed procedure the analyst has a number of choices which he may make according to the sample characteristic and type choices as to the need for either hard or soft digestion as well as the option for the direct aspiration of samples for determination. Therefore, the analyst has the option based on the individual sample type and character to make these determinations during his analytical work up. All measurements made during this contract were as those specified in the Federal Register and are in compliance with the Agency's accepted analytical procedures.

Commenters state that they may be unable to meet effluent limitations guidelines for total suspended solids (TSS). The claim made is that lime neutralization for acid mine drainage produces a calcium sulfate precipitate, which will increase the TSS during monitoring. Commenters recommend postponing a TSS standard until further EPA and ERDA studies are completed. Another position on the issue of TSS limits is that in certain areas the suggested limit is unattainable since high suspended solid loads already exist in streams.

However, one commenter asserts that the TSS limitations are too lenient, since permit data from the Regions indicates present compliance for several companies under more stringent TSS limits.

Lime neutralization may increase the amount of total suspended solids in acid mine drainage. It is for this purpose that clarifiers are used as part of the treatment technology. Technical studies have demonstrated that the limitations for TSS can be met on a routine basis as substantiated by the data base for this regulation. In such cases where it can be shown that high suspended solid loads already exist in the intake stream of a plant, then the permit writer may adjust the limitations, for a discharge to the same stream.

Several commenters stated that Subpart B, Coal Storage Refuse Storage and Coal Preparation Plant Ancillary Area, is a non-point source discharge and should not be subject to effluent limitations guidelines.

These regulations apply only to point source discharges. If a pollution source is truly a non-point discharge, then it is not subject to these effluent limitations guidelines. But EPA's study of this industry indicates that most water pollution from coal storage, refuse storage and other areas around coal preparation plants is released through definite point sources.

A commenter asked for the addition of zinc limitation to the regulations, because zinc may not precipitate until pH 7.0 is reached and the regulations only require acid drainage to be neutralized to pH 6.0, so that zinc will not necessarily be removed. Another commenter suggests monitoring for nickel, zinc and aluminum, since these are not always reduced to tolerable levels when total iron is reduced to 3.5 mg/l.

Effective removals of aluminum, nickel and zinc were observed at all plants in the technical study. There were no observed values which exceeded the proposed daily maximum concentrations for nickel and zinc at any of the plants and at only one plant did aluminum values exceed the daily maximum limit. Consequently, it is concluded that well operated treatment plants have little problem in removal of these parameters. For the acid or ferruginous mine drainage subcategory, total aluminum, total zinc and total nickel are not listed as pollutant parameters because it has been demonstrated that with total iron removed to within 3.5 mg/l, total aluminum, total zinc and total nickel are removed to within the limits suggested in the preamble to the October 17, 1975 publication (40 FR 48830). The technical study being conducted for the BAT review will consider additional parameters for regulation.

A commenter recommends that a comprehensive study to determine stream conditions prior to mining be conducted before final standards are published.

Effluent limitations guidelines are based on treatment technology. Prior conditions have little effect on technology evaluation.

One commenter questioned whether EPA had fulfilled the requirements of Executive Order 11821 for inflationary impact statements.

An economic impact report entitled "Economic Impact of Interim Final and Proposed Effluent Guidelines, Coal Mining" was prepared in support of the regulations. The impact analysis performed examined costs of compliance, both capital and annual cost, the incidence of these costs, price effects, production effects, effects upon industry profitability, regional impacts, balance of payment effects, and employment effects.

The economic impacts were summarized in the preface to the regulations and in Appendix B—Technical Summary and Basis for Regulations under part (VII) Economic Impact Analysis. The impact analysis performed was in accordance with circular A-107 and the inflationary impact of these regulations was considered in accordance with Executive Order 11821.

One commenter questioned whether treatment costs per mine and total treatment

costs may have been understated. Using BPT capital costs per mine and preparation plant for the model large deep mine in the northern Appalachian region the commenter computed a compliance cost for this area of between $111 million and $375 million, with the majority of the broad range reflecting costs for closing the circuit for preparation plant water networks.

EPA attempted to prepare a worst case analysis for assessing the cost and economic impact of its regulations. EPA's estimates of the costs were developed by assuming that no treatment facilities were already in place even though it is known that most of the industry does treat effluents in order to comply with State and local requirements. Thus it is likely that individual mines will sustain a lower cost than predicted in the analysis.

EPA's estimates for mining compliance costs for a region are based upon a model plant approach. This approach can be illustrated by using the example of large deep mines in the Northern Appalachian region. The model plant produces approximately 1 million tons per year. The compliance cost for this mine (rounded to $400,000) is divided by the output to obtain the cost ($.40) per ton. Multiplying this figure by the tonnage produced by large deep mines in this region (147.9 million in 1973) gives a compliance cost for the region of less than $60 million.

EPA's estimates of coal preparation plant costs were similarly computed. Costs per ton were multiplied by the production of plants requiring closure of the water circuit to obtain compliance costs for the nation ($52.5 million). NOTE.—Northern Appalachia accounts for approximately 54 percent of the Nation's production of cleaned coal so preparation plant costs for this region could be expected to be much less than $52.5 million.

The commenter's approach to computing total cost for a region (multiplying the number of model plants in a region by the cost per model plant) can produce biased results. If, for example, one attempts to estimate the production for large deep mines in the Northern Appalachian region using the commenter's method, one would multiply 225 by the output of the model plant (1 million tons per year). This yields an estimated production of 225 million tons, an estimate over 50% higher than the actual production of 147.9 million tons in 1973.

Total compliance cost estimate using the commenter's methodology would show biases similar to those shown in production and plant statistics. It is because of this possibility of introducing biases into its analysis that the Agency did not use the commenter's approach in computing compliance costs but instead used its methodology.

One commenter questioned whether EPA's costs for treating surface drainage had underestimated the number of ponds and the area drained by these ponds. The commenter cited terrain and natural drainage as factors which can influence the number of ponds.

In computing compliance costs for surface mining operations, EPA used a model plant approach and assumed that no treatment is already in place. Treatment facilities were sized to accommodate drainage from the active mining area. It is assumed that mine operators will quickly return the land to final contour for reclamation at which time the area is no longer part of the active mining area. This prompt return to final grade represents both good mining practice and a way for the operator to minimize his costs of complying with the regulation.

EPA assumed that a new treatment pond for the active mining area would be built every six months, i.e. that the active mining area would be returned to final contour within this period. The active mining area was computed as the land area needed to extract the tonnage for the model plant, and based upon a given seam thickness (e.g. 60 inches) and recovery factor (e.g. 90 percent). The size of active mining area to be drained determines the size of the treatment facilities for the model plant.

Mine operators frequently make use of the fact that terrain can affect treatment costs. For example natural depressions in the ground may be used for treatment facilities. However, in estimating its costs for the treatment facilities EPA assumed the construction of a four-sided pond so that actual pond costs may be less than those estimated.

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federal register

TUESDAY, APRIL 26, 1977

PART IV



OFFICE OF MANAGEMENT AND BUDGET

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GRANTS AND CONTRACTS WITH CERTAIN NONPROFIT ORGANIZATIONS

Principles for Determining Cost

OFFICE OF MANAGEMENT AND BUDGET

GRANTS AND CONTRACTS WITH CERTAIN NONPROFIT ORGANIZATIONS

Principles for Determining Cost

This notice offers interested parties an opportunity to comment on a proposed Circular concerning principles for determining cost for grants and contracts with certain nonprofit organizations.

The proposed Circular is the product of an interagency study group under the leadership of the Federal Procurement Regulations staff of the General Services Administration. Its purpose is to provide one standard set of cost principles in place of existing principles issued by individual agencies which contain varying or conflicting requirements.

The Office of Management and Budget has, as yet, made no decisions with respect to the proposed principles. All interested parties are encouraged to make their views known. Comments should be submitted in duplicate to the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503. All comments should be received on or before June 15, 1977.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

DRAFT

[Circular No. A--]

MAY , 1977.

To the heads of executive departments and establishments. Subject: Principles for determining cost for grants and contracts with certain nonprofit organizations.

1. *Purpose.*—This Circular provides principles for determining the cost applicable to work performed by nonprofit organizations other than educational institutions, hospitals, and State, local and Indian tribal governments under contracts and grants (including other agreements). The principles are designed to provide that the Federal Government bears its fair share of costs recognized under these principles, except where restricted or prohibited by law. The principles do not attempt to prescribe the percentage of Federal cost sharing or matching on contracts or grants. However, when such percentages are used, they shall be applied to the total cost of the project and arbitrary limitations shall not be placed on individual cost elements by Federal agencies. Any provision for profit or other increment above cost is outside the scope of this Circular.

2. *Application.*—These principles shall be used by all Federal agencies in determining the allowable costs of work performed by nonprofit organizations under grants, cost-reimbursement type contracts, and other contracts in which costs are used in the pricing, administration, or settlement of the contracts. The principles do not apply to construction, facility improvement, or equipment acquisition awards.

All cost reimbursement subawards, i.e., subgrants, subcontracts, etc., made under a grant or cost-reimbursement type contract and fixed price subawards in which costs are used in the pricing, administration or settlement of the awards are subject to those Federal cost principles appropriate to the subawardee organization and the type of award involved. Thus, if a subgrant or subcontract is with a nonprofit organization other than an educational institution, hospital, or State, local or Indian tribal governmental unit this Circular would apply; if a subcontract is with a commercial organization the commercial Contract Cost Principles and Procedures would apply; if a subgrant or subcontract is with an educational institution the cost principles for Grants and Contracts with Educational Institutions would apply; if a subgrant or subcontract is with a State or local government the cost principles for Grants and Contracts with State and local governments would apply.

3. *Policy.*—The uniform policies and standards included in the Attachments to this Circular replace the varying and sometime conflicting requirements that have been imposed by Federal agencies as conditions of grants and contracts.

The successful application of these principles requires development of mutual understanding between representatives of nonprofit organizations and of the Federal Government as to their scope, implementation, and interpretation. Each organization should be expected to employ sound management practices in the fulfillment of its obligations. Each organization possessing its own unique combination of staff, facilities, and experience should conduct its activities in a manner consonant with its own philosophies and objectives. Costs assigned to contracts and grants must be adequately documented.

4. *Definitions.*—(a) *Grant* means money or property provided in lieu of money paid or furnished by the Federal Government to recipients under programs that provide financial assistance or that provide support or stimulation to accomplish a public purpose. The term "grant" includes the term "other agreements" insofar as the term grant is used in the circular. The term "other agreement" does not include contracts which are required to be entered into and administered under procurement law and regulations. Grants and other agreements exclude (a) technical assistance programs, which provide services instead of money; (b) assistance in the form of general revenue sharing, loans, loan guarantees, or insurance and direct payments of any kind to individuals.

(b) *Non Profit Organization* is any corporation, trust, association, cooperative, or other organization which (1) is operated primarily for scientific, education, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations. For this purpose, the term "nonprofit organization" excludes (i) educational institutions, (ii) hospitals, and (iii) State, local, and Indian tribal governments, (iv) those nonprofit organizations described in paragraph 5 below.

The charter or other legally binding authority for the existence of the organization must provide that (1) no part of the net earnings, properties, or other assets of the organization, on dissolution or otherwise, shall inure to the benefit of any private person, or individual including any member, employee, director, or trustee of the organization; and (2) on liquidation or dissolution all properties and assets remaining after providing for all debts and obligations shall be distributed and paid over to such other fund, foundation, or other organization formed and operated as a nonprofit organization or institution as the Board of Directors or Trustees may determine. Organizations which have tax exemptions as nonprofit organizations from the U.S. Internal Revenue Service shall be considered to have met the criteria of this definition. For purposes of this subpart, the terms nonprofit and not-for-profit as they are descriptively applied to organizations shall be considered synonymous provided the requirements of (a) and (b) of this paragraph are met.

5. *Exclusion of Some Non Profit Organizations.*—(a) Some nonprofit organizations (other than colleges and universities, State, local and Indian tribal governments, and hospitals) because of their size or scope of operations can be considered to be similar to commercial concerns for purposes of applicability of cost principles. Such nonprofit organizations may propose to operate under the cost principles and procedures applicable to commercial concerns. Whether or not proposed by the organization, the Office of Management and Budget will determine when such a nonprofit organization shall operate under the commercial cost principles. After determination is made that an organization shall operate under commercial cost principles it shall apply to all Government contracts and grants entered into by the organization on or after effective date of applicability to the organization.

(b) Aspects that will be considered before a determination that an organization shall operate under the commercial cost principles are:

(1) The organization proposes that it operate under the Commercial Cost Principles and Procedures;

(2) The organization historically has operated under or has utilized the commercial cost principles for the preponderance of its Government work.

(3) The organization competes to a significant extent for business that often is awarded to commercial concerns; i.e.; the nonprofit organization submits proposals for contracts or applications for grants contending for the same Federal program support.

(4) The organization seeks and is awarded a fee (allowance over allowable costs) in most contract proposals, even though no part of its net earnings inures, or may lawfully inure, to any private shareholder or individual(s).

(5) The organization incurred costs for the performance of Government contracts, subcontracts, or grants in excess of $5 million in any one of its three preceding fiscal years.

(6) The organization is exclusively or substantially funded by the Federal Government, usually from an agency which has a special continuing or interdependent relationship and the agency considers commercial concern cost principles and procedures to be appropriate.

6. *Policies and Standards.*—The policies and standards promulgated by this Circular are set forth in the Attachments which are: Attachment A Principles for Determining Cost. Attachment B Standards for Selected Items of Cost.

7. *Responsibilities.*—Agencies responsible for administering programs that involve grants and contracts with the nonprofit organizations covered by this Circular shall issue the appropriate instructions necessary to implement the provisions of this Circular. Upon request all instructions implementing this Circular shall be furnished to the Office of Management and Budget. Agencies shall also designate an official to serve as the agency representative on matters relating to the implementation of this Circular. The name and title of such representative shall be furnished to the Office of Management and Budget not later than 1977.

8. *Inquiries.*—Further information concerning this Circular may be obtained by contacting the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503, telephone 395–4773.

9. *Effective Date.*—The principles and standards in the attachments to this Circular will be applied as soon as practicable but not later than six months after the effective date of this Circular.

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ATTACHMENT A—PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO GRANTS AND CONTRACTS WITH OTHER NONPROFIT ORGANIZATIONS

A. *Basic Guidelines.*

1. *General criteria for the allowability of costs.*

To be allowable under a contract or grant, costs must meet the following general criteria:

(a) Be necessary and reasonable for the performance of the contract or grant and be allocable thereto under these principles;

(b) Conform to any limitations or exclusions set forth in these principles and procedures, applicable Federal laws, or other governing limitations as to types or amounts of cost items;

(c) Be consistent with policies, regulations, and procedures that apply uniformly to both federally assisted and other activities of the organization;

(d) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances; and

(e) Not be allocable to or included as a cost of any other federally financed program in either the current or a prior period.

2. *Reasonable costs.*—A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinarily prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with organizations or separate divisions thereof which receive the preponderance of their support from contracts or grants awarded by Federal agencies. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the organization or the performance of the grant/contract;

(b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms length bargaining, Federal and State laws and regulations, and grant/contract terms and conditions;

(c) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the organization, its members, employees, and clients, the public at large, and the Government; and

(d) Significant deviations from the established practices of the organization which may unjustifiably increase the grant/contract costs.

3. *Allocable costs.*—(a) A cost is allocable to a particular cost objective, such as a grant/contract, project, service, or other activity, in accordance with the relative benefits received. A cost is allocable to a Government grant/contract if it is treated consistently with other costs incurred for the same purpose in like circumstances and if it:

(1) Is incurred specifically for the grant/contract;

(2) Benefits both the grant/contract and other work and can be distributed to them in reasonable proportion to the benefits received; or

(3) Is necessary to the overall operation of the organization, although a direct relationship to any particular cost objective cannot be shown.

(b) Any cost allocable to a particular grant, contract, or other cost objective under these principles may not be shifted to other Federal grants or contracts to overcome funding deficiencies, or to avoid restrictions imposed by law or by the terms of the contract/grant.

4. *Advance understandings.*—Under any given grant/contract the reasonableness and allocability of certain items of costs may be difficult to determine. This is particularly true in connection with nonprofit organizations which are diverse in nature or which receive a preponderance of their support from grants or contracts awarded by Federal agencies. In order to avoid a possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that organizations entering into grants or contracts with the Government seek agreement in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine.

5. *Applicable credits.*—(a) The term applicable credits refers to those receipt types or reduction of expenditure types of transactions which operate to offset or reduce expense items that are allocable to grants or contracts as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates, or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges.

(b) In some instances, the amounts received from the Federal Government to finance organizational activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the organization in determining the rates or amounts to be charged to Federal contracts or grants for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds.

B. *Composition of Total Cost.*—The total cost of a contract or grant is the sum of the allowable direct and indirect costs allocable to the grant/contract less any applicable credits.

C. *Direct Cost.*—1. A direct cost is any cost which can be identified specifically with a particular final cost objective; i.e., a particular grant or contract, project, service, or other direct activity of an organization. However, a cost may not be assigned to a grant or contract as a direct cost if any other cost incurred for the same purpose, in like circumstances, has

been allocated to a grant or contract as an indirect cost. Costs identified specifically with the grant or contract are direct costs of the grant or contract and are to be assigned directly thereto. Costs identified specifically with other final cost objectives of the organization are direct costs of those cost objectives and are not to be assigned to the grant/contract directly or indirectly.

2. Any direct cost of a minor dollar amount may be treated as an indirect cost for reasons of practicality where the accounting treatment for such cost is consistently applied to all final cost objectives.

(3) The costs of certain activities are not allowable as charges to Federal grants or contracts (see, for example, fund raising costs in para 21.) However, even though these costs are designated as unallowable for purposes of computing charges to grants and contracts, they nonetheless must be treated as direct costs and be allocated their share of the organization's indirect costs if they represent activities which (1) include the salaries of personnel, (2) occupy space, and (3) benefit from the organization's indirect costs. In addition, the costs of following activities, when normal or necessary to the organization's mission, must also be treated as direct costs and be allocated their share of indirect costs if they meet the criteria stated in the previous sentence:

(a) Maintenance of membership rolls, subscriptions, publications, and related functions;

(b) Providing services and information to members, legislative or administrative bodies, or the public;

(c) Promotion, lobbying, and other forms of public relations;

(d) Meetings and conferences except those held to conduct the general administration of the organization;

(e) Maintenance, protection, and investment of special funds not used in operation of organizations;

(f) Administration of group benefits on behalf of members or clients including life and hospital insurance, annuity or retirement plans, financial aid, etc.

(g) Other activities performed primarily as a service to members, clients, or the public.

D. *Indirect costs.*—1. Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. Any direct cost of minor dollar amount may be treated as an indirect cost under the conditions described in C2. After direct costs have been determined and assigned directly to grants/contracts or other work as appropriate, indirect costs are those remaining to be allocated to benefiting cost objectives. A cost may not be allocated to a grant or contract as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a grant or contract as a direct cost.

2. Because of the diverse characteristics and accounting practices of nonprofit organizations, it is not possible to specify the types of costs which may be classified as indirect costs in all situations. However, typical examples of indirect costs for many nonprofit organizations may include depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.

E. *Allocation of indirect costs and determination of indirect cost rates*

1. *General.*—(a) Where a nonprofit organization has only one major function, or where all its major functions benefit from its indirect costs to approximately the same degree, the allocation of indirect costs and the computation of an indirect cost rate may be accomplished through simplified allocation procedures.

(b) Where an organization has several major functions which benefit from its indirect costs in varying degrees, allocation of indirect costs may require the accumulation of such costs into separate cost groupings which then are allocated individually to benefiting functions by means of a base which best measures the relative degree of benefit. The indirect costs allocated to each function are then distributed to individual grants, contracts, and other activities included in that function by means of an indirect cost rate(s).

(c) The determination of what constitutes an organization's major functions will depend on its purpose in being; the types of services it renders to the public, its clients, and its members; and the amount of effort it devotes to such activities as fund raising, public information and membership activities.

(d) Specific methods for allocating indirect costs and computing direct costs rates along with the conditions under which each method should be used are described below.

(e) The base period for the allocation of indirect costs is the period in which such costs are incurred and accumulated for allocation to work performed in that period. The base period normally should coincide with the organization's fiscal year, but in any event, shall be so selected as to avoid inequities in the allocation of the costs.

2. *Simplified allocation method.*—(a) Where an organization's major functions benefit from its indirect costs to approximately the same degree, the allocation of indirect costs may be accomplished by (i) segregating the organization's total costs for the base period as either direct or indirect, and (ii) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to individual grants and contracts. The rate should be expressed as the percentage which the total amount of allowable indirect costs bears to the base selected. This method should also be used where an organization has only one major function encompassing a numbeer of individual projects or activities, and may be used where the level of Federally supported work at an organization is relatively small.

(b) Both the direct costs and the indirect costs shall exclude capital expenditures and other unallowable costs. However, unallowable costs which represent activities must be included in the direct costs under the conditions described in C3 above.

(c) The distribution base may be total direct costs (excluding capital expenditures and other distorting items, such as major subcontracts or subgrants), direct salaries and wages, or other base which results in an equitable distribution. The distribution base shall also include the value of donated services under the conditions described in item 10, of Attachment B. The distribution base shall generally exclude participant support costs as defined in item 3 of Attachment B.

(d) Except where a special rate(s) is required in accordance with paragraph E5 below, the indirect cost rate developed under the above procedures is applicable to all grants and contracts at the organization. If a special rate(s) is required, appropriate modifications to the procedures shall be made in order to develop the special rate(s).

3. *Multiple allocation base method.*—(a) Where an organization's indirect costs benefit its major functions in varying degrees, such costs shall be accumulated into separate cost groupings. Each grouping shall then be allocated individually to benefiting functions by means of a base which best measures the relative benefits.

(b) The groupings shall be established so as to permit the allocation of each grouping on the basis of benefits provided to the major functions. Each grouping should constitute a pool of expenses that are of like character in terms of the functions they benefit and in terms of the allocation base which best measures the relative benefits provided to each function. The number of separate groupings should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less precise methods.

(c) Actual conditions must be taken into account in selecting the base to be used in allocating the expenses in each grouping to benefiting functions. When an allocation can be made by assignment of a cost grouping directly to the area benefited, the allocation shall be made in that manner. When the expenses in a grouping are more general in nature, the allocation should be made through the use of a selected base which produces results that are equitable to both the Government and the organization. In general, any cost element or cost related factor associated with the organization's work is potentially adaptable for use as an allocation base provided (i) it can readily be expressed in terms of dollars or other quantitative measures (total direct costs, direct salaries and wages,

man-hours applied, square feet used, hours of usage, number of documents processed, population served, and the like) and (ii) it is common to the benefiting functions during the base period.

(d) Except where a special indirect cost rate(s) is required in accordance with paragraph E5 below, the separate groupings of indirect costs allocated to each major function shall be aggregated and treated as a common pool for that function. The costs in the common pool shall then be distributed to individual grants and contracts included in that function by use of a single indirect cost rate.

(e) The distribution base used in computing the indirect cost rate for each function may be total direct costs (excluding capital expenditures and other distorting items such as major subcontractts and subgrants), direct salaries and wages, or other base which results in an equitable distribution. The distribution base shall also include the value of donated services under the conditions described in item 10 of Attachment B. The distribution base shall generally exclude participant support costs as defined in item 31, Attachment B. An indirect cost rate should be developed for each separate indirect cost pool developed. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the distribution base identified with that pool.

4. *Direct allocation method.*—(a) Some nonprofit organizations, e.g., voluntary health and welfare organizations, treat all costs as direct costs except general administration and general expenses. These organizations generally segregate their costs into three basic categories: (i) general administration and general expenses, (ii) fund raising, and (iii) other direct functions (including projects performed under grants and contracts). Joint costs, such as depreciation, rental costs, operation and maintenance of facilities, telephone expenses, and the like are prorated individually as direct costs to each category and to each grant, contract, or other activity using a base most appropriate to the particular cost being prorated.

(b) This method is acceptable provided each joint cost is prorated using a base which accurately measures the benefits provided to each grant/contract or other activity. The bases must be established in accordance with reasonable criteria, and supported by current data. This method should be used by organizations that use the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations.

(c) Under this method, indirect costs consist exclusively of general administration and general expenses. In all other respects, the organization's indirect cost rates shall be computed in the same manner as that described in paragraph E2.

5. *Special indirect cost rates.*—In some instances, a single indirect cost rate for all activities of an organization or for each major function of the organization may not be appropriate, since it would not take into account those different factors which may substantially affect the indirect costs applicable to a particular segment of work. For this purpose, a particular segment of work may be that performed under a single grant or contract or it may consist of work under a group of grants or contracts performed in a common environment. The factors may include the physical location of the work, the level of administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. When a particular segment of work is performed in an environment which appears to generate a significantly different level of indirect costs, provisions should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the course of the regular allocation process, and the separate indirect cost rate resulting therefrom should be used provided it is determined that (1) the rate differs significantly from that which would have been obtained under E2, 3, and 4, and (2) the volume of work to which the rate would apply is material.

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ATTACHMENT B STANDARDS FOR SELECTED ITEMS OF COST

A. *Purpose and Applicability.*—Sections 1 through 51 provide standards to be applied in establishing the allowability of certain items of cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of a discrepancy between the provisions of a specific grant/contract and the applicable standards provided, the provisions of the grant/contract shall govern.

1. *Advertising costs.*—(a) Advertising costs mean the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like.

(b) The only advertising costs allowable are those which are solely for (1) the recruitment of personnel when considered in conjunction with all other recruitment costs, as set forth in para. 41; (2) the procurement of goods and services for the performance of the grant/contract; or (3) the disposal of scrap or surplus materials acquired in the performance of the grant/contract.

(c) Advertising costs other than those specified above are not allowable.

2. *Bad debts.*—Bad debts, including losses (whether actual or estimated) arising from uncollectible accounts and other claims, related collections costs, and related legal costs, are unallowable.

3. *Bid and proposal costs.*—(Reserved.)

4. *Bonding costs.*—(a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the grantee/contractor. They arise also in instances where the grantee/contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the grant/contract are allowable.

(c) Costs of bonding required by the grantee/contractor in the general conduct of its operations are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

5. *Compensation for personal services.*—(a) *Definition.*—Compensation for personal services includes all remuneration paid currently or accrued by the organization for services of employees rendered during the period of grant/contract performance (except as otherwise provided in paragraph (h) below). It includes, but is not limited to, salaries, wages, directors' and executive committee members' fees, incentive awards, fringe benefits, pension plan costs, allowances for off-site pay, incentive pay, location allowances, hardship pay, and cost of living differentials.

(b) *Allowability.*—Except as otherwise specifically provided in this paragraph the costs of such remuneration are allowable to the extent that:

(1) Total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the organization consistently applied to both Government and non-Government activities; and provided that

(2) The charges for work performed directly under Government grants/contracts and for other work allocable as indirect costs under such grants/contracts are determined and supported as hereinafter provided in this paragraph.

(c) *Reasonableness.*—(1) When the organization is predominantly engaged in activities other than those sponsored by the Government, compensation for employees on Government sponsored work will be considered reasonable to the extent that it is consistent with that paid for similar work in the organization's other activities.

(2) When the organization is predominantly engaged in Government activities, and in cases where the kind of employees required for the Government activities are not found in the organization's other activities, compensation for employees on Government work will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor markets in which the organization competes for the kind of employees involved.

(d) *Review and approval of compensation of individual employees.*—In determining the reasonableness of compensation, the compensation of each individual employee normally need not be subject to review and approval. Reviews and approvals of individuals need be made only in those cases in which a general review reveals amounts or types of compensation which appear unreasonable or otherwise out of line.

(e) *Special considerations in determining allowability.*—Certain conditions require special consideration and possible limitation as to allowability for grant and contract cost purposes where amounts appear excessive. Among such conditions are the following:

(1) Compensation to members, trustees, directors, associates, officers, or members of the immediate families thereof. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of earnings in excess of costs.

(2) Any change in an organization's compensation policy resulting in a substantial increase in the organization's level of compensation, particularly when it was concurrent with an increase in the ratio of Government awards to other activities of the organization or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(3) The organization's activities are such that its compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(f) *Unallowable costs.*—Costs which are unallowable under other paragraphs of this Attachment shall not be allowable under this paragraph solely on the basis that they constitute personal compensation.

(g) *Fringe benefits.*—(1) Fringe benefits in the form or regular compensation paid to employees during periods of authorized absences from the job, such as annual leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each.

(2) Fringe benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, pension plan costs see paragraph (h) below), and the like, are allowable provided such benefits are granted in accordance with established organization policies, and provided such contributions and other expenses, whether treated as indirect costs or as an increment of direct labor costs, are distributed to particular grants or contracts and other activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable to such grants or contracts and other activities.

(h) *Pension plan costs.*—(1) Costs of the organization's pension plan which are incurred in accordance with the established policies of the organization are allowable, provided:

(i) Such policies meet the test of reasonableness;

(ii) The methods of cost allocation are not discriminatory;

(iii) The amount assigned to each fiscal period is determined in accordance with generally accepted accounting principles as prescribed in Accounting Principles Board Opinion No. 8 issued by the American Institute of Certified Public Accounts; and

(iv) The costs assigned to a given fiscal period are funded within six months after the end of that period.

(2) Pension plan termination insurance premiums paid pursuant to the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) are allowable. Late payment charges on such premiums are unallowable.

(3) Excise taxes on accumulated funding deficiencies and prohibited transactions of pension plan fiduciaries imposed under the Employee Retirement Income Security Act are unallowable.

(i) *Incentive compensation.*—Incentive compensation to employees based on cost reduction, or efficient performance, suggestion awards, safety awards, etc., are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the organization and the employees before the services were rendered, or pursuant to an established plan followed by the organization so consistently as to imply, in effect, an agreement to make such payment.

(j) *Severance pay.*—See para. 45.

(k) *Training and education expenses.*—See para. 49.

(l) *Support of salaries and wages.*—(1) Charges to grants and contracts for salaries and wages, whether treated as direct costs or allocated as indirect costs, will be based on documented payrolls approved by a responsible official(s) of the organization. The distribution of salaries and wages to grants and contracts must be supported by time or effort distribution reports as prescribed in subparagraph (2) below.

(2) Reports reflecting the distribution of the time or effort of each employee must be maintained for all staff members (professionals and nonprofessionals) whose compensation is charged, in whole or in part, directly to grants or contracts. In addition, in order to support the allocation of indirect costs, such reports must also be maintained for other employees whose effort is expended on two or more functions or activities if a distribution of their compensation between such functions or activities is needed in the determination of the organization's indirect cost rate(s) (e.g., an employee engaged part-time in indirect cost activities and part-time in a direct function). Reports maintained by nonprofit organizations to satisfy these requirements must meet the following standards:

(i) The reports must reflect an after-the-fact determination of the actual time or effort expended by each employee. Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to grants or contracts.

(ii) Each report must account for the total effort for which the employee is compensated and which is required in fulfillment of his obligations to the organization.

(iii) The reports must include a certification signed by the individual employee, or by a responsible supervisory official having first-hand knowledge of the activities performed by the employee, that the distribution of time or effort represents a reasonable estimate of the

actual work performed by the employee during the periods covered by the reports.

(iv) The reports must be prepared at least monthly and must coincide with one or more pay periods.

(3) Charges for the salaries and wages of nonprofessional employees, in addition to the supporting documentation described in subparagraphs (1) and (2) above, must also be supported by records indicating the total number of hours worked each day maintained in conformance with Department of Labor regulations implementing the Fair Labor Standards Act (29 CFR Part 516). For this purpose, the term "nonprofessional employee" shall have the same meaning as "nonexempt employee," under the Fair Labor Standards Act.

(4) Salaries and wages used in meeting cost sharing or matching requirements on grants and contracts must be supported in the same manner as salaries and wages claimed for reimbursement from sponsoring agencies.

6. *Contingencies.*—Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

7. *Contributions.* — Contributions and donations by the organization to others are unallowable.

8. *Depreciation and use allowances.*—(a) Compensation for the use of buildings, other capital improvements, and equipment on hand may be made through use allowances or depreciation. However, except as provided in paragraph (g) below a combination of the two methods may not be used in connection with a single class of fixed assets (e.g., buildings, office equipment, computer equipment, etc.).

(b) The computation of use allowances or depreciation shall be based on the acquisition cost of the assets involved. The acquisition cost of an asset donated to the organization by a third party shall be its fair market value at the time of the donation.

(c) The computation of use allowances or depreciation will exclude:

(1) The cost of land;

(2) Any portion of the cost of buildings and equipment borne by or donated by the Federal Government irrespective of where title was originally vested or where it presently resides; and

(3) Any portion of the cost of buildings and equipment contributed by or for the organization in satisfaction of any Federal cost sharing or matching requirement subsequent to the effective date of this Circular.

(d) Where the use allowance method is followed, the use allowance for buildings and improvements (including land improvements such as paved parking areas, fences, and sidewalks) will be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost.

(e) Where the depreciation method is followed, the period of useful service (useful life) established in each case for usable capital assets must take into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular program area, and the renewal and replacement policies followed for the individual items or classes of assets involved. The method of depreciation used to assign the cost of an asset (or group of assets) to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portions of its useful life than in the later portions, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the cognizant Federal agency. When the depreciation method is introduced for application to assets previously subject to a use allowance, the combination of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets. Gains and losses on the disposition of depreciable property shall be included as credits or charges to appropriate cost groupings in accordance with paragraph 17(b).

(f) When the depreciation method is used for buildings, a building's shell may be segregated from each building component (e.g., plumbing system, heating and air conditioning system, etc.) and each item depreciated over its estimated useful life; or the entire building (i.e., the shell and all components) may be treated as a single asset and depreciated over a single useful life. When the use allowance method is used for buildings, the entire building must be treated as a single asset; the building's components cannot be segregated from the building's shell. The two percent building use allowance limitation must be applied to all parts of the building. The two percent limitation, however, need not be applied to equipment which is merely attached or fastened to the building but not permanently fixed to it and which is used as furnishings or decorations or for specialized purposes (e.g., dentist chairs and dental treatment units, counters, laboratory benches bolted to the floor, dishwashers, carpeting, etc.). Such equipment will be considered as not being permanently fixed to the building if it can be removed without the need for costly or extensive alterations or repairs to the building to make the space usablee for other purposes. Equipment that meets these criteria will be subject to the six and two-thirds percent equipment use allowance limitation.

(g) When the depreciation method is used for a particular class of assets, no depreciation may be allowed on any such assets that, under paragraph (e) above, would be viewed as fully depreciated. However, a reasonable use allowance may be negotiated for such assets if warranted after taking into consideration the amount of depreciation previously charged to the Government, the estimated useful life remaining at time of negotiation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the asset for the purpose contemplated.

(h) Charges for use allowances or depreciation must be supported by adequate property records and periodic inventories must be taken (a statistical sampling basis is acceptable) to ensure that the records are accurate. When the depreciation method is followed, adequate depreciation records indicating the amount of depreciation taken each period must also be maintained.

9. *Donated capital assets.*—See paragraph 8.

10. *Donated services received.*—(a) Donated or volunteer services may be furnished to an organization by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of these services is not reimbursable either as a direct or indirect cost.

(b) The value of donated services utilized in the performance of a direct cost activity shall be considered in the determination of the organization's indirect cost rate(s) and, accordingly, shall be allocated a proportionate share of applicable indirect costs when the following circumstances exist:

(1) There is a basis for determining the fair market value of the services rendered;

(2) The aggregate value of the services is material; and

(3) The services are supported by the indirect costs incurred by the organization.

(c) The value of donated services may be used to meet cost sharing or matching requirements under the conditions described in Attachment E, Office of Management and Budget Circular No. A-110 (41 FR 32017, July 30, 1976). Where donated services are treated as indirect costs, indirect cost rates will segregate the value of the donations so that reimbursement will not be made.

(d) Fair market value of donated services shall be computed as follows:

(1) *Rates for volunteer services.*—Rates for volunteers shall be consistent with those regular rates paid for similar work in other activities of the organization. In cases where the kinds of skills involved are not found in the other activities of the organization, the rates used shall be consistent with those paid for similar work in the labor market in which the organization competes for such skills.

(2) *Services donated by other organizations.*—When an employer donates the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and indirect costs) provided the services are in the same skill for which the employee is normally paid. If the services are not in the same skill for

which the employee is normally paid, fair market value shall be computed in accordance with subparagraph (1) above.

11. *Donated goods and space.*—(a) Donated goods; i.e., expendable personal property/supplies, and donated use of space may be furnished to an organization. The value of the goods and space is not reimbursable either as a direct or indirect cost.

(b) The value of the donations may be used to meet cost sharing or matching share requirements under the conditions described in Attachment E, Office of Management and Budget Circular No. A-110 (41 F.R. 32017, July 30, 1976). The value of the donations shall be determined in accordance with Attachment E. Where donations are treated as indirect costs, indirect cost rates will segregate the value of the donations so that reimbursement will not be made.

12. *Employee morale, health, and welfare costs credits.*—The costs of house publications, health or first-aid clinics, and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the organization's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Such costs will be equitably apportioned to all activities of the organization. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

13. *Entertaining costs.* — Costs of amusement, diversion, social activities, ceremonials, and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable (but see paragraphs 12 and 27).

14. *Equipment and other capital expenditures.*—(a) For purposes of paragraph (b) of this paragraph, the following terms have the meanings set forth below:

(1) "Equipment" means an article of nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. An organization may use its own definition provided that it at least includes all nonexpendable tangible personal property at defined herein.

(2) "Acquisition cost" means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective intransit insurance, freight, and installation shall be include din or excluded from acquisition cost in accordance with the organization's regular accounting practices.

(3) "Special purpose equipment" means equipment which is usable only for research, medical, scientific, or technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers.

(4) "General purpose equipment" means equipment which is usable for other than research, medical, scientific, or technical activities, whether or not special modifications are needed to make the msuitable for a particular purpose. Examples of general purpose equipment include office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

(b) (1) Capital expenditures for general purpose equipment are unallowable except where such expenditures are specifically approved by the awarding agency as a direct cost.

(2) Capital expenditures for special purpose equipment are allowable as direct costs provided that the acquisition of items with a unit cost of $1,000 or more is approved by the awarding agency.

(c) Capital expenditures for land or buildings are unallowable except where such costs are specifically approved by the awarding agency as a direct cost.

(d) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable except where such costs are specifically approved by the awarding agency as a direct cost.

(e) Equipment and other capital expenditures are unallowable as indirect costs. However, see paragraph 8 for allowability of use allowances or depreciation on buildings, capital improvements, and equipment. Also, see paragraph 43 for allowability of rental costs for land, buildings, and equipment.

15. *Fines and penalties.*—Costs of fines and penalties resulting from violations of, or failure of the organization to comply with Federal, State, and local laws and regulations are unallowable except when incurred as result of compliance with specific provisions of the grant or contract or instructions in writing from the sponsoring agency.

16. *Fringe benefits.*—See paragraph 5(g).

17. *Gains and losses on disposition of depreciable property or other capital assets.*—(a) Except with respect to gains and losses from the sale, retirement, or other disposition of depreciable property which is covered in paragraph (b) of this paragraph, gains or losses of any nature arising from the sale or exchange of facilities, equipment, or other capital assets, including sale or exchange of either short or long-term investments, shall be excluded in computing contract or grant costs.

(b) (1) Gains and losses on the sale, retirement, or other disposition of depreciable property shall be included in the year in which they occur as credits or charges to the cost grouping(s) in which the depreciation applicable to such property was included. The amount of the gain or loss to be included as a credit or charge to the appropriate cost grouping(s) shall be the difference between the amount realized on the property and the undepreciated basis of the property resulting from the depreciation method used in determining depreciation charges to Federal grants and contracts. However, in the case of gains, the amount of the credit shall be limited to the total depreciation included in the cost grouping(s) during the years in which Federal grants and contracts participated in such charges.

(2) Gains and losses on the disposition of depreciable property shall not be recognized as a separate credit or charge under the following conditions:

(i) The gain or loss is processed through a depreciation reserve account and is reflected in the depreciation allowable under paragraph 8.

(ii) The property is given in exchange as part of the purchase price of a similar item and the gain or loss is taken into account in determining the depreciation cost basis of the new item.

(iii) A loss results from the failure to maintain permissible insurance, except as otherwise provided in paragraph 20 (a) (3).

(iv) Compensation for the use of the property was provided through use allowances in lieu of depreciation in accordance with paragraph 8.

(3) Gains and losses arising from mass or extraordinary sales, retirements, or other dispositions shall be considered on a case-by-case basis.

18. *Idle facilities and idle capacity.*—(a) As used in this paragraph the words and phrases defined in this paragraph (a) shall have the meanings set forth below:

(1) Facilities means land and buildings or any portion thereof, equipment individually or collectively, or any other tangible capital asset, wherever located, and whether owned or leased by the organization.

(2) Idle facilities means completely unused facilities that are excess to the organization's current needs.

(3) Idle capacity means the unused capacity of partially used facilities. It is the difference between that which a facility could achieve under 100 percent operating time on a one-shift basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays, and the extent to which the facility was actually used to meet demands during the accounting period. A multiple-shift basis may be used if it can be shown that this amount of usage could normally be expected for the type of facility involved.

(4) Costs of idle facilities or idle capacity are costs such as maintenance, repair, housing, rent, and other related costs; e.g., property taxes, insurance, and depreciation or use allowances.

(b) The costs of idle facilities are unallowable except to the extent that:

(1) They are necessary to meet fluctuations in workload; or

(2) Although not necessary to meet fluctuations in workload, they were necessary when acquired and are now

idle because of changes in program requirements, grantee/contractor efforts to achieve more economical operations, reorganization, termination, or other causes which could not have been reasonably foreseen. Under the exception stated in this subparagraph costs of idle facilities are allowable for a reasonable period of time, ordinarily not to exceed one year, depending upon the initiative taken to use, lease, or dispose of such facilities (but see para. 48 (b) and (e).

(c) The costs of idle capacity are normal costs of doing business and are a factor in the normal fluctuations of usage or indirect cost rates from period to period. Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics, or security practices. Widespread idle capacity throughout an entire facility or among a group of assets having substantially the same function may be idle facilities.

19. *Independent research and development.*— [Reserved.]

20. *Insurance and indemnification.*— (a) Insurance includes insurance which the organization is required to carry, or which is approved, under the terms of the grant or contract and any other insurance which the organization maintains in connection with the general conduct of its operations.

(1) Costs of insurance required or approved, and maintained, pursuant to the grant or contract are allowable.

(2) Costs of other insurance maintained by the organization in connection with the general conduct of its operations are allowable subject to the following limitations.

(i) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances.

(ii) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of management fees.

(iii) Costs of insurance or of any provisions for a reserve covering the risk of loss of or damage to Government property are allowable only to the extent that the organization is liable for such loss or damage.

(iv) Provisions for a reserve under an approved self-insurance program are allowable to the extent that types of coverage, extent of coverage, and rates and premiums would have been allowed had insurance been purchased to cover the risks, except that provisions for known or reasonably estimated self-insured liabilities, such as liabilities for workmen's compensation, which do not become payable for more than one year after such provision is made, shall not exceed the present value of the liability, determined by using a rate of six percent compounded annually.

(v) Costs of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibilities are allowable only to the extent that the insurance represents additional compensation (see Paragraph 5). The cost of such insurance when the organization is identified as the beneficiary is unallowable.

(3) Actual losses which could have been covered by permissible insurance (through the purchase of insurance or a self-insurance program) are unallowable unless expressly provided for in the grant or contract, except:

(i) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice, are allowable;

(ii) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of supplies, which occur in the ordinary course of operations, are allowable; and

(iii) Where an organization follows a consistent policy of expensing actual payments to employees for workmen's compensation or unemployment compensation, such costs will be allowable in the year of payment, provided that these costs are allocated to all activities of the organization.

(b) Indemnification includes securing the organization against liabilities to third persons and any other loss or damage, not compensated by insurance or otherwise. The Government is obligated to indemnify the organization only to the extent expressly provided in (a) (3) above.

21. *Interest, fund raising, and investment management costs.*—(a) Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

(b) Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are unallowable.

(c) Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

(d) Fund raising and investment activities shall be allocated an appropriate share of indirect costs under the conditions described in para. C of Attachment A.

22. *Labor relations costs.*—Costs incurred in maintaining satisfactory relations between the organization and its employees, including costs of labor management committees employee publications, and other related activities, are allowable.

23. *Losses on other grants or contracts.*—Any excess of costs over income on any grant or contract is unallowable as a cost of any other grant or contract. This includes, but is not limited to, the organization's contributed portion by reason of cost sharing agreements or any underrecoveries through negotiation of lump sums for, or ceilings on, indirect costs.

24. *Maintenance and repair costs.*— Costs incurred for necessary maintenance, repair, or upkeep of buildings and equipment (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements which add to the permanent value of the buildings and equipment or appreciably prolong their intended life shall be treated as capital expenditures (see para. 14).

25. *Materials and supplies.*—The costs of materials and supplies necessary to carry out the contract or grant are allowable. Such costs should be charged at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the organization. Withdrawals from general stores or stockrooms should be charged at cost under any recognized method of pricing consistently applied. Icoming transportation charges may be a proper part of material cost. Materials and supplies charged as a direct cost should include only the materials and supplies actually used for the performance of the contract or grant, and due credit should be given for any excess materials or supplies retained, or returned to vendors.

26. *Meetings, conferences, and conventions.*—(a) Costs associated with the conduct of meetings, conferences, and conventions include the cost of renting facilities, meals, speaker's fees, and the like. But see para. 13, Entertainment Costs and para. 31, Participant support costs.

(b) To the extent that these costs are identifiable with a particular cost objective they should be charged to the objective to which they relate. See para. C of Attachment A. These costs are unallowable as a direct cost of grants and contracts unless approved by the awarding agency.

(c) Costs of meetings and conferences held to conduct the general administration of the organization are allowable.

27. *Memberships, subscriptions, and professional activity costs.*—(a) Costs of the organization's membership in civic, business, technical, and professional organizations are allowable.

(b) Costs of the organization's subscriptions to civic business, professional, and technical periodicals are allowable.

(c) Costs of employee attendance at meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, and other items incidental to such attendance.

28. *Organization costs.*—Expenditures, such as incorporation fees, broker's fees, fees to promoters, organizers or management consultants, for attorneys, accountants, or investment counselors, whether or not employees of the organization, in connection with (a) establishment or reorganization of an organization or (b) raising capital, are unallowable unless specified otherwise in the grant or contract.

29. *Overtime, extra-pay shift, and multishift premiums.* — Premiums for

overtime, extra-pay shifts, and multi-shift work are allowable only to the extent approved by the awarding agency except:

(a) When necessary to cope with emergencies, such as those resulting from accidents, natural disasters, breakdowns of equipment, or occasional operational bottlenecks of a sporadic nature;

(b) When employees are performing indirect functions such as administration, maintenance, or accounting;

(c) In the performance of tests, laboratory procedures, or other similar operations which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(d) When lower overall cost to the Government will result.

30. *Page charges in scientific journals.*—Page charges for scientific journal publication are allowable as a necessary part of research costs, where:

(a) The research papers report work supported by the Government;

(b) The charges are levied impartially on all research papers published by the journal, whether by non-Government or by Government authors; and

(c) The journals involved are not operated for profit.

31. *Participant support costs.*—Participant support costs are direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with meetings, conferences, symposia, or training projects. These costs are allowable when approved by the awarding agency.

32. *Patents and copyright costs.*—(a) Costs of (1) preparing disclosures, reports, and other documents required by the grant or contract and of searching the art to the extent necessary to make such disclosures, (2) preparing documents and any other patent costs in connection with the filing and prosecution of a United States patent application where title or royalty-free license is required by Government grant or contract to be conveyed to the Government, and (3) general counseling services relating to patent and copyright matters, such as advice on patent and copyright laws, regulations, clauses, and employee agreements; are allowable (but see para. 35).

(b) Costs of preparing disclosures, reports, and other documents and of searching the art to the extent necessary to make disclosures, if not required by the grant or contract, are unallowable. Costs in connection with (1) filing and prosecuting any foreign patent application, or (2) any United States patent application with respect to which the grant or contract does not require conveying title or a royalty-free license to the Government, are unallowable (also see para. 44).

33. *Pension plans.*—See para. 5(h).

34. *Preaward costs.*—Preaward costs are those incurred prior to the effective date of the grant or contract directly pursuant to the negotiation and in anticipation of the award of the grant or contract where such incurrence is necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the awarding agency.

5. *Professional and consultant service costs—legal, accounting, scientific, and other.*—(a) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the organization, are allowable, subject to (b), (c), and (d) of this para. when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government.

(b) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors among others may be relevant:

(1) The nature and scope of the service rendered in relation to the service required;

(2) The necessity of contracting for the service, considering the organization's capability in the particular area;

(3) The past pattern of such costs, particularly in the years prior to the award of Government contracts, and grants,

(4) The impact of Government contracts and grants on the organizations business (i.e., what new problems have arisen);

(5) Whether the proportion of Government work to the organizations total business is such as to influence the organization in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government contracts and grants;

(6) Whether the service can be performed more economically by employment rather than contracting;

(7) The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-Government contracts and grants; and

(8) Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required rate of compensation, and termination provisions).

(c) In addition to the factors in paragraph (b) of this paragraph retainer fees to be allowable must be supported by evidence of bona fide services available or rendered.

(d) Cost of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the contract or grant.

36. *Protection and security costs.*—Necessary expenses incurred to comply with Government security requirements or for facilities protection, including wages, uniforms, and equipment of personnel, are allowable.

37. *Public information services costs.*—(a) Public information services costs include the cost associated with pamphlets, news releases, and other forms of information services. Such costs are normally incurred to:

(1) Inform or instruct individuals, groups, or the general public;

(2) Interest individuals or groups in participating in a service program of the organization;

(3) Provide stewardship reports to State and local government agencies, benefactor foundations, and associations, etc.; and

(4) Disseminate the results of sponsored and nonsponsored activities.

(b) If the costs incurred for any of these purposes are identifiable with a particular cost objective, they shall be charged to the objective to which they relate.

(c) Costs that are not identifiable with a particular cost objective shall be allocated as indirect costs to all benefiting activities of the organization.

(d) Public information services costs are unallowable as a direct cost of grants and contracts unless approved by the awarding agency.

38. *Publication and printing costs.*—(a) Publication costs include the costs of printing (including the processes of composition, plate-making, press work, binding, and the end products produced by such processes), distribution, promotion, mailing, and general handling.

(b) If these costs are not identifiable with a particular cost objective they should be allocated as indirect costs to all major activities of the organization.

(c) Publication and printing costs are unallowable as a direct cost of grants and contracts unless the publication and printing is required by the grant or contract or is approved by the awarding agency.

(d) The costs of page charges in scientific journals is addressed in para. 30.

39. *Rearrangement and alteration costs.*—Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency concerned.

40. *Reconversion costs.*—Costs incurred in the restoration or rehabilitation of the organization's facilities to approximately the same condition existing immediately prior to commencement of Government contract or grant work, fair wear and tear excepted, are allowable.

41. *Recruitment costs.*—Provided that the size of the staff recruited and

maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an educational testing program, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees (but see paragraph 42(c)) are allowable. Where the organization uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

42. *Relocation costs.*—(a) Relocation costs are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of not less than 12 months) of an existing employee or upon recruitment of a new employee.

Relocation costs are allowable subject to the limitations described in paragraphs (b), (c), and (d) below provided that:

(1) The move is for the benefit of the employer;

(2) Reimbursement to the employee is in accordance with an established policy or practice consistently followed by the employer; and

(3) The reimbursement does not exceed the employee's actual (or reasonably estimated) expenses.

(b) Allowable relocation costs for existing employees are limited to the following costs:

(1) The costs of transportation of the employee, members of his immediate family, and his household and personal effects to the new location.

(2) The costs of finding a new home, such as advance trips by employees and spouses to locate living quarters and temporary lodging during the transition period, up to a maximum period of 30 days, including advance trip time.

(3) Closing costs, such as brokerage, legal, and appraisal fees, incident to the disposition of the employee's former home. These costs together with those described in (4) of this paragraph (b) are limited to 8 percent of the sales price of the employee's former home.

(4) The continuing costs of ownership of the vacant former home after the settlement or lease date of the employee's new permanent home, such as maintenance of buildings and grounds (exclusive of fixing up expenses), utilities, taxes, and property insurance.

(5) Other necessary and reasonable expenses normally incident to relocation, such as the costs of cancelling and unexpired lease, disconnecting and reinstalling household appliances, and purchasing insurance against damages to personal property. The cost of cancelling an unexpired lease is limited to three times the monthly rental.

(c) Allowable relocation costs for new employees are limited to those described in (1) and (2) of paragraph (b) above. When relocation costs incurred incident to the recruitment of new employees have been allowed either as a direct or indirect cost and the employee resigns for reasons within his control within 12 months after hire, the organization shall refund or credit such relocation costs to the Government. However, the costs of travel to an overseas location shall be considered travel costs in accordance with paragraph 51 and not relocation costs for the purpose of this paragraph if dependents are not permitted at the location for any reason and the costs do not include costs of transporting household goods.

(d) The following costs related to relocation are unallowable:

(1) Fees and other costs associated with acquiring a new home;

(2) A loss on the sale of a former home;

(3) Continuing mortage principal and interest payments on a home being sold; and

(4) Income taxes paid by an employee related to reimbursed relocation costs.

43. *Rental costs.*—(a) Subject to the limitations described in paragraphs (b) through (d) of this paragraph, rental costs are allowable to the extent that the rates are reasonable in light of such factors as rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.

(b) Rental costs under sale and leaseback arrangements are allowable only up to the amount that would be allowed had the organization retained legal title to the property.

(c) Rental costs under less-than-arms-length leases are allowable only up to the amount that would be allowed had title to the property vested in the organization. For this purpose, a less-than-arms-length lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include those between (1) divisions of an organization, (2) organizations under common control through common officers, directors, or members, and (3) an organization and a director, trustee, officer, or key employee of the organization or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

(d) Rental costs under leases which create a material equity in the leased property are allowable only up to the amount that would be allowed had the organization purchased the property on the date the lease agreement was executed. For this purpose, a material equity in the property exists if the lease is noncancelable or is cancelable only upon the occurrence of some remote contingency and has one or more of the following characteristics:

(1) The organization has the right, during or at the expiration of the lease, to purchase the property at a price which at the inception of the lease appears to be substantially less than the probable fair market value at the time it is permitted to purchase the property (commonly called a lease with a bargain purchase option);

(2) Title to the property passes to the organization at some time during or after the lease period;

(3) The term of the lease corresponds substantially to the estimated useful life of the property; i.e., the period of economic usefulness to the legal owner of the property;

(4) The initial term is less than the useful life of the property and the organization has the option to renew the lease for the remaining useful life at substantially less than fair rental value; or

(5) The property was acquired by the lessor to meet the special needs of the organization and will probably be usable only for that purpose and only by the organization.

44. *Royalties and other costs for use of patents and copyrights.*—(a) Royalties on a patent or copyright or amortization of the cost of acquiring by purchase a copyright, patent, or rights thereto, necessary for the proper performance of the grant or contract are allowable unless:

(1) The Government has a license or the right to free use of the patent or copyright;

(2) The patent or copyright has been adjudicated to be invalid, or has been administratively determined to be invalid;

(3) The patent or copyright is considered to be unenforceable; or

(4) The patent or copyright is expired.

(b) Special care should be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's length bargaining; e.g.:

(1) Royalties paid to persons, including corporations, affiliated with the organization;

(2) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government grant or contract would be awarded; or

(3) Royalties paid under an agreement entered into after the award of a grant or contract.

(c) In any case involving a patent or copyright formerly owned by the organization, the amount of royalty allowed should not exceed the cost which would have been allowed had the organization retained title thereto.

45. *Severance pay.*—(a) Severance pay also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by organizations to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that in each case, it is required by (1) law, (2) employer-employee agreement, (3) established policy that constitutes, in effect, an implied agreement on the organization's part, or (4) circumstances of the particular employment.

(b) Costs of severance payments are divided into two categories as follows:

(1) Actual normal turnover severance payments shall be allocated to all work performed in the organization's facilities; or, where the organization provides for a reserve for normal severances such method will be acceptable if the charge to current operations is reasonable in light of payments actually made for normal serverances over a representative past period, and if amounts charged are allocated to all work performed in the organization's facilities; and

(2) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis in the event of occurrence.

46. *Specialized service facilities.*—(a) The costs of services provided by highly complex or specialized facilities operated by the organization, such as automated data processing facilities, animal resource centers, and wind tunnels, are allowable provided the charges for the services meet the conditions of either paragraph (b) or (c) of this paragraph, and, in addition, take into account any items of income or Federal financing that qualify as applicable credits under para. 5.

(b) The costs of such services when material in amount must be charged directly to applicable grants and contracts based on actual usage of the services on the basis of a schedule of rates or established methodology that (1) does not discriminate between federally and nonfederally supported activities of the organization, including usage by the organization for internal purposes, and (2) is designed to recover only the aggregate costs of the services. The costs of each service shall consist of both its direct costs and its allocable share of all indirect costs. Advance agreements pursuant to paragraph 7 are particularly important in this situation.

(c) Where the costs incurred for a service are not material they may be allocated as indirect costs.

47. *Taxes.*—(a) In general, taxes which the organization is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for (1) taxes from which exemptions are available to the organization directly or which are available to the organization based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates, (2) special assessments on land which represent capital improvements, and (3) Federal income taxes.

(b) Any refund of taxes, interest, or penalties, and any payment to the organization of interest thereon, attributable to taxes, interest, or penalties which were allowed as grant or contract costs, will be credited or paid to the Government in the manner directed by the Government. However, any interest actually paid or accredited to an organization incident to a refund of tax, interest, and penalty will be paid or credited to the Government only to the extent that such interst accrued over the period during which the organization had been reimbursed by the Government for the taxes, interest, and penalties.

48. *Termination costs.*—Grant and contract terminations generally give rise to the incurrence of costs, of the need for special treatment of costs, which would not have arisen had the grant or contract not been terminated. Cost principles covering these items are set forth below. They are to be used in conjunction with the other provisions of this subpart in termination situations.

(a) Common items. The cost of items reasonably usable on the organization's other work shall not be allowable unless the organization submits evidence that it would not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the organization, the awarding agency should consider the organization's plans and orders for current and scheduled activity. Contemporaneous purchases of common items by the organization shall be regarded as evidence that such items are reasonably usable on the organization's other work. Any acceptance of common items as allocable to the terminated portion of the grant/contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(b) Costs continuing after termination. If in a particular case, despite all reasonable efforts by the organization certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this subpart, except that any such costs continuing after termination due to the negligent or willful failure of the organization to discontinue such costs shall be considered unallowable.

(c) Loss of useful value. Loss of useful value of special tooling and special machinery and equipment is generally allowable if:

(1) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the organization;

(2) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the awarding agency; and

(3) The loss of useful value as to any one terminated grant or contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the grant/contract bears to the entire terminated grant/contract and other Government grants/contracts for which the special tooling and special machinery and equipment was acquired.

(d) Rental costs. Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated grant/contract less the residual value of such leases, if (i) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the grant/contract and such further period as may be reasonable and (ii) the organization makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the grant/contract, and of reasonable restoration required by the provisions of the lease.

(e) Settlement expenses. Settlement expenses including the following are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for:

(i) The preparation and presentation to awarding agency of settlement claims and supporting data with respect to the terminated portion of the grant or contract, unless the termination is for default of the organization (see § 1-8.604 (b) (1) or paragraph 4a of Attachment L, OMB Circular No. A-110 (41 F.R 32030, July 30, 1976); and

(ii) The termination and settlement of subcontracts and subgrants;

(2) Reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced for the grant or contract; and

(3) Indirect costs related to salaries and wages incurred as settlement expenses in subparagraphs (1) and (2) of this paragraph; normally, such indirect costs shall be limited to fringe benefits, occupancy cost, and immediate supervision.

(f) Subcontractor and subgrantee claims. Subcontractor/subgrantee claims, including the allocable portion of claims which are common to the grant or contract and to other work of the organization are generally allowable. An appropriate share of the organization's indirect expense may be allocated to the amount of settlements with subcontractors/subgrantees; provided, that the amount allocated is otherwise consistent with the basic guidelines contained in Attachment A. The indirect expense so allocated shall exclude the same and similar costs claimed directly or indirectly as settlement expenses.

4. *Training and educational costs.*—(a) Costs of preparation and maintenance of a program of instruction at noncollege level, including but not limited to on-the-job, classroom, and apprenticeship training, designed to increase the vocational effectiveness of employees, including training materials, textbooks, salaries or wages of trainees (excluding overtime compensation which might arise therefrom), and (1) salaries of the director of training and staff when the training program is conducted by the organization; or (2) tuition and fees

when the training is in an institution not operated by the organization; are allowable.

(b) Costs of part-time education, at an undergraduate or postgraduate college level, including that provided at the organization's own facilities, are allowable only when the course or degree pursued is relative to the field in which the employee is now working or may reasonably be expected to work, and are limited to:

(1) Training materials;

(2) Textbooks;

(3) Fees charged by the educational institution;

(4) Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect costs of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution;

(5) Salaries and related costs of instructors who are employees of the organization; and

(6) Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year and only to the extent that circumstances do not permit the operation of classes or attendance at classes after regular working hours; otherwise such compensation is unallowable.

(c) Costs of tuition, fees, training materials, and textbooks (but not subsistence, salary, or any other emoluments) in connection with full-time education, including that provided at the organization's own facilities, at a postgraduate (but not undergraduate) college level, are allowable only when the course or degree pursued is related to the field in which the employee is now working or may reasonably be expected to work, and are limited to a total period not to exceed one school year for each employee so trained. In unusual cases the period may be extended (see paragraph 7).

(d) Costs of attendance of up to 16 weeks per employee per year at specialized programs specifically designed to enhance the effectiveness of executives or managers or to prepare employees for such positions are allowable. Such costs include enrollment fees, training materials, textbooks and related charges, employee's salaries, subsistence, and travel. Costs allowable under this paragraph do not include those for courses that are part of a degree-oriented curriculum, which are allowable only to the extent set forth in paragraphs (b) and (c) of this paragraph.

(e) Maintenance expense, and normal depreciation or fair rental, on facilities owned or leased by the organization for training purposes are allowable to the extent set forth in paragraphs 24, 8, and 43, respectively.

(f) Grants to educational or training institutions, including the donation of facilities or other properties, scholarships, or fellowships, are considered contributions and are unallowable.

(g) Training and education costs in excess of those otherwise allowable under paragraphs (b) and (c) of this paragraph may be allowed to the extent set forth in an advance agreement. To be considered for an advance agreement, the organization must demonstrate that such costs are consistently incurred pursuant to an established training and education program, and that the course or degree pursued is relative to the field in which the employee is now working or may reasonably be expected to work.

50. *Transportation costs.* Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be directly costed as transportation costs or added to the cost of such items (see paragraph 25). Where identification with the materials received cannot readily be made, transportation costs may be charged to the appropriate indirect cost accounts if the organization follows a consistent, equitable procedure in this respect.

51 *Travel costs.*—(a) Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel statuts on official business of the organization. Travel costs are allowable subject to paragraphs (b) through (f) of this paragraph, when they are directly attributable to specific work under a grant or contract or are incurred in the normal course of administration of the organization.

(b) Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed by the organization in its regular operations.

(c) The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (1) require circuitious routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

(d) Necessary, reasonable costs of family movements and personnel movements of a special or mass nature are allowable, pursuant to paragraphs 41 and 42 subject to allocation on the basis of work or time period benefited when appropriate. Advance agreements are particularly important.

(e) Foreign travel costs are allowable only when the travel has received specific prior approval. Each separate foreign trip must be specifically approved. For purposes of this provision, foreign travel is defined as "any travel outside of Canada and the United States and its territories and possessions."

(f) When an amount for domestic travel is specified in the grant or contract, expenditures for such travel will not be allowed if they exceed the amount specified by more than 25 percent or $500, whichever is greater, except with approval of the sponsoring agency.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

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register

TUESDAY, APRIL 26, 1977

PART V



FEDERAL ENERGY ADMINISTRATION

federal

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for February 1977

FEDERAL ENERGY ADMINISTRATION

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for February 1977

In accordance with the provisions of 10 CFR 211.67 relating to FEA's domestic crude oil allocation program the monthly notice specified in § 211.67 (l) is hereby published.

Based on reports for February 1977 submitted to FEA by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico, application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4), application of the entitlement adjustment for imports of No. 1 heating oil and No. 2 heating oil into PAD Districts I through IV provided in Special Rule No. 8, and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for February 1977 is calculated to be .267507.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of February 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .271480 of a barrel of deemed old oil.

The issuance of entitlements for the month of February 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(l)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of February 1977 at $8.53 which is the exact differential as reported for the month of February between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of February 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of February 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of February 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through January 1977 pursuant to 10 CFR 211.67(j)(1).

Pursuant to § 211.67(j)(2), the February 1977 installments of the amounts representing corrections for reporting errors for months prior to September 1975 are shown in a separate column in the listing contained in the Appendix. As set forth in the revised special correction notice issued on September 21, 1976, the total dollar amounts of the special corrections have been divided into eight substantially equal installments for reflection in each firm's entitlement position for each of the months July 1976 through February 1977, based on the particular month's entitlement price.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by FEA's Office of Exceptions and Appeals. Also set forth in this column are the adjustments for relief granted by the Office of Exceptions and Appeals for 1975, which adjustments are being reflected in monthly installments commencing with the September 1976 entitlement notice. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see Beacon Oil Company, et al, 4 FEA par. 87,024 (November 5, 1976).

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 18,138,262 barrels for February 1977. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 45,334,336 barrels.

The number of barrels of Nos. 1 and 2 heating oil and kerosene imported into PAD Districts I through IV eligible for entitlement issuances pursuant to Special Rule No. 8 for Subpart C (42 FR 9379, February 16, 1977) was 12,782,385. The entitlement value required to be awarded for each barrel of imported product under Special Rule No. 8 is $2.10, which for February is equal to .246190 of an entitlement. Accordingly, the total number of entitlements issued pursuant to Special Rule No. 8 is 3,146,894.

The total number of entitlements required to be purchased and sold under this notice is 23,511,428.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for February 1977 must be made by April 30, 1977.

On or prior to May 10, 1977, each firm which is required to purchase or sell entitlements for the month of February 1977 shall file with FEA the monthly transaction report specified in 10 CFR 211.66(l) certifying its purchases and sales of entitlements for the month of February. FEA has mailed the monthly transaction report forms for the month of February to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by April 30, 1977 contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to April 30, 1977, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed May 26, 1977.

Issued in Washington, D.C. on April 21, 1977.

ERIC J. FYGI,
Acting General Counsel.

APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL PAGE: 6

PORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	REQUIRED TO SELL
JOHNSON	0	135,526	0	8,217	-5,547	0	135,526
WAY	0	-23	0	0	-23	23	0
LIED	71,993	131,032	0	0	-62	0	59,039
ER-PETROFINA	1,430,692	1,277,134	0	0	56,757	153,558	0
ERADA-HESS	1,982,864	4,364,807	0	567,190	-27,546	0	2,381,943
OCO	10,668,712	7,854,044	0	128,227	-15,535	2,814,668	0
CO	418,211	421,602	0	0	-1,256	0	3,391
EX	0	-8	0	0	-8	8	0
CO	6,066,449	5,467,270	4,431*	56,641	-130,753	599,179	0
IZONA	61,664	54,096	16,577	0	320	7,568	0
MERA	132,318	173,601	0	0	244	0	41,283
HLAND	1,509,808	2,706,002	0	0	-21,649	0	1,196,194
IATIC	0	100,159	0	102,820	-2,661	0	100,159
LANTIC-CEMENT	0	182	0	0	182	0	182
GSBURY	0	-4	0	0	-4	4	0
SIN	1,488	2,394	0	0	0	0	906
YOU	26,677	33,268	0	0	54	0	6,591
ACON	259,115	154,573	6,134	0	-4,795	104,542	0
LCHER	0	138,310	0	138,749	-439	0	138,310
-PETRO	10,965	138,946	0	0	0	0	127,981
UE-RIDGE	0	10,585	0	10,869	-284	0	10,585
H	0	352	0	0	-13	0	352
LUMET	82,158	138,460	0	0	-195	0	56,302
NAL	73,831	64,082	0	0	-1,244	9,749	0
RIBOU	81,830	112,833	0	0	96	0	31,003
STLE	0	39,498	0	39,741	-243	0	39,498
NTRAL	0	35,901	0	36,075	-174	0	35,901
AMPLIN	1,732,199	1,325,734	0	0	11,757	406,465	0
ARTER	800,322	583,974	110,972	0	11,360	216,348	0
RILLO	0	191,978	0	192,926	-948	0	191,978
TGO	3,403,097	2,063,112	0	0	-3,861	1,339,985	0
AIBORNE	44,190	56,298	0	0	16,287	0	12,108
ARK	271,148	856,714	0	0	-2,214	0	585,566
ASTAL	168,001	1,231,096	0	0	24,606	0	1,063,095
LONIAL	0	30,621	0	30,970	-349	0	30,621
N-ED	0	-2,023	0	0	-2,023	2,023	0
N-REF	0	52	0	0	52	0	52
NOCO	3,761,848	2,854,425	0	152,543	7,891	907,423	0
NSUMERS-POWER	0	-413	0	0	-413	413	0
RCO	0	1,436,452	237,029	140,933	-3,571	0	1,436,452
A-FARMLAND	453,415	582,823	0	0	-2,211	0	129,408
OSS	44,341	142,988	0	0	2,716	0	98,647
OWN	352,994	610,196	0	0	-1,964	0	257,202
YSTAL-OIL	167,093	145,703	0	0	-11,378	21,390	0
YSTAL-REF	1,838	45,003	0	0	-497	0	43,165
EPWATER	0	21,252	0	21,337	-85	0	21,252
LTA	301,029	321,392	-26,960***	0	744	0	20,363
MENNO	4,073	80,154	0	0	0	0	76,081
TROIT-ED	0	682	0	0	682	0	682
MOND	575,384	445,627	0	0	3,794	129,757	0
LLMAN	0	2,460	2,460	0	0	0	2,460
RCHESTER	9,390	11,500	0	0	-53	0	2,110
N	71,756	167,653	0	0	125	0	95,897
-SEABOARD	0	116,337	0	117,243	-906	0	116,337
O	140,985	121,020	0	0	0	19,965	0
DY	32,316	133,217	0	0	63	0	100,901
GINGTON-OIL	0	-9,565	-10,056	0	491	9,565	0
GINGTON-OXN	0	-6	0	0	-6	6	0
M	0	-298	0	0	-298	298	0
ERGY-COOP	0	578,074	0	0	0	0	578,074
TERPRISE	0	-36	0	0	-36	36	0
ANGELINE	85,881	108,058	0	0	48	0	22,177
XON	12,871,287	10,709,102	0	997,732	-3,711	2,162,185	0
-SERVE	86,801	138,465	0	0	0	0	51,664
-FLETCHER	0	2	0	0	2	0	2
MARISS	207,221	325,448	0	0	-39	0	118,227
RMERS-UN	203,586	334,105	0	0	-209	0	130,519
ETCHER	8,490	168,875	-9,116	0	12,331	0	160,385

PAGE: 7

PORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
INT	8,501	9,886	0	0	-8	0	1,385
ORIDA-POWER	0	623	0	0	623	0	623
RY	35,411	85,910	0	0	-67	0	50,499
N-PORTLAND	0	-15	0	0	-15	15	0
TTY	1,468,377	1,247,199	0	0	-3,981	221,178	0
ANT	35,518	130,810	0	0	-170	0	95,292
BBS	0	-344	0	0	-344	344	0
BSON	504	1,544	0	0	0	0	1,040
ACIER-PARK	101,276	54,586	0	0	0	46,690	0
ADIEUX	47,929	140,498	0	0	234	0	92,569
ENROCK	11,977	135,035	0	0	0	0	123,058
LDEN-EAGLE	7,898	150,238	0	0	-2,400	0	142,340
LDEN-EAGLE-NY	0	1,999	0	0	1,999	0	1,999
LDKING	89,518	140,709	0	0	0	0	51,191
OD-HOPE	77,335	242,706	-532	0	-408	0	165,371
EAT-NORTHERN	0	-116	0	0	-116	116	0
AM	0	197,782	0	0	-2,066	0	197,782
LF	9,066,507	6,510,759	0	71,743	-11,414	2,555,748	0
LF-STS	49,029	139,046	0	0	67	0	90,017
RI	0	400,424	0	0	1,865	0	400,424
WARD	0	117,756	0	119,101	-1,345	0	117,756
WELL	474,971	312,875	0	0	1,065	162,096	0
DSON-OIL	31,563	222,927	0	0	0	0	191,364
NT	283,391	305,010	0	0	-464	0	21,619
SKY	649,165	649,580	269,437	0	415	0	415
DEPENDENT-REF	147,423	153,692	0	0	0	0	6,269
DIANA-FARM	47,025	198,164	0	0	-430	0	151,139
GER-OIL	1,840	139,767	0	0	0	0	137,927
TL-PAPER	0	70	0	0	70	0	70
VING	0	44,173	0	44,232	-59	0	44,173
W	203,591	202,376	79,041	0	-1,215	1,215	0
H-WHITE	0	-34	0	0	-34	34	0
NCO	22,759	34,023	0	0	0	0	11,264
NTUCKY	2,993	5,185	0	0	-28	0	2,192
RN	428,151	428,151	247,286	0	0	0	0
RR-MCGEE	1,163,798	1,358,237	0	0	25,424	0	194,439
CH	305,439	938,946	0	112,620	-2,009	0	633,507
-WATER	0	6,753	0	0	6,753	0	6,753
GLORIA	415,546	262,707	0	0	-67,831	152,839	0
KESIDE	10,789	58,357	0	0	-223	0	47,568
KETON	154,681	148,795	40,182	0	-5,886	5,886	0
TTLE-AMER	1,363,911	1,131,814	602,696	0	302	232,097	0
UISIANA-LAND	270,548	340,294	0	0	0	0	69,746
CMILLAN	35,202	153,359	0	0	-3,231	0	118,157
RATHON	3,923,836	3,729,367	0	0	-5,222	194,469	0
RION	198,878	198,116	0	0	-734	762	0
D-AMER	17,083	103,266	0	0	-299	0	86,183
D-TEX	12,211	111,489	0	0	163	0	99,278
DLAND	0	-10,443	-10,335	0	-108	10,443	0
BIL	6,918,203	5,888,960	0	121,685	-184,740	1,029,243	0
HAWK	439,146	434,902	45,223	0	786	4,244	0
NSANTO	396,710	291,852	0	0	-582	104,858	0
RRISON	8,620	135,135	0	0	2	0	126,515
UNTAINEER	6,119	5,571	0	0	5	548	0
RPHY	740,350	783,444	0	0	195	0	43,094
AMER-PETRO	49,782	123,674	0	0	-1,953	0	73,892
RRAGANSETT	0	-108	0	0	-108	108	0
TL-COOP	331,445	460,446	0	0	345	0	129,001
VAJO	336,760	343,786	51,570*	0	-1,684	0	7,026
W-EDGINGTON	550,856	365,279	145,397	0	0	185,577	0
W-ENGL-PETRO	0	575,541	0	578,947	-3,406	0	575,541
W-ENGL-POWER	0	-67	0	0	-67	67	0
WHALL	159,952	122,350	-6,143	0	88	37,602	0
WMAN	0	-60	0	0	-60	60	0
RCO	0	58	0	0	58	0	58
RTHEAST-PETRO	0	316,186	0	317,028	-842	0	316,186
RTHLAND	36,183	133,198	0	0	-48	0	97,015
RTHVILLE	0	427,671	0	428,392	-721	0	427,671

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PORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
L-SHALE	2,071,339	1,207,316	0	0	-2,351	864,023	0
C	173,945	254,803	0	0	1,848	0	80,858
ANGE&ROCKLAND	0	60	0	0	60	0	60
NARD	81,619	190,902	0	0	0	0	109,283
SCO	0	-10,625	-14,967	0	4,342	10,625	0
TCHOGUE	0	81,224	0	81,496	-272	0	81,224
NNZOIL	540,842	397,696	0	0	-417	143,146	0
PCO	0	-892	0	0	-892	892	0
STER	117,396	217,047	0	0	0	0	99,651
TRO-HEAT-CT	0	47,716	0	48,254	-538	0	47,716
TRO-HEAT-PA	0	14,931	0	15,235	-304	0	14,931
SE	0	-438	0	0	-438	438	0
ILLIPS	2,403,526	2,346,897	0	0	92,996	56,629	0
ILLIPS-PR	0	97,272	0	97,272	0	0	97,272
ONEER	13,187	138,905	0	0	-5	0	125,718
TTSTON	0	233,796	0	234,823	-1,027	0	233,796
ACID	233,108	344,048	0	0	-1,201	0	110,940
ATEAU	166,956	148,970	0	0	-445	17,986	0
WERINE	92,378	362,826	28,568	0	253	0	270,448
IDE	140,300	256,276	0	0	-310	0	115,976
INCETON	19,811	86,250	0	0	0	0	66,439
ULEASE	0	-810	0	0	-810	810	0
AKER-ST	37,450	190,125	0	0	-1,684	0	152,675
MINGTON	0	-84	0	0	-84	84	0
CHARDS	0	134,212	0	0	0	0	134,212
CO	0	-45	0	0	-45	45	0
AD-OIL	0	35,504	0	0	-7	0	35,504
CK-ISLAND	476,151	341,460	-25,811	0	504	134,691	0
YAL	0	-129	0	0	-129	129	0
BER-TEX	21,032	144,031	0	0	-7,054	0	122,999
BRE-CAL	236,843	236,729	113,212	0	-114	114	0
GE-CREEK	2,097	3,273	0	0	-7	0	1,176
N-JOAQUIN	171,654	45,509	46,925	0	-1,416	126,145	0
ARS	0	-30	0	0	-30	30	0
MINOLE	5,594	129,875	0	0	-2,764	0	124,281
ELL	12,221,846	8,315,193	0	12,523	317,434	3,906,653	0
GMOR	3,003	102,760	0	0	1,669	0	99,757
ELLY	0	737	0	0	737	0	737
-HAMPTON	82,046	184,698	0	0	899	0	102,652
CAL	7,074,683	8,847,556	0	258,368	-5,337	0	1,772,873
CALEDISON	0	-82	0	0	-82	82	0
HIO	1,425,283	3,117,338	0	10,860	18,240	0	1,692,055
MERSET	14,688	42,304	0	0	-285	0	27,616
UND	83,123	134,535	0	0	-141	0	51,412
UTHLAND	398,694	333,886	130,075	0	185	64,808	0
UTHWESTERN	60,968	60,031	0	0	0	937	0
RAGUE	0	98,787	0	98,787	0	0	98,787
EUART	0	280,765	0	281,587	-822	0	280,765
NLAND	-11,374	126,049	0	0	5,772	0	137,393
NOCO	4,857,874	3,951,147	0	0	-68,611	906,727	0
ANN	0	66,025	0	66,457	-432	0	66,025
RRICONE	0	-112	0	0	-112	112	0
UBER	0	-78	0	0	-78	78	0
NNECO	792,628	692,214	0	51,213	-47,373	100,414	0
SORO	877,087	657,404	0	0	3,188	219,683	0
XACO	10,258,778	8,725,860	0	712,070	37,383	1,532,918	0
XAS-AMERICAN	15,789	117,562	0	0	0	0	101,773
XAS-ASPH	18,672	139,812	6,544*	0	-6,546	0	121,140**
XAS-CITY	543,104	544,787	0	0	-26,750	0	1,683
AGARD	608,327	603,997	368,398	0	-5	4,330	0
E-REFINERY	0	-2,417	0	0	-2,417	2,417	0
RIFTWAY	24,166	120,617	0	0	-99	0	96,451
UNDERBIRD	109,637	150,351	0	0	-272	0	40,714
NKAMA	18,722	107,494	0	0	-179	0	88,772
TAL-LEONARD	206,273	148,334	0	0	-1,753	57,939	0
ANS-OCEAN	0	129,418	0	0	0	0	129,418
C-CARIBE	0	64,171	0	64,171	0	0	64,171
ION-OIL	5,014,771	3,527,372	0	12,034	73,186	1,487,399	0

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
UNION-PETRO	0	107,514	0	107,514	0	0	107,514
UNION-TEXAS	0	210	0	0	210	0	210
UNTD-IND	9,031	46,800	0	0	50	0	37,769
UNTD-REF	172,478	393,479	0	0	-13,376	0	221,001
US-OIL	17,443	140,072	0	0	-448	0	122,629
USA-PETROCHEM	21,740	156,675	0	0	0	0	134,935
VA-COMMONWEALTH	0	43,233	0	43,233	0	0	43,233
VEN-FUEL	0	-83	0	0	-83	83	0
VICKERS	327,998	484,816	0	0	621	0	156,818
VULCAN	23,466	229,863	0	0	-114	0	206,397
WALLACE	0	10,698	0	10,698	0	0	10,698
WALLER	0	9,491	0	9,630	-139	0	9,491
WARRIOR	57,702	38,155	17,635	0	-4,671	19,547	0
WEBBER	0	165	0	0	165	0	165
WELLEN	0	-107	0	0	-107	107	0
WEST-COAST	37,244	54,403	-1,154	0	-2,316	0	17,159
WESTERN	76,128	143,540	0	0	6,524	0	67,412
WHALECO	0	10,723	0	10,759	-36	0	10,723
WICKETT	0	-5	0	0	-5	5	0
WINSTON	98,909	193,873	0	0	-10	0	94,964
WIREBACK	0	618	0	0	30	0	618
WITCO	75,164	160,982	0	0	-228	0	85,818
WYATT	0	323,851	0	324,504	-653	0	323,851
YETTER	0	691	0	0	-7	0	691
YOUNG	109,982	109,977	50,900	0	-5	5	0
TOTAL	132,547,461	132,547,461	2,515,618	7,087,449	0	23,511,428	23,511,428

* Also includes entitlements issued to correct an error in this firm's special correction amount.

** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

*** Reflects adjustments for 1975 exceptions relief as provisionally modified by FEA pending agency review consistent with court order. For discussion, see December entitlement notice, 42 FR 12133 (March 2, 1977).

[FR Doc.77-11924 Filed 4-21-77;2:19 pm]

federal register

TUESDAY, APRIL 26, 1977

PART VI



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

SALMON FISHING

Fishery Management Plan for Commercial and Recreational Fisheries Off the Coasts of Washington, Oregon, and California

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 661—SALMON FISHERY

Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon and California; Publication and Request for Comments

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Emergency regulations.

SUMMARY: This document sets forth emergency regulations implementing a fishery management plan prepared by the Pacific Fishery Management Council. Under the Fishery Conservation and Management Act of 1976, the Secretary of Commerce has determined that an emergency exists because the stocks of salmon off the coasts of Washington, Oregon and California are badly depleted and there is a need to increase the number of fish reaching the inshore waters during 1977.

DATES: Effective Dates: 12:01 a.m., on April 25, 1977 and shall remain in effect for 45 days; Comments on or before June 9, 1977.

ADDRESS: Send comments to: Director, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Johnson, Northwest Regional Director, National Marine Fisheries Service, Seattle, Washington. 206-442-1460.

SUPPLEMENTARY INFORMATION: Section 305(e) of the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, 16 U.S.C., § 1801 et seq. (FCMA) authorizes the Secretary of Commerce (the Secretary) to promulgate emergency regulations implementing a fishery management plan (FMP) prepared by a Regional Fishery Management Council. Such emergency regulations shall remain in effect up to 45 days.

Pursuant to Title III of the Act, the Pacific Fishery Management Council has prepared and submitted to the Secretary a FMP for salmon off the coast of Washington, Oregon and California. A Draft Environmental Impact Statement (DEIS) was published on February 4, 1977 by the National Marine Fisheries Service. The Secretary of Commerce has found and determined that an emergency exists in the Pacific Coast Salmon Fishery because the uncontrolled and unmanaged fishing activity by domestic commercial and recreational fishermen would have a detrimental effect on the stock of these highly valuable species.

The regulations (1) provide that state laws which are consistent with the Plan and the regulations promulgated herein will continue to apply; (2) establish specific salmon management areas; and (3) describe for commercial fisheries, open seasons and areas, gear restrictions, size restrictions, vessel inspection and certificates and, in the case of recreational fisheries, certain catch and size limits. Publication of the emergency regulations also constitutes the notice of publication of proposed permanent regulations as required by section 305(a) of the FCMA.

As a consequence of that finding and determination that an emergency exists in the commercial and recreational salmon fisheries off the coasts of Washington, Oregon and California, the Secretary of Commerce hereby invokes the emergency procedures authorized by section 305(e) of the Fishery Conservation and Management Act of 1976, and section 553(b) of the Administrative Procedures Act of 1976, 80 Stat. 237, as amended. Section 553(b) provides that an agency need not give formal notice of proposed rulemaking when the agency for good cause finds "* * * that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

In addition, the Secretary believes that formal notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest because the proposed regulations as they relate to the overall fishery generally conform to the 1976 regulations of the respective States.

I am publishing this document on behalf of the Secretary and the Associate Administrator for Marine Resources, at their request.

Dated: April 20, 1977 at Washington, D.C.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

Sec.

661.1 Purpose.
661.2 Relation of State laws.
661.3 Definitions.
661.4 Salmon Fishery Management Areas.
661.5 Restrictions.
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661.7 Emergency Regulations.
661.8 Commercial fishing.
661.9 Recreational fishing.
661.10 Treaty Indian Rights [reserved]

AUTHORITY: 16 U.S.C. 1801-1882.

§ 661.1 Purpose.

Regulations of this section apply to salmon taken seaward of Washington, Oregon and California, in the area over which the United States exercises exclusive fisheries management authority (the Pacific Council Management Area). However, these regulations do not apply to fishing conducted under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol.

§ 661.2 Relation to State laws.

Regulations of this section implement the Pacific Regional Fishery Management Council's Fishery Management Plan for salmon fisheries of the Pacific Ocean pursuant to authority conferred by the Fishery Conservation and Management Act of 1976. These regulations recognize that State laws, otherwise valid pertaining to vessels registered under the laws of that State which are consistent with the Salmon Management Plan, including State landing laws, will continue to apply to the fisheries addressed in these regulations.

§ 661.3 Definitions.

(a) Act—Means the Fishery Conservation and Management Act of 1976, Pub. L. 94-265 (16 U.S.C. 1801-1382).

(b) Angling—Means fishing by means of a rod and/or line capable of being held in hand while taking the fish.

(c) Authorized Officer—Means: (1) Any commissioned, warrant, or petty officer of the Coast Guard;

(2) Any enforcement agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary or the Commandant of the Coast Guard to enforce the provisions of the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in subparagraph (1) of this paragraph.

(d) Commercial fishing—Means fishing for the purpose of sale or barter.

(e) Fishing—Means: (1) The catching, taking or harvesting of fish;

(2) The attempted catching, taking or harvesting of fish; or

(3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish.

(f) Fishing vessel (or vessel)—Means any boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for fishing.

(g) Land or landing—Means bringing fish to shore or off-loading fish from a fishing vessel.

(h) Recreational fishing—Means fishing for personal use.

(i) Salmon—Means any anadromous species of the family *Salmonidae* and genus Oncorhynchus, commonly known as salmon, including but not limited to:

Chinook (or King) salmon—*Oncorhynchus tshawytscha.*

Coho (or Silver) salmon—*Oncorhynchus kisutch.*

Pink (or Humpback) salmon—*Oncorhynchus gorbuscha.*

Chum (or Dog) salmon—*Oncorhynchus keta.*

Sockeye (or Red, Blueback) salmon—*Oncorhynchus nerka.*

(j) Salmon length—Means the shortest distance between the tip of the snout or jaw (whichever extends further) and the tip of the longest lobe of the tail, measured while the salmon is lying on its side, without resort to any force (including squeezing the tail) or mutilation of the salmon.

(k) Secretary—Means the Secretary of Commerce or a designee.

(l) Single/barbless hook—Means a hook with a single shank and point, with no secondary points or barbs curving or projected in any other direction.

(m) Troll gear—Means gear which consists of one or more lines used to drag lures behind a moving vessel, which lines originate from a spool or receptacle

fastened to the vessel, and the extension or retraction of which is directly to the spool or receptable without disengaging any gurdy or outboard arm from its fixed position on the vessel.

§ 661.4 Salmon fishery management areas.

(a) The Pacific Council Management Area shall be divided into the following management areas for the regulation of salmon fishing, with the following lateral limits:

(1) Management Area A—(i) Northern limit (United States-Canada) is a line connecting the following coordinates:

48°29'37.19" N. lat., 124°43'33.19" W. long.;
48°30'11" N. lat., 124°47'13" W. long.;
48°30'22" N. lat., 124°50'21" W. long.;
48°30'14" N. lat., 124°52'52" W. long.;
48°29'57" N. lat., 124°59'14" W. long.;
48°29'44" N. lat., 125°00'06" W. long.;
48°28'09" N. lat., 125°05'47" W. long.;
48°27'10" N. lat., 125°08'25" W. long.;
48°26'47" N. lat., 125°09'12" W. long.;
48°20'16" N. lat., 125°22'48" W. long.;
48°18'22" N. lat., 125°29'58" W. long.;
48°11'05" N. lat., 125°53'48" W. long.;
47°49'15" N. lat., 126°40'57" W. long.;
47°36'47" N. lat., 127°11'58" W. long.;
47°22'00" N. lat., 127°41'23" W. long.;
46°42'05" N. lat., 128°51'56" W. long.;
46°31'47" N. lat., 129°07'39" W. long.

(ii) Southern limit: 47°18'19" N. lat. (Point Grenville Light).

(2) Management Area B—(i) Northern limit: 47°18'19" N. lat. (Point Grenville Light).

(ii) Southern limit: 45°56.2' N. lat. (Tillamook Head Lighthouse).

(3) Management Area C—(i) Northern limits: 45°56.2' N. lat. (Tillamook Head Lighthouse).

(ii) Southern limit: 42°00'00" N. lat. (Oregon-California border).

(4) Management Area D—(i) Northern limit: 42°00'00" N. lat. (Oregon-California Border).

(ii) Southern limit: 38°14'27" N. lat. (Tomales Point—Northern tip).

(5) Management Area E—(i) Northern limit: 38°14'27" N. lat. (Tomales Point—Northern tip).

(ii) Southern limit: (United States-Mexico) is a line connecting the following coordinates:

32°35'22.11 N. lat., 117°27'49.42" W. long.;
32°37'37.00" N. lat., 117°49'31.00" W. long.;
31°07'58.00" N. lat., 118°36'18.00" W. long.;
30°32'31.20" N. lat., 121°51'58.37" W. long.

(b) Any person fishing subject to these regulations shall be bound by the above described international boundaries, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

(c) The inner boundary of each Management Area is a line coterminous with the seaward boundaries of Washington, Oregon and California, and the outer boundary of each Management Area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

§ 661.5 Restrictions.

The following restrictions apply to all salmon fishing in Management Areas A, B, C, D, and E, except that the restrictions in these regulations shall not apply to fishing for pink and sockeye salmon pursuant to the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol, north of 48°00'00" north latitude.

(a) No person shall use nets to fish for salmon except that a landing net may be used to bring hooked salmon on board a vessel.

(b) No person shall take any species of salmon.

(1) Which is less than the minimum size (measured in terms of the salmon's length as defined in § 661.3(j)) specified in these regulations;

(2) During closed seasons or in closed areas specified in these regulations;

(3) In numbers greater than any catch limit specified in these regulations; or

(4) By means of gear or methods prohibited by these regulations.

(c) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any species of salmon or salmon part which was taken in violation of the Act, these regulations, or any other regulation issued under the Act.

(d) No person shall possess on board a vessel any salmon taken in the Pacific Council Management Area for which a size limit is set forth in these regulations, in such condition that its size cannot be determined.

(e) No person shall fish while on a vessel which has aboard:

(1) Any salmon which is less than the minimum length for that species in the Management Area where the fishing is taking place; or

(2) Any species of salmon for which the season is closed in the Management Area where the fishing is taking place; or

(3) Any salmon in such condition that its size cannot be determined.

(f) No person, while on board a fishing vessel, shall mutilate or otherwise disfigure any salmon in a manner which extends its length to conform to any minimum size requirement specified in these regulations.

(g) No person shall: (1) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, these regulations, or any other regulation issued under the Act;

(2) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any search or inspection described in subparagraph (1) of this paragraph.

(3) Resist a lawful arrest for any act prohibited by these regulations; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any Act prohibited by these regulations.

§ 661.6 Penalties.

Any person or vessel found to be in violation of these regulations will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act.

§ 661.7 Emergency regulations.

The Secretary may issue emergency regulations, if and when needed, under section 305(e) of the Act, announced by publication of a notice in the FEDERAL REGISTER.

§ 661.8 Commercial fishing.

(a) *Open seasons and areas.* All open seasons shall begin at 0001 hours and terminate at 2400 hours on the dates specified herein. Unless otherwise specified, Pacific Daylight Time will apply. The Pacific Council Management Area is closed to commercial salmon fishing except for the following open seasons and areas:

(1) In Management Area A the open season for salmon fishing shall be as follows:

(i) the season for all salmon species, including chinook, shall begin on July 1, 1977, and terminate on September 15, 1977.

(ii) The season for chinook only, in addition, shall begin on May 1, 1977, and terminate on May 31, 1977.

(2) In Management Area B the open season for salmon fishing shall be as follows:

(i) The season for all salmon species, including chinook, shall begin on July 1, 1977, and terminate on October 31, 1977, at 2400 hours Pacific Standard Time.

(ii) The season for chinook only, in addition, shall begin on May 1, 1977, and terminate on May 31, 1977.

(3) In Management Area C the open season for salmon fishing shall be as follows:

(i) The season for all salmon species, including chinook, shall begin on June 15, 1977, and terminate on October 31, 1977, at 2400 hours Pacific Standard Time.

(ii) The season for chinook only, in addition, shall begin on May 1, 1977, and terminate on June 14, 1977.

(4) In Management Areas D and E the open season for salmon fishing shall be as follows:

(i) The season for all salmon species, including chinook, shall begin on May 15, 1977, and terminate on September 30, 1977.

(ii) The season for chinook only, in addition, shall begin the day following publication of this notice at 0001 hours Pacific Standard Time and terminate on May 14, 1977.

(b) *Gear restrictions:* (1) Only troll gear shall be used for commercial salmon fishing while in the Pacific Council Management Area. However, in Management Areas D and E troll gear need not be

fixed to the vessel as specified in § 661.3 (m).

(2) Only single/barbless hooks shall be used for commercial salmon fishing before July, 1977, while in Management Areas A and B.

(c) *Size restrictions:* (1) No person shall take and retain any chinook salmon (*Oncorhynchus tshawytscha*) less than 26 inches in length in Management Areas A, B, C, D, and E while aboard a vessel used for commercial fishing.

(2) No person shall take and retain any coho salmon (*Oncorhynchus kisutch*) less than:

(i) 16 inches in length in Management Areas A, B and C; or

(ii) 22 inches in length in Management Areas D and E while aboard a vessel used for commercial fishing.

(d) *Vessel inspection and certification.* Any vessel subject to state held inspection, fishing in Management Areas A and B between July 1 and July 10, 1977, or in Management Areas D and E between May 15 and May 25, 1977, must have on board documentation of such inspection as may be issued by the state adjacent to such Management Area.

(e) No person shall take and retain any steelhead (*Salmon gairdnarti*) within the Pacific Council Management Area.

§ 661.9 Recreational fishing.

(a) *Open seasons and areas.* All seasons shall begin at 0001 hours and terminate at 2400 hours on the dates specified herein. Unless otherwise specified, Pacific Daylight Time will apply. The Pacific Council Management Area is closed to recreational salmon fishing except for the following open seasons and areas:

(1) In Management Areas A and B the season shall open on April 30, 1977, and terminate on October 31, 1977, at 2400 hours Pacific Standard Time.

(2) In Management Area C the season shall open on May 1, 1977, and terminate on December 31, 1977, at 2400 hours Pacific Standard Time.

(3) In Management Area D the season shall be open the entire year.

(4) In Management Area E the season shall open on February 12, 1977, at 0001 hours Pacific Standard Time and terminate on November 12, 1977, at 2400 hours Pacific Standard Time.

(b) *Gear restrictions.* (1) No gear other than angling gear may be used for recreational salmon fishing.

(2) No person shall use more than one rod and/or line while fishing in Management Areas A, B and C.

(3) There shall be no limit on the number of rods and/or lines used for fishing in Management Areas D and E.

(c) *Size restrictions.* (1) In Management Areas A and B no person shall take and retain any chinook salmon less than 24 inches in length or any coho salmon less than 16 inches in length.

(2) In Management Area C there shall be no limit on the length of salmon which may be taken and retained.

(3) In Management Areas D and E no person shall take and retain any salmon less than 22 inches in length, except that one salmon per day may be less than 22 inches but not less than 20 inches in length.

(d) *Catch limits.* No person shall take and retain, or possess more than three salmon per day while in the Pacific Council Management Area.

§ 611.10 Treaty Indian rights [reserved].

[FR Doc.77-11927 Filed 4-25-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Oceanic and Atmospheric Administration, Department of Commerce, and the Pacific Fishery Management Council have jointly prepared a final environmental impact statement for the proposed implementation of the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California. In accordance with provisions of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), the plan has been prepared by the Pacific Fishery Management Council and requires approval by the Secretary of Commerce prior to its implementation.

Attention is drawn to the deletion of the word "Troll" from the title of the document as it appeared as a draft environmental statement. This was done to more clearly describe the scope of the document.

The environmental statement concerns a proposal to adopt and implement a fishery management plan for commercial and recreational salmon fisheries off the Coasts of Washington, Oregon, and California pursuant to the Fishery Conservation and Management Act of 1976, which extends U.S. jurisdiction over marine fishery resources to 200 nautical miles and establishes a program for their management. Upon approval, the plan will serve to manage salmon fishery resources off the Coasts of Washington, Oregon, and California for optimum yield and to allocate harvest among domestic fishermen. The plan recommends more restrictive ocean salmon fishery regulations during 1977 for waters off the Washington coast and Columbia River mouth as compared with those prevailing during 1976 and prior years.

Because of the urgent need for measures to regulate and conserve the ocean salmon fishery, the Secretary of Commerce has adopted his Fishery Management Plan on April 20, 1977, and intends to promulgate Emergency Regulations on April 25, 1977.

Copies of the final environmental statement are available for inspection at the following locations:

National Oceanic and Atmospheric Administration, Environmental Science Information Center, Page Bldg. 2, Room 193, 3300 Whitehaven Street NW., Washington, D.C. 20235

Northwest Regional Office, National Marine Fisheries Service, Lake Union Building, Room 210, 1700 Westlake Avenue, Seattle, Washington 98109.

Alaska Regional Office, National Marine Fisheries Service, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska 99801.

Southwest Regional Office, National Marine Fisheries Service, Room 2024, U.S. Customs Building, 300 South Ferry Street, Terminal Island, California 90731.

A limited number of copies are available from the Northwest Regional Office, National Marine Fisheries Service, 1700 Westlake Avenue, Seattle, Washington 98109.

This Notice of Availability is being published at the request of and in cooperation with the Pacific Fishery Management Council.

Dated this 19th day of April 1977 at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-11928 Filed 4-25-77;8:45 am]

COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Approval of Fishery Management Plan and Request for Comments

Pursuant to section 304 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265, 16 U.S.C. 1801 et seq.), (the Act), the Secretary of Commerce (the Secretary) is authorized to receive, review and approve a fishery management plan (FMP) prepared by a Regional Fishery Management Council, in the 200-mile fishery conservation zone (FCZ).

Pursuant to Title II of the Act, the Pacific Fishery Management Council has prepared and submitted to the Secretary a FMP for "Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California" (the "Plan"). In addition, a Final Environmental Impact Statement has been prepared concerning the FMP.

The Secretary of Commerce, by authority of section 305 of the Act, wishes to advise the public of the approval of the above mentioned salmon FMP and of the promulgation of regulations implementing the Plan.

The Plan, published in its entirety below, as required by sec. 305(a) of the Act, is intended to provide the basis for the conservation and management of the offshore salmon fishery for the States of Washington, Oregon, and California in the FCZ created by section 101 of the Act. The regulatory provisions adopted have the combined effect of primarily promoting the conservation and management of the chinook and coho salmon stocks which constitute the main species caught in the coastal ocean fisheries. This is accomplished essentially by a reduction of the commercial fishery north of Tillamook Head, Oregon through more restrictive ocean salmon fishery regulations during 1977 as compared to prior years. In the ocean waters south of Tillamook Head, and in all other salmon fisheries, the status quo is maintained by a regulatory pattern for 1977 which is similar to 1976 regulations of the Oregon and California coastal states.

This Salmon FMP is being implemented by emergency regulations (also published today in the FEDERAL REGISTER), as authorized by section 305(e) of the Act. Emergency regulations were promulgated after the Secretary found and determined that an emergency exists in the coastal commercial and recreational salmon fisheries of Washington, Oregon, and California.

Publication of the FMP also constitutes the notice of publication for the approved salmon plan and its proposed permanent regulations as required by section 305(a) of the FCMA.

Written data, views and comments concerning the Plan may be submitted to: Director, National Marine Fisheries Service, Washington, D.C. 20235. The Secretary of Commerce will consider all such data, views, and comments submitted on or prior to June 9, 1977, before final action is taken with respect to the Pacific Coast Salmon troll fishery plan and regulations pursuant to section 305 (c) of the FCMA.

I am publishing this document on behalf of and at the request of the Secretary.

Dated this 20th day of April, 1977 at Washington, D.C.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

FISHERY MANAGEMENT PLAN FOR "COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA"

U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201.

SUMMARY SHEET

Environmental Impact Statement/Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California

( ) Draft (XX) Final Environmental Statement

Responsible Agency: Pacific Fishery Management Council

1. Name of Action: (XX) Administrative ( ) Legislative

2. Description of Action: The proposed action is to adopt and implement a fishery management plan for commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California under provisions of the Fishery Conservation and Management Act of 1976 (PL 94-265). The Act extends jurisdiction over fishery resources and establishes a program for their management. The purpose of the plan is to manage salmon fisheries off the coasts of Washington, Oregon, and California for optimum yield and to allocate harvest between domestic fishermen. The plan recommends significantly more restrictive ocean salmon fishery regulations during 1977 for waters off the Washington coast and Columbia River mouth as compared to those which prevailed during 1976 and prior years. For Oregon and California ocean waters south of Tillamook Head, a regulatory pattern similar to that of 1976 is recommended for continuance during 1977.

The high mobility of commercial trollers plus the significant harvest of some Washington, Oregon, and Idaho chinook salmon stocks by the ocean fishery off Southeastern Alaska, will require effective management coordination with the North Pacific Fishery Management Council. Further, results from international fishery negotiations with foreign governments, particularly Canada, will have important impacts on domestic salmon fisheries of Washington, Oregon, California, Idaho, and Alaska.

3. Summary:

(a) Environmental Impacts - The major impact on the resource of chinook and coho salmon will be to provide a more orderly ocean-harvesting system, to try to ensure that adequate numbers and races survive fishing mortalities, and, considering the causes and extent of natural mortalities, to reproduce themselves in accord with the environment available for their growth and survival. No changes in the physical environment are expected as a result of the plan. The disposal of waste (salmon viscera) at sea is considered, but is believed to be inconsequential; it will be even less under the plan because of reduced ocean catches. Although reduced overall ocean fishing rates are recommended for waters off the Washington coast and Columbia River mouth, resultant fisheries will still contribute, on a short-term basis, to inadequate spawning escapements for some stocks and races of salmon. These include low cycles for Puget Sound, Oregon coastal, and Washington coastal native coho stocks, plus runs of early chinook salmon to the Snake, Satsop, Chehalis, Queets, and Hoh rivers. The additional escapement of salmon from ocean fisheries will increase the proportion of salmon reaching inshore waters, where Treaty Indian fisheries have been allocated increased catches of salmon by Federal Court decisions.

(b) Adverse Environmental Impacts - The adverse environmental impact involves reduced fishing times and catches for the ocean commercial troll fishery, resulting in adverse economic impact to them and to directly-associated supporting industries, processors and coastal fishing communities.

4. Alternatives: Three types of alternatives to the present action were proposed:

(a) Less restrictive ocean fishing controls off the Washington coast and Columbia River mouth, and

(b) More restrictive regulations in the same area.

(c) No action.

5. Comments Requested: Comments have been requested and received from the following:

Department of Interior
Department of State
Environmental Protection Agency
States of Washington, Oregon, California, Idaho, and Alaska
Northwest Indian Fisheries Commission
North Pacific Fishery Management Council

6. Hearings

February 19, 1977 -- Seattle, Washington
February 19, 1977 -- Boise, Idaho
February 20, 1977 -- Astoria, Oregon
February 21, 1977 -- Charleston, Oregon
February 24, 1977 -- Eureka, California
February 25, 1977 -- San Francisco, California

7. Draft Statement to CEQ

8. Final Statement to CEQ

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1.0 STATEMENT OF THE PROPOSED ACTION

The Fishery Conservation and Management Act of 1976 (Public Law 94-265) provides for the conservation and management of fishery resources of the United States by establishing a Fishery Conservation Zone within which the United States has exclusive fishery management authority. This document is a combined environmental impact statement/fishery management plan for the commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California. The proposed action is set forth in detail in Chapter 2 of this document.

1.1 Need for the Fishery Management and Conservation Act

The need for this legislation arose because:

1. The fish off the coasts of the United States constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, recreational opportunities, economy, health and culture of the nation.

2. As a consequence of increased fishing pressure and because of the inadequacy of fishery conservation and management practices and controls (a) certain stocks of such fish have been overfished to the point where their survival is threatened, and (b) other such stocks have been so substantially reduced in number that they could become similarly threatened.

3. Commercial and recreational fishing constitute a major source of employment and contribute significantly to the economy of the nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been severely damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of U.S. fishermen.

4. International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

5. Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

6. A national program for the conservation and management of the fishery resources of the U.S. is necessary to prevent overfishing, to rebuild over-fished stocks, to insure conservation, and to realize the full potential of the nation's fishery resources.

7. A national program for the development of fisheries which are under-utilized by U.S. fishermen, including bottomfish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

1.2 Objectives of Legislation

The overall objectives of the legislation are:

1. To take immediate action to conserve and manage the fishery resources found off the coasts of the U.S., and the anadromous species and Continental Shelf fishery resources of the U.S., by establishing (a) a fishery conservation zone within which the U.S. will assume exclusive fishery management authority over all fish, except highly migratory species of tuna, and (b) exclusive fishery management authority beyond such zone over certain anadromous species and Continental Shelf fishery resources;

2. To establish Regional Fishery Management Councils to prepare, monitor, and revise fishery management plans under circumstances (a) which will enable the states, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (b) which takes into account the social and economic needs of the States;

3. To implement, in accordance with national standards, fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

4. To promote commercial and recreational fishing under sound conservation and management policies; and

5. To encourage the development of fisheries which are currently under-utilized or not utilized by U.S. fishermen, including bottomfish off Alaska.

1.3 Legislative Mandates

1.3.1 Fishery Conservation Zone. The "fishery conservation zone" of the U.S. extends from a line coterminous with seaward boundary of each of the coastal states to an outer boundary drawn in such a manner that each point on it is 200 nautical miles from which the territorial sea is measured.

1.3.2 Scope of Authority. The United States will exercise exclusive fishery management authority over

1. All fish within the fishery conservation zone except highly migratory species;

2. All anadromous species of fish spawned in the fresh or estuarine waters of the United States throughout their migratory range beyond the fishery conservation zone except that such management authority shall not extend to such species during the time they are found within any foreign nation's territorial sea or fishery conservation zone; and

3. All Continental Shelf fishery resources of the United States beyond the fishery conservation zone.

1.3.3 Fishery Management Programs. This legislation establishes a fishery management program for the United States which delegates responsibility to eight Regional Fisheries Management Councils to develop management plans for each fishery in their respective areas of concern. These fishery management plans must conform to specified national standards. Implementation and enforcement of these plans are the responsibility of the Federal Government.

1.3.3.1 Regional Council. The Pacific Council has assumed responsibility for preparation of the management plan for salmon fisheries off the coasts of Washington, Oregon, and California, recognizing that coordination with the North Pacific Fishery Management Council is required.

1.3.3.2 National Standards for Fishery Conservation and Management. Any fishery management plan prepared shall be consistent with the following national standards for fishery conservation and management:

1. Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

2. Conservation and management measures shall be based upon the best scientific information available.

3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

4. Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

5. Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fisheries resources, and catches.

7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

1.3.3.3 Content of Fishery Management Plans. Any fishery management plan which is prepared by any Council shall:

1. Contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are

   a. Necessary and appropriate for the conservation and management of the fishery; and

   b. Consistent with the national standards;

2. Contain a description of the fishery, including, but not limited to, the number of vessels involved and their location, the costs likely to be incurred in management, the actual and potential revenues from the fishery, the recreational interests in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

3. Assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

4. Assess and specify

   a. The capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3), and

   b. The portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing; and

5. Specify the pertinent data which shall be submitted to the Secretary with respect to the fishery, including but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, and number of hauls.

Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may

1. Require a permit to be obtained from, and fees to be paid to, the Secretary with respect to any fishing vessel of the United States fishing, or wishing to fish, in the fishery conservation zone, or for anadromous species for Continental Shelf fishery resources beyond such zone;

2. Designate zones where, and periods when, fishing shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

3. Establish specified limitations on the catch of fish (based on area, species, size, number, weight, sex, incidental catch, total biomass, or other factors), which are necessary and appropriate for the conservation and management of the fishery;

4. Prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

5. Incorporate the relevant fishery conservation and management measures of the coastal states nearest to the fishery;

6. Establish a system for limiting access to the fishery in order to achieve optimum yield; and

7. Prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

2.0 FISHERY MANAGEMENT PLAN

This management plan for the ocean salmon fisheries off Washington, Oregon, and California is a direct response to the Fishery Conservation and Management Act of 1976 (U.S. Public Law 94-265). The Act extends U.S. fisheries jurisdiction and establishes an exclusive management authority. It mandates preparation of management plans for each individual fishery unit, and the ocean salmon fisheries off Washington, Oregon, and California constitute one such fishery unit.

This plan is an initial step in developing a comprehensive management regime for salmon fisheries throughout the range of Pacific Fishery Management Council jurisdiction. It is designed to insure that the Council implements adequate controls to meet allocation requirements mandated by recent court decisions and pressing conservation needs for Washington and Columbia River system salmon stocks. It is envisioned that the plan will be modified as needed.

The ocean salmon fisheries off Washington, Oregon, and California are important, both in their direct economic value and their effect upon the resource and other salmon fisheries. These fisheries have been conducted by U.S. and Canadian trollers since around the turn of the century and by substantial numbers of U.S. recreational anglers since World War II. In Washington, treaty Indians have fished commercially in recent years under individual tribal regulations. The commercial fishery provides fresh, frozen, and cured salmon, all relatively high-priced prime products, to a receptive market over an extended period of time and provides employment to many small, independent businessmen. The sport fishery provides valuable recreational benefits. Canada is the only foreign nation currently documented, in formalized catch and effort statistics, as catching significant numbers of Pacific Coast salmon in a target-species fishery (troll) on salmon stocks originating in Washington, Oregon, California, and Idaho rivers. Other foreign countries have also taken salmon, albeit primarily as incidental catches made during trawl fishing, but the massive nature of past foreign fishing efforts off the coasts of Washington, Oregon, and California create serious concerns for salmon resources.

Canada has passed legislation establishing a fishery zone off her coasts. This became effective January 1, 1977; consequently, U.S. jurisdiction over its anadromous fish will not extend into these areas in accordance with PL 94-265.

Many of the facts upon which this plan is based were taken from five key references, a preliminary management plan plus four documents which were prepared specifically to serve the function of providing detailed back-up information for the plan. These documents are:

National Marine Fisheries Service
1977. Final Environmental Impact Statement/Preliminary Fishery Management Plan. Troll Salmon Fishery of the Pacific Coast. U.S. Dept. Comm. NOAA. 128 pp (mimeo).

O'Brien, Patrick
1977. Status of California's commercial troll and ocean sport salmon fisheries in the mid-1970's. Calif. Dept. Fish & Game.

Oregon Department of Fish & Wildlife
1976. A history and current status of Oregon ocean salmon fisheries. Oreg. Dept. Fish & Wildl. 20 pp (mimeo).

Phinney, Lloyd A. and Marc C. Miller
1977. Status of Washington's ocean sport salmon fishery in the mid-1970's. Wash. Dept. Fish. Tech. Rept. 24. 72 pp.

Wright, Samuel G.
1976. Status of Washington's commercial troll salmon fishery in the mid-1970's. Wash. Dept. Fish. Tech. Rept. 21. 50 pp.

These are cited at this point to circumvent over-frequent reference to these papers. Other publications and explanations are noted specifically by numbers in the text and Section 9.0, References and Notes.

2.1 Description of the Fishery

2.1.1 Fishing Areas (Figure 1). The Pacific Coast salmon troll fishery is a mobile fishery which extends from mid-California to Middleton Island in the Gulf of Alaska. It is conducted on feeding salmon intermingled from many parent streams. Many of the larger vessels also participate in crab and albacore fisheries and these efforts often account for a substantial percentage of such fisherman's income.

The California troll fleet fishes mainly off its own coast, but a few boats have fished as far north as the southern coast of Washington.

Although most of the Oregon salmon troll fleet fishes primarily off the coast of Oregon, some vessels, particularly larger ones, follow the salmon runs from northern California to northern Washington.

The Washington troll fleet fishes waters from northern California to Southeastern Alaska. Most of the catches by this fleet, however, occur off coastal Washington. Prior to the late 1960's, U.S. fishermen made substantial landings of both chinook (Oncorhynchus tshawytscha) and coho (O. kisutch) from waters north of the Strait of Juan de Fuca. Such landings have declined greatly in recent years.

Most of the salmon caught by the Canadian troll fleet are taken off the British Columbia coast but some Canadian boats also fish off Washington. A bilateral agreement between the U.S. and Canada, first signed in 1970, permitted salmon fishing since 1973 by Canadian troll vessels within the 3- to 12-mile zone in an area off the Washington coast north of approximately 48°N latitude.

Recreational fishing vessels are far less mobile, limited almost entirely to 1-day trips out of the major coastal ports.

2.1.2 Salmon Stocks. Chinook and coho salmon are the main species caught in the ocean salmon fisheries operating off Washington, Oregon, and California. The catch of pink salmon (O. gorbuscha) in odd-numbered years is also significant.

2.1.2.1 Chinook Salmon. Young chinook salmon generally tend to migrate predominantly northward on their feeding migrations and southward as maturing fish. Consequently, chinook salmon from the Sacramento-San Joaquin River systems contribute substantially to ocean fisheries as far north as southern Washington; northern California coastal chinook stocks also contribute to these same areas and somewhat to the north because they tend to migrate slightly farther north.



Figure 1. Generalized marine areas in which chinook and coho salmon originating in specified locations are taken in the ocean commercial troll and recreational fisheries.

The Columbia River chinook salmon stocks, particularly the lower river fall chinook, contribute heavily to the ocean fisheries off Washington and British Columbia. These lower river chinook do not migrate as far north as Alaska in any magnitude and thus do not appear in any substantial numbers in the Alaska troll catch. Other Columbia River chinook stocks, such as the spring, summer, and upper river fall runs, also contribute to the Washington ocean fishery and, to an even greater extent, to the British Columbia and Southeastern Alaska catches. It was the loss of upriver Columbia River chinook stocks (due to power dams) that had such an adverse effect on the troll catches off Southeastern Alaska. Some Columbia River chinook salmon also migrate southward on their feeding migrations and enter the Oregon and California ocean salmon fisheries.

Washington and Oregon coastal chinook stocks primarily contribute to the ocean fisheries off Washington, British Columbia, and Southeastern Alaska. A proportion of these runs are also harvested off Oregon and northern California.

Puget Sound chinook stocks exhibit the generally typical northward migration pattern, with minor exception; thus, these stocks contribute mainly to the ocean catches off British Columbia.

The Fraser River chinook stocks contribute much more heavily to the British Columbia and Southeastern Alaska ocean fisheries than they do to the Washington area fishery.

In terms of overall management area importance, the California ocean catch of chinook salmon comes mainly from California and Oregon coastal stocks. The Oregon ocean fishery operates mainly on Oregon coastal stocks, California stocks, and fish from the Columbia River. The Washington ocean chinook catches are mainly from Columbia River, Oregon coastal, Washington coastal, California, Puget Sound, and southern British Columbia stocks.

2.1.2.2 Coho Salmon. Coho salmon tend to be available as adults both northward and southward from their parent streams and tend to contribute most heavily to the more local fisheries. (1) Thus, California coho stocks are of minor importance to the ocean fishery north of Oregon. Columbia River and Oregon coastal coho stocks contribute mainly to the Oregon and California fisheries. The abundance of Oregon coastal coho stocks diminishes rapidly from south to north off the Washington coast. Although a sizable portion of the Columbia River coho stocks migrates southward from the Columbia as far as California on their feeding migration, Columbia River coho also contribute large numbers to the Washington ocean fishery. However, their abundance is relatively low north of Cape Flattery.

Washington coastal coho stocks seem to be found more to the north and contribute significantly to the fisheries off Washington and the west coast of Vancouver Island. A portion of these stocks migrate south and enter Oregon coastal fisheries. Puget Sound coho also contribute large numbers to the north coastal Washington and British Columbia ocean fisheries, with minor contribution to Oregon waters.

British Columbia stocks of coho, particularly from the Fraser River, contribute to the Washington ocean fisheries, but their abundance diminishes rapidly from north to south. They also contribute heavily to the British Columbia ocean catches.

Relative abundance of the various stocks shows that California ocean catches of coho salmon come primarily from Oregon coastal, Columbia River, and California stocks. The Oregon ocean catch is composed primarily of Columbia River, Oregon coastal, Washington coastal, and Puget Sound stocks. Coho salmon originating in Columbia River, coastal Washington, Puget Sound, southern British Columbia, and Oregon coastal streams are the primary contributors to the Washington ocean catch.

2.1.2.3 Pink Salmon. For pink salmon, the Fraser River stock, which is abundant in the odd-numbered years, has been the major contributor to the Washington, Oregon, and California ocean catches of pink salmon in recent years. Puget Sound pink salmon stocks occasionally make significant contributions to the ocean fishery.

2.1.3 Salmon Harvests and Values

2.1.3.1 Troll Fishery. The recent chinook catch by California trollers has shown some rather large fluctuations but there does not appear to be any definite trend in the landings. Since 1952, the catch has varied around 600,000 fish with a high of about 958,000 fish in 1956 and a low of 338,000 fish in 1967.

Coho troll landings in California averaged about 80,000 fish from 1952-57. The catch dropped to a low of only 13,000 coho in 1958 and stayed at a low level through 1960. Catches then began to rise steadily, due to increased Columbia River and Oregon coastal hatchery production, reaching 445,000 fish in 1966. Since 1966, the catch has shown some rather wide fluctuations from a low of 158,000 fish in 1972 to a high of 656,000 fish in 1974.

Pink salmon troll catches are very small in California, with the peak recorded catch of 30,000 fish occurring in 1967.

The catch of chinook salmon by the Oregon troll fleet was at its highest in the mid-50's. It then began to decline and reached its lowest level of 53,000 fish in 1962. Since then the trend of the catch has been upward and reached a peak of 363,000 fish in 1973.

The annual Oregon troll catch of coho salmon declined rapidly in the 1950's, and reached a low point of only 112,000 fish in 1960. Then the catch has increased markedly, especially after 1962, reflecting increased hatchery production. The Oregon catch reached a peak of 1.5 million coho in 1971, and subsequently fluctuated at a relatively high level.

Pink salmon are only caught in quantity by Oregon trollers in odd-numbered years, and even then the recorded catch is relatively small. The peak landing was 201,000 fish in 1967, with the next highest catch being 58,000 fish in 1969.

The catch of chinook salmon by the Washington troll fishery, although showing some rather large fluctuations, gradually increased from about 200,000 fish in 1935 to around 400,000 fish in the early 1950's. The catches then experienced a sharp decline to a low of only 96,000 fish in 1965. Since that time, the catches have been generally increasing and reached a recent peak of 353,000 fish in 1974. These statistics include a small (i.e., less than 2% of the

state's total troll landings) year-round tribal troll fishery by the Makah Indians centered in the vicinity of outer Juan de Fuca Strait.

The coho catch by Washington trollers is considerably more variable than the chinook catch. During the late 1930's and early 1940's the catches generally declined. They improved during the late 1940's and 1950's, fluctuating around 600,000 fish annnually. Since 1965, the overall trend of the catches has been generally upward with a record catch in 1971 of 1,264,000 coho salmon.

Pink salmon are caught by Washington troll fishermen primarily in the odd-numbered years. The catches began increasing in the early 1950's and reached a record catch of 630,000 fish in 1963. Following another good catch in 1967 of 381,000 fish, the catch has declined to less than 60,000 fish annually since 1967.

Not only have troll salmon catches been increasing, but the prices paid to fishermen also have risen dramatically. For chinook salmon, the average coast-wide price per pound increased from 25 cents in 1947 to 80 cents by 1972 and has continued to increase since that time. For example, average ex-vessel price for troll-caught chinook in Washington for 1975 was over $1.00 per pound, and final 1976 economic statistics will be even higher. For troll-caught coho salmon, from an ex-vessel price of 22 cents in 1947, the price increased to 68 cents per pound by 1972, and these coho prices also have continued to increase sharply since then. It should be pointed out that these prices are undoubtedly minimal since other factors such as bonuses, post-season settlements, etc., are not included.

While some of this price rise reflects price inflation in the national economy, troll salmon prices deflated by the wholesale price index rose, on the average, by over 2% per annum from the late 1940's to 1972.

2.1.3.2 Ocean Sport Fishery. In addition to extensive commercial troll salmon fisheries, there also are increasingly important ocean recreational fisheries harvesting stocks of Pacific Coast salmon. For example, the reported ocean sport catch of chinook in California increased from around 100,000 fish in the early 1960's to nearly 200,000 fish by the early 1970's. The California ocean sport catch of coho also has increased during this period, reaching a peak catch of about 77,000 fish in 1974.

In Oregon, the ocean sport fishery depends heavily on coho, with recent landings exceeding 300,000 fish in 1967, 1971, and 1974. Chinook catches were smaller averaging only about 43,000 fish per year in the last decade.

The ocean recreational catch of salmon in Washington has increased rapidly since 1952, sometimes exceeding the total marine sport salmon catch for all other Pacific Coast states and British Columbia combined. The ocean chinook catch has increased since 1952 at a rate of approximately 7,000 fish per year and reached a peak of 262,000 chinook in 1975 after a low of 38,000 fish in 1953. Washington's ocean coho fishery has increased from a low of 26,000 fish in 1952 to a high of 747,000 coho in 1971. The catches in 1972 through 1975 ranged from 471,000 to 594,000 coho.

Economists commonly evaluate sport fishing on the basis of value of the whole experience expressed as a dollar value per angler day for the average angler. Recent studies have indicated $22.00 to $28.00 (or higher) as the average value of an angler day in the Northwest salmon sport fishery.

Conversion to value per fish, required for management purposes, is not simply a matter of dividing days fished by fish caught. Empirical studies do not exist which permit making a completely reliable conversion.

2.1.4 Vessels and Gear Employed

2.1.4.1 Troll Fishery. Commercial salmon fishing in the ocean began as a hand line operation--a single line fished from a row boat. Power boats entered the fishery in the 1910's and these permitted more lines to be fished per boat. Power gurdies came into general use in the 1920's, allowing the use of steel fishing lines, heavier weights, and an increased number of lines. Aids to navigation, such as radio-telephones, direction finders, echo-sounders, automatic pilots, and radars, coupled with the larger, faster and more powerful vessels, have greatly increased the efficiency and mobility of the fleet.

Many of the present-day commercial vessels are combination boats which are used in more than one type of fishery (e.g., crab and albacore). Crab fishing normally occurs prior to or during the early portion of each salmon troll season. Fishing effort in each fishery is dependent upon the relative abundance and prices of salmon versus those for crab. The opportunity to take albacore normally commences in July and August, or subsequent to a substantial portion of the normal troll salmon season. Again, relative comparisons of abundance and prices influence the degree of fishing effort for each resource. The development of the albacore fishery was an important influence in shifting troll salmon fishing effort from late summer and fall to spring and early summer months.

There also has been a tendancy to build larger, more efficient vessels, particularly in the British Columbia fleet. However, there also has been a significant increase in the number of smaller vessels entering the troll fishery. Boats range in size from small 20-ft day boats to 80-ft-plus combination vessels capable of extended stays at sea. Large boats are frequently equipped with mechanical refrigeration. Most boats have two tall trolling poles which rise high above the mast, and two more may lie back from the bow. When fishing, these poles are dropped out and downwards, carrying stainless steel lines that are stretched almost straight down for 180 ft or more by large "cannon ball" weights of as much as 50 lb. Each line carries several lures, sometimes as many as 12 or more. When a fish strikes, the steel lines are reeled in on power-driven spools called "gurdies". The terminal gear used may be bait, plugs, spoons, or a combination of flashers and bait or plastic lures.

Today there are several thousand trollers fishing along the Pacific Coast, although it is difficult to get the exact numbers since licensing requirements vary with the different State management agencies. A number of boats are licensed in two or more states.

An estimated 1,300 boats were licensed by the State of Washington to troll for salmon in 1951. This increased to an estimated 1,722 vessels by 1964. From the mid-1960's through 1971, the fleet increased substantially, peaking at an estimated 5,600 boats in 1971. Unfortunately, this cannot be accurately documented since a vessel delivery permit was not automatically included with a troll license, being purchased separately. The total number of boats eligible to troll was less than the total for licenses plus permits since many individual boats purchased both. From 1972 on, a vessel delivery permit was automatically included with each troll license and the permit alone could be purchased separately. By this procedure, total boats eligible to troll equalled the sum of licenses plus separate permits. During the four seasons from 1972 through

1975, annual Washington boat totals were 3,518, 2,660, 3,260, and 3,136, respectively. Estimated number of days fished by this fleet ranged from 51,000 to 68,000 annually during the period of 1970 through 1975.

Oregon does not issue commercial fishing licenses for a particular type of fishery, so there is no accurate count on the number of Oregon trollers fishing. Nevertheless, the number of salmon landings by Oregon trollers increased markedly from 15,000 in 1965 to over 51,000 in 1974. Over 3,000 individual boats landed salmon in Oregon during 1975.

The number of troll salmon licenses for California is also not directly available, although the number of registered California commercial fishing vessels that landed salmon averaged around 2,000 in the late 1960's and then jumped from 2,865 in 1973 to 4,801 in 1975. A common measure of salmon fishing effort for California is the number of salmon landings. These have increased from 44,000 in 1965 to a peak of 56,000 in 1973.

The State of Washington presently has a moratorium on the issuance of new salmon licenses. Commencing in 1975, only those vessels which held a valid license during the period of January 1, 1970 and May 6, 1974, and which had caught and landed salmon during that period could be relicensed. Licenses, however, can be transferred from boat to boat or to new fishermen.

2.1.4.2 Ocean Sport Fishery. The sport fisheries off the Coasts of Washington, Oregon, and California are of a much more recent vintage, generally growing to significant, wide-ranging proportions only after World War II in ocean waters historically fished only by commercial fishermen. Prior to that time, sport catches generally occurred either in or just off various coastal river mouths during the period when runs of salmon were expected on their annual spawning migrations. The advent of larger, more seaworthy private boats with powerful, dependable engines, plus the rapid development of charter or party boat fleets, construction of small-boat basins, improvments in launching and moorage facilities, and increases in fishermen support industries, have combined to make recreational ocean fishing a major impact on salmon resources. Sophisticated navigational equipment and other electronic gear have been utilized by charter fishing craft as well as by commercial trollers and this, coupled with a distinct trend toward larger boats, has provided sportsmen with access to an ever-increasing percentage of the ocean waters inhabited by feeding chinook and coho salmon.

The fishing gear utilized by individual sport anglers varies widely, but generally consists of a single rod held by hand and/or rod holder with a single bait or artificial lure. (NOTE: California has no limit on the number of rods or gear during the commercial fishing season.) Two basic patterns of fishing are common, "mooching" and trolling. Mooching is fishing from a drifting craft, typically with bait, and is commonly practiced by many private craft and most larger charter boats. A variation is "motor mooching", where intermittent motor propulsion is utilized to improve the "action" of bait or lures. Trolling involves continual movement by individual craft at a somewhat constant rate of speed and is practiced by private craft as well as many smaller charter boats. This consistent gear movement within the water column necessitates use of much heavier weights and lines with various planing devices sometimes being employed to force the terminal gear downward. Accessories are often used which either release the heavy weights when a fish strikes or release the light fishing line from a heavier steel line utilized to carry the former to a desirable fishing depth.

Fishing effort is traditionally expressed in terms of angler participation as an "angler day" or "angler trip". Either term denotes a single day's sport fishing effort by one angler. Fishing success is commonly measured as catch per angler trip or day, and is the product of dividing the total salmon catch landed by the number of angler trips or days. For example, Oregon ocean sport fishermen averaged 337,000 angler trips per year during the 10-year period, 1966 through 1975. The overall fishery south of Tillamook Head averaged 0.81 salmon per trip during this period, while anglers fishing the Columbia River area averaged a higher 1.50 fish per trip for the same time span.

Formalized effort statistics are not normally maintained for actual numbers of individual private boats participating in the ocean recreational fisheries. Data on numbers of charter boats are generally available, however, due to various licensing or registration requirements within each individual state. For example, it is known that Oregon had at least 226 charter boats during 1975 and that the State of Washington licensed a total of 426 charter boats in 1976. A very high percentage of the latter operated from coastal fishing ports.

2.1.5 Impact of Foreign Fishery on Domestic Fishery Activities

2.1.5.1 Competition on Stocks. Canadian salmon fisheries, particularly commercial trolling, have a significant impact on domestic sport, treaty Indian, and commercial salmon fisheries. Stocks of U.S. salmon, in addition to being heavily exploited by Canadian trollers off the British Columbia coast and by Canadian seine and gill net fishermen in Juan de Fuca Strait, are also caught by Canadian trollers off the Washington coast where they are permitted to fish within the 3- to 12-mile area north of approximately 48°N latitude under a bilateral fishing agreement.

Canadian fishermen take over half of the total catch of ocean-migrant Puget Sound chinook salmon and about 40% of the total catch of Puget Sound coho. Also, Canadian trollers catch about one-third of the total catch of the fall chinook salmon reared in Columbia River hatcheries. Thus, the large catch by Canadian fleets has a tremendous impact on the fisheries of the U.S. All the escapement requirements have to be taken from that portion of the run returning to U.S. waters. In years of small runs, this requirement can sometimes eliminate any domestic fishing opportunity.

In areas off the U.S. coast, and to a limited degree off the Canadian coast, troll vessels from the two nations fish side by side. In these areas they directly compete for the salmon available. However, the catch by Canadian trollers off the U.S. coast is much greater than the catch off Canada by U.S. trollers. Furthermore, the catch off the U.S. coast by Canada has increased in recent years, whereas the catch off Canada by U.S. trollers has declined. For example, from 1960-62, a 3-year total of 120,000 chinook salmon, or 26% of the total catch of chinook salmon by U.S. trollers landing in the State of Washington, was caught off the west coast of Vancouver Island. By contrast, for the 3-year total of 1970-72, only 11,000 chinook were caught by U.S. trollers in these same areas and landed in the State of Washington. This amounted to less than 2% of the total Washington troll catch of chinook salmon. On the other hand, during 1960-62, Canadian trollers caught less than 1,000 chinook salmon off the Washington-Oregon coast; while from 1970-72, Canadian trollers caught a 3-year total of 163,000 chinook in the same area.

Coho catches by each country off the other nation's shores have shown a very similar trend, with Canadian troll salmon landings from the Washington and

Oregon coasts peaking at nearly 600,000 fish in 1970, and Washington catches off Canada gradually fading to insignificant proportions by the early 1970's. It should be noted that accuracy of catches discussed is dependent upon fishermen properly reporting their catch-origin areas to troll fish buyers.

The large catches of U.S. chinook and coho salmon by Canadians have made it increasingly difficult for some U.S. fisheries in inside waters to maintain any type of open season and still obtain the desired levels of spawning escapement. This problem is magnified even more by the obligation to allocate a proportion of the available catch to treaty Indian fisheries in line with recent U.S. Federal Court decisions.

Foreign trawling also has an impact on U.S. salmon stocks. Trawling, particularly by Soviet vessels, began off the Washington-Oregon-California coast in the mid-1960's. Other countries, including Japan, Poland, East Germany, West Germany, and Bulgaria, subsequently entered this fishery. The magnitude of foreign fishing depends on time of year, and it affects the salmon fishery in two ways. There is physical interaction of large foreign vessels competing for space in certain areas and during certain months with smaller U.S. salmon trollers. This occurs because hake, the primary target species of the foreign trawlers, and salmon often occur together apparently due to similarities in food habits. Some salmon are caught by the foreign trawl fishery. Specific effort by the foreign fleet to catch salmon has not been documented, but an incidental catch of both chinook and coho salmon is known to occur. Some incidental salmon catches were recorded by American observers on foreign vessels. Observations off Oregon of the number of salmon caught during 1975 and 1976 ranged from no salmon to 0.43 salmon per metric ton (2,205 lb.) of hake. Chinook was the principal salmon species caught by foreign trawlers. A rough approximation of salmon catches by foreign trawlers might be the mid-point of these observations (0.215 salmon per metric ton) times the recent average catch level of 200,000 metric tons annually. This would yield an incidental catch of 43,000 salmon per year off Washington, Oregon, and California. However, for 1977, the allowable hake catch for all foreign trawl fishermen will be substantially reduced from this 200,000 metric ton level and no retention of salmon will be permitted.

2.1.5.2 Implied Economic Consequences. The large catches of U.S. chinook and coho salmon by Canadian vessels has had serious economic impact on the fisheries of the U.S. in that they have greatly reduced the number of salmon available for capture by U.S. fishermen. These large catches of salmon by Canadian vessels, a substantial portion of the catches being hatchery fish produced at substantial cost to the U.S. taxpayer, have reduced the benefit/cost ratio (as it pertains to benefits to U.S. fishermen) for U.S. hatchery operations and consequently made it more difficult to gain public support for such operations. Nevertheless, resource enhancement in terms of artificial production and habitat improvement can still be conducted on a positive domestic benefit/cost ratio and is essential to the future well-being of U.S. domestic user groups, providing Canadian catches of U.S. salmon do not accelerate to an even higher level. Care must be exercised, however, in the selection of facility sites, release points, salmon stocks, juvenile size at liberation, and timing of releases in order to maximize benefits to U.S. domestic fisheries.

The broader implications of the salmon interception problem are summarized graphically in Figure 2.

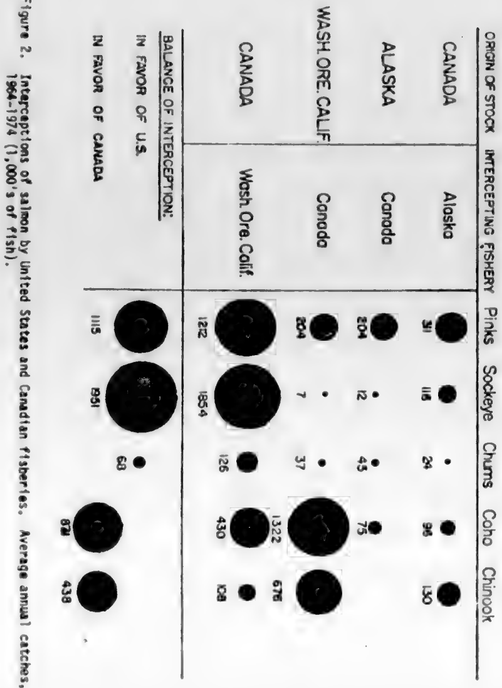


Figure 2. Interceptions of salmon by United States and Canadian fisheries. Average annual catches, 1964-1974 (1,000's of fish).

(Note: Average of U.S. and Canadian estimates and does not include salmon bound for streams which originate in Canada and flow through the Alaska Panhandle.)

2.1.6 Non-Target Species Mortalities. This is not a serious problem with the ocean salmon fishery. Although many other species, such as rockfish (genus Sebastes), lingcod (Ophiodon elongatus), and Pacific halibut (Hippoglossus stenolepis), may be caught by trollers and sport anglers, the magnitude of these catches, in most instances, is minor, both in relation to the ocean catch of salmon species as well as to the catch of the non-target species by other fisheries.

2.1.7 Fishery Management and Research

2.1.7.1 History. The earliest management involvement of Pacific Coast states was primarily in the form of documenting landings. Reliable statewide ocean salmon landing estimates were first published by California in 1916.

The first ocean salmon research that had significant management implications was not published until 1920. This work on salmon in Washington coastal waters demonstrated the rapid growth of "silvers" (coho) in their third summer and the advantage of delaying their capture until a larger size was reached.

Although tagging salmon at sea to study migration patterns was attempted in the early 1920's, it was not until the late 1930's and early 40's that significant information regarding ocean salmon movements was available.

Management agencies from the states of California, Oregon, and Washington have maintained specific and continuing research and management projects for the ocean salmon fishing since the 1940's. This work was solidified with the creation of the Pacific Marine Fisheries Commission (PMFC) in 1947 when the states of California, Oregon, and Washington entered into a compact with the consent of the 80th Congress of the United States.

One of the first undertakings of the Commission was the collection and publication of all available research data, statistics, and other facts pertinent to the marine fishing of the Pacific Coast states. Based on the data collected, the PMFC made recommendations for the regulation of the ocean troll fishery. These recommendations were subsequently adopted in substance by the member states.

The forum for coordinating both research efforts and ocean salmon fishery management has generally been the PMFC Salmon and Steelhead Committee. This Committee consists of knowledgeable project leaders and supervisors from each State agency.

Along with the tremendous increase in exploitation of ocean salmon stocks and as a result of continuing research by government agencies along the Pacific Coast, it became apparent that foreign fisheries created a tremendous impact upon U.S. salmon stocks. A prime example is the influence of Canadian troll catches on Puget Sound and Columbia River stocks.

There is a long history of cooperative research between the U.S. and Canada on salmon problems, as well as the exchange of statistical data. In the early 1960's, an Informal Committee on Chinook and Coho Salmon and a functional subunit--a technical working group--were established between the two countries and have provided a forum for planning and reviewing the results of the other country's research as well as an easily accessible route for the exchange of data.

2.1.7.2 Coordination with North Pacific Fishery Management Council. Significant numbers of chinook salmon originating in Washington, Oregon, and Idaho rivers are currently harvested by U.S. and Canadian commercial trollers operating in offshore waters adjacent to the coastline of Southeastern Alaska. Stocks involved include mainly those chinook salmon runs from the upper Columbia River system and Oregon and Washington coastal streams which still have significant numbers of 5-year-old fish in their spawning populations. The significant role of ocean fishing off Alaska on these stocks mandates close coordination between the North Pacific and Pacific Fishery Management Councils with respect to troll fishery chinook management. Further, changes in ocean fishery regulatory practices off either Alaska or off Washington, Oregon, and California would modify the coastwide distribution of troll fishing effort and must be carefully considered by both Councils.

Alaskan chinook and coho are not taken to any degree off Washington, Oregon, and California, and coho from these three southerly states are not present in any significant numbers off Alaska as adults.

2.1.7.3 Adjacent Waters Management. A close degree of coordination and general unity of purpose will be required in overall salmon resource management since the stocks involved commonly migrate across jurisdictional zones of domestic fishery management agencies as well as international boundaries. Specific and effective cooperation efforts by the Pacific Fishery Management Council must involve the following management authorities:

1. The International Pacific Salmon Fisheries Commission, Fisheries Service of Canada, State of Washington, and treaty Indian tribes for management of Puget Sound and southern British Columbia salmon stocks and fisheries.

2. The State of Washington and treaty Indian tribes for management of coastal Washington salmon stocks and fisheries.

3. The States of Washington, Oregon, and Idaho, treaty Indian tribes, and the Columbia River Compact for management of Columbia River system salmon stocks and fisheries.

4. The State of Oregon for management of coastal Oregon salmon stocks and fisheries.

5. The State of California for management of California salmon stocks and fisheries.

In all cases, coordinated management of salmon stocks must consider the habitat necessary to maintain and enhance the salmon resource on a continuing basis.

2.1.7.4 Regulation Evaluation. Proposed regulations will be evaluated by computerized analysis systems designed for that purpose. These are the Washington State Department of Fisheries-National Bureau of Standards Catch/Regulation Analysis Model (2) and the California Department of Fish & Game Salmon Fisheries Population Simulation Model.

Washington's operational management system has the capability to evaluate changes in ocean salmon fisheries by adjustments in seasons, size limits, fishing areas, effort levels, etc. Proposed changes presently can be contrasted with existing regulations for eight mixed stocks by area and fishery

in terms of numbers of fish taken, pounds landed, economic value of the catch, and fishing-related mortality losses. The computerized model presently contains 1975 recreational and commercial fishery economic data (3) as well as biological data on the following major stocks:

Puget Sound coho (4)
Columbia River coho (5)
Willapa Bay coho (6)
Grays Harbor coho (7)
Oregon coastal coho (8)
Southern British Columbia coho (9)
Lower Columbia River fall chinook (10)
Upper Columbia River fall chinook (11)

Biological data for each stock encompass estimates of ocean migration patterns (12), growth rates (13), age-class composition (14), maturation schedules (15), natural mortality rates (16), fishing-related mortality factors (17), and catch distributions (including average lengths and weights) and fishing rates by time, fishery, and geographical area (16).

This computerized model will soon be expanded to include other major salmon stocks such as Puget Sound chinook, Sacramento chinook, Oregon coastal chinook, upper Columbia and Snake River spring chinook, Fraser River chinook, and northern California coho.

The California model is oriented toward predicting the effects of regulation changes on catch and ocean escapement of chinook and coho. Biological data utilized include growth rates, age-class composition, natural mortality rates, fishing rates, fishing-related mortality factors, and catch by specified time intervals.

2.1.7.5 Provision of Basic Statistics. In order to provide the basic real time catch and effort data base necessary for achieving rational management of the ocean salmon fisheries, a coastwide data system will be achieved by expansion of the Washington Department of Fisheries' Auxiliary Fish Catch Record System (AFCRS). (19) This operational, on-line, computerized system successfully handled in-season catch and effort for all Washington salmon fisheries and the Oregon ocean sport fisheries during 1976. (20) Basic data are entered by common format from many agency sources to a central computer at the University of Washington and can be readily accessed in a variety of summary formats through the use of remote terminals. Data from the Oregon troll fishery as well as California and British Columbia ocean fisheries will be added to this system in 1977 as methods of providing real time catch and effort data are developed for each area. Remote terminal capabilities can be expanded to encompass any concerned fishery management agencies, and appropriate new summary formats will be developed as new management needs arise.

Specifically, the basic statistical data required are salmon catches (in numbers of fish by species, existing statistical catch area, time period, fishing gear, and user group) plus effort data (days fished or number landings for commercial fisheries, angler days for recreational fisheries).

2.1.7.6 Costs of Management. The high economic value and management complexities of salmon resources require that Pacific Coast fishery agencies expend significant portions of their resources for salmon management. For 1977, existing State and Federal programs can provide much of the work required for management needs. However, additional resources will be required for efficient management of the resources and the harvesting systems operating on them, especially for enforcement of the proposed regulations.

The expenses to date that have been incurred by the members of the planning team preparing this Ocean Salmon Fishery Management Plan, have totalled approximately $55,000. Direct expenses have been covered by a State-Federal Program contract with the Pacific Marine Fisheries Commission. Salaries for the members of the Team have been provided by their respective state and federal employing agencies.

The best estimate available at the present time of additional costs reasonably to enforce the Plan and its regulations is $450,000. This amount would support 248 Enforcement Agent-days, 660 hours of aircraft time for aerial patrols, and 120 vessel-days for surface patrols. Fishery enforcement personnel of the three coastal states and the National Marine Fisheries Service and personnel of the U.S. Coast Guard will cooperate in these patrol and enforcement actions. The specific contribution of each has not yet been established. These costs can be covered by (1) new appropriations, or (2) reprogramming of funds and efforts presently available. If additional funding cannot be provided from new money or reprogramming, then the level of enforcement will not be sufficient to handle adequately all of the anticipated problems.

No new domestic licenses, permits, or other forms of catch tax are proposed in the management plan above and beyond prevailing license and landing fee requirements of the individual states.

2.2 Status of Stocks

2.2.1 Condition of Salmon Resources

2.2.1.1 Chinook Salmon

The chinook salmon stocks in California have been severely depressed by changes in their freshwater environment (dams, water diversions, logging, pollution, road construction, etc.), and the stocks are at a much lower level of abundance than they were historically. There is some indication that the stocks are continuing to decline. For example, the average annual Sacramento River fall chinook escapement was estimated at 111,000 fish for the 5-year period 1953-57, and only 199,000 fish for the 5-year period 1965-69. For the same periods, escapements of the San Joaquin River fall run were 43,000 and 22,000 fish, respectively.

The Oregon coastal stocks of chinook also have been adversely affected by environmental changes (logging, fires, dams, pollution, etc.).

Many Columbia River chinook stocks are generally at a lower level of abundance than they were historically, and some of the upriver stocks have been lost completely because of dam construction. Furthermore, the spring and summer chinook runs to the Snake River have been declining since 1969. Escapement in 1974 and 1975 was dangerously low and below minimum escapement levels in most cases. This recent decline is attributed primarily to loss of juvenile salmon on their seaward migrations. The summer run escapements in recent years have been much lower than in the mid-1950's. The natural spawning upriver fall runs are down from earlier years and in some instances have not met escapement goals. Continuing efforts toward improved fish passage facilities, pollution control, and hatchery production give promise, however, of increasing chinook salmon runs in these areas as well as in the Willamette system and other lower Columbia River tributaries. Lower Columbia River stocks are already heavily augmented by hatchery production, and improved hatchery practices should

increase production of these fish even further.

A few coastal Washington chinook runs appear to be in fairly good condition. Increased fishing pressure and accelerated logging and industrial development have depressed many runs. Unless adequate steps are taken to protect the stream and estuary environment and to decrease ocean fishing mortality, continued declines can be expected. Certain races of fish, such as the early Satsop fall chinook and the spring and summer runs on the Queets and Hoh Rivers, are severely depleted.

For Puget Sound, the natural stocks of chinook are generally in a depressed state, whereas hatchery production continues to increase. Some continual degradation of the environment is to be expected although there are increasing efforts to minimize adverse effects on the stocks.

The chinook salmon stocks in British Columbia have not experienced the adverse effect on their environment to the same degree as the stocks to the south, but the escapement trend still appears to be slightly downward.

2.2.1.2 Coho Salmon

Annual coho production by California hatcheries is about 1 million yearlings. The majority of naturally-spawned coho are produced in streams north of San Francisco. California's north coast coho are secondary in importance when compared to that state's chinook run. Counts made at dams and weirs along the north coast show that coho escapement in recent years has been extremely variable.

For Oregon coastal coho stocks, production capacity, which declined as a result of early deterioration of watersheds, appears to have stabilized in most cases. Hatchery production is at a high level. Increased ocean fishing pressure stimulated by successful hatchery programs may have adversely affected some Oregon wild stocks.

For the Columbia River coho stocks, the escapement for the natural spawning early run fish is down, whereas the escapement to the hatcheries has increased. For late running coho, the trend of natural escapements is level to slightly down, with reduced escapements occurring in both 1973 and 1974.

The abundance of natural coho stocks in most Washington coastal and Puget Sound streams has decreased due to loss of spawning areas through logging, road building, gravel removal, dams, and pollution. Additionally, over-harvest has resulted in some natural runs not meeting escapement requirements in several recent years. Hatchery escapement and production have been increasing.

In general, coho salmon spawning areas in British Columbia continue to remain productive and stock levels relatively stable. Increased industrialization and pollution of the Fraser River could cause lower production.

2.2.1.3 Pink Salmon

Puget Sound pink salmon stocks are at a very low level of abundance and have been low since the large run in 1963. Fraser River pink salmon stocks experience rather wide fluctuations in abundance but have shown no significant trend, either upward or downward, in recent years.

2.2.1.4 Assessment of Future Status of the Resources

With prevention of further environmental degredation and overfishing, salmon stocks can be expected to continue producing sustained yields at or near the levels of recent years. Provision of improved spawning escapements for currently depressed stocks will aid in rebuilding them to harvestable levels and a modest incremental gain in total resource base can be expected. Large increases in future salmon abundance must, however, come from widespread habitat improvements to benefit natural production and/or major new artificial production facilities.

2.2.2 Estimated Maximum Sustainable Yield (MSY) and Optimum Yield (OY). Due to the annual variability experienced by salmon stocks, it is only possible to describe MSY for salmon as an average for a number of years. The normal management procedure is to set escapement goals by individual stock or aggregate of stocks for natural spawning and artificial production facilities. Management intent is then to permit any additional fish over and above these goals to be harvested. Pre-season predictions of expected run sizes subsequent to any ocean fishery interceptions are made for all major Washington and Columbia River salmon stocks to give fishermen and processors some idea of expected harvests and to provide fishery management agencies a basis for developing necessary regulatory controls. In practice, the ocean fisheries for chinook and coho salmon have never been actively managed in the context of either adjusting fishing rates up or down in response to similar fluctuations in salmon abundance or regulating the ocean fisheries to take a reasonably constant proportion of the fish actually available from year to year.

A good ocean catch can mean either a high abundance of salmon or a higher than normal fishing rate on an average run; an average catch can develop from a low catch rate on large runs, a high fishing rate on poor runs, or an average exploitation rate on average runs; and a poor ocean catch can result from a low catch rate on average runs or an average fishing rate on poor runs. The particular case for any specific year can only be evaluated after the fact when strengths of individual salmon runs returning to their respective streams of origin have been fully evaluated. With current technology, scientists lack a basis for accurately determining ocean fishing rates while the major ocean salmon fisheries are still in progress. Further, a high or low fishing rate on chinook salmon does not correlate with the same type of fishing rate on coho during a given season.

Since the entire methodology is imprecise, there is often considerable difference between pre-season run size predictions and actual stock abundance subsequent to ocean fishery interceptions. (21) For Washington and Columbia River salmon stocks, the highly efficient "inside" commercial net fisheries, plus a few river sport fisheries, have traditionally been closely monitored and regulated on a day-to-day basis to adequately harvest any levels of fish over and above needed escapement requirements. More recently, day-to-day management attention has been necessary for many of the new treaty Indian fisheries. The various "inside" fisheries have also borne virtually the entire brunt of restrictive measures deemed necessary to protect any depressed salmon runs. In some cases, there have not been enough fish reaching the spawning grounds to meet even minimum escapement requirements in spite of extensive closures of "inside" fisheries.

MSY for all individual chinook and coho salmon stocks found off the coasts of Washington, Oregon, and California at some time in their life history have not been calculated, but good approximations are available from the Washington State Department of Fisheries-National Bureau of Standards Catch/Regulation Analysis Model for most major stocks available as adults in the critical Washington coast-Columbia River mouth ocean management zone.

For example, Columbia River fall-run chinook (both upper and lower river) account for 70-75% of the ocean chinook catches made off Washington and these stocks currently provide an estimated average annual yield to all U.S. and Canadian salmon fisheries in all areas of 17.4 million pounds round weight, or nearly 1.3 million fish. Yields from all chinook salmon stocks found in this area would be about one and one-third times these amounts. An aggregate of five major coho stocks which account for over 95% of the ocean coho catch made off the Washington coast and Columbia River mouth currently yield an estimated 30.9 million pounds, or 4.8 million

fish, annually to all U.S. and Canadian salmon fisheries. These coho stocks are from Puget Sound, southern British Columbia, Washington coastal, Columbia River, and Oregon coastal streams. Yields from all coho stocks present would be slightly higher.

In the absence of all U.S. and Canadian ocean fishing, it is conservatively estimated that the same level of Columbia River fall-run chinook salmon resources could yield a harvest of 22.3 million pounds annually (1.1 million fish), or nearly 5 million pounds more than is presently achieved with the existing combination of all ocean and "inside" fisheries on these stocks. Further, it is conservatively estimated that the same five coho stocks listed above could produce 35.0 million pounds annually (4.3 million fish) in the absence of any domestic or Canadian ocean fishing in all areas or over 4 million pounds more than is now produced with the current distribution of overall catches. The "conservative" connotation is utilized in both instances since the statistics utilized for this analysis were conservative in the case of both hooking mortality rates and magnitude of ocean "shaker" catches (17) but relatively liberal with respect to natural mortality rates (16). Both biases in combination produce the most favorable possible evaluation of ocean fishery yields when contrasted to fishing for mature adults.

A noted Canadian scientist, Dr. W. E. Ricker, recently examined some of these same data and concluded that "the increase in weight of total catch from discontinuing ocean trolling for Columbia River chinook salmon and increasing river fishing correspondingly is estimated tentatively as between 63 and 98%". (22)

Regardless of the exact level of loss, fishery scientists generally agree that the "costs" of having major ocean fisheries on chinook and coho amount to millions of pounds of lost salmon production annually. (16)(22)(23) The ratio of loss to potential yield is substantially less in the case of coho since virtually all fish are harvested in their third (i.e., final) year and, in comparison to chinook, the average date of harvest for adults is closer to the times when maximum size is attained.

Achieving maximum yield levels in pounds would require elimination of ocean troll and sport fishing and the taking of all fish at or near river mouths. This action would be required because rate of growth exceeds rate of natural mortality in the ocean. This plan deviates from MSY by maintaining ocean troll and sport fisheries, but recommends reduced fishing rates to provide increased availability of fish to "inside" fisheries and spawning escapements.

Net effect of these recommendations on certain major salmon stocks provides an example of the effect of modifying MSY to reflect economic and social (including legal) factors to achieve OY. The plan projects optimum yields (OY) of 18.0 million pounds for Columbia River fall-run chinook (4.3 million pounds less than MSY) and 31.3 million pounds for the five coho stocks described previously (3.9 million pounds less than MSY). The reasons for proposing a harvest of less than MSY are reflected in (1) the high recreational values; and (2) the higher market value per pound for troll relative to net-caught Columbia River fall chinook (due to both real and perceived quality differences and different market channels). Values under the plan include an estimated $19.9 million for Columbia River fall-run chinook ($6.2 million more than the MSY value of $13.7 million) and $43.5 million for the five coho stocks ($8.8 million more than the MSY value of $34.7 million)(24).

Other considerations involved in preserving ocean troll and sport fisheries to achieve OY are:

1. Availability of salmon over a longer annual time period and in greater variety with a troll fishery.

2. Less dislocation and community impact than that which would follow immediate elimination of industries (troll fishery and charter boats) which form significant sectors of coastal employment alternatives

3. Preservation of a life-style represented by troll fishing and charter boat operation; activities accessible with modest capital investments.

Factors justifying some significant transfer of fish to the inside fisheries and spawning escapements to achieve OY include:

1. Reduced catches of depleted fish stocks that will provide increased salmon production over the long-term.

2. Legal rulings that require certain quantities of fish to be provided for treaty Indian fisheries.

3. A reversal of past trends resulting in the brunt of conservation restrictions falling on inside fisheries in order to assure that adequate spawning escapements are provided.

Current technology and availability of data do not permit direct quantification of all these factors. Thus, final determination of OY reflects the professional judgments and experience of the working team who prepared the plan, the Scientific and Statistical Committee and the Council which also has been influenced by input from the Salmon Advisory Panel and the citizen input through public hearings. The concept of optimum yield recognizes explicitly the multiple objectives of fishery management that were included in the Fishery Conservation and Management Act of 1976. The Act requires that relevant biological, economic, and social factors must be considered in determining the "optimum" yield from a fishery which will provide the greatest overall benefit to the nation with particular reference to food production and recreational opportunities. The Act does not, however, specify precisely how various factors should be included or how they should be balanced against one another in the determination of optimum yield.

This fishery management plan represents OY for 1977 by recommending management policies that modify estimates of MSY and reflect all the criteria established by PL 94-265 to the extent that information is available and the state of the art permits.

2.3 Total Allowable Level of Foreign Fishing

The abundance of the stocks of U.S. Pacific Coast salmon that are available to the Washington, Oregon, and California ocean fisheries will vary considerably from year to year. At the highest conceivable level of present or future abundance they can be completely and adequately harvested by U.S. domestic fisheries.

Thus, there is no surplus of these stocks available for harvest by foreign fishermen. However, part of the fishery is affected by a reciprocal fisheries agreement between the Government of the United States and the Government of Canada. The agreement shall enter into force when both countries have notified the other that necessary internal procedures have been completed. This agreement provides that Canadian fishermen may continue to fish within a portion of the Fishery Conservation Zone until December 31, 1977. A 1973 reciprocal agreement, which expires by its own terms on April 24, 1977, is superceded upon the entry into force of the new Agreement. The terms specified in the new reciprocal agreement will apply to Canadian fishing in the U.S. Fishery Conservation Zone (see Appendix A).

2.4 Treaty Indian Fishing Rights

Treaties of the United States with a number of Pacific Northwest Indian tribes secure to the latter certain rights to take fish, including salmon, on their reservations and at their usual and accustomed fishing grounds outside those reservations. These treaties include the Treaty of Medicine Creek (10 Stat. 1132), Treaty of Point Elliott (12 Stat. 927), Treaty of Point No Point (12 Stat. 933), Treaty of Neah Bay (12 Stat. 939), Treaty of Olympia (12 Stat. 971), Treaty with the Yakimas (12 Stat. 951), Treaty with the Walla Walla et al. (12 Stat. 945), Treaty with the Nez Perces (12 Stat. 957), and Treaty with the Tribes of Middle Oregon (12 Stat. 963).

Indian tribes have management and regulatory jurisdiction over fisheries on their reservations. The Federal courts have also recognized certain degrees of tribal regulatory jurisdiction over their members' exercise of off-reservation treaty fisheries vis-a-vis the States in the Olympic Peninsula and Puget Sound drainage areas and adjacent offshore waters and in the Columbia River Basin.

PL 94-265 specifically requires that any fisheries management plan promulgated under that Act describe the nature and extent of Indian treaty fishing rights affected by the plan and be consistent with applicable law. The Indian treaties and the Federal court decisions construing them, including most particularly United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), affirmed 520 F.2d 676 (9th Cir. 1975), cert. denied 423 U.S. 1086 (1976), and Sohappy v. Smith and United States v. Oregon and Washington, 302 F.Supp. 899 (D.Or. (1969), 529 F.2d 570 (9th Cir. 1976), are "applicable law" of the United States within the meaning of section 303(a) of PL 94-265.

These treaty fishing rights apply to all stocks of salmon under U.S. control or jurisdiction (including jurisdiction exercised by the States) that, absent prior interception, would pass through or be available at any of the treaty tribes' usual and accustomed fishing grounds wherever located. Currently, the rights have been expressly held to apply to Washington salmon stocks originating from Grays Harbor northward (plus other salmon stocks passing through the usual and accustomed fishing areas) and to all Columbia River system salmon stocks originating above Bonneville Dam.

Some of the treaty tribes have usual and accustomed fishing places in the Pacific Ocean areas to which their treaty rights are directly applicable. Specific Federal court adjudications of such places have been made in U.S. v. Washington for the following:

Makah Tribe: Marine waters extending from the Strait of Juan de Fuca "out into the ocean to an area known as Swiftsure and then south along the Pacific Coast to an area intermediate to Ozette Village and the Quileute Reservation". (384 F.Supp. at 364)

Quileute and Hoh Tribes: Tidewater and saltwater areas adjacent to the coastal area that includes the Hoh, Quillayute, Queets and Quinault Rivers and Lake Ozette. (384 F.Supp. at 359, 372)

Quinault Tribe: "Ocean fisheries....in the waters adjacent to their territory" which for fishing purposes includes the area form the Clearwater-Queets River system to Grays Harbor. (384 F.Supp. at 374)

The above listing is the most explicit guidance available to the Council. This is not to be considered a complete inventory of such usual and accustomed fishing grounds, with a potential existing for further definition of such rights for treaty Indians.

The Court emphasized, however, that the treaty fishing rights extended to "all usual and accustomed grounds and stations....where members of a tribe customarily fished from time to time at or before treaty times, however distant from the then usual habitat of the tribe...." (384 F.Supp. at 332) It said that the Northwest Indians "harvested fish from the high seas, inland salt waters, rivers and lakes". (384 F.Supp. at 352) It found that no complete inventory of such places could be compiled today but that the Findings of Fact (from which the above tribal data were taken) describe "some" of the areas wherein those tribes "are entitled to exercise their treaty fishing rights today". (384 F.Supp. at 353, 402) The parties may invoke the continuing jurisdiction of the Court to determine the location of fishing grounds "not specifically determined previously". (384 F.Supp. at 419).

No Pacific Ocean fishing areas have been adjudicated for any Washington, Oregon, or Idaho treaty tribes other than the four named above, and the Indians of coastal California have no treaty fishing rights. However, the Indians of the Hoopa Valley Reservation in California have established by judicial action their on-reservation rights to fish in the Klamath-Trinity River system.

The implementation of treaty fishing rights of Columbia River Indians for the next five years has been recently approved and decreed by the U.S. District Court of Oregon in United States v. Oregon and Washington (see Appendix B).

The treaty Indian catch has increased considerably in recent years but still has not reached the level of their treaty entitlement. To date, the burden of regulatory constraints needed to secure the Indian treaty rights under recent Federal court decisions has fallen almost entirely on non-treaty commercial net fishermen in internal state waters. Continuation of the current division of non-treaty catch may require severe curtailment or elimination of the following non-treaty fisheries: the August gill net fishery in the lower Columbia River for upper Columbia River fall chinook (25), the Grays Harbor gill net fishery for chinook and coho (26), and the Puget Sound purse seine and gill net fisheries for Puget Sound-origin chinook and coho (27). Further, other non-treaty net fisheries such as those on chum salmon (which are not caught in the ocean) might have to be severely curtailed or eliminated in the future as "equitable adjustments" for heavy non-treaty ocean troll and sport harvest of chinook and coho. The Federal courts have approved the concept of such adjustments to compensate the Indians for loss of opportunity on other runs.

2.5 Domestic Fisheries

A comparison of all chinook and coho stocks found off the coasts of Washington, Oregon, and California with major domestic fisheries shows the following:

Salmon stock origin	Major domestic fisheries				
	Commercial troll	Sport	Commercial nets	Treaty Indian	Total
California chinook	X	X			2
California coho	X	X			2
Oregon coastal chinook	X	X			2
Oregon coastal coho	X	X			2
Lower Col. R. spring chinook	X	X	X		3
Lower Col. R. fall chinook	X	X	X		3
Lower Col. R. coho	X	X	X		3
Puget Sound chinook	X	X	X	X	4
Southern Canadian chinook	X	X	X	X	4
Wash. coastal chinook	X	X	X	X	4
Upper Col. R. spring chinook	X	X	X	X	4
Upper Col. R. summer chinook	X	X	X	X	4
Upper Col. R. fall chinook	X	X	X	X	4
Puget Sound coho	X	X	X	X	4
Southern Canadian coho	X	X	X	X	4
Washington coastal coho	X	X	X	X	4
Upper Col. R. coho	X	X	X	X	4

NOTE: Some of the first seven stocks listed above may be intercepted while passing through usual and accustomed marine fishing areas of treaty Indians.

It will not be possible for equal ocean harvest rates to be applied to all the salmon stocks listed above without overfishing some, underfishing others, and/or eliminating several viable "inside" non-Indian fisheries currently managed by the States. There are no "perfect" geographical points for separating stocks supporting only major ocean fisheries (e.g., California chinook) from those also supporting a major commercial net fishery or significant inside recreational fisheries (e.g., Snake River system spring chinook). Likewise, there is no ideal separation point in the ocean for dividing stocks which are not required to support a treaty Indian fishery (e.g., lower Columbia River fall chinook) from those that are required to sustain Indian fishermen (e.g., upper Columbia River fall chinook). The two best areas for any alternatives which might be designed to achieve some degree of differential ocean fishing rates are probably Tillamook Head for chinook regulation changes and the southern Washington coast in the case of coho fishery considerations. Present ocean fishing rates are justified for some salmon stocks originating south of Tillamook Head.

2.6 Transfers to Canadian Fisheries

A series of possible measures to reduce U.S. ocean fishing rates on chinook and coho salmon has been considered by State management agencies for several years. Virtually all of the alternatives which might be implemented to increase overall resource yields and/or transfer more salmon to internal state waters have one major

flaw--they also transfer varying but significant numbers of fish to Canadian salmon fisheries. In general, any new constraints on U.S. ocean fishermen will, in fact, result in a net transfer of salmon from the U.S. to Canada. A new treaty with Canada might provide methods for resolving these problems of salmon transfer between U.S. and Canadian fisheries.

2.7 Basis for Differential Domestic Harvest Options

The case for relatively high ocean fishing rates on California and Oregon coastal chinook and coho salmon stocks is certainly excellent since a large-scale reduction in ocean fishing off Oregon and California would produce an over-escapement in several major salmon runs due to an absence of major terminal fisheries capable of exerting the fishing rates required. (28)

In the case of Washington and Columbia River salmon runs, however, major stocks can be harvested by existing commercial, sport, and Indian fisheries operating in internal state waters. Specifically, these are commercial purse seine, gill net, and reef net fisheries in Puget Sound; gill net fisheries in Grays Harbor, Willapa Bay and the Columbia River below Bonneville Dam; freshwater recreational fisheries in rivers throughout the area; a marine sport fishery within Puget Sound; treaty Indian fisheries in all Washington waters from Grays Harbor northward; and treaty Indian fisheries above Bonneville Dam in the Columbia River system.

2.8 Recommended Ocean Salmon Fishery Regulatory Controls

2.8.1 Ocean Salmon Fishery Management Objectives

There is urgent need for action by the Fishery Management Council to control the ocean salmon fisheries in order to increase the ocean escapement of fish into many Washington, Oregon, and Idaho areas in 1977 for the following reasons:

1. Severe passage problems at mainstem Columbia River dams in conjunction with some ocean harvests are resulting in inadequate spawning escapements of Snake River spring and summer chinook salmon. (29) Certain Puget Sound (30) and coastal Washington (31) stocks are also severely depressed in spite of extensive closures applied to "inside" fisheries.

2. Current Federal court judicial interpretations have ordered the States of Oregon and Washington to provide treaty Indians with an opportunity to take 50% of the total U.S. harvest allowed on stocks of fish destined for treaty Indian usual and accustomed fishing areas.

In light of these considerations, limiting criteria of the present plan are:

1. The plan initially should be confined to management of chinook and coho salmon ocean fisheries.

2. Immediate regulation change considerations should be limited to ocean waters off Washington and Oregon north of Tillamook Head in order to comply with pressing judicial requirements mandating greater fishing opportunities to treaty Indian fishermen as well as the need to provide increased escapements of weakened stocks.

In view to the above, regulatory controls proposed in this ocean salmon fishery management plan should satisfy the following basic objectives:

1. Maintain optimum spawning stock escapements.

2. Reduce fishery-caused mortalities other than legal-sized fish caught and landed.

3. Fulfill Treaty-Indian fishery obligations

4. Provide for the fisheries specifically listed previously (Section 2.5) the continuing opportunity to harvest salmon.

The Council accepts the responsibility to allocate resources to meet these objectives.

Also, in meeting the primary objectives above, the following additional factors were considered:

1. Recognize that the yield of the salmon fishery includes food value, dollar value, recreational value, and certain sociological or cultural values and that all of these values must be considered in the regulation and management of the fisheries.

2. Optimize the sustained yield of chinook and coho salmon with due consideration of all these values.

3. Maximize the poundage yield to the commercial fishery by minimizing the taking in that fishery of chinook and coho salmon having significant remaining growth potential; however, recognize that desired yield to commercial fisheries requires not only a consideration of pounds produced, but also quality of the product as indicated by consumer demand and prices.

4. Recognize that the desired yield to the recreational fishery is primarily in the recreational value of the fishing experience, not solely in pounds produced, and therefore that optimum value does not necessarily require harvesting only mature fish. In addition, the recreation-motivated factors of the achievement of catching salmon, of providing salmon for the family table, and the basic use of the fish caught in the ocean recreational fishery for personal consumption were also considered.

2.8.2 Size Limits, Bag Limits, Fishing Season, Area Closures and Gear Restrictions

It is recognized that there is a considerable variability in pre-season forecasts of stock abundance, ocean fishing rates, and predicted impacts of new regulatory measures. Refinement of these pre-season expectations, such as through in-season analysis of catch and effort data, may indicate the need for emergency in-season changes in regulations. The authority of the Secretary of Commerce to enact such emergency regulations subsequent to appropriate Pacific Regional Fishery Management Council recommendations is authorized under this plan.

It is not known at this time if any emergency changes will be required during the 1977 ocean fishing season, but this additional management flexibility should be available to meet unforeseen circumstances. These might include the abnormally high ocean fishing rates on coho that occurred in 1976 (32), vulnerability of mature salmon to fishing in river-mouth areas because of low stream flows (33), further interpretation and clarification of presently undefined fishing rights of Treaty Indians, or Council recommendations for modification of fishing regulations.

Also, under this plan, fishing with nets for salmon would not be permitted in waters under Council jurisdiction. A specific regulation must be adopted to prohibit such action. Net fishing in the ocean has been banned since the late 1950's through an agreement between the government of the United States and the government of Canada.

2.8.2.1 Commercial Troll Fishery North of Tillamook Head. (Note: To be defined legally as a line due west, 270 degrees true, from Tillamook Rock Light.) The regular, all-species commercial troll fishery for salmon in this area should be set within the general framework of a July through mid-September fishing season. The primary species supporting this fishery are chinook and coho salmon, each requiring large expenditures for artificial production, habitat protection, and fishery management. In the case of chinook salmon, three categories of fish comprised about 90% of the commercial troll fishery landings from this area under past regulations (i.e., pre-1977). Their comparative size and growth in pounds round weight are as follows:

Chinook Salmon Average Round Weight

Month	Immature 3-year-old fall-run fish	Mature 3-year-old fall-run fish	Mature 4-year-old fall-run fish
April	5.1	7.7	14.1
May	6.1	9.2	15.9
June	7.1	10.7	17.8
July	8.1	12.3	19.6
August	9.1	13.8	21.5

From these basic facts, it is obvious that the first group (immature 3's) should not be harvested commercially. Most of these fish became the "smalls" (less than 8 lb. dressed weight) of past troll fishery landings but their retention could be substantially reduced by application of a 28-inch total length minimum size restriction. This change would also virtually eliminate any retention of immature spring- and summer-run chinook in their third year. The latter two fall-run groups (mature 3's and 4's) should be taken commercially but at a time when they approach a reasonable percentage of their maximum size. The earlier in the year their capture occurs in the ocean, the more potential yields from the overall resource are sacrificed. These fish should be harvested commercially mainly during the period from July through mid-September. After this period, most mature chinook have emigrated from ocean waters and all sizes of fish remaining to be caught run heavily to immatures. Historically, spring-and summer-run chinook stocks comprised a much greater proportion of the troll catch, and this provided some logical basis for a longer ocean troll season. By the early 1970's, however, fish with the "sub-2" scale type indicative of the 1 year of freshwater rearing (typical to these spring and summer stocks) had declined to only about 5% of the Washington and Columbia River mouth ocean catch on an annual basis.

Coho salmon present a similar problem. Off Washington and the Columbia River mouth the ocean catch is predominantly 3-year-old maturing fish. Average round weights for the past Washington troll fishery were as follows:

Coho Salmon Average Round Weight

Month	Average round weight
June	5.5
July	6.6
August	7.9
September	8.8

It does not make much sense to be imposing a heavy commercial fishery on this species during June when they still have considerable growth potential.

By mid-September, many of the coho have emigrated from ocean waters. This is particularly true for stocks of hatchery origin which can generally withstand a much higher overall fishing rate than native fish. In addition, many of the 2-year-old immature coho present in the ocean have grown to a large enough size to be hooked on normal troll gear, and the desirability of a commercial fishery at this time is further diminished. Historically, many trollers off the Washington coast concentrated on chinook salmon until mid- or late July, and the problem of taking large quantities of half-grown coho was not manifested. As chinook abundance declined in ocean waters, however, troll effort gradually shifted to coho in June and early July. A July troll opening for both species should reverse this process to some extent since initial July chinook abundance in the ocean would substantially exceed that which prevailed under the past April 15 season openings.

There would be serious problems associated with immediate adoption of the short troll season described above. Basically, large fishing, processing, and support industries have developed for several generations under much more liberal regulatory controls. In addition, many of the potential resource "savings" which might be achieved through unilateral adoption of more restrictive ocean fishing controls for U.S. domestic fisheries would be transferred to Canadian salmon fishermen. Obviously, there is some justification for not making any ocean fishery changes unless Canada does something of a similar nature. A further complication would be shifts in U.S. trolling effort to ocean waters with more liberal seasons (California, Oregon and/or Alaska) with the resultant greater impact on salmon stocks and fishermen in those areas. Finally, a major reduction in only the troll fishery would result in a transfer of salmon to the ocean recreational fishery if it continued unchecked by new regulatory constraints.

Several additional alternatives need consideration, at least in the context of short-range fishery management goals:

1. A June 15 season opening for both chinook and coho merits consideration, particularly if Canadian and Oregon coastal seasons for coho continue to begin on this same mid-June date. A June commercial coho fishery in the ocean would continue the harvest of fish with a high remaining growth potential and continue the "status quo" with respect to ocean fishing rates, but problems with shifts in commercial troll fishing effort and transfers to Canadian fishermen would be alleviated.

2. A troll chinook fishery of limited duration could be scheduled prior to either June 15 or July 1. This should occur no earlier than May 1 in order to protect maturing upper Columbia River spring chinook present in the ocean until about May 1 and to prevent any large-scale early season harvest of mixed chinook stocks with high remaining growth potentials.

   Continued early season commercial ocean fishing for chinook salmon is not, however, in the best long-term interest of the salmon resources. The chinook poundage yields which are sacrificed, plus hooking mortality losses on small chinook and coho, cannot be continually supported as sound resource management.

   In its strictest interpretation, "conservation" obviously applies to early season restrictions since additional protection would be afforded several depressed upper Columbia River and Washington coastal spring and summer chinook runs. Reductions in commercial troll fishing times

and the increased chinook size limit would be fully justified on this basis alone. In the "wise use" connotation or broader meaning of conservation, more restrictive regulations can be further justified since they would increase poundage yields from existing harvestable salmon resources.

3. Prior to the coho troll season opening, trollers should be required to use barbless single hooks on all terminal gear. Barbless hooks will improve the survival rate of "shaker" coho salmon taken incidentally yet still take chinook as efficiently as barbed hooks.

4. In spite of No. 3 above, substantial numbers of dead and badly wounded coho will still be brought to the surface on troll hooks during any early chinook season. An incidental pre-season landing allowance for coho, possibly expressed as a percentage of each troller's chinook poundage, might generate significant economic yields from this apparent loss.

5. If any troll fishery for chinook (or all species except coho) is allowed prior to either June 15 or July 1, all vessels could be inspected and certified in port prior to any regular season opening for coho salmon. This enforcement technique could effectively inhibit illegal ocean troll fishing for coho before the prescribed season opening date.

6. Subsequent to mid-September, a limited commercial troll fishery could be provided off the southern Washington coast and Columbia River mouth. In this area, the late season problem with "shakers" is not nearly as serious as commonly encountered in northern Washington waters. Further, substantial numbers of harvestable late-run Columbia River hatchery coho are still available off southern Washington subsequent to mid-September. The open area should be no further north than Point Grenville, however, to achieve some degree of protection for naturally spawning Washington coastal stocks.

7. Another option is small area closures of ocean waters in the immediate vicinity of river mouths. These localized closures have long been advocated as an effective means for protecting specific salmon stocks but in actual fact, chinook and coho salmon from each river system are taken in ocean fisheries over a wide range in both time and geographic area. River mouth closures can only protect each stock from a small fraction of the overall ocean fishing pressure but may still have viable management potential in some specific instances. An example would be protection of depressed Washington coastal chinook or coho stocks by late-season river mouth closures. In the case of ocean waters off the Columbia River mouth, a "sanctuary area" total closure would only impact the ocean recreational fishery to a significant degree, not most commercial trollers, and salmon runs to the Columbia would only be increased slightly. Closures surrounding the mouths of smaller Washington coastal rivers would also impact mainly recreational anglers, as well as a few small-boat trollers, depending on timing and areas.

8. A limited entry plan which would exclude a large number of troll vessels which did not land at least 1,000 lb. of salmon in one or more past seasons could be implemented. This would, however, affect only those boats which, in aggregate, land 5% of the total Washington coast and

Columbia River mouth troll salmon harvest. Up to 60% of all licensed boats would be eliminated but the overall impact would be slight since about half of this potential 5% "savings" would be caught by the remaining fleet.

Any of the above regulatory alternatives adopted should also be applied as minimum standards for any Canadian troll salmon fishery which might still be allowed to operate within U.S. jurisdiction.

Specific troll regulation proposals north of Tillamook Head for 1977 are:

1. An all-species commercial troll season from July 1 through September 15.

2. Required use of barbless, single hooks on all terminal troll gear during any early season chinook fishing prior to July 1.

3. A 28-inch total length minimum size limit for chinook salmon, 16-inch total length minimum size limit for coho (34), and no minimum size limit for other salmon species.

4. Mandatory vessel inspection and certification to begin in port within 48 hours prior to the July 1 all-species season opening, with the States of Oregon and Washington being responsible for implementation of this program in their respective jurisdictions.

plus

Option A

1. A 1-month early chinook season from May 1 through May 31.

2. No late season troll fishing after September 15.

or

Option B

1. A 1-1/2 month early chinook season from May 1 through June 14.

2. A late season all-species troll fishery from September 16 through October 31 south of Point Grenville on the Washington coast.

2.8.2.2 Commercial Troll Fishery South of Tillamook Head. Off Oregon and California, salmon stocks are harvested by commercial and recreational ocean fisheries. Except for a limited Indian on-reservation fishery on the Klamath-Trinity River system in California, there are no existing commercial salmon net fisheries south of the Columbia River. Thus, management options for taking any desired quantities of harvestable salmon escaping the ocean fisheries are quite limited. Further, for practical purposes, Oregon coastal and California salmon stocks are not involved in meeting court allocation requirements. Present ocean fishing rates are justified for some salmon stocks originating south of Tillamook Head. However, an assessment of appropriate harvest levels with respect to the importance and condition of wild salmon stocks and potential optimum yield of all salmon stocks originating south of Tillamook Head should be completed within one year.

For 1977, it is recommended that 1976 California and Oregon commercial troll fishery regulations be adopted for the ocean waters south of Tillamook Head.

Specific troll regulation proposals south of Tillamook Head for 1977 are:

	Waters off Oregon	Waters off California
Minimum size limits	26 inches for chinook, 16 inches for coho, None for other salmon	26 inches for chinook, 22 inches for coho, None for other salmon
Chinook season	May 1-Oct. 31	April 15-Sept. 30
Coho season	June 15-October 31	May 15-Sept. 30
Vessel certification (Note: See No. 4 of troll regulation proposals for north of Tillamook Head.)	None south of Tillamook Head	Beginning May 13

These short-term recommendations should not be construed as a total fulfillment of PL 94-265 through simple continuance of existing regulatory controls. Basic issues must be resolved, however, before more appropriate regulatory controls can be formally considered. These include:

1. The ability of trollers to avoid coho during early-season chinook fishing off northern California and southern Oregon, as well as the actual need for this chinook fishery.

2. Spawning escapement requirements for California and Oregon coastal streams.

3. The ability to "recapture" potential savings generated from various alternate ocean fishery regulatory controls.

4. Limited entry and/or a salmon license moratorium.

2.8.2.3 Recreational Salmon Fishery North of Tillamook Head. Regulations for sport anglers in this area should be viewed in the context of changes from 1975 season statutes since several more restrictive rules were adopted by the States of Washington and Oregon for the 1976 fishery.

For 1977, one option would be to delay the ocean sport fishing season until the Saturday nearest May 1, a change of 2-3 weeks from the 1975 opening on the second Saturday in April. This would provide protection for depressed upper Columbia River spring chinook runs. While these fish constitute only a small percentage of any early season ocean chinook catch, this delay would result in additional escapement of spring chinook into the Columbia River. Fishing pressure on depleted Columbia River summer chinook runs would also be reduced somewhat by this delay in season opening date.

Secondly, increasing the minimum size limit on chinook salmon from the 20-inch standard of 1975 and prior years to 24 inches total length would improve quality of ocean sport fishing. It should reduce fishing effort on schools of small, immature chinook, particularly in the vicinity of the Columbia River mouth. Under past regulations, substantial numbers of 20- to 24-inch fish were retained and even greater numbers of sub-20-inch fish were hooked and released. This resulted in a significant reduction in numbers of fish which would be available later at a larger size. This change would also reduce fishing pressure on depleted runs of Columbia River spring and summer stocks as well as depressed Washington early chinook runs.

For coho salmon, a minimum size limit reduction from 20 inches to the current troll fishery minimum of 16 inches in length would permit retention of virtually all adult coho taken in their third and final year of life. The past 20-inch limit resulted in "sorting" of coho during early weeks of the sport fishery and adult fish under 20 inches had to be released. This less-restrictive regulation would also allow anglers to keep mature 2-year-old "jack" coho taken during late summer and fall months. These fish are mainly between 16 and 20 inches in length.

Additional regulatory alternatives include the following:

1. A reduction in the daily bag limit from three to two salmon. Yields in the sport fishery are primarily the recreational benefits derived, not simply the fish caught. If there was no significant decline in angler satisfaction and participation levels with a two- versus three-fish daily bag limit, then the third fish allowed anglers in past seasons would prove to have been of relatively little real economic value. In this case, there would be some justification for "saving" these fish and transferring them to other fisheries, where a greater net economic benefit would be derived. If, however, a reduction in the daily bag limit from three to two fish resulted in a substantial decline in recreational benefits then, in fact, the third fish in each angler's daily bag limit becomes quite valuable. (35)

2. A delay in the ocean sport fishing season off Washington and the Columbia River mouth until early or mid-June has some merit with respect to the additional protection that could be afforded depressed upper Columbia River and Washington coastal spring and summer chinook stocks. Since yields are expressed in recreational opportunities and satisfactions, not total poundage, other valid arguments applicable to delaying the ocean commercial fishery do not readily apply.

3. River mouth closures or "sanctuary areas" would have some limited fishing management applications. They would, however, be subject to the same general constraints already described in Section 2.8.2.1.

4. An annual salmon bag limit restriction for sport anglers could produce some reduction in total sport catch. (36) These fish would then be made available to other sport, commercial, and Indian salmon fishermen or to spawning escapements of depressed stocks. To evaluate merit of such a proposal, a basic judgment must be made as to management objectives. Are fishery resources to be managed for the "average" sportsman, who commonly takes only a few fish fish per year, or for all sportsmen, including those with salmon angling as their primary avocation?

5. A moratorium on charter boat licenses should be considered if there is judged to be a need for limiting ocean sport effort for salmon. A moratorium of this type would not fully stabilize recreational fishing effort since the trend has been toward continually building larger boats capable of carrying more passengers. Further, such a moratorium would not check the growth of fishing effort by anglers in private craft.

6. A final option would be to impose a salmon fishing license in Washington. A "duck stamp" format (as opposed to a "normal" license) would minimize administrative costs. A modest license fee would probably not serve as an effective fishing effort deterrant. Progressively higher fees could be considered for the small percentage of anglers taking large quantities of salmon each season, or a license fee could apply only to individual wishing to take over a prescribed number of fish annually.

Specific ocean sport fishery regulation proposals north of Tillamook Head for 1977 are:

1. A general all-species season from the Saturday closest to May 1 (April 30 in 1977) through October 31.

2. A 24-inch total length minimum size limit for chinook salmon, a 16-inch total length minimum for coho, and no minimum size limit for other salmon species.

3. A gear limitation of one rod per fisherman.

4. Adoption of current possession limits, annual limits and gear restrictions of the States of Oregon and Washington, respectively.

plus

Option 1

Commercial troll fishery regulations for north of Tillamook Head as proposed in Option A (see troll regulation proposals for north of Tillamook Head)

and

A three-fish daily sport bag limit

or

Option 2

Commercial troll fishery regulations for north of Tillamook Head as proposed in Option B (see troll regulation proposals for north of Tillamook Head)

and

A three-fish daily sport bag limit

or

Option 3

Commercial troll fishery regulations for north of Tillamook Head as proposed in Option 2 (see troll regulation proposals for north of Tillamook Head)

and

A two-fish daily sport bag limit

2.8.2.4 Recreational Salmon Fishery South of Tillamook Head. Recreational fishing in this area is subject to many of the same factors applicable to the region's commercial troll fishery (see Section 2.8.2.2). For this reason, it is recommended that 1977 personal-use angling regulations for California and the Oregon coast south of Tillamook Head mirror those enacted by the respective State agencies for 1976 fisheries.

Specific ocean sport fishery regulation proposals south of Tillamook Head for 1977 are:

Season

Oregon: May 1-December 31

California: North of Tomales Point - all year

South of Tomales Point - Saturdays closest to the dates of February 15 through November 15

Size Limits (all species)

Oregon: No size limit

California: 22 inches (exception, see daily limit)

Gear

Oregon: One rod

California: In accordance with existing State regulations (including no limit on number of rods or gear during the commercial fishing season)

Daily Limit (applicable to waters both outside and inside the 3-mile limit)

Oregon: Three fish

California: Three fish (two must be greater than 22 inches; one may be between 20 and 22 inches)

2.8.3 Summary of Regulatory Options North of Tillamook Head

Option 1

Commercial Troll

1. An all-species commercial troll season from July 1 through September 15.

2. Required use of barbless, single hooks on all terminal troll gear during any early season chinook fishing prior to July 1.

3. A 28-inch total length minimum size limit for chinook salmon, 16-inch total length minimum size limit for coho (34), and no minimum size limit for other salmon species.

4. Mandatory vessel inspection and certification to begin in port within 48 hours prior to the July 1 all-species season opening, with the States of Oregon and Washington being responsible for implementation of this program in their respective jurisdictions.

5. A 1-month early chinook season from May 1 through May 31.

6. No late season troll fishing after September 15.

Ocean sport

1. A general all-species season from the Saturday closest to May 1 (April 30 in 1977) through October 31.

2. A 24-inch total length minimum size limit for chinook salmon, a 16-inch total length minimum for coho, and no minimum size limit for other salmon species.

3. A gear limitation of one rod per fisherman.

4. Adoption of current possession limits, annual limits and gear restrictions of the States of Oregon and Washington, respectively.

5. A three-fish daily sport bag limit.

Option 2

Commercial troll

1. An all-species commercial troll season from July 1 through September 15.

2. Required use of barbless, single hooks on all terminal troll gear during any early season chinook fishing prior to July 1.

3. A 28-inch total length minimum size limit for chinook salmon, 16-inch total length minimum size limit for coho (34), and no minimum size limit for other salmon species.

4. Mandatory vessel inspection and certification to begin in port within 48 hours prior to the July 1 all-species season opening, with the States of Oregon and Washington being responsible for implementation of this program in their respective jurisdictions.

5. A 1-1/2 month early chinook season from May 1 through June 14.

6. A late season all-species troll fishery from September 16 through October 31 south of Point Grenville on the Washington coast.

Ocean sport

1. A general all-species season from the Saturday closest to May 1 (April 30 in 1977) through October 31.

2. A 24-inch total length minimum size limit for chinook salmon, a 16-inch total length minimum for coho, and no minimum size limit for other salmon species.

3. A gear limitation of one rod per fisherman.

4. Adoption of current possession limits, annual limits and gear restrictions of the States of Oregon and Washington, respectively.

5. A three-fish daily sport bag limit.

Option 3

Commercial troll

1. An all-species commercial troll season from July 1 through September 15.

2. Required use of barbless, single hooks on all terminal troll gear during any early season chinook fishing prior to July 1.

3. A 28-inch total length minimum size limit for chinook salmon, 16-inch total length minimum size limit for coho (34), and no minimum size limit for other salmon species.

4. Mandatory vessel inspection and certification to begin in port within 48 hours prior to the July 1 all-species season opening, with the States of Oregon and Washington being responsible for implementation of this program in their respective jurisdictions.

5. A 1-1/2 month early chinook season from May 1 through June 14.

6. A late season all-species troll fishery from September 16 through October 31 south of Point Grenville on the Washington coast.

Ocean sport

1. A general all-species season from the Saturday closest to May 1 (April 30 in 1977) through October 31.

2. A 24-inch total length minimum size limit for chinook salmon, a 16-inch total length minimum for coho, and no minimum size limit for other salmon species.

3. A gear limitation of one rod per fisherman.

4. Adoption of current possession limits, annual limits and gear restrictions of the States of Oregon and Washington, respectively.

5. A two-fish daily sport bag limit.

2.9 Predicted Impacts of Potential Regulatory Options

To evaluate potential changes in overall salmon catch distributions and resource yields, predicted impacts on major stocks found in the critical Washington coastal-Columbia River mouth management area were examined via computer analysis techniques. The predominant Columbia River fall-run chinook stock, which comprises about 75% of ocean chinook catches made in this area, plus an aggregate of coho salmon stocks which account for over 95% of the coho catches, were examined by the Washington State Department of Fisheries-National Bureau of Standards Catch/Regulation Analysis Model. Predicted results for a number of alternate regulatory strategies were carefully reviewed prior to development of specific proposals for 1977.

Obviously, any such predictions should only be construed as an approximation of what might be expected to happen, on the average, over a period of time. Possible changes in fishing effort and seasonal fishing patterns are especially difficult to quantify in advance, particularly since the ocean salmon fisheries do not have a history of active management and associated technical data base. Several factors are inherent in all combinations of options examined and the following received serious consideration in decisions concerning regulatory proposals for 1977:

1. Any reduction in only the U.S. recreational or commercial ocean fishery will produce a transfer of salmon to the other fishery which will continue unchecked by new regulatory constraints.

2. Any meaningful overall restriction of U.S. ocean fisheries will provide additional salmon to Canada's ocean fisheries as well as increased returns to rivers of origin within the U.S. Some new limitations on Canadian salmon interceptions would be needed to prevent this transfer.

3. Effects of two or more regulatory changes are not additive but must be evaluated in terms of impact as a combination.

4. Transfers from domestic ocean fisheries to "inside" fisheries will nearly always increase total poundage yields from existing salmon resources.

5. Any differentials in coastwide ocean fishing seasons would produce redistributions in troll fishing effort and effects must be considered.

A detailed technical analysis of specific regulatory proposals for 1977 indicates the following expected changes from the average situation prevailing during the 5-year period, 1971-1975 (Note: Differences for Options 1, 2, and 3 of specific regulation proposals for 1977 are shown separately in parentheses.)

1. Harvestable numbers of fall chinook returning to the Columbia River system would increase by (Options 1 and 3 - 34%; Option 2 - 29%). Total run size (catch plus escapement) would increase by (Options 1 and 3 - 20%; Option 2 - 17%). These levels would permit fulfillment of treaty Indian fishing rights, and also permit the Columbia River Compact to provide a viable August non-Indian gill net fishery below Bonneville Dam on upper river stocks (Columbia River fall chinook are the dominant stock in the Washington coast-Columbia River mouth area where more restrictive ocean fishing measures are proposed for 1977).

2. Run size increases of similar magnitude would be expected for Washington coastal fall chinook, and the ban on April fishing would protect Columbia River spring chinook in their final year. The reduction in early season

commercial fishing time prior to July 1 (when most Columbia River summer chinook have entered the river) would amount to (Option 1 - 1-1/2 months; Options 2 and 3 - 1 month) or (Option 1 - 60% less fishing time; Options 2 and 3 - 40% less fishing time) than the 2-1/2 month troll season for 1975 and prior years. The significant reductions in both early and late season fishing time, plus increased minimum size limits, would also benefit several currently depressed Washington coastal early chinook stocks. In some of these stocks, the additional fish are needed to bolster spawning escapements, at least for a temporary period while they are rebuilding to harvestable levels.

3. Small reductions in ocean fishing rates on Canadian, Puget Sound, Oregon coastal and California chinook stocks would occur but these would have only a minimal effect on overall management of these resources. Any reduction in fishing rates off Washington for the latter two stocks would be counterbalanced to some extent by an expected increase in ocean fishing off Oregon and possibly California.

4. The U.S. commercial troll fishery north of Tillamook Head would sustain reductions of (Option 1 - 42%, 31%, and 28%; Option 2 - 36%, 24%, and 21%; Option 3 -35%, 23%, and 20%), respectively, for factors of numbers of chinook landed, pounds landed, and catch dollar value. Potential dollar loss would be less than either numbers of fish or pounds due to the higher price per pound paid for larger fish. Average size of individual fish landed would increase by approximately 19% (all options) and overall hooking mortality losses of "shakers" would be reduced by (Option 1 - 11%; Options 2 and 3 - 6%).

5. The ocean sport fishery north of Tillamook Head would sustain a (Options 1 and 2 - 22%; Option 3 - 31%) reduction in numbers of chinook caught, but the poundage loss would be less than that percentage due to a 1-1/2-pound increase in average size of sport chinook landed. Hooking mortality losses would change by (Options 1 and 2 - plus 9%; Option 3 - minus 9%).

6. Major coho salmon stocks contributing to ocean fishery catches in the Washington coast-Columbia River mouth area would show varying results from proposed 1977 regulatory controls. Harvestable numbers of Puget Sound coho reaching U.S. "inside" waters would increase by (Options 1 and 2 - 7%; Option 3 - 9%) with an emphasis toward later, natural spawning stocks due to the troll closure after mid-September. During low-run cycles, State management would be directed toward utilizing these additional fish for spawning escapement requirements. Southern British Columbia coho runs would increase in a similar manner with some of the ocean fishery "savings" being taken in northern Puget Sound commercial net fisheries. Washington coastal coho runs would show the largest percentage increases in returning harvestable numbers, averaging (Option 1 - 18%; Option 2 - 12%; Option 3 - 15%), but varying by area and run timing. Late-running native stocks from Grays Harbor tributaries and Olympic Peninsula rivers would receive the most protection. Again, some potential savings would be transferred to needed spawning escapements during low-run cycles. Harvestable coho runs to the Columbia River and Oregon coastal streams would increase by (Option 1 - 5% and 8%; Option 2 - 2% and 0%; Option 3 - 17% and 8%), respectively.

7. The U.S. commercial troll fishery north of Tillamook Head would sustain reductions in coho harvests amounting to (Option 1 - 20%, 18%, and 15%; Option 2 - 18%; 15% and 12%; Option 3 - 16%, 12% and 9%), respectively,

for the factors of numbers of fish, pounds landed, and dollar value of the catch. Again, potential dollar loss would be less than either of the other two factors because larger fish move through market channels with higher prices per pound. In the case of both chinook and coho, U.S. troll losses shown could be reduced by increasing fishing effort during remaining open fishing periods north of Tillamook Head or, in the case of individual boats, by shifting efforts to California, Oregon, and/or Alaska. This would increase fishing rates and yields in these areas although the opportunity to troll off Alaska would be confined to boats which qualify under that state's limited-entry program.

8. The ocean sport fishery coho salmon catches north of Tillamook Head would change by (Options 1 and 2 - plus 11%; Option 3 - minus 8%) with the new regulations proposed. These changes would result from the combination of expected shifts in sport fishing effort from chinook to coho due to the larger chinook minimum size limit, the greater abundance of coho available due to a delay in the troll season opening date, and, in the case of Option 3, the prevailing daily bag limit. The coho size limit reduction would be of secondary importance. For the combined ocean sport catch of chinook and coho, no change would be expected with Options 1 and 2 since the loss of small chinook would be counterbalanced by increased coho catches.

9. For all U.S. and Canadian fisheries harvesting salmon stocks that are present at some time off the Washington coast, the proposed ocean fishing regulatory changes north of Tillamook Head would result in a total poundage yield increase of (Option 1 - 1.3 million pounds; Option 2 - 1.0 million pounds; Option 3 - 1.4 million pounds) annually from existing levels of chinook and coho salmon resources. This occurs primarily because chinook and coho would be caught at a larger average size. Three types of catch shifts are involved: (a) from early to later in the ocean fishing season for maturing chinook and coho; (b) from immature chinook to mature fish taken one or two seasons later in the ocean; and (c) from ocean fisheries to "inside" fisheries. Additional benefits would be derived by increasing spawning escapements to begin rebuilding currently depressed native salmon stocks.

10. The aggregate of Canadian salmon fisheries participating in the harvest of these stocks will benefit from these increased yields even though one specific element, the troll fishery off the U.S. coast, will have to fish under somewhat more restrictive regulations than prevailed in the past.

A limited number of social and economic reports were available to the Council within the time frame available. It is the judgment of the Council that the best information available to the team was used, recognizing that the plan should be improved in this area as more socioeconomic information becomes available.

SUMMARY OF EXPECTED CHANGES FROM THE AVERAGE SITUATION PREVAILING DURING THE 5-YEAR PERIOD, 1971-1975, BY 1977 REGULATORY OPTIONS

Element	Option 1	Option 2	Option 3	Council Adopted CA
Chinook				
Returns to terminal areas				
Harvestable numbers of fall chinook returning to the Columbia River system	+34%	+29%	+34%	+23%
Total fall chinook run size to the Columbia River system	+20%	+17%	+20%	+14%
Commercial impact				
Early season commercial troll fishing time north of Tillamook Head prior to July 1	-60%	-40%	-40%	-60%
Numbers of chinook for troll fishery north of Tillamook Head	-42%	-36%	-35%	-23%
Pounds of chinook for troll fishery north of Tillamook Head	-31%	-24%	-23%	-20%
Catch value of chinook for troll fishery north of Tillamook Head	-28%	-21%	-20%	-18%
Average size of individual chinook for troll fishery north of Tillamook Head	+19%	+19%	+19%	+ 4%
Chinook hooking mortality losses for troll fishery north of Tillamook Head	-11%	- 6%	- 6%	-28%
Sport impact				
Number of chinook for sport fishery north of Tillamook Head	-22%	-22%	-31%	-23%
Chinook hooking mortality losses for sport fishery north of Tillamook Head	+ 9%	+ 9%	- 9%	+ 9%
Coho				
Returns to terminal areas				
Harvestable numbers of coho returning to Puget Sound	+ 7%	+7%	+ 9%	+ 7%
Harvestable numbers of coho returning to Washington coastal streams	+18%	+12%	+15%	+12%
Harvestable numbers of coho returning to the Columbia River system	+ 8%	+ 2%	+17%	+ 2%
Harvestable numbers of coho returning to Oregon coastal streams	+ 8%	No change	+ 8%	No change
Commercial impact				
Numbers of coho for troll fishery north of Tillamook Head	-20%	-18%	-16%	-18%
Pounds of coho for troll fishery north of Tillamook Head	-18%	-15%	-12%	-14%
Catch value of coho troll fishery north of Tillamook Head	-18%	-12%	- 9%	-12%
Sport impact				
Numbers of coho for sport fishery north of Tillamook Head	+11%	+11%	- 8%	+11%

2.10 PACIFIC FISHERY MANAGEMENT COUNCIL ACTION ON REGULATORY OPTIONS

The Pacific Fishery Management Council during public meetings on March 17-18, 1977, in Seattle, Washington considered and adopted this Environmental Impact Statement and Fishery Management Plan for "Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California."

A variety of specific regulatory provisions were considered. A summary of those adopted are as follows:

Regulations North of Tillamook Head

Commercial Troll

a. An all-species commercial troll season from July 1 through September 15.
b. Required use of barbless, single hooks on all terminal troll gear during any early season chinook fishing prior to July 1.
c. A 26-inch total length minimum size limit for chinook salmon, 16-inch total length minimum size limit for coho and no minimum size limit for other salmon species.
d. Mandatory vessel inspection and certification to begin in port within 48 hours prior to the July 1 all-species season opening, with the States of Oregon and Washington being responsible for implementation of this program in their respective jurisdictions.
e. A one-month early chinook season from May 1 through May 31.
f. A late season all-species troll fishery from September 16 through October 31 south of Point Grenville.
g. Unlawful to possess steelhead.

Ocean Sport

a. A general all-species season from the Saturday closest to May 1 (April 30 in 1977) through October 31.
b. A 24-inch total length minimum size limit for chinook salmon, a 16-inch total length minimum for coho, and no minimum size limit for other salmon species.
c. A gear limitation of one rod per fisherman.
d. Adoption of current possession limits, annual limits, and gear restrictions of the States of Oregon and Washington, respectively.
e. A three-fish daily sport bag limit.

Regulations South of Tillamook Head

Commercial Troll

	Waters off Oregon	Waters off California
Minimum size limits	26 inches for chinook, 16 inches for coho, None for other salmon	26 inches for chinook 22 inches for coho, None for other salmon
Chinook season	May 1 - Oct. 31	April 15 - Sept. 30
Coho season	June 15 - Oct. 31	May 15 - Sept. 30

Vessel certification (Note: See No. d of troll regulation proposals for north of Tillamook Head.)	None south of Tillamook Head	Beginning May 13
Steelhead	Unlawful to possess steelhead	

Ocean Sport

Season

Oregon: May 1 - December 31

California: North of Tomales Point - all year

South of Tomales Point - Saturdays closest to the dates of February 15 and November 15

Size Limits (all species)

Oregon: No size limit

California: 22 inches (exception, see daily limit)

Gear

Oregon: One rod

California: In accordance with existing State regulations (including no limit on number of rods or gear during the commercial fishing season)

Daily Limit

Oregon: Three fish

California: Three fish (two must be greater than 22 inches; one may be between 20 and 22 inches.

2.11 Data on Ocean Commercial and Recreational Salmon Fisheries to be Supplied to the Secretary

The pertinent data which shall be submitted to the Secretary with respect to the Ocean Salmon Fisheries shall include the following: Fishing gear involved, by type and quantity; Catches, by species, number and/or weight; Fishing effort expended, by gear-type, user-group and with respect to time and management areas (as defined in this plan); and such other information pertinent to the evaluation of the management plan in meeting the requirements of the Act. Such data will be furnished in accordance with regulations published by the Secretary as may be deemed necessary.

3.0 RELATIONSHIPS OF THE PROPOSED ACTION TO LAND USE PLANS, POLICIES, AND CONTROLS

3.1 Relation of Proposed Action to Coastal Zone Management Programs and Land-Use Plans and Controls

Although administration of the Fishery Management Plan is effected outside the boundaries of California, Oregon, and Washington, the potential exists that the Plan could have direct affect on the coastal zones of the three states.

The Coastal Zone Management Act of 1972 requires Federally planned, conducted, or supported activities directly affecting the coastal zone of a state be consistent to maximum extent practicable with that state's Coastal Zone Management program if the program has been approved by the Department of Commerce. To date, only the State of Washington has an approved State Management Program. Each state with an approved program will be notified of the Plan at the earliest practicable time and will be consulted to determine whether the Plan is consistent with the approved Coastal Zone Management program.

3.2 Shoreline Uses

Salmon trollers require parking, boat moorage, service facilities, and fish receiving facilities. The offshore U.S. recreational fishery on salmon requires extensive automobile parking areas, boat launching and moorage facilities and customer service facilities such as motels and restaurants. Both groups require safe small-boat harbors. No additional facilities should be required because of this plan and no significant reduction or abandonment or alteration of existing facilities will be required. Neither rescue nor enforcement requirements are likely to result in any significant change in needs for land bases or facilities that would affect Washington's coastal zone management plan. No other impacts on coastal zone areas could be identified.

4.0 PROBABLE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

4.1 Physical Effect

No change in impact on the physical environment is expected from continuing or modifying the existing ocean salmon fisheries. Ocean fishermen currently dress their catch at sea and salmon offal is discarded into offshore waters. This processing would continue under the plan. Most of this disposal, estimated at 1.5 million pounds of salmon viscera annually would be in an area off the U.S. coast inside or easterly of the 200-meter depth curve. This organic material rapidly re-enters the oceanic food chain.

4.2 Biological Effects

4.2.1 Fishing on Mixed Stocks. Chinook, coho, and pink salmon from various areas, including many U.S. streams, are harvested by ocean commercial troll and recreational salmon fisheries. It is not possible to protect totally some stocks and harvest others by regulating the U.S. domestic ocean fisheries alone. All of the escapement for spawning must come from that portion of the run returning to U.S. waters. In years of small runs, ocean harvests on mixed stocks can eliminate domestic fisheries in internal state waters, as well as result in a low abundance of spawning fish. This proposed action will reduce fishing effort on mixed stocks, and will help provide more fish to areas where management can better be conducted on the basis of discrete stocks and increase escapements and future production.

4.2.2 Size of Fish Harvested. The ocean salmon fishery harvests fish while they are still actively growing. Although regulations establish minimum size limits for the salmon, most fish are still harvested with significant remaining growth potential.

The catch and release of undersized or out-of-season fish also results in a "hooking mortality" loss. For the commercial troll fishery, this loss has been estimated by various agencies to be from 15% to 30% of the fish hooked and released. This loss further reduces the pounds of salmon that could be recovered from the resource if they were harvested when they reached full maturity.

4.3 Social and Economic Effects

There are major social and economic effects which may be expected to result from the proposed actions. They are as follows:

1. Due to the provision of an increase in harvestable numbers of fall chinook reaching the Columbia River system and the predicted increase in total run, the numbers of salmon from which to accommodate treaty Indian fishing rights will be increased.

2. The projected increase mentioned in No. 1 above should provide for a viable August gill net fishery below Bonneville Dam on upper Columbia River stocks. This will contribute to the maintenance of the social and economic systems involved in that fishery.

3. The proposed action may result in some temporary shifts of fishing effort and associated catches from the coast of Washington to the coasts of California and Oregon, and possibly to Alaska. This will have an impact on the local economies of these states, and on the communities whose fishermen may shift their geographical base.

4. The combined coho and chinook catch in the ocean recreational fishery north of Tillamook Head (Options 1 and 2 - would not significantly change; Option 3 - would be moderately reduced). For Options 1 and 2, this will preserve the existing viability of the recreational activities and enterprises.

5.0 UNAVOIDABLE ADVERSE EFFECTS

Regulatory alternatives that are available to accomplish the ocean salmon fishery management objectives described in Sections 1.1, 1.2, and 2.8.1 of this document will result in certain ocean fishery catch reductions. A detailed technical analysis, described in Sections 2.1.7.4 and 2.9 for Options 1, 2 and 3 of the specific regulatory proposals for 1977, as well as the plan actually adopted by the Council (CA), all four of which are summarized in the table on page 42, indicates that the following adverse effects to certain persons or groups, relative to a 1971-1975 base period, would be predicted.

1. Small reductions would occur in ocean fishing harvests on Canadian, Puget Sound, Oregon coastal, and California chinook stocks; reductions off Washington for the latter two stocks may be partially counter-balanced by increases off Oregon and California.

2. North of Tillamook Head ocean catch reductions of (Option 1 - 42%, 31%, and 28%; Option 2 - 36%, 24% and 21%; Option 3 - 35%, 23%, and 20%; CA - 23%, 20%, and 18%), respectively, in numbers of chinook landed, pounds landed, and dollar value would be experienced by commercial fishermen.

3. A reduction of (Options 1 and 2 - 22%; Option 3 - 31%, CA - 23%) in numbers of chinook caught in the ocean sport fishery north of Tillamook Head would occur, but poundage loss would not be as great due to the increase in size of fish landed. Hooking mortality losses for chinooks would change by (Options 1, 2, and CA - plus 9%; Option 3 - minus 9%).

4. Reductions in ocean coho harvests by the commercial troll fishery north of Tillamook Head amounting to (Option 1 - 20%, 18%, and 15%; Option 2 - 18%, 15%, and 12%; Option 3 - 16%, 12%, and 9%; CA - 18%, 14%, and 12%) respectively, in numbers of fish, pounds landed, and dollar value would occur.

5. In the case of Option 3, the ocean sport fishery north of Tillamook Head would experience a coho salmon catch reduction estimated at 8% annually.

The aforementioned reductions would initially result in adverse economic impacts on the fishermen, processors, and communities within which fishery-related industries reside. However, over the longer term, effects of improved management and conservation practices should rebuild the fishery stocks initially affected, to offset any losses incurred. The major benefits which offset these impacts have been previously described (Section 2.9).

Continuous monitoring and analyses of the salmon fisheries will be carried out to monitor total harvests and to determine the effects of the regulatory measures adopted. In the event that undue effects occur on any segment of the fishery or are greater than those currently predicted, the regulatory measures could be revised to compensate for such effects.

6.0 ALTERNATIVES TO THE PROPOSED ACTION

6.1 More Restrictive Ocean Salmon Fisheries

One alternative recommendation would be to prohibit ocean troll fishing prior to July 1 within U.S. jurisdiction off Washington and the Columbia River mouth.

This alternative would further increase the U.S. commercial net, treaty Indian, and freshwater recreational catches of salmon, as well as bolstering spawning escapements of depressed stocks. The increase would be the result of salmon "saved" by restricting domestic ocean salmon fishing. Some of these salmon, however, would migrate into Canadian waters and be caught there.

The disadvantage of this action is that the troll fishery off the Washington coast and Columbia River mouth would be drastically curtailed. Existing fishermen would lose a major portion of their source of livelihood or have to shift their efforts to Oregon, California, and Alaskan ocean waters. Additional fishing pressure on other salmon stocks would result. Large segments of the commercial buying, processing, and marketing industry would face elimination. Business for many commercial support industries would be severely curtailed or eliminated. The immediate imposition of this alternative would have such a drastic effect on the industry that it was not considered further at this time.

6.2 Less Restrictive Ocean Salmon Fisheries

A second alternative would be to increase the level of ocean fishing rates. Such actions would expand ocean fisheries off the U.S. coast at the expense of other U.S. "inside" fishermen and increase the potential for over-exploitation on specific major salmon stocks. Such action would, on balance, be inconsistent with the mandates of PL 94-265. This alternative was not considered further since some weaker stocks are already being over-fished and more liberal regulations would make it even more difficult to provide for proper conservation of the salmon resources.

6.3 No Action

Without some regulatory action by April 15, 1977, on the ocean salmon fisheries, it is likely that a regulatory void will exist in these fisheries. Such a void will have an adverse biological impact on the salmon stocks on which the ocean fisheries are based, and adverse economic and social impacts on the fisheries directed at the same stocks when they subsequently migrate into the territorial and inside waters of Oregon, Washington, and Idaho. Past experience with these fisheries indicates that, without a management plan, there is a potential for a disruptive fishery on these stocks, including the inability for managing agencies to provide for inshore fisheries and to ensure adequate escapements for spawning purposes.

Further, this action would probably result in continued or increased legal proceedings to compel either the Council or the States, or both, to insure fulfillment of Indian treaty obligations. There would be increased disruption of the

fisheries and violent clashes between fishermen and enforcement authorities resulting from such legal confrontations.

7.0 RELATIONSHIP BETWEEN LOCAL SHORT-TERM USE OF THE ENVIRONMENT AND MAINTENANCE OF LONG-TERM PRODUCTIVITY

The short-term effect of the proposed action is to permit increases in escapement of the affected salmon stocks to "inside" fisheries and spawning grounds. For the long term, assuming coordinated management by the "inside" entities having management jurisdiction, the action, if continued, should result in increased productivity.

8.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

No irreversible commitments of resources will result from the implementation of this management plan which has been set in motion by the passage of the Fishery Conservation and Management Act of 1976. The management plan basically outlines modifications to existing ocean salmon management procedures. Implicit in the implementation of this management plan is the periodic monitoring of the catch to provide data for management decisions. Short-term irretrievable commitments of public funds can be identified. Irretrievable commitments can be generally defined as the use or consumption of resources that are neither renewable nor recoverable for subsequent use.

Biological Resources - No loss of aquatic flora or fauna populations has been identified. Periodic monitoring of the catch is required and the current management plans are flexible and could be changed if adverse impacts appeared.

Land Resources - No irreversible or irretrievable commitments of land resources have been identified in the proposed management plan.

Water and Air Resources - No irreversible or irretrievable commitments of water or air have been identified.

9.0 REFERENCES AND NOTES

1. The ocean migrations of immature coho appear, however, to be much more extensive than indicated by the recovery of marked adult fish in the various fisheries. See: Loeffel, Robert E. and William O. Forster. 1970. Determination of movement and identity of stocks of coho salmon in the ocean using the radionuclide zinc-65. Oreg. Fish. Comm. Res. Pap., Vol. 2, No. 1: 15-27.

2. Johnson, Frederick C. 1975. A model for salmon fishery regulatory analysis. Second Interim Report. Nat. Bur. of Stand. Rept. 75745, NBS Proj. 2050071, 28 pp. (mimeo).

An additional report is in preparation and will provide a detailed listing of basic data employed as well as actual examples of model analysis results.

3. The following average 1975 Washington ex-vessel commercial fish prices were utilized in the analysis:

Price Per Pound, in Dollars

District	Chinook salmon		Coho salmon	
Puget Sound	Nets: 0.92	Troll: 1.08	Nets: 1.02	Troll: 0.85
Grays Harbor	Nets: 0.94	Troll: 1.02	Nets: 1.04	Troll: 0.77
Willapa Harbor	Nets: 0.89	Troll: 0.99	Nets: 0.97	Troll: 0.76
Columbia River	Nets: 0.61	Troll: 0.93	Nets: 0.91	Troll: 0.76

Troll fishery prices were converted to a round weight basis, and catches in non-Washington fisheries were assigned prices of the nearest district.

Recreational fishery values were based on a $28.00 per-fish overall average weighted to reflect the higher observed value of larger fish in the following manner: $13.00, $24.00, $35.00, $45.00 and $56.00 per fish for 0-4 lb., 4-8 lb., 8-12 lb., 12-16 lb., and 16-100 lb. salmon, respectively.

4. Based on current stock size as applied to a composite of 11 marked 1964, 1965, and 1966 brood year experimental groups as recovered in the 1967, 1968, and 1969 fisheries and escapements.

5. Based on current stock size as applied to a composite of six marked 1965 and 1966 brood year experimental groups as recovered in the 1968 and 1969 fisheries and escapements.

6. Based on current stock size as applied to a composite of two marked 1965 and 1966 brood year experimental groups as recovered in the 1968 and 1969 fisheries and escapements.

7. Based on current stock size as applied to a composite of four marked 1964 and 1965 brood year experimental groups as recovered in the 1967 and 1968 fisheries and escapements.

8. Based on current stock size as applied to a composite of four marked 1965 and 1966 brood year experimental groups as recovered in the 1968 and 1969 fisheries and escapements.

9. Current stock size based on a 65:35 ratio of Puget Sound:southern British Columbia coho in the Strait of Juan de Fuca. Ocean catch distribution assumed to be equal to Puget Sound coho and terminal area catches based on actual catches of Canadian coho in U.S. northern Puget Sound fisheries and Canada's Fraser River commercial fishery.

10. Based on current stock size as applied to a composite of 16 marked 1961 through 1964 brood year experimental groups as recovered in the 1963 through 1969 fisheries and escapements.

11. Based on current stock size as applied to a mixture of 50% lower Columbia River fall chinook (see No. 10 above), and 50% of a composite of four marked 1961 through 1964 brood year Kalama River experimental groups as recovered in the 1963 through 1969 fisheries and escapements. No experimental data base for naturally spawning upper Columbia River fall chinook

were available but the age composition of these fish as returning adults is similar to the Kalama River stock. This implies a comparable ocean catch distribution pattern.

12. Based primarily on an analysis of adult fish tagging experiments in the ocean. To simulate a stock correctly, it is essential to properly evaluate the "sub-stocks"; e.g., Puget Sound coho moving northward and feeding off the west coast of Vancouver Island versus those moving southward to areas off the Washington coast. Each sub-stock is not equally available to all ocean fisheries harvesting the overall stock.

13. Growth is reflected in monthly average fork lengths in centimeters and is entered separately for each of the following groups: 3-year-old coho from each geographic area specified previously; 2-year-old immature chinook; 3-year-old immature chinook; 3-year-old mature chinook; 4-year-old immature chinook; 4-year-old mature chinook; and 5-year-old mature chinook.

14. All coho stocks were assumed to be harvested as 3-year-old maturing adults. Chinook age composition was based on actual catch and escapements of marked experimental groups as specified in Nos. 10 and 11.

15. Maturity by area and time based directly (Washington fisheries) or by extrapolation (non-Washington fisheries) from basic data provided in the following: Wright, S.G. and John Bernhardt. 1972. Maturity rates of ocean-caught chinook salmon. Pac. Mar. Fish. Comm. Bull. 8: 49-59.

16. For chinook salmon, an annual natural mortality rate of 0.342 was utilized for all age and maturity categories. This was derived from the average instantaneous rate (on a yearly basis) for nine studies cited in Table 25, page 48, of the following report: Cleaver, F.C. 1969. Effects of ocean fishing on 1961 brood fall chinook from Columbia River hatcheries. Fish. Comm. Oreg. Res. Rept. 1(1): 1-76.

Natural mortality rates significantly higher than the 0.342 rate were tested in both the Washington and California models and could not reproduce the age class composition and sex ratios actually observed in catches and escapements. The natural mortality rate could, however, be significantly lower than 0.342, particularly in the case of larger fish. For coho salmon, an annual natural mortality rate of 0.30 was utilized for fish in their third and final year to reflect a 10% rate during their 4-month period of primary harvest. The actual rate could be significantly higher or lower

17. Numbers of salmon hooked and released were derived from estimates by the fishermen themselves through voluntary troll salmon logbook programs and field interviews of sport anglers. Hooking mortality rates recommended in the following report were utilized: Wright, Sam. 1972. A review of the subject of hooking mortalities in Pacific salmon (Oncorhynchus). 23rd Annual Report (1970). Pac. Mar. Fish. Comm., pp. 47-65.

No additional losses were computed for fish taken by predators or unobserved losses of hooked fish.

18. Based on actual catches and escapements of marked fish experimental groups as specified in Nos. 4 through 11.

19. Pratt. David C. 1975. Anadromous fish catch record system (AFCRS). Wash. Dept. Fish. Prog. Rept., 35 pp. (mimeo)

20. Washington troll catch estimates by species are made on a weekly basis for five district-area categories (Puget Sound, La Push, Westport, Willapa, Columbia River) through field examination of "key buyer" landing records. Washington ocean sport effort data (angler trips) and catch estimates by species are made on a weekly basis for four ports (Neah Bay, La Push, Westport, and Ilwaco) by application of field sample data (anglers per boat for charter and private boats, catch by species per angler) to WDF and U.S. Coast Guard boat counts. Oregon ocean sport effort data (angler trips) and catch estimates by species are made on a bi-monthly basis for eight ports (Columbia River, Garibaldi, Depoe Bay, Newport, Florence, Winchester Bay, Coos Bay, Brookings) by application of field sample data (anglers per boat for charter, skiff and pleasure boats, catch by species per angler) to ODF&W and U.S. Coast Guard boat counts.

21. Pre-season run size predictions for individual areas are commonly "updated" through analysis of catch and effort during the early portion of each run, test fishing, dam counts, early escapement indices, and/or other technical management tools. At this point, only restrictions on the inside fisheries can achieve the proper balance between total catch and escapement.

22. Ricker, W.E. 1976. Review of the rate of growth and mortality of Pacific salmon in saltwater and noncatch mortality caused by fishing. J. Fish. Res. Bd. Can. 33: 1483-1524.

23. See also: Henry, K.A. 1971. Estimates of maturation and ocean mortality for Columbia River hatchery fall chinook salmon and the effect of no ocean fishery on yield. Oreg. Fish. Comm. Res. Rept. 3: 13-27.

Henry, K.A. 1972. Ocean distribution, growth and effects of the troll fishery on yield of fall chinook salmon from Columbia River hatcheries. U.S. Natl. Mar. Fish. Serv. Fish. Bull. 70: 431-445.

Van Hyning, Jack M. 1973. Factors affecting the abundance of fall chinook salmon in the Columbia River. Oreg. Fish. Comm. Res. Rept. 4: 1-87.

24. Statistics cited are based on an analysis by the Washington State Department of Fisheries-National Bureau of Standards Catch/Regulation Analysis Model utilizing prevailing 1975 commercial ex-vessel prices and recreational fishery values. Value results shown are not, however, due entirely to economic factors. For example, 1975 average per pound prices for chinook salmon in the Columbia River were $0.84 for the non-treaty fishery below Bonneville Dam and $0.37 for the treaty Indian fishery above Bonneville Dam. The composite in-river price of $0.61 (see No. 3) is a reflection of actual catch distribution due to treaty Indian fishing rights, not economics.

25. The 1976 August gill net fishery in the Columbia River was shortest on record, with the catch of 28,000 chinook being only about one-quarter of both the 1975 catch (110,000 fish) and the recent 10-year (1965-1974) average of 104,000 chinook per year.

26. All commercial net, sport and treaty Indian fishing inside Grays Harbor was banned in 1976 from mid-August to late September to protect weak runs of early fall chinook. In addition, a combination of low stream flows, poor chinook and coho runs, and increased treaty Indian fishing resulted in the most restrictive non-treaty commercial net fishery on record. Resulting catches were only about one-half the recent 10-year mean for chinook salmon (7,000 fish versus a 12,000 average) and only one-quarter the 10-year mean for coho salmon (10,000 fish versus a 40,000 average).

27. Legal State-managed non-treaty commercial net fisheries specifically for Puget Sound-origin chinook and coho stocks in 1976 were limited to a single "target" species fishery for chinook in Bellingham Bay. No non-treaty commercial net fisheries for Puget Sound-origin coho were allowed in 1976 due to a combination of poor native coho runs requiring complete protection plus heavy prior non-treaty interceptions which precluded any further non-treaty fishing on harvestable hatchery stocks in terminal fishing areas.

28. An exception to this generalization would be Indian net fisheries on the Klamath and Trinity Rivers by the Yurok and Hoopa Tribes.

29. The drastic reductions that have been imposed on the inside Columbia River commercial fishery in order to achieve the necessary escapements of spring chinook can readily be seen in Figure 3.

The escapement goal established in 1963 of 80,000-90,000 spring chinook past all commercial fisheries has been adjusted upward in recent years. In 1972, the States of Washington, Oregon, and Idaho agreed that 40,000 fish is the desired number of spring chinook needed above the uppermost dam in the Snake River to provide enough fish for natural and artificial propagation and also a viable sport fishery. In 1975, with no commercial or sport fishing allowed on the run, total escapement was 104,100 fish, and the count of 17,600 spring chinook at Lower Granite Dam was well below the desired goal.

Spawning ground surveys in tributaries of the Snake River have been conducted annually to assess spawning success of wild escapement. In northeastern Oregon standard index streams, only 297 fish and 269 redds were observed; the lowest fish count since 1950 and the lowest redd count since 1958. In Idaho index streams, the redd count of 1,991 was second lowest in history. The lowest redd count occurred in 1974.

Of races of chinook salmon present in the Columbia River, status of summer chinook is most precarious. As can be seen by Figure 4, numbers of summer chinook entering the river have continuously declined since 1957. The 1974 run was lowest on record.

Escapement of summer chinook above all fisheries has declined in a manner similar to the run. Only twice since 1960 has escapement reached the desired goal of 80,000-90,000 fish.

As with upriver spring chinook, the commercial fishery on summer chinook in the Columbia River has been curtailed drastically to try to protect escapement. Commercial harvest of summer chinook has been historically important. From 1938 to 1956, seasons were open annually, and an average of 1.1 million lb. (56,200 fish) was landed. From 1957 to 1963, an average

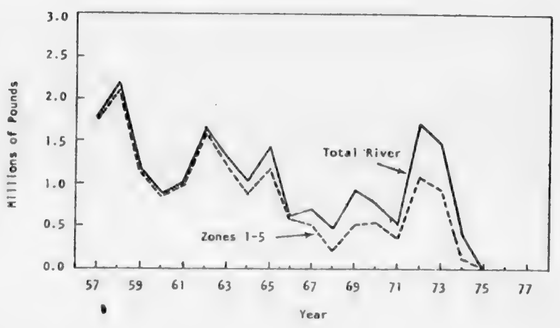


Figure 3. Columbia River spring season chinook landings, 1957-75.

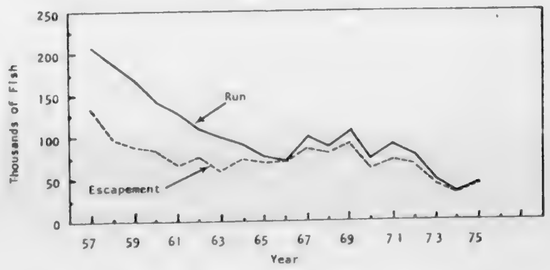


Figure 4. Estimated numbers of upper river summer chinook entering the Columbia River and escapement above the commercial fishery, 1957-75.

of 900,000 lb. (61,700) was landed commercially (Figure 5). However, run, escapement, and redd count values made it apparent that this race needed protection. When the 1964 run was predicted to fall below the escapement goal of 80,000-90,000 fish, the summer chinook season was closed. It has not re-opened since.

For additional facts on Columbia River salmon resources, see: Oregon Department of Fish and Wildlife, Washington Department of Fisheries. 1976. Status Report. Columbia River Fish Runs and Fisheries, 1957-1975. Vol. 2, No. 1: 74 pp.

Pacific Northwest Regional Commission. 1976. Columbia Basin Salmon and Steelhead Analysis. Summary Report, Sept. 1, 1976. 74 pp.

30. The following table documents Washington Department of Fisheries' spawning escapement goals and actual escapement projections in numbers of adult fish for naturally spawning coho salmon in Puget Sound during the 5-year period 1972-1976.

Production area	Spawning escapement goal	Actual escapements				
		1972	1973	1974	1975	1976 1/
Nooksack	5,500	2,000	4,000	6,000	4,000	3,000
Samish	3,000	1,000	1,000	2,000	1,000	1,000
Skagit	27,000	13,000	13,000	22,000	10,000 2/	5,000 2/
Stillaguamish	16,000	6,000	8,000	12,000	4,000 2/	4,000 2/
Snohomish	40,500	21,000	36,000	44,000	43,000 2/	39,000 2/
Lake Washington	17,000	6,000	7,000	15,000	5,000 2/	13,000 2/
Green	8,000	2,000	1,000	3,000	2,000	3,000
Puyallup	14,500	3,000	3,000	5,000	2,000	4,000
Nisqually	2,500	2,000	2,000	1,000	2,000 2/	1,000 2/
S. Sound & E. Kitsap	17,660	1,000	4,000	14,000	5,000 2/	7,000 2/
Deschutes	2,500	500	1,000	2,000	3,000 2/	2,000 2/
Hood Canal	33,000	7,000	25,000	40,000	12,000 2/	27,000 2/
Straits	8,980	2,000	5,000	5,000	2,000 2/	5,000 2/
Total	196,140	64,500	110,000	170,000	95,000	114,000

1/ Preliminary.

2/ These stocks received complete protection inside Puget Sound by total closures of all treaty and non-treaty commercial net fisheries on major migration routes throughout the normal "target species" coho salmon management period.

From the above, it is obvious that spawning escapement goals are not being met for major native coho stocks in spite of widespread inside net fishery closures.

31. For Washington coastal rivers, fishery managers cite the following specific examples of natural spawning escapement problems in 1975 and 1976:

Queets system: The spring-summer chinook run in 1975 had an estimated escapement of only 300 fish. The Indian on-reservation catch was 333 fish and escapement goal for this run is 1,000. For 1976, estimated escapement and total on-reservation Indian harvest were similar. The 1975 fall chinook escapement to the Clearwater River, a

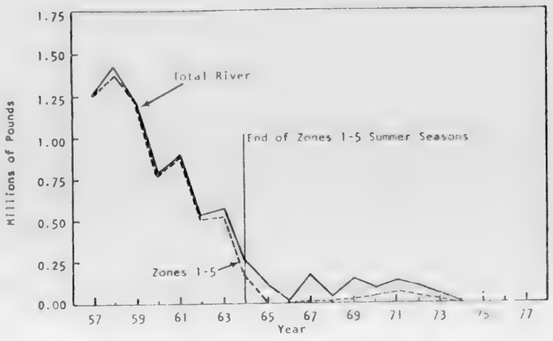


Figure 5. Columbia River summer season chinook landings, 1957-75.

Queets tributary, was estimated at 1,248 fish by the Fisheries Research Institute, University of Washington, while the escapement goal was 1,728. In 1976, the Clearwater River fall chinook escapement dropped to 984. Coho escapement in 1975 was only 630 fish, far below the escapement goal of 4,633. In 1976, coho escapement improved to 1,256 fish, but was still far less than that required for adequate seeding of juvenile coho rearing areas. Both the chinook and coho runs are fished by on-reservation Indian net fisheries. The coho run would have been well below escapement needs even without this additional impact.

Quillayute system: The 1975 native coho spawning escapement was estimated to be 8,000 fish, failing to meet the escapement goal of 11,000. Both on- and off-reservation Indian net fisheries harvested fish from this run. The native spring-summer chinook escapement was between 500 and 1,000 fish, also below the escapement goal of 2,100. Indian fishing took 300-400 fish from this stock. In 1976, native coho escapements improved only slightly over 1975 levels. The native spring-summer chinook run was comparable to 1975. Again, both on- and off-reservation Indian fisheries were conducted. Native chinook escapements would have been below desired levels even if river fisheries had not existed.

Chehalis system: Adequate escapements of early run fall chinook were achieved in 1975 only by complete closure of all commercial, Indian, and sport fisheries in the Grays Harbor region from mid-August to late September. Despite similar closures in 1976, escapement of this early fall chinook run was far below the needed level. Coho escapements to Grays Harbor tributaries were considerably below normal in both 1975 and 1976.

Hoh system: Spring and summer chinook runs in the Hoh River system have shown a drastic decline in recent years. Catches in 1975 and 1976, respectively, were approximately 450 and 700 chinook. This was approximately 1/2 to 1/3 of catches achieved by the Hoh River Indian fishery prior to a stock decline which commenced in 1973. Spawning ground escapements have fallen far short of the 1,400 fish escapement goal. Even adding Indian catch to escapement in the past 2 years would fail to bring total run size entering the Hoh River up to escapement needs.

Managers also report the following problems with Washington coastal artificial production programs:

a. Soleduck Hatchery (WDF), 1975: Took all available coho eggs (707,000) but was still far short of program needs. Filled remaining program needs with Dungeness Hatchery (WDF) eggs. Past history with transfers of Puget Sound eggs to coastal areas shows a substantially lower survival rate to adults. (Run subject to treaty Indian on- and off-reservation fisheries.)

b. Simpson Hatchery (WDF), 1975: Took 988,000 eggs and passed only 1,179 fish upstream for natural spawning. Filled remaining program needs with Willapa Hatchery (WDF) fish. (Run subject to non-treaty and treaty Indian off-reservation fisheries.)

Simpson Hatchery (WDF), 1976: Took 2.9 million coho eggs (far short of the 4.8 million program need), and very few coho were passed upstream for natural spawning.

c. Cook Creek Hatchery (USFWS), 1975: Was short of coho eggs in 1975 and was supplied by Puget Sound hatcheries (see problem under a. above). (Run subject to treaty Indian reservation fishery.)

32. Record coho catches totaling 2.2 million fish were made by trollers and sport anglers off the Washington coast during 1976, yet coho returns to inside waters ranged from below average to record lows.

33. In the past, low stream flows have occasionally caused milling problems for maturing adults off coastal river mouths and in coastal estuaries. A prolonged dry spell in Washington during 1958 even resulted in adults being taken in the ocean fisheries which exhibited pronounced spawning colorations and well-developed secondary sexual characteristics.

34. Any establishment of a higher minimum size limit such as the 20- or 22-inch standards of the past would not be justified and has no biological basis. Coho between 16 and 22 inches in length are either small maturing 3-year-old adults or maturing 2-year-old male "jack salmon". See: Wright, Sam. 1970. Size, age, and maturity of coho salmon in Washington's ocean troll fishery. Wash. Dept. Fish. Res. Pap. 3(2): 63-71.

35. During the 1975 ocean fishing season, Washington Department of Fisheries personnel conducted random interviews of recreational anglers at coastal fishing ports to determine if they were "satisfied" or "dissatisfied" on a specific day with their fishing experience. Number of salmon actually taken by each fisherman was also recorded. Results were as follows:

	Expressed satisfaction		Expressed dissatisfaction		Total number
Salmon catch	No.	Percent	No.	Percent	interviewed
No fish	259	63	155	37	414
One fish	197	83	39	17	236
Two fish	174	95	10	5	184
Three fish	317	99	2	1	319
				Total	1,153

The small difference in satisfaction levels between anglers taking two fish (95%) versus those taking three fish (99%) indicates that potential effort reductions due to a reduced bag limit would probably be minimal.

A two-fish bag limit was actually in effect in the ocean sport fishery beginning on June 15, 1974, but lasted less than one week due to a successful legal challenge in State court. Some impact on the fishery was evident, however, since angler trips declined slightly during the latter half of June when they are normally accelerating. Pre-trial publicity, continuation of a three-fish daily-bag limit on the Oregon side of the Columbia

River and a serious national fuel shortage were three factors contributing to the observed decline.

36. During the 1975 sport salmon fisheries in Washington, statewide statistics show that an estimated 92,000 fish, or about 7% of the total catch of 1.4 million salmon, were taken by individual sport anglers who had previously taken at least 20 fish.

APPENDIX A

PERTINENT EXCERPTS ON OCEAN SALMON MANAGEMENT FROM "RECIPROCAL FISHERIES AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF CANADA"

Article II, No. 3

"3. Fishing by nationals and vessels of each party in the zone of the other shall continue in accordance with existing patterns, with no expansion of effort nor initiation of new fisheries."

Article V

"1. On the Pacific Coast, there shall be no fishing for salmon by nationals and vessels of either party in the zone of the other, except salmon taken by trolling beyond 12 nautical miles of the coast and salmon taken by trolling between 3 and 12 nautical miles in the area west of a line joining Bonilla Point and Tatoosh Island; north of a line projected due west from Carroll Island (latitude 48 degrees 00.3 minutes North, longitude 124 degrees 43.3 minutes West) and south of a line projected from Bonilla Point to latitude 48 degrees 29.7 minutes North, longitude 125 degrees 00.7 minutes West.

"2. Each party shall have the right to limit such fishing for salmon in its zone by nationals and vessels of the other to the same time periods as its nationals and vessels are permitted such fishing for salmon in the zone of the other."

Article VIII (except second sentence of No. 2)

"1. The two parties recognize that each shall manage fisheries within its jurisdiction within the terms of its domestic laws. They agree that in the application of their domestic laws they shall be guided by the following principles:

"a. preserving existing patterns of their reciprocal fisheries in keeping with the provisions of Article II; and

"b. in the case of reciprocal salmon fisheries, the interest of the state of origin in salmon spawned in its rivers."

"2. Regulations affecting the size limits, seasons, areas, gear, and by-catch of existing fisheries established by the management entities of either party and pertaining to the taking or possession of fish in its zone shall apply equally to the nationals and vessels of both parties in the zone."

"3. If either party proposes to introduce or alter any such regulations during the term of this Agreement, it shall notify the other party of the proposed regulatory measure as far in advance of its application as possible. At the request of either party, consultations shall be held expeditiously in order to review the proposed measure. In such consultations the parties shall be guided by the principles referred to in paragraph 1 above. Consultations on regulations respecting reciprocal salmon fisheries shall take place at the technical and official levels during the process of preparing such regulations, and, prior to their final approval and application, at the Secretarial or Ministerial level upon request of either party.

"4. Fishery conservation and management regulations other than those referred to in paragraph 2 above and those required for the implementation of this Agreement, shall not be applied by either party to vessels and nationals of the other fishing in its zone pursuant to this Agreement."

Article XI

"Each party agrees to waive for nationals and vessels of the other party fishing in its zone pursuant to this Agreement, permit and licensing requirements set forth in the respective domestic fishery laws of each country as applicable to foreign fishermen, provided that each vessel shall be clearly and conspicuously marked to indicate its name, nationality and home port."

Article XII

"1. Recreational fishing by vessels of each party in all waters of the other shall continue.

"2. Recreational fishing under this Agreement shall be conducted in accordance with applicable regulations and permit and licensing requirements imposed by the competent state, provincial and federal authorities, except that requirements for permits and licenses under the Fishery Conservation and Management Act of 1976, in the case of the United States, and the Coastal Fisheries Protection Act, in the case of Canada, shall be waived."

Article XIII

"The two parties agree to exchange appropriate fishery statistics on a timely and regular basis where necessary to permit an accurate determination to be made of the time at which an allocation or catch level referred to in this Agreement is reached, and otherwise to ensure the effective implementation of this Agreement."

Article XIV

"Each party shall allow access to its customs ports for nationals and vessels of the other party for the purposes of purchasing bait, supplies, outfits, fuel, and effecting repairs, unless more favorable access provisions are provided in other agreements in force between the two parties. Access under this provision is subject to general requirements regarding advance notice of port entry, availability of facilities, and the needs of domestic fishermen and flag vessels."

Article XV

"The two parties agree that cooperative fishery research and the exchange of fishery biological data and statistical information through existing institutional arrangements should continue and, where appropriate, be expanded."

Article XVI

"The two parties undertake to consult as necessary to ensure the harmonious implementation of this Agreement."

APPENDIX B

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U. S. DISTRICT COURT
DISTRICT OF OREGON
FILED

FEB 28 1977

ROBERT M. CHRIST, Clerk
By _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA, Plaintiffs, vs. STATE OF OREGON, Defendant, and THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON; CONFEDERATED TRIBES & BANDS OF THE YAKIMA INDIAN NATION; CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION; and NEZ PERCE TRIBE OF IDAHO, Intervenors, and STATE OF WASHINGTON, Intervenor.	CIVIL NO. 68-513 MOTION

All parties hereby move this Court for an Order approving the Plan for Managing Fisheries on Stocks Originating from the Columbia River and its Tributaries Above Bonneville Dam, which is attached

hereto as Exhibit "A."

DATED February 28, 1977.

Respectfully submitted,

Beverly B. Hall
Assistant Attorney General
Attorney for Oregon Fish and Wildlife Department

Dennis Karnopp
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Tim Weaver
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Robert C. Strom
Of Attorneys for the Nez Perce Tribe of Idaho

Sidney I. Lezak
United States Attorney
Of Attorneys for the United States of America

Douglas R. Nash
Attorney for Umatilla Tribe

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

A PLAN FOR MANAGING FISHERIES
ON STOCKS ORIGINATING FROM THE COLUMBIA RIVER AND
ITS TRIBUTARIES ABOVE BONNEVILLE DAM

The purpose of the plan shall be to maintain, perpetuate and enhance anadromous fish and other fish stocks originating in the Columbia River and tributaries above Bonneville Dam for the benefit of present and future generations, and to insure that the Nez Perce Tribe of Idaho, Confederated Tribes of the Umatilla Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakima Indian Nation, hereinafter called Tribes, having the right to fish based on a treaty with the United States are accorded the opportunity for their fair share of harvest, and to provide for a fair share of the harvest by nontreaty user groups.

This plan is based upon the unique circumstances relating to the Columbia River system and the parties hereto and does not necessarily have application in other fisheries.

The parties also recognize the substantial management problems resulting from the ocean harvest of mixed stocks of anadromous fish originating from the upper Columbia River and its tributaries and the wastage resulting from fishing on immature stocks. The parties will continue joint efforts to collect and gather data on this fishery and to reduce inefficient and wasteful harvest methods.

Due to environmental factors totally unrelated to the treaty or nontreaty fisheries, there has been a continual decline of some runs of anadromous fish in the Columbia River system. This trend could deprive not only the treaty Indians, but also other user groups of the opportunity to harvest anadromous fish. The parties pledge to work cooperatively to maintain the present production of each run, rehabilitate runs to their maximum potential and to work towards the enhancement and development of larger and additional runs where biologically and economically feasible.

(1) The managing fishery agencies shall make every effort to allocate the available harvest as prescribed in this agreement on an annual basis. However, because run size cannot always be accurately calculated until some lower fishery has taken place, annual adjustment of the sharing formulas for each species may be required to provide the appropriate shares between treaty and nontreaty users. If treaty and nontreaty users are not provided the opportunity to harvest their fair share of any given run as provided for in this plan, every effort shall be made to make up such deficiencies during the next succeeding run of the same race. Overall adjustments shall be made within a 5-year time frame.

(2) The treaty Indian tribes and state and federal agencies shall diligently pursue and promote through cooperative efforts the upriver maintenance and enhancement of fish

habitat and hatchery rearing programs, and so far as practicable, maintain present production of each run and to rehabilitate runs to their maximum potential.

(3) Hatchery salmon and steelhead released to maintain or restore runs above Bonneville Dam shall be shared pursuant to this plan.

(4) A technical advisory committee shall be established to develop and analyze data pertinent to this agreement, including but not limited to the following: calculated run size for all species of fish, ocean catches, escapement goals, catch allocation and adjustments, dam loss, habitat restoration, and hatchery rearing programs. Such a committee shall make recommendations to the managing fishery agencies to assure that the allocations in this agreement are realized. Members shall be qualified fishery scientists familiar with technical management problems on the Columbia River. The committee shall be comprised of representatives named by each of the three states, Oregon, Washington, Idaho, National Marine Fisheries Service, U. S. Fish and Wildlife Service and each of the Indian Tribes.

(5) Each party shall develop a catch record program that utilizes reliable statistical methods and effective enforcement procedures as developed by the committee. Indian tribes shall report on appropriate state forms for each species ceremonial, subsistence and any other catch not sold to state-licensed buyers. The states shall report and

make available to all interested parties treaty and nontreaty sport and commercial catch for each species. All the above reports shall be made within an agreed-upon time schedule.

(6) The states agree to enact or recommend for enactment by the Pacific Fisheries Management Council appropriate conservation regulations for the ocean fishery that will assure an efficient utilization of stocks and will provide for adequate escapement of mature fish into the Columbia River to achieve the goals and purposes of this plan. Marine regulations should attempt to harvest mature fish and reduce waste.

(7) Fish escapement totals, dam loss estimates, or other technical aspects of this agreement may be modified by mutual agreement to reflect current data. In the event that significant management problems arise from this agreement that cannot be resolved by mutual agreement, the parties agree to submit the issues to federal court for determination. In any event, the Court shall retain jurisdiction over the case of U. S. v. Oregon, Civil 68-513, (D.C. Or).

(8) The sharing formulas as set forth in this plan are based upon the premise that the marine area catches in U. S. controlled waters of fish originating above Bonneville Dam, other than fall chinook and coho runs, will be regulated by PFMC so as to be essentially de minimis portions of those runs. The parties acknowledge that if subsequent data should indicate that this premise is incorrect, these formulas may require revision.

(9) Regulations affecting treaty users which are enacted in conformity with this comprehensive plan shall be considered as complying with the court's decrees enunciated in U. S. v. Oregon, Civil No. 68-513, District of Oregon.

(10) Tribal members fishing pursuant to this agreement may employ only members of the Tribes, while exercising their treaty fishing rights.

(11) All fish numbers referred to in this agreement are adult fish.

(12) The sharing formulas contained herein for determining the treaty fishery share refer to those fish caught in the Columbia River below McNary Dam and any other inland off-reservation catch placed in commercial channels.

Except as provided in subparagraph S under Spring Chinook, neither treaty nor nontreaty non-commercial harvest in tributaries, or in the mainstem Columbia River above McNary Dam, shall be considered in the sharing formulas contained herein.

(13) Upon thirty days written notice by any party, after five years from date, this comprehensive plan may be withdrawn or may be renegotiated to assure that the terms set forth represent current facts, court decisions, and laws.

Fish Management Plans

A fish management plan has been adopted for those species of importance to assure future conservation of the resource and equitable sharing of the harvest between treaty Indians and nontreaty users. The formulas represent Available Fish for Harvest and may not reflect total catch if fishing effort is inadequate to harvest all available fish. All runs of fish described in this plan are those originating in the area of the Columbia River or its tributaries above Bonneville Dam.

Fall Chinook Salmon

The Columbia River fall chinook shall be managed under the following plan:

(1) Run size shall be determined by the number of fish entering the Columbia River which are destined to pass Bonneville Dam.

(2) Escapement of 100,000 fish above Bonneville Dam shall be subtracted from total in-river run size.

(3) Additional fish above escapement are available for harvest and shall be shared 60% by treaty fishermen and 40% by nontreaty fishermen.

(4) The states' goal is to manage the fisheries to provide and maintain a minimum average harvestable run size of 200,000 upriver fall chinook to the Columbia River.

(5) The 60% treaty share shall include mainstem ceremonial, subsistence, and commercial harvest as allocated by the Indian tribes. The 40% nontreaty share shall include in-river commercial and sport harvest as allocated by the appropriate agencies.

Spring Chinook

The Columbia River spring chinook shall be managed under the following plan:

(1) Run size shall be determined by the number of fish entering the Columbia River destined to pass Bonneville Dam.

(2) Spawning escapement goals shall be a minimum of 120,000 and 30,000 fish above Bonneville and Lower Granite Dams respectively.

(3) The states' goal is to manage the fisheries to provide and maintain a minimum average run size of 250,000 upriver spring chinook to the Columbia River.

(4) Treaty ceremonial and subsistence catch shall have first priority. These fisheries shall not exceed a catch of 2,000 fish on a run size of less than 100,000 fish; 5,000 on

a run size of between 100,000 and 120,000 fish; and 7,500 fish on a run size of between 120,000 fish and 150,000 fish. Treaty ceremonial and subsistence fishing for spring chinook with gillnets as well as other normal gear may occur, but such gillnet fishing shall be subject to a notification system similar to that presently used for ceremonial fishing. All catches shall be monitored cooperatively for the purpose of ascertaining the amount of the catch.

(5) On a run size of between 120,000 and 150,000 fish passing Bonneville Dam, the nontreaty fisheries are limited to the Snake River system and may harvest fish which are in excess of the 30,000 spawning escapement passing Lower Granite Dam. (Under average river flow conditions, 120,000 fish at Bonneville Dam will generally provide 30,000 fish at Lower Granite Dam and 150,000 fish at Bonneville Dam will generally provide 37,500 fish at Lower Granite Dam.)

(6) On a run size of more than 150,000 fish passing Bonneville Dam, all allocations as provided for in items 4 and 5 shall occur. All additional fish available for harvest below McNary Dam shall be shared 40 percent for treaty fishermen and 60 percent for nontreaty fishermen. If river passage conditions improve so as to provide more than 40,000 fish at Lower Granite Dam on run sizes of 150,000 fish or less, the 40 percent and 60 percent allocation may occur on a run size of less than 150,000 fish at Bonneville Dam.

Summer Chinook Salmon

Summer chinook salmon runs are precariously low and do not warrant any fishery at the present time, with the exception of a treaty subsistence, ceremonial, and incidental catch not to exceed 2,000 fish during the months of June and July.

The parties agree that if the run size increases a formula for sharing of the available harvest above present escapement goals for this race shall be similar to spring chinook.

Summer Steelhead

(1) Run size shall be determined by the number of fish entering the Columbia River destined to pass Bonneville Dam.

(2) The escapement goal to spawning grounds above Lower Granite Dam shall be a minimum of 30,000 fish. A run size of 150,000 fish at Bonneville Dam will provide for 30,000 fish at Lower Granite Dam.

(3) The treaty Indian mainstem fishery shall be limited to ceremonial, subsistence and incidental catch to other commercial fisheries. A minimum mesh restriction of 8 inches will be utilized to limit incidental catch.

(4) The Indian tribes recognize the importance of the steelhead stocks to recreational users and agree to forgo a target commercial fishery.

Sockeye Salmon

Sockeye salmon runs are precariously low and do not warrant any fishery at the present time, with the exception of a treaty subsistence, ceremonial, and incidental catch not to exceed 2,000 fish.

The parties agree that if the run size increases so as to provide harvestable quantities, such harvest shall be shared equally between treaty and nontreaty fishermen.

The parties recognize the importance of protecting summer chinook and summer steelhead stocks during the harvest of sockeye salmon. Incidental catch of summer chinook and steelhead shall be minimized by providing appropriate restrictions to the sockeye fishery.

Coho Salmon

Coho stock are in the treaty fishing area simultaneously with other species which currently need protection from fishing effort. Parties agree to use their best efforts to develop methods to maximize coho harvest while protecting those other species.

Shad

Shad runs have been sufficiently large to allow for unlimited harvest. However, because shad fisheries can take stocks of

salmon and steelhead that are below harvestable levels, new catch methods shall be pursued particularly by the Indians above Bonneville Dam to assure a sufficient catch of shad while minimizing the catch of other species. If escapement goals and catch formula must be established in the future, the committee shall compile the required data and make recommendations to the managing fisheries agencies.

Sturgeon

The population of sturgeon in the Columbia River appears residual above Bonneville Dam. The parties agree that the Indian tribes shall have a commercial fishery regulated by sound principles of conservation and wise use. A sport harvest may occur simultaneously for sturgeon above Bonneville Dam.

Winter Season

The treaty fishermen shall be allowed a mainstem commercial fishery for any species of fish between February 1, and April 1.

This comprehensive plan for managing anadromous fisheries on stocks originating from the Columbia River and its tributaries above Bonneville Dam is adopted by the undersigned this 25th day of February, 1977.

ROBERT W. STRAUB
Governor of Oregon

DIXY LEE RAY
Governor of Washington

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

CONFEDERATED TRIBES & BANDS OF THE YAKIMA INDIAN NATION

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

RICHARD A. HALFMOON, CHAIRMAN
NEZ PERCE TRIBE OF IDAHO

ALTA A. GUZMAN, SECRETARY
NEZ PERCE TRIBE OF IDAHO

UNITED STATES OF AMERICA

BY
JOHN HOUGH
Special Assistant to the
Secretary of the Interior

APPENDIX C

January 12, 1977
San Diego, CA

Report to the Council by the Scientific and Statistical Committee on Review of the Salmon Management Plan, Draft No. 2

The SSC has reviewed Draft No. 2 of the PMP prepared by the Salmon Management Plan Development Team. The Team was present for a discussion of the review. We find that the Team has done an excellent job of preparing this document. The draft plan should be considered as a primary step in an approach toward a finished product. There appears to be sufficient information in the Plan for the Council to proceed, but the Council should be aware that the plan is not complete. We have a number of comments and questions regarding Draft No. 2 which will be incorporated in our minutes and transmitted to the Council and the Team. We are optimistic that the Team will be able to perfect the draft in the near future.

The list that follows indicates the major elements in the plan that the SSC feels require further consideration:

1. There is a need for additional documentation in the form of references, tables and graphs.

2. Further explanation for the lack of commonality of recommended regulations for the three states is required. Some examples are: different season and size limits in the different areas; inconsistent treatment of the treaty Indian question for the three states; and varying treatment of gear limitation.

3. There should be a more comprehensive discussion of the interactions of the Canadian and U.S. salmon fisheries, including Alaska.

4. Improved quantification of the amount of transfers among the fisheries should be developed.

5. There is a need for an enlarged discussion and analysis of the proposal to prohibit ocean salmon net fishing.

6. The plan should contain recommended regulations for chinook salmon fisheries that occur off Alaska on fish which originate in the other Pacific states.

7. Reorganization of the Management Objectives section and redefinition of the objectives are needed.

While the issues identified above can be addressed by the Team, significant deficiencies in the Plan with respect to economic data and analysis suggest the need for input from a panel of economic experts. We recommend that such a panel be established to provide immediate input to Draft 3 of the Plan. In addition to George Tanonaka and Richard Johnston who have already been identified, Gardner Brown from the University of Washington and Jack Richards from the National Marine Fisheries Service are suggested as members of this Panel.

The SSC will comment on the appropriateness of the recommended regulations when the above points are resolved.

The SSC will continue to work with the Salmon Plan Development Team in developing Draft No. 3 in line with the above comments.

APPENDIX D

SALMON ADVISORY PANEL REPORT
on
Draft No. 2, EIS/FMP for Commercial Troll and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California

INTRODUCTION.

At its January 1977 meeting in San Diego, the Pacific Regional Fishery Management Council approved Draft No. 2 of the "Environmental Impact Statement/Fishery Management Plan (for) Commercial Troll and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California." The Council instructed the salmon advisory panel to prepare an "Advisory Panel Report" containing their recommendations regarding Draft No. 2, to be attached to the draft plan and to be part of the hearing process procedure for public testimony.

The following pages outline *Areas of Consensus* among the 22 salmon advisory panel members, and *Dissenting Opinions* from members representing (1) consumers; (2) purse seiners, gillnetters, and processors; (3) treaty Indian tribes; (4) recreational interests; (5) inland sport fishery; and (6) trollers.

AREAS OF CONSENSUS - General.

1. Canadian Treaty Negotiations. Panel members agree that Canadian treaties have to be addressed in an ocean salmon management plan, to insure that fish saved through curtailment of the American fishery are not caught in the Canadian fishery.

2. "Emergency Changes." Panel members desire clarification of the term "emergency changes" in the draft document.

AREAS OF CONSENSUS - Regulations.

1. Area South of Tillamook Head. Panel members concur with regulations proposed for the area south of Tillamook Head, which are identical to regulations imposed in that area in the past.

2. Area North of Tillamook Head. Panel members concur on the following regulations for the area north of Tillamook Head. Regulations in disagreement with the specific 1977 regulations proposed by the Working Team in the draft Management Plan are indicated by an asterisk.

   a. *Mandatory use of barbless hooks until the beginning of the coho season* to reduce mortality of coho caught incidentally in the chinook fishery. If this restriction proves successful, advisors may recommend a similar regulation for the area south of Tillamook Head.

   b. *A May 1st opening for the commercial chinook season.* There were no problems with the May 1st opening last year.

   c. *The need for mandatory hold inspection prior to the season opening* to eliminate incidences of vessels (particularly freezer boats) taking coho prior to the season opening. This regulation has been in effect very successfully in California for the past two years, and advisors concur it should be enacted coastwide.

   d. *An October 31st closing for the commercial chinook season.* This closing date was in effect last year and advisors see no reason for change.

   *e. *A closure of the area north of Umatilla Reef after September 15th,* to allow greater coho escapement into Puget Sound.

   *f. *A commercial size limit of 26" for chinook.* This size limit has been in effect for many years in California and Oregon, and is based on market conditions for fish of that size. Advisors feel there aren't enough data to justify a change in size limit from 26" to 28".

   *g. *A commercial size limit of 20" for coho.* Presently there is no minimum size limit for coho in the Canadian troll fishery. By imposing a minimum size limit for coho on the U.S. fishery, there would be better grounds for negotiating a bilateral agreement on minimum size limitations in the Canadian troll fishery. This size limit would also protect against the taking of smaller fish that have lower market value.

   *h. *References to an 8 lb. troll dressed weight for determining if fish are undersize* are impractical, *and should be deleted from the plan.*

   *i. *There is need for better coverage in the draft of water quality and habitat considerations and the council's role in trying to effect water and land use decisions which might impact on salmon resources and habitat.*

DISSENTING OPINION NO. 1
Joe Kahle, Consumer Representative

Consumers see Draft No. 2 as only a harvest plan for 1977, and hope that eventually the council will come up with a comprehensive management plan.

Consumers should be involved in the planning process. There is absolutely no concern with consumer affairs expressed in either draft plans.

DISSENTING OPINION NO. 2
Paul L. Anderson, Purse Seine Vessel Owners Association
Robert Christensen, Puget Sound Gillnetters Association
Les Clark, Columbia River Fishermen's Protective Union
Ted A. Smits, Association of Pacific Fisheries

Panel members representing purse-seining, gill-netting and processing interests agree as a group with the following recommendations, all of which disagree with the specific 1977 proposed regulations presented by the Working Team in the draft Management Plan.

Commercial Regulations

1. A *two-week closure of the chinook season;* season to run from May 1st to June 15th, and from July 1st to October 31st.

2. A *five-mile radius closure around the mouth of the Columbia River* for protection of immature stocks.

Recreational Regulations

1. A *sport fishing season from May 27th to September 15th, without closure.* Realizing that such a season would give sport fishermen the opportunity to fish during a period when the commercial season was closed, the following restrictions are proposed:

   a. A two-fish bag limit.

   b. No minimum size limit. The first two fish caught would be kept, thus reducing wastage through mortality of fish caught and released.

DISSENTING OPINION NO. 3.
Guy McMinds, Quinault Tribal Office

The treaty Indian tribes support the specific regulation proposals for 1977 as outlined in the draft plan. It is recommended, however, that the salmon Working Team study the possibility of sanctuaries around the mouths of coastal Washington streams to provide a more adequate escapement to treaty Indian fisheries on the coast.

The treaty Indian tribes reserve the right to comment on other aspects of the plan.

DISSENTING OPINION NO. 4
Edward P. Manary, Washington State Charter Boat Association

Representatives of recreational interests in Washington, Oregon, Idaho and California concur with the sport fishing regulations outlined in the draft salmon management plan with the single exception of the opening date of the recreational fishery. They propose the season north of the California line open on the last Saturday in April (April 30) instead of the first Saturday in May (May 7).

Recreational representatives are also in favor of a moratorium on the number of charter boats licensed in Washington.

Recreational fishery interests are opposed to the following alternative regulations which have been proposed by other members of the advisory panel:

1. *Any reduction of the bag limit* (either a two fish per day or a 20 fish per year restriction). Such a regulation would be discriminatory against recreational fishermen.

2. A *delayed season opening.* This would also discriminate against the sportsman.

3. *Establishment of nursery areas.* There are not presently enough scientific data available to justify the establishment of nursery areas.

4. A *5-mile area closure around the mouth of the Columbia.* Such a closure would handicap small boat operators in getting to and from the fishing areas.

DISSENTING OPINION NO. 5
Norman Guth, Idaho Outfitters and Guides Association

Idaho sportsmen and commercial sport fishermen are basically in agreement with the regulations proposed in the draft ocean salmon management plan, and encourage adoption of the plan as soon as possible. They would also encourage regulation of the Columbia River fishery in such a way as to assure that those fish escaping the ocean fisheries will eventually make it to the spawning grounds in Washington, Oregon, and Idaho.

DISSENTING OPINION NO. 6
Bob Gay, Washington State Trollers
Zeke Grader, Pacific Coast Federation of Fishermens Associations

Trollers disagree that there is an "urgent need for action by the Fishery Management Council to control the ocean salmon fisheries" (Ref. draft plan. p. 23), and do not feel that major "native stocks are ... severely depressed." They would point out that curtailment of the troll fishery would result in more fish being caught in the Canadian troll and U.S. recreational fisheries, and that troll-caught fish are the most desirable on the market.

Trollers concur on the following recommendations, which disagree with the 1977 regulations proposed by the Working Team in the draft Management Plan.

1. A *chinook season from May 1st to October 31st with an area closure from Umatilla Reef north after September 15th.* California, Oregon, and Washington trollers are opposed to a June closure because (a) the facts do not justify such a closure, and (b) such a closure would create havoc in the commercial fishery.

2. A *coho season from June 15th, with an area closure from Umatilla Reef north after September 15th.* Oregon and Canadian seasons have opened on June 15th in the past. The area closure from Umatilla Reef north after September 15th would provide more escapement of coho into Puget Sound waters.

3. *Establishment of nursery areas* to protect against the take of undersize or immature fish.

4. A *moratorium on new vessels in Oregon and California, as well as Washington.* There are many more trollers in the fleet than there need to be, and this moratorium would gradually reduce the massive number.

The trollers expressed concern that sufficient time was not available to supply in-depth justifications for their recommendations.

APPENDIX E

SUMMARY OF WRITTEN AND ORAL COMMENTS
AND RESPONSES TO COMMENTS

Introduction

Well over 200 separate letters were received offering comments on the Draft Environmental Impact Statement/Fishery Management Plan. In addition, numerous comments and specific recommendations were made orally at the six public hearings held on the Plan. In light of this tremendous volume of input, it was not feasible, within the timeframe required, to respond individually to each separate comment. Consequently, the major specific comments by individuals and organizations have been grouped into more general issues which cover the areas of concern of more than one individual and a response to each of these general concerns has been prepared. In many cases the comments offered have been incorporated into the final draft of the Plan and are now treated in more detail in that document. Emphasis in this Appendix is placed on those comments which are in opposition of Council action and which have not been treated in the text of the Plan.

A listing of all individuals submitting written and oral comments is included in this Appendix. The numbers of comments received on each of the 31 general issues by the five commenting categories of Trollers, Associated or Dependent Businesses, Recreational Fishery Interests, Indian Representatives, and Other, are shown in the table at the end of this Appendix.

Comments and Responses

1. COMMENT: Fishery enhancement is a better alternative than the proposed Plan. Enhancement includes increased artificial production, as well as restoration of the environment which has suffered degradation and is a major cause in the decline of certain stocks.

   RESPONSE: Increased enhancement by artificial production, as well as major efforts directed toward the multitude of environmental problems which beset the salmon resource, are certainly desirable goals, and the Council will consider this when developing a comprehensive salmon plan. However, fishery enhancement is a long-term and continuing effort while the proposed plan deals only with expected resource abundance in 1977. Additional fish from enhancement cannot be expected for at least three to five years and it may take ten years for significant gains in the overall resource base. In any event, the short-term objectives must be met by managing the fisheries in 1977 as proposed in this plan.

   One of the major needs for the proposed regulations, for example, is to rebuild depleted stocks and thus ensure future fish production. Enhancement to increase fish production and management programs to achieve the

best use of existing stocks deal with related, but separate and distinct issues. Increased production will require that management programs achieve optimum yield. The recommendations in this plan relate to managing these resources to achieve optimum yield for 1977. The issues considered in arriving at these recommendations will have to be dealt with even when production is increased. The proposed plan responds to these issues to the extent that information is available for 1977. Additional modifications will be needed in the future, including a comprehensive plan that will include evaluation of proposals for enhanced production. Enhancement programs will increase, not reduce, the need for appropriate management policies.

2. COMMENT: The proposed plan will cause severe economic hardship to the troll fishery. Loss of June fishing will result in serious loss of total revenue. Trolling is already regulated by weather and needs no further curtailment.

   RESPONSE: The losses to the troll fishery estimated in this plan probably project the worst possible impact on the troll fishery. It is expected that a number of events will occur to substantially reduce the direct adverse economic impact on the troll fishery. During closed seasons in one area, it is expected that vessels will shift to other areas that remain open. Market prices in general may tend to be better due to reduction in supplies normally available from areas that will be closed to fishing, and due to the larger size of fish eventually harvested. Finally, an increase in the fishing effort during the open periods will probably occur.

   Reductions in numbers of fish, pounds and market value to fishermen have been projected for the troll fishery. Individual losses may vary substantially from this general pattern. Many fishing costs (e.g. fuel) will not be incurred during closed seasons and other costs (e.g. gear depreciation) may be reduced, thus the impact on net earnings by trollers generally will be less than the values projected in the plan. Some trollers may also participate in other fisheries or in nonfishing employment activities.

   An important negative impact on the income of trollers will result, however, in spite of the modifying factors. Even though this may be less than currently estimated, it will be important, and is a major undesirable, but unavoidable, economic impact of this plan.

3. COMMENT: The reduction in fishing time proposed in the plan would result in increased hazard to trollers trying to make up for lost fishing time by fishing when weather or ocean conditions normally would prevent fishing.

   RESPONSE: This is a judgmental problem which must rest with the individual fishermen. These same circumstances are experienced during years when abnormally high fish prices or low fish availability encourage increased fishing effort.

4. COMMENT: Ocean commercial trolling and ocean recreational fishing should be regulated consistently with regards to open seasons, minimum size limits, and terminal gear.

RESPONSE: We do not support the contention that commercial and recreational fisheries should be managed by identical seasons, size limits and gear restrictions. Each fishery has its own needs, motivations, and values and each should be managed on its own respective merits. The product of the troll fishery is fish and income while the fishing experience, itself, is an important consideration in recreational fishing. All available research results on this issue support the view that the average fish landed in the recreational fishery is worth more than the average fish landed by commercial gear. All available information indicates that a far greater loss in total benefits to the Nation would occur from restricting recreational fishing time than would be gained due to increased fish size and availability later in the season. There is no reason to expect that optimum yield will increase if the time available to the recreational fishery is reduced beyond that proposed in this plan.

5. COMMENT: A viable troll fishery provides some specific benefits such as a high quality product readily available to the consumer over an extended period of time.

RESPONSE: The plan recognizes that the troll fishery does provide a unique product of high quality to the consumer, and one of the stated objectives is to continue an economically viable ocean commercial fishery (Sec.2.8.1, Para. 4, No. 3) while at the same time increasing the production from the resource and meeting the other objectives cited.

6. COMMENT: Some sort of moratorium or limited entry program (either recreational or commercial) would be preferable to the regulations proposed in the plan.

RESPONSE: Control of total fishing effort may eventually be necessary to reduce potential ocean catch. However, there is presently not enough information available to evaluate the merit of this alternative.

7. COMMENT: The plan will impose economic hardships on businesses associated with the fishing industry.

RESPONSE: Some regional and business-category shifts in economic activity are likely as a result of the proposals in this plan. These have occurred in recent years as net fisheries were restricted to protect needed escapements to the spawning grounds. The impacts on employment and economic activity for coastal communities should be somewhat dampened in the future as total resource production is increased through improved management and subsequent enhancement. Little impact is likely in communities south of Tillamook Head as a result of the proposed plan.

8. COMMENT: Need more precise estimates on the shift of benefits to the recreational, "inside," and treaty-Indian fisheries.

RESPONSE: The estimates of shifts of benefits cannot be made precisely because of variability in magnitudes of salmon runs from year to year, and because it is not yet possible to predict run sizes precisely. Potential shifts from the troll fishery have been identified along with expected gains to ocean-recreational and "inside" non-Indian commercial and treaty-Indian fisheries. The actual reduction in troll catches may not be as serious as projected in the plan because of possible (1) shifts to other geographic areas when fishing is closed north of Tillamook Head; (2) additional fishing intensity when fishing is resumed north of Tillamook Head; and (3) increased effort from license holders who typically spend little time trolling for salmon. On the other hand, some trollers may shift to other fisheries as a result of this plan. The cited impact on projected total earnings by trollers is believed to be the worst possible situation the trollers might experience. The benefits to the inside, recreational, and treaty-Indian fisheries will be reduced to the extent that trollers are able to catch more fish than projected. The impact on the troll catch compared to that by other gear cannot be precisely predicted because of unknown, or only partially known, information. The proposed management plan has estimated these impacts to the extent that information is available. The plan also considers, in part, the fishery enhancement and management arrangements that have been made among various state, federal, and Indian Tribe entities; these arrangements have also, apparently, been developed in expectation that an ocean-fishery salmon management plan will be adopted by the Council.

9. COMMENT: The plan discriminates against the troll industry north of Tillamook Head.

RESPONSE: Section 2.7 of the plan presents basic reasons for different regulations north and south of Tillamook Head. The specific reasons for more restrictive regulations north of Tillamook Head, however, are given in Section 2.8.1.

Social and economic criteria have been considered in this management plan in the selection of the best regulatory options for the required adjustments in harvest rates between fisheries.

10. COMMENT: The emphasis in the plan on harvesting fish at larger sizes and/or in inside fisheries would disrupt established markets by causing changes in supply and price structures of troll-caught fish.

RESPONSE: Analysis of relevant market prices suggests that there will be no apparent loss due to reduced availability of smaller sized chinook salmon. This market demand will still be supplied by coho salmon and the smaller chinook that will continue to be available. Some processors may

have developed markets for smaller-sized salmon, but prices paid to fishermen do not reflect any advantage of small fish. The price advantage of larger fish suggests a greater market demand for this size which has not been met in the past.

11. COMMENT: A lack of documentation of effects of foreign fishing on the salmon resource, both in terms of catch and effects on forage organisms.

RESPONSE: The plan discusses estimates of previous exploitation levels by Canadian trollers and foreign trawlers in Section 2.1.5.1, including the problems associated with continued Canadian fishing on U.S. stocks under U.S./Canada fisheries agreements now in force. The Preliminary Management Plan (PM) for "Trawl Fishery of the Washington, Oregon and California Region," prepared by the National Marine Fisheries Service in January 1977, establishes permissable incidental salmon catch levels for foreign trawlers fishing within the 200-mile Fishery Conservation Zone at zero. No salmon caught can be kept. The PMP also prescribes a 20% observer level aboard foreign trawlers to monitor incidental catches. Fishing by foreign trawlers in the FCZ has been severely reduced in time, area, and level of catches.

We have no evidence that the foreign fishery affects levels of forage organisms in either a positive or negative manner relative to salmon, and at this time, do not consider this a problem with respect to the salmon resource.

12. COMMENT: The regulations proposed in the plan would result in a shift in troll effort from north of Tillamook Head to the south during the closed period in June.

RESPONSE: Undoubtedly, some shift of troll vessels to the south of Tillamook Head will occur in response to a June closure, but this accomplishes the stated purpose of the closure during this period - to remove effort from stocks of fish that are present primarily north of Tillamook Head. A large, long-term increase in fishing effort south of Tillamook Head, however, would be unacceptable and must be considered when the Council addresses management south of Tillamook Head.

13. COMMENT: There should be nursery area closures as a means of protecting immature fish.

RESPONSE: Concentrations of immature fish are known to occur in certain areas and at certain times. Unfortunately, in the area under consideration (north of Tillamook Head), the primary concentration of immature fish occurs right at the mouth of the Columbia River. Closure of this area would restrict sport fisheries almost exclusively. There are some management benefits derived from permitting this fishery to contunue.

14. COMMENT: Against requirement of barbless hooks.

RESPONSE: Studies have shown that barbless hooks will improve the survival rate of "shaker" coho salmon taken incidentally, yet will still take chinooks as efficiently as barbed hooks (Sec. 2.8.2) and (Sec. 9.0 reference 17).

15. COMMENT: Closures proposed in the Plan would "spread to other States."

RESPONSE: The fishery south of Tillamook Head will be examined during the coming year. It is expected that more restrictive regulations will be recommended, since several southern stocks of salmon appear to be in poor condition. Whether these regulations will be similar to those now proposed north of Tillamook Head is not known.

16. COMMENT: Reduced troll fishery is not consistent with Optimum Yield and the plan needs a better balance of biological, economic and sociological considerations.

RESPONSE: Optimum yield fishery management requires consideration of economic and sociological factors, as well as biological or technical objectives associated with conservation and productivity of the fish stocks. The proposed plan considers all of these factors on the basis of available information and recommends changes to achieve optimum yield and maximize benefits to the nation from these stocks.

17. COMMENT: Since part of the purpose of the Act is to protect U.S. fishermen from foreign fishing, it seems unfair for Canadians to get more fish and to continue to fish when U.S. fishermen cannot.

RESPONSE: One of the purposes of the Act is to develop "a national program for the conservation and management of fishery resources... to realize the full potential of the Nation's fishery resources." Thus, the total fishery resources of the Nation must be considered. The transfer to Canadians is an unfortunate local consequence of the regulations needed to achieve conservation and allocation objectives outlined in this salmon plan. Discussions are currently underway with Canada to resolve our mutual salmon problems and may provide better methods in the long run for resolving salmon transfers and other fishery problems between the two countries. The plan specifically stipulates that the Canadians observe the same regulations as U.S. fishermen when fishing in the U.S. zone. (Sec. 2.3, 2.6)

18. COMMENT: The Council should not allocate fish to the Treaty Indians in accordance with current directives.

RESPONSE: The Act specifically recognizes the need to account for Treaty Indian fishery rights in developing a management plan.

19. COMMENT: Changing the size limit of chinook from 26" to 28" unnecessary.

RESPONSE: The Council, in its action on the plan, decided not to increase the size limit of chinook north of Tillamook Head from 26" to 28".

20. COMMENT: Establish a 2-fish bag limit for recreational fishermen.

RESPONSE: Reducing the bag limit for recreational fishermen was considered under the plan as a method of shifting the impact of the needed management measures over more than one user group to achieve the desired objectives of the plan (Sec. 2.8.2.3., No.1). The Council decided not to reduce the bag limit.

21. COMMENT: The plan should include a landing allowance for incidentally-caught coho salmon during the early chinook season.

RESPONSE: This alternative is presented as number 4 under Section 2.8.2.1 of the plan. This alternative was not considered as a specific regulation option since it would not assist in meeting the stated objectives of the plan, particularly in view of abuses which have historically occurred with regulations of this type.

22. COMMENT: Plan should cover the entire range of the species.

RESPONSE: In view of the time constraint and the need to achieve certain short term objectives, the Council restricted this plan to the ocean salmon fisheries. Obviously, an overall management strategy must be developed before the resource is managed adequately. This plan is considered a first step toward the development of such a comprehensive plan.

In addition, the jurisdictional authority of the Council is limited, by the Fishery Conservation and Management Act of 1976, to the ocean areas seaward of the States' boundaries.

23. COMMENT: Numerous and various alternative regulations were recommended, including: (1) status quo (1976 regulations); (2) return to 1975 regulations; (3) no or shorter closed periods; (4) less restrictive terminal-gear requirements; and others.

RESPONSE: The reasons outlined in the Plan fully support a need for reduced ocean harvesting rates and preclude returning to past or less restrictive regulation patterns.

24. COMMENT: Numerous comments were received from Indian organizations and individuals concerning the need for the Council and its Plan to recognize Treaty Indian fishing rights and permit Treaty Indians to fish under regulations somewhat different from non-Indians.

RESPONSE: The Indian fishing rights issue has been the subject of extensive litigation in Federal Courts in the Pacific Northwest. Many of the complex issues have been considered by the Courts. These decisions and actions have guided the drafters of the Plan. Many issues remain unresolved.

The FMP recognizes that Indian Treaty fishing rights are affected by this Plan. The Pacific Council and Department of Commerce believe that the implementation of such rights remains a matter for further consideration.

25. COMMENT: The Plan is incomplete or is based on inadequate or inaccurate data. For example, the Scientific & Statistical Committee refused to comment on the Plan because it was incomplete.

RESPONSE: The Plan is based on the most reliable scientific and statistical information available. In some cases, more recent data are not included in the Plan, since comparable data for all categories were not available. The Plan is complete to the extent that information is available and that management decisions for the ocean salmon fisheries fall within the jurisdiction of the Pacific Fishery Management Council. The Scientific and Statistical Committee has commented on the adequacy of the proposed Plan.

26. COMMENT: A greater reduction of the early ocean fishing season would permit more chinook to reach upper river areas.

RESPONSE: The 60% reduction in the troll fishing season prior to July 1 was considered adequate at this time for protection of upriver (spring and summer) chinook salmon, consistent with a rational harvest in the ocean.

27. COMMENT: The Washington troll fishery catches relatively few salmon bound for Puget Sound spawning areas, and thus the plan will have little effect on required re-allocation of catches to Treaty Indians.

RESPONSE: The closure of waters north of Pt. Grenville after September 15 will provide some protection for Washington coastal river and Puget Sound coho stocks, thus increasing the proportions of these stocks that reach inside fishing waters and spawning grounds. Since many coastal river stocks are harvested by Treaty Indians in the Boldt Decision-case area, the reduction in ocean harvests of these stocks should increase fishing opportunities for Treaty Indians.

28. COMMENT: The recommendations in this Plan represent allocation of the catch among users and do not constitute fishery management.

RESPONSE: Fishery Management under the concept of optimum yield requires consideration of social and economic criteria. Consequently, fishery management and allocation of allowable catches among different users must be considered.

29. COMMENT: Plan favors part-time fishermen

RESPONSE: Most of the fishermen affected by this Plan are part-time salmon fishermen, in that they do not obtain their total earnings from salmon trolling. Additional income is usually derived either from other fishing or non-fishing activities. The proposed regulations in the Plan were not designed to favor part-time fishermen. All fishermen, whether part-time or full-time, will be faced with identical regulations.

30. COMMENT: The objectives of this Plan are inconsistent with other government programs such as the Capital Construction Fund.

RESPONSE: The troll salmon fisheries have been declared a conditional fishery with respect to the application of the Capital Construction Fund. As such, trollers may deposit monies in the fund, but restrictions are placed on the use of vessels constructed or purchased through these programs. Such restrictions on the use of the Capital Construction Fund and other NMFS financial assistance programs as they apply to conditional fisheries will not stimulate new or greater effort.

Accordingly, these programs do not appear to be inconsistent with the Plan's objective of reducing salmon effort.

31. COMMENT: The Plan will result in monopolistic market conditions, and destroy free enterprise and small business firms.

RESPONSE: The Plan will likely result in some shift among areas of activity of fishing firms and support industries. There is no reason, however, to expect that the market strength of the firms that gain will differ greatly from those that lose. There is no expected impact on the competitive or free enterprise nature of the firms or industries involved.

APPENDIX E

List of Individuals and Organizations Submitting Written Comments
(Names May Be Misspelled Due To Difficulties In Deciphering Signatures)

Aaker, Arnold C.
Abbott, David A.
Allen, Walter R. & JoAnn
Alstadt, John
Amos, Tom L.
Anderson, Leif
Anderson, M. G.
Andreani, Ronald
Applegate, Mille
Armstrong, Calvin
Aston, Diane

Bales, William
Barker, Charles
Bates, Ken
Beam, Chas. L.
Beasley, Dale
Beauchamp, Janice
Belgard, T. F.
Benton, James T.
Blakey, B. H.
Brandley, Donald
Breiwick, Lester
Brown, G. R.
Brown, Gary
Buffington, Milton J.
Bunkowski, D. D.
Buschi, Craig

Cadwell, David R.
Caldwell, Francis E.
Carpenter, Earl
Catching, John
Catterall, Richard
Chapman, David
Charlton, A. F.
Chera, Arlene
Claplanho, Ed
Clark, Les
Claypool, Mr. & Mrs. Henry
Claypool, Jonathan
Claypool, Marilyn
Cole, Bob
Cox, Larry R.
Curtis, Richard J.

Daniel, Richard
Deeter, Stanley B.
DeLaCruz, Joseph
DeLeo, Jean C.
DenHerder, Robert
Doney, Glenn P.
Dysart, George D.

Eaton, Clark
Elend, Raymond J.
Elmore, Bill
Elmore, Susan
Elwood, Greg & Sharon
Englesen, G. H.
Esarey, John E.
Esarey, Vickie
Esarey, Jon D.
Estabrook, Raymond E.
Evans, Gov. John V.

Finley, Carl M.
Fitzhugh, Mel
Flanagan, Pat
Forman, Jackie
Forsythe, James W. & Edna
Francis, Richard
Frank, Victor R.
Fry, Howard

Galloway, Dale S.
Gay, Robert F.
Ghera, Marian A.
Ghera, Roy H.
Gibson, Jack
Glavich, Ray
Gormley, W.
Gowdy, Lloyd
Grader, Zeke
Grauberger, David

Hager, Vernon
Halterman, John
Hamilton, Ben
Harper, Calvin
Haugen, Richard F.
Haugland, Richard L.
Hautala, Patricia
Haw, Frank

Hegg, Fred
Hinderer, Wallace H.
Hines, W. H.
Holland, Bert F.
Hopkins, Jackson D.
Horner, Charles R.
Hovis, Cockrill & Roy (Tim Weaver)
Hussey, Harvey
Hvatum, Ted

Ides, John

Jangord, Arnold O.
Jensen, Mrs. E. H.
Jensen, Harold R.
Johnes, Samuel A.
Judd, Russell E.

Kartak, Nancy
Kash Kash, Sam
Keller, Charles E.
Kelly, Harriet M.
Kimmel, Gail
Kimzey, Warren
Klopfenstein, Don
Klopfenstein, Inez
Knudsen, P. C.

Lamerson, Vince
Ledford, George
Lordahl, Mildred
Lundgren, Bob
Lyons, Ralph E.

Maahs, W.
MacDonald, Ann
MacKenzie, George
MacKenzie, Minerva
Manary, Edward P.
Martins, Frank
Mathews, Francis B.
Matlick, Thelma
Mawhorter, Richard
Mayhorn, Wm. L.
McDonald, Gerald
McMullen, George
Mead, Joseph A.
Meuret, Forrest L.
Miller, William R.
Mohler, Clifford E.
Moody, R. E.
Morrison, G. M.
Mulvihill, Daniel F.
Murphy, J. C.
Murtha, W. J.

Nikula, Robert W.
Noble, Richard E.
Norwood, N. Stephen

Oakes, Rex O.
Ohaks, Sonja
Oliver, Mr. & Mrs. Ronald
Omgstad, Harold S.

Pacific Coast Federation of Fishermen Association, Inc.
Pacific Coast Trailer Park Owners Assoc.
Pavelek, Henry
Peters, Glen O.
Peters, Keith D.
Peters, Larry W.
Peterson, Milton
Phelan, Myrtle
Platt, Charles
Polityka, Charles S.
Polom, Michael, Mrs.
Preston, N. A.
Pullen, Ronald

Rains, George R.
Reid, John
Richmond, Marilyn
Ritz, Ellen
Ritz, Offord C.
Ross, Robert L.
Rovdahl, Milton J.

Salmi, Elmer
Salmon Trollers Marketing Association
Santa Barbara Commercial Fisheries Assoc.
Schubert, Capt.
Seanborough, J. D.
Sears, Fred
Shore, Robert C.
Sheldon, R. N.
Silva, Michael K.
Skauge, Olaf

Smallsreed, Mr. & Mrs. C. J.
Smith, Alexandra
Smith, Mariellen
Smith, Ralph W.
Smith, Wm. L.
Sommers, Dorothy
Sommers, Harold
Sommers, Glenn W.
Sorensen, E. C.
Spangler, David E.
Spleen, Steve
Stair, Dan
Stampfli, K. A.
Steele, Bob
Stein, Earl
Stimson, Ralph R.
Strang, Capt. Duane
Swanson, Robert A.
Swithenbank, Joe

Teeters, A. R.
Thompson, A. H.
Thompson, Harvey E.
Todenhoft, Art
Turner, Ed
Turner, George J.

Vanderslik, John T.
Van Eeckhout, Tom
Vincent, Frederic

Wagar, Paul
Walker, Geoffrey
Wenner, Davis
White, Lyle A.
Wilson, Benjamin O.
Wood, Paul
Wood, Stan
Writer, Jerry D.
Wyatt, Russell

Yingst, John H.

Zucker, M.

List of Individuals Making Comments at Public Hearings

(Names may be misspelled due to transcription phonetics)

Hearings: (San Francisco)

Mr. Celieno
Mr. Wood
Mr. Carpenter
Mr. Mel Grimes
Mr. F. Martin
Mr. P. Flanagan
Mr. Larry Hansen
Mr. D. Abbott
Mr. R. Hagel
Mr. P. Batsford
Mr. Z. Grader
Mr. M. Wickliffe
Mr. Dick Hubbard
Mr. Bob Steel
Mr. Claude Appleton
Mr. Joe Rychetnik
Mr. Bill Grader
Mr. Lou Ferrari
Mr. Bert Hollins
Mr. Oscar Knudson
Mr. Kenneth Stever

Hearings: (Eureka)

Hugh Emanuel
Capt. Olie SKauge
Eddie O. Ritz
Ellery A. Marsh
Mark Winthers
George Turner
Ross Bragdon
Tom Peters
Richard Senger
John Gallow
John Hokman
Don Bradley
H.N. Christensen
Richard A. Lundblad
Judith C. Hokman
Mel Fitzhugh
John B. Mallory
Henry Claypool
John Hoine
Roger Adkins

Hearings: (Eureka) cont'd .

John Wolf
Mr. Van Arsdall
Vern Hager
Bill Maahs
Nelson Rossig
Mr. Bergani (phon.)
Murry Lion
Mr. Troyner (phon.)
Mr. Drake
Lawrie Lazio

Hearings: (Seattle)

Arthur Martin
Frank Haw
Jack Cotant
Robert Gay
Joseph L. Guedon
Mary Lu Engman
Guy McMinds
Oran Conklin
David N. Nelson
Archie Graham
Floyd A. Patnode
Charles Raleigh
Ed Manary
Mason D. Morisset
Richard Haugen
Sonja Ohaks
D. W. Potter
Randall Kary
John McCallum
George Lachner
Louis Dodd
Ed Rydman
Paul Thomas
John M. Ides
David Germain
David Cadwell
Ken Short
Roger Shearer
Jack Steen
Dale Beasley
A. J. VanDeventer
Dave Milholland
Bill Fleenor

Hearings: (Astoria)

Gerald Simmons
Ed Manary
Jack Marincovich
Walt Marchel
Ernie Summers
Dawn Fowler
Harold A. Sommers
Jon Englund
Dave Johnson
Walt Receconi
Russ Bristow
David R. Cadwell
Dennis Rydman
Ros Putman
Sam Devereaux
Ed Claplanho
Roger Shearer
Forrest L. Meuret
W. William Puustinen
Rober Finzer
Joe Burt
Clarence Crach

Hearings: (Charleston)

Dan Campbell
Ms. NaOma Aeder
Mr. Bob Hudson
Mr. Larry Tardaewether
Mr. Donald L. Root
Mr. Harold Wornath
Mr. Roger Pryce
Mr. Dick D'Archangel
Mr. Zaccariah
Mrs. Kathy Geddings
Mr. Bob Frazell
Mr. Sam Myers
Mr. Duane Leafdahl
Mr. Rod Nourse
Mr. Randall Pullin
Mr. Phil Cope

Hearings: (Boise)

Kelly Pearce
Allen Slickpoo
Norman H. Guth
Robert C. Strom

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	TROLLERS	ASSOCIATED OR DEPENDENT BUSINESSES	RECREATIONAL FISHERIES	INDIANS	OTHER (Includes Unknown)	TOTAL
1	83	7	5	1	15	111
2	88	7			5	100
3	2					2
4	33	3	1	2		39
5	24	2	1		4	31
6	23	6	4	4	1	38
7	15	31	1		2	49
8	7			2	1	10
9	61	11	9	1	3	85
10	6	2				8
11	44	3		1	1	49
12	13	2				15
13	4		3	3	1	11
14	22	1			2	25
15	5					5
16	7	1			3	11
17	42	3	4	3		52
18	21				1	22
19	19	3	1	4	6	33
20	3	1	6	4	1	15
21	1					1
22	24	2	1		5	32
23	55	12	7	6	13	93
24				21	1	22
25	42	4		2	5	53
26			1	4		5
27	1					1
28				1		1
29	2	1				3
30	28				2	30
31	6				1	7
						959

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federal register

WEDNESDAY, APRIL 27, 1977

highlights

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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presidential documents

Title 3—The President

PROCLAMATION 4504

Prayer for Peace Memorial Day, May 30, 1977

By the President of the United States of America

A Proclamation

The greatest honor we can pay those who have given their lives in our Nation's defense is to serve the ideals for which they died.

We properly honor these men and women on Memorial Day—as we honor those who fought and lived, to continue the struggle for peace, freedom, justice, and human rights.

Those of us who survived the battle, or who never had to bear it, must work to assure that no American will ever be asked to offer up his or her life in war unless the survival of our Nation or of democracy itself is at stake.

Let us remember on Memorial Day those who have lived and died in pursuit of a just peace. Let us pray that, like them, we will leave behind us a stronger Nation and a better world.

In tribute to those Americans who have died for their country, and to those who survived to carry on their unfinished work, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the American people to observe each Memorial Day as a day of prayer for permanent peace.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Memorial Day, Monday, May 30, 1977, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to join in this observance.

I call upon the appropriate officials of all levels of government to fly the flag at half-staff until noon during Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I request the people of the United States to display the flag at half-staff from their homes for the same customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of April, in the year of our Lord nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-12157 Filed 4-25-77;12:50 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 77, Amdt. 8]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment lowers the minimum grade requirement applicable to domestic and export shipments of Florida white seedless grapefruit from Improved No. 2 to Improved No. 2 Russet during the period April 22 through August 14, 1977. The amendment recognizes the supplies of fruit remaining for fresh shipment and is designed to permit movement of available supplies of fruit consistent with the interests of producers and consumers.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the amended marketing agreement, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the current and prospective demand for Florida white seedless grapefruit by domestic and export market outlets. Less restrictive grade requirements for such fruit are consistent with the character of much of the fruit remaining for fresh shipment.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information became available upon which this amendment is based, and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of white seedless grapefruit grown in Florida.

Order. The provisions of § 905.565 (Grapefruit Regulation 77; 41 FR 42177, 49474, 51029, 54917; 42 FR 9663, 10833, 14865, 18271) are amended by revising paragraphs (a) (3) and (b) (3) as follows:

§ 905.565 Grapefruit Regulation 77.

(a) • • •

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2: *Provided,* That during the period March 11, 1977, through August 14, 1977, no handler shall ship any pink seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet: *Provided further,* That during the period April 22, 1977, through August 14, 1977, no handler shall ship any white seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet; or

• • • • • •

(b) • • •

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2: *Provided,* That during the period March 11, 1977, through August 14, 1977, no handler shall ship any pink seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet: *Provided further,* That during the period April 22, 1977, through August 14, 1977, no handler shall ship any white seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2 Russet; or

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 22, 1977, to become effective April 22, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-12105 Filed 4-26-77;8:45 am]

[Grapefruit Reg. 17, Amdt. 6]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirements for Imports of White Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment lowers the minimum grade requirement applicable to imported white seedless grapefruit from Improved No. 2 to Improved No. 2 Russet grade to coincide with such requirements being made effective on Florida grapefruit. This amendment is required by Federal law.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3545.

SUPPLEMENTARY INFORMATION: This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. This amendment fixes the same minimum grade requirement on imported white seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

ORDER

In § 944.113 (Grapefruit Regulation 17; 41 FR 42181, 49109; 42 FR 9664, 10835, 14867, 18271) the provisions of paragraph (a) (3) are revised to read as follows:

§ 944.113 Grapefruit Regulation 17.

(a) • • •

(3) Seedless grapefruit shall grade at least Improved No. 2: *Provided,* That during the period March 11, 1977, through August 14, 1977, pink seedless grapefruit shall grade at least Improved No. 2 Russet: *Provided further,* That during the period April 22, 1977, through August 14, 1977, white seedless grapefruit shall grade at least Improved No. 2 Russet; and

• • • • • •

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that: (a) The regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirements for imports of white seedless grapefruit as are applicable under amended Grapefruit Regulation 77 (§ 905.565) to the shipment of white seedless grapefruit grown in Florida; and (c) this amendment lowers the minimum grade requirement applicable to imported white seedless grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated April 22, 1977, to become effective April 22, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 77-12104 Filed 4-26-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 301—PROCEDURES

Clarifying Amendment to Government in the Sunshine Act Regulations

AGENCY: Tennessee Valley Authority.

ACTION: Clarifying amendment to final regulations.

SUMMARY: Following the end of the 30-day comment period on TVA's proposed Government in the Sunshine Act regulations and the publication of final regulations, TVA received two comments which construed the last sentence of § 301.43 as an absolute prohibition on the use of cameras or other recording devices at TVA Board meetings. TVA's practice over the past years during which Board meetings were open to public observation before there was any requirement to do so and the practice which continues at Board meetings now subject to the Government in the Sunshine Act, permits the use of cameras and recording devices. This clarifying amendment makes clear TVA's intent to continue this practice under which cameras and recording devices may be used at Board meetings but to recognize that such use should not be disruptive of the meetings.

EFFECTIVE DATE: April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

John Van Mol, Director of Information, Tennessee Valley Authority, Room E12A4 Knoxville Office Complex, 400 Commerce Avenue, Knoxville, Tennessee 37902. (615–632–3257.) Information is also available at TVA's Washington Office. (202–343–4537.)

SUPPLEMENTARY INFORMATION: On January 26, 1977, there was published in the FEDERAL REGISTER (42 FR 4859) the TVA Board of Directors' notice of its proposed Government in the Sunshine Act regulations. After a 30-day comment period, TVA adopted final regulations effective March 12, 1977 (42 FR 14086).

Since TVA's adoption of final regulations, two comments considered the last sentence of § 301.43 which provides:

> Public observation does not include the recording of any deliberations or actions by means of electronic or other devices or cameras

as an absolute prohibition on the use of such devices. TVA has not prohibited, nor does it intend to prohibit, the reasonable use of cameras or other recording devices at its open Board meetings and the purpose of this clarifying amendment is to make that explicit. TVA has been holding its formal Board meetings in public for over two years and during that time the press and public have made unrestricted use of cameras and other devices to record the meetings. In fact, TVA makes its audio and other equipment available to the press to facilitate the recording of Board meetings.

Since this clarifying amendment is being made in response to comments received by TVA shortly after the close of the comment period on the proposed regulations, and since it will eliminate an apparent restriction in the final regulations, the TVA Board for good cause finds that it is unnecessary to publish notice of this clarifying amendment as a proposed regulation and that the clarifying amendment can become effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, 18 CFR 301.43 is amended to read as follows:

§ 301.43 Open meetings.

Members shall not jointly conduct or dispose of TVA business other than in accordance with this Subpart. Except as provided in § 301.46, every portion of every meeting of the agency shall be open to public observation, and TVA shall provide suitable facilities therefor, but participation in the deliberations at such meetings shall be limited to members and certain TVA personnel. The public may make reasonable use of electronic or other devices or cameras to record deliberations or actions at meetings so long as such use is not disruptive of the meetings.

(Sec. 3(a), Pub. L. No. 94-409, 90 Stat. 1241 (5 U.S.C. 552b), and 48 Stat. 58, as amended 16 U.S.C. 831–831dd).)

NOTE.—TVA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 18, 1977.

H. N. STROUD, Jr.,
Acting General Manager.

[FR Doc.77-12023 Filed 4-26-77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 712–77]

PART 52—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Revoking Obsolete Regulations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The present regulations governing relocation assistance and land acquisition policies of the Department of Justice under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are published in Part 52 of Title 28, Code of Federal Regulations. Those regulations are being replaced by revised regulations issued by the Assistant Attorney General for Administration and published in Part 128–18 of Title 41, Code of Federal Regulations. This order therefore revokes the regulations in 28 CFR Part 52.

EFFECTIVE DATE: April 16, 1977.

FOR FURTHER INFORMATION CONTACT:

William H. O'Donoghue, Chief, Administrative Programs Section, Security and Administrative Programs Staff, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, 202–739–2971.

Part 52 [Revoked]

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 52 of Title 28, Code of Federal Regulations, is hereby revoked.

Dated: April 16, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-12085 Filed 4-26-77;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 266—PRIVACY OF INFORMATION

Exemption of Systems of Records

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This notice announces the amendment of Postal Service regulations to exempt a system of records from specified provisions of the Privacy Act of 1974, and to widen the previously announced exemption of another system of records.

EFFECTIVE DATE: April 27, 1977.

ADDRESSES: Records Officer, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INORMATION CONTACT:

Mr. John Finlay, 202–245–4142.

SUPPLEMENTARY INFORMATION: On February 22, 1977, the Postal Service published for comment in the FEDERAL REGISTER (42 FR 10320, as corrected at 42 FR 13307) a proposal to amend 39 CFR 266.9, dealing with the exemption of Postal Service systems of records from certain provisions of the Privacy Act of 1974. Acting under 5 U.S.C. 552a(k)(5), which allows an agency to safeguard the identity of a source who furnished information in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment, the Postal Service proposed to exempt system USPS 120.130, Personnel Records—Postmaster Selection Program Records, from 5 U.S.C. 552a (d)(1)–(4) and (e)(1), and further to exempt system USPS 120.110, Personnel Records—Personnel Investigations Records, from 5 U.S.C. 552a(d)(2)–(4). Members of the public were invited to submit comments concerning the proposed exemptions.

No comments regarding the proposed exemptions were received. Accordingly, after a review of the proposed text, the Postal Service adopts the following amendments to title 39, Code of Federal Regulations, effective April 27, 1977.

In 39 CFR 266.9, revise paragraph (b)(3) and add paragraph (b)(7) to read as follows:

§ 266.9 Exemptions.

* * * * *

(b) * * *

(3) Postal Service Personnel Investigations Records from 5 U.S.C. 552a (d)(1)–(4) and (e)(1) to the extent that information in the system is subject to exemption under 5 U.S.C. 552a(k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

* * * * *

(7) Postal Service Postmaster Selection Program Records from 5 U.S.C. 552a (d)(1)–(4) and (e)(1) to the extent that information in the system is subject to exemption under 5 U.S.C. 552a(k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

BENJAMIN F. BAILAR,
Postmaster General.

[FR Doc.77-11915 Filed 4-26-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 704–6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Utah Plan Revisions

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove changes to the Utah State Implementation Plan (SIP) submitted by the Governor of Utah. The changes were submitted to correct certain deficiencies in the State's SIP. The intended effect of this action is to ensure the attainment of EPA's national ambient air quality standards.

EFFECTIVE DATE: April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning and Operations, Section, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. (303–837–3711)

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, a plan for implementation of the national ambient air quality standards (NAAQS) submitted by Utah. Regulations to correct deficiencies in the Utah plan were promulgated on May 14, 1973 (38 FR 12696), November 27, 1973 (38 FR 32656), September 5, 1974 (38 FR 32113), November 26, 1975 (40 FR 54786), and December 5, 1975, (40 FR 56890). On December 12, 1975, the Kennecott Copper Corporation filed a Petition for Reconsideration, requesting the Agency to reconsider the sulfur dioxide regulation promulgated on November 26, 1975. The company also challenged the regulation in the 10th Circuit Court of Appeals. The Agency ruled on said petition on December 3, 1976, after having considered new air quality data and other newly obtained information.

On July 10, 1975, the Governor of Utah submitted revised Utah Air Conservation Regulations as a revision to the State Implementation Plan (SIP). The new regulations were adopted by the Utah Air Conservation Committee on June 26, 1975, following public hearing on January 9, 1975, and became effective on July 9, 1975. On September 19, 1975 (40 FR 43231), the Administrator published a summary of the significant changes to the state's regulations and the EPA's proposed actions. However, the Agency did not consider it appropriate to take final action on the state regulations prior to ruling on the issues contained in the Petition for Reconsideration that was pending before it.

Although the state submittal contained all of the Utah Air Conservation Regulations, the Administrator's proposed action pertained only to the changes, that is Sections 1.3, 1.4, 1.5, 1.6, and 2.5. Other regulations had either been approved or disapproved by the Administrator previously. However, the public was invited to inspect and comment on the entire submission, including the state's rescinding of the 80 percent SO$_2$ control requirement for new sources (Section 3.6), pollution control equipment requirements (Section 1.7), and planned maintenance provisions (Section 2.2.6b).

The Utah SIP revisions and EPA's evaluation report were available for public inspection at the offices of the Environmental Protection Agency in Denver, Colorado, Salt Lake City, Utah, and Washington, D.C.

Comments were received from five interested parties and considered in this rulemaking. On the basis of these comments, including clarification of intent by the state regarding several of EPA's concerns, the Administrator is taking the following final action on the state's submittal:

1. As indicated in the Administrator's proposal, Section 1.3 (Air Quality Degradation) is inadequate to insure Prevention of Significant Deterioration (PSD) in the clean air regions of the state. Consequently, the disapproval notice published in § 52.2346 (40 FR 25010) will remain in effect and EPA will administer the PSD program in Utah until the state complies with the requirements of 40 CFR 52.21 or receives delegation of EPA's new source review authority under those regulations. At the present time the state is taking steps designed to assume responsibility under PSD.

2. Approving Section 1.4, which provides for public availability of emission data.

3. Withdrawing the proposed disapproval of the state's variance procedure contained in Section 1.5, which was considered to be too broad. The Agency is approving Section 1.5 in view of the clarification by the state and since the variances granted by the state under said section will be submitted to EPA as SIP revisions. The Agency will review these variances on a case-by-case basis to insure protection of the NAAQS.

4. Approving Section 1.6, requiring notice to the state of the intent to construct a new source or modify an existing source prior to initiation of construction. Section 1.6.2 adopts the Federal New Source Performance Standards into the new source review criteria.

5. Several comments addressed the proposed disapproval of the state's SO$_2$ regulation (Section 2.5) applicable to the Kennecott copper smelter. The Administrator is disapproving Section 2.5 because it: (1) only imposes a monthly emission limitation which is not sufficient to attain the short-term NAAQS for SO$_2$; (2) is unenforceable since no method of determining compliance is specified; (3) contains a malfunction provision which is also unenforceable; and (4) allows the utilization of a supplementary control system without requiring the application of reasonably available control technology (RACT). The Agency's reasons for rejecting the exemption approach of the state's malfunction regulation is discussed in the

preamble to EPA's replacement regulation which is being promulgated in another section of this FEDERAL REGISTER.

EPA's authority to disapprove the regulation was questioned by the state and Kennecott. However, EPA's position that constant control technology must be utilized to achieve the NAAQS and that a supplementary control system (SCS) may be credited as an interim control measure only after the application of RACT is supported by the weight of judicial authority. See, e.g., *Big Rivers Electric Corporation, et al.* v. *EPA, et al.*, 523 F. 2d 16 (6th Cir., 1975) and *Kennecott Copper Corporation* v. *Train*, 526 F. 2d 1149 (9th Cir., 1975).[1] It is EPA's position that the state regulation does not require installation of RACT. In addition, recently obtained air monitoring data indicate that even after RACT is installed by the company, the NAAQS will not be met in the vicinity of the Kennecott plant. Therefore, in the near future EPA will propose, as an interim measure, an SCS system for the smelter. The Agency is also promulgating a malfunction regulation, which will take into consideration the problem of malfunction and yet not render the emission limitation unenforceable.

Kennecott Copper Corporation also commented that, because of their brevity, the EPA notice proposing disapproval of the state regulation and the supportive documentation did not comply with the Administrative Procedure Act. It is the Agency's position that the notice and and the supporting documents complied with the requirements of the Administrative Procedure Act, inasmuch as they adequately described the subject and the issues of the proposed action, enabling the public to understand and meaningfully comment.

Since no persuasive technical or legal evidence has been presented in support of this regulation, the Administrator is disapproving Section 2.5 as proposed. The SO_2 regulation for Kennecott, promulgated by EPA on November 26, 1975, the malfunction regulation being promulgated by EPA, and the SCS regulation to be proposed, will provide for the attainment of the NAAQS for SO_2 until such time as the state adopts and submits an approvable SO_2 regulation to EPA.

Insofar as the provisions approved herein have existed as State law for a substantial period of time and, as a result, do not impose any additional burdens on sources subject to such provisions, no useful purpose would be served in deferring the effective date of this action for 30 days. Accordingly, good cause is found for instituting this rulemaking effective immediately.

ADDRESSES: Copies of the public comments and EPA's detailed analysis of the comments are available for public inspection at the EPA offices listed below:

Environmental Protection Agency, Region VIII, Air and Hazardous Materials Division, Suite 900, 1860 Lincoln Street, Denver, Colo. 80295.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

Environmental Protection Agency, Room 4223, Federal Building, 126 South State Building, Salt Lake City, Utah 84111.

(42 U.S.C. 1857c-5.)

Dated: March 30, 1977.

BARBARA BLUM,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

1. In § 52.2320, paragraph (c) is amended to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(5) The Revised Utah Air Conservation Regulations on July 10, 1975, by the Governor.

2. In § 52.2325, paragraph (a) is amended to read as follows:

§ 52.2325 Control strategy: Sulfur oxides.

(a) * * * Furthermore, section 2.5 of the Utah Air Conservation Regulations is disapproved because it does not provide for attainment of the short-term ambient standards for SO_2, is unenforceable, and allows the utilization of a supplementary control system without requiring the application of reasonably available control technology.

[FR Doc.77-12000 Filed 4-26-77;8:45 am]

[FRL 704-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Utah SO_2 Control Strategy

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this rulemaking is to finalize regulations relating to excess emissions due to start-up shutdown and malfunction from the Kennecott Copper Corporation smelter located in Salt Lake City, Utah.

EFFECTIVE DATE: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning and Operations Section, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. (303-837-3711.)

SUPPLEMENTARY INFORMATION: On October 29, 1975, EPA proposed regulations which require the reporting of excess emissions from the Kennecott Copper Corporation smelter to the Administrator. In response to the proposed regulations, various issues have been raised by the owner and operator of the subject smelter. These comments object to the proposed regulations because: (1) The proposal does not grant an automatic exemption from the emissions limitations after compliance with the reporting requirement; (2) there is no provision relating to the excess emissions resulting from the phasing in or out of process and control equipment or from routine maintenance of this equipment; (3) the proposal of a "reporting requirement" is inconsistent with the Agency's alleged approval of State malfunction provisions which exempt sources from applicable emission limitations during periods of excess emissions.

DISCRETION VS. AUTOMATIC EXEMPTION

The claim that an emission limitation exemption should be automatic during periods of excess emissions due to start-up, shutdown or malfunction is based on smelter's contention that to penalize an operation for emissions that are beyond the control of a prudent operator is unreasonable. The Administrator agrees that the issuance of an administrative order or the initiation of judicial action following a period of excess emissions caused by circumstances beyond the control of the operator may not be appropriate. However, the Administrator has determined that the automatic granting of a regulatory exemption for these periods of excess emissions is not a suitable remedy.

Although the Administrator recognizes that some relief should be afforded during certain upset situations, the promulgation of an upset regulation should not diminish the smelter's incentive to develop better operating and maintenance procedures. If an automatic exemption were promulgated, it would encourage the smelter to claim, after every period of excess emissions, that an exemption is warranted. If the operator of the smelter were so inclined, it would be relatively easy for the company, as a result of the burden of proof placement, to effectively block all Federal enforcement against the smelter.

Clearly, the better approach and the one which is consistent with the enforcement imperatives of section 110 is to place the burden of proving the existence of an unavoidable malfunction on the source. Consequently, the only enforceable means available to the Agency in dealing with all emission excursions—be they potentially due to malfunctions or otherwise—is to issue notices of violations with the source being given an opportunity to prove that the violation was due to an unavoidable malfunction.

The Administrator has concluded that the appropriate enforcement process, as prescribed by section 113, affords ample opportunity for the owner or operator of the smelter to identify malfunctions and upsets beyond his reasonable control prior to the issuance of an administrative order. Therefore, the Administrator has determined that the way to encourage the continued improvement in the operation of a smelter and its attendent control equipment is to retain his discretion to order administrative actions or initiate judicial proceedings following a period of excess emissions. However, the Administrator also finds that it is reasonable to detail the enforcement procedure that he will follow when a period of excess emissions occurs and indicate how this discretion will be exercised.

Upon receipt of the smelter's submission of the report of excess emissions required under § 52.2325(d)(3)(viii) of this subpart, a Notice of Violation will be issued. This procedure is consistent with the decision in *Wisconsin Environmental Decade* v. *Train*, 395 F. Supp. 313 (W.D. Wis., 1975), and other recent district court rulings. After the issuance of the Notice, the Administrator will consider any information developed by the source which more fully explains the circumstances of the violation and the source's actions in response thereto. This information will be used in evaluating the seriousness of the violation and any good faith efforts of the owner or operator of the smelter to comply and in determining whether further Agency action is appropriate.

In his assessment of the circumstances of the emission of pollutants in violation of the applicable emission limitations, the Administrator will determine whether:

(1) The air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions;

(2) Repairs were made as expeditiously as practicable including the use of off-shift labor and overtime;

(3) The amount and duration of the excess emissions were minimized to the maximum extent practicable during periods of such emissions; and,

(4) Bypass of strong SO_2 streams around acid plants was limited to the maximum extent practicable.

If each of these determinations is affirmative in the opinion of the Agency, there could be no additional course of action which would be reasonable for the owner or operator to implement. Moreover, the situation would not warrant the imposition of criminal penalties. Accordingly, the Administrator would generally not follow the Notice of Violation with any further action.

The promulgation of a policy that requires the subject smelter to present evidence in mitigation of a finding of violation, if it desires to contest the Administrator's enforcement action, does not invite frustration of the enforcement of emissions standards. However, at the same time, ample opportunity is provided to the source to explain the circumstances surrounding the excess emissions before any Agency action is taken which mandates the expenditure of capital for additional control or results in any judicial liability being affixed. In the Administrator's view, this approach most effectively encourages continued development of better operating and maintenance procedures without imposing unreasonable requirements on the source.

PHASING IN AND OUT OF EQUIPMENT

The Administrator finds that routine phasing in and out of process equipment is part of the normal operation of a smelter and should be accounted for in the design and implementation of the operating procedure for the process equipment. Accordingly, the Administrator concludes that it is reasonable to expect that emission limitations will not be violated during such periods. If excess emissions should occur during routine phasing in and out of process equipment the excess emissions will not be considered as malfunctions unless the source can demonstrate that such emissions were caused by a breakdown in the process equipment.

ROUTINE MAINTENANCE

The proposed regulations did not address periods of routine maintenance in the malfunction provisions. This action was consistent with the basic purpose of the proposed regulation, which was to address excess emissions caused by "sudden and unavoidable failure" of process or control equipment. Allowing a smelter to operate independent of the emission control equipment during periods of routine maintenance would be inconsistent with binding legal interpretations of section 110 of the Clean Air Act. These legal opinions dictate that prior to allowing a source to use dispersion techniques to attain and maintain national ambient air quality standards (NAAQS), the Agency must require such source to install all available controls. Permitting a source to employ dispersion techniques to attain and maintain national standards without constant controls during periods of routine maintenance is contrary to such legal decisions. This is because routine maintenance can be considered as basically a predictable event, which can be scheduled to a large extent at the discretion of the smelter operator. As a result of this planning ability, routine maintenance can be scheduled to coincide with maintenance on production equipment or other smelter shutdowns. As such, the control equipment is always available when the equipment it serves is operational. Moreover, since any industry, including the smelting industry, has the ability to build and maintain inventory, the aspect of planning routine maintenance during periods of smelter shutdown should not be of grave concern to the smelter operator. Consequently, no excess emissions will be allowed during periods of routine maintenance.

In addition, permitting excess emissions during periods of routine maintenance would be inconsistent with the Agency's approach to new source performance standards (NSPS) which does not permit excess emissions during periods of scheduled maintenance. In cases where Agency policies for new sources differ from those for existing sources, the policy for existing sources is generally more stringent. This is due to the fact that the Clean Air Act requires existing sources to be controlled to protect the public health and welfare while, except for new source review, the principal focus for new sources is technology based. Were the Agency to depart from existing policy and adopt maintenance provisions for existing smelters that were more lenient than the maintenance approach it has adopted for new smelters, it would have an impossible enforcement problem in the event that a smelter chose to expand an existing smelting site. With this in mind and given that the problems associated with scheduled acid plant maintenance are essentially the same whether the acid plant is needed to meet NSPS or NAAQS, the Agency believes it appropriate to treat scheduled maintenance under both situations in the same way.

STATE MALFUNCTION PROVISIONS

Kennecott has argued that the approach taken in these regulations is inconsistent with various malfunction regulations approved by EPA as part of State Implementation Plans (SIPs) submitted by several western States. In response, the Agency will undertake a review of all State malfunction regulations. Should the review indicate that the regulations do not satisfy the requirements of Section 110 of the Act, the affected States will be requested to take corrective action. In reviewing these regulations the Agency will focus on the same considerations that were central to the rulemaking promulgated herein. If, in reviewing the involved State regulations, it becomes clear that they have the potential for permitting violations of NAAQS by exempting malfunction episodes from applicable emission limitations, the malfunction provisions will be rejected on the ground that they interfere with attainment of the national standards.

Finally, where ambient standards are being achieved by virtue of an interim supplementary control system, a tall stack and reasonably available control technology (RACT), a SIP provision exempting malfunction periods from applicable emission limitations might not result in ground level concentrations that exceed the standards. However, such a provision would have the effect of condoning emissions above the RACT emission level. While it might be appropriate to forbear from enforcing where the malfunction is beyond the control of the source, EPA believes that it would be inappropriate to condone, by exemption, emission levels above the RACT floor. Thus, in evaluating the SIPs in question, EPA will (in addition to the other factors noted above) regard as unacceptable any malfunction provision which, as a matter of regulatory exemption, allows emission levels to exceed the RACT floor during malfunction conditions.

OUTLINE OF REGULATIONS

Briefly, the regulations define all periods of excess emissions as violations of the applicable emissions standards and establish a procedure whereby the owner

[1] But see *Kennecott Copper Corporation* v. *Train*, 9 ERC 1593 (D.C. Nev. 1976).

or operator of the Kennecott smelter may supply information to the Administrator in order to enable him to carry out his statutory duties. Although the information to be supplied is not limited in scope, the regulation does require that if information is given to the Agency, it include: (1) identification of the emission points; (2) the magnitude of the excess emissions; (3) the identity of the process or control equipment causing the excess emissions; (4) the cause and nature of the excess emissions; and (5) a description of the steps taken by the owner or operator of the subject smelter to remedy the situation causing the emissions, prevent a recurrence and limit the excess emissions. Finally, nothing in the regulation relieves the source of its obligation to attain and maintain the national ambient air quality standards for SO_2 nor precludes the Administrator from initiating any appropriate actions under Sections 113 or 303 of the Clean Air Act.

This rulemaking will become effective on May 27, 1977, and is authorized by Sections 110, 113, and 301 of the Clean Air Act (42 U.S.C. 1857c–5, 1857–c–8, and 1857g).

Dated: March 30, 1977.

BARBARA BLUM,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

In § 52.2325, paragraph (e) is added as follows:

§ 52.2325 Control Strategy: Sulfur oxides.

* * * * *

(e) *Compliance with emission standards; Reporting excess emissions during periods of start-up, shutdown, and malfunction: Kennecott smelter complex.*

(1) The provisions of this paragraph are applicable to the Kennecott Copper Corporation located in Salt Lake County, Utah, in the Wasatch Front Intrastate Air Quality Control Region.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this chapter.

(i) The term "excess emissions" means an emission rate which exceeds any applicable emission limitation prescribed by paragraph (d) of this section. The averaging time and test procedures for determining such excess emissions shall be as specified as part of the applicable emission limitation.

(ii) The term "malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or a process to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(iii) The term "start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose, except routine phasing in of process equipment.

(iv) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

(v) The term "violation" means any incident of excess emissions, regardless of the circumstances of the occurrence.

(3) (i) In the case of excess emissions from the Kennecott smelter for which the Administrator has issued a Notice of Violation, the owner or operator of the subject smelter may submit the following data in order to assist the Administrator in carrying out his statutory responsibility under section 113 of the Clean Air Act to: (A) take into account, when issuing an administrative order under section 113(a)(4), the "seriousness of the violation and any good faith efforts to comply" with paragraph (d) of this section, or (B) initiate a judicial action under section 113(b) (1) or (2) or section 113(c)(1) (A) or (B), in appropriate circumstances.

(ii) Each submission shall include, as a minimum:

(A) The identity of the stack and/or other emission point where the excess emissions occurred;

(B) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(C) The time and duration of the excess emissions;

(D) The identity of the equipment causing the excess emissions;

(E) The nature and cause of such excess emissions;

(F) If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions;

(G) The steps taken to limit the excess emissions; and

(H) Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

(4) At any time, the owner or operator of the Kennecott smelter has the right to submit data, information or reports to the Administrator, including but not limited to the information specified in paragraph (e)(2)(ii) above, in order to assist the Administrator in carrying out his statutory responsibilities under sections 113 and 303 of the Clean Air Act.

(5) The submittal of information pursuant to paragraphs (e) (3) and (4) of this paragraph shall be used by the Administrator in determining the nature of the violation, the need for further enforcement action and the appropriate sanctions, if any, under the provisions of the Clean Air Act.

(6) Nothing in this section shall be construed to limit the obligation of the source to attain and maintain the national air quality standards for SO_2 nor the authority of the Administrator to institute actions under sections 113 and 303 of the Clean Air Act or to exercise his authority under section 114 of the Clean Air Act.

[FR Doc.77–12001 Filed 4–26–77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 128—DEPARTMENT OF JUSTICE

PART 128–18—ACQUISITION OF REAL PROPERTY

Subpart 128–18.50—Uniform Relocation Assistance and Real Property Acquisition Policies

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule prescribes the procedures and regulations governing relocation assistance and land acquisition policies of the Department of Justice under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This action incorporates changes in the guidelines for agency implementation of General Service Administration's Federal Management Circular 74–8 published on October 4, 1974 and Supplement 1 thereto, published on July 3, 1975.

EFFECTIVE DATE: This rule becomes effective on April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

William H. O'Donoghue, Chief, Administrative Programs Section, Security and Administrative Programs Staff, Office of Management and Finance, Department of Justice, 10th and Constitution Ave., NW., Washington, D.C. 20530 (Phone 739–2971).

SUPPLEMENTARY INFORMATION: On August 16, 1976 there was published in the FEDERAL REGISTER (41 FR 34636) a notice of proposed rulemaking in Chapter 128 of Title 41 of the Code of Federal Regulations. The Department of Justice proposed to revise its regulations governing relocation assistance and land acquisition policies under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Interested parties were given the opportunity to submit, not later than August 31, 1976, written views on the proposed revised regulations. Comments were received from one private citizen. The comments suggested (1) the inclusion of a paragraph under § 128–18.5003–21 to permit individuals to receive expenses for physical changes to the replacement site and for the conversion of equipment and (2) to change the paragraph under § 128–18.5003–24(a) to entitle the displaced person to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the "net proceeds of the sale" rather than the "sale proceeds." The Department however, disagrees with this suggestion. The Department considers that adequate flexibility exists under the standard of § 128–18.5003–21(a) (6) and (8) so as to permit adequate compensation as required by the Act. The "net proceeds" suggestion is already incorporated into the rule by the provision in § 128–18.5003–24 that "reasonable costs incurred" in the sale of personal property will be covered by the Government. For these reasons, no changes are made on the basis of the comments received.

Accordingly, 41 CFR Part 128–18 is hereby adopted without change and is set forth below.

Subpart 128–18.50—Uniform Relocation Assistance and Real Property Acquisition Policies

Sec.

128–18.5001 General provisions.
128–18.5001–1 Purpose.
128–18.5001–2 Definitions.
128–18.5001–3 Time limit on applying for benefits.
128–18.5001–4 Public Information.
128–18.5002 Assurances of adequate replacement housing prior to displacement.
128–18.5002–10 Scope of section.
128–18.5002–11 Determination.
128–18.5002–12 Support.
128–18.5002–13 Waiver.
128–18.5002–14 Decent, safe and sanitary housing.
128–18.5002–15 Absence or inadequacy of local standards.
128–18.5002–16 Housing provided as a last resort.
128–18.5002–17 Loans for planning and preliminary expenses.
128–18.5003 Moving and related expenses.
128–18.5003–20 Eligibility.
128–18.5003–21 Actual reasonable expenses in moving.
128–18.5003–22 Nonallowable moving expenses and losses.
128–18.5003–23 Expenses in searching for replacement business or farm.
128–18.5003–24 Actual direct losses by business or farm operation.
128–18.5004 Payments in lieu of moving and related expenses.
128–18.5004–30 Scope of section.
128–18.5004–31 Dwellings—schedules.
128–18.5004–32 Business.
128–18.5004–33 Farms.
128–18.5004–34 Non-profit organizations.
128–18.5004–35 Net earnings.
128–18.5004–36 Amount of business fixed payments.
128–18.5005 Replacement housing payments for homeowners.
128–18.5005–40 Scope of section.
128–18.5005–41 Eligibility.
128–18.5005–42 Comparable replacement dwelling.
128–18.5005–43 Computation of replacement housing payments.
128–18.5005–44 Mortgage insurance.
128–18.5006 Replacement housing payment for tenants and certain others.
128–18.5006–50 Scope of section.
128–18.5006–51 Eligibility.
128–18.5006–52 Computation of replacement housing payment for displaced tenants.
128–18.5006–53 Computation of replacement housing payments for certain others.
128–18.5007 Relocation assistance advisory services.
128–18.5007–60 Relocation assistance advisory program.
128–18.5007–61 Coordination of planned relocation activities.
128–18.5007–62 Contracting for relocation services.
128–18.5007–63 General contacts.
128–18.5008 Federally assisted programs.
128–18.5008–70 Assurances.
128–18.5008–71 Administration of relocation assistance programs.
128–18.5009 Annual report.
128–18.5009–80 Preparation.
128–18.5009–81 Waiver of assurance of replacement housing.
128–18.5009–82 Submission to General Services Administration.
128–18.5009–83 Maintenance of racial and ethnic data.
128–18.5010 Uniform real property acquisition policy.
128–18.5010–90 Scope of section.
128–18.5010–91 Acquisition procedures.
128–18.5010–92 Appraisal standards.
128–18.5010–93 Notice to move.
128–18.5010–94 Federally assisted programs.
128–18.5010–95 Exclusion of payments for relocation costs and related items.
128–18.5011 Administrative review.
128–18.5011–111 Scope of section.
128–18.5011–112 Review of procedure.

AUTHORITY: Sec. 213, 84 Stat. 1894, 1900 (42 U.S.C. 4633); 28 CFR 0.75(j).

Subpart 128–18.50—Uniform Relocation Assistance and Real Property Acquisition Policies

§ 128–18.5001 General provisions.

§ 128–18.5001–1 Purpose.

(a) The purpose of these regulations is to revise the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (42 U.S.C. 4601 et seq.), to ensure fair and equitable treatment of persons displaced by Federal and federally assisted programs and to safeguard against abuse of any of the underlying purposes, provisions, and policies of the Act.

(b) These regulations apply with respect to the acquisition of all real property for, and the relocation of all persons displaced, by Federal programs and projects undertaken by only those State agencies which receive Federal financial assistance for all or part of the cost.

§ 128–18.5001–2 Definitions.

(a) "Act" as used in this part means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) "Bureau" means any of the following organizational units of the Department:

(1) Bureau of Prisons

(2) Law Enforcement Assistance Administration

(3) Immigration and Naturalization Service

(c) "Bureau head" means the head of any bureau listed in paragraph (b) of this section, or his designee.

(d) "Initiation of negotiations" means the date the bureau makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase real property.

(e) "Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit of a condominium, or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under state law, or cannot be moved without substantial damage or unreasonable cost. The term "dwelling" does not include seasonal or part-time dwelling units, such as beach houses, mountain or other vacation cabins.

(f) "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or a political subdivision of a State or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(g) "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(h) "Person" means any individual, partnership, corporation, or association.

(i) "Displaced person" means a person who moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by any bureau of the Department of Justice or with Federal financial assistance; and solely for the purposes of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as a result of the written order of the acquiring bureau to vacate other real property, on which such person conducts a business or farm operation, for such program or project. In order to qualify as a displaced person, a person must have moved as a result of the receipt of a written notice to vacate, or the subject real property must in fact have been acquired and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219 of the Act).

(j) "Business" means any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) Solely for the purpose of section 202(a) of the Act for assisting in the purchase, sale, resale, manufacture, proc-

essing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(k) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(l) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(m) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations.

(n) "Owner" means a person who holds fee title, a life estate, a 99-year lease, or has an interest in a cooperative housing project which includes the right of occupancy or a dwelling unit, or is the contract purchaser of any such estates or interests, or who is possessed of such other proprietary interest in the property acquired, as in the judgment of the head of the Bureau, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by device, bequest inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(o) "Financial means": For the purpose of determining financial means of families and individuals in accordance with section 205(c)(3) of the Act, a financial means test (ability to pay) must be made to satisfy the requirement set forth in § 128–18.5005–40. In order to meet a financial means test a determination should be made as to the displaced person's ability to afford the replacement dwelling. In making this determination the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies.

(p) "Displacing agency" means a bureau in the case of a direct Federal project or a State agency in the case of a project receiving Federal financial assistance.

(q) "Family" means two or more individuals who are related by blood, adoption, marriage or legal guardianship who live together as a family unit, or upon determination by the head of the bureau, other persons who live together as a family unit.

§ 128–18.5001–3 Time limit on applying for benefits.

Applications for benefits under the Act must be made within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which the bureau or State agency makes final payment of all costs of that real property, whichever is later. The bureau head may extend this period upon a proper showing of good cause.

§ 128–18.5001–4 Public information.

The head of each bureau shall make available to the public full information concerning the bureau's relocation programs and shall insure that persons to be displaced are fully informed, at the earliest possible time, of such matters as available relocation payments and assistance, the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants in advance of displacement, the eligibility requirements and procedures for obtaining such payments and assistance, and the right of administrative review by the head of the Bureau.

§ 128–18.5002 Assurances of adequate replacement housing prior to displacement.

§ 128–18.5002–10 Scope of section.

The provisions set forth in this subsection are to guide bureaus and State agencies in implementing section 205(c)(3) and 206(b) of the Act.

§ 128–18.5002–11 Determination.

Bureaus may not proceed with any phase of a project or authorize a State agency to proceed with any phase of a project which will cause the displacement of any person until it has determined, or received satisfactory assurances from the State agency that, within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in § 128–18.5002–14, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

§ 128–18.5002–12 Support.

The determination or assurances under § 128–18.5002–11 shall be based on a current survey and analysis of available replacement housing by the displacing agency. Surveys to determine availability of replacement housing shall be undertaken during the planning phase for each area wherein provisions of the Act may be applicable. Such surveys and analysis must take into account the competing demands on available housing. These surveys shall include sufficient data to provide assurances that replacement dwellings are available and meet requirements of the Act and criteria described herein. These surveys shall list housing currently available. Information needed to develop and maintain the survey may be secured from the Veterans Administration, Federal Housing Administration, Department of Housing and Urban Development, and Real Estate Associations.

§ 128–18.5002–13 Waiver.

In accordance with section 205(c)(3) of the Act, the bureau head may waive the assurances required under § 128–18.5002–11, but only on the basis of emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver. Determinations so made shall be included in the annual report required by § 128–18.5009–80.

§ 128–18.5002–14 Decent, safe, and sanitary housing.

A decent, safe, and sanitary dwelling is one which is found to be in sound, clean and weather-tight condition, and which meets local housing codes. The bureau head shall determine if a dwelling unit is decent, safe, and sanitary, based on the following criteria. Adjustments may only be made in the cases of unusual circumstances or unique geographical areas.

(a) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink, cooking stove, or connections for same, a separate complete bathroom, hot and cold running water in both the bathroom and the kitchen, and adequate and safe wiring system for lighting and other electrical services, and heating as required by climatic conditions and local codes.

(b) *Non-housekeeping unit.* A non-housekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards shall be subject to the approval of the head of the bureau causing the displacement.

(c) *Occupancy standards.* Occupancy standards for replacement housing shall comply with bureau approved occupancy requirements or shall comply with local codes.

§ 128–18.5002–15 Absence or inadequacy of local standards.

In those instances where there is no local housing code or a local housing code does not contain certain minimum standards or the standards are inadequate, the bureau head shall establish the standards.

§ 128–18.5002–16 Housing provided as a last resort.

When it is determined that adequate replacement housing is not available and cannot otherwise be made available, the head of the bureau may take action or

approve action by a State agency to develop replacement housing. Bureaus taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development (24 CFR Part 43, Subpart A) in accordance with the provision concerning section 203(a) of the Act in the President's memorandum of January 4, 1971. A State agency taking such action shall comply with the requirements and procedures of the bureau which provides the Federal financial assistance.

§ 128–18.5002–17 Loans for planning and preliminary expenses.

Federal agencies will be guided by the criteria and procedures developed by the Secretary of Housing and Development (24 CFR Part 43, Subpart B) when providing loans to eligible borrowers for planning and other preliminary expenses authorized under section 215. A State agency providing such loans shall comply with the requirements and procedures of the bureau which provides the Federal financial assistance in accordance with the President's memorandum of January 4, 1971.

§ 128–18.5003 Moving and related expenses.

§ 128–18.5003–20 Eligibility.

(a) Any displaced person (including one who conducts a business or farm operation), is eligible to receive payment for moving expenses. A person who lives on his own business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payments with respect to displacement.

(b) Any person who moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property in whole or part, or as a result of a written notice of the acquiring bureau or State agency to vacate real property, or solely for the purpose of section 202 (a) and (b) of the Act, as a result of the acquisition of, or a written notice of the acquiring bureau or State agency to vacate, other real property on which such person conducts a farm or business, is eligible to receive a payment for moving expenses.

§ 128–18.5003–21 Actual reasonable expenses in moving.

(a) *Allowable expenses.* (1) Transportation of individuals, families, and personal property from the acquired site, to the replacement site, not to exceed a distance of 50 miles, except where the bureau head determines that relocation beyond the 50 mile area is justified.

(2) Packing, unpacking, crating, and uncrating of personal property.

(3) Advertising for packing, crating and transportation when the bureau head determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the bureau head determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal and reinstallation, and reestablishment, including such modifications as deemed necessary by the bureau head, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal and that the displacing bureau is released from any payment for the property.

(7) Property lost, stolen, or damaged, (not caused by the fault or neglect of the displaced person, his agent or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses as determined to be allowable by the bureau head.

(b) *Limitations.* (1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the bureau head determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost, minus the proceeds received from the sale, or the estimated cost of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the bureau head, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

§ 128–18.5003–22 Nonallowable moving expenses and losses.

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, or other improvements in which the displaced person reserved ownership, except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the bureau head determines should be excluded.

§ 128–18.5003–23 Expenses in searching for replacement business or farm.

(a) To be allowed: (1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10.00 per hour.

(4) In the discretion of the bureau head, necessary broker, real estate or other professional fees to locate a replacement business or farm operation.

(b) *Limitation.* The total amount which a displaced person may be paid for searching expenses may not exceed $500, unless the bureau head determines that a greater amount is justified based on the circumstances involved.

§ 128–18.5003–24 Actual direct losses by business or farm operation.

When the displaced person does not move personal property, he shall be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

(a) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated cost of moving 50 miles, whichever is less.

(b) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement, or the estimated cost of moving 50 miles, whichever is less.

(c) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

§ 128–18.5004 Payments in lieu of moving and related expenses.

§ 128–18.5004–30 Scope of section.

The provisions set forth in this subsection are to guide bureaus in implementing section 202 (b) and (c) of the Act.

§ 128–18.5004–31 Dwellings — schedules.

(a) Section 202(b) provides that at the option of the displaced person, he may receive a moving expense allowance not to exceed $300, based on schedules established by the bureau head, and a dislocation allowance of $200. Moving allow-

ance schedules maintained by the respective State highway departments shall be the basis for the bureau's schedule. These schedules shall provide for adequacy of reimbursement in every locality.

(b) Where there are no highway department schedules, the head of the bureau undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate in the development of a single moving expense schedule for the use of all displacing agencies.

(c) A displaced person who elects to receive a payment based on a schedule shall be paid under the schedule used in the jurisdiction in which displacement occurs regardless of where he relocates.

§ 128–18.5004–32 Business.

(a) *Eligibility.* A person displaced from his business as defined in section 101(7)(A), (B), and (C) of the Act, is eligible under section 202(c) of the Act to receive a fixed payment in lieu of moving and related expenses. Care must be exercised in each instance, however, to assure that such payments are made only in connection with a bona fide business, as defined in § 128–18.5001–2(j).

(b) A payment in lieu of actual reasonable moving expenses may be made under section 202(c) to the displaced owner of a business only if the local agency determines that, during the two taxable years prior to displacement, or during such other period as the head of the Federal agency determines to be more equitable, the business:

(1) Had average annual gross receipts of at least $2,000 in value; or

(2) Had average annual net earnings of at least $1,000 in value; or

(3) Contributed at least 33⅓ percent of the average gross annual income of the owner(s), including income from all sources, such as welfare.

If the application of the above criteria obviously creates an inequity in a given case, the head of the bureau may approve the use of other criteria as determined appropriate.

(c) Those businesses described in section 101(7)(d) of the Act are not eligible under section 202(c) for a payment in lieu of moving and related expenses.

(d) Where a displaced person is displaced from his place of business, no payment shall be made under section 202(c) of the Act until the head of the displacing bureau determines that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the displacing bureau only after consideration of all pertinent circumstances, including but not limited to, the following factors:

(1) The type of business conducted by the displaced concern; or

(2) The nature of the clientele of the displaced concern; or

(3) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

§ 128–18.5004–33 Farms.

Where a displaced person is displaced from only a part of his farm operation the fixed payment provided by section 202(c) of the Act shall be made only if the displacing bureau determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

(a) *Eligibility.* A payment in lieu of actual reasonable moving expenses may be made to the displaced owner of a farm operation according to the criteria established for displaced owners of businesses (See § 128–18.5004–32(b)). Such a payment may be made to the displaced operator of a farm operation only if the acquiring agency determines that the farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation.

(b) *Partial taking.* In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(1) The part taken met the definition of a farm operation prior to the taking; or

(2) The taking caused the operator to be displaced from the farm operation on the remaining land; or

(3) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

If the use of the above criteria obviously creates an inequity in a given case, the head of the bureau may approve the use of other criteria as determined appropriate.

§ 128–18.5004–34 Nonprofit organizations.

Where a nonprofit organization is displaced, no payment shall be made under section 202(c) of the Act until after the head of the bureau determines:

(a) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(b) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

§ 128–18.5004–35 Net earnings.

The term "average annual net earnings" as used in section 202(c) of the Act means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for a project, or during such other period as the head of the displacing bureau determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings," it may nevertheless receive the $2,500 minimum payment authorized by section 202(c) of the Act.

§ 128–18.5004–36 Amount of business fixed payment.

The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation except that such payment shall not be less than $2,500 nor more than $10,000.

§ 128–18.5005 Replacement housing payments for homeowners.

§ 128–18.5005–40 Scope of section.

The provisions set forth in this subsection are to guide bureaus in implementing section 203(a) of the Act.

§ 128–18.5005–41 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment authorized by section 203(a) of the Act, not to exceed $15,000, if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property, or owned and occupied the property, covered or qualified under section 217 of the Act for not less than 180 days prior to displacement.

(2) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the 1-year period beginning on the date on which he receives from the displacing bureau the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this subsection may be eligible for a replacement housing payment under § 128–18.5006 of these regulations.

§ 128–18.5005–42 Comparable replacement dwelling.

For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and is:

(a) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(b) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

(c) Open to all persons regardless of race, color, religion, sex, or national origin, consistent with the requirement of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968.

(d) Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors;

(2) Public utilities; and

(3) Public and commercial facilities.

(e) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(f) Within the financial means of the displaced family or individual.

(g) Available on the market to the displaced person.

If housing meeting the requirements of this section is not available on the market, the bureau head may, upon a proper finding of the need therefor, consider available housing exceeding these basic criteria.

§ 128–18.5005–43 Computation of replacement housing payment.

The replacement housing payment of not more than $15,000 comprises the following:

(a) *Differential payment for replacement housing.* The bureau head may determine the amount which, if any, when added to the acquisition cost of the dwelling acquired by the displacing bureau, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method. The relocatee is bound to the method selected for use by the displacing bureau.

(1) *Schedule method.* The bureau head may establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. When more than one Federal agency is causing displacement in a community or an area, the head of the bureau concerned shall coordinate the establishment of the schedule for replacement housing payments with such other agencies.

(2) *Comparative method.* Bureaus may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings that are most representative of the dwelling unit acquired, are available to the displaced person, and meet the definition of a comparable replacement dwelling. A single dwelling shall be used when additional comparable dwellings are not available.

(3) *Alternate method.* The bureau head may develop criteria for computing replacement housing payments when neither the schedule nor the comparative method is feasible. An alternate method proposed by a State agency is subject to prior concurrence of the bureau head.

(4) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(i) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment shall be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.* The bureau head shall determine the amount, if any, necessary to compensate a displaced person for any increased interest cost, including amounts paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage, i.e., one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. The following shall be considered in computing the interest payment:

(1) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at a time of acquisition over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by the commercial banks in the general area in which the replacement dwelling is located.

(3) All bona fide mortgages on the dwelling acquired by the displacing agency will be used to compute the increased interest cost portion of the replacement housing payment.

(4) The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the amount of the old mortgage, whichever is the lesser.

(i) Seller's points are not to be included in the interest computation.

(ii) The actual interest rate of the new mortgage will be used in the computation.

(iii) Purchaser's points and/or loan origination fees will be added to the computed interest payment.

(5) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount of the unpaid debt on the acquired dwelling for its remaining term.

(6) See Appendix 1, Format for Computation of Interest Payment.

(c) *Incidental expenses.* (1) The bureau head shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling (but not including prepaid expenses) such as:

(i) Legal, closing, and related costs including title search, preparation of conveyance instruments, notary fees, surveys, preparation of plats, and charges incident to recordation;

(ii) Lenders', FHA, or VA, appraisal fees;

(iii) FHA application fee;

(iv) Certification of structural soundness when required by lender, FHA, or VA;

(v) Credit report;

(vi) Title policies or abstracts of title;

(vii) Escrow agent's fee; and

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title 1, Public Law 90–321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(d) *Case going through condemnation.* No property owner should be deprived of the earliest possible payment of the replacement housing amounts to which he is rightfully due. The following procedure shall be used on cases involving condemnation:

(1) An advance replacement housing payment can be computed and paid to a property owner if the determination of the acquisition price will be delayed pending the outcome of condemnation proceedings. The agency may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, providing the homeowner enters into an agreement with the agency that:

(i) Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined necessary to acquire a comparable, decent, safe, and sanitary dwelling; and

(ii) If the amount awarded in the condemnation proceedings as the fair market value of the property acquired plus the amount of the recomputed replacement housing payment exceeds the price paid for, or the acquiring agency's determined cost of a comparable dwelling, he will refund to the acquiring agency, an amount equal to the amount of the excess. However, in no event shall he be required to refund more than the amount of the replacement housing payment advanced.

(2) If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination, using the award as the acquisition price.

§ 128–18.5005–44 Mortgage insurance.

The head of any Federal agency administering Federal mortgage insurance programs may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, if the mortgage is eligible for insurance under any Federal law administered by the agency notwithstanding any requirements under the law relating to age, physical condition, or other personal characteristics of eligible mortgagors and may make commitments for the insurance of the mortgage prior to the date of execution of the mortgage.

§ 128–18.5006 Replacement housing payments for tenants and certain others.

§ 128–18.5006–50 Scope of section.

The provisions set forth in this subsection are to guide bureaus in implementing section 204 of the Act.

§ 128–18.5006–51 Eligibility.

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed $4,000, as authorized by section 204 of the Act, if he meets both of the following requirements.

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property or actually occupied the property covered or qualified under section 217 of the Act for not less than 90 days prior to displacement. Tenants and other persons occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under section 203 of the Act.

(b) An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by section 204 of the Act when he rents a decent, safe, and sanitary replacement dwelling not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 128–18.5006–52 Computation of replacement housing payment for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing within 1 year from displacement, he is eligible for a downpayment including expenses incidental to closing not to exceed $4,000.

(a) *Rental replacement housing payment.* The bureau head shall determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* A rental schedule may be established for renting comparable replacement dwellings as described in § 128–18.5005–42 and which are available on the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations if such rent was reasonable. The bureau head may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. For purposes of the regulations in this part, "economic rent" is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule shall be based on a current analysis of the market to determine an amount for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area the bureau shall cooperate with the respective agencies in choosing the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.* The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 128–18.5005–42. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable. The bureau head may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) *Exceptions.* The bureau head may establish the average month's rent paid by the displaced person by using more than 3 months, if he deems it advisable. If rent is being paid to the displacing agency, economic rent shall be paid in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to paragraph (a) (1) and (2) of this section.* When neither method is feasible, the head of the bureau shall develop criteria for computing the payment.

(5) *Limitation.* The amount of the rental replacement housing payment shall be computed by subtracting the economic rent of the acquired dwelling from the lesser of:

(i) The amount of rent actually paid for the replacement dwelling; or

(ii) The amount determined by the displacing agency as necessary to rent a comparable replacement dwelling.

(6) *Disbursement of rental replacement housing payment.* The head of the Federal agency shall develop procedures to implement section 204 to provide, within the $4,000 and four-year limitations of that section, a rental replacement housing payment that will enable the displacee to rent comparable, decent, safe, and sanitary housing. The amount of the rental payment under section 204 (1) shall be determined and paid in a lump sum, except it shall be paid in installments if the displaced person so requests.

(b) *Purchases—replacement housing payment.* If the tenant elects to purchase instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing, as follows:

(1) The amount of the down payment shall be the lesser of:

(i) The amount that would be required as a down payment for financing a conventional loan on a comparable dwelling; or

(ii) The amount required as a downpayment for financing a conventional loan on the replacement dwelling actually purchased. The amount determined shall be added to the amount required to be paid by the purchaser as points and/or origination or loan services fee if such fees are normal to real estate transactions in the area on the comparable dwelling or the replacement dwelling, whichever is the lesser.

(2) Incidental expenses of closing the transaction are those as described in § 128–18.5005–43(c).

(3) The maximum payment may not exceed $4,000 except that if more than $2,000 is required, the tenant must match any amount in excess of $2,000 by an equal amount in making the downpayment.

(4) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

§ 128–18.5006–53 Computation of replacement housing payments for certain others.

(a) A displaced owner-occupant who does not qualify for a replacement housing payment under subsection E of this section because of the 180-day occupancy requirements and who elects to rent is eligible for a rental replacement housing payment not to exceed $4,000. The payment shall be computed in the same manner as shown in § 128–18.5006–52(a) except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under subsection E of this section because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed $4,000. The payment shall be computed in the same manner as shown in § 128–18.5006–52(b).

§ 128–18.5007 Relocation assistance advisory services.

§ 128–18.5007–60 Relocation assistance advisory program.

(a) The bureau shall provide a relocation assistance advisory program including such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in section 205(c) of the Act for persons displaced as a result of a program or project undertaken by the bureau.

(b) If the bureau head determines that any person occupying property immediately adjacent to the real property acquired, is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under section 205(c) of the Act.

(c) The State agency shall provide the advisory program when bureau assisted projects are involved.

§ 128–18.5007–61 Coordination of planned relocation activities.

(a) *Federal coordination.* When two or more Federal agencies contemplate displacement activities in a given community or area, the heads of the respective bureaus responsible for the planned activities shall require that appropriate channels of communication be established between the agencies for the purpose of planning relocation activities and coordinating available housing resources. The bureau involved shall consult with the appropriate Housing and Urban Development Regional/Area Office within the jurisdictional area concerning the availability of housing. Appendix 2, HUD Field Office Jurisdictions, is a directory of regional offices, which will be maintained on a current basis by the Department of Housing and Urban Development. Subsequent updated directories will be furnished to bureaus upon request. The bureaus causing the displacement shall designate at least one representative who will meet periodically with the representatives of other agencies to review the impact of their respective programs on the community or area.

(b) *Local coordination.* To further insure maximum coordination of relocation activities in a given community or area, each Federal agency's regulations shall require that the displacing bureau consult appropriate local officials before approving any proposed project in the community, consistent with the requirements of the procedures promulgated by the Office of Management and Budget Circular A–95 (Revised). That circular provides a central point for identifying local officials.

§ 128–18.5007–62 Contracting for relocation services.

(a) *Contracting with central relocation agency.* The head of a bureau contemplating the initiation of displacement activities shall consider contracting with the central relocation agency in a community or area for carrying out its relocation activities and shall require specific performance standards for these services. The appropriate Housing and Urban Development Regional/Area Office shall provide information and assistance, on request from other Federal agencies, concerning these services.

(b) *Contracting with others.* When a centralized agency relocation agency is not available in the community or area, or if in the judgment of the bureau head the centralized agency does not have the capacity to provide the necessary services, within the time required by the bureau's program, the bureau head may contract with another public agency or a private contractor who can provide the necessary relocation services.

§ 128–18.5007–63 General contacts.

(a) *Veterans Administration (VA).* The Veterans Administration maintains a housing counseling service and a displaced persons priority program for providing VA-owned housing to displaced persons. These services may be made available to persons displaced by Federal and federally assisted programs and the local VA Loan Guarantee Office should be contacted.

(b) *Small Business Administration.* The Small Business Administration provides technical and loan counseling services for small businesses. A displaced businessman should be advised of these services.

(c) *Department of Agriculture.* The Department of Agriculture provides many services through its direct action farmer assistance programs, activities in rural nonfarm communities, and also urban communities of under 10,000 population. Coordination with the Farmer's Home Administration, Department of Agriculture, is recommended when a farm operation is displaced.

(d) *Local governmental organizations.* Local governmental organizations and agencies may have rent supplement, public housing, or related relocation assistance programs which may be utilized to provide housing for the occupants displaced from a project. Local programs should be utilized where they exist. Local nongovernmental associations may also be used in helping a displaced person. Local real estate boards, apartment owners associations, home builders associations, and other organizations may provide information and services that will help obtain comparable replacement housing for displaced persons and suitable replacement sites for displaced businesses. Also, many States have veterans' organizations which offer services to veterans. The availability of such State organizations should be ascertained and used.

§ 128–18.5008 Federally assisted programs.

§ 128–18.5008–70 Assurances.

(a) *Information.* The State agency shall provide the bureau with a statement assuring the bureau that the affected persons will be adequately informed of the benefits, policies, and procedures described in this part.

(b) *Inability to provide assurances.* The bureau shall not approve or authorize any action by a State agency which will result in the displacement of any person or the acquisition of any real property except in accordance with the following requirements:

(1) A State agency has provided satisfactory assurances as required by sections 210 and 305; or

(2) A State agency's assurances are accompanied by a statement in which it identifies any of the assurances required by section 305 which it is unable to provide, in whole or in part, under its laws. The statement should be supported by an opinion of the chief legal officer of the State agency or other appropriate legal officer. Federal agencies administering federally assisted programs may adopt procedures setting forth the conditions under which projects will be approved when State agencies cannot fully comply with section 305. In all cases there must be full compliance with all assurances required by section 210.

(c) *Compliance with sections 301 and 302.* A State agency, as part of the assurances required by section 305, shall provide a statement indicating the extent to which it can comply with the provisions of sections 301 and 302. If the State agency indicates that it is unable to comply fully with any of these policies, its statement shall be supported by an opinion of the chief legal officer of the State agency or other appropriate legal officer. State agencies should comply with sections 301 and 302 if, under State law, compliance is legally possible.

(d) *Monitoring assurances.* Bureau heads shall take continuing action to insure that State agencies are acting in accordance with the assurances they have provided.

§ 128–18.5008–71 Administration of relocation assistance programs.

(a) *Approval.* A State agency electing to contract for services pursuant to section 212 shall enter into a written contract consistent with the regulations of the bureau administering the project or program causing the displacement. The bureau head shall take affirmative action to assure that the contract is so administered as to provide uniform and effective relocation for all displaced persons, consistent with these regulations.

(b) *Contract for services by State agencies.* Contracts shall include, as a minimum, the following provisions:

(1) That payments and assistance shall be provided in accordance with these regulations as implemented by bureau procedures;

(2) That records required by bureau regulations shall be retained for a period of at least 3 years and shall be available for inspection by representatives of the bureau involved and the General Accounting Office;

(3) Clauses required by regulations implementing Title VI of the Civil Rights Act of 1964 (Pub. L. 88–353); and

(4) Any other provision approved by the bureau head administering the federally assisted program or project.

§ 128–18.5009 Annual report.

§ 128–18.5009–80 Preparation.

Each bureau shall prepare and submit an annual report on a fiscal year basis to the Assistant Attorney General for Administration on its activities with respect to the programs and policies established or authorized by the Act. This report shall consist of narrative comments and supporting statistical data and such information as may be required by the Assistant Attorney General for Administration. Bureaus shall furnish data separately for each Federal program and each federally assisted program, and a summary for the whole bureau. The data shall be provided by completing GSA Form 2997, Annual Report on Relocation and Real Property Acquisition Activities. Bureaus may obtain their initial supply of GSA Form 2997, "Annual Report on Relocation and Real Property Acquisition Activities," from General Services Administration (3FNDD), Union and Franklin Streets Annex, Building 11, Alexandria, Virginia 22314. Field offices should submit all future requirements to their Washington headquarters office.

§ 128–18.5009–81 Waiver of assurance of replacement housing.

The narrative portion of the report shall describe any situations or circumstances which required a waiver of assurance of replacement housing pursuant to subsection 205(c)(3) of the Act. For any waivers reported, submit the bureau's findings and the determination supporting waiver of the requirements of the subsection.

§ 128–18.5009–82 Submission to General Services Administration.

Each bureau shall submit seven copies of its annual report to the Assistant Attorney General for Administration by December 15 of each year in order to enable the Department to submit its complete report to the Administrator of the General Services Administration not later than December 30, of each year.

§ 128–18.5009–83 Maintenance of racial and ethnic data.

The elimination of the requirement to report racial and ethnic data in no way relieves the bureaus or their grantees of responsibility for maintaining racial and ethnic data on relocatees to the extent required by Title VI of the Civil Rights Act of 1964, other applicable Federal law, and Executive Order 11512. Form DJ–245, Table 1, Part III, may be used for this purpose.

§ 128–18.5010 Uniform real property acquisition policy.

§ 128–18.5010–90 Scope of section.

The provisions set forth in this subsection are to guide bureaus and State agencies in implementing Title III of the Act.

§ 128–18.5010–91 Acquisition procedures.

(a) *Just compensation.* Before initiation of negotiations for the acquisition of real property, the bureau head, or the head of the State agency with the concurrence of the bureau head, shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the bureau's approved appraisal of the fair market value of the property.

(b) *Initiation of negotiations.* (1) *Statement to be furnished to the owner.* When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition. This statement shall include, as a minimum, the following:

(i) Identification of the real property and the estate or interest therein to be acquired, including the buildings, structures, and other improvements on the land as well as the fixtures considered to be a part of the real property; and

(ii) The amount of the estimated just compensation for the property to be acquired, as determined by the acquiring bureau or agency, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(2) *Offer to purchase.* The bureau head shall make a prompt offer to purchase the property for the amount contained in the statement.

§ 128–18.5010–92 Appraisal standards.

For the purpose of promoting uniformity under section 301(3) of the Act, the head of each State agency acquiring real property shall, with the concurrence of the bureau head establish standards for appraisals used in real property acquisition, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers consistent with the current issue of the Uniform Appraisal Standards for Federal Land Acquisition published by the Interagency Land Acquisition Conference.

§ 128–18.5010–93 Notice to move.

Section 301(5) provides that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least 90 days written notice from the head of the displacing agency of the date by which such move is required. This subsection applies only in those instances where actual displacement of persons, businesses, or farm operations occur.

§ 128–18.5010–94 Federally assisted programs.

The bureau head shall require that State agencies reimburse owners for necessary expenses as specified in sections 303 and 304 of the Act. The bureau head shall also require that all State agencies comply with the provisions of sections 301 and 302 of the Act if compliance is legally possible under State law.

§ 128–18.5010–95 Exclusion of payments for relocation costs and related items.

For real property acquisitions under Federal Law, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items in Title II of the Act. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by Title II. In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Title II of the Act.

§ 128–18.5011 Administrative review.

§ 128–18.5011–111 Scope of section.

The provisions set forth in this subsection are to guide bureaus and State agencies in providing administrative review of decisions made with the respect to duties and responsibilities established under the Act.

§ 128–18.5011–12 Review procedure.

(a) Any person aggrieved by determination as to eligibility for a payment authorized by the Act, or the amount of a payment, may apply in writing for review by the bureau head, in the case of a direct Federal program or project. The bureau head shall:

(1) Give prompt consideration of all requests for administrative review; and

(2) Give prompt written notice to the claimant of any determination made in connection with his application for review, and include a full explanation concerning any amount claimed which has been disallowed; and

(3) Provide for prompt payment of any amounts which are determined to be due the claimant.

(b) In the case of a State program or project receiving Federal financial assistance, the bureau head shall require the State agency to provide for administrative review by the head of the State agency, which review shall be subject to the same requirements as set forth in paragraph (a) of this section.

APPENDIX I—FORMAT FOR COMPUTATION OF INTEREST PAYMENT

REQUIRED INFORMATION

1. Outstanding balance of mortgage on acquired dwelling ---- $---
2. Outstanding balance of mortgage on replacement dwelling ---- $---
3. Lesser of Line 1 or Line 2 ---- $---
4. Number of months remaining until last payment is due for mortgage on acquired dwelling ---- ---
5. Number of months remaining until last payment is due for mortgage on replacement dwelling ---- ---
6. Lesser of Line 4 or Line 5 ---- ---
7. Annual interest rate of mortgage on acquired dwelling ---- ---%
8. Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) ---- ---%
9. Prevailing annual interest rate paid on standard passbook savings accounts by commercial banks ---- ---%
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense ---- $---

DEVELOPMENT OF MONTHLY PAYMENT FIGURES

A. Monthly payment required to amortize a loan of $_____ (Line 3) in _____ (Line 6) months at an annual interest rate of _____ (Line 7) percent ---- $---

B. Monthly payment required to amortize a loan of $_____ (Line 3) in _____ (Line 6) months at an annual interest rate of _____ (Line 8) percent ---- $---

C. Monthly payment required to amortize a loan of $_____ (Line 3) in _____ (Line 6) months at an annual interest rate of _____ (Line 9) percent ---- $---

CALCULATION OF INTEREST PAYMENT

Step 1 Subtract A from B:
Monthly payment based on rate for replacement dwelling (B) ---- $---
Monthly payment based on rate for acquired dwelling (A) ---- −$---
Result (difference) ---- $---

Step 2 Divide result (difference) of Step 1 by C (carry to 6 decimal places):
Result (difference) from Step 1 ---- $---
Monthly payment based on savings rate (C) ---- ÷$---
Result (quotient) ---- $---

Step 3 Multiply outstanding balance of mortgage on acquired dwelling by result (Quotient) of Step 2:
Outstanding Balance (from Line 3) ---- $---
Result (quotient) of Step 2 ---- ×$---
Result (product) ---- $---

Step 4 Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling:
Result (product) of Step 3, first mortgage ---- $---
Result (product) of Step 3, second mortgage [1] ---- $---
Sum or difference, as applicable [1] ---- $---
Add debt service costs on loan on replacement dwelling (Line 10) ---- $---
Amount of interest payment ---- $---

[1] If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to each mortgage through Step 3. A consolidated Step 4 is then completed.

APPENDIX II—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FIELD OFFICE JURISDICTIONS

OCTOBER 15, 1973.

REGION I

Regional Administrator, James J. Barry, Rm. 800, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Tel. (617) 223–4066.

Area Offices:

Connecticut, Hartford 06105; 999 Asylum Avenue, Tel. (203) 244–3638, Area Director, Lawrence L. Thompson.

Massachusetts, Boston 02114; Bulfinch Building, 15 New Chardon Street, Tel. (617) 223–4111, Area Director, M. Daniel Richardson, Jr.

New Hampshire, Manchester 03101; Davison Building, 1230 Elm Street, Tel. (603) 669–7681, Area Director, Creeley S. Buchanan.

Insuring Offices:

Maine, Bangor 04401; Federal Building and Post Offie, 202 Harlow Street, Post Office Box 1357, FTS Tel. (207) 942–8271, Commercial Number 942–8271, Director, Wayne M. Johnson.

Rhode Island, Providence 02903; 330 Post Office Annex, Tel. (401) 528–4351, Director, Charles J. McCabe.

Vermont, Burlington 05401; Federal Building, Elmwood Avenue, Post Office Box 989, FTS Tel. (802) 862–6274, Commercial Number 862–6501, Director, Leslie E. Snow.

REGION II

Regional Administrator, S. William Green, 26 Federal Plaza, Room 3541, New York, New York 10007. Tel. (212) 264–8068.

Area Offices:

New Jersey, Camden 08103; The Parkade Building, 519 Federal Street, FTS Tel. (609) 963–2301, Commercial Number 963–2541, Area Director, Philip G. Sedler.

New Jersey, Newark 07102; Gateway 1 Building, Raymond Plaza, Tel. (201) 645–3010, Area Director, James P. Sweeney.

New York, Buffalo 14202; Grant Building, 560 Main Street, Tel. (716) 842–3510, Area Director, Frank D. Cerabone.

New York, New York 10007; 120 Church Street, Tel. (212) 264–2870, Area Director, Joseph D. Monticciolo (Acting).

Commonwealth Area Office:

Puerto Rico, San Juan 00936; 255 Ponce de Leon Avenue, Hato Rey, Puerto Rico, Mailing Address, G Post Office Box 3869, San Juan, Puerto Rico, FTS Tel. (Dial 202–967–1221, ask operator for 622–0201, from Washington, D.C., dial Code 106, ask operator for 622–0201), Commercial No. 809–765–0404, Area Administrator, Jose E. Febres Silve (Acting).

Insuring Offices:

New York, Albany 12206; Westgate North, 30 Russell Road, Tel. (518) 472–3567, Director, Robert J. Wolf (Acting).

New York, Hempstead 11650; 175 Fulton Avenue, Tel. (516) 485–5000, Director, Michael Leon (Acting).

REGION III

Regional Administrator, Theodore R. Bobb, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Tel. (215) 597–2560.

Area offices:

District of Columbia, Washington 20009; Universal North Building, 1875 Connecticut Ave. N.W., Tel. (202) 382–4855, Area Director, Harry W. Staller (Acting).

Maryland, Baltimore 21201; Two Hopkins Plaza, Mercantile Bank and Trust Building, Tel. (301) 962–2121, Area Director, Allen T. Clapp.

Pennsylvania, Philadelphia 19106; Curtis Building, 625 Walnut Street, Tel. (215) 597–2665, Area Director, Joseph A. LaSala (Acting).

Pennsylvania, Pittsburgh 15212; Two Allegheny Center, Tel. (412) 644–2802, Area Director, Charles J. Lieberth.

Virginia, Richmond 23219; 701 East Franklin Street, Tel. (804) 782–2721, Area Director, Carroll A. Mason.

Insuring Offices:

Delaware, Wilmington 19801; Farmers Bank Building, 14th Floor, 919 Market Street, FTS Tel. (302) 571–6330, Director, Henry McC. Winchester, Jr.

West Virginia, Charleston 25330; New Federal Building, 500 Quarrier Street, Post Office Box 2948, FTS Tel. (304) 343–1321, Commercial No. 343–6181, Director, H. William Rogers.

Special Recovery Office:

Scranton, Pennsylvania 18503; Lackawanna County Building, Spruce and Adams Avenue, Tel. 717–344–7393, Director, James D. Corbin.

REGION IV

Regional Administrator, E. Lamar Seals, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323, Tel. (404) 526–5585.

Area offices:

Alabama, Birmingham 35233; Daniel Building, 15 South 20th Street, Tel. (205) 325–3264, Area Director, Jon Will Pitts.

Florida, Jacksonville 32204; Peninsular Plaza, 661 Riverside Avenue, Tel. (904) 791–2626, Area Director, Forrest W. Harrell.

Georgia, Atlanta 30303; Peachtree Center Building, 230 Peachtree Street, N.W., Tel. (404) 526–4576, Area Director, William A. Hartman, Jr. (Acting).

Kentucky, Louisville 40201; Children's Hospital Foundation Bldg., 601 South Floyd Street, Post Office Box 1044, Tel. (502) 582-5251, Area Director, Virgil G. Kinnaird.
Mississippi, Jackson 39213; 101-C Third Floor, Jackson Mall, 300 Woodrow Wilson Avenue, W., FTS Tel. (601) 948-2267, Commercial No. 366-2634, Area Director, James S. Roland.
North Carolina, Greensboro 27408; 2309 West Cone Boulevard, Northwest Plaza, FTS Tel. (919) 275-9361, Commercial No. 275-9111, Area Director, Richard B. Barnwell.
South Carolina, Columbia 29202; 1801 Main Street, Jefferson Square, Tel. (803) 765-5591, Area Director, Clifton G. Brown.
Tennessee, Knoxville 37919; One Northshore Building, 1111 Northshore Drive, FTS Tel. (615) 524-4561, Commercial No. 584-8527, Area Director, Carroll G. Oakes.
Insuring Offices:
Florida, Coral Gables 33134; 3001 Ponce de Leon Boulevard, FTS Tel. (305) 350-6221, Commercial No. 445-2561, Director, Louis T. Baine (Acting).
Florida, Tampa 33609; 4224 28 Henderson Boulevard, Post Office Box 18165, Tel. (813) 228-2501, Director, K. Wayne Swiger.
Tennessee, Memphis 38103; 28th Floor, 100 North Main Street, Tel. (901) 534-3141, Director, Glynn G. Raby, Jr. (Acting).
Tennessee, Nashville 37203; 1717 West End Building, Tel. (615) 749-5521, Director, George N. Gregson.

REGION V

Regional Administrator, George J. Vavoulis, 300 South Wacker Drive, Chicago, Illinois 60606, Tel. (312) 353-5680.

Area offices:
Illinois, Chicago 60602; 17 North Dearborn Street, Tel. (312) 353-7660, Area Director, John L. Waner.
Indiana, Indianapolis 46205; Willowbrook 5 Building, 4720 Kingsway Drive, Tel. (317) 633-7188, Area Director, Choice Edwards (Acting).
Michigan, Detroit 48226; 5th Floor, First National Building, 660 Woodward Avenue, Tel. (313) 226-7900, Area Director, John E. Kane (Acting).
Minnesota, Minneapolis, St. Paul; Griggs Midway Building, 1821 University Avenue, St. Paul, Minnesota 55104, Tel. (612) 725-4701, Area Director, Thomas T. Feeney.
Ohio, Columbus 43215; 60 East Main Street, Tel. (614) 469-7345, Area Director, Elmer C. Binford (Acting).
Wisconsin, Milwaukee 53203; 744 North 4th Street, Tel. (414) 224-3223, Area Director, Richard A. Kaiser (Acting).

Insuring offices:
Illinois, Springfield 62704; Lincoln Tower Plaza, 524 South Second Street, Room 600, Tel. (217) 525-4414, Director, Boyd O. Barton.
Michigan, Grand Raoids 49505; Northbrook Building Number II, 2922 Fuller Avenue, N.E., Tel. (616) 456-2225, Director, Alfred Raven.
Ohio, Cincinnati 45202; Federal Office Building, 550 Main Street, Room 9009, Tel. (513) 684-2884, Director, Charles Collins, II (Acting).
Ohio, Cleveland 44199; Federal Building, 1240 East 9th Street, Tel. (216) 522-4065, Director, Charles P. Lucas.

REGION VI

Regional Administrator, Richard L. Morgan, Room 14B35, New Dallas Federal Building, 1100 Commerce Street, Dallas, Texas 75202, Tel. (214) 749-7401.

Area offices:
Arkansas, Little Rock 72201; Room 1490, Union National Plaza, Tel. (501) 378-5401, Area Director, Thomas E. Barber.
Louisiana, New Orleans 70113; Plaza Tower, 1001 Howard Avenue, Tel. (504) 527-2063, Area Director, Thomas J. Armstrong.
Oklahoma, Oklahoma City 73102; 301 North Hudson Street, FTS Tel. (405) 231-4801, Commercial Number: 231-4181, Area Director, Robert H. Breeden.
Texas, Dallas 75202; 2001 Bryan Tower, 4th Floor, Tel. (214) 749-1601, Area Director, Manuel Sanchez III.
Texas, San Antonio 78205; Kallison Building, 410 South Main Avenue, Post Office Box 9163, FTS Tel. (512) 225-4685, Commercial Number: 225-5511, Area Director, Finnis E. Jolly.

Insuring offices:
Louisiana, Shreveport 71101; 514 Ricou-Brewster Building, 425 Milam Street, FTS Tel. (318) 425-8601, Commercial Number: 425-1241, Director, Rudy Langford.
New Mexico, Albuquerque 87110; 625 Truman Street, N.E., Tel. (505) 766-3251, Director, Luther G. Branham.
Oklahoma, Tulsa 74152 1708 Utica Square, Post Office Box 4054, Tel. (918) 581-7435, Director, Robert H. Gardner.
Texas, Fort Worth 76102; 819 Taylor Street, Room 13A01 Federal Building, Tel. (817) 334-3233, Director, Richard M. Hazlewood.
Texas, Houston 77046; Two Greenway Plaza East, Suite 200, Tel. (713) 226-4335, Director, William A. Painter.
Texas, Lubbock 79408; Courthouse and Federal Office Building, 1205 Texas Avenue, Post Office Box 1647, FTS Tel. (806) 747-3265, Commercial Number: 747-3711, Director, Don D. Earney.

REGION VII

Regional Administrator, Elmer E. Smith, Federal Office Building, Room 300, 911 Walnut Street, Kansas City, Missouri 64106, Tel. (816) 374-2661.

Area Offices:
Kansas, Kansas City 66101; Two Gateway Center, 4th and State Streets, Tel. (816) 374-4355, Area Director, William R. Southernland.
Missouri, St. Louis 63101; 210 North 12th Street, Tel. (314) 622-4760. Area Director, Elmo O. Turner.
Nebraska, Omaha 68106; Univac Building, 7100 West Center Road, Tel. (402) 221-9301, Area Director, Guy J. Birch.

Insuring offices:
Iowa, Des Moines 50309; 210 Walnut Street, Room 259 Federal Building, Tel. (515) 284-4512, Director, Nate Ruben.
Kansas, Topeka 66603; 700 Kansas Avenue, Tel. (913) 234-8241, Director, Jim Haff (Acting).

REGION VIII

Regional Administrator, Robert C. Rosenheim, Federal Building, 1961 Stout Street, Denver, Colorado 80202, Tel. (303) 837-4881.

Insuring Offices:
Colorado, Denver 80202; 4th Floor, Title Building, 909 - 17th Street, Tel. (303) 837-2441, Director, Joseph G. Wagner.
Montana, Helena 59601; 616 Helena Avenue, Tel. (406) 442-3237, Director, Orvin B. Fjare.
North Dakota, Fargo 58102; Federal Building, 653- 2nd Avenue N., Post Office Box 2483, Tel. (701) 237-5136, Director, Duane, R. Liffrig.
South Dakota, Sioux Falls 57102; 119 Federal Building U.S. Courthouse, 400 S. Phillips Avenue, FTS Tel. (605) 336-2223, Commercial Number 336-2980, Director, Rodger L. Rosenwald.
Utah, Salt Lake City 84111; 125 South State Street, Post Office Box 11009, Tel. (801) 524-5237, Drector, L. C. Romney.
Wyoming, Casper 82601; Federal Office Building, 100 East B Street, Post Office Box 580, FTS Tel. (307) 265-3252, Commercial Number: 265-5650, Director, Marshall F. Elliott (Acting).

REGION IX

Regional Administrator, Robert H. Baida, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102, Tel. (415) 556-4752.

Area offices:
California, Los Angeles 90057, 2600 Wilshire Boulevard, Tel. (213) 688-5973, Area Director, Roland E. Camfield (Acting).
California, San Francisco 94111, 1 Embarcadero Center, Suite 1600, Tel. (415) 556-2338, Area Director, James H. Price.

Insuring offices:
Arizona, Phoenix 85002; 244 West Osborn Road, Post Office Box 13468, FTS Tel. (602) 261-4434, Commercial Number: 261-4441, Director, Merritt R. Smith.
California, Sacramento 95809; 801 I Street, Post Office Box 1978, Tel. (916) 449-3471, Director, Richard D. Chamberlain.
California, San Diego 92112; 110 West C Street, Post Office Box 2648, Tel. (714) 293-5310, Director, Albert E. Johnson.
California, Santa Ana 92701; 1440 East First Street, FTS Tel. (213) 836-2451, Commercial Number: (714) 836-2451, Director, Robert L. Simpson.
Hawaii, Honolulu 96813, 1000 Bishop Street, 10th Floor, Post Office Box 3377, FTS Tel. (Dial 415-556-0220 and ask operator for 546-2136), Commercial Number: 546-2136, Director, Alvin K. H. Pang.
Nevada, Reno 89505, 1050 Bible Way, Post Office Box 4700, Tel. (702) 784-5356, Director, Morley W. Griswold.

REGION X

Regional Administrator, Oscar P. Pederson, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101, Tel. (206) 442-5415.

Area offices:
Oregon, Portland 97204; 520 Southwest 6th Avenue, Tel. (503) 221-2558, Area Director, Russell H. Dawson.
Washington, Seattle 98101, Arcade Plaza Building, 1321 Second Avenue, Tel. (206) 442-7456, Area Director, Marshall D. Majors.

Insuring offices:
Alaska, Anchorage 99501; 334 West 5th Avenue, FTS Tel. (Dial 206-442-0150 and ask operator for 265-4790) Commercial Number: (907) 272-5561 Ext. 791, Director, James Tveit (Acting).
Idaho, Boise 83707; 331 Idaho Street, Post Office Box 32, FTS Tel. (208) 342-2232, Commercial Number: 342-2711, Director, Charles L. Holley, Jr.
Washington, Spokane 99201, West 920 Riverside Avenue, Tel. (509) 456-4571, Director, E. Daryl Mabee.

Date: March 16, 1977.

GLEN E. POMMERENING,
Assistant Attorney General
for Administration.

[FR Doc.77-12086 Filed 4-26-77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6802-5a]

PART 1068—GRANTEE FINANCIAL MANAGEMENT

Subpart—Non-Federal Share Contribution; Eligibility for Waiver of Increase

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is continuing for FY 1977 grants the use of the non-Federal share waiver criteria based on the existence of severe economic conditions in the community. This waiver criteria was developed originally for FY 1976 and FY 1977 grants; however, only procedures detailing how to request waivers for FY 1976 grants were published. The continuation of this waiver policy is intended to relieve grantees of the burden of providing increased contributions when the resources at the local level are shrinking or scarce due to economic problems beyond the control of the grantee or the community.

DATES: This regulation is effective immediately.

ADDRESS: Address all comments to: Ms. Jacqueline G. Lemire, Community Services Administration, Office of Operations, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Jacqueline G. Lemire, 202-254-5670.

SUPPLEMENTARY INFORMATION: On January 4, 1975, the Economic Opportunity Act was amended by the Community Services Act. The new legislation mandated an increase in the percentage of non-Federal share contributions for certain Title II programs beginning with funds granted in FY 1976 with an additional increase for grants made with FY 1977 funds. One of the objectives of this increase was to encourage more State and local cooperation. The rationale was based on the assumption that State and local governments would be able to meet increased demands for contributions to the CSA-funded programs and that the resultant local commitment would assure a sound and continuing program. However, in the interim many State and local units of government found themselves in difficult financial situations. Therefore, regardless of the commitment many communities may have to community action programs, some units of government and private agencies were not in a financial position to meet requests for increased contributions. To continue to require non-Federal share contributions in excess of 20% in communities where these conditions currently exist would have been inconsistent with a major intent of the legislation. Therefore, in May 1976 the Director of CSA exercised his authority under Section 225(c) of the Economic Opportunity Act to develop additional objective criteria under which part or all of the additional non-Federal share could be waived.

Since many communities remain in difficult financial situations, the Acting Director of CSA has chosen to continue the waiver provisions promulgated under 45 CFR 1068.22 (CSA Instruction 6802-5) for grants made with FY 77 funds and is hereby notifying grantees of this decision and issuing procedures to be followed in applying for a waiver. The regulations are effective immediately since there is no policy change and it is in the best interest of grantees.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

Effective date: May 26 and 27, 1977.

ROBERT C. CHASE,
Acting Director.

45 CFR 1068.22-1—1068.22-5 is amended as follows:

Sec.
1068.22-1 Applicability.
1068.22-2 Policy.
1068.22-3 Procedures.

§ 1068.22-1 Applicability.

This subpart is applicable to all grants funded under Title II, sections 221 and 222(a) of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by the Community Services Administration.

§ 1068.22-2 Policy.

(a) *Waiver criteria—severe economic conditions.* (1) Any grantee funded under Title II, sections 221 and 222(a) of the Economic Opportunity Act of 1964, as amended, may apply for a waiver of a part or all of the required non-Federal share contribution which exceeds 20% when it can document that its inability to raise the additional funds is due to severe economic problems in the community over which there is no local ability to influence or impact, e.g. an eroding tax base due to population loss; sustained high unemployed rate; sustained increased costs for public expenditures such as utilities; unanticipated reduction in Federal expenditures in the community such as the closing of military installations; etc.

(2) This waiver policy covers those grants made from October 1, 1976 and is retroactive for all fiscal year 1977 grants.

(b) *Other waiver criteria.* § 1068.20 and § 1068.21 remain in effect. Moreover, any grantee who requests a waiver under the provisions of these subparts does not have to comply with the procedures outlined in § 1068.22-3.

§ 1068.22-3 Procedures.

(a) *For FY 1977 Grants.* (1) A request for waiver of part or all of the increased non-Federal share contribution for FY 1977 shall be in the form of a letter to the Regional or Headquarters office responsible for administering the grant and can be submitted at any point in the grantee's program year. The letter must provide a detailed description of what conditions exist in the community which have caused the severe economic problems. It also must state (i) the amount (dollars) and percentage of non-Federal share required; (ii) the amount (cash plus the value of in-kind) and the percentage the community can provide; (iii) that the applicant has made a reasonable effort to raise more non-Federal share and has been unsuccessful; and (iv) the agencies/organizations and units of government contacted. (2) In addition the grantee letter will be accompanied by a letter from each of these officials contacted whose contributions were or will be below the amount requested (including "0" contributions) which states the following:

(i) That the grantee's statement in his letter to CSA regarding those circumstances in the community which created severe economic problems is an accurate reflection of the economic conditions in the community.

(ii) That they were requested by the grantee to provide the following as a non-Federal share contribution:

A. $_____, and/or
B. In-kind valued at $_____.

(iii) That due to severe economic problems in the community they are unable to make a contribution at the level requested but that their contribution for this grant period has been or will be in the form of one or more of the following with value indicated:

A. $_____, and/or
B. In-kind valued at $_____.
(1) Space valued at $_____.
(2) Volunteer Services valued at $_____.
(3) Other valued at $_____.

(iv) Specific reasons why the contribution will not be at the level requested.

(v) (Grantee who did not request waiver of FY 76 NFS under the provisions of § 1068.22 published at 41 FR 20410, May 18, 1976.)

(CSA INSTRUCTION 6802-5) SHOULD ALSO REQUEST THAT OFFICIALS PROVIDE THE FOLLOWING CERTIFICATION)

That they have provided the following resources toward the CSA Grantee's NFS requirement in the previous grant period:

A. $_____.

and/or

B. In-kind valued at $_____.

(1) Space valued at $_____.

(2) Volunteer Services valued at $_____.

(3) Other valued at $_____.

(b) CSA reserves the right to require that additional evidence be submitted in support of these representations.

[FR Doc.77-12003 Filed 4-26-77;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 36, Docket No. 67-57]

PART 514—REPORTS OF RATE BASE AND INCOME ACCOUNT BY SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADES

Repeal of Part 514

AGENCY: Federal Maritime Commission.

ACTION: Repeal of Part 514.

SUMMARY: This order revokes rules requiring significant vessel operating common carriers by water in the domestic offshore trades of the United States to maintain records and submit data to the Federal Maritime Commission with respect to rate base and income account. The rules are revoked, upon review of petitions for reconsideration, primarily because a substantial portion of the carriers to whom they would apply has not previously participated in their development.

EFFECTIVE DATE: April 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: The Commission issued its Report and final rules in this proceeding on August 18, 1976 to become effective on December 6, 1976. Prior to the effective date, several persons filed petitions requesting reconsideration of these rules and/or reopening of the proceeding.[1] As a result of these filings, the Commission postponed the effective date of the rules pending its review of the various petitions.

Of those filing petitions, only Matson, Sea-Land and PST&B have participated in this proceeding previously. All the other nine carriers were either not in the domestic offshore trade or not in existence at the time of the proceedings in this docket. For example, Farrell urges reconsideration of the final rules on the grounds that it did not enter the trade until January 1976 and, as a result, has not had an opportunity to express its views in this proceeding. Likewise, PRMSA argues that it has not had any opportunity to participate in the formulation of the final rules promulgated by the Commission because (1) the proceeding was initiated seven years before PRMSA was created; and (2) the bulk of the testimony was taken five years before PRMSA was created. PRMSA submits that sound regulatory principles and the public interest require that the proceeding be reopened to permit PRMSA to be heard before implementation of these rules.

The petitions now before the Commission also raise issues of economic and accounting theory and practice. Additionally, they reargue the burdensomeness of compliance with the rules.

After careful consideration of the petitions now before us and giving due regard to the fact that the carriers not previously participating in this proceeding represent a substantial portion of the entire capability in the very trades, i.e., domestic offshore, the Commission's final rules were intended to address, we have decided to withdraw the rules promulgated on August 18, 1976 in this proceeding and discontinue the proceeding.

Therefore, *It is ordered*, That this proceeding be, and hereby is, discontinued.

And, *It is further ordered*, That the rules promulgated on August 18, 1976 and published in the FEDERAL REGISTER on September 8, 1976 (41 FR 37785) be, and hereby are, revoked.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11999 Filed 4-26-77;8:45 am]

[1] Petitions were filed by the following carriers: (1) Matson Navigation Company (Matson); (2) Sea-Land Service, Inc. (Sea-Land); (3) Puerto Rico Maritime Shipping Authority (PRMSA); (4) Farrell Lines, Inc. (Farrell); and (5) Crowley Maritime Corporation, on its own behalf and as parent corporation for: (a) Trailer Marine Transport Corp.; (b) Interisland Intermodal Lines, Inc.; (c) Gulf Caribbean Marine Lines; (d) CTMT, Inc.; (e) Hawaiian Marine Lines, Inc.; (f) Arctic Lighterage Co.; and (g) Puget Sound Tug and Barge Company (PST&B).

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO-354-A2]

CELERY GROWN IN FLORIDA

Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: At the request of the Federal Trade Commission, the time for filing exceptions is hereby extended to May 1, 1977. On March 29, 1977, the Acting Administrator, Agricultural Marketing Service, issued a recommended decision on a proposed amendment of the Florida Celery Marketing Order. The notice allowed interested persons until April 18 to file written exceptions.

DATES: Comments due by May 1, 1977.

ADDRESSES. Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Four copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-3545).

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

Dated: April 22, 1977

WILLIAM T. MANLEY,
Acting Administrator

[FR Doc.77-12150 Filed 4-26-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[EDR-321B, PSDR-46B; Docket No. 29387]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION; STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rulemaking

APRIL 20, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for five days the filing dates for comments and reply comments in a rulemaking proceeding involving Military Airlift Command rates. This action was requested by the Military Airlift Command (MAC).

DATES: Initial comments: April 26, 1977. Reply comments: May 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTAL INFORMATION: By Notice of Proposed Rulemaking EDR-321/PSDR-46, 42 FR 15336, March 21, 1976, the Civil Aeronautics Board gave notice that it had under consideration amendments to Parts 288 and 399 of its regulations (14 CFR Parts 288 and 399) concerning air transportation services performed for the Department of Defense and procured by the Military Airlift Command (MAC). The Supplemental Notice of Proposed Rulemaking EDR-321A/PSDR-46A, 42 FR 18282, April 4, 1977, extended the dates for filing initial and reply comments by two weeks, to April 21 and May 6, 1977, respectively.

By telephone on April 20, 1977, counsel for MAC has requested a further extension of five days for the filing of comments and reply comments in response to EDR-321/PSDR-46. In support of his request MAC's counsel stated that MAC requires the additional time to complete its analyses of the Board's proposals and to submit responsive comments.

Upon consideration of the foregoing the undersigned finds that good cause has been shown for the granting of the requested extension. It does not appear that the short extension of five days in the dates for filing comments and reply comments will prejudice any party to this proceeding.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.320 (d)) the undersigned hereby extends the time for filing comments to April 26, 1977 and the time for filing reply comments to May 11, 1977.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc.77-12042 Filed 4-26-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Ch. I]

[FHWA Docket No. 77-7]

METRICATION OF THE NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES

Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Federal Highway Administration (FHWA) issues this advance notice of proposed rulemaking to solicit comments on a recommended time table for conversion to the metric system and to advise the public that the FHWA is revising the Manual on Uniform Traffic Control Devices to establish metric standards for traffic control devices. The FHWA coordinates the conversion to the metric system under the Metric Conversion Act of 1975.

DATES: Comments must be received on or before June 13, 1977.

ADDRESS: FHWA Docket No. 77-7, Room 4230, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

J. J. Crowley, Director, Office of Traffic Operations, 202-426-0372; or Roberta D. Gabel, Attorney, Office of the Chief Counsel 202-426-0790; Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are 7:45 a.m. to 4:15 p.m. EST, Monday-Friday.

SUPPLEMENTARY INFORMATION: The FHWA, with the advice and assist-

ance of the National Advisory Committee on Uniform Traffic Control Devices, is revising the national Manual on Uniform Traffic Control Devices with the objective of issuing a revised edition of the manual in 1977. This edition will contain only metric units of measurement and national metric standards. The Manual is adopted by reference as standards and specifications, policies and guides by the FHWA at 23 CFR 625.3(c)(1) which is published at 42 FR 6 (Jan. 3, 1977).

This advance notice of proposed rulemaking is being issued pursuant to the policy established by section 3 of the Metric Conversion Act of 1975, Pub. L. 94-168, December 23, 1975, 15 U.S.C. 205b. Section 3 specifies that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States.

The FHWA, in accordance with the specified policy, is taking preparatory actions which will be helpful in facilitating conversion to the metric system. Prominent among these actions is the preparation of a metric edition of the Manual on Uniform Traffic Control Devices to replace the present edition. This Manual, in accordance with title 23, United States Code, sections 109(b), 109(d), and 402(a) contains the national standards for traffic control devices; that is, signs, signals, and pavement markings installed on all streets and highways open to public travel.

The present standards in the Manual include units of measurement in the English system for the physical characteristics of the devices, for the location of devices within the highway rights of way, and for distances and speed limits that appear upon the face of signs. These units of measurements will be converted to the metric system in a manner which will result in the least amount of change from the present English standards.

It is also intended that the conversion of existing sign legends to metric system standards, when adopted, will be implemented within reasonable periods of time. For this conversion a proposed timetable has been established by FHWA as follows:

RECOMMENDED TIMETABLE FOR PLANNING CONVERSION OF U.S. TRAFFIC SIGNS TO THE METRIC (SI) SYSTEM

	Completion
A. Develop conversion guidelines.	1976.
B. Develop metric sign drawings.	1977
C. Publish metric MUTCD.	1977.
D. Public information program.	1978.
E. Revision of pertinent laws and regulations.	1978.
F. Begin speed sign conversion (includes advisory speed plates and vertical clearance warning signs).	July 1, 1978.
G. Reach 50% compliance.	July 1, 1979.
H. Reach 100% compliance.	Dec. 30, 1979.
I. Warning and regulatory signs.	Sept. 30, 1978.
J. Guide signs, mileposts and other advisory signs.	Sept. 30, 1978.

Many signs may be converted by the use of overlays or simple letter and number changes, but in some instances entirely new signs may be necessary.

Between the effective date of the 1977 metric edition of the Manual and the dates indicated above for converting warning, regultory, guide, mileposts and other sign legends to metric numbers, an orderly transition period between use of the present Manual and the new metric standards will be provided to achieve maximum economies and to provide continuity of information. In regard to the conversion to metric legends, the existing Manual would also be considered an official document during the transition period. It is planned to convert all speed signs, advisory speed plates and vertical clearance warning signs between July 1, 1978, and December 30, 1979, to minimize driver confusion and facilitate law enforcement efforts.

The purpose of this advance notice of proposed rulemaking is to advise the public of the actions being taken by the Federal Highway Administration in converting the national standards for traffic devices to the metric system, and to solicit comments from interested parties.

Those desiring to comment on this advance notice of proposed rulemaking are asked to submit their views, data, and arguments in writing, preferably in triplicate. Communications should identify the FHWA Docket No. 77-7. Comments will be available for public inspection both before and after the closing date at the above address.

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. 109 and 402, 15 U.S.C. 205, and 49 CFR 1.48.

Issued on April 7, 1977.

L. P. LAMM,
Acting Federal Highway Administrator.

[FR Doc.77-12044 Filed 4-26-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Proposed Approval of Compliance Schedules

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In order to satisfy the requirements of the Clean Air Act, the State of California has submitted to the Environmental Protection Agency a State Implementation Plan (SIP) for the control of air pollution. Portions of the Plan have been approved by EPA and are now enforceable by EPA as Federal regulations. On January 21, 1977 the designated representative of the Governor of California submitted to EPA compliance schedules for sources found to be in violation of the approved SIP. This publication proposes to approve these compliance schedules as revisions to the California State Implementation Plan, thereby making the schedules federally enforceable.

DATES: (1) Final Compliance Dates: See Table below. (2) Comments must be postmarked on or before May 27, 1977.

ADDRESSES: (1) Schedules are available for inspection at the following addresses: State of California Air Resources Board, 1709 11th Street, Sacramento CA 95814; Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111. (2) Comments should be addressed to: Environmental Protection Agency, Region IX, Director, Enforcement Division, 100 California Street, San Francisco CA 94111.

FOR FURTHER INFORMATION CONTACT:

William Rhea, Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111, 415-556-0970.

SUPPLEMENTARY INFORMATION: On May 21, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812), and May 14, 1973 (39 FR 12702), pursuant to section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5) and 40 CFR Part 51, the Administrator approved and promulgated portions of the California plan for the implementation of national ambient air quality standards. On January 21, 1977, after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) revisions to the state compliance schedule portion of the approved plan. This publication proposes that these revisions be approved, with specific exceptions discussed below, pursuant to section 110 of the Clean Air Act and 40 CFR 51.8.

Six compliance schedules were submitted, all of which have been found to satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51. One schedule—El Capitan Oil Company, Inc. (Petition 399)—contains two sections (No.'s 10 and 11), each with a separate final compliance date. The final compliance dates for one section (No. 10) of the schedule for El Capitan Oil Company, Inc. and for two other schedules have expired, and the affected sources are now required to be in compliance with the applicable air pollution control regulations. Therefore, EPA will take no action with regard to the appropriate sections of the compliance schedules submitted for these sources. It is proposed that the remaining three schedules, and one section (No. 11) of the schedule for El Capitan Oil, Inc., listed below, be approved as revisions to the State plan. Each proposed compliance schedule revision establishes a new date by which the individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date". In some cases, the schedule includes incremental steps toward compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act as amended.

An evaluation report setting forth EPA's position on each of the schedules is available at the office of EPA, Region IX. Interested persons are encouraged to submit written comments on any proposed compliance schedule. All comments will be available for public inspection during business hours.

This proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).

Dated: April 1, 1977.

PAUL DE FALCO,
Regional Administrator, Region IX.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
•	•	•	•	•	•
El Capitan Oil Co., Inc. (No. 11, Pet. 399).	San Diego	61, 66	Mar. 19, 1976	Immediately.	May 31, 1977
Gilliland Oil & Land Co. (No. 16)	Santa Barbara	32.1	Aug. 4, 1976	do	May 15, 1978
Husky Oil Co. of Delaware (No. 17)	do	32.1	do	do	Do.
Wickland Oil Co.—Broderick Facility (No. 76-009).	Yolo-Solano	2.21	May 14, 1976	do	May 14, 1977

[FR Doc.77-12076 Filed 4-26-77;8:45 am]

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. In § 52.220, paragraph (c) is amended as follows:

§ 52.220 Identification of plan.

• • • • • •

(c) • • •

(34) Supplemental information (compliance schedules) was submitted by the California Air Resources Board on January 21, 1977.

2. In § 52.240 paragraph (f) is amended by adding the following schedules to the table in subparagraph (1):

§ 52.240 Compliance schedules.

• • • • • •

(f) • • •

(1) • • •

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 255]

FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: The National Oceanic and Atmospheric Administration proposes to amend its Fishing Vessel Obligation Guarantee program regulations by increasing the fees paid by those applying for or receiving guarantees under this program. The fees are being increased because previously appropriated funds for administering the program were eliminated by administrative determination and the level of present fees are insufficient to pay program administrative costs.

DATE: Comments must be received on or before May 31, 1977.

ADDRESS: Send comments to Financial Assistance Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235, 202-634-7496.

SUPPLEMENTARY INFORMATION: This program provides a Federal guarantee of obligations financing or refinancing up to 75 percent of the cost of constructing, reconstructing, or reconditioning U.S. fishing vessels. Fees paid by those receiving guarantees are deposited in the Federal Ship Financing Fund, which serves as a reserve for redeeming guaranteed obligations which are defaulted.

Before October 1, 1976, the cost of administering this program had been paid by funds annually appropriated by Congress for that purpose. By administrative determination, the cost of administering the program after October 1, 1976, will be paid from the Federal Ship Financing Fund. The revenues of that fund are not presently sufficient to pay the program's administrative cost. It is, consequently, necessary to increase the fees paid by those applying for or receiving guarantees under this program, as follows:

(1) *Guarantee fee* (annual fee based on unpaid principal balance of guaranteed obligation). Increase is from ½ of 1 percent to ¾ of 1 percent.

(2) *Filing and Commitment fee* (one-time fee based on initial principal amount of obligation to be guaranteed). Fee had previously been ½ of 1 percent of first $100,000 of original principal amount of obligation to be guaranteed, ¼ of 1 percent of the next $200,000, and nothing thereafter. Increase will be to a total filing and commitment fee of ½ of 1 percent of the first $300,000 of the obligation to be guaranteed and ¼ of 1 percent on the remaining balance (with no ceiling). One-half of the total amount of the new filing and commitment fee is due as a filing fee at the time of application and is non-refundable. The other one-half of the new total amount is not payable unless the application is approved and is due as a commitment fee at the time the Secretary's commitment is issued.

Additionally, a filing fee is for the first time established for refinancings and assumptions of previously guaranteed obligations at ¼ of 1 percent of the unpaid principal balance of guaranteed obligations to be refinanced or assumed.

50 CFR Part 255 contains procedures for administering the Fishing Vessel Obligation Guarantee program authorized by Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1279).

The proposed amendments follow:

§ 255.3 [Amended]

1. In § 255.3(g)(1) substitute "Three-quarters" for "One-half".

2. Substitute the following for 255.4(f):

§ 255.4 Applications.

• • • • • •

(f)(1) *Filing fee.* The filing fee for all applications (other than those in paragraph (f)(3) of this section) shall be an amount equal to ¼ of 1 percent of the first $300,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and ⅛ of 1 percent of the balance of that obligation. This filing fee will be retained by the Secretary regardless of the application's disposition.

(2) *Commitment fee.* The commitment fee for all approved applications (other than those in paragraph (f)(3) of this section) shall be an amount equal to ¼ of 1 percent of the first $300,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and ⅛ of 1 percent of the balance. This commitment fee is due when the Secretary first advises the applicant that its application for a guarantee has been approved and must be received by the Secretary before the actual commitment is issued. This amount, once the Secretary's commitment is issued, will be retained by the Secretary regardless of the commitment's subsequent disposition.

(3) *Refinancing or Assumption fee.* The fee for refinancing or assuming previously guaranteed obligations shall be ¼ of 1 percent of the principal amount of the guaranteed obligation to be refinanced or assumed. This feet must accompany the application for refinancing or assumption and will be retained by the Secretary regardless of the application's disposition. Where an assumption serves mainly to protect the Secretary's interest (rather than principally as a convenience to the parties involved) the assumption fee may, in the Secretary's discretion, be waived.

(4) *Where payable.* All checks should be made payable to "NMFS, NOAA, FSFF—Commerce" and delivered to the Regional National Marine Fisheries Service Office processing the application involved.

By order of the Administrator, National Oceanic and Atmospheric Administration.

Dated: April 7, 1977.

ROBERT M. WHITE,
Administrator.

[FR Doc.77-12082 Filed 4-26-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 717-7]

AVAILABILITY OF COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of February 1, 1977 and February 30, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: April 13, 1977.

WILLIAM D. DICKERSON,
Acting Director, Office of Federal Activities.

APPENDIX I—*Draft environmental impact statements for which comments were issued between Feb. 1, 1977, and Feb. 28, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-B35005-ME	Georges River Maintenance Dredging Project, Thomaston, Maine.	3	B
D-COE-E35044-FL	Beach erosion control and hurricane surge protection study, Charlotte County, Fla.	LO-2	E
D-COE-F32047-MI	Sebewaing River Operation and Maintenance, Navigation Flood Control, Michigan.	LO-2	F
D-COE-G32023-AR	Poteau River Small Navigation Project, Fort Smith, Ark...	LO-2	G
D-COE-G32024-TX	Little Bay, Maintenance Dredging, Arkansas County, Tex..	LO-1	G
D-COE-K61014-CA	North Point Park, Marina, San Francisco County, Calif....	LO-2	J
D-COE-L36046-WA	Columbia River and Tributaries, Yakima-Union Gap Flood Damage Yakima River Basin, Yakima County, Wash.	LO-1	K
D-COE-L36047-00	The Dallas to Vancouver Channel Maintenance, Columbia River, Oregon and Washington.	LO-1	K
DEPARTMENT OF AGRICULTURE			
D-AFS-H61002-MO	Willow Springs Unit, Mark Twain National Forest, Douglas, Howell, and Ozark Counties, Mo.	3	H
D-AFS-J65059-WY	Huston Park Subunit, Land Management Plan, Medicine Bow National Forest, Wyo.	3	I
D-AFS-L61083-WA	Kettle Range Planning Unit, Colville National Forest, Ferry County, Wash. (USDA-FS-R6-DES-ADM-77-4).	LO-2	K

Identifying No.	Title	General nature of comments	Source for copies of comments
D-AFS-L61085-OR	Rogue-Illinois Planning Unit, Siskiyou National Forest, Curry and Josephine Counties, Oreg. (USDA-F6-R6-DES-ADM-77-2).	LO-1	K
D-AFS-L65025-AK	Cannery Creek Timber Sale, Unakwik Inlet, Prince William Sound, Chugach National Forest, Alaska (USDA-FS-R10-DES-ADM-77-03).	LO-1	K
D-AFS-L65026-ID	Big Game Habitat Improvement, Burning of Seral Brushfields, Clearwater, Idaho, Panhandle and Nezperce National Forests, Idaho (R1-DES-77-4).	LO-1	K
D-SCS-C36023-NJ	Furnace Brook Watershed, Channel Work, Warren County, N.J.	LO-1	C
D-SCS-D36023-PA	East Branch Brandywine Creek Watershed Project, Chester, Pa.	LO-1	D
DEPARTMENT OF COMMERCE			
D-EDA-F53004-MI	Eastern Market Wholesale Distribution Center, Railroad Spur, Wayne County, Mich.	LO-2	F
DEPARTMENT OF DEFENSE			
D-USA-A11056-00	RDX/HMX Expansion Facility, McAlester Naval Ammunition Depot, Okla., Milan Ammunition Plant, Tenn., and Newport Army Ammunition Plant, Ind.	ER-2	A
D-USA-G60003-TX	Land-Use Withdrawal, McGregor Range, El Paso County, Tex.	LO-1	G
DEPARTMENT OF INTERIOR			
D-BIA-J61015-CO	Mancos Canyon Indian Park, Ute Mountain, Ute Reservation, Colo.	LO-1	I
D-IBR-H31000-KS	Kanopolis Unit, Smoky Hill Division, Pick-Sloan Missouri Basin Program, Ellsworth County, Kans.	3	H
D-IBR-K28004-NV	Southern Nevada Water Project, 2d Stage, Nevada.....	ER-2	J
DEPARTMENT OF TRANSPORTATION			
D-CGD-F52001-MH	Proposed Loran-C Transmitting Station, Lakes of the Wood and Koochiching Counties, Minn.	LO-1	F
D-FHW-K40048-NV	McCarran Blvd., North-West Quadrant and North-South Freeway to Pyramid, Reno, Nev.	LO-2	J
D-FAA-E51020-FL	Southwest Florida Regional Airport, Lee County, Fla.....	ER-2	E
D-FAA-F51009-MI	Runway Extension, Kalamazoo Airport, Kalamazoo County, Mich.	3	F
D-FHW-C40028-NY	I-481 Extension, Collamer to Bear Rd. Interchange, Onandaga County, N.Y.	ER-2	C
D-FHW-D40041-MD	MD-97, Taney Town Bypass, Carroll County, Md.....	LO-2	D
D-FHW-G53002-TX	Railroad Demonstration Project, to U.S. 69 Crossing, Greenville, Hunt County, Tex.	LO-1	G
D-FHW-H40065-NB	U.S. 275 and U.S. 81, Norfolk, Madison County, Nebr. (FHWA-NB-EIS-76-09-D).	ER-2	H
D-FHW-L40047-WA	WA-16, Vicinity of Cheney Stadium, Tacoma to Narrows, Bridge, Pierce County, Wash. (FHWA-WA-EIS-76-03-D).	ER-2	K
D-FHW-L40048-OR	North and South Tigard Interchange, Pacific Highway, I-5, Multnomah, Clackamas, and Washington Counties, Oreg. (FHWA-OR-EIS-76-04-D).	LO-2	K
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION			
D-ERD-A00123-WA	High Performance Fuel Laboratory, Hanford Reservation, Richland, Benton County, Wash.	ER-2	A
FEDERAL ENERGY ADMINISTRATION			
D-FEA-F09001-IN	Proposed Naphtha Allocation, SNG Production, Indiana Gas Co., Ind.	ER-2	F
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-E28020-AL	Lowndes County Rural Water System Improvements, Lowndes County, Ala. (CDBG).	LO-2	E
D-HUD-E85015-FL	Leslie Estates, Dade County, Fla.....	LO-2	E
D-HUD-E85017-FL	Bent Tree, Dade County, Fla. (RO4-EIS-76-11D).....	LO-2	E
D-HUD-E85018-NC	Greater Winston-Salem State University Project, Forsyth County, N.C. (CDBG).	LO-2	E
D-HUD-E85019-FL	Pinebrook Estates Unit 1, Pinellas County, Fla. (HUD-RO4-EIS-76-17-D).	ER-2	E
D-HUD-E85020-FL	7 Springs Subdivision, Pasco County, Fla. (HUD-RO4-EIS-76-15-D).	LO-2	E
D-HUD-E85021-FL	Vista Verde Subdivision, Dade County, Fla. (HUD-RO4-EIS-76-18-D).	ER-2	E
D-HUD-G85021-TX	Pine Trails Subdivision, Harris County, Tex.....	LO-1	G
D-HUD-G85022-TX	Proposed Memorial Parkway Subdivision, Harris County, Tex.	LO-1	G
D-HUD-K85005-CA	Residential Redevelopment in Suisin, Solano County, Calif.	3	J
D-HUD-L85001-WA	West Campus, Planned Coummnity, King County, Wash. (HUD-R010-EIS-76-1D).	LO-1	K

Identifying No.	Title	General nature of comments	Source for copies of comments
	INTERSTATE COMMERCE COMMISSION		
D-ICC-E53002-SC	The East Cooper and Berkeley RR. Co., Construction and Operation, Berkeley County, S.C.	LO-2	E
D-ICC-F53004-00	Chicago, South Shore, and South Bend RR, Discontinuance of Passenger Train Service, Indiana and Illinois.	EU-3	F
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION		
D-NAS-K12003-CA	Modification of 40 by 80 ft Subsonic Wind Tunnel, Ames Research Center, Moffett Field, Calif.	LO-2	J
	NUCLEAR REGULATORY COMMISSION		
D-NRC-A00125-00	Manufacture of Floating Nuclear Powerplants, Floating and Land-Based Nuclear Plants Associated With the Accidental Release of Radioactive Material to the Aqueous environment.	3	A
D-NRC-F06005-OH	William H. Zimmer, Nuclear Power Station, Dayton Power & Light, Columbus & Southern Ohio Electric, Cincinnati Gas & Electric, Docket No. 50-358, Clermont County, Ohio.	LO-2	F
D-NRC-J01010-WY	Bear Creek Project, Rocky Mountain Energy Co., Converse County, Wyo. (Docket No. 50-8452) (NUREG-0129).	ER-2	I
DS-AEC-A00041-MI	Palisades Nuclear Generating Plant, Located on Lake Michigan Consumers Power Co., Van Buren County, Mich.	LO-2	F

APPENDIX II—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement..

APPENDIX III.—*Final environmental impact statements for which comments were issued between Feb. 1, 1977 and Feb. 28, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
F-COE-A35097-OH	Small Boat Harbor of Refuge, Fairport Harbor, Lake County, Ohio.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-A36301-IN	Little Calumet River Basin, Flood Protection, Indiana.	EPA's concerns were adequately addressed in the final EIS. In addition, EPA expects future 208 planning to assist in determining the finalization of the project's plans.	F
FS-COE-A36428-WA	Grays Harbor and Chehalis River Navigation Project, Operation and Maintenance, South Reach, Sand Island, Realignment, Washington.	EPA's concerns were adequately addressed in the final EIS.	K
F-COE-A34133-PA	Tyrone Flood Protection Project, PA-453 Relocation and Improvement, Little Juniata River and Bald Eagle Creek, Blair County, Pa.	EPA expressed severe environmental reservations over the impacts of this project. Principal concerns include the impacts of stream channelization, such as the loss of a fishery resource and potential downstream flooding.	A

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-C32006-NY	Dunkirk Harbor, Improvements, Chautauqua County, N.Y.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommended a water quality monitoring program for the project area be established.	C
F-COE-E35015-00	Gulf Intracoastal Waterway Dredging, Pearl River to Apalachee Bay (La., Fla., and Miss.).	EPA expressed concern that more specific information on the biological characteristics of dredged spoil disposal sites is needed to support decisionmaking on this project and suggested that the 1976 quality criteria for water be used for determining limits of pollutants in sediments.	
F-COE-F30005-MI	Muskegon Harbor, Mitigation of Shore Damage, Federal, Navigation Structures, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F30007-MI	Grand Haven Harbor, Mitigation of Shore Damage Attributed to Federal Navigation, Ottawa County, Mich.	....do	F
F-COE-F30009-MI	Port Sanilac Harbor, Mitigation of Shore Damage, Michigan.	....do	F
F-COE-F32020-OO	Calumet Harbor and River, Dredging and Disposal, Illinois and Indiana.	....do	F
F-COE-F32033-MI	Maintenance Dredging of Federal Navigation Channels, Clinton River, Mich.	....do	F
	DEPARTMENT OF AGRICULTURE		
F-AFS-A42402-AZ	Clarkdale-Williams Highway.	EPA's concerns were adequately addressed in the final EIS.	J
F-SCS-D36019-WV	Dunloup Creek Watershed, Local Flood Protection, Fayette and Raleigh Counties, W. Va.	....do	D
	DEPARTMENT OF INTERIOR		
F-BLM-J01006-CO	Proposed Development of Coal Resources in Northwest Colorado; Routt, Moffat, and Rio Blanco Counties, Colo.	EPA indicated its continuing concern over the potential for national ambient air quality standards violation which could result from project actions as described. In addition, EPA recommended that BLM amend its management framework planning process to develop a comprehensive land-use plan reflecting multiuse goals for the area. Also, EPA recommended that BLM developed implement best management practices in conjunction with USGS general mining orders to reduce nonpoint sources of water pollution from mining activities.	I
	DEPARTMENT OF TRANSPORTATION		
F-CGD-K50001-CA	Dumbarton Bridge Replacement, CA-84, Alameda and San Mateo Counties, Calif.	EPA requested the USCG submit additional traffic information to establish the projects' consistency with the California State implementation plan. Therefore, EPA withheld comments on the final EIS until this information is made available.	F
F-FAA-F51005-MI	Mount Pleasant Municipal Airport Runway Extension and Miscellaneous Improvements, Isabelle County, Mich.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-A42247-NY	Westside Highway Project, New York City, N.Y.	The EPA reviewed the final EIS for the westside highway project in New York City, N.Y., and has found the proposed highway environmentally unsatisfactory. This conclusion was reached because the highway will increase the amount of auto travel into and through the borough of manhattan, an effect which is prohibited by the transportation control portion of the State implementation plan developed pursuant to the 1970 Clean Air Act. EPA recommends a lower cost alternative road solution for the west side of Manhattan which would allow the city to trade in the highway for badly needed mass transit capital funds. Pursuant to the authority under sec. 309(B) of the Clean Air Act as amended, EPA has referred the westside highway project to the council on environmental quality as unsatisfactory.	C
F-FHW-D40015-PA	LR 1015 and LR 69 Relocation, New Stanton to Delmont, Westmoreland County, Pa.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested further consultation with respect to noise and water quality aspects of the project.	D
F-FHW-F40025-IL	U.S. 122, U.S. 7, Street Wacker Dr., Randolph St., Columbus Dr., North Lake Shore Dr., Cook County, Ill.	EPA's concerns were adequately addressed in the final EIS.	F

Identifying No.	Title	General nature of comments	Source for copies of comments
F-FHW-F40047-WI	U.S. 2, Belknap Viaduct, Superior Douglas County, Wis.	....do	F
F-FHW-F40053-OH	I-470, Barfield Rd. to Ohio, Belmont County, Ohio (FHWA-OH-76-01-F).	EPA continues to have environmental reservations on the proposed project. EPA still has concerns regarding the proposed channel changes on Stillhouse Run and Whiskey Run. assurance must be provided to EPA that this project will not result in the deterioration of water quality in the affected streams or in the violation of applicable water quality standards. EPA expects that its concerns regarding channel work and associated water quality impacts be resolved prior to submission of a sec. 404 permit application.	F
F-FHW-F40064-WI	I-43, Manitowoc Rd., CTH JJ, Manitowoc County, Wis.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-H40014-IA	U.S. 18 Expressway, Clayton County, Iowa (FHWA-IA-EIS-74-13-F).	The final statement adequately responded to EPA's concerns on the draft statement. However, the Federal Highway Administration (FHW) was advised that EPA has requested the Corps of Engineers to reevaluate their sec. 404 jurisdiction regarding a proposed channel relocation of a portion of Bloody Run Creek, a popular Iowa trout stream. EPA requested that FHW not proceed with design desicions regarding the creek crossing until the corps' jurisdiction is determined, and suggested in the interim the FHW give consideration to alternative routes which do not require channel relocation.	H
F-FHW-H40033-MO	MO-30, St. Joseph, Buchanan County, Mo.	EPA expressed severe environmental reservations with the proposed project. The project is expected to perpetuate or exacerbate noise levels which now approach or exceed Federal Highway Administration noise standards. In addition, EPA considered the final EIS inadequate since it did not adequately evaluate the environmental impacts associated with the required demolition of several structures.	H
FEDERAL ENERGY ADMINISTRATION			
F-FEA-A03064-OO	Strategic Petroleum reserve, Title I, Pt. B of the Energy Policy and Conservation Act of 1975, Public Law 94-163 9 (FES 76-2).	EPA found the final programmatic EIS to respond satisfactorily to most of the general concerns raised in our review of the draft EIS. However, EPA urged FEA in its final decision-making process, to take a more careful look at the assumptions for the overall petroleum reserve program.	A
FEDERAL POWER COMMISSION			
FS-FPC-A05431-WI	Disposal of a Portion of Fort Holabird, Baltimore County, Md.	EPA's concerns were adequately addressed in the supplement to the final EIS.	F
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-D85007-MD	St. Charles Communities, Charles County, Md.	EPA continues to have environmental reservations related to the further development of St. Charles communities as described in the final EIS. These reservations concerned water supply, sewage treatment, noise, and air quality aspects of the project.	D
F-HUD-F85012-MN	Trans Union Planned Unit Development, Diamond Path Addition, Dakota County, Minn.	Generally, EPA's concerns were adequately addressed in the final EIS. Specifically, EPA had indicated its concern that the proposed development would adversely affect the already overloaded waste water treatment plan. HUD has concurred with this assessment and has agreed not to provide mortgage until the waste water treatment plant is upgraded.	F
F-HUD-K85004-CA	Woodside Village, West Covina, Walnut, Calif.	EPA has continuing environmental reservations concerning the project. EPA feels that HUD can take a more active role in the process of mitigating the adverse impact of increased VMT in projects such as these. Furthermore, the FEIS is not entirely responsive to EPA's request that air quality projections be provided.	J
NUCLEAR REGULATORY COMMISSION			
FS-AEC-A00059-PA	3 Mile Island Nuclear Station, Unit 2, Metropolitan Edison, Jersey Central Power & Light, and Pennsylvania Electric Cos., Pa.	EPA's concerns were adequately addressed in the final EIS. EPA requested the NRC keep EPA informed of all changes on modifications to the preoperational and operational monitoring programs that are to be performed by the applicant.	D

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Feb. 1 and Feb. 28, 1977*

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-A36399-PA	Hay Creek Flood Control Project, Birdsboro, Pa	D
F-COE-A39121-AK	Talkeetna and Susitna River Project, Alaska	K
F-COE-B35004-CT	Maintenance Dredging, Patchogue River, Westbrook, Middlesex County, Conn.	B
F-COE-G35001-TX	Sterling C. Robertson Dam and Limestone Lake, Robertson and Leon Counties, Tex.	G
F-COE-L39003-AK	Proposed Small Boat Harbor, Hoonah, Alaska	K
DEPARTMENT OF AGRICULTURE		
F-AFS-J65019-MT	North End Planning Unit, Deerlodge National Forest, Mont	I
F-AFS-L61009-OR	Oregon Dunes National Recreation Area Wilderness Suitability Report, Coos, Douglas, and Lane Counties, Oreg. (USDA-FS-R6-FES-75-05).	K
F-AFS-L61056-ID	Beartrap-Dutchler Planning Unit, Salmon National Forest, Idaho (USDA-FS-ES-ADM-R4-76-9).	K
F-SCS-C36002-NY	Mill Brook Watershed Project, Chenango County, N.Y	C
DEPARTMENT OF COMMERCE		
FS-NOA-A99114-00	Rules and Regulations for Implementing the Coastal Energy Impact Program, Sec. 308 of the Coastal Zone Management Act of 1972 (CZM).	A
F-NOA-A99114-00	do	A
F-NOA-B91001-00	Atlantic Herring, Preliminary Management Plan	B
F-NOA-B91002-00	Other Finfish, Preliminary Management Plan	B
F-NOA-B91003-00	Short- and Long-Finned Squid, Preliminary Management Plan	B
F-NOA-B91004-00	Atlantic Mackerel, Preliminary Management Plan	B
F-NOA-B91005-00	Red and Silver Hake, Preliminary Management Plan	B
F-NOA-L90005-AK	Trawl Fishery of the Gulf of Alaska, Preliminary Management Plan	K
F-NOA-L90006-AK	Trawl Fishery of the Bering Sea and Aleutian Islands, Preliminary Management Plan.	K
F-NOA-L90007-AK	King and Tanner Crabs of the Eastern Bering Sea, Preliminary Management Plan.	K
F-NOA-L90008-00	Shrimp of the Eastern Bering Sea and Gulf of Alaska, Preliminary Management Plan.	K
F-NOA-L90009-00	High Seas Salmon Fisheries of Japan, Preliminary Management Plan	K
DEPARTMENT OF DEFENSE		
F-USN-D03002-VA	POL Bulk Pipelines, Naval Supply Center, Norfolk, Va	D
DEPARTMENT OF TRANSPORTATION		
F-FAA-E51004-MS	Roscoe Turner Field Improvements, Corinth, Miss	E
F-FHW-E40054-AL	Street Improvements, Mobile County, Ala. (FHWA-AL-EIS-75-02-F)	E
F-FHW-E40067-TM	TN-61, Oliver Springs to TN-61, Oliver Springs Bypass, Anderson and Roane Counties, Tenn. (FHWA-TN-EIS-71-3-F).	E
F-FHW-H40055-NB	Stolley Park Rd., Grand Island, Hall County, Nebr	H
F-FHW-I40021-MT	U.S. 191 Spur, Mont	I
F-FHW-L40038-ID	American Falls Dam, I-15 West, Power County, Idaho (FHWA-ID-EIS-76-05-F).	K
FOOD AND DRUG ADMINISTRATION		
RF-FDA-A25033-00	Plastic Bottles for Carbonated Beverages and Beer	A
FEDERAL ENERGY ADMINISTRATION		
F-FEA-G03003-LA	Cote Blanche Mine, Strategic Petroleum Reserve, St. Mary's County, La	G
F-FEA-G03004-LA	West Hackberry Salt Dome, Strategic Petroleum Reserve, Cameron, La	G
F-FEA-G03005-LA	Weeks Island Mine, Strategic Petroleum Reserve Iberia, County, La	G
F-FEA-G03006-TX	Bryan Mound Salt Dome, Strategic Petroleum Reserve, Brazoria County, Tex.	G
F-FEA-G03007-LA	Bayou Choctaw Salt Dome, Strategic Petroleum Reserve, Iberville Parish, La.	G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-E85014-FL	Devon-Aire Estates, Dade County, Fla	E
F-HUD-G24003-AR	Breckenridge Union Water System, Jackson County, Ark	G
F-HUD-G85015-TX	Los Rios Subdivision, Plano Collin County, Tex	G
F-HUD-G85017-TX	Anderson Mill Subdivision, Austin, Travis County, Tex	G
F-HUD-G89001-TX	Code Enforcement and Demolition of Unsafe Structures, Dallas County, Tex.	G
NUCLEAR REGULATORY COMMISSION		
F-NRC-G06002-OK	Black Fox Nuclear Generating Station, Units 1 and 2, Rogers County, Okla.	G
U.S. POSTAL SERVICE		
F-UPS-E81013-GA	U.S. Post Office and Vehicle Maintenance Facility, Atlanta, Ga	E

APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Feb. 1 and Feb. 28, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CONSUMER PRODUCT SAFETY COMMISSION		
R-CPS-A25035-00	15 CFR Pt. 1301, Refuse Bins Proposed Rule Under the Consumer Product Safety Act to Declare Certain Refuse Bins as Banned Hazardous Products.	EPA has no objection to the proposed rulemaking. However, EPA made several suggestions which would strengthen the rule.	A
	DEPARTMENT OF TRANSPORTATION		
R-FAA-A52101-00	14 CFR Pt. 91, Turbojet-Powered Airplanes, Delayed Landing Flap Procedure (Docket No. 15020 Notice No. 76-26).	EPA had no objections to the proposed rulemaking.	A

APPENDIX VI—SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region 9, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.77-11859 Filed 4-26-77;8:45 am]

[FRL 718-2]

PESTICIDE ENFORCEMENT POLICY STATEMENT NO. 7 AERIAL APPLICATION OF REGISTERED PESTICIDES

I. General Background

On May 5, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a document entitled "Institution of Enforcement Policy Statements" (40 FR 19526). It was the Agency's purpose in instituting this series of Pesticide Enforcement Policy Statements (PEPS) to inform the general public and persons engaged in the formulation, distribution, sale, application or other use of pesticides, of the policies adopted by the Agency in the enforcement of the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972 and 1975 (Pub. L. 92-516; 86 Stat. 973; Pub. L. 94-140, 89 Stat. 751; 7 U.S.C. 136 et seq.; hereinafter referred to as FIFRA). PEPS are prepared and published by EPA's Office of Enforcement. Unless otherwise expressly provided, a PEPS indicates how the Agency will exercise its prosecutorial discretion, and does not interpret the law or otherwise define what is and what is not lawful conduct under FIFRA. If the Administrator subsequently promulgates regulations which interpret FIFRA, the Office of Enforcement will revoke or amend any prior PEPS to conform with such regulations. A detailed explanation of the purpose and scope of PEPS was set forth in the May 5, 1975, FEDERAL REGISTER notice.

II. Purpose and Scope of This PEPS

This PEPS sets forth the Agency's enforcement policy regarding the aerial application of pesticides whose labels bear the respective types of application instructions which are listed in Section V below. It reiterates established policy prohibiting aerial application where label instructions specifically prohibit such use. It also establishes an administrative mechanism pursuant to which pesticides whose labels bear no affirmative instructions for aerial application may, under conditions enunciated herein, be applied by air without incurring Federal enforcement sanctions. This administrative mechanism assures that (a) the proposed aerial application will be evaluated by a knowledgeable expert to ascertain the efficacy and safety of the application, and that (b) the appropriate State agency will be informed of the pesticide formulations which are being recommended for aerial application within the State. The administrative mechanism set forth in this PEPS is applicable only to products bearing application instructions described in Category V or Category VI in Section V below.

III. Regulation of the Use of Registered Pesticides

A. Federal Jurisdiction to Regulate Pesticide Use[1]

Federal regulation of the use of pesticides was established for the first time with the enactment of the 1972 FIFRA amendments, specifically through the provisions of FIFRA section 3(d)(1), section 4, and section 12(a)(2)(G).[2] Any person who uses a registered pesticide in a manner inconsistent with its labeling is in violation of the Act and may be subject to civil or criminal sanctions.

It is the opinion of the Agency that the aerial application of a pesticide whose label bears no affirmative instruction for aerial application constitutes a

[1] This part of PEPS No. 7 represents an outline of the Agency's legal interpretation of the effect of the 1972 amendments and implementing regulations on the authority of the Agency to regulate the use of registered pesticides, including the method of application of such pesticides. As indicated above, PEPS generally describe how the Agency will exercise its prosecutorial discretion under FIFRA. As in this instance, any portion of a PEPS which interprets the law will be accompanied by an express indication that the portion is in fact interpretive. All interpretive portions of a PEPS have the concurrence of the Agency's Office of General Counsel.

[2] FIFRA section 3(d)(1) (7 U.S.C. 136a (d)(1)) provides that as part of the registration of a pesticide, the Administrator shall classify each pesticide for general use or for restricted use, or for both general use and restricted use as the Administrator, in his discretion, may require. (See 40 CFR Part 162.2(C).)

FIFRA section 4(a)(1) (7 U.S.C. 136b(a)(1)) empowers the Administrator to prescribe standards for the certification of applicators of restricted use pesticides. The Agency has promulgated regulations establishing certain categories of commercial (professional) applicators and setting forth minimum standards that commercial and private applicators must meet before they are certified to use pesticides classified under section 3 for "restricted use." (40 CFR Part 171.)

FIFRA section 12(a)(2)(G) (7 U.S.C. 136j(a)(2)(G)) provides that it is unlawful for "any person to use any registered pesticide in a manner inconsistent with its labeling." This section became effective upon the date of enactment of FIFRA and was determined by the Administrator to be self implementing (FIFRA Implementation Plan, 39 FR 1142). The regulations implementing the registration provision of the 1972 amendments define pesticide "use" to mean: Any act of handling or release of a pesticide, or exposure of man or the environment to a pesticide through acts, including but not limited to: (1) Application of a pesticide, including mixing and loading and any required supervisory action in or near the area of application; (2) Storage actions for pesticides and pesticide containers; and (3) disposal actions for pesticides and pesticide containers. (40 CFR 162.3(oo).)

This definition of the term "use" has been adopted by the Office of Enforcement in the enforcement of pesticide labeling under FIFRA section 12(a)(2)(G).

violation of section 12(a)(2)(G), in that the method of application is inconsistent with that which appears on the EPA accepted label. This is the case even where aerial application of that pesticide may have become a common pest control practice. However, as set forth in the legislative history, Congress intended that EPA enforce the prohibition of section 12(a)(2)(G) in a "common sense manner,"[3] and not prohibit uses of registered pesticides which are in no way harmful and which have demonstrated beneficial effects.[4]

B. Pesticide Registration Under the 1972 FIFRA Amendments

Regulations implementing the registration provision of the 1972 FIFRA amendments require applicants for new registratioins to submit data regarding the efficacy, chemistry, and hazard of the pesticide desired to be registered (40 CFR 162.8(b)).[5] Review of these data constitutes one of the steps necessary to accomplish the broad purposes of product registration.[6]

In considering a product for registration, the Agency makes specific efficacy and safety evaluations with respect to application techniques, including an analysis of the proposed application equipment, method, timing, and site. Pesticide products which do not provide directions for a particular use or application method, have generally not been subject to safety and efficacy review by the Agency with respect to such use or application method. Accordingly, it is the policy of the Office of Enforcement that pesticides bearing Category V and Category VI labels may be applied by air only pursuant to the safeguards established in this PEPS.

C. Impact of the FIFRA Reregistration Process

On July 3, 1975, the Agency promulgated regulations governing the registration, reregistration and classification of pesticides pursuant to FIFRA section 3 (40 CFR Part 162). These regulations prescribe procedures and policies governing the Federal pesticide registration program, and are designed to implement the changes to that program which were mandated by Congress in the 1972 amendments.

As a part of the reregistration process, every pesticide product which may be legally applied by air will bear affirmative instructions for aerial application. The aerial application of a registered pesticide which has been through the reregistration process, but whose label bears no affirmative instructions for aerial application, shall be deemed to be a use of the pesticide in a manner inconsistent with its labeling and may subject the user to civil and criminal sanctions.[7]

IV. Regulatory Role of the States

This PEPS in no way affects the authority of a State, acting pursuant to FIFRA section 24(a), to add further restrictions regarding the use of a Federally-registered product, or, in accordance with State law, to prohibit particular uses of Federally-registered pesticides within that State. The Agency anticipates that States may elect to exercise the powers set forth in section 24(a) in the two specific ways elaborated below. The election by a State to impose further restrictions upon the use within that State of a Federally-registered product will not affect the Agency's exercise of prosecutorial discretion under FIFRA. An applicator or other person who complies with the requirements set forth in Sections VI and VII of this PEPS to avoid liability under FIFRA, but who does not comply with the additional requirements established by a State pursuant to FIFRA section 24(a), may be subject to liability under State law. All persons performing applications pursuant to the administrative mechanism set forth in this PEPS are encouraged to familiarize themselves with applicable State regulations.

A. Election by the State to Designate "Knowledgeable Experts"

Each State may elect to specifically designate competent individuals to be knowledgeable experts within that State by placing their names on a list of knowledgeable experts, or by some other means acceptable to the State. Each State may establish more stringent standards than those which are listed in Section VII(B) below. No person will be deemed to be a knowledgeable expert within the meaning of this PEPS unless he meets the minimum standards set forth in Section VII(B) below, regardless of having been designated as a knowledgeable expert by a State.

B. Election by the State to Conduct a Preapplication Review of the Recommendation of the Knowledgeable Expert

Each State may elect to review individually each recommendation made by a knowledgeable expert pursuant to this PEPS prior to the aerial pesticide application. States exercising this election will establish their own procedures for performing this pre-application review.

V. Categorization of Labels Based Upon Provisions for Application Method

Whether a specific pesticide may be aerially applied depends upon the application instructions which appear on the EPA-accepted label. Common characteristics of pesticide label instructions facilitate the grouping of pesticide labels into six general categories:[8]

Category I.—Labels which bear explicit and adequate application instructions and other precautionary labeling for aerial application.[9]

Category II.—Labels which bear an explicit prohibition against the aerial application of the pesticide.[10]

Category III.—Labels which bear only affirmative instructions for ground applica-

[3] House Committee on Agriculture, H.R. Rep. No. 92-511, 92nd Cong., 1st Sess. 16 (1971); Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92nd Cong., 2d Sess. 16 (1972). As the Senate Committee on Agriculture and Forestry noted:

> • • • it is the belief of the Committee that the use of the word "inconsistent" should be read and administered in a way so as to visit penalties only upon those individuals who have disregarded instructions on a label that would indicate to a man of ordinary intelligence that use not in accordance with such instructions might endanger the safety of others or the environment.

[4] House Committee on Agriculture, H.R. Rep. No. 92-511, 92nd Cong., 1st Sess. 16 (1971); Senate Committee on Agriculture and Forestry, S. Rep. No. 92-838, 92nd Cong., 2d Sess. 167 (1972). As the Senate Committee on Agriculture and Forestry stated:

> [i]t is not the intention of the Committee to prohibit any use which is in no way harmful, and which has only beneficial effects on man and his environment.

[5] The regulations implementing the registration provision of the 1972 amendments require applicants to gather data by performing laboratory and/or field-tests which simulate actual use conditions. These tests "will vary according to the characteristics of the chemical, the type of formulation, the target pest, the use patterns, and the methods and time of application." (40 CFR 162.8(b)(2).)

[6] The board purposes of the registration process are four fold. First, registration of a product provides a mechanism for the view of information regarding the safety and efficacy of the pesticide as proposed for use (and as likely to be used) under widespread and commonly recognized practice. Second, registration of a product provides EPA with the opportunity to review the proposed label and labeling of the product. To support registration, such labeling must clearly communicate the directions for use for the product and such warnings and precautions as are necessary for the safe and efficacious use of the pesticide. Third, registration of a product identifies the party accountable for its integrity of composition, labeling, and effects resulting from use. Fourth, registration of a product is the mechanism which assures that this relevant information is communicated to the ultimate user of the product.

[7] This PEPS is intended as a temporary adjunct to and not a replacement for the section 3 registration/reregistration process, or for the program authorized under FIFRA section 24(c) pursuant to which States may issue registrations for "special local needs." Upon the completion of the reregistration process, these statutory mechanisms will provide the only means of approving the aerial application of any pesticide.

[8] The application instructions which appear on each registered pesticide will conform to one of the six categories of label provisions set forth herein. A number of FIFRA provisions may be utilized to amend the registration of a product with respect to acceptable application method, thus removing that pesticide from one label category and placing it, for the purposes of this PEPS, in another label category. These statutory means of amending a registration to authorize the aerial application of such pesticides include the issuance of a State registration under FIFRA section 24(c), or amending the existing registration under FIFRA Section 3.

[9] For example, a label may provide: "For aerial application to brush along utility right-of-ways apply ½ to 1 gallon (product) in 12 to 15 gallons of water per acre using the appropriate type of boom or other low-drift equipment."

[10] For example, a label may provide: "Do not apply by air."

tion, and which bear other dilution or dosage rate instructions and accompanying precautionary statements which are inconsistent with aerial application as a matter of pest control practice and application technology.[11]

Category IV.—Labels which bear no affirmative ground or aerial application instructions, but which bear dilution or dosage rate instructions and precautionary statements which are inconsistent with aerial application as a matter of pest control practice and application technology.[12]

Category V.—Labels which bear only affirmative instructions for ground application, but which bear dilution dr dosage rate instructions and other precautionary statements which are consistent with aerial application as a matter of pest control practice and application technology.[13]

Category VI.—Labels which bear no affirmative ground or aerial application instructions, but which bear other dilution or dosage rate instructions and other precautionary statements which are consistent with aerial application as a matter of pest control practice and application technology.[14]

VI. Summary of Enforcement Policy Regarding the Aerial Application of Each Label Category of Registered Pesticides

A. Enforcement Policy Regarding Category I Labels

Products bearing the labeling described in Category I above may be legally applied by air when such application is performed in accordance with all aerial application instructions.

B. Enforcement Policy Regarding Category II Labels

Products bearing the labeling described in Category II above may not be legally applied by air under any circumstances.

C. Enforcement Policy Regarding Category III and Category IV Labels

Products bearing the labeling described in Category III or Category IV above may not be legally applied by air except if such aerial application is authorized under a State registration issued pursuant to FIFRA section 24(c), or some other statutory mechanism.

D. Enforcement Policy Regarding Category V and Category VI Labels

In the exercise of its prosecutorial discretion, the Agency will not initiate enforcement action a person who aerially applies a registered pesticide which bears Category V or Category IV labeling where all of the following conditions are met:

1. The selected pesticide is registered for use at the type of site or application environment and on the commodity, crop, or area which is to be treated.

2. The use is recommended in writing by an individual who is a knowledgeable expert in the appropriate area of agricultural or other outdoor pest control;

3. The recommendation of the knowledgeable expert is submitted to the State Control Agency;

4. The user complies with all instructions, warnings, precautions, and prohibitions on the label and labeling of the product which is used, other than those pertaining to the application method, and except as provided in other published PEPS;

5. The pesticide is efficacious, or may reasonably be expected to be efficacious, when aerially applied.

VII. Elaboration of Enforcement Policy Regarding Category V and Category VI Labels

The limiting and defining provisions contained in the paragraphs which follow are an elaboration of the enforcement policy with regard to Category V and Category VI labels and of the conditions 1 through 5 above. They constitute an integral part of this PEPS. Whether the user has reasonably met the criteria set forth in this PEPS with regard to Category V and Category VI labels will be determined by the Agency on a case-by-case basis. The burden of showing that the criteria set forth herein have been met rests with the person who aerially applies a registered pesticide whose label bears a Category V or Category VI label.

A. Use at the Specific Type of Site or Application Environment and on the Commodity, Crop, or Area Which Is To Be Treated

The policy set forth in this PEPS applies to the aerial application of registered pesticides bearing Category V and Category VI labels when the application is made at the specific type of use site or application environment and, as applicable, on a commodity, crop, or area which appears on the label of the product used.[15] For example, this PEPS in no way authorizes the agricultural or other outdoor application of a pesticide which is registered solely for use in structural pest control.

This policy applies to the use of registered pesticides in agricultural applications for the production of agricultural crops,[16] in forest pest control,[17] in ornamental and turf pest control,[18] in right-of-way pest control,[19] and in public health and regulatory pest control.[20]

B. Recommendation of a Knowledgeable Expert in Agricultural or Other Outdoor Pest Control

1. *Meaning of the Term "Knowledgeable Expert"*—(a) *Qualifications of Knowledgeable Experts.* The Agency intends in this PEPS to allow the aerial application of registered pesticides bearing Category V or Category VI labels where such aerial application is safe and efficacious. Persons seeking to aerially apply pesticides bearing such labels must obtain the written recommendation of a knowledgeable expert. To be considered to be a knowledgeable expert within the meaning of this PEPS, an individual must have achieved one of the following combinations of qualifying experience and/or qualifying education:

Qualifying Experience and Qualifying Education
6 years with Less than Baccalaureate.
3 years with Baccalaureate.
2 years with Masters Degree.
1 year with Doctorate.

As used in this PEPS, the terms "qualifying experience" and "qualifying education" refer to practical pest control experience or formal academic training in the particular pest control area or academic discipline in which the recommendation is made, as a result of which the knowledgeable expert has become knowledgeable about the following elements of pest control practice:

(i) *Pesticide:* the pesticide product (or active ingredient) to be used;

(ii) *Use Site and Pest Control Environment:* the commodity, crop or area to be treated, and the climatic, seasonal, geographic, and ecological characteristics of the local;

(iii) *Pest:* the class and nature of the pest to be controlled, and

(iv) *Application Method:* the method of preparing and applying the pesticide selected for use, and the risks which may attend the aerial application of the pesticide.

(b) *Examples of Knowledgeable Experts.* Qualified persons employed by such organizations as State Cooperative Extension Services, State land grant colleges, Federal, State, or by private institutions and scientists employed by companies owning or managing farms or other application sites may also be knowledgeable experts. Additionally, scientists and other persons employed by a manufacturer, distributor, formulator, or

[11] For example, a label may provide: "Apply at 2 gallons per acre in 200 gallons of water, using ground equipment."

[12] For example, a label may provide: "Apply at 2 gallons per acre in 200 gallons of water."

[13] For example, a label may provide: "Apply at 2 gallons per acre in 40 gallons of water, using ground equipment."

[14] For example, a label may provide: "Apply at 10 pounds per acre."

[15] An evaluation of the behavior of pesticide residues on the commodity or crop to which a pesticide is applied is an integral part of the registration of any pesticide. The aerial application of a pesticide for which no data regarding aerial application have been submitted to and analyzed by EPA may result in illegal residues. Strict conformity with all other conditions of this PEPS will not prevent the quarantine or seizure of the commodity or crop if illegal residues are discovered thereon.

[16] Agricultural commodity and crop applications include, without limitation, tobacco, peanuts, cotton, soybeans and forage vegetables, small fruits, tree fruits and nuts, as well as grasslands and non-crop agricultural commodity applications.

[17] Forest pest control includes, without limitation, pesticide applications to forest, forest nurseries, and forest seed producing areas.

[18] Ornamental and turf pest control includes, without limitation, application on ornamental trees, shrubs, flowers, and turf.

[19] Right-of-way pest control includes, without limitation, applications on roads, electric powerlines, pipelines, and railway right-of-ways.

[20] Public health and regulatory pest control includes, without limitation, pest control activities engaged in by State, Federal or other governmental employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance, or in the control of other regulated pests.

user, including the user himself, will be deemed to be knowledgeable experts within the meaning of this PEPS if such persons are responsible for making technical judgments regarding the development and use of particular pesticides products (or active ingredients) or regarding particular pest control practices, including application technology.

(c) *Limitations.* Notwithstanding the above, no person whose principal function or significant source of personal income (e.g., sales commission) is directly derived from promoting the sale or distribution of the pesticide product (or active ingredient) which is recommended for use may provide the recommendation required of a knowledgeable expert under this PEPS. Under no circumstances may any sales representative, marketing employee, or advertising agency of any manufacturer, distributor or formulator, or any other person who has a significant personal economic interest in promoting the sale or distribution of a product provide the recommendation required of a knowledgeable expert.[21]

2. *Contents of the Recommendation of the Knowledgeable Expert.* Each recommendation made by a knowledgeable expert for the aerial application of pesticides bearing Category V or Category VI labels shall be made in writing and shall be signed and dated. The recommendaton of the knowledgeable expert must specify the pesticide (or active ingredient) to be used,[22] the geographic location (e.g., identified by county, terrain, topography, or ecological character) in which the aerial application will be allowed, the commodity, crop or area on which the aerial application is to be made, the pest to be controlled, and the dates or duration for which the recommendation is applicable. The recommendation must also supply all appropriate instructions regarding dilution rate, mixing and loading method, aerial application equipment to be used and its calibration, airplane speed, wind velocity, pesticide drift, and environmental or ecological precautions.

The applicator or user must have obtained the written recommendation of the knowledgeable expert prior to the time of the application. He must make a copy of such recommendation available to an official representative of EPA upon request. Unless otherwise provided therein, the recommendation of a knowledgeable expert shall remain in effect for the growing season or application period in which the recommendation was made.

The recommendation of the knowledgeable expert will be valid only in the State in which the recommendation was given and in which the aerial application is to occur. A recommendation which has been properly executed pursuant to this PEPS may be relied upon by other pesticide applicators within the State, provided that all of the terms and conditions (e.g., pest, topography, application site) set forth in the recommendation are met by such other applicators. Persons seeking to learn whether a prior recommendation which meets their pest control needs has been issued should contact the State Control Agency of the State in which the application is to occur.

3. *Liability of the Knowledgeable Expert*—(a) *FIFRA Enforcement Liability.* The responsibility for the safe and efficacious aerial application of the pesticide and for full compliance with the terms of this PEPS may rest with either the applicator or the knowledgeable expert or both, as the equities and the circumstances may require. FIFRA enforcement liability for the misuse of pesticides falls primarily upon the pesticide user or applicator, and not upon the knowedgeable expert who has recommended such use. Particularly where the pesticide application involves a deviation from the uses which are allowed on the accepted label, any person who mixes, loads, applies, stores or disposes of any registered pesticide in a manner inconsistent with its labeling may be subject to civil or criminal sanctions under FIFRA.[23] The knowledgeable expert who both recommends and aerially applies a registered pesticide which bears a Category V or Category VI label is personnaly responsible for the proper use of the pesticide and for the safety and efficacy of the product. In addition, the expert who recommends and personally supervises the aerial application of such a pesticide is himself considered to "use" the pesticide within the meaning of FIFRA section 12(a)(2)(G), and is, thus, subject to FIFRA enforcement liability for any misuse of the pesticide which occurs under his supervision.[24]

(b) *Civil Liability.* It is not the intention of the Office of Enforcement that this PEPS should in any way affect the civil liability in damages of a knowledgeable expert. This PEPS does not increase the risk of liability beyond that which is inherent in the ordinary execution of one's duties in offering pest control advice to users, or in supervising pesticide applications. Nor does this PEPS exempt a knowledgeable expert from possible civil liability for damages arising out of his own negligence. Any knowledgeable expert may be liable pursuant to relevant State law for damages which result from a recommendation which he makes.

C. Notification of the State Control Agency

1. *Meaning of the Term "State Control Agency".* As used in this PEPS the term "State Control Agency" refers to that agency which has been designated within each State to regulate the use of pesticides in agricultural, forest, ornamental, turf, right-of-way, or regulatory pest control, respectively. In most cases the State Control Agency will be the State agency which has been designated by the Governor to be the State Lead Agency pursuant to the provisions of FIFRA section 4, and the State Plan submitted pursuant to 40 Part 171. Where the State Lead Agency is not the State Control Agency within the meaning of this PEPS, the State Lead Agency (or the State's Department of Agriculture) will be able to direct interested individuals to the appropriate State Control Agency.

2. *Notification of the State Control Agency.* Except as otherwise provided by States electing to review each recommendation of its knowledgeable experts, each recommendation which is made by a knowledgeable expert pursuant to this PEPS must be forwarded by the knowledgeable export to the State Control Agency of the State in which the application is to occur prior to the time of the application. The State Control Agency for each State may adopt its own procedures and policies for this process, subject to the requirements regarding the contents of the recommendation set forth in Section VII.B. of this PEPS. This requirement to notify the State Control Agency will (a) inform the State Control Agency of pest control activities being performed within the State, (b)

[21] This prohibition is consistent with the provisions of FIFRA section 12(a)(1)(B), which make it unlawful for any person in any State to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under section 3. (Emphasis added; 7 U.S.C. 136j (a)(1)(B).)

It is noted, however, that persons who supply and apply pesticides for hire are deemed by the Agency to hold pesticides "for distribution or sale" within the meaning of FIFRA. Such professional applicators may be deemed to be knowledgeable experts within the meaning of this PEPS if they meet the standards of qualifying experience and/or qualifying education set forth in this PEPS.

[22] The recommendation of the knowledgeable expert must refer to either (a) the particular pesticide product which is to be aerially applied (identified by proprietary name and by EPA Registrant Number), or (b) the percentage of active ingredient to which the recommendation applies. If the recommendation refers to a particular formulation of active ingredient, the proprietary product used must bear Category V or Category IV labeling and must contain that exact formulation.

[23] Where the recommendation of the knowledgeable expert does not refer to a proprietary pesticide product, but refers instead to a percent of active ingredient, it is the responsibility of the person who uses or applies the pesticide to select a proprietary product which (a) bears Catevory V or Ctaegory VI labeling, (b) contains the stipulated percent of active ingredient, and (c) is registered for use at the use site or in the application environment in which aerial application is to occur.

[24] Many State pesticide laws prohibit the recommendation of the use of a registered pesticide in a manner inconsistent with its accepted labeling. This PEPS in no way affects the liability under applicable State law of a knowledgeable expert who recommends the use of a pesticide in a manner inconsistent with its labeling.

provide an experimental basis for evaluating applications for State registrations issued pursuant to FIFRA section 24(c) in response to local pest control needs. The appropriate EPA Regional Office will receive recommendations of knowledgeable experts in those States which do not establish procedures to receive such recommendations.

The State Control Agency should maintain a record of the recommendation of the knowledgeable expert for two (2) years from the date of the recommendation. Each State shall adopt its own policies and procedures for informing pesticide users or applicators of the recommendations which have been made, so such other users may aerially apply Category V or Category VI pesticides for which a prior recommendation has been executed pursuant to this PEPS.

E. DIRECTIONS FOR USE AND OTHER PRECAUTIONARY LABELING

The aerial application of a registered pesticide which bears a Category V or Category VI label pursuant to the provisions of this PEPS neither modifies other label provisions or directions for use, nor authorizes the use of the pesticide in a manner inconsistent with any other label provisions, including, without limitation, other directions for use and precautionary labeling, or other warning statements. Under no circumstances does this PEPS permit any activity which is expressly prohibited on the label. Label provisions which must be complied with at all times regardless of the application method, include, without limitation, statements regarding product mixing, loading and preparation, target pests (except as provided in other published PEPS), application frequency or intervals, field reentry intervals, protective clothing or equipment requirements, product packaging and transportation requirements, and storage and disposal practices.

F. PRODUCT SAFETY EFFICACY

The aerial application of a product pursuant to the administrative mechanism established in this PEPS must be safe and efficacious, or must reasonably be expected to be safe and efficacious. An application or use will be considered to be safe and efficacious if it has beneficial effects when applied by air and achieves that level of pest control which is normally associated with the use of the pesticide, and does not cause harm to people or the environment.

VIII. PUBLIC COMMENT

The Administrative Procedure Act (5 U.S.C.§ 553(b)) provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, rules of agency organization, procedures, or practice." EPA has determined that this PEPS falls within this exemption from the requirement to solicit public comment. Accordingly, the Agency is not soliciting public comment regarding matters published in this notice. However, interested persons are invited to submit written comments regarding the policy set forth in this PEPS. These comments should be addressed to the Pesticides and Toxic Substances Enforcement Division (EN-342), Office of Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Room 3624, Washington, D.C. 20460. Three copies of these comments should be submitted to facilitate the work of the Agency and of others interested in inspecting such documents.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

APRIL 20, 1977.

[FR Doc.77-12002 Filed 4-26-77;8:45 am]

ADMINISTRATOR—EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-18]

SUPPLEMENTAL EMERGENCY ORDER PURSUANT TO SECTION 6 OF PUB. L. 95-2

By order issued February 16, 1977, pursuant to section of the Emergency Natural Gas Act of 1977, Pub. L. 95-2 (191 Stat. 4 (1977)) Texaco Inc. (Texaco) and Transcontinental Gas Pipe Line Corporation (Transco) were authorized to transport gas for the City of Danville, Virginia, (Danville). Danville is purchasing this gas from Chapman Oil Company, et al. (Chapman), at the Luther Moore Cypress No. 1 well in St. John the Baptist Parish, Louisiana. Texaco was authorized to receive delivery of the Danville volumes at an existing connection with Texaco's intrastate line for transportation by displacement and redelivery to Transco for Danville's account at the tailgate of Texaco's Paradis Gas Processing Plant. The transportation agreement between Texaco and Danville which was authorized by the February 16 order provided that Texaco would transport the gas for a period of time extending through April 29, 1977 unless sooner terminated by either party.

Danville and Texaco have entered into an amended transportation agreement which provides for extension of the term of the prior agreement from April 29, 1977 until July 31, 1977 because of continued emergency conditions on the Danville distribution system. Therefore, the February 16 order authorizing transportation of gas by displacement by Texaco on behalf of Danville should be amended to continue such service for a period to end before August 1, 1977. Texaco is ordered to continue this transportation for Danville pursuant to section 6(c) of Pub. L. 95-2. Except for extending the period during which authorization is given for such transportation, this order shall not operate to modify, rescind or repeal any provision of the February 16 order in this matter.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Danville, Texaco and Transco. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 20, 1977.

[FR Doc.77-12079 Filed 4-26-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 a.m., June 2-3, 1977, in Room 104-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Washington, D.C. 20250, telephone 202-447-5260.

Dated: April 20, 1977.

T. S. RONNINGEN,
Acting Administrator.

[FR Doc.77-12101 Filed 4-26-77;8:45 am]

Forest Service

DEER ISLAND UNIT MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Deer Island Unit Management Plan, USDA-FS-R10-FES(ADM) 76-08.

The environmental statement concerns a land management plan for Deer Island located on the Tongass National Forest approximately 30 miles southeast of Wrangell, Alaska.

This final environmental statement was transmitted to CEQ on April 18, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to E. Allen Crozer, Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

CARL W. SWANSON,
Environmental Coordinator, Alaska Region.

APRIL 18, 1977.

[FR Doc.77-12043 Filed 4-26-77;8:45 am]

AGRICULTURAL ADVISORY COMMITTEES FOR THE MULTILATERAL TRADE NEGOTIATIONS

Renewal

APRIL 22, 1977.

Notice is hereby given of the renewal, after consultation with the Special Representative for Trade Negotiations, of the following advisory committees: Agricultural Policy Advisory Committee for Trade Negotiations, and the eight separate Agricultural Technical Advisory Committees for Trade Negotiations on: Cotton, Dairy, Fruits and Vegetables, Grain and Feed, Livestock and Livestock Products, Oilseeds and Products, Poultry and Eggs, and Tobacco.

The purpose of these committees is to provide advice to the Secretary and the Special Representative for Trade Negotiations in respect to multilateral trade negotiations pursuant to section 135(c) of the Trade Act of 1974 (Pub. L. 93-618).

The renewal of such committees is in the public interest in connection with the duties of the Department imposed by the Trade Act of 1974.

J. PAUL BOLDUC,
Assistant Secretary for Administration, Department of Agriculture.

[FR Doc.77-12100 Filed 4-26-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-4-97]

IATA

Agreements Relating to Baggage Allowances and Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of April, 1977.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to baggage allowances and charges; Docket 29123, Agreement C.A.B. 25874, Agreement C.A.B. 26317, Agreement C.A.B. 26424, R-1 through R-9, Agreement C.A.B. 26506, R-1 through R-12, Agreement C.A.B. 26543.

Baggage allowance tariff rules in overseas and foreign air transportation; Docket 24869.

Agreements have been filed with the Civil Aeronautics Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The most significant agreement in terms of transportation to and from the United States was adopted at a conference of IATA member carriers held in Cannes in February 1977 and would establish, effective March 13, 1977, new free baggage allowances and excess-baggage charges in certain world areas. The agreement was filed with the Board on March 8, 1977.

The agreement establishing a free-baggage allowance and excess-baggage charges to/from the United States is a limited agreement binding only upon certain IATA carriers. It is limited to transportation between the United States, on the one hand, and Europe, Africa, and Asia over the Atlantic and Pacific routes and, on the other hand, excludes the countries of the United Kingdom, Spain, Poland, Czechoslovakia, Yugoslavia, Iran, Nigeria, the Republic of the Philippines and Pakistan. The agreement also excludes transportation between the United States and points in the Western Hemisphere.

The agreement would substitute a piece concept for the present weight limitation and provides each passenger a free-baggage entitlement, irrespective of weight, as follows:

First Class.—Two checked bags the total dimensions of which may not exceed 62 inches each (the sum of the three dimensions) plus one carry-on piece with a maximum dimension of 39 inches; [1]

Economy Class.—Either one checked piece with a maximum dimension of 62 inches and one carry-on piece of 39 inches or, one piece with a dimension of 55 inches and one with a 39-inch dimension, plus one carry-on piece with a maximum dimension of 39 inches.

Excess-baggage charges, to be levied on a per-piece basis for baggage exceeding the maximum dimensions, and for pieces exceeding the maximum number allowed, would be established on a scale of flat dollar amounts varying according to destination or departure point. Over the Pacific, the charge would be $55 from west-coast points to Tokyo; to the Southwest Pacific area $60-70; and to the Indian subcontinent, $90. Over the Atlantic, for example, the amount of the charge would be $30 from New York/Washington to Ireland, $40-50 to Western Europe, $65-75 to the Middle East, $60-75 to Africa, and $95 to the Far East.

[1] Baggage dimensions as used throughout this order refer to the sum in inches of the length, width and depth.

The agreement was reached after several protracted meetings of the IATA carriers prompted by the Board's decision in the *Baggage Allowance Tariff Rules In Overseas and Foreign Air Transportation Case*, Docket 24869 (*Baggage Case*). Orders 76-3-81 and 76-5-26 dated March 12 and May 10, 1976, respectively. That decision, among other things, found the present IATA resolutions establishing the free baggage allowance and charges for excess baggage to be unjust and unreasonable. Those rules provided for a free baggage allowance of 30 kilograms (66 pounds) for first-class passengers and 20 kilograms (44 pounds) for economy-class passengers, with excess charges levied at one percent of the one-way first-class fare per kilogram.[2]

In approaching our decision in this matter, we are guided by a fundamental concern for the well-being of the passenger. The simple fact, amply demonstrated by experience in U.S. domestic service, is that the aircraft flown by virtually all international carriers can carry baggage in amounts usually carried by most travellers without loss in performance or effect on other cargo. Size, not weight, is therefore the proper factor determining the value of baggage service. By requiring additional payment for baggage in excess of 20 kilograms the carriers have extracted from most passengers revenues for which the carriers have provided no service.

The current proposal, while a change from a weight to a piece concept, nevertheless preserves the effects of weight limitation, by severely restricting the size and number of baggage items which may be carried, and hence continues to reflect an unjustified charge to passengers.

The new provisions relating to the free baggage allowance for checked baggage for first-class passengers appear reasonable and will be approved. Two checked bags, with total dimensions of 62 inches each should, in our opinion, reasonably accommodate the vast majority of first-class passengers.

On the other hand, the proposed free baggage allowance for economy-class passengers raises several difficulties. First, it offers the choice of one of two options which would, in our opinion, cause considerable confusion to the passenger and administrative problems for the carriers as well. Even more significant, however, is the fact that the proposal may very well cause considerable additional cost and hardship to passengers than is presently the case, since it is extremely inflexible. For example, according to data presented in the formal investigation in the *Baggage Case*, the average passenger carries more than one bag. One option proposed in the agreement would limit that passenger to one bag with an overall dimension of 62

[2] The Board's disapproval of IATA Resolution 310, effective March 13, 1977, which established free baggage allowances, was stayed by Order 77-3-36 (March 7, 1977) until May 1, 1977 or such earlier data as the Board may direct.

inches. On the other hand, the other option, while permitting one bag at 55 inches and one at 39 inches, seems unduly restrictive in light of the fact that the latter is the equivalent of an attache case, generally not suitable for the carriage of personal belongings.

Under these circumstances we conclude that the agreement, as proposed, does not make a reasonable allowance for free checked baggage for economy-class passengers. We shall, therefore, condition our approval to provide an additional degree of flexibility for these passengers. Specifically, we will require that they be permitted to carry two free bags of dimensions which can reasonably be expected to be adequate for the majority of economy-class passengers; however, our condition would hold the maximum-dimension allowance for any one bag to the largest overall allowance proposed. In effect, economy-class passengers would be permitted to check two free bags the total dimension of which does not exceed 106 inches, provided that neither bag exceeds 62 inches.[3] Under these circumstances, the economy-class passenger would be permitted two free pieces of check baggage which should, as indicated, accommodate the vast majority of travelers.

Free carry-on baggage provisions for both first-class and economy passengers would provide for one 39-inch piece of luggage—equivalent to an attache case. In our opinion, this provision is unnecessarily restrictive, considering the space available under aircraft seats which, in most instances, can accommodate a large piece of luggage. Indeed, certain luggage significantly larger than an attache case has been designed specifically for underseat carriage.

Although we recognize that different aircraft types have different under-seat space limitations, approval of a limitation on free carry-on luggage to 39 inches will patently have an adverse impact on the vast majority of passengers who have purchased and have used what has to be commonly known as an "underseat bag," the dimensions of which are approximately 45 inches. This bag is acknowledged by IATA as an "underseat-bag" (Attachment A of Resolution 303A), and we see no reason to preclude carry-on of such a bag. Accordingly, we will also condition our approval to provide that the free carry-on bag be limited to 45 inches (rather than 39 inches), unless actual underseat space facilities on the aircraft would not permit its accommodation.

We will approve that portion of the agreement which establishes new excess-baggage charges. The New York-London passenger carrying a piece of luggage, in addition to the free allowance, averaging 27 pounds would pay $40. This charge is equivalent to one percent of the basic-season, economy fare, and 0.8 percent of the peak-season fare.[4] While this is slightly in excess of the 0.7 percent found reasonable by the Board, it nevertheless reflects substantial improvement over the present IATA formula. Moreover, it must be noted that the Board has held the level of economy fares constant during the past several years notwithstanding a general rise in the carriers' costs. Our approval, however, is not without concern with the impact this excess charge may have. For example, passengers who do not pay an excess charge under the present system, or who have previously been required to pay only a nominal charge for a pound or two over-weight, would now be required under the new agreement to pay $30 or more. This may represent real and undue hardship in many cases. On the other hand, the piece system as here conditioned has the advantage of enabling the passenger to tailor his baggage to a known free allowance, whereas this is not so readily done under a weight system. In any event, the extent to which this may prove true cannot be determined in advance, and we must presume that the carriers have carefully considered these matters during the extended time taken to reach this agreement. We intend to monitor this aspect of the agreement through evaluation of consumer complaints, the trend in the carriers' reported revenue from excess-baggage charges, and other available information. On this basis, we will limit our approval of the proposed excess-baggage charges to six months.

Finally, this agreement represents a major change in the carriers' long-standing treatment of both free baggage allowances and charges imposed for baggage in excess of that allowance. For this reason, we expect the carriers to undertake programs to provide full information of the changes as promptly as possible, and have instructed the Board's Office of the Consumer Advocate to take all necessary steps to insure that this is accomplished. Since this educational process will necessarily take some time if it is to be done effectively, tariffs implementing our approval of the agreement, as conditioned, shall be filed for effect June 1, 1977 to ensure adequate advance notice to the public.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26424:			
R-1	001n	Special Baggage Escape (New)	1; 2; 3.
R-9	311m	Special Condition for Excess Baggage (New)	1; 3; 1/2; 3/1.
26506:			
R-1	LA6	JT12 Limited Agreement U.S.A. Traffic Conference 2 (New)	1/2.
R-2	LA7	JT123 Limited Agreement U.S.A.—Traffic Conference 3 (New).	1/2/3.
R-3	LA8	JT31 Limited Agreement U.S.A.—Traffic Conference 3 (New).	3/1.
R-4	001ss	Special Baggage Escape (New)	3; 1/2; 3/1; 1/2/3; 1/2/3.
R-5	304	Carriage of Baggage at Cargo Rates to/from U.S.A. and U.S. Territories (New).	3; 1/2; 3/1; 1/2/3.
R-6	306	Application of Baggage Rules to/from U.S.A. and U.S. Territories (New).	3; 1/2; 3/1; 1/2/3.
R-8	310c	Rates to/from U.S.A. and U.S. Territories (New)	3; 1/2; 3/1; 1/2/3.
R-10	311b	Charges for Snowskiing Equipment to/from U.S.A. and U.S. Territories (New).	3; 1/2; 3/1; 1/2/3.
R-11	311d	Charges for Golfing Equipment to/from U.S.A. and U.S. Territories (New).	3; 1/2; 3/1; 1/2/3.
R-12	311e	Charges for Golfing Equipment to/from U.S.A. and U.S. Territories (New).	3; 1/2; 3/1; 1/2/3.

2. It is not found that the following resolutions set forth in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions stated herein:

Agreement CAB	IATA No.	Title	Application
26506:			
R-7	310	Free Baggage Allowance to/from U.S.A. and U.S. Territories (New). Subject to the condition that the economy class passenger will be entitled to 2 free checked pieces of baggage, the total dimensions of which do not exceed 106 in, provided that neither bag exceeds 62 in. Provided further that the free carry-on bag would be limited to 45 in except where actual underseat space facilities require a bag of lesser size.	3; 1/2; 3/1; 1/2/3.
R-9	311	Excess Baggage Charges to/from U.S.A. and U.S. Territories (New). Subject to the condition that approval is limited through Nov. 30, 1977.	3; 1/2; 3/1; 1/2/3.

[3] Based on standard baggage sizes, the total of 106 inches would permit free carriage of both a 24- or 27-inch woman's Pullman case or a man's two-suiter and three-suiter.

[4] We will also approve various other agreements concerning baggage provisions not directly involving air transportation as defined by the Act.

3. It is not found that the following resolutions set forth in the agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25874	311	Special Baggage Resolution (New)	3; 2/3.
26317	311c	Special Baggage Resolution (Revalidating)	3; 2/3.
26424:			
R-3	002a	Standard Revalidation Resolution	3; 2/3.
R-4	002b	do	2.
R-5	002c	do	1/2; 1/2/3 (South Atlantic).
R-6	002d	Standard Revalidation/Readoption Resolution	1/2; 1 2 3 (North and Middle Atlantic).
R-7	002e	do	3/1; North and Central South Pacific.
R-8	002f	do	1.

4. It is not found that the following resolutions, set forth in the agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26424: R-2	001p	Special Baggage Escape—Canada (New)	1; 1/2; 3/1.
26543	001p	Special Baggage Escape—Canada (Amending)	1; 1/2; 3/1.

Accordingly, *It is ordered*, That:

1. Those portions of Agreements C.A.B. 25874, C.A.B. 26317, C.A.B. 26424 and C.A.B. 26506, set forth in finding paragraph 1 and 3 above, be and hereby are approved;

2. Those portions of Agreement C.A.B. 26506 set forth in finding paragraph 2 above be and hereby are approved subject to the conditions stated therein;

3. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreements C.A.B. 26424 and C.A.B. 26543 set forth in finding paragraph 4 above;

4. Tariffs implementing Agreements C.A.B. 26424 and 26506 with the exception of C.A.B. 26506, R–9, shall be marked to expire March 31, 1978. Tariffs implementing C.A.B. 26506, R–9, shall be marked to expire with November 30, 1977.

5. The carriers are hereby authorized to file tariffs implementing the approved IATA resolutions on not less than 10 days' notice for effectiveness not earlier than June 1, 1977. The authority granted in this paragraph expires June 15, 1977;

6. The stay provided in Order 77–3–36 dated March 7, 1977, be and hereby is extended through May 31, 1977; and

7. Except to the extent not otherwise granted the motions of Pan American Airways, Inc. and Trans World Airlines, Inc. in Docket 24869, be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–11996 Filed 4–26–77;8:45 am]

[Docket 30770; Order 77–4–104]

CONTINENTAL AIR LINES, INC.

Increased C.O.D. Minimum Charge; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April, 1977.

By tariff revisions[1] bearing a posting date of March 25, and marked to become effective May 9, 1977, Continental Air Lines, Inc. (Continental) proposes to increase the minimum charge for C.O.D. service from $1 to $2 per shipment. The carrier's rate of 50 cents per $100 of C.O.D. collected is to remain unchanged.

Continental asserts that its current C.O.D. rule provides for the carrier to accept the consignee's check for the amount of the C.O.D. when the consignor so authorizes; that the carrier's procedure is to remit the check to the shipper by certified mail; and that the increase is justified by the current certified mail cost of 98 cents.

In view of all relevant factors, the Board concludes that the proposed charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Continental's justification is limited to a single paragraph claiming that the cost of certified mail requires an increase in C.O.D. minimum charges. The carrier makes no attempt to show that remittance by certified mail is necessary, nor does it submit any data indicating the revenue effect of the proposal, the number of minimum C.O.D. charge shipments, the number of such shipments when Continental remits the C.O.D. by mail, man-hours per C.O.D. shipment, overhead, or any other cost-causative factors.

C.O.D. service is extensively used by many shippers. The Board therefore, believes that the instant proposal, amounting to an increase of 100 percent, and with the potential of spreading to the entire industry, should not be permitted without full cost justification. The Board has previously suspended numerous increased C.O.D. charges on the basis of inadequate justification, filing that such increases should not be permitted without detailed information on costs of service.[2] We believe the same considerations apply in this case.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, that:

1. An investigation is instituted to determine whether the provision reading "(Not applicable to CO)" and the charges and provisions "(Applicable to CO only)" in Rule No. 66(G)(1) on 30th Revised Page 36–A of Airline Tariff Publishing Company, Agent, tariff C.A.B. No. 96, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provision reading "(Not applicable to CO)" and the charges and provisions "(Applicable to CO only)" in Rule No. 66(G)(1) on 30th Revised Page 36–A of Airline Tariff Publishing Company, Agent, tariff C.A.B. No. 96, are suspended and their use deferred to and including August 6, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 30770 be assigned before an administrative law judge of the Board at a time and place hereafter to be determined; and

4. Copies of this order shall be filed with the tariffs and served upon Continental Air Lines, Inc., which is hereby made a party to Docket 30770.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–12089 Filed 4–26–77;8:45 am]

[Docket 27573; Agreement C.A.B. 26559; Order 77–4–96]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority April 20, 1977.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

[2] E.g., Orders 76–7–120, 75–12–104, and 75–11–43.

embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 23rd Joint Specific Commodity Rates Board.

The agreement names one additional specific commodity rate under an existing specific commodity description and adds one new rate with a new specific commodity description, reflecting reductions from general cargo rates as set forth below.

Specific commodity Item No.:	*Description and rate* [1]
1102-------	Fur plates made from sewn scraps 115 c/kg [2], minimum weight 1,000 kg. from Athens to New York.
7124-------	Instruction manuals and catalogues — excluding magnetic tapes [3], 87 c/kg [2], minimum weight 1,000 kg. from New York to Copenhagen.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires Sept. 30, 1977.
[3] New Description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 26559, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12088 Filed 4-26-77;8:45 am]

[Docket 29123; Agreement C.A.B. 26516, Agreement C.A.B. 26535; Order 77-4-110]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of April, 1977.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to passenger fare matters.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted by mail vote, have been assigned the above C.A.B. agreement numbers.

Insofar as air transportation as defined by the Act is concerned, Agreement C.A.B. 26516 would extend basic-season 10/28-day group inclusive-tour (GIT) fares presently available from Puerto Rico to Europe into the peak season at levels consistent with higher peak-season fares. Agreement C.A.B. 26535 would extend existing Board-approved South Pacific fares through September 1977 but would adopt many of the rule changes set forth in the most recent area proposal.[1]

The Board has determined to approve the agreements. The rule changes herein deal mostly with minor adjustments in excursion-fare minimum/maximum stay periods and inclusive-tour minimum package prices and tour conductor arrangements which are areas which the Board generally leaves largely to managerial discretion.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreements as indicated, to be adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement C.A.B.:	*IATA Resolution*
26516 --------	JT12(Mail 113)084y.
26535 --------	JT31(Mail 112)0021.

Accordingly, it is ordered, That:

Agreements C.A.B. 26516 and 26535 be and hereby are approved, subject, where applicable, to conditions previously approved by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12091 Filed 4-26-77;8:45 am]

[1] By Order 77-2-32, February 4, 1977, the Board disapproved increases in all South Pacific fares based upon the excess earnings position of Pan American.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on May 17, 1977 at 1:30 p.m. in Room 3817, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 35 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: April 22, 1977.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.77-12143 Filed 4-26-77;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS
Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310

Patent 3,743,000: Preparation of Beryllium Boride Armor by Direct Casting; filed February 7, 1972, patented July 3, 1973, not available NTIS.

Patent 3,744,303: Pure Fluidic Strain Gage; filed November 23, 1971, patented July 10, 1973, not available NTIS.

Patent 3,745,100: Method of Preparing Semiporous Film of Aluminum Oxide Voltage Anodization; filed December 22, 1971, patented July 10, 1973, not available NTIS.

Patent 3,750,005: High Efficiency Constant Voltage to Constant Current Converter for Energy Storage; filed September 20, 1971, patented July 31, 1973, not available NTIS.

Patent 3,750,482: High Overspeed Sensor; filed December 9, 1971, patented August 7, 1973, not available NTIS.

Patent 3,750,644: Cardiac Programmer for a Coronary Blood Pump; filed September 9, 1971, patented August 7, 1973, not available NTIS.

Patent 3,751,303: Energy Conversion System; filed June 3, 1971, patented August 7, 1973, not available NTIS.

Patent 3,751,304: Stabilization of Boron Phosphate Sulfuric Acid Gels; filed February 24, 1971, patented August 7, 1973, not available NTIS.

Patent 3,751,366: Process for Preparing Ferrite and Garnet Raw Materials for Microwave Applications; filed June 4, 1971, patented August 7, 1973, not available NTIS.

Patent 3,751,577: Seal for a High Pressure, Short Arc Gas Lamp; filed June 12, 1972, patented August 7, 1973, not available NTIS.

Patent 3,754,901: Evaporation Source for Device Metallization; filed March 24, 1972, patented August 28, 1973, not available NTIS.

Patent 3,754,996: Ductile Ampule Deferred Action Battery; filed June 28, 1972, patented August 28, 1973, not available NTIS.

Patent 3,755,205: Method of Mankind a Catalytic Bed; filed March 28, 1972, patented August 28, 1973, not available NTIS.

Patent 3,755,801: Detecting Helium Liquid Level; filed January 12, 1972, patented August 28, 1973, not available NTIS.

Patent 3,755,891: Three Dimensional Circuit Modules for Thick-film Circuits and the Like and Methods for Making Same; filed June 3, 1971, patented September 4, 1973, not available NTIS.

Patent 3,756,068: Carbon Dioxide Concentration Sensor; filed April 30, 1971, patented September 4, 1973, not available NTIS.

Patent 3,759,967: Silicon Derivatives of Ferrocene; filed September 12, 1968, patented September 18, 1973, not available NTIS.

Patent 3,760,219: Traveling Wave Device Providing Prebunched Transverse Wave Beam; filed April 25, 1972 patented September 18, 1973, not available NTIS.

Patent 3,760,223: Single Conductor Multi-Coil Multi-Beam Microwave Device; filed August 10, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,256: Synchronous DC Power Supply; filed July 31, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,262: Electrostatic Spark Ignition Sensitivity Test Apparatus and Method; filed February 28, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,398: Device for Detecting Flame Out in a Gas Turbine; filed July 7, 1971, patented September 18, 1973, not available NTIS.

Patent 3,760,418: N-Element Glint Simulator; filed April 17, 1972, patented September 18, 1973, not available NTIS.

Patent 3,760,630: Automated Selective Wash Method and Apparatus; filed April 26, 1972, patented September 25, 1973, not available NTIS.

Patent 3,761,924: Isolimiter; filed September 14, 1972, patented September 25, 1973, not available NTIS.

Patent 3,761,938: Ferrite Dipole Antenna Radiator; filed November 30, 1972, patented September 25, 1973, not available NTIS.

Patent 3,763,167: Process of Purifying Oripavins; filed June 24, 1970, patented October 2, 1973, not available NTIS.

Patent 3,763,295: Use of Alumina as a Sintering Aid in Manufacture of Hot Pressed Beryllia; filed April 5, 1971, patented October 2, 1973, not available NTIS.

Patent 3,763,465: Bearing Deviation Indicator; filed March 9, 1971, patented October 2, 1973, not available NTIS.

Patent 3,765,224: Instrument for Measurement of Fluid Density or Composite Fluid Mixing Ratio; filed June 22, 1972, patented October 16, 1973, not available NTIS.

Patent 3,765,299: Universal Applique Armor; filed September 6, 1968, patented October 16, 1973, not available NTIS.

Patent 3,766,733: Extended Duration Fluidic Time Delay Device; filed January 18, 1972, patented October 23, 1973, not available NTIS.

Patent 3,766,844: Protective System for Contaminated Atmosphere; filed December 21, 1971, patented October 23, 1973, not available NTIS.

Patent 3,711,324: Method of Forming a Diffusion Mask Barrier on a Silicon Substrate; filed March 16, 1971, patented January 16, 1973, not available NTIS.

Patent 3,712,221: Blast Shield for Explosive Devices Including Linear Shaped Charges; filed January 18, 1971, patented January 23, 1973, not available NTIS.

Patent 3,714,143: Continuous Process for Manufacture of Nitrocellulose; filed April 13, 1971, patented January 30, 1973, not available NTIS.

Patent 3,714,824: Apparatus for Measuring Skin Friction; filed December 21, 1970, patented February 6, 1973, not available NTIS.

Patent 3,715,664: Method of Repeating RF-Borne Signal Across an Earth Barrier; filed February 12, 1971, patented February 6, 1973, not available NTIS.

Patent 3,715,681: Frequency Discriminator with Variable Center Frequency; filed March 13, 1972, patented February 6, 1973, not available NTIS.

Patent 3,716,278: Liquid Bearing; filed March 25, 1971, patented February 13, 1973, not available NTIS.

Patent 3,716,461: Process for Forming Composite Material by Electrodeposition Under the Influence of a Centrifugal Force Field; filed May 13, 1969, patented February 13, 1973, not available NTIS.

Patent 3,717,506: High Voltage Deposited Fuel Cell; filed January 28, 1971, patented February 20, 1973, not available NTIS.

Patent 3,718,044: Flow Meter for Indirectly Measuring the Flow of Blood from a Blood Pump; filed December 7, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,441: Method for Forming Metal-Filled Ceramics of Near Theoretical Density; filed November 18, 1970, patented February 27, 1973, not available NTIS.

Patent 3,718,503: Method of Forming a Diffusion Mask Barrier on a Silicon Substrate; filed July 14, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,507: Bi-Cell Unit for Fuel Cell; filed March 24, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,820: Photon Radiation Detector; filed May 26, 1971, patented February 27, 1973, not available NTIS.

Patent 3,718,860: Real Time Digital Energy Meter; filed August 25, 1971, patented February 27, 1973, not available NTIS.

Patent 3,771,504: Fluidic Fuel Injection Device Having Air Modulation; filed May 15, 1972, patented November 13, 1973, not available NTIS.

Patent 3,780,759: Reusable Pressure Release Valve; filed April 10, 1972, patented December 25, 1973, not available NTIS.

Patent 3,792,139: Process for Flattening Alumina Substrates; filed August 9, 1972, patented February 12, 1974, not available NTIS.

Patent 3,804,692: Memory Packaging Design and Fabrication Technique; filed June 26, 1972, patented April 16, 1974, not available NTIS.

Patent 3,767,476: Method and Composition for Phosphatizing Steel Under Pressure; filed August 31, 1971; patented October 23, 1973; not available NTIS.

Patent 3,767,480: Titanium Beta S-Alloy; filed October 27, 1971; patented October 23, 1973; not available NTIS.

Patent 3,768,048: Super Lightweight Microwave Circuits; filed December 22, 1971; patented October 23, 1973; not available NTIS.

Patent 3,769,873: Process for Uniformly Depositing Resin in Combustible Cartridge Cases; filed January 25, 1972; patented November 6, 1973; not available NTIS.

Patent 3,770,526: Combustion Composition Containing a Ferrocenyl or Carboramyl Derivative; filed November 26, 1971; patented November 6, 1973; not available NTIS.

Patent 3,770,563: Water-Resistant Consumable Cartridge Case; filed January 26, 1971; patented November 6, 1973; not available NTIS.

Patent 3,770,721: Direct Production of Beta HMX; filed February 9, 1956; patented November 6, 1973; not available NTIS.

Patent 3,771,377: Vee-Belt Spring-O-Matic Power Transmission; filed September 21, 1971; patented November 13, 1973; not available NTIS.

Patent 3,771,452: Reinforcing Movable Head for Protection Against Ruptured Cartridge Cases; filed April 7, 1972; patented November 13, 1973; not available NTIS.

Patent 3,771,453: Ammunition Primer; filed June 28, 1972; patented November 13, 1973; not available NTIS.

Patent 3,771,454: Primer; filed September 28, 1972; patented November 13, 1973; not available NTIS.

Patent 3,771,706: Apparatus for Welding by Translational Friction; filed September 7, 1971; patented November 13, 1973; not available NTIS.

Patent 3,772,541: Fluidic Generator; filed July 17, 1963; patented November 13, 1973; not available NTIS.

Patent 3,772,584: Homodyne Multiplier; filed September 14, 1972; patented November 13, 1973; not available NTIS.

Patent 3,772,608: Charged-Particle Triggered Discharge for a Laser; filed September 27, 1971; patented November 13, 1973; not available NTIS.

Patent 3,772,609: Laser Cavity Configuration Yielding Dual Output Beam; filed June 30, 1972; patented November 13, 1973; not available NTIS.

Patent 3,772,689: Radar Target Discrimination Method and Apparatus; filed December 6, 1967; patented November 13, 1973; not available NTIS.

Patent 3,773,575: Method of Burning a Combustible Substance by Contact with Combustion Composition; filed February 23, 1973; patented November 20, 1973; not available NTIS.

Patent 3,775,706: Metal Inclosed Resistor Used as a Stripline Terminator; filed April 20, 1972; patented November 27, 1973; not available NTIS.

Patent 3,776,138: Ganged Arming Device; filed January 7, 1972; patented December 4, 1973; not available NTIS.

Patent 3,780,438: Rifling Lands Inspection Gage; filed August 20, 1971; patented December 25, 1973; not available NTIS.

Patent 3,780,578: Measurement of the Total Volume Flow of a Watercourse; filed May 2, 1973; patented December 25, 1973; not available NTIS.

Patent 3,780,585: Cryogen Temperature Indicator; filed January 12, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,055: Releaseable Coupling; filed July 14, 1972; patented December 25, 1973; not available NTIS.

Patent 3,781,252: Polymers Containing a Difluoroamino Radical; filed June 15, 1971; patented December 25, 1973; not available NTIS.

Patent 3,783,173: Gasket-Electrically Conductive; filed May 19, 1972; patented January 1, 1974; not available NTIS.

Patent 3,786,444: Magnetic Thin Film Memory Packaging Design; filed August 27, 1971; patented January 15, 1974; not available NTIS.

Patent 3,794,931: Electronic Gain Control; filed October 10, 1972; patented February 26, 1974; not available NTIS.

Patent 3,798,762: Circuit Board Processing; filed August 14, 1972; patented March 26, 1974; not available NTIS.

Patent 3,800,972: Trapped Atmosphere Closure Assembly; filed November 23, 1971; patented April 2, 1974; not available NTIS.

Patent 3,805,137: Sampled Signal Servo Control System; filed November 21, 1972; patented April 16, 1974; not available NTIS.

Patent 3,767,745: Hot Pressing Ceramic Oxides to Transparency by Heating in Isothermal Increments; filed February 7, 1972; patented October 23, 1973; not available NTIS.

[FR Doc.77-12083 Filed 4-26-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

New Entrant Announcement for Virgin Islands

On December 28, 1976, the Departments of Commerce and the Interior published a joint notice under Pub. L. 89-805 setting forth the formula for allocation of 1977 watch quotas among producers located in the Virgin Islands, Guam, and American Samoa (41 FR 56378 et seq; hereafter annual rules). On April __, 1977, the Departments issued a joint notice which will be published in the FEDERAL REGISTER allocating watch quotas for calendar year 1977 among producers located in the Virgin Islands. In the latter notice it was noted that the allocations reflected voluntarily relinquished quota which was set aside by the Departments for possible allocation to new entrants pursuant to section 2 of the annual rules, and that a separate notice on the new-entrant set-aside would be published.

The International Trade Commission has reported that U.S. domestic consumption of watches and watch movements during calendar year 1976, upon which the amount of quota available for allocation to producers in the various insular possessions is proportionately fixed by the Act, increased over 1975 consumption at a rate substantially higher than historical rates of increase. Consequently, the amount of quota available for allocation to Virgin Islands producers is approximately one million units larger than the amount estimated earlier.

As a result of the significant increase in the amount of quota available for allocation in 1977 the Departments have determined that setting aside a portion of voluntarily relinquished quota for possible allocation to new firms offers the best prospect of maximizing benefits to the Virgin Islands economy during calendar year 1977. Accordingly, the Departments have set aside 220,000 units of the calendar year 1977 Virgin Islands quota for possible allocation to new firms.

New firms may apply for the set-aside portion of the Virgin Islands quota on or before June 15, 1977, or such later date as may be established through publication of a notice in the FEDERAL REGISTER. Applicants must complete applicable sections of Form DIB-334P, copies of which may be obtained from the Special Import Programs Division, Room 6895, U.S. Department of Commerce, Washington, D.C. 20230, and must provide information regarding their experience in watch movement assembly and distribution; anticipated employment of local workers and proposed wage rates; watch movement assembly operations to be performed and types of movements to be assembled in the territory; estimated direct labor costs; anticipated capital investment in the territory; proposed source of financing; and plans for marketing movements assembled in the territory. By "new firm" is meant an entity which has not heretofore been allocated a quota under Pub. L. 89-805 and which is completely separate from and unassociated with any present producer in terms of ownership and control.

Based on the Departments' evaluation of the information submitted by applicants, the Departments may allocate a part or all of the set-aside portion of the calendar year 1977 Virgin Islands quota among those applicants whose proposals, in the judgment of the Departments, offer the likelihood of the greatest contribution to the economy of the territory, and in such a manner as, in the judgment of the Departments, will best serve the interests of the territory.

Any part or all of the set-aside quota not allocated under this notice may be reallocated among the 1977 Virgin Islands quota recipients in a manner best suited to contribute to the economy of the territory.

Dated: April 22, 1977.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

RUTH G. VAN CLEVE,
Director, Office of Territorial Affairs, U.S. Department of the Interior.

[FR Doc.77-12113 Filed 4-26-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM MEXICO

Establishing Import Levels

APRIL 22, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: New import levels for certain man-made fiber textile products from Mexico during the year beginning on May 1, 1977.

SUMMARY: The bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico establishes levels of restraint for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Mexico and exported to the United States during the three-year period beginning on May 1, 1975 and extending through April 30, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of man-made fiber textile products in Categories 219, 224, 225, 229, 235, and 238, produced or manufactured in Mexico, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning on May 1, 1977 and extending through April 30, 1978.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textile, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: The bilateral agreement provides for the establishment in consultations between the two governments of specific levels of restraint for cotton textile products in Categories 9/10, 22/23, 26/27 and 26 (duck) during the agreement year beginning on May 1, 1977. These levels have not yet been established. They will be published when established. The levels of restraint set forth in the letter published below for man-made fiber textile products in Categories 225 and 238 have been reduced, respectively, by 115,794 dozen and 55,021 dozen to account for carryforward applied to these categories in the agreement year beginning on May 1, 1976.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C.

APRIL 22, 1977.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico, in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on May 1, 1977 and for the twelve-month period extending through April 30, 1978, entry into the United States for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Categories 219, 224, 225, 229, 235, and 238, in excess of the following levels of restraint:

Category:		12-mo. level of restraint
219	dozen	564,597
224	pounds	2,555,897
225	dozen	2,119,574
229	do	169,127
235	do	372,097
238	do	930,260

In carrying out this directive, entries of man-made fiber textile products in Categories 219, 224, 225, 229, 235 and 238, produced or manufactured in Mexico and exported to the United States prior to May 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1976 through April 30, 1977. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton, wool and man-made fiber textiles from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

[FR Doc.77-12078 Filed 4-26-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARCHITECTURAL GLAZING MATERIALS

Advisory Opinion

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of advisory opinion.

SUMMARY: The Commission publishes an Office of the General Counsel advisory opinion, approved by the Commissioners, concerning a method for certifying that architectural glazing materials conform to the Commission's Standard for Architectuarl Glazing Materials. The advisory opinion, which was issued on April 15, 1977, responds to an inquiry from PPG Industries.

FOR FURTHER INFORMATION CONTACT:

Alan H. Schoem, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone 202-634-7770.

SUPPLEMENTARY INFORMATION: The Commssion's Office of the General Counsel is responsible for interpreting the Consumer Product Safety Act and other statutes administered by the Commission. The Office of the General Counsel's interpretations of these acts are generally issued in the form of Advisory Opinions involving controversial or policy matters are generally provided to the Commissioners for review prior to issuance. Mr. F. J. Trunzo, Jr., Assistant Counsel, PPG Industries, Inc. sought an interpretation from the Office of the General Counsel of the certification requirements under the Consumer Product Safety Act. The General Counsel's office responded to the inquiry in Advisory Opinion 248 which was reviewed and approved by the Commission. The Commission is publishing the text of that Advisory Opinion in order to apprise manufacturers of architectural glazing materials of the Commission's interpretation of the certification requirements under the Consumer Product Safety Act. Other Office of the General Counsel Advisory Opinions are available in the Office of the Secretary, 1111 18th Street, NW., Washington, D.C. upon request.

APRIL 15, 1977.

F. J. TRUNZO, Jr.
Assistant Counsel, PPG Industries, Inc., One Gateway Center, Pittsburgh, Pennsylvania 15222.

DEAR MR. TRUNZO: This letter is in response to your correspondence of February 18, 1977, received by our office on March 2, 1977, in which you seek the views of the Office of the General Counsel in regard to certification under section 14 of the Consumer Product Safety Act (CPSA) as it applies to architectural glazing materials subject to the Commission's Standard for Architectural Glazing Materials (16 CFR 1201).

As you are aware, section 14(a) of the CPSA provides that a manufacturer of a product subject to a consumer product safety standard issued under the CPSA must issue a certificate which certifies that the product conforms to all applicable consumer product safety standards, and that specifies any standard which is applicable. Section 14(a) also specifies that certification shall be on the basis of a test of each product or a reasonable testing program, and that the certificate shall accompany the product or otherwise be furnished to any distributor or retailer to whom the product is delivered. Further, the certificate is required to state the name of the manufacturer or private labeler issuing the certificate, and must include the date and place of manufacture.

You ask whether a permanent label that contains the information specified in section 14(a) and that is on the architectural glazing material itself would, in our view, comport with the certification requirements of section 14(a) until such time as the Commission may adopt regulations with respect to certification and labeling.

It is the view of the Office of the General Counsel that, in the absence of regulations to the contrary, the certification necessary to comply with section 14(a) of the CPSA for the Standard for Architectural Glazing Materials must be in the form of a separate certificate (i.e., a certificate separate from the glazing material, for example, a paper certificate) that accompanies glazing material subject to the standard.

We believe that this interpretation is appropriate in the absence of regulations because one purpose of the certificate is to allow persons in the distribution chain who hold a certificate certifying that glazing material complies with the Commission's standard to rely on that certificate without fear of committing a prohibited act under section 19(a)(1) of the CPSA. Depending on the product involved, the only way these persons may be able to demonstrate that products they receive or distribute comply with a Commission standard is if the certificate is a document separate from the consumer product itself. In the case of architectural glazing materials, for example, if a person in the distribution chain cuts glazing to smaller sizes and thereby destroys the label on the product, that person would be without a separate certificate certifying that the glazing material complies with the Commission's standard and would be without any protection when asked to confirm that such cut glazing complies with the Commission's standard.

In regard to your concern that a paper certificate may be misused, we believe that

the certification requirements of section 14 (a) would be satisfied by, for example, a certification on an invoice or bill of lading containing the information specified in section 14(a). The legislative history of the CPSA discusses in part the type of certificate that must accompany consumer products subject to a standard. The legislative history makes it clear that a separate certificate need not accompany each individual product.

"(W)here it is reasonable and appropriate to certify an entire production run, or batch or group of products based upon a reasonable testing program, the certificate may apply to the entire production run, batch or group of products and may be furnished to the distributor or retailer together with a bill of lading (or otherwise) at the time the first product from the production run, batch, or group is delivered to the distributor or retailer. For some products it may be possible to certify an entire model year; for others, testing results would be valid for only a single day's production.

The committee understands that an original shipment is frequently divided in the course of its distribution and portions of the shipment will end up in the possession of more than one retailer. In these circumstances, manufacturers, importers, or private labelers would not be expected to issue original certificates to each distributor or retailer. It would satisfy the requirements of this section to deliver a copy of the certification to any party within the distribution chain to whom the product is delivered." H.R. Rep. No. 1153, 92d Cong. 2d Sess. 40 (1972).

A manufacturer, in our view, would not be required, in the absence of regulations, to provide its customers with separate labels to be applied to cut glazing. Moreover, there is nothing to preclude a manfacturer of glazing material from supplementing the certificate it issues with a permanent label placed directly on the glazing material.

In the absence of a Commission rule prescribing a reasonable testing program for architectural glazing materials subject to the Commission's standard, manufacturers of glazing material may develop and implement their own reasonable testing programs for purposes of certifying compliance with the Commission's standard. Records of the reasonable testing program should be maintained for a reasonable period of time. Your proposal to maintain such records for three years after the date of testing appears at this time to be reasonable to us.

You also ask for the Commission's approval for other specific information that you intend to include on the certificate issued in accordance with section 14(a) of the Act. This includes the name of the manufacturer, the place and date (by week) of manufacture, the type and thickness of glazing, the designation 16 CFR 1201 or "I" or "II", and an identification of the particular tempering furnace or autoclave used.

As long as the certificate issued pursuant to section 14(a) is based on a reasonable testing program, contains a certification that the glazing material conforms to the Standard for Architectural Glazing Materials, specifies the standard that is applicable, states the name of the manufacturer or private labeler issuing the certificate, and includes the date and place of manufacture, it would be in conformance with section 14 (a) of the CPSA. Manufacturers are not precluded from including information in addition to that specified above on the certificate. Thus, you could include an identification of the type and thickness of glazing and the particular tempering furance or autoclave on the certificate.

It is our view that the designation 16 CFR 1201(I) or 16 CFR 1201(II) or 16 CFR 1201 (I), (II), whichever is appropriate, would be an acceptable means of certifying that glazing material conforms to the Commission's standard and an adequate specification of the standard which is applicable. We believe, however, that the designation I or II or I, II by itself would not be an adequate specification that glazing material conforms to the standard and would not be an adequate specification of the standard which is applicable.

In the absence of a regulation to the contrary, we believe manufacturers or private labelers issuing a certificate required by section 14(a)(1) of the CPSA could code the place and data of manufacture, the type and thickness of glazing material and the identification of the particular tempering furnace or autoclave used as you indicate you intend to do. In addition, the certificate could include reference to applicable voluntary standards or certification programs.

We believe that if PPG or other manufacturers of glazing materials issue certificates that comply with the program that we have discussed above, they would be in compliance with section 14(a) of the CPSA.

The Commission anticipates proposing a certification rule for architectural glazing materials under section 14(b) of the CPSA in mid-June. We would welcome your views on the proposed rule when it is published.

This Advisory Opinion has been approved by the Commission.

Sincerely,

DAVID SCHMELTZER,
Acting General Counsel.

Dated: April 21, 1977.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-12054 Filed 4-26-77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY RESOURCE SUBCOMMITTEE

Meeting

In accordance with provisions of Pub. L. 92-463 (Federal Advisory Committee Act), the Resource Subcommittee of the Advisory Committee on Geothermal Energy will hold its first meeting on Thursday, May 12, 1977, from 9:30 a.m. to 4:30 p.m., Room 2S32, Federal Building, 880 Front Street, San Diego, California. This meeting will be open to the public. The purpose of this meeting is: to review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; in particular, to discuss and to provide advice on programs and approaches to effective government-industry cooperation with respect to geothermal resources assessment problems in the development of geothermal energy.

The tentative agenda for the meeting is as follows:

9:30 a.m....	Introductory Remarks, Dr. C. W. Berge, Chairman.
10 a.m.....	Geoscience Research.
11 a.m.....	Resource Exploration and Assessment Technology.
12 m.....	Lunch.
1:30 p.m...	National and Regional Resource Assessment.
2:30 p.m...	Resource Information Dissemination.
3:30 p.m...	General Discussion.
4:30 p.m...	Adjournment.

Practical considerations may dictate alterations in the above agenda. This will be a working meeting and the Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

a. Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than May 7, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545. Comment shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

b. Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on May 9, 1977, to the Division of Geothermal Energy, Energy Research and Development Administration, Helen Krupovich on (202) 376-4904 between 8:30 a.m. and 5:00 p.m., E.S.T.

c. Questions at the meeting may be propounded only by members of the Subcommittee and ERDA officials assigned to participate with the Subcommittee in its deliberations.

d. Seating to the public will be made available on a first-come, first-served basis.

e. The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

f. Copies of minutes wil be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77-12128 Filed 4-26-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21049 (RM-2749)]

COMMERCIAL TELEVISION NETWORK PRACTICES

Order Extending Time for Comments and Reply Comments

Adopted: April 19, 1977.

Released: April 20, 1977.

In the matter of commercial television network practices and the ability of station licensees to serve the public interest.

1. This Inquiry proceeding was begun by Notice of Inquiry issued January 14, 1977 (FCC 77-53, 42 FR 4991). The dates for comments and reply comments were therein specified as May 2 and June 1, 1977, respectively.

2. On April 13, 1977, National Citizens Committee for Broadcasting (NCCB) filed a "Motion for Extension of Time to File Comments", asking that the time for filing comments be extended to and including June 15, 1977, or about 45 days. In support of its request, NCCB urges the importance of this matter and its complexity (noting the large number of questions raised in the 18-page Notice), the asserted impossibility for interested members of the public to analyze the Notice, consider their approach and submit informed comments in the time allotted of roughly three months, and the great burden of many matters before the Commission and elsewhere which must be handled by only two fully accredited attorneys currently on the staff of Citizens Communication Center, NCCB's counsel.

3. It appears that, with the wide scope and complexity which this important matter has, some additional time for the filing of comments is warranted and will facilitate the presentation of meaningful views and information. However, it does not appear that the full 45 days requested is necessary or warranted. It is necessary that material be received as soon as possible so that the staff to be assigned to this inquiry can begin analyzing it to determine what subjects are to be explored and in what manner. The original period allowed in the Notice was more than 100 days. Under these circumstances, a period of 30 days is all of the additional time which is warranted.

4. In view of the foregoing, *it is ordered*, That the time for comments in this proceeding, Docket No. 21049, is extended, to and including June 1, 1977 for initial comments and July 1, 1977 for reply comments. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

PAUL WM. PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.77-11975 Filed 4-26-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Issuance of Notice of Effectiveness To Make Effective Previously Issued Prohibition Order

Pursuant to 10 CFR 303.37(d), the Federal Energy Administration (FEA) hereby gives notice that on April 19, 1977, it issued a Notice of Effectiveness making effective the Prohibition Order previously issued on June 30, 1975, (40 FR 28430, July 3, 1975) to the below listed powerplant. The Notice of Effectiveness was issued under the authorities granted to FEA by section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended, and pursuant to 10 CFR Parts 303 and 305.

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU-008	Iowa Public Service Co.....	14	Maynard.....	Waterloo, Iowa.

The Prohibition Order issued by FEA on June 30, 1975, to the above listed powerplant prohibits the powerplant from burning natural gas or petroleum products as its primary energy source. In accordance with the requirements of 10 CFR Parts 303 and 305, however, the order provided it would not become effective until FEA had considered the environmental impact of the order and until FEA had served the affected powerplant with a Notice of Effectiveness.

Subsequent to issuance of the Prohibition Order, FEA performed an analysis pursuant to 10 CFR 305.9 and 208.3, of the environmental impact of the issuance of this Notice of Effectiveness. That analysis resulted in a determination that it is clear that issuance of this Notice of Effectiveness making this Prohibition Order effective is not a "major Federal action significantly affecting the quality of the human environment." Section 102 (2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). Public notice of the negative determination and of the availability for inspection of this analysis was given in the FEDERAL REGISTER published January 7, 1977, in accordance with 10 CFR 208.4(c) and 208.15(a).

Upon completion of this environmental analysis, FEA issued this Notice of Effectiveness of the June 30, 1975, Prohibition Order to the above listed powerplant and served the Notice on the powerplant by registered mail on the same day. The notice makes effective the Prohibition Order, prohibiting the powerplant from burning natural gas or petroleum products as its primary energy source.

Any person aggrieved by the now effective Prohibition Order may file an appeal with the FEA Office of Exceptions and Appeals in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after April 20, 1977. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 303, and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Application may be made for modification or rescission of the Prohibition Order in accordance with the provisions of 10 CFR Part 303, Subpart J. An application for modification or rescission of a Prohibition Order based on "significantly changed circumstances," which circumstances occurred during the interval between issuance of the order and service of the Notice of Effectiveness, shall be filed within 30 days of April 20, 1977. An application for modification or rescission of a Prohibition Order based on significantly changed circumstances occurring after that interval may be filed at any time after April 20, 1977.

All terms and conditions of the Prohibition Order and the Notice of Effectiveness may be the subject of either an appeal or an application for modification or rescission.

The order made effective by this Notice of Effectiveness is effective against any persons that, as of April 20, 1977, own, lease, operate, or control the above listed powerplant and against any successors-in-interest or assignees of such persons.

The above listed powerplant has been served this Notice of Effectiveness by registered mail. In addition, copies of this document will be available for inspection by any interested members of the public at the FEA public docket room located in Room B-120, 2000 M Street, NW., Washington, D.C., from 1-5 p.m., Monday-Friday. Copies will also be available in the appropriate FEA regional office. The negative determination and environmental analyses are available upon request from the FEA National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Any questions regarding this notice should be directed to the Director, Office of Fuel Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, NW., Washington, D.C., 20461, 202-566-7941.

Issued in Washington, D.C., April 21, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-12020 Filed 4-22-77;12:31 pm]

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 700), notice is hereby given of a meeting of designated representatives from various FEA Advisory Committees to be held Friday, May 13, 1977, at 10 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The purpose of this meeting is to secure the views of a representative cross-section of FEA Advisory Committees on the President's energy proposal presented to Congress on April 20, 1977.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should in-

form Lois Weeks, Director, Advisory Committee Management, (202) 566–9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on April 21, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-12087 Filed 4-22-77; 3:54 pm]

FEDERAL HOME LOAN BANK BOARD

[No. AC-34]

SKOKIE FEDERAL SAVINGS AND LOAN ASSOCIATION, SKOKIE, ILLINOIS

Post Approval Amendment of Conversion Application (Notice of Final Action)

APRIL 21, 1977.

Notice is hereby given that on April 21, 1977, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 77-248, approved the amendment to the application of Skokie Federal Savings and Loan Association, Skokie, Illinois, for permission to convert to the stock form of organization. The application to convert was approved on February 17, 1977. Copies of the application and the amendment are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW, Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Chicago, Illinois 60601.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-12084 Filed 4-26-77; 8:45 am]

FEDERAL MARITIME COMMISSION

PUERTO RICO MARITIME SHIPPING AUTHORITY ET AL.

Agreement Filed

Puerto Rico Maritime Shipping Authority; Trailer Marine and Transport, Inc.; Seatrain Gitmo, Inc.; and Sea-Land Service, Inc.

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Donald C. O'Malley, Director, Tariff and Regulatory Affairs, Crowley Maritime Corporation, Caribbean Division, 7933 Baymeadows Way, Jacksonville, Florida 32216.

Agreement No. DC-83-2, between Puerto Rico Maritime Shipping Authority, Trailer Marine Transport, Inc., Seatrain Gitmo, Inc., and Sea-Land Services, Inc. (Sea-Land), modifies the basic agreement which provides for the parties': (1) discussion of tariff rates, charges, classifications, practices, and related matters to be charged or observed by each in the U.S. Atlantic Coast/Puerto Rico trade; and (2) discussion exploring the resolution of matters in litigation between the parties before the Federal Maritime Commission. The purpose of this modification is to include Sea-Land as a party to the agreement.

By Order of the Federal Maritime Commision.

Dated: April 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12107 Filed 4-26-77; 8:45 am]

TULSA PORT OF CATOOSA AND TULOMA STEVEDORING, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statment shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Harley W. Ladd, Port Director, Tulsa Port of Catoosa, 5301 West Channel Road, Catoosa, Oklahoma 74015.

Agreement No. T-3455, between Tulsa Port of Catoosa (Port) and Tuloma Stevedoring, Inc., (Tuloma), grants Tuloma the nonexclusive right for a period of three years to provide loading, unloading, storage, transfer, and transportation services for cargo at Port's terminal facilities. Tuloma shall provide the above services in accordance with the Port's currently published tariff. In return, Port shall receive wharfage assessments and tollage fees. The wharfage portion of this compensation is subject to a minimum annual guarantee as further provided for in the basic agreement. Tuloma shall also be responsible for the cost of utilities incurred as a result of its operations on the said premises.

By order of the Federal Maritime Commission.

Dated: April 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12108 Filed 4-26-77; 8:45 am]

UNITED STATES/EUROPE DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10022-4, among the member lines of the above-named agreement, amends the basic agreement to extend its authority for an additional two year period through June 5, 1979.

By Order of the Federal Maritime Commission.

Dated: April 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12106 Filed 4-26-77; 8:45 am]

GENERAL PRINCIPLES RELATING TO EQUALIZATION AND ABSORPTION CLARIFICATION OF DENIAL OF PETITION FOR RULEMAKING

Filing of Petition for Modification

Notice is hereby given that counsel for various Gulf port interests have filed a petition for modification of an April 5, 1974 order of the Commission which clarified its earlier denial of a petition for rulemaking (14 SRR 630). The petition for rulemaking had sought to have the Commission determine various issues regarding equalization, absorption and minibridge by way of rulemaking proceedings. While denying the petition for rulemaking, The Commission designated Docket No. 73-35 et al *Intercoastal Service of Containers and Barges at the Port of Philadelphia; Possible Violations of the Shipping Act, 1916, and Intercoastal Shipping Act, 1933*, as the vehicle for announcing the general principles relating to equalization and absorption.

The Gulf ports' current petition seeks to modify the Commission's earlier order eliminating the designation of Docket No. 73-75 as the leading case for announcing equalization and absorption principles.

Their position essentially is that a proceeding (Docket No. 73-35) which seeks to establish rules of conduct for the future based upon evidence of past violations at Philadelphia is a totally unsuitable vehicle by which guidelines may be produced to govern totally different situations at the Gulf ports.

Notice is hereby given that replies to the Gulf ports' petition may be filed by interested persons and the Commission's Bureau of Hearing Counsel on or before May 11, 1977. An original and fifteen copies of any such replies should be filed with the Commission's Office of the Secretary.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12109 Filed 4-26-77; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-9; Docket No. CP76-280; and Docket No. CP76-386]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Order Granting Interventions, Establishing Procedural Dates and Fixing Date for Formal Hearings

APRIL 15, 1977.

On July 8, 1975, Distrigas Corporation (Distrigas) filed in Docket No. CP76-9 an application pursuant to section 3 of the Natural Gas Act for authorization to import into the United States at Everett, Massachusetts, from Algeria, approximately 21 million MMBtu of liquified natural gas (LNG) over an 18 month period.[1] On February 23, 1976, and amended on April 22, 1976, Distrigas requested in Docket No. CP76-280 authorization pursuant to section 7(c) of the Natural Gas Act to sell the proposed import volumes requested in Docket No. CP76-9 to its affiliate, Distrigas of Massachusetts Corporation (DOMAC). On May 28, 1976, DOMAC filed pursuant to section 7(c) of the Natural Gas Act an application in Docket No. CP76-386 for authorization to sell for resale the aforementioned LNG to both interstate and Masachusetts distribution company customers from its Everett terminal. The proposals are more fully set forth in the application on file with the Commission.

Distrigas in Docket No. CP76-9 proposes to import up to 950,000 cubic meters of LNG (approximately 21 million MMBtu equivalent) from the Skikda, Algerian liquefaction plant to its affiliates', DOMAC, LNG terminal located in Everett, Massachusetts during the 18 month period beginning July 1, 1976 and ending December 31, 1977 (termed the Interim Program). The proposed delivery schedule on a firm "take or pay" basis for the Interim Program volumes which are in addition to the 15.4 million MMBtu per year import authorized by the Commission in Distrigas Corporation, Docket No. CP70-196, Opinion No. 613, issued March 9, 1972 (termed the Descartes Program)[2] is as follows:

July 1, 1976 thru December 31, 1976—200,000 cubic meters (approx. 4.5 million MMBtu).

January 1, 1977 thru June 30, 1977—300,000 cubic meters (approx. 6.7 million MMBtu).

July 1, 1977 thru December 31, 1977—450,000 cubic meters (approx. 10.1 million MMBtu).

Total—950,000 cubic meters.

Distrigas proposed to purchase these interim import volumes from Alocean, a Bermuda Corporation jointly owned by Gazocean International S.A., a Swiss Corporation, and Sonatrach in accordance with a supply contract between the parties entitled "Agreement for the Sale and Purchase of Liquefied Natural Gas," dated October 4, 1975.[3] This agreement among other things, provides for the following: (1) Alocean (Sonatrach's agent) warrantes that production of LNG from the fourth train presently under construction at Skikda, Algeria shall be reserved in priority to the performance of this agreement; (2) the scheduled port of destination is Boston, Massachusetts, however, Distrigas shall have the right to designate any other safe port on the East Coast of the U.S., north of Cape Hatteras; (3) Distrigas shall not be obligated to accept tankers with a volume over 95,000 cubic meters (approximately 2.1 million MMBtu equivalent), but both parties may mutally decide to use tankers with a volume not to exceed 120,000 cubic meters (approximately 2.7 million MMBtu equivalent); (4) a purchase price C.I.F. Everett of $2.30 per MMBtu, subject to adjustment for variation in the average exchange rate of the U.S. dollar using a prescribed formula; (5) the agreement shall expire on December 31, 1977 or is subject to possible cancellation by either party if the required governmental authorizations are not obtained by March 31, 1976; and (6) the provisions of the protocol dated June 6, 1975, relating to the same subject matter as this agreement, are repealed and the other provision of such protocol remain in force.

Distrigas in Docket No. CP76-280 proposes to sell these interim import volumes to its affiliate, DOMAC, in accordance with a LNG Requirement Agreement at the prices specified in the Distrigas-Alocean supply contracts, as such prices may from time to time be adjusted pursuant to the terms thereof or any effective amendments thereto.

DOMAC in Docket No. CP76-386 proposes to resell the LNG that would be imported at such terminal to the following out-of-state and Massachusetts distribution company customers in the following MMBtu equivalent amounts:

[1] As supplemented on September 17, October 31, and November 20, 1976, and March 22, 1977.

[2] 47 FPC 752.

[3] A protocol dated June 6, 1975 originally served as a basis for this interim Program.

Out-of-State customers	July 1 to Dec. 31, 1976	Jan. 1 to June 30, 1977	July 1 to Dec. 31, 1977	Total
Brooklyn Union Gas Co.	1,410,000	2,115,000	3,172,000	
The Connecticut Gas Co.	150,000	225,000	338,000	
New Jersey Natural Gas Co.	30,000	45,000	68,000	
Providence Gas Co.	270,000	405,000	608,000	
South Jersey Gas Co.	180,000	270,000	405,000	
Valley Gas Co.	36,000	54,000	81,000	
Subtotal	2,076,000	3,114,000	4,672,000	9,862,000
MASSACHUSETTS CUSTOMERS				
Bay State Gas Co.	270,000	405,000	608,000	
Fall River Gas Co.	45,000	68,000	101,000	
Hiverhill Gas Co.	30,000	45,000	68,000	
Subtotal	345,000	518,000	777,000	1,640,000
Grand total	2,421,000	3,632,000	5,449,000	11,502,000

By the terms of a Precedent Agreement dated February 10, 1977, filed on March 22, 1977, Boston Gas has agreed to purchase 1,422,000 MMBtu between July 1 and December 31, 1976; 2,133,000 MMBtu between January 1 and June 30, 1977; 3,200,000 MMBtu between July 1 and December 31, 1977.

DOMAC proposes to flow through to its customers the purchase cost of these interim import volumes (initial base price of $2.30 per MMBtu) adjusted for losses, uses and currency changes in accordance with a pro forma Rate Schedule GS–2. All other terminaling cost would be recovered under DOMAC's Rate Schedule TS–1 which was accepted for filing by the Commission's order issued April 16, 1976, in DOMAC, Docket No. RP76–73.

DOMAC states that its existing facilities at the Everett, Massachusetts terminal are adequate to make the proposed sales and that no additional facilities would be required.

After due notice of these applications by publication in the FEDERAL REGISTER, various petitions to intervene were filed as indicated herein:

Docket No. CP76–9

The City of New York
Bay State Gas Company, et al.
The Brooklyn Union Gas Company
Phillips Petroleum Company
Public Service Electric and Gas Company
Algonquin Gas Transmission Company

Docket No. CP76–280

Algonquin Gas Transmission Company
Boston Gas Company
The Brooklyn Union Gas Company

Docket No. CP76–386

The Brooklyn Union Gas Company
South Jersey Gas Company
Bay State Gas Company, et al.
New Jersey Natural Gas Company
Boston Gas Company
Algonquin Gas Transmission Company
The City of New York

The City of New York in its petition in Docket No. CP76–9 asserts that this application must be evaluated on the issues of reliability and adequacy of price and the safe transportation of LNG by truck. Boston Gas in its petition in Docket No. CP76–280 requests that the Commission defer any action that would impose section 7 conditions on the intrastate sales of imported LNG pending determination of their jurisdictional status in the CP70–196 proceeding involving Distrigas.[1] In its CP76–386 petition, Boston Gas protests to the filing of a section 7 application insofar as it proports to include the sale of imported LNG by DOMAC to Massachusetts' customers. The transportation of LNG by truck, a concern of the City of New York is not a jurisdictional transportation mode regulated by the Federal Power Commission, but comes under the auspices of the Interstate Commerce Commission. The City of New York's concern is more properly addressed to our sister agency. Exemption of Certain Transport and/or Sales of Liquefied Natural Gas From the Requirements of section 7(c), Docket No. R–377 (49 FPC 1087).

By letters dated July 7, 1975, the Commission transmitted copies of Distrigas' import application in Docket No. CP76–9 to the Secretaries of State and Defense soliciting their views on the application. No adverse comments have been received by the Commission.

The Commission though shares the City of New York's concern for the appropriateness of the proposed import and sales prices and the reliability of the supply. We believe that the public interest would be best served by the development of a full evidentiary record on these issues. We will establish herein an evidentiary format through which a full record can be made. The Commission inter alia specifically wishes to have the following terms addressed by the Applicants and/or their customers under the procedure established herein:

1. The availability and reliability of Algerian liquefaction facilities and LNG tankers to provide the subject gas;
2. Each customer's end-use of this gas;
3. The efforts that each DOMAC customer has made to encourage the conservation of natural gas and to obtain supplies of natural gas at a lower price;
4. The marketability of this gas in the general service area of each DOMAC customer considering all charges and arrangements to deliver such gas to such customers and the relative attractiveness of such gas when compared to the cost of alternative energy sources in such general service areas, i.e., cost of electricity, propane, coal and fuel oil; and
5. The feasibility of allowing this importation if the jurisdictional status of the Everett facilities and environmental impact of the Distrigas portion has not been the subject of a final Commission order.

The Commission finds:

(1) It is in the public interest to require that a formal public hearing be set for an evidentiary presentation of the subject proposals, as set forth herein.

(2) Participation by the aforementioned intervenors may be in the public interest.

(3) The applications in Docket No. CP76–9, CP76–280 and CP76–386 may involve common questions of law or fact.

The Commission finds:

(A) The proceedings in Docket No. CP76–9, CP76–280 and CP76–386 are hereby consolidated for hearing and disposition.

(B) Pursuant to the authority of the Natural Gas Act, particularly section 7, 3 and 15 thereof, the Commission's Rules of Practice and Procedure (18 CFR Chapter I, Subchapter E), a prehearing conference shall be held on April 26, 1977, commencing at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20240, to discuss procedural issues and the clarification of issues.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the prehearing conference in this proceeding with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and serve, and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(D) The aforementioned petitioners are permitteed to intervene, subject to the rules and regulations of the Commission provided that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene and provided further that the admission of such intervenor shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order issued by the Commission in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11922 Filed 4–26–77;8:45 am]

[1] A settlement has been filed with the Commission in respect to the jurisdictional status of the Everett terminal and sales to Massachusetts in Docket No. CP70–196 of which Boston Gas is a signatory.

[Docket No. RP77–53]

CITY OF BLOUNTSTOWN, FLORIDA AND ABITIBI CORP.

Joint Petition for Interim and Permanent Extraordinary Relief

APRIL 20, 1977.

Take notice that on April 11, 1977, the City of Blountstown, Florida (Blountstown), on behalf of the Abitibi Corporation (Abitibi) and Abitibi filed a petition, pursuant to sections 4(b), 5(a), 13, 14(a), and 16 of the Natural Gas Act, § 1.7(b) of the Commission's Rules of Practice and Procedure, § 2.78(b) of the Commission's General Policy and Interpretations, and the Emergency Natural Gas Act of 1977, for interim and permanent extraordinary relief from curtailment by Florida Gas Transmission Company (Florida Gas). Petitioners request interim relief in the volume of up to 2,200 therms of natural gas per day and permanent relief from curtailment to Blountstown for resale to Abitibi in such minimal volumes requested, or, alternatively, permanent firm gas sales to Abitibi in volumes not exceeding 2,200 therms per day on every day of curtailment when a minimum of 2,200 therms of natural gas would not be available on an interruptible basis.

Blountstown is a direct customer of Florida Gas with an annual volumetric entitlement of 720,000 therms of firm deliveries (Rate Schedule G) and 3,250,000 therms deliverable for preferred interruptible customers. Abitibi has an annual volumetric entitlement of 3,000,000 therms as a preferred interruptible customer and no other source of natural gas. It operates a plant in Blountstown that manufactures insulated fibreboard sheathing through a unique closed-water zero-effluent system.

In support of their request for extraordinary relief, petitioners assert, among other things, that: (1) Abitibi utilizes natural gas for four major functions, namely, office heating and plant protection, boiler and dryer combustion, to fuel its boiler, and to fuel two large dryers; (2) Abitibi has just sustained a period of 22 days of 100 percent curtailment, and manufactures a product for a highly competitive market wherein the inability to insure deliveries has a severe economic impact; (3) the plant protection volumes sought are essential to prevent physical harm to the plant itself and danger to plant personnel; (4) Abitibi's experience with the use of propane for office heating has been insufficient to determine average winter monthly demand; (5) minimal amounts of natural gas are necessary in the plant for combustion purposes; (6) the volumes of natural gas sought by the instant petition are for high priority end uses for which Abitibi has no alternate fuel; and (7) Abitibi is one of Blountstown's largest employers with a work force of 100 persons in an economically depressed area.

Any person desiring to be heard or to make protest with reference to said petition should on or before May 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–12060 Filed 4–26–77;8:45 am]

[Docket No. RP77–43]

CITY OF TALLAHASSEE, FLORIDA v. FLORIDA GAS TRANSMISSION CO.

Extension of Time

APRIL 19, 1977.

On April 15, 1977, Florida Gas Transmission Company filed a motion for an extension of time to answer the complaint in the above-designated proceeding which was served on them on March 30, 1977.

Upon consideration, notice is hereby given that the date for answering the complaint is extended to and including May 9, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–12071 Filed 4–26–77;8:45 am]

[Docket No. CP77–196]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 20, 1977.

Take notice that on April 6, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77–196 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 1,000 Mcf of natural gas per day for Federal Glass Division of Federal Paper Board Company, Inc. (Federal) all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,000 Mcf of natural gas per day for 2 years for Federal, which volumes would be received by Applicant into its Line FJ–172 in Lafayette Township, Coshocton County, Ohio, from Pominex, Inc. (Pominex) for redelivery to Columbia Gas of Ohio, Inc. (Columbia Ohio), a wholesale customer of Applicant, and Columbia Ohio would transport the gas to a point of delivery in Columbus, Ohio for use by Federal at its Columbus, Ohio operation. Applicant states that on February 11, 1977, it received temporary authorization to transport the proposed volumes of natural gas in the instant docket.

Applicant states that Federal was advised by Columbia, Ohio on February 1, 1977, that its curtailment for non-substitutable industrial process gas was increased to 85 percent, which equated to a curtailment of 4,251 Mcf per day in its Priority 2 usage. Federal's Columbus, Ohio operation manufactures household glass products in which production process gas is used for melting, glazing, burning-off, cracking-off and annealing units, and an alternate fuel cannot be used for processes due to the need for a uniform flame size and temperature and the presence of harmful products of oil combustion, it is said. Applicant indicates that Federal employs 1,200 people in its plant located in Columbus and is the fifth largest employer in Franklin County, Ohio.

It is stated that on May 30, 1975, Pominex and Federal entered into a Natural Gas Development and Purchase Agreement, and under this agreement, Pominex has developed two wells in Coshocton County, Ohio, from which Federal would purchase the proposed volumes of gas to be transported. It is further stated that Federal has agreed to take-or-pay 30,000 Mcf of gas per month for a term of five years from the date of first delivery. Federal would only be required to pay only for that amount of gas actually available for delivery by Pominex in any month if such volume is less than 30,000 Mcf, it is said.

It is indicated that the gas produced from these 2 wells has never been sold in interstate commerce and that it would not be made available to the interstate market due to the availability of intrastate markets at intrastate prices.

Applicant states that Federal would purchase the gas from Pominex at $1.75 per Mcf for the first year after the first delivery date and $1.8725 per Mcf for the second year. It is indicated that Pominex would need to construct approximately 3.5 miles of pipeline and gathering line with appurtenant facilities at a cost of approximately $75,000 in order to deliver the gas into Applicant's line. It is stated that Federal has agreed to pay 15.0 cents per Mcf for all gas delivered to its facility at Columbus, Ohio for the first four years after first delivery date and 10.0 cents thereafter in order to amortize this cost. Applicant states that it would not be required to construct any additional facilities to perform the proposed transportation service.

Applicant states that its transportation charge for this service would be its average systemwide unit gathering, storage and transmission costs exclusive of company-use and unaccounted-for gas, which is 24.75 cents per Mcf effective November 1, 1976, and Applicant would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Federal, which percentage is currently 3.1 percent.

It is indicated that the gas proposed to be transported is subject to diversion to Applicant in emergency periods when, in Applicant's sole judgment, such gas is required for the protection of its Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH P. PLUMB,
Secretary.

[FR Doc.77-12059 Filed 4-26-77;8:45 am]

[Docket No. CP77-204]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 20, 1977.

Take notice that on April 11, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) authorizing the transportation of natural gas for Robert P. Shreve, Superintendent of Mahoning County Schools and Agent for Mahoning County Joint Vocation School District, West Branch Local School District, Sebring Local School District, South Range Local School District, Canfield Local School District, Columbiana Exempted Village School District, Cambridge City School District, Harrison Hills Local School District, East Guernsey Local School District, Rolling Hills Local School District and Sheffield-Sheffield Lake City School District (Schools), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 837 Mcf per day for the period February 19, 1977 to March 25, 1977 for the proposed schools from a mutually agreeable point of receipt in Mahoning County, Ohio, from Mutual Oil and Gas Company (Mutual) for redelivery for the account of Schools to Columbia Gas of Ohio, Inc. (Columbia Ohio), a wholesale customer of Applicant.

Applicant states that Schools were advised by Columbia Ohio on February 1, 1977 that their fuel allocations for the 1976-77 winter season had either been fully utilized or that only maintenance volumes were available to them. Applicant further states that on February 16, 1977 it received temporary authorization in the instant docket to transport up to 752 Mcf of gas per day for Schools, and on February 20, 1977, the Commission amended the authorization to include an additional 85 Mcf of gas per day for Sheffield-Sheffield Lake School District, which has been excluded through inadvertence from the original request. Applicant indicates that the proposed service commenced on February 19, 1977 and discontinued on March 25, 1977, at the request of the Schools.

Applicant states that it would transport up to 837 Mcf per day for the schools, and the gas so transported would be received into Applicant's Line V-W11449 in Milton Township, Mahoning County, Ohio and would be redelivered at existing points of delivery to Columbia Ohio. Columbia Ohio would make the subject gas available to the Schools through existing distribution facilities.

It is stated that Mutual has contracted to sell to Schools gas produced from a well located in Berling Township, Mahoning County, Ohio, for a term of 50 days following the first delivery date, and Schools would pay Mutual $2.13 per Mcf for such gas.

Applicant states that it has available pipeline capacity, without the construction of additional facilities, to perform the proposed transportation service. Applicant indicates that its transportation charge for this service would be its average system-wide unit gathering, storage and transmission costs, exclusive of company-use and unaccounted-for gas, which is 24.75 cents per Mcf effective November 1, 1976, and Applicant would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Schools, which percentage is currently 3.1 percent.

It is stated that the natural gas which Schools would purchase from Mutual is not available to the interstate market. It is asserted that the gas proposed to be transported would supply the curtailed volumes which Schools is experiencing in its Priority 2 uses.

The gas proposed to be transported is subject to diversion to Applicant in emergency periods when in Applicant's sole judgment, such gas is required for the protection of Priority 1 requirements on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12058 Filed 4-26-77;8:45 am]

[Docket No. CP72-189]

COLUMBIA GULF TRANSMISSION CO.

Tariff Filings

APRIL 20, 1977.

Take notice that on April 15, 1977, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing tariff sheets to its FPC Gas Tariff, Original Volume No. 2, consisting of the following:

Second Revised Sheet Numbers 62, 63, 70, 71 and 74 Superseding First Revised Sheet Numbers 62, 63, 70, 71 and 74.

Third Revised Sheet Number 72 and 73 Superseding Second Revised Sheet Numbers 72 and 73.

First Revised Sheet Numbers 80, 81, 89 and 90 Superseding Original Sheet Numbers 80, 81, 89 and 90.

Columbia Gulf inadvertently revised the tariff sheets in Rate Schedule X-9 when it should have revised the tariff sheets in Rate Schedule X-10 in its FPC Gas Tariff, Original Volume No. 2. This filing is being made to correct that error.

The enclosed filing is being made in compliance with the Commission's order issued June 11, 1976 in Docket No. CP72-189 with a proposed effective date of May 11, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 6, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance wih the requirements of the Commission's Rules of Practice and Procuredure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12064 Filed 4-26-77;8:45 am]

[Docket No. CP77-195]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 19, 1977.

Take notice that on April 4, 1977, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-195 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 1,000 Mcf of natural gas per day for Empire-Detroit Steel Division of Cyclops Corporation (Empire), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 1,000 Mcf of natural gas per day for Empire, which volumes would be received by Applicant into its Line L-2240 in Richland County, Ohio, at a specific point to be mutually agreed upon, and Applicant would redeliver the gas to Columbia Gas of Ohio, Inc. (Columbia Ohio), a wholesale customer of Columbia, at an existing point of delivery near Mansfield, Ohio. The proposed transportation service is for a period of 2 years.

Applicant states that Empire was advised by Columbia Ohio on February 1, 1977, that its curtailment for non-substitutable industrial process gas was increased to 85 percent, and Empire estimated that its shortfall in process gas through March 31, 1977, would be 11,062 Mcf of natural gas per day. Applicant indicates that it was granted temporary authorization on February 11, 1977, in the instant docket to transport up to 1,000 Mcf of natural gas per day for Empire.

Applicant states that Empire's Mansfield plant produces about 75,000 ingot tons of steel per month which is manufactured in flat rolled steel products, and the gas proposed to be transported is for process uses in the operation of slab heating furnaces, cold mill annealing furnaces, cold mill inert gas generator and melt shop ladle, heating and stopper rod furnace. Applicant asserts that in these processes used oil cannot be substituted because of its potentially harmful effects on the steel being processed. Empire employs approximately 1,300 people in the Mansfield area and is the third largest employer in Richland County, Ohio, it is said.

Applicant further states that all of the gas to be transported would be produced from wells owned by Empire in Monroe Township, Richland County, Ohio, and Empire has affirmed that none of the gas produced from these wells has ever been sold in interstate commerce.

Applicant indicates that it would use its existing facilities to render the proposed transportation services. Applicant states that it would charge Empire its average system-wide unit storage and transmission costs exclusive of company-use and unaccounted for gas, which is 22.21 cents per Mcf effective November 1, 1976, and would retain for company-use and unaccounted-for gas a percentage of the total volumes received for the account of Empire which percentage is currently 3.1 percent.

It is stated that the gas proposed to be transported is subject to diversion to Applicant in emergency periods when, in Applicant's sole judgment, such gas is required for the protection of Priority 1 requirements on its system.

Applicant asserts that the gas proposed to be transported would supply the curtailed volumes which Empire is experiencing in its "high priority" uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12070 Filed 4-26-77;8:45 am]

[Docket No. CP77-329]

DELMARVA POWER AND LIGHT CO.

Application

APRIL 19, 1977.

Take notice that on April 5, 1977, Delmarva Power & Light Company (Applicant), a customer of Transcontinental Gas Pipe Line Corporation (Transco), 800 King Street, Wilmington, Delaware 19899, filed in Docket No. CP77-329 an application pursuant to Section 3 of the Natural Gas Act for authorization to import up to 225,000 Mcf of vaporous equivalent of liquefied natural gas (LNG) from Montreal, Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import 225,000 Mcf vaporous equivalent of LNG during the months of May through November 1977, from Montreal, Canada to its LNG storage facility located in Wilmington, Delaware. Applicant states that the LNG which it proposes to import would be purchased from Gaz Metropolitain, Inc. (Gas Metro) of Montreal, Canada. Gaz Metro would sell the LNG to Applicant at the point of loading into trucks at its Montreal storage facility and the LNG would be transported to Applicant's storage facility in Wilmington, Delaware, by cryogenic semitrailer tanker trucks owned or operated by Gas Incorporated (Gas Inc.), a motor common carrier of Lowell, Massachusetts, it is said. Applicant states it would pay Gaz Metro $2.60 per Mcf equivalent for all LNG delivered during the months of May through October 1977, and $2.80 per Mcf equivalent LNG during the month of November, 1977. Applicant states it would pay Gas Inc. approximately $1.32 per Mcf equivalent to transport this LNG from Montreal to Wilmington. Applicant asserts that no new or additional facilities are necessary to effectuate this importation of LNG.

Applicant indicates that the proposed importation of 225,000 Mcf vaporous equivalent of LNG would be purchased from Gaz Metro during 1977 and would be delivered to Applicant during the following months:

	In thousands of cubic feet
May	50,000
June	50,000
July	50,000
October	25,000
November	50,000

Applicant indicates that it relies upon Transco for its entire supply of pipeline-delivered natural gas, and that during this past winter season the severe levels of curtailment experienced on the Transco system together with the abnormally cold weather prevailing in Applicant's service area required Applicant to curtail service to many of its high-priority commercial and industrial customers and resulted in unemployment and great hardship to the consuming public. Applicant asserts that it desires to take the steps and actions now which would help to avoid curtailment of these high-priority requirements next winter, and that the LNG to be imported and purchased from Gas Metro and placed in Applicant's storage facilities is such a step. Applicant further states that all the volumes of LNG proposed to be imported would be used only to serve high-priority requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12068 Filed 4-26-77;8:45 am]

[Docket No. R-478]

EL PASO NATURAL GAS CO.

Report of Intended Disposition of Refunds

APRIL 19, 1977.

Take notice that on March 4, 1977, El Paso Natural Gas Company ("El Paso") tendered for filing and acceptance its report of intended disposition of refunds received in compliance with ordering paragraph (D) of the Commission's Opinion No. 749, as amended, issued December 31, 1975.[1]

El Paso states that the instant report pertains to producer-supplier refunds received by El Paso pursuant to Opinion No. 749 aggregating $25,471,247.49, inclusive of interest and applicable to purchases made during the period March 14, 1972, through September 30, 1976. Of such amount, $25,435,871.40 is applicable to El Paso's current interstate system operations and $35,376.09 is applicable to El Paso's former Northwest Division System operations.[2]

El Paso further states that, as to its interstate system, the intended disposition of the portion of the above $25,435,871.40 to its jurisdictional customers entitled thereto is consistent with the direct flow through procedure as provided under Article XIV of the order issued February 16, 1977, at Docket Nos. RP72-150, et al. Included as a part of the intended disposition of refunds to El Paso's interstate system jurisdictional customers entitled thereto is the payment of additional interest by El Paso, computed in accordance with the provisions of said Stipulation and Agreement approved at Docket Nos. RP72-150, et al.[3] With respect to the $35,376.09 in producer-supplier refunds applicable to El Paso former Northwest Division System, El Paso proposes to refund such amount to Northwest for crediting to Northwest's Account 191, Unrecovered Purchased Gas Cost, in accordance with the provisions of the Stipulations and Agreements approved at Docket Nos. RP71-14, et al, and Docket No. RP73-109.[4]

El Paso states that it proposes to flow through the subject refund amounts to those customers entitled thereto on April 1, 1977, or immediately thereafter upon Commission approval of the instant filing.

Additionally, El Paso states that currently effective Section 19 of its FPC Gas Tariff, Original Volume No. 1, provides that refunds received from producer-suppliers applicable to the period subsequent to August 13, 1972, shall be recorded as a credit to Account 191. Unrecovered Purchase Gas Cost.[5] However, under Article XIV of the Stipulation and Agreement approved at Docket Nos. RP72-150, et al., provision is made for El Paso to make a cash refund to its jurisdictional customers, in lieu of crediting such refunds to Account 191, if El Paso received from its producer-suppliers within any 120 day interval refunds aggregating $10 million or more as a result of a single Commission order. To implement such procedure, said Stipulation and Agreement contains appropriate revisions to Section 19 of El Paso's currently effective FPC Gas Tariff. In view of these circumstances, El Paso has requested that the Commission grant waiver of currently effective Section 19.7 (c) of El Paso's Original Volume No. 1 tariff in order to permit the direct cash flow through of the producer-supplier refunds as described herein.

El Paso states that a copy of the instant filing has been served upon each of El Paso's current interstate system affected customers and interested state regulatory commissions, as required by ordering paragraph (D) of Opinion No. 749, as amended. Further, El Paso states that copies, together with only the attachments applicable to El Paso's former Northwest Division System, have been served on Northwest Pipeline Corporation, El Paso's former Northwest Division System customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12074 Filed 4-26-77;8:45 am]

[Docket No. E-9574]

FLORIDA POWER AND LIGHT CO.

Amendment to Application

APRIL 19, 1977.

Take notice that on April 12, 1977, Florida Power and Light Company ("FP&L") pursuant to Section 203 of the Federal Power Act and Sections 1.7 and 1.11 of the Federal Power Commission's ("Commission") Rules of Practice and Procedure, submitted an amendment to its application filed November 26, 1976 in Docket No. E-9574.

On November 26, 1976, FP&L filed an application for an order authorizing the purchase by FP&L of the electric system of the City of Vero Beach, Florida (Vero Beach). As part of its application, FP&L attached as Exhibit L its Offer to Purchase submitted to Vero Beach dated May 27, 1976, with Addenda dated July 22, 1976 and July 23, 1976 and Vero Beach resolutions. Subsequently, FP&L and Vero Beach have entered into a new contract which supersedes the Offer to Purchase, as amended, and the Memorandum of Understanding dated November 16, 1976 (Exhibit L to FP&L's Application). The new contract incorporates several modifications, eliminates certain clauses and provisions which, through the passage of time, became obsolete, and changes the language in the Offer to Purchase, as amended, to affirmative contract terms. The original contract had an expiration date of March 31, 1977. The new contract, which became effective March 29, 1977, extends the date of acquisition to occur within 45 days of the Commission's order in Docket No. E-9574 or by November 30, 1977, whichever occurs first.

Any person desiring to be heard or to make any protest with reference to said amendment should, on or before May 16, 1977, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. The amendment is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12075 Filed 4-26-77;8:45 am]

[Docket No. ER77-290]

INDIANAPOLIS POWER & LIGHT CO.

Changes in Rates and Charges

APRIL 19, 1977.

Take notice that Indianapolis Power & Light Company (Indianapolis Company) on April 7, 1977, tendered for filing the Sixth Supplemental Agreement dated as of June 1, 1976, to the Interconnection Agreement dated May 1, 1962, as amended, between Indianapolis Company and Public Service Company of Indiana, Inc. (Service Company), designated Indianapolis Rate Schedule FPC No. 2.

Indianapolis Company indicates that the Sixth Supplemental Agreement (1) establishes a new delivery point known as the Carmel Tap Point for the supply of power by Indianapolis Company to Service Company for resale to ultimate consumers of Service Company served from its Carmel Substation; (2) delineates the respective responsibilities of the parties as to the facilities necessary to establish the Carmel Tap Point; (3) compensates Indianapolis Company for losses; (4) provides for a demand charge of 45 cents per kilowatt month and a maximum demand on Indianapolis Company's system of 50 megawatts; and (5) limits the duration of the Carmel Tap Point to five (5) years without further agreement of the parties.

Indianapolis also indicates that the Sixth Supplemental Agreement also includes within the 1962 Agreement, the existing Whitestown Interconnection Point established by a Facilities Agreement dated April 24, 1968 among Indianapolis Company, Service Company and Indiana & Michigan Electric Company, a copy of which was made a part of this filing.

Waiver of any requirements of Section 35.13 of Commission's Regulations under the Federal Power Act not already complied with is requested. It is further requested that the Sixth Supplemental Agreement become effective June 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12072 Filed 4-26-77;8:45 am]

[Docket No. ES77-29]

IOWA ELECTRIC LIGHT AND POWER CO.

Application

APRIL 19, 1977.

Take notice that on April 11, 1977 the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding 1,000,000 shares of Common Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the state of Iowa.

The Common Stock is to be issued on approximately June 23, 1977. The Common Stock is subject to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock and to the prior rights and preferences of the existing outstanding classes of Cumulative Preference Stock. The price to the Company for the Common Stock will be determined by competitive bidding on the basis of the person or persons offering the highest price to the Company.

According to the Applicant, the purpose for which the Common Stock is to be issued is for the Company's continuing construction program and for repayment of outstanding commercial paper which as of February 28, 1977 aggregated $13,500,000.

Any person desiring to be heard or to make protest with reference to this Application should on or before May 6, 1977 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12067 Filed 4-26-77;8:45 am]

[Docket No. ER76-249]

LAKE SUPERIOR DISTRICT POWER CO.

Order Accepting for Filing and Making Effective Revised Fuel Adjustment Clause and Denying Waiver

APRIL 15, 1977.

Electric Rates: Acceptance for Filing.

On December 29, 1976 (completed on March 18, 1977), Lake Superior District Power Company (LSDP) tendered for filing a revised fuel adjustment clause applicable to LSDP's contract for electric service with North Central Power Co., Inc. (NCP).[1] LSDP requests waiver of the Commission's notice requirements and an effective date of January 1, 1977.

The proposed revised fuel adjustment clause provides for a .001¢/kWh adjustment for each .001¢ increase or decrease in the current month's fuel cost from the base cost of fuel of 5.04 mils/kWh. Implementation of the proposed fuel clause would result in a $19,241 increase in charges to NCP for the 12 month period ending December 31, 1977.

Our review of the proposed fuel adjustment clause indicates that it has been derived in conformance with the requirements of Order No. 517. The increase in revenue collected under the proposed clause is due to the inclusion of fuel costs associated with purchased power, the net energy cost of purchases made on an economic dispatch basis, and fuel costs associated with intersystem sales. In addition, the fuel clause has been revised to

[1] Designated as: Lake Superior District Power Company, Supplement No. 1 to Rate Schedule FPC No. 21.

[1] On January 13, 1977, El Paso filed a motion to extend the date for submitting its plan for flow-through of refunds as required by Opinion No. 749, as amended by Opinion No. 749-C, from January 15, 1977, to March 1, 1977. By order issued January 27, 1977, at Docket No. R-478, the Commission granted such motion. Due to the then-pending final resolution of certain aspects herein, El Paso was unable to file on March 1, and therefore, hereby respectfully requests that this submittal be accepted for filing out of time.

[2] On September 21, 1973, the Commission granted approval at Docket Nos. CP74-14, et al., permitting El Paso to abandon the Northwest Division System properties and authorizing Northwest Pipeline Corporation ("Northwest") to acquire such properties. Divestiture of El Paso's Northwest Division System properties to Northwest was consummated as of January 31, 1974.

[3] Also included in the intended disposition of refunds received is the flow through, inclusive of additional interest, to certain of El Paso's interstate system direct industrial customers whose sales agreements are "keyed" to the refund requirements of El Paso's interstate system jurisdictional customers.

[4] Northwest has advised El Paso that Northwest and its customers have agreed that refunds attributable to Opinion No. 749 will be credited to FPC Account 191 and are therefor agreeable to crediting Northwest's Account 191 with the subject refund amounts from El Paso.

[5] See Section 19.7(c) of El Paso's Original Volume No. 1 tariff.

reflect the cost of fuel in the month immediately preceding the billing month instead of the 12 month moving average fuel cost used in the present clause.

By letter dated December 29, 1976, NCP requested that the Commission defer the implementation of LSDP's proposed fuel adjustment clause until NCP receives a rate order from the Public Service Commission of Wisconsin concerning its general retail rate increase[2] which would allow NCP to pass through fuel costs and purchased power costs to its retail customer

As the present contract with NCP already contains a fuel adjustment clause, and since action on an automatic adjustment clause for NCP's retail customers is forthcoming, deferral of the effectiveness of the revised fuel clause until the Wisconsin Commission issues an order is not warranted.

In light of the foregoing, we shall accept for filing the revised fuel adjustment clause in Supplement No. 1 to Rate Schedule FPC No. 21, to become effective April 18, 1977.

The Commission finds: (1) Good cause has not been shown to warrant waiver of the prior notice requirements so as to permit an effective date of January 1, 1977.

(2) Good cause exists to accept LSDP's revised fuel adjustment clause, as described above, with an effective date of April 18, 1977.

The Commission orders: (A) LSDP's request for waiver of the prior notice requirement is hereby denied.

(B) The proposed revised fuel adjustment clause, Supplement No. 1 to Rate Schedule FPC No. 21, is hereby accepted for filing to become effective April 18, 1977.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary

[FR Doc.77-12066 Filed 4-26-77;8:45 am]

[Docket No. RI77-59]

MARTIN EXPLORATION CO.

Petition for Special Relief

APRIL 20, 1977.

Take notice that on April 12, 1977, Martin Exploration Company (Petitioner), 3501 North Causeway Boulevard, Suite 901, Metairie, Louisiana 70002, filed a petition for special relief in Docket No. RI77-59, pursuant to Commission Order No. 481.

Petitioner seeks authorization to charge $2.08 per Mcf for gas sold to Transcontinental Gas Pipeline Corporation from Martin Well No. 2, Lac Des Allemands Field, St. John the Baptist and St. Charles Parish, Louisiana. Petitioner proposes to reenter and rework Martin No. 2 Well in order to restore production. Petitioner states that unless the requested increase from $.35 per Mcf to $2.08 per Mcf is granted further production would be uneconomical.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12061 Filed 4-26-77;8:45 am]

[Docket No. ER77-304]

MISSISSIPPI POWER & LIGHT CO.

Proposed Purchase Agreement

APRIL 20, 1977.

Take notice that on April 13, 1977, Mississippi Power & Light Company (MP&L) tendered for filing an Agreement for Purchase of Power between MP&L and the Southwest Mississippi Electric Power Association at Peetsville, Mississippi in substitution for an unexecuted Agreement for Purchase of Power filed on November 10, 1976 and accepted for filing on January 17, 1977, in Docket No. ER77-49 which became effective on September 21, 1976, the date of initiation of service.

MP&L states that its Rate Schedule REA-14 (Revised) incorporated therein was heretofore filed with the Commission on October 26, 1976, in Docket No. ER77-830 and is the currently effective tariff for service to its electric power associations pending action of the Commission in Docket No. ER76-830.

MP&L requests that the executed agreements be made effective May 13, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12062 Filed 2-26-77;8:45 am]

[Docket No. ER77-297]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Supplement to Interconnection Agreement

APRIL 20, 1977.

Take notice that on April 12, 1977, Public Service Company of New Mexico (PNM) tendered for filing three new Service Schedules to the Master Interconnection Agreement between PNM and Plains Electric Generation and Transmission Cooperative, Inc. (Plains), and designated PNM Rate Schedule FPC No. 31. The Service Schedules provide for wheeling services for both parties and the interchange of economy energy.

PNM requests waiver of the notice requirements pursuant to § 35.11 of the Commission's regulations so that two of the Service Schedules, Schedule D and Service Schedule F may become effective as of May 1, 1977 and February 28, 1977, respectively. PNM states that the proposed rates have been agreed upon by the parties and that copies of the filing have been mailed to Plains and to the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12063 Filed 4-26-77;8:45 am]

[Docket No. CP77-323]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Application

APRIL 19, 1977.

Take notice that on March 29, 1977, South Texas Natural Gas Gathering Company (Applicant), Five Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CP77-323 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon 7,000 horsepower of compression facilities located in three stations on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the Commission's order of August 19, 1976 in Docket No. RP75-61 it was required to review its compression facilities in order to determine if all of such facilities are needed. Applicant further states that pursuant to the Commission's order issued in said docket it has concluded a review of its compression facilities and determined that the following compression facilities are no longer required to transport and deliver the available gas supplies on Applicant's system:

Two 1,000 horsepower Compressors at Thompsonville Station in Jim Hogg County, Texas.
One 4,000 horsepower Compressor at Freer Station in Webb County, Texas.
One 1,000 horsepower Compressor at Kelsey Station in Brooks County, Texas.

Applicant indicates that the cost to abandon these facilities is minimal. Applicant states that none of these compressors have been in service for the last two years.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12073 Filed 4-26-77;8:45 am]

[Docket No. CP77-321]

SOUTHERN NATURAL GAS CO.

Application

APRIL 20, 1977.

Take notice that on April 8, 1977, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP77-321 an application pursuant to Section 7 of the Natural Gas Act so to authorize the transportation of up to 3,000 Mcf of natural gas per day at 15,025 psia for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been informed by Transco that it has purchased certain gas production from State Lease 6469 Well No. 1 located in the Loisel Area, Iberia Parish, Louisiana, and is obligated to transport certain other gas production from the well as agent and representative for the owners of certain working interests therein.

Applicant states it would accept the subject gas at the inlet side of its meter located at Applicant's Fish Island Receiving Station, Iberia Parish, Louisiana, from Transco and would transport and deliver or cause to be delivered an equivalent volume of gas, less 3½ percent for fuel and company used and unaccounted for volumes and adjusted for differences in Btu content, to an existing point of interconnection between the respective systems of Applicant and Transco near Jonesboro, Georgia.

Applicant asserts that the proposed transportation and delivery is to the benefit of Transco's customers. Applicant states that the service proposed to be rendered by Applicant is subject to partial or total interruption from time to time and for such periods as Applicant deems operating conditions require. Applicant indicates that it would utilize its existing facilities to render the proposed transportation service.

It is stated that Transco would pay Applicant during each month a transportation charge as follows:

(1) A Demand Charge: Fixed amount per month for the operation and maintenance of metering facilities at the delivery point, $90.00.

(2) A Commodity Charge: Per 1,000 cubic feet at 14.73 psia of gas redelivered at the redelivery point, 29.2 cents.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12065 Filed 4-26-77;8:45 am]

[Docket No. CP77-303]

SOUTHWEST GAS CORP.

Application

APRIL 19, 1977.

Take notice that on March 16, 1977,[1] Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No CP77-303 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of tap and appurtenant facilities at Kingsbury Grade and at Incline Village, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a minor tap and appurtenant facilities at Kinsbury Grade on the South Tahoe Lateral of Applicant's Northern Nevada Transmission System, and at Incline Village on the North Tahoe Lateral of Applicant's Northern Nevada Transmission System to enable Applicant to deliver volumes of gas to its Priority 1 residential users in four residential duplex units at Kingsbury Grade and in one residential unit at Incline Village. Applicant states that the volumes of gas for delivery to each residential unit would be approximately .45 Mcf of natural gas per average day; peak day requirements would be approximately 1.26

[1] The application was initially tendered for filing on March 16, 1977; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 11, 1977; thus, filing was not completed until the latter date.

[2] On November 16, 1976, a public hearing was held before the Public Service Commission of Wisconsin, Docket No. 4190-ER-1 wherein NEP requested a 22% general rate increase in retail rates as well as an energy adjustment clause.

Mcf of natural gas per day; and annual deliveries would reach approximately 167 Mcf of natural gas. Applicant further states that it has adequate capacity in its pipeline facilities to make the deliveries.

The estimated cost of the proposed facilities would be approximately $325 at Incline Village and $3,134 at Kingsbury Grade which would be financed through an advance made to Applicant by the developer.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12069 Filed 4-26-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 21, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 16, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the regulatory Reports Review Staff, 202-275-3532.

FEDERAL COMMUNICATIONS COMMISSION

FCC is requesting clearance of a new Request For Supplemental Data For Application License On Domestic Satellite Earth Station For Applicant Whose Program Uses Small Disk Antenna. FCC Report and Order 76-1169 authorizes the use of small diameter satellite earth station antennas (down to 4.5 meters) provided applicant provides required certain supplemental data in its application to demonstrate that acceptable objectives can be achieved by their proposed facilities. Potential respondents are cable television operators and FCC estimates respondent burden to be 16 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-12055 Filed 4-26-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting on May 3-4, 1977, from 9 a.m. to adjournment, National Institutes of Health, Building 31C, Conference Room 7, of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, which was published in the FEDERAL REGISTER on April 13, 1977, (42 FR 19402.)

This meeting was to have convened for two days starting at 9 a.m. on May 3-4, 1977, National Institutes of Health, Building 31C, Conference Room 7, but has been changed to one day only, May 3, 1977, starting at 9 a.m. to adjournment at the same location.

The meeting will be open to the public on May 3, 1977, 9 a.m. to adjournment. Attendance by the public will be limited to space available.

Dated: April 20, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-12025 Filed 4-26-77;8:45 am]

CANCER TREATMENT DIVISION, CLINICAL INVESTIGATIONS BRANCH, COOPERATIVE GROUP CHAIRMEN

Meeting

Notice is hereby given of the Cooperative Group Chairmen Meeting of the Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, June 14, 1977, Building 31, C Wing, Conference Room 8, Bethesda, Maryland 20014.

This meeting will be open to the public from 9 a.m. to adjournment, to discuss and review cooperative group clinical, operational, and procedural activities. Attendance by the public will be limited to space available.

For additional information, please contact Dr. Hugh L. Davis, Jr., Special Assistant for the Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, National Institutes of Health, Room 114, Blair Building, Bethesda, Maryland 20014, 301-427-8097.

Dated: April 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-12032 Filed 4-26-77;8:45 am]

CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS, DATA EVALUATION SUBGROUP

Meeting

Notice is hereby given of a change in the meeting of the Data Evaluation Subgroup of the Clearinghouse on Environmental Carcinogens, National Cancer Institute, May 31, 1977, which was published in the FEDERAL REGISTER on April 13, 1977 (42 FR 19402).

The Data Evaluation Subgroup and the Risk Assessment Subgroup of the Clearinghouse will meet in joint session on May 31, 1977, in Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland. The entire meeting will be open to the public from 8:30 a.m. to adjournment to consider criteria for data evaluation and risk assessment and review bioassay reports. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members, upon request. Dr. James M. Sontag, Executive Secretary, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5108) will furnish substantive program information.

Dated: April 20, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-12030 Filed 4-26-77;8:45 am]

CLINICAL TRIALS REVIEW COMMITTEE, NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, May 23-25, 1977, in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 9 a.m. on May 23, 1977, to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 23, 1977 from 9 a.m. to adjournment and from 8:30 a.m. to adjournment on May 24, and 25, 1977, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone 301-496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: April 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-12029 Filed 4-26-77;8:45 am]

NATIONAL CANCER INSTITUTE COMMITTEES

Renewals

The Director, National Institutes of Health, announces the renewal of charters on April 15, 1977, of the advisory committees indicated below by the Acting Director, National Cancer Institute, under the authority of section 410 (a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name:
Clinical Trials Committee
Combined Modality Committee
Developmental Therapeutics Committee
Drug Development Committee

Purpose: These committees provide advice on the scientific merit of proposals for contracts submitted in the areas of clinical trials, combined modality, developmental therapeutics, and drug development.

Three of the committees will terminate two years from the date of renewal, unless renewed by appropriate action as authorized by law. The Drug Development Committee will terminate on October 1, 1977.

Dated: April 18, 1977.

DONALD S. FREDERICKSON, M.D.,
Director, National Institutes of Health.

[FR Doc.77-12026 Filed 4-26-77;8:45 am]

NATIONAL DIABETES ADVISORY BOARD, NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Diabetes Advisory Board on May 20, 1977, (times below), in Conference Room 4137, in the North Building of Health, Education, and Welfare, at 330 Independence Avenue, Southwest, Washington, D.C.

In addition, the below listed subcommittees of the Board will have meetings from 9 a.m. to 5 p.m. on May 19, Building 31, National Institutes of Health, Bethesda, Maryland: the Board Staffing and Budget Subcommittee will meet in Room 7A24; the Board Structure and Organization Subcommittee will meet in Room 9A51; the Diabetes Program Budget Subcommittee will meet in Room 10A24.

The entire advisory board meeting, which will be open to the public from 9 a.m. to 5 p.m., is being held to discuss the organization and staffing, and to continue its review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. The subcommittee meetings will be open to the public 9 a.m. to 5 p.m. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: April 20, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-12028 Filed 4-26-77;8:45 am]

MAMMALIAN CELL LINES COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mammalian Cell Lines Committee, National Institute of General Medical Sciences on June 14-15, 1977, 1 p.m., Conference Room 4, Building 31A, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 14 to discuss procedural matters and issues relevant to the Genetics Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 15 from 9 a.m. until adjournment for the review, discussion, and evaluation of institutional grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Maryland 20014, Telephone 301-496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Dr. Michael I. Goldberg, Executive Secretary, Mammalian Cell Lines Committee, Westwood Building, Room 910, Telephone 301-496-7175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program 13-862, General Medical Sciences Genetics Program.)

Dated: April 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-12033 Filed 4-26-77;8:45 am]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Digestive Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases on June 1, 1977, Conference Room 6, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland 20014. The entire meeting will be open to the public from 9:30 a.m. to 5 p.m. Attendance by the public will be limited to space available.

The meeting is being held to discuss scheduling of public hearings and logistical support of the Commission, and to establish the work groups who will be carrying out the mission of the Commission.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A-04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: April 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-12081 Filed 4-26-77;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, June 15, 1977, Conference Room 7, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public on June 15 from 9 a.m. to 10:30 a.m., during which time there will be a brief staff presentation on the current status of the Primate Research Centers Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 15, from 10:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014, 301-496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Primate Research Centers Advisory Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20014, 301-496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Dated: April 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-12084 Filed 4-26-77;8:45 am]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Recombinant DNA Molecule Program Advisory Committee on May 14-15, 1977, 9 a.m., at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public on May 14, from 9 a.m. to 5 p.m., and May 15, from 9 a.m. to 3 p.m. to discuss: guidelines for research involving recombinant DNA molecules, the status of research in the field, research studies required, the mechanisms by which such studies should be supported, and the identification of facilities and resources needed in their performance. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 15 from 3 p.m. to 5 p.m. for the review, discussion and evaluation of initial pending and renewal grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20014, telephone 301-496-2323, will provide summaries of the meeting, rosters of committee members and substantive program information.

Dated: April 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-12027 Filed 4-26-77;8:45 am]

Office of Human Development

MODEL PROJECTS ON AGING

Announcement of Grants for Fiscal Year 1977 (Program Announcement No. 13634-771)

The Administration on Aging announces that applications are being accepted from public or non-profit private agencies or organizations for grants in Fiscal Year 1977 under the Model Projects on Aging Program authorized by Title III, section 308 of the Older Americans Act of 1965, as amended (42 U.S.C. 300, 3021-3022, 3028).

All applications recived by May 20, 1977, which meet legal requirements for a grant will compete for awards to be announced during July 1977. Applications meeting legal requirements for a grant received between this closing date and the next closing date of July 1, 1977, will compete for awards to be announced during October 1977.

Applications for Model Projects may be submitted at any time and those received after one closing date will be held for the next. Applications received after July 1, 1977, will be considered for funding in Fiscal Year 1978.

The regulations applicable to this program include the Administration on Aging general regulations, 45 CFR Part 901; and the regulations governing Model Projects on Aging, 45 CFR Part 910.

1. *Scope of this Announcement.* This program announcement covers the funding priorities of the Model Projects on Aging for the remainder of the Fiscal Year 1977 grant program, and includes several special emphasis areas.

2. *Program Objectives.* Model Projects on Aging grants authorized by Section 308 of the Act may pay for part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services, or otherwise promote the well-being of older persons.

The focus is on contributing to the development of comprehensive, coordinated systems for the delivery of quality services, involving all available public and private agencies and resources, which meet the special needs of older persons.

Model Project proposals should seek to test and demonstrate new or improved social service delivery systems, social services, combinations of services, or delivery system supports that have a clear potential for widespread use. Proposals should include means for exchanging information developed by the project and promoting its use.

3. *Eligible Applicants.* Public or nonprofit agencies or organizations may apply for grants under this announcement.

In some instances, preference in the award of a grant will be given to a specified class of applicants such as a State agency. These instances are identified in the following chart in the column captioned "Preferred Applicants."

4. *Competition.* It has been the policy of the Administration on Aging to make Model Projects on Aging grants on a competitive basis. In order to help those who might desire to compete for such grants to be aware of the program and of the amounts available it has been decided, effective for the remainder of the Fiscal Year 1977 and for subsequent Fiscal Years, to insert all program announcements in the FEDERAL REGISTER.

5. *Available Funds.* It is anticipated that there will be available for the remainder of the Fiscal Year 1977 $4 million, for new and competing extension grants. A new grant is the initial grant made in support of a project requested on an application. A competing extension grant is to continue a project beyond the project period for which the grant was made and is awarded based on a successful competition with applicants for new grants.

This program announcement solicits applications for competition which has a closing date for receipt of applications of May 20, 1977 and also for competition which has a closing date for receipt of applications of July 1, 1977.

In Fiscal Year 1976 some 500 applications for Model Projects on Aging grants were accepted for review and consideration. Some $13.8 million was awarded to 170 grantees.

The amount of funds to be awarded at any time is at the discretion of the Commissioner on Aging who makes the final determination with respect to all grant applications and awards.

6. Program Priorities for Funding. The following chart identifies the program priorities for funding of Model Projects on Aging in Fiscal Year 1977 including special emphasis areas, preferred applicants in each category of priority the funds which are available in each category and the number of awards anticipated in each category of priority.

The identification of preferred applicants does not limit the Administration on Aging to funding only preferred applicants. Applications will be judged on their merits and other eligible applicants may apply bearing in mind that all else being equal, awards will go to preferred applicants. In a limited number of cases awards are anticipated only within a restricted class of applicants. In these cases the notation in the column of preferred applicants lists the preferred class prefaced by the word "Only." In order to receive an award, applicants from outside this class must clearly show on their application that it is more advantageous to the government to fund them than the preferred applicant.

The information on funds available for the remainder of Fiscal Year 1977 and the number of awards anticipated does not constitute a commitment by the Administration on Aging but rather is an approximation in anticipation of the competition for grant awards. The Commissioner on Aging reserves the right to determine the number of awards to be made and to fund in excess of or below the amount listed as available.

Program priorities	Preferred applicants	Funds available	Awards anticipated
(a) Service delivery system development: Projects may be supported which test and demonstrate new or improved ways to develop comprehensive, coordinated service delivery systems, involving all available public and private agencies and resources, to meet the special needs of older persons. Areas of interest include planning and priority setting, needs and resource analysis, resource development, interprogram coordination, and advocacy.	State and area agencies on aging.	$250,000	3
(b) Housing and living arrangements: Projects may be supported which assist in meeting the special housing needs of older persons by: (a) providing financial assistance to low income persons who own their own homes to enable them to make the repairs and renovations necessary for their homes to meet minimum standards; (b) studying and demonstrating methods of adapting existing housing or construction of new for older persons suffering from physical disabilities; (c) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes.	None	200,000	3
(c) Continuing education: Projects may be supported which provide continuing education to older persons designed to enable them to lead more productive lives by broadening their education, cultural, or social awareness. Special regard may be given to applications for projects which offer free tuition, reduced fees, scholarships, transportation in order to broaden participation of older persons in existing educational programs, or which design both content and delivery systems for broader appeal to the older population, and which take into account those older persons with physical limitations and lack of formal education.	do	200,000	4
(d) Retirement and education services:			
Projects may be supported which provide retirement education, information, training of personnel to carry out such programs, and the conducting of research with respect to the development and operation of such programs, to assist persons planning retirement. Special regard may be given to applications for projects which broaden types of organizations through which persons may receive such information and counseling, or expand such information and services beyond formal retirement, or provide concrete linkage of persons of retirement age to cultural, recreational, volunteer, and employment opportunities.	do	100,000	2
Special emphasis. State-wide projects which support the development of employment of older adults in environmental protection.	State environmental protection agencies.	1,000,000	10
(e) Needs of physically and mentally impaired: Projects may be supported which provide services to assist in meeting the particular needs of physically and mentally impaired older persons. Special regard may be given to applications for projects which provide for better services, or which provide appropriate education for older persons, practitioners, and community organizations in the prevention of loss of hearing and sight.	None	200,000	
(f) Ombudsman services for nursing home residents:			
Projects may be supported which enable the promotion and development of ombudsman services for residents of nursing homes.	do	100,000	1
Special emphasis. Projects which support the development of nursing home ombudsman service in State governments.	Only State agencies on aging.	300,000	12
(g) Improved services to underserved populations: Projects may be supported which meet the special needs of, and improve the delivery of services to, older persons who are not receiving adequate services under other provisions of the Older Americans Act, with emphasis on the needs of low income, minority, Indian and limited English-speaking individuals, and the rural elderly.	None	250,000	6
(h) Senior ambulatory care day centers: Projects may be supported which assist older persons to remain within their communities and out of institutions, and to maintain their independent living by: (a) providing financial assistance for the establishment and operation of senior ambulatory care day centers, and (b) maintaining or initiating arrangements, or providing reasonable assurances that such arrangements will be maintained or initiated, with the agency of the State concerned which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, and with other appropriate social service agencies receiving, or reimbursed through, Federal financial assistance, for the payment of all or a part of such center's costs in providing services to eligible persons. To be supported, an ambulatory care day center must provide a planned schedule of health, therapeutic, educational, nutritional, recreational, and social services at least 24 h/week, transportation arrangements at low or no cost for participants to and from the center, a hot midday meal, outreach and public information programs and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of such centers.	do	400,000	4

Program priorities	Preferred applicants	Funds available	Awards anticipated
(i) Legal services: Projects may be supported which demonstrate improved ways to provide older persons access to legal services. Special emphasis. Projects which support the development of legal services to older persons at the State level.	do	500,000	3
(j) Organization development: Projects may be supported which develop models for building organizational capacity or structures or knowledge which would improve the delivery and quality of services to older persons.	Only State agencies on aging.	300,000	12
(k) Other activities: Special emphasis. Projects which develop preventive approaches to crime among older persons.	Nationally oriented organizations.	150,000	2
	Municipal government.	50,000	1
Total		4,000,000	

7. *Cost Sharing.* It is generally expected that grantees will provide at least 10 percent of total project cost or 50 percent of indirect cost, whichever is greater. Grantee contributions must be project related and allowable under the Department's applicable cost principles, 45 CFR Subpart Q.

8. *The Application Process. A–95 Clearinghouse Notice:* In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A–95 Revised (interim procedures at 41 FR 3160, July 29, 1976) applicants who request grant support must, prior to submission of an application, notify both the State and Areawide A–95 Clearinghouse of the intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. If the application is for a project affecting many States or the Nation, the notification need only be sent to the State Clearinghouse in which he applicant is located. Some State and Areawide Clearinghouses provide forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how to meet the A–95 requirements.

Application Submission: In order to be considered for a grant under the Model Projects on Aging Program, all applications must be submitted on standard forms provided for this purpose by the Commissioner in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for Model Projects on Aging.

One signed original and three copies of the grant application, including all attachments, are required of each applicant. Two copies are to be submitted to the cognizant State Agency on Aging. The State Agency will supply one of these copies to the appropriate Area Agency on Aging for its comments. It transmits the comments, if any, of the State and Area Agencies to the Commissioner on Aging. On copy is to be submitted to the Office of Aging Director in the cognizant Department of Health, Education, and Welfare regional office for its review. The Office of Aging transmits its comments, if any, to the Commissioner on Aging.

Four additional copies are requested with the original for review purposes, and are to be submitted to the central receiving office of the Office of Human Development.

Application Review: The Commissioner determines the final action to be taken with respect to each grant application. All applications which meet the legal requirements for a grant award are accepted for review and consideration. Applications which do not conform to this announcement are not accepted and applicants are notified accordingly.

All accepted grants applications are subjected to a competitive review conducted by qualified persons outside of the Model Projects on Aging Program Office. The results of the competitive review supplement and assist in the consideration of the competing applications. The Commissioner also takes into account comments of the A–95 Clearinghouses, State and Area Agencies on Aging, HEW Regional Offices, and the responsible program office. Comments on applications may be sought from appropriate specialists inside and outside of the government.

After the Commissioner has reached a decision either to approve or disapprove a grant application, the applicant is notified in writing of that decision. A decision to disapprove a grant application does not preclude its resubmission by the applicant or its reconsideration by the Commissioner.

The Commissioner makes no grants for Model Projects without first consulting with the cognizant State Agency on Aging.

Grant Awards: Within the limits of Federal funds available for the purpose of supporting model projects, the Commissioner makes grant awards consistent with the purposes of the Act, the regulations, and this program announcement. The official grant award document is the Notice of Grant Awarded, This sets forth in writing to the grantee the amount of funds awarded, the purposes of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation, if any. The initial award also specifies the project period for which support is approved provided that federal funds are available, that the grantee's performance on the project for which the grant was awarded is satisfactory and that there is continued promise of the project contributing to the priorities of the Model Projects on Aging Program.

8. *Criteria for Review of Grant Applications.* The following criteria will be used by the persons who conduct the competitive review of grant applications:

1. Promise of developing innovations or knowledge in areas of priority of the Model Projects on Aging Program, and of significance to national program development.

2. Completeness and feasibility of proposed design including a presentation of the state-of-the-art and evaluation component.

3. Carefully formulated measurable objectives and feasibility of methods for meeting objectives.

4. Capability of proposed staff and adequacy of facilities and resources of applicant organization.

5. Track record of applicant organization in conducting related activities.

6. Feasibility of proposed budget; justification of costs and cost sharing by the applicant or other organizations.

7. Likelihood of completion of project with proposed time schedule.

8. Potential for implementation of findings, plans for dissemination of results of project, including any products for use by others.

9. Plans for continuance of any services to older persons which will be generated by the proposed project, if any, beyond the termination of financial support under Model Projects on Aging.

10. Comments and recommendations of State Agencies on Aging, A–95 State and Area Clearinghouses, and Area Agencies on Aging.

9. *Closing Dates of This Program Announcement.* The closing dates for receipt of applications under this program announcement for funds available in Fiscal Year 1977 are May 20, 1977 and July 1, 1977. Applications may be mailed or hand delivered to: Receiving Office; Division of Grants and Contracts Management; Office of Human Development, Department of Health, Education, and Welfare; Room 1427, Mary E. Switzer Building; 330 C Street SW., Washington, D.C. 20201 (Attention: 13634–771). Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m. The telephone number of the receiving office is 202–245–0051.

An application will be considered to have arrived by the closing date if:

1. The application is at the OHD Receiving Office by the closing date; or

2. The application is postmarked at least two days prior to the closing date.

10. *Application Forms.* Application kits which contain the prescribed application forms and information for the applicant may be obtained from: Division of Research Applications and Demonstrations; Administration on Aging, OHD; Room 4273, DHEW North Building; 330 Independence Avenue SW., Washington, D.C. 20201 (Attention: 13634–771). Telephone Number 202–245–2143.

(Catalog of Federal Domestic Assistance Program Number: 13.634 Model Projects on Aging.)

Dated: April 8, 1977.

Approved: April 21, 1977.

ARTHUR S. FLEMING,
Commissioner on Aging.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-11947 Filed 4-26-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–12484]

ALASKA

Proposed Withdrawal and Reservation of Lands

The Department of Agriculture, Forest Service, on October 18, 1976, filed application, Serial No. AA–12484, for the withdrawal of the following described lands from location or entry, under the mining laws, subject to valid existing rights:

COPPER RIVER MERIDIAN, ALASKA, TONGASS NATIONAL FOREST—DOG ISLAND RESEARCH NATURAL AREA

Dog Island is approximately 1.9 miles long and 1.4 miles wide, located in Felice Straight just north of Duke Island and Pond Bay, at Latitude 54°59'6" N.; Longitude 131°19'15" W., being the lands included in secs. 30 and 31 of T. 79 S., R. 94 E and portions of secs. 25 and 36, T. 79 S., R. 93 E. This description is meant to include Dog Is and and the islets in the immediate vicinity of Dog Island, which are connected at low tide and with intervening tidal bars and estuaries.

The area described aggregates 774 acres more or less.

The lands described above will remain in the Tongass National Forest, and will be administered under the applicable laws and regulations for National Forest lands.

The applicant agency desires that the lands be withdrawn and reserved for the purpose of retaining the area in a natural, unmodified state in aid of science, research and education.

On or before May 27, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before May 16, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.77-12048 Filed 4-26-77;8:45 am]

[Serial No. I–4467]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Department of Agriculture filed application Serial No. I–4467, on August 18, 1971, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN, IDAHO, PAYETTE NATIONAL FOREST

RED FISH CAVE GEOLOGIC AREA

T. 21 N., R. 3 W.
Sec. 29: SE¼NE¼NW¼, NE¼SE¼NW¼.
The area described aggregates 20 acres in Adams County.

BOISE MERIDIAN, IDAHO, BOISE NATIONAL FOREST

BEAR VALLEY MOUNTAIN ADMINISTRATIVE SITE

T. 13 N., R. 9 E.
Sec. 16: W½NE¼SE¼.
The area described aggregates 20 acres in Valley County.

The applicant desires that the land be reserved for protection of a geologic area and an administrative site. The administrative site and attendant facilities are essential for National Forest administration. The geologic area offers excellent opportunity for scientific study and public enjoyment.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on October 6, 1971, page 19446, Volume No. 36, Document No. 71–14612.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 31, 1977. A notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 31, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

EUGENE E. BABIK,
Acting Chief, Branch of Land and Management Operations.

[FR Doc.77-12050 Filed 4-26-77;8:45 am]

[Serial No. I-9903]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Department of Agriculture filed application Serial No. I-9903, on August 18, 1975, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN, IDAHO.
PAYETTE NATIONAL FOREST
CALF PEN PONDEROSA PINE SEED ORCHARD

T. 19 N., R. 3 W.
Sec. 9: S½N½NE¼NE¼, S½NE¼NE¼, E½SE¼NW¼NE¼, E½NE¼SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼.

The area described aggregates 70 acres in Adams County.

The applicant desires that the land be reserved for development of a ponderosa pine seed orchard in cooperation with Federal, State, and local agencies. The ultimate objective of the project will be to improve forest trees through development of superior seedling stock for reforestation.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 29, 1975, page 44951, volume No. 40, Document No. 75-25900.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before May 31, 1977. A Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before May 31, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

EUGENE E. BABIN,
Acting Chief, Branch of Land and Management Operations.

[FR Doc.77-12049 Filed 4-26-77;8:45 am]

[NM 30292]

NEW MEXICO

Application

APRIL 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.,
Sec. 10, NE¼NE¼.

This pipeline will convey natural gas across 0.060 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12095 Filed 4-26-77;8:45 am]

[NM 30314]

NEW MEXICO

Application

APRIL 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc., has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 32 E.,
Sec. 2, W½SW¼;
Sec. 3, S½SE¼;
Sec. 11, E½NE¼;
Sec. 12, SW¼NW¼ and NW¼SW¼.

These pipelines will convey natural gas across 1.27 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1391, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12096 Filed 4-26-77;8:45 am]

[NM 30288, 30289, 30290, 30293, and 30294]

NEW MEXICO

Applications

APRIL 18, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 8 W.,
Sec. 18, E½SW¼.
T. 29 N., R. 9 W.,
Sec. 2, SE¼SW¼;
Sec. 10, S½NW¼ and NW¼SW¼;
Sec. 11, NW¼NW¼;
Sec. 12, SE¼NW¼;
Sec. 13, lots 5 and 12.

These pipelines will convey natural gas across 1.473 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12094 Filed 4-26-77;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-165]

MONARCH COALS, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provision of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Monarch Coals, Inc., 1100 Hamilton National Bank Building, Knoxville, Tennessee 37902, has filed a petition to modify the application of 30 CFR 75.1605, loading and haulage equipment: installations, to its Monarch Coals, Inc., Mine, located in Anderson County, Tennessee.

The substance of Petitioner's statement is as follows:

1. Petitioner maintains a roadway of about one-half mile between its coal mine and State Highway 116 at or near Devonia, Tennessee, which roadway is the subject of this petition.

2. The modification of this subsection of the Code of Federal Regulations is necessary for the safe and confident operation of Petitioner's coal mine. The alternate methods suggested and specified will at all times guarantee no less than the same measure of safety to miners, to others and to the property and equipment at Petitioner's mine as does the regulation sought to be modified.

3. The alternate methods of accomplishing the purpose of the regulation sought to be modified are as follows:

a. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

b. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

c. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

d. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highway side of roads regardless of their direction of travel.

e. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

f. All equipment operators shall be trained in the use of haulage equipment and the safety of the vehicles on haulage roads.

g. All haulage vehicles shall have: (a) Original manufacturers brakes. (b) Emergency (parking) braking system.

h. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

i. On roads that afford only one traffic lane, a minimum width of 12 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 27, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

APRIL 19, 1977.

[FR Doc. 77-12051 Filed 4-26-77;8:45 am]

[Docket No. M 77-168]

REPUBLIC STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Republic Steel Corporation, 605 Fayette Bank Building, Uniontown, Pennsylvania 15401, has filed a petition to modify the application of 30 CFR 75.403-9, maintenance of incombustible content of rock dust, to its Clyde Mine, located in Washington County, Pennsylvania.

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the safety standard to its mine and the following areas therein.

a. Along the main haulage from the inby end of the double haulage (1 West Switch) to Clyde No. 3 bottom (inby 16 Flat Switch); and

b. Above 2 Flat haulage from its intersection with the Main Haulage (2 Flat Switch) to Burson Switch.

2. Petitioner seeks to have application of 30 CFR 75.1403-9 modified so that the size of the existing shelter holes are acceptable to meet the criteria of 30 CFR 75.1403-9(a) and 75.1403-9(b).

3. Petitioner proposes as an alternative to the requirements of 30 CFR 75.1403-9 (a) and (b) that:

a. A signal system consisting of flashing yellow lights be used to give additional warning to equipment traveling on the haulage that a crew is working on the haulage and that employees may be in the area. One flashing light shall be placed approximately 150 feet both inby and outby the work area on the haulage.

b. All crews working on the haulage shall inform the dispatcher of their intent to work on the haulage and the location of their work area.

c. The dispatcher shall inform every trip through any work area on the haulage of the location of the work area and to proceed cautiously.

d. All employees shall be in a shelter hole or off the haulage when equipment goes by on the haulage.

e. All pedestrian traffic on the haulageway shall inform the dispatcher of their intent to travel the haulage and to get clearance. Dispatcher shall inform and warn pedestrians of any moving equipment approaching.

f. All clearances to truck equipment shall include notice and warning of pedestrian traffic and work areas.

g. All clearances to pedestrians shall include notice and warning of any approaching track equipment and to use shelter holes or get off haulage.

4. The alternate method proposed by Petitioner will, at all times, guarantee no less than the same protection afforded the miners at the Clyde Mine by safety standard 75.1403-9.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 27, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

APRIL 19, 1977.

[FR Doc.77-12052 Filed 4-26-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

New Entrant Announcement for Virgin Islands

CROSS REFERENCE: For a document concerning the above entitled matter, issued jointly by the Department of Commerce and by the Department of the Interior, see FR Doc. 77-12113, in the Notice section of this issue under Department of Commerce, Office of the Secretary.

LIBRARY OF CONGRESS

Copyright Office

[S 77-6]

PERFORMANCE RIGHTS IN SOUND RECORDINGS

Notice of Inquiry

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of inquiry.

SUMMARY: This notice of inquiry is issued to advise the public that the Copyright Office of the Library of Congress is preparing a report to Congress under section 114(d) of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law, pertaining to performance rights in copyrighted sound recordings. This notice is intended to elicit public comment, views, and information which will assist the Copyright Office in considering alternatives, formulating a report, and making legislative recommendations, if any. Specific areas of inquiry are noted below; related observations are welcome.

DATES: Initial comments should be received on or before May 31, 1977. Reply comments should be received on or before June 15, 1977.

ADDRESS: Interested persons should submit five copies of their written comments to: Harriet L. Oler, Senior Attor-

ney, Office of the General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559.

Harriet Oler, Senior Attorney, General Counsel's Office, Copyright Office, Library of Congress, Washington, D.C. 20559, 703–557–8731.

SUPPLEMENTARY INFORMATION: Section 114 of the newly enacted copyright law, Pub. L. 94–553, specifies that the exclusive rights of the owner of copyright in a sound recording are limited to the rights to reproduce the sound recording in copies or phonorecords, to prepare derivative works based on the sound recording and to distribute copies or phonorecords of the sound recording to the public. Paragraph (a) of section 114 states explicitly that the owner's rights "do not include any right of performance under section 106(4)."

Congress had considered the arguments in favor of establishing a limited performance right, in the form of a compulsory license, for copyrighted sound recordings but concluded that the issue required further study. Paragraph (d) of section 114 directs the Register of Copyrights to consult with various interests in the broadcasting, recording, motion picture and entertainment industries; arts organizations; and representatives of copyright owners, organized labor and performers, and to report to Congress by January 3, 1978 whether Section 114 should be amended to provide for performers and copyright owners any performance rights in such material. The report is to describe the status of such rights in foreign countries, the views of major interested parties, and specific legislative or other recommendations, if any.

To assist the Copyright Office in formulating the report and recommendation, public comment is invited on the subject of performance rights in sound recordings. Comment is specifically requested on the following questions:

(1) What are the constitutional and legal constraints and problems arising from a performance royalty in sound recordings?

(2) What are the arguments for and against performance royalty in sound recordings? What projected economic effect would it have on performers, record companies, broadcasters, cable systems, owners of copyright in musical compositions, background music services, jukebox operators, record consumers and other interested parties?

(3) In the event that a performance right is enacted, who should enjoy it? If both record producers and performers enjoy it, what royalty split would be advisable?

(4) If a performance royalty is enacted, what mechanism should be established to implement it? Are voluntary negotiations possible and/or preferable? Would a compulsory licensing system work? If so, who should determine the rates, who should distribute the proceeds and how should the beneficiaries be identified? What role, if any, should the Copyright Office play?

Copies of all comments received will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office, Room No. 101, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

(Title 17 of the United States Code as amended by Pub. L. 94–553: Sec. 114.)

Dated: April 21, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc.77–12057 Filed 4–26–77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 1619]

PROCEDURES FOR CITIZEN PARTICIPATION AND INTERGOVERNMENTAL LIAISON

The National Capital Planning Commission, at its April 7, 1977 meeting, adopted the following Procedures for Citizen Participation and Intergovernmental Liaison.

The procedures, as proposed, were published for comment in the Federal Register on February 9, 1977 (42 FR 8235–6). Comments were received from the Upper Northeast Coordinating Council and from Chester A. Nauminow. Mr. Nauminow's comments generally related to alleged responsibilities of the Commission under the Federal Administrative Procedure Act, the "Government in the Sunshine Act", and the National Environmental Policy Act of 1969 and were not relevant to the procedures. The comments of the Council, to the extent deemed relevant and appropriate, are reflected in the adopted procedures.

I. DISTRICT ELEMENT OF THE COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL [1]—FEDERAL INTEREST REVIEW [2]

A. *Citizen Participation.* (Comments on the effect of the District element or amendment on the Federal establishment and/or on Federal interests in the National Capital Region).

Publication in the FEDERAL REGISTER of notice that NCPC will review and act on a District element or amendment thereto; the notice shall also be sent to the NCPC mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental Liaison.* Referral to affected Federal agencies for review and written comments.

II. FEDERAL ELEMENTS OF THE COMPREHENSIVE PLAN FOR THE NATIONL CAPITAL [1]—PREPARATION

A. *Citizen Participation.* Publication in the FEDERAL REGISTER of notice that NCPC is circulating a draft statement of goals, objectives, criteria and alternative policies for review and comment; the notice shall also be sent to the NCPC mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental Liaison.* 1. Data gathering from interested and affected agencies as required.

2. Coordination with interested and affected agencies regarding staff drafts for each element.

3. Referral of relevant Comprehensive Plan materials to the following for informal review:

a. Appropriate Federal authorities;
b Appropriate District authorities;
c. Metropolitan Washington Council of Governments (hereinafter "COG") and through COG to local governments;
d. Local planning agencies;
e. State clearinghouses; and
f. Regional and subregional authorities.

III. FEDERAL ELEMENTS AND AMENDMENTS TO COMPREHENSIVE PLAN FOR THE NATIONAL CAPITAL [1]—ADOPTION

A. *Citizen participation.* Publication in the FEDERAL REGISTER of notice that NCPC will review and act on a Federal element or amendment thereto; the notice shall also be sent to the NCPC mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental Liaison.* Referral as relevant to the following for review and written comments:

1. Appropriate Federal authorities; [3]
2. Appropriate District authorities; [3]
3. COG (and through COG to local governments);
4. Local planning agencies;
5. State clearinghouses; and
6. Regional and subregional authorities

IV. FEDERAL AND DISTRICT PLANS AND PROJECTS [4]—AGENCY PREPARATION

A. *Citizen participation if Agency has citizen participation process.* Agency to advise NCPC at earliest possible time of citizen participation; NCPC staff to participate in process as appropriate and where feasible to encourage agencies to provide for citizen participation as agencies develop their plans.

Consistent with the objectives of the District of Columbia Self-Government and Governmental Reorganization Act, NCPC has limited its review of most District plans and projects to a "Federal interest review". Accordingly, citizen comments on such plans and projects should be correspondingly limited.

There is, however, no such limitation on District projects in the central area of the District of Columbia as concurrently defined by NCPC and the Council of the District of Columbia to which the District's Zoning Regulations are not applicable and for which approval by NCPC "in lieu of zoning" is required. Nor is there any limitation on citizen comments on Federal plans and projects.

B. *Intergovernmental Liaison.* 1. Data gathering by agency as required—NCPC informed.

2. Coordination by NCPC with appropriate authorities in conjunction with sponsoring agency (early consultation).

V. FEDERAL AND DISTRICT PLANS AND PROJECTS [4]—COMMISSION PLAN AND PROJECT REVIEW

A. *Citizen participation.* (Comments and statements on District plans and projects, except "in lieu of zoning" matters, on the effect of the plan or project on the Federal establishment and/or on Federal interests in the National Capital Region.)

Publication in the FEDERAL REGISTER of notice that NCPC will review and act on plan or project; the notice shall also be sent to the NCPC mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental liaison.* Referral to all or some of the following:

	By agency	By Commission
1. State governments	Required by A-95.[1 2]	
2. COG	Required by A-95.[1 2]	Pursuant to agreement with COG.[4]
3. Subregional agencies		Pursuant to sec. 5(d) of Planning Act outside District of Columbia.
4. Local governments. (a) Executive administrative. (b) Legislative.		Through COG pursuant to informal agreement between COG and NCPC.
5. Local planning agencies		Pursuant to sec. 5(d) of Planning Act outside District of Columbia.
6. Other jurisdictions		

[1] Sec. 2 of pt. II of attachment A to Office of Management and Budget Circular No. A–95 (revised) requires Federal agencies to establish procedures for consultation with Governors, State, and areawide clearinghouses, and local elected officials on planning and construction of Federal buildings, installations, and public works and with respect to projects in the National Capital region, to undertake such consultation in cooperation with NCPC.
[2] Except for District of Columbia plans, referral is presently by NCPC.
[3] No referral to District of Columbia.
[4] Master plans outside of District of Columbia only.

VI. FEDERAL CAPITAL IMPROVEMENTS PROGRAM [5]—PREPARATION

A. *Intergovernmental liaison.* 1. Data gathering from interested and affected agencies.

2. Coordination with interested and affected Federal agencies regarding agency capital budget and program submissions.

3. Coordination with relevant local, state and regional capital budgets and programs.

VII. FEDERAL CAPITAL IMPROVEMENTS PROGRAM [5]—ADOPTION

A. *Citizen participation.* Publication in the FEDERAL REGISTER of notice that NCPC is circulating a draft program for review and comment; the notice shall also be sent to the NCPC mailing list. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting.

B. *Intergovernmental liaison.* Referral of draft program as relevant to the following:

1. Appropriate Federal authorities;
2. Appropriate District authorities;
3. COG (and through COG to local governments);
4. Local planning agencies;
5. State clearinghouses; and
6. Regional and subregional authorities.

VIII. ZONING

A. *Citizen participation* (Comments and statements on (1) the effect of zoning proposals on the Federal establishment and/or on Federal interests in the National Capital Region and/or (2) their consistency with the Comprehensive Plan).

Publication in the FEDERAL REGISTER of notice that NCPC will review an act on (1) Zoning Commission referrals, after public hearing, of proposed Zoning Commission actions pursuant to statute and (2) recommendations or requests for NCPC participation in cases before the Zoning Commission and the Board of Zoning Adjustment at or before public hearings thereon. The notice shall also be sent to the NCPC mailing list and shall solicit written comments prior to an oral comments at an open session Commission meeting.

B. *Intergovernmental liaison.* Referral to affected Federal agencies.

DANIEL H. SHEAR,
Secretary.

APRIL 21, 1977.

[FR Doc.77–12056 Filed 4–26–77;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

IMPLICATIONS OF ELECTRONIC LAND TRANSFERS

Request for Comment

The National Commission on Electronic Fund Transfers is examining the competitive impact on financial and nonfinancial institutions of the proliferation of electronic fund transfer systems.

This investigation, authorized by Title II of Pub. L. 93–495 is intended to aid the Commission in developing its recommendations to Congress and the President regarding appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems.

As part of its investigation, the Commission is soliciting the views of knowledgeable groups and individuals interested in questions relevant to the competitive impact of EFT. Anyone may submit a written statement for the public record of the Commission. Written statements and any supporting documentation must be received by the Executive Director, National Commission on EFT, 1000 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036 by June 1, 1977.

INTRODUCTION

In its enabling legislation, the Commission was instructed by Congress to consider in its study of electronic funds transfer systems, among other things,

(1) The need to preserve competition among the financial institutions and other business enterprises using such a system;

(2) The need to promote competition among financial institutions and to assure Government regulation and involvement or participation in a system competitive with the private sector be kept to a minimum.

The Commission is seeking to understand if EFT will fundamentally alter the way industries compete with each other, or whether EFT will place one institution or type of institution at a competitive disadvantage over another. It has been argued by many that the availability of electronic fund transfer services will so change the way traditional financial services are delivered to the consumer that it will result in substantial changes in the current competitive balances between small and large financial institutions, between different types of depository institutions, between retail businesses, and other institutions that provide services to the financial industry.

Others minimize the competitive implications of EFT and argue that the consumer's use of financial services is related to the kinds of personal services each institution offers and that EFT will not affect this. Further, it is argued, if small institutions wish to offer their customers EFT services, such capabilities can be purchased from larger institutions in much the same way that small banks have correspondent relationships with larger banks, or that many institutions purchase computing services from service companies.

The Commission, wishing to explore the validity of these hypotheses, is soliciting the views and experiences of interested parties on these subjects. The Commission is investigating the broadest possible scope of competitive impacts; that is, the competitive impact of EFT upon both depository and non-depository institutions as well as the competitive impact of EFT upon non-financial institutions. The Commission is interested in understanding the changing competitive

[1] The Comprehensive Plan for the National Capital consists of (1) "Federal elements" prepared and adopted by the National Capital Planning Commission (hereinafter "NCPC") and (2) "District elements", adopted by the Council of the District of Columbia and reviewed by NCPC. When District elements are reviewed by NCPC, the criterion used is the effect of the District element on the Federal establishment and/or Federal interests in the National Capital Region (referred to as a "Federal interest review"). These procedures provide for citizen participation in connection with (1) Federal interest review of District elements pursuant to section 2 of the National Capital Planning Act of 1952, as amended (hereinafter "Planning Act") (see I); (2) preparation by NCPC of Federal elements pursuant to section 4 of the Planning Act (see II); and (3) adoption by NCPC of Federal elements also pursuant to section 4 of the Planning Act (see III).

[2] Section 2(a)(4)(A) of the Planning Act permits only 60 days for initial NCPC review and Federal interest determination.

[3] Sec. 4(e) of the Planning Act directs NCPC to refer proposed Comprehensive Plan elements to appropriate Federal and District of Columbia authorities for comment and recommendation prior to adoption.

[4] The preparation of plans and projects of Federal and District agencies involves two planning processes. The first is the sponsoring agency's own process established by that agency (see IV). The second is NCPC's review of those plans (see V).

[5] NCPC is responsible for preparing and recommending a Federal capital improvements program for the National Capital Region that identifies and describes proposed Federal land acquisition and development proposals within the Region for the next six years (see VII). A draft program is prepared by the staff, circulated to Federal agencies for comment, and then adopted by NCPC after receipt of citizen comments.

[6] NCPC may participate in the Zoning Commission process either prior to the Zoning Commission hearing or after such hearing; in the latter case, the proposed action of the Zoning Commission is before the NCPC for its review (see VIII).

interactions and market relationships within the entire range of industries that may participate in the using or offering of EFT services.

The Commission, therefore, is seeking comment on what the competitive impact of EFT on these industries has been to date. In addition, the Commission is interested in comments on what the competitive situation would be over the next 5–10 years among different types of organizations if the recommendations of the NCEFT were implemented and contrasted to that, what the competitive situation would be if the Commission's recommendations were not implemented and the status quo prevailed.

The Commission's report, "EFT and the Public Interest", is available from the Government Printing Office 202–783–3238, stock no. 048–000–00396–0.

For further information, contact Kathryn H. Humes, 202–634–1768.

WILLIAM B. WIDNALL,
Chairman.

APRIL 22, 1977.

[FR Doc.77–12081 Filed 4–26–77;8:45 am]

POSTAL RATE COMMISSION

[Docket Nos. MC76–1 MC76–2 MC76–3 MC76–4; Order No. 160]

MAIL CLASSIFICATION SCHEDULE, 1976

Order Establishing Procedures for a Commission Tentative Decision

APRIL 20, 1977.

On March 31, 1977, the Administrative Law Judge in these cases tendered his resignation to the Commission effective April 14, 1977. In order to deal with this unanticipated circumstance, the Commission has adopted for these cases certain procedures, consistent with 5 U.S.C. 557(b) (1).

Under the provisions of the Administrative Procedure Act (5 U.S.C. 557(b), (b)(1)), where the agency has not presided at the reception of the evidence, some type of intermediate decision is normally required.[1] An alternative to a law judge's initial decision, is a tentative decision issued by the agency.[2] *See* 5 U.S.C. 557(b)(1); 39 CFR 3001.39(b). The Commission has determined therefore, in light of the Law Judge's resignation, to issue tentative decisions in these cases.

Upon issuance of these tentative decisions, the parties will have an opportunity to file exceptions, as they would with a law judge's initial decision.[3] Oral argument may also be scheduled, as appropriate.

All briefs and reply briefs filed after the date of this order should be addressed to the Commission. The briefing schedule established by the Law Judge is hereby adopted by the Commission.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77–12098 Filed 4–26–77;8:45 am]

[1] The APA provides that intermediate decisions may be omitted where "due and timely execution of * * * [the agency's] functions imperatively and unavoidably so requires." 5 U.S.C. 557(b)(2). See also 39 CFR 3001.38. However we do not find this provision applicable under present circumstances.

[2] The provision applies to formal rulemaking proceedings such as our classification cases.

[3] See 39 CFR 3001.40.

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.21, Amendment 2]

MISSION DIRECTOR, USAID/INDONESIA

Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1, dated May 1, 1973 (38 FR 12836) from the Assistant Administrator for Program and Management Services, I hereby amend Redelegation of Authority No. 99.1.21 dated September 21, 1973 (38 FR 27849) as further amended on November 14, 1973 (38 FR 32825) by restating redelegation paragraph 1. as follows:

1. U.S. Government contracts and grants (other than grants to foreign governments or agencies thereof), and amendments thereto, and AID grant-financed host country contracts for technical assistance provided that the aggregate amount of each individual contract or grant does not exceed $100,000 or local currency equivalent.

Actions within the scope of this delegation, and any redelegation hereunder, heretofore taken by officials designated in such delegation, or redelegation, are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: April 15, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.77–12053 Filed 4–26–77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

LEATHER WEARING APPAREL FROM ARGENTINA

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: United States Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of Argentina to manufacturers/exporters of leather wearing apparel which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later July 21, 1977, and a final determination no later than January 21, 1978.

EFFECTIVE DATE: On January 21, 1977, this investigation was initiated.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229, 202–566–4592.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on January 21, 1977, alleging that benefits conferred by the Government of Argentina upon the manufacture, production or exportation of leather wearing apparel from Argentina constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The leather wearing apparel specified in the petition is classifiable under item 791.7600 of the Tariff Schedules of the United States Annotated (TSUSA). Leather wearing apparel from Argentina is eligible for duty free entry under the Generalized System of Preferences. In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States.

Pursuant to section 303(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition. Therefore, a preliminary determination on this petition will be made no later than July 21, 1977, as to whether or not the alleged payments or bestowals conferred by the Government of Argentina upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than January 21, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: April 18, 1977.

JOHN H. HARPER,
Assistant Secretary of the Treasury.

[FR Doc.77–12045 Filed 4–26–77;8:45 am]

LEATHER WEARING APPAREL FROM THE REPUBLIC OF KOREA

Preliminary Countervailing Duty Determination

AGENCY: Customs Service, U.S. Treasury.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that it has been determined preliminarily that no bounty or grant is being paid on exports of leather wearing apparel from the Republic of Korea, under the Countervailing Duty Law.

FOR FURTHER INFORMATION CONTACT:

Mr. Anthony L. Russo, Technical Branch, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202–566–5492.

EFFECTIVE DATE: (April 27, 1977.)

SUPPLEMENTARY INFORMATION: On November 16, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 50523). This notice states that a petition in proper form was received on October 18, 1976, alleging that payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production or exportation of leather wearing apparel from the Republic of Korea constitute the payment of bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The term "leather wearing apparel", as used in that notice, referred to wearing apparel, of leather other than reptile leather, classifiable under item 791.7500, Tariff Schedules of the United States (TSUS). However, by Executive Order No. 11974 of February 25, 1977, TSUS item 791.7500 was superseded by TSUS items 791.7400 and 791.7600. Accordingly, as requested by the petitioner, the term "leather wearing apparel" now refers to wearing apparel not specifically provided for, of leather, and classifiable under TSUS 791.7600.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that certain practices of the Government of the Republic of Korea could constitute bounties or grants within the meaning of section 303 of the Act, but that the benefits bestowed thereunder involve an aggregate amount of two hundred fifty-eight one-thousandths of one percent (0.258%), considered to be de minimis. These practices are:

1. Short-term financing at preferential interest rates.

2. Tax benefits resulting from the inclusion in loss accounts of reserve funds in connection with fixed assets utilized directly for the exportation of goods.

3. Tax benefits under a provision for accelerated depreciation in connection with fixed assets utilized directly for the exportation of goods.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant in that they do not on their face describe a bounty or grant based on the information currently available. These practices are:

1. Remission, upon exportation, of commodity taxes which are indirect taxes directly related to the product. The Customs Court, in *Zenith Radio Corporation* v. *United States*, C.D. 4691, ruled that the rebate of the Japanese commodity tax on exportation is a bounty or grant within the meaning of the Countervailing Duty Law. To the extent that the ruling in that case is applicable here, the Department, in the absence of a final court decision to the contrary, maintains its position that the rebate or remission upon exportation of indirect taxes directly related to the exported product are not bounties or grants.

2. Remission of textile taxes, which are indirect taxes directly related to the product, on imported goods when such goods are incorporated into an exported product.

3. Financing the stockpile of imported raw or intermediate materials by private banks at prevailing international market rates of interest plus an interest charge of 2.5 percent levied by such banks. At this stage it does not appear that the Government of the Republic of Korea provides assistance in connection with this program.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant on grounds that they are either not applicable or have not been utilized by the leather wearing apparel industry. These practices are:

1. Extension of the repayment period for inventory credits for stockpiling raw materials for domestic use—No leather apparel manufacturers have received any benefits under the regulations.

2. Long-term financing—This is not available for the leather wearing apparel industry.

3. Deferred payment export financing—The leather apparel industry neither qualifies for nor receives any benefits under this program.

4. Credit on duty payments—This program does not apply to the leather apparel industry and is not designed to assist industries of this nature.

5. Deferral of due dates for domestic taxes—This program is designed to assist distressed industries, and since the leather apparel industry has not been designated a distressed industry it does not receive the benefits of this program.

6. Export Industrial Estates and Masan and IRI export zones—None of the leather apparel manufacturers who export to the United States are located in these areas.

Accordingly, it is determined preliminarily that no bounty or grant, within the meaning of Section 303 of the Act, is being paid or bestowed directly or indirectly, upon the manufacture, production, or exportation of leather wearing apparel from Korea. A final decision in this case is required on or before October 18, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by this office not later than May 27, 1977.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

APRIL 19, 1977.

[FR Doc.77–12047 Filed 4–26–77;8:45 am]

LEATHER WEARING APPAREL FROM URUGUAY

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: United States Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and that a countervailing duty investigation has been started for the purpose of determining whether or not benefits are paid by the Government of Uruguay to manufacturers/exporters of leather wearing apparel which constitute the payment of a bounty or grant within the meaning of the U.S. countervailing duty law. A preliminary determination will be made not later than July 21, 1977, and a final determination no later than January 21, 1978.

EFFECTIVE DATE: On January 21, 1977, this investigation was initiated.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20220, 202–566–5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on January 21, 1977, alleging that benefits conferred by the Government of Uruguay upon the manufacture, production or exportation of leather wearing apparel from Uruguay constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The leather wearing apparel specified in the petition is classifiable under item

791.7600 of the Tariff Schedules of the United States Annotated (TSUSA). Leather wearing apparel from Uruguay is eligible for duty free entry under the Generalized System of Preferences. In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended, (19 U.S.C. 1301(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States.

Pursuant to section 303(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition. Therefore, a preliminary determination on this petition will be made no later than July 21, 1977, as to whether or not the alleged payments or bestowals conferred by the Government of Uruguay upon the manufacturer, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than January 21, 1978.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: April 19, 1977.

JOHN H. HARPER,
Acting Secretary of the Treasury.

[FR Doc.77-12046 Filed 4-26-77;8:45 am]

Customs Service

PRIVACY ACT OF 1974

Proposed Establishment of a New System of Records

AGENCY: United States Customs Service (Department of the Treasury).

ACTION: Notice of Intent.

SUMMARY: This notice is an advice to the public that the United States Customs Service is proposing to establish a new system of records on individuals called the Early Implementation System (EIS), which is subject to reporting and notice requirements of the Privacy Act of 1974. The purpose of this particular notice is to give every member of the public thirty days to comment on the proposed uses of the system described. Written comments will be considered if received within that time. If none are received, another notice will be published at the end of thirty days adopting the system.

The Early Implementation System combines two existing Privacy Act Systems with four existing business files to create a new Privacy Act System. It is a computer system providing immediate delivery control, entry scheduling, and collection processing for commercial importations. It gives Customs field offices ready access to entry information for handling daily transactions and for related management and statistical purposes. It includes capabilities to store and correct erroneous entries, increase flexibility in entry selection criteria, and to improve file structures and will increase operating efficiency and speed-up merchandise processing.

When this system is adopted in final form, the Customs Service intends to cancel the two existing Privacy Act systems.

CLOSING DATE FOR COMMENTS: Written comments must be received within thirty days of the date of this publication at the address given immediately below.

ADDRESS FOR COMMENTS: Acting Departmental Disclosure Officer, Office of Administrative Programs, United States Department of the Treasury, 1331 G. Street, NW., Room 300, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

John P. Heard, Acting Departmental Disclosure Officer, at the address above, or telephone 202-376-0406.

AUTHORSHIP INFORMATION: William D. Lawlor, Customs Attorney, Freedom of Information and Privacy Branch, Entry Procedures and Penalties Division (R:E:P), U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2307, Washington, D.C. 20229; telephone 202-566-8467.

SUPPLEMENTARY INFORMATION: The United States Customs Service proposes to establish a new system of records described as the Early Implementation System (EIS), Customs 00.278.

A new system report was submitted to the Speaker of the House, the President of the Senate, the Privacy Protection Study Commission and the Office of Management and Budget (OMB) on February 4, 1977. The proposed system notice is set out below.

Any interested person may submit written data, views, or arguments on the proposed routine uses of the records contained in the system, including the categories of users, and the purposes of such uses, to the Acting Departmental Disclosure Officer at the "Address for Comments" given above within 30 days of the date of this publication.

All written comments received from the public by then will be considered by the Department before taking action on the final notice of adoption. Comments received will also be available for public inspection at the above address between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, except public holidays.

Dated: April 22, 1977.

WARREN F. BRECHT,
Assistant Secretary (Administration.)

System name:

Early Implementation System. (EIS) —Treasury/Customs.

System location:

The Computer is located at 1900 West Park Drive, McLean, Virginia 23701. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington, D.C. (For addresses of Customhouses see Customs Appendix A.)

Categories of individuals covered by the system:

U.S. Customs Service employees and individuals involved in the import trade.

Categories of records in the system:

The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. Certain portions contain no information about individuals. These are the Tariff Schedules of the United States Annotated (TSUSA), file, country file, criteria file for the selection of routine items, Team TSUSA file district port file, and the entry master file. The following system files may contain information about U.S. Customs Service employees and/or individuals/companies involved in the import trade.

(1) Authorized Terminals Users File: Contains randomly established five-digit identification codes and passwords assigned to Customs Service employees authorized to use the system. The file consists of the names and identification of all Customs Service employees using the remote terminals to input information into the system. It does not contain Social Security numbers. The degree of access to the system varies according to the users responsibilities in the system. This file is now published as the Operator Identification File, Treasury/Customs 00.275, and will be superseded upon final notice of the existence of this system. (2) Importer/Broker/Consignee Bond File: Records consist of importer of record number, importer type, type of importation bond, expiration date, and surety code. The importer of record number is used as the method of accessing the file. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS Employer Identification number (EIN). The vast majority of importers have the EIN because of the business necessity for it. The second alternative is the Social Security number (SSN). The third alterantive is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is properly bonded. (3) Broker File: A record consists of a three-digit Customs-assigned Customhouse broker number (non-SSN) and the broker name. The file is referenced during entry processing to validate the broker number and to prepare and distribute the Broker ID Performance Report to the individual or company concerned. The subject of the report is compliance with the entry filing requirements under the immediate delivery program. Information is disclosed only to the party-of-record. (4) Surety File: A record consists of a three-digit surety code (non-SSN) assigned by the Customs Accounting Division and the surety name. The file is referenced during entry processing to validate these surety codes. No information on surety company affairs is collected or disseminated in the system. (5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated. This file is now published as the Automated Merchandise Processing System (AMPS) Liquidation File, Treasury/Customs 00.025, and will be superseded upon final notice of the existence of this system. (6) Manufacturer File: The file contains only a three-digit manufacturer code number (non-SSN) and manufacturer name.

Authority for maintenance of the system:

19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

The routine uses of the records contained in this system of records are as follows: (a) Disclosure of those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) To provide the Bureau of the Census with a magnetic tape containing foreign trade data.

For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Disc.

Retrievability:

By identification codes and or name.

Safeguards:

Access to the computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. The codes are changed periodically to enhance security. All computer terminals are key-locked when not in use. Access to the Customs computer from other than system terminals is prohibited by hardware controls. Users must input a unique identification code during the terminal log-on procedure to gain access to the system. The identification code is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a need-to-know basis. A listing of identification codes of authorized users can be printed only at the computer room site by request of the security officer.

Retention and disposal:

Files are retained indefinitely but are periodically updated to reflect changes, etc.

System manager(s) and address:

Director, AMPS Program Division, Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, is responsible for the security and safeguard of the operating system. Director, Duty Assessment Division, Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, D.C. 20229, is responsible for all data maintained in the files.

Notification procedure:

Requests by an individual to be notified if the system of records contains records pertaining to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signatures.

Record access procedures:

Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its contents, shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousands dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to five thousand dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contesting records procedures:

See Access above.

Record source category:

The system data base is limited to data about individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in administering the tariff laws and regulations of the United States. No information concerning any individual's or company's importation activity, bonds status, and compliance or noncompliance with Customs Regulations will be disclosed for nonauthorized purposes to any person other than the party-of-record upon receipt of a written request.

[FR Doc.77-12129 Filed 4-26-77;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1976 Rev., Supp. No. 14]

INDIANA BONDING AND SURETY COMPANY

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $63,000 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

Indiana Bonding and Surety Company, Houston, Texas, Indiana.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 19, 1977.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc.77-12030 Filed 4-26-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 377]

ASSIGNMENT OF HEARINGS

APRIL 22, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 2232 Sub 11, Cregor Freight Lines, Inc. now being assigned June 8, 1977 (3 days) at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC 142785 Sub 1, Brotherly Love Express, Inc. now being assigned June 7, 1977 (1 day) at Philadelphia, Pennsylvania in a hearing room to be later designated.

MC 120325 Sub 4, Frames, Morrison & Ryan, Inc. now being ansigned June 6, 1977 (1 day) at Philadelphia, Pennsylvania in a hearing room to be lated designated.

MC 142497 (Sub-1), Atlantic Charter Bus Service, Inc., now assigned May 16, 1977 at Norfolk, Virginia, has been postponed to May 23, 1977 (1 week) in the Grand Jury Room No. 421, U.S. District Courthouse, Federal Building, Norfolk, Virginia.

MC 95486 (Sub-No. 6), Dattco, Inc. application dismissed.

MC 138762 (Sub-No. 1), Municipal Tank Lines Limited, now assigned June 13, 1977, at Buffalo, N.Y. is postponed to June 14, 1977, (9 days), at Buffalo, N.Y., location of hearing room to be later designated.

MC 115162 (Sub-341), Poole Truck Line, Inc., now being assigned June 8, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142754, Pirollo Transport Co., Inc., now being assigned June 15, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 59655 (Sub-7), Sheenan Carriers, Inc., now being assigned June 16, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139112 (Sub-11), Calex Express, Inc., now being assigned June 16, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 65697 (Sub-52), Theaters Service Company, Inc., now being assigned pre-hearing conference June 21, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142567 (Sub-1), Greenville Transit, Inc., now being assigned June 23, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141084 (Sub-6), National Freight Lines, Inc., now being assigned July 6, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125777 Sub 178, Jack Gray Transport, Inc. now being assigned July 14, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 138627 Sub 15, Smithway Motor Express, Inc. now being assigned July 12, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 142304 Sub 1, O'Hare Truck Service, Inc. now being assigned July 18, 1977 (1 week) at Chicago, Illinois in a hearing room to be later designated.

MC 106644 Sub 234, Superior Trucking Co., Inc. now assigned May 9, 1977 at Houston, Texas and May 23, 1977 at Tulsa, Oklahoma is cancelled, application dismissed.

MC 115452 (Sub-No. 4), Husband Transport Limited, now assigned June 6, 1977, at Buffalo, N.Y. is cancelled and application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12111 Filed 4-26-77;8:47 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

APRIL 22, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 9, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E18), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) (1) From points in Missouri to points in Arizona, California, Colorado, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (2) From points in Missouri on and north of a line beginning at the Kansas-Missouri state line and extending along Interstate Highway 70, thence east along Interstate Highway 70 to the Missouri-Illinois state line, to points in Arkansas on and west of a line beginning at the Missouri-Arkansas state line and extending along U.S. Highway 65 to junction Arkansas Highway 7, thence south along Arkansas Highway 7 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas state line. The purpose of this filing is to eliminate the gateways of Kansas City, Kans. (3) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending along U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas state line, to the District of Columbia. The purpose of this filing is to eliminate the gateways of Kansas City, Kans., and Ravenna, Ohio. (4) From points in Missouri to points in Idaho, Iowa, and Kansas. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (5) From points in Missouri on and south of a line beginning at the Kansas-Missouri state line and extending east along U.S. Highway 50 to the Missouri-Illinois state line, to points in Minnesota on and west of a line beginning at the International Boundary Line between the United States and Canada, and extending south along U.S. Highway 71 to junction Minnesota Highway 6, thence south along Minnesota Highway 6 to junction Minnesota Highway 38, thence south along Minnesota Highway 38 to junction U.S. Highway 169, thence south along U.S. Highway 169 to the Minnesota-Iowa state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

(6) From points in Missouri to points in Nebraska. The purpose of this filing is to eliminate the gateway of Marysville, Kans. (7a) From points in Missouri to points in Oklahoma on and west and north of a line beginning at the Oklahoma-Texas state line and extending along U.S. Highway 70 to junction U.S. Highway 177, thence north along U.S. Highway 177 to junction Interstate Highway 44, to junction Interstate Highway 4, to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas state line. (7b) From points in Missouri on and west and north of a line beginning at the Missouri-Arkansas state line, and extending along U.S. Highway 65 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to the Missouri-Illinois state line, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Wichita, Kans. (8a) From points in Missouri to points in South Dakota on and west of a line beginning at the North Dakota-South Dakota state line, and extending south along U.S. Highway 83 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction South Dakota Highway 47, thence south along South Dakota Highway 47 to the South Dakota-Nebraska state line. (8b) From points in Missouri on and west and south of a line beginning at the Missouri-Iowa state line and extending south along Missouri Highway 5 to junction U.S. Highway 36, thence east along U.S. Highway 36 to the Missouri-Illinois state line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Topeka, Kans. (9a) From points in Missouri to points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending south along U.S. Highway 283 to junction U.S. Highway 87, thence south along U.S. Highway 87 to junction U.S. Highway 81, thence south along U.S. Highway 81 to the International Boundary between United States and Mexico. (9b) From points in Missouri on and west and north of a line beginning at the Missouri-Arkansas state line, and extending north along U.S. Highway 65 to junction U.S. Highway 66, thence northeast along U.S. Highway 66 to the Missouri-Illinois state line, to points in Texas. The purpose of this filing is to eliminate the gateway of Arkansas City, Kans.

(10) From points in Missouri to points in Utah. The purpose of this filing is to eliminate the gateway of Galena, Kans. (11a) From points in Missouri to points in Wyoming on and west of a line beginning at the Wyoming-Montana state line and extending south along Wyoming state Highway 120 to junction U.S. Highway 20, hence along U.S. Highway 20 to junction U.S. Highway 26, to junction Wyoming Highway 789 to junction Wyoming Highway 28, thence south along Wyoming Highway 28 to junction U.S. Highway 187, thence south along U.S. Highway 187 to junction U.S. Highway 30 to junction Wyoming Highway 530, thence south along Wyoming Highway 530 to the Wyoming-Utah state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (11b) From points in Missouri on and east and south of a line beginning at the Iowa-Missouri state line and extending south along U.S. Highway 169 to junction U.S. Highway 36, thence west along U.S. Highway 36 to the Missouri-Kansas state line, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Witchita, Kans.

(B) (1) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 69, to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction Missouri Highway 18, thence west along Missouri Highway 18 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Illinois. The purpose of this filing is to eliminate the gateway of Kansas City, Mo. (2) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 69 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 54, thence west along U.S. Highway 54 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (3) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line, and extending along U.S. Highway 65, thence south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans. (4) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S Highway 65 to the Missouri-Arkansas state line, to points in Maryland on and east and south of a line beginning at the Maryland-West Virginia state line and extending north along U.S. Highway 11 to the Maryland-Pennsylvania state line. The purpose of this filing is to eliminate the gateways of Kansas City, Kans. and Ravenna, Ohio. (5a) From points in Missouri to points in Michigan on and west of a line beginning at Lake Superior and extending along Michigan Highway 28 thence east along Michigan Highway 28 to junction Michigan Highway 95, thence south on Michigan Highway 95 to the Michigan-Wisconsin state line. (5b) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending along Missouri Highway 13, thence south on Missouri Highway 13 to junction Missouri Highway 39, thence along Michigan Highway 39 to the Missouri-Arkansas state line, to points in Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10, thence east along U.S. Highway 10 to junction Michigan Highway 25, thence along U.S. Highway 25 to its termination at Lake Huron. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (6) From points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending south along U.S. Highway 65 to the Missouri-Kansas state line, to points in New York.

The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Kans. (7) From points in Missouri on and west of a line beginning on the Iowa-Missouri state line, and extending along U.S. Highway 65, thence south on U.S. Highway 65 to the Missouri-Arkansas state line, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Ft. Scott, Kans. (8) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 69, to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction

Missouri Highway 39, thence south along Missouri Highway 39 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (9) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in Pennsylvania. The purpose of the filing is to eliminate the gateways of Galena, Kans. and Ravenna, Ohio. (10) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to junction Missouri Highway 83, thence west along Missouri Highway 83 to junction U.S. Highway 54 thence west along U.S. Highway 54 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (11) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to junction Missouri Highway 52, thence west along Missouri Highway 52 to junction Missouri Highway 18, thence west along Missouri Highway 18 to junction U.S. Highway 71, thence south along U.S. Highway 71 to the Missouri-Arkansas state line, to points in Virginia on and east of a line beginning at the North Carolina-Virginia state line and extending north and east along U.S. Highway 258, to junction Virginia Highway 32, thence along Virginia Highway 32 to junction U.S. Highway 17, thence north along U.S. Highway 17, to junction U.S. Highway 522, thence north along U.S. Highway 522 to the Virginia-West Virginia state line. The purpose of this filing is to eliminate the gateways of Kansas City, Kans. and Ravena, Ohio.

(12) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line and extending south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (13) From points in Missouri on and south and west of a line beginning at the Missouri-Kansas state line and extending east along U.S. Highway 36 to junction Missouri 13, thence south along Missouri Highway 13 to U.S. Highway 65, thence south along U.S. Highway 65 to the Missouri-Arkansas state line, to points in Wisconsin on and east and north of a line beginning at the Wisconsin-Minnesota state line and extending south along U.S. Highway 53 to junction U.S. Highway 8, thence east along U.S. Highway 8 to junction Wisconsin Highway 47, thence south along Wisconsin Highway 47 to junction Wisconsin Highway 64, thence east along Wisconsin Highway 64 to the Wisconsin-Michigan state line. The purpose of this filing is to eliminate the gateway of Ft. Scott, Kans.

(C) (1) From points in Missouri on and west of a line beginning at the Missouri-Iowa state line, and extending south along U.S. Highway 69 to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction U.S. Highway 54, thence west along U.S. Highway 54 to junction Missouri Highway 39, thence south along Missouri Highway 39 to junction Missouri Highway 89, thence south along Missouri Highway 89 to the Missouri-Arkansas state line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC 40215 (Sub-No. E19), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Plydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household Goods*, as defined by the Commission, A(1a) from points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line and extending along Nebraska Highway 61 to junction Interstate Highway 80, thence southwest along Interstate Highway 80 to the Nebraska-Colorado state line, to points in Arizona; (1b) from points in Nebraska to points in Arizona on and south of a line beginning at the Arizona-California state line, and extending along U.S. Highway 66, thence north and east on U.S. Highway 66 to the Arizona-New Mexico state line. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (2) From points in Nebraska to points in Arkansas. The purpose of this filing is to eliminate the gateway of Galena, and Kansas City, Kans. (3a) From points in Nebraska on and east and south of a line beginning at the Nebraska-Kansas state line and extending along U.S. Highway 83, thence north along U.S. Highway 83 to junction Nebraska Highway 70, thence east along Nebraska Highway 70 to junction Nebraska Highway 22, thence east along Nebraska Highway 22 to junction U.S. Highway 30, thence east along U.S. Highway 30 to the Nebraska-Iowa state line, to points in California on and south and west of a line beginning at the Oregon-California state line and extending along Interstate Highway 5, thence along Interstate Highway 5 to the junction of California Highway 36, thence northeast along California Highway 36 to the California-Nevada state line. The purpose of this filing is to eliminate the gateway of Pratt and Salina, Kans. (3b) From points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line, and extending along U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas state line, to points in California west of a line beginning at the Oregon-California state line, and extending along Interstate Highway 5 to junction California Highway 36, thence along California Highway 36 to junction U.S. Highway 101, thence along U.S. Highway 101 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Garden City, Kans.

(4) From points in Nebraska to points in the District of Columbia. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Mo. (5) From points in Nebraska on and north and east of a line beginning at the Kansas-Nebraska state line, and extending north along U.S. Highway 81 to junction Interstate Highway 80, thence east along Interstate Highway 80 to the Nebraska-Iowa state line, to points in Idaho. The purpose of this to eliminate the gateway of Topeka, Kans. (6) From points in Nebraska to points in Illinois on and south of a line beginning at the Illinois-Iowa state line and extending along U.S. Highway 136 to junction Illinois Highway 9 to junction U.S. Highway 150, thence east along U.S. Highway 150 to the Indiana-Illinois state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (7) From points in Nebraska to points in Indiana on and south of a line beginning at the Illinois-Indiana state line and extending along U.S. Highway 36, thence east along U.S. Highway 36 to the Indiana-Ohio state line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (8) From points in Nebraska to points in Kentucky. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. (9) From points in Nebraska to points in Louisiana. The purpose of this filing is to eliminate the gateways of Independence and Marion, Kans. (10) From points in Nebraska to points in Maryland. The purpose of this filing is to eliminate the gateways of Kansas City, Kans., and Ravenna, Ohio. (11a) From points in Nebraska on and west and south of a line beginning at the Kansas-Nebraska state line, and extending north along U.S. Highway 83 to junction U.S. Highway 30, thence west along U.S. Highway 30 to the Nebraska-Wyoming state line, to points in Michigan. (11b) From points in Nebraska on and west of a line beginning at the South Dakota-Nebraska state line and extending along U.S. Highway 83, thence south along U.S. Highway 83 to the Nebraska-Kansas state line, to points in Michigan on and southeast of a line beginning at Lake Huron and extending along Michigan Highway 21, thence west along Michigan Highway 21 to junction U.S. Highway 127, thence south along U.S. Highway 127 to the Indiana- Michigan state line. The purpose of this filing is to eliminate the gateways of Manhattan, Marysville, and Kansas City, Kans.

(12) From points in Nebraska to points in Missouri. The purpose of this filing is to eliminate the gateways of Topeka and Kansas City, Kans. (13) From points in Nebraska on and east of a line beginning at the Nebraska-Iowa state line, and extending along Interstate Highway 86 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to the Nebraska-Kansas state line, to points in Nevada on and east and north of a line beginning at the Nevada-Oregon state line and extending south on Nevada Highway 51 to junction U.S. Highway 40, and thence along U.S. Highway 40 to the Nevada-Utah state line. (13b) From points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line, and extending along U.S. Highway 83 to the Nebraska-Kansas state line, to points in Nevada on and south of a line beginning at the California-Nevada state line, and extending along U.S. Highway 40 to the Nevada-Utah state line. (13c) From points in Nebraska on and east of a line beginning at the Nebraska-South Dakota state line and extending south along U.S. Highway 183 to the Nebraska-Kansas state line, to points in Nevada on and west and south of a line beginning at the Nevada-Oregon state line, and extending south along Nevada Highway 51 to junction U.S. Highway 40, thence extending east along U.S. Highway 40 to the Nevada-Utah state line. The purpose of these filings is to eliminate the gateway of Topeka, Garden City and Kansas City, Kans. (14) From points in Nebraska to points in New Mexico. The purpose of this filing is to eliminate the gateways of Topeka, and Garden City, Kans. (15a) From points in Nebraska to points in New York on and east and south of a line beginning at Lake Ontario and extending south along U.S. Highway 15, to junction New York Highway 21, thence along New York Highway 21 to the New York-Pennsylvania state line. (15b) From points in Nebraska on and west and south of a line beginning at the Nebraska-South Dakota state line, and extending along U.S. Highway 81 to junction U.S. Highway 275, thence east along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska Iowa state line, to points in New York. The purpose of this filing is to eliminate the gateways of Marysville, Kans. and Ravenna, Ohio (16) From points in Nebraska to points in North Carolina. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

(17a) From points in Nebraska to points in Ohio on and south of a line beginning at the Indiana-Ohio state line, and extending along Interstate Highway 70 to the Ohio-West Virginia state line. (17b) From points in Nebraska on and west and north of a line beginning at the Nebraska-Kansas state line and extending north along U.S. Highway 77 to junction Nebraska Highway 79, thence north along Nebraska Highway 79 to junction Nebraska Highway 92, thence west along Nebraska Highway 92 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Nebraska Highway 22, thence north along Nebraska Highway 22 to junction Nebraska Highway 70, thence west along Nebraska Highway 76 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the Nebraska-South Dakota state line, to points in Ohio. The purpose of this filing is to eliminate the gateway of Marysville, Kansas City, Kans., Kansas-Nebraska Highway 77 to state line. (18) From points in Nebraska to points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas. (19) From points in Nebraska to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Marysville, Kansas City, Kans. and Ravenna, Ohio. (20) From points in Nebraska to points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Kansas. (21) From points in Nebraska to points in Texas. The purpose of this filing is to eliminate the gateway of points in Kansas. (22) From points in Nebraska, to points in Virginia on and east of a line beginning at the Virginia-West Virginia state line, and extending southeast along Virginia Highway 29 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to the Virginia-North Carolina state line. The purpose of this filing is to eliminate the gateways of Marysville, Kans. and Ravenna, Ohio.

(23) From points in Nebraska to points in West Virginia. The purpose of this filing is to eliminate the gateway of Kansas City, Kans. B. (1a) From points in Nebraska on and east of a line beginning at the Kansas-Nebraska state line and extending north along U.S. Highway 81 to the Nebraska-South Dakota state line, to points in Colorado. (1b) From points in Nebraska on and east of a line beginning at the Kansas-Nebraska state line, and extending north along U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota state line, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Kansas. C. From points in Nebraska on and west of a line beginning at the Nebraska-South Dakota state line, and extending south along U.S. Highway 26, thence east along U.S. Highway 26 to junction Nebraska Highway 27, thence south along Nebraska Highway 27 to the Nebraska-Colorado state line, to points in Iowa on and south of a line beginning at the Iowa-Illinois state line, and extending west along U.S. Highway 34 to the Iowa-Nebraska state line. The purpose of this filing is to eliminate the gateway of Kansas-Nebraska state line at Highway 77. D. From points in Nebraska on and east and south of a line beginning at the Kansas-Nebraska state line and extending north along U.S. Highway 83 to junction U.S. Highway 34, thence east along U.S. Highway 34 to the Nebraska-Iowa state line, to points in Minnesota on and north of a line beginning at the Minnesota-North Dakota state line and extending east along U.S. Highway 10 to junction Minnesota Highway 210, thence east along Minnesota Highway 210 to junction Minnesota Highway 23, thence north along Minnesota Highway 23 to Lake Superior. The purpose of this filing is to eliminate the gateway of Marysville, Kans.

No. MC 40215 (Sub-No. E20), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kansas 67401. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) From points in Nevada, to points in Arkansas, Illinois, Indiana, Iowa, and the *District of Columbia. The purpose of this filing is to eliminate the gateways of Garden City, Kans., *Garden City, Kans. and Ravenna, Ohio. (2A) from points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Kansas. (2B) from points in Nevada on and north of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Kansas on and south and east of a line beginning at the Kansas-Colorado State line, and extending along U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of Englewood and Pratt, Kans. (3) from points in Nevada to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburg and Kansas City, Kans. (4) from points in Nevada to points in Maryland. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, and Garden City, Kans. (5) from points in Nevada to points in Michigan. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (6A) from points in Nevada on and west and south of a line beginning at the Oregon-Nevada State line, and extending south along U.S. Highway 95 to junction U.S. Highway 40, thence south along U.S. Highway 40 to the Nevada-California State line, to points in Minnesota on and south of a line beginning at the South Dakota-Minnesota State line, and extending east along Minnesota Highway 30 to junction U.S. Highway 16, thence east along U.S. Highway 16 to the Minnesota-Wisconsin State line. (6B) from points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 50 to the Nevada-Utah State line, to points in Minnesota east and south of a line beginning at the International Boundary line between United States and Canada, and extending south along U.S. Highway 59 to junction U.S. Highway 16, thence west along U.S. Highway 10 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

(7) From points in Nevada to points in Missouri. The purpose of this filing is to eliminate the gateways of points in Kansas. (8A) From points in Nevada on and west and south of a line beginning at the Nevada-Idaho State line, and extending south along U.S. Highway 40, thence extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Nebraska on and east of a line beginning at

the Nebraska-South Dakota State line, and extending south along U.S. Highway 183 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (8B) From points in Nevada on and east and north of a line beginning at the Nevada-Idaho State line, and extending south along Nevada Highway 51 to junction U.S. Highway 40, thence east along U.S. Highway 40 to the Nevada-Utah State line, to points in Nebraska on and east of a line beginning at the Nebraska-Iowa State line and extending west along Interstate Highway 80 to junction Nebraska Highway 50, thence south along Nebraska Highway 50 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Topeka and Garden City, Kans. (8C) From points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Nebraska on and east of a line beginning at the South Dakota-Nebraska State line, and extending south along U.S. Highway 83 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (9) From points in Nevada to points in New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateways of Garden City, Kans., and Ravenna, Ohio. (10) From points in Nevada to points in Ohio. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (11A) From points in Nevada on and north of a line beginning at the Nevada-California State line and extending east along U.S. Highway 6 to the Nevada-Utah State line, to points in Oklahoma. (11B) From points in Nevada to points in Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, and extending south along U.S. Highway 83 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of points in Kansas.

(12A) From points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 6 to junction Nevada Highway 25, thence southeast along Nevada Highway 25 to junction U.S. Highway 93, thence south along U.S. Highway 93 to the Nevada-Arizona State line, to points in South Dakota on and east of a line beginning at the Nebraska-South Dakota State line, and extending north along U.S. Highway 83 to the South Dakota-North Dakota State line. (12B) From points in Nevada on and south and west of a line beginning at the California-Nevada State line, and extending east along U.S. Highway 40 to junction U.S. Highway 95, thence south along U.S. Highway 95 to junction Nevada Highway 31, thence south along Nevada Highway 31 to the Nevada-California State line, to points in South Dakota on and east of a line beginning at the Nebraska-South Dakota State line, and extending north along North Dakota Highway 37 to the South Dakota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

(13) From points in Nevada to points in Tennessee. The purpose of this filing is to eliminate the gateway of Galena, Kans. (14A) From points in Nevada to points in Texas on and east of a line beginning at the Oklahoma-Texas State line, and extending south along U.S. Highway 87 to junction U.S. Highway 84, thence south along U.S. Highway 84 to junction U.S. Highway 83, thence south along U.S. Highway 83 to the International Boundary between the United States and Mexico. (14B) From points in Nevada on and north of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to points in Texas on and east of a line beginning at the Texas-New Mexico State line, and extending south along U.S. Highway 87 to junction U.S. Highway 277, thence south along U.S. Highway 277 to the International Boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateways of points in Kansas.

(15) From points in Nevada to points in Virginia on and east of a line beginning at the Kentucky-West Virginia State line, and extending southeast along U.S. Highway 58 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Garden City, Kans., and Ravenna, Ohio. (16A) From points in Nevada to points in Wisconsin on and east and south of a line beginning at Lake Superior and extending south along U.S. Highway 63 to junction Wisconsin Highway 77, thence west along Wisconsin Highway 77 to the Wisconsin-Minnesota State line. (16B) From points in Nevada on and south of a line beginning at the Nevada-California State line, and extending east along U.S. Highway 40 to the Nevada-Utah State line, to all points in Wisconsin. The purpose of this filing is to eliminate the gateway of Garden City, Kans.

No. MC 40215 (Sub-No. E22), filed May 17, 1974. Applicant: RICHARD TRANSFER & STORAGE CO., INC., 246 North Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in New York to points in Arizona, California, Idaho, Nevada, New Mexico, and Utah. The purpose of this filing is to eliminate the gateway of Ravenna, Ohio and Garden City, Kans. (2) From points in New York to points in Arkansas on, and west of a line beginning at the Missouri-Kansas state line, and extending south along U.S. Highway 71 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma state line. The prupose of this filing is to eliminate the gateways of Ravenna, Ohio and Galena, Kans. (3) From points in New York to points in Colorado. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Topeka, Kans. (4) from points in New York to points in Kansas. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Mo. (5) From points in New York to points in Missouri on and west of a line beginning at the Iowa-Missouri state line, and extending south along U.S. Highway 65 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Kansas City, Kans. (6a) From points in New York to points in Nebraska on and west and south of a line beginning at the South Dakota-Nebraska state line and extending along U.S. Highway 81 to junction U.S. Highway 275, thence east along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa state line. (6b) From points in New York on and east of a line beginning at Lake Ontario, at or near Rochester, N.Y., and extending south along U.S. Highway 15 to junction New York Highway 21, thence south along New York Highway 21 to the New York-Pennsylvania state line, to points in Nebraska. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, Kansas City and Marysville, Kans.

(7) From points in New York to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, Kansas City, Kans., Fort Scott, Kans., Galena, Kans. (8) From points in New York to points in South Dakota. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio, Marysville, Manhattan and Kansas City, Kans., and Kansas City, Mo. (9) From points in New York to points in Texas. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Chetopa, Kans. (10a) From points in New York to points in Wyoming on and west and south of a line beginning at the Wyoming-Montana state line and extending south along U.S. Highway 87 to junction U.S. Highway 20, thence east along U.S. Highway 20 to the Wyoming-Nebraska state line. (10b) From points in New York beginning at the New York-Vermont state line and extending west along New York Highway 7 to junction U.S. Highway 20 thence along U.S. Highway 20 to the New York-Massachusetts state line, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Ravenna, Ohio and Garden City, Kans.

No. MC 40215 (Sub-No. E23), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 North Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household Goods*, as defined by the Commission, (1) From points in North Carolina to points in Arkansas on and west of a line beginning at the Missouri-Arkansas state line and extending along U.S. Highway 62, thence south on U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 96, thence west along Arkansas Highway 96 to the Arkansas-Oklahoma state line. The purpose of this filing is to eliminate the gateway of Galena, Kans. (2) From points in North Carolina to points in Colorado. The purpose of this filing is to eliminate the gateway of Garden City, Kans. (3) From points in North Carolina on and south of a line beginning at the North Carolina-Tennessee state line, and extending along Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 70, thence east on U.S. Highway 70 to junction U.S. Highway 64, thence east on U.S. Highway 64 to its termination at Manns Harbor and the Atlantic Ocean, to points in Iowa on and west of a line beginning at the Minnesota-Iowa state line, and extending along U.S. Highway 69, thence south on U.S. Highway 69 to the Iowa-Missouri state line. The purpose of this filing is to eliminate the gateways of Kansas City, Mo.-Manhattan, Kans. (4) From points in North Carolina to points in Kansas. The purpose of this filing is to eliminate the gateways of Kansas City, Mo. and Independence, Kans.

(5) From points in North Carolina to those points in Missouri on and west of a line beginning at the Iowa-Missouri state line and extending along U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateways of Kansas City and Fort Scott, Kans. (6) From points in North Carolina to points in Nebraska. The purpose of this filing is to eliminate the gateways of Kansas City, Kans. (7) From points in North Carolina to points in Oklahoma on and west and north of a line beginning on the Oklahoma-Arkansas state line, and extending west along U.S. Highway 59 to junction U.S. Highway 259, thence south along U.S. Highway 259 to the Oklahoma-Texas state line. The purpose of this filing is to eliminate the gateway of Galena, Kans. (8) From points in North Carolina to points in South Dakota. The purpose of this filing is to eliminate the gateways of Kansas City, Mo. and Manhattan, Kans. (9) From points in North Carolina to points in Texas, north and west of a line beginning at the Texas-Louisiana state line and extending west along U.S. Highway 84 to junction U.S. Highway 59, thence south along U.S. Highway 59 to junction U.S. Highway 77, thence south along U.S. Highway 77 to the Texas-Mexico line. The purpose of this filing is to eliminate the gateway of Galena, Kans.

No. MC 76677 (Sub-No. E1) (Partial Correction), filed May 23, 1974, published in the FEDERAL REGISTER issues of August 20, 1975, September 25, 1975, and December 29, 1976, and republished, as corrected, this issue. Applicant: HALLAMORE MOTOR TRANSPORTATION INC., 795 Plymouth St., Holbrook, Mass. 02343. Applicant's representative: Frank J. Wiener, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateways of Massachusetts within 50 miles of Boston in (A) (1), (2), (3), (4), (5), (6), and (7); points in Massachusetts within 35 miles of Brockton, Mass., in (A) (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), and (22); and points in Massachusetts within 50 miles of Boston.

NOTE.—The purpose of this partial correction is to state the correct commodity description and the correct gateway territory. The remainder of this letter-notice remains as previously published.

No. MC 105045 (Sub-No. E204), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, on in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Texas to points in Delaware. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E205), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Kansas on and north of a line beginning at the Kansas-Missouri state line, and extending along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado state line, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E206), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Nebraska, on the one hand, and, on the other, points in Alabama, Florida, and Georgia. The purpose of this filing

is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation, at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E208), filed March 24, 1970. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and aluminum products (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri to points in North Carolina on and east of a line beginning at the North Carolina-South Carolina state line and extending along U.S. Highway 21 to the North Carolina-Virginia state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E209), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Georgia to points in New Mexico on and west of a line beginning at the Colorado-New Mexico state line, and extending along Interstate Highway 25 to junction Interstate Highway 40, thence along Interstate 40 to the New Mexico-Arizona state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E210), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Florida to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E211), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of the size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Florida, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E213), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except in bulk), from the National Southwire Aluminum Company, National Aluminum Corporation, and Southwire Aluminum Company at or near Hawesville, Ky., to points in North Dakota, South Dakota, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E214), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the constructions, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Alabama to points in North Dakota, Montana, Washington, Oregon, and Idaho. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E215), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size and weight, require the use of special equipment, from points in Virginia, to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, and Arizona. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E216), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size and weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up

of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in West Virginia to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E217), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from the District of Columbia, to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. 218), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from points in Maryland, to points in North Dakota, South Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E219), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from points in Pennsylvania to points in South Dakota on and south of a line beginning at the Minnesota-South Dakota state line and extending along U.S. Highway 14 to the South Dakota-Wyoming state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Almuminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E220), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of size or weight, require the use of special equipment, from points in Pennsylvania, to points in North Dakota, Montana, Washington, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E221), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in the Lower Peninsula of Michigan, to points in California, Arizona and New Mexico. The purpose of this filing is to eliminate the gateway from the plantsite and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E222), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Ohio, to points in Colorado on and west of a line beginning at the Colorado-Nebraska state line, and extending along Colorado Highway 113, to junction U.S. Highway 138, thence along U.S. Highway 138 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Oklahoma state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E223), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Ohio to points in New Mexico, Arizona, California, Nevada, Utah, Oregon, Washington, and Idaho. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E224), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Mississippi to points in Connecticut, Massachusetts, New Hampshire, Vermont, and Rhode Island. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E225), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee state line, and extending along U.S. Highway 65 to the Tennessee-Alabama state line, to points in Connecticut, Rhode Island, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub.-No. E226), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee state line, and extending along U.S. Highway 65, thence along U.S. Highway 65 to the Tennessee-Alabama state line, to points in North Dakota, South Dakota, Montana, Wyoming, Washington, Oregon, Idaho, California, Nevada, and Utah. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E227) filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Arkansas to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 107064 (Sub-No. E431), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Wyoming to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in Virginia. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E432), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E433), filed December 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Colorado to points in South Carolina on and south of a line commencing at the Georgia-South Carolina State Line and extending along U.S. Highway 378 to Conway, South Carolina, thence along U.S. Highway 701 to the South Carolina-North Carolina State Line restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E434), filed December 19, 1975. Applicant: STEERE TANK LINE, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Arkansas to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 107064 (Sub-No. E435), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex., 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Arizona in and south of Yuma, Maricopa, Gila, Graham and Greenlee Counties, Ariz., to points in Kansas, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E436), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles from points in Colorado to points in Georgia on and south of a line commencing at the Alabama-Georgia State Line and extending along U.S. Highway 78 to Atlanta, Georgia, thence along Interstate Highway 20 to the Georgia-South Carolina State Line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E437), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Texas and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., to points in North Dakota. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E438), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Georgia on and south of a line commencing at the Alabama-Georgia State Line and extending along U.S. Highway 78 to Atlanta, Georgia, thence along Interstate Highway 20 to the Georgia-South Carolina State Line to points in Colorado, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC–107064 (Sub-No. E439), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Michigan to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC–107064 (Sub-No. E440), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's Representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilized ingredients* (except liquid sulphur and petroleum products (from points in Indiana, points in New Mexico on, south and west of a line beginning at the Colorado-New Mexico State Line and extending along U.S. Highway 84 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State Line restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC–107064 (Sub-No. E451), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in California to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against transportation of Chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC–107064 (Sub-No. E452), filed December 19, 1975. Applicant: STEERE TANK LINES, Inc., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from points in Oklahoma (except points in Cimarron, Texas, and Beaver Counties, Oklahoma) to points in Arizona in and south of Yuma, Maricopa, Gila, Graham and Greenlee Counties, Ariz., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E453), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Georgia to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E454), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221, Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in North Dakota to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E455), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Minnesota to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., re-

stricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E456), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in Arkansas to points in New Mexico on and south of U.S. Highway 66, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E457), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Virginia to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E458), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Arizona in and south of Yuma, Maricopa, Gila, Graham and Greenlee Counties, Ariz., to points in Okalahoma (except points in Cimarron, Texas, and Beaver Counties, Okla.), restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E459), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Tex. 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E460), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr., P.O. Box 2998, Dallas, Texas 75221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer* ingredients, in bulk, in tank vehicles from points in Colorado to points in Alabama on and South of a line commencing at the Mississippi-Alabama State line and extending along U.S. Highway 82 to Tuscaloosa, Alabama, thence along U.S. Highway 11 to the Alabama-Georgia State line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plantsite of Occidental Chemical Company in Hale County, Texas.

No. MC 113855 (Sub-No. E390), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in Missouri on and west of U.S. Highway 71 beginning at the Missouri-Iowa State line to St. Joseph, Mo., on the one hand, and, on the other, points in Massachusetts on and east of Massachusetts Highway 12, New York on and south of U.S. Highway 44 beginning at the New York-Connecticut State line, thence along U.S. Highway 44 to junction U.S. Highway 20, thence along U.S. Highway 209 to the New York-Pennsylvania State line, and points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pensylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction business U.S. Highway 15 near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered Highway through Clearspring, Pa., to junction U.S. Highway 15, then along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 113855 (Sub-No. E398), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over the irregular routes, transporting: *Metal and Metal articles* (a) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Iowa on and north of a line beginning at the Iowa-Nebraska State line at the junction of the state line and Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 141 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 38, thence along Iowa Highway 38 to the Iowa-Illinois State line; (b) between points in Kansas within an area east of U.S. Highway 281 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Iowa on and north of U.S. Highway 20; and (c) between points in Kansas east of U.S. Highway 77, on the one hand, and, on the other, points in Iowa on, north, and west of a line beginning at the junction of the Iowa-Nebraska State line and U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E399), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line on U.S. Highway 50 north of Lancaster, Minn., thence along U.S. Highway 59 to Detroit Lake, Minn., thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa/Minnesota State line, on the one hand, and, on the other, points in Illinois (except points in Joe Daviess, Stephenson, Winnebago, Boone, McHenry, and Lake Counties); (b) between points in Minnesota on and east of a line beginning at the

United States-Canada International Boundary line on U.S. Highway 59 north of Lancaster, Minn., thence along U.S. Highway 59 to Detroit Lakes, Minn., thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, and on and west of a line beginning at the United States-Canada International Boundary line at or near Bandette, Minn., thence along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 371, thence along U.S. Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to St. Cloud, Minn., thence along Minnesota Highway 15 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in Illinois on and south of U.S. Highway 6; and

(c) Between points in Koochiching County, Minn., on the one hand, and, on the other, points in Illinois on and west of a line beginning at the Illinois-Missouri State line at or near Quincy, Ill., thence along Illinois Highway 104 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line.

The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E400), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) from points in Washington, Oregon, Idaho, and Nevada to points in Vermont, New Hampshire, and Maine, and (b) between points in Washington, Oregon, Idaho, and Nevada, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC 113855 (Sub-No. E401), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) Between points in Nevada (except points in Esmeralda, Nye, White Pine, Lincoln, and Clark Counties), on the one hand, and, on the other, points in Kansas, points on, east, and north of a line beginning at the Kansas-Nebraska State line along U.S. Highway 183 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 35W, thence along U.S. Highway 35W and 35 to the Kansas-Oklahoma State line; and (b) Between points in Ely and Tonopah, Nev., on the one hand, and, on the other, Kansas City, Kans. The purpose of this filing is to eliminate the gateways of Utah and South Dakota.

No. MC 113855 (Sub-No. E402), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Oregon, on the one hand, and, on the other points in North Dakota (except points in Adams, Bowman, Slope, Hettinger, Stark, Golden Valley, Billings, Dunn, Divide, Williams, and McKenzie Counties) (Montana, South Dakota east of the Missouri River)*; (b) between points in Oregon in the Klamath, Jackson, Josephine, Curry and Coos Counties, on the one hand, and, on the other, points in North Dakota (Utah and South Dakota).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E403), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in Idaho, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81 (Utah, Montana, or Wyoming, and points in South Dakota east of the Missouri River).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E404), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Kansas, on the one hand, and, on the other, points in Minnesota (except points south of Minnesota Highway 60); and (b) Between points in Kansas (except points east of U.S. Highway 59), on the one hand, and, on the other, points in Minnesota south of Minnesota Highway 60. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E405), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (A) (1) between points in Nebraska on and north of Nebraska Highway 92 and on and west of U.S. Highway 281, on the one hand, and, on the other, points in Kentucky on and east of Interstate Highway 75. (2) Between points in Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 51 to junction U.S. Highway 81, to junction U.S. Highway 283 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in Kentucky west of Interstate Highway 75 and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction Kentucky Highway 90, to junction Kentucky Highway 63 to the Kentucky-Tennessee State line. (3) Between points in Nebraska, on the one hand, and, on the other, points in West Virginia. (South Dakota and Elgin, Ill.).*

(B) (1) Between points in Nebraska, on the one hand, and, on the other, points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57 to junction Interstate Highway 81 to the New York-Pennsylvania State line; points in Maryland (except Garrett, Alleghany, and Washington Counties), points in Virginia on and east of U.S. Highway 1, points in North Carolina in and east of Hertford, Bertie, Martin, Beaufort, and Pamlico Counties, and the District of Columbia. (2) Between points in Nebraska on and west of U.S. Highway 183, on the one hand, and, on the other, points in New York west of a line beginning at Lake Ontario and extending along New York Highway 57 to junction Highway 81 to the New York-Pennsylvania State line, and on and east of U.S. Highway 15 (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business Highway 15, to junction U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E406), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Ap-

plicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (a) between points in North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to Lakota, N. Dak., thence points on and west of North Dakota Highway 1 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Minnesota (except that portion north and west of a line beginning at the North Dakota-Minnesota State line extending in an easterly direction along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to the United States-Canada International Boundary line) and (b) between points in North Dakota, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E407), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between Elgin, Ill., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, the District of Columbia, points in New York in and east of Tioga, Thompkins, and Cayuga Counties, points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97 to the Maryland-District of Columbia line, points in Virginia in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King-William, King and Queen, Essex, and King George Counties, and points in Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. (Scranton, Reading, Allentown, Harrisburg, Lancaster, or Hazleton, Pa.*), (B) Between, Elgin, Ill., on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Ohio*).

(C) Between Davenport, Iowa, on the one hand, and on the other, points in Indiana on and east of a line beginning at Lake Michigan extending along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 57, thence along Indiana Highway 57 to the Indiana-Kentucky State line, points in Kentucky in and east of Breckenridge, Grayson, Edmonson, Barren, and Monroe Counties, points in Ohio, Kentucky, and West Virginia, Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State Line including points on the indicated portions of the highways specified (Elgin, Ill.*).

(D) Between Davenport, Iowa, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion of U.S. Highway 15) to junction Business U.S. Highway 15, thence along Business U.S. Highway 15 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnnumbered highway (formerly portion of U.S. Highway 15), thence along unnumbered highway to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa), (Elgin, Ill. and Ohio*), (E) Between Davenport, Iowa, on the one hand, and, on the other, points in New York in and east of Oswego, Ondaga, Courtland, Tompkins, and Chemung Counties (except points in Oswego County west of U.S. Highway 11), points in Masachusetts, Connecticut, Rhode Island, New Jersey, Delaware, points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97, thence along Maryland Highway 97 to the Maryland-District of Columbia line, points in Virginia in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex and King George Counties, and points in Hyde, Washington, Tyrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. (Elgin, Ill., and Scranton, Reading, Allentown, Harrisburg, Lancaster, or Hazleton, Pa.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113855 (Sub-No. E411), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (a) between points in South Dakota, on the one hand, and, on the other, points in Minnesota Minot, N. Dak., or points in North Dakota south of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line, or points in Minnesota on and south of U.S. Highway 12 and on and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 65 to junction Minnesota Highway 50 (formerly portion U.S. Highway 65), to junction Minnesota Highway 3 (formerly portion U.S. Highway 65), to junction U.S. Highway 65, to junction Minnesota Highway 30 (formerly portion U.S. Highway 65), to junction unnumbered highway near Ellendale, to junction U.S. Highway 65 to the Minnesota-Iowa State line)*; and (b) between points in Nebraska, on the one hand, and, on the other, points in Minnesota (points in Minnesota within 50 miles of Sioux Falls, S. Dak.)*. The purpose of this filing is to eliminate the gateways indicated by asterjsks above.

No. MC 113855 (Sub-No. E412), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, between points in Washington, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of Montana or Wyoming and South Dakota east of Missouri River.

No. MC 113855 (Sub-No. E413), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2420 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, between points in Colorado (except points in Kit Carson, Cheyenne, Kiowa, Prowers, Bent, Baca Counties, and points in Las Animas County east of Interstate Highway 25), on the one hand, and, on the other, points in Illinois, that part of Illinois on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. (except points in Adams, Brown, Cass, Schyyler, Hancock, and McDonough Counties). The purpose of this filing is to eliminate the gateway of South Dakota, and Davenport, Iowa.

No. MC 113855 (Sub-No. E414), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in North Dakota (except points in Divide, Williams, and McKenzie Counties), on the one hand, and, on the other, points in Washington (Montana), South Dakota east of South Dakota Highway 73)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E415), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, on the one hand, and, on the other, points in Kansas, (b) between points in California in and south of a line formed by southern boundary of counties described in (a) above and north of a line formed by the southern boundaries of San Luis Obispo, Kern, Inyo Counties, on the one hand, and, on the other, points in Kansas on and north of U.S. Highway 70, (c) between points in California in Santa Barbara, Ventura, Los Angeles, and Orange Counties and those points in San Bernardino and Riverside Counties on and west of U.S. Highway 395, on the one hand, and, on the other, Kansas, points on, north, and east of U.S. Highway 283 from the Kansas-Nebraska State line to junction U.S. Highway 24, thence easterly along U.S. Highway 24 to the Kansas-Missouri State line, and (d) between points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, on the one hand, and, on the other, points in Colorado on, east, and north of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 71 in a southerly direction to Limon, thence southeasterly along U.S. Highway 40 to the Colorado-Kansas State line. The purpose of the filing is to eliminate the gateway of points in Nebraska and South Dakota.

No. MC 113855 (Sub-No. E416), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in Washington on the one hand, and, on the other, points in South Dakota east of Missouri River (Montana)*, (b) between points in Pacific, Wahkiakum, Cowlitz and Clark Counties, Wash., on the one hand, and, on the other, points in South Dakota west of the Missouri River and south of U.S. Highway 212. (Utah)*, (c) between points in Skamania, Klickitat, Yaskima, Benton, Franklin, Whatcom, and Walla Walla Counties, Wash., on the one hand, and, on the other, points in Pennington, Custer, Fall River, Shannon, Bennett, Washabaugh, Jackson, Haakon, Stanley, Jones, Lyman, Mellette, Todd, Tripp, and Gregory Counties, S.D. (Utah)*, (d) between points in Skagit, Snohomish, King Pierce, Thurston, Lewis, Grays Harbor, Mason, Jefferson, Clallam, and Kitsap Counties Wash., on the one hand, and, on the other, points in Fall River, Shannon, Bennett, Washabaugh, Mellette, Todd, Tripp and Gregory Counties, S.D. (Utah)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E417), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in Montana on, west, and south of a line beginning at the United States-Canada International Bounary line at or near Sweetgrass, Mont., thence along U.S. Highway 91 to junction Interstate Highway 90, thence along Interstate Highway 90 to Billings, thence along U.S. Highway 87 to the Wyoming-Montana State line, on the one hand, and, on the other, points in New York; (b) between points in Montana north and east of a line beginning at the United States-Canada International Boundary line at or near Sweetgrass, Mont. thence along U.S. Highway 91 to junction Interstate Highway 90 to Billings, thence along U.S. Highway 87 to the Wyoming-Montana State line, on the one hand, and, on the other, points in New York (except points in Chautauqua County); (c) between points in Montana, on the one hand, and, on the other, points in Virginia (except points in and west of Patrick, Floyd, Montgomery, and Craig Counties); (d) between points in Montana in and west of Park, Meagher, Judith Basin, Fergus, and Phillips Counties, on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 52.

(e) between points in Montana east of Park Meagher, Judith Basin, Fergus, and Phillips Counties, on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 301; and (f) between points in Montana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of points in South Dakota east of the Missouri River and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 117574 (Sub-No. E115), filed January 20, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: William A. Chesnutt, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, and *related materials, supplies* and *parts* of such commodities when their transportation is incidental thereto, and, (2) *self-*

propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts,* and *supplies* moving in connection therewith, restricted to self-propelled articles transported on trailers. (a) between points in Ford and Iroquois Counties, Ill., on the one hand, and on the other, points in Pennsylvania, West Virginia, and points in Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; points in Kentucky and east of U.S. Highway 127; points in Michigan on and east of a line commencing at Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron; (b) between points in Marshall and Woodford Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, points in Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; points in Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; points in Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to Saginaw Bay;

(c) between points in Knox County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, points in Indiana on and east of a line commencing at Ohio/Indiana State line thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; points in Kentucky on and east of U.S. Highway 127; points in Michigan on and east of a line commencing at Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron, Mich.; (d) between points in McDonough and Hancock Counties Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky on and east of U.S. Highway 127, Michigan on and east of Interstate Highway 94; (e) between points in Tazewell County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of U.S. Highway 25; (g) between points in Jo Daviess County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Kentucky/Indiana State line, thence along Indiana Highway 7, thence along Indiana Highway 7 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at Glasgow, thence along U.S. Highway 31, to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky/Indiana State line; Michigan on and east of Michigan Highway 53; (h) between points in Boone and Winnebago Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Ohio/Kentucky State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to Kentucky/Ohio State line near Warsaw; points in Michigan on and east of a line commencing at Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron, Mich.;

(i) between points in Rock Island County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 14, thence along Michigan Highway 14 to its junction with Michigan Highway 24, thence along Michigan Highway 24 to its junction with Michigan Highway 21, thence along Michigan Highway 21 to its junction with Michigan Highway 53 thence along Michigan Highway 53 to Lake Huron;

(j) Between points in Effingham and Fayette Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along Kentucky Highway 160 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 15, thence along Kentucky Highway 15 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 165 to its junction with Kentucky Highway 10, thence along Kentucky Highway 110 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along Michigan Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (m) between points in Hardin and Poke Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Kentucky/Indiana State line, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 1, thence along Kentucky Highway 1 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with Kentucky Highway 59, thence along Kentucky Highway 59 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with Michigan Highway 37, thence along Michigan 37 to Grand Traverse Bay.

(n) betwen points in Johnson and Massoc Counties, Ill. on the one hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 27, thence along U.S. Highway 27 to Indiana/Michigan State line; Kentucky on and east of a line commencing at Kentucky/West Virginia State line, thence along Kentucky Highway 292 to Kentucky Highway 40, thence along Kentucky Highway 40 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Kentucky/Ohio State line; Michigan on and east of a line commencing at Michigan/Indiana State line, thence along U.S. Highway 27 to Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (o) between points in Alexander and Union Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Kentucky on and east of U.S. Highway 23; Michigan on and east of a line commencing at Detroit, thence along Interstate Highway 96 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; Gateway to be elminated in (a) through (o) above: Columbus, Ohio and points within 80 miles thereof.

No. MC 117574 (Sub-No. E116), filed January 20, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: William A. Chesnutt, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, and *related materials, supplies* and *parts* of such commodities when their transportation is incidental thereto, and,

(B) *Self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts,* and *supplies* moving in connection therewith, restricted to self-propelled articles transported on trailers; (1) between points in Lake County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron; (2) between points in Kane County, Ill., on the one hand and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94.

(3) Between points in Lee County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at Detroit, thence along U.S. Highway 25 to its junction with Michigan Highway 19, thence along Michigan Highway 19 to its junction with Michigan Highway 142, thence along Michigan Highway 142 to its junction with Michigan Highway 53, thence along Michigan Highway 53 to Lake Huron.

(5) Between points in DeKalb County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence in a northerly direction along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at Detroit, thence along U.S. Highway 25 to its junction with Michigan Highway 19, thence along Michigan Highway 19 to its junction with Michigan Highway 142, thence along Michigan Highway 142 to its junction with Michigan Highway 53, thence along Michigan Highway 53 to Lake Huron.

(6) Between points in Carroll County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Kentucky/Indiana State line, thence along Indiana Highway 7 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at Glasgow, thence along U.S. Highway 31, thence along U.S. Highway 31 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its

junction with U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky/Indiana State line; Michigan on and east of Michigan Highway 53; (7) between points in McHenry County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; and Port Huron, Mich.; (8) between points in Cook County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; and Michigan on and east of Interstate Highway 94.

(9) Between points in Bureau and Putnam Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at Detroit, thence along Michigan Highway 53 to its junction with Michigan Highway 90, thence along Michigan Highway 90 to Lake Huron; (10) between points in Grundy and Kendall Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94; (11) between points in LaSalle County, Ill., on the one hand, and, on the other points in Pennsylvania, West Virginia and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94.

(12) Between points in Henderson, Mercer, and Warren Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 94; (13) between points in Peoria County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Kentucky Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; and Port Huron, Mich.; (14) Between points in Will County, Ill., on the hand, and, on the other, points in Pennsylvania, West Virginia, Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Kentucky Highway 61 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; and Port Huron, Mich.; (15) between points in Ogle County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron.

(16) Between points in Adams County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with U.S. Highway 25, thence along U.S. Highway 25 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to Saginaw Bay; (17) between points in Fulton County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia and Kentucky on and east of U.S. Highway 127; Michigan Highway 53; (18) between points in McLean County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Interstate Highway 94, thence along Interstate Highway 94 to Port Huron.

(19) Between points in Livingston County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of U.S. Highway 127; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along Interstate Highway 75 to Interstate Highway 94, thence along Interstate Highway 94 to Port Huron; (20) between points in Cass, Mason, and Menard Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; points in Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along U.S. Highway 23 to Interstate Highway 75, thence along Interstate Highway 75 to Bay City; (21) between points in Champaign County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia,

and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 56 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 23 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to Saginaw Bay.

(22) Between points in Brown and Schuyler Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to Interstate Highway 75, thence along Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along U.S. Highway 23 to Interstate Highway 75, thence along Interstate Highway 75 to Bay City; (23) between points in DeWitt and Logan Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at U.S. Highway 127; Michigan on and east of Interstate Highway 75; (24) between points in Pike County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 250 to its junction with Indiana Highway 129, thence along Indiana Highway 129 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 127 to its junction with Michigan Highway 57, thence along Michigan Highway 57 to its junction with Michigan Highway 30, thence along Michigan Highway 30 to its junction with Michigan Highway 61, thence along Michigan Highway 61 to Saginaw Bay.

(25) Between points in Coles, Douglas, and Edgar Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 25 to its junction with Kentucky Highway 89, thence along Kentucky Highway 89 to its junction with Kentucky Highway 82, thence along Kentucky Highway 82 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (26) between points in Morgan and Scott Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Michigan/Ohio State line, thence along U.S. Highway 127 to its junction with Michigan Highway 78, thence along Michigan Highway 78 to its junction with Michigan Highway 52, thence along Michigan Highway 52 to its junction with Michigan Highway 46, thence along Michigan Highway 46 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Bay City.

(27) Between points in Vermilion County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 27; Michigan on and east of Interstate Highway 75; (28) between points in Macoupin and Montgomery Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of Interstate Highway 75; (29) between points in Platt County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia and Kentucky on and east of U.S. Highway 127; Michigan on and east of Interstate Highway 75; (30) between points in Christian and Macon Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of U.S. Highway 27; Michigan on and east of Interstate Highway 75; (31) between points in Sangamon County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line, thence along U.S. Highway 50 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Ohio/Kentucky State line; Michigan on and east of a line commencing at the Ohio/Michigan State line, thence along U.S. Highway 127 to its junction with Michigan Highway 78, thence along Michigan Highway 78 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Bay City.

(32) Between points in Crawford and Jasper Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at Hazard, thence along Kentucky Highway 15, to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of Interstate Highway 75; (33) between points in Bonds and Madison Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 156 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along Kentucky Highway 160 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 15, thence along Kentucky Highway 15 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 36, thence along Kentucky Highway 36 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Indiana/Kentucky State line near Warsaw; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie.

(34) Between points in Clark and Cumberland Counties, Ill., on the one hand, and, on the other, points in Penn-

sylvania, West Virginia, and Kentucky on and east of a line commencing at Hazard, thence along Kentucky Highway 15 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of Interstate Highway 75; (35) between points in Shelby County, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia and Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along Kentucky Highway 160 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Kentucky Highway 19, thence along Kentucky Highway 19 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (36) between points in Calhoun, Greene, and Jersey Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Tennessee/Kentucky State line, thence along Interstate Highway 75 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to it junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie.

(37) Between points in Monroe and Saint Clair Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 165, thence along Kentucky Highway 165 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with U.S. Highway 131, thence along U.S. Highway 131 to its junction with Michigan Highway 113, thence along Michigan Highway 113 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay.

(38) Between points in Clay and Wayne Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 1, thence along Kentucky Highway 1 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with Kentucky Highway 59, thence along Kentucky Highway 59 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with U.S. Highway 131, thence along U.S. Highway 131 to its junction with Michigan Highway 113, thence along Michigan Highway 113 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay; (39) between points in Clinton and Washington Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line along Indiana Highway 56, thence along Indiana Highway 56 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/West Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 165, thence along Kentucky Highway 165 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Kentucky/Indiana State line; Michigan on and east of Interstate Highway 75.

(40) Between points in Gallatin and Saline Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 1 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 1, thence along Kentucky Highway 1 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with Kentucky Highway 59, thence along Kentucky Highway 59 to the Kentucky/Ohio State line; Michigan on and east of the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with U.S. Highway 131, thence along U.S. Highway 131 to its junction with Michigan Highway 113, thence along Michigan Highway 113 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay; (41) between points in Hamilton and White Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Ohio State line at Richmond, thence along U.S. Highway 40 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with U.S. Highway 224, thence along U.S. Highway 224 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with Indiana Highway 1, thence along Indiana Highway 1 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Interstate Highway 69, thence along Interstate Highway 69 to the Indiana/Michigan State line; Kentucky on and east of a line commencing at the Kentucky/West Virginia State line, thence along Kentucky Highway 292 to Kentucky Highway 3, thence along Kentucky Highway 3 to Ashland; Michigan on and east of a line commencing at the Indiana/Michigan State line, thence along Interstate Highway 69 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie.

(42) Between points in Edwards and Wabash Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the West Virginia/Kentucky State line, thence along Kentucky Highway 40 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11, to the Kentucky/Ohio State line; Michigan on and east of a line commencing at Detroit, thence along Interstate Highway 96 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (43) between points in Franklin and Williamson Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, thence along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 42, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along U.S. Highway 460 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 32 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Kentucky Highway 19, thence along Kentucky Highway 19 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, and extending along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay.

(44) Between points in Jackson, Perry, and Randolph Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Indiana/Kentucky State line, along Indiana Highway 262 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 321, thence along U.S. Highway 421 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Indiana/Ohio State line; Kentucky on and east of a line commencing at the Kentucky/Virginia State line, thence along Kentucky Highway 201 to its junction with U.S. Highway 23 to its junction with Kentucky Highway 201 to its junction with Kentucky Highway 32, thence along Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Kentucky Highway 19, thence along Kentucky Highway 19 to its junction with Kentucky Highway 22, thence along Kentucky Highway 22 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Kentucky Highway 17, thence along Kentucky Highway 17 to its junction with Kentucky Highway 14, thence along Kentucky Highway 14 to the Indiana/Kentucky State line; Michigan on and east of a line commencing at the Michigan/Indiana State line, thence along U.S. Highway 27 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to Grand Traverse Bay.

(45) Between points in Lawrence and Richland Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Kentucky on and east of a line commencing at the West Virginia/Kentucky State line, thence along Kentucky Highway 40 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky/Ohio State line; Michigan on and east of a line commencing at Detroit, thence along Interstate Highway 96 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; (46) between points in Jefferson and Marion Counties, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Indiana on and east of a line commencing at the Ohio/Indiana State line, thence along U.S. Highway 50 to its junction with Indiana Highway 101, thence along Indiana Highway 101 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to Sault Saint Marie; Gateway to be eliminated in (1) through (46): Columbus, Ohio and points within 80 miles thereof.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12112 Filed 4-26-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 22, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in acordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 12, 1977.

FSA No. 43353—*Wheat from Points in Kansas on the Missouri Pacific Railroad Company.* Filed by Missouri Pacific Railroad Company, (No. 1141), for interested rail carriers. Rates on wheat, in bulk, in carloads, as described in the application, from Corwin, Ruella and Shook, Kansas, to Gulf Ports, viz.: Ama, Baton Rouge, Lake Charles, Myrtle Grove, New Orleans, and Port Allen, Louisiana; also Beaumont, Corpus Christi, Freeport, Galveston, Houston, Orange, and Texas City, Texas, for export.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 90 to Missouri Pacific Railroad Company tariff 57-F, I.C.C. No. 518. Rates are published to become effective on May 21, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1240 Filed 4-26-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING MEETING: Postal Service.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5 (as amended, 42 FR 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9:00 A.M. on Tuesday, May 3, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

AGENDA

1. Opening Prayer.
2. Minutes of the Previous Meeting.
3. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster Genera to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
4. Salary Adjustments for Certain Executives. (Mr. Conway, Senior Assistant Postmaster General (Employee and Labor Relations), will explain proposed salary adjustments for certain officials. Under section 3.4 of the Board's Bylaws, changes in compensation of officers and executives in PES Grade 34 and above are to be approved by the Board.)
5. Report on Financial and Service Performance. (Mr. Gentile, Assistant Postmaster General (Finance Department) will present the quarterly summary of the financial performance of the Postal Service. Mr. Jellison, Assistant PMG (Mail Processing), will present the quarterly summary on service performance.)
6. Review of the Report of the Commission on Postal Service. (Mr. Ellington, Senior Assistant Postmaster General (Administration), will report on the principal features of the Report of the Commission on Postal Service which was established by Public Law 94–421.)
7. Preliminary Report on Postal Rate Alternatives. (Mr. Finch, Assistant Postmaster General (Government Operations), and Mr. Osborne, Assistant Postmaster General (Rates and Classification), will report on possible ratemaking strategies.)
8. Report on Postal Mechanization and Research and Development. (Mr. Wise, Assistant Postmaster General (Research and Development), will present a general review of the current status of the Postal Service mechanization and R. & D. programs.)
9. Review of Customer Services Activities. (Mr. Applegate, Assistant Postmaster General (Customer Services) will report on current programs and recent accomplishments of the Customer Services Department.)
10. Report of the Consumer Advocate. (Mr. Chadwick, Consumer Advocate, will report on the activities of the Office of Consumer Affairs.)
11. Recommended Decision of the Postal Rate Commission, Commission Docket No. MC 77–1. (The Governors will consider a report from the Board's Committee on Postal Service concerning the Commission's Recommended Decision of February 23, 1977, recommending that the Domestic Mail Classification Schedule be amended in accordance with the provisions of Sections 11 and 12 of the Postal Reorganization Act Amendments of 1976 (Public Law No. 94–421), which became effective on September 24, 1976.)
12. Report on Possible Restructuring of Delivery Services. (Mr. Morison, Director, Office of Customer Programs, will present an illustrative analysis of how delivery services could be restructured to attain economies while maintaining or improving levels of service. This report is in keeping with the request of Governor Codding at the Board meeting of April 5, 1977.)

LOUIS A. COX,
Secretary.

[S–250–77 Filed 4–25–77;7:59 am]

2

AGENCY HOLDING THE MEETING: Postal Service.

The Committee on Postal Rates of the Board of Governors of the United States Postal Service, pursuant to the Bylaws of the Board (39 CFR 5.2, 7.5 (as amended, 42 FR 12862, 12863)) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 7:30 A.M. on Tuesday, May 3, 1977, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

The Committee will discuss the Recommended Decision of the Postal Rate Commission, No. MC 77–1, recommending that the Domestic Mail Classification Schedule be amended in accordance with the provisions of Sections 11 and 12 of the Postal Reorganization Act Amendments of 1976 (Public Law No. 94–421), which became effective on September 24, 1976.) This Committee meeting is to be held in anticipation of a meeting of the Board of Governors which is scheduled to commence at 9:00 A.M. on the same day. The Commission's Recommended Decision is on the agenda for the Board meeting.

LOUIS A. COX,
Secretary.

[S–249–77 Filed 4–25–77;7:59 am]

3

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Friday, April 29, 1977, at 11:30 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C., to consider the following item(s) of official Board business:

1. Proposed purchase of computer equipment at the Federal Reserve Bank of Kansas City.
2. Any agenda items carried forward from a previously announced open meeting.

This meeting will be open to public observation. Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, April 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S–248–77 Filed 4–25–77;7:59 am]

4

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10:00 a.m. and 2:00 p.m., Thursday, April 28, 1977.

PLACE: Room 433, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: *Bureau of Competition Programs:* 10:00 a.m., (1) Food Program: Grower-Producer; (2) Food Program: Manufacturer-Processor; (3) Food Program: Retailing. *Bureau of Consumer Protection Programs:* 2:00 p.m., (1) Cigarette Advertising/Labeling; (2) Product Safety Advertising; (3) Disclosure of Substantial Inadequacy of Risk; (4) Children's Advertising.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J, McEnnis, Jr., Office of Public Information, 202–523–3830; Recorded message, 202–523–3806.

[S–242–77 Filed 4–22–77;4:00 pm]

5

AGENCY HOLDING THE MEETING: Federal Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 21, 1977, page 20745.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, April 27, 1977.

CHANGES IN THE MEETING: The meeting is now scheduled to be held at 2:00 p.m., and not 10:00 a.m. as previously announced.

[S–243–77 Filed 4–22–77;4:00 pm]

6

AGENCY HOLDING THE MEETING: Federal Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 21, 1977, page 20744/5.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Tuesday, April 26, 1977.

CHANGES IN THE MEETING: Delete item number 6 under Nonadjudicative Matters, which reads: (6) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter.

[S–244–77 Filed 4–22–77;4:00 pm]

7

AGENCY HOLDING MEETING: Federal Trade Commission.

TIME AND DATE: 8:30 a.m., Friday, April 29, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to Public:

(1) Administration and Management.
(2) Executive Direction and Policy Planning.

Portions closed to the public:

(3) Maintaining Competition.
(4) Consumer Protection.
(5) Economic Activities.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202–523–3830; Recorded Message: 202–523–3806.

[S–245–77 Filed 4–23–77;4:00 pm]

8

AGENCY HOLDING THE MEETING: Inter-American Foundation.

Notice is hereby given, pursuant to the Government in the Sunshine Act 5 U.S.C. 552b that the Inter-American Foundation's Board of Directors' meeting will be held in the Board Room of the Inter-American Foundation 5th Floor 1515 Wilson Blvd., Rosslyn, Va. on May 5, 1977 at 3 p.m. The following business will be conducted:

1. Approval of Minutes of January 27, 1977 Board of Directors meeting.
2. Consideration of financial report.
3. Project Funding Portfolio Review.
4. Consideration of project proposals.

This meeting will be open.

Mr. Hugh Key (703–841–3812) is the Inter-American Foundation official designated to respond to requests for information pertaining to such meetings.

ELIZABETH VEATCH,
Sunshine Act Coordinator.

[S–246–77 Filed 4–22–77;4:00 pm]

9

AGENCY HOLDING THE MEETING: Federal Communications Commission.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, April 28, 1977.

STATUS: Open Meeting.

CHANGES IN THE MEETING: The following item has been deleted from the list of agenda items contained in the Commission's Public Notice which was issued April 21, 1977.

Agenda, Item No. and Subject:

Renewal—1—Indianapolis Black Media Coalition's petition to deny renewal applications of five Indianapolis area radio stations.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, Telephone number 202–632–7260.

Issued: April 22, 1977

[S–247–77 Filed 4–22–77;4:00 pm]

10

AGENCY HOLDING THE MEETING Occupational Safety and Health Review Commission.

TIME AND DATE: 9:30 a.m., April 29. 1977.

PLACE: Room 1101, 1825 K Street, NW. Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSONS FOR MORE INFORMATION:

Mrs. Nori Heuberger or Ms. Lottie Richardson, 202–634–7970.

For the Commission,

Dated: April 21, 1977.

PAUL R. WALLACE,
Counsel to the Commission.

[S–238–77 Filed 4–22–77;10:05 am]

11

AGENCY HOLDING THE MEETING Postal Rate Commission.

TIME AND DATE: 9:30 a.m., April 27, 1977.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Docket Nos. MC76–1, –4.

(Authority to conduct closed meeting: 5 U.S.C. 552b (c) (10).)

The Commission has determined by recorded vote that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time. A copy of the vote is on file in the Office of the Secretary to the Commission.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone 202-254-5614.

[S-252-77 Filed 4-25-77;11:12 am]

12

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 1 p.m., April 25, 1977.

PLACE: Conference Room, Room 500, 2000 L St., NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
1. Personnel matters.
2. Docket Nos. MC76-1, -4.
(Authority to conduct closed meeting: Item No. 1. 5 U.S.C. 552b(c)(2). Item No. 2. 5 U.S.C. 552b(c)(10).)

The Commission has determined by recorded vote that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time. A copy of the vote is on file in the Office of the Secretary to the Commission.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone 202-254-5614.

[S-253-77 Filed 4-25-77;11:12 am]

13

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: 9:30 a.m. May 3, 1977.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:
The Commission will continue the mid-fiscal year review of its Operating Plan, which it also considered at its April 14 and April 20 meetings.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-254-77 Filed 4-25-77;11:12 am]

14

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: 3 p.m. May 2, 1977.

LOCATION: 3rd Floor Hearing Room, 1111, 18th St., NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
The Commission will consider three Flammable Fabrics Act cases on appeal: Barrett Carpet Mills (Docket 75-5), Westland Carpet Mills, Inc. (Docket 75-21), and Northwick Mills (Docket 76-6).

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111, 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-255-77 Filed 4-25-77;11:12 am]

federal register

WEDNESDAY, APRIL 27, 1977

PART II



FEDERAL ENERGY ADMINISTRATION

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Test Procedures for Water Heaters, Television Receivers, Refrigerators, Refrigerator-Freezers, Freezers, and Clothes Dryers; Public Hearing

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone 202-254-5614.

[S-252-77 Filed 4-25-77;11:12 am]

12

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 1 p.m., April 25, 1977.

PLACE: Conference Room, Room 500, 2000 L St., NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
1. Personnel matters.
2. Docket Nos. MC76-1, -4.

(Authority to conduct closed meeting: Item No. 1, 5 U.S.C. 552b(c)(2). Item No. 2, 5 U.S.C. 552b(c)(10).)

The Commission has determined by recorded vote that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time. A copy of the vote is on file in the Office of the Secretary to the Commission.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone 202-254-5614.

[S-253-77 Filed 4-25-77;11:12 am]

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STATUS: Open.

MATTERS TO BE CONSIDERED:
The Commission will continue the mid-fiscal year review of its Operating Plan, which it also considered at its April 14 and April 20 meetings.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

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14

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TIME AND DATE: 3 p.m. May 2, 1977.

LOCATION: 3rd Floor Hearing Room, 1111, 18th St., NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
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CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111, 18th St., NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-255-77 Filed 4-25-77;11:12 am]

federal register

WEDNESDAY, APRIL 27, 1977

PART II



FEDERAL ENERGY ADMINISTRATION

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Test Procedures for Water Heaters, Television Receivers, Refrigerators, Refrigerator-Freezers, Freezers, and Clothes Dryers; Public Hearing

FEDERAL REGISTER

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Water Heaters

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for water heaters, pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163). The Act requires that standard methods for testing water heaters be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977, 4:30 p.m.; requests to speak by May 31, 1977, 4:30 p.m.; statement by June 10, 1977, 4:30 p.m.; hearing to be held on June 13, 1977, at 1:30 p.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box LY, Washington, D.C. 20461; statement to Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307 Old Post Office Building 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202–566–4635.

SUPPLEMENTARY INFORMATION:

A. Background

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325 (a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94–385).

Subpart A, as previously proposed (41 FR 19977, May 14, 1976; 42 FR 15423, March 22, 1977), contained definitions in proposed section 430.2, some of which are applicable to the test procedures for water heaters. In addition, FEA is today proposing to further amend proposed § 430.2 by adding to the definition of "Basic model" a subparagraph (5) applying specifically to water heaters, by reproposing the definition of "electric water heater," and by adding definitions of "water heater," "gas water heater," and "oil water heater."

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, ERA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of water heaters.

NBS has transmitted to FEA a test procedures review document which reviewed existing test procedures for measuring energy consumption for water heaters and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice.

Under the Department of Commerce Voluntary Labelling Program, proposed test procedures and labeling procedures for water heaters were published as Voluntary Specification No. 5–75 on August 14, 1975. A final specification was prepared in December 1975. Final publication of these voluntary procedures was withheld upon enactment of the Act. These test methods were developed at NBS with cooperation from the Gas Appliance Manufacturers Association. These tests are based on the American National Standards (ANSI) Z21.10.1 Gas Water Heaters and C72.1 Electric Water Heaters. The test procedures proposed today differ from the Voluntary Labelling Program test procedures in that all tests can now be run consecutively without emptying the storage tank, the tank is pre-heated, the daily water usage is different, and oil-fueled water heaters have been included. These changes are expected generally to reduce the testing burden on manufacturers.

B. Measures of Energy Consumption

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other useful measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. The estimated annual operating cost, proposed for both electric water heaters and gas or oil water heaters in § 430.22(e)(1), is based upon daily energy consumption, a representative average use cycle of 365 days (representing the total number of days in a year), and representative average unit energy costs.

Also proposed (§ 430.22(e)(2)) as test procedures for the determination of other measures of energy consumption which are likely to assist consumers in making purchasing decisions are test procedures regarding the energy factor for water heaters. The energy factor is defined as the daily water heating energy to the daily energy consumption. The daily water heating energy represents the heat content of the average amount of water provided by the water heater per day. Among other possible applications, the energy factor may be used by FEA to determine the efficiency of hot water heaters for the purposes of the efficiency improvement program described by section 325 of the Act.

An additional proposed measure (§ 430.22(e)(3)) that is likely to assist consumers in making purchasing decisions is the hot water supply rating which is a measure of the amount of water that can be supplied by the water heater in a given period of time.

FEA recognizes that there may be additional useful measures of energy consumption for water heaters other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(e)(4), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix E to Subpart B. Water heater manufacturers would, if required, only have to perform various computations while still applying only the same test method contained in Appendix E. For example, if the Administrator determined that the annual energy consumption for a water heater would aid consumers in making purchasing decisions, the annual energy consumption could be derived by applying the uniform test method for determining annual operating cost and dividing by the representative average unit cost of energy.

C. Laboratory Methodology

Proposed Appendix E to Subpart B provides for a controlled laboratory environment for measuring energy consumption for the various water heaters that are available to the consumer. In establishing the appropriate laboratory environment, the test procedure describes air and water temperatures and test equipment configurations to assure repeatable test results. The tests will measure key operating characteristics of the water heater from which energy consumption, energy efficiency, and annual energy operating costs can be derived. The primary characteristics measured are the recovery efficiency and the standby loss. The recovery efficiency is a measure of how efficiently the water heater replaces heated water which has been removed from the tank. The standby loss is a measure of how efficiently a water heater stores heated water. Measured standby loss and recovery efficiency are then used with an assigned temperature rise and hot water usage rate to calculate annual energy consumption and energy efficiency. The assigned temperature rise and hot water usage rate will serve to standardize data on appliance labels and correlate with the energy consumption of water heaters in typical home usage, as measured by utility companies in various parts of the United States.

The total energy consumption calculated for the water heater system is based on the use of 64.3 gallons per day and a 90° F temperature rise. These numbers are used as the reference "typical" water heater without heat traps installed in the piping system. Piping losses are included in the calculated energy and are accounted for in the coefficients used (i.e., the 64.3 gallons per day and 90° F rise). The baseline water heating system configuration is essentially a water heater without an integral heat trap, and with a piping system characterized by vertical pipe risers from the cold water inlet and hot water outlet of the water heater. Uninsulated piping losses can be reduced by using a heat trap on both the inlet and outlet water pipes. Laboratory tests at NBS have shown that a 12 watt savings can be obtained by a heat trap on the inlet side (cold water pipe) and 16 watts on the outlet side (hot water pipe). The heat trap reduces piping losses by preventing hot water movement out of the water heater which then cools and returns through the pipe to the water heater thus setting up a natural convection flow of water (i.e., hot water rising up to displace the cold water returning down the pipe). If the piping system is well insulated, the heat trap does not offer any additional savings. However, the typical installation today is one with uninsulated piping and a vertical pipe used for the cold water inlet and hot water outlet.

In the calculation for annual energy consumption full credit is given for the heat trap if it is an integral part of the water heater or if the heat trap is shipped separately. This adjustment for the energy savings for heat traps is calculated rather than measured because NBS tests have indicated that the amount of energy saved is fairly constant for all types of water heaters.

D. Representative Average-Use Cycle

Section 323(b)(2) (42 U.S.C. 6293(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average-use cycle for water heaters is 365 days per year, since water heaters typically are used every day of the year.

Typical, or standard, values for the representative average volume of hot water usage and temperature rise occurring in producing hot water also are necessary elements in the estimated annual operating cost and the energy factor of water heaters. FEA is using 64.3 gallons per day and 90° F temperature rise for these two values, respectively, in the test procedures proposed today. The 90° F temperature rise represents the national average inlet water temperature for the U.S. of 55° F and the usual factory thermostate setting of 145° F. Normally, at the factory, gas and oil water heater thermostats are set at 140° F and electric water heater thermostats are set at 150° F. The 64.3 gallons per day of hot water was derived from information obtained from a survey conducted by NBS, of a number of gas and electric utility companies regarding hot water energy usage data. Data supporting these usage conditions are available in the NBS test procedure review document as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average use cycle and to provide this information to manufacturers and the FTC on or before the effective date of test procedures for water heaters.

E. Number of Units To Be Tested

Proposed § 430.23(e) would provide for sampling of each basic model to be tested when testing of water heaters is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(e), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(e), there is a 90 percent probability that the mean of the values of these measures of the sample is within 10 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 90 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 10 percent); and

(c) The relationship of the mean and standard deviation of the basic model

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than 3 units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based

F. Request for Particular Comments

While FEA is soliciting comments on all aspects of the proposed test procedures for water heaters, FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical consumer usage of water heaters in adidtion to those proposed today.

In addition, FEA is interested in receiving comments on any definitions described in previously proposed § 430.2, as these provisions might affect the testing of water heaters. Comments with respect to water heaters regarding provisions in previously proposed § 430.2 are timely until the close of the written record, as specified below.

G. Comment Procedure

1. Written comment

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for water heaters set forth in this notice to Execu-

tive Communications, Room 3309, Federal Energy Administration, Box LY, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Water Heaters—Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. PUBLIC HEARINGS

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Water Heaters—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 12, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202–254–3345.

b. *Conduct of hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS' recommendations concerning test procedures for water heaters will also be made available for inspection at the FEA Freedom of Information Office.

H. ENVIRONMENTAL AND INFLATIONARY REVIEW

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A–107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein

(Energy Policy and Conservation Act, Pub. L. 94–163, as amended by Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended by Pub. L. 94–385; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 21, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding a subparagraph (5) as part of the definition of "Basic model," by reproposing definitions of "electric water heater," and by adding definitions of "water heater," "gas water heater," and "oil water heater" to read as follows:

§ 430.2 Definitions.

* * * * *

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

* * * * *

(5) With respect to water heaters, having essentially identical storage capacity, energy input rating, and essentially identical functional physical and electrical characteristics.

* * * * *

"Electric water heater" means a water heater that utilizes electricity as the energy source; that has a manufacturer's specified energy input rating of 12 kilowatts or less at a voltage no greater than 250 volts, a manufacturer's specified storage capacity of not less than 30 gallons nor more than 120 gallons; and that is designed to produce hot water at a temperature less than 180° F.

* * * * *

"Gas water heater" means a water heater that utilizes gas as the energy source; that has a manufacturer's specified energy input rating of 75,000 Btu per hour or less, a manufacturer's specified storage capacity of not less than 20 gallons nor more than 100 gallons; and that is designed to produce hot water at a temperature less than 180° F.

* * * * *

"Oil water heater" means a water heater that utilizes oil as the energy source; that has a manufacturer's specified energy input rating of 172,500 Btu per hour or less, a manufacturer's specified storage capacity of 50 gallons or less; and that is designed to produce hot water at a temperature less than 180° F.

* * * * *

"Water heater" means an automtically controlled thermally insulated vessel designed for heating water and storing of heated water, utilizing either oil, gas, or electricity as the energy source for heating water, and intended for residential use.

2. Section 430.22 is amended by adding a paragraph (e), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(e) *Water heaters.* (1) The estimated annual operating cost for water heaters shall be—

(i) For an electric water heater, the product of the following three factors: (A) The representative average-use cycle of 365 days per year, (B) the average daily energy consumption in kilowatt hours per day, determined according to 4.6.1.2 of Appendix E of this subpart, and (C) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year, and

(ii) For a gas or oil water heater, the product of the representative average-use cycle of 365 days per year times the sum of (A) the product of the daily auxiliary electrical energy consumption in kilowatt hours per day, determined according to 4.6.2.1 of Appendix E of this subpart, times the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator plus (B) the product of the daily gas or oil energy consumption in Btu's per day, determined according to 4.6.2.2 of Appendix E of this subpart, times the representative average unit cost in dollars per Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The energy factor for water heaters shall be the quotient of daily water heating energy determined according to 4.5 of Appendix E of this subpart divided by the average daily energy consumption as determined according to 4.6 of Appendix E of this subpart, the resulting quotient then being rounded off to the nearest 0.01.

(3) The hot water supply rating, expressed in gallons, shall be determined according to 4.3 of Appendix E of this subpart.

(4) Other useful measures of energy consumption for water heaters shall be those measures of energy consumption for water heaters which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix E of this subpart.

3. Section 430.23 is amended by adding a paragraph (e), to read as follows:

§ 430.23 Units to be tested.

* * * * *

(e) *Water heaters.* (1) When testing of water heaters is required for a measure or measures of energy consumption described in § 430.22(e), a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 90 percent probability that the mean of the sample is within 10 percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (e)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (e)(1) of this section are satisfied at each rating.

4. Subpart B of Part 430 is amended to add an Appendix E, to read as follows:

APPENDIX E—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF WATER HEATERS

1. DEFINITIONS

1.1 "Heat trap" means a device which can be integrally assembled or independently attached to the hot and/or cold water connections of a water heater such that a portion of this device will develop a cold water seal to minimize the natural convection and resultant heat loss of the hot water stored in the water heater.

1.2 "Recovery efficiency," expressed as a dimensionless ratio, is the ratio of heat absorbed by the water to the heat input to the heating unit during the period that water temperature is raised from inlet temperature to final temperature.

1.3 "Standby loss", expressed in hour^{-1}, is the ratio of the heat lost per hour to the heat content of the stored water above room temperature.

2. TESTING CONDITIONS

2.1 *Installation.* Install the water heater according to the manufacturer's directions, on a $\frac{3}{4}$-inch-thick plywood platform supported by three 2 x 4-inch runners. Install bends in the cold-water inlet and hot-water outlet piping so that these pipes become horizontal as close as possible to the water heater. Provide a quick-acting valve in the hot water outlet piping at a location beyond the point of temperature measurement, but as close to the water heater as possible, and arranged such that the hot water can discharge into a container and be weighed. Insulate the water inlet and outlet connections and piping which is within 4 feet of the water heater, using a material having an inverse of the overall heat transfer coefficient (R) value of not less than

$$\frac{4^\circ\ \mathrm{F}}{\mathrm{Btu/ft^2\text{-}hr}}$$

2.2 *Flue requirements for a gas or oil water heater.* For a gas water heater, connect to the draft-hood outlet a 5-foot vertical flue-pipe extension having a diameter equal to the largest flue-collar size of the draft hood. Perform all tests with the natural draft established by this length of flue pipe. For an oil water heater, establish a draft at the flue collar equivalent to 0.02 inch of water column.

2.3 *Water supply.* During the entire test maintain the water supply to the water heater at a temperature of between 68° F and 72° F, and at a pressure of between 40 pounds per square inch and the maximum pressure specified by the manufacturer for the water heater under test.

2.4 *Energy supply.*

2.4.1 *Electrical supply.* For an electric water heater, and for the auxiliary electrical system, if any, of an oil or gas water heater, maintain the electrical supply to the water heater within one percent of the center of its nameplate voltage range for the entire operating portion of the test cycle. Assume the heating value, Q_s, in Btu per kilowatt-hour, for electrical energy to be 3,412 Btu per kilowatt hour.

2.4.2 *Gas supply*

2.4.2.1 *Natural gas.* For a gas water heater utilizing natural gas, maintain the gas supply to the heater with a normal inlet test pressure immediately upstream of all controls at 7 to 10 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust burners to their Btu ratings at normal inlet test pressure. All such adjustments shall be within ±2 percent of the hourly Btu rating specified by the manufacturer. Use natural gas with a heating value of 1,025 Btu's per standard cubic foot. Determine the actual heating value, Q_m, in Btu's per standard cubic foot, for the natural gas to be used in the test, with an error no greater than 1 percent.

2.4.2.2 *Propane gas.* For a gas water heater utilizing propane, maintain the gas supply to the water heater with a normal inlet test pressure immediately upstream of all controls at 11 to 13 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust burners to their Btu ratings at normal inlet test pressure. All such adjustments shall be within ±2 percent of the hourly Btu rating specified by the manufacturer. Use propane with a heating value of 2,500 Btu's per standard cubic foot. Determine the actual heating value, Q_p, in Btu's per standard cubic foot, for the propane to be used in the test, with an error no greater than 1 percent.

2.4.3 *Oil supply.* For an oil water heater utilizing fuel oil, maintain an uninterrupted supply of fuel oil to the water heater during the entire operating portion of the test cycle. Use fuel oil with a heating value of 138,500 Btu's per gallon. Determine the actual heating value Q_f, in Btu per gallon for the fuel oil to be used in the test, with an error no greater than 1 percent.

2.5 *Thermocouple installation.* Install along the center line of the water heater tank, six thermocouples (herein "center-line thermocouples"), one at the level of the center plane of each of six sections of equal volume from top to bottom of the tank. Install three inches below the highest water level in the tank, an additional thermocouple (herein "tank-top thermocouple"). Install thermocouples in both the cold-water inlet (herein "cold-water thermocouple") and the hot-water outlet (herein "hot-water thermocouple"), not more than six inches from the connections to the water heater, or, where those connections are inaccessible, at the closest accessible point to those connections. Install in the test room a thermocouple (herein "ambient air thermocouple") at a height of 4 feet from the test-room floor and at a horizontal distance of at least five feet from the water heater under test.

2.6 *Setting of tank thermostat.* Starting with a tank of unheated water, initiate normal operation of the water heater. At the time that the main heating element is turned off by the thermostat (herein "cutout"), determine whether the average of the temperatures measured by the center-line thermocouples (herein "mean center-line temperature") is between 158° F and 162° F. If not, turn off the water heater, adjust the thermostat, again fill the tank with unheated water, initiate normal operation of the water heater, and determine the mean center-line temperature at cutout. Repeat this procedure until the mean center-line temperature at cutout is between the 158° F and 162° F, at which time the thermostat is properly set. If the water heater has two thermostats, set the upper thermostat to cut out at a water temperature of 160° F±5° F in the top six inches of the tank and set the lower thermostat to give an average tank water temperature of 160° F±5° F.

2.7 *Energy flow instrumentation.* Install one or more energy flow instruments which measure, as appropriate, and with an error no greater than 1 percent, the quantity of electrical energy, natural gas flow, propane flow, or fuel oil flow supplied to the water heater.

2.8 *Water flow instrumentation.* Install a flow control valve in the inlet water line downstream of the expansion tank and calibrate this flow control valve to provide a flow of 3.0±.25 gallons per minute. Provide instrumentation for measuring the volume of water withdrawn to within ±1 percent.

2.9 *Room ambient temperature.* Maintain the test room at an ambient air temperature of between 65° F and 85° F as measured by the ambient-air thermocouples. Maintain room temperature during testing within ±7° F of the initial room temperature.

3. MEASUREMENTS

3.1 *Tank storage capacity.* Determine the storage capacity, V, of the water heater under test, in gallons, according to the method specified in 2.26 of the American National Standard for Gas Water Heaters, Volume I, designated ANS Z21.10.1–1975.

3.2 *Power input determination.* Initiate operation of the water heater, and, using the energy flow instrumentation of 2.7 and the actual heating value of 2.4, measure the power input, P, to the burner or heating element of the water heater under test (including gas pilot light power, if any) when the heater or heaters are in operation, in kilowatts or Btu per hour, as appropriate. To the extent possible, adjust the water heater to use the power indicated by its nameplate rating before obtaining the value of P. Maintain any adjustment so made during the entire test procedure. In addition, measure the Power, P_a, if any, used by any auxiliary electrical system when the main heater is in operation, in kilowatts.

3.3 *Recovery efficiency for a gas or oil water heater.* With the water heater turned off, fill the tank with water, and eliminate any residual air remaining in the tank. Continue to flow water through the tank until the mean center-line temperature remains at 70±2° F. Record the mean center-line temperature (herein "initial mean center-line temperature"). Begin measuring fuel flow (including pilot fuel, if any), and initiate normal operation of the water heater. When cutout occurs, record the maximum mean center-line temperature (herein "maximum mean center-line temperature") and record the total fuel flow, F_t, from initiation to cutout. Record the temperature difference, D_t, obtained by subtracting the initial from the maximum mean center-line temperature.

3.4 *Standby loss.* With the water heater operating normally, such that the water temperature is established

in the range specified in 2.6, eliminate any residual air from the tank. At or a point in time immediately after a cutout such that all heating element(s) are off, begin measuring energy flow (including pilot fuel, if any), record the time as the beginning of the test period, and record the initial mean center-line temperature and the initial ambient air temperature. At the end of each time interval not exceeding 15 minutes in duration throughout the test period, record the mean center-line temperature and the ambient air temperature. Continue these measurements until the first cutout in which all heating element(s) are off following a period of at least 48 hours from the beginning of the test period. When that cutout occurs, record the time as the end of the test period, record the total energy flow, F_r, from the beginning to the end of the test period, and record the final mean center-line temperature and the final ambient air temperature. Record as the duration, t, of the standby loss test the time, in hours, which elapsed from the beginning to the end of the test period. Calculate the average of the recorded values of the mean center-line temperature and the ambient air temperature taken at the end of each time interval, including in these two averages the initial and final recorded values for these temperatures. Determine the difference, D_s, between these two averages by subtracting the latter from the former, and the difference, D_a, between the final and initial mean center-line temperatures by subtracting the latter from the former.

3.5 *Hot water supply rating.* Establish normal operation of the water heater such that the water temperature is established in the range specified in 2.6. Immediately after a cutout such that all heating element(s) are off, measure the outlet water temperature therein "initial outlet water temperature") and record the time, and begin withdrawing water from the tank into a weighing container at a rate of between 2.5 and 3.5 gallons per minute. Continue the withdrawal until the outlet water temperature drops to a value (herein "shutoff temperature") 40° F below the initial outlet water temperature, at which time terminate the withdrawal. If a cutout of any upper thermostat occurs less than one hour after the initial cutout, again withdraw water until the outlet water temperature drops to the shutoff temperature. Repeat this cycle until one hour after the initial cutout, at which time turn off all energy flow to the water heater. If the temperature measured by the tank top thermocouple at that time is higher than the shutoff temperature, withdraw water until the water outlet temperature drops to the shutoff temperature. Record the weight, W, of water withdrawn during this test, in pounds.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 *Recovery efficiency.*

4.1.1 *Recovery efficiency for a gas or oil water heater.* For a gas or oil water heater, calculate the recovery efficiency, E_r, expressed as a dimensionless quantity and defined as:

$$E_r = \frac{k \times V \times D_r}{F_r \times Q},$$

where

k = nominal specific heat of water in Btu's per gallon degree F = 8.25.
V = tank capacity measured according to 3.1, in gallons.
D_r = difference between the initial and final mean center-line temperatures, measured according to 3.3, in degrees F.
F_r = total energy flow in the recovery efficiency test measured according to 3.3, in appropriate units.
Q = actual heating value, as determined in accordance with 2.4, for the appropriate energy type.

4.1.2 *Recovery efficiency for an electric water heater.* For an electric water heater, calculate the recovery efficiency, E_r, expressed as (dimensionless) quantity and defined as:

$$E_r = 1 - \frac{S \times k \times V \times \Delta a}{P}$$

where

k and V are as defined in 4.1.1.
S = standby loss, as calculated in 4.2, in hours^{-1}.
Δa = nominal average difference between the mean center-line temperature and the ambient-air temperature during recovery, in degrees F = 45.
P = water heater input power as determined in 3.2, in Btu per hour.

4.2 *Standby loss.* Calculate the standby loss, S, expressed in hours^{-1} and defined as

$$S = \frac{F_s \times Q}{t \times k \times D_a \times V} - \frac{D_s}{t \times D_a \times E_r'}$$

where Q, k, and V are as defined in 4.1.1.
F_s = total energy flow in the standby loss test, measured according to 3.4, in appropriate units.
t = duration of standby loss test, measured according to 3.4, in hours.
E_r' = E_r, as calculated in 4.1, for gas or oil water heaters; or 1, for electric water heaters.
D_s = difference between the initial and final mean center-line temperatures as determined in the standby-loss test of 3.4, in degrees F and,
D_a = difference between the average value of the mean center-line temperature and the average value of the ambient air temperature during the standby-loss test, as determined in 3.4, in degrees F.

4.3 *Hot water supply rating.* Calculate the hot water supply rating, G, expressed in gallons, and defined as $G = W/d$, where
W = total weight of water withdrawn during the supply rating test of 3.5, in pounds,
d = nominal density of water in pounds per gallon = 8.25.

4.4 *Recovery rate.* Calculate the 90° F-rise recovery rate, R_{90}, expressed in gallons per hour and defined as:

$$R_{90} = \frac{P \times E_r}{k \times \Delta r}$$

where P, E_r and k are as defined in 4.1,
Δr = nominal difference between the inlet and outlet water temperatures, in °F = 90.

4.5 *Daily water heating energy.* Calculate the daily water heating energy, Z, the energy required to heat the nominal amount of hot water used daily, expressed in Btu and calculated as:

$$Z = \frac{k \times \Delta r \times U}{E_r}$$

where k, E_r are as defined in 4.1.
Δr is as defined in 4.4, and
U = nominal daily hot water usage in gallons = 64.3.

4.6 *Average daily energy consumption.* Calculate the average daily energy consumption, C.

4.6.1 Average daily energy consumption for an electric water heater.

4.6.1.1 *Average daily energy consumption for an electric water heater expressed in Btu.*

$$C_E = Z + m \times (24 - Z/P) - F_H - F_C$$

where
m = average energy required per hour to maintain stored water temperature, in Btu per hour = $S \times k \times \Delta a \times V$.
E_r, k, V, P, and S are as defined in 4.1.
Z is as defined in 4.5.
Δa = nominal difference between the mean centerline temperature and the ambient air temperature in °F = 90.
F_H = daily energy credit for a heat trap if provided for in the hot water outlet = 1,811 Btu.
F_C = daily energy credit for a heat trap if provided for in the cold water inlet = 983 Btu.

4.6.1.2 *Average daily energy consumption for an electric water heater, expressed in kilowatt-hours per day.*

$$C_{EK} = \frac{C_E}{3{,}412 \text{ Btu/kWh}}$$

C_E as defined in 4.6.1.1.

4.6.2 *Average daily energy consumption for a gas or oil water heater.*

4.6.2.1 *Daily auxiliary electrical energy consumption expressed in kilowatt hours per day.*

$$P_{ad} = \frac{P_a \times Z/P}{3{,}412 \text{ Btu/kWh}}$$

P_a = auxiliary electrical power, if any, used by the water heater as determined in 3.2, in Btu per hour.
P as defined in 4.1.
Z as defined in 4.5.

4.6.2.2 *Daily gas or oil energy consumption, expressed in Btu's per day.*

$$C_F = Z + m \times \left(24 - \frac{Z}{P}\right) - F_H - F_C$$

P as defined in 4.1.2
Z as defined in 4.5, and
F_H, F_C, m as defined in 4.6.1.

4.6.2.3 *Average daily energy consumption for a gas or oil water heater, expressed in Btu's.*

$$C_G = Z + m \times \left(24 - \frac{Z}{P}\right) + P_a \times \frac{Z}{P} - F_H - F_C$$

P as defined in 4.1.2
Z as defined in 4.5
F_H, F_C, m as defined in 4.6.1.1, and
P_a as defined in 4.6.2.1.

[FR Doc.77-11982 Filed 4-21-77;5:00 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Television Receivers

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for television receivers, pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) (Pub. L. 94-1633). The Act requires that standard methods for testing television receivers be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977, 4:30 p.m.; requests to speak by May 31, 1977, 4:30 p.m.; statement by June 13, 1977, 4:30 p.m. hearing to be held on June 14, 1977, at 1:30 p.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box LZ, Washington, D.C. 20461; statement to: Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in

Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

Subpart A as previously proposed (41 FR 19977, May 14, 1976; 42 FR 15423, March 22, 1977) contained definitions in proposed § 430.2, some of which are applicable to the test procedures for television receivers. In addition, FEA is proposing to add to the definition in § 430.2 of "Basic model", a subparagraph (8) applying specifically to television receivers.

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977), FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards Act (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of television receivers.

NBS has transmitted to FEA a test procedures review document which reviewed existing test procedures for measuring energy consumption for television receivers and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice. A test procedure was developed under the Department of Commerce Voluntary Program for Appliance Efficiency but was not issued due to passage of the Act. It is this test procedure that is the basis for test procedures proposed today.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other useful measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. The estimated annual operating cost proposed for television receivers is the product of the representative average unit cost of energy times the total average annual energy consumed when the television receiver is operated in its standard operating mode. The standard operating mode of a television receiver is defined as operation with any vacation switch in its highest energy consuming position.

An additional proposed measure that is likely to assist consumers in making purchasing decisions is the receiver energy efficiency factor, which is defined as a television receiver's estimated minimum average power consumption (kilowatts) multiplied by the annual hours of use (hours/year) divided by the total average annual energy consumed (kilowatt-hours/year) by the television receiver with credit given for the use of any vacation switch. The resultant is then multiplied by 100 and expressed as a percent. The estimated minimum power consumption determined by NBS is 130 watts (.130 kilowatts) for color television receivers and 40 watts (.040 kilowatts) for monochrome television receivers. Among other possible applications, the receiver energy efficiency factor may be used by FEA to determine the efficiency of television receivers for the purposes of the efficiency improvement program described by section 325 of the Act.

The credit to be given in the energy efficiency factor to the use of a vacation switch is dependent upon the extent that the switch is actually used. While no data have been made available which reflect on the frequency of use of the vacation switch, a 50 percent frequency of use basis was established by NBS for any energy saving feature that required consumer interaction. Comments addressing this issue in the context of the initial proposed energy efficiency targets generally agreed with the NBS recommendation that a 50 percent figure for consumer usage be utilized when actual usage is unknown. FEA, accordingly, proposes to use the 50 percent energy consumption adjustment for use of vacation switches on television receivers.

FEA recognizes that there may be additional useful measures of energy consumption for television receivers other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(h)(3), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix H to Subpart B. Television manufacturers would, if required only have to perform various computations while still applying the same test method contained in Appendix H. For example, if the Administrator determined that a per-hour cost would aid consumers in making purchasing decisions, this cost could be derived by applying the uniform test method and dividing by the annual usage to arrive at a per-hour figure.

C. LABORATORY METHODOLOGY

Proposed Appendix H to Subpart B provides for a controlled laboratory environment for measuring the energy consumption of television receivers which are available to the consumer. Due to the fact that the power consumption of a television receiver is strongly dependent on the average picture luminance (brightness), the operating power consumption is computed by averaging the power measured at the maximum power consumption (standard white pattern) and at the minimum power consumption (standard black pattern). Separate measurements are made to determine the power consumption of the remote control and filament keep-warm features. Measurements are also included for the power consumed when a television receiver is in the standby or off mode. From these measurements the total average annual energy consumption for either operating mode can be calculated, using Appendix H.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b)(2) (42 U.S.C. 6293(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average use cycle of television receivers is 2,200 hours of viewing time annually. This means that in a one year period, the average television receiver has an operating time of 2,200 hours and a standby or off time of 6,500 hours. This determination is based upon NBS' recommendation to FEA which, in turn, is based upon a survey conducted by the A. C. Neilsen Company to determine the national average use patterns of television receiver viewing time. NBS' recommendation and the Neilsen survey are available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTC on or before the effective date of test procedures for television receivers.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23(h) would provide for sampling of each basic model to be tested when testing of television receivers is required by the Act or by program regu-

lations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(h), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(h), there is a 95 percent probability that the mean of the values of these measures of the sample is within five percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at five percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than 3 units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. Request for Particular Comments

While FEA is soliciting comments on all aspects of the proposed test procedures for television receivers, FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical consumer usage of television receivers in addition to those proposed today.

In addition, FEA is interested in receiving comments on any definitions described in previously proposed § 430.2, as these provisions might affect the testing of television receivers. Comments with respect to television receivers regarding provisions in previously proposed § 430.2 are timely until the close of the written record, as specified below. For the convenience of the reviewer, the proposed definition of television receivers (41 FR 19979, May 14, 1976) is as follows:

Section 430.2 *Definitions.* "Color television receiver" means an apparatus designed to convert incoming broadcast signals into color television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

"Monochrome television receiver" means an apparatus designed to convert incoming broadcast signals into monochrome television pictures with the customarily associated sound. It is or can be powered by alternating electric current and is produced primarily for residential use.

G. Comment Procedure

1. WRITTEN COMMENT

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for television receivers set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box LZ, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Television Receivers—Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. PUBLIC HEARINGS.

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and the envelope "Television Receivers—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 13, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date give in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202–254–3345.

b. *Conduct of hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to aks a question at the heearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS' recommendations concerning test procedures for television receivers along with a related Neilsen Survey will also be made available for inspection at the FEA Freedom of Information Office.

H. Environmental and Inflationary Review

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

NOTE.—The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A–107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94–163, as amended by Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended by Pub. L. 94–385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 21, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding subparagraph (8) as part of the definition of "Basic model," to read as follows:

§ 430.2 Definitions.

* * * * * *

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

* * * * * *

(8) With respect to television receivers, having identical screen size for color and monochrome, and essentially identical functional physical and electrical characteristics.

* * * * * *

2. Section 430.22 is amended by adding a paragraph (h) to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * * *

(h) *Television receivers.* (1) The estimated average annual operating cost for television receivers shall be the product of—

(i) The total average annual energy consumed by the television receiver when operated in the standard operating mode in kilowatt-hours per year, determined according to 3.4.1 of Appendix H of this subpart, and

(ii) The representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The receiver energy efficiency factor for television receivers, expressed in percent, shall be—

(i) For color television receivers, the product of the estimated minimum power requirement (.130 kilowatts) and the average annual hours of use (2,200 hr/yr.), divided by the total average annual energy consumed by the television receiver when operated in the vacation operating mode in kilowatt-hours per year, determined according to 3.4.2 of Appendix H to this subpart. The resultant is then multiplied by 100 and expressed as a percent, and

(ii) For monochrom television receivers, the product of the estimated minimum power requirement (.040 kilowatts) and the average annual hours of use (2,200 hr/yr.), divided by the total average annual energy consumed by the television receiver when operated in the vacation operating mode in kilowatt-hours per year determined according to 3.4.2 of Appendix H of this subpart. The resultant is then multiplied by 100 and expressed as a percent.

(3) Other useful measures of energy consumption for television receivers shall be those measures of energy consumption for television receivers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix H of this subpart.

3. Section 430.23 is amended by adding a paragraph (h), to read as follows:

§ 430.23 Units to be tested.

* * * * * *

(h) *Television receivers.* (1) When testing of television receivers is required for a measure or measures of energy consumption described in § 430.22(h) of this subpart, a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within five percent of the true mean of such measures of the basic model, expect that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (h)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

* * * * * *

4. Subpart B of Part 430 is amended to add an Appendix H, to read as follows:

Appendix H—Uniform Test Method for Measuring the Energy Consumption of Television Receivers

1. DEFINITIONS

1.1 "IRE-unit flat field" means a specific video electrical signal which results in a particular level of brightness of the television screen as established by the Institute of Radio Engineers.

1.2 "Filament keep-warm" means a feature that provides a voltage to keep vacuum tube and/or picture tube filaments warm for the purpose of allowing almost instantaneous response to the power control switch.

1.3 "Operating time" (t_o) means the hours per year during which the television receiver is operating with the power control switch turned on.

1.4 "Remote control" means an optional feature which allows the user to control the television receiver from more than one location by a hand held device.

1.5 "Standard operating mode" means operation of a television receiver with the filament keep-warm switch in its highest energy consuming position.

1.6 "Standby power consumption" (P_s) means the minimum amount of energy consumed with the power control switch turned off.

1.7 "Standby time" (t_s) means the hours per year during which the television receiver is connected to a power outlet with the power control switch turned off.

1.8 "Vacation operating mode" means operation of a television receiver with the vacation switch in its lowest energy consuming position during 50 percent of the standby time.

1.9 "Vacation switch" means an optional energy saving feature incorporated into the design of a television receiver that permits the user to disconect the filament keep-warm circuit(s).

2. TESTING CONDITIONS

2.1 Test equipment. The following equipment shall be used for testing of television receivers:

2.1.1 Regulated power source capable of supplying 120 volts alternating current ±1 percent.

2.1.2 Signal generator capable of producing radio frequency (RF) television test signals, at a convenient very high frequency (VHF) channel, modulated with National Television System Committee composite video as follows:

2.1.2.1 Standard White Pattern, RF signal modulated to 87 percent with a 100 IRE-unit flat field.

2.1.2.2 Standard Black Pattern, all adjustments as for 2.1.2.1 except modulated with a zero IRE-unit flat field.

2.1.2.3 The test signals in 2.1.2.1 and 2.1.2.2, supplied by a source whose impedance equals the design antenna impedance of the television receiver under test, adjusted to a level of 70 decibels (dB) ±3 dB, referred to a zero dB level of one femtowatt (1×10^{-15} watt) available power. (For 70 dB from a 300-ohm source, one femtowatt corresponds to an open-circuit voltage of 3.5 millivolts. For the calculation of "available power" use American National Standard C16.13–1961, Method of Testing Monochrome Television Broadcast Receivers.)

2.1.3 Wattmeter capable of measuring the average power consumption of the television receiver under test with an error of not more than 1 percent.

2.2 *Initial Set-up of Television Receiver.*

2.2.1 Remove all batteries from television receivers designed for both battery and alternating current operation. Deactivate all preset or automatic controls affecting brightness which are customer options. Adjust all non-customer controls according to the manufacturer's service procedure.

2.2.2 Apply power to the television receiver under test from the power source specified in 2.1.1 through the wattmeter specified in 2.1.3. Adjust the volume control to the lowest possible setting.

2.2.3 Connect the output of the signal generator as specified in 2.1.2 to the VHF antenna terminals of the television receiver. Tune the television receiver to the channel of the RF signal.

2.3 *Measurement of Operating Power Consumption* (P_o).

2.3.1 Turn on the television receiver and allow at least five minutes warm-up time. With the synchronization controls adjusted for a stable test pattern, apply the standard white pattern of 2.1.2.1 to the television receiver. Adjust any customer controls other than the volume or synchronization controls for maximum power consumption as indicated by the wattmeter specified in 2.1.3. Illuminate any room illuminance sensor which has not been deactivated, to produce maximum power consumption. Record the white pattern power consumption (P_w) as indicated by the wattmeter in watts.

2.3.2 Change the signal source to the standard black pattern specified in 2.1.2.2. Adjust any customer controls, other than the volume or synchronization controls, for the minimum power consumption as indicated by the wattmeter. Cover any room illuminance sensor which has not been deactivated. Record the black patten power consumption (P_B) as indicated by the wattmeter in watts.

2.3.3 Compute the operating power consumption (P_o) as follows:

$$P_o = \frac{P_w + P_B}{2}$$

where
P_o = operating power consumption in watts.
P_{sb} = as determined from 2.3.1.
P_{ra} = as determined from 2.3.2.

2.4 *Measurement of standby Power Consumption (P_{sb}).*

2.4.1 Turn the television receiver power switch off and the vacation switch, if any, to the position of the lowest power consumption as indicated by the wattmeter. After at least two minutes, record the wattmeter reading in watts.

2.5 *Measurement of Additional Power Consumption from Use of Filament Keep-Warm (instant-on) Circuit(s) (P_{k_w}).*

2.5.1 After the test of 2.4 for P_{sb}, turn the vacation switch to the position of highest power consumption as indicated by the wattmeter. After at least two minutes, record the wattmeter reading in watts.

2.5.2 Compute P_{k_w} by subtracting the value of P_{sb} from the value found in 2.5.1.

2.6 *Measurement of Additional Power Consumption from the Use of Remote Control (P_{rc}), Whether or Not There is a Filament Keep-Warm (Instant-on Device).*

2.6.1 With the television receiver power switch off, turn any vacation switch to the position of lowest power consumption. Turn the television receiver power switch on. Turn the television receiver off using the remote control. After at least two minutes, record the wattmeter reading in watts.

2.6.2 Compute P_{rc} by subtracting the value of P_{sb} from the value found in 2.6.1.

3. *Average Annual Energy Consumption Computation.*

3.1 *Base Annual Energy Consumption (E_b) (kWh/yr).*

$$E_b = \frac{P_o t_o}{1{,}000} + \frac{P_{sb} t_{sb}}{1{,}000} = 2.2 P_o + 6.56 P_{sb}$$

where
E_b = base annual energy consumption, kWh/yr.
P_o = operating power consumption as computed in 2.3.3.
t_o = operating time, 2,200 hr/yr.
P_{sb} = standby power consumption as computed in 2.4.1.
t_{sb} = standby time, 6,560 hr/yr.

3.2 *Annual Filament Keep-warm (instant-on) Energy Consumption (E_{k_w})*

$$E_{k_w} = (P_{k_w}/1{,}000) \times t_{sb} = 6.56 P_{k_w}$$

where
E_{k_w} = Annual filament keep-warm energy consumption, kWh/yr.
$P_{k_w}/1{,}000$ = Keep-warm power consumption expressed in kilowatts.
t_{sb} = standby time, 6,560 hr/yr.

3.3 *Annual Remote Control Energy Consumption (E_{rc}).*
E_{rc} = annual remote control energy consumption, kWh/yr.
$P_{rc}/1{,}000$ = remote control power consumption, expressed in kilowatts.
t_{sb} = standby time, 6,560 hr/yr.

3.4 *Total Average Annual Energy Consumption.*

3.4.1. For the standard operating mode:

$$E_s = E_b + E_{k_w} + E_{rc}$$

where
E_s = total average annual energy consumed by the television receiver when operated in the standard operating mode (kWh/yr).

3.4.2. For the vacation operating mode:

$$E_v = E_b + .5E_{k_w} + E_{rc}$$

where
E_v = total average annual energy consumed by the television receiver when operated in the vacation operating mode (kWh/yr).

[FR Doc.77-11983 Filed 4-21-77;5:00 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Refrigerators and Refrigerator-Freezers and Freezers

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend Chapter II of Title 10, Code of Federal Regulations in order to prescribe test procedures for refrigerators and refrigerator-freezers and freezers pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). The Act requires that standard methods for testing refrigerators and refrigerator-freezers and freezers be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977 4:30 p.m.; requests to speak by May 31, 1977 4:30 p.m.; statements by June 13, 1977; hearing to be held on June 14, 1977, at 9:30 a.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box MA, Washington, D.C. 20461; statements to Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

Subpart A as previously proposed (41 FR 19977, May 14, 1976, 42 FR 15422, March 22, 1977) contained definitions in proposed § 430.2, some of which are applicable to the test procedures for refrigerators and refrigerator-freezers and freezers. In addition, FEA is proposing to add to the definition in § 430.2 of "Basic model", a subparagraph (1) applying specifically to refrigerators and refrigerator-freezers, and a subparagraph (2) applying specifically to freezers.

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of refrigerators and refrigerators-freezers and freezers.

NBS has transmitted to FEA test procedure review documents which reviewed existing test procedures for measuring energy consumption for refrigerators and refrigerator-freezers and freezers, and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice. Under the Department of Commerce's (DOC) Voluntary Program for Appliance Efficiency, NBS proposed test procedures for refrigerators and refrigerator-freezers (40 FR 26298, June 23, 1975) and freezers (40 FR 26287, June 23, 1975) prior to the enactment of the Act. These test procedures were based on the Association of Home Appliance Manufacturers' (AHAM) Standard HRF-2-ECFT-1975 and the American National Standard (ANS) B38.1-1970. Test procedures were not finalized under the DOC's voluntary program due to passage of the Act.

The test procedures recommended by NBS and proposed today incorporate the procedures for measuring average energy consumption per cycle type as described in AHAM Standard HRF-2-ECFT-1975 and the procedures for determining the net refrigerated volume as described in ANS B38.1-1970 and, in addition, provide procedures for determining the estimated annual operating costs and energy efficiency of refrigerators and refrigerator-freezers and freezers. For the purposes of this proposal the AHAM Standard HRF-2-ECFT-1975 is modified by Appendix B of the proposal to change the freezer multiplication factor in 4.4.2 of the AHAM Standard from 0.9 to 0.7 for chest freezers and 0.85 for upright freezers.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. The estimated annual operating cost is the product of the representative average-use cycle times the cost of energy used per cycle for the normal cycle. The cost of energy used per normal cycle is, in turn, dependent upon the representative average unit energy costs as provided by the Administrator and the energy consumed in the normal cycle. The "normal cycle" is proposed as the cycle type upon which the estimated annual operating cost is based. The normal cycle for a refrigerator and refrigerator-freezer and freezer without an anti-sweat heater switch (described below) would be defined as the operation of the refrigerator and refrigerator-freezer and freezer as required by the proposed test procedures (§§ 430.22(a)(1), 430.22(b)(1)). The normal cycle for a refrigerator and refrigerator-freezer and freezer with an anti-sweat heater switch would be defined as the operation of the product as required by the proposed test procedures (§§ 430.22(a)(1), 430.22(b)(1)) with the anti-sweat heater switch in the highest energy consuming position.

Also proposed as test procedures (§§ 430.22(a)(2), 430.22(b)(2)) for the determination of other measures of energy consumption which are likely to assist consumers in making purchasing decisions are test procedures regarding the estimated annual operating cost for any specified cycle type other than the normal cycle. As with test procedures for the estimated annual operating cost, these test procedures could be used to provide consumers with useful cost information regarding refrigerator and refrigerator-freezer and freezer operation with the anti-sweat heater switch either in the lowest energy consuming position for a cycle (24 hours) or with the anti-sweat heater switch set in the lowest energy position for a pre-determined percentage of the cycle. For example, if the estimated annual operating cost of the refrigerator and refrigerator-freezer or freezer with a cycle type in which the anti-sweat heater switch is set in the lowest energy consuming position were presented to the consumer along with information regarding the normal cycle, potential purchasers would have more complete information by which to compare the operating costs of units which use anti-sweat heaters, units which use anti-sweat heaters in conjunction with a switch, and units which use sweat control methods other than a heater.

It is proposed that the estimated annual operating cost for any other specified cycle type be determined similarly to the determination of such cost for the normal cycle, except that any required tests would be run on the specified cycle and not on the normal cycle. The application of these test measures, however, is not required until an appropriate authority, such as FTC in exercising its authority pursuant to the appliance labeling provisions of the program, has specified the cycle type(s) for which estimated annual operating costs are required to be measured.

An additional proposed measure (§§ 430.22(a)(3), 430.22(b)(3)) that is likely to assist consumers in making purchasing decisions is the energy factor. If the appliance does not have an anti-sweat switch, the energy factor would be defined as the quotient of the adjusted total refrigerated volume (as defined in 1.1. of Appendix A to Subpart B), in cubic feet, of refrigerators and refrigerator-freezers and the net refrigerated volume, in cubic feet, of freezers, divided by the energy consumption for the normal cycle in kilowatt-hours per cycle. For refrigerators and refrigerator-freezers and freezers with an anti-sweat heater switch, the energy factor would be defined as the quotient of the adjusted total volume, in cubic feet, for refrigerators and refrigerator-freezers and the net refrigerated volume, in cubic feet, for freezers, divided by one half the sum of (i) the total per-cycle kilowatt-hour energy consumption with the anti-sweat heater switch set in the lowest energy consuming position. Among other possible applications, the energy factor may be used by FEA to determine the efficiency of refrigerators and refrigerator-freezers and freezers for the purposes of the efficiency improvement program described by section 325 of the Act.

Some refrigerator and refrigerator-freezer and freezer manufacturers use an "anti-sweat heater" (defined in 1.2 of Appendix A to Subpart B) to keep condensation from forming on the exterior surfaces of the cabinet under adverse (high humidity) ambient conditions. The anti-sweat heater, while keeping condensation from forming on the exterior surfaces of the cabinet, also adds to the heat load that must be removed by the refrigerator and refrigerator-freezer or freezer in order to lower cabinet temperatures for food preservation. By controlling the operation of the anti-sweat heater with a switch such that the heater is operating at a level required by the ambient conditions and not at full capacity when not required, the energy consumed by the refrigerater and refrigerator-freezer or freezer is generally reduced. Accordingly, the energy consumption setting of an anti-sweat heater switch affects the energy consumption of the refrigerator and refrigerator-freezer and freezer and, as such, would be defined as a cycle type.

The procedure proposed in §§ 430.22(a)(3) and 430.22(b)(3) for measuring the contribution of an anti-sweat heater switch that reduces the energy consumption requirements of the anti-sweat heater assumes that the switch is in the lowest energy consuming position 50 percent of the time. A 50 percent frequency of use basis was established under the DOC's Voluntary Appliance Efficiency Program for any feature that required consumer interaction and for which actual usage was unknown. Further, in public hearings held by FEA on the initial proposed energy efficiency targets, several appliance manufacturers recommended that a 50 percent figure for consumer usage be utilized when actual usage is unknown. One manufacturer, however, submitted survey data that indicated that approximately 80 percent of the respondents to its survey reported the "usual" position was "dry" (the lowest energy consuming position) and recommended that an 80 percent credit be given for the use of an anti-sweat heater switch.

FEA is proposing a 50 percent frequency of use factor for usage of the anti-sweat heater switch for computing the energy factor because it believes that to be a reasonable estimate of actual consumer usage. FEA will modify the contribution of energy saving features, such as the anti-sweat heater switch, if usage information is developed that indicates that other frequency of use patterns exist.

Refrigerators and refrigerator-freezers have two different temperature zones—a fresh food storage compartment that operates, on the average, at about 38° F and a frozen food storage compartment that operates, on the average, at approximately 5° F for a refrigerator-freezer and 15° F for a refrigerator. The refrigerator and refrigerator-freezer with a large percentage of its net refrigerator volume devoted to the freezer compartment must cool a larger volume to a lower temperature than a similar model with a smaller freezer compartment. Hence, while the model with the larger freezer volume tends to consume more energy than the model with the smaller freezer volume, it is performing a larger measure of work, i.e., cooling a larger volume.

In order to evaluate two basic model groups with identical net refrigerated volumes but different net freezer refrigerated volumes, a correction factor is applied to the net freezer refrigerated volume. This correction factor is the ratio of heat flow through a freezer compartment wall to the surrounding environment to the heat flow through an equivalent fresh food compartment wall. This ratio is approximated by the ratio of the temperature difference between the ambient air (90° F) and the refrigerated compartment temperatures of 5° F for the refrigerator-freezers' freezer compartment or 15° F for the refrigerators' freezer compartment, and 38° F for the fresh food compartments. Accordingly, a correction factor of 1.44 ((90° F-15° F)/(90° F-38° F)=1.44) for refrigerators, and 1.63 ((90° F-5° F)/(90° F-

38° F) = 1.63) for refrigerator-freezers is assigned.

The correction factor means that it takes approximately 1.63 times more energy to maintain a given insulated space at 5° F than at 38° F in a 90° F ambient. Accordingly, in determining the energy factor of refrigerators and refrigerator-freezers, the product of the net freezer refrigerated volume in cubic feet multiplied by the appropriate correction factor is added to the net general refrigerated volume in cubic feet to determine the adjusted total refrigerated volume. As previously described, the quotient of the adjusted total refrigerated volume in cubic feet divided by the per-cycle energy consumption in kilowatt-hours per-cycle is the energy factor.

FEA recognizes that there may be additional useful measures of energy consumption for refrigerators and refrigerators-freezers and freezers other than the measures described above. Accordingly §§ 430.22 (a)(4) and (b)(4) provide for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test methods proposed today as Appendices A and B to Subpart B. Refrigerator and refrigerator-freezer and freezer manufacturers would, if required, only have to perform various computations while still applying the same test methods contained in Appendices A and B. For example, if the Administrator determined that a per-cycle cost for a specified cycle type would aid consumers in making purchasing decisions, this cost could be derived by applying the uniform test method for that cycle type and dividing by the annual usage to arrive at a per-cycle figure.

C. Laboratory Methodology

Proposed Appendices A and B to Subpart B provide for a controlled laboratory environment for measuring energy consumption for the various refrigerators and refrigerator-freezers and freezers (and their various cycle types) which are available to the consumer. The proposed test methods in Appendices A and B measure energy consumption in kilowatt-hours per cycle for the refrigerator and refrigerator-freezer and freezer under test. From these standard measures of energy consumption, using the proposed refrigerator and refrigerator-freezer test procedures (§ 430.22(a)) and freezer test procedures (§ 430.22(b)) (which include the values of the representative average-use cycle and the representative average unit costs of energy), various determinations of refrigerator and refrigerator-freezer and freezer energy costs and energy consumption can be derived in a standard fashion.

The test method contained in AHAM Standard HRF-2-ECFT-1975 simulates home usage of refrigerators, refrigerator-freezers and freezers in a standardized manner to provide accurate and repeatable data that correlate with home usage data. The use of a 32.2° C (90° F) ambient temperature, closed door test method, modified by the application of a correction factor when appropriate, compensates for the door openings, different ambient temperatures and food loads which are imposed upon the units in actual home use.

A correction factor is applied to the energy consumption values of the laboratory tests when the laboratory test values do not match field survey energy consumption values. For example, home freezers are often located on porches or in basements where the ambient temperatures are on the average much lower than the 90° F ambient temperature specified in the proposed test procedure.

Correlations of the laboratory test results using the proposed test methods with field survey data have been performed by NBS, in conjunction with the industry, on 246 refrigerator-freezers. These data show the average energy consumption in actual home use to be 1.02 times that measured in the laboratory tests using the proposed test method. For refrigerators, based on a sample of 9, the average home use energy consumption is 92 percent of the energy consumption measure by the proposed test method. These values are approximately equal to the laboratory test results. Copies of the results of this survey will be made available for inspection by interested persons as provided for later in this notice. Until further data are collected and indicate that the values are not representative, correction factors are not proposed for the laboratory test energy consumption values for refrigerators and refrigerator-freezers.

The actual home use energy consumption data obtained from 176 upright freezers indicate that home upright freezer energy consumption is 85 percent of that determined in laboratory tests using the proposed test method. Accordingly, it is proposed that the upright freezer laboratory test results determined according to the proposed test method be multiplied by a correction factor of .85 (4.1.2 of Appendix B to Subpart B). The actual home use energy consumption data obtained from 62 chest freezers indicate that the average chest home freezer energy consumption is 71 percent of the energy consumption value determined in the laboratory with the proposed test method. Accordingly, it is proposed that the chest freezer laboratory test results determined according to the proposed test method be multiplied by a correction factor of 0.7 (4.1.1 of Appendix B to Subpart B). Copies of the results of these surveys will be made available for inspection by interested persons as provided for later in this notice.

D. Representative Average-Use Cycle

Section 323(b)(2) (42 U.S.C. 6293(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average-use cycle for refrigerators and refrigerator-freezers and freezers is 365 cycles per year. This determination is based NBS' recommendation to FEA which, in turn, is based upon the steady state, continuous operation of the unit. NBS' recommendation is available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTC on or before the effective date of test procedures for refrigerators and refrigerator-freezers and freezers.

E. Number of Units to be Tested

Proposed § 430.23 (a) and (b) would provide for sampling of each basic model to be tested when testing of refrigerators and refrigerator-freezers and freezers is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(a) and (b), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in §§ 430.22(a) and 430.22(b), there is a 95 percent probability that the mean of the values of these measures of the sample is within 20 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 20 percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than three units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. Request for Particular Comments

While FEA is soliciting comments on all aspects of the proposed test procedures for refrigerators and refrigerator-freezers and freezers, FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical usage of refrigerator and refrigerator-freezer or freezers in addition to those proposed today. In addition, FEA is interested in receiving comments with respect to the calculation of the energy factor and the consumer usage of the anti-sweat heater switch. Also, FEA is interested in receiving comments on any definitions described in previously proposed section 430.2, as these provisions might affect the testing of refrigerators and refrigerator-freezers and freezers. Comments with respect to refrigerators and refrigerator-freezers and freezers regarding provisions in previously proposed section 430.2 are timely until the close of the written record, as specified below. For the convenience of the reviewer, the proposed definitions of "refrigerator," "refrigerator-freezer," and "freezer" (41 FR 19979, May 14, 1976) are as follows:

Section 430.2 *Definitions*

* * * * *

"Refrigerator" means a cabinet designed for the refrigerated storage of food at temperatures above 32° F, and having a source of refrigeration requiring an energy input. It may include a compartment for the freezing and storage of food at temperatures below 32° F but does not provide a separate low temperature compartment designed for the freezing of and the long term storage of food at temperatures below 8° F. It has only one exterior door, but it may have interior doors on compartments.

"Refrigerator-freezer" means a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above 32° F, and with at least one of the compartments designed for the freezing of and the storage of frozen foods at temperatures of 8° F or below and may be capable of being adjusted by the user to a temperature of 0° F or below. The source of refrigeration requires energy input.

"Freezer" means a cabinet designed as a unit for the storage of food at temperatures of 0° F, having the ability to freeze food, and having a source of refrigeration requiring an energy input.

* * * * *

G. Comment Procedure

1. Written Comment

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for refrigerators and refrigerator-freezers and freezers set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box MA, Washington, D.C. 20461.

Comments should be identified on the outside of the envelop and on documents submitted to FEA with the designation "Refrigerators and Refrigerator-Freezers and Freezers-Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. Public Hearings

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person, who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Refrigerators and Refrigerator-Freezers and Freezers—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 13, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202-254-3345.

b. *Conduct of Hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS's recommendations concerning test procedures for refrigerators and refrigerator-freezers and freezers along with related NBS/industry home energy usage survey results will also be made available for inspection at at FEA Freedom of Information Office.

H. Environmental and Inflationary Review

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with

respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 21, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding paragraphs (l) and (2) as part of the definition of the term "Basic model", to read as follows:

§ 430.2 Definitions.

* * * * *

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

(1) With respect to refrigerators and refrigerator-freezers, having essentially identical functional, physical and electrical characteristics.

(2) With respect to frezers, having essentially identical functional, physical and electrical characteristics.

* * * * *

2. Section 430.22 is amended by adding paragraphs (a) and (b), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

(a) *Refrigerators and refrigerator-freezers.* (1) The estimated annual operating cost for refrigerators and refrigerator-freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the average per-cycle energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.1 of Appendix A of this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The estimated annual operating cost for any other specified cycle type for refrigerators and refrigerator-freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the per-cycle energy consumption for the specified cycle type, determined according to 4.1 of Appendix A to this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(3) The energy factor for refrigerators and refrigerator-freezers, expressed in cubic feet per kilowatt-hour per cycle, shall be—

(i) For refrigerators and refrigerator-freezers not having an anti-sweat heater switch, the quotient of (A) the adjusted total volume in cubic feet, determined according to 4.2 of Appendix A of this subpart, divided by (B) the total per-cycle energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.1 of Appendix A of this subpart, and

(ii) For refrigerators and refrigerator-freezers having an anti-sweat heater switch, the quotient of (A) the adjusted total volume in cubic feet, determined according to 4.2 of Appendix A of this subpart, divided by (B) one half the sum of the total per-cycle energy consumption for the normal cycle and the total per-cycle energy consumption for the cycle when the anti-sweat heater switch is set in the lowest energy consuming position, each in kilowatt-hours per cycle, determined according to 4.1 of Appendix A of this subpart.

(4) Other useful measures of energy consumption for refrigerators and refrigerator-freezers shall be those measures of energy consumption for refrigerators and refrigerator-freezers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix A of this subpart.

(b) *Freezers.* (1) The estimated annual operating cost for freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the average per-cycle energy consumption for the normal cycle in kilowatt-hours per cycle, determined according to 4.1 of Appendix B of this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The estimated annual operating cost for any other specified cycle type for freezers shall be the product of the following three factors: (i) The representative average-use cycle of 365 cycles per year, (ii) the per-cycle energy consumption for the specified cycle type, determined according to 4.1 of Appendix B to this subpart, and (iii) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(3) The energy factor for freezers, expressed in cubic feet per kilowatt-hours per cycle, shall be—

(i) For freezers not having an anti-sweat heater switch the quotient of (A) the net freezer refrigerated volume in cubic feet, determined according to 3.2 of Appendix B of this subpart, divided by (B) the total per-cycle energy consumption for the normal cycle in kilowatt-hour per cycle, determined according to 4.1 Appendix B of this subpart, and

(ii) For freezers having an anti-sweat heater switch, the quotient of (A) the net freezer refrigerated volume in cubic feet, determined according to 3.2 of Appendix B of this subpart, divided by (B) one half the sum of the total per-cycle energy consumption for the normal cycle and total per-cycle energy consumption for the cycle when the anti-sweat switch is set in the lowest energy consuming position, each in kilowatt-hours per cycle, determined according to 4.1 of Appendix B of this subpart.

(4) Other useful measures of energy consumption for freezers shall be those measures of energy consumption for freezers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix B of this subpart.

3. Section 430.23 is amended by adding paragraphs (a) and (b), to read as follows:

§ 430.23 Units to be tested.

(a) *Refrigerators and refrigerator-freezers.* (1) When testing of refrigerators and refrigerator-freezers is required for a measure or measures of energy consumption described in § 430.22(a) of this subpart, a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within 20 percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (a)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (a)(1) of this section are satisfied at each rating.

(b) *Freezers.* (1) When testing of freezers is required for a measure or measures of energy consumption described in § 430.22(b), a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within 20 percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (b)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (b)(1) of this section are satisfied at each rating.

4. Subpart B of Part 430 is amended to add an Appendix A, to read as follows:

APPENDIX A—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF REFRIGERATORS AND REFRIGERATOR-FREEZERS

1. DEFINITIONS

1.1 "Adjusted total refrigerated volume" means the sum of the net general refrigerated volume in cubic feet and the product of a correction factor times the net freezer refrigerated volume in cubic feet.

1.2 "Anti-sweat heater" means a device incorporated into the design of a refrigerator or refrigerator-freezer to prevent the accumulation of moisture on exterior surfaces of the cabinet under conditions of high ambient humidity.

1.3 "Cycle" means the operation of a refrigerator or refrigerator-freezer with the consumer activated controls preset such that the design refrigeration requirements of the refrigerator and refrigerator-freezer are performed.

1.4 "Cycle type" means the operation of a refrigerator or refrigerator-freezer by presetting the consumer activated controls to establish various operating characteristics.

1.5 "Normal cycle" means the cycle type in which the anti-sweat heater switch, when provided, is set in the highest energy consuming position.

2. TESTING CONDITIONS

2.1 *Operational conditions.* Install the refrigerator and refrigerator-freezer and maintain the operating conditions in accordance with the Association of Home Appliance Manufacturers (AHAM) Standard HRF-2-ECFT-1975. All references in HRF-2-ECFT-1975 to American National Standard (ANS) B38.1 shall be interpreted as references to ANS B38.1-1970.

3. TEST CYCLE AND MEASUREMENTS

3.1 *Test cycle.* Perform a test cycle type by establishing the testing conditions set forth in 2, testing the refrigerator and refrigerator-freezer in accordance with the AHAM Standard HRF-2-ECFT-1975.

3.2 *Test measurements.* Measure refrigerator and refrigerator-freezer net refrigerated volume, V_r, expressed in cubic feet and defined, in accordance with ANS B38.1-1970, section 3.2 as:

$$V_r = V_f + V_g$$

where,
V_f = net freezer refrigerated volume.
V_g = net general refrigerated volume.

3.3 *Reported values.* State the reported values of energy consumption as determined in accordance with AHAM Standard HRF-2-ECFT-1975, and the net freezer refrigerated volume, net general refrigerated volume, and the net refrigerated volume as determined in accordance with ANS B38.1-1970, Section 3.2.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 *Per-cycle average energy consumption.* Calculate for the cycle type under test the per-cycle average energy consumption of refrigerators and refrigerator-freezers in accordance with AHAM Standard HRF-2-ECFT-1975.

4.2 ADJUSTED TOTAL VOLUME

4.2.1 *Refrigerators.* Calculate for refrigerators under test the adjusted total refrigerated volume, V_r, expressed in cubic feet and defined as:

$$V_r = (V_f \times C_r) + V_g$$

where
V_f and V_g are defined in 3.2, and
C_r = correction factor of 1.44.

4.2.2 *Refrigerator-freezers.* Calculate for refrigerator-freezers under test the adjusted total refrigerated volume, V_{rf}, expressed in cubic feet and defined as:

$$V_{rf} = (V_f \times C_{rf}) + V_g$$

where
V_f and V_g are defined in 3.2, and
C_{rf} = correction factor of 1.63.

2. TESTING CONDITIONS

2.1 *Operational conditions.* Install the freezer and maintain the operating conditions in accordance with the Association of Home Appliance Manufacturers (AHAM) Standard HRF-2-ECFT-1975. All references in HRF-2-ECFT-1975 to American National Standard (ANS) B38.1 shall be interpreted as references to ANS B38.1-1970.

3. TEST CYCLE AND MEASUREMENTS

3.1 *Test cycle.* Perform a test cycle type by establishing the testing conditions set forth in 2, testing the freezer in accordance with the AHAM Standard HRF-2-ECFT-1975.

3.2 *Test measurements.* Measure the net freezer refrigerated volume in accordance with the ANS B38.1-1970, Section 4.2.

3.3 *Reported values.* State the reported values of energy consumption, E_t, as determined in accordance with AHAM Standard HRF-2-ECFT-1975 and the net freezer refrigerated volume as determined in accordance with ANS B38.1-1970, Section 4.2.

4. CALCULATION OF DERIVED RESULTS FROM TEST MEASUREMENTS

4.1 *Per-cycle average energy consumption.*

4.1.1 *Chest freezers.* Calculate for chest freezers under test the per-cycle average energy consumption, E_c, expressed in kilowatt-hours (kWh) and defined as:

$$E_c = E_t \times C_c$$

where
E_t *is defined in 3.3, and*
C_c = correction factor of .7.

4.1.2 *Upright freezers.* Calculate for upright freezers under test the per-cycle average energy consumption, E_u, expressed in kWh and defined as:

$$E_u = E_t \times C_u$$

where
E_t is defined in 3.3, and
C_u = correction factor of .85.

[FR Doc.77-11984 Filed 4-21-77;5:00 pm]

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Clothes Dryers

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for clothes dryers, pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). The Act requires that standard methods for testing clothes dryers be prescribed as part of the energy conservation program for appliances. The intended effect of this proposal is to implement the Act's requirements for the solicitation of public comments before the test procedures are prescribed.

DATES: Comments by June 15, 1977, 4:30 p.m.; requests to speak by May 31, 1977, 4:30 p.m.; statements by June 10, 1977, 4:30 p.m.; hearing to be held on June 13, 1977 at 9:30 a.m.

ADDRESS: Comments and requests to speak at the hearing to: Executive Communications, Room 3309, Federal Energy Administration, Box LX, Washington, D.C. 20461; statements to Regulations Management, Federal Energy Administration, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

Hearing held at: Federal Energy Administration, 2000 M Street NW., Room 2105, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Room 307, Old Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its applicance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general provisions, and a Subpart C, containing proposed energy efficiency improvement targets. Proposed Subparts A and C have not yet been finalized. A further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94-385).

Subpart A as previously proposed (41 FR 19977, May 14, 1976; 41 FR 1542, March 27, 1977), contained definitions in proposed § 430.2, some of which are applicable to the test procedures for clothes dryers. In addition, FEA is proposing to add to the definition in § 430.2 of "Basic model", a subparagraph (4) applying specifically to clothes dryers.

By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. The notice issued July 22 described the requirements of section 323 and set forth proposed test procedures for room air conditioners. A further notice issued March 24, 1977 (42 FR 16811, March 30, 1977) solicited comments with respect to a clarification of the provision concerning the number of units to be tested. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed an amendment setting forth proposed test procedures for dishwashers. Test procedures for several other products are in

APPENDIX B—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF FREEZERS

1. DEFINITIONS

1.1 "Anti-sweat heater" means a device incorporated into the design of a freezer to prevent the accumulation of moisture on exterior surfaces of the cabinet under conditions of high ambient humidity.

1.2 "Cycle" means the operation of a freezer with the consumer activated controls preset such that the design refrigeration requirements of the freezer are performed.

1.3 "Cycle type" means the operation of a freezer, presetting the consumer activated controls to establish various operating characteristics.

1.4 "Normal cycle" means the cycle type in which the anti-sweat heater switch, when provided, is set in the highest energy consuming position.

the process of being proposed at this time.

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards Act (NBS) to develop for 13 types of covered products test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS was required to evaluate existing test procedures for measuring energy consumption of clothes dryers.

NBS has transmitted to FEA a test procedure review document which reviewed existing test procedures for measuring energy consumption for clothes dryers and recommended test procedures. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice. A recommended clothes dryer test procedure was published in the FEDERAL REGISTER on December 12, 1975, under the Department of Commerce Voluntary Labelling Program. The proposed procedure was based on industry standard HLD–2EC, which is the Association of Home Appliance Manufacturer's (AHAM) standard for calculating the energy consumption of clothes dryers. The test procedures recommended to FEA by NBS and proposed today incorporate the approach contained in the AHAM Standard HLD–2EC for measuring energy consumption and, in addition, include procedures for determining the estimated annual operating costs and energy efficiency for clothes dryers.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions. Since the annual operating cost of clothes dryers differs significantly depending on whether they are fueled by electricity or natural gas, FEA is proposing to establish two alternate values for the estimated annual operating cost for clothes dryers: One assuming that electricity is used as a fuel and the other assuming natural gas is used as a fuel. In each case, the estimated annual operating cost is the product of the representative average-use cycle times the cost of energy used for the cycle.

An additional proposed measure that is likely to assist consumers in making purchasing decisions is the energy factor, which is defined as the quotient of a load of clothes divided by the energy consumption per cycle. Among other possible applications, the energy factor may be used by FEA to determine the efficiency of clothes dryers for the purposes of the efficiency improvement program described by section 325 of the Act.

FEA recognizes that there may be additional useful measures of energy consumption for clothes dryers other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(d)(4), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix D to Subpart B. Clothes dryer manufacturers would, if required, only have to perform various computations while still applying only the same test method contained in Appendix D. For example, if the Administrator determined that annual energy consumption for clothes dryers would aid consumers in making purchasing decisions, this energy consumption could be derived by applying the uniform test method and dividing the the annual operating cost by the cost of energy to arrive at an annual energy consumption figure.

C. LABORATORY METHODOLOGY

Proposed Appendix D to Subpart B provides for a controlled laboratory environment for measuring energy consumption of clothes dryers for a test cycle that correlates with typical consumer usage. One aspect of this test procedure is the selection of an appropriate load. A field survey conducted by Proctor and Gamble on washer loads concluded that the average washer load was 5.8 pounds (dry weight). Based on this report and other available information, NBS recommended a 7-pound load for the purposes of the proposed test procedures for clothes dryers. The 7-pound load also conforms with the test load utilized in AHAM Standard HLD–2EC. The AHAM test procedure also provides for the testing of a 3-pound load in compact dryers. Both the 7-pound load for standard dryers and 3-pound load for compact dryers have been included in the proposed test procedures.

Another consideration is the material used as the test load. At a public hearing held by FEA in Washington, D.C., on June 2, 1976, concerning proposed appliance energy efficiency targets for clothes washers, General Electric Company estimated that in an average washer load, the ratio of natural fiber to synthetic fiber was approximately 50 percent. The proposed test procedures incorporate this figure by providing for the use of test cloth made of a blend of equal portions of synthetic and cotton material.

The load itself consists of swatches of test material cut and hemmed into specified sizes. The use of a standard test load serves to eliminate test to test variability caused by garment seams, garment twisting, and fabric textures and thus provides good repeatability in the test program.

The energy consumption of a dryer is determined by loading a dryer with a test load containing a known quantity of water and measuring the energy necessary to remove a specified amount of this water. The proposed test procedure would use a test load to which a quantity of water equal to 70 percent of the dry weight of the test load has been added. The test load is dried until the moisture content of the test load is reduced to between 2.5 and 5.0 percent of the dry weight of the test load and the energy consumed is then recorded. NBS laboratory tests have shown that an acceptable level of dryness is achieved when the moisture content of the test load is 4 percent of the dry weight of the test load. This corresponds to the removal of a quantity of water equal to 66 percent of the dry weight of the test load. The proposed regulations should specify this 66 percent value as the reference point for the energy used by a dryer during a test. Since under actual test conditions a quantity of water slightly smaller or larger than 66 percent of the dry weight of the test load will be removed, actual energy consumption measurements must be adjusted to reflect the energy which would have been consumed if the 66 percent value had been achieved. This adjustment is made by multiplying the energy consumed during the test by the ratio of the desired level of moisture removal (66 percent) to the actual amount moisture removed during the test.

Ideally, laboratory test results for energy consumption should be quite close to the actual energy consumed per cycle in the field. A survey conducted by Oklahoma Gas and Electric Company of 64 homes demonstrated that in drying 33,000 loads of clothes, an average of 2.5 kilowatt hours (Kwh's) of electricity was used per load. A limited number of NBS tests using the proposed test procedures has shown that the proposed test load requires 2.1 Kwh's per load or approximately 20 percent less than that used under actual home use condition. In order to assure that the laboratory test procedures produce results representative of actual use, the test results are multiplied by a factor of 1.2.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b)(2) (42 U.S.C. 6293 (b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle.

FEA has determined that the representative average use cycle for clothes dryers is 416 cycles per year. This determination is based upon NBS' recommendation to FEA, which in turn, is based upon a Proctor and Gamble field study reporting 7.8 washer loads per week. NBS' recommendation and the Proctor and Gamble field study are available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTC on or before the effective date of test procedures for clothes dryers.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23(d) would provide for sampling of each basic model to be tested when testing of clothes dryers is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 430.23(d), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(d), there is a 95 percent probability that the mean of the values of these measures of the sample is within 5 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 5 percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than three units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. REQUEST FOR PARTICULAR COMMENTS

While FEA is soliciting comments on all aspects of the proposed test procedures for clothes dryers FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical consumer usage of clothes dryers in addition to those proposed today.

The proposed test procedure measures energy consumption and provides data that can be used for comparison purposes, but the actual result of the drying performance and energy consumption utilizing the dryness controls is not measured. Comments are requested addressing the potential modification of the proposed test procedure to include measuring the effect of user-timed dryness controls or automatically-timed dryness controls on energy consumption.

Comments are also requested concerning the size of the clothes dryer test load. Clothes dryer laboratory test data, consumer usage data, and related comments are desired.

In addition, FEA is interested in receiving comments on definitions in previously proposed § 430.2, as these provisions might affect the testing of clothes dryers. Comments with respect to clothes dryers regarding provisions in previously proposed § 430.2 are timely until the close of the written record.

For the convenience of the reviewer, the proposed definitions of "electric clothes dryer" and "gas clothes dryer" (41 FR 19979, May 14, 1976) are as follows:

Section 430.2 *Definitions.*

* * * * *

"Electric clothes dryer" means a cabinet-like appliance designed to dry fabrics in a tumble type drum with forced air circulation. The heat source is electricity and the drum and blowers are driven by an electric motor(s).

* * * * *

"Gas clothes dryer" means a cabinet-like appliance designed to dry fabrics in a tumble type drum with forced air circulation. The heat source is gas and the drum and blowers are driven by an electric motor(s).

G. COMMENT PROCEDURES

1. WRITTEN COMMENTS

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for clothes dryers set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box LX, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Clothes Dryers—Proposed Test Procedures." Fifteen copies should be submitted. All comments received by June 15, 1977, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. PUBLIC HEARINGS

a. *Request procedure.* The time and place of the public hearing are indicated at the beginning of this preamble.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m., e.s.t., on May 31, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Clothes Dryers—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through June 12, 1977.

FEA will notify, before 4:30 p.m., June 2, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at (202) 254–3345.

b. *Conduct of hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.s.t., June 9, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter. A copy of NBS' recommendations concerning test procedures for clothes dryers along with related NBS field study results and a Proctor and Gamble field study will also be made available for inspection at the FEA Freedom of Information Office.

H. Environmental and Inflationary Review

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires FEA to assess the environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 21, 1977.

Eric J. Fygi,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding paragraph (4) as part of the definition of "Basic model", to read as follows:

§ 430.2 Definitions.

* * * * *

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

* * * * *

(4) With respect to clothes dryers, having essentially identical functional, physical and electrical characteristics."

* * * * *

2. Section 430.22 is amended by adding a paragraph (d), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(d) *Clothes dryers.* (1) The estimated annual operating cost for clothes dryers shall be—

(i) For an electric clothes dryer, the product of the following three factors: (A) a representative average-use cycle of 416 cycles per year, (B) the total per-cycle energy consumption in kilowatt-hours per-cycle, determined according to 4.1 of Appendix D of this subpart, and (C) the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year, and

(ii) For a gas clothes dryer, the product of the representative average-use cycle of 416 cycles per year times the sum of (A) the product of the gas dryer electric per-cycle energy consumption in kilowatt-hours per cycle, determined according to 4.2 of Appendix D of this subpart, times the representative average unit cost in dollars per kilowatt-hour as provided by the Administrator plus (B) the product of the total gas dryer gas energy consumption per cycle, in Btu's per cycle, determined according to 4.5 of Appendix D of this subpart, times the representative average unit cost in dollars per Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The energy factor, expressed in pounds per kilowatt-hour, for clothes dryers shall be the quotient of one load of clothes, as defined by 2.6 of Appendix D of this subpart, divided by the clothes dryer energy consumption per cycle, as determined according to 4.1 for electric clothes dryers and 4.6 for gas clothes dryers of Appendix D of this subpart, the resulting quotient then being rounded off to the nearest .01.

(3) Other useful measures of energy consumption for clothes dryers shall be those measures of energy consumption for clothes dryers which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix D of this subpart.

* * * * *

3. Section 430.23 is amended by adding a paragraph (d), to read as follows:

§ 430.23 Units to be tested.

* * * * *

(d) *Clothes dryers.* (1) When testing of clothes dryers is required for a measure or measures of energy consumption described in § 430.22(d), a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the mean of the sample is within five percent of the true mean of such measures of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (d)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (d)(1) of this section are satisfied at each rating.

* * * * *

4. Subpart B of Part 430 is amended to add an Appendix D, to read as follows:

Appendix D—Uniform Test Method for Measuring the Energy Consumption of Clothes Dryers

1. Definitions

1.1 "AHAM" means the Association of Home Appliance Manufacturers.

1.2 "Bone Dry" weight refers to test cloth which has been dried until the weight change between measurements is less than 1 percent.

1.3 "Compact" refers to a clothes dryer with a drum capacity of less than 4.4 cubic feet.

1.4 "Cool Down" refers to the portion of the clothes drying cycle when the added gas or electric heat is terminated and the clothes continue to tumble and dry within the drum.

1.5 "Cycle" means a sequence of operations of a clothes dryer which performs a clothes drying operation, and may include variations or combinations of the functions of heating, tumbling and drying.

1.6 "Drum Capacity" means the volume of the drying drum in cubic feet.

1.7 "HLD-1" refers to the test standard promulgated by AHAM and titled "AHAM Performance Evaluation Procedure for Household Tumble Type Clothes Dryers", June, 1974 and designated as HLD-1.

1.8 "HLD-2EC" refers to the test standard promulgated by AHAM and titled "Test Method for Measuring Energy Consumption of Household Tumble Type Clothes Dryers," December, 1975, and designated as HLD-2EC.

1.9 "Standard Size" refers to a clothes dryer with a drum capacity of at least 4.4 cubic feet.

1.10 "Moisture content" refers to the amount of water contained by a test load expressed as a percent of the bone-dry weight of the test load.

2. Testing Conditions

2.1 *Installation.* Install the clothes dryer in accordance with manufacturer's instructions. The dryer exhaust shall be restricted by adding the AHAM exhaust simulator described in 3.3.5 of HLD-1. All external joints should should be taped to avoid air leakage.

2.2 *Ambient temperature and humidity.* Maintain the room ambient air temperature between 72°F and 78°F and the room relative humidity at 45 percent to 55 percent relative humidity.

2.3 *Energy supply.*

2.3.1 *Electrical supply.* Maintain the electrical supply to the clothes dryer within 1 percent of the nameplate voltage.

2.3.2 *Gas supply.*

2.3.2.1 *Natural Gas.* Maintain the gas supply to the clothes dryer with a normal inlet test pressure immediately ahead of all controls at 7 to 10 inches of the water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the burner to its Btu rating at normal inlet test pressure. Any adjustment shall be within ±2 percent of the hourly Btu rating specified by the manufacturer. The natural gas supplied should have a heating value of approximately 1,025 Btu's per standard cubic foot. Determine the actual heating value, in Btu's per standard cubic foot, for the natural gas to be used in the test, with an error no greater than 1 percent, and use that value for all calculations included herein.

2.3.2.2 *Propane gas.* Maintain the gas supply to the clothes dryer with a normal inlet test pressure immediately ahead of all controls at 11 to 13 inches of the water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the burner to its Btu rating at normal inlet test pressure. Any adjustment shall be within ±2 percent of the hourly Btu rating specified by the manufacturer. The propane supplied should have a heating value of approximately 2,500 Btu's per standard cubic foot. Determine the actual heating value, in Btu's per standard cubic foot, for the natural gas to be used in the test, with an error no greater than 1 percent, and use that value for all calculations included herein.

2.3.3 *Energy flow instrumentation.* Install one or more energy flow instruments which measure, as appropriate, and with an error no greater than 1 percent, the quantity of electrical energy, natural gas flow or propane flow.

2.4 *Lint trap.* Clean the lint trap thoroughly before each test run.

2.5 *Test cloths.*

2.5.1 *Energy test cloth.* The energy test cloth shall consist of the following:

(a) Pure finished bleached cloth, made with a momie or granite weave, which is 50 percent cotton and 50 percent polyester and weighs 5.75 ounces per square yard and has 65 ends on the warp and 57 picks on the fill.

(b) The cloth shall be hemmed 22" x 34" before washing and the maximum shrinkage after 5 washes shall be not more than 4 percent on the length and width.

2.5.2 *Energy stuffer cloths.* The energy stuffer cloths shall be made from energy test cloth material and consist of hemmed 10" x 10" cloths made from 12" x 12" material.

2.6 *Test loads.*

2.6.1 *Compact dryer load.* Prepare a 3 pound (±1 percent) bone-dry load of energy test cloths. Adjustments to the 3 pound weight can be made with energy stuffer cloths. Dampen the load by agitating in 100°F (±5°F) water of 0 to 17 parts per million hardness for approximately 2 minutes to saturate the fabric, and then extract water by spinning the load to a moisture content of 70 percent (±5 percent) of the bone dry weight of the test load.

2.6.2 *Standard size dryer load.* Prepare a 7 pound (±1%) bone dry load of energy test cloths. Adjustments to the 7 pound weight can be made with energy stuffer cloths. Dampen the load by agitating in 100°F (±5°F) water of 0 to 17 parts per million hardness for approximately 2 minutes to saturate the fabric, and then extract water by spinning the load to a moisture content of 70% (±5%) of the bone dry weight of the test load.

2.6.3 *Method of loading.* Load energy test cloth by grasping them in the center, shaking them to hang loosely and drop them in the dryer at random.

3. Test Procedures and Measurements

3.1 *Drum capacity.* Measure the drum capacity by sealing all openings in the drum except the loading port with a plastic bag, making sure that all corners and depressions are filled. Then, with the dryer laid on its back on a platform scale, record the weight of the empty dryer and fill the drum with water (measure the water temperature) to a level determined by the intersection of the door plane and the loading port. Measure the weight of the dryer with added water and determine the mass of the water in pounds within 1 percent accuracy. The drum capacity is calculated as follows:

$$C = \frac{w}{d}$$

C = capacity in cubic feet
w = mass of water in pounds
d = density of water at the measured temperature in pounds per cubic feet.

3.2 *Dryer loading.* Load the dryer as specified in 2.6.

3.3 *Test cycle.*

3.3.1 *Dryers controlled by timers.* For dryers controlled by timers, operate at maximum time and maximum temperature setting and dry the load to 2.5 percent to 5 percent moisture content, but do not permit dryer to advance into cool down.

3.3.2 *Dryers equipped with automatic dry controls without timer.* For dryers equipped with automatic dry controls without timer, operate at maximum temperature setting and dry the load to 2.5 percent to 5 percent moisture content, but do not permit dryer to advance into cool down.

3.3.3 *Dryers without timer or automatic dry control.* For dryers without timer or automatic dry control, operate at maximum temperature and dry the load to 2.5 percent to 5 percent moisture content, but do not permit dryer to advance into cool down.

3.4 *Data recording.* Record for each test cycle:

3.4.1 Test load bone dry weight within ±1 percent described in 2.6.

3.4.2 Moisture content of the wet test load as prepared in 2.6 within ±1 percent.

3.4.3 Moisture content of the dry test load within ±1 percent after the test described in 3.3.

3.4.4 Test room conditions, temperature and relative humidity described in 2.2.

3.4.5 For electric dryers—the total kilowatt-hours of energy consumed during test described in 3.3.

3.4.6 For gas dryers:

3.4.6.1 Total kilowatt-hours of electric energy consumed during test described in 3.3.

3.4.6.2 Cubic feet of gas consumed during test described in 3.3.

3.4.6.3 On gas dryers using a standing pilot, cubic feet of gas consumed by the gas pilot in 1 hour.

3.4.6.4. As the heat content of natural gas, approximately 1,025 Btu/cubic foot, varies depending on the source, calculate the corrected gas heat value, GEF, to standard pressure and temperature conditions in accordance with U.S. Bureau of Standards, Circular C417, 1938. A sample calculation is illustrated in Appendix E of HLD-1.

3.5 *Reported values.* State the reported values of the data described in 3.4.

4. Calculation of Derived Results From Test Measurements

4.1 *Total per-cycle electric dryer energy consumption.* Calculate the energy consumption per cycle, E_{ce}, expressed in kilowatt-hours per cycle and defined as:

$$E_{ce} = \frac{66}{(W_w - W_d) \times 100} \times E_t \times FU$$

E_t = the energy recorded in 3.4.5.
66 = an experimentally established value for the percent water removed from a laboratory test cycle.
FU = Field use factor = 1.2.
W_w = the moisture content of the wet test load recorded in 3.4.2.
W_d = the moisture content of the dried test load as recorded in 3.4.3.

4.2 *Per-cycle gas dryer electrical energy consumption.* Calculate the gas dryer electrical energy consumption per cycle, E_{te}, expressed in kilowatt-hours per cycle and defined as:

$$E_{te} = \frac{66}{(W_w - W_d) \times 100} \times E_{te} \times FU$$

E_{te} = the energy recorded in 3.4.6.1.
FU, 66, W_w, W_d as defined in 4.1.

4.3 *Per-cycle gas dryer gas energy consumption.* Calculate the gas dryer gas energy consumption per cycle, E_{tt}, expressed in Btu's per cycle and defined as:

$$E_{tt} = \frac{66}{(W_w - W_d) \times 100} \times E_{tt} \times FU \times GEF$$

E_{tt} = the energy recorded in 3.4.6.2.
GEF = corrected gas heat value (Btu/cubic feet) as defined in 3.4.6.4.
FU, 66, w_w, w_d as defined in 4.1.

4.4 *Per-cycle gas dryer standing pilot gas energy consumption.* Calculate the gas dryer standing pilot gas energy consumption per cycle, E_{sp}, expressed in Btu's per cycle and defined as:

$$E_{sp} = E_{pt} \times \frac{8{,}760}{416} \times GEF$$

E_{pt} = the energy recorded in 3.4.6.3.
8,760 = number of hours in a year.
416 = average number of clothes dryer cycles in a year.
GEF as defined in 4.3.

4.5 *Total per-cycle gas dryer gas energy consumption expressed in Btu's.* Calculate the total gas dryer energy consumption per cycle, E_t, expressed in Btu's per cycle and defined as:

$$E_t = E_{tt} + E_{sp}$$

E_{tt} as defined in 4.3.
E_{sp} as defined in 4.4.

4.6 *Total per-cycle gas dryer energy consumption expressed in kilowatt-hours.* Calculate the total gas dryer energy consumption per cycle, E_{te}, expressed in kilowatt-hours per cycle and defined as:

$$E_{te} = E_{te} + \frac{E_t}{3{,}412 \text{ Btu/kWh}}$$

E_{te} as defined in 4.2.
E_t as defined in 4.5.

[FR Doc.77-11985 Filed 4-21-77;5:00 pm]

federal register

WEDNESDAY, APRIL 27, 1977

PART III

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1977-26, AOR 1977-18 and AOR 1977-19]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Requests 1977-18 and 1977-19 have been made public at the Commission. Copies of AOR 1977-18 were made available on April 20, 1977, and copies of AOR 1977-19 were made available on April 21, 1977. These copies of the advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the public law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-18: May the political committee of an unincorporated trade association having members which are corporations solicit individual directors of the trade association (who are also executive or administrative personnel of member corporations of the trade association) even though some member corporations have not authorized the political committee of the trade association to solicit their executive or administrative personnel; would the question be answered differently if the trade association were to incorporate?—Requested by Daniel J. Manelli, Treasurer, Proprietary Industry Political Action Committee, Washington, D.C.

AOR 1977-19: Is the Texaco Employes Political Involvement Committee required to expend its own funds to pay taxes on interest income earned on voluntary contributions received by the Committee or may the taxes be paid by the sponsoring corporation as a cost of establishment and administration of the Committee?—Requested by Ellen Egan O'Connell on behalf of the Texaco Employes Political Involvement Committee, New York, New York.

Dated: April 21, 1977.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.77-12022 Filed 4-26-77;8:45 am]

federal register

WEDNESDAY, APRIL 27, 1977

PART IV

DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT

Applications for Permits To Fish Off the Coasts of the U.S.

DEPARTMENT OF STATE

[Public Notice 535]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional Applications for fishing beginning March 1, 1977, have been received from the Government of Korea, and are published herewith.

Dated: April 19, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

KS-77-0074

Permit Period Applied For: 1977 — Application No. KS-77-0074 For Use of Issuing Office

State: REPUBLIC OF KOREA

1. Name of Vessel: NO.3 CHIL HO SAN HO
2. Vessel Radio Call No.: SH 755 — Registration No.: BF 10019
3. Name and Address of Owner: Name: KOREA MONTANO FISHERIES CO., LTD. Address: 275-87, Anguk-Dong, Chongro-Gu, SEOUL, KOREA. Cable Address: KORFATUNA. P.O. BOX 6581
   Name and Address of Charterer:
4. Homeport and State of Registry: BUSAN, REPUBLIC OF KOREA
5. Type of Vessel: TRANSPORT
6. Tonnage (Gross): 1,651.81 (Net): 660.34
7. Length: 83.15 M. 8. Breadth: 12.60 M. 9. Draft: 5.30 M.
10. Horsepower: 2,600 shp. 11. Maximum Speed: 16.5 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other:
13. Date Built: 1970, 10
14. Number and Nationality of Personnel: 33 P. Korea. Officers: 10 Crew: 23 Other (Specify):
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy ( ) Other: TRANSMITTER. International Radio Call Sign: 6 L Z B. Radio Frequencies Monitored: 22235, 22360, 22287.5. Other Working Frequencies: Schedule: 15:00, 03:00
16. Navigation Equipment: Loran C ( ), Loran A (X), Omega ( ), Decca ( ), Navaid ( ), Radar (X), Fathometer ( ), Other: DIRECTION FINDER, ECHO SOUND
17. Cargo Capacity (MT): Salted Fish: —; Fresh Fish: —; Frozen Fish: 1,300M/T; Fish Meal: —; Other: —
18. Cargo Space: Number / Name: Freezer; Dry Hold: 2,510.0m³; Tanks: F.O 716.9m³, L.O 15.3m³; Other: F.W 143.0m³
19. Processing Equipment (Indicate daily capacity,MT): —
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
BERING, ALEUTIANS AND ALASKA	APR. 25, 1977 DEC. 31, 1977	PERMITTED		HERRING

21. Name and Address of Agent appointed to receive any legal process issued in the United States: FISHERIES ATTACHE EMBASSY OF REPUBLIC OF KOREA, WASHINGTON, D.C.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

KS-77-0075

Permit Period Applied For: 1977 — Application No. KS-77-0075 For Use of Issuing Office

State: Republic of Korea

1. Name of Vessel: NO.5 CHIL HO SAN HO
2. Vessel Radio Call No.: SH 128 — Registration No.: BF 9139
3. Name and Address of Owner: Name: KOREA MONTANO FISHERIES CO., LTD. Address: 275-87, Anguk-Dong, Chongro-Gu, Seoul, Korea. Cable Address: KORFATUNA. P.O. BOX 6581
   Name and Address of Charterer:
4. Homeport and State of Registry: Busan, Republic of Korea
5. Type of Vessel: TRANSPORT
6. Tonnage (Gross): 1,651.80 (Net): 496.34
7. Length: 83.15 M. 8. Breadth: 12.60 M. 9. Draft: 5.30 M.
10. Horsepower: 2,600 shp. 11. Maximum Speed: 16.5 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other:
13. Date Built: 1971. 4
14. Number and Nationality of Personnel: 35 P. Korea. Officers: 10 Crew: 25 Other (Specify):
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy ( ) Other: TRANSMITTER. International Radio Call Sign: 6. L.E.B. Radio Frequencies Monitored: 22235, 22360, 22287.5. Other Working Frequencies: Schedule: 15:00, 03:00
16. Navigation Equipment: Loran C (X), Loran A (X), Omega ( ), Decca ( ), Navaid ( ), Radar (X), Fathometer ( ), Other: DIRECTION FINDER, ECHO SOUND
17. Cargo Capacity (MT): Salted Fish: —; Fresh Fish: —; Frozen Fish: 1,300M/T; Fish Meal: —; Other: —
18. Cargo Space: Number / Name: Freezer; Dry Hold: 2,510.0m³; Tanks: F.O 716.9m³, L.O 15.3m³; Other: F.W 143.0m³
19. Processing Equipment (Indicate daily capacity,MT): —
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
BERING, ALEUTIANS AND ALASKA	MAY 27, 1977 DEC. 31, 1977	PERMITTED		HERRICK

21. Name and Address of Agent appointed to receive any legal process issued in the United States: FISHERIES ATTACHE EMBASSY OF REPUBLIC OF KOREA, WASHINGTON, D.C.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977

Application No. For Use of Issuing Office KS-77-00

State: Republic of Korea

1. Name of Vessel No.6 CHIL HO SAN HO
2. Vessel No.. Hull No. A-360 Registration No. HF38108
3. Name and Address of Owner: KOREA KONTARO FISHERIES CO., LTD.
   Address: #175-87, Ankuk-Dong, Chongro-Ku, Seoul, Korea
   Cable Address: KORKATUNA
   P.O. BOX 6581
   Name and Address of Charterer:
4. Homeport and State of Registry: Busan, Republic of Korea
5. Type of Vessel TRANSPORT
6. Tonnage (Gross) 1,856.97 (Net) 1,000.14
7. Length 80.00 M. 8. Breadth 12.70 M. 9. Draft 7.00 M.
10. Horsepower 2,800 shp. 11. Maximum Speed 14 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ).
    Other —
13. Date Built 1964. 11
14. Number and Nationality of Personnel 29 P. Korea
    Officers 10 Crew 19 Other (Specify)
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (
    Other TRANSMITTER
    International Radio Call Sign 6. H.S.O
    Radio Frequencies Monitored 22235, 22340, 22287.5
    Other Working Frequencies
    Schedule 15:00 , 03:00
16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), KS-77-0076
    Decca ( ), Navsat ( ), Radar (X), Fathometer ( ),
    Other DIRECTION FINDER, ECHO SOUND
17. Cargo Capacity (MT)

Salted Fish	—	Freezer	
Fresh Fish	—	Dry Hold	3,610m³
Frozen Fish	1,800M/T	Tanks F.O	677.8m³
Fish Meal	—	L.O	16.6m³
Other	—	Other F.W	156.6m³

18. Cargo Space Number Name
19. Processing Equipment (Indicate daily capacity,MT)
    —
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
BERING, ALEUTIANS AND ALASKA	APR. 30, '77 DEC. 31, '77	PERMITTED		DERRICK

Name and Address of Agent appointed to receive any legal process issued in the United States:
FISHERIES ATTACHE EMBASSY OF REPUBLIC OF KOREA
WASHINGTON, D.C

[FR Doc.77-11995 Filed 4-26-77;8:45 am]



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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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rules and regulations

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Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 6; Docket No. AO–356–A15]

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final order amends the Upper Florida Federal milk order to provide regulated status for a milk plant operated by a cooperative association under specified conditions. It is based on proposals considered at a public hearing in February 1977. The amended order will aid the efficient handling of the market's day-to-day milk supply needs.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued February 3, 1977, published February 8, 1977 (42 FR 7962).

Notice of Recommended Decision—Issued March 17, 1977; published March 22, 1977 (42 FR 15417).

Final Decision—Issued April 12, 1977; published April 18, 1977 (42 FR 20143).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Florida marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1977. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Program Operations was issued March 17, 1977, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 12, 1977. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In the view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1977, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Upper Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1006.7, the introductory text is revised by changing the reference to paragraph (c) to paragraph (d), paragraph (c) is redesignated as paragraph (d), paragraph (b) is amended by replacing the period with a semicolon and adding the word "or," and a new paragraph (c) is added to read as follows:

§ 1006.7 Pool plants.

* * * * *

(c) A plant, other than a distributing plant, that is located in the marketing area and is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and 50 percent or more of the producer milk of members of the cooperative association is received at pool distributing plants either directly from farms or by transfer from plants of the cooperative association for which pool plant status under this paragraph has been requested, subject to the following conditions:

(1) The plant is approved by a duly constituted health authority for the disposition of Grade A milk in the marketing area; and

(2) The plant does not qualify as a pool plant under paragraph (b) of this section or under the provisions of another Federal order applicable to a supply plant.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Effective date: May 1, 1977.

Signed at Washington, D.C., on April 25, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

[FR Doc.77–12244 Filed 4–27–77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 402.1]

PART 1803—LOAN AND GRANT DISBURSEMENT

Miscellaneous Amendment

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: FmHA amends its regulations to delete an unnecessary phrase with the intended effect of eliminating a possible conflict in regulations. This amendment is necessary because of a present inconsistency in the regulations.

EFFECTIVE DATE: This amendment is effective on April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Wiles, 202–447–6582.

SUPPLEMENTARY INFORMATION: Section 1803.2(a) of Part 1803, Title 7, Code of Federal Regulations (42 FR 4401) is amended to insert a period after the word "procedures" in the first sentence and delete the phrase "except where prohibited by State statutes" at the end of the first sentence. This amendment is necessary to alleviate a conflict with both the objectives of the program and with specific provisions of the present regulations. This amendment is not published for prior rulemaking since it is administrative in nature and merely corrects an error presently in the regulations for which reason notice and public procedure are unnecessary. Accordingly, § 1803.2 paragraph (a) is amended to read as follows:

§ 1803.2 Policies governing disbursement of funds.

(a) The partial advance feature of the LDS will be utilized whenever possible in accordance with the specific program procedures. The capability to request Treasury Checks on an as needed basis reduces the need for supervised bank accounts. Therefore, supervised bank accounts will be used only in rare instances, e.g.:

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, sec. 10 Pub. L. 93–357, 88 Stat. 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Dated: April 20, 1977.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-12243 Filed 4-27-77;8:45 am]

(Title 7 continued on page 21618)

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

Addition to General License for In Vitro Diagnostic Products

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to add selenium-75 to the list of radionuclides in the general license for medical laboratory use. This rule change, which was requested by Amersham Searle Corp., will reduce the cost of distribution of several products used for the diagnosis of disease.

EFFECTIVE DATE: May 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301–443–6910).

SUPPLEMENTARY INFORMATION: On February 7, 1977, the Nuclear Regulatory Commission (NRC) published a proposed rule (42 FR 7158) to amend its regulations: (1) § 31.11 to add selenium-75 to the list of radionuclides in the general license for in vitro diagnostic use, and (2) § 32.71 to add selenium-75 to the list of radionuclides manufactured and distributed for use under the in vitro general license. The public was invited to submit written comments on the proposed rule by March 24, 1977. No adverse comments were received. Therefore the text of § 31.11 and § 32.71 set out below is identical with the proposed amendment.

The general license in § 31.11 permits any physician, clinical laboratory, or hospital to receive, acquire, possess, transfer,or use iodine-125, iodine-131, carbon-14, hydrogen-3, and iron-59 for in vitro testing of body fluids such as blood and urine. In vitro tests are laboratory tests performed outside the human body.

Amersham/Searle Corporation of Arlington Heights, Illinois, filed a petition for rulemaking (PRM 31–1) with the NRC (by letter dated April 23, 1976) requesting the inclusion of selenium-75 in the § 31.11 general license. This notice of rulemaking responds to the request of Amersham/Searle Corp.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to title 10, Chapter I, Code of Federal Regulations, Parts 31 and 32 are published as a document subject to codification.

1. Section 31.11 of 10 CFR Part 31 is amended by adding a new paragraph (a)(6), and amending paragraphs (c)(1) and (d)(1) to read as follows:

§ 31.11 General License for use of byproduct material for certain in vitro clinical or laboratory testing.

(a) A general license is hereby issued to any physician, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of paragraph (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

* * * * *

(6) Selenium-75, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human being or animals.

* * * * *

(c) A person who receives, acquires, possesses, or uses byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) The general licensee shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, and/or iron-59 in excess of 200 microcuries.

* * * * *

(d) The general licensee shall not receive, acquire, possess, or use byproduct material pursuant to paragraph (a) of this section:

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued under the provisions of § 32.71 of this chapter or in accordance with the provisions of a specific license issued by an Agreement State that authorizes manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), selenium-75, or iron-59 for distribution to persons generally licensed by the Agreement State.

* * * * *

2. In 10 CFR Part 32, § 32.71 is amended by adding a new paragraph (b)(6), and amending paragraph (c)(1) to read as follows:

§ 32.71 Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license.

An application for a specific license to manufacture or distribute byproduct material for use under the general license of § 31.11 of this chapter will be approved if:

* * * * *

(b) The byproduct material is to be prepared for distribution in prepackaged units of:

* * * * *

(6) Selenium-75 in units not exceeding 10 microcuries each.

(c) Each prepackaged unit bears a durable, clearly visible label:

(1) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-131, iodine-125, selenium-75, or carbon-14; 50 microcuries of hydrogen-3 (tritium); or 20 microcuries of iron-59; and

* * * * *

(Secs. 81, 161, Pub. Law 83–703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93–438, 88 Stat. 1242 (42 U.S.C. 5341).)

Dated at Bethesda, Md., this 8th day of April 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-12007 Filed 4-27-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. B; EC–0005, EC–0006, EC–0007, EC–0008]

PART 202—EQUAL CREDIT OPPORTUNITY

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretations.

SUMMARY: In accordance with the Board's regulations, the Board is publishing the following official staff interpretations of Regulation B, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATES: Specified below.

FOR FURTHER INFORMATION CONTACT:

Anne J. Geary, Acting Chief, Equal Credit Opportunity Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–3946.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR 202.1(d). A request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 USC 1691b.

The following interpretation is effective as of April 8, 1977.

[EC–0005]

Section 202.13—Mortgage lender should request data if applicant seeks both temporary financing to construct dwelling and permanent financing, but not if application is limited to construction financing; where separate form is used, lender should include questions about marital status and age.

This is in response to your February 17 letter regarding § 202.13 of Regulation B. I apologize for the delay in answering. In accordance with your request, this is an official staff interpretation of the regulation, issued pursuant to § 202.1(d).

Your first question is whether a mortgage lender must request the information required by § 202.13 for monitoring purposes in connection with consumer credit applications relating to the construction of residential real property as well as in connection with applications relating to the purchase of such property. You point out that § 202.13(a) uses only the word "purchase," while the model residential real estate mortgage loan application in Appendix B uses the phrase "purchase or construction."

In the opinion of the Board's staff, a creditor need not collect information pursuant to § 202.13 when an applicant applies for consumer credit relating solely to the temporary financing of the construction of a residential dwelling. If, however, a consumer credit applicant applies for both a temporary loan to finance the construction of a residential dwelling and a permanent mortgage loan to take effect when the construction is successfully completed, then the lender has received an application covered by § 202.13 and must comply with the requirements of that section.

In any event, if a mortgage lender uses an application form that contains a monitoring information section pursuant to § 202.13 and an applicant inadvertently supplies the information in a situation not covered by § 202.13, the creditor nevertheless may act on and retain the application without violating Regulation B. The creditor would be protected by § 202.12(a)(3) since the information would not have been obtained in response to a specific request of the creditor.

Your second question is whether a creditor should include questions about marital status and age on a separate form that is used, pursuant to § 202.13(b), for the purpose of collecting monitoring information. You note that the section of the model mortgage loan application relating to monitoring does not include questions about marital status or age; those questions appear on the front of the model form. You indicate, however, that you think that any creditor using a separate form should include questions on that form concerning an applicant's age and marital status.

If a transaction is subject to § 202.13, a creditor must request information about an applicant's age and marital status either on an application form or on a separate monitoring form. If the information is requested on an application form for appropriate consideration under § 202.6, then the creditor need not request the information again for monitoring purposes and need not inform the applicant under § 202.13(c) that age and marital status information is being voluntarily requested for government monitoring purposes. If, however, age and marital status information is not sought for credit-related purposes on an application form, then the creditor must ask for that information either in a monitoring section on the application or on a separate monitoring form; and the creditor must provide the disclosures required by § 202.13(c).

I trust that this official staff interpretation answers your questions. If we can be of further assistance, please let us know.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

The following interpretation is effective as of April 13, 1977.

[EC–0006]

Section 202.2(p)—System for evaluating creditworthiness may include both credit scoring and non-scoring components, provided each component complies with limitations imposed by regulation. Aspects of transaction need not be stored.

Thank you for your letter of March 14, 1977 pertaining to § 202.2(p) of Regulation B. You describe a situation in which a creditor requires that an applicant receive a passing score in a credit scoring system and then, in addition, pass certain judgmental tests in order to receive credit. You inquire whether a credit scoring system which considers the applicant's age may be used in conjunction with other judgmental tests when analyzing an applicant's creditworthiness.

Section 202.2(p)(1) of Regulation B provides that an empirically derived credit system is a credit scoring system which evaluates creditworthiness primarily by scoring the attributes of the applicant. Other aspects of the transaction may, but need not, also be scored. The scoring portion of the demonstrably and statistically sound, empirically derived credit system may be combined with additional information about the applicant which is pertinent to creditworthiness.

Section 202.2(p), therefore, contemplates that a demonstrably and statistically sound, empirically derived credit system is composed of a scoring component and that it may also have a non-scoring component. The scoring component of the system is required to pass certain statistical standards, which are prescribed in detail in § 202.2(p)(2) of Regulation B. If it passes those tests, then age may be used in the scoring system. If age is used as an attribute which is scored, elderly applicants may not receive a negative factor or value for their age.

The non-scoring component is optional. If the system does have a non-scoring component, that component must comply with the requirements imposed upon judgmental systems of evaluating applicants. In particular, the non-scoring component of the demonstrably and statistically sound, empirically derived credit system may not consider the applicant's age directly. The non-scoring component may consider "pertinent elements of creditworthiness" which may incidentally be correlated with or dependent upon age.

The non-scoring component of a demonstrably and statistically sound, empirically derived credit system may consist of one or more additional credit analysis factors. As we understand it, these factors might include obtaining a credit report, undertaking a cash flow analysis, consideration of events such as bankruptcy which occur too infrequently for development as a scored attribute but which are highly pertinent to creditworthiness, appraisal of collateral, and exercise of discretion by a credit officer. The components may interact in any way that the creditor finds useful in evaluating creditworthiness, so

long as the scoring component conforms to the requirements of § 202.2(p)(2) and the non-scoring component conforms to the rules for judgmental systems.

The entire system including the scoring and non-scoring components is, of course, subject to the general rule of § 202.4, prohibiting discrimination, and to the full impact of the effects test.

We hope that the foregoing responds fully to your inquiry. This is an official staff interpretation of Regulation B.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

The following interpretation is effective as of April 13, 1977.

[EC–0007]

Section 202.5(d)(5)—Creditor may inquire about characteristic of applicant that is specifically and directly related to the product or service offered by creditor (e.g., religious bookseller may ask customer's religious affiliation), but assumes risk of having to demonstrate that information was not used in credit decision.

This is in response to your February 8 letter regarding § 202.5(d)(5) of revised Regulation B, which became effective on March 23. This is an official staff interpretation of the regulation issued pursuant to § 202.1(d).

You explain that your client is a seller of religious books, primarily operating through home solicitation sales made on open end credit. Your client's established practice is to ask a potential customer who is seeking to purchase books on credit to sign a credit agreement. The sales agent then orally requests information about the applicant and records that information on an "Applicant Information" form printed on the reverse side of a carbon copy of the credit agreement.

In addition to information about an applicant's age, address, employer, bank accounts, and credit references, the sales agent inquires about an applicant's religious affiliation. The applicant's response is recorded in a box labeled "Chuch (group)" located on the first line of the Applicant Information form. Although information about an applicant's religious affiliation is included on the credit application, you state that your client does not consider that information in any manner in deciding whether to extend credit to an applicant. No applicant is denied or discouraged from seeking credit based upon religious affiliation.

Given the nature of your client's business, you state that information about a customer's religious affiliation is essential to selling your client's books in an effective, nonoffensive way. You express concern, however, that asking information about a credit applicant's religious affiliation, even for non-credit purposes, might violate § 202.5(d)(5) of Regulation B, which specifies in relevant part: "A creditor shall not request the * * * religion * * * of an applicant or any other person in connection with a credit transaction."

The purpose of the informational bars contained in § 202.5 (the restriction on inquiries about religion being one of those bars) is two-fold. First, they are linked to the limitations in § 202.6 concerning information that may not be considered in making a credit decision. Thus, they underscore that certain demographic information about an applicant is irrelevant in deciding whether to extend credit to that applicant. Second, by prohibiting the gathering of information that may not be considered in a credit decision, the information bars should reduce the possibility that a creditor will be accused of impermissibly discriminating against an applicant based upon information contained in the creditor's files.

If, however, a creditor does not consider prohibited information in making a credit decision and is willing to assume any risk attendant upon its having otherwise prohibited information in its files, then, in the staff's opinion, the creditor can inquire about any characteristic of an applicant that is specifically and directly related to the product or service offered by the creditor. Thus, the staff believes that your client, as a seller of religious books, can ask about a credit applicant's religious affiliation for non-credit-related purposes.

Your client may not inquire about the race, color, national origin, or sex of an applicant since those characteristics do not specifically and directly relate to the product offered—religious books. Also, in asking about an applicant's religious affiliation, your client assumes the risk of having to demonstrate that it did not discriminate against an applicant on the basis of religion even though it possessed information concerning religious affiliation. The decision whether to accept that risk, of course, lies with you and your client.

I trust that these comments answer your question. If we may be of further assistance, please let us know.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

The following interpretation is effective as of April 19, 1977.

[EC–0008]

Section 202.2(c)—Card issuer's refusal or failure to honor or authorize use of card, when use would not exceed credit limit, is not "adverse action." As to open end accounts, "adverse action" can occur at initial refusal to grant an account, on termination or unfavorable change of terms, or on refusal to increase credit limit when account holder has followed creditor's established procedures for requesting increase.

This is in response to your February 23 letter regarding the definition of adverse action under § 202.2(c) of Regulation B. In accordance with your request, this is an official staff interpretation of Regulation B, issued pursuant to § 202.1(d).

Your letter raises a basic issue: is a credit card issuer's refusal or failure to honor or authorize the use of a card adverse action when its use would not exceed a previously established dollar credit limit on an account? In our opinion, such a refusal or failure is not adverse action, and, therefore, the notices required by § 202.9 need not be sent.

You explain that issuers often establish limits on the number of transactions exceeding a specified dollar amount that can occur within a certain time period. When a person attempts to use the card and the transaction would exceed that limit, the issuer will refuse to authorize the transaction unless it can verify that the transaction involves an authorized card holder and is otherwise legitimate. This is done to protect both the account holder and the issuer from losses arising from the fraudulent use of a credit card.

Although the refusal or failure to honor a card can arise in a variety of circumstances, the staff believes that all such situations can be treated similarly for the purpose of analyzing whether adverse action has been taken under the terms of the Equal Credit Opportunity Act (ECOA) and Regulation B.

Section 202.2(f) of Regulation B excludes from the definition of application "the use of an account or line of credit to obtain an amount of credit that does not exceed a previously established credit limit." This exclusion is derived by implication from the statutory definition of applicant in § 702(b), which provides, in part, that an applicant is a person who "applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit." Thus, the use of a credit card account to obtain cash, goods, or services, where the amount of the charge does not exceed any previously established dollar limit on the account, is not an application for credit under Regulation B.

Since the use of an account where the amount to be charged does not exceed an overall dollar limit is not a credit application a refusal or failure to honor or authorize the use of the account is not adverse action under §§ 202.2(c)(1)(i) and (iii), both of which relate to applications. Nor is such a refusal or failure adverse action under § 202.2(c)(1)(ii) if the account, although temporarily unusable, remains in existence, subject to its original terms.

The FEDERAL REGISTER explanatory material relating to § 202.2(c) of revised Regulation B (42 FR 1242) includes the statement: "However, a point of sale refusal of credit is adverse action if the refusal occurs for a reason other than exceeding the pre-established credit limit." The analysis presented in this letter supersedes the FEDERAL REGISTER statement.

Turning to a different situation, the attempted use of an existing account to obtain cash, goods, or services in an amount exceeding a previously established credit limit may be a credit application. A refusal to extend the credit requested in that situation is nonetheless not adverse action because it is excluded from the definition of adverse action in § 202.2(c)(2)(iii), which is derived directly from § 701(d)(6) of the ECOA.

To summarize the matter from a different perspective, there are only three instances in which adverse action may be taken regarding an open end credit account. First, a creditor may decline initially to offer such an account on terms acceptable to an applicant (§ 202.2(c)(1)(i)). Second, a creditor may terminate or adversely change the terms of an existing account without affecting a substantial portion or classification of accounts, without the consent of the account holder, and not in connection with current inactivity, default, or delinquency relating to the account (§§ 202.2(e)(1)(ii), (2)(i), and (2)(ii)).

Finally, a creditor may refuse to increase any credit limit on the account when the account holder has applied for an increase in accordance with procedures established by the creditor (§ 202.2(c)(1)(iii)). In those three situations, a creditor would have taken adverse action. Ordinarily, however, adverse action does not occur in connection with the use of an existing open end account.

I trust that these comments answer your questions. Please let us know if we can be of further assistance.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, April 22, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77–12188 Filed 4–27–77;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 77–249]

PART 545—OPERATIONS

Accounting, Records, and Reports

APRIL 21, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This rule clarifies that the requirement, applicable to changing the date of a Federal association's annual meeting, that such date be not less than 15 days or more than three months and 15 days after the date of the annual closing of the association's books, may not be circumvented by changing such annual closing date.

EFFECTIVE DATE: April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202–376–3556.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board considers it desirable to amend § 545.20 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.20), by revising paragraph (a) thereof for the purpose of clarifying the requirement that a Federal association close its books not less than 15 days or more than 3 months and 15 days prior to the date of its annual meeting.

By adopting the optional bylaw authorized by paragraph (j) of § 544.6 of the Federal Regulations, a Federal association may change the date of its annual meeting to a date not less than 15 days or more than 3 months and 15 days after the annual closing of its books. However, § 545.20(a) permits the board of directors of such an association to designate the date of the annual closing of the association's books without regard to the date of its annual meeting. Therefore, the intent of the Board that the date of such an association's annual meeting be within a reasonable period of time after the date of the annual closing of its books could be thwarted by changing such closing date. This amendment makes clear that a change of such closing date must be accompanied by amendment of the association's bylaws to change the date of its annual meeting, if necessary to preclude such closing date from being less than 15 days or more than 3 months and 15 days prior to the date of the association's annual meeting.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because the amendment is clarifying in nature, and (2) publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends paragraph (a) of § 545.20 to read as follows:

§ 545.20 Accounting; records.

(a) *Accounting practices.* Each Federal association shall use such forms and follow such accounting practices as the Board may from time to time require. Each Federal association shall close its books at least annually, as of the end of such month or months as may be designated by the association's board of directors, and the date of such annual closing shall be not less than 15 days or more than 3 months and 15 days prior to its annual meeting.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77–12232 Filed 4–27–77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 77–NW–8–AD; Amdt. 39–288]

PART 39—AIRWORTHINESS DIRECTIVE

ADS Supply Co. and Air Spares International, Inc.; Unapproved Appliances Installed in Boeing Model Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule, amendment to existing AD.

SUMMARY: This amendment adds to the listing one additional unapproved appliance which must be removed from service. The appliance has not been shown to conform to FAA approved type design data and cannot, therefore, be considered to be in a condition for safe operation.

EFFECTIVE DATE: April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald L. Riggin, Engineering and Manufacturing Branch, NW Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone 206–767–2717.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 77–05–05 was issued March 2, 1977, and published in the FEDERAL REGISTER on March 10, 1977 (42 FR 13271) effective that date. AD 77–05–05 superseded AD 77–04–03 and contained a more comprehensive listing of unapproved appliances as well as incorporating the requirements of an AD issued telegraphically on February 19, 1977. Six additional unapproved appliances became known to the FAA and AD 77–05–05 was amended to include those appliances. An additional unapproved appliance is now known to the FAA and AD 77–05–05 is being further amended to include that appliance. The effect of the rule is to require the removal of such appliances.

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations, Amendment 39–2849 (AD 77–05–05) is further amended, effective April 28, 1977, as follows:

1. By redesignating paragraph I as paragraph J.

2. By adding a new paragraph I reading as follows:

I. By May 27, 1977, remove the following appliance: (additional dash numbers identify airline configuration.)

Boeing Part No.:	*Unit*
65–52802–1..	Autopilot Switching Unit.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

An evaluation of the anticipated impacts has been made, and it is expected that the final regulation is neither costly nor controversial. The preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107 is not required.

Issued in Seattle, Washington, on April 18, 1977.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.77–12118 Filed 4–27–77;8:45 am]

[Docket No. 77–WE–9–AD; Amdt. 39–2882]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369H Series Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) to require modification of the solenoid valve used on the emergency floats of Hughes Helicopters Model 369H Series helicopters to preclude failure of the valve to operate due to corrosion of the solenoid plunger. Corrosion of the solenoid plunger has resulted in two incidents of stuck valves causing loss of float inflation which could lead to the loss of a helicopter.

EFFECTIVE DATE: May 3, 1977. Compliance required within 100 flight-hours time in service or within 30 days from effective date of this AD, whichever is sooner, unless already accomplished.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. 213–536–6351.

SUPPLEMENTARY INFORMATION: There have been two incidents of jamming of the solenoid valve used on the emergency floats on the Hughes Helicopters Model 369H Series helicopters resulting in failure of the float to inflate when needed. These failures have been attributed to corrosion of the solenoid valve plunger which was the result of inadequate plating on the plunger. Fail-

ure of one or both floats to inflate under emergency conditions, while engaged in overwater operations, could result in the loss of a helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an Airworthiness Directive is being issued to require replacement of the .0001/.0002 inch thick chrome plated solenoid plunger with a .0004/.0005 inch thick electroless nickel plated solenoid plunger in accordance with the manufacturer's Service Bulletins, thus precluding a corrosion induced failure of the valve.

Accordingly, and pursuant to the authority delegated to me by the Administrator (13 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

HUGHES: Applies to Model 369H Series Helicopters certificated in all categories, configured with emergency floats assemblies Hughes P/N 369H92036-1 and 369H 92036-2.

Compliance required within 100 flight-hours time in service or within 30 days from effective date of this AD, whichever is sooner, unless already accomplished.

(a) To prevent failure of the emergency float solenoid vale to operate due to corrosion of the solenoid valve plunger, accomplish the following:

(1) Replace the TAVOO, INC. solenoid valve assembly P/N23111357 (Air Cruiser's P/N's D17753-101 or -103) with Air Cruiser's P/N D17753-107 valve assembly with the word (MOD) imprinted after the serial number in accordance with the procedure instructions of the FAA approved Hughes Service Information Notice No. HN-114, dated April 15, 1977 or later FAA approved revision, or;

(2) Valcor Eng. Corp. solenoid valve P/N V48800-02 (Air Cruiser's P/N D17740-101) may be used in lieu of air Cruiser's P/N D17753-107 solenoid valve in accomplishment of paragraph (a), or;

(3) An equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate helicopters to a base for accomplishment of the modifications required by this AD.

This amendment becomes effective May 3, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on April 19, 1977.

W. R. FREHSE,
Acting Director, Federal Aviation Administration Western Region.

[FR Doc.77-12041 Filed 4-27-77;8:45 am]

[Airspace Docket No. 77-EA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIR SPACE, AND REPORTING POINTS

Alteration of New York Transition Area

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish additional controlled airspace (transition area) so as to protect helicopters using a new instrument approach procedure in the New York Terminal Area. The new airspace will be added to the present N.Y., Transition Area.

EFFECTIVE DATE: 0901 G.m.t. May 1, 1977.

ADDRESSES: Copies of this final rule may be obtained from Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was published in the FEDERAL REGISTER on Monday, February 14, 1977, (42 FR 9029) so as to provide additional controlled airspace protection for IFR arrivals into the New York Terminal Area.

Interested parties were given 30 days in which to submit comments on the proposal. The Department of Transportation, State of New Jersey, objected to the establishment of additional airways for the procedures on the grounds that there would be an unsafe inter-mix of IFR & VFR traffic and, as well as a loss of airspace to acrobatic training. However, this rule only applies to the transition area to which DOT has no objection. There were no further objections.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.69), § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), is amended, effective 0901 G.m.t. May 1, 1977, by adoption of the amendment as proposed.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, New York, on April 12, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the New York N.Y. 700-foot floor transition area by inserting after the phrase:

Solberg, N.J., VORTAC 050° and 230° radials, extending from 5.5 miles northeast of the VORTAC to 11.5 miles southwest of the VORTAC, the following: "within 4 miles each side of a 015° bearing from a point 40°28'13" N., 74°01'11" W., extending from said point to 6 miles north of said point".

[FR Doc.77-12040 Filed 4-27-77;8:45 am]

[Airspace Docket No. 77-NE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Establishment of Lyndonville, Vermont, 700-Foot Transition Area

AGENCY: Federal Aviation Administration/DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a transition area at Lyndonville, Vermont to provide controlled airspace between 700 feet and 1200 feet above the surface for aircraft making a prescribed instrument approach to, or departure from the Caledonia County Airport under IFR conditions.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Mass. 01803.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on Thursday, February 10, 1977, (41 FR 8392), which proposed to establish a 700-foot Transition Area at Lyndonville, Vermont. No objections were received from this Notice.

Accordingly, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) is amended, effective August 11, 1977, as follows:

1. By adding the following 700-foot transition area:

LYNDONVILLE, VERMONT, 700-FOOT TRANSITION AREA

That airspace extending upward from 700 feet above the surface within a 16.5 mile radius of the center (latitude 44°34'09" N., longitude 72°01'09" W.) of the Caledonia County Airport, Lyndonville, Vermont.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on April 14, 1977.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.77-11950 Filed 4-27-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16741; Amdt. No. 1070]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration/DOT (FAA).

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

EFFECTIVE DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows: For Examination.—(1) FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; (2) The FAA Regional Office of the region in which the affected airport is located; or (3) The Flight Inspection Field Office which originated the SIAP. For Purchase.—Individual SIAP copies may be obtained from: (1) FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or (2) The FAA Regional Office of the region in which the affected airport is located. By Subscription.—Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150.00; add $30.00 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective June 16, 1977.*

Bainbridge, GA—Commodore Decatur, VOR-C, Orig.
New Castle, IN—New Castle-Henry County Municipal, VOR Rwy 27, Amdt. 3
Ahoskie, NC—Tri County, VOR/DME-A, Amdt. 2

* * * *Effective June 9, 1977.*

Southbridge, MA—Southbridge Muni, VOR-A, Amdt. 1
Southbridge, MA—Southbridge Muni, VOR/DME-B, Amdt. 4
Fremont, MI—Fremont Municipal, VOR-A, Amdt. 6
Fremont, MI—Fremont Municipal, VOR Rwy 36, Amdt. 1
Three Rivers, MI—Three Rivers Municipal-Dr. Haines, VOR-A, Amdt. 3
Duluth, MN—Duluth International, VOR Rwy 3 (TAC), Amdt. 13
Duluth, MN—Duluth International, VOR/DME Rwy 21 (TAC), Amdt. 8
Oxford, MS—University-Oxford, VOR/DME-A, Original
Kinston, NC—Stallings Field, VOR Rwy 22, Amdt. 9
Kinston, NC—Stallings Field, VOR DME Rwy 4, Amdt. 9
Wilmington, NC—New Hanover County, VOR/DME-A (TAC), Amdt. 1
Nashville, TN—Nashville Metropolitan, VOR DME Rwy 2L, Amdt. 2, cancelled
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20L, Original
Nashville, TN—Nashville Metropolitan, VOR-DME Rwy 20R, Amdt. 3, cancelled

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective June 16, 1977.*

Denver, CO—Stapleton Int'l, LOC(BC) Rwy 17R, Amdt. 12

* * * *Effective June 9, 1977.*

Wilmington, NC—New Hanover County, LOC (BC) Rwy 16, Amdt. 4
Nashville, TENN—Metropolitan, LOC(BC) Rwy 20R, Amdt. 13, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective June 16, 1977*

Santa Monica, CA—Santa Monica Muni, NDB-B, Original
Denver, CO—Stapleton Int'l, NDB Rwy 26L, Amdt. 33
Denver, CO—Stapleton Int'l, NDB Rwy 26R, Amdt. 3
Marathon, FL—Marathon Flight Strip, NDB Rwy 7, Original
Angola, IN—Steuben County Tri-State, NDB Rwy 5, Amdt. 2
New Castle, IN—New Castle-Henry County Municipal, NDB Rwy 9, Amdt. 1
New Castle, IN—New Castle-Henry County Municipal, NDB Rwy 27, Amdt. 1

Wilson, NC—Wilson Municipal, NDB Rwy 3, Original
Bolivar, TN—Bolivar-Hardeman Co., NDB Rwy 36, Original

• • • *Effective June 9, 1977.*

Apalachicola, FL—Apalachicola Muni, NDB Rwy 13, Amdt. 7
Three Rivers, MI—Three Rivers Municipal-Dr. Haines, NDB Rwy 27, Amdt. 1
Duluth, MN—Duluth International, NDB Rwy 9, Amdt. 16
Kinston, NC—Stallings Field, NDB Rwy 4, Amdt. 6
Wilmington, NC—New Hanover County, NDB Rwy 34, Amdt. 10
Nashville, Tennessee, Nashville Metropolitan, NDB Rwy 2L, Amdt. 22, cancelled
Nashville, TN—Nashville Metropolitan, NDB Rwy 2R, Original
Nashville, Tenn.—Nashville Metropolitan, NDB Rwy 20R, Amdt. 2, cancelled

• • • *Effective June 2, 1977.*

San Angelo, TX—Mathis Field, NDB Rwy 18, Original

• • • *Effective May 5, 1977.*

Lake Providence, LA—Byerley, NDB Rwy 17, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

• • • *Effective June 16, 1977.*

Cordova, AK—Cordova-Mile-13, ILS/DME Rwy 27, Amdt. 1
Denver, CO—Stapleton Int'l, ILS (BC) Rwy 8R, Amdt. 4
Denver, CO—Stapleton International, ILS Rwy 26L, Amdt. 38
Denver, CO—Stapleton Int'l, ILS Rwy 35L, Amdt. 19
Denver, CO—Stapleton Int'l, ILS Rwy 35R, Amdt. 1

• • • *Effective June 9, 1977.*

Tampa, FL—Tampa International, ILS Rwy 36L, Amdt. 7
Duluth, MN—Duluth International, ILS Rwy 9, Amdt. 11
Duluth, MN—Duluth International, ILS Rwy 27, Amdt. 2
Kinston, NC—Stallings Field, ILS Rwy 4, Amdt. 5
Wilmington, NC—New Hanover County, ILS Rwy 34, Amdt. 14
Nashville, Tenn.—Nashville Metropolitan, ILS Rwy 2L, Amdt. 24, cancelled

• • • *Effective May 26, 1977.*

Chicago, IL—Chicago O'Hare International, ILS Rwy 9L, Amdt. 2

5. By amending § 97.31 RADAR SIAPs identified as follows:

• • • *Effective June 16, 1977.*

Denver, CO—Stapleton International, RADAR-1, Amdt. 14

• • • *Effective June 9, 1977.*

Duluth, MN—Duluth International, RADAR-1, Amdt. 12
Wilmington, NC—New Hanover County, RADAR-1, Original

• • • *Effective May 19, 1977.*

Pueblo, CO—Pueblo Memorial, RADAR-1, Original

6. By amending § 97.33 RNAV SIAPs identified as follows:

• • • *Effective June 16, 1977.*

San Diego, CA—Gillespie, RNAV Rwy 27R, Original, cancelled

• • • *Effective June 9, 1977.*

Wilmington, NC—New Hanover County, RNAV Rwy 23, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 24 FR 5662 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 22, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77-12117 Filed 4-27-77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-997, Amdt. 9]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

Extension of Existing Exemption

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Interlocking directorates involving air carriers and commercial lending institutions would continue to be exempt from the requirement for Board approval. This exemption pertains to interlocking relationships which arise due to the aircraft leasing activities of the commercial lending institutions. The extension of this exemption is for two years. Limits on the scope of the exemption appear in the language of the regulation.

DATES: Effective: April 30, 1977. Adopted: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Daniel Campbell, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428, 202-673-5437.

SUPPLEMENTARY INFORMATION: Section 287.3a (14 CFR Part 287) of the Economic Regulations exempts air carriers from the requirement of prior Board approval with respect to interlocking relationships involving directors of air carriers who are also directors, officers, or employees of commercial lending institutions which do not lease aircraft to the air carrier,[1] subject, however, to various specified limitations.

In adopting § 287.3a in 1966 the Board provided that the exemption would expire after three years: ER-455, 31 FR 5121. Since experience under the exemption has not disclosed any basis for termination, the Board has already granted four one-year extensions and two two-year extensions of the expiration date, to April 30, 1977, and now, for the same reason, has decided to extend again the expiration date of § 287.3a to April 30, 1979. However, this extension is being made without prejudice to any action which the Board may take regarding this rule in the "Institutional Control of Air Carriers Investigation."[2]

As this amendment extends the relief provided in the existing regulation, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends § 287.3a effective April 30, 1977, by extending the expiration date from April 30, 1977 to April 30, 1979. As amended, §287.3a will read as follows:

§ 287.3a Exemption of air carriers with respect to interlocking relationships with commercial lending institutions.

In addition to the exemptions provided in §§ 287.2 and 287.3, and subject to the other provisions of this part, air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of this chapter with respect to any interlocking relationship between any such air carrier and a commercial lending institution which does not lease aircraft to the air carrier: *Provided, however,* That such exemption shall expire on April 30, 1979, and shall extend only to the relationship involving a director of the air carrier who is not an officer or employee of the air carrier or a stockholder holding a controlling interest in the air carrier (or the representative or nominee of any such person) and who is not a member of the commercial lending institution: *Provided, further,* That in order to qualify for an exemption under this section air carriers shall file with the Bureau of Operating Rights annual reports on or before April 1 of each year showing for the previous calendar year (a) the name and addresses of all directors of the air carrier who were also directors, officers, or employees of commercial lending institutions; (b) the names and addresses of such commercial lending institutions; and (c) a description of all transactions between the air carrier (and/or its directors, who were also officers or directors of commercial lending institutions) and such commercial lending institutions.

(Secs. 101(3), 204(a), 409, 416; 72 Stat. 737, 743, 768, 771; (49 U.S.C. 1301, 1324, 1379, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12197 Filed 4-27-77;8:45 am]

[1] Section 287.4 provides that: To the extent that any officer, director, or member of an air carrier, or stockholder holding a controlling interest in an air carrier (or the representative or nominee of any such person) would, without prior approval of the Board, be in violation of any provision of section 409(a) of the Act, by reason of any interlocking relationship directly involving such air carrier which has been exempted under this part, such relationship is hereby approved for the duration of such exemption.

Section 287.6 provides that the exemption and approval granted by Part 287 "shall not constitute an order made under section 409(a) of the Act within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the 'antitrust laws' or any other statute (except the Federal Aviation Act of 1958, as amended) with respect to any interlocking relationship otherwise within the purview of said section 409(a)."

[2] See Orders 74-1-132 and 75-1-35 (Docket 26348).

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-73, Amdt. 52]

PART 399—STATEMENTS OF GENERAL POLICY TARGET DATES FOR HEARING CASES

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board has decided to amend its "target date" policy in two ways. First, the 20 day limit in which the Board has undertaken to announce a target date for issuance of its decision on a petition for review or reconsideration, in a hearing case, will run from the date for filing of answers rather than from the date of the petition. Second, the issuance of individual target dates on reconsideration in routes cases will be replaced by a general rule that the Board will act on reconsideration in advance of the effective date of the certificate issued by the Board's principal decision.

DATES: Effective: April 20, 1977. Adopted: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Eilenberg, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: In § 399.62(c)(2) of the Board's Policy Statements, the Board has undertaken to announce, in all hearing cases, within 20 days from the date of a petition for review or reconsideration, a target date for issuance of its decision on the petition. Since answers to such petitions must be filed within 15 and 10 days, respectively, of the date of the petition, this policy allows little time for consideration of answers before the Board must decide upon an appropriate target date. Moreover, it is sometimes necessary to extend the time for filing answers. Since it is obviously desirable that an analysis of the answers should precede the Board's announcement, we have determined to revise our policy so that our undertaking to announce such target dates "within 20 days" will run from the date when answers are due, including extensions, rather than from the date of the petition.

We note that, as revised herein, our undertaking with respect to announcement of target dates, in hearing cases, will more closely parallel our undertaking with respect to computing the deadline for announcing our disposition of petitions for rulemaking, in § 399.70, where we have allowed ourselves 120 days "from the filing of answers to the petition." (PS-68, adopted March 9, 1976, 41 FR 10599).

Under standard Board practice, going back over many years, new certificate authority pursuant to Board awards is ordinarily deferred for a period of 60 days. This period is necessary to permit the orderly examination and disposition of any petitions for reconsideration which may be filed. On occasion, where the issues in a particular case are complex, or where the press of the Board's business otherwise requires, the Board may defer new authorizations for a period of 90 days. On the other hand, where there is a need for expedition, the Board may reduce the period of deferral. In all cases we endeavor to reach our decision on reconsideration in advance of the effective date of the new authority and thus there is virtually no need for the specific issuance of a target date notice in each case.

We have therefore determined to replace our undertaking to issue individual target date notices on reconsideration in routes cases where awards are made with a general rule embodying our undertaking to endeavor to reach a decision on reconsideration in all such cases on or before the effective date of the new authority awarded.

Since this amendment is concerned with internal management and procedures, and imposes no significant burden on any member of the public, the Board finds that notice and public procedure are unnecessary and that the rule may be effective immediately.

Accordingly, 14 CFR Part 399 is amended, effective April 20, 1977, as follows:

Amend § 399.62(c)(2) to read as follows:

§ 399.62 Target dates in hearing cases.

• • • • • •

(c) *Time for promulgating target dates.* (1) • • •

(2) In the case of petitions for review or for reconsideration, notices of target dates shall be issued, served, and filed within 20 days of the date for the filing of answers: *Provided, however,* That, in the case of petitions for reconsideration of Board decisions awarding new route authority, the Board shall, in lieu of issuing individual target dates, endeavor to render its decision no later than the day preceding the effective date of the new authority awarded.

(Secs. 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788 (49 U.S.C. 1324, 1481).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12191 Filed 4-27-77;8:45 am]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: Certain operations regarding U.S. Retirement Plan Bonds have been transferred from the Division of Securities Operations in the Washington Office of the Bureau of the Public Debt to the Division of Transactions and Rulings in the Parkersburg Office of the Bureau. Accordingly, it is necessary to amend the regulations governing U.S. Retirement Plan Bonds to make appropriate address changes.

EFFECTIVE DATE: This amendment is effective on April 28, 1977.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin, Attorney-Adviser, Bureau of the Public Debt, 202-376-0255.

SUPPLEMENTARY INFORMATION: The primary author of this document is A. E. Martin, Attorney-Adviser, Bureau of the Public Debt, 202-376-0255.

Accordingly, Department of the Treasury Circular, Public Debt Series, No. 1-63, is amended as follows:

§§ 341.8 and 341.12 [Amended]

1. In the Sections listed below, the references to, "The Bureau of the Public Debt, Washington, D.C. 20226" are changed to read: Bureau of the Public Debt, "Division of Transactions and Rulings", Parkersburg, West Virginia 26101.":

1. Paragraph (b) of § 341.8.
2. Footnote 1 to paragraph (c) of § 341.8.
3. Section 341.12.

§§ 341.8-341.11 [Amended]

2. In the Sections listed below, the references to "The Bureau of the Public Debt, Washington, D.C. 20226," are changed to read: Bureau of the Public Debt, "Securities Transactions Branch," Washington, D.C. 20226 or Bureau of the Public Debt, "Division of Transactions and Rulings", Parkersburg, West Virginia 26101."

1. Paragraph (c) of § 341.8.
2. Paragraph (c)(2) of § 341.8.
3. Paragraph (a)(5) of § 341.9.
4. Paragraph (b) of § 341.9.
5. Paragraph (a) of § 341.10.
6. Paragraph (b) of § 341.11.

This amendment is issued under the authority of 5 U.S.C. 301, 31 U.S.C. 752. As it is entirely administrative in nature and involves the fiscal policy of the United States, notice and public procedures thereon are found to be unnecessary.

Dated: April 22, 1977.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-12184 Filed 4-27-77;8:45 am]

Title 43—Public Lands; Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PLO 5616 (F-031005)]

ALASKA

Partial Revocation of Executive Order No. 4949

AGENCY: Bureau of Land Management, Interior.

ACTION: Partial Revocation of Executive Order to Make Land Available for State Selection.

SUMMARY: This public land order partially revokes a previous withdrawal of lands for the Alaska Railroad. This revocation is necessary to permit the State of Alaska to select these lands under the Alaska Statehood Act.

EFFECTIVE DATE: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Means, Alaska Native Claims, Settlement Act Coordinator, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, 202-343-3066.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2743, 43 U.S.C. 1701, it is ordered as follows:

Executive Order No. 4949 of August 14, 1928, as amended, which withdrew lands for use in connection with construction and operation of The Alaska Railroad, is hereby revoked insofar as it relates to the following described lands:

FAIRBANKS MERIDIAN

T. 12 S., R. 7 W.,
Section 18, all of lots 2 and 3, excepting therefrom the following described lands, which are within material site right-of-way F-509:
Beginning at a point on the westerly line of section 18, T. 12 S., R. 7 W., said point being N. 00°13'33" W., a distance of 1,163.24 feet from the southwest corner of section 18; thence S. 80°26'30" E., a distance of 446.49 feet, corner No. 1; thence southeasterly along a 04°18'01" curve to the left (radius=1,332.40 feet) through an arc of 15°32'17" a distance of 361.33 feet to corner No. 2; thence N. 00°13'33" W., a distance of 987.06 feet to corner No. 3; thence S. 89°46'27" W., a distance of 800.00 feet to corner No. 4; thence S. 00°13'33" E., 898.52 feet to the point of beginning, containing 17.631 acres, more or less.

The lands affected aggregate approximately 59.449 acres.

The described lands are withdrawn by Public Land Order No. 5186 of March 15, 1972, which permits selection by the State under the Alaska Statehood Act, 72 Stat. 339.

GUY R. MARTIN,
Assistant Secretary of the Interior.

April 21, 1977.

[FR Doc.77-12151 Filed 4-27-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 97—AMATEUR RADIO SERVICE

Eligibility for Re-examination for Amateur Radio Operator License

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Editorial amendment of § 97.33 of the Commission's Rules to prohibit an applicant failing an amateur radio operator examination from taking another examination for the same or higher class operator license within thirty days.

EFFECTIVE DATE: May 2, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Gregory M. Jones, Personal Radio Division, 20554, 202-632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: April 20, 1977.

Released: April 21, 1977.

In the matter of correction of § 97.33 of the Commission's Rules concerning operator examinations in the amateur radio service.

1. On June 6, 1976 the Commission adopted a First Report and Order in Docket 20282, FCC 76-537, 41 FR 25013 (1976). Among the rule revisions adopted in the First Report and Order was an amendment to § 97.33 of the Commission's Rules. Section 97.33 of the Rules was amended to read as follows: "An applicant who fails a written examination for an amateur radio operator license may not take another written examination for the same or higher class license within 30 days" (emphasis supplied). Previously, § 97.33 of the Rules had prohibited applicants from retaking either written or telegraphy examinations within thirty days of having failed such examinations.

2. Limiting the 30 day waiting requirement to written examinations only was an inadvertent error by the Commission. Such an amendment was not proposed and was not discussed by the comments in this proceeding, and we are by this Order acting to correct our previous error by amending § 97.33 of the Rules to prohibit the retaking of both written and telegraphy examinations by applicants who have failed such examinations within the previous 30 day period.

3. Authority for this amendment appears in sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended. Because the amendment adopted herein is of an editorial character, designed solely to correct a previous error, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 552, are not applicable.

4. Accordingly, *it is ordered*, That § 97.33 of the Commission's Rules is amended as set forth below effective May 6, 1977.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended, as follows:

1. Section 97.33 is amended to read as follows:

§ 97.33 Eligibility for re-examination.

An applicant who fails an examination element required for an amateur radio operator license shall not apply to be examined for the same or higher examination element within thirty days of the date the examination element was failed.

[FR Doc.77-12203 Filed 4-27-77;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-19; Notice 02]

PART 569—REGROOVED TIRES

Sale and Use

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment of the regulation governing the sale and use of regrooved tires implements a provision of the National Traffic and Motor Vehicle Safety Act (the Act) that the lease as well as the sale of certain regrooved tires be permitted. The Act was amended in 1974 to permit lease as well as sale, following a court decision which construed the Act to permit only the sale of regrooved tires.

EFFECTIVE DATE: March 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Tad Herlihy, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, D.C. 20590. (202-426-9511).

SUPPLEMENTARY INFORMATION: Section 204(a) of the National Traffic and Motor Vehicle Safety Act (the Act) (15 U.S.C. § 1424(a)) governs the sale and use of regrooved tires. Regrooved tires are defined in the Act as tires on which a new tread has been produced by cutting into the tread of a worn tire. As enacted originally, § 204(a) provided:

Sec. 204. (a) No person shall sell, offer for sale, or introduce for sale or deliver for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has been regrooved, except that the Secretary may by order permit the sale of regrooved tires (designed and constructed in accordance with the Act's intent).

Part 569 of NHTSA regulations was issued (34 FR 1149, January 24, 1969) to implement this provision, and it addressed both the circumstances under which lease and sale of regrooved tires would be permissible. A United States Court of Appeals found this aspect of Part 569 impermissibly broad, and held invalid that portion of the regulation which would authorize the introduction in interstate commerce of regrooved tires by means other than by sale. (*National Association of Motor Bus Owners* v. *Brinegar*, 483 F2d 1284 (7th Cir. 1973).) Subsequently, the agency amended Part 569 to conform to the court's decision (39 FR 15038, April 30, 1974).

Section 204(a) was amended in 1974 so that the Secretary may by order permit the sale, offer for sale, introduction for sale, or delivery for introduction in interstate commerce of regrooved tires that are properly designed and constructed. (Pub. L. 93-492, § 110(c) (October 27, 1974).) The agency hereby amends §§ 569.1 and 569.7(a) to reflect this statutory change.

In consideration of the foregoing, 49 CFR Part 569, "Regrooved Tires," is amended as follows:

1. Section 569.1 is amended to read:

§ 569.1 Purpose and scope.

This part sets forth the conditions under which regrooved and regroovable tires manufactured or regrooved after the effective date of the regulation may be sold, offered for sale, introduced for sale or delivered for introduction into interstate commerce.

2. Section 569.7(a) is amended in part by deletion of the word "insofar" and the phrase "the sale of regrooved tires is" from the first sentence of § 569.7(a)(1) and by revision of the first statement in § 569.7(a)(2) to read:

§ 569.7 Requirements.

(a) *Regrooved tires.* (1) * * *

(2) A regrooved tire may be sold, offered for sale, or introduced for sale or delivered for introduction into interstate commerce only if it conforms to each of the following requirements:

* * * * *

EFFECTIVE DATE FINDING: Because this amendment implements a statutory provision and creates no additional requirement for any person, it is found that notice and public procedure thereon are unnecessary and that an immediate effective date is in the public interest.

(Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); Sec. 110(c), Pub. L. 93-492, 88 Stat. 1484 (15 U.S.C. 1424); delegation of authority at 49 CFR 1.50.)

Issued on February 28, 1977.

JOHN W. SNOW,
Administrator.

[FR Doc.77-11908 Filed 4-27-77;8:45 am]

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

PART 825—RULES OF PROCEDURE FOR MERCHANT MARINE APPEALS FROM DECISIONS OF THE COMMANDANT, U.S. COAST GUARD

Ex Parte Communications

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: These regulations prohibit certain ex parte communications with respect to formal NTSB adjudications, establish procedures for handling proscribed communications, and permit sanctions against a party who knowingly makes or causes such a communication to be made.

EFFECTIVE DATE: April 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Fritz L. Puls, 202-426-8911.

SUPPLEMENTARY INFORMATION: On March 3, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 12208) to amend the NTSB rules governing air safety and marine enforcement proceedings (Parts 821 and 825, respectively) by including provisions relating to ex parte communications. The proposed regulations were designed to implement Section 4 of the Government in the Sunshine Act, Pub. L. 94-409. Interested persons were given 30 days in which to submit written comments regarding the proposed rules and no comments have been received.

Accordingly, the proposed amendments to 49 CFR Parts 821 and 825 are hereby adopted without change as set forth below.

Adopted: April 18, 1977.

WEBSTER B. TODD, JR.,
Chairman.

1. In the Table of Contents in Part 821, by adding a heading for new Subpart J, and by adding headings for new §§ 821.60, 821.61, 821.62, and 821.63, as follows:

Subpart J—Ex Parte Communications

Sec.
821.60 Definitions.
821.61 Prohibited ex parte communications.
821.62 Procedures for handling ex parte communications.
821.63 Requirement to show cause and imposition of sanction.

AUTHORITY: Sec. 4, Government in the Sunshine Act, Pub. L. 94-409, amending 5 U.S.C. 556(d) and 5 U.S.C. 557; Title VI, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1421 et seq.; Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

2. By adding a new Subpart J to Part 821 to read as follows:

Subpart J—Ex Parte Communications

§ 821.60 Definitions.

As used in this subpart:

"Board decisional employee" means a Board Member, administrative law judge, or other employee who is or who may reasonably be expected to be involved in the decisional process of the proceeding;

"Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this Part.

§ 821.61 Prohibited ex parte communications.

(a) The prohibitions of this section shall apply from the time a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply at the time of the acquisition of such knowledge.

(b) Except to the extent required for the disposition of ex parte matters as authorized by law:

(1) No interested person outside the Board shall make or knowingly cause to be made to any Board employee an ex parte communication relevant to the merits of the proceeding;

(2) No Board employee shall make or knowingly cause to be made to any interested person outside the Board an ex parte communication relevant to the merits of the proceeding.

Ex parte communications regarding solely matters of Board procedure or practice are not prohibited by this section.

§ 821.62 Procedures for handling ex parte communications.

A Board employee who receives or who makes or knowingly causes to be made a communication prohibited by § 821.61 shall place on the public record of the proceeding:

(a) All such written communications;

(b) Memoranda stating the substance of all such oral communications; and

(c) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (a) and (b) of this section.

§ 821.63 Requirement to show cause and imposition of sanction.

(a) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of § 821.61, the Board, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(b) The Board may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Board, consider a violation of this subpart sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

3. In the Table of Contents in Part 825 by adding a heading for new § 825.40 as follows:

Sec.
825.40 Ex parte communications.

4. By adding new § 825.40 to Part 825 to read as follows:

§ 825.40 Ex parte communications.

(a) As used in this section:

"Board decisional employee" means a Board Member or employee who is or who may reasonably be expected to be involved in the decisional process of the proceeding;

"Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this Part.

(b) The prohibition of paragraph (c) of this section shall apply from the time a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibition shall apply at the time of the acquisition of such knowledge.

(c) Except to the extent required for the disposition of ex parte matters as authorized by law:

(1) No interested person outside the Board shall make or knowingly cause to be made to any Board employee an ex parte communication relevant to the merits of the proceeding;

(2) No Board employee shall make or knowingly cause to be made to any interested person outside the Board an ex parte communication relevant to the merits of the proceeding.

Ex parte communications regarding solely matters of Board procedure or practice are not prohibited by this paragraph.

(d) A Board employee who receives or who makes or knowingly causes to be made a communication prohibited by paragraph (c) shall place on the public record of the proceeding:

(1) All such written communications;

(2) Memoranda stating the substance of all such oral communication; and

(3) All written responses, and memoranda stating the substance of all oral responses, to materials described in paragraphs (1) and (2).

(e) Upon receipt of a communication knowingly made or caused to be made in violation of paragraph (c) of this section, the Board may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his or her interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(f) The Board may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Board, consider a violation of this section sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.

(Sec. 4 of the Government in the Sunshine Act, Pub. L. 94–409, amending 5 U.S.C. 556 (d) and 5 U.S.C. 557; Independent Safety Board Act of 1974, Pub. L. 93–633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).)

[FR Doc.77-12298 Filed 4-27-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Final Regulations Regarding Areas in Which Shotshells Loaded With Steel Shot Will Be Required for Waterfowl Hunting in Hunting Seasons Commencing in 1977

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule establishes steel-shot zones for waterfowl hunting in the Atlantic Flyway and Mississippi Flyway. When eaten by waterfowl, spent lead pellets have a toxic effect. The intended effect of establishing these steel shot zones is to reduce the number of deaths to waterfowl caused by eating spent lead pellets.

EFFECTIVE DATE: May 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert I. Smith, Special Projects Coordinator, Office of Migratory Bird Management, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202–343–8827), who is also the originator of this rule.

SUPPLEMENTARY INFORMATION: Research on the problem of lead poisoning in waterfowl has been conducted for the past 25 years. The complexities of the issue have been explored with conservationists, ammunition manufacturers, and State fish and game departments. During the past 5 years the United States Fish and Wildlife Service has studied lead poisoning of waterfowl in cooperation with organizations representing a broad cross section of interests affected by and concerned with the problem.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, Pub. L. 91–190, the Service prepared a draft environmental impact statement (U.S. Department of the Interior, DES 74–76, Use of Steel Shot for Hunting Waterfowl in the United States). The draft statement contained a description of a proposed action, a review and summary of knowledge about lead poisoning in waterfowl, and an evaluation of the impacts of the proposed regulations regarding non-toxic shot.

On July 23, 1974, the Service published notice in the FEDERAL REGISTER (39 FR 26764) of the availability to the public of the draft statement. Public comments were solicited during the period July 23–November 15, 1974. In addition, public hearngs were held in each of the four flyways. Subsequently, the Service received comments from 1,045 organizations and individuals. General support of the proposal was expressed by a majority of those commenting. A Final Environmental Statement on the subject was published in January 1976.

On March 20, 1976, the Secretary of the Interior announced a plan for the progressive implementation of steel shot. According to this plan, shotshells loaded with non-toxic shot were to be required for hunting waterfowl in designated areas of the Atlantic Flyway in 1976, in designated area of the Missssippi Flyway in 1977, and in designated areas of the Central and Pacific Flyways in 1978.

On July 28, 1976, a final rule on the use of steel shot for waterfowl hunting was published in the FEDERAL REGISTER (41 FR 31386–31389). This rule went into effect on August 27, 1976. On July 28, 1976, the Service published descriptions of proposed zones where steel shot would be required in 1976 (41 FR 31395–31396). On September 13, 1976, the Service published an amendment to § 20.105e containing descriptions of nine areas where steel shot was required for waterfowl hunting in the Atlantic Flyway in 1976 (41 FR 38772–38774).

On December 23, 1976, the Service published in the FEDERAL REGISTER (41 FR 55901–55903) a description of areas in which it was proposed to require steel shot for waterfowl hunting in hunting seasons commencing in 1977. This proposed rulemaking contained descriptions of steel shot zones for Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia of the Atlantic Flyway, and Arkansas, Illinois, Indiana, Iowa, Louisiana, Ohio, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin of the Mississippi Flyway. The proposed steel shot zones were areas where annual deposits of lead shot in waterfowl feeding areas are most concentrated, or areas identified by State agencies where lead poisoning due to shot ingestion is known to occur. Further, because of limitations in the amount of ammunition that could be distributed and made available to hunters in the first year of the program, areas which included one-third of the duck harvest of a State were considered adequate for conversion to steel shot in the Mississippi Flyway States in 1977. In most cases zones were identified in the proposal as counties. It was anticipated that suggestions would be made during the public comment period to better delineate the steel shot zones.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

Valuable comments on the proposed steel shot zones for 1977 were received from December 23, 1976, to February 15, 1977 and many were incorporated during

this final rulemaking. These comments included 420 individual letters which contained signatures of 1,039 people. Twenty-two private organizations and 15 State agencies were represented by one or more letters. Forty-two individuals favored the proposal, 7 were undecided, and the remainder were opposed to one or more aspects of the proposal.

Opposition to the proposal can be categorized into six relatively distinct issues. The following is a summary of the issues listed according to frequency mentioned in the public comment. Each issue is followed by a Service response.

1. Steel shot is not as ballistically effective as lead shot and will result in increased crippling of waterfowl by hunters.

Response: Comparative tests of steel and lead shot have been conducted since 1959. Nine of these tests were reported in the Final Environmental Statement. Generally, the performance of 1¼-ounce loads of lead and 1⅛-ounce loads of steel are very similar with respect to birds bagged and birds downed but not retrieved. This has been demonstrated in controlled shooting tests as well as in actual hunting situations. Based on a review of these studies the Service has concluded that there is no significant difference in the effectiveness of lead shot loads and steel shot loads at reasonable shooting ranges.

2. Steel shot shells are too expensive, and components for handloading shells with steel shot are not available.

Response: The annual expenditure of the average participant in waterfowl hunting in 1970 was $85. In 1976 the price of steel shot-shells ranged from 6 to 9 dollars per box of 25 shells. The average waterfowl hunter will require approximately 2 boxes per year. Although steel shot ammunition costs from 2 to 4 dollars more than lead shot ammunition per box, the Service believes this is not a significant factor in the total cost of waterfowl hunting.

The Service has discussed the non-availability of components for handloading steel shot with the manufacturers of these products. This production is not within the control of the Service. The Service has been informed by one company that components can be made available, though production in 1977 is uncertain.

3. Steel shot causes damage to gun barrels and/or is not safe to use.

Response: Steel shot is known to cause choke expansion in certain types and models of shotguns. Shotguns with thin barrels or barrels made of relatively soft steel are reported to be most susceptible to choke expansion. Manufacturers' test results made available to the Service show that for most shotguns there has been no measurable choke expansion or this expansion has been sufficiently slight (0.002 to 0.006 inch) as to have no effect on gun performance.

Split or burst barrels can result from the discharge of shot into an obstructed barrel or from a defective shell. This may occur with either lead or steel shot ammunition. Estimates provided to the Service by industry indicate approximately one thousand barrel bursts occur per year with lead shot ammunition. The possibility of a greater frequency of bursts of obstructed barrels with steel shot than with lead shot has not been substantiated in field or laboratory tests. Several barrel bursts have been recorded when steel shot was being used. The number of steel shotshells fired to date is approximately 3 million.

4. Certain areas being proposed for steel shot have very soft bottoms and/or deep water, consequently ducks do not eat lead pellets in these areas.

Response: The bottom sediments of most wetlands are soft and spent pellets may eventually sink out of reach of feeding waterfowl in areas having such conditions. Generally, this process does not occur rapidly enough to prevent the ingestion of shot by feeding waterfowl. Soft sediments probably prevent long-term buildups of shot that is available to feeding birds but they do not prevent ingestion of recent deposits.

Fifty to sixty thousand gizzards of waterfowl have been examined from throughout the United States. These samples have been taken from all types of wetlands. In all areas lead shot has been found in a portion of the gizzards collected. In some cases the frequency with which ingested shot is found increases as the current hunting season progresses.

Deep water is used by diving ducks for feeding. Generally, diving ducks ingest lead pellets at higher rates than dabbling ducks.

The Service has found no evidence that soft bottom sediments or deep water prevent the ingestion of lead pellets.

5. Lead poisoning is not a problem in the area or areas proposed, or there is insufficient evidence that waterfowl are dying of lead poisoning in these areas.

Response: It is estimated that 20 to 25 million waterfowl die each year from various causes other than being bagged by a hunter. Unless these deaths occur concentrated at a particular point in time and location, they are rarely observed. Occasionally lead poisoning causes several hundred or several thousand birds to die at one location, but such obvious die-offs are not the typical manner in which lead poisoning occurs. Generally, a relatively small portion of the waterfowl population will contain ingested lead pellets at any point in time. Depending upon diet and other variables, a portion of these birds will develop chronic lead poisoning and become more vulnerable to other forms of mortality such as predation or disease. A portion will develop acute lead poisoning and die as a direct result of lead toxicity. Deaths from either cause normally occur to individuals scattered widely, sometimes at a distance from the point where lead was ingested.

6. Steel shot is not available for all gauges of guns, therefore the regulation discriminates against those who own certain types of guns.

Response: The ammunition manufacturers have indicated that production and distribution of steel shot in various gauges will require several years to complete. This production is not within control of the Service. The Service has urged that production of steel shot ammunition in other gauges be accelerated. Approximately 85 percent of all waterfowl hunters use 12 gauge shells and 12 gauge steel shotshells have been produced by three companies. The Service is of the view that its obligation to protect waterfowl from lead poisoning does not permit it to postpone the use of steel shot until this ammunition is available in all gauges.

CHANGES IN PROPOSED ZONES

Several changes from the proposed steel shot zones for 1977 were incorporated into these final rules. These changes were based on information submitted by State agencies or other organizations, and on comments by persons familiar with waterfowl and waterfowl hunting in the proposed zones. Changes were made for the following reasons:

1. The distribution of waterfowl and waterfowl hunting activity could be delineated more precisely than in the proposal.

2. The State agency and the Service lacked sufficient information but had reason to believe that the proposed zones did not properly describe the areas where lead poisoning would be most likely to occur. These States requested changes in the proposed zones pending completion of ongoing or planned studies aimed at more precise identification of the problem areas in 1978.

3. Steel shotshells could not be made available to hunters due to location of the zone in relation to retail stores that supply ammunition to hunters.

4. Improve boundary descriptions to assist hunters and law enforcement officers.

The following list summarizes changes in these final rules from the steel shot zones proposed in the proposed rulemaking dated December 23, 1976 (41 FR 55901–55903) and identifies the reason or reasons for these changes.

Connecticut. Middlesex County south of Interstate Highway 95 was removed from the zone until studies in progress are completed.

Delaware. Sea duck zones are excluded. These are areas with relatively infrequent hunting activity.

Florida. Seminole and Glades Counties are excluded. The State has studies underway in these areas. Citrus County was excluded since most of the waterfowl hunting in that area occurs within an already existing steel shot zone located on the Chassahowitzka National Wildlife Refuge.

Massachusetts. This proposed zone was reduced in size to focus more precisely on those areas in which waterfowl hunting is most concentrated.

New Jersey. The counties of Cape May, Cumberland, Hudson, Middlesex, and Salem were excluded for one year to allow completion of studies by the State.

Rhode Island. Bristol County, Newport County, Block Island, Block Island Sound, and Narragansett Bay were excluded to allow completion of studies by the State.

South Carolina. Lake Marion, Lake Moultrie, and the counties of Charleston and Beaufort were excluded to allow completion of studies in progress.

Virginia. The proposed zones were reduced in size due to problems in distributing steel shotshells in a manner that would make them available to hunters using the proposed zones.

Arkansas. That portion of the Bayou Meta Wildlife Management Area that lies in Jefferson County has been added to this final rulemaking. This was added to permit the zone boundary to conform to the boundary of a major hunting area.

Illinois. The proposal included State-managed waterfowl areas, but not by name. In this final rule, State-managed waterfowl areas to be included are named.

Indiana. The counties of Pulaski, St. Joseph, Marshall, Fulton, Noble, and Whitley were included in their entirety in the proposal. These counties have been removed from the zone descriptions and the Jasper-Pulaski Fish and Wildlife Area, Mallard Roost Wetland Conservation Area, and the Menominee Wetlands Conservation Area are added. The purpose of these changes was to define more specifically areas of concentrated waterfowl hunting activity.

Iowa. The waters of the Missouri River in Fremont and Mills Counties are excluded from the zone because they do not serve as a feeding area for waterfowl.

Louisiana. Portions of Calcasieu, Cameron, and Vermilion Parishes are excluded from these final rules. This reduces the size of the proposed zone pending completion of studies by the Louisiana Wild Life and Fisheries Commission to determine the availability of spent lead shot in the coastal portions of the above-mentioned parishes.

Ohio. Sandusky County was excluded from this final rule. Waterfowl harvest records for this county do not indicate a deposition of lead shot sufficiently high to justify conversion to steel shot at this time.

Michigan. Zones for this State were described in general terms in the proposal. In this final rule the boundaries of these zones are described in more specific terms.

Minnesota. The controlled hunting zones of goose management areas included in the proposal are excluded from the final rule, with the exception of the Roseau Wildlife Management Area. Most lead shot deposited in these goose hunting areas falls in uplands rather than wetlands.

Tennessee. The proposal identified Benton County as the steel shot zone. This final rule designates specific waterfowl hunting areas within that county as the steel shot zones. The purpose of this change was to allow time for further studies by the State to determine more precisely where lead shot is being eaten by waterfowl.

Other Information

In the coming weeks the Service will develop a proposal for the use of steel shot on lands managed by the Service. In some cases these lands will be within the zones described in this final rulemaking. In other cases they will be in addition to the zones described in this final rulemaking. The proposal for use of steel shot on lands managed by the Service will be published in the FEDERAL REGISTER for public comment. In addition, the Service will publish an amendment to § 20.21(j) which will clarify the exemption of guns in certain gauges.

An environmental assessment of the designation of steel shot zones for 1977 was made by the Service. Based on this assessment, an environmental impact statement on this action is not required. A negative declaration was signed and filed.

Relocation of Steel Shot Regulations in Title 50, Code of Federal Regulations

In 1976 steel shot zones were proposed and finalized as an amendment to § 20.105(e), Chapter 1, Subchapter B, Subpart K of the Title 50 Code of Federal Regulations. The proposed steel shot zones for 1977 were to be published as an amendment to § 20.105(e). Due to the increasing length and complexity of zone descriptions in 1977, this final ruling on steel shot zones will be identified as § 20.108, which has been reserved within Subpart K for new regulations of this type. Therefore § 20.105(e) is amended by removing that portion of (e) entitled *Atlantic Flyway. Non-toxic shot requirements.* Included under this heading are descriptions of steel shot zones in Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, and Virginia for waterfowl hunting seasons commencing in 1976.

§ 20.105(e) [Amended]

Accordingly, 50 CFR, Chapter 1, Subchapter B, Subpart K is amended by removing that part of § 20.105(e) entitled *Atlantic Flyway. Non-toxic shot requirements,* and by adding a new § 20.108 as follows:

§ 20.108 Non-toxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as non-toxic shot zones for waterfowl hunting seasons commencing in 1977 and terminating in 1978.

Connecticut

Those portions of New Haven and Fairfield Counties bounded on the North by I95; on the East by the New Haven-Middlesex County line; on the South from where the New Haven-Middlesex line meets the shore around the most southern land to Hammonnasset Point, Madison. Inside a line from Hammonnasset Point to West Wharf, to Hogshead Point, to Guilford Point, to Mulberry Point, to Vineyard Point. From Vineyard Point around the southernmost land of Sachem Head to Joshua Point. Inside of a line from Joshua Point across Joshua Cove to Joshua, to Hoadley Point to Flying Point, to Brown Point, to Haycock Point, to Linden Point. Inside a line from Linden Point across Maltby Cove to the southernmost tip of land and thence to Jeffrey Point. Inside of a line from Jeffrey Point to Indian Neck Point, to Johnson Point, to the northern end of Kelsey Island, to Mansfield Point, to South End Point to Morgan Point to Oyster River Point, to Merwin Point. From Merwin Point around the southernmost point of land to Pond Point. Inside of a line from Pond Point, to Welch's Point, to the northern end of the breakwater at Milford Point, and to Stratford Point, Stratford; on the west by a line from Stratford Point, to Prospect Drive, west to Rt. 113 and north on 113 to Route I95.

Delaware

All lakes, ponds, marshes, swamps, rivers, and streams of the State and within a 150-yard zone of land adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the non-toxic shot requirement. Areas described as sea duck zones in waterfowl regulations of the State of Delaware are excluded from these provisions.

Florida

In Leon County and on Lake Miccosukee which lies in Leon County and the adjacent portions of Jefferson County; and in that portion of Brevard County lying east of Interstate Highway 95.

Maine

On the waters of the Kennebec River known as Merrymeeting Bay bounded as follows: from the high tension wires at Chops Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset, and Eastern Rivers and the Richmond-Dresden bridge on the Kennebec River, and within a 150-yard zone of land adjacent to the margins of these waters being in the counties of Cumberland, Sagadahoc and Lincoln.

Maryland

All waters (including lakes, ponds, marshes, swamps, rivers, streams, and Chesapeake Bay) in Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Annes, Kent and Cecil Counties and those portions of Harford, Baltimore, and Anne Arundel Counties lying south and east of U.S. Route 1, and within a 150-yard zone of land adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

Massachusetts

Essex County—North Boundary—Massachusetts/New Hampshire line. West boundary—U.S. Rt. 1 from State line southward to juncture with 1A in Newburyport, southward on 1A to juncture with Rt. 133. South boundary—Rt. 133 eastward to juncture Rt. 128 east along 128 to West Bank of Annisquam River. East boundary—West bank of Annisquam River north to Ipswich Bay continuing north along the shoreline of Ipswich Bay and the Atlantic Ocean to New Hampshire—Massachusetts line.

Plymouth County—North boundary—Rt. 139 from Green Harbor west to juncture with 3A. West and South boundary—Rt. 3A from juncture of 139 south to juncture with Rocky Hill Road. East boundary—Line extending from juncture of Rt. 3A and Rocky Hill Road to Plymouth Lighthouse on Duxbury Beach.

Barnstable County—Barnstable Marshes—North boundary—Cape Cod Bay. West boundary—From Cape Cod Bay south along Sand Neck Road to juncture with Rt. 6A. South boundary—juncture of 6A and Sand Neck Road east along Sand Neck Road to juncture with Beach Street. East boundary—Juncture of Rt. 6A and Beach Street north along Beach Street to Cape Cod Bay.

Barnstable County—Nauset Marshes, Pleasant Bay—North boundary—Nauset Beach west along Doane Road to juncture with Nauset Road, southwest along Nauset Road to juncture of Rt. 6. West boundary—South along Rt. 6 from juncture of Rt. 6 and Nauset Road to juncture with Rt. 28. South along Rt. 28 to juncture with Shore Road. Then south along Shore Road to Chatham Lighthouse. South boundary—Line extending due east from Chatham Lighthouse to Atlantic Ocean. East boundary—Atlantic Ocean.

Bristol County—Waters of the Wareham River, Weweantic River, East Branch of the Westport River, and the West Branch of the Westport River, and the marshes adjacent to these rivers, and within a 150-yard zone of land adjacent to these rivers and marshes, seaward from the first upstream bridge.

New Jersey

That portion of the State bounded on the north by Highway 36 from its intersection with the Garden State Parkway near Keyport eastward to the Atlantic Ocean (south of Raritan Bay and Sandy Hook Bay), bounded on the west by the Garden State Parkway, and bounded on the south by Highway 585 from its intersection with the Garden State Parkway eastward to the Atlantic Ocean (south of Great Egg Harbor).

New York

Nassau and Suffolk Counties and that portion of Upstate New York west of Interstate Highway 81 and north of the New York Thruway (Interstate Highway 90).

North Carolina

1. All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land adjacent to the margins of such waters in these 3 counties. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

2. The waters of the Cape Fear River and its tributaries in New Hanover and Brunswick Counties and a 150-yard zone of land adjacent to the waters of this river and its tributaries in these 2 counties.

Pennsylvania

Crawford County; Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties and the waters of the Susquehanna River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundary and including a 150-yard zone of land adjacent to the waters of the Susquehanna River that are described above.

Rhode Island

That portion of Washington County lying south and east of U.S. Route 1 but excluding Block Island and the waters of Block Island Sound and Narragansett Bay.

South Carolina

Georgetown and Colleton Counties.

Virginia

All waters and a 150-yard zone of land adjacent to these waters in the city of Virginia Beach and in an area between the York River and the James River bounded on the north by U.S. Highway 60, on the west by Highway 155, and on the south by Highway 5.

Arkansas

All waters of Poinsett and Arkansas Counties and that portion of Bayou Meta Wildlife Management Area in Jefferson County and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

Illinois

1. On all waters and on all lands within 150 yards of these waters in the following counties: Marshall, Putnam, Henderson, Rock Island, Calhoun, and Jersey. Drainage ditches and temporary sheet water more than 150 yards from the above described waters are exempted from this regulation.

2. On all State managed lands and waters, including the following public hunting areas: Anderson Lake, Baldwin, Bluff Lake, Carlye Lake and subimpoundments, Chain-O-Lakes, Forbes State Park, Grass Lake, Grundy County, Horseshoe Lake (Alexander County), Horseshoe Lake (Madison County), Kankakee River, Lake DePue, Lake Shelbyville and subimpoundments, LaRue Scatters, Marshall County, Mermet, Oakwood Bottoms, Potters Marsh, Rend Lake and subimpoundments, Rice Lake, Sanganois, Sangchris Lake State Park, Savanna Ordnance, Sinnissippi Lake, Spurland, Spring Lake, Union County, Will County, William Powers, and Woodford County.

3. All waters managed for waterfowl hunting by the Illinois Department of Conservation on the Mississippi River, the Illinois River, and the Rock River from pool 12 at the city of East Dubuque south to the lock and dam at pool 26.

Indiana

1. On all waters of Lake, Porter, LaPorte, Newton, Jasper, Starke, Elkhart, Kosciusko, LaGrange, Steuben, and Posey Counties and within 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. Within the boundaries of the following State-owned or State-operated properties: Jasper-Pulaski Fish and Wildlife Area in Pulaski County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Glendale Fish and Wildlife Area in Daviess County.

3. Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

Iowa

In Fremont and Mills Counties on all waters and a 150-yard zone of land adjacent to these waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Missouri River and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

Louisiana

1. That portion of Vermilion Parish lying north of the Intercoastal Waterway.

2. That portion of Calcasieu Parish lying south of Interstate Highway 10.

3. That portion of Cameron Parish lying north of the Intercoastal Waterway.

4. On the west side of Calcasieu Lake that portion of Cameron Parish lying west of Highway 27 and north of the boundary of the Sabine National Wildlife Refuge.

5. In that portion of the State bounded as follows: From Pineville northeast along State Highway 28 to Archie, then northwest along U.S. Highway 84 from Archie to Jena, then southwest along State Highway 8 from Jena to Pollock, then south along U.S. Highway 165 from Pollock to Pineville.

6. The green-tree reservoir located on the Saline Wildlife Management Area.

Ohio

On all waters of Erie, Ottawa and Lucas Counties and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

Michigan

1. That area of St. Clair, Macomb, Wayne and Monroe Counties: Beginning at a point on the Blue Water Bridge at the International boundary between the United States and Canada (Sec. 35, T7N, R17E) St. Clair County; westerly and south on highway I-94 in St. Clair, Macomb and Wayne Counties to the intersection of highway I-75 in the City of Detroit, southerly on highway I-75 in Wayne and Monroe Counties to the State line (Sec. 5, T7S, R8E); east along the State line between Michigan and Ohio to the shoreline of Lake Erie; northeasterly along the State line to the International boundary in Lake Erie; northerly along the International boundary in Lake Erie, the Detroit River, Lake St. Clair and the St. Clair River to the point of beginning.

2. That area of Iosco, Arenac, Bay, Tuscola and Huron Counties: Beginning at a point at the tip of Tawas Point in Sec. 3 T21N R8E, Iosco County; northeast, north and west on Tawas Point Road to its intersection with highway US-23 (Sec. 21 T22N, R8E); south and west on highway US-23 in Iosco and Arenac Counties to the intersection with highway M-13 (Sec. 22, T18N, R4E, Arenac County); south on highway M-13 in Arenac and Bay Counties to the intersection with interstate highway I-75 (sec. 13, T14N, R4E); south on I-75 to the intersection with highway US-10 and M-20 (Sec. 24, T14N, R4E); west on highway US-10 and M-20 to the intersection with Garfield Road (northeast corner Sec. 27, T14N, R3E); south on Garfield Road and Bay and Saginaw counties to the intersection with Tittabawassee Road (Southwest corner Sec. 35, T13N, R3E); west on Tittabawassee Road to the intersection with Graham Road (northwest corner Sec. 4, T12N, R3E); south on Graham Road to highway M-46 an M-52 (west quarter corner Sec. 28, T12N, R3E); south on highway M-52 to highway M-57 (southwest corner Sec. 7, T9N, R3E); east on highway M-57 to highway M-13 (southeast corner Sec. 13, T9N, R4E); north on highway M-13 to Burt Road (northwest corner Sec. 31, T10N, R5E) east on Burt Road to highway I-75 (Sec. 26, T10N, R6E); north on highway I-75 to high way M-46 (Sec. 28, T12N, R5E); east on highway M-46 to North Gera Road southeast corner (Sec. 27, T12N, R6E); north on North Gera Road to Highway M-15 (Sec. 23, T12N, R6E); north on highway M-15 in Saginaw and Bay Counties to Munger Road (Sec. 18, T13N, R6E); east on Munger Road (M-138)

in Bay County and Fairgrove Road (M–138) in Tuscola County to Wisner Road (southeast corner Sec. 13, T13N, R7E); north on Wisner Road to highway M–25 (Sec. 13, T14N, R7E); east and north on highway M–25 in Tuscola and Huron counties to Kinde Road (Sec. 35, T18N, R10E); east on Kinde Road to highway M–53 (southeast corner Sec. 36, T18N, R12E); north on highway M–53 to the junction with highway M–25 (Sec. 30, T19N, R13E); north to the shoreline of Lake Huron and then northwesterly from this point to the point of beginning (tip of Tawas Point in Iosco County).

3. That area of Muskegon, Newago, Ottawa, Allegan, Kalamazoo and Van Buren Counties: Beginning at the southwest meander corner of Sec. 4, T12N, R16W, Muskegon County, west on a line across Lake Michigan to the State boundary between Michigan and Wisconsin; south along the State boundary to a point directly west of the mouth of the Black River (Sec. 9, T1S, R17W) Van Buren County; east along a line to the mouth of the Black River (Sec. 9, T1S, R17W); upstream along the south shore of the Black River to highway M–31 in South Haven on M–31 to highway M–43; easterly on highway M–43 in Van Huren and Kalamazoo counties to highway US–131 (Sec. 13, T2S, R12W); north on highway US–131 to highway M–40 and M–89 (Sec. 30, T1N, R11W); west and north on highway M–89 and M–40 to highway US–31 (Sec. 4, T4N, R15W); north on highway US–31 to highway M–45 (northwest corner Sec. 28, T7N, R16W); east on highway M–45 to 68th Avenue (south quarter corner Sec. 22, T7N, R14W); north on 68th Avenue to highway I–96 (Sec. 27, T8N, R14W); west on highway I–96 to highway US–31 (Sec. 16, T9N, R16W); north on highway US–31 to highway M–46 (northwest corner Sec. 27, T10N, R16W); east on highway M–46 (Apple Avenue) to highway M–37 (southeast corner Sec. 23, T10N, R13W); north on highway M–37 to 112th Street (north quarter corner Sec. 13, T11N, R13W); west on 112th Street to Warner Road (Sec. 11, T11N, R14W); north on Warner Road to Roth Road (northeast corner Sec. 26, T12N, R14W); west on Roth Road to Maple Island Road (southwest corner Sec. 19, T12N, R14W); north on Maple Island Road to highway M–20 (southwest corner Sec. 31, T13N, R14W) and continuing north on highway M–20 to Skeels Road (northeast corner Sec. 1, T12N, R15W); west on Skeels Road to Nichols Road (Sec. 2, T12N, R16W); south on Nichols Road to Fruitvale Road (Sec. 2, T12N, R16W); west on Fruitvale Road to highway US–31 (Sec. 10, T12N, R17W); north on highway US–31 to Weinert Road (Sec. 4, T12N, R17W); west on Weinert Road to the southwest meander corner Sec. 4, T12N, R18W (the point of beginning).

4. That area of Roscommon, Missauke, Kalkaska and Crawford counties: Beginning at the intersection of State Highway M–55 and highway M–76 in Roscommon County (southeast corner Sec. 10, T22N, R1W); north on highway M–76 to the Village of Roscommon, then west and south on county road 100 to the intersection of county road 104 (Sec. 32, T24N, R3W); west on county road 104 to the intersection of highway US–27 (Sec. 33, T22N, R5W); north on highway US–27 to the intersection of Fletcher Road in Crawford County (Sec. 23, T25N, R4W); west and northwest on Fletcher Road to county road 571 in Kalkaska County (Sec. 8, T25N, R6W); south on county road 571 to highway M–55 in Missaukee County (Sec. 32, T23N, R6W); then east on highway M–55 to the point of beginning.

5. That area of Mackinac and Chippewa counties: Beginning at the point where the Mackinac Straits Bridge intersects the Lake Huron shoreline in Mackinac County north on highway I–75 to highway M–134 (Sec. 4, T42N, R3W); east on highway N–134 to highway M–129 (southeast corner Sec. 25, T42N, R1W); north on highway M–129 to business loop I–75 (Sec. 7, T47N, R1E); north on business loop I–75 to downtown Sault Ste. Marie and extending on a line northward to the International boundary between U.S. and Canada; east and south along the International boundary on the St. Marys River north channel and Lake Huron to a point west of the southwest corner of Cockburn Island (in Canada); east from that point on the International boundary in Lake Huron to the south tip of Goose Island lying southwest of Marquette Island; continuing southwest in Lake Huron to the southernmost point of Mackinac Island and then west to the point of beginning.

MINNESOTA

1. All waters within the boundaries of all State-Wildlife Management Areas and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement. Controlled hunting zones of goose management areas are excluded from this provision except the Roseau Wildlife Management Area which is included.

2. On the waters of Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150-yard zone of land adjacent to the margins of the above lakes.

MISSOURI

All waters of St. Charles County and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the nontoxic shot requirement.

TENNESSEE

Camden, Big Sandy, New Hope, Lick Creek and Harmon's Creek Wildlife Management Areas.

WISCONSIN

1. In that portion of the State lying west of the Burlington Northern Railroad in Buffalo, Trempealeau, LaCrosse, Vernon, Crawford and Grant Counties.

2. On all waters of Dodge, Green Lake, Jefferson and Winnebago Counties, and that portion of Fond du Lac County lying west of a line formed by the Fond du Lac River and Highway 41 and that portion of Lake Winnebago in Calumet and Fond du Lac Counties, and that portion of Lake Poygan in Waushara County; and within a 150-yard zone of land adjacent to the margins of these waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the non-toxic shot requirement.

3. On the following State-owned wildlife areas: Mead Wildlife Area in Marathon, Wood and Portage Counties; Mud Lake Wildlife Area in Columbia County; Theresa Marsh Wildlife Area in Dodge and Washington Counties.

AUTHORITY: Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: April 25, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77–12190 Filed 4–27–77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 411]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 29–May 5, 1977. This regulation is needed to provide for orderly marketing of fresh navel oranges for the regulation period because of the production and marketing situation confronting the navel orange industry.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such navel oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of navel oranges that may be marketed during the specified week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation for the quantity of navel oranges it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for navel oranges is considered to be fair to good on all sizes, except for size 56's and larger. Average f.o.b. price was $3.77 per carton on a reported sales volume of 1,009 carlots last week, compared to $3.81 per carton on sales of 1,115 carlots a week earlier. Track and rolling supplies at 543 cars were up 31 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of navel oranges which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for navel oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of navel oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 26, 1977.

§ 907.711 Navel Orange Regulation 411.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period April 29, 1977, through May 5, 1977, are hereby fixed as follows:

(i) District 1: 1,100,000 cartons;

(ii) District 2: Unlimited Movement; and

(iii) District 3: Unlimited Movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 27, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–12453 Filed 4–27–77;12:02 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-WE-5]

TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to amend the Federal Aviation Regulations to alter the Yuma, Arizona, 1,200 foot Transition Area.

New instrument approach procedures are being developed for the Marine Corps Air Station (MCAS), Yuma, Arizona, which will require designation of additional 1,200 foot Transition Area Airspace to provide controlled airspace protection for IFR arrivals for the Air Station.

DATE: Comments must be received on or before June 2, 1977.

ADDRESS: Copies of this NPRM may be obtained from, and comments should be sent to: Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Specialist, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone 213-536-6182.

SUPPLEMENTARY INFORMATION:

This notice proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181).

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 2, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

Accordingly, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) as follows:

§ 71.181 [Amended]

1. By amending § 71.181 (42 FR 440) of Part 71 of the Federal Aviation Regulations by designating additional 1,200 foot Transition Area Airspace as follows:

YUMA, ARIZONA

Following "* * * to the United States/Mexico border;" Add: "within six miles each side of the Yuma VORTAC 211° radial, extending from the VORTAC to the United States/Mexico border, * * *."

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Los Angeles, California on April 19, 1977.

W. R. FREHSE,
Acting Deputy Director,
Western Region.

[FR Doc.77-12093 Filed 4-27-77;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[32 CFR Part 656]

[AR 210-9]

ENVIRONMENTAL QUALITY

Installations, Use of Off-Road Vehicles on Army Land

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: These proposed regulations establish policies and procedures for the use of off-road vehicles on Army installations. The regulations implement a Department of Defense Directive on the use of off-road vehicles and are designed to protect the environment on Army installations.

DATE: Comments must be received by 28 May 1977.

ADDRESS: Comments to: HQDA—(DAEN-FEB-N) Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Robert B. McGough, Chief Buildings and Grounds Division, Facilities Engineering Directorate, Office, Chief of Engineers, Washington, D.C. 20314, 202-693-6687.

SUPPLEMENTARY INFORMATION: The Secretary of the Army, acting through the Chief of Engineers is proposing a regulation to prescribe the policies, responsibilities, and procedures for the use of off-road vehicles on all Army installations. The regulation implements Department of Defense Directive 6050.2 and the policies and procedures of 32 CFR Part 650, "Environmental Protection and Enhancement." The proposed regulations is being published pursuant to the following authorities: Executive Order 11644, Use of Off-Road Vehicles on the Public Land; Pub. L. 88-29, Outdoor Recreation, State-Federal Programs; Pub. L. 91-190, National Environmental Policy Act of 1969; and Pub. L. 93-452, Conservation and Rehabilitation Program on Military and Public Lands. This regulation provides guidance to installation commanders in the control of off-road vehicular traffic for recreational purposes and supersedes AR 210-9 dated 14 Feb 75.

NOTE: The Office of the Chief of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

It is proposed to add a new Part 656 as set forth below:

PART 656—INSTALLATION, USE OF OFF-ROAD VEHICLES ON ARMY LAND

Sec.
656.1 Purpose.
656.2 Applicability.
656.3 Definitions.
656.4 Objectives.
656.5 Policies.
656.6 Responsibilities.
656.7 Environmental Considerations.
656.8 Guidelines and Criteria for Evaluation of Army Lands for Off-Road Vehicle Use.

AUTHORITY: 10 U.S.C. 3012.

§ 656.1 Purpose.

The purpose of this regulation is to establish uniform policies, procedures and criteria for controlling off-road travel by off-road vehicles, and to prescribe appropriate operating conditions for use of such vehicles. This regulation implements DOD Directive 6050.2, 21 August 1974.

§ 656.2 Applicability.

(a) This regulation applies to all installations and activities in the United States under control of the Department of the Army by ownership, lease, or similar instrument, under the following conditions of use:

(1) Installations and activities in active use by the Army, those held in an inactive or standby condition for future active use by the Army, and those in an excess category. (See AR 405-90, for further guidance with respect to excess properties.)

(2) Federally operated installations and activities, or portions thereof, which are in full-time or intermittent use by the National Guard, or which are being held by the Department of the Army for use by the National Guard.

(3) Installations and activities, or portions thereof, which are in full-time or intermittent use by the Army Reserve or ROTC.

(b) This regulation does not apply to:

(1) Civil Works functions of the Corps of Engineers.

(2) Facilities occupied by Army activities as tenants when real property accountability and control is vested in another military department or Government agency, such as the General Services Administration.

§ 656.3 Definitions.

For the purpose of this regulation, the following definitions will apply:

(a) Off-road vehicle (ORV). Any motorized vehicle designed primarily for, or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, except that such term excludes any registered motorboat, any military, fire, ambulance, or law enforcement vehicle when used for emergency purposes, and any vehicle whose use is authorized by the Secretary of Defense, the Secretary of the Army, or their properly designated representatives, for official use under a permit, lease, license, or contract.

(b) Official use. Use by an employee, agency, or designated representative of the Department of Defense or one of its contractors in the course of his employment, or agency representation.

§ 656.4 Objectives.

The objectives of this regulation are to insure that—

(a) The national security requirements related to Army lands are not impaired.

(b) The natural resources and environmental values are protected.

(c) Safety and accident prevention is given a paramount consideration.

(d) Conflicts of land use are minimized.

§ 656.5 Policies.

(a) As a trustee of public lands, the Army has a responsibility under Pub. L. 91-190 and Pub. L. 88-29 to protect and enhance environmental quality, conserve natural resources, and provide opportunities for outdoor recreation. However, it must be recognized that land under Army control was acquired solely for national defense purposes. Other uses are therefore secondary to mission needs.

(b) All land and water areas will be closed to off-road recreational use by ORVs except those areas and trails which are determined suitable and specifically designated for such use under the procedures established in this regulation.

(c) When ORV use is permitted, the intensity, timing, and distribution will be carefully regulated to protect the environmental values. In designating suitable sites, preference should be given to utilizing existing trails which are not used for bicycling, horseback riding or other recreational activity. Prior to designating such areas or trails for ORV use, the environmental consequences must be assessed and environmental statements prepared and processed when such assessments indicate that the proposed use will create a significant environmental impact or be environmentally controversial (Pub. L. 91-190 and AR 200-1).

(d) Persons abusing the ORV use privilege shall be barred, with their vehicles, from access to the Army installation for ORV use. Further action as appropriate may be taken under 18 U.S.C. section 1382. Violations of Federal or State laws made applicable to Army installations under title 18 U.S.C. 13 (Assimilative Crimes) may be referred to a U.S. Magistrate in accordance with AR 27-40 and AR 190-29.

(e) The limitations imposed by this regulation on off-road travel by ORVs do not apply to official use.

§ 656.6 Responsibilities.

Commanders of Army installations and activities in the United States will—

(a) Develop regulations and procedures prescribing operating conditions for ORVs which are designed to protect resource values, preserve public health, safety and welfare and minimize use conflicts. These procedures will include as a minimum:

(1) Registration—ORVs should be registered under a separate local system modeled after the system for motor vehicles established in AR's 190-5 and 190-5-1. Vehicles designed to be operated both on and off the traffic way will be registered as street vehicles in accordance with existing installation traffic regulations and will not require a separate registration for off-road use.

(2) Fees—installation commanders are authorized to impose appropriate fees and charges for ORV activities in accordance with AR 28-1, as an element of the Outdoor Recreation Program. Such fees and charges are accounted for as income to non-appropriated funds in accordance with AR 230-65.

(b) Insure that lands where off-road vehicle use will be permitted are designated in the natural resources management plan and where appropriate included as a part of the installation's master plan (AR 210-20 and AR 420-74).

(c) Provide opportunities for users to participate in the selection and designation of suitable sites and distribute information which identifies authorized sites and describes the conditions of use. Organized recreational activities involving off-road vehicles are within the scope of the Outdoor Recreation Program of Army Recreation Services and should be so established.

(d) Post appropriate signs at authorized areas and trails.

(e) Provide for the administration, enforcement, and policing of trails and areas to insure that conditions of use are met on a continuing basis.

(f) Establish appropriate procedures to monitor the effects of the use of ORVs and provide for maintenance of the ORV areas or trails. This monitoring will be the basis for changes to installation regulations to insure adequate control of ORV use, amendment of area and trail designations, or conditions of use which are necessary to protect the environment, insure the public safety and minimize conflict among users.

(g) Negotiate cooperative agreements, when appropriate, with State or local governments for the enforcement of laws and regulations relating to ORV use.

§ 656.7 Environmental considerations.

The environmental impacts of ORV use will be will be assessed in accordance with AR 200-1.

§ 656.8 Guidelines and criteria to determine suitability of Army lands for off-road vehicle use.

(a) Designation.

(1) Army lands may be designated for ORV use providing there is sufficient suitable area, a clear and demonstrated need exists, and other public lands more suitable are not available.

(2) Lands which may not be designated for ORV use are:

(i) Areas restricted for security or safety purposes, such as explosive ordnance impact areas.

(ii) Areas containing geological and soil conditions, flora or fauna or other natural characteristics of a fragile or unique nature which would be subject to excessive damage by use of ORVs.

(iii) Areas which are key fish and wildlife habitat as identified under environmental considerations § 656.8(c)(5) below.

(iv) Areas which contain archeological, historical or paleontological values; or which constitute de facto wilderness or scenic areas; or in which noise would adversely affect other uses and wildlife resources.

(v) Areas in or adjacent to outdoor recreation areas where noise or vehi-

cle emissions would be an irritant to users of the outdoor recreation area.

(vi) Noise sensitive areas such as housing, schools, churches or areas where noise or vehicular emissions would be an irritant to inhabitants.

(3) Site designation. Before designating such sites the capabilities of the ecological factors should first be ascertained in order to determine carrying capacities.

(i) Area designation. Area designation offers a greater freedom of movement and is probably preferred by users over trail designation. However, area designation may result in greater environmental damage and cause conflicts with other uses. Therefore, great care must be exercised in designating suitable sites for area use.

(ii) Trail designation. Restrictions to designated trails probably constitutes a compromise for most ORV users. However, this method is more compatible with the objective of this regulation. Therefore, when it is practicable to designate existing or proposed trails for use of ORVs without environmental despoilment, preference should be given to designating these sites. Trails currently used for hiking, bicycling, and horseback riding will not be designated for ORV use.

(iii) Use classification.

(A) Areas and trails should be classified as—

(1) Generally open to public with access controlled within manageable quotas, or

(2) Closed to the public.

(B) Where use of ORVs by installation personnel is permitted, exclusions of the public may not be justifiable except under the most compelling conditions.

(b) Zone of Use. Areas and trails shall be located to minimize:

(1) Damage to soil, watershed, vegetation or other resources of the public lands.

(2) Harassment of wildlife or significant disruption of wildlife habitat.

(3) Conflicts between ORV use and other existing or proposed recreational uses of the same or neighboring lands.

(4) Damage to overhead or underground utility distribution lines.

(c) Environmental Consideration (AR 200–1). Prior to designating areas or trails for use by ORVs, consideration will be given to the possible traumatic effects on the environment. Such considerations should not be limited to the proposed sites designated for ORV use. Some factors to consider are the effects of:

(1) Dust from the use of ORVs and emissions from internal combustion engines on air quality.

(2) Siltation in streams or other bodies of water which may result from soil erosion created by ORVs.

(3) Soil erodability and soil compaction.

(4) Impact on native and desirable species of plants with special consideration given to endangered species.

(5) Impact on wildlife, their breeding and drumming grounds, winter feeding and yarding area, migration routes and nesting areas. Also the effects of such use on the spawning, migration and feeding habits of fish and other aquatic organisms, with particular attention given to the effects on fish and wildlife species classified as rare or endangered.

(6) Excessive noise on humans and wildlife.

(7) Potential despoilment of aesthetic values or visual characteristics of the sites.

(d) Operating Criteria.

(1) Off-road vehicles shall not be operated:

(i) In a reckless, careless or negligent manner;

(ii) In excess of established speed limits;

(iii) While the operator is under the influence of alcohol or drugs. As a condition for the privilege of operating off-road vehicles on Army lands, owners and operators of such vehicles consent to submit to a test of their blood, breath, or urine for the purpose of determining the alcoholic content of their blood if cited or lawfully apprehended for any offense allegedly committed while driving or in actual physical control of an off-road vehicle on the installation while under the influence of intoxicating liquor. Failure to submit to or complete such test will result in revocation of the use permit for a period of six months (see AR 190–5).

(iv) In a manner likely to cause excessive damage or disturbance of the land, wildlife, or vegetative resources.

(v) From a half-hour after sunset to a half-hour before sunrise without lighted headlights and taillights.

(2) All off-road vehicles must conform to applicable state laws, including those with respect to pollutant emissions, noise and registration requirements.

(3) No person may operate an ORV on Army lands without a valid State operator's license or learner's permit. Unless contrary to State law, persons under the age required for State licensing may operate an ORV on Army lands providing they are under the direct supervision of an individual 18 years of age or older who has a valid operator's license and who is responsible for the acts of that person.

(4) No ORVs may operate on Army land unless equipped with brakes in good working condition.

(5) No ORV equipped with a muffler cutout, bypass or similar device, or producing excessive noise may be operated on Army lands.

(6) The carrying of firearms or other hunting instruments on any ORV will be in accordance with applicable State or Federal laws and regulations.

Dated: April 11, 1977.

LEWIS H. BLAKEY,
Deputy Director for Technology and Engineering, Directorate of Facilities Engineering.

[FR Doc.77–12185 Filed 4–27–77;8:45 am]

[33 CFR Part 207]

NAVIGATION REGULATIONS

Naval Restricted Areas in Cooper River, Charleston County, South Carolina

AGENCY: Corps of Engineers.

ACTION: Proposed rulemaking.

SUMMARY: We propose to establish two restricted areas in the Copper River and Charleston Harbor, South Carolina. Area No. 1 is located at the Charleston Naval Base between Shipyard Creek and Daniel Island. Area No. 2 is located between Shutes Folly and the Charleston Battery in the downtown Charleston area. The areas are required by the U.S. Naval Degaussing Stations at these locations to prevent interference with the high sensitivity magnetic measurements conducted at the degaussing stations.

DATES: Comments must be received on or before 1 June 1977.

ADDRESS: Comments, suggestions or objections concerning this proposal should be submitted in writing to: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, ATTN: DAEN–CWO–N.

FOR FURTHER INFORMATION CONTACT:

Ralph T. Eppard at 202–693–5070.

SUPPLEMENTARY INFORMATION: The establishment of these restricted areas would preclude all crafts of greater than 50 feet LOA from anchoring or lying to in these areas. However, since the areas involved are not authorized anchorages for commercial vessels this would have no impact on commercial utilization of the Cooper River. Small pleasure crafts will not normally be affected by this proposal as long as they are not interfering with the degaussing range operation. We believe that establishment of these restricted areas would affect only negligible amounts of the Daniel Island total waterfront and a minor amount of the Cooper River waterfront. Accordingly, pursuant to the provisions of section 7 of the River and Harbor Act approved 8 August 1917 (40 Stat. 266; 33 U.S.C. 1) we propose to establish a regulation under 33 CFR 207.164c governing the use, administration and navigation of two restricted areas in the Cooper River and Charleston Harbor, South Carolina as outlined below.

§ 207.164c Cooper River and Charleston Harbor, South Carolina: restricted areas

(a) *The Restricted Areas.* (1) Area No. 1 is that portion of the Cooper River beginning near the westerly shore north of Shipyard Creek at "a" Latitude 32°-50'14", Longitude 79°56'11"; thence to "b" Latitude 32°50'14", Longitude 79°-55'37"; thence to "c" Latitude 32°49'41", Longitude 79°55'37"; thence to "d" Latitude 32°49'41", Longitude 79°55'52"; thence to "e" Latitude 32°49'47", Longitude 79°56'09"; and thence returning to "a" Latitude 32°50'14", Longitude 79°56'11".

(2) Area No. 2 is that portion of the Cooper River beginning at a point west of Shutes Folly Island at "a" Latitude 32°46'27", Longitude 79°55'31"; thence to "b" Latitude 32°46'39", Longitude 79°55'11"; thence to "c" Latitude 32°46'39", Longitude 79°54'51"; thence to "d" Latitude 32°46'28", Longitude 79°54'47"; thence to "e" Latitude 32°46'17", Longitude 79°54'51"; thence to "f" Latitude 32°46'17", Longitude 79°55'11"; and thence returning to "a" Latitude 32°46'27", Longitude 79°55'31".

(b) *The regulations.* (1) There shall be no introduction of magnetic material or magneto-electric field sources with the area.

(2) Ships transiting the areas will proceed without delay and shall not, except as noted below, lie to or anchor within the areas.

(i) Pleasure craft under 50 feet LOA will not normally be affected; however, such craft may be required to stand clear upon notification, in the event they are interfering with range operation.

(ii) Anchored commercial ships will be allowed to swing into the restricted area at the Shutes Folly Island site when the range is not in use. Shutes Folly Island Range usage will be indicated by range house display of the international DELTA signal flag.

(iii) This section shall be enforced by the Commandant, Sixth Naval District, Charleston, South Carolina, and such agencies as he may designate.

NOTE.—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(40 Stat. 266; 33 U.S.C. 1.)

Dated: April 22, 1977.

MARVIN W. REES,
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.77–12176 Filed 4–27–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160f]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Public Discussion of Proposed Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of Extension of Comment Period on Notice of Proposed Rulemaking to May 4.

SUMMARY: The Notice of Proposed Rulemaking for the Women's Educational Equity Act Program was published on April 1, 1977 (42 FR 17700) with a 30 day comment period ending on May 2. Ten public hearings were subsequently scheduled, the last two taking place on May 4. The extension is intended to include these hearings in the comment period.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rulemaking was published on April 1 and the notice of public hearings was published on April 12.

Dated: April 25, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance No. 13.665, Women's Educational Equity Act Program).

[FR Doc.77–12318 Filed 4–27–77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1050]

[CSA Instruction 6800–9]

UNIFORM FEDERAL STANDARDS

Monitoring and Reporting Program Performance

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is revising its policy on program progress reporting. The revision is required in order to implement the provisions of the Uniform Federal Standards. It will assure conformity with program reporting requirements of other Federal grant-in-aid programs operated by grantees.

DATE: Comments received on or before May 31, 1977 will be considered prior to publishing this policy as a final rule.

ADDRESS: Send all comments to Jacqueline G. Lemire, Community Services Administration, Office of Operations, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Jacqueline G. Lemire (202) 254–5670.

SUPPLEMENTARY INFORMATION: The proposed rule does not make major changes in the program progress reporting requirements previously imposed by OEO Instruction 7031–1 which will be superseded. The routine submission dates have been changed to require submission 15 days after completion of the second and fourth quarters of the grantee's program year but flexibility is provided to allow administering offices the option of requiring more frequent reporting under certain conditions; and CSA Form 440, Program Progress Report, has been revised to eliminate requirements for duplicative and unnecessary information and will now require only that information previously provided by the grantee in the narrative attachment to the Report. Your comments on the proposed form will be especially appreciated. After comments have been reviewed and the proposed form has been revised, if comments warrant, it then will be submitted to OMB for clearance under the requirements of OMB Circular A–40.

Note that the PPR requirements will now cover Section 231 grantees. However, this subpart will not apply to grantees funded under Title VII. A separate subpart will be issued at a future date to cover Title VII grantees; in the meantime existing program progress reporting procedures will remain in effect.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

ROBERT C. CHASE,
Acting Director.

PART 1050—UNIFORM FEDERAL STANDARDS

45 CFR Part 1050 is proposed to be revised as follows:

Sec.
1050.80–1 Applicability.
1050.80–2 Standard.
1050.80–3 CSA implementing policies and procedures.

§ 1050.80–1 Applicability.

This subpart applies to all grants made to public and private organizations/agencies under Titles II and III–B of the Economic Opportunity Act of 1964, as amended when such assistance is administered by the Community Services Administration.

§ 1050.80–2 Standard.

(a) *Monitoring responsibilities (grantee).* (1) Grantees shall monitor their performance under grants and other agreements and, where appropriate, ensure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each project, function, or activity of each agreement as set forth in the approved application or awarded document.

(2) Grantees shall submit a performance report for each agreement that briefly presents the following information for each project, function, or activity involved as prescribed by CSA.

(i) A comparison of actual accomplishments with the goals established for the period, the findings of the investigator, or both. If the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(ii) Reasons why established goals were not met.

(iii) Other pertinent information including, where appropriate, analysis and explanation of cost overruns of high unit costs.

(3) (NOTE.—See CSA's implementing regulations (1050.80–3) for further details.)

(b) *Submission of performance reports.* (1) The Uniform Federal Standards require, except as provided in (i), (ii), and (iii), below, that grantees shall submit performance reports to CSA covering the same reporting period as the Financial Status Report. CSA will

require that CSA Form 440 be submitted to cover the same period as the financial reports but with less frequency. (See § 1050.80–3 for frequency of reports and reporting dates.) CSA will also require final performance report for grants with a fixed termination date. However, neither CSA nor any other Federal sponsoring agency may require reports more frequently than quarterly or less frequently than annually.

(2) CSA may waive the requirement that performance reports be submitted with the financial reports under the following circumstances:

(i) When the grantee is required to submit a performance report with a continuation or renewal application.

(ii) When CSA determines that on-site technical assistance and certified completion data will be sufficient to evaluate construction projects.

(iii) When CSA finds it necessary to get an annual progress report on a calendar basis although its usual submission requirements are based on the grantee's program year or other funding period.

(c) *Special reporting requirements (grantee).* (1) Between the required performance reporting dates, events may occur that have significant impact upon the project or program. In such instances, the grantee shall inform the appropriate CSA administering office as soon as the following types of conditions become known;

(i) Problems, delays or adverse conditions that will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable development or events that enable time schedules to be met sooner than anticipated or more work units to be produced than originally projected.

(2) If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with the criteria established in § 1050.100 (CSA Inst. 6800–11) the grantee shall submit a request for budget revision.

(d) *On-site review (CSA).* CSA will make site visits as frequently as practicable to:

(1) Review program accomplishments and management control systems; and

(2) Provide such technical assistance as may be needed.

§ 1050.80–3 CSA implementing policies and procedures.

(a) *Policy.* (1) CSA desires to see its grantees established as independent, self-reliant and viable institutions within their communities. At the same time it recognizes a need for strengthening the accountability of grantees both to their communities and to CSA as the funding agency. Accordingly, regular internal self-assessment of program progress conducted by or under the direction of the grantee Board or Governing Body are essential to the effective operation of community-based anti-poverty programming.

(2) CSA requires periodic reporting by grantees on the results of such self-assessments. (See (c) of this section.) CSA Form 440 will be utilized in submitting reports to CSA administering offices.

(b) *Program progress review.* (1) *Definition.* A Program Progress Review (PPR) is a process carried out by a grantee for the purpose of assessing:

(i) Accomplishments in relation to locally established goals and activities as shown in the grantee's approved CSA Form 419, Summary of Work Programs and Budget;

(ii) The extent to which the grantee is achieving the broad purposes of community action as set forth in the Economic Opportunity Act and the "Mission of the Community Action Agency";

(iii) The extent to which the grantee is meeting the general and specific standards of effectiveness described in § 1067.4 (CSA Instruction 7850–1a); and

(iv) The operating efficiency of grantee planning, project management and overall administration in addressing the problems of poverty.

(2) *Suggested elements of a PPR system.* (i) Each Board of Directors or Governing Body should assure that the grantee has developed a program progress review system that incorporates the following elements at a minimum:

(A) Clear statement of the roles of the Board or governing body, executive director, other grantee staff, policy advisory committee, target area residents and the community-at-large;

(B) Assignments of responsibilities and allocation of resources for PPR design, data gathering, data analysis, reports generation and utilization of findings for decision making.

(C) Establishment of an ongoing data collection system adequate to support periodic program progress reviews;

(D) Description of how the findings and recommendations from program progress reviews will be used for planning, corrective action, and management improvement; and

(E) Scheduling of both regular program progress reviews and special reviews of topics and projects that assume priority status.

(ii) Each program progress review should engage active board participation. Toward this end, grantees are advised to establish a Program Progress Review Committee on the board. The conduct of a program progress review must also include opportunity for the participation of the poor in the preparation and review of PPR planning process, provide information on both accomplishments and problems, and serve as a basis for followup by the grantee board and staff.

(c) *Program progress reports (CSA Form 440—submission.* (1) *Frequency.* (i) *Routine submissions.* Except as indicated in (ii) and (iii) below each grantee is responsible for submitting to the appropriate CSA Administering Office a semi-annual and an annual Project Progress Report (CSA Form 440). Reports will be submitted 15 working days following the end of the second and fourth quarters of the grantee's Program Year of Program Account 01. (If not funded for PA 01, grantee should use its highest funded Program Account as a reference point for submission of PPR reports.)

(ii) *Grants with termination dates.* If a grant has a termination date, the grantee also is responsible for filing a final Project Progress Report within 90 days following the termination date.

(iii) *Special requirement.* There may be instances where more frequent reporting will be required, e.g. in the cases of developmental grants; when the grantee has a history of poor performance; etc. In these instances the funding office may require, as a condition of the grant, that Project Progress Reports be filed on a quarterly basis. However, in keeping with the Standards, reporting cannot be required more frequently than quarterly unless an exception is obtained by CSA (Headquarters) from OMB.

(2) *Number of copies.* One copy of the report is to be sent to the appropriate CSA Administering Office. (Grantees receiving grants which are administered by both a Regional Office and a Headquarters Program Office will send a copy of the PPR to each). Additionally grantees receiving funds under sections 221 and 222(a) of the Act shall send one copy to the appropriate SEOO for information.

(d) *Availability of CSA Form 440.* Supplies of CSA Form 440 may be ordered from:

CSA Distribution Center, 5458 3rd Street NE., Washington, D.C. 20011.

ATTACHMENT

COMMUNITY SERVICES ADMINISTRATION
PROJECT PROGRESS REPORT

☐ 1st QTR ☐ ANNUAL
☒ 2nd QTR
☐ 3rd QTR ☐ FINAL

Date Submitted:

NAME OF GRANTEE | GRANTEE NO.

PA | PROJECT TITLE
Information, Referral and Follow-up

PROJECT GOAL -- To provide outreach, referral and follow-up services to 650 low-income target area residents using neighborhood center staff, Policy Advisory Committees and a minimum of 25 volunteers.

STANDARD(S) OF EFFECTIVENESS (NO.)
A-II, III, IV, V

1. ACCOMPLISHMENTS

a. Measurable -- During this period, 30 volunteers assisted CAA in performing outreach and home visitations. Overall, information on community programs was given directly to 500 residents; 350 were referred to other organizations for assistance; follow-up was conducted on 200 of these.

b. Non-Quantifiable -- The County Department of Human Services has formally requested the CAA to perform outreadh for Title XX, Community Development and Food Stamp programs. CAA is doing preliminary eligibility screening for these programs to speed up processing. County-wide computerized I&R system is being considered by County Commission.

2. PROBLEMS

Low attendance at Policy Advisory Committee meetings. No quorum for three of last four meetings. Three PAC positions are vacant. Follow-ups hampered by (a) inadequate record-keeping in two centers and (b) lack of travel funds.

* 3. PLANNED CHANGES

Elections will be held early next month to fill vacant PAC positions. After this SEOO will conduct training for PAC members on their roles and responsibilities. Recordkeeping system is being computerized to facilitate client "tracking." Budget is being revised to allocate more funds to travel.

* 4. TRAINING AND TECHNICAL ASSISTANCE NEEDS

Outreach supervisors need training in planning center activities. PAC members need motivation; contact with Federal officials would help.

5. ASSESSMENT OF EFFECTIVENESS

Service delivery remains generally efficient (Standard A-II) but lack of participation by low-income (Std. A-III) causes concern. Greater involvement of volunteers (Stds A-IV and A-V) has improved CAA's "image" in community.

6. NO. PERSONS SERVED AND UNIT COST --

SERVICE	No. SERVED	EXPENDITURES	UNIT COST
Outreach	500	$25,000	$50
Referral	350	7,000	20
Follow-up	200	9,000	45
Admin.	---	5,000	--

*Do not complete when filing final report or in annual reports for individual projects which will not be refunded.

CERTIFICATION

The undersigned certify that this report has been completed in accordance with applicable instructions; that it is true to the best of their knowledge, information and belief; and that it has been approved, or reviewed and approves as indicated in Item 7.

7. THIS REPORT HAS BEEN (Check appropriate box.)
☐ APPROVED BY THE GRANTEE'S GOVERNING BOARD
☐ REVIEWED BY THE GRANTEE'S ADMINISTERING BOARD AND APPROVED BY ITS GOVERNING OFFICIALS

8. TYPED NAME AND TITLE OF PRINCIPAL GOVERNING OFFICIAL OR PRINCIPAL OFFICER OF GOVERNING BOARD | 9. SIGNATURE

10. DATE | 11. DATE OF BOARD APPROVAL

SAMPLE

INSTRUCTIONS FOR COMPLETING CSA FORM 440

There should be a brief report for each project goal listed on the approved CSA Form(s) 419. Therefore, there should be a separate CSA Form 440 for each goal but completion of the "Certification" section is required on page 1 only. (NOTE.—The annual report should give a separate summary for the entire program year for the project as a whole in addition to progress toward each goal. In this case, mark Summary in the Project Goal box.)

In addressing topics 1 through 6 on the Form 440, the following information should be included for each goal:

ITEM

1. Accomplishments: (a) Measurable—Describe achievements in relation to approved goals in measurable terms; include unanticipated benefits to community or target groups; (b) ~~Non~~quantifiable—Give brief description on non-quantifiable accomplishments.

2. Problems—Reasons for failure to reach project goals.

3. Planned changes[1]—Indication of planning or project management changes scheduled as a result of PPR analysis.

4. Training and technical assistance needs—Description of assistance needed from CSA or other sources.

5. Assessment of effectiveness—Assessment of grantee status with respect to general and/or specific standards of effectiveness applicable to this goal. Appraise effectiveness in light of costs and other uses of resources.

6. No. person served and unit cost—Non-duplicated count. Specify type of service.

[FR Doc.77-12004 Filed 4-27-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 401]

[CGD 77-045]

GREAT LAKES PILOTAGE RATES

Correction

In FR Doc. 77-11358 appearing at page 20162 in the issue for Monday, April 18, 1977, on page 20163, the 6th line from the top of the middle column now reading "Lakes Huron and Michigan. All three • • •" should have read "Lakes Huron and Michigan. All three lakes are included within the same pilot-".

The signature which appears in the third column of page 20164, now reading "O. W. Silver," should read "O. W. Siler."

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 20828]

COMPUTER INQUIRY

Notice Listing Parties in Proceeding

AGENCY: Federal Communications Commission.

ACTION: Notice with service list.

SUMMARY: The Commission is publishing a list of those parties who will be participating in the new computer inquiry rulemaking proceeding. This list is being prepared because additional parties have expressed their desire to participate. The purpose of the list is to enable parties to the proceeding to serve the parties listed with a copy of their comments and reply comments.

DATES: Comments must be received on or before May 16, 1977, and Reply Comments must be received on or before June 30, 1977.

ADDRESS: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James K. Smith, Common Carrier Bureau, 632-9342.

SUPPLEMENTARY INFORMATION:

Released: April 21, 1977.

1. A Supplemental Notice of Inquiry and Enlargement of Proposed Rulemaking (FCC 77-151) which expanded the scope of Docket No. 20828 was issued on March 8, 1977. Parties not listed in the service list attached to the Supplemental Notice who were interested in participating in this proceeding were requested to file a notice of intent to participate by March 25, 1977. In view of the additional responses, a revised service list has been prepared to reflect any additions or corrections to the initial service list. (See Attachment A.)

2. Parties to this proceeding should serve a copy of all pleadings in this proceeding on those parties listed in Attachment A. At least one copy per party should be served on those firms representing more than one party. To the extent that other documents may be entered into the record which are not served on the parties listed in Attachment A, reference should be made to the Commission's public file in Docket No. 20828 for the complete record. Comments and other documents filed in this proceeding will be available for public inspection in the Docket Reference Room in the Commission's offices at 1919 M Street, NW., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
DANIEL R. OHLBAUM,
Acting Deputy Chief, Common Carrier Bureau.

ATTACHMENT A

James G. Buckley, Jim Buckley and Associates, 1319 F Street, N.W., Room 711, Washington, D.C. 20004.
Jeremiah Courtney, Esq., Ad Hoc Telecommunications Committee, 2120 L Street, N.W., Washington, D.C. 20037.
Charles R. Cutler, Esq., Kirkland, Ellis & Rowe, 1776 K Street, N.W., Washington, D.C. 20006, Counsel for Aeronautical Radio, Inc.
Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.
Aloysius B. McCabe, Esq., Michael Yourshaw, Esq., Kirkland, Ellis & Rowe, 1776 K Street, N.W., Washington, D.C. 20006. Counsel for American Newspaper Publishers Association; Associated Press; Commodity News Services, Inc.
Michael D. Campbell, Esq., Stuart G. Meister, Esq., American Satellite Corporation, 20301 Century Blvd., Germantown, Maryland 20767.
Alfred A. Green, Esq., Cornelia McDougald, Esq., H. John Hokenson, Esq., Edgar Mayfield, Esq., American Telephone & Telegraph Company, 32 Avenue of the Americas, New York, New York 10013.
Carol A. Cohen, Esq., Applied Data Research, Inc., Route 206 Center, Princeton, New Jersey 08540.
Herbert E. Marks, Esq., Stephen R. Bell, Esq., Richard P. Carr, Esq., Wilkinson, Cragun & Barker, 1735 New York Avenue, N.W., Washington, D.C. 20006. Counsel for Remote Processing Services Section (RPSS) of the Association of Data Processing Service Organizations; Independent Data Communications Manufacturers Association, Inc.
Ben Harty, Esq., Vice President, Boeing Computer Services, Inc., 177 Madison Avenue, Morristown, New Jersey 07960.
Arthur Scheiner, Esq., Michael H. Rosenbloom, Esq., Wilner & Scheiner, 2021 L Street, N.W., Washington, D.C. 20036. Counsel for Boeing Computer Services, Inc.
Paul S. Hoffman, Vice President, Bowne and Company, Inc., 345 Hudson Street, New York, New York 10014.
Tedson J. Meyers, Esq., Michael W. Faber, Esq., Peabody, Rivlin, Lambert & Meyers, Connecticut Building, 12th floor, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036. Counsel for Citicorp; Bunker Ramo Corporation.
Joseph M. Kittner, Esq., Peter M. Anderson, Esq., McKenna, Wilkinson & Kittner, 1150 17th Street, N.W., Washington, D.C. 20036. Counsel for the Computer and Business Equipment Manufacturers Association; McDonnell Douglas Corporation.
John S. Voorhees, Esq., Howrey & Simon, 1730 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Counsel for the Computer and Business Equipment Manufacturers Association.
Robert P. Bigelow, Editor, Computer Law and Tax Report, 28 State Street, Suite 2200, Boston, Massachusetts 02109.
William K. Coulter, Esq., Communications Satellite Corporation, 950 L'Enfant Plaza, S.W., Washington, D.C. 20024.
James T. Roche, Esq., COMSAT General Corporation, 950 L'Enfant Plaza, S.W., Washington, D.C. 20024.
Terry G. Mahn, Esq., Computer and Communications Industry Association, 1911 N. Fort Myer Drive, Rosslyn, Virginia 22209.
Thomas L. Jones, Esq., Continental Telephone Corporation, 1800 K Street, N.W., Suite 629, Washington, D.C. 20006.
Philip C. Onstad, Manager, Telecommunications Policies, Control Data Corporation, 500 West Putnam Avenue, Greenwich, Connecticut 06830.
John Sodolski, Staff Vice President, Electronic Industries Association, 2001 Eye Street, NW., Washington, D.C. 20006.
Henry Goldberg, Esq., Thomas J. Keller, Esq., Verner, Liipfert, Bernhard & McPherson, 1660 L Street, N.W., Suite 1000, Washington, D.C. 20036. Counsel for French Telegraph Cable Co.
David Sherman, Esq., General Electric Company, 401 N. Washington Street, Rockville, Maryland 20850.
Richard A. Fazzone, Esq., General Electric Company, 2500 Cambridge Road, Schenectady, New York 12304.
Edward P. Taptich, Esq., McKenna, Wilkinson & Kittner, 1150 17th Street, N.W., Washington, D.C. 20036. Counsel for General Electric Company.
Spence W. Perry, Esq., General Services Administration, 18th and F Streets, N.W., Room 4008, Washington, D.C. 20405.

[1] Do not complete when filing final report or in annual reports for individual projects which will not be continued or renewed in the next program year.

James M. Baisley, Esq., 400 North Wolf Road, Northlake, Illinois 60614. Counsel for GTE Automatic Electric, Inc.
Allen R. Frischkorn, Jr., Esq., 1120 Connecticut Avenue, N.W., Suite 900, Washington, D.C. 20036. Counsel for GTE Automatic Electric, Inc.; GTE Data Services, Inc.
James V. Carideo, Esq., P.O. Box 1548, Tampa, Florida 33601. Counsel for GTE Data Services, Inc.
Richard Cahill, Esq., Richard McKenna, Esq., One Stamford Forum, Stamford, Connecticut 06904. Counsel for GTE Domestic Telephone Operating Companies.
Ruth L. Prokop, Esq., 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. Counsel for GTE Domestic Telephone Operating Companies.
Andrew M. Wolfe, Esq., Harrick & Smith, 100 Federal Street, Boston, Massachusetts 02110. Counsel for Incoterm Corporation.
David R. Anderson, Esq., Wilmer, Cutler & Pickering, 1666 K Street, N.W., Washington, D.C. 20006. Counsel for International Business Machines Corporation.
J. Gordon Walter, Esq., Senior Attorney, IBM Corporation, Old Orchard Road, Armonk, New York 10504.
Agatha M. Modugno, Esq., Legal Department, ITT Domestic Transmission Systems, Inc., 67 Broad Street, New York, New York 10004.
Gerald A. Poch, ITT—North American Telecommunications Group, 320 Park Avenue, New York, New York.
Joseph J. Jacobs, Esq., Vice President and General Attorney, ITT World Communications, Inc., 67 Broad Street, New York, New York 10004.
David McCabe, 618 A Street, S.E., Apt. 4, Washington, D.C. 20003.
Michael H. Bader, Esq., Kenneth A. Cox, Esq., William J. Byrnes, Esq., 1730 M Street, N.W., Washington, D.C., 20036. Counsel for MCI Telecommunications Corporation; Microwave Communications, Inc. and N-Triple-C, Inc.
National Burglar and Fire Alarm Association, 1730 Pennsylvania Avenue, N.W., Washington, D.C. 20006.
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General Counsel, Executive Office of the President, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. 20504.
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Donald J. Elardo, Esq., RCA Global Communications, Inc., 60 Broad Street, New York, New York 10004.
David J. Cook, Esq., Nixon, Hargrave, Devans and Doyle, Lincoln First Tower, Rochester, New York 14603. Counsel for Rochester Telephone Corporation.
John R. Bonica, Rutgers Journal of Computers and the Law, 180 University Avenue, Newark, New Jersey 07102.
F. Sherwood Lewis, Esq., Assistant Corporate Counsel, Sander Associates, Inc., Daniel Webster Highway South, Nashua, New Hampshire 03061.
F. Thomas Tuttle, Esq., Counsel—Regulatory Matters, Satellite Business Systems, 1750 K Street, N.W., Washington, D.C. 20006.
Philip S. Abrams, Vice President, Scientific Time Sharing Corporation, 7316 Wisconsin Avenue, Suite 207, Bethesda, Maryland 20014.
David B. Goldstein, Esq., Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Building, Seattle, Washington 98154. Counsel for Seattle-First National Bank.
John L. Bartlett, Esq., Kirkland, Ellis & Rowe, 1776 K Street, N.W., Washington, D.C. 20006. Counsel for Securities Industry Automation Corporation.
John V. Kenney, Esq., 1620 Eye Street, N.W., Suite 615, Washington, D.C. 20006. Counsel for Southern Pacific Communications Company.
Frank M. Lesher, Esq., Sperry Univac Division, Sperry Rand Corporation, P.O. Box 500, Blue Bell, Pennsylvania 19422.
Lloyd I. Krause, Stanford Research Institute, Menlo Park, California 94025.
Philip M. Walker, Esq., Telenet Communications Corporation, 1050 17th Street, N.W., Washington, D.C. 20036.
Donald E. Ward, Esq., 1050 17th Street, N.W., Suite 840, Washington, D.C. 20036. Counsel for Telenet Communications Corporation.
Fred W. Morris, President, Tele-Sciences Corporation, 9315 Hollyoak Court, Washington, D.C. 20034.
Merrikay S. Hall, Hughes, Hubbard & Reed, One Wall Street, New York, New York 10005. Counsel for Thrift Transfer Services, Inc.
Roderick A. Mette, Esq., 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Counsel for TRT Telecommunications Corporation.
William M. Combs, President, Tymnet, Inc., 10261 Bubb Road, Cupertino, California 95014.
John O. Somers, Esq., P.O. Box 11315, Kansas City, Missouri 64112. Counsel for United Computer Systems, Inc.
Thomas J. O'Reilly, Esq., Chadbourne, Park, Whiteside & Wolff, 1150 17th Street, N.W., Washington, D.C. 20036. Counsel for United States Independent Telephone Association.
John M. Lothschuetz, Esq., Carolyn C. Hill, Esq., 1800 K Street, N.W., Suite 1102, Washington, D.C. 20006. Counsel for United Systems Service, Inc., on behalf of the member companies of the United Telephone System.
Warren E. Baker, Esq., P.O. Box 11315, Kansas City, Missouri 64112. Counsel for United Systems Service, Inc., on behalf of the member companies of the United Telephone System.
Charles M. Meehan, Esq., Keller & Heckman, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. Counsel for Utilities Telecommunications Council.
Stephen C. Weingarten, Esq., Western Union International, Inc., One WUI Plaza, New York, New York 10004.
Joel Yohalem, Esq., Robert N. Green, Esq., Western Union Telegraph Company, 1828 L Street, N.W., Washington, D.C. 20036.
James H. Carlisle, The Annenberg School of Communications, University of Southern California, University Park, Los Angeles, California 90007.
Kenneth Robinson, Esq., U.S. Department of Justice, Constitution Avenue at 10th Street, N.W., Washington, D.C. 20530.
John L. Wheeler, Xerox Corporation, Xerox Square 114, Rochester, New York 14644.

[FR Doc.77-12187 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21206; RM-2837]

FM BROADCAST STATION IN FEDERALSBURG, MARYLAND

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a first Class A FM channel to Federalsburg, Maryland. Petitioner, Philip G. D'Adamo, states that the community is in need of a local station in order to provide full coverage of local news, community affairs, weather information and entertainment programming.

DATES: Comments must be received on or before May 31, 1977, and reply comments must be received on or before June 21, 1977.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Policy and Rules Division, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of section 73.202(b), Table of assignments, FM broadcast stations (Federalsburg, Maryland).

1. *Petitioner, proposal and comments:* (a) Petition for rulemaking[1] filed January 21, 1977, by Philip G. D'Adamo ("petitioner"), proposing the assignment of Channel 296A to Federalsburg, Maryland, as a first FM assignment to that community.

(b) The channel could be assigned in full conformity with our minimum distance separation requirements. There were no oppositions to the proposal.

(c) Petitioner states that, if the channel is assigned, he will file an application to construct a station.

2. *Community data:* (a) *Location:* Federalsburg is located in Caroline County, approximately 113 kilometers (70 miles) from Baltimore, Maryland.

(b) *Population:* Federalsburg—1,917, Caroline County—19,781.[2]

(c) *Local broadcast service:* There is no local broadcast service in Federalsburg or Caroline County.

3. *Economic data:* Petitioner states that Federalsburg supports a business center which serves not only the residents of the community but also draws trade from neighboring districts. In

[1] Public Notice of the filing of the petition was given on February 22, 1977 (Report No. 1030).

[2] Both population figures are taken from the 1970 U.S. Census.

support of its proposal, petitioner has submitted population and demographic data and a profile of the local economy. It adds that the proposed station would provide full and complete coverage of community affairs, local news, weather information and entertainment programming not currently available on a local basis.

4. In view of the apparent need for a local broadcast service in Federalsburg and Caroline County, we believe that consideration of the proposed FM assignment in a rule making proceeding would be in the public interest.

5. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202 (b) of the Commission's Rules, with regard to Federalsburg, Maryland, as follows:

City	Channel No.	
	Present	Proposed
Federalsburg, Md.		296A

6. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before May 31, 1977, and reply comments on or before June 21, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also exected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commissions' Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-12207 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21200; RM-2784]

FM BROADCAST STATION IN FLORENCE, OREGON

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: A notice of proposed rulemaking is given concerning a proposal by Mr. Charles Graham of the Gentle Shepherd Broadcasting Company to assign Class C Channel 284 to Florence, Oregon, as a first aural service to the community.

DATES: Comments are to be filed on or before May 31, 1977, and reply comments on or before June 21, 1977.

ADDRESS: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Victor D. Ines, Broadcast Bureau, telephone 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Florence, Oregon, Docket No. 21200, RM-2784.

1. *Petitioner, Proposal and Comment.* (a) Notice of proposed rulemaking is givent concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) as concerns Florence, Oregon.

(b) A petition for rule making was filed by Mr. Charles Graham of the Gentle Shepherd Broadcasting Company ("petitioner") through his engineer, proposing the assignment of Class C Channel 284[1] to Florence, Oregon, as a first aural assignment to the community. No oppositions have been received.

2. *Community Data.* (a) *Location.* Florence is located on the mid-coast of Oregon, approximately 84 kilometers (52 miles) west of Eugene, and 211 kilometers (131 miles) southwest of Portland, Oregon.

(b) *Population.* Florence, 2,246; Lane County, 213,358 (1970 U.S. Census).

(c) *Local Broadcast Service.* There is presently no local aural service in the community.

(d) *Economic Data.* Petitioner has furnished sufficient information regarding the social, governmental and economic factors which demonstrates Florence's need for an FM channel assignment. It appears that the lumber industry plays a major role in the area's economy and the largest occupational grouping involves persons working in lumber, plywood and paper manufacturing. An initial review of petitioner's data would indicate the community could warrant an FM assignment.

3. *Preclusion studies.* Twenty-one communities with populations greater than 2,000 persons would be precluded if Channel 284 were assigned to Florence; nine of these communities[2] are without FM assignments. In petitioner's preclusion study for Channel 285A, a larger than actual area was shown to be already precluded by Channel 288A at Coos Bay, Oregon.[3]

4. *Coverage.* Using the supplementary data requested by the Commission, petitioner indicates that a Class C station operating with 100 kW ERP, and a 1,000 foot antenna, would provide a first FM service to an area of approximately 1,165 square kilometers (450 square miles) with a population 4,574. It is also shown that the proposed station would not provided to an area of approximately 1,575 square kilometers (608 square miles) with a population of 8,124. Additionally, petitioner's exhibits show one AM station providing service to nearly all this first FM area at night. This would indicate that the proposed station would not provide any significant first aural service, but it would provide a second aural service to 1,165 square kilometers (450 square miles) with a population of 4,574 persons.

5. *Comments* (a) Although it has been usual Commission policy to assign Class C channels only to communities of over 10,000 persons, exceptions have been made when the assignment would result in a large first or second FM service[4] or when the assignment of a Class C channel would enable a large rural area to be served.[5] Since petitioner's Roanoke Rapids (9 F.C.C. 2d 672 (1967)) and Anamosa-Iowa City (46 F.C.C. 2d 520 (1974)) showings indicate a substantial area and population would receive a first FM and second aural service, possibly falling into one or more exceptions to our general policy regarding Class C assignments, it appears a rulemaking proceeding would be appropriate to further evaluate petitioner's request. However, in order for the Commission to fully evaluate the need for a Class C station, petitioner should furnish data indicating the area and populations which would be served by a Class A station, so that the advantages of a Class C versus a Class A assignment might be more fully illustrated.

(b) Petitioner should indicate whether there are any other channels available for assignment to the nine communities underlined in the list in footnote 2 which are without FM assignments. Petitioner should also reaffirm his interest in the channel.

6. *Proposed amendment to the FM Table of Assignments.* In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with regard to the community below, as follows:

City	Channel No.	
	Present	Proposed
Florence, Oreg.		284

7. *Authority.* The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

8. *Comments and Replies.* Interested persons and parties may file comments on or before May 31, 1977, and reply comments on or before June 21, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this Notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service. Pursuant to applicable procedures* set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-12208 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

RADIO BROADCAST SERVICES

Clear Channel Broadcasting in the Standard Broadcast Band: Order Extending Time for Filing Reply Comments

AGENCY: Federal Communiactions Commission.

ACTION: Order.

SUMMARY: Action taken on request for extension of time to file reply comments in the Clean Channel proceeding. Petitioner, Northern Television, Inc., requested additional time so that it could obtain more definitive information concerning skywave propagation characteristics. Request was granted in part and denied in part.

DATE: Reply comments must be received on or before June 27, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 18, 1977.

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of Clear Channel Broadcasting in the Standard Broadcast Band, Docket No. 20642.[1]

1. The Commission presently has before it a petition requesting an extension of time for filing reply comments regarding the notice of inquiry and notice of proposed rulemaking in the above-captioned proceeding, 40 FR 58467. Northern Television, Inc. ("Northern") requests that the date be extended from April 26, 1977, to July 25, 1977.

2. Northern states that additional time is necessary since it has just em-

[1] Additional data was provided in response to an August 5, 1976, letter to petitioner advising him of the need to provide specific information concerning: (1) Justification for a Class C versus a Class A assignment; (2) extent of proposed coverage and areas and populations that would receive first and second FM service from the proposed assignment; and (3) extent of present nighttime AM service.

[2] Altamont, Oregon (pop. 15,746); Ashland, Oregon (pop. 12,342); Brookings, Oregon (pop. 2,720); Central Point, Oregon (pop. 4,004); Coos Bay, Oregon (pop. 13,486); Coquille, Oregon (pop. 4,437); Cottage Grove, Oregon (pop. 6,004); Cresent City North, California (pop. 3,053); Cresent City, Calif. (pop. 2,586); Fruitdale, Oregon (pop. 2,655); Grants Pass, Oregon (pop. 12,455); Klamath Falls, Oregon (pop. 15,775); Medford, Oregon (pop. 28,454); Myrtle Creek, Oregon (pop. 2,733); Myrtle Point, Oregon (pop. 2,511); North Bend, Oregon (pop. 8,553); Reedsport, Oregon (pop. 4,039); Roseburg, Oregon (pop. 14,461); South Medford, Oregon (pop. 3,497); Sutherlin, Oregon (pop. 3,070); and Winston, Oregon (pop. 2,468).

[3] This larger area appears to have been mistakenly based on third-adjacent channel, Class A-to-Class C, rather than the appropriate Class A-to-Class A separation criteria which are 65 miles and 15 miles respectively.

[4] See, e.g., Lyons, Kansas, 42 F.C.C. 2d 215, 216 (1973); Lexington, Missouri, 53 F.C.C. 2d 893 (1975).

[5] See, e.g., Clinton, Oklahoma, 7 F.C.C. 2d 836, 839 (1967); Saratoga, Wyoming, 41 FR 26575, 37 R.R. 2d 813 (1976).

[1] See 42 FR 6854, Feb. 4, 1977.

ployed a new consulting engineer who advises that more definitive information concerning skywave propagation characteristics is necessary in order to respond to this aspect of the proceeding. A search has been undertaken for authoritative data in various publications and from other sources.

3. On April 13, 1977, acting upon a request by Daytime Broadcasters Association, that the date for filing reply comments in this proceeding be extended to July 26, 1977, the Commission adopted an Order stating that, while good cause had been shown for some additional time, it did not believe that a sufficient showing had been made to justify an extension of the length requested. The date for filing reply comments was accordingly extended to and including June 27, 1977. The Commission believes that the foregoing extension is adequate also for the purposes indicated in Northern's request.

4. Northern's petition is granted to the extent indicated in the Order of April 13, 1977, and is denied insofar as it seeks an extension beyond June 27, 1977.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-12209 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 20548]

RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM, and Television Broadcast Stations; Order extending time for filing comments and reply comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Extension of time in which to file Comments and Reply Comments in Docket No. 20548 is granted in order to allow parties desiring to submit Comments further time to analyze the Notice of Proposed Rule Making.

DATES: Comments must be received on or before May 23, 1977, and reply comments must be received on or before June 2, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Dennis S. Kahane, Broadcast Bureau, telephone 202-632-9356.

SUPPLEMENTARY INFORMATION:

Adopted: April 21, 1977.

Released: April 22, 1977.

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commisison's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations.

1. On April 13, 1977, Metromedia, Inc. filed a "Motion For Extension Of Time" in which to file comments in the above-captioned proceeding. On April 14, 1977, American Broadcasting Companies, Inc. filed a "Statement In Support of Motion For Extension Of Time." The Further Notice Of Proposed Rule Making was adopted on March 9, 1977, and publication was made in the FEDERAL REGISTER on March 25, 1977. The dates for filing comments and reply comments are presently April 22, 1977, and May 3, 1977, respectively.

2. Metromedia, Inc. requests that the time to file comments be extended by thirty days; American Broadcasting Companies, Inc. supports this request, and requests additionally that the time to file reply comments also be extended by thirty days. Both parties state that additional time is necessary for the analysis required in meaningful comments.

3. We recognize that the proposals made in this docket require detailed study. We find that the public interest would be served by an extension of the comments and reply comments dates.

4. Therefore, *it is ordered*, That the request of Metromedia, Inc., and the request of American Broadcasting Companies, Inc. are granted, and the dates for filing comments and reply comments are extended to and including May 23, 1977, and June 2, 1977, respectively.

5. This action is taken pursuant to authority found in § 4 (i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 and 1.46 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-12206 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21207; RM-2520]

TV BROADCAST STATION IN ALTOONA, PENNSYLVANIA

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rulemaking.

SUMMARY: Notice proposes to substitute TV Channel 23 for Channel 38 in Altoona, Pennsylvania. Action initiated by petition for rulemaking filed by John R. Powley.

DATES: Comments must be received on or before May 31, 1977, and reply comments on or before June 21, 1977.

ADDRESSES: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Gordon Godfrey, Policy and Rules Division, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Altoona, Pennsylvania).

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by John R. Powley ("Powley") and an opposition filed by Nittany Communications, Inc. ("Nittany"), applicant for Channel 29, State College, Pennsylvania (BPCT-4847). Powley requests that the Television Table of Assignments §73.606 (b) of the Commission's Rules) be amended by substituting UHF Channel 23 for UHF Channel 38 in Altoona, Pennsylvania, and that the construction permit he holds for Channel 38 be modified to specify Channel 23 accordingly.

2. Altoona (pop. 63,115), seat of Blair County (pop. 135,116)[1], is located approximately 130 kilometers (80 miles) east of Pittsburgh, Pennsylvania. Altoona is currently assigned Channels 10, 38, 47 and *57.[2] Channels 10 (WTAJ-TV) and 38 (WOPC) are occupied.

3. Powley, permittee of Station WOPC, Channel 38, Altoona, states that a Channel 23 substitution would increase mileage separations, permit great flexibility in transmitter site selection, improve coverage and allow Powley to increase facilities through the purchase of used equipment. Nittany opposes the petition claiming that Powley has failed to support his contentions that the public interest would be furthered by the proposal.

4. While technical differences between Channels 23 and 38 are not significant, Powley states that used equipment is available which would allow him to operate with increased facilities on Channel 23. He presently operates with 63.1 kW power on Channel 38. If, as a result of this proceeding, the petitioner can expedite operation with improved transmitting facilities, then the public interest could be served by the improved reception and the additional service which could result.

5. A staff engineering analysis indicates that Channel 23 could be substituted for Channel 38 in Altoona without requiring any other changes in the Television Table of Assignments. A Channel 23 assignment would result in new preclusion only on Channel 30 over a very limited area in Somerset County, Pennsylvania. Channel 60 remains available for assignment to any community in this area should future demand arise. Furthermore, the deletion of Channel 38 at Altoona would increase the the availability of related channels in other areas. Thus, this proposal would appear to provide for more efficient use of the broadcast spectrum.

6. Powley also requests that the Commission issue an order requiring WOPC to show cause why its construction permit should not be modified to specify operation on Channel 23. No show cause order is necessary, as the Commission views the order request as consent to the proposed modification. If it is decided to amend the Table of Assignments as proposed, the petitioner's authorization will be modified at that time.[3]

7. In view of the above, we are convinced that a rule making proceeding should be instituted to obtain further comments on this proposal. Canadian concurrence must be sought, as well, since the proposed location is within 250 miles of the United States-Canadian border. Therefore, we propose to consider the following revision in the Television Table of Assignments (§ 73.606 (b) of the Rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Altoona, Pa.	10-, 38-, 47, *57+	10-, 23-, 47, *57+

8. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

9. Interested parties may file comments on or before May 23, 1977, and reply comments on or before June 21, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rulemaking*. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-12205 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21208; RM-2766]

TV BROADCAST STATIONS IN BLOOMINGTON, HIGHLAND, AND KIELER WISCONSIN

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rulemaking.

SUMMARY: Notice proposes to assign UHF television channels reserved for noncommercial educational use at Bloomington (Channel *49), Highland (Channel *51) and Kieler (Channel *46), Wisconsin. Action initiated by petition for rulemaking filed by Educational Communications Board of the State of Wisconsin.

DATES: Comments must be received on or before May 31, 1977, and reply comments on or before June 21, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Gordon Godfrey, Policy and Rules Division, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: April 15, 1977.

Released: April 22, 1977.

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations (Bloomington, Highland, and Kieler, Wisconsin).

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rulemaking filed by the Educational Communications Board of the State of Wisconsin ("ECB"). The petition seeks amendment of § 73.606(b) of the Commission's Rules, the Television Table of Assignments, by assigning channels and reserving them for noncommercial educational use, at Bloomington (Channel *38), Highland (Channel *51) and Kieler (Channel *46).

2. The Wisconsin Educational Television Network is composed of a combination of ECB owned and affiliated stations. ECB states that, when the Park Falls, Wisconsin, station for which it has been granted a construction permit (BPET-550) is on the air, service will be rendered to approximately 97.4 percent of the population and 94 percent of the area within the state. Petitioner indicates that approximately 25,000 people in the southwest corner of the state do not receive adequate educational television service. ECB desires to operate high-powered translators[1] on the requested channels in order to serve these people.

3. Highland (pop. 785; Iowa County, pop. 19,306), Kieler, a small unincorporated community approximately 10 kilometers (6 miles) northwest of Dubuque, Iowa, and Bloomington (pop. 719), both in Grant County (pop. 48,398) are located in the southwest corner of

[1] Both population figures are taken from the 1970 U.S. Census.

[2] A proposal to assign VHF Channel 12 to Altoona is presently pending in the VHF Drop-In proceeding, Docket No. 20418, 42 FR 16782 (March 30, 1977).

[3] Following a modification approach here does not raise a problem as already assigned UHF Channel 47 remains available should any other person express an interest in operating a commercial station in Altoona. In addition, VHF Channel 12 would also be available if assigned in Docket 20418.

[1] Pursuant to paragraph 4 of the Report and Order in Docket No. 18861, 36 FR 19588, 23 R.R. 1504 (1971) and §§ 74.702(g) and 74.735(e) of the Rules, high-powered UHF translators may be operated only on unoccupied channels which are listed in the Television Table of Assignments.

the state of Wisconsin. All population figures are taken from the 1970 U.S. Census.

4. The proposed assignments of Channel *51 to Highland and Channel *46 to Kieler meet the Commission's separation requirements and other technical criteria. However, the proposed assignment of Channel *38 to Bloomington would be short-spaced by approximately 29 kilometers (18 miles) to a proposed assignment of Channel *38 to Fort Madison, Iowa (Notice of Proposed rulemaking, Docket No. 20878, published in the FEDERAL REGISTER on July 20, 1976, 41 FR 29869). Although Channel *38 is not available, Channels 49, 56, 64 or 67 could be assigned to Bloomington in conformance with the Commission's separation requirements and other technical criteria. Accordingly, we proposed to consider the assignment of Channel *49 to Bloomington, Wisconsin. Petitioner should, in comments, indicate its intention to apply for this channel if it is assigned.

5. The Commission is persuaded that a rulemaking proceeding should be instituted to obtain comments on this proposal. Therefore, we propose to consider the following revisions in the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Bloomington, Wis.		*49
Highland, Wis.		*51
Kieler, Wis.		*46+

6. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

7. Interested parties may file comments on or before May 31, 1977, and reply comments on or before June 21, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-12204 Filed 4-27-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21195; Rm 2823]

FM BROADCAST STATIONS; KANSAS

Proposed Changes in Table of Assignments

Correction

In FR Doc. 77-11568 appearing at page 20643 in the issue for Thursday, April 21, 1977, make the following changes:

1. The preamble, which includes all of the information from "ACTION", down to and including "SUMMARY", should be tranferred to appear as the preamble in FR Doc. 77-11569 on page 20644. The information in FR Doc. 77-11569 which appears under these same headings should be transferred to appear as the preamble to FR 77-11568 on page 20643.

2. In FR Doc. 11568 on page 20643, under "SUPPLEMENTARY INFORMATION", in the first line after the "Release date", the third word which new reads "nad", should read "and".

NATIONAL TRANSPORTATION SAFETY BOARD

[49 CFR Part 804]

RULES IMPLEMENTING THE GOVERNMENT IN SUNSHINE ACT

Proposed Amendment

AGENCY: National Transportation Safety Board.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed amendment is to provide the public with additional guidance on the National Transportation Safety Board's interpretation of the Government in the Sunshine Act definition of a meeting.

DATE: Comments must be received by May 25, 1977.

ADDRESS: Submit written comments to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT:

Mr. Fritz L. Puls, (202) 426-8911.

SUPPLEMENTARY INFORMATION: The National Transportation Safety Board (Board), on March 10, 1977, at 42 FR 13284, published its rules implementing the Government in the Sunshine Act (5 U.S.C. 552b). During the Board's finalization of that regulation, the Members of the Board were of the opinion that there is one type of gathering of the Members and staff which is not a meeting for purposes of the Act. To provide the public with additional guirance on the Board's interpretation of the statutory definition of a meeting, this amendment to the Board's rules is being proposed.

On infrequent occasions following accidents being investigated by the Board's staff, the staff may believe that there is a need to brief the Board concerning divergent possibilities being pursued and technical complexities which may be involved. This briefing serves a dual purpose: (1) It permits the Members to be privy to the latest investigative findings and possibilities; and (2) it enables the Members to be briefed as to any unusual technical aspects of the accident, knowledge which they will need before deliberating on an accident report or safety recommendation.

Such briefings will be exploratory in nature and will not be deliberations which "result inthe joint conduct or disposition of official NTSB business."

The deliberative process does not commence until after a proposal has been finalized by the staff and submitted to the Board. At that time, all discussions by a quorum of the Board would be subject to the Act.

The Board has concluded that these informational briefings are outside the scope of the Act. Justifications for not opening these briefing meetings to the public are based on the Board's specific experience that these sessions inevitably involve preliminary facts, untested information, and unsubstantiated allegations. Such sessions, if open, would foster unwarranted speculation and publicity concerning the probable cause of an accident and encourage the dissemination of potentially misleading information. The Board, therefore, believes that open briefings of this particular type would be at variance with the Board's statutory responsibilities and contrary to the public interest.

Accordingly, the National Transportation Safety Board proposes to amend Part 804, Chapter VIII, Title 49, Code of Federal Regulations, as follows:

1. By adding a new paragraph (c) to the definition of "Meeting" in § 804.3 to read as follows:

§ 804.3 Definitions.

* * * * *

(c) An internal session attended by three or more Members for which the sole purpose is to have the staff brief the Board concerning an accident, incident, or safety problem.

(5 U.S.C. 552b.)

Signed at Washington, D.C., on April 25, 1977.

WEBSTER B. TODD, JR.,
Chairman.

[FR Doc.77-12299 Filed 4-27-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY ORGANIZATION AND PERSONNEL

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 10:00 a.m., May 10, 1977 in the Conference's library, 2120 L Street NW., Suite 500, Washington, D.C.

The Committee will meet to consider: (1) Progress report on Professor Park's study of agency experience under the Federal Advisory Committee Act. (2) Plans for the conduct of regulatory agency management seminars for new agency appointees (see 1 CFR 310.4), (3) Status report on other pending projects.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Richard K. Berg, 202–254–7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

APRIL 26, 1977.

[FR Doc.77–12410 Filed 4–27–77;8:45 am]

DEPARTMENT OF AGRICULTURE

COLLECTION AND USE OF DEPOSITS UNDER THE KNUTSON-VANDENBERG ACT

Proposed Policy

Notice is hereby given that the Forest Service is proposing to revise its policy on collection and use of deposits for sale area improvement authorized by the Knutson-Vandenberg Act of 1930 to comply with section 18 of the National Forest Management Act of 1976.

The proposed revision includes deletion of Forest Service Manual direction concerning legal and administrative collection limits and new direction on expanded use of K–V funds for protecting and improving the future productivity of the renewable resources of the forest land. The Act applies to existing as well as new timber sales.

All persons who wish to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the Chief, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, on or before May 27th, 1977.

The proposed revised wording follows:

TITLE 2400—TIMBER MANAGEMENT

2477 *Collection and use of deposits for sale area improvement.* In 1930 Congress passed the Knutson-Vandenberg Act. That Act as amended by the National Forest Management Act of 1976 is hereafter referred to as the K–V Act. It authorizes the collection of K–V funds for doing reforestation, timber stand improvement, and other activities needed to protect and improve the future productivity of renewable resources on areas cut over by the purchaser. These activities are hereafter referred to as sale area improvement (SAI) work and apply only to lands with full National Forest status (FSM 2406.5).

2477.01 *Authority.* Authority for requiring purchasers of National Forest timber to make deposits to finance the cost of sale area improvement on areas cut over by them is given in the Knutson-Vandenberg Act of June 9, 1930 (46 Stat. 527; 16 U.S.C. 576–576b) as amended by the National Forest Management Act of October 22, 1976 (Pub. L. 94–588) (FSM 1021). Amounts collected for K–V purposes are considered receipts from the sale of National Forest timber and are subject to the revenue sharing provisions of 16 U.S.C. 500.

2477.02 *Objective.* The objective is to protect and improve the future production of the renewable resources on a timber sale area. This is to be accomplished through the collection and efficient use of funds for sale area improvement as authorized and intended by the K–V Act as amended.

2477.03 *Policy.* K–V funds will be collected and used to the fullest practicable extent to protect and improve the future productivity of the various renewable resources on timber sale areas. Activities included in the SAI Plan must meet the following criteria:

1. Be compatible with existing land and resource management plans for the area. Be covered in the Environmental Analysis Report for the timber sale.

2. Meet the basic forest management needs identified in the land use plan for the area.

3. Be multiple use activities of mitigation and enhancement needed on the sale area which can logically and most efficiently be accomplished along with any silvicultural activities associated with the timber sale, such as establishment and/or improvement of wildlife and fisheries habitat.

4. Must not be the responsibility of the timber purchaser or a National Forest permittee.

Sale area improvement (SAI) Plans will be designed to accomplish all work as soon as possible, consistent with the needs of the specific area. It should be practicable to do a high percentage of work within 3 years after sale closure. Any work which involves holding K–V funds for more than 5 years after closure of sale must be specifically justified in Regional instructions. In no case will use of K–V funds be planned for more than 10 years after sale closure. Each Region will develop time schedules to serve as controls in programming SAI work. These controls will cover:

1. The time period after logging in which each job normally will be accomplished.

2. The maximum number of years which K–V funds may be held for each such job.

3. Action to be taken if it becomes necessary to exceed maximum periods in unusual cases.

Ordinarily a sale should not be offered unless sufficient K–V funds can be collected to do the reforestation work in accord with the Land Management Plan for the sale area. Exceptions may be made where the timber value of the existing stand is insufficient to provide the needed K–V funds, but the potential benefit from harvesting the existing stand and establishing a new stand would give the project priority for use of appropriated reforestation funds (FSM 2403.2) or where other uses preclude the need for reforestation.

Additional proposed changes to the Forest Service Manual may be reviewed at the Chief's office, Washington, D.C., or any Regional Forester's office. These locations are listed in the Code of Federal Regulations, Title 36, Chapter 11, Part 200. The proposed changes include:

Forest Service Manual 2477.04—Responsibility.
Forest Service Manual 2477.1—Kinds of Work Authorized.
Forest Service Manual 2477.11—Limitations of Work.
Forest Service Manual 2477.2—Controlling Collection of Knutson-Vandenberg Funds.
Forest Service Manual 2477.21—Minimum Deposits to National Forest Fund.
Forest Service Manual 2477.22—Sale Area Improvement Plans.
Forest Service Manual 2477.23—Distribution of Stumpage Payments.
Forest Service Manual 2477.3—Expenditures.
Forest Service Manual 2477.31—Pooling Knutson-Vanderberg Funds.
Forest Service Manual 2477.32—Programming Expenditures.
Forest Service Manual 2477.4—Determining Status of Knutson-Vandenberg Fund Balances.

REXFORD A. RESLER,
Associate Chief.

[FR Doc.77–13342 Filed 4–27–77;8:45 am]

Forest Service

OCHOCO 10-YEAR TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement; Extension of Review Period

The Notice of Availability for the Ochoco 10-Year Timber Management Plan, Ochoco National Forest, Oregon, USDA–FS–R6–DES(Adm)–77–7, that appeared in the FEDERAL REGISTER, Volume 42, Number 37, 42 FR 10884, Thursday, February 24, 1977, is corrected to extend the review period to May 7, 1977.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing, and Budgeting.

APRIL 20, 1977.

[FR Doc.77–12142 Filed 4–27–77;8:45 am]

WESTERN SPRUCE BUDWORM MANAGEMENT PLAN; NORTHERN REGION—MISSOULA, MONTANA 59801

Extension of Public Response Period to May 4, 1977, for Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a statement for Management of the Western Spruce Budworm in the Northern Region. Forest Service Report Number USDA–FS–R1–DES–Adm–77–9.

The USDA-Forest Service, in cooperation with the Idaho Department of Public Lands and the Montana Department of Natural Resources and Conservation, is considering managing western spruce budworm on 987,319 acres out of a total infestation of 3,151,985 acres. The statement incorporates all affected lands with aerially visible defoliation in 1976, regardless of ownership, including lands administered by the USDA-Forest Service, USDI-Bureau of Land Management, USDI-National Park Service, USDI-Bureau of Indian Affairs, and State and private lands.

This draft environmental statement was transmitted to CEQ on March 21, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59807.
USDA, Forest Service, Forest Supervisor's Offices in Northern Region.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and request for additional information should be addressed to Regional Forester, Robert H. Torheim, Federal Building, P.O Box 7669, Missoula, Montana 59807.

Due to the size and magnitude of the proposed western spruce budworm management plan, the date comments must be received has been extended from April 19, 1977 to May 4, 1977. Comments must be received by May 4, 1977, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.77–12245 Filed 4–27–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26354]

NORTH CENTRAL AIRLINES, INC.

Certificate Application (Milwaukee/Duluth/Superior-Winnipeg)

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on March 15, 1977 (42 FR 6868), and subsequently postponed, is assigned to be held on May 31, 1977, at 9:30 a.m., in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., April 22, 1977.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc.77–12200 Filed 4–27–77;8:45 am]

[Order 77–4–121; Dockets 30160 and 30161]

NORTHWEST AIRLINES, INC.

North/Central Pacific Commodity Rates on Automobiles; Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of April, 1977.

By tariff revisions[1] filed for effectiveness December 29, 1976, Northwest Airlines, Inc. (Northwest) proposes to establish specific commodity rates for passenger automobiles from Detroit to Tokyo at rates per kg. of 79, 66 and 62 cents for minimum weights of 2,650, 4,083 and 5,445 kgs., respectively. The proposed rates are not subject to the cubic dimensional weight rule; apply only on shipments accepted after all other revenue traffic is accommodated; are subject to a 3-car minimum; and, have an expiry date of December 31, 1977.

Complaints have been filed by Japan Air Lines Company, Ltd. (JAL) and The Flying Tiger Line Inc. (Flying Tiger) variously requesting rejection, in the alternative, suspension and investigation. The complaints allege, inter alia, that the yield from the proposed level is significantly below Northwest's forecast noncapacity costs; that the proposal substantially undercuts existing charter rates in this market as well as other specific commodity rates; that to permit this rate level will ultimately result in other low level rates on other commodities; that there is no long-term benefit to diversion of traffic which places so little value on air service; that in view of the substantial amount of automobile traffic moving via surface, based upon these low rates, this traffic could become a major source of westbound revenue; and that this proposal is at odds with the Board's policy statement that less reliance should be placed upon discounted commodity rates to move large portions of international traffic.

In support of its proposal and in answer to the complaints, Northwest asserts, inter alia, that the proposed rates are well above surface rates and have been set at the maximum level that this traffic will bear; that the current market penetration in automobile traffic by air is less than one-half of one percent; that restrictions have been built into the rates to prevent dilution of traffic; that the high cost of air freight is borne solely by the individual consumer, so it is fallacious to allege that the automobile manufacturers would assume a major role in transpacific air freight;[2] that these rates address a specific market need and could never become a burden on the general commodity rate structure; that complainants' comparison with charter rates is totally irrelevant since this proposal is to transport traffic in scheduled service capacity that would otherwise go unused; that the proposed level recovers noncapacity costs and contributes from 12 to 28 percent to the remaining capacity cost associated with this traffic; and that it is estimated that over $275,000 in additional revenues will be generated by these rates annually.

Upon consideration of the tariff filing, the complaints, the answer thereto, and all other relevant matters, the Board has concluded that the complaints should be dismissed.[3]

Flying Tiger contends that the proposed rates are below costs based upon the application of the Board's Version VI costing methodology and estimates of incremental fuel costs. Based upon Northwest's financial reports for the year ending September 1976, the proposed rate levels would cover handling costs, make a contribution to the costs of transporting such traffic and have a minimal potential for diversion. As shown by Flying Tiger, U.S. Department of Commerce data for the three-year period ended December 31, 1975, indicated that the air transport industry moved only 675,000 pounds (about 180 units) of automobiles between the United States and Japan. At present rates, the industry's total revenues from this traffic were approximately $200,000 annually. In addition, Northwest has placed a "space-available" restriction on the proposed

[1] Revisions to Air Tariffs Corporation, Agent, Tariff C.A.B. No. 64.

[2] Northwest states that the existing and potential market for air transport of automobiles from Detroit to Tokyo is for such specific purposes as trade shows, environmental tests, etc.

[3] The Board can find no basis upon which to reject Northwest's proposal.

rates in order to minimize the risk of displacing higher-rated traffic.

The proposal has, according to the carrier, the capability of attracting additional volumes of new traffic that would traditionally move via surface mode with a minimal possibility for diverting existing traffic. We believe that the market effect of these rates will be de minimus and the establishment of an expiry date, now only about eight months away, will permit the generative ability of these rates to be assessed in the event Northwest desires to extend their effectiveness.

Accordingly, *It is ordered*, that:

The complaints of Japan Air Lines Company, Ltd. in Docket 30160 and The Flying Tiger Line Inc. in Docket 30161 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12201 Filed 4-27-77;8:45 am]

[Order 77-4-115; Dockets 30782, etc.]

SAN FRANCISCO-TORONTO/MONTREAL, ET AL.

Route Proceeding, Application, and Motion

San Francisco-Toronto/Montreal, route proceeding, Docket 30782; Applications of American Airlines, Inc. and United Air Lines, Inc., Dockets 27538 and 27730; Applications of Hughes Air Corp. d/b/a Hughes Airwest and Western Air Lines, Inc. Dockets 28251 and 29114; Motion of Continental Air Lines, Inc. Docket 27932.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of April, 1977.

ORDER

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed.[1] This agreement provides for a number of new routes for United States and Canadian carriers, including nonstop authority between San Francisco, on the one hand, and Toronto and Montreal, on the other hand.[2] The agreement also provides, inter alia, for nonstop authority between Spokane and Vancouver.[3] By this order, we shall act on several pending matters concerning implementation of United States carrier service over these two routes as authorized by the agreement.

American Airlines (Docket 27538) and United Air Lines (Docket 27730) have filed applications for amendments of their certificates of public convenience and necessity to include San Francisco-Toronto/Montreal nonstop authority.[4]

Currently, American provides a daily one-stop round trip in the San Francisco-Toronto market; United provides a daily two-stop westbound flight only; while Canadian Pacific provides two daily three-stop flights westbound, and a daily three-stop flight eastbound. There is presently no single-plane service in the San Francisco-Montreal market. We further note that the San Francisco-Toronto market generated over 66,000 true O&D passengers during calendar year 1975, while the San Francisco-Montreal market generated over 23,000 true O&D passengers.[5]

Hughes Airwest (Docket 28251) and Western Air Lines (Docket 29114) have filed applications for amendments of their certificates of public convenience and necessity to include Spokane-Vancouver nonstop authority. Airwest has also filed a motion for hearing.[6]

Upon consideration of the foregoing and other pertinent matters, we have determined (a) to institute a proceeding for the purpose of considering the need for U.S.-flag service between San Francisco, on the one hand, and Toronto and Montreal, on the other hand; (b) consolidate for hearing the applications of American and United insofar as they conform to the scope of this proceeding; and (c) deny the motion of Airwest for hearing on its application for Spokane-Vancouver authority.

American and United have not submitted sufficient information for us to determine the environmental consequences of the proposed certificate amendments at this time. Therefore, we will require these carriers and any other carrier filing an application in this proceeding to file the information set forth in Part 312 of the Board's Procedural Regulations within 30 days of the date of adoption of this order.

Turning to the Spokane-Vancouver market, during calendar year 1975, only 3,960 true O&D passengers traveled between those points.[7] In view of the extremely small size of the market and the lack of Canadian authority on the route, we have determined that neither the needs of the market nor the maintenance of U.S.-flag position in the market requires an immediate hearing, with its attendant use of the Board's limited resources.

Looking ahead, we contemplate the institution of proceedings, consistent with the Board's workload to consider the grant of new authority over the Los Angeles-Montreal, Cleveland-Toronto/Montreal, Detroit-Montreal, and Houston/Dallas-Fort Worth-Toronto/Montreal routes all of which, with the exception of Cleveland-Toronto,[8] are not effective for the U.S. until April 1979. The issue of the Los Angeles-Montreal market will be set for hearing within 6 to 9 months and the other routes within 12 to 18 months.

In view of the fact that the bilateral agreement provides that the same U.S. carrier must be authorized to serve both the Los Angeles-Toronto and Los Angeles-Montreal markets and that American already has nonstop authority in the former market, we believe that it will be essential, in considering the Los Angeles-Montreal route and in the interests of equity and flexibility, to reexamine the question of carrier selection in the Los Angeles-Toronto market, and to consequently place in issue the suspension/deletion of American's authority in the Los Angeles-Toronto market.

Lastly, we note that Continental Air Lines has filed a motion, in Docket 27932, wherein the carrier requests that the Board promptly institute a proceeding or proceedings designed to implement the bilateral air transport agreement between the United States and Canada. To the extent not granted by our actions taken herein, the motion of Continental will be denied at this time.

Accordingly, *It is ordered*, That:

1. A proceeding to be known as the San Francisco-Toronto/Montreal Route Proceeding, Docket 30782, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph 1 above shall include consideration of the following issues:

a. Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop foreign air transportation between San Francisco, California, on the one hand, and Toronto, Ontario and Montreal, Quebec, on the other hand?

b. If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

c. What conditions, if any, should be placed on the operations of such carrier(s)?

[1] TIAS No. 7824.

[2] The agreement provides that United States carrier service on the San Francisco-Toronto portion of this route shall not be inaugurated prior to April 30, 1978, while service over the San Francisco-Montreal portion shall not be inaugurated prior to April 29, 1979. Authority for a Canadian carrier over the entire route becomes effective on April 29, 1979.

[3] This authority became effective upon the date the agreement was signed. The agreement provides for only United States carrier service on the Spokane-Vancouver route.

[4] American has recently been awarded route authority in the Chicago-Montreal Route Proceeding (Docket 21932) that permits the carrier to provide single-plane San Francisco-Montreal service. American has indicated that it plans to introduce such service in the near future.

[5] Source: Air Passenger Origin and Destination—Canada-United States Report 1975 (Ottawa: Ministry of Industry, Trade and Commerce, July, 1976.)

[6] Western filed an answer in opposition to Airwest's motion for hearing stating that Airwest had not submitted the information required by the Board's rules. Airwest responded by filing a motion to defer action on its motion and, on August 26, 1976, filed an amended motion for hearing. On March 23, 1977, Airwest filed a motion for a determination on its request for hearing.

[7] Source: Air Passenger Origin and Destination—Canada-United States Report 1975.

[8] A temporary award on this route was made to Allegheny to run until 60 days after final decision on the permanent certification of a carrier for the route. Order 76-5-66, April 28, 1976.

3. Insofar as they conform to the scope of the proceeding set forth in paragraph 2 above, the applications of American Airlines, in Docket 27538, and United Air Lines, in Docket 27730, be and they hereby are consolidated with the proceeding instituted by paragraph 1 above; to the extent not consolidated, the foregoing applications be and they hereby are dismissed with out prejudice;

4. American Airlines, United Air Lines, and any other carrier filing an application in this proceeding, shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of the date of adoption of this order;

5. The motions of Hughes Airwest for hearing of its application for nonstop authority between Spokane, Washington, and Vancouver, British Columbia, in Docket 28251, be and they hereby are denied;

6. To the extent not granted herein, the motion of Continental Air Lines for prompt institution of proceedings designed to implement the air transportation agreement between the United States and Canada, in Docket 27932, be and hereby is denied; and

7. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of adoption of this order and answers thereto shall be filed within ten days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-12198 Filed 4-27-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, May 17, 1977, at 9:00 a.m. in Room 5230 Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including tehnical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review the findings of each member on the lower category of microprocessor applications.

(4) Review of the higher level usage of microprocessor applications.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 8, 1976, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012 U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on December 28, 1976 (41 FR 56377).

Date: April 25, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-12202 Filed 4-27-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

CHANGE OF MISSION AT FORT STEWART, GEORGIA

Filing of Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on April 20, 1977, provided the Council on Environmental Quality, a Draft Environment Impact Statement (DEIS) concerning the permanent stationing of the 24th Infantry Division (—) at Fort Stewart and Hunter Army Airfield, Georgia, and the conversion of this Unit from an infantry to a mechanized division.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested organizations or individuals may obtain copies from Commander, 24th Infantry Division (—) and Fort Stewart, Attention: AFZP-FEC, Fort Stewart, Georgia, 31313, telephone 912-767-4798.

In the Washington area, inspection copies may be seen during normal duty hours in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone 202-694-3434.

CHARLES R. FORD,
Acting Assistant Secretary of the Army (Civil Works).

[FR Doc.77-12141 Filed 4-27-77;8:45 am]

Department of the Navy

ALTERNATIVE PIPELINE ROUTES FROM NAVAL PETROLEUM RESERVE NO. 1 (ELK HILLS), TUPMAN, CALIFORNIA

Public Hearings and Availability of Draft Environmental Impact Statement

Notice is hereby given that public hearings will be held for the purpose of receiving oral and written statements and testimony concerning the Draft Environmental Impact Statement (DEIS) for the construction of a pipeline to convey up to 250,000 barrels per day of crude oil from Naval Petroleum Reserve No. 1 (Elk Hills), Tupman, California to market. The public hearings will be held on the following dates at the following locations and times:

MAY 18, 1977

City Council Chambers, City Hall, Sixth and Elm Streets, Coalinga, California. The hearing will run from 1:00 p.m. to 5:00 p.m.

in the afternoon, with the evening session beginning at 7:00 p.m.

MAY 20, 1977

City Council Chambers, 1501 Truxton Avenue, Bakersfield, California. The hearing will run from 9:00 a.m. to 11:45 a.m., 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m.

MAY 21, 1977

Auditorium at "The Fort," North Tenth and West Ash Streets, Taft, California. The hearing will run from 9:00 a.m. to 11:45 a.m. and 1:00 p.m. to 3:30 p.m.

MAY 23, 1977

City Council Chambers, 990 Palm Street, San Luis Obispo, California. The hearing will run from 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m.

MAY 24, 1977

Hilton Inn, 600 Esplanade Drive, Oxnard, California. The hearing will run from 9:00 a.m. to 11:45 a.m., 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m

MAY 26, 1977

Convention Center, 303 North E Street, San Bernardino, California. The hearing will run from 9:00 a.m. to 11:45 a.m., 2:00 p.m. to 5:00 p.m., with the evening session beginning at 7:00 p.m.

The express purpose of this pipeline construction is to provide pipeline capacity for the transport of crude oil from Elk Hills at the maximum efficient rate of production as directed by Public Law 94–258, enacted April 5, 1976. The law requires pipeline completion by April 5, 1979. The draft statement is in three parts, reflecting three different crude oil pipeline routes presently being considered: (1) Elk Hills to Coalinga, California; (2) Elk Hills to Port Hueneme, California; (3) Elk Hills to Standard Oil of Ohio (SOHIO) proposed pipeline near Redlands, California. Final route selection is anticipated in late 1977 after the ultimate action on the SOHIO route, the comments received pertaining to this DEIS, and other factors can be assessed. In the meantime, this DEIS for three alternative routes is being processed so that the project can proceed promptly to construction and meet the April 5, 1979, date after route selection is made.

Interested individuals, representatives of organizations, and public officials wishing to make oral presentations at the hearings should contact the Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Elk Hills, P.O. Box 40, San Bruno, CA 94066 prior to May 13, 1977. Written comments concerning the DEIS also will be received by the Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Elk Hills, until June 29, 1977. Oral statements at the hearings will be limited to ten (10) minutes, unless previous arrangements for more time have been made. Written copies of these comments are not required; however, if they can be made available at the time of the hearings it will be appreciated. To the extent that time remains after the presentations by those who have given advance notice, the hearing officer will provide others present an opportunity to make a statement. Since all presentations will become a part of the record, it is requested that no presentation be made at more than one location.

A copy of the DEIS is available for review at the following locations:

Aveny Branch Library, 236 Fresno, Avenal, CA 93204.
San Luis Obispo County Library, Avila Beach Branch, 191 San Miguel, Avila Beach, CA 93424.
Kern County Library, 1315 Truxton Avenue, Bakersfield, CA 93301.
Coalinga Unified School District Library, 305 North 4th Street, Coalinga, CA 93201.
Colton Public Library, 380 North La Cadena Drive, Colton, CA 92324.
Fresno County Public Library, 2420 Mariposa Street, Fresno, CA 93721.
Kings County Library, 401 North Douty Street, Hanford, CA 93230.
Los Angeles Public Library, 320 West Temple Street, P.O. Box 111, Los Angeles, CA 90053.
Oxnard Public Library, 214 South C Street, Oxnard, CA 93030.
Palmdale Library, 902 East Avenue 09, Palmdale, CA 93550.
Port Hueneme Library, 510 Park Avenue, Port Hueneme, CA 93041.
Santa Barbara Public Library, 40 East Anapamu Street, P.O. Box 1019, Santa Barbara, CA 93102.
San Bernardino County Library, 104 West 4th Street, San Bernardino, CA 92415.
San Luis Obispo County Library, 888 Morro Street, San Luis Obispo, CA 93401.
Taft Branch Library, 27 Emmons Park Drive, Taft, CA 93268.
Ventura County Library Services Agency, 651 East Main Street, P.O. Box 771, Ventura, CA 93001.

Copies of the DEIS also are available at cost from the Officer in Charge of Construction, Naval Facilities Engineering Command Contracts Elk Hills, P.O. Box 40, San Bruno, CA 94066.

For further information contact Mr. Richard T. Russell, P.E., Environmental Coordinator, Officer in Charge of Construction, Naval Facilities Engineering Command Contracts, Elk Hills, P.O. Box 40, San Bruno, CA 94066, telephone number 415–871–6600, extension 2507.

Dated: April 22, 1977.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.77–12115 Filed 4–27–77;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

MODEL CODE FOR ENERGY CONSERVATION IN NEW BUILDING CONSTRUCTION

Public Meeting

The Energy Research and Development Administration (ERDA) is guiding, and providing research and development support to the major national building code organizations in their efforts to develop a model energy conservation code for new building construction. The National Conference of States on Building Codes and Standards (NCSBCS) is coordinating the work in this area by the Building Officials and Code Administrators International, Inc. (BOCA), the International Conference of Building Officials (ICBO), and the Southern Building Code Congress International, Inc. (SBCC).

This model code is being developed to serve two major purposes.

First. To provide, in language compatible with current building codes, energy conservation standards for new building construction that are based upon the technical criteria developed by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), known as ASHRAE Standard 90–75.

Second. To take into account codes reflecting a concern for energy conservation that have already been developed by various model code groups. This was done to ensure that the model code is compatible, and therefore, acceptable to all the concerned code groups. In contrast to other available codes which have not considered all of the building components and/or building types included in the ASHRAE Standard 90–75, this new model code takes a more comprehensive approach.

This model code will be of particular interest to state and local officials responsible for preparing and implementing "State Energy Conservation Plans" as described under Title III of Pub. L. 94–163, known as the "Energy Policy and Conservation Act of 1976" (EPCA).

The ERDA issued a "Request for Public Comments" on the preliminary draft of this model code in the FEDERAL REGISTER, Volume 42, Number 38, on February 25, 1977, 42 FR 11037. All comments were to have been submitted no later than March 31, 1977, to the prime contractor of this joint effort: The National Conference of States on Building Codes and Standards.

Notice is hereby given by ERDA that a Public Meeting will be held to assure that all comments and recommendations have been received from all segments of the public and private industry which might be affected by this model code.

This Public Meeting will be held for one day on May 12, 1977, from 9:00 a.m. to 5:00 p.m. (local time) in the Georgetown Room, Key Bridge Marriott Hotel, 1401 Lee Highway (Rosslyn), Arlington, Virginia.

The Public Meeting will provide an opportunity for interested persons or organizations to participate through submission of written comments, suggestions, or oral presentations. An agenda will be prepared for both "scheduled speakers" and open discussion. Interested persons or organizations wishing to appear as "scheduled speakers" must submit the name of the speaker and a copy of the prepared comments no later than the close of business on May 5, 1977. All written comments should be sent to the primary contractor of this joint effort: The National Conference of States on Building Codes and Standards, 1970 Chain Bridge Road, McLean, Virginia 22101.

Technical review of comments will be made by the members of the team responsible for developing the model code.

GENE G. MANNELLA,
Acting Assistant Administrator for Conservation.

[FR Doc.77–12239 Filed 4–27–77;8:45 am]

ADVISORY COMMITTEE ON GEOTHERMAL ENERGY; LEGAL AND INSTITUTIONAL SUBCOMMITTEE

Meeting

APRIL 26, 1977.

In accordance with provisions of Pub. L. 92–463 (Federal Advisory Committee Act), the Legal and Institutional Subcommittee of the Advisory Committee on Geothermal Energy will hold its first meeting on Friday, May 13, 1977, from 10:30 a.m. to 4:30 p.m., Room 2575, Tishman Building, 525 Market Street, San Francisco, California. This meeting will be open to the public. The purpose of this meeting is: to review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; in particular, to discuss and to provide advice on programs and approaches to effective government-industry cooperation with respect to legal and institutional problems in the development of geothermal energy.

Then tentative agenda for the meeting is as follows:

10:30 a.m. Introductory Remarks—Mr. Joseph W. Aidlin, Chairman.
11:00 a.m. Consideration of Tax Legislation.
12:30 p.m. Lunch.
1:30 p.m. Consideration of Environmental Policy.
3:00 p.m. Revision of Leasing Procedures and Requirements.
4:30 p.m. Adjournment.

Practical considerations may dictate alterations in the above agenda. This will be a working meeting and the Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business. With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than May 7, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, NW., Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on May 9, 1977, to the Division of Geothermal Energy, Energy Research and Development Administration, Helen Krupovich on 202–376–4904 between 8:30 a.m. and 5 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the Subcommittee and ERDA officials assigned to participate with the Subcommittee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.77–12277 Filed 4–27–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 720–2; OTS–081004]

CANDIDATE LIST OF CHEMICALS

Availability

On March 9, 1977 the Environmental Protection Agency (EPA) published proposed regulations (40 CFR Part 700, 710; 42 FR 13130) for compilation of the inventory of chemical substances required by section 8(b) of the Toxic Substances Control Act (90 Stat. 2003, 15 U.S.C. 2601 et seq.) on April 12, 1977, the Agency published a supplemental notice to these proposed regulations, 42 FR 19298. Both of these notices explained that in order to aid in compilation of the initial inventory, EPA would publish a candidate list of chemicals which we have reason to believe have been manufactured or processed in the United States during the period July 1, 1974, to the present. This notice announces the availability of the candidate list. Persons are referred to the notice of proposed rulemaking for the way in which the Agency proposes to use this document.

EPA will make one copy of the candidate list, either printed or microfiche, available to each interested organization and to individuals who are not associated with interested organizations at no cost as long as supplies last. Additional copies may be obtained through the Government Printing Office.

1. A request for either a printed or microfiche copy should be sent to:

Candidate List, OTS (TS–799), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The mail stop notation (TS–799) must be on the request.

The coupon at the end of this notice may be used for a request. All requests must contain the firm name, address, city, state, and zip code and the name and signature of the orderer. Copies cannot be mailed unless the zip code is provided. Requests will be processed on a first come, first served basis, and the candidate lists will be mailed as soon thereafter as possible. (NOTE.—Some persons have been incorrectly advised that being on the Industry Assistance Office mailing list will automatically provide them with a candidate list. This is not true; each party desiring a copy must make application.)

2. Alternatively, a copy, either printed or microfiche, may be acquired at any one of the EPA Regional Offices listed below. Persons picking up these copies will be required to sign for them giving their own name and organization name and address. Regional Office will not mail candidate lists. However, Regional Office personnel can assist in answering questions with regard to the inventory and the reporting requirements.

Region I—Boston, MA 02203. Attn: Dr. Charles Lincoln, Room 2203, JFK Fed. Bldg., 617–223–5126.
Region II—Edison, NJ 08817. Attn: William Librizzi, Bldg. 209, Raritan Depot, 201–321–6673.
Region III—Phila., PA 19106. Attn: Ralph Rhoades, 6th and Walnut Streets, 215–597–4058.
Region IV—Atlanta, GA 30308. Attn: Asa B. Foster, 345 Courtland St. NE., 404–881–3454.
Region V—Chicago, IL 60604. Attn: Karl Bremer, 230 South Dearborn Street, 312–353–2072.
Region VI—Houston, TX 75270. Attn: Dr. Norm Dyer, 1201 Elm St., First Int'l. Bldg., 214–749–1121.
Region VII—Kansas City, MO 64108. Attn: Dr. Max Wilcomb, 1736 Baltimore Street, 816–374–3037.
Region VIII—Denver, CO 80203. Attn: Ralph Larsen, 1860 Lincoln Street, 303–837–3926.
Region IX—San Francisco, CA 94111. Attn: Bob Kuykendall, 100 California Street, 415–556–3352.
Region X—Seattle, WA 98101. Attn: Dr. Jim Everts, 1200 6th Avenue, 206–442–1090.

3. Additional printed copies may be obtained by written request from:

Superintendent of Documents, Government Printing Office (GPO), Washington, D.C. 20402.

Requests should specify the document number as follows: GPO No. 055–007–00001–2 and be accompanied by check or money order in the amount of $14.00 per copy.

4. Additional microfiche sets may be obtained from:

National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

These requests should indicate No. PB 265–371 and be accompanied by check or money order in an amount of $9.00 per microfiche set.

5. A computer-readable version of the candidate list may be obtained by written request to:

Computer List, OTS (TS-557), Attn: Kenneth Olsen, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All requests must be signed by an official of the organization requesting the tape, and each written request must include the organization's specific agreement to the following conditions:

(a) The tape may be used only within the organization's internal operations. Neither copies of the tape nor information derived therefrom may be distributed outside the organization.

(b) The tape and all copies made therefrom shall be returned to OTS or certified in writing as destroyed by December 1, 1977.

Persons requesting the computer-readable version of the candidate list are required to purchase the Chemical Abstracts service User Documentation for the Toxic Substances Control Act Candidate List of Chemical Substances in Computer-Readable Form. This documentation package is available from Chemical Abstracts Service (CAS) at a price of $50.00. Requests for the documentation package must be accompanied by payment and should be addressed to:

Marketing Department, Chemical Abstracts Service, P.O. Box 3012, Columbus, OH 43210.

A sample magnetic tape containing CAS Registry Nomenclature data in Standard Distribution Format is included as part of the documentation package. This tape will be distributed in 9-track mode, either at a density of 800 bpi or at a density of 1600 bpi. The tape will be distributed with a standard IBM OS/360 label or with "no label." When ordering the documentation package, the requester must specify the density option and the label option required.

Neither EPA nor CAS shall provide software to search the computer-readable version of the candidate list.

Potential requestors of this tape are advised to carefully consider the value of trying to match complex chemical names in a computer system as opposed to using the alphabetical listing available in the printed inventory. As an additional aid, a structure search computer system (SSS) developed by EPA is available. This SSS system allows the user to dial a commercial computer, enter the structural diagram, and have the candidate list searched to determine if that structure is in the data base. The result of the search is a CAS Registry Number, code designation number, and all available CAS names and synonyms. For details and cost, contact the EPA Industry Assistance Office (202/755-0535).

6. The Government Printing Office has arranged to place a copy of the candidate list in each of its own Regional Depository Libraries and in the more than 1,000 depository libraries throughout the country. The State librarian or local library can assist in identifying the location of the nearest depository library.

Instructions for actual reporting will be forthcoming when the regulations proposed in the March 9 FEDERAL REGISTER notice are finalized. In the interim, Regional personnel and the Industry Assistance Office in headquarters will assist in any way possible to prepare for reporting.

Comments and suggestions on the candidate list should be addressed to:

John B. Ritch, Jr., Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Any comments received will be included in the public file of comments regarding the proposed inventory reporting requirements and will be available for public inspection at the Office of Toxic Substances, Room 715, East Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

Dated: April 22, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

Candidate List (TS-799)
Environmental Protection Agency (Date)
401 M Street, S. W.
Washington, D. C. 20460

Gentlemen:

Please mail to the address below one (1) copy of the candidate inventory list in

☐ Hard Copy Printed Form ☐ Microfiche

Name

Firm Name

Address or P. O. Box

City State Zip

Signature

[FR Doc.77-12122 Filed 4-27-77;8:45 am]

CHEVRON CHEMICAL CO. AND E. I. DU PONT DE NEMOURS CO.

[FRL 719-6; PF80]

Filing of Pesticide Petitions

Pursuant to the provisions of Section 403(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP7F1910. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. Proposes amending 40 CFR 180.205 by establishing a tolerance for residues of the pesticide paraquat (1,1-dimethyl-4,4'-bipyridinium) in or on the raw agricultural commodity beans (dry) at 0.3 part per million (ppm). Proposed analytical method for determining residues is by freeing the paraquat cation with sulfuric acid, reduction by sodium dithionite, and determination by spectrophotometer. PH25 (202/426-2632).

PP7F1909. E. I. du Pont de Nemours and Co., Wilmington DE 19898. Proposes amending 40 CFR 180.303 by establishing a tolerance for the combined residues of the insecticide oxamyl (methyl N',N'-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamidate) in or on the raw agricultural commodity citrus fruits at 3 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using a flame photometric detector. PH12 (202/426-9425).

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 18, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-12127 Filed 4-27-77;8:45 am]

[PP6F1671/PW9; FRL 719-5]

FMC CORP. PESTICIDE PETITIONS

Withdrawal

On March 12, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 10709) that FMC Corp., 2000 Market Street, Philadelphia, PA 19103 had filed a petition (PP 6F1671). This petition proposed the establishment of tolerances for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl - 7 - benzofuranyl - N - methylcarbamate); its carbamate metabolite 2,3 - dihydro - 2,2 - dimethyl - 3 - hydroxy - 7 - benzofuranyl - *N* - methylcarbamate; and its phenolic metabolites 2,3 - dihydro - 2,2 - dimethyl - 7 - benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, 2,3 - dihydro - 2,2 - dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity onions (dry bulbs only) at 1 part per million (ppm), of which no more than 0.4 ppm is carbamates.

FMC Corp. has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8 pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act 346a(d)).

Dated: April 18, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-12126 Filed 4-27-77;8:45 am]

[FRL 719-7; OPP-210008]

ENDRIN: RISKS AND BENEFITS FROM PINE MOUSE CONTROL IN ORCHARDS

Public Hearing

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearing.

SUMMARY: There will be a one day informational hearing to solicit comments and information relevant to EPA's review of the risks and benefits associated with the use of endrin in orchards located in the northern portion of the geographic range of the pine mouse. The hearing will be held on Thursday, May 19, 1977, in the Conference Room, Department of Environmental Conservation Regional Headquarters, 21 S. Putt Corners Road, New Paltz, New York 12561. On the afternoon of Wednesday, May 18, a field trip to inspect local orchards is planned.

FOR FURTHER INFORMATION CONTACT:

Dr. Stanley Fenichel, Pesticide Branch, EPA Region II, 26 Federal Plaza, New York, New York 10007, 212-264-8359.

SUPPLEMENTARY INFORMATION: The EPA published a notice of rebuttable presumption against registration (RPAR) on endrin on July 27, 1976 (41 FR 31316), setting forth an account of the apparent risks associated with the use of endrin. Prior to any decision to take regulatory action, it is desirable that a risk/benefit analysis be conducted on a use-by-use basis. While benefits data have been received through the U.S. Department of Agriculture concerning the use of endrin to control pine mice (*Microtus pinetorum*) in orchards in Georgia, South Carolina, North Carolina, Virginia, West Virginia, and Maryland, it has come to EPA's attention that the State of New York, which cancelled this use of endrin in 1970, has experienced some difficulty in controlling pine mice with alternative methods. Additionally, other States on the northern limits of pine mouse distribution (Ohio, Pennsylvania, Delaware, New Jersey, and the New England States) do not necessarily recommend the use of endrin for this purpose and have not been included in our present economic analysis. The EPA wishes to have a full record, where possible, to aid in its regulatory decisions; therefore, an informational hearing has been scheduled.

EPA is especially interested in obtaining reliable estimates of damage caused by pine mice, infested acreage, efficacy of substitutes, relative costs of alternative methods, and documentation of any adverse effects on man or the environment. For the latter, such evidence may include, but is not limited to, mortality of non-target organisms such as fish and wildlife. Further, EPA solicits information and comments relating to the cancellation of such use in New York and the rationale for the lack of a recommendation for use of endrin for this purpose by several States.

Interested persons are invited to attend this public hearing and to submit oral or written statements if they so desire. However, there will be time limitations for oral presentations; anyone wishing to make an oral statement is requested to contact Dr. Stanley Fenichel for additional instructions. A written copy of any oral remarks must be submitted at the time they are made. Written statements will be accepted at the hearing or may be mailed to Dr. Fenichel at the address given above. A report indicating EPA's current understanding of the economics of pine mouse control is available on request (single copies only) from the Office of Special Pesticide Review (WH-566), Office of Pesticide Programs, EPA, ATTN: Dr. Barbehenn, 401 M Street SW., Washington, D.C. 20460, 202-755-8050.

(Section 21(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 7 U.S.C 136(a) et seq.).

Dated: April 21, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-12120 Filed 4-27-77;8:45 am]

[FRL 720-1; OPP-210009]

ENDRIN: RISK/BENEFIT EVALUATION FOR CONTROL OF CUTWORMS ON SMALL GRAINS

Public Hearing

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearing.

SUMMARY: There will be a one day informational hearing to solicit comments and information relevant to EPA's review of the risks and benefits associated with the use of endrin to control army and pale western cutworms on small grains. The hearing will be held on Thursday, May 26, 1977, in Room 140, Federal Building, 601 East 12th Street, Kansas City, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. John C. Wicklund, Pesticide Branch, EPA Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (816) 374-3036.

SUPPLEMENTARY INFORMATION: The EPA published a notice of rebuttable presumption against registration (RPAR) on endrin on July 27, 1976 (41 FR 31316), setting forth an account of the apparent risks to man and the environment associated with the use of endrin. One concern was the massive incident involving the use of endrin to control army cutworms on wheat in Kansas and Oklahoma during February-March, 1976. While some misuse seems apparent in this episode, there remains substantial question as to the practical extent to which environmental contamination and human exposure from this use can be avoided or minimized. Available data from Kansas indicates that some contamination of fish was still present at least 3 or 4 months after the episode.

Data provided by the U.S. Department of Agriculture has been used to assess the benefits associated with the use of endrin to control cutworms on small grains. EPA wishes to determine how the risks might be minimized by appropriate restrictive actions at the Federal, State, and local level; therefore, an informational hearing has been scheduled.

Subjects to be covered may include, but are not limited to, the use of scouting, estimating economic thresholds, methods of application, efficacy of substitute chemicals, weather factors, label restrictions, special state or local restrictions, educational programs, monitoring programs, restrictions on fishing and damage compensation.

Interested persons are invited to attend this public hearing and to submit oral or written statements if they so desire. However, there will be time limitations for oral presentations; anyone wishing to make an oral statement is requested to contact Mr. John Wicklund for additional instructions. A written copy of any oral remarks must be submitted at the time they are made. Written statements will be accepted at the hearing or may be mailed to Mr. Wicklund at the address given above. Post-hearing statements will be welcome prior to June 15, 1977, and should be directed to the Office of Special Pesticide Review (WH-566), Office of Pesticide Programs, EPA, ATTN: Dr. Barbehenn, 401 M Street SW., Washington, D.C. 20460, 202-755-8050.

(Section 21(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: April 21, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-12121 Filed 4-27-77;8:45 am]

[FRL 719-1]

PROPOSED TECHNICAL GUIDANCE MANUAL FOR EVALUATING COOLING WATER INTAKE STRUCTURES AND THERMAL DISCHARGES

Availability and Request for Comments

Section 316(a) of the Federal Water Pollution Control Act (86 Stat. 816, et seq.; 33 U.S.C. 1251 et seq., hereinafter referred to as the "Act") provides that whenever a discharger can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that a proposed thermal effluent limitation is more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, the Administrator (or the State) may impose a less stringent limitation with respect to the thermal component of the discharge.

Section 316(b) of the Act requires that the location, design, construction and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

Notice is hereby given that the United States Environmental Protection Agency has prepared proposed technical guidance manuals to assist the permitting authority, industry and members of the public in designing and implementing appropriate biological and engineering studies and other projects associated with the collection of data and information for consideration by the permitting authority in its evaluation of cooling water intake structures and discharges of waste heat. Copies of the proposed manuals can be obtained by writing to:

Industrial Permits Branch, Permits Division (EN-336), Office of Water Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Interested persons are invited to submit written comments on the proposed manuals to the Industrial Permits Branch at the above address. All comments received on or before July 1, 1977, will be considered.

In addition, the Agency is also concerned with a number of issues that are outside the subject matter of the manuals, but nevertheless are important in decision-making under section 316. Comments and suggestions are requested on the section 316 process in general, including: (1) The extent to which, if at all, the balanced, indigenous aquatic community must be determined with reference to existing water quality (for example, can the balanced, indigenous aquatic community be defined in terms of an existing water quality, which is characterized by an assemblage of predominately pollution-tolerant organisms) and (2) the criteria for identifying situations, particularly where the balanced, indigenous aquatic community contains migratory or transitory populations, in which the scope of the study should be expanded beyond the immediate water body.

The publication and distribution of these proposed manuals do not constitute a statement of limitation on the scope of the Agency's duties and responsibilities under the Act.

Dated: April 21, 1977.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.77-12124 Filed 4-27-77;8:45 am]

[FRL 719-8; OPP-180114]

TEXAS DEPARTMENT OF HEALTH RESOURCES

Issuance of a Specific Exemption To Use Strychnine Sulfate To Control Rabid Feral and Stray Dogs

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Texas Department of Health Resources (hereafter referred to as the "Applicant") to use 5,000 tablets of strychnine sulfate for the control of rabid feral and stray dogs in Laredo, Texas. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303) which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption was also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

It should also be noted that a rebuttable presumption exists against registration of rodenticide products containing strychnine and strychnine sulfate which are registered for outdoor, above-ground use (see FEDERAL REGISTER of December 1, 1976, p. 52810); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

According to the Applicant, an epizootic of rabies began on November 26, 1976, and is continuing in Laredo, Texas. As of January 31, 1977, thirty-eight (38) humans had taken the post-exposure treatment as a result of this outbreak. Nineteen (19) of those people were bitten by confirmed rabid dogs and nineteen others were contacts of sufficient significance to require vaccination treatment. On February 1, the City Council of Laredo declared an emergency and urgently requested the Applicant to initiate a poison bait program as a supplemental method in controlling the feral and stray dogs. The Applicant estimated that the population of these animals in Laredo is between 6,000 to 7,500. The Applicant believes that the initial epizootic may have reached its upper limits of individual cases, but the secondary cases with possible incubation periods ranging from three weeks to six months are yet to come. A stray dog pickup program is already in effect in Laredo. However, if the stray dog pickup does not meet its anticipated effectiveness, the poison bait plan may be required to reach the goal of 5,000 stray dogs eliminated by the end of July, 1977.

The Applicant stated that the poison bait program will be initiated when either (a) confirmed rabies cases in dogs exceed five (5) in a given week, or (b) there is an accumulated total of ten (10) confirmed rabies cases in dogs in a month, or (c) a human death occurs as a result of rabies. The proposed program is described below.

The poison to be used is strychnine sulfate, which will be purchased in tablet form containing 2 grains active ingredient. Five thousand (5,000) of these tablets will be needed for this program. Each tablet will be placed in a one inch cube of either condemned beef or horse carcass not suitable for human consumption. Each bait will have the outside surface coated with green or blue dye for easy identification and to serve as a detractant to man. The individual bait will be offered to an observed dog, which will be watched until the bait is taken. Any animal taking the bait will be removed from the area following death, and taken to the designated disposal unit. If the bait is refused, it will be retrieved. This technique will be used in the residential area of the city, and the baits will be placed only on city property, such as streets and sidewalks. No baits will be placed on private property. Only the employees of the Zoonosis Control Division of the Texas Department of Health Resources will perform the poison bait program. All poisoned carcasses and unused baits will be buried at least six feet deep in an appropriate landfill.

In conjunction with this stray dog poisoning program, the Fish and Wildlife Service of the U.S. Department of the Interior is initiating a feral dog elimination program. It is offering its personnel and trap equipment to control these feral dogs. If the feral dog program does not produce the desired results, it may be necessary to place poison baits in four areas on the perimeter of the city at dark, and retrieve the baits before daylight the next day. These areas consist of city dumping grounds and landfills and are delineated on a map of Laredo submitted with this application. The number of baits used in this special project would not exceed one hundred (100) on any one night. A thorough mapping of the bait sites will be kept, along with an audit plan to assure complete knowledge of the pesticide used in these special areas. All Agencies responsible for allowing use of the pesticide will be notified immediately of the projected initiation date.

On March 9, 1972, the Administrator of EPA cancelled and suspended the registration of strychnine and 1080 (sodium monofluoroacetate) for predator control, without distinguishing between rabid and non-rabid predators. Dogs would be included in this suspension order. The order was not contested, and consequently, no fact finding hearings were held.

EPA has determined that an extremely critical situation has occurred in Laredo, Texas, and that the proposed program would aid in containing the present rabies epidemic. The Atlanta office of the Center for Disease Control of the U.S. Department of Health, Education, and Welfare has advised EPA that a public health emergency does exist in Laredo, and that all appropriate measures, including poison bait programs, should be taken immediately in order to alleviate this emergency.

In light of the above information and pursuant to the controlling regulations, the EPA has determined that (a) a pest outbreak of rabid stray and feral dogs has occurred in Laredo, Texas; (b) there is no pesticide presently registered for use in suppressing populations of rabid stray and feral dogs; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) there was no other feasible solution to such human health risk; (e) the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the request use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until August 31, 1977, to the extent and in the manner set forth in the application. The specific exemption was also subject to the following conditions:

1. Tablets containing 2 grains of strychnine sulfate will be used. The dosage rate will be one (1) tablet per one inch cube of meat;

2. Each bait will have the outside surface coated with a green or blue dye for identification purposes and to detract humans;

3. The individual bait will be offered to an observed dog, which will be watched until the bait is taken. Any animal taking the bait will be removed upon death and taken to a designated disposal site. If the bait is refused, it will be retrieved;

4. The citizens of Laredo, Texas, shall be kept informed of this poisoning program through appropriate media;

5. Baits will be placed on city property only;

6. If poison baits are left overnight in the four areas designated on the map around the perimeter of Laredo, appropriate safeguards such as warning signs, should be taken to prevent unauthorized persons from coming in contact with these baits. Uneaten baits and poisoned carcasses will be removed by daylight the next morning;

7. All carcasses and unused bait will be buried at least six feet deep in an appropriate landfill;

8. This program will be initiated when one of the following occurs: (a) confirmed rabies cases in dogs exceeds five in one week, (b) there is an accumulated total of ten confirmed rabies cases in dogs in a month, or (c) a human death occurs as a result of rabies;

9. The EPA will be notified by telegram immediately upon initiation of this program;

10. Up to 5,000 tablets of strychnine sulfate may be used; and

11. Only the employees of the Zoonosis Control Division of the Texas Department of Health Resources are authorized to perform this poison bait program.

Dated: April 20, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-12125 Filed 4-27-77;8:45 am]

[FRL 718-8]

GREAT LAKES WATER QUALITY AGREEMENT

Open Public Meetings

Article IX of the Great Lakes Water Quality Agreement of 1972 stipulates that "the Parties shall conduct a comprehensive review of the operation and effectiveness of this Agreement during the fifth year after its coming into force." The United States and Canada are now in the process of this review, which will assess the effectiveness of both countries' efforts to improve the water quality of the Great Lakes. Federal, state, and provincial agencies in both countries will be examing the programs created to carry out the provisions of the Agreement and seeking new and more effective ways to restore and preserve this largest freshwater resource in the world.

In the United States, responsibility for the review of the technical aspects of the Agreement has been vested in a Senior Review Group under the chairmanship of Barbara Blum, Deputy Administrator of the Environmental Protection Agency. Membership includes senior staff from all interested U.S. Federal and state agencies.

Desirous of having maximum public input in the review process, the Senior Review Group will hold four public meetings to allow Great Lakes area citizens and interested groups to express their concerns and make suggestions directly to members of the review group, who will also answer questions on all aspects of the Agreement.

The meetings are scheduled as follows:

JUNE 3, 1977—DULUTH, MINNESOTA

Duluth Radisson Hotel, Great Hall, Fifth Avenue West and Superior Street, Duluth, Minnesota; 10 a.m.-4 p.m.

JUNE 6, 1977—CHICAGO, ILLINOIS

Pick Congress Hotel, Florentine Room, 520 South Michigan, Chicago, Illinois; 10 a.m.–4 p.m.

JUNE 7, 1977—DETROIT, MICHIGAN

Detroit Cadillac Hotel, 1114 Washington Boulevard, Detroit, Michigan; 10 a.m.–4 p.m.

JUNE 14, 1977—ROCHESTER, NEW YORK

Americana of Rochester, Ball Room, 70 State Street, Rochester, New York; 10 a.m.–4 p.m.

Written comments and suggestions will be welcomed until July 1, 1977. They may be addressed, as may any questions regarding the meetings, to:

Conrad O. Kleveno, Executive Secretary, U.S.-Canada Agreement, U.S. Environmental Protection Agency (A–106), 401 M Street SW., Washington, D.C. 20460, 202–755–8712.

Dated: April 22, 1977.

G. WILLIAM FRICK,
General Counsel,

[FR Doc.77–12123 Filed 4–27–77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

System Cancellation: EEOC–1

Notice is hereby given that the Equal Employment Opportunity Commission (hereafter, the Commission) voted on April 19, 1977, to cancel, its system of records designated "EEOC–1, Affirmative Action Plan Employee Data." This system was published at 41 FR 42170. The records described under the heading "EEOC–1" were those furnished to the Dallas Regional Office by employers who, as provided for at subsection 705(g)(3) of Title VII, sought technical assistance in the development of affirmative action plans. The Dallas Regional Office of the Commission no longer maintains such files. Accordingly, the system is hereby cancelled, effective upon publication of this notice.

Signed at Washington, D.C., this 20th day of April, 1977.

ETHEL BENT WALSH,
Vice Chairman.

[FR Doc.77–12140 Filed 4–27–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21201; FCC 77–269; File No. TS 46–75]

AMERICAN SATELLITE CORP. AND SOUTHWESTERN BELL TELEPHONE CO.

Memorandum Opinion and Order

Adopted: April 14, 1977.

Released: April 26, 1977.

In the Matter of American Satellite Corporation, Complainant v. Southwestern Bell Telephone Company, Defendant.

1. We have before us for consideration (1) a formal complaint filed on October 23, 1975 pursuant to section 208 of the Communications Act of 1934, by American Satellite Corporation (Complainant) against Southwestern Bell Telephone Company (Defendant); (2) an answer, including a request for dismissal, timely filed on December 8, 1975 by Defendant; and (3) a reply to the answer and an opposition to the request for dismissal timely filed on December 23, 1975 by Complainant.

2. Complainant alleges that, during the period between July 9, and September 30, 1975, certain actions of Defendant caused serious service impairments and interruptions to its customer, the Exxon Corporation in Houston, Texas, and asserts that these actions caused irreparable harm to its business relationship with Exxon, expenditure of thousands of dollars in unnecessary technician maintenance fees, and loss of hundreds of dollars in revenue because of required refunds to Exxon for impaired or interrupted service. Complainant contends that Defendant's actions violated sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(b) and 202(a). In addition, Complainant alleges that Defendant engaged in practices which foreclosed the establishment of through routes and denied interconnection services similar to those it provides to the Long Lines Department of its parent company, AT&T, and thereby knowingly violated the Commission's cease and desist order in Docket No. 19896. (See Bell System Tariff Offerings, 46 FCC 2d 413, 439 (1974), aff'd sub nom Bell Tel. Co. of Pennsylvania v. FCC, 503 F. 2d 1250 (1974), cert. den., 422 U.S. 1026 (1975).) Complainant also contends that Defendant violated the terms and spirit of the settlement agreement in Docket No. 20099 as it pertains to testing procedures to be followed by Bell System companies. See AT&T et al. (Offer of Facilities for Use by Other Common Carriers, 52 FCC 2d 727, 733, 740 (1975), and Appendix D thereto).[1] As relief, Complainant requests that we: (1) impose forfeitures pursuant to Section 205 of the Act (47 U.S.C. 205) of $1,000 per offense per day totalling $1,328,000; (2) impose forfeitures pursuant to Section 202 of the Act (47 U.S.C. 202) totalling $2,575; and (3) order payment of damages pursuant to sections 206 and 207 of the Act (47 U.S.C. 206, 207) of $11,697.65 to cover alleged employee-related costs and loss of revenue.

3. Complainant is a domestic satellite communications common carrier authorized to establish interstate channels of communication. During June of 1975, Defendant installed, at the request of Complainant, voice grade local distribution facilities and trunk terminating equipment for 23 circuits serving Exxon's Los Angeles, California and Houston, Texas facilities. These circuits together with Complainant's satellite circuits replaced private line terrestial circuits previously provided to Exxon by AT&T Long Lines. The ASC circuits were terminated in Defendant-provided Centrex equipment located on Exxon's premises

[1] The issues presented by the complaint involve application of policies we have developed in past proceedings concerning a specialized common carrier's need to interconnect with carriers having local exchange facilities in order to provide its customers with end-to-end service. See Specialized Common Carrier Services, 29 FCC 2d 870 (1971), aff'd sub nom, Washington Utilities and Transportation Commission v. FCC, 513 F 2d 1142 (9th Cir. 1975); Domestic Communications Satellite Facilities 35 FCC 2d 844 (1972). We have required established carriers with local exchange facilities to provide in their tariffs an option to permit specialized common carriers and their customers, including domestic satellite carriers such as the Complainant, to obtain from the local exchange carrier, local distribution service or facilities under reasonable terms set forth in the tariffs and to insure access by all satellite carriers, on nondiscriminatory terms, to those interconnection facilities that are necessary for originating or terminating the interstate services they are authorized to provide. We ordered AT&T and its subsidiary operating companies in Docket No. 19896 to furnish to specialized common carriers the interconnection facilities essential to the rendition of all of their authorized interstate and foreign communications services, including interconnection by the specialized carriers into a telephone company's local exchange facilities for the purpose of furnishing Foreign Exchange (FX) services or for the purpose of insertion into telephone company Common Control Switching Arrangements (CCSA). We further ordered AT&T and the Bell System companies to cease and desist from engaging in policies and practices which denied such facilities and directed them to file with the Commission tariff schedules to cover interconnection facilities for all authorized interstate and foreign communications services of specialized common carriers. Those tariffs were the subject of our review in a subsequent proceeding, Docket No. 20099 which culminated in a Settlement Agreement between AT&T, the associated Bell Companies and the other carriers party to it (including the Complainant). The agreement, in part, permitted the offer of interconnection facilities without many of the restrictions formerly imposed by the tariffs, enlarged the scope of the offering, established new levels of charges for certain categories of facilities, and, particularly important to the complaint now before us, established generally applicable operating and technical relationships between Bell and other common carriers. In accepting the settlement as a disposition, without prejudice, of Docket No. 20099, we stated that we believed that its terms, including the responsibilities undertaken by the parties, ". . . are in the public interest because they expedite and further the implementation of established Commission policy." Offer of Facilities for Use by Other Common Carriers, 52 FCC 2d at 732 (1975). In addition, we stated that we expected all parties to the Settlement Agreement to, not only comply with its terms, but also to adhere to its spirit. Finally, we made it clear that no one was precluded from bringing to our attention any matter believed to require our action. (We note that tariff provisions effective subsequent to the filing of the complaint herein limit the telephone company's responsibility for problems concerning the connection of satellite circuits to the switched telephone network. See Satellite Facilities for Communications Services et al., 61 FCC 2d 139 (1976).)

in Houston. On July 9, 1975, Complainant allegedly identified a problem with the circuits, improper terminal balance or improper echo return loss. Complainant alleges that excessive echo within the circuits was experienced because of improperly configured trunk terminating equipment supplied by Defendant. The excessive echo was allegedly caused by impedance imbalance resulting from the improper adjustment of trunk terminating equipment called "hybrids," the purpose of which was to enable the balancing of the impedances of the four-wire ASC-provided trunk terminating on the two-wire Defendant-provided Centrex switching equipment. When the hybrids were properly adjusted, echo in the circuits was minimized, thereby maximizing a parameter know as echo return loss. When the hybrids were improperly adjusted, an unacceptable degree of echo was experienced. Complainant points out, and Defendant does not deny, that the hybrids associated with the EXXON circuits and adjustments thereto were at all times under the exclusive control of Defendant.

4. On July 9, 1975, Complainant wrote to Defendant in an attempt to report the problem its customer was experiencing. Receiving no reply, Complainant contacted Defendant by telephone on August 8, 1975 and was allegedly informed that repair work would be completed by August 22, 1975. No such work was accomplished by that date, and the tests requested by Complainant were not begun until September 22, 1975. Complainant also alleges that, despite frequent contacts between the two parties prior to September 22, 1975, Defendant not only declined to provide technicians and craftsmen to assist ASC technicians, but refused to admit that any problem existed and represented the circuits to be good. On September 22, 1975, Defendant conducted certain tests and allegedly again represented to Complainant that all circuits reported good. However, Complainant contends that, although its independent voice tests still showed the continued existence of an unacceptable degree of echo, Defendant refused to cooperate with ASC technicians in running duplicate tests to verify its conclusions. Complainant states that on September 23, 1975, it was informed by Defendant that only two of the twenty-three circuits involved had actually been tested. On September 25, 1975, Defendant provided a craftsman to assist ASC technicians. Complainant's test findings indicated that sixteen of the twent-three circuits did not meet specification requirements contained in the Bell System's OCCEI–2 (Interface Descriptions for Bell-Provided Station Equipment Which Terminates An Other Common Carrier Channel At A Customer Premises),[2] specifically, that sixteen circuits 1975, Defendant found that all of the circuits with a bad echo return loss were improperly equipped with 990 ohm hybrids while the good circuits were provided with 600 ohm hybrids. The circuits were modified, adjusted and tested on September 30, 1975 to indicate an echo return loss within the normal range for circuits of their type. However, Complainant contends that Defendant's refusal to recognize the existence of a problem and conduct appropriate tests without delay, misrepresentation of the facts, and general lack of cooperation was contrary to the spirit of the Settlement Agreement in Docket No. 20099. Furthermore, Complainant claims that as a result of Defendant's actions, Exxon unfairly assumed that Complainant could not properly engineer circuits, could not secure the cooperation of the telephone company, and therefore could not provide quality end-to-end service.

5. Defendant moves to dismiss the complaint for failure to state any claim or cause of action under the Communications Act, the Commission's Rules, or an order issued by the Commission because (1) Complainant lacks standing to bring the complaint; and (2) no violation of a Commission order or rule has been shown. In support, Defendant first points out that the trunk terminating equipment involved was actually provided to EXXON pursuant to Complainant's request and at no time during the period in question was there any defect or deficiency in the local loop voice grade facilities provided to Complainant between the EXXON premises and Complainant's terminus in Houston. Secondly, Defendant contends that there was no discrimination against Complainant or violation of the Commission's cease and desist order in Docket No. 19896 since there were not material differences in transmission parameters in the trunk terminating equipment provided to EXXON when it received private line service from AT&T and the trunk terminating equipment furnished to EXXON for use in conjunction with Complainant's services.

6. Defendant generally denies all allegations of lack of cooperation with Complainant and unreasonable delay in processing Complainant's trouble reports. As affirmative defenses, Defendant first alleges that Complainant's acceptance of the circuits and termination facilities at the time of the cutover precluded its subsequent complaint of violation of the Act or Commission orders.[3] In support, Defendant states that cutover procedures requested by Complainant were followed without complaint and that Complainant accepted the circuits after its representative conducted voice tests had a measured echo return loss of 9dB or less. Complainant alleges that although Defendant's technicians thereafter conducted further tests, they refused to continue to work cooperatively with ASC technicians. On September 29, on each circuit.[4] Secondly, Defendant maintains that Complainant's July 9, 1975 letter, and the test results attached thereto, did not allege with sufficient specificity the problem it purported to reflect to enable proper analysis. Defendant contends that the letter, which it claims was not received until July 22, 1975, alleged inconsistency in performance and violations of interface specifications, but failed to specify such inconsistent performance or what violations of interface specifications occurred. Defendant therefore contends that the letter was not reasonable notice of the existence of any condition for which it was responsible. Finally, Defendant disputes Complainant's method of computation of forfeitures and argues that Complainant is not entitled to recover the damages it seeks. Defendant asserts that computation of forfeitures must allow reasonable time for corrective action to be taken, and contends that any violation of the Act or of a Commission order with regard to the circuits can only be construed as a single violation and not a separate violation for each circuit since the circuits were one package requested by one order. Defendant's claim that Complainant is not entitled to recover damages is based on the argument that the damages allegedly incurred were not attributable to the local loop voice-grade circuits provided to Complainant, but only to trunk termination facilities provided to EXXON at the request of Complainant. However, assuming that Complainant is entitled to recover damages, Defendant argues that its liability is limited by § 2.1.3(B) and 2.4.4(A)(1) of its Tariff F.C.C. No. 65 (Facilities for Other Common Carriers).[5]

DISCUSSION

6. We will deny Defendant's motion for dismissal of the complaint. We be-

[2] OCCEI–2 refers to bulletin number two of Bell-other common carrier engineering interface specifications prepared pursuant to Docket 20099 upon consultation with other common carriers such as Complainant.

[3] The period during which Defendant installed the terminating equipment is called the "cutover period."

[4] Defendant also points out that Complainant's order on behalf of EXXON for trunk terminating equipment and local loop voice-grade facilities specified the reuse of house cable pairs then in use on EXXON's premises for Bell System services. It states that the trunk terminating equipment was therefore the very same equipment that previously had been used in providing Bell System private line services, that no changes were made during installation and that Complainant did not mention at that time any problem of excessive echo or terminal imbalance.

[5] Section 2.1.3(B) of Defendant's Tariff F.C.C. No. 65 provides:

The liability of the Telephone Company for damages arising out of delays in installation or restoration of facilities or out of mistakes, omissions, interruptions, or errors or defects in transmission occurring in the course of providing facilities shall in no event exceed the amount of the allowance, if any, available under 2.4.4 following. There shall be no liability to the Telephone Company for damages arising out of the fault of facilities or equipment furnished by other than the Telephone Company or caused by the negligence of other than the Telephone Company.

Section 2.4.4(A)(1) provides:

For facilities within an exchange no credit shall be allowed for an interruption of less than 24 hours. The OCC shall be credited for an interruption of 24 hours or more at the rate of 1/30 of the monthly charge for the facility for each period of 24 hours or major fraction thereof that the interruption continues from the time of notice to the Telephone Company that an interruption has occurred.

lieve that Complainant has stated a cause of action under the Communications Act as required by Section 1.722 of our rules[4] and has standing to bring the instant complaint. Section 208 of the Act provides that "any person" may apply to this Commission by petition concerning "* * * anything done or omitted to be done * * *" by a common carrier subject to the Act. Thus, standing to bring a complaint under the Act is not limited to customers of a carrier, but includes "any person" alleging a violation of a provision of the Act, a Commission order, or a Commission rule or regulation.[5] Section 208 of the Act also provides that, "No complaint shall at any time be dismissed because of the absence of direct damage to the complainant." Complainant is entitled to bring the instant complaint under that section. It is also clear that Complainant may seek damages under Sections 206 and 207 of the Act for any violation of the Act which may be found upon complaint to this Commission. See *Cruces Cable Company, et al.*, 35 FCC 2d 707, 709 (1972). Section 206 provides that if any carrier commits an act prohibited by the Communications Act, the carrier may be held liable for damages. Section 207 in turn holds that "any person" claiming to be so damaged may either make a complaint to this Commission respecting the damages or may file suit in federal district court. The instant complaint expressly alleges economic injury resulting from violations of both the Act and our cease and desist order in Docket No. 19896 and the Settlement Agreement in Docket No. 20099. Violations of our cease and desist order would be contrary to section 205 and violations of the Settlement Agreement could constitute unreasonable practices under sections 201(b) and 202(a) of the Act. Complainant has standing to bring a complaint for recovery of damages caused by any violations of the Act whether they occurred in connection with facilities acquired directly from Defendant by Complainant for its own use, or facilities provided to its customer as part of the end-to-end service it offers.

7. Defendant's argument that no violation of any Commission order is stated in the complaint is misplaced. In order to state a cause of action under the Act, our rules require that a complainant specify the provision of the Act, or Commission order or rule or regulation alleged to have been violated and the facts claimed to constitute such violation. A complainant is not required to conclusively demonstrate in the complaint that a violation has occured, but merely is required to allege facts, which if proven true, would constitute a violation of the Act, or of a Commission order, rule or regulation. The arguments asserted by Defendant in its motion for dismissal go to the merits of the complaint and not to its legal sufficiency.

8. Defendant's conduct as set forth in the pleadings before us raises serious questions whether it is failing to comply with the letter and spirit of our orders in Docket Nos. 19896 and 20099 or unreasonably delaying implementation of our policy decisions upon which they are based. See footnote 1. We cannot accept, on their face, the affirmative defenses raised by Defendant which appear to avoid the heart of the issue before us. Complainant's acceptance of the circuits following cutover procedures does not preclude it from bringing the instant complaint. Difficulty with facilities not detected upon acceptance may be discovered later when the facilities are in use. The Settlement Agreement itself anticipates the possibility of occassional trouble reports and provides procedures to be followed by both the Bell System company and the other common carrier (OCC) involved. Manifestly, Complainant's acceptance of the circuits did not preclude it from submitting a later trouble report to Defendant with the reasonable expectation that Defendant's personnel would initiate the required trouble identification and reporting procedures. The issue before us is not the effect of Complainant's acceptance of the circuits following the installation procedure, but rather the effect of Defendant's pattern of conduct following receipt of Complainant's July 9, 1975 letter.

9. The letter, on its face, constitutes a trouble report. The Settlement Agreement provides that when an OCC assumes trouble report handling in multicarrier systems, it will routinely make tests of its portion of the facilities when appropriate to provide initial isolation of its services. The Settlement Agreement also provides:

> When OCC services are not apparently involved or where initial tests do not indicate failure of OCC facilities, the report will be referred to Bell with pertinent report detail and any preliminary test information, including the circuit identification number when possible. If sectionalized to the Bell provided End Link or LVGE, the OCC will refer the trouble to the appropriate Bell TRCO for clearance. Offer of Facilities for Use by Other Common Carriers, supra at 814.

Complainant's letter stated that tests were conducted on the circuits involved to determine "* * * * the degree of balance of the hybrid in the number six interface."[6] The letter indicated that the test results showed "* * * an inconsistency in performance and violation of the number six interface specification * * *," and attached a copy of those test results (including identification of the circuits involved). It specifically requested Defendant to study the information contained therein and to contact the Complainant so that corrective action could be planned. Therefore, we cannot agree with Defendant that the letter failed to give reasonable notice of the existence of any condition for which it may have been responsible.

10. We are given no indication that Defendant made any attempt to clarify with Complainant any difficulty it had in determining the precise nature of the trouble complained of in the letter. In fact, it does not appear that any response to the trouble report was made by Defendant until Complainant made further inquiry on August 8, 1975. Thus, even if we were to accept Defendant's assertion that it did not receive the letter until July 22, 1975, we are not provided with an explanation of what action, if any, was taken during the 17-day period prior to August 8, 1975, other than that the letter was forwarded to Defendant's Trouble Reporting Control Office (TRCO).

11. Defendant's apparent pattern of unresponsiveness to Complainant's trouble report clearly raises a question of whether Defendant engaged in an unreasonable practice. The Settlement Agreement requires that a Bell test center, upon receipt of a trouble report from an OCC, will make circuit identification and sectionalization tests and, if the trouble is sectionalized to Bell facilities, will repair those facilities.[7] The Settlement Agreement further provides:

> The telephone company trouble test center, upon receipt of the trouble report, will conduct independently or cooperatively with the OCC any additional test required to identify and clear the trouble. On those cases where dispatch is required, the Operating Telephone Company will dispatch the first available qualified repair craftsman in the order in which trouble reports are received.
>
> After each trouble report requiring the dispatch of a craftsman to the OCC patron's premise or OTC switch room, the telephone company craftsman upon completing work on the facility or terminating equipment will contact the Trouble Report Control Office (TRCO). The TRCO will advise the OCC that the trouble has been cleared. The tests required by the OCC may consist of giving an open or short on each pair to verify continuity, a talking test and/or the sending and receiving of a 1004 Hz tone in cases where the telephone company craftsman is equipped with the necessary test equipment. Upon satisfactory completion of these tests, the OCC will indicate to the Bell craftsman or TRCO acceptance of the restored circuit. See Offer of Facilities for Use by Other Common Carriers, supra at 815.

The provisions recognize the need for cooperative trouble identification between an OCC and the telephone company. This need is based on the premise that the telephone company may be in a position to conduct tests involving its facilities that cannot be conducted by an OCC or may be able to assist the OCC in conducting necessary tests involving both carriers' facilities. In response to Complainant's allegations that Defendant was uncooperative in providing craftsmen to assist its technicians, Defendant provides us with only a general denial. Furthermore, Defendant fails to provide us with a convincing explanation for the lengthy delay for isolating and correcting the echo return loss problem. Defendant admits that on August 8, 1975, it informed Complainant that it could not guarantee that any tests could be conducted prior to August 22, 1975 "* * * because of the heavy work volume * * *." Defendant also admits that testing was not initiated until a month after that date, on September 22, 1975 and, even then, only two of the twenty-three circuits involved were tested. We are informed that all twenty-three circuits were not, in fact, tested until September 25, 1975. Defendant further admits that corrective action was additionally delayed until September 30, 1975 because its personnel incorrectly computed echo return loss average in the initial tests.

12. The complaint therefore raises substantial questions of fact concerning Defendant's compliance with our cease and desist order in Docket No. 19896 and the Settlement Agreement in Docket No. 20099. Questions are raised whether Defendant hindered the establishment by Complainant of through routes between EXXON's Houston and Los Angeles offices and, in addition, denied Complainant reasonable interconnection services including maintenance service, similar to those provided to AT&T's Long Lines Department. Defendant's delay in acting upon the trouble report raises questions whether it has violated section 201(b) of the Communications Act by engaging in any unjust or unreasonable practice, and section 202(a) by subjecting Complainant to any "undue or unreasonable prejudice or disadvantage." We therefore will hold an evidentiary hearing to be held to resolve these issues.

13. Finally, it is clear that Defendant may limit its liability in the absence of willful misconduct. *Western Union Telegraph Company* v. *Esteve Brothers and Company*, 256 U.S. 567, at 569 (1921). We will designate an issue to determine whether any actions of the defendant found to be in violation of the Act entitling Complainant to damages under section 207 constitute willful misconduct. For any such finding made, § 2.1.3 (B) of AT&T's Tariff F.C.C. No. 65 will not apply to limit Defendant's liability. However, anticipating a finding that § 2.1.3(B) limits Defendant's liability, we will designate an issue to determine whether the measure of Defendant's liability as provided in § 2.4.4(A)(1) of the tariff is just and reasonable.

14. *Accordingly, it is ordered*, pursuant to sections 4(i), 4(j), 201, 202, 205, 206, 207, 208 and 209 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 205, 206, 207, 208 and 209, That this matter is designated for hearing on the following issues:

(1) To determine the facts and circumstances surrounding the echo return loss problem experienced by Complainant's customer, EXXON Corporation, from July 9, 1975 to September 30, 1975 with regard to the twenty-three circuits provided by Complainant and terminating in Defendant-provided Centrex equipment on EXXON's premises in Houston, Texas;

(2) To determine what actions were taken by Complainant to determine the cause of the problem and obtain Defendant's assistance in correcting the problem;

(3) To determine whether the cause of the problem could only be isolated and corrected by the Defendant;

(4) To determine what actions were taken by Defendant to locate the source of and correct the cause of the problem;

(5) To determine what standards and procedures, if any, Defendant has developed pursuant to the Settlement Agreement in Docket No. 20099 for responding to trouble reports from OCCs and locating the source and correcting the cause of such reports, and whether such standards and procedures are similar to those that would be applied to AT&T Long Lines under circumstances similar to those determined in issue (1);

(6) To determine whether Defendant unreasonably delayed or was otherwise uncooperative with Complainant in responding to trouble reports from July 9, 1975 to September 30, 1975 and in locating the source and correcting the cause of the echo return loss problem in issue (1);

(7) To determine whether Defendant's pattern of conduct during the period from July 9, 1975 to September 30, 1975 was consistent with the requirement of the Settlement Agreement in Docket 20099;

(8) To determine whether Defendant violated the Cease and Desist Order issued in Docket No. 19896 by engaging in a practice, deliberate or otherwise, which foreclosed the establishment by Complainant of through routes for its customers, EXXON, or by denying to Complainant reasonable interconnection services, including maintenance service, similar to those provided to the AT&T Long Lines Department;

(9) To determine whether Defendant engaged in unjust and unreasonable practices in connection with the providing of interconnection facilities for interstate communications service to Complainant and EXXON, in violation of section 201(b) of the Act;

(10) To determine whether Defendant subjected Complainant to any undue or unreasonable prejudice or disadvantage in connection with the providing of interconnection facilities for interstate communications service to Complainant and EXXON in violation of section 202(a) of the Act;

(11) To determine whether forfeitures should be imposed pursuant to section 205 of the Act for any violations determined in issues (7) through (9) above;

(12) To determine whether forfeitures should be imposed pursuant to section 202 (c) of the Act for any violations determined in issue (10) above;

(13) To determine whether any of the actions of the Defendant found to be unlawful in issues (7) through (10) constitute willful misconduct;

(14) To determine whether the measure of Defendant's liability as provided in § 2.4.4 (A)(1) of AT&T's Tariff F.C.C. No. 65 is just and reasonable; and

(15) To determine what damages, if any, should be awarded to Complainant for any violation found under issues (7) through (10) above.

15. *It is further ordered*, That the hearing in this proceeding shall be held before an Administrative Law Judge at a time and place to be specified by subsequent order; and that such Administrative Law Judge shall, upon closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's Rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's Rules (47 CFR Section 1.282).

16. *It is further ordered*, That American Satellite Corporation, Southwestern Bell Telephone Company and the Chief, Common Carrier Bureau are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-12178 Filed 4-27-77;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

SPECIAL COMMITTEE NO. 70

MINIMUM PERFORMANCE STANDARDS (MPS)—MARINE LORAN-C RECEIVING EQUIPMENT

Notice of 2nd meeting: Monday, May 16, 1977—10 a.m. (morning meeting only); Room 305-A, Federal Office Building, 26 Federal Plaza, New York, New York.

AGENDA

1. Call to order; introduction of moderator.
2. Introduction of attendees; appointment of secretary.
3. Adoption of agenda.
4. Report on first meeting, April 20, 1977.
5. Reports on work assignments.
6. Progress reports on incompleted work assignments.
7. Discussion of problem areas.
8. Review of terms of reference.
9. Solicitation of additional work assignments.
10. Other business.
11. Establishment of next meeting date.

HOWARD L. PETERSON,
Executive Secretary, RTCM.

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[4] Section 1.722 provides:

> A formal complaint shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Communications Act, or an order, rule, or regulation of the Commission have been violated, as to the facts claimed to constitute such violation, including such data as will identify with reasonable certainty the communications, transmission, or other services complained of (as well as any other appropriate facts elicited by § 1.723); and as to the relief sought.

[5] Section 3(1), 47 U.S.C. 153(1), of the Act defines "person" as an individual, partnership, association, joint stock company, trust or corporation.

[6] The term "number six interface" refers to the specification entitled "Interface No. 6" contained in Bell's OCCEI-2 (Interface Descriptions for Bell-Provided Station Equipment Which Terminates An Other Common Carrier Channel At a Customer Premises). The test results contained in Complainant's letter were expressed in terms of "singing path loss", a method of testing for imbalance used when the circuit is in an idle (or dialing) position. Complainant states that it is a test "* * * devised for special case application where an OCC desires to obtain a minimal feel for the balance of the termination, but does not have the cooperation of the local telephone company required to make echo return loss singing point tests." Sections D.2.C and D.4.B.1 of Interface No. 6 provide singing path loss requirements

[7] See Offer of Facilities for Use by Other Common Carriers, supra at 814.

SPECIAL COMMITTEE No. 66

RECEIVER STANDARDS FOR THE MARITIME MOBILE SERVICE

Notice of 39th meeting: Tuesday, May 17—9:30 a.m. (all-day meeting); Conference Room A–205, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to order; chairman's report.
2. Adoption of agenda; appointment of rapporteur.
3. Acceptance of SC–66 summary record.
4. Continue preparation of MMS R–5, standard for "General Purpose Marine Receivers."
5. Discussion of problem areas.
6. Solicitation of work assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC–66, ITT Mackay Marine, 441 U.S. Highway No. 1, Elizabeth, N.J. 07202, Phone 201–527–0300.

SPECIAL COMMITTEE No. 65

SHIP RADAR

Notice of 55th meeting: Wednesday, May 18, 1977—1:30 p.m.; Conference Room 7317, 2025 M Street NW., Washington, D.C.

Working group schedule: Collision Avoidance W. G., Room 7317, May 18, 9:30 a.m.

AGENDA

1. Call to order; chairman's report; adoption of agenda.
2. Acceptance of SC–65 summary records; appointment of rapporteur.
3. Progress report of collision avoidance working group.
4. Progress report of basic radar working group.
5. Status reports on other working groups.
6. Mini-meeting of REWG.
7. Other business.
8. Establishment of next meeting date.

Irvin Hurwitz, Chairman, SC–65, Federal Communictaions Commission, Washington, D.C. 20554, Phone 202–632–7197.

EXECUTIVE COMMITTEE MEETING

THURSDAY, MAY 19, 1977

The next Executive Committee Meeting will be Thursday, May 19, 1977, at 9:30 a.m., in Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to order; chairman's report.
2. Introduction of attendees; adoption of agenda.
3. Acceptance of minutes of executive committee meetings.
4. Progress reports on currently active committees.
5. Status reports on other committees.
6. Review of terms of reference for special committees.
7. New membership applications for executive committee aporoval.
8. Report on 1977 Valley Forge assembly meeting.
9. Acceptance of FY–1977 second quarter financial statements.
10. Appointment of budget finance working group.
11. Report on status of Lake Carriers' Association.
12. Appointment of constitution revision working group.
13. Discussion on MRT reprint and distribution planning.
14. Discussion of secretariat staffing.
15. Summary reports and announcements.
16. New business.
17. Establishment of next meeting date..

To comply with the advance notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat, phone 202–632–6490.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–12179 Filed 4–27–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NATURAL GAS ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Natural Gas Advisory Committee will hold a meeting Tuesday, May 24, 1977, at 10 a.m., Conference Room B, Old Labor Building, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

This Committee was established to provide the Administrator, Federal Energy Administration, with advice with respect to implementation of programs that affect gas transmission and distribution activities.

The agenda for the meeting is as follows:

1. Scenarios for New Residential Hookups for Natural Gas Service.
2. Natural Gas Storage Requirements in Light of Increasing Residential Load for Natural Gas Sales.
3. Opinions by the Committee on an Accurate and Creditable Government Oil and Gas Reserve Estimation and Reporting System.
4. Briefing for the Committee on the Various Aspects of the President's Energy Policy Pertaining to Natural Gas.
5. Public Comment (10 Minute Rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, 202–566–9969, and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on April 22, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–12158 Filed 4–25–77;12:55 pm]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 18, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Lines, Inc.
Atlantic Container Line (G.I.E.)
Dart Containerline Co., Ltd.
Hapag-Lloyd AG
Sea-Land Service, Inc.
Seatrain International, S.A.
United States Lines, Inc.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York 10004.

Agreement No. 10294, among American Export Lines, Inc., Atlantic Container Line (G.I.E.), Dart Containerline Co., Ltd., Hapag-Lloyd AG, Sea-Land Service, Inc., Seatrain International, S.A. and United States Lines, Inc. applies to shipments from, to or via Atlantic and Gulf ports of the United States moving in marine container units stuffed by shippers and/or stripped by consignees, or any agent or contractor of such shippers and/or consignees. The agreement applies to containers loaded with any number of mixed commodities by any person, as defined by the Shipping Act, 1916, but not limited to forwarders, consolidators and non-vessel operating common carriers, on behalf of any number of multiple shippers. The parties shall not make or give, directly or indirectly, any payment, allowance, or other compensation for the consolidation or deconsolidation of shipments subject to this agreement performed at any place other than a deepsea waterfront facility.

By order of the Federal Maritime Commission.

Dated: April 19, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–12413 Filed 4–27–77;9:12 am]

INTER-AMERICAN FREIGHT CONFERENCE

Agreements Filed

Notice is hereby that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 18, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Kenneth D. Thornton, Executive Administrator, Inter-American Freight Conference, Section A, 17 Battery Place, New York, New York 10004.

Agreements Nos. 9648–A–9, 10 and 11 would amend, respectively, various articles of the Inter-American Freight Conference Agreement to (1) increase the admission fee from $5,000 to $15,000 and provide for the distribution of said fee among the four conference sections; (2) double the maximum dollar fines which may be imposed by the Neutral Body for the first, second, third, fourth and subsequent breaches of the conference agreement to, respectively, $20,000, $30,000, $40,000 and $50,000; and (3) increase from $15,000 to $30,000 the security bond required to be deposited with the conference by a member line.

Dated: April 22, 1977.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–12252 Filed 4–27–77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP77–54]

ARKANSAS LOUISIANA GAS CO.

Proposed Rate Increase

APRIL 21, 1977.

Take notice that Arkansas Louisiana Gas Company ("Arkla") on April 15, 1977 tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 3. The proposed changes affect one rate schedule, Arkla's FPC Gas Rate Schedule No. X–26, under which gas is sold to only one customer, namely, Cities Service Gas Company, at a point of delivery near Jane, Missouri, and would increase revenues from jurisdictional sales and service by approximately $2.2 million based on the 12-month period ending December 31, 1976, as adjusted. Arkla states that the rate increase is necessitated by a revenue deficiency caused by increases in plant and related cost of service items, including increases in costs of operation, services, taxes, employee wages, pensions and benefits and other costs. The proposed effective date is June 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–12174 Filed 4–27–77;8:45 am]

[Docket No. ER77–223]

BANGOR HYDRO-ELECTRIC CO. AND CENTRAL MAINE POWER CO.

Notice of Initial Rate Filing

APRIL 22, 1977.

Take notice that Bangor Hydro-Electric Company (Bangor) and Central Maine Power Company (Central Maine) on March 3, 1977, tendered for filing as an Initial Rate Schedule an Electric Generating Capability Sales Agreement. Bangor and Central Maine indicate that the Agreement provides for the sale by Bangor to Central Maine of 41210 KW of electric generating capability during October 1, 1976 through October 31, 1976, and the total output associated therewith.

Bangor and Central Maine request that the Commission waive its notice requirements under Section 35.3 of its Regulations and allow the Agreement to become effective as of October 1, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–12216 Filed 4–27–77;8:45 am]

[Docket No. ER76–556]

BOSTON EDISON CO.

Notice of Filing of Settlement Agreement

APRIL 22, 1977.

Take notice that Boston Edison Company (Boston Edison) on April 20, 1977, tendered for filing to the Presiding Administrative Law Judge a Settlement Agreement between itself and the Braintree Electric Light Department (Braintree) and a Motion to Certify Settlement Agreement and Record to the Commission. Boston Edison states that the Settlement Agreement provides for a reduction in the transmission rate Edison has charged Braintree.

Boston Edison states that copies of the filing were served upon Braintree and

the Cambridge Electric Light Company, the other intervenor in the proceeding.

Any person desiring to protest said filing should file a protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.10). All such protests should be filed on or before May 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12217 Filed 4-27-77;8:45 am]

[Docket No. ER77-293]

CENTRAL ILLINOIS LIGHT CO.

Notice of Filing

APRIL 22, 1977.

Take notice that on April 8, 1977, Central Illinois Light Company (CIL) tendered for filing a series of letter agreements between CIL and the City of Springfield, Illinois (Springfield) which amended and supplemented the Interchange Agreement dated December 27, 1966 between CIL and Springfield (CIL Rate Schedule FPC No. 11) by increasing rates for certain services and by providing for additional services, as follows:

Rate changes

(a) *Maintenance energy*—The rate for maintenance energy was increased from a flat 5 mills per kWh to incremental (out-of-pocket) costs plus 10 percent.

(b) *Emergency energy*—The rate for emergency energy was increased from a flat 12.5 mills per kWh to 17.5 mills per kWh or incremental cost plus 10 percent, whichever is greater.

New services

(a) *Short term contract capacity*—This is firm capacity provided for purposes other than maintenance for a short period of time and on relatively short notice.

(b) *Short-term non-firm capacity*—This is non-firm capacity which is essentially surplus capacity of the seller.

CIL states that these letter agreements were necessary because the rates and services in the 1966 Interchange Agreement were no longer adequate to compensate the seller for service provided or to permit the benefits of coordination which were originally contemplated by that agreement to occur. The earliest of these letter agreements is dated February 15, 1974. CIL has requested waiver of the Commission's notice requirements in order to permit each of these letter agreements to become effective for the periods during which the transactions thereunder occurred.

Also on April 8, 1977, CIL tendered for filing an Interconnection Agreement dated December 15, 1976 between CIL and Springfield, which supersedes the 1966 Interconnection Agreement in its entirety. The 1976 Interconnection Agreement provides for service between CIL and Springfield under the following service schedules:

Service Schedule A—Capacity Additions, Demand and Reserve
Service Schedule B—Emergency Service
Service Schedule C—Coordination of Scheduled Maintenance of Generating Facilities
Service Schedule D—Interchange Energy
Service Schedule E—Short-Term Firm Power
Service Schedule F—Short-Term Non-Firm Power

CIL has requested waiver of the Commission's notice requirements so that the 1976 Interconnection Agreement may be made effective as of December 15, 1976, the date of its execution.

CIL states that the rates in the various letter agreements and/or the 1976 Interconnection Agreement will result in an increase in revenues for service to Springfield of more than $50,000. However, CIL states that these rates are no higher than the rates in interconnection agreements which it has with other utilities. Therefore, it has requested waiver of the requirements of Sections 35.13(b)(4) and 35.13(b)(5) of the Commission's regulations with respect to the submittal of a detailed cost of service study and testimony and exhibits in support of the rate increase. CIL has also requested waiver of the requirements of Section 35.13(b)(1) of the Commission's regulations with respect to comparative billing information, to the extent that such information has not been provided in its filing.

CIL states that Springfield concurs in the filing of each of the letter agreements and of the 1976 Interconnection Agreement, and in the requests for waiver of the Commission's regulations. Copies of the filing have been mailed to Springfield and to the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12213 Filed 4-27-77;8:45 am]

[Docket No. CP77-335]

COLORADO INTERSTATE GAS CO.

Application

APRIL 21, 1977.

Take notice that on April 12, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-335 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 13 minor measurement and related facilities formerly used in connection with gas sales and exchange arrangements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon various minor measurement and related facilities, as follows:

1. *Powell Sales Meter Station*, Section 6, Block 3, AB&M Survey, Carson County, Texas.
2. *PEPL-Sanford Sales Meter Station*, Section 3, Block Y-2, T.T.R.R. Survey, Hutchinson County, Texas.
3. *Moore County Sales Meter Station*, Section 90, Block 46, H&TCRR Survey, Hutchinson County, Texas.
4. *Sneed Sales Meter Station*, Section "Shelton," Block 3, G&M Survey, Moore County, Texas.
5. *Straight Sales Meter Station*, Section 8, Township 5 North, Range 15 East, Texas County, Oklahoma.
6. *Michigan Wisconsin Sales Meter Station*, Section 31, Township 5 North, Range 21 East, Beaver County, Oklahoma.
7. *Rolla Sales Meter Station*, Section 4, Township 35 North, Range 40 West, Morton County, Kansas.
8. *Hickock Sales Meter Station*, Section 13, Township 29 South, Range 36 West, Grant County, Kansas.
9. *NNG–Hugoton (HFC No. 2) Sales Meter Station*, Section 29, Township 25 South, Range 35 West, Kearny County, Kansas.
10. *Phillips Sales Meter Station*, Section 6, Block 6T, T&NORR Survey, Moore County, Texas.
11. *Hooker Sales Meter Station*, Section 1, Township 4 North, Range 16 East, Texas County, Oklahoma.
12. *20-Inch Hooker Lateral*, Texas County, Oklahoma.
13. *PSC of Oklahoma Sales Meter Station*, Section 34, Township 6 North, Range 10 East, Caddo County, Oklahoma.

Applicant states that these 13 facilities were constructed and/or operated under authority granted in various dockets and are no longer required for use in connection with any of Applicant's existing operations. Applicant further states that reusable salvaged materials removed upon abandonment would be retained for future use elsewhere on its system.

It is stated that six of the facilities proposed to be abandoned are meter stations which were installed and operated to measure deliveries under short-term sales or exchange arrangements which have since expired. The meter stations which fall into this category are listed as follows:

Short-term sales/exchange meter stations

Meter station name	Other parties [1]	Special rate schedule No.	Canceled
PEPL-Sanford	PEPL	X-6	June 18, 1959
	PEPL	X-19	Sept. 11, 1965
	PEPL	X-32	Jan. 1, 1969
Straight	Cities	X-10	Jan. 1, 1963
	Cities, PEPL	X-15	Do.
Michigan-Wisconsin.	Mich-Wisc	X-25	Dec. 15, 1967
Rolla	PEPL	X-6	June 18, 1959
	Cities, PEPL	X-15	Jan. 1, 1963
	PEPL	X-19	Sept. 11, 1965
Hickock	PEPL	X-6	June 18, 1959
	PEPL	X-19	Sept. 11, 1965
NNG Hugoton (HFC No. 2).	NNG	X-23	May 9, 1969

[1] The abbreviations used stand for: PEPL—Panhandle Easter Pipe Line Co., Cities—Cities Service Gas Co. Mich-Wis—Michigan Wisconsin Pipe Line Co., NNG—Northern Natural Gas Co.

Applicant states that the Powell, Moore County, and Sneed Sales Meter Stations, were last used to measure a portion of the deliveries to Natural Gas Pipeline Company of America (NGPL) under Applicant's Rate Schedule F-1, and since Applicant's field pressures upstream of the three meter stations have subsequently declined to levels substantially below the required pressures for delivery to NGPL, the three meter stations are no longer in use and both Applicant and NGPL agree that they should be abondoned and removed from the current service agreement between the parties for service under Rate Schedule F-1. Deliveries to NGPL have been consolidated at other delivery points under the Rate Schedule F-1 service agreement, it is said.

It is stated that the Phillips and PSC of Oklahoma meter stations were used to measure direct sales volume, and the Phillips Station was utilized in connection with a short-term direct sale to Phillips Petroleum Company (Phillips) to enable Phillips to maintain production of butadiene at its plant near Borger, Texas. The sales have been terminated; the meter station is no longer in use and is not expected to be useful in the future, it is said. Applicant states that the PSC of Oklahoma Station was used to measure short-term direct sales volumes to the Public Service Company of Oklahoma under an arrangement which involved a jurisdictional exchange with NGPL under Applicant's Rate Schedule X-29, and the exchange and sale were terminated and the rate schedule canceled effective May 10, 1970. Applicant further states that the Hooker Sales Meter Station and 20-inch lateral (approximately 1 mile in length) were constructed in 1954 in connection with a sale of gas to NGPL presently being made under Rate Schedule H-1. Applicant indicates that a new delivery point (Forgan) has been installed and Applicant and NGPL have now agreed that, operationally, it would be infeasible to utilize the Hooker delivery point in the future and that the meter station and lateral should be abandoned.

Applicant asserts that the 13 facilities proposed to be abandoned are no longer in service, and Applicant believes that there is no practical use for these facilities at their existing locations in the forseeable future. Applicant states that by abandoning and salvaging these pipeline and measurement facilities, it would be possible to make use of the salvage materials elsewhere on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12168 Filed 4-27-77;8:45 am]

[Docket No. CP77-339]

COLUMBIA GAS TRANSMISSION CORP.

Application

APRIL 21, 1977.

Take notice that on April 13, 1977, Columbia Gas Transmission Corporation (Applicant) 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP77-339 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, measurement and compressor facilities and a new point of delivery of new gas supplies to National Fuel Gas Supply Corporation (National Fuel) in Warren County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that approximately 17,000 acres located primarily in Harmony Township, Chautauqua County, New York are presently under development and of this acreage, Applicant controls approximately 6,500 acres and independent producers control approximately 10,000 acres. It is stated that 43 wells, having average recoverable reserves of an estimated 200,000 Mcf per well, would be available for delivery by November 1, 1977 from this area, and of the 43 wells, Applicant would drill 6 wells, one of which is already completed and ready to be produced. Applicant states that pursuant to farmout and other agreements, it would obtain gas purchase rights for the remaining 37 wells and any future wells drilled in the development acreage. It is stated that pursuant to an advance payment agreement with Applicant dated August 7, 1975, Resource Exploration, Inc. (Resource) had drilled 62 gas wells and plans development of extensive acreage in the adjacent area of North Harmony Township, Chautauqua County, New York, with estimated recoverable reserves in the area of 17,000 Mcf. Applicant proposes the construction and operation of certain pipeline, measurement and compressor facilities in order to make these reserves available to to its existing interstate markets. It is stated that this new gas supply would be delivered to National Fuel at a new point of delivery located in Sugar Grove, Warren County, Pennsylvania and by displacement would become available to Applicant's existing interstate markets

Applicant proposes to construct and operate 9.8 miles of 6-inch transmission pipeline, a 350 horsepower compressor station and two related measuring facilities at a cost of approximately $1,281,000, which cost Applicant states it would finance from funds generated internally.

Applicant states that a gas purchase measuring facility would be located in Chautauqua County, New York, at the north terminus of the proposed pipeline of which approximately 8.7 miles would be located in Chautauqua County, New York and approximately 1.1 miles would be located in Warren County, Pennsylvania. An interconnecting measuring facility would be located at the southern terminus of this proposed pipeline near the new point of delivery from Applicant to National Fuel, and the proposed compressor station would be located in Warren County, Pennsylvania near the southern terminus of the proposed pipeline, it is said.

It is indicated that both Applicant and National Fuel approved of the new point of delivery by a letter agreement dated September 1, 1976, and Applicant has agreed to reimburse National Fuel for the cost of any construction required to establish the proposed point of delivery.

It is stated that deliveries made to National Fuel near Sugar Grove would be a part of their total entitlement from Applicant, and deliveries to National Fuel

at currently existing points of delivery would be reduced by the amount of the deliveries made at Sugar Grove. Volumes delivered to National Fuel at Sugar Grove would, by displacement, become available to all of Applicant's existing interstate markets, it is said.

Applicant asserts that the proposed construction and operation of certain natural gas facilities would permit the delivery of a new supply of natural gas to the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12167 Filed 4-27-77;8:45 am]

[Docket No. CP77-246]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Application

APRIL 22, 1977.

Take notice that on April 11, 1977, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Avenue, Houston, Texas 77027 (Applicants) filed in Docket No. CP77-246 a joint application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretation (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for Wheeling-Pittsburgh Steel Corporation (Wheeling-Pittsburgh), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 5,000 Mcf of natural gas per day for Wheeling-Pittsburgh for 2 years. Applicants state that Columbia Gulf would receive the subject gas at the tailgate of Exxon's Garden City plant, Louisiana from Trunkline Gas Company (Trunkline) and would redeliver such volumes to Columbia Transmission for Wheeling-Pittsburgh's account.

It is stated that Columbia Gulf would charge Wheeling-Pittsburgh 29.34 cents for such transportation services and would retain for company-use and unaccounted-for gas a percentage of the total volume of gas delivered into its system by Trunkline for Wheeling-Pittsburgh's account, which percentage is currently 2.5 percent.

Applicants state that Wheeling-Pittsburgh may arrange an alternate route to transport its available volumes of intrastate natural gas from New Mexico, and under such an alternate arrangement, Panhandle Eastern Pipe Line Company (PEPL) would deliver up to 5,000 Mcf of natural gas per day to Columbia Transmission at an existing point of receipt from PEPL in Lucas County, Ohio. The designation of the point of receipt from PEPL or Trunkline is to be at the sole discretion of Columbia Transmission and Columbia Gulf, it is said.

It is stated that Columbia Transmission would receive up to 5,000 Mcf per day from Columbia Gulf for Wheeling-Pittsburgh's account in Boyd County, Kentucky at an existing point of receipt or from PEPL in Lucas County, Ohio at an existing point of receipt and would transport and redeliver such gas for Wheeling-Pittsburgh's account to existing points of delivery to Columbia Gas of Ohio, Inc. (Columbia Ohio), Columbia Gas of West Virginia, Inc. (Columbia W. Va.) and Columbia Gas of Pennsylvania, Inc. (Columbia Pennsylvania), all of whom are wholesale customers of Columbia Transmission.

Applicants state that Wheeling-Pittsburgh has been advised by Columbia Ohio that on February 1, 1977, its Steubenville plant in Ohio would receive only plant maintenance gas, and that Columbia W. Va. and Columbia Pennsylvania had both increased curtailments to Wheeling-Pittsburgh plants. On January 31, 1977, Columbia Transmission was granted temporary authorization to transport up to 5,000 Mcf of natural gas per day for Wheeling-Pittsburgh in Docket No. CP77-165, and deliveries under such authorization commenced on February 4, 1977. Pursuant to the Commission order of February 24, 1977, amended March 2, 1977, Applicants received authorization to transport up to 7,000 Mcf of natural gas per day for Wheeling-Pittsburgh, and deliveries under the amended authorization commenced on March 5, 1977. Applicants state that this transportation agreement reduces the volumes proposed to be transported from 7,000 Mcf of natural gas per day to 5,000 Mcf of natural gas per day.

It is stated that Columbia Transmission would charge Wheeling-Pittsburgh 22.21 cents per Mcf and would retain for company-use and unaccounted-for gas a percentage of the total volume of gas delivered into its system by either Columbia Gulf or PEPL which is currently 3.1 percent.

Applicants state that Wheeling-Pittsburgh has contracted with Elk Oil Company (Elk) to purchase gas for a period of 184 days with the option to renew for a period ending March 31, 1978. Elk has contracted to sell a minimum of 2,000 Mcf of natural gas per day on a take or pay basis to Wheeling-Pittsburgh from certain of its leaseholds in Lea County, New Mexico, and Elk further agrees to a maximum delivery of 5,000 Mcf of natural gas per day, it is said. It is stated that Wheeling-Pittsburgh would pay Elk $2.25 per Mcf plus Btu adjustments for both the primary and renewal terms of the agreement.

Applicants assert that Wheeling-Pittsburgh, the ninth largest steel producer in the United States, is an integrated steel company manufacturing plates, hot and cold rolled sheets, coated sheets, tin mill products, welded and seamless tubular products and semi-finished steel.

The gas proposed to be transported is subject to diversion to Columbia Transmission in emergency periods when, in Columbia Transmission's sole judgment, such gas is required for the protection of Priority 1 requirements on its system, it is said.

Applicants state that they would not be required to construct any additional facilities to perform the proposed transportation services. Applicants further state that the volumes of natural gas proposed to be transported would be used for Priority 2 purposes, and specifically as plant protection and process fuel, and would be consumed at Wheeling-Pittsburgh plants located in Ohio, West Virginia and Pennsylvania.

It is stated that Wheeling-Pittsburgh has been notified by Columbia Ohio that effective February 1, 1977, its Steubenville plant in Ohio would be completely curtailed which would cause closure of that facility without the availability of "self help" gas (except for plant maintenance). It is indicated that Wheeling-Pittsburgh's other plants for which transportation is sought have been curtailed in the following manner:

[In 1,000 ft³/d]

Locations	Priority 2	
	Requirements	Curtailment
Martins Ferry, Ohio	1,849	1,053
Yorkville, Ohio	4,504	2,465
Beech Bottom, W. Va	775	207
Follansbee, W. Va	1,135	601
Benwood, W. Va	2,562	1,713
Wheeling, W. Va	550	136
Allenport, Pa	6,375	2,736
	All priorities	
Martins Ferry, Ohio	1,948	1,110
Yorkville, Ohio	4,529	2,486
Beech Bottom, W. Va	1,225	658
Follansbee, W. Va	1,358	833
Benwood, W. Va	2,881	2,033
Wheeling, W. Va	550	136
Allenport, Pa	11,536	7,653

[Docket No. ER77-302]

THE CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

APRIL 22, 1977.

Take notice that on April 13, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated February 1, 1977 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Central Maine Power Company (CMP).

CL&P states that the Purchase Agreement provides for a sale to CMP of a specified percentage of capacity and energy from eleven gas turbine generating units (Norwalk Harbor, Devon, Enfield, Branford, Middletown, Torrington Terminal and South Meadow) during the period from February 1, 1977 to April 30, 1977 together with related transmission service.

CL&P states that questions as to CMP's Capability Responsibility Obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the Term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by CMP and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit CMP to receive urgently needed capacity, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on February 1, 1977.

CL&P states that the capacity charge for the proposed service was a negotiated rate. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the NEPOOL Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which CMP is entitled to receive, reduced to give due recognition of the payments made by CMP for transmission services on intervening systems, and the variable maintenance charge was arrived at through negotiations.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut and CMP, Augusta, Maine.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12228 Filed 4-27-77;8:45 am]

[Docket No. ES77-19]

DELMARVA POWER & LIGHT CO.

Application for Authority To Acquire Securities

APRIL 19, 1977.

Take notice that Delmarva Power & Light Company on March 4, 1977 filed its Application for authority to acquire certain long-term unsecured promissory notes of Delmarva Power & Light Company of Maryland, its wholly-owned subsidiary.

Under the Application, Delmarva asks authority from the Commission, under section 203 of the Federal Power Act, to purchase and acquire, from time to time during the period ending January 2, 1979, the aggregate amount of $23,800,000 in 30-year promissory notes of its Maryland subsidiary, together with additional notes in the aggregate amount of $4,200,000 to be issued by the Maryland subsidiary in refinancing certain 30-year promissory notes of the subsidiary maturing on various dates between April 1, 1977 and January 1, 1979. All such notes shall be purchased for cash, at face value plus accrued interest, if any, except that notes being refinanced shall be exchanged for new notes. The Maryland subsidiary will use the proceeds to provide funds for necessary facilities for the rendition of electric service within the territory served by the Maryland subsidiary, and to refinance outstanding obligations.

An Application has been filed with the Public Service Commission of Maryland for authority to Delmarva of Maryland to issue and sell the promissory notes described above, at a rate of interest to be established by the Commission, and for Delmarva to purchase and acquire such notes and to pledge them, when purchased, under its Deed of Trust with Chemical Bank, dated as of October 1, 1943.

Any person desiring to be heard, or to protest the above Application, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. Such petition or protest should be filed on or before April 29, 1977. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this Application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12171 Filed 4-27-77;8:45 am]

[Docket No. ER77-296]

ELECTRIC ENERGY INC.

Filing

APRIL 21, 1977.

Take notice that on April 12, 1977, Electric Energy, Inc. tendered for filing Supplement No. 9 to Rate Schedule FOC No. 8, dated March 11, 1977, and entitled "Third Revised Service Schedule B" to the Interim, Supplemental and Surplus Power Agreement, Amendment No. 5. This agreement is between Electric Energy, Incorporated (EEInc) and its Sponsoring Companies (Central Illinois Public Service Company (CIPS), Illinois Power Company (IP), Kentucky Utilities Company (KU), and Union Electric Company (UE)).

The Company states that copies of Third Revised Service Schedule B have been sent to all the parties, to the Missouri Public Service Commission, Jefferson City, Missouri, the Illinois Commerce Commission, Springfield, Illinois, the Kentucky Public Service Commission, Frankfort, Kentucky, and to the United States Energy Research and Development Administration (ERDA).

The Company further states that Third Revised Service Schedule B provides for an increase in the reservation charge for the supply of Supplemental Power by the Sponsoring Companies to EEInc.

The Company requests that Third Revised Service Schedule B be permitted to become effective on June 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12166 Filed 4-27-77;8:45 am]

[Docket No. ER77-303]

EL PASO ELECTRIC CO.

Filing of Notice of Cancellation

APRIL 22, 1977.

Take notice that El Paso Electric Company (El Paso Electric), on April 12, 1977 tendered for filing a Notice of Cancellation of its Export Rate Schedule FPC No. 6, and supplements thereto, with El Paso City Lines, Inc. El Paso Electric requests a waiver of the Commisison's notice requirements so that the Notice of Cancellation becomes effective on April 12, 1977.

The filing indicates that a copy of the Notice of Cancellation was served upon the City of El Paso, Texas, which has acquired the facilities of El Paso City Lines, Inc. served under Export Rate Schedule FPC No. 6, and upon the Transportation Corporation of El Paso, a franchisee of the City of El Paso.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12215 Filed 4-27-77;8:45 am]

[Docket No. CS73-34]

GREAT SOUTHERN OIL & GAS CO., INC.

Petition for Waiver

APRIL 22, 1977.

Take notice that Great Southern Oil & Gas Co., Inc. (Applicant), P.O. Box 52957, OCS, Lafayette, Louisiana 70505, filed a petition for waiver of § 157.40(c) of the Commission's regulations.

Applicant states that insofar as he may make any sales of gas produced from properties acquired from two large producers, Cities Service Oil Company and Perry R. Bass, he will not seek a higher price than that permitted by general area rate orders.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12220 Filed 4-27-77;8:45 am]

[Docket No. E-9579]

IDAHO POWER CO.

Order Providing for Hearing

APRIL 20, 1977.

On February 9, 1976, the National Marine Fisheries Service,[1] Idaho Fish and Game Department, Oregon Department of Fish and Wildlife,[2] Washington Department of Fisheries, and Washington Department of Game (hereinafter called Petitioners) filed a petition requesting the Commission to issue a declaratory order that would amend and supplement previous orders prescribing fish facilities at the Hells Canyon Project, FPC Project No. 1971. By this order, we are providing for a hearing on the issues raised by the petition.

PREVIOUS ORDERS PRESCRIBING FISH FACILITIES

On February 12, 1958, the Commission issued an order[3] pursuant to Article 35[4] of Idaho Power Company's (Licensee) license for Project No. 1971, prescribing anadromous fish facilities consisting of a forebay net barrier with skimming and trapping devices at the Brownlee development, upstream fish passage facilities at the powerhouse and spillway of the Oxbow development, and facilities for the transfer of fish runs from the Wildhorse River. The Commission authorized termination of the Wildhorse River facilities by order[5] issued September 23, 1960.

On November 17, 1960, the Commission further modified its order of February 12, 1958, by staying the provision for permanent upstream fish facilities at the powerhouse of the Oxbow development. The Commission's order[6] also provided for continued operation of the existing upstream trapping facilities located at the Oregon spillway of the Oxbox dam, including requirements for water releases;[7] artificial propagation of fall chinook salmon near the Oxbow dam; and evaluation studies of fish facilities at the Brownlee and Oxbow developments.

By order issued March 22, 1963,[8] the Commission instituted an investigation to review and evaluate the studies made pursuant to Article 34[9] of the license and the order issued November 17, 1960; to review and evaluate the fish facilities installed at the Brownlee and Oxbow developments and determine what modifications, if any, should be made in such facilities; and to determine what fish facilities should be installed at Hells Canyon development.

On December 11, 1963,[10] the Commission further amended and supplemented its orders prescribing fish facilities by authorizing Licensee to abandon the Brownlee net installation and barge traps; to construct on lower Rapid River a holding facility for 300 adult spring chinook salmon or steelhead trout, and a hatchery building capable of rearing 600,000 spring chinook salmon, or steelhead, to the age of one year plus; to incorporate recommended operating procedures for the existing and newly authorized fish facilities; to construct, operate, and maintain temporary fish facilities for the Hells Canyon development; and to consult and cooperate with the fishery agencies in determining a mutually satisfactory program to be financed by the Licensee for the purpose of evaluating and recording the degree of success achieved by the artificial propagation facilities.

On January 28, 1966,[11] the Commission, pursuant to stipulation by the parties, amended and supplemented further its orders respecting fish facilities at the project by authorizing Licensee to construct, operate, and maintain a floating trap and hoist device for trapping upstream migrants at the Hells Canyon powerhouse; to construct, operate, and maintain a redesigned sorting and holding facility for adult fall chinook and steelhead migrants at the Oxbow artificial propagation facility; to construct and maintain on the Lemhi River a fish hatchery, smolt holding ponds, a holding and sorting facility, and an egg-eyeing facility for steelhead trout, and to contract, at Licensee's expense, with the Idaho Department of Fish and Game for operation of said facilities. Licensee was again required to consult and cooperate with the fishery agencies in determining a mutually satisfactory program to be financed by the Licensee for evaluating and recording the degree of success achieved by the artificial propagation facilities.

On February 9, 1967,[12] the Commission, pursuant to further stipulation by the parties, amended and supplemented its previous orders prescribing fish facilities by authorizing Licensee to enlarge the experimental facilities at Rapid River to handle greater numbers of spring chinook (2,700 fish); to discontinue the transfer of steelhead trout to the Rapid River facilities; and to relocate the Lemhi River steelhead trout facilities, provided for by order issued January 28, 1966, to the Pahsimeroi River because of low water conditions on the Lemhi River.[13]

In summary, anadromous fish facilities currently being operated pursuant to previous Commission orders prescribing fish facilities[14] include (1) a fish trapping device for upstream migrants at Hells Canyon Dam; (2) a hatchery, sorting, and holding facility on the Pahsimeroi River for steelhead trout; (3) a hatchery and holding facility on the lower Rapid River for spring chinook salmon; and (4) a sorting and holding facility at the Oxbow Dam for adult fall chinook salmon and steelhead trout.

PETITION NOW PENDING

Pursuant to § 1.7(c) of the Commission's rules and regulations,[15] Petitioners have requested issuance of a declaratory order that would further amend and supplement the aforementioned orders respecting fish facilities. Petitioners allege that previous measures have not accomplished compensation to pre-project levels for steelhead trout or chinook salmon, and that runs of 5,000 steelhead trout and 17,000 fall chinook have been eliminated by the project. Petitioners further state that the States of Oregon, Washington, and Idaho have severely reduced the catch of Snake River anadromous fish in an effort to maintain the runs in a viable condition. Petitioners note that the U.S. Department of the Army, Corps of Engineers has prepared a comprehensive plan for compensation of fish and wildlife losses resulting from construction and operation of four dams in the Lower Snake River and has also proceeded on a research and construction schedule to install and operate extensive facilities to improve the survival of adult and juvenile anadromous fish at these projects.

Based on the foregoing, Petitioners request that the following proposals for additional fish facilities, or alternative thereto, be considered:

(1) Expansion of the Rapid River Hatchery to provide a return of 19,700 spring chinook (thereby replacing fall chinook with spring chinook);

(2) Expansion of the Niagara Springs Hatchery to double production to achieve the required return of 10,000 steelhead; and

(3) Construction of an adult trap and combination smolt acclimation and adult holding pond below Hells Canyon Dam.

Petitioners further contend that they have attempted unsuccessfully over a period of several years to reach agreement with the Licensee by stipulation on the aforementioned issues.

COMMENTS AND PROTESTS

Public notice of the filing of the petition for declaratory order was given with June 18, 1976, as the last day for filing protests, notices of intervention, or petitions to intervene. Notice was published in the FEDERAL REGISTER on April 23, 1976, 41 FR 17020.

On June 16, 1976, Licensee responded in opposition to Petitioners' proposals for additional fish facilities by (1) denying that the additional facilities are necessary; (2) denying that its dam construction has eliminated runs of 5,000 steelhead trout and 17,000 fall chinook without compensation; (3) alleging that its fish mitigation programs have suffered from construction of five downstream dams not under its control that have adversely affected anadromous fish, including those fish released from its hatcheries and facilities; and (4) contending that its previous expenditures for fish facilities together with its continuing yearly expenditures for such facilities have fulfilled its obligation under Article 35 of the license.

On June 18, 1976, the Secretary of Agriculture endorsed Petitioners' proposals, protested any alternative solutions that do not provide at least equal corrective measures to mitigate alleged fish losses resulting from the Hells Canyon Project, and further protested any

[1] On January 23, 1976, the National Marine Fisheries Service (NMFS) filed a motion for separate status as a party, averring that the functions formerly carried out by the Bureau of Commercial Fisheries, an active party during previous proceedings affecting fisheries, were now being carried out by the NMFS. NMFS's role as one of several petitioners in the instant proceeding gives it the status of a party and renders its motion for separate party status moot.

[2] Formerly the Fish Commission of Oregon.

[3] 19 F.P.C. 237.

[4] Articles 35 of the license issued to Idaho Power Company for Project No. 1971 (14 FPC 55, 80), provides as follows: The Licensee shall construct, maintain and operate or shall arrange for the construction, maintenance and operation of such fish ladders, fish traps or other fish handling facilities or fish protective devices and provide fish hatchery facilities for the purpose of conserving the fishery resources and comply with such reasonable modifications of the project structures and operation in the interest of fish life as may be prescribed hereafter by the Commission upon its own motion or upon the recommendations of the Secretary of the Interior and the conservation agencies of the States of Idaho and Oregon.

[5] 24 F.P.C. 517.

[6] 24 F.P.C. 962.

[7] By order issued May 27, 1963, the Commission authorized changes in water releases at the Oxbow spillway facilities.

[8] 29 F.P.C. 571.

[9] Article 34 provides as follows: The Licensee shall make available to the Secretary of the Interior, upon his request and further order of the Commission, a sum up to $250,000 for use by the Fish and Wildlife Service to carry out detailed studies of the extent and character of the fishery resource of the project areas and to devise means and measures for mitigating losses to that resource.

[10] 30 F.P.C. 1471.

[11] 35 F.P.C. 162.

[12] 37 F.P.C. 290.

[13] By letter dated December 15, 1969, Licensee filed an Exhibit S (Fish and Wildlife Report) for Commission approval. On May 15, 1970, Licensee filed a stipulation between the parties relating to additional facilities at the Rapid River hatchery. The stipulation provided that upon completion of the additional facilities, the Rapid River facilities would be considered complete, and Licensee would be relieved of any further investment for additional spring chinook salmon facilities, except such expenditures as may be required for operation, maintenance, and replacement of existing facilities. These matters are still pending before the Commission.

[14] Each of the aforementioned orders prescribing fish facilities were expressly stated to be interim in nature, subject to such further changes as may become necessary, and not to be construed as full compliance with the provisions of Article 35 of the license for Project No. 1971.

[15] 18 CFR 1.7(c) (1976).

Commission action that does not recognize the statutory responsibilities and authorities of the Secretary, acting through the U.S. Forest Service, with respect to the mitigation of fish lost as a result of this project. In addition, we take note of the Secretary's reference to the recent establishment of the Hells Canyon National Recreation Area and to his responsibilities for managing that portion of the Snake River now classified as a wild and scenic river.

The Secretary's concerns respecting recognition of his statutory responsibilities have been previously acknowledged by letter dated December 24, 1975, and are being given careful consideration. Since the Secretary has elected not to petition for intervention in the instant proceeding, we can only consider his views in this case to the extent that they are presented by his filed comments. That we shall do. We will also welcome any additional assistance from the Secretary should he wish to contribute toward building the factual record necessary for our determination of the issues now before us.

NEED FOR A HEARING

The subject petition for declaratory order, as the review of previous Commission orders on this subject illustrates, is but the latest of what has been an extensive and continuing attempt to resolve the anadromous fish problems related to the construction and operation of Licensee's dams. Anticipation of further hydroelectric development of the Snake River below Hells Canyon Dam, only recently settled by Congress,[1] has produced a ten-year hiatus since the last Commission order dealing with this subject was issued. Accordingly, there would appear to be a need to develop a new record to reflect the condition of the anadromous fisheries resource in the project area as it exists today. It shall therefore be the objective of the Presiding Administrative Law Judge to compile a fresh and self-contained record upon which our future decisions respecting this matter may be based.

The Commission finds. (1) It is appropriate for the purposes of the Federal Power Act and in the public interest to hold a hearing, as hereinafter provided, to determine whether previous orders prescribing fish facilities at Project No. 1971 should be further amended and supplemented. The hearing shall be restricted to only those matters directly affecting the anadromous fish mitigation issues and shall include, but not be limited to, consideration of Petitioners' proposals enumerated herein.

The Commission orders. (A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission, by the Federal Power Act, particularly Sections 10(a), 10(g), 308, and 309 thereof, the license for Project No. 1971 and the Commission's Rules of Practice and Procedure, an initial conference shall be held at 9:30 a.m. on May 18, 1977, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. respecting the matters involved and the issues presented in finding (1) above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose pursuant to § 3.5(d) of the Commission's regulations, 18 CFR 3.5(d) (1976), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Commission's rules of practice and procedure.

(C) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they they are modified and supplemented herein.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12172 Filed 4-27-77;8:45 am]

[1] Order Dismissing License Application, Pacific Northwest Power Comany and Washington Public Power Supply System, Project Nos. 2243 and 2273, issued June 7, 1976.

[Docket No. E-9259]

LONG ISLAND LIGHTING CO.

Notice of Application

APRIL 22, 1977.

Take notice that the Commission on October 26, 1976 issued an order, which amended an earlier order and authorized the Long Island Lighting Company of Mineola, New York to have at any one time outstanding no more than $200,000,000 aggregate principal amount of both promissory notes and commercial paper, all to be issued on or before December 31, 1977, with final maturity date of not later than September 30, 1978. The order of October 26, 1976 authorized the Company to issue, within the limitation of an aggregate principal amount not in excess of $200,000,000 for both types of indebtedness, not more than $175,000,000 promissory notes outstanding at any one time and not more than $50,000,000 commercial paper outstanding at any one time.

The Company now seeks a modification of the order of October 26, 1976. Without seeking any change in the overall limitation of authority to issue such indebtedness through December 31, 1977, with maturities not later than September 30, 1978, the Company requests authority to issue up to $200,000,000 principal amount of promissory notes to be outstanding at any one time and $200,000,000 principal amount of commercial paper to be outstanding at any one time.

The funds will be used to finance the construction, completion, extension, and improvement of its electric utility facilities.

Any person desiring to be heard or to make any protest with reference to this application should on or before May 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12223 Filed 4-27-77;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Filing of Revised Sheets Pursuant to Settlement Agreement

APRIL 21, 1977.

Take notice that on April 13, 1977, Metropolitan Edison Company ("Met-Ed") tendered revised sheets to its FPC Electric Tariff, and Wheeling and Supplemental Power Agreement with Allegheny Electric Cooperative, Inc. The revised sheets incorporate all changes provided by a Settlement Agreement approved in the Commission's order in this proceeding issued April 5, 1977. Met-Ed requests a waiver of the Commission's notice requirements under § 35.3 of FPC regulations so that this Agreement may become effective as of January 1, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12170 Filed 4-27-77;8:45 am]

[Project No. 2774]

MODESTO IRRIGATION DISTRICT ET AL.

Application for Preliminary Permit

APRIL 22, 1977.

Public notice is hereby given that an application for preliminary permit was

filed on June 25, 1976, under the Federal Power Act (16 U.S.C. 791a–825r) by the Modesto and Turlock Irrigation Districts, and the City and County of San Francisco (correspondence to Mr. Mervin N. Bennett, Chief Administrative Officer, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352; Mr. Ernest Geddes, General Manager, Turlock Irrigation District, P.O. Box 949, Turlock, California 95380; and Mr. Oral L. Moore, General Manager, Hetch Hetchy Water and Power, 855 Harrison Street, San Francisco, California 94107) for the proposed Clavey-Wards Ferry Project, FPC Project No. 2774, located on the Tuolumne River and its tributaries in Tuolumne County, California, and affecting the Stanislaus National Forest and public lands of the United States.

According to the application, the proposed project would have a total installed capacity of 400 MW and would encompass two developments as hereinafter described:

(a) The *Clavey Development*, consisting of (1) Jawbone Dam, a 175-foot high and 255-foot long concrete gravity dam that would be constructed on the Tuolumne River to form Jawbone Reservoir, with usable storage capacity of 2,950 acre-feet at the normal reservoir elevation of 2,210 feet (msl); (2) Jawbone Ridge Tunnel, a 5.2 mile concrete-lined tunnel that would conduct flows from Jawbone Reservoir to Clavey Reservoir; (3) Hunter Point Dam, a 570-foot long and 195-foot high concrete arch dam that would be constructed on the Clavey River to form Clavey Reservoir, with usable storage capacity of 2,040 acre-feet at the maximum normal reservoir elevation of 2,210 feet (msl); and (4) Clavey Power Conduit, a concrete-lined pressure tunnel that would extend approximately two miles from Clavey Reservoir to a penstock tunnel leading to Clavey Powerhouse, an underground powerhouse containing two generating units with a total installed capacity of 300 MW; and

(b) the *Wards Ferry Development*, consisting of (1) Wards Ferry Dam, a 450-foot high and 1,060-foot long rockfill dam that would be constructed on the Tuolumne River to form Wards Ferry Reservoir, with usable storage capacity of 92,300 acre-feet at the maximum normal reservoir elevation of 1,150 feet (msl); and (2 Wards Ferry Powerhouse, an underground powerhouse that would be located in the left abutment of Wards Ferry Dam and that would contain two generating units with a total installed capacity of 100 NW.

Applicants propose to use the energy generated by the project to meet present and future loads within their system with any surplus capacity or energy being sold or exchanged.

Issuance of a preliminary permit does not authorize construction of any kind. The effect of such permit is to secure, for the holder, priority in the filing of an application for license for the duration of the permit while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other information necessary to perfect an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12224 Filed 4-27-77;8:45 am]

[Docket No. CP75-147]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

APRIL 22, 1977.

Take notice that on April 11, 1977, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-147 a petition to amend the Commission's Opinion No. 763 and order issued May 24, 1976, in the instant docket (55 FPC——) pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to reflect in its purchased gas adjustment clause an initial rate of $1.88 per Mcf for the purchase of methane gas, and to recover through its base rate the cost of transportation at a rate of 37 cents per Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the subject of this petition is the October 4, 1974, gas purchase contract between Calorific Recovery Anerobic Process, Inc. (Calorific) and Petitioner covering the purchase by Petitioner of methane gas manufactured by Calorific through the anerobic digestion of animal waste. Petitioner further states that the contract contained pricing provisions setting a base rate of $1.33 per Mcf as of October, 1974 to be adjusted for changes in indices of construction and operating costs. Petitioner states that it also proposed to construct and operate facilities to transport the methane gas to Petitioner's existing pipeline, such transportation facilities consisting of six miles of six-inch pipeline, measuring facilities and 1,000 compressor horsepower, estimated to cost $93,000. It is asserted that the Calorific project would be the first commercial application of the anerobic process for the prodution of methane gas, and most certainly would be the first sale in interstate commerce of gas so produced.

Petitioner states that on May 24, 1976 pursuant to Opinion No. 763 it was granted a certificate of public convenience and necessity for the interstate transportation and sale of commingled manufactured methane and natural gas, and the certification of the project was conditioned to provide for an initial price of $1.33 per Mcf and allowed Petitioner a charge of 22.0 cents per Mcf for the cost of transportation.

Petitioner indicates that subsequent to the issuance of Opinion No. 763, Calorific completed the detail design of its proposed facilities and obtained contract bids for material and labor to construct its plant facilities, and as a result of this detail design, Calorific found it necessary to adopt fundamental design changes to its feedstock (animal waste) handling and gas treatment. Petitioner states that Calorific would pretreat the animal waste feedstock to improve the digestability of material feed to the anerobic digestors resulting in an increase in the daily productivity of the digestor tanks from 749 Mcf to 816 Mcf. It is stated that the total quantity of feedstock available from the feed lot has been lessened and consequently Calorific would build only 2 digestor tanks, as opposed to the 3 tanks originally proposed. Fuel requirements of Calorific for gas treating have increased by 10 percent of total production, which together with lessened total production occasioned by 2 digestor tanks instead of 3, has decreased total estimated annual production for sale to Petitioner from 819,802 Mcf to 596,076 Mcf, it is said. It is asserted that additional manpower is also required to operate the plant now being constructed by Calorific.

It is stated that the parties have reflected the revised design, and other changed circumstances, in their contractual documents by an amendment, dated September 28, 1976, to the October 4, 1974 contract which amendment provides for a revised pricing determination involving:

1. A base price of $1.88 as of August, 1976 instead of $1.33 as of October, 1974;

2. Elimination of the construction cost adjustment. The result of this change is to leave a greater portion of the base price fixed and certain;

3. Change of the operational cost adjustment to reflect:

(a) A base period of August, 1976 instead of October, 1974.

(b) 86.0 cents per MCF as operating cost multiplier, rather than 54.0 cents per MCF.

(c) A volume quantity for adjustment of 596,076 MCF instead of 819,802 MCF.

The petition indicates that the following chart compares the cost factors used in arriving at the base price of $1.88 to the costs underlying the base price of $1.33 approved in Opinion No. 763.

	Exhibit in the hearing herein	Present estimate
Plant facilities cost	$2,902,564	$2,415,592
Annual plant recovery cost	460,201	415,881
Return on plant	238,306	193,247
Annual operating costs	391,739	511,756
Total	1,090,336	1,120,884
Annual gas production per 1,000 ft³	819,802	596,076
Average cost of production per 1,000 ft³	$1.33	$1.88

It is stated that the operating cost adjustment as revised would be implemented as follows. On the first day gas is, or is capable of being, delivered the initial price per Mcf would be adjusted by adding the result of the following calculation to the base price:

$$.86\left[\left(\frac{596{,}076}{\text{Quantity of gas delivered in the 12 months preceding the anniversary date, never less than 596,076}}-1\right)+\left(\frac{\text{Current CPI}}{\text{CPI for August 1976}}-1\right)\right]$$

Petitioner further states that it would now construct a 4½ inch, 6 mile gathering pipe and a 700 horsepower compressor instead of a 6 inch, 6 mile gathering pipe, a 1,000 horsepower compressor and measuring facilities it intended to construct under the terms of the October 4, 1974 contract and the earlier filing in this docket. The total estimated construction costs for Petitioner are $1,086,000.

Petitioner indicates that pursuant to Opinion No. 763 it was authorized to reflect interstated transportation cost of 22.0 cents per Mcf based on the estimated delivery of 819,802 Mcf per year and cost of facilities of $930,000. Based on the decrease in estimated annual production (now 596,076 Mcf) and increased facilities cost, Petitioner estimates transportation cost as 37.0 cents per Mcf.

It is stated that under the October 4, 1974 contract, as amended, the gas that is to be delivered to Petitioner would be of pipeline quality except that it would be water saturated. In a Dehydration Agreement, executed on September 28, 1976, Petitioner and Calorific have modified the provisions of the original contract concerning dehydration in the interest of conservation and simplified operational procedures, it is said. It is stated that the energy requirements for dehydration at the low pressures at which Calorific would operate (maximum of 15 psia) are considerably larger than at the pressure (approximately 630 psia), which would exist at the outlet of Petitioner's compressors, and the arrangement whereby Petitioner assumes responsibility for dehydration (while also performing the dehydration operations at the desirable higher pressure) obviate the need for complicated delivery, redelivery arrangements between Petitioner and Calorific. Petitioner asserts that under the terms of the agreement it would dehydrate gas delivered by Calorific up to a maximum to 2,000 Mcf per day, and Calorific would pay a dehydration charge of 1.0 cent per Mcf of gas delivered to Petitioner. The 1.0 cent charge per Mcf would offset the cost of service relative to the dehydration facilities to be installed by Petitioner, it is said.

$$.86\left(\frac{\text{Current consumer price index (CP)I Department of Labor, Bureau of Labor Statistics}}{\text{CPI for August 1976}}-1\right)$$

It is stated that this adjusted price would be applicable to gas delivered for the first 15 months of delivery.

Petitioner states that after the initial 15 months, and annually thereafter, the price per Mcf would be adjusted by adding the result of the following calculation to the base price:

$$\left(\frac{\text{Current CPI}}{\text{CPI for August 1976}}-1\right)$$

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 16, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12222 Filed 4-27-77;8:45 am]

[Docket No. CP75-71]

NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSWESTERN PIPELINE CO.

Amendment to Application

APRIL 22, 1977.

Take notice that on April 8, 1977, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603; and Transwestern Pipeline Company (Transwestern), South National Bank Building, Houston, Texas 77002 (Applicants) filed in Docket No. CP75-71 an amendment to their application filed in Said docket pursuant to section 7(c) of the Natural Gas Act for authorization to establish one additional point of exchange in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the Commission's order dated October 30, 1974, Applicants were issued a temporary certificate of public convenience and necessity authorizing the parties to exchange gas to enable Natural to receive into its system natural gas to be purchased from Perry R. Brass and Bass Enterprises Company (collectively referred to as Bass) from the Big Edd No. 40 Well during the time that Bass was performing an experimental fracture treatment of said well. Applicants state that on May 3, 1976, they filed an amendment to their application seeking authorization for the parties to construct and operate an additional exchange point to enable Natural to receive into its system natural gas to be purchased from Bass from the Big Eddy No. 44 Well. Any gas delivered for exchange would be redelivered by Transwestern to Natural at the outlet of Cities Service Oil Company's Bluitt Plant (Bluitt Exchange Point), a common gas purchase point of Applicants, in Roosevelt County, New Mexico, it is said.

It is stated that Natural has since entered into contracts with Coquina Oil Corporation, et al. (Coquina), dated September 1, 1976, and Union Oil Company of California (Union) dated October 2, 1976, to purchase gas from the LaRica (Morrow) Field, Lea County, New Mexico, and the contracts are each for an initial period of 2 years and thereafter until cancelled by either party on 30 days notice.

Applicants states that Coquina and Union reserved the right to have their gas processed prior to delivery to Natural and have elected to have certain low pressure gas gathered and processed by Continental Oil Company (Continental) at Continental's Maljamar Gas Processing Plant, Lea County, New Mexico. Applicants further state that Transwestern owns and operates existing facilities for the receipt of gas at the outlet of the plant and would accept for Natural's account residual gas allocable to Coquina and Union and would redeliver thermally equivalent volumes of gas to Natural at the Bluitt Exchange Point in Roosevelt County, New Mexico.

Applicants further state that they have amended the gas exchange agreement dated August 12, 1974, by an amendatory agreement dated March 7, 1977, to establish one additional point of exchange in Lea County to enable Transwestern to receive gas for Natural's account at the outlet of the Maljamar Gas Processing Plant in Lea County by utilizing its existing facilities.

Applicants assert that additional gas supplies are urgently needed on Natural's system to refill storage during the ensuing summer, and that this past winter, the most severe of the century in Natural's market area, has resulted in curtailments by some of Natural's major customers of their high-priority commercial and industrial consumers.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 13, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12221 Filed 4-27-77;8:45 am]

[Docket No. ER77-306]

OKLAHOMA GAS AND ELECTRIC CO.

Filing of Wholesale Electric Service Agreements

APRIL 22, 1977.

Take notice that Oklahoma Gas and Electric Company (OG&E) on April 12, 1977, tendered for filing Electric Service Agreements for wholesale service to the Arkansas Valley Electric Cooperative Corporation. OG&E indicates that the proposed Electric Service Agreements cancel and supersede existing contracts presently on file with the Commission and propose a new delivery point at Milton and that the proposed effective date for each new Agreement is May 13, 1977, except for the Milton point of delivery, which is expected to be energized on July 1, 1977.

OG&E indicates that the proposed rates are identical to those filed by OG&E on December 27, 1976, in Docket No. ER77-127 and designated as Federal Power Commission Tariff, Original Volume No. 1, Cooperatives.

OG&E states that copies of the proposed Electric Service Agreements have been mailed to the Arkansas Valley Electric Cooperative Corporation, the Corporation Commission of the State of Oklahoma, and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practive and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12225 Filed 4-27-77;8:45 am]

[Docket Nos. RI76-138, CI76-578, and CI76-579, CP76-410]

SOUTHERN UNION SUPPLY CO. AND EL PASO NATURAL GAS CO.

Order Approving Settlement

APRIL 20, 1977.

On March 4, 1977, presiding Administrative Law Judge Ernst Liebman certified to the Commission, with the consent of all parties, a settlement proposal in this proceeding. The settlement proposal contains two possible settlement proposals, a "three well" proposal and an alternative "one well" proposal. If the Commission approves the three well proposal on or before April 20, the one well proposal becomes moot. All parties, except Staff, support approval of the "three well" proposal.

We conclude that the "three well" proposal is in the public interest, and will approve the settlement agreement insofar as it applies to that proposal.

By order issued March 25, 1977, the Commission granted waiver of the presiding Administrative Law Judge's initial decision and required the filing of initial briefs by March 21, 1977, and reply briefs by March 30, 1977.

Southern Union Supply Company (SUSCO) is a newly formed independent producer, which began these proceedings by proposing the sales of gas to two purchasers, Southern Union Gas Company[1] and El Paso Natural Gas Company (El Paso).

THE THREE WELL PROPOSAL

SUSCO offers to sell to its purchasers[2] production from the Gallagher No. 2 Well, the Gallagher No. 3 Well, and the Supco-State No. 1 Well. The rate will be the appropriate national rate, as adjusted for Btu and taxes, plus the applicable pipeline transmission charges.[3] The three wells are located in T. 17 S., R. 34 E., Sections 8 and 17, Lea County, New Mexico, as shown on Exhibit 8 of the certified record. The production from these wells will be offered for sale under the contracts submitted in Docket Nos. CI76-578 and CI76-579, as appropriately amended.

Western Gas Interstate Company (WGI) a wholly owned subsidiary of Southern Union Gas Company is to construct a 10.12 mile 4-inch transmission line from the three wells to interconnect with the Lusk-to-Caprock 20-inch pipeline to El Paso, for redelivery to various points for the use of Southern Union Gas Company.

SUSCO is to retain title to the production during tre course of transmission and would transfer title on ultimate delivery of the gas to the purchasers. The purpose of this arrangement is to retain Southern Union's status as not being a natural gas company within the meaning of the Natural Gas Act and to prevent the volumes once they are being transported by El Paso from becoming subject to El Paso's curtailment plan.

WGI will charge an initial rate of 17.13 cents for its transportation service.

The settlement provides that the transportation rate to be charged by WGI shall be subject to prospective modification by the Commission at the applicable rate of return for its transmission services to be prescribed by the Commission at the conclusion of WGI's next section 4 rate case, which will be filed no later than June 26, 1977.

SUSCO and WGI are to file as soon as possible appropriate certificate applications or amendments and pro forma contractual documents.

Although we find the April 20, 1977, deadline to be somewhat precipitate, our review of the record, particularly the testimony contained at pages 193 through 195 of the transcript in these proceedings, shows that without timely Commission action a previously negotiated contract would commit gas from two of the wells to the intrastate market, and approval by this Commission of the three well proposal by the deadline contained in the settlement agreement is in the public interest.

THE ONE WELL PROPOSAL

The settlement provides that in the event the Commission does not approve the three well proposal that it would consider without further proceedings the one well proposal. Since we are approving the three well proposal the one well proposal is moot, and it would serve no purpose to discuss its provisions in this order.

STAFF'S OBJECTIONS

Staff makes the following objections in its initial brief mimeo page 11

Both the three-well and one-well proposals request total producer rates in excess of the adjusted national rate as that term is defined in Opinion No. 770-A, supra, page 190, and accordingly Susco must "fully justify" the relief desired by manifesting total costs to be in excess of the adjusted national rate under the special relief provision, page 191. Moreover, the legal basis for requiring a total cost showing is well established by the Courts[11] and continues to be a linchpin for current Commission policy.

The three-well proposal and the one-well proposal do not disclose gas well investment and operating costs together with reserve data so that a comparison can be made with

[1] Southern Union Gas Company was SUSCO's parent at the time of the signing of the "Gas Sales and Purchase Agreement", dated April 13, 1976, which is contained as Exhibit B to SUSCO's application in Docket No. CI76-578. After the signing of the agreement, Southern Union Gas Company, as a parent corporation, changed its name to Southern Union Company, and the distribution activities formerly undertaken by Southern Union Gas Company as an entity were carried on thereafter by Southern Union Gas Company, a Division of Southern Union Company (in Texas, Oklahoma, and Arizona) and by Gas Company of New Mexico, a Division of Southern Union Company (in New Mexico only). The two distribution divisions will be referred to collectively as "Southern Union".

[2] Southern Union Gas Company (Docket No. CI76-578) and El Paso (Docket No. CI76-579).

[3] For example, the sale to Southern Union Gas Company would be at a rate consisting of the following components: the applicable national rate, as adjusted, plus the WGI transportation rate, plus the El Paso rate for deliveries in the applicable zone. The sale to El Paso would be at a rate consisting of the following components: the applicable national rate, as adjusted, plus the WGI transportation rate.

[11] Opinion Nos. 640 and 640-A, *George Mitchell and Associates, Inc.*, 49 FPC 424 and 1434 (1973), rev'd and remanded on other grounds, *McDonald* v. 505 F. 2d 355, (D C Cir 1974).

the adjusted national base rate of approximately $1.60 or formula components A, T, and the BTU wellhead content portion of S (Tr. 91-93; 181).

Staff's position in this matter stems from its treatment of it as an application for special relief pursuant to § 2.56a of the Commission's General Policy (18 CFR 2.56a). Although the application was made pursuant to the provisions of § 2.56a, this was done at Staff's request. We conclude this is not an application for special relief, and that SUSCO is entitled to the national rate at the wellhead. There is nothing unreasonable in the arrangement proposed in the settlement which requires the payment of the national rate as prescribed in Opinion No. 770-A (—— FPC ——) plus applicable transportation charges.

Staff also objects to certain elements of the transportation charge to be imposed by El Paso under either arrangement.

Staff does not contest the applicability of the national rate to the subject wells if sales were at the wellhead, but only contests it because title is retained by the producer until delivery of the gas by El Paso. Nor does Staff contest the need for additional gas supplies to Southern Union and the record is replete with evidence to support the need for these additional supplies to the interstate market.

With reference to Staff's objections to the transportation rates to be imposed by El Paso and WGI we conclude that the continuing review of El Paso's rate structure under Section 4 of the Natural Gas Act and the agreement contained in paragraph (5) of the settlement proposal which requires that WGI file a Section 4 rate application no later than June 26, 1977, adequately protects the public interest. We conclude that the transportation charges provided for in the settlement proposal are just and reasonable, subject to continuing review by the Commission pursuant to Section 4 of the Natural Gas Act.

The Commission orders: (A) The settlement proposal certified to the Commission by presiding Administrative Law Judge Ernst Liebman on March 4, 1977, and the "three well" proposal contained in numbered paragraphs (1) through (6) is approved and accepted.

(B) In conformance with numbered paragraph (6) of the settlement proposal, SUSCO and WGI will file as soon as possible appropriate certificate applications or amendments and pro forma contractual documents.

(C) So much of the settlement proposal as not approved herein is dismissed as moot.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12227 Filed 4-27-77;8:45 am]

[Docket No. RI77-54]

TEXAS OIL & GAS CORP. ET AL.

Notice of Petition for Special Relief

APRIL 22, 1977.

Take notice that on April 7, 1977, Texas Oil & Gas Corp., et al. (TXO), 2700 Fidelity Union Tower, Dallas, Texas 75201, filed a petition for special relief in Docket No. RI77-54 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

TXO seeks authorization to charge 75 cents per Mcf for the sale of gas from the Dondelinger "A" No. 1 Well located in Beaver County, Oklahoma. TXO states that it is no longer economically feasible to continue operating the subject well and that abandonment will result if its request for rate relief is not granted.

Any person desiring to be heard or to make any protest with references to said petition should on or before May 16, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rule.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12218 Filed 4-27-77;8:45 am]

[Docket No. CP76-127]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment to Application

APRIL 22, 1977.

Take notice that on April 14, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 76-127 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act so as to delete the request for permission for and approval to abandon certain gas purchase facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its initial application filed in said docket on October 10, 1975, it proposed to abandon numerous transmission purchase lines, metering and regulator facilities and related facilities no longer required due to exhaustion of gas reserves which were previously purchased by means of such facilities. The following facilities were said to be included within such facilities:

Facilities	*Location*
Approximately 11,397 feet of 8-inch transmission purchase line and one meter and regulator station and related facilities known as the "Coastal States—South Delcambre purchase facilities."	Vermilion Parish, La.
Approximately 4,135 feet of 12-inch Gibson transmission purchase line; 3,882 feet of 6-inch Shell-Herbert Gibson Field gathering line; the Quintana Gibson Field Metering and Regulator Station; and the Shell-Herbert - Humphries Field Metering and Regulator Station, constituting a portion of the "Gibson Field Gathering and transmission purchase facilities."	Terrebonne Parish, La.

Applicant states that drilling activity and resulting gas production available in the area of these facilities indicate a need to retain such facilities in service for the present and the foreseeable future.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 17, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12219 Filed 4-27-77;8:45 am]

[Docket No. ER77-156]

UNION ELECTRIC CO.

Filing of Boundary Line Agreement

APRIL 22, 1977.

Take notice that on January 18, 1977 Union Electric Company (Union) tendered for filing a new Boundary Line Agreement dated January 3, 1977, between the Missouri Power & Light Company and Union. Union indicates that said Agreement modifies rate and termination provisions under the existing agreement dated September 16, 1952.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12226 Filed 4-27-77;8:45 am]

[Docket No. RP76-115]

NORTHWEST PIPELINE CORP.

Proposed Pipeline Rate Settlement

APRIL 21, 1977.

Take notice that on April 6, 1977, the Presiding Administrative Law Judge certified to the Commission for consideration and disposition a proposed settlement agreement in the above-entitled proceeding, together with the record relating thereto. The proposed settlement, if approved, would resolve all issues in the proceeding, as well as a reserved issue in Docket Nos. RP73-109 and RP74-95 concerning the rate treatment to be accorded certain of Northwest's gas production from post-1972 wells.

Any person wishing to do so may submit comments in writing concerning the proposed settlement agreement. All comments should be filed or mailed on or before May 3, 1977, and should be addressed to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The settlement agreement is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12173 Filed 4-22-77;8:45 am]

[Docket No. ER77-295]

ORANGE AND ROCKLAND UTILITIES, INC. AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Change in Electric Rate Schedule

APRIL 21, 1977.

Take notice that Orange and Rockland Utilities, Inc. (Orange and Rockland) and Consolidated Edison Company of New York, Inc. (Con Edison) on April 11, 1977, tendered for filing, as a Supplemental Rate Schedule an extension of the term of ORU FPC Rate Schedule No. 36 and Supplement No. 1 thereto (Con Edison FPC Rate Schedule No. 337 and Supplement No. 1 thereto) from April 17, 1977 to September 30, 1977. Con Edison and Orange and Rockland indicates that the supplemental agreement provides for the exchange of 200 mW of electric generating capability between Orange and Rockland Utilities, Inc. and Con Edison during the period April 17, 1977 to September 30, 1977, unless sooner terminated by Con Edison in accordance with the terms of the Agreement.

Con Edison and Orange and Rockland respectively request that the Commission waive its thirty day notice requirement and permit this agreement to become effective as of April 17, 1977.

A copy of the supplemental agreement has been served upon the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-12169 Filed 4-27-77;8:45 am]

FEDERAL RESERVE SYSTEM

CONTINENTAL ILLINOIS CORP.

Proposed Acquisition of Great Lakes Life Insurance Company

Continental Illinois Corporation, Chicago, Illinois, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Great Lakes Life Insurance Company, Phoenix, Arizona. Notice of the application was published on March 2, 1977, in The Arizona Republic, a newspaper circulated in Phoenix, Arizona and on March 3, 1977, in the Chicago Tribune, a newspaper circulated in Chicago, Illinois.

Applicant states that the proposed subsidiary would perform the activities of underwriting as a reinsurer of credit life and credit accident and health insurance directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 19, 1977.

Board of Governors of the Federal Reserve System, April 21, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-12144 Filed 4-27-77;8:45 am]

NBC CO.

Proposed Acquisition of Fremont State Company

NBC Co., Lincoln, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Fremont State Company, Fremont, Nebraska. Notice of the application was published on February 25, 1977, in the Fremont Tribune, a newspaper circulated in Fremont, Nebraska.

Applicant states that the proposed subsidiary would perform the activities of an industrial loan and investment company, including the issuance of paid-up certificates of indebtedness and installment certificates of indebtedness and the making of consumer, commercial, and real estate mortgage loans, and would act as agent in the sale of credit life and credit health and accident insurance directly related to extensions of credit by Fremont State Company. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the

hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 18, 1977.

Board of Governors of the Federal Reserve System, April 20, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-12145 Filed 4-27-77;8:45 am]

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 2800 voting shares of First National Bank of Duncanville, Duncanville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 19, 1977.

Board of Governors of the Federal Reserve System, April 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board,

[FR Doc.77-12146 Filed 4-27-77;8:45 am]

ROYAL TRUST COMPANY AND ROYAL TRUST BANK CORP.

Acquisition of Bank

The Royal Trust Company, Montreal, Quebec, Canada, and its wholly-owned subsidiary, Royal Trust Bank Corp., Miami, Florida, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent, less directors' qualifying shares, of the voting shares of Royal Trust Bank of South Dade, N.A., Dade County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 20, 1977.

Board of Governors of the Federal Reserve System, April 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc 77-12147 Filed 4-27-77;8:45 am]

WILBER CO.

Order Approving Formation of Bank Holding Company

Wilber Co., Wilber, Nebraska, has applied for prior approval under section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 per cent, less directors' qualifying shares, of the voting shares of Saline State Bank, Wilber, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (42 FR 9436 (1977)). The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank which has deposits of $7.9 million.[1] Upon acquisition of Bank, Applicant would control the 197th largest bank in Nebraska, holding .13 per cent of the total deposits in commercial banks in the State. Bank is the fourth largest of nine banks in the relevant banking market, which is approximated by Saline County, and controls 11.8 per cent of the deposits therein.

A principal of Applicant is also a principal in another one-bank holding company in Nebraska. This holding company's subsidiary bank is located in Saline County, approximately 18 miles from Bank. That bank has deposits of $3.2 million and controls 4.7 per cent of market deposits. However, considering the relatively small size of the two banks and the unconcentrated nature of the market, this link between the banks would not have any serious competitive impact. Since this proposal represents a restructuring of the existing owernship of Bank and since Applicant has no present operating subsidiaries, consummation of the transaction would eliminate neither existing nor potential competition. Thus, competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of Applicant are entirely dependent upon those of Bank. The managerial resources of Applicant are considered satisfactory and the future prospects of each appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application.

As Applicant proposes to add or expand several services offered at Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective April 21, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-12148 Filed 4-27-77;8:45 am]

WOODFORD BANCORPORATION, INC.

Order Approving Acquisition of Bank Shares

Woodford Bancorporation, Inc., El Paso, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire an addition 1,000 shares, or 12.5 per cent of the outstanding voting shares, of Woodford County Bank, El Paso, Illinois ("Bank"). Applicant currently owns 3,469 shares, or approximately 43.36 per cent of the outstanding voting shares, of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

Applicant is a one-bank holding company by virtue of its ownership of more than 25 per cent of the outstanding voting shares of Bank. Bank, with deposits of $17.4 million, is one of the smaller commercial banks in the State of Illinois.[1] It is the largest of eight banking organizations in the relevant banking market and holds approximately 19.6 percent of total market deposits.[2] Inasmuch as the proposed transaction involves the acquisition of shares in a bank that Applicant already controls, it appears that consummation of the proposal would not eliminate existing or potential competition, nor would it increase the concentration of banking resources in the relevant banking market. Applicant's principal has interests in and relationships with five other Illinois banking organizations, none of which compete with Bank in the relevant banking market. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and their future prospects appear favorable. Furthermore, the financial and managerial resources of the banking organizations with which Applicant's principal is affiliated are such that they may be regarded as generally consistent with approval of the application. Accordingly, banking factors are consistent with approval of the application. While no major changes are contemplated in Bank's services, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order of (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective April 20, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-12149 Filed 4-27-77;8:45 am]

FIRST BANKERS CORPORATION OF FLORIDA

Order Approving Acquisition of Bank

First Bankers Corporation of Florida, Pompano Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Winter Garden, Winter Garden, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the state's twentieth largest holding company, controls seven banks with aggregate deposits of $257.2 million, representing 1.03 percent of deposits in all commercial banks in the state. (All banking data are as of December 31, 1975.) Acquisition of Bank, having deposits of $21.3 million, would not significantly increase Applicant's share of Florida commercial bank deposits and Applicant's status as the twentieth largest holding company would remain unchanged. No undue concentration of banking resources in Florida would result.

Applicant is seeking to make a "foothold" entry into the relevant market area, which is the Orlando Banking Market. Applicant, in acquiring Bank, will control the eleventh largest bank in the market, with 1.6 percent of total commercial bank deposits.

Applicant's nearest banking subsidiary is located in New Smyrna Beach, 66 miles northeast of Bank. No competition currently exists between Applicant's subsidiaries and Bank, and it is unlikely that significant future competition would develop because of the distances involved and Florida's branching laws. The three largest organizations in the market control 59 percent of market deposits. Acquisition of Bank by Applicant will not have any adverse competitive effects in the market.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are considered to be generally satisfactory. Acquisition of Bank by Applicant will increase Bank's lending capacity and provide Bank with more sophisticated lending and investment services. Cost savings may result from the transfer of its data processing from an outside company to Applicant's subsidiary. Bank's employees will be included in Applicants retirement plan. Applicant plans to study the feasibility of opening a trust facility, and with Applicant's resources Bank will move its main office to a new location and convert the old office to a branch. Considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective April 18, 1977.

ARTHUR H. KANTNER,
Senior Vice President.

[FR Doc.77-12189 Filed 4-27-77;8:45 am]

[1] All banking data are as of December 31, 1975.

[1] All banking data are as of December 31, 1975.

[2] The relevant banking market is approximated by Woodford County, Illinois.

[3] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, Partee, and Lilly.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL ARTHRITIS ADVISORY BOARD; NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Arthritis Advisory Board, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the FEDERAL REGISTER, April 19, 1977, 42 FR 20351.

The notice that was previously published stated the meeting would be partially closed from 9–11 a.m., May 4, 1977. The entire meeting will now be open to the public from 9 a.m.–5 p.m.

Dated: April 25, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77-12273 Filed 4-27-77;8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on May 5, and 6, 1977, from 9:00 a.m. to 5:00 p.m. at the Olde Colony Motor Lodge, Alexandria, Virginia.

The Advisory Council on Financial Aid to Students is established under section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C.; 089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

1. Summary review of Annual Report for 1977;
2. Assignment of research areas for working papers to be prepared by Council members for preliminary review in September, 1977, basis for 1978 Annual Report.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed in Washington, D.C., on April 22, 1977.

WARREN T. TROUTMAN,
Office of Education, Delegate.

[FR Doc.77-12182 Filed 4-27-77;8:45 am]

SUBCOMMITTEE (OR GRANTS AND WORK-STUDY) OF THE ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on May 3, and 4, 1977, from 9:00 a.m. to 5:00 p.m. at the Olde Colony Motor Lodge, Alexandria, Virginia.

The Advisory Council on Financial Aid to Students is established under section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C.; 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public.

The proposed agenda includes:

1. Parameters of financial aid as now implemented in Federal aid programs;
2. Planning session for full Council meeting;
3. Summary analysis of areas to be suggested for 1977-78 research.

Records shall be kept of all Committee Proceedings and shall be available for public inspection at the Council's Office located in Room 4931, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed in Washington, D.C., on April 22, 1977.

WARREN T. TROUTMAN,
Office of Education Delegate.

[FR Doc.77-12183 Filed 4-27-77;8:45 am]

EMERGENCY SCHOOL AID

Change in Available Funds

On February 22, 1977, at 42 FR 10339, the Commissioner of Education announced a closing date of April 29, 1977 for receipt of applications under section 708(a)(2) of the Emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)). In particular, the Commissioner invited applications from local educational agencies ("LEAs") which adopted desegregation plans (or other plans described in section 706(a) of the statute) for initial implementation in the 1977-78 school year on or after December 18, 1976, and LEAs which adopted those plans in the recent past and which continue to have severe unmet educational needs arising from the implementation of the plans.

Part D of the February 22 notice of closing date stated it was anticipated that $20,350,000 would be awarded to support projects submitted in response to that notice. This figure was based in part on estimates of when LEAs then involved in litigation would adopt plans for implementation in the coming school year. However, several of these LEAs are still involved in litigation likely to result in plans for implementation in 1977-78. Because the requirements of these plans are not yet known, LEAs have not been able to develop applications to meet needs arising from them. Therefore, the Commissioner anticipates that approximately $10,000,000 will be awarded to support projects submitted in response to the February 22 notice. The remaining sums appropriated by Pub. L. 94-439 for section 708(a) will be reserved to support projects to be solicited by a future notice of closing date.

(Catalog of Federal Domestic Assistance No. 13.532, Emergency School Aid—Special Projects.)

(20 U.S.C. 1601-1619.)

Dated: April 26, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-12272 Filed 4-27-77;8:45 am]

Office of Human Development

WORK INCENTIVE PROGRAM

Distribution of Funds; Notice

AGENCY: Office of Human Development (OHD), HEW.

ACTION: Notice.

SUMMARY: The Office of Human Development (OHD) proposes a method for the allocation among the States of fiscal year 1978 funds for child care and other supportive services under the Work Incentive (WIN) Program. OHD proposes that this method distribute 100 percent of the funds available to State WIN separate administrative units for child care and other supportive services on the basis of the Department of Labor allocations to the State WIN sponsors for employment and training.

COMMENTS: Consideration will be given to any written comments or suggestions received by the Office of Human Development, Department of Health, Education and Welfare, P.O. Box 2382, Washington, D.C. 20013 on or before May 27, 1977. Comments will be available for public inspection in room 5225 of the Department's offices at 330 "C" Street SW., Washington, D.C., on Monday through Friday from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Pera Daniels, area code 202-245-0436.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Prior to fiscal year 1975, the funds appropriated for child care and other supportive services under the WIN Program were sufficient to match all State expenditures. In fiscal year 1975, and thereafter, appropriated funds were insufficient to match increased State expenditures that resulted from substantial program growth. Limits of entitlement were therefore imposed on each State in order to remain within the funds available.

METHODS USED IN PRIOR YEARS

The method for computing these limits distributed 25 percent of the funds available on the basis of the Department of Labor allocations to the State WIN sponsors for employment and training. In fiscal year 1976, this percentage was increased to 50 percent and in fiscal year 1977, to 75 percent. In each of these three years the remaining funds were distributed on the basis of past expenditures for child care and other supportive services by each State.

PROPOSED METHOD FOR FISCAL YEAR 1978

OHD proposes that 100 percent of the fiscal year 1978 funds be distributed to State WIN separate administrative units for child care and other supportive services on the basis of the Department of Labor allocations to the State WIN sponsors for employment and training. This would complete the gradual linkage which was started in fiscal year 1975. While a statistical validation of this linkage cannot be made, we believe that there is a valid direct relationship between the State's WIN activity in employment and training and the necessity for child care and other supportive services.

RELATED UNIFIED FUNDING PROPOSAL TO THE CONGRESS

Despite this relationship, individual differences in some States may necessitate a different split of the total WIN funds available. A unified planning and funding concept has been recommended to the Congress which will give each State the opportunity to determine what portion of its total WIN funds will be used for child care and supportive services and what portion for employment and training. The portion designated by each State for child care and other supportive services will become the State's limit of entitlement. Under the unified planning and funding process, the States' limits of entitlement will be established as follows:

1. In the President's budget the WIN program has two subactivities: one for employment and training and another for child care and other supportive services. From the amount for the employment and training subactivity, the Department of Labor will compute a preliminary amount for each State using their allocation formula. Each Regional Coordinating Committee for WIN will make adjustments to these preliminary amounts among the States in its region based on its closer, more comprehensive knowledge of the States' WIN plan operations forecasted for fiscal year 1978.

2. From the amount identified in the subactivity for the WIN child care and other supportive services, OHD will compute a preliminary amount for each State in direct proportion to the Department of Labor amounts (as adjusted by the Regional Coordinating Committees).

3. The Regional Coordinating Committee will provide each State with the sum of the preliminary amounts determined in steps one and two. Using this total each State will develop during June, July, August and September, its State WIN plan for fiscal year 1978. The State will decide the most appropriate split of the total funds between the State's employment and training agencies and its child care and other supportive services units. The Regional Coordinating Committee must approve each State's WIN plan and the State's split of the fiscal year 1978 WIN funds.

4. The amount approved for child care and other supportive services will be published by OHD as the amount of the State's limit of entitlement. If an amount for child care and supportive services is not approved by the Regional Coordinating Committee for the State by September 30, 1977, the amount computed using the ratio of employment and training funds to child care funds in step two will be published by OHD as the State's limits of entitlement.

PROCEDURE IF UNIFIED FUNDING IS NOT APPROVED

If unified funding is not approved by the Congress, then limits of entitlement would be computed using only steps 1 and 2 above.

OTHER PROCEDURES

Whether or not unified funding is approved, if the annual appropriation for the WIN program differs from the amount in the President's budget, then the limit of entitlement for each State will be increased or decreased proportionately.

A survey will be made during the second half of fiscal year 1978 to determine the validity of the limits of entitlements. If the survey indicated that major variations from initial funding levels have occurred then the limits will be revised accordingly.

EFFECT OF LIMITS OF ENTITLEMENT

Expenditures for child care and other supportive services under section 402(a)(19)(G) of the Social Security Act, 42 U.S.C. 602(a)(19)(G), will not be honored to the extent that they exceed published limits of entitlement.

(Catalog of Federal Domestic Assistance Program No. 13.748 Work Incentive Program—Child Care—Employment Related Supportive Services.)

Dated: April 25, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-12180 Filed 4-27-77;8:45 am]

Public Health Service

EMERGENCY PREPAREDNESS FUNCTIONS

Order of Succession of Emergency Continuity of Leadership

Notice is hereby given that pursuant to the requirements contained in section 102(b) of Executive Order 11490, as amended by Executive Order 11921, and Federal Preparedness Circular FPC-14, and Department of Health, Education, and Welfare Emergency Manual Chapter 2-40, the Assistant Secretary for Health has designated an order of succession for emergency continuity of leadership.

The order, effective April 15, 1977, provides for the first-available official listed below to act as the Assistant Secretary for Health in the event of a national emergency or upon activation of the Emergency Health Service or an order of the Secretary of Health, Education, and Welfare and during the absence or disability of the Assistant Secretary for Health:

1. Deputy Assistant Secretary for Health.
2. Executive Officer/PHS.
3. Administrator, Health Services Administration.
4. Regional Health Administrator, Region X.
5. Regional Health Administrator, Region II.
6. Regional Health Administrator, Region VI.

Each official listed in the order, upon succession to the position of the Assistant Secretary for Health, shall be empowered to perform all functions and exercise all authority of the Assistant Secretary for Health except where prohibited by law, regulation, or other applicable directive.

Each official listed in the order will receive emergency notification of his emergency succession to the position of the Assistant Secretary for Health through regular channels of communication, e.g., by telephone, in meetings, if possible. If regular channels of communication are disrupted, he will be notified by other available means, e.g., telegraph or radio.

Tenure of authority shall continue until the successor to the position of the Assistant Secretary for Health is relieved by someone higher in the order of succession or by the Assistant Secretary for Health.

Dated: April 15, 1977.

R. MOURE,
Executive Officer, Public Health Service.

[FR Doc.77-12139 Filed 4-27-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SIX NATIONS AND STOCKBRIDGE-MUNSEE

Plan for Use and Distribution of Six Nations Judgment Funds Awarded in Dockets 84 and 300-B, and the Stockbridge-Munsee Community in Docket 300, Before the Indian Claims Commission

APRIL 21, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 27, 1974, 88 Stat. 1771, in satisfaction of the award granted to the Six Nations in Indian Claims Commission Dockets 84 and 300-B, and by the Act of January 3, 1974, 87 Stat. 1071, for The Stockbridge-Munsee Community in Indian Claims Commission Docket 300.

The plan for the use and distribution of the funds was submitted to the Congress with a letter dated September 21, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on September 23, 1976, and as reported by the Senate on September 23, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on March 4, 1977, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of December 27, 1974, 88 Stat. 1771, in satisfaction of the award granted to the Six Nations in Dockets 84 and 300-B before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be divided, on a population basis, by the Secretary of the Interior among the following tribes and in the following percentages:

NEW YORK ENTITIES

	Percent
The Seneca Nation	28
The Tonawanda Band of Senecas	5
The Oneida Nation of New York	3
The Cayuga Nation	3
The Onondaga Nation	7
The Tuscarora Nation	4

WISCONSIN ENTITIES

The Oneida Tribe of Wisconsin	42
The Stockbridge-Munsee Community	8
Making a total of	100

The governing body of each of the above-cited New York entities is authorized to designate any tribal account, project or program to which their share of the funds is to be applied. Should any governing body not specify such account, project or program for the use of their share of the funds by the effective date of this plan, said share, including all interest and investment income accrued, shall be held and continued to be invested by the Secretary pursuant to 25 U.S.C. § 162a until such tribal proposal is submitted to and approved by him. The share of the Oneida Tribe of Wisconsin shall be deposited in the tribe's "Sand Account" and be utilized for land acquisition. The share of the Stockbridge-Munsee Community shall be deposited in a Land Purchases bank account designated as No. 210–06858 and be utilized for land acquisition.

The funds appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Stockbridge-Munsee Community in Docket 300 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be added to the Stockbridge-Munsee share of the funds in Dockets 84 and 300–B and be handled and utilized in the same manner and for the same purposes.

None of the funds considered in this plan shall be available for distribution in the form of per capita payments.

THEODORE C. KRENZKE,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-12135 Filed 4-27-77;8:45 am]

[CA 4228]

CALIFORNIA

Airport Lease

APRIL 20, 1977.

Notice is hereby given that pursuant to the Act of May 24, 1928, (49 U.S.C. 211–214) the County of Inyo, California, Department of Public Works, has applied for an airport lease for the following land:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 40 E.,
Sec. 24, That portion of Section 24, T. 19 S. R. 40 E, MDM, lying 37.5 feet each side of the following described centerline: Commencing at the southwest corner of Tract 38, as shown on the Inyo County Surveyor's Map No. 20 of the Darwin Townsite, Darwin, Ca., on file in the office of the Inyo County Surveyor, thence N. 62°20'04" W., 1,218.39 feet to the True Point of Beginning; thence S. 01°44'53" E., 2,550.00 feet. The sidelines are to terminate at right angles to the herein described centerline, comprising 4.39 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the above described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the Chief, Lands Section, Branch of Lands and Minerals Operations, Bureau of Land Management, 2800 Cottage Way, Federal Building, Room E–2605, Sacramento, CA 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-12246 Filed 4-27-77;8:45 am]

[ES 11765]

FLORIDA

Opportunity for Public Hearing and Republication of Proposed Withdrawal

The U.S. Department of the Interior, Fish and Wildlife Service filed application Serial No. ES 11765 on February 28, 1973, for a withdrawal in relation to the following described lands:

TALLAHASSEE MERIDIAN, FLORIDA

T. 31 S., R. 39 E.,
Section 9: Lot 9.

The area described above contains 37.50 acres in Indian River County, Florida.

The applicant proposes to use the land as an addition to the Pelican Island National Wildlife Refuge for the management of the endangered Brown Pelican and for other colonial nesting birds and wildlife.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on June 7, 1974, page 20221, Volume No. 39, Document No. 74–13059.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910, on or before June 7, 1977. Upon determination by the Director that a public hearing will be held, a notice of public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the Director, Eastern States Office, Bureau of Land Management at the above address on or before June 7, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, the mineral leasing laws, and the Act of July 31, 1947 (61 Stat. 681) to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-12238 Filed 4-27-77;8:45 am]

[NM 30324]

NEW MEXICO

Application

APRIL 21, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for one 6⅝-inch and 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14 S., R. 28 E.,
Sec. 8, SE¼SW¼ and SW¼SE¼;
Sec. 17, NE¼NW¼ and W½NW¼;
Sec. 18, SE¼NE¼ and E½SE¼;
Sec. 19, NE¼NE¼, W½NE¼, SE¼SW¼ and W½SE¼;
Sec. 30, NE¼NW¼.

This pipeline will convey natural gas across 2.808 miles of national resource land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12247 Filed 4-27-77; 8:45 am]

[OR 14265]

OREGON

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of Section 206 of the Act of October 21, 1976, 90 Stat. 2743, 2756, 43 U.S.C. 1716, the following land has been reconveyed to the United States.

WILLAMETTE MERIDIAN

T. 7 S., R. 42 E.,
Sec. 21, S½;
Sec. 22, SW¼.

The area described contains 480 acres in Baker County.

2. All the minerals in SE¼, Sec. 21, T. 7 S., R. 42 E. were and continue to be in United States ownership and open to operation of the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws.

3. The subject land is located approximately 20 miles northeast of the city of Baker. The topography is generally hilly and the soils are rocky in most places. Vegetation consists of native grasses and sagebrush with a few trees and shrubs along the drainage of a perennial stream which flows through the west end of the tract. In the past, the land has been used for livestock grazing purposes, and it will be managed together with adjoining natural resource lands, for multiple use.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land described in paragraph 1 hereof is hereby open (except as alreadp provided in paragraph 2 hereof) to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. June 3, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12248 Filed 4-27-77;8:45 am]

[U–37049]

UTAH

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 21 E.,
Secs. 11, 13, and 14.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM LEAVELL,
Associate State Director.

[FR Doc.77-12249 Filed 4-27-77;8:45 am]

[Wyoming 58845]

WYOMING

Application

APRIL 21, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4" O.D. pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 94 W.,
Sec. 8, S½NE¼, SE¼NW¼, N½SW¼,
Sec. 10, W½NW¼.

The pipeline will transport natural gas produced from the Federal 10–18–94 well in the NW¼ of Section 10, Township 18 North, Range 94 West, Sweetwater County, Wyoming, into an existing natural gas pipeline system at a location in Section 7, Township 18 North, Range 94 West in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12250 Filed 4-27-77;8:45 am]

Bureau of Land Management

[Wyoming 59095]

WYOMING

Application

APRIL 19, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 6" O.D. natural gas pipeline for the purpose of transporting "sour" gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W.,
Sec. 2, NE¼SW¼.

The pipeline will transport "sour" gas from the TRU No. 22 well in section 2, T. 18 N., R. 98 W. into a proposed 10" Desert Springs F143 line located in said section 2, in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-12136 Filed 4-27-77;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Availability of Report

Consistent with the provisions of 5 U.S.C. 552 and the Federal Advisory Committee Act (Pub. L. 92–463), the Advisory Committee on Coal Mine Safety Research has issued its Annual Report for 1976. Copies of the report have been filed and are available for public inspection and use at the following locations.

Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Room 2016A, 10 First Street SE., Washington, D.C. 20540.

Department of the Interior, Departmental Library, Room 1140, 18th and C Streets NW., Washington, D.C. 20240, Telephone (202) 343–5815.

U.S. Bureau of Mines, Office of the Assistant Director—Mining, Columbia Plaza Office Building, Room 964, 2401 E Street NW., Washington, D.C. 20241, Telephone (202) 634–1223.

Inquiries concerning this report may be addressed to the Executive Secretary of the Advisory Committee, Office of the Assistant Secretary, Energy and Minerals, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

Dated: April 19, 1977.

JOHN D. MORGAN, Jr.,
Acting Director, Bureau of Mines.

[FR Doc.77-12137 Filed 4-27-77;8:45 am]

National Park Service

BOSTON NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92–463, that a meeting of the Boston National Historical Park Advisory Commission will be held at 11 a.m. on May 19, 1977 at the Commandant's House, Charlestown Navy Yard, Boston, Massachusetts.

The Commission was established by Pub. L. 93–431 to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park.

The members of the Advisory Commission are as follows:

Mr. Richard A. Berenson, Chairman, Brookline, Massachusetts

Dr. Evelyn Murphy, Lexington, Massachusetts
Mr. Byron D. Rushing, Boston, Massachusetts
Mrs. Katharine D. Kane, Boston, Massachusetts
Mr. Maurice F. O'Shea, Charlestown, Massachusetts
Mr. Guy A. Beninati, Boston, Massachusetts

The matters to be discussed at this meeting include:

1. Plans for the park Visitor Center.
2. Transportation between the various park sites.
3. Interpretive plans and special events for the 1977 visitor season.
4. The Commission sub-committee report on the Boston NHP Environmental Assessment.
5. Progress report on cooperative agreements.
6. Report and discussion of interrelation between the National Park Service and the Boston Redevelopment Authority at the Charlestown Navy Yard.
7. Report and discussion of park administration and operation.

The meeting will be open to the public. However, facilities and space are limited, and it is expected that not more than 25 persons will be able to attend the session. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Hugh D. Gurney, Superintendent, Boston National Historical Park at 617-242-1700. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent, Building 136, Charlestown Navy Yard, Boston, Massachusetts.

Dated: April 12, 1977.

DENIS P. GALVIN,
Acting Regional Director.

[FR Doc.77-12212 Filed 4-27-77;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 710-77]

PRIVACY ACT OF 1974

Clarification of System of Records

In accordance with Section 3(e)(4) and (11) of the Privacy Act of 1974, 5 U.S.C. 552a, a system notice, JUSTICE/FBI-002, titled "FBI Central Records System" was published in the FEDERAL REGISTER annually and most recently on March 4, 1977 (42 FR 12809).

In order to delineate more accurately the types of records contained within this system, the description of categories of records printed below replaces the existing one.

Since this modification to the system notice is an amplification rather than an alteration or expansion of the scope of this system of records, the reporting criteria of the Privacy Act and the Office of Management and Budget Circular A-108 do not require the filing of a report.

Pursuant to the authority vested in me by 5 U.S.C. 552a, this revision is hereby adopted.

JUSTICE/FBI-002

System name:

FBI Central Records System.

Categories of records in the system:

The FBI has 191 classifications used in its basic filing system. They pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 191 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word "obsolete" following the name of the classification indicates that documents are no longer being filed under this heading):

CLASSIFICATIONS

1. Training Schools; National Academy Matters; FBI National Academy Applicants
2. Neutrality Matters.
3. Overthrow or Destruction of the Government
4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms
5. Income Tax.
6. Interstate Transportation of Strikebreakers
7. Kidnaping
8. Migratory Bird Act
9. Extortion
10. Red Cross Act
11. Tax (Other than Income)
12. Narcotics
13. Miscellaneous National Defense Act; Prostitution; Selling Whiskey Within Army Camps (obsolete)
14. Sedition
15. Theft from Interstate Shipment
16. Violation Federal Injunction (obsolete)
17. Veterans Administration Matters
18. May Act
19. Censorship Matters (obsolete)
20. Federal Grain Standards Act (obsolete)
21. Food and Drugs
22. National Motor Vehicle Traffic Act (obsolete)
23. Prohibition
24. Profiteering (obsolete)
25. Selective Service Act; Selective Training and Service Act
26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft
27. Patent Matter
28. Copyright Matter
29. Bank Fraud and Embezzlement
30. Interstate Quarantine Laws (obsolete)
31. White Slave Traffic Act
32. Identification (Fingerprint Matters)
33. Uniform Crime Reporting
34. Violation of Lacy Act (obsolete)
35. Civil Service
36. Mail Fraud
37. False Claims Against the Government (obsolete)
38. Application for Pardon to Restore Civil Rights (obsolete)
39. Falsely Claiming Citizenship
40. Passport and Visa Matter
41. Explosives (obsolete)
42. Deserter; Deserter, Harboring
43. Illegal Wearing of Uniform; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of "Smokey Bear" Symbol
44. Civil Rights; Civil Rights, Election Laws; Civil Rights, Election Laws, Voting Rights Act, 1965
45. Crime on the High Seas (Includes stowaways on boats and aircraft)
46. Fraud Against the Government; Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act
47. Impersonation
48. Postal Violations (Except Mail Fraud)
49. National Bankruptcy Act
50. Involuntary Servitude and Slavery
51. Jury Panel Investigations
52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property
53. Excess Profits on Wool (obsolete)
54. Customs Laws and Smuggling
55. Counterfeiting
56. Election Laws
57. War Labor Disputes Act (obsolete)
58. Bribery; Conflict of Interest
59. World War Adjusted Compensation Act (obsolete)
60. Anti-Trust
61. Treason or Misprison of Treason
62. Miscellaneous—Including Administrative Inquiry (formerly Misconduct in Office)
63. Miscellaneous, Non-Subversive, including: Black Market in Railroad Tickets (obsolete); Civil Aeronautics Act (obsolete); Eight-Hour-Day Law; Federal Judiciary Investigations; Federal Juvenile Delinquency Act; Kickback Racket Act; Lands Division Matter (Condemnation Proceedings); Miscellaneous—Civil Suit; Miscellaneous, O.P.A. Violation (Civil) (obsolete); Miscellaneous—Wage and Hour Law (Fair Labor Standards Act of 1938); Soldiers and Sailors Civil Relief Act of 1940; Tariff Act of 1930; Top Hoodlum Coverage; Unreported Interstate Shipment of Cigarettes; Federal Cigarette Labeling and Advertising Act
64. Foreign Miscellaneous
65. Espionage
66. Administrative Matters
67. Personnel Matters
68. Alaskan Matters (obsolete)
69. Contempt of Court
70. Crime on Indian Reservation; Inducing Conveyance of Indian Trust Land; Crime on Government Reservation; Embezzlement or Theft of Indian Property
71. Bills of Lading Act
72. Obstruction of Criminal Investigations
73. Application for Pardon After Completion of Sentence and Application for Executive Clemency
74. Perjury
75. Bondsmen and Sureties
76. Escaped Federal Prisoner; Escape and Rescue; Probation Violator; Parole Violator; Mandatory Release Violator
77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications)
78. Illegal Use of Government Transportation Requests
79. Missing Persons
80. Laboratory Research Matters
81. Gold Hoarding (obsolete)
82. War Risk Insurance (National Service Life Insurance) (obsolete)
83. Court of Claims
84. Reconstruction Finance Corporation Act (obsolete)
85. Home Owner Loan Corporation (obsolete)
86. Federal Lending and Insurance Agencies
87. Interstate Transportation of Stolen Property (Fraud by Wire, Radio, or Television)
88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony
89. Assaulting or Killing a Federal Officer; Congressional Assassination Statute
90. Irregularities in Federal Penal Institutions
91. Bank Burglary; Bank Larceny; Bank Robbery
92. Anti-Racketeering; A.R., LEA Act; A.R., Interference with Government Communications System; A.R., Hobbs Act
93. Ascertaining Financial Ability
94. Research Matters
95. Laboratory Cases (Examination of Evidence in Other than Bureau Cases)
96. Alien Applicant (obsolete)
97. Registration Act
98. Sabotage
99. Plant Survey (obsolete)
100. Subversive Matter (Individuals); Internal Security (Organization)
101. Hatch Act (obsolete)
102. Voorhis Act
103. Interstate Transportation of Stolen Cattle
104. Servicemen's Dependents Allowance Act of 1942 (obsolete)
105. Internal Security (Nationalistic Tendency, Foreign Intelligence) (Individuals and Organizations, by country)
106. Alien Enemy Control; Escaped Prisoners of War and Internees (obsolete)
107. Denaturalization Proceedings (obsolete)
108. Foreign Travel Control (obsolete)
109. Foreign Political Matters
110. Foreign Economic Matters
111. Foreign Social Conditions
112. Foreign Funds
113. Foreign Military and Naval Matters
114. Alien Property Custodian Matter (obsolete)
115. Bond Default; Bail Jumper
116. Atomic Energy Act, Applicant; Atomic Energy Act, Employee
117. Atomic Energy Act, Criminal
118. Applicant, Central Intelligence Agency (obsolete)
119. Federal Regulations of Lobbying Act
120. Federal Tort Claims Act
121. Loyalty of Government Employees (obsolete)
122. Labor Management Relations Act, 1947
123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Public Law 402, 80th Congress)
124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Program; A.I.D., Agency for International Development (obsolete)
125. Railway Labor Act; Railway Labor Act, Employer's Liability Act
126. National Security Resources Board, Special Inquiry (obsolete)
127. Sensitive Positions in the United States Government, Public Law 266 (obsolete)
128. International Development Program (Foreign Operations Administration)
129. Evacuation Claims (obsolete)
130. Special Inquiry, Armed Forces Security Act (obsolete)
131. Admiralty Matter
132. Special Inquiry, Office of Defense Mobilization (obsolete)
133. National Science Foundation Act, Applicant (obsolete)
134. Security Informants
135. PROSAB (Protection of Strategic Air Command Bases of U.S.A. Air Force)
136. American Legion Contact (obsolete)
137. Criminal Informants
138. Loyalty of Employees of the United Nations and Other Public International Organizations
139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications)
140. Security of Government Employees; S.G.E., Fraud Against the Government
141. False Entries in Records of Interstate Carriers
142. Illegal Use of Railroad Pass
143. Interstate Transportation of Gambling Devices
144. Interstate Transportation of Lottery Tickets
145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language
146. Interstate Transportation of Prison-Made Goods
147. Federal Housing Administration Matters
148. Interstate Transportation of Fireworks
149. Destruction of Aircraft or Motor Vehicles
150. Harboring of Federal Fugitives, Statistics
151. (Referral cases received from CSC under P.L. 298) Agency for International Development; Atomic Energy Commission (Civil Service Commission); National Aeronautics and Space Administration; National Science Foundation; Peace Corps; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; U.S. Information Agency
152. Switchblade Knife Act
153. Automobile Information Disclosure Act
154. Interstate Transportation of Unsafe Refrigerators
155. National Aeronautics and Space Act of 1958
156. Welfare and Pension Plans Disclosure Act
157. Extremist Matters; Civil Unrest
158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete)
159. Labor-Management Reporting and Disclosure Act of 1959 (Investigative Matter)
160. Federal Train Wreck Statute
161. Special Inquiries for White House, Congressional Committee and Other Government Agencies
162. Interstate Gambling Activities
163. Foreign Police Cooperation
164. Crime Aboard Aircraft
165. Interstate Transmission of Wagering Information
166. Interstate Transportation in Aid of Racketeering
167. Destruction of Interstate Property
168. Interstate Transportation of Wagering Paraphernalia
169. Hydraulic Brake Fluid Act (obsolete)
170. Extremist Informants
171. Motor Vehicles Seat Belt Act (obsolete)
172. Sports Bribery
173. Public Accommodations, Civil Rights Act of 1964
Public Facilities, Civil Rights Act of 1964
Public Education, Civil Rights Act of 1964
Employment, Civil Rights Act of 1964
174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats)
175. Assaulting the President (or Vice President) of the United States
176. Anti-riot Laws
177. Discrimination in Housing
178. Interstate Obscene or Harassing Telephone Calls
179. Extortionate Credit Transactions
180. Desecration of the Flag
181. Consumer Credit Protection Act
182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture
183. Racketeer, Influenced and Corrupt Organizations
184. Police Killings
185. Protection of Foreign Officials and Official Guests of the United States
186. Real Estate Settlement Procedures Act of 1974
187. Privacy Act of 1974, Criminal
188. Crime Resistance
189. Equal Credit Opportunity Act
190. Freedom of Information/Privacy Acts
191. False Identity Matter

Files kept in FBI Field Offices, Field offices maintain certain records that are not contained at FBI Headquarters that include files, index cards, and related material pertaining to cases in which there was no prosecutive action undertaken; perpetrators of violations not developed during investigation; or investigation revealed allegations were unsubstantiated or not within the investigative jurisdiction of the Bureau. These investigations were closed in field offices and correspondence not forwarded to FBIHQ.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Divisions to have immediate access to pertinent information duplicative of data found in the Central Records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative

of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives);

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs;

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime;

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants;

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilitates access to documents prepared in connection with major cases.

Some of the information contained in the main files has also been extracted and placed on computer to enable various divisions to retrieve information more rapidly by avoiding the need for a manual search for information maintained in the main files. For example, since investigation of major frauds requires the Agent to collect and organize massive volumes of evidence and other investigative information, the FBI is using computers to do this in a more accurate and expeditious manner. Additionally, Agents occasionally seize evidence in computerized form and FBI computers are used to organize and sort the information in preparation for trial.

Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

Dated: April 18, 1977.

PETER F. FLAHERTY,
Acting Attorney General.

[FR Doc.77-12097 Filed 4-27-77;8:45 am]

SOUTHERN NINTH CIRCUIT OF UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION

Schedule of Meetings

The schedule of meetings of the nominating panel for the Southern Ninth Circuit of the United States Circuit Judge Nominating Commission is as follows:

1. The first meeting will be held on May 9, 1977 at 9:30 a.m. in the court room of the U.S. Court of Appeals on the 16th floor of the U.S. Courthouse, 312 North Spring Street, Los Angeles, California. The purpose of this meeting is to discuss procedures and criteria for nominating candidates and to discuss prospective candidates.

2. The second meeting will be held in the court room of the U.S. Courthouse in Las Vegas, Nevada, May 27, 1977 at 10 a.m. The purpose of the meeting will be to interview candidates.

3. The third meeting will be held in Room 1026 of the U.S. Federal Court Building in Phoenix, Arizona, on May 28, 1977 at 9:30 a.m. The purpose of the meeting will be to interview candidates.

These meetings will not be open to the public pursuant to Pub. L. 92–463, sec. 10 (D) as amended. [Cf. 5 U.S.C. 552b(c)(6).]

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

[FR Doc.77-12186 Filed 4-27-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 24 and 23 to Facility Operating Licenses Nos. DPR–31 and DRP–41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments consist of changes to the Technical Specifications which will change the reactor coolant pressure-temperature limits to account for neutron irradiation induced increases in reactor vessel metal nil ductility temperature.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated May 21, 1976, (2) Amendments No. 24 and 23 to Licenses Nos. DPR–31 and DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-12013 Filed 4-27-77;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. OF MINNESOTA AND NORTHERN STATES POWER COMPANY OF WISCONSIN, ET AL.

Availability of Final Environmental Statement for Tyrone Energy Park

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Tyrone Energy Park to be constructed by the co-applicants Northern States Power Company of Minesota, Northern States Power Company of Wisconsin, Cooperative Power Association, Dairyland Power Cooperative, and the Lake Superior District Power Company, in Dunn County, Wisconsin, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Stout Library, University of Wisconsin, Menonomie, Wisconsin. The Final Environmental Statement is also being made available at the State Clearinghouse, Bureau of Planning and Budget, Department of Administration, State Office Building, 1 West Wilson Street, Madison, Wisconsin, and the West Central Wisconsin Regional Planning Commission, 731 Oxford Avenue, Eau Claire, Wisconsin.

The Notice of Availability of the Draft Environmental Statement for the Tyrone Energy Park and requests for comments from interested persons was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27789). The comments received from Federal, State, and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–0236) may be purchased from the National Technical Information Service, Springfield, Virginia 22161 at a cost of $9.75 for printed copies and $3.00 for microfiche.

Dated at Rockville, Maryland, this 19th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Anaylsis.

[FR Doc.77-12015 Filed 4-27-77;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amndment No. 14 to Facility Operating License No. NPF–1 issued to Portland General Electric Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment changes the expected and limiting annual usage for sodium bisulfite, deletes the annual usage limit for volatile amines, and corrects the nomenclature for sampling locations specified for several effluent chemical concentration measurements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action. A negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendment dated August 25, 1976, as supplemented September 3, October 6, and November 16, 1976, (2) Amendment No. 14 to License No. NPF–1 and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of April 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-12016 Filed 4-27-77;8:45 am]

[Docket Nos. STN 50-522 and STN 50-523]

PUGET SOUND POWER AND LIGHT COMPANY, ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNIT NOS. 1 AND 2)

Availability of Final Supplement to Final Environmental Statement for Skagit Nuclear Power Project, Unit Nos. 1 and 2)

Notice is hereby given that a Final Supplement to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Skagit Nuclear Power Project, Unit Nos. 1 and 2 to be constructed in Skagit County, Washington, by the Puget Sound Power and Light Company, et al. is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Sedro Woolley Library, 802 Ball Avenue, Sedro Woolley, Washington. The supplement is also being made available at the Office of the Governor, Office of Program Planning and Fiscal Management, Olympia, Washington.

On June 2, 1975, the Nuclear Regulatory Commission issued a Final Environmental Statement for the Skagit Nuclear Power Project, Unit Nos. 1 and 2 (40 FR 23786). On July 9, 1976, the NRC issued a Draft Supplement to the Final Environmental Statement (41 FR 28599), the purpose of which was to identify and evaluate the potential effects of the proposed Skagit Nuclear Power Project on those values for which the Skagit River was named as a study river in the Wild and Scenic Rivers Act (Pub. L. 90–542). The comments received from Federal, State and local agencies and interested members of the public have been included as an appendix to the Final Supplement.

Copies of the Final Supplement to the Final Environmental Statement (NUREG 0235) may be purchased from the National Technical Information Service, Springfield, Virginia 22161 at a cost of $6.00 for printed copies and $3.00 for microfiche. Copies of the Final Environmental Statement (NUREG 75/055) may also be purchased from NTIS (price $8.75 for printed copy).

Dated at Rockville, Maryland, this 20th day of April 1977.

For the Nuclear Regulatory Commission.

JAN NORRIS,
Acting Chief, Environmental Projects Branch No. 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-12012 Filed 4-27-77;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR–18, issued to Rochester Gas and Electric Corporation, which revised Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications by revising the heat-up and cooldown limit curves for the reactor vessel based on the results of tests and analyses performed on irradiated reactor pressure vessel material surveillance specimens contained in Capsule R which was withdrawn from the Ginna vessel. It also changes the organization chart in the Technical Specifications and removes a reporting requirement for inoperability of one of the two control rod misalignment monitors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 10, 1975, as supplemented April 8, 1976, and applications dated January 30, and August 10, 1976, (2) Amendment No. 12 to Provisional License No. DPR–18 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of April 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-12011 Filed 4-27-77;8:45 am]

[Docket Nos. STN 50-553 & STN 50-554]

TENNESSEE VALLEY AUTHORITY

Availability of Safety Evaluation Report for the Phipps Bend Nuclear Plant, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Saftey Evaluation Report on the proposed construction of the Phipps Bend Nuclear Plant, Units 1 and 2, to be located in Hawkins County, approximately 15 miles southwest of Kingsport, Tennessee. Notice of receipt of Tennessee Valley Authority's application to construct and operate the Phipps Bend Nuclear Plant, Units 1 and 2 was published in the FEDERAL REGISTER on November 25, 1975 (40 FR 54630).

The application references the GES SAR-238 Nuclear Island application (Docket No. STN 50-447) under the reference system option of standardization, pursuant to 10 CFR Part 50, Appendix O.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kingsport Public Library, Broad and New Streets, Kingsport, Tennessee 37660 for inspection and copying. The Safety Evaluation Report (Document No. NUREG-0101) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 19th day of April 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-12014 Filed 4-27-77;8:45 am]

[Docket Nos. 50-338, 50-339]

NORTH ANNA POWER STATION, UNITS NOS. 1 (CPPR-77) AND 2 (CPPR-78)

Negative Declaration Supporting Order Relating to the Extension of Dates for Completion of Construction

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Order relating to the construction permits for the North Anna Power Station, Unit 1 (CPPR-77) and Unit 2 (CPPR-78), located in Louisa County, Virginia, issued to Virginia Electric and Power Company. The Order would authorize the extension for six months of the dates for completion of construction of Units Nos. 1 and 2.

The Commission's Division of Site Safety and Environmental Analysis has prepared an environmental impact appraisal for the Order and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement for North Anna Power Station, Units Nos. 1, 2, 3 and 4, published in April 1973 and the addendum to the Final Environmental Statement published in November 1976.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093 and Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 19th day of April, 1977.

For the Nuclear Regulatory Commission.

WILLIAM H. REGAN,
Environmental Projects Branch No. 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77-12010 Filed 4-27-77;8:45 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Availability of Final Environmental Statement (English Version) for North Coast Nuclear Plant, Unit No. 1

Pursuant to the National Enviornmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (English version) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the suitability of the site proposed for construction of the North Coast Nuclear Plant, Unit No. 1. The proposed site is located on the north central coast of Puerto Rico (Islote). The Final Environmental Statement, NUREG-0211) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., the Arecibo City Hall Library, Post Office Box 1086, Arecibo, Puerto Rico 00612 and the Entien Totti Public Library, College of Engineers, Architects and Surveyors, Orb Roosevelt Development, Hato Rey, Puerto Rico 00918. The Final Statement is also being made available at the Puerto Rico Planning Board, P.O. Box 4119, Minallas Station, Santurce, Puerto Rico 00940.

A Spanish translation of this Final Environmental Statement will be issued later, the availability of which will be published in the FEDERAL REGISTER.

The notice of availability of the Draft Environmental Statement related to the suitability of the Islote Site and request for comments from interested persons was published in the FEDERAL REGISTER (41 FR 37843) on September 8, 1976. The comments received from Federal, Commonwealth and local officials and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0211) may be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161. ($8.00 printed copy; $3.00 microfiche).

Dated at Rockville, Maryland, this 20th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.77-12009 Filed 4-27-77;8:45 am]

[Docket Nos. 50-338 and 50-339]

VIRGINIA ELECTRIC & POWER CO. NORTH ANNA POWER STATION UNITS 1 AND 2

Order Extending Construction Completion Dates

Virginia Electric & Power Company is the holder of Construction Permits No. CPPR-77 and CPPR-78 issued by the Atomic Energy Commission[1] on February 19, 1971, for the construction of the North Anna Power Station, Units 1 and 2, presently under construction at the Company's site in Louisia County, Virginia.

On January 7, 1977 and February 15, 1977 the company filed letters requesting an extension of the latest construction completion dates because construction has been delayed due to (1) labor difficulties including a strike, (2) resolution of a problem concerning residual oxide in the stainless steel piping, and (3) additional system and design requirements. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation, dated April 19, 1977.

Copies of the above documents and other related material are available for

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document rooms established for the North Anna facility in the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901 and County Administrator's Office, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093.

It is hereby ordered, That the latest completion dates for CPPR-77 and CPPR-78 are extended from March 1, 1977 and May 1, 1978, respectively to September 1, 1977 and November 1, 1978, respectively.

For the Nuclear Regulatory Commission.

Date of issuance: April 19, 1977.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-12009 Filed 4-27-77;8:45 am]

AVOIDANCE OF CONTRACTOR ORGANIZATIONAL CONFLICTS OF INTEREST

General Statement of Policy

The following statement sets forth the Nuclear Regulatory Commission's policy guidance with respect to avoidance of organizational conflicts of interest in NRC research and technical assistance procurement actions.

The Commission invites all interested persons who desire to submit written comments or suggestions on this policy statement, and the examples set forth therein, to send them to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by July 27, 1977. Consideration will be given to such submissions in connection with possible future revision of the policy statement. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

GENERAL STATEMENT OF POLICY REGARDING THE AVOIDANCE OF CONTRACTOR ORGANIZATIONAL CONFLICTS OF INTEREST

Definition. The term "organizational conflict of interest" means a situation where a contractor has interests, either due to its other activities or its relationships with other organizations, which: (a) place it in a position that may be unsatisfactory or unfavorable from the Government's standpoint in being able to secure impartial, technically sound, objective assistance and advice from the contractor; or (b) provide it with an unfair competitive advantage.

General statement of policy. In view of its regulatory responsibilities, it is incumbent upon the NRC to make every effort to identify and select those prospective contractors best qualified to perform the work for which NRC contracts. As a corollary to this objective, it is also important for NRC to carefully consider the question of conflict of interest prior to contractor selection and contract award.

In order to assist in determining what, if any, steps should be applied to avoid organizational conflicts of interest, there are two paramount principles to be considered. These are: (1) preventing conflicting roles which might bias a contractor's judgment in relation to its work for NRC and (2) preventing unfair competitive advantage.

The determinations cannot be made automatically or routinely; the application of sound judgment on virtually a case-by-case basis is necessary if the policy is to be applied so as to satisfy the overall public interest. It is not possible to prescribe in advance a specific method or set a criteria which would serve to identify and resolve all of the conflict of interest situations which might arise; however, examples are provided herein as a guide for the application of the policy in some situations. It should also be emphasized that contracting and program officials must be alert to other situations which may warrant application of this policy guidance. The ultimate test must always be: In the specific case at hand, would the contractor, if awarded the contract, be placed in a position where its judgment would be biased, or where it would have an unfair competitive advantage?

Prior to any NRC contract award for the performance of research or technical assistance work, prospective contractors will be advised of this policy and shall be required to advise NRC of any contractual or organizational relationships which should be considered in applying this policy.

Waiver. Upon the recommendation of an Office Director, and after consultation with the Office of the General Counsel, the Executive Director for Operations may waive the policy in specific cases if he determines that the public interest makes a waiver imperative. Such action shall be strictly limited to those situations in which: (1) the work to be performed under contract is vital to the NRC program; (2) the work cannot be satisfactorily performed except by a contractor whose interests give rise to a question of conflict of interest; and (3) contractual and/or technical review and supervision methods can be employed by NRC to protect against the conflict resulting in biased performance of the work. For any such waivers, the justification and approval documents shall be placed in the Public Document Room.

Policy application guidance. (1) *Example:* The XYZ Corporation, in response to a RFP, proposes to undertake certain analyses of a reactor component as called for in the RFP. The XYZ Corporation is one of several companies considered to be technically well qualified. In response to the inquiry in the RFP, the XYZ Corporation advises that it is currently performing similar analyses for the reactor manufacturer.

Guidance. An NRC contract for that particular work normally would not be awarded to the XYZ Corporation because it would be placed in a position in which its judgment could be biased in relationship to its work for NRC. Since there are other well-qualified companies available, there would be no reason for considering a waiver of the policy.

(2) *Example:* The ABC Corporation, in response to a RFP, proposes to perform certain analyses of a reactor component which are unique to one type of advanced reactor. As is the case with other technically qualified companies responding to the RFP, the ABC Corporation is performing various projects for several different utility clients. None of the ABC Corporation projects have any relationship to the work called for in the RFP. Based on the NRC evaluation, the ABC Corporation is considered to be the best qualified company to perform the work outlined in the RFP.

Guidance: An NRC contract normally could be awarded to the ABC Corporation because no conflict of interest exists which would motivate bias with respect to the work to be contracted for. An appropriate clause would be included in the contract to preclude the ABC Corporation from subsequently contracting for work, during the performance of the NRC contract, with the private sector which could create a conflict, such as the performance of similar work for the company that is developing the advanced reactor mentioned in the example.

(3) *Example:* As a result of operating problems in a certain type of commercial nuclear facility, it is imperative that NRC secure specific data on various operational aspects of that type of plant so as to assure adequate safety protection of the public. Only one manufacturer has extensive experience with that type of plant, and therefore, that company is the only one with which NRC can contract that can develop and conduct the testing programs required to obtain the data in reasonable time. That company has a definite interest in any NRC decisions that might result from the data produced because those decisions affect the reactor's design and thus the company's costs.

Guidance: This situation would place the manufacturer in a role in which its judgment could be biased in relationship to its work for NRC. Since the nature of the work required is vitally important in terms of NRC's responsibilities, and no reasonable alternative exists, a waiver of the policy may be warranted. Any such waiver shall be fully documented and coordinated in accordance with the waiver provisions of this policy with particular attention to the establishment of protective mechanisms to guard against bias.

(4) *Example:* The ABC Company submits a proposal for a new system for evaluating a specific reactor component's performance for the purpose of developing standards that are very important to the NRC program. The ABC Company has advised NRC that it intends to sell

the new system to industry once its practicability has been demonstrated. Other companies in this business are using older systems for evaluation of the specific reactor component.

Guidance: A contract could be awarded to the ABC Company *provided*, That the contract stipulates that no information produced under the contract will be used in the contractor's private activities unless such information has been reported to NRC. Information which is reported to NRC by contractors will normally be disseminated by NRC to others so as to preclude an unfair competitive advantage that might otherwise accrue. When NRC furnishes information to the contractor for the performance of contract work, it shall not be used in the contractor's private activities unless such information is generally available to others. Further, the contract will stipulate that the contractor will inform the Contracting Officer of all situations in which the information developed under the contract is proposed to be used.

Effective date: This general statement of policy shall be effective April 28, 1977.

Dated at Washington, D.C., this 22nd day of April 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-12152 Filed 4-27-77;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-53, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

This amendment replaces, in its entirety, the existing Pilgrim Unit No. 1 Environmental Monitoring Program, contained in Technical Specification Section 4.8 by a new Environmental Monitoring Program developed by Boston Edison. The new program has been reviewed by the staff against the Commission's guidance contained in Nuclear Regulatory Commission Regulatory Guide 4.8 "Environmental Technical Specifications for Nuclear Power Plant".

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(a)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 7, 1976, and a supplement thereto dated December 28, 1976, and (2) Amendment No. 23 to License No. DPR-53. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactor.

[FR Doc.77-12132 Filed 4-27-77;8:45 am]

[Docket No. 50-325]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License DPR-71

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-71, issued to Carolina Power & Light Company, which revised Technical Specifications for operation of the Brunswick Steam Electric Plant Unit 1 (the facility) located near Southport in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment provides a clarification of the tolerance and intervals required for inservice inspection and testing specified in the ASME Code Section XI.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 18, 1976, (2) Amendment No. 3 to License No. DPR-71, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st day of April, 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc.77-12133 Filed 4-27-77;8:45 am]

[Docket Nos. 50-498A, 50-499A]

HOUSTON LIGHTING & POWER CO. ET AL.

Order Regarding Oral Argument

In the matter of Houston Lighting & Power Co., City of San Antonio, City of Austin, and Central Power and Light Co. (South Texas Project, Units 1 & 2.)

On March 31, 1977, the Commission requested further briefs regarding the petition filed by the Houston Lighting and Power Company, the statement of position of Central Power and Light Company, and the suggestion of the Commission's staff, respecting means by which an antitrust hearing might be initiated in this Commission to resolve certain allegations by Central Power and Light Company that the activities of Houston Lighting and Power Company with respect to the application filed by it for the South Texas Projects, Units Nos. 1 and 2, may have adverse antitrust aspects.

The Commission will hear oral argument on this case on Monday, May 2, 1977, at 10:00 a.m., in the Commissioners' Conference Room, 11th Floor, 1717 H Street NW., Washington, D.C. The order and time limits for argument will be as follows:

Houston Lighting and Power Company, City of Austin, City of San Antonio: 30 minutes—to be divided between them by agreement. If there is no agreement, then divided equally.

Central Power and Light Company, Committee on Power for the Southwest, Inc.: 30 minutes—to be divided between them by agreement. If there is no agreement then divided equally.

United States Department of Justice: 20 minutes.
NRC Staff: 20 minutes.

Each party may elect to reserve a portion of its alloted time for rebuttal. *It is so ordered.*

By the Commission.

SAMUEL J. CHILK,
Secretary.

APRIL 22, 1977.

[FR Doc.77-12130 Filed 4-27-77;8:45 am]

[Docket Nos. STN 50-556, STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA ET AL.

Notice and Order Setting Evidentiary Hearing on Environmental and Site Suitability Issues

In the matter of Public Service Company of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative, Inc. (Black Fox Station, Units 1 and 2).

The U.S. Nuclear Regulatory Commission (the Commission) by its January 19, 1976 "Notice of Hearing on Application for Construction Permits" (41 FR 3515), ordered a hearing be held on the application by Public Service Company of Oklahoma and the Associated Electric Cooperative, Inc. (hereinafter referred to as Applicant),[1] to construct two boiling water nuclear reactors designated as the Black Fox Station, Units 1 and 2 (the facility). The facility is proposed to be located in the Township of Inola, Oklahoma, approximately 23 miles east of Tulsa, on the east side of the Verdigris River in Rogers County. This hearing will be evidentiary in nature and will be conducted pursuant to the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011, et seq., the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and the Commission's rules and regulations as set out in Title 10, Code of Federal Regulations (CFR).

The hearing on this application will be conducted by an Atomic Safety and Licensing Board which is composed of Dr. Paul W. Purdom and Mr. Frederick J. Shon as technically qualified members, and Mr. Daniel M. Head as chairman.

The Applicant on January 7, 1977 submitted a "Motion to Consider Issues Relevant to Limited Work Authorization" in which it moved the Board to hold a hearing on environmental and site suitability issues, to make the findings specified in 10 CFR 50.10(e)(2). This motion was granted by the Board at the Third Prehearing Conference (Tr. 327-329) which action was set out in the Third Prehearing Conference Order of March 9, 1977. Since all health and safety issues are not currently ready for adjudication, the evidentiary hearing provided for in this Notice and Order shall be a separate hearing on environmental and site suitability matters pursuant to 10 CFR 2.761a. Specifically, in its Partial Initial Decision resulting from this separate hearing, the Board will rule on the following issues:

1. Decide those matters in controversy among the parties which are within the scope of NEPA and 10 CFR Part 51;

2. Determine whether the requirements of section 102(2) (A), (C) and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding;

3. Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken;

4. After weighing the environmental, economic, technical and other benefits against the environmental and other costs, and considering the available alternatives, determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values;

5. Determine whether, in accordance with 10 CFR Part 51, the construction permits should be issued as proposed;

6. Determine whether, based on the available information and review to date, there is reasonable assurance that the proposed site is a suitable location for a nuclear power reactor of the general size and type proposed from the standpoint of radiological, health and safety considerations under the Atomic Energy Act and under the rules and regulations promulgated by the Commission pursuant thereto.

Accordingly, please take notice: *And it is hereby ordered*, That the evidentiary hearing on the environmental and site suitability issues specified above is scheduled to begin at 10:00 a.m. on Tuesday, May 24, 1977 at a location in Tulsa, Oklahoma to be designated by further Order of the Board.[2]

Members of the public are invited to attend this evidentiary hearing. Individuals or organizations wishing to make limited appearances pursuant to 10 CFR 2.715(a) will be permitted to do so just prior to the start of the evidentiary hearing.

Dated at Bethesda, Md., this 21st day of April 1977.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.77-12134 Filed 4-27-77;8:45 am]

[1] Subsequently Western Farmers Electric Cooperative, Inc. became a co-owner in the facility and an "Amended Notice of Hearing Application for Construction Permits" was issued October 20, 1976.

[2] The location of the hearing will be designated after a Board inspection of certain hearing locations in Tulsa, Oklahoma during the first week in May 1977. The location will be announced at the prehearing conference which will be held in Tulsa, Oklahoma on May 6, 1977 and the Order specifying the location will be issued on May 9, 1977.

[Docket Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO. AND ATLANTIC CITY ELECTRIC CO., HOPE CREEK GENERATING STATION, UNITS 1 AND 2

Issuance of Amendment to Construction Permits and Availability of Supplemental Initial Decision

Notice is hereby given that pursuant to a Supplemental Initial Decision dated March 28, 1977, by the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission has issued Amendment No. 3 to Construction Permit No. CPPR-120 and Amendment No. 3 to Construction Permit No. CPPR-121 issued to Public Service Electric and Gas Company and Atlantic City Electric Company for construction of the Hope Creek Generating Station, Units 1 and 2, located in Salem County, New Jersey. The Board's Supplemental Initial Decision authorizes the deletion of conditions to the construction permits thereby permitting pouring of concrete for Category I structures and the commencement of construction of safety-related structures at Hope Creek to begin immediately. Construction of safety-related structures was prohibited by a condition of the Hope Creek construction permits until the river traffic hazards issue had been resolved. Resolution of this issue was the subject of the recently conducted public hearing. Construction activities at Hope Creek were limited to excavation and construction of facilities that were not necessary for plant safety.

The Nuclear Regulatory Commission has found that the provisions of the amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the Supplemental Initial Decision dated March 28, 1977, Amendment No. 3 to Construction Permit No. CPPR-120, Amendment No. 3 to Construction Permit No. CPPR-121, and other related documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. Single copies of the Supplemental Initial Decision, Amendment No. 3 to CPPR-120, and Amendment No. 3 to CPPR-121 may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 20th day of April 1977.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors No. 2, Division of Project Management.

[FR Doc.77-12131 Filed 4-27-77;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS, (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Amended Order Regarding Scheduling

In light of the City of Brigantine's Motion For Postponement of Prehearing Conference filed on April 20, 1977 (which the Board herewith allows), in light of the NRC Staff's Motion For Modification Of The Board's April 12, 1977 Order as filed on April 20, 1977 (which the Board herewith partially allows), and because the NRC Public Hearing Room will not be available on May 10, 1977, the Order Granting In Part Applicant's Motion (No. 6) To Establish Schedule, dated April 12, 1977, is amended as follows:

1. Public hearing will be resumed on May 9, 1977 at 1:30 p.m. at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

Thereafter, commencing at 9:30 a.m., the hearing will continue on May 10 through May 13. However, on May 10, 1977, the hearing will be held in the Conference Room on the 4th floor of the East-West Towers Building. In the second week, the hearing will be resumed on May 16 at 1:30 p.m., and thereafter, commencing at 9:30 a.m., the hearing will continue on May 17 through May 20.

2. Pursuant to § 2.718(h), a conference (in the nature of a prehearing conference) will be held on May 16 at the time and location specified in paragraph 1, supra, and will continue, if necessary, on May 17 to consider the Motions To Amend and Extend Contentions submitted on November 19, 1976 by ACCCE, Atlantic County, NRDC and by the City of Brigantine. The Staff shall notify the Board and the parties immediately whether or not any of these proposed amended and expanded contentions will be affected by the Staff's forthcoming addendum to Part II of the FES.

3. Testimony will be taken seriatim on the following contentions:[1]

a. Turbine generator matters. (Cross-examination of Applicant's panel will be concluded, and the Staff's panel's direct testimony will be presented.

b. ACCCE Contention X (Ice Containment).

c. Atlantic County Contention 1 (Impact on Resort Economics).

Pursuant to 10 CFR 2.743(b), except for the NRC Staff, those parties desiring to submit written direct testimony upon Atlantic County Contention 1 (Impact on Resort Economics) must do so on or before May 2, 1977. The Staff will submit its direct testimony relating to this contention at least five (5) days before the next (as yet unscheduled) hearing session and its witness(es) will be cross-examined thereon at that time.

Dated at Bethesda, Maryland, this 26th day of April, 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Esquire.

[FR Doc.77-12345 Filed 4-27-77;8:45 am]

[Docket No. 50-537]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION ET AL.

Order Suspending Hearing Procedures and Hearing Schedule

APRIL 25, 1977.

In the matter of United States Energy Research and Development Administration, Project Management Corp., and Tennessee Valley Authority (Clinch River Breeder Reactor Plant).

On April 22, 1977, the United States Energy Research and Development Administration (ERDA), one of the Applicants in this proceeding, moved that all hearing procedures and the current hearing schedule be suspended. The motion stated that the Administration has determined that construction of the CRBRP will be indefinitely deferred, and as a result the Administration must pursue the necessary legal steps with the Congress.

Good cause having been shown, the motion of ERDA is granted and all hearing procedures and schedules are suspended until such time as Administration and Congressional action is completed with respect to the CRBRP.

Dated at Bethesda, Maryland, this 25th day of April 1977.

It is so ordered.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc.77-12346 Filed 4-27-77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-17]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aviation Safety Recommendations—A-77-16 and A-77-17.—The National Transportation Safety Board has completed its investigation of the November 16, 1976, accident involving Texas International Airlines Flight 987, a McDonnell Douglas DC-9-14, at Stapleton International Airport, Denver, Colorado. The aircraft ran off the end of runway 8R during an aborted takeoff. The aircraft's structure was damaged when the left landing gear collapsed.

Investigation of the crash revealed that most of the damage to the aircraft was caused by (1) two ditches—one 18 inches deep and the other 3 feet deep—which traversed an area within 1,000 feet of the end of the runway; and (2) the nonfrangible steel structures supporting the approach light system (ALS). The aircraft sustained the most damage within the first 1,000 feet beyond the departure end of runway 8R. The Safety Board believes that, had this area been free of ditches and had the ALS structures been constructed of frangible materials, the aircraft would have sustained significantly less structural damage. Furthermore, the likelihood of fire would have been greatly reduced.

The Safety Board believes that the extended runway safety area at airports increases the level of safety for an aircraft which undershoots or overruns the runway. Also, the Board believes that the criteria for the extended runway safety area should be mandatory at all certificated airports, regardless of the date of construction. Accordingly, the Board by letter issued April 20 recommended that the Federal Aviation Administration—

Amend 14 CFR 139.45 to require, after a reasonable date, that extended runway safety area criteria be applied retroactively to all certificated airports. At those airports which cannot meet the full criteria, the extended runway safety area should be as close to the full 1,000-foot length as possible. (A-77-16)

Expedite the retrofit of ALS structures with frangible materials and fittings by allocating additional fundings or by increasing the priority of the existing program so that it can be completed within 3 to 5 years. (A-77-17).

Railroad Safety Recommendations—R-77-3 through R-77-5.—The derailment last August 2 of 39 cars of Union Pacific Railroad freight train Extra 2800 East near Hastings, Nebraska, has prompted the Safety Board to ask the Federal Railroad Administration to take regulatory action in an effort to prevent similar future accidents.

No one was injured in the Hastings accident, but the damage was estimated to be about $1,155,010. Investigation indicated that the weight distribution within the train consist and the way crossties were replaced through a highway grade crossing contributed to the accident. The disproportionate weight distribution and the relative effectiveness of brakes on light and heavy cars produced stresses within the train that overloaded the lateral restraint of the track in an unstable area, and the track failed. If the track had not been distributed in the road crossing or if the engineer of Extra 2800 East had been forewarned to reduce the speed of his train through the area, the accident would probably have been prevented because the excessive lateral stresses probably would have not developed.

As a result of the investigation, the Safety Board on April 22 recommended that FRA—

Promulgate regulations to insure that the locations of heavily loaded freight cars in a train will not adversely affect the train's operation. (R-77-3)

Require that trains operated over unstable track be limited by a slow order, verbal contact by radio, or by flag protection to speeds that will reduce the possibility of track buckling from forces that exceed the restraining ability of the track. (R-77-4)

Require that locomotive engineers be instructed in the braking of trains for varied circumstances that may develop during a train's operation. (R-77-5)

R-77-6 through R-77-8.—Further regulatory action is sought from the Federal Railroad Administration as a result of the Safety Board's investigation of the June 30, 1976, derailment of 2 locomotive units and 11 cars of Amtrak train No. 59 on the Illinois Central Gulf Railroad Company's track near Goodman, Mississippi. Thirty-four of the 145 passengers on the train were injured, 11 crewmembers were injured, and 1 trackman was killed. Property damage amounted to about $453,100.

Investigation of the accident disclosed that train No. 59 was moving at 88 mph when it derailed. The maximum authorized speed for passenger trains in the derailment area is 79 mph.

In its April 21 letter to FRA, the Safety Board notes that a passenger train speed of 79 mph requires track that is maintained to the Federal Track Safety Standards for Class 4. During the 4 workdays before the accident, a track-crew had replaced defective crossties and regaged the track just north of the derailment point. An examination of this track disclosed variations in gage, irregularities in line and cross level, and tie plate movement; even with these irregularities the track complied with standards for Class 4 track. The track area, however, had additional critical conditions that were not ascertained by using procedures in the Federal Track Safety Standards, and contributed to the accident. In light of these findings, the Safety Board recommended that FRA—

Amend track geometry standard 49 CFR 213.55, Alignment, so that it defines "uniformity," establishes a maximum rate-of-change in alignment deviation, and establishes the maximum number of feet between which each alignment mid-offset measurement shall be taken. (R-77-6)

Amend track geometry standard 49 CFR 213.63, Track Surface, so that it defines "uniform profile," establishes maximum rate-of-change in profile and cross level deviations, and establishes the maximum number of feet between which each profile midordinate measurement and each cross level measurement shall be taken. (R-77-7)

Include in review of current FRA track safety regulations, investigation and testing to determine if the minimum track conditions that are required for the FRA classes of track by 49 CFR 213.9 are adequate for all types of trains and for the maximum allowable speed for each class. (R-77-8)

R-77-9 through R-77-12.—On May 16, 1976, the locomotive and 27 cars of Chicago and North Western Transportation Company's (CNW) freight train No. 242 derailed as they moved around a 1°54' to 2°15' compound curve near Glen Ellyn, Illinois. Another CNW freight train, No. 380, which was moving on an adjacent track, collided with the derailed cars of No. 242; the locomotive and nine cars of No. 380 derailed. The tankhead of No. 380's fifth car was punctured by the coupler of another car during the derailment. The tank car's anhydrous ammonia cargo escaped. Fifteen persons were injured as a result of the derailment and release of ammonia. Damage from the accident amounted to $1,914,000.

Investigation of the derailment disclosed that train No. 242 was the first eastbound freight train permitted by CNW to operate as a passenger train speed of 60 mph on track 2 and was moving at 60 mph when the accident occurred. A freight train speed of 60 mph requires that the track be maintained to the Federal Track Safety Standards requirements for Class 4. An examination of track immediately west of the derailment point disclosed five locations where the crosstie conditions only complied with Class 3 specifications and one point where they did not even comply with Class 1. At several locations, differences in cross levels were marginal, and unsecured track shims had been used to adjust levels at several joint locations. It is obvious from the conditions found that track 2 did not comply with the requirements for Class 4 track, the Board stated.

The Board noted that emergency personnel at Glen Ellyn performed exceptionally well during this emergency, confining the ammonia's harmful effects to minor injuries and minor ecological damage. The Board found, however, that lack of expert advice during the earliest stage of the emergency shows a weakness in current methods of assisting emergency personnel in accidents involving hazardous materials.

As a result of the investigation of this accident, the Safety Board on April 21, issued the following letters containing safety recommendations:

To the U.S. Department of Transportation—

Require by regulation that persons performing train dispatching functions maintain a record of trains and cars that are carrying hazardous materials and of current methods of and procedures for containment of these materials in the event of a mishap and communicate this information to public safety officials immediately after they learn of a train accident. (R-77-9)

Require the Chicago and North Western Transportation Company to maintain its tracks to the specifications of the Federal Track Standards for each class and not increase train speeds until it is determined that the track is adequate for such speeds. (R-77-10)

To the Chicago and North Western Transportation Company—

Maintain tracks to the specifications of the Federal Track Safety Standards for each class and do not increase train speeds until it is determined that the track is adequate for such speeds. (R-77-11)

To the Manufacturing Chemists Association—

Analyze the operating experience of the CHEMTREC [Chemical Transportation Emergency Center] system and furnish the Materials Transportation Bureau of the U.S. Department of Transportation with recommendations for a system to link appropriate hazardous materials experts with onscene public safety officials during the critical first few minutes of a train accident involving hazardous materials. (R-77-12)

SAFETY RECOMMENDATION RESPONSES

Highway Safety Recommendation H-76-22.—Federal Highway Administration letter of April 13 reports delay in revising its Highway Safety Improvement Program Directive, FHPM 6-8-2-1. FHWA's initial response, dated October 8, 1976 (41 FR 46526, October 21, 1976), indicated that the proposed revision was to incorporate a provision for considering the number of people exposed to the hazards of railroad-highway crossings; this factor would be considered by the States, along with the other elements in FHPM 6-8-2-1, in setting priorities for grade crossing safety improvements. The recommendation was issued following Safety Board investigation of a grade crossing accident in Elwood, Illinois, November 19, 1975, involving an Amtrak turboliner passenger train and a dump truck carrying a load of asphalt.

FHWA now states that, in order to avoid further delay in implementing the "people factor," it plans to issue guidelines for this item in an interim directive which will be in effect until FHPM 6-8-2-1 is revised.

Marine Safety Recommendation M-75-6.—U.S. Coast Guard letter of April 11 concerns a recommendation issued as a result of investigation into the entanglement of the submersible *Johnson Sea Link* with submerged wreckage off Key West, Florida, June 17, 1973. The recommendation called for the Coast Guard to actively collect information concerning worldwide submersible search and rescue capabilities so that the most effective equipment needed for use in future underwater emergencies can expeditiously be made available.

Updating its response of November 28, 1975 (40 FR 58700, December 18, 1975), the Coast Guard now indicates that it has joined the Office of Oceanographer of the Navy in funding a survey of worldwide submersible search and rescue capabilities. The survey has been completed and accepted by the Navy and is available to the public from the National Technical Information Service, U.S. Department of Commerce, using Accession No. AD-AO33 179. Coast Guard states that the survey has also been provided to Coast Guard district rescue coordination centers and Headquarters flag plot.

Railroad Safety Recommendation R-76-58.—Federal Railroad Administration

[1] Applicant requests that we hear at this session ACCCE's Contention 3a (Effect on Biota), Contention 3b (Functional Design of Discharge Outfall), Contention 3c (Food Chain), and Contention 3f (Dredging). However, the time is not ripe to hear these environmental contentions because Part III of the FES has not been issued which will relate to postulated accidental releases of radioactivity into liquid pathways from floating nuclear plants, and because Staff has not completed an addendum to Part II of the FES which will contain its analysis and conclusions regarding the environmental impact of riverine and estuarine siting of nuclear plants.

letter of April 12 updates the information regarding implementation of this recommendation provided in FRA's initial response of last January 31. (42 FR 8446, February 10, 1977.) The recommendation asked FRA to restrict to 30 mph the maximum authorized train speed over the New River Subdivision of the Chesapeake and Ohio Railway Company.

FRA now reports that a joint FRA/NTSB inspection of track on the New River Subdivision was made on March 22 and 23 and that inspection revealed no conditions warranting imposition of speed restrictions in addition to those already placed by the railway company. FRA notes that no deviations from the Track Safety Standards were discovered which would render the track unsafe for the operation of trains at the speed limits placed by the carrier.

FRA further reports that the Chesapeake and Ohio Railway has started a substantial maintenance program on the New River Subdivision, consisting of tie renewal, rail relay, and surfacing, scheduled for completion during 1977. This program, if properly executed, should allow removal of the temporary speed restrictions and leave a track condition considerably better than the minimum required by the Track Safety Standards, FRA stated.

FRA said it will continue to monitor the carrier's compliance activities and safety performance on the New River Subdivision as a part of its regular enforcement program. Since the FRA Automated Track Geometry Inspection vehicles covered the subject tracks on March 19 and 21, FRA plans a detailed followup inspection in April. FRA states that it will also continue to take whatever action is necessary to ensure that this track is kept in compliance with the Track Safety Standards.

Safety Board Replies to Recommendation Responses

Marine Safety Recommendation M–72–24.—Board letter of April 18 to the U.S. Coast Guard notes that Coast Guard's letter of February 25 (42 FR 14941, March 17, 1977) indicates progress toward implementation of the recommendation. M–72–24 was issued following investigation of the structural failure and sinking of the SS *Texaco Oklahoma* on March 27, 1971, and called for the Coast Guard to require another inflatable liferaft to be installed on the after section of tankships either in addition to or in lieu of the lifeboats now required.

In seeking amplifying information to properly evaluate the alternatives the Coast Guard is now considering, the Safety Board asks for further explanation in the following areas:

1. Covered lifeboats. Are those covered lifeboats listed by Coast Guard encapsulated similar to the device used on drilling rigs or are they merely covered as liferafts are covered? If the covering is more than a fiber, how effective are the units with respect to survival in a fire?

2. Improved lifesaving appliances. What are the schedule or target dates for implementing the three phases of these improved lifesaving appliances, i.e., dates for the Intergovernmental Maritime Consultative Organization amendments, the regulations for the Great Lakes vessels, and the regulations for the drill rigs?

3. Launching techniques for lifeboats and for davit-launched liferafts. The contemplated techniques are not clear. A short explanation of both or some descriptive material would be helpful.

4. Reduction of risks of hyperthermia in the selection between liferafts and lifeboats. Are Coast Guard's efforts to improve lifeboats and associated equipment intended to complement or substitute for the development and requirement of survival suits in cold water regions?

Intermodel Transportation Safety Recommendation I–76–6.—Board letter of April 21 asks that the Material Transportation Bureau of the U.S. Department of Transportation reconsider its decision not to act upon this recommendation, as discussed in MTB's letter of last September 21 (41 FR 45073, October 17, 1976). The recommendation, addressed to the Secretary of Transportation, called for the establishment of a regulation to require the safety registration statements authorized by section 105(b) of the Hazardous Materials Transportation Act of persons transporting bulk shipments of pressurized, liquefied petroleum gases in a form and quantity capable of causing widespread injury and property damage in transportation accidents. The recommendation was issued following Board investigation of the Surtigas, S.A., tank-semitrailer overturn, explosion, and fire, which occurred near Eagle Pass, Texas, on April 29, 1975.

The Safety Board's April 21 letter reports the receipt on January 11, 1977, of a copy of the Federal Highway Administration Operations Manual HMC–12.1 which states, "Hazardous materials carriers and shippers are not required to register or otherwise make their identities known. The safety investigator must use all means available to learn of their existence."

The Board states that what it recommended was implementatation, for persons transporting bulk liquefied petroleum gas, of section 106 of the Act, which permits the Secretary to require carriers of hazardous materials to submit a safety registration statement. The Board also notes that the Act states that such a registration statement shall include, but need not be limited to, the carrier's name; principal place of business; the location of each activity handling hazardous materials; a complete list of hazardous materials handled; and an averment that the carrier complies with all applicable criteria established under subsection (a) of the section.

The Board finds that § 177.824(f) of the Department of Transportation's hazardous materials regulations does not provide for safety registration of the type contemplated by 106(b) of the Act. Section 177.824(f) requires a registration but it is a registration of vehicle cargo tanks and not of carriers, the Board states furthermore, it appears unlikely that § 177.824(f) could be enforced under section 106(c) of the Act.

In the matter of revoking or suspending registrations, the Safety Board states that experience under section 106 is required to determine whether the prohibition described in Conference Report 93–1347 is an impediment to improving the level of compliance with hazardous materials regulations.

It is in view of the significant differences between the registrations in § 177.824(f) of the regulations and section 106(b) of the Act that the Board requests reconsideration of the Department's decision not to act upon recommendation I–76–6.

NOTE.—The above consists of summaries of Safety Board recommendation letters issued and safey recommendation responses recived during the week preceding publication of this notice in the FEDERAL REGISTER. The recommendation letters in heir entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses and Safety Board replies relating to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction, payable upon fulfillment of the request. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 25, 1977.

[FR Doc.77–12231 Filed 4–27–77;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

CONOWINGO HYDROELECTRIC PROJECT

Public Hearing

Notice is hereby given that the Susquehanna River Basin Commission will have a public hearing as part of its review of the Conowingo Hydroelectric Project. The hearing will begin at 2:30 p.m. and reconvene after dinner at 7 p.m. on Thursday, June 23, 1977, in the Havre de Grace High School Auditorium, 700 Congress Street, Havre de Grace, Maryland. The hearing is being held to receive pertinent testimony from the power companies and other interested parties concerning operation of the project and its impact on the water and related resources of the basin.

The Conowingo Hydroelectric Project is owned by the Philadelphia Electric Company and Susquehanna Power Company. The companies have applied to the Susquehanna River Basin Commission for approval to continue to use the basin's water resources for the operation of their facility.

The project is located on the Susquehanna River about nine miles above the upper reaches of the Chesapeake Bay and crosses the border between the State of Maryland and the Commonwealth of Pennsylvania. The Project consists of a dam, powerhouse, reservoir and certain transmission lines. The dam, powerhouse and approximately four square miles of the reservoir are located in the Maryland counties of Cecil and Harford, near the towns of Conowingo and Darlington. The reservoir's remaining 9.5 square miles are located in the Pennsylvania counties of York and Lancaster.

The principal areas of interest upon which the Commission is basing its review of the project are:

I. FLOOD PLAIN MANAGEMENT AND PROTECTION

A. Flood control.
B. Flood forecast and warning system.

II. WATER SUPPLY

A. Minimum flow releases.
B. Authorized diversions.
C. Relationship and impact Other power generation facilities.

III. WATER QUALITY

A. Maintenance of Federal and State water quality standards.
B. Sanitary facilities for recreation activities.

IV. RECREATION, FISH AND WILDLIFE

A. Anadromous fishery resources.
B. Instream flow needs.
C. Terrestrial habitat mitigation and enhancement.

V. WATERSHED MANAGEMENT AND PROTECTION

VI. CULTURAL, VISUAL AND OTHER AMENITIES

A. Historic sites.

VII. ADMINISTRATION AND OPERATIONS

A. Implementation/compliance schedule.
B. Intergovernmental coordination and cooperation.
C. Public safety measures.
D. Develop essential intrastructure related to project.
E. Operational conflicts.
F. Length of license period.

VIII. RELATIONSHIPS WITH OTHER HYDROELECTRIC PROJECTS

The application documents filed by the project sponsors are available for public inspection during regular business hours at the office of the Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055. The offices are open to the public from 8 a.m. to 4 p.m., Monday through Friday.

Persons wishing to participate in the hearing may present oral and/or written testimony. Those wishing to testify in person are requested to contact the Secretary of the Commission, in writing, prior to the hearing.

ROBERT J. BIELO,
Executive Director.

[FR Doc.77–12138 Filed 4–27–77;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92–463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Veterans Administration Central Office, 811 Vermont Avenue NW., Washington, D.C. on May 27, 1977 at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake, and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202–389–2868), prior to May 23, 1977.

By direction of the Administrator.

Dated: April 21, 1977.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77–12181 Filed 4–27–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77–074]

QUALIFICATION OF TEXASGULF INC. AS A CITIZEN OF THE UNITED STATES

This is to give notice that pursuant to 4 CFR 67.23–7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), Texasgulf Inc. of High Ridge Park, Stamford, Connecticut 06904, incorporated under the laws of the State of Texas, did on March 28, 1977, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG–1260.

The oath shows that: (a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on March 28, 1977, issued to Texasgulf Inc. a certificate of compliance on Form CG–1262, as provided for in 46 CFR 67.23–7. The certificate and any authorization granted thereunder will expire three years from March 28, 1977, unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23–7.

Dated April 21, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77–12192 Filed 4–27–77;8:45 am]

Federal Aviation Administration

TECHNICAL ADVISORY COMMITTEE

Meeting Cancellation

The notice which appeared in volume 42 FEDERAL REGISTER, Page 18472, on April 7, 1977, publishing the agenda for a meeting of FAA's Technical Advisory Committee on May 5 and 6, is hereby canceled.

THOMAS M. JOHNSTON,
Executive Director, FAA Technical Advisory Committee.

[FR Doc.77–12119 Filed 4–27–77;8:45 am]

Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted March 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2661-X	DOT-E 2661	Virginia Chemicals, Inc., Portsmouth, Va.; International Plastics, Inc., Colwick, Kans.	49 CFR 173.34(d), 173.304(a)(1), (2), 175.3.	To ship certain nonflammable and nonpoisonous refrigerant gases in aluminum containers complying in with DOT specification 39. (Modes 1, 2, 3, 4, and 5.)
2462-X	DOT-E 2462	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.73(b)	To ship initiating explosive in glass bottles overpacked in a wooden box constructed of ½ in lumber. (Mode 1.)
2709-X	DOT-E 2709	U.S. Department of Defense, Washington, D.C.	49 CFR 173.62, 177.834(L)(1)	To ship high explosive, liquid in non-DOT specification drum securely attached to strong wooden skids or DOT specification 5 metal drums or DOT specification 42B aluminum drums. (Mode 1.)
2865-X	DOT-E 2865	Sun-O-lin Chemical Co., Claymont, Del.	49 CFR 172.101, 173.315(a)(1)	To ship liquefied ethylene in specially designed and insulated cargo tanks. (Mode 1.)
2951-X	DOT-E 2951	Austin Powder Co., Cleveland, Ohio	49 CFR 173.64(a), 173.93(a)	To ship certain class A or class B explosives in a 8-mil thickness polyethylene bag within a fiberboard tube. (Modes 1 and 2.)
3001-X	DOT-E 3001	Union Carbide Corp., Tarrytown, N.Y.; Airco Industrial Gases, Murray Hill, N.J.; Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.302, 175.3.	To ship certain compressed gases in non-DOT specification sampling bottles overpacked in strong outside wooden or fiberboard boxes. (Modes 1, 2, 4, and 5.)
3051-X	DOT-E 3051	Chemetron Corp., Chicago, Ill.	49 CFR 173.302(a), 175.3	To ship nitrogen, oxygen in a non-DOT specification stainless steel cylinder. (Modes 1, 2, and 4.)
3126-X	DOT-E 3126	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62	To ship high explosives, liquid in DOT specification 5 metal drums or DOT specification 42B aluminum drum securely attached to heavy wooden skids or strong aluminum skids. (Mode 1.)
3216-X	DOT-E 3216	....do	49 CFR 173.314(c)	To ship certain compressed gases in a proposed DOT specification 110A3000W tank. (Mode 1.)
3415-X	DOT-E 3415	U.S. Department of Defense, Washington, D.C.	49 CFR 173.79, 173.92	To ship certain class A or class B rocket motors, without overpacking, mounted on cradle-type skids and tied down on flat-bed highway vehicles. (Mode 1.)
3416-X	DOT-E 3416	Unidynamics Phoenix, Phoenix, Ariz.	49 CFR 173.87, 173.100(s)	To ship explosive release device in DOT specification 12H fiberboard boxes or strong wooden boxes. (Mode 1.)
3657-X	DOT-E 3657	Union Carbide Corp., Tarrytown, N.Y., Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene, liquefied ethane in a non-DOT specification insulated cargo tank designed and constructed in accordance with section VIII of the ASME code. (Mode 1.)
3966-P	DOT-E 3966	A. J. Lynch & Co., Oakland, Calif.; North Central Chemicals, Inc., Madison, Wis.; Eagle Chemical Co., Reading, Pa.; Chemtech Industries, Inc., St. Louis, Mo.; Western Solvent & Chemicals Co., Romulus, Mich.	49 CFR 173.234, 178.236-3(a)	To become a party to exemption No. 3966. (See application No 3966-X). (Modes 1 and 3).
4039-X	DOE T 4039	Airco Industrial Gases, Murray Hill, N.J.	49 CFR 173.316(a)	To ship liquefied hydrogen in a non-DOT specification insulated portable tank constructed and designed in accordance with section VIII of the ASME code. (Mode 1.)
4052-X	DOT-E 4052	The Boeing Co., Seattle, Wash.	49 CFR 173.34(d), 173.305, 175.3.	To ship compressed gas, n.o.s. in DOT specification 39 seamless aluminum cylinder. (Modes 1, 2, 4, and 5.)
4248-P	DOT-E 4248	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.245(a)(27), 173.268(d).	To become a party to exemption 4248. (See application No. 4248-X.) (Modes 1, 2, and 3.)
4497-X	DOT-E 4497	Co-ox Inc., Oklahoma City, Okla.	49 CFR 172.101, 173.315(a)	To ship liquefied oxygen in a non-DOT specification cargo tank in accordance with section VIII of the SAME code. (Mode 1.)
4554-P	DOT-E 4554	Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.315(a)(1)	To become a party to exemption 4554. (See application No. 4554-X.) (Mode 1.)
4588-X	DOT-E 4588	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.65(a)	To ship high explosives in a non-DOT outer metal (AN type) container. (Mode 1.)
4763-X	DOT-E 4763	Allied Chemical Corp., Morristown, N.J.; A. J. Lynch & Co., Oakland, Calif.; North Central Chemicals, Inc., Madison, Wis.; Eagle Chemical Co., Reading, Pa.; Chemtech Industries, Inc., St. Louis, Mo.; Western Solvent & Chemical Co., Romulus, Mich.; Specialty Chemical Co., Inc., Chattanooga, Tenn.; Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.234(a)(2)	To ship sodium nitrite in 4-ply multiwall paper bags complying with DOT specification 44C with certain exceptions. (Mode 1 and 2.)
4775-X	DOT-E 4775	Thio-Pet Chemicals Ltd., Edmonton, Alberta.	49 CFR 173.314(c)	To ship hydrogen sulfide in DOT specification 105A600-W tank cars. (Mode 3.)
4845-X	DOT-E 4845	Graviner Ltd., Colnbrook Slough, England.	49 CFR 173.302, 173.353a	To ship nonflammable, nonliquefied compressed gas and a class B poison in non-DOT specification foreign-made steel cylinders. (Modes 1 and 2.)
5188-X	DOT-E 5188	U.S. Energy and Development Administration, Washington, D.C.	49 CFR 173.395(c)(2), 173.398(c).	To ship radioactive materials and nonliquefied compressed gases in a non-DOT metal drum. (Modes 1, 2, and 4.)
5196-P	DOT-E 5196	Chemiplex Co., Rolling Meadows, Ill.	49 CFR 172.101, 173.315(a)(1)	To ship liquefied ethylene in a non-DOT specification insulated cargo tank, designed and constructed in accordance with section VIII of the ASME code. (Mode 1.)
5232-X	DOT-E 5232	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c) table	To ship certain flammable and nonflammable liquefied compressed gases in AAR specification 120A300W tank cars, and DOT-105A500-W tank cars converted to AAR class 120A tank cars. (Mode 2.)
5243-P	DOT-E 5243	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Austin Powder Co., Cleveland, Ohio; Apache Powder Co., Benson, Ariz.; Atlas Powder Co., Dallas, Tex.	49 CFR 173.66(g)(1), 173.103(a), 177.835(g).	To become a party to exemption 5243. (See application No. 5243-X.) (Modes 1, 2, and 3.)
5315-X	DOT-E 5315	U.S. Department of Defense, Washington, D.C.	49 CFR 173.87	To ship explosive projectiles in a specially designed, temperature-controlled semitrailer. (Mode 1.)
5365-X	DOT-E 5365	Sun-O-lin Chemical Co., Claymont, Del.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene in a non-DOT specification polyurethane insulated tank designed and constructed in accordance with the ASME code. (Mode 1.)
5414-X	DOT-E 5414	E. I. du Pont du Nemours & Co., Inc. Wilmington, Del.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene in a vacuum insulated non-DOT specification portable tank, designed and constructed in accordance with ASME code. (Mode 1.)
5482-X	DOT-E 5482	Aeroquip Corp., Van Wert, Ohio	49 CFR 173.304(a)	To ship certain nonflammable gases in assemblies prepared for shipment packed within wooden or fiber boxes. (Modes 1 and 2.)
5493-X	DOT-E 5493	Montana Sulfur & Chemical Co., Billings, Mont.	49 CFR 173.314(c)	To ship hydrogen sulfide in DOT specification 105A600-W tank car tanks. (Mode 2.)
5895-X	DOT-E 5895	Explosive Technology, Fairfield, Calif.	49 CFR 173.100(cc), 173.104(b), 175.3.	To ship class C explosives in a Jet-Axe unit within a DOT specification 12H fiberboard box. (Modes 1, 2, 3, and 4.)
5948-X	DOT-E 5948	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.398(c)	To ship radioactive materials in DOT specification 17C or 17H steel drums or DOT specification 19A or 19B wooden crates. (Mode 2.)

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5967-P	DOT-E 5967	The Boeing Co., Seattle, Wash.	49 CFR 173.304(a)(2), 175.3	To become a party to exemption 5967. (See application No. 5967-X.) (Modes 1, 2, 4, and 5.)
6066-X	DOT-E 6066	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.119, 173.125; 46 CFR 98.35.	To ship certain flammable and combustible liquids in a 2,500 gal capacity portable tank. (Modes 1 and 3.)
6071-X	DOT-E 6071	Walter Kidde & Co., Inc., Belleville, N.J.; The Boeing Co., Seattle, Wash.	49 CFR 173.304, 173.305, 175.3	To ship a nonflammable compressed gas in non-DOT specification stainless steel pressure vessel complying with DOT specification 4DA. (Modes 1, 2, 4, and 5.)
6080-X	DOT-E 6080	Air Products & Chemicals, Inc., Allentown, Pa.; U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.301(d), 173.337(a)(1).	To ship nitric oxide in DOT specification 3AA2400 or 3AA2500 cylinders. (Mode 1.)
6113-P	DOT-E 6113	Chemplex Co., Rolling Meadows, Ill.	49 CFR 172.101, 173.315(a)	To become a party to exemption 6113. (See application No. 6113-X). (Mode 1.)
6117-X	DOT-E 6117	Montana Sulphur & Chemical Co., Billings, Mont.	49 CFR 173.314(c)	To ship hydrogen sulfide in DOT specification 105A600W tank car tank. (Mode 2.)
6128-X	DOT-E 6128	Hapag-Lloyd AG, Hamburg, West Germany	49 CFR 173.119, 173.125(a), 173.245(a), 173.346.	To ship hazardous materials in non-DOT stainless steel portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Hapag-Lloyd AG, Hamburg, West Germany; Contrans, Hamburg, West Germany	49 CFR 173.119, 173.125, 173.245, 173.347, 173.266, 173.294, 173.346.	To ship a class B poisonous liquid in type 18/1, type TC 16 1 or type 15/1 stainless steel portable tanks. (Modes 1, 2, and 3.)
6267-P	DOT-E 6267	Coastal Industries, Inc., Carlstadt, N.J.	49 CFR 173.217(a)	To become a party to exemption 6267. (See application No. 75-42). (Modes 1 and 2.)
6293-X	DOT-E 6293	Olin Corp., East Alton, Ill.	49 CFR 173.21(b), 173.245(a)(31).	To ship corrosive liquid, n.o.s. in DOT specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6305-X	DOT-E 6305	Ensign Bickford Co., Simsbury, Conn.; Monsanto Co., St Louis, Mo.	49 CFR 173.113(a)(1)	To ship primadet delays in DOT-2SF35 specification fiberboard boxes, (Modes 1 and 2.)
6309-P	DOT-E 6309	Worum Fiberglass Supply Co., St Paul, Minn.; Insta-Foam Products, Inc., Joliet, Ill.	49 CFR 173.315(a)(1)	To ship compressed gas, n.o.s. in a non-DOT specification steel portable tank. (Modes 1 and 2.)
6309-X	DOT-E 6309	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.346(a)(10), 173.347(a)(2), 173.353(a)(4), 173.374(a).	To ship certain class B poisonous liquids in DOT specification 105A400W, 112A400W, 114A400W, and proposed 120A300W and 120A400W tank car tanks. (Mode 2.)
6434-X	DOT-E 6434	Mobil Chemical Co., Richmond, Va.	49 CFR 173.377(d)(1)	To ship a class B poisonous solid in a non-DOT specification 5-ply paper bag. (Modes 1 and 2.)
6442-X	DOT-E 6442	U.S. Department of Defense, Washington, D.C.	49 CFR 173.53(k), 173.87	To ship explosive projectiles with burster and containing either certain corrosive or flammable liquids in non-DOT metal canisters. (Modes 1 and 2.)
6453-X	DOT-E 6453	Allied Chemical Corp., Mount Clemens, Mich.	49 CFR 173.302(a)(1), 175.3	To ship compressed gas, n.o.s. in nonrefillable, welded steel cylinders in compliance with DOT specification 39 with certain exceptions. (Modes 1, 2, 4, and 5.)
6497-X	DOT-E 6497	FMC Corp., Philadelphia, Pa	49 CFR 173.365, 174.63	To ship class B poison solids in DOT specification 56 metal portable tanks. (Modes 1 and 2.)
6538-P	DOT-E 6538	C. T. H. Trading Co., Orange, Calif.	49 CFR 173.304(d)(3)(ii), 178.33	To become a party to exemption 6538. (See application No. 6538-X.) (Modes 1 and 3.)
6561-X	DOT-E 6561	Olin Chemical Group, Stamford, Conn.	49 CFR 173.276	To ship certain corrosive liquids in an inside DOT specification 2E, type III, high-density polyethylene bottle. (Modes 1 and 2.)
6563-P	DOT-E 6563	Safety Laboratories, Industries, Miami, Fla.	49 CFR 173.302(a)(1), 175.3	To become a party to exemption 6563. (See application No. 6563-X.) (Modes 1, 2, 3, 4, and 5.)
6564-X	DOT-E 6564	Castle & Cooke, Inc., San Francisco, Calif.	49 CFR 173.119, 173.128	To ship certain flammable liquids in a non-DOT specification dual compartment portable tank. (Modes 1 and 3.)
6569-X	DOT-E 6569	The Blue Star Line, Inc., San Francisco, Calif.; Bacardi International Ltd., Hamilton Bermuda; Bacardi & Co., Ltd., Nassau, Bahamas.	49 CFR 173.119(b)	To ship alcohol, n.o.s., in non-DOT specification portable tank. (Modes 1, 2, and 3.)
6598-X	DOT-E 6598	Dow Chemical Co., Midland, Mich.	49 CFR 173.245(a)(16)	To ship vinyl benzyl chloride in a DOT specification 6D cylindrical steel drums. (Modes 1 and 2.)
6606-X	DOT-E 6606	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.358(a)(2)	To ship diethyl chlorophosphate in a DOT specification 17C steel drum. (Modes 1 and 3.)
6621-P	DOT-E 6621	Great Lakes Chemical Corp., El Dorado, Ark.; Michigan Chemical Corp., Chicago, Ill.	49 CFR 173.358(a)(2), 178.205-17(a); 46 CFR 146.25-200.	To become a party to exemption 6621. (See application No. 76-26.) (Modes 1, 2, and 3.)
6623-X	DOT-E 6623	Chemtech Industries, Inc., St. Louis, Mo.	49 CFR 173.265(b)(3)	To ship hydrofluosilicic acid in DOT specification 111A100W2 tank car tanks. (Mode 2.)
6653-X	DOT-E 6653	Shell Oil Co., Houston, Tex.	49 CFR 173.245, 173.358	To ship poison B liquids or corrosive materials in DOT specification 6D cylindrical steel drums. (Modes 1, 2, and 3.)
6658-X	DOT-E 6658	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.21(b), 173.64(a)	To ship certain class A explosives in a non-DOT open-head steel drum (Mode 1.)
6662-X	DOT-E 6662	Hercules Inc., Wilmington, Del.; Pennwalt Corp., Buffalo, N.Y.	49 CFR 173.154	To ship organic peroxide in DOT specification 57 metal portable tanks. (Modes 1 and 3.)
6668-X	DOT-E 6668	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304(a)(2), 178.57	To ship oxygen in an insulated welded cylinder, complying with DOT specification 4L with certain exceptions. (Modes 1 and 2.)
6670-X	DOT-E 6670	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.301(d), 173.302	To ship tetrafluoromethane in DOT specification 3AA6002, 3AA2400, 3AX2400, and 3AAX2400 cylinders. (Mode 1.)
6694-X	DOT-E 6694	Ugine Kuhlmann of America, New York, N.Y.	49 CFR 173.315	To ship dichlorodifluoromethane in a non-DOT specification portable tank. (Modes 1, 2, and 3.)
6699-X	DOT-E 6699	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR 173.249(a)(5), 179.200-4.	To ship liquid caustic soda in DOT specification 111A100W1 tank car tanks. (Mode 2.)
6701-X	DOT-E 6701	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.314.	To ship hexafluoropropylene oxide in DOT specification 110A500-W tank car tanks. (Modes 1 and 2.)
6715-X	DOT E 6715	FMC Corp., Philadelphia, Pa.	49 CFR 173.358(a)(11)	To ship ethion in DOT 105A300AL-W or 105A300W tank cars. (Mode 2.)
6772-X	DOT E 6772	Monsanto Co., St. Louis, Mo	49 CFR 173.245, 173.264(a), 173.346, 173.349, 173.369.	To ship certain corrosive liquids in an inside glass or compatible plastic bottle, overpacked in DOT specification 17H steel drums. (Mode 1.)
6803-X	DOT E 6803	Halocarbon Products Corp., Hackensack, N.J.; Harshaw Chemical Co., Cleveland, Ohio.	49 CFR 173.264(b)	To ship anhydrous hydrofluoric acid in DOT specification 4BW welded steel cylinders. (Mode 1.)
5810-X	DOT-E 5810	U.S. Department of Interior, Amarillo, Tex.	49 CFR 173.302(a)(1)	To ship helium in seamless steel tanks in compliance with DOT specification 107A. (Mode 1.)
6834-X	DOT-E 6834	FMC Corp., Philadelphia, Pa.	49 CFR 173.245(a)(4)	To ship phosphoric acid in DOT specification 5 drums. (Mode 1.)
6837-X	DOT-E 6837	U.S. Department of the Army, Washington, D.C.	49 CFR 173.245(a)(32)	To ship acetic anhydride in DOT specification 105A300AL-W tank cars. (Mode 2.)

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6868-X	DOT-E 6868	Dow Chemical Co., Midland, Mich	49 CFR 173.272(f)(22)	To ship sulfuric acid in DOT specification 105A300W tank car tanks. (Mode 2.)
6871-X	DOT-E 6871	Millers Transporters, Inc., Jackson, Miss.	49 CFR 172.504, 177.856(c), 393.95(g).	To ship flammable liquid, n.o.s. in DOT specification MC 307 tank motor vehicle. (Mode 1.)
6890-X	DOT-E 6890	U.S. Department of Defense, Washington, D.C.	49 CFR 173.100(ee), 175.3	To ship certain class C explosives in a non-DOT specially designed wooden box. (Modes 1, 2, 3, and 4.)
6894-X	DOT-E 6894	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.302(a)(1)	To ship certain nonliquefied, nonflammable compressed gases in a non-DOT specification pressure vessel assembly. (Modes 1 and 2.)
6906-X	DOT-E 6906	Dow Chemical Co., Midland, Mich	49 CFR 173.263(a)(6)	To ship chloroacetyl chloride in DOT specification MC-310, MC-311, and MC-312 tank motor vehicles. (Mode 1.)
6918-X	DOT-E 6918	Amvac Chemical Corp., Los Angeles, Calif.	49 CFR 173.356(a)(8), 175.350 (a)(9).	To ship poison B liquids in 1-gallon capacity glass containers, individually overpacked in a DOT specification 33A polystyrene case. (Mode 1, 2, and 3.)
6925-X	DOT-E 6925	Economics Laboratory, Inc., St. Paul, Minn.	49 CFR 173.245(a), 173.249(a), 173.277-3.	To ship certain corrosive liquids in inside high-density polyethylene bottles overpacked in non-DOT fiberboard boxes. (Modes 1 and 3.)
6927-X	DOT-E 6927	Dow Chemical Co., Midland, Mich.	49 CFR 173.353, 173.353a.	To ship liquid methyl bromide in a non-DOT specification portable container. (Modes 1 and 3.)
6929-X	DOT-E 6929	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.86(e)(2)(ii), 173.92 (b).	To ship class B explosives in packages approved by the Bureau of Explosives (AAR). (Modes 1 and 3.)
6948-P	DOT-E 6948	Cotton States Chemical Co., West Monroe, La.	49 CFR 173.358, 173.359	To become a party to exemption 6948. (See application Nos. 76-61 and 6948-P). (Mode 1.)
6962-X	DOT-E 6962	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.301(d)	To ship argon or helium in a specification 3AA1800 or 3AA2000 cylinder. (Modes 1 and 2.)
6978-P	DOT-E 6978	Warren Petroleum Co., Tulsa, Okla.	49 CFR 173.315(a)(1), (c)(1)	To become a party to exemption 6978. (See application No. 76-216). (Mode 1.)
7020-P	DOT-E 7020	Pennwalt Corp., Philadelphia, Pa	49 CFR 173.154, 173.163(a)(7)	To become a party to exemption 7020. (See application No. 7020-X.) (Modes 1 and 2.)
7023-X	DOT-E 7023	Western Electric, Greensboro, N.C	49 CFR 173.272(g) and (l)(24), 173.288(f)(5), 173.264(a), 173.-245(a), 173.266.	To ship oxidizer or corrosive material in non-DOT specification steel portable tanks built in compliance with DOT specification 60. (Mode 1.)
7041-X	DOT-E 7041	Ethyl Corp., Baton Rouge, La.	49 CFR 173.134(a)(6)	To ship flammable liquid in insulated non-DOT specification cargo tank of the MC-331 type. (Mode 1.)
7044-X	DOT-E 7044	National Aeronautics and Space Administration, Greenbelt, Md.; Thiokol Corp., Huntsville, Ala.	49 CFR 173.86(e)(iii), 173.92(a)(1), 173.92(b).	To ship class B explosive rocket motors mounted on a dolly in accordance with Thiokol Corp.'s drawings. (Mode 1.)
7059-X	DOT-E 7059	Oxford Chemicals, Atlanta, Ga.	49 CFR 173.245(a), (a)(6)	To ship corrosive solid, n.o.s. in a plastic drum or pail. (Modes 1 and 2.)
7068-X	DOT-E 7068	U.S. Department of Defense, Washington D.C.	49 CFR 173.62	To ship class A explosives in a 5-gal DOT specification 5B 28 or 6D 28 drums overpacked in DOT-6J drums. (Mode 1.)
7077-X	DOT-E 7077	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315 and D	To ship certain nonflammable and flammable gases in a non-DOT specification 180 portable tank. (Modes 1 and 3.)
7240-P	DOT-E 7240	Thermoset Plastic, Inc., Indianapolis, Ind.; Applied Plastics Co., Inc., El Segundo, Calif.	49 CFR 173.240	To become a party to exemption 7240. (See application No. 76-5.) (Modes 1, 2, and 3.)
7257-X	DOT-E 7257	Brewer Chemical Corp., Honolulu, Hawaii	49 CFR 173.-15, 173.240-13, 173.93.	To ship certain corrosive liquids in non-DOT specification portable tanks. (Mode 3.)
7260-X	DOT-E 7260	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.95 n., 173.3	To ship certain class A explosives in strong inside sift-proof paper or plastic bags overpacked in a DOT specification 21C fiber drum. (Modes 1 and 4).
7423-P	DOT-E 7423	Hart Metals, Inc., Tamaqua, Pa.	49 CFR 173.240	To become a party of exemption 7423. (See application No. 7423-N.) (Modes 1, 2, and 3.)
7434-X	DOT-E 7434	Natico Inc., Chicago, Ill	49 CFR 173.1, part 173, subparts D, E, F, and H; 177.854.	To ship certain flammable liquids, corrosive liquids, and class B poisonous liquids in Natico model No. 100 65-gal recovery drums. (Modes 1 and 2.)
7508-X	DOT-E 7508	W. A. Murphy, Inc., El Monte, Calif	49 CFR 176.415(e)(1)	To ship nitro carbo nitrate in paper bags, loaded in containers. (Mode 3.)
7509-X	DOT-E 7509	Rich International Airways, Inc., Miami, Fla.	49 CFR 175.3, 175.30(a)(1), 175.320(b).	To transport commercial dynamite in accordance with the provisions of 49 CFR 175.320(b) with certain exceptions. (Mode 4.)
7573-X	DOT-E 7573	U.S. Department of Defense, Washington, D.C.	49 CFR 175.3, 175.30(a)(1)	To ship explosives and other specified hazardous materials which are forbidden from carriage by cargo-only aircraft or are in quantities greater than those prescribed for cargo-only aircraft. (Mode 4.)
7601-X	DOT-E 7601	Atlantic Research Corp., Gainesville, Va	49 CFR 173.53(e), 173.62	To ship class A explosives in non-DOT inside containers in a crated assembly. (Mode 1.)
7629-X	DOT-E 7629	Eurotainer, Paris, France	49 CFR 173.119, 173.245, 173.-266, 173.289; 46 CFR 90.05-35, 98.35-3.	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1 and 3.)

NEW EXEMPTIONS

Application No	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7401-N	DOT-E 7401	Ventron Corp., Beverly, Mass.	49 CFR 173.154	To ship sodium borohydride, dry in non-DOT specification multiwall nylon-reinforced polybutylene film bag. (Mode 1.)
7525-N	DOT-E 7525	Connecticut Valley Arms, Inc., Haddam, Conn.	49 CFR 173.107	To ship percussion caps, class C explosives, packed in flat plastic cans in a DOT specification 12B fiberboard box. (Modes 1 and 2.)
7539-N	DOT-E	AiResearch Manufacturing Co., Phoenix, Ariz.	49 CFR 173.302(a)(4), 175.3	To ship helium in non-DOT specification welded steel pressure vessles constructed in compliance with DOT specification 39 with certain exception. (Modes 1 and 4.)
7548-N	DOT-E 7548	U.S. Department of the Navy, Washington, D.C.	46 CFR 146.29-100	To ship class XC military explosives in MILVAN containers to be stowed on deck of vessel, over the square of the hatch with certain exceptions. (Mode 3.)
7549-N	DOT-E 7549	Stauffer Chemical	49 CFR 172.245a(a)	To ship ethyl chlorothioformate in a 316L stainless steel portable tank otherwise constructed in compliance with DOT specification 51. (Modes 1 and 3.)
7550-N	DOT-E 7550	Rockwell International, Canoga Park, Calif.	49 CFR 173.206	To ship sodium, metallic in a cold trap assembly. (Mode 1.)
7551-N	DOT-E 7551	FMC Corp., Philadelphia, Pa.	49 CFR 173.1; part 173, subpart D, F, and H; 177.854.	To ship certain flammable liquids-corrosive liquids, and class B poisonous liquids in a DOT specification 17-C open-head drum. (Modes 1 and 2.)
7558-N	DOT-E 7558	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.315(a), 172.101	To ship certain nonflammable cryogenic liquids in a non-DOT specification insulated portable tank designed and constructed in accordance with the ASME code. (Modes 1 and 3.)
7602-N	DOT-E 7602	GasproO, Inc., Honolulu, Hawaii	49 CFR 173.850	To ship calcium oxide in a non-DOT specification bulk container. (Mode 3.)
7622-N	DOT-E 7622	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.365	To ship poison B, solid, n.o.s. in DOT specification 56 metal portable tank. (Mode 1.)
7648-N	DOT-E 7648	Intermountain Aerial Sightseeing, Inc., Salt Lake City, Utah.	49 CFR 172.204(c), 172.300(a), 172.400(a), 173.91(a) and (1), 175.3, 175.35(a).	To transport aerial illuminating flares in a non-DOT open styrofoam case containing not more than two illuminating flares. (Mode 4.)
7651-N	DOT-E 7651	Austin Powder Co., Cleveland, Ohio	49 CFR 173.93(e), 177.834(L)(1).	To ship propellant explosive, liquid in a Sealdtank manufactured by Uniroyal Inc. (Mode 1.)
7679-N	DOT-E 7679	PPG Industries, Inc., Pittsburgh, Pa.	49 CFR 173.375(a)	To ship dry sodium azide crystals in a DOT specification 21C-115 fiber drum. (Mode 1.)

EMERGENCY EXEMPTIONS—APPLICATIONS RECEIVED AND GRANTED

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE7097-X	DOT-E 7097	Fuller System, Inc., Woburn, Mass.	49 CFR 173.377(f)	To ship certain class B poisonous solids in non-DOT inside metal containers overpacked in strong outside containers. (Mode 1.)
EE7661-N	DOT-E 7661	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(b)(5)	To ship organic phosphate compound mixture, dry in DOT specification 21C fiber drums. (Modes 1, 2, and 3.)
EE7693-N	DOT-E 7693	General American Transportation Corp., Sharon, Pa.	49 CFR 173.314(c)	To ship liquefied petroleum gas in 4 proposed AAR's specification 120A300W tank cars. (Mode 2.)
EE7686-N	DOT-E 7686	Arthur E. Scholl, Riverside, Calif.	49 CFR 175.3, 175.35	To carry M-18 smoke grenades, flash roman candles, and shower of sparks aboard private aircraft. (Mode 4.)
EE7688-N	DOT-E 7688	Shell Chemical Co., Denver, Colo	49 CFR 179.115-10(a)(1)	To ship organic phosphate compound mixture, liquid in DOT specification 17C 5-gal, tight head steel drums complying with the requirement of sec. 178.115 with certain exceptions. (Modes 1 and 2.)

DENIALS

4275-X—Request by Union Carbide Corp., Tarrytown, N.Y.—To ship certain liquefied gas mixtures in MC-330 and MC-331 cargo tanks, denied March 31, 1977. (Application preempted.)

4275-X—Request by Kaiser Aluminum & Chemical Corp., Oakland, Calif.—To ship certain liquefied gas mixture in MC-330 and MC-331 cargo tanks, denied March 31, 1977. (Application preempted.)

4586-P—Request by FMC Corp., Philadelphia, Pa.—To ship phosphorus oxychloride in DOT Specification 6D cylindrical steel overpack with inside 2SL liners, denied March 10, 1977. (Docket HM-139 obviates the need.)

4417-X—Request by National Aeronautics and Space Administration, Washington, D.C.—To authorize jet thrust units, Class B explosives to be shipped by, for or to the National Aeronautics and Space Administration with igniters assembled therein, denied March 10, 1977. (Docket HM-139 obviates the need.)

4853-X—Request by Lehigh Valley Chemical Co., Easton, Pa.—To ship etching acid, liquid, n.o.s., in a DOT Specification 37M/2S or 2SL composite container having a capacity of not over 55 gallons, denied March 16, 1977. (Docket HM-139 obviates the need.)

5242-P—Request by IMC Chemical Group, Inc., Boston, Mass.—To ship hydrogen peroxide solution in water, not exceeding 52 percent by weight of hydrogen peroxide, denied March 10, 1977. (Docket HM-112 obviates the need.)

5403-P—Request by Oil Industries Manufacturing and Engineering, Odessa, Texas—To manufacture MC-312 cargo tanks for the transportation of specific hazardous materials, denied March 16, 1977.

5654-X—Request by MC/B Manufacturing Chemists, Norwood, Ohio—To ship certain oxidizing materials in plastic bottles overpacked in DOT Specifications 12A fiberboard boxes, denied March 4, 1977. (Docket HM-139 obviates the need.)

5976-X—Request by Mobay Chemical Corp., Kansas City, Mo.—To ship organic phosphate compounds in excess of 50% active ingredient in DOT Specification 105A300W tank cars, denied March 4, 1977. (Docket HM-139 obviates the need.)

6137-X—Request by Oxirane Chemical Co., Pasadena, Tex.—To ship peroxide, organic liquids, n.o.s., (tertiary butyl hydroperoxide), in DOT Specification 37M cylindrical steel drums overpack with DOT 2SL polyethylene liners, denied March 4, 1977. (Docket HM-139 obviates the need.)

6247-X—Request by J. T. Baker Chemical Co., Phillipsburg, N.J.—To allow shipment of hydrofluoric acid in a DOT Specification 34 container, denied March 4, 1977. (Docket HM-139 obviates the need.)

6247-X—Request by Allied Chemical Corp., Morristown, N.J.—To authorize shipment of hydrofluoric acid solutions not over 52% in DOT Specification 34 drums, not over 5 gallons, denied March 4, 1977. (Docket HM-139 obviates the need.)

6247-X—Request by Lehigh Valley Chemical Co., Easton, Pa.—To ship hydrofluoric acid (maximum 52%) in DOT Specification 34, 5-gallon polyethylene containers, denied March 4, 1977. (Docket HM-139 obviates the need.)

6637-P—Request by Aqua-Serv Engineers, Inc., Los Angeles, Calif.—To ship certain hazardous materials in a non-DOT Specification polyethylene drum of 55-gallon capacity, denied March 16, 1977. (Application preempted.)

6657-P—Request by Gases and Arc Supply Co., Pueblo, Colo.—To ship certain nonliquefied compressed gases in DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA, denied March 25, 1977.

6667-X—Request by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.—To ship certain Class B poisonous liquids in DOT Specification 6D cylindrical steel overpack with inside Specification 2SL polyethylene container of not over 55-gallon capacity, denied March 4, 1977.

6709-X—Request by Crown Zellerbach, Camas, Washington—To ship dimethyl disulfide in a foreign-made drum meeting the specification for a DOT 17-E except for the marking requirements, denied March 8, 1977. (Docket HM-112 obviates the need.)

6800-X—Request by McKesson Chemical Co., San Francisco, Calif.—To allow use of a 55-gallon capacity non-DOT Specification polyethylene (PE) container, for shipment of sulfuric acid, 98%, denied March 15, 1977.

6800-P—Request by IMC Chemical Group, Inc., Boston, Mass.—To ship certain hazardous materials in a non-DOT Specification polyethylene drum of 55-gallon capacity, denied March 16, 1977. (Application preempted.)

6800-X—Request by Lehigh Valley Chemical Co., Easton, Pa.—To ship certain corrosive liquids in a non-DOT Specification polyethylene drum of 55-gallon capacity, denied March 15, 1977. (Application preempted.)

6892-X—Request by Spear and Hill, New York, N.Y., on behalf of Explogiochi, S.p.A.; Edison Giocattoli, S.p.A.; Mattel, Inc.; The Ohio Art Co.—To ship toy plastic caps as prescribed in 173.100(p) and 173.100(a) except the plastic sheet of "blister" package is 0.006" in thickness, denied March 10, 1977. (Docket HM-139 obviates the need.)

6971-X, 7521-N, 7527-N—Request by Chem Service, Inc., West Chester, Pa.—To ship chemical kits containing poisonous materials without the prescribed label, denied March 16, 1977.

7062-X—Request by Michlin Chemical Corp., Detroit, Mich.—To authorize use of a six gallon capacity non-DOT Specification polyethylene (PE) container, with a vented closure, for shipment of ammonium hydroxide in concentrations of 29.4%, 25.5% and 17.6%, denied March 10, 1977.

7210-X—Request by Amway Corp., Ada, Mich.—To ship, by water, consumer commodities, packaged in excepted quantities and without the technical name on the package, denied March 2, 1977. (Docket HM-112 obviates the need.)

7222-X—Request by Richard Eaton, Bethesda, Md.—To carry as carry-on baggage, 2 electric storage batteries moving in connection with a self-propelled wheelchair denied March 3, 1977. (Docket HM-112 obviates the need.)

7284-X—Request by Virginia Chemicals Inc., Portsmouth, Va.—To ship Alkaline corrosive liquids, n.o.s., (organic amines) in tank trailer MC-303, denied March 4, 1977 (Docket HM-139 obviates the need.)

7428-P—Request by Airco Industrial Gases, New Province, N.J.—To transport certain flammable and nonflammable gases in certain non-DOT specification seamless wire hoop wrapped steel cylinders, denied March 25, 1977. (Application preempted.)

7460-P—Request by Fabricated Metals, Inc., Modena, Pa.—To ship flammable liquids in DOT Specification 57 portable tanks, denied March 25, 1977. (Docket HM-139 obviates the need.)

7464-X—Request by Chevron Oil Co., New Orleans, La.—To transport 80/87 octane gasoline to Main Pass Blocks 41 and 299 Fields, denied March 18, 1977.

7530-N—Request by Mobay Chemical Corp., Pittsburgh, Pa.—To ship certain flammable liquids in foreign made packagings comparable to the DOT 37M/2SL composite container, denied March 8, 1977. (Docket HM-112 obviates the need.)

7533-N—Request by Muchlstein & Co., Inc., Greenwich, Conn.—To transport sodium chlorate imported in a steel drum of foreign manufacture that meets DOT Specification 37A, denied March 28, 1977. (Docket HM-112 obviates the need.)

7552-N—Request by Mobay Chemical Corp., Pittsburgh, Pa.—To transport cyclohexyl isocyanate (poisonous liquid n.o.s.) in Luther Type 15/1, 16/1 and 17/1 portable tanks, denied March 10, 1977. (Application preempted.)

7586-N—Request by Rockwell International, Downey, Calif.—To ship a Class B explosive rocket motor in a propulsive state and in packaging not authorized in 49 CFR 173.92, denied March 22, 1977.

7611-N—Request by Richmond Food Stores, Inc., Richmond, Va.—To ship broken-lots of small-arms ammunition in a non-DOT plastic box, denied March 10, 1977.

EE7687-N—Request by Chevron Chemical Co., San Francisco, Calif.—To ship a liquid meeting both flammable liquid and corrosive liquid definitions in other than 49 CFR 173.119(m) packagings, denied March 28, 1977.

WITHDRAWALS

6637-P—Request by Igloo Corp., Houston, Tex.—To become party to DOT-E 6637, withdrawn March 3, 1977

6726-P—Request by Igloo Corp., Houston, Tex.—To become party to DOT-E 6726 withdrawn March 3, 1977

6800-P—Request by Igloo Corp., Houston, Tex.—To become party to DOT-E 6800, withdrawn March 3, 1977.

7566-X—Request by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.—To authorize the use of Type "EE" fork-lift trucks within the holds or compartments of cargo vessels for handling palletized commercial explosives, withdrawn March 8, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77-11904 Filed 4-27-77;8:45 am]

Office of Pipeline Safety Operations

TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Technical Pipeline Safety Standards Committee to be held May 10 and 11, 1977, at 9:00 a.m., in Conference Room 3201 of the Trans Point Building, 2100 Second Street SW., Washington, D.C. The agenda for this meeting is as follows: (1) Proposed rule changes regarding the design of plastic pipelines (see 42 FR 8386); (2) Establishing new rules for conversion of pipelines to gas service (see 42 FR 15932); (3) Procedures for implementing regulatory reform Policy III (see 41 FR 16200) and for proposing pipeline safety standards; and (4) Establishing rulemaking priorities.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements should notify, not later than 3:00 p.m. May 9, 1977, and information may be obtained from, David A. Watson, Office of Pipeline Safety Operations, 2100 Second Street SW., Washington, D.C. 20590, 202-426-2392. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on April 26, 1977.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77-12424 Filed 4-27-77;9:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 378]

ASSIGNMENT OF HEARINGS

APRIL 25, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 2202 (Sub-No. 518), Roadway Express, Inc., now assigned May 25, 1977, at Montgomery, Ala. will be held in Conference Room No. 816, Aronov Building, 474 South Court Street.

MC 130392, Travel-eez, Inc., now assigned May 24, 1977, at Lansing, Mich., will be held in the North Training Room, Highway Building, First Floor, 425 West Ottawo St.

MC 28551 (Sub-No. 5), General Cartage Co., now assigned May 24, 1977, at Madison, Wis. will be held in the Information Conference Room, Forest Product Laboratory, North Walnut St.

MC 130411, B. J. Marsh, DBA Marsh Travel, now assigned May 18, 1977, at Jefferson City, Mo. will be held in Room 201, Governor Hotel, 200 Madison.

MC 124878 (Sub-No. 9), Lapadula Air Freight Transfer, Inc., now assigned May 16, 1977, at Philadelphia, Pa. will be held at the U.S. Custom Court House, 3rd Floor, U.S. Court House, 2nd & Chestnut Street.

MC 8964 (Sub-31), Witte Transportation Company, now being assigned June 13, 1977 (2 weeks) at Des Moines, Iowa, in a hearing room to be later designated.

MC-FC 75322, National Mehl Tours, Inc., Springfield, Illinois, Transferee, and Travel Systems International Ltd., dba Vanderbilt Better Tours, Oak Brook, Illinois, Transferor now being assigned July 12, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 139005 Sub 3, James D. Hoelzeman, dba Scrap Haulers, now being assigned July 14, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 720 Sub 21, Bird Trucking Co., Inc. now being assigned July 18, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 127042 Sub 178, Hagen, Inc. now being assigned July 19, 1977 (2 days) at Chicago Illinois in a hearing room to be later designated.

MC 95084, Hove Truck Line now being assigned July 21, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 114737 (Sub-7), O & A Tex-Pack Express, now assigned May 25, 1977 at El Paso, Texas, will be held in *The Travel Lodge, 409 East Missouri Street*, instead of *The Ramada Inn (Formerly Centro Del Paso) 325 North Kansas Street.*

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12233 Filed 4-27-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 25, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 13, 1977.

FSA No. 43354—*Aluminum Billets and Related Articles to Points in Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B-673), for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, loose or in packages, in carloads, as described in the application, from Neches, Point Comfort and Sandow, Texas, to Davenport and Riverdale, Louisiana.

Grounds for relief—Market and truck-barge competition.

Tariff—Supplement 155 to Southwestern Freight Bureau, Agent, tariff 310-F, I.C.C. No. 4980. Rates are published to become effective on May 23, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-12234 Filed 4-27-77;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 138]

[Exemption No. 138]

MISSOURI PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial shortages of plain gondola cars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve gondola car shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain gondola cars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cards owned by the NDM identified in Appendix A hereto.

Effective April 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 15, 1977.

INTERSTATE COMMERCE COMMISSION
JOEL E. BURNS,
Agent.

APPENDIX A TO
EXEMPTION NO. 138

REPORTING MARKS NDM

86749	86753	86762	86792	86793	86797	86824	86896	86913	86915
86924	86932	86961	86962	86975	86979	86987	86990	86995	86946
86952	86956	86982	86989	87010	87027	87065	87072	87231	87290
87113	87121	87132	87150	87152	87173	87199	87220	87234	87244
87256	87258	87266	87267	87274	87279	87289	87300	87314	87322
87352	87327	87351	87362	87364	87374	87378	87394	87409	87410
87423	87434	87438	87449	87455	87462	87465	87469	87480	87492
87498	87513	87529	87551	87571	87577	87582	87583	87592	87591
87652	87675	87682	87683	87725	87712	87713	87716	87749	87755
87762	87774	87777	87795	87807	87810	87819	87837	87847	87853
87854	87856	87861	87865	87939	87912	87925	87935	87938	87957
87964	87973	87975	87997	88003	88022	88024	88071	88076	88079
88087	88097	88107	88123	88149	88156	88157	88158	88162	88175
88205	88213	88215	88221	88222	88225	88228	88253	88271	88286
88291	88299	88310	88324	88328	88331	88345	88356	88363	88373
88397	88418	88420	88426						

[FR Doc.77-12236 Filed 4-27-77;8:45 am]

[AB 6 (Sub-No. 40)]

BURLINGTON NORTHERN, INC.

Abandonment of Service

APRIL 18, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by Burlington Northern Inc. of its line between Brinsmade and Leeds, a distance of 9.85 miles, in Benson County, North Dakota, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that since no definitive plans for economic or industrial development have been formulated for the area along the subject line, abandonment will not result in a serious adverse impact on community and rural development. Furthermore, no historical or archaelogical sites will be affected by the abandonment nor will any endangered or threatened animal or plant life be affected. Finally, interest has been expressed in acquiring the subject right-of-way for recreational use and it has been concluded that the right-of-way is suitable for most linear recreational activities.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 31, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12237 Filed 4-27-77;8:45 am]

[Notice No. 54]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11722 (Sub-No. 54TA), filed April 8, 1977. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Charles C. Flower, 303 E. "D" St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *PVC (plastic) pipe and accessories*, from Sunnyside, Wash., to the port of entry on the United States-Canada Boundary line located at or near Oroville, Wash.; Portland, Medford and LaGrande, Oreg.; Boise and Nampa, Idaho and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robintech, Inc., 1820 Midvale Road., Sunnyside, Wash. 98944. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 52704 (Sub-No. 142TA), filed April 6, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Opelika Hwy., Lafayette, Ala. 36862. Applicant's representative: Glenn R. McClendon, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia and those points in Louisiana east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: East Highlands Company, P.O. Box 746, Albertville, Ala. 35050. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 61396 (Sub-No. 329TA), filed April 7, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in tank vehicles, from the plantsite and storage facilities of Airco Industrial Gases Division, Airco, Inc., at East Alton, Ill., to Columbia, Jefferson City, Labadie, Warrenton and Washington, Mo.; Harrison, Ark.; Danville, Henderson, Louisville and Madisonville, Ky.; and East Gary, East Chicago, Evansville and Indianapolis, Ind. Restriction: All traffic restricted to shipments moving in trailers owned by Airco, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Kubala, Distribution Supt., Airco Industrial Gasses Division Airco, Inc., P.O. Box 300, E. Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 64932 (Sub-No. 571TA), filed April 6, 1977. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority, sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl acetate*, in bulk, in tank vehicles, from the O'Brien Corporation, at South Bend, Ind., to The O'Brien Corporation, at Oklahoma City, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The O'Brien Corporation, Paul M. Chandler, Traffic Manager, 2001 W. Washington, St., P.O. Box 4037, South Bend, Ind. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 73688 (Sub-No. 73TA), filed April 6, 1977. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7195, 1500 Orenda Ave., Memphis, Tenn. 38107. Applicant's representative: John Paul Jones, P.O. Box 3140, Front Street Station, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding materials, composition shingles, rolled roofing, roofing compound, and accessories*

thereto, from the plantsite and facilities of Elk Corporation, Stephens, Ark., and East Camden, Ark., to points in Alabama, Louisiana, Mississippi, Tennessee, Texas and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elk Corporation, Stephens, Ark. 71764. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 107002 (Sub-No. 501TA), filed April 6, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Edible lard*, in bulk, in tank vehicles, from Jackson, Miss., to Houston, Corpus Christi, Amarillo, Fort Worth, Tex., and Atlanta and Macon, Ga., for 180 days. Supporting shipper: Jackson Packing Company, 2520 S. Gallatin, P.O. Box 113, Jackson, Miss. 39205. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 107002 (Sub-No. 502TA), filed April 6, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methyl methacrylate monomer*, in bulk, in tank vehicles, from the DuPont Woodstock Plant, near Memphis, Tenn., to Washington, W. Va., near Parkersburg, W. Va., and Belle, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, Del. 19898. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 107012 (Sub-No. 236TA), filed April 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Hwy. East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Swainsboro, Ga., to points in Mississippi, Tennessee, South Carolina, Virginia, Kentucky, Maryland, Delaware, West Virginia and North Carolina, for 180 days. Supporting shipper: Larkin Industries, Inc., Swainsboro, Ga. 30401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 108382 (Sub-No. 27TA), filed April 8, 1977. Applicant: SHORT FREIGHT LINES, INC., 459 S. River Road, P.O. Box 357, Bay City, Mich. 48706. Applicant's representative: Richard L. Poleier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Troop seats and parts thereof*, from the plantsite of Stephan Wood Products Co., Grayling, Mich., on the one hand, and on the other, points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin, for 180 days. Supporting shipper: Stephan Wood Products, Grayling, Mich. 49738. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 111302 (Sub-No. 104TA), filed April 8, 1977. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can liner varnish, enamel paint, and necker flanger lubricants*, in bulk, in tank vehicles, from the plantsite of the Midland Division of the Dexter Corporation, in Birmingham, Ala., to Baltimore, Md.; Ft. Worth, Tex.; Houston, Tex.; Jacksonville, Fla.; Longview, Tex.; New Orleans, La.; San Antonio, Tex.; Williamsburg, Va.; and Winston Salem, N.C., for 180 days. Supporting shipper: Midland Division, The Dexter Corporation, P.O. Box 9468, Birmingham, Ala. 35215. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 114457 (Sub-No. 298TA), filed April 6, 1977. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and box springs*, from Rock Island, Ill., to Bismarck, Fargo, Grand Forks and Monot, N. Dak.; Aberdeen and Sioux Falls, S. Dak., and Sioux City, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ther-A-Pedic Products, Div. of Rock Island Bedding, 2350 5th St., Rock Island, Ill. 61201. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118431 (Sub-No. 25TA), filed April 6, 1977. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, Ark. 72209. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from the plansites and storage facilities of Standard Brands Incorporated, at Franklin Park, Ill., and Bensenville, Ill., to Jersey City, N. J., and Cockeysville, Md., under a continuing contract with Standard Brands, Incorporated, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Brands, Incorporated, 625 Madison Ave., New York, N.Y. 10022. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark, 72201.

No. MC 119789 (Sub-No. 341TA), filed April 8, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from: (A) Plainview, Tex., to points in Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia; and (B) Friona, Tex., to points in Connecticut, Kentucky, Maine, Massachusetts and Rhode Island, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, Kans. 67201. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 119792 (Sub-No. 60TA), filed April 6, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, 3600 S. Western Ave., Chicago, Ill. 60609. Applicant's representative: Carl Steiner, 39 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and packinghouses products*, from Elkhart, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elcona Foods, Inc., Keith A. Gary, Sales Administrator, 24402 Co. Rd. 45, P.O. Box 160, Elkhart, Ind. 46514. Send protests to: Patricia A. Roscoe, Transportation Assistant, Inter-

state Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 120727 (Sub-No. 7TA), filed April 8, 1977. Applicant: GALLATIN-PORTLAND FREIGHT LINES, INC., P.O. Box 888—James St., Gallatin, Tenn. 37066. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap aluminum*, in bulk, from the plantsite and facilities of General Electric Co., at or near Hendersonville, Tenn., to Russellville, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Electric Co., 250 E. Main St., Hendersonville, Tenn. 37075. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 123048 (Sub-No. 354TA), filed April 7, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts and attachments* for irrigation systems, from Havana, Ill., to points in Indiana, Iowa, Kansas, Michigan, North Carolina, New Jersey, Wisconsin, Georgia, Missouri, Minnesota, and Nebraska, for 180 days. Supporting shipper: Ag-Rain, Inc., South Schrader, Havana, Ill. 62644. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 722TA), filed April 8, 1977. Applicant: SCHWERMAN TRUCKING, CO., 611 S. 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry*, in bulk, in tank vehicles, from Wrens, Ga., to Cincinnati, Ohio, for 180 days. Supporting shipper: Davison Chemical Division, W. R. Grace & Co., P.O. Box 2117, Baltimore, Md. 21203. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 124813 (Sub-No. 169TA), filed April 8, 1977. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bags, from the facilities of Cargill, Incorporated, at or near Janesville, Wis., to the facilities of Cargill, Incorporated, at or near Cresco, Greeley, Grinnell, Reinback, Rowan and West Branch, Iowa, for 180 days. Supporting shipper: Cargill, Incorporated, P.O. Box 9300, Minneapolis, Minn. 55440. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC126276 (Sub-No. 174TA), filed April 6, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and metal container ends*, from the plantsite of American Can Company, at Philadelphia, Pa., to Ft. Smith, Ark., under a continuing contract with American Can Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, Richard P. Edwards, Assistant Transportation Manager, Operations, American Lane, Greenwich, Conn. 06830. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126305 (Sub-No. 83TA), filed April 6, 1977. Applicant: BOYD BROS. TRANSPORTATION CO., INC., Rt. 1, Box 18, Clayton, Ala. 36016. Applicant's representative: Dempsey Boyd, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of East Highlands Company, Forest Products Division, at Albertville, Ala., to points in Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, Tennessee and West Virginia and those points in Louisiana east of the Mississippi River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: East Highlands Company, P.O. Box 748, Albertville, Ala. 35950. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 126545 (Sub-No. 11TA), filed April 5, 1977. Applicant: GLENERY, INC., 173 Hickory St., Kearny, N.J. 07032. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metals and empty drums and tote bins*, between Brooklyn, N.Y., and points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia and the District of Columbia, under a continuing contract with Standard White Metals Corp., for 180 days. Supporting shipper: Standard White Metals Corp., P.O. Box 78, Station W., Brooklyn, N.Y. 11211. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 128392 (Sub-No. 1TA), filed April 8, 1977. Applicant: HARNER'S EXPRESS, INC., 6541 Eastern Ave., Baltimore, Md. 21224. Applicant's representative: Edward J. Kiley, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes and corrugated fiberboard trays*, from the facilities of Container Corporation of America at Baltimore, Md., to Eastville, Fredericksburg, Hallwood, Mappsville, Newport News, Norfolk, Nassawadox, Warrenton and Williamsburg, Va., under a contract with Container Corporation of America, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert L. Lund, Eastern Traffic Manager, Container Corporation of America, 5000 Flat Rock Road, Philadelphia, Pa. 19127. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 133485 (Sub-No. 20TA), filed April 7, 1977. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster St., Providence, R.I. 02909. Applicant's representative: Morris J. Levine, 1620 Eye St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and precious metals scrap*, between Monroe and Wayne Counties, N.Y., and Carteret and Newark, N.J.; and between New York, N.Y., and North Adams, Mass., for 180 days. Applicant has also filed an underlying ETE seeking up to 90 days of operating authority. Supporting shipper: Sabin Metal Corp., 316 Meserole St., Brooklyn, N.Y. 11206. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset St., Room 102, Providence, R.I. 02903.

No. MC 133689 (Sub-No. 121TA), filed April 7, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicle), in vehicles equipped with mechanical refrigeration, from the plant and warehouse facilities of Kraft, Inc., at New Ulm, Minn., to Atlanta, Ga., and its Commercial Zone, for 180 days. Supporting shipper: Kraft, Inc., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134006 (Sub-No. 3TA), filed April 7, 1977. Applicant: PARKER & SON TRUCKING, INC., 4520 Maywood Ave., Vernon, Calif. 90058. Applicant's representative: Richard Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Phoenix, Ariz., to Concord and Vallejo, Calif., for 180 days. Supporting shipper: Markstein Distributing Company d/b/a M. Distributing Company, 1764 National, Hayward, Calif. 94545. Send protests to: Irene Carlos, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134755 (Sub-No. 101TA), filed April 6, 1977. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in packages, from Rouseville, Pa., to Jackson, Miss.; and (2) Petroleum products (except in bulk), from Bradford, Pa., to points in Texas, Louisiana, Alabama, Mississippi, Oklahoma and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pennzoil Company, P.O. Box 808, Oil City, Pa. 16301, and Witco Chemical Corp., 77 N. Kendall Ave., Bradford, Pa. 16701. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 134959 (Sub-No. 7TA), filed April 8, 1977. Applicant: BEN-K TRUCKING, INC., N. 6th Ave. & County Road 64, P.O. Box 1049, Greeley, Colo. 80631. Applicant's representative: Charles M. Williams, Suite 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat scraps, meat meal, tankage, blood meal, and bone meal*, in bulk, (except in bulk, in tank vehicles), from the plantsite and storage facilities of Monfort Packing Co., a Division of Monfort of Colorado, Inc., located at or near Greeley, Colo., to points Washington, Benton and Pulaski Counties, Ark.; Adair and Craig Counties, Okla.; and Carroll, Saline, Clay Green and Jackson Counties, Mo., restricted to transportation services performed under a continuing contract with American Commodity Corporation of Marshall, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Commodity Corporation, Box 699, Marshall, Mo. 65340. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 135082 (Sub-No. 44TA), filed April 8, 1977. Applicant: BURSCH TRUCKING, INC., doing business as, ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and wood products* (except commodities in bulk, in tank vehicles), from McKinley County, N. Mex., to points in Arizona, Colorado, Kansas, Oklahoma, Texas and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Navajo Forest Products Industries, P.O. Box 1280, Navajo, N. Mex. 87328. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave. SW., Albuquerque, N. Mex. 87101.

No. MC 135152 (Sub-No. 20TA), filed April 8, 1977. Applicant: CASKET DISTRIBUTORS, INC., R.R. No. 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets and crated caskets*, in mixed loads with uncrated caskets, from Gardner, Mass., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Wood-Tex of Gardner, Inc., 201 Central St., Gardner, Mass. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 135874 (Sub-No. 80TA), filed April 6, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th St., South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 N. 5th St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire, Wis., to points in the United States (except Alaska, Hawaii, Florida, Georgia, Alabama, Mississippi, Tennessee, Arkansas and Louisiana), for 180 days. Supporting shipper: Landy of Wisconsin Inc., 2411 3rd St., Eau Claire, Wis. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135714 (Sub-No. 6TA), filed April 8, 1977. Applicant: EARL R. MARTIN, P.O. Box 3, East Earl, Pa. 17519. Applicant's representative: John M. Musselman, 410 N. Third St., P.O. Box 1146, Harrisburg, Pa. 171088. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer and dry fertilizer ingredients*, in bulk, in dump vehicles, from Hopewell, Va., to points in Delaware, Maryland, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N.J.), Pennsylvania (except points in Berks, Chester, Lancaster and Montgomery Counties, Pa.), and points in Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Andre & Son, Inc., Mill St., Montrose, Pa. 18891, Locust Point Quarries, Inc., Box 1280, Mechanicsburg, Pa. 17055, Millardsville Fertilizer Works, P.O. Box 16, Myerstown, Pa. 17067, Farmers Group Purchasing, Inc., P.O. Box 4586, Topeka, Kans. 66604. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136786 (Sub-No. 114TA), filed April 8, 1977. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Ave., NW., P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazine parts*, in vehicles equipped with mechanical refrigeration, from Corinth, Miss., to Chicago, Ill., for 180 days. Supporting shipper: W. F. Hall Printing Company, 4600 Diversey Ave., Chicago, Ill. 60639. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139091 (Sub-No. 21TA), filed April 8, 1977. Applicant: LOGAN MOTOR LINES, INC., 2829 Mays St., P.O. Box 30038, Amarillo, Tex. 79102. Applicant's representative: Clayton J. Logan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery items* (except in bulk), from the plantsite and storage facilities of Leaf Confectionery, at or near Chicago, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland) except Baltimore), Massachusetts, (except Boston), Michigan, New Hampshire, New Jersey, New York (except New York City commercial zone, Buffalo and Syracuse), Ohio (except Cleveland and Columbus), Pennsylvania (except Philadelphia and Pittsburgh), Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, under a continuing contract with Leaf Confectionery, Inc., for 180

days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., 1155 N. Cicero Ave., Chicago, Ill. 60651. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 140849 (Sub-No. 9TA), filed April 6, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics, piece goods, materials and supplies* used in the manufacture of clothing, from points in Arkansas, to Idabel, Pauls Valley and Frederick, Okla., under a continuing contract with Kellwood Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kellwood Company, Box 656, Pauls Valley, Okla. 73075. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 141511 (Sub-No. 3TA), filed April 6, 1977. Applicant: Robert W. Rettig, doing business as PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Applicant's representative: George A. Olson, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs;* and (2) *Commodities* otherwise exempt from economic regulation when moving in mixed shipments with the commodities in (1) above, from the facilities of Moores Food Products, Inc., Fort Atkinson, Wis., to points in Florida, Texas, Alabama, Georgia, Tennessee, New Jersey, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Louisiana, Mississippi, New Mexico, Arizona, California, Utah, Nevada, Colorado, Wyoming and Ohio, for 180 days. Supporting shipper: Moores Food Products Inc., 801 Rockwell St., Fort Atkinson, Wis. 53538. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 143033 (Sub.-No. 1TA), filed April 7, 1977. Applicant: MOUNTAIN AIR DELIVERY, 3770 Mill St., Reno, Nev. 89502. Applicant's representative: G. W. Griffith, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic measuring instruments and component parts*, for the account of Bentley Nevada Corp., between the plant of Bently Nevada Corp., at Minden, Nev., on the one hand, and, on the other, Reno, Sparks and Reno International Airport, Nevada, limited to traffic having an immediately prior or subsequent movement by air transportation, under a continuing contract with Bently Nevada Corporation, 550 Water St., Minden, Nev. 89423. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 143118 (Sub-No. 1TA), filed April 8, 1977. Applicant: Alfred Swinford, doing business as SEINFORD TRUCKING, Route 8, Handron Road, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire coat hangers*, from the plantsite of Laidlaw Corporation, Metropolis, Ill., to Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Laidlaw Corporation, 1212 5th St., Metropolis, Ill. 62960. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main Bldg., 100 B. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 143144TA, filed April 6, 1977. Applicant: PACIFIC DUMP TRUCKS, INC., 1507 E. Illinois St., Bellingham, Wash. 98225. Applicant's representative: Lloyd A. Ludtke (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Oregon, to Spanaway and Bellingham, Wash.; then from Bellingham and Spanaway, to Seattle, Wash., restricted to shipments having a subsequent movement by water, under a continuing contract with Friese Hide & Tallow Co., Inc., for 180 days. Supporting shipper: Friese Hide & Tallow Co., Inc., 1208 Bay St., Bellingham, Wash. 98225. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. 143146TA, filed April 4, 1977. Applicant: Donnie W. Richardson, doing business as ISLAND COURIER, 202 Mariner's Cove Club, Hilton Head Island, S.C. 29928. Applicant's representative: Jack H. Biel, Bankers Trust Office Park, P.O. Box 5010, Hilton Head Island, S.C. 29928. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Package express* with overall dimensions of less than 100 inches *and articles* weighing less than 50 pounds each, transportation of all items is at the specific request of the customer, between Hilton Head Island of Hope and Skidaway Island, Ga., for 180 days. Supporting shippers: There are approximately 28 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 143147TA, filed April 6, 1977. Applicant: W & R TRUCKING, R.D. 1, Box 295, Millington, Md. 21651. Applicant's representative: Wallace I. Harris, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, woodchips, sawdust and piling*, from Kent and Queen Anne Counties, Md., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Ohio, Vermont, Rhode Island, Connecticut, Massachusetts and the District of Columbia, for 90 days. Supporting shippers: H. D. Pearce, President, Pearce Lumber, Inc., Route 313, P.O. Box V; and Roger Ormsby, Owner, R. C. O. Lumber Co., Box 214, Millington, Md. 21651. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 143157TA, filed April 5, 1977. Applicant: BILBO FREIGHT LINES, INC., 2722 Singleton Blvd., Dallas, Tex. 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the distribution of gypsum and gypsum products (except in bulk), from Acme, Tex., to points in Texas, restricted to shipments moving in foreign commerce, under a continuing contract with Georgia-Pacific Corporation, Gypsum Division, 1062 Lancaster Ave., Rosemont, Pa. 19010. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12235 Filed 4-27-77;8:45 am]

[Volume No. 14]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

APRIL 22, 1977.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 5470 (Sub-No. 121) (Correction), filed February 24, 1977, and published in the FEDERAL REGISTER issue of April 14, 1977, and republished this issue. Applicant: TAJON, INC., R.D. No. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals and alloys*, in dump vehicles, between points in Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Texas.

NOTE.—The purpose of this republication is to correct applicant's territorial description. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D. C., or Chicago, Ill.

No. MC 8744 (Sub-No. 12), filed March 9, 1977. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant Street, P.O. Box 1160, Bluefield, W. Va. 24710. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities, which because of size or weight require special equipment, (1) between Bluefield and Beckley, W. Va.: From Bluefield to Beckley over U.S. Highways 19 and 21 serving all intermediate points on the designated highways, (2) between Beckley and Montgomery, W. Va.: (a) From Beckley, to Montgomery over U.S. Highway 21; and (b) From Beckley, to Oak Hill over U.S. Highway 21 to junction West Virginia Highway 61, thence over West Virginia Highway 61, to Montgomery, serving all intermediate points on the designated highways, (3) between Beckley and Birch River, W. Va.: From Beckley, to Birch River over U.S. Highway 19, serving all intermediate points on the designated highway, (4) between Summersville and White Sulphur Springs, W. Va.: From Summersville over West Virginia Highway 39, to Nettie, thence along U.S. Highway 20, to Charmco, thence over U.S. Highway 60 to White Sulphur Springs, serving all intermediate points on the designated highways, (5) between Bluefield and Lewisburg, W. Va.: (a) From Bluefield over U.S. Highway 460, to junction with U.S. Highway 219, thence along U.S. Highway 219 to Lewisburg, serving all intermediate points on the designated highways; and (b) From Bluefield, to Beckley over U.S. Highway 21, thence along West Virginia Highway 3 to junction with West Virginia Highway 12, thence along West Virginia Highway 12 to Alderson, thence along West Virginia Highway 63 to Ronceverte, thence along West Virginia Highway 219 to Lewisburg, serving all intermediate points on the designated highways.

(6) Between White Sulphur Springs and Montgomery, W. Va.: From White Sulphur Springs, to Smithers over U.S. Highway 60, thence over West Virginia Highway 61 to Montgomery, serving all intermediate points on the designated highways, (7) between Bluefield and Kermit, W. Va., (a) From Bluefield, to Kermit over U.S. Highway 52, serving all intermediate points on the designated highway; and (b) From Bluefield, to Princeton over U.S. Highway 19, thence along West Virginia Highway 10 to Logan, thence along West Virginia Highway 65 to Naugatuck, thence along U.S. Highway 52 to Kermit, serving all intermediate points on the designated highways, (8) between Bluefield and Logan, W. Va., (a) From Bluefield to Gilbert over U.S. Highway 52, thence along West Virginia Highway 80 to Kistler, thence along West Virginia Highway 10 to Logan, serving all intermediate points on the designated highways; and (b) From Bluefield along U.S. Highway 52 to junction U.S. Highway 119, thence along U.S. Highway 119 to Logan, serving all intermediate points on the designated highways. Service to all off-route points in Fayette, Greenbrier, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Raleigh, and Wyoming Counties, W. Va., (9) between Bluefield and Big Rock, Va.: From Bluefield, to Bick Rock over U.S. Highway 460, serving all intermediate points on the designated highways, (10) between Grundy and Norton, Va.: From Grundy over Virginia Highway 83 to Pound, thence over U.S. Highway 23 to Norton, serving all intermediate points on the designated highways, (11) between Bluefield, W. Va., and Norton, Va.: From Bluefield over U.S. Highway 19 to Hansonville, thence along alternate U.S. Highway 58 to Norton, serving all intermediate points on the designated highways, (12) between Norton and Gibson Station, Va.: From Norton over alternate U.S. Highway 58 to Jonesville, thence along U.S. Highway 58 to Gibson Station, serving all intermediate points on the designated highways; and (13) between Pound and Webb City, Va.: From Pound over U.S. Highway 23, to Weber City, serving all intermediate points on the designated highways, with off-route service between points in Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise Counties, Va.

NOTE.—The purpose this application is to convert from irregular route authority to regular route authority. If a hearing is deemed necessary, the applicant requests it be held at either Charleston, W. Va., or Roanoke, Va.

No. MC 16682 (Sub-No. 91), filed March 11, 1977. Applicant: MURAL TRANSPORT, INC., Black Horse Lane, South Brunswick, N.J. 08902. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soccer tables, billiard and pocket billiard tables, including pool tables, and parts thereof, and equipment therefor*, between Bay City, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 21455 (Sub-No. 45), filed March 9, 1977. Applicant: GENE MITCHELL CO., a Corporation, 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy flour and soy protein* (except in bulk), from St. Joseph, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Dallas, Tex.

No. MC 28060 (Sub-No. 34), filed March 14, 1977. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 N. Cliff Avenue, P.O. Box 944, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E.

Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, (1) from Spencer, Iowa, to points in Illinois, Iowa, Missouri, South Dakota and Wisconsin; (2) from Hartley, Iowa, to points in Illinois, Iowa, Missouri, and South Dakota; and (3) from Fremont and Schuyler, Neb., and Ft. Dodge, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted in (1), (2) and (3) above to traffic originating at the plantsites and warehouse facilities of Spencer Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Chicago, Ill.

No. MC 30844 (Sub-No. 582), filed March 14, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bolts and nuts, screws, rivets, washers*, from the plantsite and facilities of Modulus Corporation at East Huntingdon Township, Westmoreland County, Pa., or near Mt. Pleasant, Pa., to points in Iowa and Rock Island, Ill., restricted to shipments originating at the above named origin and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C

No. MC 30844 (Sub-No. 583), filed March 14, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plant site and facilities of Beaver Valley Canning at Grimes, Iowa, Vista Products, Storm Lake, Iowa, Ackley Food Processors, Ackley, Iowa, and Reinbeck Canning Company, Reinbeck, Iowa, to points in Michigan, Pennsylvania, New York, and New Jersey.

NOTE.—Common control may be involved If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri.

No. MC 30844 (Sub-No. 589), filed April 13, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cans, fibreboard, paper and paperboard*, straight-sided, with or without metal tops and bottoms; and (2) *printed material, posters, magazines and leaflets*, from Oil City and Trevose, Pa., to Waterloo, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minnesota.

No. MC 34479 (Sub-No. 3), filed March 11, 1977. Applicant: E. I. KANE, INC., 4546 Annapolis Road, Baltimore, Md. 21227. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis and trailers;* and (2) *general commodities* (except commodities of unusual value, commodities requiring special equipment, commodities in bulk, household goods as defined by the Commission, and Classes A and B explosives), between points in the Baltimore, Md. Commercial Zone, restricted to shipments with a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 35807 (Sub-No. 68), filed March 14, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, securities* and *food stamps*, between points in Virginia, and points in North Carolina and West Virginia, under a continuing contract, or contracts, with the Federal Reserve Bank of Richmond, and other banks and banking institutions, located in Virginia, North Carolina and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va. or Washington, D.C.

No. MC 43593 (Sub-No. 6), filed March 8, 1977. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, Pa. 19114. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between the facilities of A.C.F. Terminal Transport, Inc., located at Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania east of the western boundaries of Tioga, Lycoming, Union, Snyder, Juniata and Franklin Counties.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 46313 (Sub-No. 15), filed March 14, 1977. Applicant: SUHR TRANSPORT, a corporation 117 Park Drive South, P.O. Box 1727, Great Falls, Mont. 59401. Applicant's representative: H. H. Lowthian, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, hydraulic, masonry, mortar, natural and portland, in bulk and in bags, from Montana City, Mont., to points in Duchesne, Unitah, Daggett and Summit Counties, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, Helena or Billings, Mont.

No. MC 47583 (Sub-No. 44), filed March 14, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Fibrous glass products and materials, and insulation products and materials;* and (2) *materials, supplies and equipment* used in the production and distribution of the commodities named in (1) above (except commodities in bulk), from the plantsite and storage facilities of Johns Manville Sales Corporation, located at or near Cleburne, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Tennessee.

NOTES.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 51146 (Sub-No. 491), filed March 14, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DeJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut, and relishes*, all requiring movement in mechanically-refrigerated vehicles (except commodities in bulk, in tank vehicles), from the plantsite of Claussen Pickle Co., a wholly-owned subsidary of Oscar Mayer & Co., Inc., located at or near Woodstock, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above-named origin and destined to the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago Ill.

No. MC 52460 (Sub-No. 195), filed March 14, 1977. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories*, and *premiums and advertising materials* when shipped in the same vehicle and at the same time as the commodities named in (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above (except commodities in bulk, in tank or hopper type vehicles and those which because of size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma and Texas, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Dallas, Tex.

No. MC 60014 (Sub-No. 44), filed March 7, 1977. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *pipe making machinery*, between the plantsites and facilities of Interpace Corporation, Lock Joint Products Division, located at Wharton and Hillsborough, N.J.; Perryman Md.; Columbia, S.C.; Lacoochee, Fla.; Kansas City, Kans.; South Beloit, Ill.; Solon, Ohio, and Romeo, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 326), filed March 7, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, from Nebraska, to points in Kansas, Minnesota, Missouri, South Dakota, Colorado, Iowa and Wyoming; and (2) *flue dust, kiln dust and mineral filler*, in bulk, in tank vehicles, from Louisville, Nebr., to points in Kansas, Minnesota, Missouri, South Dakota, Colorado, Iowa and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 61396 (Sub-No. 330), filed April 15, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Applicant's representative: John E. Smith II, 2565 St. Marys Avenue, P.O. Box 189, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in tank vehicles, from East Alton, Ill., to points in Missouri, Arkansas, Kentucky, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, Mo. or Omaha, Nebr.

No. MC 61592 (Sub-No. 398) (Partial correction), filed March 2, 1977, published in the FEDERAL REGISTER issue of April 14, 1977 as No. MC 61592 (Sub-No. 397), and republished in part as corrected this issue. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. The purpose of this partial correction is to indicate the correct docket number assigned to this proceeding as No. MC 61592 (Sub-No. 398) in lieu of No. MC 61592 (Sub-No. 397) as previously published. The rest of the publication remains the same.

No. MC 61592 (Sub-No. 399), filed March 14, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *attachments, parts and equipment* designed for use with tractors, when moving in mixed loads with tractors, from points in Harrison County, Miss., to points in the United States (except Alaska and Hawaii); and (3) *materials, equipment and supplies* used in the assembly and distribution of, and equipment designed for use with the articles described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to points in Harrison County, Miss., restricted to traffic destined to the facilities utilized by International Harvester Company, located in Harrison County, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 63101 (Sub-No. 8), filed March 7, 1977. Applicant: KEENE'S TRANSFER, INC., 1019 East Avenue, Tomah, Wis. 54660. Applicant's representative: Henry C. Winters, 15 South Grady Way, Suite 235 Evergreen Bldg., Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monroe, Juneau, Adams, Sauk, Dane, Green, Lafayette, Grant, Iowa, Richland, Crawford, Vernon, LaCrosse, Jackson, Trempealeau, Buffalo, Pepin, St. Croix, Dunn, Eau Claire, Clark, Taylor, Chippewa, Rusk, Barron, Price, Oneida, Lincoln, Marathon, Wood and Polk Counties, Wis., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 76032 (Sub-No. 324), filed January 25, 1977. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic film and plastic sheeting*, from Milwaukee, Wis., to Appleton, Wis., serving Milwaukee as a point of joinder only: From Milwaukee over U.S. Highway 41 to junction U.S. Highway 10, thence over U.S. Highway 10 to the plantsite of Ray-O-Vac Division of ESB located at or near Appleton, Wis., restricted to the transportation of shipments destined to the plantsite and facilities of Ray-O-Vac Division of ESB, located at or near Appleton, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 78947 (Sub-No. 14), filed March 9, 1977. Applicant: ELLIOTT BROS. TRUCK LINE, INC., 801 Highway 21, Dysart, Iowa 52224. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Schaumburg, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 83835 (Sub-No. 138), filed March 16, 1977. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sprinkler systems* and *materials and supplies* used in the manufacture and distribution of sprinkler systems, between Tulsa, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Tulsa, Okla.

No. MC 85934 (Sub-No. 71), filed March 7, 1977. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. 48121. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in

bulk, from Manistee, Mich., to points in Ohio, Indiana and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 85970 (Sub-No. 9), filed March 7, 1977. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis, Tenn. 38107. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular Routes: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Memphis, Tenn., and Union City, Tenn., serving all intermediate points between Dyersburg, Tenn., and Union City, including Dyersburg: From Memphis over U.S. Highway 51 to Union City, and return over the same route ;(2) Between Union City, Tenn., and Dresden, Tenn., serving all intermediate points: From Union City over Tennessee Highway 22 to Dresden, and return over the same route; (3) Between Martin, Tenn., and Greenfield, Tenn., serving all intermediate points: From Martin over U.S. Highway 45–E to Greenfield and return over the same route; (4) Between Dresden, Tenn., and Gleason, Tenn., serving all intermediate points: From Dresden over Tennessee Highway 22 to Gleason and return over the same route; (5) Between Gleason, Tenn., and Greenfield, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Gleason over unnumbered county road to junction Tennessee Highway 124, thence over Tennssee Highway 124 to Greenfield, and return over the same route; (6) Between Union City, Tenn., and Rutherford, Tenn., serving all intermediate points: From Union City over U.S. Highway 45–W to Rutherford, and return over the same route;

(7) Between Greenfield, Tenn., and Bradford, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Greenfield over U.S. Highway 45–E to Bradford, and return over the same route; (8) Between Brownsville, Tenn., and Covington, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Brownsville over Tennessee Highway 54 to Covington, and return over the same route; (9) Between Memphis, Tenn., and Bradford, Tenn., serving all intermediate points between Bells, Tenn., and Bradford, including Bells: From Memphis over U.S. Highway 79 (also portion U.S. Highway 70) to Bells, thence over Tennessee Highway 88 to Alamo, thence over Tennessee Highway 54 to Bradford, and return over the same route; (10) Between Trenton, Tenn., and Bradford, Tenn., serving all intermediate points: From Trenton over U.S. Highway 45–W to Rutherford, thence over Tennessee Highway 105 to Bradford, and return over the same route. (B) Irregular Routes: *Printed matter* and *materials, equipment and supplies* used in the manufacture of the commodities named in (A) above, between points in Alcorn County, Miss., and points in Weakley County, Tenn., and points in Cook County, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn., or Washington, D.C.

No. MC 87617 (Sub-No. 5), filed March 14, 1977. Applicant: HARRY BLOCK TRUCKING COMPANY, INC., 100 Lockwood Street, Newark, N.J. 07105. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the warehouse and terminal facilities of Harry Block Trucking Company, Inc., located in Newark, N.J., to points in Fairfield County, Conn., Dutchess, Sullivan and Ulster Counties, N.Y., Burlington, Hunterdon, Warren, Sussex and Ocean Counties, N.J.; and (2) *wheeled vehicles*, including but not limited to doll carriages, carriages, strollers, children's vehicles, bicycles, tricycles, unicycles; infant's dressing tables; baby car seats; outdoor playground apparatus and sleds, from the warehouse and terminal facilities of Harry Block Trucking Company, Inc., located at Newark, N.J., to New York City, and points in Nassau, Orange, Putnam, Rockland, Sullivan, Ulster, Suffolk, Westchester, and Dutchess Counties, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Union, Hunterdon, Burlington, Warren, Sussex, and Ocean Counties, N.J., and Fairfield County, Conn., restricted in (1) and (2) above, to traffic having a prior movement by rail or truck.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 88203 (Sub-No. 8), filed February 24, 1977. Applicant: OTIS WRIGHT & SONS, INC., 1127 East Albert, Box 277, Lima, Ohio 45802. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and auto body parts* (except commodities in bulk), between the facilities of Sheller Globe Corporation, located at or near Kosciusko and Tupelo, Miss., and the facilities of Satellite Sash Company, located at or near McCool, Miss., on the one hand, and, on the other, points in Ohio, restricted against shipments between Kosciusko, Miss., and Lima, Ohio, under a continuing contract or contracts with Superior Coach Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 94350 (Sub-No. 380), filed March 11, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Single-wide and double-wide mobile homes*, in initial movements, from points in Maricopa County, Ariz., to points in California, Colorado, Nevada, New Mexico, Texas and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz.

No. MC 95540 (Sub-No. 978), filed March 11, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33803. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough and bakery goods*, (except commodities in bulk), from New Albany, Ind., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee, restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., Washington, D.C., or Tampa, Fla.

No. MC 96925 (Sub-No. 7), filed February 27, 1977. Applicant: CROWN MOTOR LINES, INC., 2225 Broadway Avenue, Jacksonville, Fla. 32203. Applicant's representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) Regular Routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring, special equipment), (1) Between Jacksonville, Fla., and Tampa, Fla., serving all intermediate points: From Jacksonville over Florida Highway 21 to junction Florida Highway 315, thence over Florida Highway 315 to junction Florida Highway 40, thence over Florida Highway 40 to Ocala, and thence over U.S. Highway 301 to Tampa, and return over the same route; (2) Between Lake City, Fla., and St. Augustine, Fla., serving all intermediate points: From Lake City over Florida Highway 100 to Starke, thence over Florida Highway 16A to junction Florida Highway 16, and thence over Florida Highway 16 to St. Augustine, and return over the same route; (3) Between Palatka, Fla., and Altoona, Fla., serving all intermediate points: From Palatka over Florida Highway 19 to Altoona, and return over the same route; (4) Between Palatka, Fla., and Ocala, Fla., serving all intermediate points: From Palatka over Florida Highway 20 to junction Florida Highway 19, thence over Florida Highway 19 to junction Florida Highway 314, thence over Florida Highway 314 to junction Florida Highway 40, thence over Florida Highway 40 to Ocala, and return over the same route. (5) Between Palatka, Fla., and Tampa, Fla., serving all intermediate points: From Palatka over U.S. Highway 17 (also portion U.S. Highway 92), to Orlando, thence over U.S. Highway 441 to Kissimme, thence over U.S. Highway 17 (also portion U.S. Highway 92), to Lake Alfred and thence over U.S. Highway 92 to Tampa, and return over same route.

(6) Between Gainesville, Fla., and Hawthorne Fla., serving all intermediate points: From Gainesville over Florida Highway 20 to Hawthorne, and return over the same route. (7) Between New Smyrna Beach, Fla., and Sanford, Fla., serving all intermediate points: From New Smyrna Beach over Florida Highway 44 to junction Florida Highway 415, and thence over Florida Highway 415 to Sanford and return over the same route. (8) Between Titusville, Fla., and Orlando, Fla., serving all intermediate points: From Titusville over Florida Highway 405 to junction Florida Highway 50, and thence over Florida Highway 50 to Orlando, and return over the same route. (9) Between Merritt Island, Fla., and Orlando, Fla., serving all intermediate points: From Merritt Island over Florida Highway 520 to junction Florida Highway 50, and thence over Florida Highway 50 to Orlando, and return over the same route. (10) Between Melbourne, Fla., and Ft. Pierce, Fla., serving all intermediate points: From Melbourne, over U.S. Highway 1 to Ft. Pierce, Fla., and return over the same route. (11) Between Ft. Pierce, Fla., and Orlando, Fla., serving all intermediate points: From Ft. Pierce over U.S. Highway 1 to Vero Beach, thence over Florida Highway 60 to junction U.S. Highway 441, thence over U.S. Highway 441 to junction U.S. Highway 192 and thence over U.S. Highway 192 (also portion U.S. Highway 441), and thence over U.S. Highway 441 to Orlando, and return over the same route. (12) Between Ft. Pierce, and Tampa, Fla., serving all intermediate points: From Ft. Pierce over U.S. Highway 1 to Vero Beach, and thence over Florida Highway 60 to Tampa, and return over the same route. (13) Between Lake City, Fla., and Pensacola, Fla., over U.S. Highway 90, and return over the same route, serving all intermediate points;

(14) Serving points in Florida on and north of a territory bounded on the east by the Atlantic Ocean, on the south by a line from Ft. Pierce over Florida Highway 70 to the Florida Turnpike, thence over the Florida Turnpike to junction Florida Highway 60 thence over Florida Highway 60 to Tampa, Fla., and points in Pinellas and Hillsborough Counties, Fla., as off-route points in connection with applicant's regular route service. (11) Alternate Routes: (1) Between Orlando and Daytona Beach Fla.: From Orlando over Interstate Highway 4 to Daytona Beach, as an alternate route for operating convenience only; (2) Between Orlando and Tampa, Fla.: From Orlando over Interstate Highway 4 to Tampa, as an alternate route for operating convenience only; (3) Between Orlando and Cocoa, Fla.: From Orlando over Florida Highway 528 (Beeline Expressway), to Cocoa, as an alternate route for operating convenience only; (4) Between Orlando and Ft. Pierce, Fla.: From Orlando over the Florida Turnpike to Ft. Pierce, as an alternate route for operating convenience only; (5) Between the junction of the Florida Turnpike and Florida Highway 60 and Tampa, Fla.: From the junction of the Florida Turnpike and Florida Highway 60 over Florida Highway 60 to Tampa, as an alternate route for operating convenience only; (6) Between Lake City and Pensacola, Fla.; From Lake City over Interstate Highway 10 to Pensacola, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando or Tampa, Fla.

No. MC 100449 (Sub-No. 74), filed March 14, 1977. Applicant: MALLINGER TRUCK LINE, INC., R.R. No. 4, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat* products, from Fargo and West Fargo, N. Dak., to Omaha, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 103051 (Sub-No. 390), filed March 10, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, between points in Mecklenburg County, N.C., and points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Nashville, Tenn.

No. MC 103993 (Sub-No. 882), filed March 10, 1977. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except motor homes, campers, and camp coaches), in secondary movements, from points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, to points in Crisp County, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 104421 (Sub-No. 20), filed March 10, 1977. Applicant: ECONO-LINES, INC., P.O. Box 623, Downtown Station, Omaha, Nebr. 68191. Applicant's representative: Roger W. Norris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by processors and distributors of junk, scrap, metals, metal articles, and waste materials, between Mills and Pottawattamie Counties, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

MC 105007 (Sub-No. 37), filed March 7, 1977. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, (except commodities in bulk and hides) between the plantsite of Landy of Wisconsin, Inc, at or near Eau Claire, Wis., on the one hand, and on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 105045 (Sub-No. 65), filed February 23, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, and parts and accessories* for such towers, *materials and supplies* used in the installation of cooling towers (except commodities in bulk), and *heat exchangers*, from the facilities of E. D. Goodfellow, Inc., located at Tulsa, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or Washington, D.C.

No. MC 105045 (Sub-No. 66), filed March 22, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment and parts and attachments* of such equipment; and (2) *equipment, materials and supplies* (except commodities in bulk) used in the manufacture of mining equipment, between the facilities of Reading U.S., Inc., located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Hearing: Proceeding assigned for hearing on the 17th day of May, 1977 (1 day) at 9:30 a.m. local time at the Voyager Building, Room 100, 2255 Phillips Street, Jacksonville, Fla.

No. MC 105886 (Sub-No. 21), filed March 10, 1977. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, P.O. Box 67, Bessemer, Pa. 16112. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Wampum and Lawrence County, Pa., to Allegany, Garrett and Washington Counties, Md., Ohio, West Virginia and points in New York on and west Virginia and points in New York on and west of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 105940 (Sub-No. 9), filed March 2, 1977. Applicant: SAFEWAY TRUCKING CORPORATION, Bldg. 221, Elizabeth Port Authority Marine Terminal, McLester St., Elizabeth, N.J. 07201. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), between the facilities of East Coast Warehouse and Distribution Corp., located at Elizabeth, N.J., on the one hand, and, on the other, points in the Baltimore, Md., Commercial Zone. Applicant states that it intends to tack the requested authority on foodstuffs (except in bulk) with its lead certificate and Subs 1, 4 and 6 and 7 at the facilities of East Coast Warehouse and Distribution Corp., located at Elizabeth, N.J., to provide service between points in the Baltimore, Md., Commercial Zone, on the one hand, and, on the other, points in Essex, Hudson, Union, Middlesex, Somerset, and Passaic Counties, N.J.; those in Nassau, Westchester, Suffolk, Orange, and Rockland Counties, N.Y.; those in Fairfield, Hartford and New Haven Counties, Conn.; piers in Bayonne, Hoboken, Edgewater, Jersey City and Newark, N.J., and New York, N.Y.; and points in New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Newark, N.J.

No. MC 106398 (Sub-No. 770), filed March 7, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Hebron and Lebanon, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio.

No. MC 106497 (Sub-No. 141), filed March 10, 1977. Applicant: PARKHILL TRUCK COMPANY, a corporation, Rt. I-44 East, Post Office Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, and liquids, *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas, and liquids; and (2) *parts, attachments, and accessories* for use in the installation and operation of items named in (1) above, between Madison County, Ky., on the one hand, and, on the other, points in the United States (except Kentucky, Alaska, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or St. Louis, Mo.

No. MC 106674 (Sub-No. 225), filed March 11, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Timber rails, relay rails, scrap railroad rails*, and *accessories thereof*, from Madison, Ill., to points in Arkansas, Indiana, Kentucky, Missouri and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107295 (Sub-No. 844), filed April 15, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common* carrier, by motor vehicle over irregular routes, transporting: *building mortar* and *flooring* and *curing compounds, adhesives*, and *machinery* and *hand tools* used in the installation and application of the above named commodities when shipped therewith, from Cleveland, OH, to points in Arkansas, Colorado, Delaware, District of Columbia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted against the transportation of commodities in bulk, and restricted to the transportation of traffic originating at the plant site and warehouse facilities of Upco Company, located at Cleveland, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Columbus, OH.

No. MC 107515 (Sub-No. 1064), filed March 7, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Illinois, Indiana, Michigan, Minnesota, Ohio, Tennessee and Wisconsin, to those points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, North Dakota and South Dakota, restricted to traffic originating at the plantsites and warehouse facilities of Stokley Van Camp, and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 126436 (Sub-Nos. 2 and 6), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 108119 (Sub-No. 57), filed March 16, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, St. Paul, Minn. 55121. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment;* (2) *attachments and parts of mining equipment;* and (3) *equipment, materials and supplies* used in the manufacture of mining equipment, between the facilities of Reading, U.S., Inc., located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 108341 (Sub-No. 58), filed March 14, 1977. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining equipment;* (2) *attachments and parts* of mining equipment; and (3) *equipment, materials and supplies* used in the manufacturing of mining equipment, between the facilities of Reading U.S., Inc. located at or near Orange Park, Fla., on the one hand, and, on the other, points in the United States in and east of Arkansas, Iowa, Louisiana, Minnesota, and Missouri.

NOTE:—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 356), filed March 9, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801, Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitro-carbo nitrate slurry* (a blasting agent), when moving in collapsible "sealed tank", from Atl[illegible] (Jasper County), Mo., to Barre, Vt.; and (2) *empty "sealed tanks"*, from Barre, Vt., to Reynolds (Tamaqua), Pa.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 110563 (Sub-No.), filed March 14, 1977. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, St. Route 29 North, Sidney, Ohio 45365. Applicant's representative Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsites and warehouse facilities utilized by Awrey Bakeries, Inc. located at or near Detroit, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia restricted to traffic originating at the above-named origin point.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 111231 (Sub-No. 211), filed March 14, 1977. Applicant: JONES TRUCK LINES, INC., 613 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials*, including products necessary in the installation thereof, from the plantsite of Owens-Corning Fiberglas, located at Kansas City, Kans., to points in Arkansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111231 (Sub-No. 212), filed March 14, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Jackson, Miss., as an intermediate point in connection with applicant presently authorized regular route operations between Cleveland, Miss. and Hattiesburg, Miss

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 111401 (Sub-No. 481), filed March 8, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meikeljohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions and urea liquor*, in bulk, in tank vehicles, from the plantsites of Oklahoma Nitrogen Corporation and Bison Chemical Company, located at or near Woodward, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 112750 (Sub-No. 340), filed March 7, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Brandford, Jasper, Lake City and Live Oak, Fla., on the one hand, and, on the other, Atlanta and Valdosta, Ga., under a continuing contract, or contracts, with Branford State Bank, Hamilton County Bank, First National Bank of Lake City, and First National Bank of Live Oak.

NOTE.—Applicant holds common carrier authority in various subs under MC 111729, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 348), filed March 4, 1977. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., P.O. Box 30130 AMF, 3215 Tulane Rd., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mixed shipments with meats in mechanically refrigerated vehicles, from Madison, Wis., to points in Alabama, Georgia, Kentucky (except Louisville), Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted against commodities in bulk.

NOTE.—Applicant states it presently holds authority to transport meats. If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., or Chicago, Ill.

No. MC 113651 (Sub-No. 217), filed March 16, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or distributed by wholesale or retail food business houses, from those points in New York, N.Y. Commercial Zone as defined in 49 CFR Section 1048 and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Delaware County, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113666 (Sub-No. 115), filed March 9, 1977. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank vehicles, from Washington, Pa., to points in New York and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 113678 (Sub-No. 661), filed March 7, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and carpet padding*, from the facilities of General Felt Industries, Inc., located at or near Philadelphia, Pa., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or Washington, D.C.

No. MC 114045 (Sub-No. 461), filed March 11, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic supplies and equipment*, in equipment with mechanical refrigeration, from Teterboro, N.J., to Salt Lake City, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Chicago, Ill.

No. MC 114045 (Sub-No. 463), filed March 15, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and/or distribution facilities of Heinz, U.S.A., Division of H. J. Heinz Co. located at Fremont and Toledo, Ohio, and Pittsburgh, Pa., to points in Texas, restricted to the transportation of traffic originating at the named origins and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Chicago, Ill.

No. MC 114055 (Sub-No. 8), filed March 11, 1977. Applicant: RAY KOLNIK TRUCKING, doing business as RAY KOLNIK TRUCKING, Route 1, Prairie View

Road, Walworth, Wis. 53184. Applicant's representative: Joseph E. Ludden, 309 State Bank Building, LaCrosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from the plantsite of G. Heileman Brewing Co., located at La Crosse, Wis., to Waukegan, Ill.; (2) from the plantsite of G. Heileman Brewing Company, Inc., located at Newport, Ky., to Fox River Grove, Elgin, and Waukegan, Ill.; and (3) from the plantsite of G. Heileman Brewing Co., of Indiana, Inc., located at Evansville, Ind., to Fox River Grove, Elgin and Waukegan, Ill., under contract with L & V Distributing, Inc.; Elgin Beverage Company; and Andro Pucin Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.; Minneapolis, Minn.; or Chicago, Ill.

No. MC 114569 (Sub-No. 170), filed March 8, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed fireplace logs and related advertising materials and display racks*, in mixed loads with compressed fireplace logs, from Suffolk, Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 114569 (Sub-No. 171), filed March 14, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* (except animal feed and animal feed ingredients, hides, and commodities in bulk), from the plantsite and storage facilities of Flavorland Industries, Inc. located at or near Denver, Colo., to points in Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 114632 (Sub-No. 106), filed March 16, 1977. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: APPLE LINES, INC., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Meats, meat products, meat by-products, and articles distributed by meat packing plants*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 (except hides and commodities in bulk), from Rockville, Mo., to points in Iowa, Illinois, Indiana, Kansas, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, and Wisconsin, restricted to product originating at named origin and destined to named points.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn. or Des Moines, Iowa.

No. MC 114632 (Sub-No. 108), filed April 5, 1977. Applicant: APPLE LINES, INC., 212 SW. Second Street, Madison, South Dakota 57042. Applicant's representative: ROBERT S. LEE, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities of Dugdale Packing Company at or near Cozad, Nebraska to Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in MC-129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 114969 (Sub-No. 61), filed March 14, 1977. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located at or near Port Huron, Mich., to points in Illinois, Indiana, Kentucky, Michigan and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Columbus, Ohio.

No. MC 114969 (Sub-No. 62), filed March 14, 1977. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, P.O. Box 232, Milford, Ohio 45150. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Wawaka and points in Wells County, Ind., to points in Ohio and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind. or Louisville, Ky.

No. MC 115162 (Sub-No. 355), filed March 14, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers and plastic articles*, from the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., to points in Texas, points in New York on and west of U.S. Highway 81, points in Pennsylvania on and west of U.S. Highway 81, and points in Ohio, Michigan and West Virginia; and (2) *materials and supplies* used in the manufacture of plastic bags, plastic can liners, plastic containers and plastic articles (except commodities in bulk, in tank vehicles), from points in Texas, points in New York on and west of U.S. Highway 81, points in Pennsylvania on and west of U.S. Highway 81, and points in Ohio, Michigan, and West Virginia, to the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at either Montgomery, Ala. or Atlanta, Ga.

No. MC 115311 (Sub-No. 213), filed March 14, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, pulpboard, wrapping paper*, and *paper products*, from the plantsite and warehouse facilities of the Gilman Paper Company, located at or near St. Marys, Ga., to those points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jacksonville, Miss.

No. MC 115353 (Sub-No. 25), filed April 8, 1977. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *steel pipe, piling, rails, railway track accessories, bridge and highway railing, pile drivers, pile extractors, and parts and materials therefor, and materials, supplies, and equipment used in the manufacture, installation or distribution of such commodities (except in bulk)*, between points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, District of Columbia, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia, Ohio, Indiana, and Michigan, under a continuing contract or contracts with L. B. Foster Company, located at Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. Applicant asserts that it now holds radial authority to serve the contracting shipper in the above-listed States.

No. MC 116300 (Sub-No. 29), filed March 7, 1977. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bulk, from McComb, Miss., to points in Alabama and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss.

No. MC 116763 (Sub-No. 371), filed March 4, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: R. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia, and points in Pennsylvania, east of Interstate Highway 81, restricted to the transportation of traffic originating at the named origin and destined to points in the named destinations states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 372), filed March 10, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay* (except in bulk, in tank vehicles), from the facilities of Oil-Dri Corporation of America, located at or near Ochlocknee, Ga., to points in Kansas, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 621), filed April 7, 1977. Applicant: Willis Shaw Frozen Express, Inc., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Chemicals, Synthetic Rubber, Plasticizers, resins, and coatings (except in bulk), in vehicles equipped with mechanical refrigeration, from Moss Point, Mississippi to points in Arizona, California, Illinois and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 117883 (Sub-No. 213), filed March 15, 1977. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Elm Hill Meats, located at Lexington, Ky., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lexington, Ky. or Cincinnati, Ohio.

No. MC 118159 (Sub-No. 201), filed March 7, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC. P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and except commodities in bulk, in tank vehicles), from Commerce City, Denver, Greeley, and Sterling, Colo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Mississippi, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, South Carolina, Pennsylvania, Wisconsin, North Carolina and the District of Columbia.

NOTE.—The purpose of this republication is to correct the territorial description. Common control may be involved.

Hearing: Prehearing conference set for April 20, 1977 at Denver Colo.

No. MC 118159 (Sub-No. 205), filed March 14, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum containers;* and (2) *refused or rejected shipments*, on return, from Tampa, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118202 (Sub-No. 71), filed February 24, 1977. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Thomas J. Beener, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, (except hides and commodities in bulk), from East St. Louis, Ill. and St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to shipments originating at the plantsite and facilities of Krey Packing Co., located at the above named origin and destined to the above named states.

NOTE—Applicant holds motor contract carrier authority in various subs under MC 134631, therefore dual operations may be involved. Applicant states an application is now pending to convert contract carrier authority to common carrier authority in MC 118202 (Sub-No. 60). If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 119726 (Sub-No. 84), filed March 11, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, (except in bulk), from the plantsite and warehouse facilities of Gilman Paper Company, located at or near St. Mary's, Ga., to points in that part of the United States, in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Jacksonville, Fla.

No. MC 119789 (Sub No. 342), filed April 15 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting Foodstuffs, canned or preserved (except frozen foods), From Austin and Brownstown, Ind., to Arizona,

California, New Mexico, Oklahoma, Texas, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis, Ind. or Cincinnati, Ohio.

No. MC 119792 (Sub-No. 58), filed March 11, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 3600 South Western, Chicago, Ill. 60609. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation under Section 203 (B) of I.C.C. Act when transported in mixed loads with bananas, from Norfolk, Va., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119914 (Sub-No. 22), filed March 11, 1977. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 965 Eustis Street, St. Paul, Minn. 55114. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Wahpeton, N. Dak., and Hutchinson, Minn.: From Wahpeton over North Dakota Highway 13 to junction Minnesota Highway 9; thence over Minnesota Highway 9 to junction U.S. Highway 12 at Benson, Minn.; thence over U.S. Highway 12 to Dassel, Minn.; thence over Minnesota Highway 15 to Hutchinson, Minn. and return over the same route, restricted to the transportation of traffic originating at and destined to the plant, storage, or other facilities of the Minnesota Mining & Manufacturing Company (3M); the operations above may not be combined with any other authority presently held by applicant for the purpose of providing a through service.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at St. Paul, Minn.

No. MC 120737 (Sub-No. 45), filed March 14, 1977. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *attachments, parts and equipment* designed for use with tractors, when moving in mixed loads with tractors, from points in Harrison County, Miss., to points in the United States (except Alaska and Hawaii); and (3) *materials, equipment and supplies* used in the assembly and distribution of, and equipment designed for use with, the articles described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to points in Harrison County, Miss., restricted to traffic destined to the facilities utilized by International Harvester Company, located in Harrison County, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 353), filed February 28, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Hydraulic loading equipment*, and *component parts* of hydraulic loading equipment, between the plantsites of Omark Industries, Inc. located at or near Prentice, Wis. and Zebulon, N.C.; (b) *hydraulic loading equipment*, from the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C., to points in the United States (except Alaska, Hawaii, Zebulon, N.C., and Prentice, Wis.); and (c) *materials, supplies and equipment* used in the manufacture of hydraulic loading equipment (except in bulk), from points in Illinois, Indiana, Ohio, and those points in the lower Peninsula of Michigan, to the plantsites of Omark Industries, Inc. located at or near Prentice, Wis. and Zebulon, N.C.; and (2) *four-wheel drive heavy-tired woods tractors*, (a) from Franklin, Va., to Prentice, Wis.; and (b) from Prentice, Wis., to points in Illinois, Iowa, Michigan and Minnesota, restricted in (1) and (2) above to traffic originating at and destined to the above named points (except for the movement of traffic in foreign commerce).

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing at either Madison, Wis.; Minneapolis/St. Paul, Minn.; Milwaukee, Wis.; or Chicago, Ill.

No. MC 123407 (Sub-No. 364), filed April 13, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *perlite, in bags or containers*, from the plantsite of Persolite Products at or near Florence, Colorado, to points in Arkansas, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Oklahoma.

MC 123407 (Sub-No. 366), filed April 15, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting *cooling towers, and accessories, materials, and supplies for cooling towers* (except commodities in bulk) from the facilities of E. D. Goodfellow, Inc., at Tulsa, Oklahoma, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tulsa, Oklahoma.

No. MC 123454 (Sub-No. 5), filed March 11, 1977. Applicant: LLOYD LEMMENES, doing business as LLOYD LEMMENES TRUCKING, Route 1, Box 128, Burnett, Wis. 53922. Applicant's representative: Richard C. Alexander, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural gypsum, agricultural magnesium sulfate, and agricultural specialized fertilizer products*, (1) from Whittemore and Midland, Mich., to points in Wisconsin; and (2) from Mayville, Burnett, and Eldorado, Wis., to points in Michigan, under a continuing contract or contracts with Farmers Plant Food Company of America, Inc.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Ill or Detroit, Mich.

MC 123502 (Sub-No. 48), filed April 7, 1977. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum, P.O. Box 760, Glen Burnie, Md. 21061. Authority sought: To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude Rubber*, in bulk, in dump vehicles, from Belle Mead and Somerville, N.J. to Baltimore, Md.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at Washington, D.C., or New York, N.Y.

No. MC 123980 (Sub-No. 4), filed March 14, 1977. Applicant: MANDUS R. OLSON, 12589 Hanson Boulevard, N.W., Anoka, Minn. 55303. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck parts, materials, equipment, supplies and advertising materials*, from Chicago and Bedford Park, Ill., to points in Minnesota, North Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 124078 (Sub-No. 721), filed March 11, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Miwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Hartford, Conn., to points in Massachusetts, New Hampshire, New York and Vermont, restricted to traffic having an immediate prior movement by railroad.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124221 (Sub-No. 60), filed February 28, 1977. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanut butter*, and *products made from peanuts*, from the plantsite and storage facilities of The Kroger Co., located at Albany, Ga., to Charleston, W. Va., Cincinnati, Cleveland, and Columbus, Ohio; Detroit and Grand Rapids, Mich., Fort Wayne and Indianapolis, Ind., Little Rock, Ark., Louisville, Ky., Memphis and Nashville, Tenn., Peoria, Ill., Roanoke, Va., St. Louis, Mo., Houston and Dallas, Tex., and Hickory, N.C.; and (2) *supplies and materials* used in the manufacture and shippin gof peanut butter and products made from peanuts (except in bulk), from points in Alabama, Illinois, Indiana, Louisiana, Michigan, Ohio, Pennsylvania, Texas, and West Virginia, to the plantsite and storage facilities of the Kroger Co. located at Albany, Ga., restricted against the transportation of commodities in bulk, and restricted to operations under a continuing contract, or contracts, with The Kroger Co.; and further restricted to movements in refrigerated vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., Indianapolis, Ind., or Atlanta, Ga.

No. MC 124947 (Sub-No. 57), filed April 21, 1977, Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Oklahoma 74079. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products by-products, and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. Hearing: May 9, 1977 at 9:30 a.m. Local Time, at the Whitehall Hotel, 1700 Smith Street, Cullen Center, Houston, Texas, before Administrative Law Judge Robert C. Joyner.

No. MC 125813 (Sub-No. 15), filed April 12, 1977. Applicant: CRESSLER TRUCKING, INC., 153 West Orange St., Shippensburg, Pa. 17257. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: feed and feed ingredients (1) from Mt. Pulaski, Ill., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia and West Virginia; (2) from West Point, Neb., Atchison, Kan., and points in Iowa to Greencastle, Pa.; and (3) from Decatur, Danville and Chicago, Ill., and Lawrence, Kan., to Southampton Township (Cumberland County), Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 125951 (Sub-No. 21), filed March 15, 1977. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, Nebr. 68106. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 126118 (Sub-No. 36), filed March 7, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, from Erie and Lock Haven, Pa., Indianapolis, Ind., Oswego, N.Y., and points in Ohio, to points in Kansas, Alabama, Arkansas, Colorado, Florida, Idaho, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming; (2) *paper and paper products*, from Mobile, Ala., to points in Montana, Idaho, Nevada, Utah, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Colorado, and New Mexico; (3) *paper* and *paper products*, from points in Wisconsin and Michigan, to points in Alabama, Arkansas, Colorado, Florida, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wyoming; (4) *paper* and *paper products*, (a) from Hoquiam, Wash., to points in Nevada, Utah, Idaho, Montana, and Wyoming; and (b) from Portland, Oreg., to Lincoln, Nebr.; (5) *paper and paper products*, (a) from Portland, Oreg., to points in Nebraska (except Lincoln, Nebr.); and (b) from Pine Bluff, Ark., to Kansas City, Mo., and points in Nebraska, restricted to shipments for the account of Hammermill Paper Co., its divisions and suppliers.

NOTE.—The purpose of this application is to convert applicant's contract carrier authority to common carrier authority. Dual operations may be involved. Applicant states that applications are being filed to convert all contract carrier authority under No. MC 128375 to common carrier authority. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo. or Lincoln, Nebr.

No. MC 126421 (Sub-No. 7), filed March 7, 1977. Applicant: GYPSUM TRANSPORT, INC., East Hwy. 80, P.O. Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives, building materials, paint and paint products* (except liquid in bulk); and (2) *materials and supplies* as are used in the manufacture, installation and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of United States Gypsum Company, located at Dallas, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex. or Washington, D.C.

No. MC 126514 (Sub-No. 44), filed March 10, 1977. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, perfumes, soaps, and materials, equipment and supplies* used in the manufacture, sale and distribution thereof; and (2) *com-*

modities which are otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle with commodities subject to regulation in (1) above, between Mountaintop, Pa., on the one hand, and, on the other, points in Arizona, Florida, Georgia, New Mexico, Oklahoma, and Texas, restricted against the transportation of commodities in bulk and further restricted to commodities transported in vehicles equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Scranton or Philadelphia, Pa.

No. MC 126844 (Sub-No. 38), filed March 11, 1977 Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street, N.W., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles eqiupped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127840 (Sub-No. 53), filed March 15, 1977. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, in bulk, from Dallas and Ft. Worth, Tex., to points in Texas, Oklahoma, Louisiana, Arkansas, New Mexico, Colorado and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill or Dallas, Tex.

No. MC 128021 (Sub-No. 27), filed March 7, 1977. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts* and *materials and supplies* used in the manufacture of doors, between Cameron, Tex. and Tupelo, Miss., on the one hand, and on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Walled Lake Door Company.

NOTE.—Applicant has common carrier authority pending in MC 141870, therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 128021 (Sub-No. 28), filed March 14, 1977. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers and plastic articles*, from the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of plastic bags, plastic can liners, plastic containers and plastic articles (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., under a continuing contract, or contracts, with Bes-Pak & Company, Inc.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Montgomery or Birmingham, Ala.

No. MC 128246 (Sub-No. 15) (Correction), filed January 6, 1977, and published in the FEDERAL REGISTER issue of February 24, 1977, and republished this issue. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box AD, Watsonville, Calif. 95076. Applicant's representative: Michael P. Groom, 777 N. First Street, 500 The Swenson Building, San Jose, Calif. 95112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* not frozen and in containers, and *other commodities*, not frozen, manufactured and distributed by Amstar Corporation when shipped in mixed shipments with foodstuffs, from Manteca, Sacramento, Salinas, San Jose, Spreckels, Union City and Woodland, Calif., to points in Oregon and Washington; and, *returned shipments* of the above-described commodities, from points in Oregon and Washington to Manteca, Sacramento, Salinas, San Jose, Spreckels, Union City and Woodland, Calif., under a continuing contract or contracts with Amstar Corporation.

NOTE.—The purpose of this republication is to correct applicant's commodity and territorial description. Applicant presently holds authority in MC 128246 (Sub-No. 9) which includes foodstuffs, (except frozen in containers), between Manteca, Spreckels and Woodland, Calif., on the one hand, and, on the other, points in Oregon and Washington. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 128527 (Sub-No. 78), filed March 14, 1977. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, equipment and supplies, and building materials*, (1) between points in Oregon, on the one hand, and, on the other, points in Washington on and east of U.S. Highway 97; and points in Idaho and Montana; (2) between points in Washington, on the one hand, and, on the other, points in Montana and Idaho; and (3) between Seattle and Tacoma, Wash., on the one hand, and, on the other, Spokane and Whitman Counties, Wash., restricted against the movement of commodities which because of size and weight, require the use of special equipment and commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Boise, Idaho or Portland, Oreg.

No. MC 129063 (Sub-No. 11), filed March 11, 1977. Applicant: JIMMY T. WOOD, P.O. Box 248, Ripley, Tenn 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Popular Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in dump vehicles, from the plantsite and facilities of Chromium Mining & Smelting Corp., located at or near Woodstock, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 129455 (Sub-No. 14), filed March 10, 1977. Applicant: CARRETTA TRUCKING, INC., 301 Mayhill Street, Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shaving cream, shampoo, soap*, and *store displays*, knocked down, from Morristown, N.J., to points in Arizona, California, Colorado and Utah, under a continuing contract, or contracts, with the Mennen Company, located in Morristown, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 129631 (Sub-No. 56), filed March 7, 1977. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin and resin bolts, roof plates and bolts*, and *rods therefor*, and *expansion shells*, between Roy and Clearfield, Utah, on the one hand, and, on the other, points in El Paso County, Tex., and those points in the United States in and west of North Dakota, South Dakota, Wyoming, Colorado, New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 133566 (Sub-No. 78), filed March 10, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 476, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1 World Trade Center, Suite 1573, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Monfort of Colorado located at or near Greeley, Colo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named plantsite and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or New York City, N.Y.

No. MC 133591 (Sub-No. 33), filed March 15, 1977. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: Charles A. Daniel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesale and retail grocery stores (except fresh and frozen meat), from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, to points in Arkansas, Illinois, Indiana, Kansas and Missouri, restricted to traffic destined to the facilities utilized by Schnuck Markets, Inc. and Schnuck's Walgreen, Inc.

NOTE.—Applicant holds contract carrier authority in MC 134494 (Sub-Nos. 1, 3 and 6), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 133689 (Sub-No. 113), filed March 14, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn and garden products* (except in bulk, transported in hopper or tank vehicles), from the manufacturing and distribution facilities of O.M. Scott Co., located at or near Marysville, Ohio, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.— If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 114), filed March 14, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010 West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings* and sale of floor coverings when moving manufacture, installation, packaging and sale of floor coverings when moving in mixed shipments with floor coverings (except commodities in bulk), from Lyerly, Ga., and Greenville and Landrum, S.C., to points in Iowa, Illinois, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133966 (Sub-No. 47), filed March 10, 1977. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (execpt in bulk), from Manistee, Mich., to points in Delaware, Maryland, New Jersey, New York and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 134404 (Sub-No. 32), filed April 5, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes transporting: *Cigarette cartons and cigarette packaging*, from Dowington, Pa., to Richmond, Va., and Louisville, Ky. under a continuing contract or contracts with Philip Morris Industrial Incorporated.

NOTE.—Applicant has pending an application for common carrier authority in MC 140768 Sub No. 1 and, therefore, dual operations my be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 134404 (Sub.-No. 33), filed April 5, 1977. Applicant: American Trans-Freight, Inc., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screws, nuts, bolts, plugs, and fastening devices*, between Strongsville, Ohio, on the one hand, and, on the other, Detroit, Mich. and points within the commercial zone thereof, under a continuing contract or contracts with Amerace Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 134453 (Sub-No. 14), filed March 11, 1977. Applicant: STERNLITE TRANSPORTATION COMPANY, a corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and posts, and outdoor lighting or display and parts thereof*, from Sylacauga, Ala., to points in the United States (except Alaska and Hawaii), under contract with The Union Metal Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 155), filed March 8, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizing compound* manufactured fertilizers, in containers; *compounds tree or weed killing*, in containers; *insecticides or fungicides*, in containers (except commodities in bulk), from the facilities of Swift Ag Chemical Co., located at or near East St. Paul, Ill., to those points in Iowa on and west of U.S. Highway 169; points in Kansas; those points in Minnesota on and west of U.S. Highway 71 and on and north of Minnesota Highway 210; and points in Nebraska, North Dakota, Oklahoma and South Dakota, restricted to traffic originating at the above named facility, and destined to the named territory.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134755 (Sub-No. 97), filed March 10, 1977. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in bulk), from the plantsite and warehouse facilities of Doane Products Company located at or near Muscatine, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority under various subs in MC 138398, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 135152 (Sub-No. 18) filed March 14, 1977. Applicant: Casket Distributors, Inc., Rural Route No. 2, P.O.

Box 327, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *uncrated caskets, casket displays and funeral supplies, and crated caskets in mixed loads with uncrated caskets* from Elgin and Chicago, Ill., to points in the United States, (except Alaska and Hawaii) with return of the above commodities to the above origins.

NOTE.—Applicant holds motor contract carrier authority in No. MC 11620 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 135236 (Sub-No. 16), filed March 11, 1977. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and footstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135599 (Sub-No. 4), filed April 8, 1977. Applicant: Wittenburg Truck Line, Inc., P.O. Box 98, Readlyn, Iowa 50668. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor carrier, over irregular routes, transporting: grain wagons and parts, supplies, materials, and equipment used in the manufacture of grain wagons and parts, between Shell Rock, Iowa, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Missouri, Nebraska, Kansas, Colorado, Texas, Wisconsin, South Dakota, Michigan, North Dakota, Oklahoma, and Minnesota, under a continuing contract or contracts, with Brent Industries, Inc.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebraska, or Des Moines, Iowa.

No. MC 135684 Sub-No. 29), filed March 14, 1977, Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Ronald L. Knorowski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, (except in bulk), from Edelman and Nazareth, Pa., to Somerville and Fair Lawn, N.J.; and (2) *materials and supplies* used in the production, sale, or distribution of commodities named in (1) above, from Somerville, Fair Lawn, Grasselli, and Phillipsburg, N.J., to Edelman and Nazareth, Pa.

NOTE—Applicant holds contract carrier in MC 87720 Sub-No. 2, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135732 (Sub No. 26), filed April 12, 1977. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: FROZEN FOODS, From the Facilities of Stouffer Foods at or near Solon, Ohio to points in Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Delaware, New Jersey, Indiana, Iowa, Kentucky, Minnesota, Illinois, Missouri, Wisconsin, Kansas and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 135874 (Sub-No. 66) (Correction), filed December 27, 1976, and published in the FEDERAL REGISTER issue of February 10, 1977, and republished this issue. Applicant: LTL Perishables, Inc., 550 E. 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by American Beef Packers, Inc., located at or near Omaha, Nebr., and Oakland, Iowa to points in Illinois, Indiana, New Jersey, New York, Ohio, Pennsylvania and Wisconsin, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—The purpose of this republication is to correct applicant's territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 136343 (Sub-No. 107), filed March 15, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and in bulk) from the plantsite and storage facilities of American Home Foods, Division of American Home Products Corporation, located at or near Milton, Pa., to points in North Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 136605 (Sub-No. 25), filed April 8, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mt. 59807. Applicant's representative: W. E. SELISKI, P.O. Box 8058, Missoula, Mt. 59807. Authority sought to operate as a *common carrier* by motor vehicle over *irregular routes*, transporting *Brick, tile and related masonry supplies (except commodities in bulk in tank vehicles)* from points in Colorado to points in South Dakota, Wyoming, Utah and Idaho.

NOTE.—Applicant holds contract carrier authority in No. MC 127340 (Sub-No. 2); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Billings, Mont. or Denver, Colo.

No. MC 136786 (Sub-No. 111), filed March 11, 1977. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, at Cherokee, Iowa, to points in North Carolina, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 136828 (Sub-No. 15), filed March 14, 1977. Applicant: COOK TRANSPORTS, INC., P.O. Drawer "O", Pinson, Ala. 35126. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories* used in the manufacture and installation thereof, (except commodities in bulk, in tank vehicles), between the facilities utilized by Robintech Incorporated, located at or near Prairie, in Monroe County, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 136899 (Sub-No. 23), filed March 10, 1977. Applicant: HIGGINS TRANSPORTATION LTD., 1165 E. Haseltine St., P.O. Box 192, Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson St., P.O. Box 8004, Madison, Wis.

53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except commodities in bulk), between the facilities of S. S. Kresge Company located at Lawrence, Kans., on the one hand, and, on the other, points in Minnesota, Wisconsin, and and those points in the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 138018 (Sub-No. 33), filed March 10, 1977. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products,, meat by-products*, and *articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa, Kansas, Minnesota, Nebraska and South Dakota to points in Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138018 (Sub-No. 35), filed March 9, 1977. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha and York, Nebr.; Brush, Denver, Fort Morgan, Grand Junction, and Sterling, Colo., to Lodi, Monterey, Oakland, San Francisco, and San Jose, Calif.

NOTE.—Applicant holds contract carrier authority in MC 124377 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 138235 (Sub-No. 11), filed April 12, 1977. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Motor vehicles (except new trucks, new tractors and new chassis, in secondary movements, in driveaway service), Hardware, Conveyors and Conveyor Equipment, Furniture, Lawn Mowers, Power Equipment, Wheel Goods, and Bicycles, (2) Parts, attachments, and accessories for the commodities in (1) above, and (3) Materials, Equipment and Supplies (except commodities in bulk), used in the manufacture and sale of the commodities in (1) and (2) above, between the facilities of MTD Products, Inc., at or near Indianola, Miss., on the one hand, and, on the other, points in the States of Missouri, Illinois, Michigan, Indiana, Kentucky, Ohio, Wisconsin, Iowa and Minnesota, under a continuing contract or contracts with MTD Products, Inc., located at Willard, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 138270 (Sub-No. 5), filed March 14, 1977. Applicant: KERMIC SMITH AND JOSEPH HEBERT, JR., doing business as, GOLDEN TRIANGLE TRUCKING COMPANY, a partnership, 1131 S. Memorial Drive, Nederland, Tex. 77627. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand gravel, crushed stone, hot mix, caliche, shell, crushed shell and asphalt*, in bulk, in dump vehicles, (except in tank vehicles), between points in Beauregard, Calcasieu, Cameron and Vernon Parishes, La., on the one hand, and, on the other, points in Chambers, Hardin, Jefferson and Orange Counties, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Beaumont or Houston, Tex.

No. MC 138313 (Sub-No. 22), filed January 28, 1977. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, S.W., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lignite*, treated or untreated, from Gascoyne, N. Dak., to Malta, Mont; (2) *bentonite clays, lignite*, treated or untreated and *bentonite products* from the plant site of American Colloid Company located at or near Malta, Mont., to points in California, Idaho, Montana, Oregon and Washington; and (3) *bentonite clays, lignite*, treated or untreated and *bentonite products* from the plant site of American Colloid Company located at or near Malta, Mont., to the ports of entry on the International Boundary line between the United States and Canada located at Blaine; Frontier; Sumas, Oroville; Ferry; Danville, Laurier; Metaline Falls, Wash; Port Hill and Eastport, Idaho; and Roosville; Gateway; Port of Piegan; Del Bonita; Sweetgrass; Whitlash; Mont., restricted to traffic destined to Simpson; Port of Turner; Port of Morgan; Opheim; Port of Scobey; Whitetail; Raymond; Willowcreek; and Wild Horse, Mont., restricted to traffic destined to the Provinces of British Columbia; Alberta; and Saskatchewan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Billings, Mont.

No. MC 138322 (Sub-No. 3), filed March 3, 1977. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, Calif. 91733. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Tex. 77098. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rail, track and railroad materials* used from abandoned tracks, spurs or lines of railroads, from any facility or job site in the United States (except Alaska and Hawaii) where such commodities or materials are being removed or stored to any point, plant site or storage yard in the United States (except Alaska and Hawaii) where such materials are being sought, sold or used, restricted against transporting such articles which because of size or weight require the use of special equipment in the loading, unloading or transportation thereof when such articles in one piece weigh 15,000 pounds or more.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with other similar applications at Los Angeles, Calif.

No. MC 138322 (Sub-No. 4), filed March 1, 1977. Applicant: BHY TRUCKING, INC., 9231 Whitemore, El Monte, Calif. 91733. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Tex. 77098. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and; (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Illinois, Kansas, Louisiana, Mississippi, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia.

NOTE.—Hearing: Set for May 9, 1977, at Houston, Tex.

No. MC 138510 (Sub-No. 8), filed March 10, 1977. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Avenue at Aloe Street, Pomona, N.J. 08240. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated furniture, and laminated parts*, uncrated, from Pleasantville, N.J., to points in Arizona, Florida, Georgia, Illinois, Kentucky, Maryland, New York, North Carolina, Pennsylvania, Tennessee, Texas, and the District of Columbia;

and (2) *materials and supplies* used in the manufacture of laminated furniture and laminated furniture parts, on return, restricted in part (2) against the transportation of commodities in bulk, and further restricted against lumber, lumber products and composition board, from Texas to Pleasantville, N.J., parts (1) and (2) above, to be performed under a continuing contract, or contracts, with International Wood Products, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 127955, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138875 (Sub-No. 50), filed March 7, 1977. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel buildings and component parts*, (1) from the plantsite of American Buildings Co., located at or near Atlantic, Iowa, to points in Idaho, Montana, Nevada, Oregon, Washington and Wyoming; and (2) from the plantsite of American Buildings Co., located at or near Atlantic, Iowa, to the ports of entry on the International Boundary line between the United States and Canada located at points in North Dakota, Montana and Idaho, restricted to traffic destined to the Provinces of Alberta, Manitoba, and Saskatchewan, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise or Caldwell, Idaho.

No. MC 138875 (Sub-No. 51), filed March 11, 1977. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel*, from Portland, Oreg., and Vancouver, Wash., to the facilities of Farwest Steel Corp., located at Eugene, Oreg. and Boise, Idaho; and (2) *steel plate, angle iron, bars, pipe and channel*, between the facilities of Farwest Steel Corp., located at Eugene, Oreg., on the one hand, and, on the other, the facilities of Farwest Steel Corp., located at Boise, Idaho, restricted in (1) above to traffic having a prior movement by water from points outside the United States.

NOTE.—Applicant states it intends to tack the requested authority above with its existing authority in No. MC 138875 (Sub-No. 1) at Boise and Parma, Idaho and points in Idaho within 10 miles of Parma, to enable it to transport (a) steel, from Portland, Oreg. and Vancouver, Wash., to points in Idaho and points in Baker and Malheur Counties, Oreg., within 100 miles of Parma, Idaho, restricted to traffic having a prior movement by water from points outside the United States; and (b) the commodities named in (2) above, between the facilities of Farwest Steel Corp., located at Eugene, Oreg., on the one hand, and, on the other, points in Idaho and points in Baker and Malheur Counties, Oreg., within 100 miles of Parma. If a hearing is deemed necessary, the applicant requests that it be held at either Boise, Idaho or Portland, Oreg.

No. MC 138875 (Sub-No. 52), filed March 14, 1977. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores, from Denver, Colo., and Clearfield, Utah, to the facilities of URM Foods, Inc., located at Spokane, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Spokane, Wash.

No. MC 139151 (Sub-No. 4), filed April 13, 1977. Applicant: CANUS TRUCKING LTD., a corporation, 105 Maple St., Winnipeg, Manitoba, Canada R2W 3L1. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Minnesota to the port of entry on the International Boundary Line between the United States and Canada at or near Noyes, Minn., restricted to traffic moving in foreign commerce to Winnipeg, Manitoba, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139193 (Sub-No. 61), filed March 10, 1977. Applicant: ROBERTS & OAKE, INC., 527 East 42d St. North, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, 2033 K St. NW., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of the Royal Packing Co., located at or near National Stockyards, Ill., and St. Louis, Mo., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, under a continuing contract, or contracts, with Royal Packing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 139495 (Sub-No. 218), filed March 10, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from points in California, to points in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, Calif.

No. MC 139495 (Sub-No. 219), filed March 16, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail department, catalog, drug, discount, and variety stores; and (2) *materials and supplies* (except in bulk, in tank vehicles), used in the manufacturing of such merchandise, from Sunbury, Pa., to Carrollton, Tex., LaMirada and South San Francisco, Calif., and points in Oregon.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 229), filed April 5, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin & Kingsley, Suite 1030, 1819 H St. NW., Washington, D.C. 2006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lenses and reflectors*, from Greenville, Ohio, to Lynn, Mass., and (2) *glass tubing*, from Danville, Ky., to Lynn, Mass.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 139876 (Sub-No. 4), filed March 8, 1977. Applicant: A B C TRANSIT CO., INC., 7860 "F" St., Omaha, Nebr. 68127. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, utilized in the curing and processing of cement and concrete (except commodities in bulk); and (2) *materials, equipment, and supplies*, used in the manufacture, distribution, and application of the commodities described in (1) above (except commodities in bulk), between Omaha, Nebr., Baton Rouge, La., and Edison, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract, or contracts, with Nox-Crete Chemicals, Inc.

NOTE.—Applicant holds common carrier authority in MC 139686, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140605 (Sub-No. 2), filed March 9, 1977. Applicant: OHIO OIL GATHERING CORP., Chilton Building, Suite 400, 201 King of Prussia Rd., Radnor, Pa. 19087. Applicant's representative: Walter R. Hall II, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, from points in Belmont, Harrison, Jefferson, and Monroe Counties, Ohio, to points in Carroll, Coshocton, Fairfield, Hockfing, Holmes, Knox, Licking, Morgan, Muskingum, Perry, Stark, Washington, and Wayne Counties, Ohio, for continuing transport by pipeline, rail, or water to points in Pennsylvania and West Virginia, under a continuing contract or contracts with Ohio Oil Gathering Corporation II.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 140612 (Sub-No. 12), filed March 7, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cedar Rapids, Iowa, to points in Alabama, Arkansas, Arizona, California, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Montana, Nevada, New Mexico, Oregon, Tennessee, Texas, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Cedar Rapids, Iowa.

No. MC 140612 (Sub-No. 14), filed March 14, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Austin and Owatonna, Minn., to points in Arkansas, Kansas, Missouri and Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Austin, Minn.

No. MC 140632 (Sub-No. 2), filed April 8, 1977. Applicant: CHARCOAL TRANSPORTS, INC., P.O. Box 166, Paris, Ark. 72855. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tn 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *charcoal and charcoal briquettes*, from Paris, Ark. and Jacksonville, Tex. to all points in Delaware, Georgia, Kentucky, Mississippi, New Jersey, New Mexico, North Carolina, Ohio, Virginia, West Virginia and the District of Columbia; and (2) *Materials, apparatus, parts and supplies* used in the manufacture, packaging, and marketing of charcoal and charcoal briquettes from all points in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas to the plantsite and storage facilities of Arkansas Charcoal Co., Inc. at Paris, Ark., and Campfire Charcoal Co., Inc., at Jacksonville, Tex. under continuing contract or contracts with Arkansas Charcoal Co., Inc. and Campfire Charcoal Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or Little Rock, Ark.

No. MC 140768 (Sub-No. 3), filed April 8, 1977. Applicant: AMERICAN TRANSFREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Beer and malt liquors* and *advertising matter* when moving in connection therewith, from Belleville, Ill. to points in Alabama, Louisiana and Mississippi, restricted against transportation to or from the premises of any person who has entered into a contract with American Trans-Freight, Inc. and/or any person who is served by it pursuant to any permit issued by this Commission.

NOTE.—Applicant holds motor contract carrier authority in MC 134404 and subs thereunder and, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 140829 (Sub-No. 40), filed February 23, 1977. Applicant: CARGO CONTRACT CARRIER CORP., U.S. Highway 20, P.O. Box 206, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Meilman Food Industries located at or near Sioux Falls, S. Dak., to points in Arkansas, Connecticut, Delaware, Kansas, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC-136408 (Sub-No. 7) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140829 (Sub-No. 42), filed March 7, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat* packinghouses as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Spencer Foods, Inc., located at or near Fremont and Schuyler, Nebr., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in various subs under MC 136408, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Omaha, Nebr.

No. MC 141046 (Sub-No. 33), filed April 15, 1977. Applicant: MASON O. MITCHELL, doing business as M. MITCHELL TRUCKING, 1911 "I" Street, LaPorte, Indiana 46350. Applicant's representative: Norman R. Garvin, 815 Marchants Bank Building, Indianapolis, Indiana 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden toothpicks and wooden and plastic clothespins*, from the plant sites or warehouse facilities of Penley Corporation at or near West Paris, Maine, to points in California, Florida, Georgia, Illinois, Maryland, Missouri, New York, New Jersey, North Carolina, Kansas, Ohio, South Carolina, Tennessee, Texas and Virginia, under a continuing contract or contracts with Penley Corporation, West Paris, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Indiana or Chicago, Illinois.

No. MC 141085 (Sub-No. 2), filed April 7, 1977. Applicant: EAST COAST TRUCKING, INC., 90 Rentell Road, Hamden, Conn. 06518. Applicant's representative: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed log products* for log homes, from Great Barrington, Mass. and Lawrenceville, Va., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan,

Missouri, New Mexico Ohio, Oklahoma, Tennessee, Texas, South Carolina, West Virginia, and Wisconsin; and (2) *millwork, accessories, parts and supplies* for assembly, processing, and manufacture of log homes named in (1) above, from points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, Texas, South Carolina, West Virginia, and Wisconsin, to Great Barrington, Mass. and Lawrenceville, Va., under a continuing contract or contracts with New England Log Homes, Inc., d.b.a. NELHI, located at Hamden, Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Hartford or New Haven, Conn.

No. MC 141106 (Sub-No. 1), filed March 14, 1977. Applicant: C. E. RIEMER, doing business as RIEMER'S MARINA, 300 Wells Street, Marinette, Wis. 54143. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Boats* and *equipment, supplies and parts thereof* when moving at the same time with boats, between points in Wisconsin and the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin, and Norfolk, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either madison, Wis. or Lansing, Mich

No. MC 141293 (Sub-No. 3), filed March 9, 1977. Applicant: J.R.R.W. TRANSPORT, INC., P.O. Box 5186, Coralville, Iowa 52241. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products ingredients*, in packages and containers, and *powdered milk*, which is exempt from economic regulation under Section 203(b)(6) of the Act, in mixed loads with food products ingredients, (1) from Iowa City, Iowa, to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennesse, Texas, and Wisconsin, (2) from points in Illinois, Indiana, Louisiana, Missouri, and Wisconsin, to Iowa City, Iowa; and (3) from Decatur, Ill., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, under a continuing contract or contracts in (1), (2) and (3) above with J. M. Swank Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 141511 (Sub-No. 1), filed March 8, 1977. Applicant: ROBERT W. RETTIG, doing business as PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, (a) from Fergus Falls, Winsted, Zumbrota, Minn., to Marathon, Wis., and Boonville, Miss.; and (b) from Marathon, Wis., to Boonville, Miss.; and (2) *cheese, cheese foods and food products and gift packages*, from the facilities and suppliers of Brodhead Cheese & Cold Storage, located at points in Wisconsin, to points in Arizona, California, Colorado, Florida, Georgia, Kentucky, Missouri, New Jersey, New Mexico, Nevada, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, and Washington, restricted to shipments originating at the above origins and destined to the above destinations, and further restricted to service in vehicle equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 141511 (Sub-No. 2), filed March 8, 1977. Applicant: ROBERT W. RETTIG, doing business as PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs;* and (2) *commodities* otherwise exempt from economic regulation when moving in mixed shipments with the commodities in (1) above, from the facilities of Moores Food Products, Inc., at Fort Atkinson, Wis., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming, restricted to shipments originating at the above origin and destined to the above destinations, and further restricted to service in vehicles equipped with mechanical refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 141546 (Sub-No. 13), filed March 9, 1977. Applicant: BULK TRANSPORT SERVICE, INC., One Dundee Park, Andover, Mass. 01810. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the port of entry on the International Boundary line between the United States and Canada located at Derby Line, Vt., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141546 (Sub-No. 16), filed March 11, 1977. Applicant: BULK TRANSPORT SERVICE, INC., One Dundee Park, Andover, Mass. 01810. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Hudson and Greenport, in Columbia County, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141622 (Sub-No. 3), filed March 14, 1977. Applicant: H. & W. CARRIERS, INC., Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products*, from the plantsites of LaBarge, Inc., Concrete Products Division, located at or near Charleston and Champaign, Ill., to points in Indiana, Iowa, Kentucky, Missouri, and Wisconsin, under a continuing contract, or contracts, with LaBarge, Inc., Concrete Products Division.

NOTE.—Applicant holds common carrier authority in No. MC 125751, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at St. Louis, Mo.

No. MC 141774 (Sub-No. 3), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 150 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flavoring syrups concentrated syrups, drinks, beverages, and plastic containers* (except commodities in bulk, in tank vehicles), from points in Lowndes County, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Missouri, Tennessee, and Texas; and (2) *material and supplies* used in the manufacture of flavoring syrups, concentrated syrups, drinks, beverages, and plastic containers (except commodities in bulk, in tank vehicles), from points in Alabama, Florida, Georgia, Kentucky, Louisiana, Missouri, Tennessee, and Texas, to points in Lowndes County, Miss.

NOTE.—Applicant holds contract carrier authority in MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 141774 (Sub-No. 4), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 105 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment*

used in the production of eggs and poultry (except commodities in bulk, in tank vehicles), from points in Morgan County, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 141774 (Sub-No. 5), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 105 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Display racks, closet rods, hinges, and bolts*, between points in Washington County, Miss., and points in Florida, Georgia, and Missouri.

NOTE.—Applicant holds contract carrier authority in No. MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 141774 (Sub-No. 6), filed March 14, 1977. Applicant: R. & L. TRUCKING CO., INC., 105 Rocket Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bags, plastic can liners, plastic containers, and plastic articles*, from the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala., to Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and points in Florida; and (2) *materials and supplies* used in the manufacture of plastic bags, plastic can liners, plastic containers, and plastic articles (except commodities in bulk, in tank vehicles), from Louisville, Ky.; St. Louis, Mo.; Memphis, Tenn.; and points in Florida, to the facilities utilized by Bes-Pak & Company, Inc., located in Montgomery County, Ala.

NOTE.—Applicant holds contract carrier authority in No. MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 141776 (Sub-No. 10), filed March 14, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Sts., Ringtown, Pa. 17967. Applicant's representative: Richard Rueda, Two Penn Center Plaza, Suite 612, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products* (except commodities in bulk), *advertising materials, premiums, toys, display stands, accessory materials, dessert preparations, and coin-operated vending machines and stands*, from the plantsite and storage facilities of Leaf Confectionery, located at Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia; and (2) *rejected and refused merchandise* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia or Ringtown, Pa.

No. MC 141779 (Sub-No. 1), filed March 15, 1977. Applicant: RICHARD ALLEN LONG, doing business as RICHARD'S TOWING SERVICE, No. 4 Paul Dr., Granite City, Ill. 62040. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers and replacements* for said vehicles and trailers, between points in St. Charles and St. Louis Counties, Mo., and Madison and St. Clair Counties, Ill., on the one hand, and, on the other, those points in the United States east of Idaho, Utah, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 141804 (Sub-No. 37) (Amendment), filed December 6, 1976, and published in the FEDERAL REGISTER issues of January 13, 1977 and April 7, 1977, and republished this issue. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Auto and motorcycle parts*, from the plant site and storage facilities of Nippondenso located at or near Carson, Calif., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted to traffic originating at the above location; and (2) *materials and supplies* used in the manufacture of the above items, from Clinton, Tenn., and Cleveland, Ohio to the plant site and storage facilities of Nippondenso located at or near Carson, Calif., restricted to traffic destined to the above-named destination point, and further restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.— The purpose of this republication is to amend applicant's territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Lincoln, Nebr.

No. MC 142239 (Sub-No. 6), filed March 10, 1977. Applicant: WASHINGTON TRANSPORTATION COMPANY, a corporation, 1717 North 70th Avenue, Omaha, Nebr. 68104. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Spencer Foods, Inc. located at or near Schuyler and Fremont, Nebr., and Spencer, Fort Dodge and Hartley, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Spencer Foods, Inc.

NOTE.—Applicant has pending common carrier authority in No. MC 141610 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemend necessary, the applicant requests it be held at either Omaha, Nebr., or Sioux City, Iowa.

No. MC 142268 (Sub-No. 14), filed March 14, 1977. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1GO. Applicant's representative: William E. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastics and plastic products and chemicals*, from the plantsites and storage facilities of Arco Polymers, Inc., located at or near Monaca, Pa., and at or near Port Arthur, Tex., to ports of entry on the International Bounday Line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine, for furtherance to points in Ontario and Quebec.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 142412 (Sub-No. 1), filed March 7, 1977. Applicant: ARTHUR MULDER, doing business as GM CARTAGE, 3865 W. 41st Street, Chicago, Ill. 60602. Applicant's representative: Philip A. Lee, 120 W. Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen cabinets and bathroom vanities*, from the plantsite of Brammer Mfg. Co., located at Chicago, Ill., (a) to points in that part of Michigan west of a line beginning at Cheboygan, Mich., then in a southerly direction on U.S. Highway 27 thru Grayling, then continuing thru Mt. Pleasant, and Lansing, Mich., then further continuing in a southerly direction on U.S. Highway 127 to the Ohio-Michigan State Line; and (b) to points in that part of Indiana beginning at Gary, then in a southerly direction on Interstate Highway 65 to Lafayette, Ind., then in a easterly direction on Indiana Highway 26 to junction with Interstate Highway 69 at Fairmount, and then in a northerly direction on Interstate Highway 69 to

the Indiana-Michigan State Line, (2) *Damaged merchandise*, on return, under a continuing contract, or contracts, in (1) and (2) above, with Brammer Mfg. Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 142466 (Sub-No. 1), filed March 16, 1977. Applicant: TIMBER PRODUCTS TRANSPORT, INC., P.O. Box 1513, Lonview, Wash. 98632. Applicant's representative: William H. Grady, 1100 Norton Building, Seattle Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood*, from points in Washington and Oregon, to points in California; and (2) *gypsum products and accessories*, from points in California, to points in Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Los Angeles, Calif.

No. MC 142634 (Sub-No. 2), filed February 24, 1977. Applicant: FRANK'S PARCEL SERVICE, INC., Foot of Babcock Street at Alexander St., Yonkers, N.Y. 10701. Applicant's representative: Larsh B. Mewhinney, 25 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finshed pharmaceutical products, raw materials* used in the production thereof, and *packaging components* therefor, between points in the New York, N.Y., Commercial Zone as defined in 49 CFR 1048.1(b)(1) and (2), on the one hand, and, on the other, points in Totowa, N.J., under a continuing contract or contracts with Bard Pharmaceutical Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at White Plains or New York, N.Y.

No. MC 142770 (Sub-No. 2), filed March 9, 1977. Applicant: ARTHUR L. KINDT & JOHN Y. KINDT II, a partnership, doing business as KINDT'S MOVING & STORAGE, P.O. Box 1058, 1144 East Highway 40, Vernal, Utah 84070. Applicant's representative: John Y. Kindt II (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished furniture and accessories*, used in the manufacture thereof, (1) from Ft. Duchesne, Utah, to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada (except Alaska and Hawaii); and (2) from the destination points named in (1) above, to Fort Duchesne, Utah, under contract with Ute Indian Tribe, d.b.a. Ute Fab Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Vernal or Ft. Duchesne, Utah.

No. MC 142936 (Sub-No. 1), filed March 7, 1977 Applicant: Justin P Jenkins and Donald E. Dansie, doing business as INTERMOUNTAIN TRANSPORT COMPANY, a partnership, 220 East 1600 North, Springville, Utah 84663. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transprting: *Crude clay*, in bulk, in dump vehicles, from Pueblo, Colo., and Buehler Mines, located 20 miles southwest of Pueblo, Colo., to Lehi, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Denver, Colo.

No. MC 142956 (Sub-No. 1), filed March 14, 1977. Applicant: M & S TRUCKING CO., INC., 1430 N. Clarence Street, Wichita, Kans. 67202. Applicant's representative: Donald J. Quinn, 1012 Baltimore, Suite 900, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef meat carcasses*, from the Dubuque Packing Co., located at Wichita, Kans., to Hickman Packing Co., Inc., located at Newark, N.J., under a continuing contract, or contracts, with Hickman Packing Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 142978 (Amendment), filed February 17, 1977, and published in the FEDERAL REGISTER issue of April 7, 1977, and republished this issue. Applicant: W. L. DAVIS, INC., 800 Fourth Financial Center, Wichita, Kans. 67202. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat poducts, meat by-products* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Iowa Beef Processors, located at or near Dakota City, Nebr., and Emporia, Kans.; and the facilities of Swift & Co., located at or near Cactus, Tex., to Reno, Nev., and Sacramento, Calif., under a continuing contract or contracts with Raleys Supermarkets.

NOTE.—The purpose of this republication is to amend applicant's territorial description. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 143000 (Sub-No. 3), filed March 11, 1977. Applicant: THE HIGH PLAINS GRAIN COMPANY, INC., East Highway 40, P.O. Box 7, Hays, Kans. 67601. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from McCook, Nebr., (1) to the facilities of Hays Land and Cattle Co., located at or near Hays, Kans.; and (2) to the facilities of Davis Feed Lot and Ranch, Inc., located at or near Ellis, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr., or Kansas City, Mo.

No. MC 143026 (Sub-No. 1), filed March 10, 1977. Applicant: RMB CORPORATION, 303 South St., Newark, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles and velocipedes, and materials, equipment and supplies* used in the manufacture and sale of bicycles and velocipedes, between the facilities of Iverson Cycle Corporation located at Brookhaven, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Iverson Cycle Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.Y.

No. MC 143041, filed February 14, 1977. Applicant: Byron G. Davenport, doing business as DRILLING AND MINING INTERNATIONAL, 1350 Sage Street, Unit S., P.O. Box 1901, Rock Springs, Wyo. 82901. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, from Rock Springs, Wyo., to points in Colorado and Utah, restricted against commodities in bulk, commodities which by reason of their size and weight require the use of special equipment, and further restricted to articles weighing 5,000 pounds or less from one consignor to one consignee on any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Rock Springs, Wyo., or Washington, D.C.

No. MC 143044 (Sub-No. 1), filed March 16, 1977. Applicant: EQUIPMENT EXPRESS LIMITED, a corporation, 8105 Don Mills Road, Markham, Ontario, Canada. Applicant's representative: Thomas E. Acey, Jr., 1660 L Street NW., Suite 1000, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast, prestressed, reinforced concrete wall, roof and floor slabs, structural forms or shapes, girders and beams*, and *materials and supplies* used in the erection thereof,

from ports of entry of the International Boundary line between the United States and Canada located at Buffalo, Niagara Falls, and Lewiston, N.Y., to Syracuse, Rochester, and Buffalo, N.Y., restricted to shipments originating at the plant sites of Pre-Con Company in Ontario, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Buffalo, N.Y.

No. MC 143050, filed March 14, 1977. Applicant: C & M EXPRESS, INC., 4501 Curtis Avenue, Baltimore, Md. 21126. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis and trailers;* and (2) *general commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in Baltimore, Md., and its commercial zone, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md.

No. MC 143051, filed March 11, 1977. Applicant: Michael C. Kombol and Brad S. Fritz, doing business as SANDAU MOVING & STORAGE, a partnership, 10836 Galt Industrial Ct., St. Louis, Mo. 63132. Applicant's representative: Joseph E. Rebman, 314 N. Broadway, Suite 1330 Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings, and carpeting*, between St. Louis, Mo., on the one hand, and, on the other, points in Jersey, Macoupin, Madison, St. Clair, Monroe and Randolph Counties, Ill., under a continuing contract, or contracts, with Dolnick Furniture, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 143053, filed March 14, 1977. Applicant: JOSEPH H. BAYS and FREDERICK G. BUHL, a partnership, doing business as, B & B COMPANY, 20433 NE. 133rd, Woodinville, Wash. 98072. Applicant's representative: Henry C. Winters, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail hardware stores; (2) *building materials, sporting goods, floor coverings, automobile parts and accessories, and wood cabinets and parts*, between the plantsite, warehouse and distribution center of Pay 'N Pak Stores, Inc., located at Kent, Wash., on the one hand, and, on the other, points in California, Colorado, Idaho, Kansas, Montana, Nevada, Oklahoma, Oregon, South Dakota, Utah and Wyoming, under a continuing contract or contracts with Pay 'N Pak Stores, Inc.; (3) *leveling support jacks*, from the plantsite of Olympic Foundary Company, located at Seattle, Wash., to points in California, under a continuing contract, or contracts, with Olympic Foundary Company, and (4) *used tires, and materials and supplies* used in the recapping of tires, from the plantsite and warehouse facilities of Perfection Tire, Inc., located at or near Los Angeles, Calif., to the plantsite and warehouse facilities of Perfection Tire, Inc., located at or near Veradale, Wash., under a continuing contract, or contracts, with Perfection Tire, Inc. No. 2.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 143054, filed March 7, 1977. Applicant: G & C CARTAGE COMPANY INCORPORATED, 694 North Edgewood Avenue, P.O. Box 6981, Jacksonville, Fla. 32205. Applicant's representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, Va. 22030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Jacksonville, Fla., on the one hand, and, on the other, points in Florida, restricted to shipments originating at or destined to the facilities utilized by ABC-TNT, Inc., located at Jacksonville, Fla., and further restricted to shipments moving on freight forwarder freight bills or bills of lading issued by ABC-Trans National Transport, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 143056, filed March 14, 1977. Applicant: LANCASTER POULTRY, INC., 505 West Fair Avenue, Lancaster, Ohio 43130. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed or dealt in by retail food businesses and equipment used in such business, from Lancaster, Ohio, and points in Union Township, Warren County, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina; and (2) *equipment, materials and supplies* used in the conduct of such businesses, from points in Florida, Georgia, North Carolina and South Carolina, to points in Union Township, Warren County, Pa., under a continuing contract, or contracts, with Duff Enterprises, Inc., located at Lebanon, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 143063, filed March 16, 1977. Applicant: H & H TRUCKING, INC., 30 Mount View Lane, Colorado Springs, Colo. 80907. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the facilities of Anheuser-Busch, Incorporated brewery located at or near St. Louis, Mo., to points in El Paso, Pueblo and Weld Counties, Colo., and *emply malt beverage containers* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 143064, filed March 14, 1977. Applicant: DONALD POTTER, doing business as, POTTER TRANSPORT, Route No. 17, Readfield, Maine 04349. Applicant's representative: Michael E. Barr, 72 Winthrop Street, P.O. Box "R", August, Maine, 04330. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, in cans and bottles, from Fulton, N.Y., to Augusta, Maine, under a continuing contract, or contracts, with Pine Tree Tobacco.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 143066, filed March 3, 1977. Applicant: A. D. MIMS AND H. A. MIMS, doing business as, MIMS MEAT COMPANY, 12654 East Freeway, Houston, Tex. 77015. Applicant's representative: Wallace H. Nations, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and bananas*, moving in mixed loads with commodities exempt under Section 203 (b)(6) of the Interstate Commerce Act, from Galveston, Tex., Gulfport, Miss., and Mobile, Ala., to points in Idaho, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 143098, filed March 16, 1977. Applicant: LAUGHLIN TRUCKING, INC., Route 1, Box 95, Carlton, Oreg. 97111. Applicant's representative: Lawrence V. Smart, Jr., 419 N. W. 34rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Oregon.

No. MC 143126, filed April 7, 1977. Applicant: J. J. ZAYTI TRUCKING, INC., 47500 West Eight Mile Road, Northville, Michigan 48167. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Michigan 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and non-ferrous scrap* in high side open top vehicles with steel lined floors and sides and *molten metal*, between points in the Detroit Com-

mercial Zone as defined by the Interstate Commerce Commission, Belleville and Trenton, Mich., on the one hand, and, on the other, points and places in Ohio and Indiana under a continuing contract or contracts with Huron Valley Steel Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 143132, filed April 6, 1977. Applicant: GERALD BRAUN TRUCKING, INC., P.O. Box 128, Warner, South Dakota 57479. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *feed and feed ingredients*, from Edgeley, North Dakota, to points in South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Pierre, South Dakota.

PASSENGER APPLICATIONS

No. MC 133195 (Sub-No. 1), filed March 9, 1977. Applicant: HEALEY TRANSPORTATION LIMITED, 10 Gile Street, Smiths Falls, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip sightseeing and pleasure tours, beginning and ending at all ports of entry on the International Boundary line between the United States and Canada and extending to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Syracuse, N.Y.

No. MC 142530 (Sub-No. 2), filed March 17, 1977. Applicant: PIONEER BUS CORP., 6093 Strickland Avenue, Brooklyn, N.Y. 11234. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Brooklyn, N.Y. and extending to Atlantic City, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142855 (Sub-No. 1, filed March 2, 1977. Applicant: WIERSEMA CHARTER SERVICE, INC., R.R. No. 2, Morrison, Ill. 61270. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Carroll, Stephenson, and Whiteside Counties, Ill., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 143065, filed March 3, 1977. Applicant: MACK D. WEATHERFORD, doing business as, WEATHERFORD TRANSIT, 1019 E. Lake Drive, Hartsville, S.C. 29550. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, (A) beginning and ending at points in Chesterfield, Darlington, Dillon, Florence, Horry, Kershaw, Lancaster, Lee, Marion, Marlboro and Sumter Counties, S.C., and extending to points in the United States (except Alaska and Hawaii); and (B) beginning and ending at points in Chesterfield, Darlington, Dillon, Florence, Horry, Kershaw, Lancaster, Lee, Marion, Marlboro and Sumter Counties, S.C. and extending to ports of entry on the International Boundary line between the United States and Canada located at points in Maine, Michigan, New Hampshire, New York, and Vermont, restricted in (B) above to traffic moving to provinces of Ontario and Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Florence or Columbia, S.C.

BROKER APPLICATIONS

No. MC 12483 (Sub-No. 2), filed April 13, 1977. Applicant: FORLOW TRAVEL BUREAU, INC., 716 South Main Street, South Bend, Indiana 46618. Applicant's representative: S. Harrison Kahn, Attorney at Law, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Frankfort and South Bend, Indiana and Oakbrook Terrace, Illinois, to sell or offer to sell the transportation of motor carrier passenger transportation (1) in all expense round-trip special and charter sightseeing and pleasure tours between points and places in the United States, including Alaska and Hawaii; (2) to sell motor carier passenger transportation for regular route, charter, special operations, and contract operations authority to be conducted by the Interstate Commerce Commission for persons engaged in the transportation of persons by motor vehicle in interstate or foreign comemrce; and (3) the conduct of motor coach tours in the manner authorized by the Commission's decision in Tauck Tours, Inc., 54 M.C.C. 291.

NOTE.—If a hearing is held applicant requests that the hearing be held in Chicago, Illinois.

No. MC 130444, filed March 14, 1977. Applicant: NANCY H. NAGLE, 4421 Menokin Road, Richmond, Va. 23225. Applicant's representative: S. Harrison Kahn, Investment Building, Suite 733, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Richmond, Va., to sell or offer to sell the transportation of *Passengers, and their baggage*, individually and in groups, in special and charter operations, and sightseeing and pleasure tours, by motor, rail, water and air carriers, between points in the United States, including Alaska and Hawaii, restricted to tours originating and terminating at points in Virgina (except Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach, Va., and points in Accomack and Northhampton Counties, Va.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va.

No. MC 130445, filed March 14, 1977. Applicant: BASHFORD TRAVEL CORP., 1551 East Shaw No. 136, Fresno, Calif. 93710. Applicant's representative: William L. Bashford (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Sacramento, San Francisco, Stockton, Santa Cruz, Monterey, Modesto, Merced, Fresno, Bakersfield, Santa Barbara, Los Angeles, Long Beach, and San Diego, Calif., to sell or offer to sell the transportation of *Passengers, and their baggage*, in groups, by motor, rail, water, and air carriers, from points in California, to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at San Francisco, Calif.

FREIGHT FORWARDER APPLICATIONS

No. FF 426 (Sub-No. 2), filed February 24, 1977. Applicant: EXPRESS FORWARDING AND STORAGE CO., INC., 19 Rector Street, New York, N.Y. 10006. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of: (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Applicant states that the purpose of this application is to add Alaska to applicant's presently held authority, which now excludes Alaska. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. FF 492, filed February 23, 1977. Applicant: INTERLINE COORDINATORS, INC., doing business as AIR-X, P.O. Box 3171, Trenton, N.J. 08619. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by motor vehicle, in the transportation of: *General commodities* (except household goods as defined by the Commission, commodities in bulk, Classes A and B explosives, article of unusual value, and commodities which because of size and weight require special equipment, unaccompanied baggage, and motor vehicles), between points in the United States, including Alaska and Hawaii, restricted to the transportation of traffic having an immediately prior or subsequent movement by air in the air forwarder service of Interline Coordinators Inc. d/b/a Air-X, and further subject to the interpretation made in the report at 339 I.C.C. 17.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Trenton, N.J.

FINANCE APPLICATIONS, NOTICE

The following applications seeks approval to consolidate, purcahse, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

NOTICE

Boise Cascade Corporation, One Jefferson Square, Boise, Idaho 83728, represented by John R. Sims, Jr. and John L. Boyd, Jr., of Goff, Sims, Cloud & Stroud, P. C., 915 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004, hereby give notice that on the 14th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of control of The Lowville and Beaver River Railroad Company through purchase of capital stock from Richard C. Cummings, which application is assigned Finance Docket No. 28415.

The application herein seeks authority to acquire stock control of Lowville and Beaver which operates as a rail carrier between Lowville and Croghan, a distance, including spur track, of some 12 miles, wholly within the State of New York. Its routes connect with those of the Penn Central Transportation Company (now ConRail) at Lowville.

The transaction herein is covered by an agreement of December 30, 1976, between Boise Cascade and Richard C. Cummings, whereby Boise Cascade would purchase the 1,387 shares of the outstanding capital stock of Lowville and Beaver held by Cummings for $55,441 payable at closing by draft of Boise Cascade. The closing of this transaction would not occur until 15 days after approval of the transfer of the stock of Lowville and Beaver to Boise Cascade by the Interstate Commerce Commission and the New York Transportation Commission.

In the opinion of the applicant, Boise Cascade Corporation, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protest may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28415 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

BOISE CASCADE CORPORATION

NOTICE

American Rail Heritage, Ltd., 208 North Market Street, Marion, Illinois 62959, represented by Mr. James W. Sanders, Attorney, 208 North Market Street, Marion, Illinois 62959, hereby give notice that on the 4th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of a line of railroad owned by the Illinois Central Gulf Railroad Company between railroad milepost 93.5 near Seely, Illinois, to railroad milepost 108 at Mande, Illinois, a distance of approximately 14.5 miles, which application is assigned Finance Docket No. 28360.

Applicant proposes to acquire and operate a branch line of railroad presently owned by Illinois Central Gulf Railroad Company and leased to the applicant for the operation of a tourist train. The branch line to be acquired extends from railroad milepost 93.5 near Seely, Illinois, to railroad milepost 108 at Mande, Illinois, a distance of 14.5 miles, located solely in Williamson County, Illinois. The line passes through the towns of Carterville, Illinois, Crainville, Illinois, and Marion, Illinois.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Revised Guidelines for Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra* at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

AMERICAN RAIL HERITAGE, LTD.

No. MC-F-13180. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, California 94025 (MC 42487) with ten (10) carriers, namely, ARNIES MOTOR FREIGHT, 701 1st Avenue North, Altoona, IA 50009 (MC 99532), CITY TRANSFER & STORAGE CO., South Crawford & Big Four RR, Troy, OH 45373 (MC 20366) CORDERA TRANSFER

CO., INC., 300 Central, Benld IL (MC 18163), GROSS COMMON CARRIER, INC., 660 West Grand Avenue, Wisconsin Rapids, WI 54494 (MC 1494), RUSHVILLE TRUCK LINES, 301 North Liberty, Rushville, IL 62681 (MC 96935), STURM FREIGHTWAYS, INC., 8919 N. University, Peoria, IL 61614 (MC 108649), BRANDT TRUCK LINES, INC., P.O. Box 97, Route U.S. 66 & U.S. 150, Bloomington, IL 61701, (MC 120346), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227 (MC 14252), VAN WYK FREIGHT LINES, INC., 1018 Washington, Grinnell, IA 50112 (MC 121661) and SEYMOUR TRANSFER LINES, INC., 800 East Factory Street, Seymour, WI 54165 (MC 28990), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Altoona, Berwick, Bondurant, Enterprise, Mitchellville, Nevada, State Center, (Point of interchange-Des Moines, Iowa); Piqua, Ohio, (Point of Interchange-Dayton, Ohio); Benld, Carlinville, Gillespie, Livingston, Mt. Clare, Sawyerville and Hamel, Ill., (Point of interchange-St. Louis, Missouri); Camp Douglas, LaCrosse, LaCrosse S.E., Lyndon Station, Mauston, Midway, New Lisbon, Oakdale, Onalaska, Sparta, Tomah, West LaCrosse, West Salem, (Wisconsin), Dakota, Dresbach, (Minnesota), (Point of Interchange-Milwaukee, Wis.); Astoria, Banner, Beardstown, Bluff Springs, Camp Point, Clayton Coatsburg, Duncans Mill, Fowler, Lewistown, Mt. Sterling, Paloma, Rushville, Summum, Timewell, (Point of Interchange-Peoria, Illinois); Argent, Atwood, Decatur Signal Depot, Ficklin, Forsyth, Garrett, Oreana, Mt. Zion, (Illinois) (Point of Interchange-Springfield Terminal of Consolidated Freightways); La Hogue, Le Roy, Lexington, McLean, Mahomet, Mansfield, Martinton, Mason City, Meadows, Melvin, Milford, Ocoya, Odell, Onarga, Papineau, Piper City, Pittwood, Pontiac (Livingston Co.), Roberts, Saunemin, Sheldon, Shirley, Stockland, Thawville, Urbana, Watseka, Weldon, Woodland; Camargo, Casey, Champaign, Clark Center, Effingham, Greenup, Hume, Jewett, Martinsville, Metcalf, Newman, Teutopolis, Tuscola, Urbana, Vevay Park, Woodbury, Montrose, (Indiana) (Point of Interchange-Indianapolis, Indiana); Grinnell, (Point of Interchange-Altoona, Iowa); Amherst, Amherst Junction, Bear Creek, Fremont, Waupaca, Weyauwega, Winchester, (Point of Interchange-Green Bay, Wisconsin). CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE is authorized to operate as a common carrier in All the States in the United States except Alaska and Hawaii. Applicants' representatives: G. T. West, Vice President-Traffic, 175 Linfield Drive, Menlo Park, CA 94025 and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR 97208.

No. MC–F–13191. Authority sought by John J. Ghaznavi, an individual (noncarrier), 4133 Clarenceaux Drive, Gibsonia, PA., 15044, for control of (B) J & S, INC., McKeesport, PA., and continuance in control of (BB) BRISTOL CONSOLIDATORS, INC., 4133 Clarenceaux Drive, Gibsonia, PA., 15044, of control of such rights through the transaction. Applicants' attorney: William A. Gray, 2310 Grant Building, Pittsburgh, PA., 15219. Operating rights sought to be controlled: (B) Such commodities as are dealt in by retail drug and variety stores, and equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), as a contract carrier over irregular routes between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in O'Hara Township (Allegheny County), Pa., on the one hand, and, on the other, points in Delaware, Indiana, Illinois, Kentucky, Maryland, the Lower Peninsula of Michigan, Minnesota, New Jersey, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin. Between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in Falls Township (Bucks County), Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia, with restrictions; Such commodities as are dealt in by retail drug and variety stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk), as a contract carrier over irregular routes between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in Atlanta Southern Industrial Park, Marrow (Clayton County), Ga., on the one hand, and, on the other, points in Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, with restrictions; Such commodities as are dealt in by retail drug and variety stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk), as a contract carrier over irregular routes between the facilities of Thrift Drug Division of J. C. Penney Company, Inc., in Pymatuning Township, Pa., on the one hand, and, on the other, points in Maryland, New York, Ohio, West Virginia, New Jersey, Pennsylvania, Indiana, Virginia and the District of Columbia. John J. Ghaznavi, holds no authority from this Commission. However it is the sole shareholder in J & S INC., a motor contract carrier holding authority from the Commission at Docket No. MC 138036 and Subs thereto and is also the sole shareholder in BRISTOL CONSOLIDATORS, INC., a motor contract carrier holding temporary authority from the Commission at Docket No. MC 142723TA. Application has not been filed for temporary authority under section 210a(b).

NOTE.—BRISTOL CONSOLIDATORS, INC., has filed a permanent authority application corresponding to the temporary authority granted at Docket No. MC 142723TA. The docket number for the permanent authority application is MC 142723 (Sub-No. 1).

No. MC–F–13192. Authority sought for purchase by GAINES MOTOR LINES, INC., P.O. Box 1549, Hickory, N.C. 28601, of a portion of the operating rights of HI-CUBE TRANSPORT, INC., 20 Wibraham Street, P.O. Box 169, Palmer, MA., and for acquisition by Forest Gaines of GAINES MOTOR LINES, of control of such rights through the purchase. Applicants' attorneys: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th Street NW., Washington, D.C. 20004, and David M. Marshall, 135 State St., Springfield, MA. 01103. Operating rights sought to be transferred: Products of, and materials and supplies used by textile manufacturing plants, as a common carrier over irregular routes between points in New Jersey within 50 miles of Newark, N.J., on the one hand, and, on the other, Boston, Somerville, and Haverhill, Mass., New Haven, Conn., Pawtucket, East Providence, Providence and Warren, R.I. Vendee is authorized to operate as a common carrier in South Carolina, Virginia, North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 93649 (Sub-No. 20) is a directly related matter.

No. MC–F–13193. Authority sought for purchase by EAST TEXAS MOTOR FREIGHT LINES, INC., d.b.a. ETMF FREIGHT SYSTEM, 2355 Stemmons Freeway, Dallas, TX. 75207, of a portion of the operating rights of S & M FREIGHT LINES, 2017 Violet Street, Los Angeles, CA. 90021, and for acquisition by H. R. Bright, Individually and as Executor & Trustee of the Estate of Mary Frances Smith Bright, Deceased, and H. G. Schiff, both of 2355 Stemmons Freeway, Dallas, TX. 75207, of control of such rights through the purchase. Applicants' attorney: Wyman C. Knapp, Suite 825, 606 So. Olive Street, Los Angeles, CA 90014. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 10381 (Sub-No. 3), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in Alabama, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 41432 (Sub-No. 150) is a directly related matter.

No. MC–F–13194. Authority sought for purchase by PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, CA., 94607, of a portion of the operating rights of BEST-WAY TRANSPORTATION, 5150 North 16th Street, Suite 232, Phoenix, AZ., 85016, and for acquisition by IU TRANSPORTATION SERVICES, INC., The Wilmington Tower, 1105 N. Market St., Wilmington, DE., 19801 which in turn is controlled by IU INTERNATIONAL CORPORATION, of the same address, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 501 Perpetual Bldg., 1111 "E" St., N.W., Washington, D.C., H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA., 19102, and Phil B. Hammond, 111 West Monroe, 10th Floor, Phoenix, AZ., 85003. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Phoenix, Ariz., and Teec Nos Pos, Ariz., serving all intermediate points; between junction U.S. Highways 89 and 164, and the Arizona-Utah State Line, serving all intermediate points; between Flagstaff, Ariz., and Lupton, Ariz., serving all intermediate points; between Holbrook, Ariz., and Snowflake, Ariz., serving all intermediate points; between Flagstaff, Ariz., and Kingman, Ariz., serving all intermediate points; between Phoenix, Ariz., and Tucson, Ariz., serving all intermediate points; between Florence, Ariz., and Ocotillo, Ariz., serving all intermediate points; between junction U.S. Highways 89 and 93, and Ash Fork, Ariz., serving all intermediate points; between Prescott, Ariz., and Cordes Junction, Ariz., serving all intermediate points. Vendee is authorized to operate as a common carrier in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–13195. Authority sought for purchase by THE NEW BRITAIN TRANSPORTATION COMPANY, 257 Woodlawn Road, Berlin, CT., 06037, of the operating rights and property of CORBIN COACH LINES, INC., 1422 Corbin Avenue, New Britain, CT., 06053, and for acquisition by Donald J. Agostini, Peter R. Agostini and Ronald F. Agostini, all of 257 Woodlawn Road, Berlin, CT., 06037, of control of such rights through the purchase. Applicants' Attorneys: L. C. Major, Jr., 6121 Lincolnia Road, Alexandria, VA., 22312 and Thomas W. Murrett, 342 North Main Street, West Hartford, CT., 06117. Operating rights sought to be transferred: Passengers and their baggage, restricted to traffic originating at the point indicated herein, in special or charter service, as a common carrier over irregular routes from New Britain, Conn., to points and places in Massachusetts, New York, and New Jersey, and return; passengers and their baggage in special operations, in round trip, sight seeing and pleasure tours as a common carrier over irregular routes beginning and ending at New Britain, Plainville and Bristol, Connecticut, and extending to points in Pennsylvania, Virginia, Florida, and the District of Columbia. Vendee is authorized to operate as a common carrier in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, the District of Columbia and Florida. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 61802 (Sub-No. 13), filed March 7, 1977. Applicant: THE COLONIAL TRANSIT COMPANY, INCORPORATED, P.O. Box 508, Fredericksburg, Va. 22401. Applicant's representative: L. C. Majors, Jr., Suite 400 Overlook Office Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Triangle, Va. and Woodbridge, Va., over U.S. 1, and return over the same route, serving all intermediate points.

NOTE.—Applicant's request for authority is directly related to a Section 5(2) finance proceeding in MC–F–13147 published in the FEDERAL REGISTER issue of March 31, 1977, and is filed for the purpose of connecting its present route with the authority sought to be acquired therein. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 99261 (Sub-No. 4), filed March 25, 1977. Applicant: ROOT's EXPRESS, INC., 11 Karlada Drive, Binghamton, N.Y. 13902. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTES: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Binghamton, N.Y. and Syracuse, N.Y., serving all intermediate points, and serving the off-route points of Broome, Chenango, Cortland, Delaware, Monroe, Oneida, Onondaga, Otsego, Sullivan, Tioga and Tompkins Counties, N.Y.: From Binghamton over U.S. Highway 11 and Interstate Highway 81 to Syracuse, and return over the same route; (B) IRREGULAR ROUTES: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Broome County, N.Y., on the one hand, and, on the other, points in Broome, Chenango, Cortland, Delaware, Monroe, Oneida, Onondaga, Otsego, Sullivan, Tioga and Tompkins Counties, N.Y.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in MC–F–13173 published in the FEDERAL REGISTER issue of April 7, 1977. If a hearing is deemed necessary, the applicant requests it be held at Binghamton, N.Y.

ABANDONMENT APPLICATIONS; NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB–6 (Sub-No. 34)]

BURLINGTON NORTHERN, INC., ABANDONMENT OF OPERATIONS BETWEEN EUREKA AND PLEASANT VIEW IN WALLA WALLA COUNTY, WASHINGTON

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Com-

merce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 25, 1977, and served March 7, 1977, a finding which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of operation of that portion of its branch line of railroad extending from Clyde, Washington, northeasterly, to the end of the line at milepost 19.73 at Pleasant View, Washington, a distance of about 7.9 miles, in Walla Walla County, Washington, EXCEPT any of such line at Clyde which serves shippers or consignees at the station. A certificate of abandonment will be issued to the Burlington Northern, Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-7 (Sub-No. 16)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—ABANDONMENT BETWEEN CANNON FALLS AND RED WING, MINNESOTA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by orders entered on August 12, 1976, and March 18, 1977, respectively, a finding, which is administratively final, was made by the Commission, Review Board Number 5, and Division 3, acting as an Appellate Division, stating that, the present and future public convenience and necessity permits the abandonment by the Chicago, Milwaukee, St. Paul & Pacific Railroad Company (a) operating rights on jointly-owned trackage from milepost 72.88 at Cannon Falls, Minnesota, to milepost 94.48 at Red Wing, Minnesota, a total distance of 21.60 miles, and (b) 1.66 miles of exclusively-owned trackage in Cannon Falls, all in Goodhue County, Minnesota, subject to the conditions for the protection of employees, set forth in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700 and subject further to the condition that the grant of authority made herein will not be effective (1) unless, within 120 days of the date of service of the order served March 25, 1977, the Milwaukee Road successfully negotiates with the C&NW or some other responsible organization or person for the continuation of service over the said 1.66 miles of track, and (2) until an appropriate application for authority to operate over such line has been filed with the Commission by the person or organization negotiated with and been granted. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-33 (Sub-No. 9)]

UNION PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN ARNOLD AND STAPLETON, NEBRASKA, IN CUSTER AND LOGAN COUNTIES, NEBRASKA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on February 18, 1977, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Union Pacific Railroad Company of that portion of the Kearney Branch extending from railroad milepost 83.11 near Arnold, Nebraska, in a northwesterly direction to railroal milepost 102.47 near Stapleton, Nebraska, a distance of 19.36 miles situated in Custer and Logan Counties, Nebraska. A certificate of abandonment will be issued to the Union Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financially assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commisison so finds, the issuance of a certificate of abandoment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 111231 (Deviation No. 55), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed April 14, 1977. Carrier's representative: James B. Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 65 (U.S. Highway 31) to junction U.S. Highway Alternate 72 near Decatur, Ala., thence over U.S. Highway Alternate 72 to junction U.S. Highway 45 near Corinth, Miss., thence over U.S. Highway 45 to junction U.S. Highway 45E, thence over U.S. Highway 45E to junction U.S. Highway 51 near Fulton, Ky., thence over U.S. Highway 51 to junction Illinois Highway 3 near Cairo, Ill., thence over Illinois Highway 3 to junction Interstate Highway 255 near Columbia, Ill., thence over Interstate Highway 255 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to St. Louis, Mo., and return over the same route.

No. MC 111231 (Deviation No. 56), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed April 14, 1977. Carrier's representative: James B. Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 75 (using portions of U.S. Highway 41 where Interstate Highway 75 is incomplete) to junction Interstate Highway 24 near Chattanooga, Tenn., thence over Interstate Highway 24 to junction U.S. Highway Alternate 41 near Clarksville, Tenn., thence over U.S. Highway Alternate 41 to junction U.S. Highway 41 near Hopkinsville, Tenn., thence over U.S. Highway 41 to junction Interstate Highway 64 near Evansville, Ind., thence over Interstate Highway 64 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to St. Louis, Mo., and return over the same route.

No. MC 14252 (Deviation No. 1), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, Ohio 43227, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 80 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Interstate Highway 57, thence over Interstate Highway 57 to Champaign, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo, Ohio, over U.S. Highway 25 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 45, thence over U.S. Highway 45 to Champaign, Ill., and return over the same route.

No. MC 14252 (Deviation No. 2), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, Ohio 43227, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 80 to junction Interstate Highway 69, thence over Interstate Highway 69 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Toledo, Ohio, over U.S. Highway 25 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route.

No. MC 14252 (Deviation No. 3), COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, Ohio 43227, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 74 to Champaign, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio over U.S. Highway 127 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 45, thence over U.S. Highway 45 to Champaign, Ill., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 723) (Correction), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed March 23, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From E. St. Louis, Ill., over Interstate Highway 64 to junction Illinois Highway 15 west of Mt. Vernon, Ill., and (2) From junction Interstate Highway 64 and Illinois Highway 15 west of Mt. Vernon, Ill., over Interstate Highway 64 to junction U.S. Highway 41 north of Evansville, Ind., with the following access route: (a) From Mt. Vernon, Ill., over Illinois Highway 37 to junction Interstate Highway 64 south of Mt. Vernon, Ill., and return over the same routes for operating convenience only. The notice indicates that the car-

rier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From E. St. Louis, Ill., over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 177 to junction Illinois Highway 160, thence over Illinois Highway 160 to junction Illinois Highway 15, thence over Illinois Highway 15 to Mt. Carmel, Ill., thence across the Wabash River to junction Indiana Highway 64, thence over Indiana Highway 64 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 64 and return over the same route. The purpose of this correction is to properly describe proposed deviation routes as filed by applicant.

No. MC 1515 (Deviation No. 725) (Cancels Deviation No. 651) GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed April 7, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Council Bluffs, Iowa over Interstate Highway 29 to St. Joseph, Mo., with the following access route: From junction Interstate Highway 29 and Iowa Highway 2, over Iowa Highway 2 to the Iowa-Nebraska State line, thence over Nebraska Highway 2 to Nebraska City, Nebr., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from the Wyoming-Nebraska State line over U.S. Highway 30 to Fremont, thence over U.S. Highway 275 to Omaha, thence over U.S. Highway 6 to the Nebraska-Iowa State line, (2) from the Nebraska-Iowa State line at Council Bluffs, Iowa, over U.S. Highway 6 to the Iowa-Illinois State line, at Davenport, Iowa, (3) from Omaha, Nebr., over U.S. Highway 75 to junction unnumbered highway northwest of Plattsmouth, thence over unnumbered highway to Plattsmouth, thence over U.S. Highway 34 to junction U.S. Highway 75, southwest of Plattsmouth, thence over U.S. Highway 75 to junction U.S. Highway 73 north of Dawson, thence over U.S. Highway 73 to the Nebraska-Kansas State line south of Falls City, (4) from the Nebraska-Kansas State line south of Falls City, Nebr., over U.S. Highway 73 to Hiawatha, Kans., thence over U.S. Highway 36 to the Kansas-Missouri State line, west of St. Joseph, Mo., and (5) from the Kansas-Missouri State line west of St. Joseph, Mo., over U.S. Highway 36 to St. Joseph, thence over Business Loop Interstate Highway 29 to junction Missouri Highway 371, thence over Missouri Highway 371 to Platte City, thence over U.S. Highway 71 to junction Business Route U.S. Highway 71, thence over Business Route U.S. Highway 71 to Kansas City, Mo., and return over the same routes.

No. MC 1515 (Deviation No. 726), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed April 15, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Palm Springs, Calif., over Ramon Rd. to junction Interstate Highway 10, thence over Interstate Highway 10 to Indio, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction U.S. Highway 60 and California Highway 111 (Palm Springs Junction), over California Highway 111 to Indio, Calif., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 77-114-MF/O, filed March 31, 1977. Applicant: ANDY'S FLYING SERVICE, INC., P.O. Box 307, Kenai, Alaska 99611. Applicant's representative: Andrew E. Hoge, 3201 "C" Street, Suite 706, Anchorage, Alaska 99503. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, having a prior or subsequent movement by air and no single parcel shall exceed 1,000 pounds weight, between the Kenai Municipal Airport and points within 25 miles from the boundary of said airport including points within the boundary of said airport. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Alaska Public Utilities Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12099 Filed 4-27-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

THE CAB WILL MEET

TIME AND DATE: 10 a.m.—April 26, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: United States Tour Operators Association, et al. v. Trans World Airlines, Inc. et al., United States District Court for the Southern District of New York, Case No. S.D.N.Y. 77, Civ. 911 (C.E.S.).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board represented to the United State Court of Appeals for the Second Circuit that it would move to intervene in the district court case by April 29. The Bureau of Enforcement wishes to brief the Board in this matter. Accordingly, the following Members have voted that agency business requires that the Board meet and that no earlier notice of the meeting was possible:

Chairman John E. Robson
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member R. Tenney Johnson

The following Members have voted that the meeting will be closed to public observation:

Chairman John E. Robson
Member G. Joseph Minetti
Member Lee R. West
Member R. Tenney Johnson

Vice Chairman Richard J. O'Melia did not participate.

EXPLANATION OF THE CLOSING

This meeting will concern facts and information obtained during the course of an examination of the accounts, records and memoranda of an air carrier. This material is within the provisions of Section 902(f) of the Federal Aviation Act, 49 U.S.C. 1472(f), a statute which exempts this material from public disclosure. The meeting will also include a discussion of investigative records and information gathered by the Bureau of Enforcement, as well as the litigative strategy to be pursued by the Board in this district court case. Disclosure of these records and information would be likely to hinder the Board's enforcement and litigative efforts by prematurely revealing the evidentiary and strategic basis of the Board's case. Accordingly, the Board finds that public observation of this meeting would be likely to disclose matters specifically exempted from disclosure by a statute which refers to particular types of matters to be withheld, would be likely to disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records and would interfere with enforcement proceedings; and would be likely to specifically concern the Board's participation in civil actions or proceedings within the meaning of the exemptions provided under 5 U.S.C. 552b (c)(3)(B), (7)(A) and (10) respectively and 14 CFR § 310b.5(3)(B)(7)(A), and (10) respectively and that the meeting will be closed to public observation.

PERSONS EXPECTED TO ATTEND

BOARD MEMBERS: Chairman John E. Robson, Vice Chairman Richard J. O'Melia, Member G. Joseph Minetti, Member Lee R. West, Member R. Tenney Johnson.

ASSISTANTS TO BOARD MEMBERS: Mr. Howard A. Cohen, Mr. Elias C. Rodriquez, Mr. Frederic D. Houghteling, Mr. Charles M. Palmer, Mr. Robert E. Cohn, Mr. John R. Hancock, Mr. Charles E. Rains, Mr. James L. Casey.

OFFICE OF THE MANAGING DIRECTOR: Dr. Norma Maine Loeser.

BUREAU OF ENFORCEMENT: Mr. Thomas F. McBride, Mr. T. Christopher Browne, Mr. James W. Tello, Mr. Paul Bessel.

OFFICE OF THE GENERAL COUNSEL: Mr. Peter B. Schwarzkopf, Ms. Carol Light.

OFFICE OF THE SECRETARY: Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee.

OTHER: Alderson Reporting Company, Ms. Rose Basiliko.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b (c)(3)(B), (7)(A), and (10) and 14 CFR 310b.5(3)(B), (7)(A), and (10).

JAMES C. SCHULTZ,
General Counsel.

APRIL 22, 1977.

[S-259-77 Filed 4-25-77;4:12 pm]

2

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 11:20 a.m. on Friday, April 22, 1977, by telephone conference call, to consider an application pursuant to section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) for the Corporation's consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank.

The meeting was closed to public observation, and the name of the person and of the bank were exempt from disclosure, by unanimous vote of the Board of Directors pursuant to subsections (c)(6) and (d)(1) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6) and (d)(1)).

The Board also determined by unanimous vote that Corporation business required its consideration of the application on less than seven days' notice to the public.

FEDERAL DEPOSIT INSURANCE CORPORATION
ALAN R. MILLER,
Executive Secretary.

[S-251-77 Filed 4-25-77;9:25 am]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:30 a.m., May 3, 1977.

PLACE: Room 6023, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Request pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of these assets:

Case No. 43,000-L—The Hamilton Bank and Trust Company, Atlanta, Georgia.
Case No. 43,028—Farmers Bank of the State of Delaware, Dover, Delaware.
Case No. 43,034-L—First State Bank & Trust Co., Rio Grande City, Texas.
Case No. 43,035-L—Franklin National Bank, New York, New York.
Case No. 43,037-L—Franklin National Bank, New York, New York.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alen R. Miller, Executive Secretary, 202-389-4446.

[S-267-77 Filed 4-26-77;10:00 am]

4

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:45 a.m., May 3, 1977.

PLACE: Room 6023, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

First Security Bank, to be located at 1240 Maighan Boulevard, Gadsden, Alabama.

Applications for consent to establish branches:

Capital City Bank, Hapeville, Georgia, at 5985 Roswell Road NE., Atlanta, Georgia.
American Bank & Trust Company, Baton Rouge, Louisiana, at 15348 Florida Boulevard, Baton Rouge, Louisiana.
Capital Bank & Trust Co., Baton Rouge, Louisiana, at 11920 Florida Boulevard, Baton Rouge, Louisiana.
The Seamen's Bank for Savings, New York, New York, at 5141 Sunrise Highway, Bohemia (Unincorporated Area), Town of Islip, New York.
The Bowery Savings Bank, New York (Manhattan), New York, at 2522-26 Flatbush Avenue, between Avenues U and V, Borough of Brooklyn, City of New York, New York.
Union Dime Savings Bank, New York (Manhattan), New York, at 1261 Veterans Memorial Highway, in the Village Green Shopping Center, Hauppauge (Unincorporated Area), Town of Islip, New York.
Richmond Hill Savings Bank, Richmond Hill, New York, at 150 North Main Street, southwest corner of Montauk Highway (Route 27-A) and Foster Avenue Extension, Sayville (Unincorporated Area), Town of Islip, New York.

Request for an extension of time in which to relocate a branch:

The Colonial Bank and Trust Company, Waterbury, Connecticut, for an extension of time to April 6, 1978, within which to relocate a branch from Southbury Village Shopping Center to the intersection of Routes I-84 and 67, both within Southbury, Connecticut.

Application for consent to establish four remote service facilities (electronic branches):

Niagara County Savings Bank, Niagara Falls, New York, in Super Duper Supermarkets at Pine Plaza, 8329 Pine Avenue, Niagara Falls, New York; 3861 Union Road (Unincorporated Area), Town of Cheektowaga, New York; 1989 Seneca Street, Buffalo, New York; and Delaware Park Shopping Plaza, 2152 Delaware Avenue, Buffalo, New York.

Application for consent to share a remote service facility:

The Bank of Goodlettsville, Goodlettsville, Tennessee, to share a remote service facility at 100 Oaks Shopping Center, 719 Thompson Lane, Nashville, Tennessee, operated by the Third National Bank of Nashville, Nashville, Tennessee.

Application for consent to merge and establish one branch:

Bank of Madisonville, Madisonville, Tennessee, for consent to merge with Monroe County Bank, Sweetwater, Tennessee, under the charter and title of Bank of Madisonville, and to establish the sole office of Monroe County Bank as a branch of the resultant bank.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidation, or liquidating agent of those assets:

Case No. 42,995-NR—United States National Bank, San Diego, California.
Case No. 43,021-NE—United States National Bank,
Case No. 43,021-NR (Revised)—United States National Bank, San Diego, California.
Case No. 43,024-NR—United States National Bank, San Diego, California.
Case No. 43,030-SR—Franklin Bank, Houston, Texas.
Case No. 43,031-L—Franklin National Bank, New York, New York.
Case No. 43,038-L—Franklin National Bank, New York, New York.
Case No. 43,043-L—Franklin National Bank, New York, New York.
Case No. 43,044-L—Franklin National Bank, New York, New York.
Case No. 43,043-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.
Memorandum re: The First National Bank of Cripple Creek, Cripple Creek, Colorado.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

White and Steele, Denver, Colorado, in connection with the liquidation of Bank of Woodmoor, Woodmoor (P.O. Monument), Colorado.
Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., Tampa, Florida, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.
Powell, Goldstein, Frazer & Murphy, Atlanta, Georgia, in connection with the liquidation of The Hamilton Bank and Trust Company, Atlanta, Georgia.
Sidley & Austin, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.
Cooley, Shrair, Alpert & Labovitz, D.C., Springfield, Massachusetts, in connection with the liquidation of Chicopee Bank and Trust Company, Chicopee, Massachusetts.
Daner, Freeman, McKenzie & Matthews, Mount Clemons, Michigan, in connection with the liquidation of Tri-City Bank, Warren, Michigan.
Squire, Sanders & Dempsay, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.
J. Randolph Pelzer, North Charleston, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.
Meredith & Donnell, Corpus Christi, Texas, in connection with the liquidation of Northeast Bank of Houston, Houston, Texas.

Recommendations with respect to the initiation of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(8), (c)(9)(A)(ii), and (c)(10)).

Report of the Division of Liquidation detailing all disbursements in excess of $10,000.00 and all sales of real estate properties owned, for the period February 16, 1977 through April 16, 1977, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, *Executive Secretary, 202-389-4446*

[SS-268-77 Filed 4-26-77;10:30 am]

5

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 11 a.m., May 3, 1977.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,026-SR—The First State Bank, Vernon, Texas.
Case No. 43,029-NR—United States National Bank, San Diego, California.
Memorandum re: International City Bank and Trust Company, New Orleans, Louisiana.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Schall, Boudreau & Gore, Inc., San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.
Wyatt, Grafton & Sloss, Dr., Louisville, Kentucky, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.
Schumann, Hession, Kennelly & Dorment, Dr., Jersey City, New Jersey, in connection with the liquidation of First State Bank of Hudson County, Jersey City, New Jersey.
Seligman, Maynard & Co., Nassau, Bahamas, in connection with the liquidation of Franklin National Bank, New York, New York.
Taback & Hyans, Jerricho, New York, in connection with the liquidation of Franklin National Bank, New York, New York.
Boyd, Knowlton, Tata and Finley, Columbia, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.
Strasburger, Price, Kelton, Martin & Unis, Dallas, Texas, in connection with the receivership of Sharpstown State Bank, Houston, Texas.
Ross & Stevens, S.C., Madison, Wisconsin, in connection with the liquidation of Algona Bank, Algona, Wisconsin.

Recommendations with respect to the imposition of fines against certain insured State nonmember banks for the late submission of their December 31, 1976 Reports of Condition or Reports of Income.

Memorandum and resolution proposing that the dollar amount of attorneys' fee bills which can be approved by the General Counsel, pursuant to authority delegated by the Board of Directors, be increased from $4,500 to $10,000.

Freedom of Information Act appeal from the denial of a request for records pertaining to Letter of Credit No. 70-266 issued by United States National Bank, San Diego, California—In Receivership.

Recommendation regarding the payment, subject to court approval, of a sixth dividend of 10% to common creditors of Sharpstown State Bank, Houston, Texas—In Receivership.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Report of the Executive Secretary regarding the transmittal of "no significant effect" competitive factor reports.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.
Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-269-77 Filed 4-26-77;10:31 am]

6

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 20881, April 22, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 26, 1977.

CHANGES IN THE MEETING: Addition of P-16, Docket No. ER77-232, Southern California Edison Company.

KENNETH F. PLUMB,
Secretary.

[S-266-77 Filed 4-26-77;9:50 am]

7

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on April 18, 1977.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 26, 1977.

CHANGES IN THE MEETING: Addition of P-15, Docket Nos. ER76-149 and E-9537, Public Service Company of Indiana, Inc.

KENNETH F. PLUMB,
Secretary.

[S-261-77 Filed 4-25-77;4:12 pm]

8

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Sent to FR on April 20, 1977.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., April 27, 1977.

CHANGES IN THE MEETING: The following items have been added to the agenda upon the affirmative vote of Chairman Dunham, Commissioners Smith and Watt.

G-13 Docket Nos. CP74-82 and CP74-83, Utah Gas Service Company. Docket No. CP74-158, Northwest Pipeline Corporation.

M-4 Docket No. RM-74-16, Natural Gas Companies Annual Report of Proved Domestic Gas Reserves FPC Form No. 40.

KENNETH F. PLUMB,
Secretary.

[S-260-77 Filed 4-25-77;4:12 pm]

9

AGENCY HOLDING THE MEETING: Federal Reserve System.

NOTICE OF CHANGE IN TIME OF MEETING

The time of the April 27, 1977, closed meeting of the Board of Governors of the Federal Reserve System at the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C., has been changed from 2:30 p.m. to 9:30 a.m.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, April 25, 1977.

[S-258-77 Filed 4-25-77;3:21 pm]

10

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission.

[Notice No. 6-77]

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

DATE, TIME AND SUBJECT MATTER

Tuesday, May 10, 1977, at 10 a.m. Oral Hearings on objections to decisions issued under the Hungarian Claims Program.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. 20579. Telephone: 202-653-6156.

Dated at Washington, D.C. on April 25, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-270-77 Filed 4-26-77;11:35 am]

11

AGENCY HOLDING THE MEETING: United States International Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19953.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., April 25, 1977.

CHANGES IN THE MEETING:

Entire discussion under agenda item No. 7 on reorganization, previously an-

nounced as being part open to public observation and part closed to the public, has been closed to the public.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202–523–0161.

[S–257–77 Filed 4–25–77;1:32 pm]

12

AGENCY HOLDING THE MEETING: United States International Trade Commission.

ADDITIONAL AGENDA ITEMS

At its meeting of April 22, 1977, the United States International Trade Commission, acting on the authority of 19 U.S.C. 1335 in conformity with 19 C.F.R. 201.37, voted to add the following items to its agenda for the meeting of April 25, 1977:

8. Swimming pools.

9. Cattle and beef.

Commissioners Leonard, Moore, Bedell, and Ablondi voted that Commission business requires the change in subject matter by addition of item 8, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earliest practicable time. Commissioners Minchew and Parker did not participate in the vote. Commissioners Parker, Leonard, Moore, Bedell, and Ablondi voted that Commission business requires the change in subject matter by the addition of agenda item 9, affirmed that no earlier announcement of the addition to this agenda was possible, and directed the issuance of this notice at the earliest practicable time. Commissioner Minchew did not participate in the vote.

On the authority of 19 U.S.C. 1335 and in conformity with 19 C.F.R. 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: April 22, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[S–265–77 Filed 4–25–77;4:29 pm]

13

AGENCY HOLDING THE MEETING: United States International Trade Commission.

ADDITIONAL PERSONS EXPECTED TO BE PRESENT AT CLOSED PORTION OF MEETING OF APRIL 22, 1977

At its meeting of April 22, 1977, the Commission acting on the authority of 19 U.S.C. 1335 and in conformity with 19 C.F.R. 201.35 (b) and (e) (1), voted unanimously to amend the portion of its public notice for the meeting of April 22, 1977, which pertains to the selection of personnel under reorganization in closed session. The following person and his corresponding affiliation is added to the list of those expected to be present during the closed portion of the meeting:

Charles A. Hamilton, Assistant to Commissioner Bedell.

Issued: April 22, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[S–264–77 Filed 4–25–77;4:29 pm]

14

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 9:30 a.m., Thursday, May 5, 1977 (NM–77–7).

PLACE: Conference Rooms 8A, B, and C, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. *Letter.* To Allied Pilots Association re Nocturnal Noise Abatement Procedures at Logan International Airport.

2. *Letter.* To Senator Magnuson re S.682, a Bill to Amend the Ports and Waterways Act of 1972, Increase the Use of U.S. Vessels to Carry Imported Oil, and for Other Purposes.

3. *Recommendation.* To FAA re Testing for Alcohol in Surviving Pilots of Airplane Accidents.

4. *Discussion* re Interbureau Coordination of Safety Board Documents.

5. *Discussion* re Release of Marine Casualty Reports.

6. *Discussion* re Mass Transit Expertise.

7. *Discussion* re Release of ATC Tapes in NTSB Accident Investigations Prior to Public Hearings.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202–755–4930.

[S–263–77 Filed 4–25–77;4:29 pm]

15

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 2:30 p.m., Thursday, May 5, 1977 (NM–77–8).

PLACE: Conference Rooms 8A, B, and C, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. *Opinion and Order.* Administrator v. Thomas, Docket No. SE–3052; Disposition of Administrator's Appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202–755–4930.

[S–262–77 Filed 4–25–77;4:29 pm]

16

AGENCY HOLDING THE MEETING: The Nuclear Regulatory Commission.

DURING THE WEEK OF APRIL 25, 1977

(CHANGE NOTICE)

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies additional meetings scheduled for the Week of April 25, 1977.

ADDITIONAL CLOSED MEETINGS

By unanimous vote on April 22, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that these agenda items be held on less than one week's notice to the public. The need for the NRC Authorization Bill meeting did not arise until April 22, and immediate discussion is required. Review time in the Adjudicatory Review expires April 27, and it had not been possible to schedule a vote meeting until today.

On Friday, April 22, 1977, the Nuclear Regulatory Commission (all members participating) voted unanimously to hold the following closed meetings:

Monday, April 25.—3:30 p.m., NRC Authorization Bill, (Authority to close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(9)(B) and 10 CFR §§ 9.105(a) and 9.104(a)(9)).

The meeting will include discussion of possible testimony before Congress.

Tuesday, April 26.—10 a.m., consideration of Adjudicatory Review of ALAB–390 (NEP and Seabrook). (Authority to close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(10) and 10 CFR §§ 9.105(a) and 9.104(a)(10))

The meeting will involve Commission review of a formal agency adjudication. Attendees at both meetings will include the Commissioners and their staff, P. Strauss the General Counsel, and members of his office, B. Huberman, the Director of the Office of Policy Evaluation and members of his staff, S. Chilk, the Secretary, and members of his staff.

The meetings will be held in the Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: 634–1410.

Dated at Washington, D.C. this 22nd day of April, 1977.

For the Commission.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S–256–77 Filed 4–25–77;11:12 am]

17

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: 4 p.m., Monday, April 25, 1977.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of Proposed Agency Testimony on H.R. 3254 (Exemption 9).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

WALTER MAGEE,
Chief, Operations Branch.

APRIL 25, 1977.

[S–275–77 Filed 4–26–77;3:26 pm]

18

AGENCY: HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: May 2 and 3, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Some of these meetings will be open to the public; others will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

Monday, May 2.—10 a.m. Oral Argument—Houston Light and Power.

3:30 p.m. Action Plan for Implementation of State Liaison Officer (SLO) Concept.

Tuesday, May 3.—10 a.m. Discussion of Format for Final S–3 Rulemaking.

10:55 a.m. Affirmation of Commission action on: Statement of Organization & Functions for the Executive Director for Operations.

Amendment to 10 CFR Part 35: Human Uses of Byproduct Material, "Specific Licenses for Human Use of Byproduct Material in Sealed Sources."

Publication in Effective Form of 10 CFR Part 1: Statement of Organization and General Information.

Resource Requirements and Alternatives for NRC Implementation of Proposed 10 CFR 21.

Succession to Head NRC in an Emergency.

NRC and International Physical Protection Standards.

Safeguards Contingency Plans.

(The affirmations will consist of votes on matters previously reviewed individually by the Commissioners and are expected to take no more than five minutes.)

11 a.m. Briefing on Future Course of GESMO.

PORTIONS CLOSED TO THE PUBLIC

Monday, May 2.—9:30 a.m. and 1:30 p.m. Discussion of Houston Light and Power (Exemption 10).

2:30 p.m. Discussion of Commission Legislative Program (Exemption 9).

Tuesday, May 3.—1 p.m. Briefing on Possible Classified and Litigation Aspects of GESMO (if required) (Exemptions 1 and 10).

1:30 p.m. Briefing on Development of a Consistent Physical Security Approach in Export Licensing Reviews (Exemption 1).

2:30 p.m. Discussion of Commission Testimony on S. 897—Non-Proliferation Act (Exemption 9).

3:30 p.m. Discussion of Sufficiency of Safeguards (Exemptions 1, 4, 6).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

WALTER MAGEE,
Chief, Operations Branch.

APRIL 25, 1977.

[S–276–77 Filed 4–26–77;3:26 pm]

19

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580–3, April 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 21, 1977.

CHANGE IN THE MEETING: Item 12 of the April 1 notice, relating to Foreign Financial Institutions has been deleted from the calendar because the Chairman and a principal staff member were called away to testify at a congressional hearing and a criminal trial respectively.

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to approve the above change.

Dated: April 21, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S–271–77 Filed 4–26–77;2:08 pm]

20

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580–3, April 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 20, 1977.

CHANGE IN THE MEETING: Item 2—Recommendation that the Commission authorize release stating its policies with respect to the release of Wells submissions under the Freedom of Information Act. Because of the need for additional staff consideration of this matter it has been deleted from the agenda.

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to approve the above change.

Dated: April 19, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S–272–77 Filed 4–26–77;2:08 pm]

21

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Wednesday, May 4, 1977 at 10 a.m. (originally scheduled for May 5, 1977).

PLACE: 1325 K Street, NW., Washington, D.C. 20463.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTION OF MEETING OPEN TO THE PUBLIC

I. Future meetings.

II. Correction and approval of minutes of April 21, 1977.

III. Certification for matching funds.

IV. Advisory opinions. A. AO 1977–13 (if not finalized on April 28). B. AO 1977–15.

V. Budget Execution Report.

VI. FEC computer program recommendations.

PORTION OF MEETING CLOSED TO THE PUBLIC

VII. Executive Session. A. Compliance matters. B. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fike, Press Officer, telephone: 202–523–4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S–273–77 Filed 4–26–77;2:08 pm]

22

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

THE CAB WILL MEET

TIME AND DATE: 10 a.m.—April 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 1. Docket 30310, Petition of Air Illinois, Inc. et al. for rulemaking to establish simplified certification process for commuter air carriers.

2. Petition of Allegheny Airlines Inc. for review of staff action denying authority to operate a series of single entity "gambling" flights.

3. Docket 29096, Application of Ozark Air Lines, Docket 29489, Application of Bahamas Amusements, Ltd., Petition for reconsideration of Order 76–3–86.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S–283–77 Filed 4–26–77;4:41 pm]

23

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

THE CAB WILL MEET

TIME AND DATE: 10 a.m.—May 3, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Docket 29648, Application of Air New England for an amendment of its certificate to effect a formal distinction between it and the trunkline and local service carriers.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202–673–5068.

[S–284–77 Filed 4–26–77;4:41 pm]

federal register

THURSDAY, APRIL 28, 1977

PART II

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

■

FROZEN STRAWBERRIES; CANNED CLINGSTONE PEACHES AND TABLE MAPLE SIRUP

United States Standards for Grades

VOL. 42 NO. 82

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This second proposed rule would change the grading standards for frozen strawberries. This action is being taken at the request of the American Frozen Food Institute. The effect of this second proposal would be to extend the time for comments to previously proposed changes in the standards.

DATE: Comments, in duplicate, must be received on or before October 30, 1977.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

A notice of proposed rulemaking to revise the United States Standards for Grades of Frozen Strawberries was published in the FEDERAL REGISTER of July 9, 1976 (41 F.R. 28291). Interested persons were given until August 31, 1976 to submit written data, views, and comments regarding the proposal.

Comments were received from eight persons representing two frozen strawberry processors, five individual consumers, and one national association regarding the proposal.

Comments from two of the consumers expressed agreement with the more restrictive requirements proposed for disintegrated and mushy strawberries. One of these favored the attributes approach on the basis that it provides for a greater degree of reliability for acceptance sampling. Three consumers expressed concern regarding artificial coloring in frozen strawberries. Neither the current USDA grade standards for frozen strawberries nor the proposed revision provides for the addition of artificial or natural coloring.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

The two frozen strawberry processor representatives opposed the attributes concept, basically on the grounds that it is too complicated. Some of the objections raised by one of these pertained to the International Standards for Quick Frozen Strawberries issued by the Codex Alimentarius Commission FAO/WHO and the proposed standards of identity and quality published by the Federal Food and Drug Administration. The subject matter objected to was not a part of the proposed USDA grade standard for frozen strawberries.

The comment from the national association, The American Frozen Food Institute, which represents the majority of the frozen strawberry packers in the United States suggested a second proposal be published to give interested persons additional time to become familiar with the attributes concept and to study the proposed changes. The justification offered was that the period from July 9, 1976, to October 31, 1976, was not adequate for a reliable study since the season for the production of frozen strawberries was over in many areas before or shortly after the July 9, 1976, publication date of the proposal.

After careful consideration of all comments received pertaining to the first proposed revision the Department is offering a second proposal to give interested persons additional time to become familiar with the attributes concept and study the proposed changes. The second proposal is basically the same as the first except for some minor editorial changes and except that the character factor for the styles of halved and sliced is made a prerequisite quality factor instead of a classified defect. The acceptable quality levels (AQL's) have been adjusted slightly from the first proposal to make the lot inspection plan and the on-line inspection plan more compatible. In addition a separate compliance procedure for unofficial samples would be added.

The proposed revision of §§ 52.1981–52.1989 is as follows:

Subpart—United States Standards for Grades of Frozen Strawberries

Sec.

52.1981 Product description.
52.1982 Styles.
52.1983 Definition of terms.
52.1984 Sample unit size.
52.1985 Grades.
52.1986 Factors of quality and grade compliance.
52.1987 Sample size.
52.1988 Compliance with quality requirements.
52.1989 Compliance for unofficial samples.

* * * * *

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended; 7 U.S.C. 1622, 1624.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.1981 Product description.

Frozen strawberries means the product represented as defined in the proposed Standards of Identity for Frozen Strawberries which were published in the FEDERAL REGISTER of October 4, 1974 (39 FR 35809) pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1982 Styles.

(a) *"Whole"* means frozen strawberries that are essentially intact.

(b) *"Sliced"* means frozen strawberries produced by slicing whole strawberries into slices such that the majority of the slices have two approximately parallel cut surfaces.

(c) *"Halves"* means frozen strawberries that have been cut into two approximately equal parts.

§ 52.1983 Definition of terms.

(a) *Absolute Limit (AL).* Limit for maximum number of defects permitted in a sample unit.

(b) *Acceptable Quality Level (AQL).* A nominal value expressed in percent defective or defects per hundred units, whichever is applicable, specified for a given class of defects such that the sampling plan will result in acceptance of 95 percent of submitted inspection lots containing the percentage of defective items or defects per hundred units.

(c) *Acceptance Limit* (denoted by the symbol "L"). As used in the cumulative sum (Cusum) sampling plans, acceptance limit is the maximum allowable accumulation of defects exceeding the sample unit tolerance (T) in any sample unit or any consecutive number of sample units.

(d) *Character.* Character refers to the firmness, the degree of seediness, and degree of disintegration.

(1) *Disintegrated.* Means—

(i) With respect to whole strawberries:

(A) A whole strawberry that is smashed or crushed to the extent that it has completely lost resemblance to its orginal conformation due to crushing; or

(B) A whole strawberry that is so soft as to be a pulpy mass.

(ii) With respect to halved and sliced style, mushy units or portions thereof that are so soft as to be a pulpy mass or have separated into small pieces which have no conformation.

(2) *Seedy.* Means a strawberry in which the seeds have become abnormally enlarged and are present in such quantity as to materially affect the eating quality.

(e) *Chips.* In whole strawberries means a portion or small piece that has been broken or severed from a whole strawberry and is approximately one fourth or less of an average apparent whole strawberry.

(f) *Color.* Color refers to the degree of redness of the individual strawberries characteristic of the variety, and to the brightness and overall color appearance of the sample unit.

(1) *Well colored.* The outer uncut surface of the individual strawberry units is a pinkish-red to intense red color and free from any grayish or brownish cast. Such color includes the whitish or light colored areas around the stem cavity that do not extend over the shoulder of the strawberries.

(2) *Fairly well colored.* The outer uncut surface of the individual strawberry units is a reddish-pink to pale pink, and may possess a slight grayish or brownish cast. Such units may possess white, pinkish-white or green areas that do not exceed 25 percent of the outer uncut surface area, exclusive of the stem cavity, in the case of whole strawberries and 50 percent of the outer uncut surface in the case of sliced or halved strawberries.

(3) *Partially uncolored (whole strawberries only).* Not less than 25 percent and not more than 75 percent of the outer uncut surface is a white, pinkish-white or green color.

(4) *Completely uncolored (whole strawberries only).* More than 75 percent of the outer uncut surface is a white, pinkish-white or green color.

(5) *Uncolored (sliced, halved).* Fifty percent or more of the outer uncut surface is a white, pinkish-white or green color.

(6) *Materially darkened.* Strawberries that are materially darkened due to over-maturity and are a blackish-red or brownish-red color.

(g) *Cumulative sum sampling plan* (denoted by the term "Cusum"). An on-line sampling plan which accumulates number of defects in a sample that exceed a specific sample unit tolerance. A portion of production is acceptable (meets grade requirements) if the cumulative sum of defects that exceed the sample unit tolerance does not exceed the specified acceptance limit.

(h) *Damaged (other than mechanical damage).* A strawberry, or portion thereof, that is damaged by sunburn, insect bites or bird pecks to the extent that the appearance or eating quality is materially affected.

(i) *Defects.* Any specifically defined variation from a particular requirement. Defects are classified as "minor" "major", "severe" and "critical".

(j) *Extraneous vegetable material (measurable by area).* Harmless vegetable substances such as calyces and leaves or portions thereof.

(k) *Extraneous vegetable material (not measurable by area).* Harmless vegetable substances such as strawberry vines, weeds, weed seeds, grass and any portions thereof.

(l) *Grit, sand or silt.* Any particles of earthly material.

(m) *Mechanical damage.* In the case of whole strawberries means a unit that is less than 90 percent intact but not less than 25 percent of an apparent whole strawberry.

(n) *Not normally developed.* A strawberry or portion thereof that is affected by a hard, seedy or deformed end to the extent that the appearance or eating quality is adversely affected:

(1) Materially; or

(2) Seriously.

(o) *Sample.* The number of sample units to be used for inspection of a lot.

(p) *Sample unit.* The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(q) *Sample unit tolerance* (denoted by the symbol "T"). As used in the cumulative sum (CUSUM) sampling plans is the allowable number of defects in any sample unit.

(r) *Small size strawberry.* Means a strawberry of which the greatest dimension measured at right angles to a straight line extending from the stem to the apex is less than 16 mm (0.62 in).

(s) *Stem.* A stem that attaches the strawberry to the plant that is either loose or attached and is longer than 3 mm (0.12 in).

(t) *Unit.* A whole strawberry or half or slice of a strawberry.

§ 52.1984 Sample unit sizes.

(a) Compliance with requirements for factors of quality and style (whole style only) is based on the following sample unit sizes:

(1) Whole strawberries with or without a packing medium—100 berries.

(2) All other styles—650 g (22.9 oz) total product (Strawberries plus packing medium).

(b) In the style of whole, each piece of a disintegrated and mechanically damaged berry is counted as one berry—pieces are not reassembled to an apparent whole berry.

(c) Chips, in whole style, detached stems and other extraneous material are not included in the count or weight of the sample unit size. Such chips and extraneous material are considered part of the sample unit:

(1) When they are in a container whose entire contents are included in the sample unit;

(2) When they are in the last of several containers included in the sample unit and 50 percent or more of the contents are required for the sample unit. None of the chips and extraneous material in the last of several containers is considered part of the sample unit when less than 50 percent of its contents are required for the sample unit; and

(3) When they are commingled with all of the product required for the sample unit and such product is taken from, but is not the entire contents of a single container.

§ 52.1985 Grades.

(a) *"U.S. Grade A"* is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a bright, overall color appearance;

(iii) Are practically free from grit, sand or silt;

(iv) In whole style, have not more than 5 cm^3 (equivalent of 1 cm×5 cm or 0.775 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 2.5 cm^3 (equivalent of 1 cm×2.5 cm or 4.388 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 65 g (2.29 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 12 g (.4 oz) of chips;

(2) With respect to whole style the number of "small size" berries does not exceed the Absolute Limit (AL value) and/or acceptance values in table I in the case of lot inspection, or in table Ia. in the case of on-line inspection; and

(3) Is within the limits for defects as classified in table II or III and specified for Grade A in table IV or V as applicable for the styles, in the case of lot inspection, or table IVa, or Va in the case of on-line inspection.

(b) *"U.S. Grade B"* is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a reasonably good overall color appearance;

(iii) Are reasonably free from grit, sand or silt;

(iv) In whole style, have not more than 12 cm^3 (equivalent of 1 cm×12 cm or 1.86 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 5 cm^3 (equivalent of 1 cm×5 cm or 0.775 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 162.5 g (5.74 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 25 g (.9 oz) of chips; and

(2) Is within the limits for defects as classified in table II or III and specified for grade B in table IV or V as applicable for the style, in the case of lot inspection, or in table IVa or Va in the case of on-line inspection.

(c) *"U.S. Grade C"* bulk pack intended for remanufacture only (in containers with more than 2.7 kg (6 lb) net weight) is the quality of frozen strawberries that:

(1) Meets the following prerequisites in which the strawberries:

(i) Have a normal flavor and odor;

(ii) As a mass possess a fairly good overall color appearance;

(iii) Are fairly free from grit, sand or silt;

(iv) In whole style, have not more than 13 cm^3 (equivalent of 1cm×13 cm or 2.02 sq in) of extraneous vegetable material, and in sliced and halved styles, not more than 7 cm^3 (equivalent of 1 cm×7 cm or 1.09 sq in) of extraneous vegetable material;

(v) In sliced and halved styles, have not more than 260 g (9.19 oz) of disintegrated and seedy berries; and

(vi) In whole style, have not more than 125 g (4.4 oz) of chips; and

(2) Is within the limits for defects as classified in table II or III and specified for grade C in table IV or V as applicable for the style, in the case of lot inspection, or in table IVa or Va in the case of on-line inspection.

(d) *"Substandard"* is the quality of frozen strawberries that fail to meet the requirements for "U.S. Grade B" (consumer pack containers 2.7 kg (6 lb) or less) or "U.S. Grade C" (bulk pack intended for remanufacturing only in containers with more than 2.7 kg (6 lb) net weight).

§ 52.1986 Factors of quality and grade compliance.

(a) *Factors of quality.* The grade of a lot of frozen strawberries is based on compliance with requirements for the following quality factors:

(1) Flavor and odor (a prerequisite);

(2) Size (for whole style in Grade A only with respect to small size strawberries);

(3) Freedom from grit, sand, or silt (a prerequisite);

(4) Overall color appearance as a mass (a prerequisite);

(5) Color (individual units);

(6) Workmanship;

(7) Character (a prerequisite for halved and sliced style); and

(8) Chips (a prerequisite for whole style).

(b) *Grade compliance.* Defects are classified as minor, major, severe or critical in table II or III as applicable. Each "X" mark represents one defect. Compliance with requirements for the various grade classifications are specified in table I, IV, V, Ia, IVa, Va, VI, VII or VIII as applicable.

TABLE I.—*Allowances for "small size" whole strawberries (grade A only) sample unit size, 100 berries lot inspection*

Absolute limit (AL)	9

Number of sample units	Number of berries	Number "small size" berries
3	300	15
6	600	27
13	1,300	53
21	2,100	82
29	2,900	110
38	3,800	142
48	4,800	177
60	6,000	218
Acceptable quality level (AQL)		3.25

TABLE Ia.—*CUSUM Sampling plan on-line inspection*

	Allowances for "small size" berries	
	T	L
	4	3
AQL	3.25	

TABLE II.—*Classification of defects, whole*

Quality factors	Defects	Classification		
		Minor	Major	Severe
Color	Fairly well colored (in grades A and B)	X		
	Partially uncolored and materially darkened		X	
	Completely uncolored			X
Workmanship	Not normally developed (affected):			
	Materially		X	
	Seriously			X
	Damaged (other than mechanical)		X	
	Stems		X	
	Extraneous vegetable material: Not measurable by area			X
	Mechanical damage	X		
Character	Disintegrated berries; seedy berries	X		

TABLE III.—*Classification of defects, halved, sliced*

Quality factors	Defects	Classification		
		Minor	Major	Severe
Color	Fairly well colored (in grades A and B only)	X		
	Uncolored and materially darkened		X	
Workmanship	Not normally developed (affected):			
	Materially		X	
	Seriously			X
	Damaged			X
	Stems			X
	Extraneous vegetable material: Not measurable by area			X

TABLE IV.—*Grade compliance, whole lot inspection*

		Grade A			Grade B			Grade C		
Absolute limit (AL)		23	10	6	42	23	10	50	28	17
Number of sample units	Number of units	Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
3	300	48	18	8	96	48	18	115	59	32
6	600	89	32	14	183	89	32	221	112	59
13	1,300	183	64	27	382	183	64	463	232	121
21	2,100	289	99	41	606	289	99	736	366	189
29	2,900	394	134	54	829	394	134	1,008	499	257
38	3,800	511	172	69	1,079	511	172	1,312	649	333
48	4,800	640	215	86	1,355	640	215	1,649	814	416
60	6,000	795	266	105	1,686	795	266	2,053	1,011	516
Acceptable quality level (AQL)		12.50	4.0	1.50	27.0	12.50	4.0	33.0	16.0	8.0

[1] Total=Minor plus major plus severe.

TABLE IVa.—*Cusum sampling plan on-line inspection*

	Grade A				Grade B				Grade C			
	Total[1]		Major		Severe		Total[1]		Major		Severe	
	T	L	T	L	T	L	T	L	T	L	T	L
	14	7	5	3	2	2	30	10	14	7	5	3
AQL	12.50		4.0		1.50		27.0		12.50		4.0	

	Grade C					
	Total[1]		Major		Severe	
	T	L	T	L	T	L
	36	12	18	8	9	5
AQL	33.0		16.0		8.0	

[1] Total=minor plus major plus severe.

TABLE V.—*Grade compliance lot inspection sliced; halved (color; workmanship)*

			Grade A			Grade B			Grade C		
Absolute limit (AL)			28	14	12	47	26	23	42	36	28
No. of sample units	Weight of product		Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
	Grams	Ounces									
3	1,950	69	59	25	21	107	54	49	96	81	69
6	3,900	138	112	49	38	205	102	91	184	158	112
13	8,450	299	232	98	75	428	210	188	385	319	232
21	13,650	482	366	153	117	680	331	296	611	506	366
29	18,850	666	499	208	159	930	451	403	835	692	499
38	24,700	873	649	269	205	1,211	586	523	1,086	899	649
48	31,200	1,102	814	336	255	1,522	734	655	1,365	1,129	814
60	39,000	1,378	1,011	416	316	1,894	912	814	1,698	1,404	1,011
Acceptable quality level (AQL)			10.0	4.0	3.0	19.0	9.0	8.0	17.0	14.0	10.0

[1] Total=minor plus major plus severe.

TABLE Va.—*Cusum sampling plan on-line inspection*

	Grade A				Grade B				Grade C			
	Total[1]		Major		Severe		Total[1]		Major		Severe	
	T	L	T	L	T	L	T	L	T	L	T	L
	18	8	8	4	6	4	32	11	16	7	14	7
AQL	10.0		4.0		3.0		19.0		9.0		8.0	

	Grade C					
	Total[1]		Major		Severe	
	T	L	T	L	T	L
	30	10	24	9	18	8
AQL	17.0		14.0		10.0	

[1] Total=minor plus major plus severe.

§ 52.1987 Sample size.

The sample size to determine compliance with requirements for the prerequisites specified in § 52.1985 and other quality factors shall be as specified in the sampling plan in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§ 52.1–§ 52.83).

§ 52.1988 Compliance with quality requirements.

(a) *Lot inspection.* A lot of frozen strawberries is considered as meeting the requirements for quality if:

(1) The requirements for the prerequisite quality factors specified in § 52.1985 for the applicable grade are met;

(2) The number of defects does not exceed the AL value and the cumulative acceptance values for the various classifications specified in table IV or V, as applicable for the style; and

(3) In the case of whole style for grade A only, the number of "small size" berries does not exceed the AL value and the cumulative acceptance value specified in table I.

(b) *On-line inspection.* A production or any portion is considered as meeting requirements for quality if:

(1) The requirements for the prerequisite quality factors specified in § 52.1985 for the applicable grade are met;

(2) The "L" values in table IVa or Va, as applicable for the style, are not exceeded; and

(3) In the case of whole style for the grade A only, the number of "small size" berries does not exceed the "L" value in table Ia.

§ 52.1989 Compliance for unofficial samples.

(a) Compliance for unofficial sample units submitted for quality evaluation will be treated individually and each sample unit must comply with the allowance values for "small size" berries in whole style in paragraph (b) and for grade in paragraph (c) and (d) of this section. The sample unit size shall be as specified in § 52.1984.

(b) Compliance with "small size" berries—whole style—Grade A only.

TABLE VI.—*Size (whole—grade A only)*

	Number of units	Allowance for small size berries
Each sample unit	100	6

(c) Compliance for grade (Whole).

TABLE VII.—*Whole*

	Number of units	Grade A			Grade B			Grade C		
		Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
Each sample unit	100	14	5	2	30	14	5	35	18	9

[1] Total = minor plus major plus severe.

(d) Compliance for grade (sliced; halved).

TABLE VIII.—*Sliced; halved (color; workmanship)*

	Weight of product		Grade A			Grade B			Grade C		
	Grams	Ounces	Total[1]	Major	Severe	Total[1]	Major	Severe	Total[1]	Major	Severe
Each sample unit	680	22.9	15	8	6	32	16	14	30	2[1]	18

[1] Total = minor plus major plus severe.

WILLIAM T. MANLEY,
Acting Deputy Administrator Commodity Operations.

[FR Doc.77-11674 Filed 4-27-77;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED CLINGSTONE PEACHES[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would change the grading standards for canned clingstone peaches. This action is being taken at the request of the Canners League of California. The effect of this proposal would be to improve the standards.

DATE: Comments, in duplicate, must be received on or before March 1, 1978.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250. Comments available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202-447-4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

A proposed revision of the United States Standards for Grades of Canned Clingstone Peaches, which would convert the current score points variable-type standard to an attributes standard based on statistical principles, was suggested by the standards committee of the Canners League of California. This request is based on the results of a comprehensive study of a preliminary draft of an attributes grade standard for canned clingstone peaches, also requested by the aforementioned standards committee, conducted by the Department of Agriculture in 1976.

In compliance with the request from the standards committee, the Department is proposing a revision of the United States Standards for Grades of Canned Clingstone Peaches which would:

1. Convert the current score points variables standard to an attributes standard based on statistical principles;

2. Eliminate the score points since the attributes approach is a go no-go approach;

3. Eliminate the alternate grade nomenclature of "Fancy," "Choice" and "Standard" from the various grade classifications, retaining only the letter grades of U.S. Grade A, B, and C;

4. Provide for two separate inspection plans—one designed specifically for fixed lot inspection (after the product has been produced) and one designed specifically for on-line inspection (during production). The two cannot be used interchangeably but are both set to the same quality levels for each grade classification;

5. Eliminate minimum size requirements for individual units of halves and quarters;

6. Eliminate the maximum size variation requirements for the styles of whole, halves, and quarters in Grade C only. Size variation requirements would be retained for Grades A and B;

7. Change size variation requirements for the styles of whole, halves, and quarters in Grades A and B from a weight basis to a diameter basis since peaches are sized according to diameters rather than weight;

8. Provide for various defect classifications according to severity on frequency of occurrence classified as minor, major, severe, and critical, with descending allowances starting with the more liberal allowances for less severe or minor defects to more restrictive allowances for the more severe defects; and

9. Provide for separate acceptance criteria for unofficially submitted samples. These are single sample units that do not represent a lot.

The standards committee has requested at least one year from date of publication of the proposal to become acquainted with the new attributes concepts and evaluate its effect on production and quality control operations.

The proposed revision of §§ 52.2561-52.2564 and §§ 52.2569-52.2575 is as follows:

Sec.
52.2561 Product description.
52.2562 Styles.
52.2563 Definition of terms and symbols.
52.2564 Sample unit sizes.
52.2565 through 52.2568 not under study.
52.2569 Grades.
52.2570 Factors of quality.
52.2571 Classification of defects.
52.2572 Tolerances for grade compliance.
52.2573 Sample size.
52.2574 Compliance with quality requirements.
52.2575 Compliance for unofficial samples.

* * * * *

(AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090; 7 U.S.C. 1622, 1624).

§ 52.2561 Product description.

Canned clingstone peaches is the product represented as defined in the standard of identity for canned peaches (21 CFR 27.2 and 27.6) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned peaches" or "canned clingstone peaches" include "canned yellow clingstone peaches," "canned spiced yellow clingstone peaches," canned "solid-pack yellow clingstone peaches" and "canned artificially sweetened yellow clingstone peaches" as defined in the aforesaid standards of identity.

§ 52.2562 Styles.

(a) "Halves" or "Halved" consists of peeled and pitted peaches cut approximately in half along the suture from stem to apex.

(b) "Halves and pieces" consists of peeled and pitted peaches in which the halves will be more than 50 percent, by weight.

(c) "Quarters" or "Quartered" consists of halved peaches cut into two approximately equal parts.

(d) "Slices" or "Sliced" consists of peeled and pitted peaches cut into wedge-shaped sectors.

(e) "Dice" or "Diced" consists of peeled and pitted peaches cut into cube-like parts.

(f) "Whole" consists of peeled, unpitted whole peaches with or without stems removed.

(g) "Pieces" or "Irregular pieces," or "Mixed pieces of irregular sizes and shapes," consists of peeled, pitted peaches of irregular sizes and shapes.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.2563 Definitions of terms and symbols.

(a) *Absolute limit (AL).* Means the maximum number of defects permitted in a sample unit.

(b) *Acceptable Quality Level (AQL).* Means the maximum percent defective units or the maximum number of defects per hundred units that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) *Acceptance Limit* (denoted by the symbol "L") as used in the cumulative sum (Cusum) sampling plans, is the maximum allowable accumulation of defects exceeding the sample unit tolerance (T) in any sample unit or any consecutive number of sample units.

(d) *Blemished* means any unit which is affected by scab, hail injury, or discoloration to the extent that the appearance or eating quality is affected:

(1) Not more than slightly;

(2) Materially; or

(3) Seriously.

(e) *Character* refers to the texture and tenderness of the product as follows:

(1) *Good character.* (i) *Halves; halves and pieces; quarters; sliced; pieces or irregular pieces.* The units possess at least a reasonably tender and fleshy texture typical of properly prepared and processed peaches and may be no more than slightly frayed.

(ii) *Diced.* The product generally possesses at least a reasonably tender texture typical of properly prepared and processed peaches; the units are intact and not excessively frayed.

(iii) *Whole.* The units possess a texture typical of properly prepared and processed peaches; the units are at least reasonably tender or the tenderness may be variable within the unit; the units may be slightly hard or slightly soft but are not mushy.

(2) *Fairly good character.* (i) *Halves; halves and pieces; quarters; sliced; pieces or irregular pieces.* The units possess a texture typical of properly prepared and processed peaches; the units may be fairly fleshy and fairly tender and may lack uniformity of tenderness. The units may be soft and/or frayed or may be markedly firm, but not excessively so.

(ii) *Diced.* The product generally possesses a fairly tender texture typical of properly prepared and processed peaches. The units are intact and not excessively frayed.

(iii) *Whole.* The units possess a fairly tender texture typical of properly prepared and processed peaches, the units may be lacking in uniformity of tenderness and may be markedly firm or markedly ragged or soft.

(3) *Poor character.* (All styles). The units are excessively soft or mushy or are excessively hard.

(f) *Color.* (1) *General.* The color of canned clingstone peaches other than canned "spiced" peaches refers to the predominant and characteristic color on the surface of whole units, and the outside surfaces of other units, except the cut surfaces of such units are also considered when adversely affected by discoloration. Units other than whole on which the pit cavity is abnormally discolored are considered as blemished.

In canned spiced peaches the color shall be normal.

(2) *Good color* means peach units that are equal to or better than light orangish-yellow. The units may possess slight discoloration due to oxidation, pigmentation, or other causes that do not more than slightly affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is bright and no more than slightly affected by oxidation, pigmentation, or other causes.

(3) *Fairly good color* means peach units that may fail to meet minimum color requirements for "good color" but are equal to or better than greenish-yellow. The units may possess slight discoloration due to oxidation, pigmentation, or other causes which materially affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is bright and is materially affected by oxidation, pigmentation, or other causes.

(4) *Poor color* means peach units that may fail to meet minimum color requirements for "fairly good color." The units may possess discoloration due to oxidation, pit pigmentation, or other causes which seriously affect the appearance or edibility, or both, of the product. With respect to the overall color appearance means the color of the sample unit as a whole is seriously affected by oxidation, pigmentation, or other causes.

(g) *Crushed or broken* in the styles of whole, halves, and quarters means:

(1) A unit is "crushed" if the unit has definitely lost its normal shape and is crushed not due to ripeness; and

(2) A unit is "broken" if severed into definite parts; units in halves style that are split from the edge to the pit cavity are not considered broken. Two or more portions of broken units are reassembled to approximate one full size unit and counted as one unit.

(h) *Cumulative sum sampling plan* (denoted by the term "Cusum") is an on-line sampling plan which accumulates the number of defects in a sample that exceed a specific sample unit tolerance. A portion of production is acceptable (meets grade requirements) if the cumulative total of defects does not exceed the specified acceptance limit.

(i) *Defect* means any specifically defined variation from a particular requirement.

(j) *Deviant*, as applied to these standards, means any container that fails to meet the lower limit for drained weights.

(k) *Extraneous vegetable material.* (1) *Small pieces* means long stems, pieces of twigs not more than 51 mm (2.0 in) in length, or leaf material or portions thereof.

(2) *Short stem* means the woody stem which attaches the peach to the twig of the tree and is 3 mm (0.12 inch) to 10 mm (0.39 inch) in length. Dark brown stems less than 3 mm (0.12 inch) in length are also considered as short stems. The small "collar" that may remain on the stem end of the peach should not be considered as extraneous vegetable material unless the overall appearance of the unit is definitely affected.

(l) *Mechanical damage.* (1) *Partial slice* in the style of slices is a unit that has had a semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice and that does not bear marks of crushing. In determining the number of partial slices, the aggregate of two or more pieces to approximate the equivalent of an average full size slice shall be considered as one unit.

(2) *Detached piece* in the style of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or improper cutting and which is not attached to the half or quarter from which cut.

(3) *Gouges* means holes or gouges that do not destroy the normal configuration of the unit but adversely affect the appearance of the unit:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(4) *Off-suture cut* in the styles of halves and quarters is a unit which has been cut at a distance from the suture greater than 10 mm (0.39 inch) at the widest measurement and the appearance is affected:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(5) *Partially detached piece* in the style of halves and quarters is a piece which has the appearance of a slice resulting from an off-suture cut or that is less than 10 mm (0.39 inch) at the widest measurement and that is attached to the half or quarter from which cut, but is detached more than one-third of the length of the half or quarter along the suture approximately parallel with the suture.

(6) *Trim* means a unit in the styles of whole, halves, and quarters which the outside surface of the unit is trimmed to the extent that the contour of the unit is affected:

(i) Not more than slightly;

(ii) Materially; or

(iii) Seriously.

(m) *Peel* means the outer layer which adheres to the peach flesh or is found loose in the container and that is normally removed in the peeling process.

(n) *Sample* means any number of sample units to be used for inspection of a lot.

(o) *Sample unit* means the entire contents of a container, a portion of the contents of a container, or a combination of the contents of two or more containers as specified to be used for inspection.

(p) *Sample unit tolerance* (denoted by the symbol "T") as used in the cumulative sum (Cusum) sampling plans, is the allowable number of defects in any sample unit.

(q) *Shelly*, in the styles of halves, quarters, and slices means a unit in which the pit cavity has been trimmed to such an extent as to leave the unit only fairly fleshy.

(r) *Slab*, in the style of slices, means an irregularly shaped unit resulting from the slicing operation that materially deviates from the normal shape of a wedge-shaped sector.

(s) *Sliver*, in the style of slices, means any unit that weighs 3 grams (0.12 ounce) or less.

(t) *Unit* means one whole, half, quarter, slice, dice, or piece as applicable for the style.

§ 52.2564 Sample unit sizes.

(a) *Factors of quality.* Compliance with requirements for factors of quality is based on the following sample unit sizes for the respective style.

(1) Halves; Quarters; 30 units.
(2) Whole; 25 units.
(3) Sliced; 50 units or 100 units.
(4) Diced; 283 grams (10 ounces).
(5) Halves and pieces; Pieces or irregular pieces, 1132 grams (40 ounces).

NOTE.—§ 52.2565 through § 52.2568 not under study.

§ 52.2569 Grades.

(a) *"U.S. Grade A"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;
(ii) Have a normal flavor and odor;
(iii) Are practically free from pit material except for whole style;
(iv) Have a bright over-all good color appearance as a mass;
(v) Have a good character such that the number of units that possess fairly good character does not exceed the following:
(*a*) Whole; Halves; and Quarters, 1 unit;
(*b*) Sliced—50 units sample size, 3 units; 100 units sample unit size, 5 units;
(*c*) Halves and Pieces; and Pieces or irregular pieces, 2 units;
(*d*) Diced—the number of units of fairly good character no more than slightly affects the eating quality;
(vi) Do not exceed the aggregate area of peel specified for the style as follows:
(*a*) Whole—5.3 cm^2 (0.82 in^2);
(*b*) Halves: 30 unit sample unit size 5.3 cm^2 (0.82 in^2);
(*c*) Quarters—30 unit sample unit size 2.6 cm^2 (0.4 in^2);
(*d*) Sliced—50 unit sample unit size, 1.8 cm^2 (0.28 in^2); 100 unit sample unit size, 3.5 cm^2 (0.54 in^2);
(*e*) Diced—0.8 cm^2 (.12 in^2);
(*f*) Halves and Pieces; Pieces or irregular pieces, 3.2 cm^2 (.50 in^2).
(vii) In sliced style the units are at least reasonably uniform in size and shape.

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, and IX or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, or IXa, or alternates thereof as applicable for the style.

(b) *"U.S. Grade B"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisites in which the peaches:

(i) Have similar varietal characteristics;
(ii) Have a normal flavor and odor;
(iii) Are practically free from pit material except for whole style;
(iv) Have a bright overall color appearance as a mass;
(v) Have a fairly good character such that the number of units that possess fairly good character does not exceed the following:
(*a*) Whole; Halves; Quarters, 3 units;
(*b*) Sliced—50 unit sample unit size, 5 units; 100 unit sample unit size, 10 units;
(*c*) Halves and pieces; Pieces or irregular pieces, 5 units;
(*d*) Diced—The number of units of fairly good character does not materially affect the eating quality.
(vi) Do not exceed the aggregate area of peel specified for the style as follows:
(*a*) Whole—21.3 cm^2 (3.3 in^2);
(*b*) Halves; 30 unit sample unit size, 21.3 cm^2 (3.3 in^2);
(*c*) Quarters—30 unit sample unit size, 10.6 cm^2 (1.6 in^2);
(*d*) Sliced—50 unit sample unit size, 7.0 cm^2 (1.1 in^2); 100 unit sample unit size, 14.0 cm^2 (2.2 in^2);
(*e*) Diced—3.1 cm^2 (.48 in^2);
(*f*) Halves and pieces; Pieces or irregular pieces, 12.3 cm^2 (1.9 in^2).
(vii) In sliced style the units are at least reasonably uniform in size and shape.

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, or IX, or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, or IXa, or alternates thereof as applicable for the style.

(c) *"U.S. Grade C"* is the quality of canned clingstone peaches that:

(1) Meets the following prerequisities in which the peaches:

(i) Have similar varietal characteristics;
(ii) Have a normal flavor and odor;
(iii) Are practically free from pit material except for whole style;
(iv) Have a fairly bright overall color appearance as a mass;
(v) Have a fairly good character such that the number of units that possess poor character does not exceed the following:
(*a*) Whole; Halves; Quarters, 3 units;
(*b*) Sliced—50 unit sample unit size, 5 units; 100 unit sample unit size, 10 units;
(*c*) Halves and pieces; Pieces or irregular pieces, 5 units;
(*d*) Diced—The number of units of poor character does not seriously affect the eating quality;
(vi) Do not exceed the aggregate area of peel specified for the style as follows:
(*a*) Whole—45.0 cm^2 (7.0 in^2);
(*b*) Halves—30 unit sample unit size, 45.0 cm^2 (7.0 in^2);
(*c*) Quarters—30 unit sample unit size, 22.5 cm^2 3.5 in^2);
(*d*) Sliced—50 unit sample unit size, 14.8 cm^2 (2.3 in^2); 100 unit sample unit sample unit size, 29.7 cm^2 (4.6 in^2);
(*e*) Diced—6.8 cm^2 (1.1 in^2);;
(*f*) Halves and pieces; Pieces or irregular pieces, 27.0 cm^2 (4.2 in^2);
(vii) Sliced—the units may be variable in size and shape;

(2) Are within the limits for defects as classified in Table I and specified in Tables II, III, IV, V, VI, VII, VIII, and IX or IIa, IIIa, IVa, Va, VIa, VIIa, VIIIa, IXa or alternates thereof as applicable for the style.

(d) *"Substandard"* is the quality of canned clingstone peaches that fail to meet the requirements for U.S. Grade C.

§ 52.2570 Factors of quality.

The grade of a lot of canned clingstone peaches is based on compliance with requirements for the following quality factors:

(a) Similar varietal characteristic;
(b) Flavor and odor;
(c) Color (overall color a prerequisite);
(d) Character (a prerequisite for diced styles);
(e) Uniformity of size (a prerequisite for sliced style);
(f) Workmanship;
(g) Blemished;
(h) Mechanical damage;
(i) Peel (a prerequisite);
(j) Off-suture cuts;
(k) Extraneous vegetable material; and
(l) Crushed or broken units (unclassified defect).

§ 52.2571 Classification of defects.

Defects are classified as to minor, major, severe, or critical. Each "X" mark in Table I represents "one (1) defect."

TABLE I.—*Classification of defects*

Quality factor	Defects	Classification			
		Minor	Major	Severe	Critical
Color	Fairly good (in grade A and B only)		×		
	Poor (in grades A, B, and C)			×	
Workmanship	Sliced:				
	Slivers		×		
	Clab			×	
	Diced: More than 20 mm (0.79 in) and less than 8 mm (0.31 in) (each 7 g 0.25 oz).	×			
	All syties except diced: (in grades A and B only) frayed units.		×		
Blemished	All styles except diced: Affected not more than slightly.	×			
	Materially		×		
	Seriously			×	
	Diced: affected				
	Materially		×		
	Seriously			×	
Uniformity of size	Whole; Halves; Quarters: Units that vary in diameter more than 1 cm (0.39 in) (in grades A and B only).	×			
Mechanical damage	Halves, quarters: Off-suture cuts, appearance affected.				
	Not more than slightly	×			
	Materially		×		
	Seriously			×	
	Partially detached pieces	×			
	Detached pieces			×	
	Halves, quarters, sliced: (In grades A and B only) Shelly units.		×		
	Whole, halves, quarters: Trim, appearance affected:				
	Not more than slightly	×			
	Materially		×		
	Seriously			×	
	Whole, halves, quarters, sliced: Gouges, appearance affected: Not more than slightly.	×			
	Materially		×		
	Seriously			×	
	Sliced: Partial slice		×		
Extraneous vegetable material	All styles except whole and diced short stems	×			
	All styles: Small pieces				×

§ 52.2572 Tolerances for defects.

TABLE II.—*Grade compliance crushed or broken, (in Grades A, B, and C) lot inspection*

Absolute limit (AL)		6		6
Number of sample units	Number of units	Whole	Number of units	Halves; quarters
3	75	8	90	8
6	150	14	180	14
13	325	27	390	27
21	525	41	630	41
29	725	54	780	54
38	950	69	1,140	69
48	1,200	86	1,440	86
60	1,500	105	1,800	105
Acceptable quality level (AQL)		6.0		5.0

TABLE IIa.—*Cusum sampling plan on-line inspection*

	Whole		Halves; quarters	
	T	L	T	L
	2	2	2	2
AQL	6.0		5.0	

TABLE III.—*Grade compliance whole lot inspection*

Absolute limit (AL)		Grade A				Grade B				Grade C			
Number of sample units	Number of units	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical	Total[1]	Major	Severe	Critical
		6	3	2	2	10	8	3	2	13	10	6	3
3	75	12	4	1	1	18	12	4	1	24	18	12	4
6	150	21	7	3	2	32	21	7	3	44	32	21	7
13	325	42	13	5	3	64	42	13	5	89	64	42	13
21	525	64	19	7	5	99	64	19	7	139	99	64	19
29	725	86	25	9	6	134	86	25	9	188	134	86	25
38	950	111	32	12	7	172	111	32	12	243	172	111	32
48	1,200	138	39	14	9	215	138	39	14	303	215	138	39
60	1,500	170	48	17	10	266	170	48	17	376	266	170	48
Acceptable quality level (AQL)		10.0	2.50	0.75	0.40	16.0	10.0	2.50	0.75	23.0	16.0	10.0	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE IIIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical		Total[1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	3	3	1	1	¼	¼	½	½	5	3	3	3	1	1	¼	¼	7	4	5	3	3	3	1	1
AQL	10.0		2.50		0.75		0.40		16.0		10.0		2.50		0.75		23.0		16.0		10.0		2.50	

[1] Total=minor plus major plus severe plus critical.

TABLE IV.—*Grade compliance halves; quarters, lot inspection*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		10	8	4	1	14	10	6	2	19	13	10	4
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	90	18	12	4	1	27	18	8	2	38	24	18	4
6	180	32	22	7	1	49	32	14	3	71	44	32	7
13	390	64	43	14	3	99	64	27	6	145	88	64	14
21	630	100	65	20	4	155	100	41	8	228	138	100	20
29	870	135	88	27	5	210	135	54	11	310	186	135	27
38	1,140	174	113	34	7	271	174	69	13	402	241	174	34
48	1,440	217	141	42	8	339	217	86	16	504	301	217	24
60	1,800	269	173	51	9	419	269	105	20	625	372	269	51
Acceptable quality level (AQL)		13.50	8.5	2.25	0.30	21.50	13.50	5.0	0.75	32.5	19.00	13.50	2.5

[1] Total=minor plus major plus severe plus critical.

TABLE IVa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	5	3	3	3	1	1	½	½	8	4	5	3	2	2	½	½	11	6	7	4	5	3	1	1
AQL	13.50		8.5		2.25		0.30		21.50		13.50		5.0		0.75		32.5		19.00		13.50		2.25	

[1] Total=minor plus major plus severe plus critical.

TABLE V.—*Grade compliance sliced, lot inspection sample unit size, 100 slices*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		22	14	6	4	35	28	12	6	58	41	27	8
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	300	44	27	8	5	76	59	21	8	138	92	58	12
6	600	83	49	14	8	144	112	39	14	266	177	109	21
13	1,300	170	99	27	15	300	232	78	27	558	368	225	42
21	2,100	267	156	41	22	476	366	122	41	888	584	355	64
29	2,900	364	211	54	29	650	499	165	54	1,216	799	484	86
38	3,800	471	273	69	37	844	649	213	69	1,584	1,040	629	111
48	4,800	591	341	86	46	1,060	814	266	86	1,992	1,306	789	138
60	6,000	733	423	105	56	1,318	1,011	329	105	2,481	1,625	980	170
Acceptable quality level (AQL)		11.50	6.50	1.50	0.75	21.0	16.0	5.0	1.50	40.0	26.0	15.50	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE Va.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	13	6	8	4	2	2	1	1	28	9	18	8	6	4	2	2	42	13	26	10	17	8	3	3
AQL	11.50		6.50		1.50		0.75		21.0		16.0		5.0		1.50		40.0		26.0		15.50		2.50	

[1] Total=minor plus major plus severe plus critical.

TABLE V.—*Alternate 1 grade compliance sliced; lot inspection sample unit size, 50 slices*

		Grade A				Grade B				Grade C			
Absolute limit (AL)		13	9	4	3	20	17	8	4	33	24	16	5
Number of sample units	Number of units	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
3	300	24	15	5	3	41	32	12	5	73	49	31	7
6	600	44	27	8	5	76	59	21	8	138	92	58	12
13	1,300	89	53	15	9	156	121	42	15	287	190	117	23
21	2,100	139	82	22	13	245	189	64	22	454	300	184	35
29	2,900	188	110	29	16	333	257	86	29	620	409	249	46
38	3,800	243	142	37	21	432	333	111	37	805	531	323	59
48	4,800	303	177	46	26	541	416	138	46	1,011	665	404	73
60	6,000	376	218	56	30	671	516	170	56	1,257	826	500	89
Acceptable quality level (AQL)		11.50	6.50	1.50	0.75	21.0	16.0	5.0	1.50	40.0	26.0	15.50	2.50

[1] Total=minor plus major plus severe plus critical.

TABLE Va.—*Alternate 1 Cusum sampling plan, on-line inspection; sample unit size, 50 slices*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	7	4	4	3	1	1	1/2	1/2	12	6	10	5	3	3	1	1	22	9	15	7	9	5	2	2
AQL	11.50		6.50		1.50		0.75		21.0		16.0		5.0		1.50		40.0		26.0		15.50		2.50	

[1] Total=Minor plus major plus severe plus critical.

TABLE VI.—*Grade compliance diced; lot inspection*

Absolute limit (AL)		Grade A				Grade B				Grade C			
		22	17	8	2	56	40	15	2	73	44	40	3
Number of sample units	Weight of product	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
	Grams / Ounces												
3	849 / 30	69	32	12	1	132	89	39	2	177	99	89	4
6	1,698 / 60	122	59	21	2	253	179	58	3	341	189	170	7
13	3,679 / 130	273	121	42	3	531	355	106	5	719	365	355	12
21	5,943 / 210	432	189	64	5	844	563	167	8	1,146	628	563	14
29	8,207 / 290	590	257	86	6	1,157	769	266	10	1,572	859	769	24
38	10,754 / 380	766	333	111	7	1,507	1,001	293	12	2,049	1,118	1,001	31
48	13,584 / 480	962	416	138	9	1,894	1,257	366	15	2,578	1,404	1,257	38
60	16,980 / 600	1,196	516	170	10	2,359	1,564	454	18	3,212	1,747	1,564	46
Acceptable quality level (AQL)		9.50	4.0	1.25	0.05	19.0	12.50	3.5	0.10	26.0	14.0	12.50	0.30

[1] Total=minor plus major plus severe plus critical.

TABLE VIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total		Major		Severe		Critical		Total		Major		Severe		Critical		Total		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	21	9	9	5	3	3	¼	⅓	41	13	27	10	8	4	¼	½	55	14	30	10	27	10	1	1
AQL	9.50		4.0		1.25		0.05		19.0		12.50		3.5		0.10		26.0		14.0		12.50		0.30	

[1] Total=Minor plus major plus severe plus critical.

TABLE VII.—*Grade compliance halves and pieces; pieces or irregular pieces lot inspection*

Absolute limit (AL)		Grade A				Grade B				Grade C			
		7	4	2	1	9	6	4	2	12	9	6	4
Number of sample units	Weight of product	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical	Total [1]	Major	Severe	Critical
	Grams / Ounces												
3	3,396 / 120	12	4	3	1	15	8	4	2	22	15	8	4
6	6,792 / 240	21	7	3	1	26	14	7	3	39	26	14	7
13	14,716 / 520	41	13	6	3	52	27	13	6	79	52	27	13
21	23,772 / 840	62	20	8	4	80	42	20	8	123	80	42	20
29	32,828 / 1,160	84	26	11	5	108	56	26	11	167	108	56	26
38	43,016 / 1,520	108	33	13	6	139	71	33	13	215	139	71	33
48	54,336 / 1,920	134	41	16	8	173	88	41	16	269	173	88	41
60	67,920 / 2,400	165	50	19	9	214	108	50	19	332	214	108	50
Acceptable quality level (AQL)		11.0	3.0	1.0	0.40	14.50	7.0	3.0	1.0	23.0	14.50	7.0	3.0

[1] Total=minor plus major plus severe plus critical.

TABLE VIIa.—*Cusum sampling plan on-line inspection*

	Grade A								Grade B								Grade C							
	Total [1]		Major		Severe		Critical		Total		Major		Severe		Critical		Total [1]		Major		Severe		Critical	
	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L	T	L
	3	3	1	1	¼	¼	⅓	⅓	4	3	2	2	1	1	¼	¼	6	4	4	3	2	2	1	1
AQL	11.0		3.0		1.0		0.40		14.50		7.0		3.0		1.0		23.0		14.50		7.0		3.0	

[1] Total=minor plus major plus severe plus critical.

§ 52.2573 Sample size.

(a) *General.* The sample size to determine compliance with requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products" (§ 52.1–§ 52.83) for Lot Inspection or on-line inspection, as applicable.

§ 52.2574 Compliance with quality requirements.

(a) *Lot inspection.* A lot of canned clingstone peaches is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2569 are not exceeded;

(2) The defects permitted and the AL values for the applicable defect classifications specified in Tables II, III, IV, V, VI, and VIII, or Alternates thereof are not exceeded.

(b) *On-line inspection.* A lot of canned clingstone peaches is considered as meeting requirements for quality if:

(1) The prerequisite requirements specified in § 52.2569 are not exceeded; and

(2) The L values in Tables IIa, IIIa, IVa, Va, VIa, and VIIa, or Alternates thereof are not exceeded.

§ 52.2575 Compliance for unofficial samples.

(a) *General.* Unofficial sample units submitted for quality evaluation will be treated individually and each sample unit must comply with the allowance values specified in paragraph (b) of this section. The sample unit size must be as specified in § 52.2564.

(b) *Compliance for Quality.*

TABLE VIII.—*Crushed or broken*

	Number of units	Whole	Number of units	Halves quarters
Each sample unit	25	2	30	2

TABLE IX.—*Whole classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	25	3	1	0	0	5	3	1	0	7	4	3	1

TABLE X.—*Halves; quarters classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	30	5	3	1	0	8	5	2	0	11	7	5	1

TABLE XI.—*Slices classified defects*

	Number of units	Grade A				Grade B				Grade C			
		Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	100	13	8	2	1	23	18	6	2	43	28	17	3

TABLE XII.—*Diced classified defects*

	Weight		Grade A				Grade B				Grade C			
	Grams	Ounces	Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	283	10	21	9	3	0	41	27	8	0	55	20	27	1

TABLE XIII.—*Halves and pieces; pieces or irregular pieces*

	Weight		Grade A				Grade B				Grade C			
	Grams	Ounces	Total	Major	Severe	Critical	Total	Major	Severe	Critical	Total	Major	Severe	Critical
Each sample unit	1,132	40	3	1	0	0	4	2	1	0	6	4	2	1

Dated: April 19, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator
Commodity Operations.

[FR Doc.77-11834 Filed 4-27-77;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF TABLE MAPLE SIRUP[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This second proposed rule would change the grading standards for table maple sirup. The first action was taken to incorporate new Food and Drug Standards of Identity. This second action is taken as a result of comments received to the initial proposal. The ultimate effect of these proposals will be the improvement of the standards.

DATE: Comments in duplicate, must be received on or before April 1, 1978.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public inspection at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-4693).

SUPPLEMENTARY INFORMATION:

EDITORIAL NOTE.—Food Safety and Quality Service intends to establish a new Chapter XXVIII in Title 7 of the Code of Federal Regulations. When this proposed rule is adopted, it will be recodified in Part 2852 of Title 7, Chapter XXVIII.

The current United States Standards for Grades of Table Maple Sirup and for Grades of Maple Sirup for Reprocessing have been in effect since February 15, 1940 (although both were amended, effective May 24, 1967, to incorporate changes in format and rearrangement of text).

A previous notice of proposed rulemaking to revise and combine these grade standards appeared in the FEDERAL REGISTER (40 FR 50049) of October 28, 1975. Interested persons were invited to submit, to the Department, written data, views or arguments in connection with the notice not later than November 28, 1975.

The docket of October 28, 1975 proposed:

1. Combining the two existing standards into a single standard.

2. Designating Table Maple Sirup and Maple Sirup for Reprocessing as "Types."

3. Changing the grade names to U.S. Grade A, U.S. Grade B, U.S. Grade C, and Substandard.

4. Updating the lot acceptance criteria to conform with the procedures used for other processed products.

Prompted by the need to revise the two U.S. Department of Agriculture maple sirup standards following the promulgation of Food and Drug Standards of Identity, it was deemed advisable to combine the two current standards into one. (The basic difference between the two standards is in the area of color.) It was proposed to differentiate between the table sirup and the sirup for reprocessing by including each as a "type."

The need to standardize and simplify grade nomenclature has been established. Preparatory to proposing the revision, a letter was sent to the Departments of Agriculture of several maple producing states asking their thoughts about changing and simplifying the grade nomenclature. A majority of those responding favored the nomenclature proposed.

The product description was restated to adopt the newly effective Food and Drug Standard of Identity—including its increased Brix measurement.

An updating of the lot acceptance criteria was included in the proposal. The proposed criteria would bring the maple sirup standards under the same procedures used for other processed products.

The comments received took exception to the manner in which the product color was delineated. Present consumer preferences indicate that a Grade A product in the light amber, medium amber and dark amber ranges would be desirable. Also, the need or desirability of having standards for sirup intended for further processing was seriously questioned.

This second notice of proposed rulemaking includes a revised proposal for delineating color, eliminates the previously proposed inclusion of grades for sirup for reprocessing and would change the grade names to U.S. Grade A, U.S. Grade B, and Substandard as a result of the comments submitted to the first notice. Other changes proposed in the first notice, which are of an editorial nature, are also included.

The proposed revision of §§ 52.5961–52.5967 is as follows:

Subpart—United States Standards for Grades of Maple Sirup

Sec.
52.5961 Product description.
52.5962 Grades of Maple Sirup.
52.5963 Recommended fill of container.
52.5964 Color.
52.5965 Classification of requirements.
52.5966 Explanation of terms.
52.5967 Determining the grade of a lot.

* * * * *

AUTHORITY: Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087 as amended; 1090, as amended; 7 U.S.C., 1922, 1964.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

§ 52.5961 Product description.

(a) "Maple sirup" means maple sirup as defined in the Standards of Identity for Maple Sirup (21 CFR 168.140) issued pursuant to the Federal Food, Drug and Cosmetic Act; *Provided however*, That: Maple sirup that is processed or packaged in such a manner that any naturally occurring soluble materials are added or removed, or to which additives of any kind have been added, is not covered by the standards contained in this subpart. (Nothing in this proviso is intended to prohibit the use of recognized inert filtering agents which are used for the sole purpose of aiding the removal of suspended matter.)

(b) The sirup shall have a soluble solids content of not less than 66.0 degrees Brix at 20° C (68° F). Brix shall be determined refractometrically or by Brix spindle.

§ 52.5962 Grades of maple sirup.

(a) "U.S. Grade A" is the quality of maple sirup that:
(1) Has good color;
(2) Has good flavor and odor;
(3) Is practically free from defects; and
(4) Is practically clear.

(b) "U.S. Grade B" is the quality of maple sirup that:
(1) Has reasonably good color;
(2) Has reasonably good flavor and odor;
(3) Is reasonably free from defects; and
(4) Is reasonably clear.

(c) "Substandard" is the quality of maple sirup that fails to meet the requirements for U.S. Grade B.

§ 52.5963 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with sirup as full as practicable.

§ 52.5964 Color.

(a) *General.* Color has reference to the color of maple sirup when examined by means of the USDA permanent glass color standards for maple sirup.

(b) *Availability of color standards.* The color standards referred to in this section are available from the approved supplier under a license from the U.S. Department of Agriculture:

Phoenix Precision Instrument Division, The Virtis Company, Inc., Route 208, Gardiner, New York 12525.

§ 52.5965 Classification of requirements.

(a) (*A*) *classification.* (1) "Good color" means that the color is bright and typical of maple sirup prepared from sound, properly gathered sap; and in addition, meets the following spectral requirements:

(i) U.S. Grade A Light Amber is as light, or lighter, in color than the USDA Light Amber Glass Color Standard.

(ii) U.S. Grade A Medium Amber is darker in color than Light Amber, but is no darker than the USDA Medium Amber Glass Color Standard.

(iii) U.S. Grade A Dark Amber is darker in color than Medium Amber, but is no darker than the USDA Dark Amber Glass Color Standard.

(2) The sirups shall be no cloudier than the USDA Light Amber Cloudy Standard.

(3) The sirups shall have a good maple flavor characteristic of the color; shall be clean, practically free from damage; shall be free from serious damage.

(b) (*B*) *classification.* (1) "Reasonably good color" means that the color is darker in color than the USDA Dark Amber Glass Color Standard, but is not off-color for any reason.

(2) The sirup shall be no cloudier than the USDA Dark Amber Cloudy Standard.

(3) The sirup has reasonably good characteristic maple flavor; is reasonably free from damage, is free from serious damage.

(c) *Substandard classification.* Maple sirup that fails to meet the requirements of paragraph (b) of this section shall not be graded above Substandard.

§ 52.5966 Explanation of terms.

(a) "Cloudiness" means presence in suspension of fine particles of mineral matter, such as malate of lime, "niter," "sugar sand," or other substances that detract from the clearness of the sirup.

(b) "Clean" means that the sirup shall be practically free from foreign material such as pieces of bark, soot, dust, and dirt.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

(c) "Damage" means any defect that materially affects the appearance or edibility or shipping quality of the sirup.

(d) "Serious damage" means any defect that seriously affects the edibility or market value of the sirup. Badly scorched sirup, buddy sirup, fermented sirup or sirup that has any distasteful foreign flavor or disagreeable odor shall be considered as seriously damaged.

(e) "Buddy flavor, buddiness" is an unpleasant flavor characteristic of sirup made from sap collected from maple trees as they come out of dormancy.

(f) "U.S. Department of Agriculture Color Standards" means the official U.S. Department of Agriculture Permanent Glass Color Standards for Maple Sirup.

§ 52.5967 Determining the grade of a lot.

The grade of a lot of maple sirup covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, and Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83); *Provided*, That:

(a) When certifying the color of a sample that has been officially drawn and which represents a specific lot of maple sirup, the lot shall be considered as being of one color if the number of color deviants does not exceed the acceptance number in the appropriate sampling plan; *Provided however*, That: None of the sample units fall below the next darker color designation.

(b) No deviants for "serious damage" shall be allowed.

Dated: April 14, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-11676 Filed 4-27-77;8:45 am]

federal register

THURSDAY, APRIL 28, 1977
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Fair Housing and Equal Opportunity

■

NATIONAL ASSOCIATION OF HOME BUILDERS

Affirmative Marketing Agreement for Voluntary Use

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-77-745]

NATIONAL ASSOCIATION OF HOME BUILDERS

Affirmative Marketing Agreement for Voluntary Use

1. *Purpose.* The Affirmative Marketing Agreement for Voluntary Use by Builder members of the National Association of Home Builders set forth in Paragraph 5 was prepared to inform the community of the availability of housing services rendered by Builders, to all prospective home buyers and renters, without regard to race, color, religion, sex or national origin, as vested in the Secretary of the Department of Housing and Urban Development by Section 808 of the Act. The purpose of the Agreement is to implement a "Voluntary Affirmative Fair Housing Marketing Program" as provided for and in compliance with the Act (hereafter referred to as the Program).

2. *Background.* The Affirmative Marketing Agreement for Voluntary Use by local Builders was jointly approved by the National Association of Home Builders and representatives of the United States Department of Housing and Urban Development, on October 22, 1976. The Agreement represents a commitment on the part of the National Association of Home Builders and builder member signatories to implement through local voluntary action the policy of "fair housing throughout the United States." Section 801 of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601).

3. *Implementation.* Both the Department of Housing and Urban Development and the National Association of Home Builders endorse the fair housing policies and activities outlined in the Affirmative Marketing Agreement. The terms of this Agreement are available for the use of local builders and "Builder Groups," to indicate, through voluntary participation, their commitment to the fair housing provisions of Title VIII. Subscription to the Agreement by Local Builders and "Builder Groups" is voluntary and is not a condition of membership in the National Association of Home Builders. Further, adoption of this Agreement by local Builder Groups and Builders will not impose the affirmative marketing obligations on individual builders unless they also become signatories under Part I of the text. It is expected, however, that adoption of the Agreement by Builder Groups and individual builders, will result in cooperation and participation of Builders as signatories, thus avoiding the administrative problems which occur when only one or a few Builders in the locality carry out the fair housing marketing practices outlined in the Agreement.

4. *Authority.* HUD's action in concert with the National Association of Home Builders was taken pursuant to section 809 of Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3609), which calls for the Secretary of Housing and Urban Development to "work out programs of voluntary compliance and of enforcement" with the advice of "persons in the housing industry and other interested parties." The joint action of the National Association of Home Builders and HUD is in furtherance of the objective of Title VIII of the Civil Rights Act of 1968, as amended, to "provide within constitutional limitations, for fair housing throughout the United States."

5. Text of the Affirmative Marketing Agreement for Voluntary Use by Home Builder Groups and Individual Home Builders.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., April 19, 1977.

GLENDORA M. PUTNAM,
Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

VOLUNTARY AFFIRMATIVE FAIR HOUSING MARKETING AGREEMENT

This Agreement, effective as to the parties hereto respectively on the date executed by said party, by and between the United States Department of Housing and Urban Development(hereinafter referred to as "HUD"); any signatory to the original or a counterpart of this Agreement (hereinafter referred to as "Builder") all of whom shall constitute the Builder Group known as _____; (hereinafter referred to as the "Builder Group")

WITNESSETH

WHEREAS, Title VIII of the Civil Rights Act of 1968 (hereinafter referred to as the "Act") declares that: "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States," and Section 808 thereof vests authority and responsibility for its administration in the Secretary of Housing and Urban Development; and

WHEREAS, voluntary compliance activities are mandated by Sections 808 and 809 of the Act, and in particular Section 808 requires the Secretary of Housing and Urban Development to "cooperate with and render technical assistance to federal, state, local, and other public and private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices."; and

WHEREAS, Section 808 of the Act states: "The Secretary of the Department of Housing and Urban Development shall call conferences of persons in the housing industry and other interested parties * * * and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.";

WHEREAS, it is the belief of HUD and the National Association of Home Builders (NAHB) that "* * * the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States, * * *" can best be carried out with "* * * programs of voluntary compliance and of enforcement * * *;" therefore, HUD and the NAHB have developed this form of Agreement and have agreed that parties hereto who comply with the provisions of this Agreement are and shall be in compliance with the Act.

NOW THEREFORE, in consideration of the premises and mutual promises and covenants hereinafter set forth, the parties hereto agree as follows:

Section 1.—*Definition.* For the purpose of this Agreement the term "Affirmative Marketing" means, a program to inform the community of the availability of housing and services rendered by Builders, to all prospective home buyers and renters, without regard to race, color, religion, sex or national origin, as vested in the Secretary of the Department of Housing and Urban Development by Section 808 of the Act. The purpose of this Agreement is to implement a "Voluntary Affirmative Fair Housing Marketing Program" as provided for and in compliance with the Act (hereinafter referred to as the "Program").

Section 2.—*Application.* The provisions of this Agreement shall apply to all residential housing constructed, marketed, sold, or rented by Builder except, that nothing in this Agreement shall apply to any residential housing constructed, marketed, sold, or rented by Builder prior to the effective date of this Agreement. Such effective date shall be the latest date of execution by the Builder or HUD.

Section 3.—*Voluntary Affirmative Fair Housing Marketing Program.*—A. *Advertising and public information.* 1. Builder Group shall develop and maintain a program of public information to inform the entire community of the Voluntary Affirmative Fair Housing Marketing Program.

2. Builder shall include the official Fair Housing and Equal Opportunity logo, slogan, or statement in all brochures, pamphlets, posters, billboards, and classified advertising of four column inches or larger, as suggested in HUD's Advertising Guidelines for Fair Housing. Alternatively, inclusion of the slogan or logo is not necessary in any classified advertisement where there exists a "Publishers Notice."

3. Whenever human models are depicted in display advertising campaigns, Builder shall attempt to reasonably represent both majority and minority groups so as to indicate receptivity to racial inclusiveness in the housing marketing area(s).

4. When requested, HUD shall provide technical assistance to Builder Group and to Builder in developing advertising and public information techniques, in accordance with HUD's Advertising Guidelines for Fair Housing.

5. Builder shall maintain a record of advertising that will demonstrate efforts to comply with this Agreement.

B. *Fair housing posters.* Builder will display and maintain the HUD Fair Housing Poster at any place of business where a dwelling is offered for sale or rental, including model houses. Builder will prominently display the Fair Housing Poster so that it is readily apparent to all persons seeking housing accommodations or other services rendered by Builder. For purposes hereof "Fair Housing Poster" means the poster prescribed by HUD for display by persons subject to Section 804–806 of the Fair Housing Act of 1968.

C. *Housing market area(s) analysis.* 1. The HUD Area or Insuring Office shall supply Builder Group an identification of the minority groups whose housing opportunities the parties seek to increase, by cost and kind of housing.

2. Builder shall provide for each project development, quarterly reports to the Builder Group or the HUD Area or Insuring Office, at Builder's option, containing a breakdown, by the categories supplied by HUD as set forth in paragraph C.1. hereof, in accordance with HUD procedures for the gathering of necessary data and on model forms established by HUD.

D. Builder Group shall develop a monitoring system in order to receive information from Builder.

E. Builder Group shall submit a report to HUD on a quarterly basis to determine progress in achieving the purpose of this Agreement, including the following:

1. The sales and rental totals of all properties reported to it by members by the group categories identified in paragraph C hereof.

2. A description of all actions in furtherance of this Agreement taken by the local Builder Group during the reporting period.

Section 4.—*Implementation of the Program.*—A. *Undertakings by Builder Group.* Builder Group shall establish an Equal Opportunity Committee consisting of Builders who are signatories to this Agreement which shall have the following responsibilities:

1. To administer and implement the Program as set forth in Section 3 of this Agreement as required by the Builder Group.

2. To explain and publicize the purpose and provisions of this Agreement to all Builders who have executed this form of Agreement, in order to achieve broadbased informed participation in the Program contemplated by this Agreement.

3. To meet not less than semi-annually with representatives of HUD and the Community Housing Leadership Board, hereinafter provided for, to determine progress in achieving the purpose of this Agreement.

B. *Undertakings by builder.* 1. Builder shall inform and train all employees regarding the Affirmative Fair Housing Marketing Program.

2. Builder shall inform the Builder Group in writing of all housing to be constructed, developed, and marketed, at least sixty (60) days prior to such housing becoming available, and shall provide adequate information for distribution by the Community Housing Leadership Board.

C. *Undertaking by HUD.* 1. HUD shall provide to Builder Group and to Builder technical assistance on a continuing basis to aid in the compliance with this Agreement upon request by Builder Group and/or Builder.

Section 5.—*Community Housing Leadership Board.* Builder Group shall appoint ____ individuals with the approval of HUD, which individuals shall constitute the Community Housing Leadership Board for the purpose of this Agreement.

The Community Housing Leadership Board shall be composed of local comunity leaders having a substantial interest in housing and equal opportunity, from industry, and the financial community and local elected and appointed officials, and other interested parties. The purpose of the Board shall be to assist Builder Group, the Builder, and HUD in carrying out the purpose of this Agreement.

Section 6.—*Compliance and enforcement.* A. If there is reasonable cause to believe that Builder Group is not in compliance with the basic provisions of this Agreement, the Secretary of HUD (hereinafter referred to as "Secretary"), or the Secretary's designee, may, after providing an opportunity for a fair hearing and determination of the facts, terminate the Agreement.

B. The Secretary shall provide timely notice of the hearing to Builder Group and said hearing shall be conducted in compliance with the Act and Administrative Procedure Act (5 U.S.C., Section 554 et seq.). The decision of the hearing officer shall be subject to judicial review.

C. In the event of termination of the Agreement, the obligations of Builder hereunder shall remain in full force and effect, but only to the extent that said obligations would be required by HUD's Affirmative Fair Housing Marketing Regulations. If Builder has previously applied for HUD assistance and has not yet marketed the housing applied for, Builder must, within ten (10) days from receipt of notice of termination of the Agreement, file with HUD a fully executed Affirmative Fair Housing Marketing Plan for such housing.

Section 7.—*Conference and conciliation on alleged builder violations.* Whenever there is reasonable cause to believe that Builder has failed to make good-faith efforts to fulfill its responsibilities under this Agreement, the following procedures shall be employed prior to the commencement of any action or proceedings against a Builder for any alleged violation within the scope of this Agreement occurring after its effective date:

1. The Equal Opportunity Committee of the Builder Group shall notify Builder of the area(s) of non-compliance and request appropriate corrective action.

2. The Equal Opportunity Committee shall document, in writing, the Builder's non-compliance with the Agreement and provide Builder with copies of such written documentation.

3. Builder shall have fifteen (15) business days from receipt of the written documentation of non-compliance to effectuate the corrective action and to provide written notice to the Equal Opportunity Committee, of all corrective actions taken to comply with the Agreement.

4. Upon a finding by the Equal Opportunity Committee of continued non-compliance, the Equal Opportunity Committee shall arrange for a joint meeting with representatives of the Equal Opportunity Committee, HUD, and Builder, to discuss the steps necessary for compliance with the Agreement.

5. Following the joint meeting referred to in paragraph 4 above, the Equal Opportunity Committee shall provide Builder, in writing, a "Second Notice of Non-Compliance," stating that the Builder has fifteen (15) business days to take appropriate action, or face termination as a party to this Agreement.

6. If compliance with the Agreement is not secured within the allotted time of the "Second Notice of Non-Compliance," the Equal Opportunity Committee and HUD will jointly notify Builder, in writing, that he is terminated as a party to this Agreement, suspended as a member of the Builder Group, and no longer eligible for participation in the Voluntary Affirmative Fair Housing Marketing Program. Thereupon Builder will have ten (10) business days to present an approvable individual Affirmative Fair Housing Marketing Plan for all HUD-assisted projects.

7. By its execution hereof, Builder consents to the notification by HUD of Builder Group that a complaint has been filed with HUD against Builder, and agrees to notify Builder Group if and when it is notified by HUD that a complaint has been filed against it.

Section 8.—*Acceptance of agreement in lieu of individual affirmative fair housing marketing plan.* When at any future time Builder is an applicant for participation in an FHA or HUD program and is subject to the requirements of the HUD Affirmative Fair Housing Marketing Regulations or the Joint HUD–VA Non-Discrimination Certification, in lieu of submitting an individual Affirmative Fair Housing Marketing Plan or executing the Non-Discrimination Certification, Builder may reference his participation in this Program, which participation shall be accepted by FHA and/or HUD in lieu of an individual Affirmative Fair Housing Marketing Plan.

Section 9.—*Term.* The orginial term of this Agreement shall expire on September 30, 1980, and shall automatically be extended for successive one-year terms thereafter unless previously terminated.

Section 10.—*Termination.* HUD may terminate this Agreement at any time with written notice for noncompliance herewith. Builder and/or Builder Group may terminate this Agreement at any time with or without cause by giving HUD 90 days written notice of its intent to terminate.

Section 11.—*Amendments.* This Agreement may be amended only by written consent of all the parties hereto.

Section 12.—*Delegation by Secretary.* Wherever the term Secretary of HUD is used herein, it shall be deemed to include and mean his designate for the administration of the Voluntary Affirmative Fair Housing Marketing Program.

In witness whereof, the parties hereto have executed this Agreement the year and day set forth by their signature.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
CARLA A. HILLS,
Secretary

JAMES C. HART,
(Builder) President, NAHB.
JAMES H. BLOW,
GLENDA M. PUTNAM

NOTE.—This Voluntary Affirmative Fair Housing Marketing Agreement was jointly approved by the Department of Housing and Urban Development and the National Association of Home Builders at Washington, D.C. on October 22, 1976.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
CARLA A. HILLS,
Secretary.

NATIONAL ASSOCIATION OF HOME BUILDERS,
JOHN C. HART,
President.

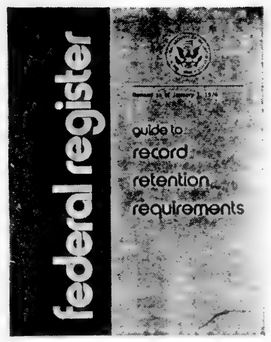
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment extends the exception under Schedule B of 15 positions of Minority Business Opportunity Specialist, grades GS-9 through GS-15, in the Office of Minority Business Enterprise, with the provision that new appointments may not be made after December 31, 1977. These positions are excepted under Schedule B because it is not practicable to examine competitively for them.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling
202–632–4533

Accordingly, 5 CFR 213.3214(c)(1) is amended to read as follows:

§ 213.3214 Department of Commerce.

• • • • • •

(c) *Office of Minority Business Enterprise.*

(1) Fifteen positions of minority business opportunity specialist at grades GS–9 through GS–15. This authority may not be used for new appointments after December 31, 1977.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–12341 Filed 4–28–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment to the Schedule A exception is made to accurately reflect the current departmental organization of the marine vessel positions formerly under the Coast and Geodetic Survey, but now under the National Oceanic and Atmospheric Administration.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3114(c)(1) is revoked and 5 CFR 213.3114(j)(3) is added to read as follows:

§ 213.3114 Department of Commerce.

• • • • • •

(c) *Coast and Geodetic Survey.*

(1) [Revoked]

• • • • • •

(j) *National Oceanic and Atmospheric Administration.* • • •

(3) All civilian positions on vessels operated by the National Ocean Survey.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–12342 Filed 4–28–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Part 213 is amended to show that one position of Confidential Assistant for Legislation is excepted under Schedule C because the position is confidential in nature.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(a)(4) is added as set out below:

§ 213.3388 Federal Energy Administration.

(a) *Office of the Administrator.* • • •

(4) One Confidential Assistant for Legislation.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–12343 Filed 4–28–77;8:45 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Schedule A authority for positions of Community Economic-Industrial Planner in the Small Business Administration has been amended to prohibit new appointments after May 1, 1977, as vacancies in these positions can now be filled through competitive examination.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3132(c) is amended to read as follows:

§ 213.3132 Small Business Administration.

• • • • • •

(c) Positions of Community Economic-Industrial Planner, GS–7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1977.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–12344 Filed 4–28–77;8:45 am]

PART 213—EXCEPTED SERVICE

ACTION

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to show that three positions of Staff Assistant to the Deputy Director are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3359(j) is added to read as follows:

§ 213.3359 ACTION.

• • • • • •

(j) Three Staff Assistants to the Deputy Director.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–12444 Filed 4–28–77;8:45 am]

PART 213—EXCEPTED SERVICE

Defense Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to reflect a change in title from: Private Secretary to the Assistant Secretary of Defense (Legislative Affairs) to Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs). This change reflects the current title of the superior.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3306(a)(2) is amended to read as follows:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(2) One Private Secretary to the Deputy Secretary of Defense and one Private Secretary to each of the following: Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic Systems), (Research and Technology); the Director, Advanced Research Project Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Comptroller), (Program Analysis and Evaluation), (Intelligence) and the Assistant to the Secretary of Defense (Legislative Affairs); the General Counsel, the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners

[FR Doc.77-12443 Filed 4-28-77;8:45 am]

PART 213—EXCEPTED SERVICE

Labor Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of the position of Staff Assistant to the Secretary of Labor to Secretary to the Secretary of Labor because this title more accurately reflects the duties of the position.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3315(a)(1) is amended to read as follows:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.*

(1) One Private Secretary, one Secretary, two Special Assistants, one Confidential Assistant, and two Staff Assistants.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-12442 Filed 4-28-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Medina County in Ohio from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined. No areas remain under quarantine in the State of Ohio.

EFFECTIVE DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. M. A. Mixson, USDA, APHIS, Veterinary Services, Federal Building, Room 7348, Hyattsville, MD 20782 301–436–8073).

SUPPLEMENTARY INFORMATION: This amendment excludes a portion of Medina County in Ohio from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects.

§ 82.3 [Amended]

In § 82.3, paragraph (a)(4) relating to the State of Ohio is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 13, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22nd day of April 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-12102 Filed 4-28-77;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of San Bernardino County in California from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined. No areas remain under quarantine in the State of California.

EFFECTIVE DATE: April 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. M. A. Mixson, USDA, APHIS, Veterinary Services, Federal Building, Room 748, Hyattsville, Md. 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This amendment excludes a portion of San Bernardino County in California from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects.

In § 82.3, paragraph (a)(3) relating to the State of California is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of April, 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-12295 Filed 4-28-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Entitlement Program Amendments for Initial Acquisitons for Strategic Petroleum Reserve

AGENCY: Federal Energy Administration (FEA).

ACTION: Final rule.

SUMMARY: This rule provides that firms selling imported crude oil to the Federal Government for storage in the Strategic Petroleum Reserve (SPR) shall receive entitlement issuances under FEA's domestic crude oil allocation (entitlements) program for the crude oil sold as if such imported crude oil had been processed in a domestic refinery. The entitlements so issued will reduce the Federal Government's purchase price for the imported crude oil to a price roughly equivalent to the weighted average cost of crude oil for domestic refiners.

EFFECTIVE DATE: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Reading Room), 12th and Pennsylvania Avenue, NW., Room 2107, Washington, D.C., 202–566–9161.

Allen Hoffard (Media Relations), 12th and Pennsylvania Avenue, NW., Room 3104, Washington, D.C. 20461. 202–566–9833.

Michael E. Carosella (SPR Program Office), 1726 M Street, NW., Room 330, Washington, D.C. 20461. 202–634–5500.

Doris Dewton (Entitlements Program Office), 2000 M Street, NW., Room 6128H, Washington, D.C. 20461. 202–254–8660.

Michael Paige or Craig Bamberger (Office of General Counsel), 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. 202–566–9565.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On February 5, 1977, FEA issued a proposal providing for conforming amendments to its entitlements program to implement the purchase authority for the SPR (42 FR 8382, February 10, 1977). The proposal basically contemplated that a class of suppliers would participate in the entitlements program in connection with sales of crude oil for the SPR and that the value of entitlements earned for deliveries to the SPR would constitute an adjustment to the Federal Government's payment obligation, but not to the contract purchase price.

Title I, Part B of the Energy Policy and Conservation Act (EPCA), enacted on December 22, 1975, set forth requirements for the FEA to acquire up to one billion barrels of crude oil and refined petroleum products for storage in the SPR. On December 14, 1976, FEA submitted to Congress an SPR Plan detailing FEA's proposals for designing, constructing, and filling the storage and related facilities of the SPR. The Plan was resubmitted on February 16, 1977 to correct a technical oversight. This Plan, which took effect on April 18, 1977, provides for the storage of 150 million barrels of crude oil by December 22, 1978, 325 million by December 22, 1980, and 500 million by December 22, 1982. To meet these goals, FEA will commence crude oil acquisition activities in the immediate future, as described below.

In the SPR Plan, FEA stated its intention to propose use of the authorities granted in the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), to allow the Government to obtain the benefits of domestic crude oil price controls for imported crude oil for the SPR to the same extent that refiners receive such benefits under the entitlements program for processing imported crude oil. The plan also provided that a final choice among several options being considered by FEA, including amendments to the entitlements program, would be made following completion of the review process, including consideration of the requirements of the National Environmental Policy Act of 1969.

DISCUSSION OF COMMENTS

FEA received 29 written comments on the February 5 proposal, including three late comments. All of these comments were considered in FEA's formulation of the rule promulgated hereby. Of the comments submitted 25 opposed adoption of the proposal, and four comments either supported adoption of the proposal or did not express a position. In opposing use of the entitlements program, most firms stated that it was more appropriate to fund the acquisitions of crude oil for the SPR entirely from the U.S. Treasury's general revenues, and not partially to subsidize these acquisitions by increasing costs for consumers of petroleum products. It was also suggested that Federal royalty oil or production from the Naval Petroleum Reserves could be used to supply the SPR. A further reason advanced in opposition to adopting the entitlements program amendments was that the subsidy of the Federal Government's purchases would perhaps constitute one reason for not proceeding with decontrol of domestic crude oil prices in 1979.

Although the vast majority of firms commenting on the proposal did not support use of the entitlements program to lower the Federal Government's acquisition costs for SPR crude oil, FEA believes that its proposal in this regard is appropriate for adoption for the following reasons. First, FEA does not believe that it is equitable to require the Federal Government to purchase imported crude oil on a basis any different than a domestic refiner or, more generally, consumers of petroleum products produced from imported crude oil. The entitlements program effectively reduces the crude oil acquisition costs of refiners with respect to their purchases of imported crude oil, and FEA believes that the Federal Government, and thus taxpayers generally, should receive at least as favorable treatment in this regard as domestic refiners and their customers. Furthermore, as to imports of finished product not refined domestically, the entitlements program also provides for a reduction in the cost of imported residual fuel oil for consumers on the East Coast and of the cost of naphtha imports for petrochemical feedstock use in Puerto Rico. Since the acquisitions for the SPR will significantly benefit domestic refiners and their customers if any serious shortage should occur in the future, FEA believes that it is equitable to require a minor portion of the current acquisition costs to be borne by petroleum consumers rather than by the Federal Government and taxpayers generally. Second, section 4(a) of the EPAA requires the President to "promulgate a regulation providing for the mandatory allocation of crude oil", and that the regulation "shall apply to all crude oil * * * produced or imported into the United States." FEA has consistently taken the position that such regulation applies to the Federal Government, both in its capacity as a petroleum purchaser and seller. In general, FEA believes that the establishment of the SPR and the effective allocation to the Federal Government of the benefits of domestic price-controlled crude oil through the entitlements program are consistent with and further the objectives set forth in section 4(b)(1) of the EPAA. In addition, use of the allocation authority under the EPAA as provided for in this final rule is consistent with the legislative policy behind the establishment of

the SPR, as set forth in the EPCA. Section 159(f) of the EPCA grants the Administrator of the FEA authority to acquire petroleum products (which is defined to include crude oil) by purchase, exchange or otherwise. Section 160(b) of the EPCA sets forth the objectives to be applicable to acquisitions for the SPR, and the first listed of these objectives is the minimization of the cost of the SPR, which objective would be furthered by use of the entitlements program to reduce the Federal Government's acquisition costs.

As to the more technical aspects of the proposal, most firms commenting supported the second alternative method of payment in the proposal, i.e., payment in full at the time of delivery to the Federal Government, less the estimated entitlement value. Except for these comments as to the preferred method of payment, very few other comments on the workability of the February 5 proposal were submitted. One firm did comment, however, that refiner-buyers under FEA's Mandatory Crude Oil Allocation (Buy/Sell) Program should not be permitted to purchase under that program and at the same time deliver crude oil for the SPR. FEA intends to consider that particular comment in its current separate proceeding for reevaluation of the Buy/Sell Program.

DESCRIPTIONS OF INITIAL SOLICITATIONS

The solicitations for the first 10,000,000 barrels, which will be limited to imported crude oil, will be issued in the period April to June 1977 by the Defense Fuel Supply Center, and will be structured as follows. Two million barrels are expected to be procured in one or more purchases for prompt delivery in July, August and possibly September 1977, depending on the availability of SPR storage facilities. The balance of 8,000,000 barrels, for deliveries commencing in August and possibly September 1977, de-August and continuing throughout 1977, are expected to be acquired separately. It is anticipated that the first solicitation will require the submission of proposals by the end of May, and that initial source selection will be completed by August 1977.

Under the procedures contemplated by the amendments adopted hereby, payment from the Government of the contract price, less $3 per barrel, would be due upon acceptance of crude oil delivered for the SPR and submission of appropriate documentation. Eligible firms would then have their SPR deliveries reflected in the entitlement notice published in the month following acceptance. The $3 per barrel balance of the purchase price will be due by the end of the month following the month in which the related SPR delivery acceptance was made, assuming that appropriate documentation has been submitted, and payment would be made partly by the Federal Government and partly by entitlement issuances.

For example, if a firm delivered crude oil for the SPR in July, and the contract price was $13 per barrel, the first $10 per barrel of the purchase price would become due and be paid in the normal course, or for prompt payment discount. Since the delivery would be reflected in the entitlement notice published in August, entitlements (the value of which is estimated to range between $2 and $3 per barrel) would be received by August 31. The balance of the $3 (after subtracting the per barrel entitlement value) would also be due from the Government on August 31.

To insure for purposes of the procurement that firms receive full payment within a definite time frame, payment by the Government of the entire $3 per barrel balance of the purchase price would be due in any event by the end of the month following the month of delivery if the particular firm's SPR delivery was not reflected in an entitlement issuance. In addition, if an entitlement seller did not receive its full amount of entitlement revenues within two months following the end of the month of the related SPR delivery, the unpaid balance of the purchase price would then become due from the Government. In this latter case, if the Federal Government is required (for whatever reason) to pay to any firm such amounts representing entitlement revenues not received, and that firm thereafter received the related entitlement revenues, that firm could be required to purchase entitlements in one or more entitlement notices in subsequent months of a dollar value equal to the amounts received by it and not refunded or credited to the Government, over and above its contract sales price with the Government.

AMENDMENTS ADOPTED

FEA expects that the amendments adopted hereby will be in effect only for the first procurements, the solicitations for which are expected to issue shortly, and that the entitlements program will later be amended to provide for entitlement adjustments for sales of both domestic and imported crude oils for the SPR. These first solicitations will provide for submission of offers with respect to imported crude oil only (including previously imported crude oil), although subsequent procurements may provide also for sales of domestic crude oil. A major factor behind FEA's decision to limit these first procurements to imported crude oil was that the treatment of sales of domestic crude oil under both the entitlements program and FEA's price regulations is much more complex, and FEA could not complete the required evaluation of these issues prior to the first solicitations. Comments on the entitlements program issues related to acquisitions of domestic crude oil will be requested in the proposal setting forth conforming amendments to the price regulations for sales to the SPR, which proposal is being issued concurrently herewith. FEA believes that it is appropriate to proceed with the amendments adopted hereby without receiving further comments, since certain of the more complex regulatory problems associated with sales of domestic crude oil for the SPR are not present if only imported crude oil is the subject of the procurement. It should be noted, however, that certain aspects of the proposed changes to the price regulations will be directly related to the formulation of offers for these first solicitations. Therefore, firms submitting offers should evaluate the final price rules in formulating their offers.

AMENDMENTS PROVIDING FOR ENTITLEMENT ISSUANCES

To implement the procedures described above, the entitlements program is amended to add a new § 211.67(d)(6), which provides for inclusion within the volume of a refiner's crude oil runs to stills of the volumes of imported crude oil delivered by that refiner and accepted by the Federal Government for storage in the SPR. These volumes would be an adjustment to a refiner's crude oil runs based on the actual volumes delivered to and accepted by the Government for the SPR in the month following the crude runs that are so adjusted. Thus, July 1977 SPR deliveries would be reported by August 5, 1977 as an adjustment to June 1977 crude runs. Similarly, for firms other than refiners a new § 211.67(d)(7) provides that deliveries of imported crude oil for the SPR renders these firms eligible for entitlement issuances on the same basis as is provided for refiners.

RECAPTURE PROVISION

As described above, if a firm that delivers imported crude oil for the SPR does not receive the related entitlement issuance by the end of the month following the month in which delivery is made, the Federal Government would then be required to pay the full $3 per barrel balance of the purchase price. If a firm that receives the appropriate entitlement issuance and is a net entitlement seller does not receive all or any portion of the related entitlement revenues within two months following the close of the month in which its SPR delivery was accepted, the unpaid balance of the purchase price for that delivery would then become due from the Government. In this event, § 211.67(d)(6) and (7) permit recapture in succeeding months' entitlement notices of any entitlement revenues for SPR deliveries received after such payment has been made by the Government, where these revenues have not been refunded or credited to the Government.

REPORTING REQUIREMENTS

FEA is also hereby adopting reporting requirements for firms delivering crude oil for the SPR that are eligible for entitlement issuances with respect to those deliveries. Under a new § 211.66(k), each such firm is required to report to FEA, by the fifth day of each month, its SPR deliveries for the immediately preceding month that are accepted by the Federal Government. FEA will prepare and make available a reporting form for this purpose to be filed by domestic refiners and other eligible firms for their SPR deliveries.

ELIGIBLE FIRMS

The amendments adopted hereby provide that the firms eligible for entitlement issuances for their SPR deliveries include domestic refiners, as well as any other firm that sells crude oil to the Federal Government for the SPR.

ECONOMIC IMPACT EVALUATION

The proposal has been received in accordance with Executive Order 11821, issued November 24, 1974, and has been determined to be of a nature that requires an evaluation of its inflationary impact. Notice is hereby given that, pursuant to Executive Order 11821, the FEA has prepared an economic impact evaluation of the proposed amendments set forth in this proposal. Single copies of the preliminary economic impact evaluation may be obtained from the FEA Office of Communications and Public Affairs, Room 3138, or the FEA National Energy Information Center, Room 1416, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between 8 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays. Interested parties may comment on this analysis by submitting their comments in accordance with the procedures for filing of written comments to be set forth in the proposal for conforming changes to FEA's price regulations for SPR sales.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., April 25, 1977.

ERIC J. FYGI,
Acting General Counsel.

1. Section 211.67 is amended by adding new subparagraphs (6) and (7) to paragraph (d) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.* * * *

(6) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio (without giving effect to the provisions of paragraph (e) of § 211.67) shall include the total number of barrels of imported crude oil delivered to and accepted for delivery by the United States Government in the following month for storage in the Strategic Petroleum Reserve mandated by Title I, Part B, of the Energy Policy and Conservation Act (Pub. L. 94-163); *provided, that,* If any entitlement issuance under this subparagraph (the revenues from which were either received by that refiner or served to reduce that refiner's entitlement purchase obligations under paragraph (b) of this section) is in duplication of payments made by the United States Government pursuant to the related contract or contracts for acquisition of that imported crude oil, that refiner shall be required to purchase entitlements pursuant to one or more succeeding entitlement notices equal in value to the entitlements so issued, unless such payments made by the United States Government have been refunded or credited to the United States Government. For purposes of this subparagraph (6), a refiner shall mean any firm that owns, operates or controls the operations of a refinery located in the United States, as defined in the Emergency Petroleum Allocation Act of 1973, as amended (Pub. L. 93-159).

(7) Notwithstanding any other provisions of this section, any firm other than a refiner (as defined in subparagraph (6) above) shall be eligible for entitlement issuances on the same basis as a refiner under subparagraph (6) above of this paragraph (d) with respect to deliveries of imported crude oil accepted by the United States Government for storage in the Strategic Petroleum Reserve mandated by Title I, Part B, of the Energy Policy and Conservation Act (Pub. L. 94-163); *provided, that,* If any revenues attributable to an entitlement issuance under this subparagraph received by that firm are in duplication of payments made by the United States Government pursuant to the related contract or contracts for acquisition of that imported crude oil, that firm shall be required to purchase entitlements pursuant to one or more succeeding entitlement notices equal in value to the amount of such entitlement revenues so received, unless such payments made by the United States Government have been credited or refunded to the United States Government.

* * * * *

2. Section 211.66 is amended by the addition of a new paragraph (k) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(k) *Special report for Strategic Petroleum Reserve deliveries.* On or prior to the fifth day of each month immediately following a month in which the United States Government has accepted a refiner's or other firm's delivery of crude oil for storage in the Strategic Petroleum Reserve mandated by Title I, Part B, of the Energy Policy and Conservation Act (Pub. L. 94-163), that refiner or other firm shall file with the FEA a report that sets forth the following information:

(1) The volume of imported crude oil so accepted for delivery in the immediately preceding month by the United States Government.

(2) The volume of domestic crude oil so accepted for delivery in the immediately preceding month by the United States Government, specifying the respective portions of that volume that are old oil, upper tier crude oil, stripper well crude oil (as defined in Part 212 of this chapter), and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter.

(3) Such other information as the FEA may request.

[FR Doc.77-12256 Filed 4-26-77;10:04 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-996, Amendment and Reissuance of Part 239]

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Reduction of Reporting Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule amends and reissues the Board's rules for reporting freight loss and damage claims by reducing the reporting requirements prescribed therein to one simplified form to be filed semi-annually. In addition, this rule eliminates the applicability of this report to certificated supplemental air carriers, air freight forwarders, and commuter air carriers. This means that this rule will now only apply to certificated route air carriers and to foreign route air carriers engaged in scheduled air services. The new report will provide users of the form with the number and dollar amounts of Claims Received and Claims Paid, the Total Freight Revenues, and a Ratio of Claims Paid to Revenues for the domestic and international operations.

DATES: Effective: April 21, 1977. Adopted: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5270).

SUPPLEMENTARY INFORMATION: In EDR-315, dated December 17, 1976 (41 FR 55891, December 23, 1976) the Board gave notice that it was considering amendment of Part 239 of its Economic Regulations by: (1) Eliminating two report schedules; (2) reducing the number of carriers required to file the reports; (3) redefining certain terms and requirements; and (4) proposing several other changes intended to reduce the reporting requirements or improve the data reported. In addition the Board also solicited comments on whether or not reporting under Part 239 should be reduced in filing frequency or eliminated entirely.

Thirteen comments were received in response to the rulemaking notice: six were received from certificated carriers; two were received from foreign carriers; three were received from trade associations; one was received from a cooperative shippers association; and one was received from the Department of Transportation.[1]

Three of the comments favored the elimination of Part 239 in its entirety, one expressed opposition to any reporting reduction at all and one, DOT, supported report reductions but did not specify what data the Board should collect. A majority of the respondents supported report reductions which would eliminate all but the minimum amount of data necessary to permit the Board to monitor freight losses.

Upon consideration of the comments received, the Board has decided to reduce the filing requirements in Part 239 to a simplified one page report to be filed semi-annually in lieu of the four quarterly schedules and one annual schedule now required, and to make the new report applicable only to certificated route air carriers and to foreign route air carriers performing scheduled operations. Thus, the new report will not be required of supplemental air carriers, air freight forwarders, and commuter air carriers. The comments offered three different alternatives to be considered: (1) The retention of Part 239 with proposed modifications, (2) the elimination of Part 239 in its entirety, or (3) the development of a new Part 239 report which collects the minimum amount of data needed to conduct a monitoring activity. The alternatives are discussed under separate captions which follow.

Retention of Part 239 With Proposed Modifications

As indicated previously, EDR–315 included several proposed modifications intended to reduce the reporting requirements or improve the data reported. Only the Shippers National Freight Claim Council (SNFCC) expressed opposition to any reduction in Part 239 reporting requirements or the filing frequency. The DOT expressed support for any modifications of Part 239 that would reduce the reporting burden placed on carriers so long as such reductions would not impair DOT's ability to fulfill its responsibilities under Executive Order 11836.[2] The DOT response was very general, however, and did not indicate the specific information DOT needed to meet its responsibilities under the Executive Order. As a result, the DOT comment left open the question of which, if any, of the reporting requirements could be eliminated. Without specific identification of DOT's data needs[3] the Board has no alternative but to reduce the reporting burden in light of its own needs and in order to be in consonance with the President's policy of reducing burden and similarly in consonance with that of the Commission on Federal Paperwork and the General Accounting Office.

It was also noted that no law enforcement body in the Federal, state, or local government expressed an interest in retaining the reporting requirements now in place or, for that matter, the scaled down reporting requirements which were proposed in EDR–315.

As to the Board's needs for detailed data, it should be remembered that EDR–315 took into account the possibility that some of the data received on Schedule C might be needed as a result of the *Liability and Claims Rules and Practices Investigation*, Docket 19923, et al. In this connection, the Board recently issued Order 77–3–61, dated March 10, 1977, wherein there was no expressed need for the detailed Schedule C data. In that order the Board, noting that carriers are always free to propose appropriate tariffs, expressed an intention to rely on carrier cost experience to justify any changes in rates as a result of the liability and claims rules now in force. In addition, the Board also declined to impose a rule which would require disposition of claims within a 120-day period and a one percent monthly interest charge if a claim was not disposed of during that period, in whole or in part. Thus there is no need to monitor the claims processing performance in the detail required on Schedule *C*.

We sympathize with SNFCC's desire for air freight loss and damage claims data. However, at the present time, the Board has no need for the detailed data which that organization is seeking. Moreover, there has been no clearly articulated need for specific data expressed by any other agency of the Federal, state or local government. The Board is therefore reluctant to continue the reporting requirements as they presently exist; and it is not inclined to merely scale down the reporting requirements as was proposed in EDR–315 with a new Schedule A–1, an amended Schedule A, and an amended Schedule B with fewer companies being required to file.

Elimination of Part 239 in Its Entirety

In response to the question of whether or not the Board should eliminate reporting under Part 239, American Airlines and British Caledonian Airways indicated that the reporting should be eliminated, and Japan Airlines did not oppose elimination if the reports were found to be burdensome. The Air Freight Forwarders Association (AFFA) also indicated that the reporting should be eliminated or, in the alternative, reduced to the minimum amount necessary to monitor air freight claim trends. The Air Transport Association of America (ATA) expressed the view that the Board should continue to monitor air freight claim trends and made specific suggestions as to what data should be received.

Those who supported elimination of Part 239 cited that, in its present form, the report had been put to little, if any, regulatory use and that it was unduly burdensome. American specifically stated that the carriers and forwarders have greatly increased the amount and sophistication of security provided for their freight operations and have thereby been able to reduce the amount of loss and damage sustained. The statistics submitted by the ATA indicated that the loss ratio declined from approximately 1.9 percent of freight revenues in 1970 to approximately .8 percent of freight revenue in 1976.

Although the decline in air freight loss ratios are favorable, there are nonetheless losses still being incurred. In 1976, the total claims paid exceeded $10 million and in view of this volume loss the Board believes that it should continue to monitor freight loss and damage claims. As a result Part 239 will not be eliminated entirely.

The New Part 239 Report

In order to perform the type of monitoring function which would clearly indicate a reversal or leveling off of the current favorable trend in freight loss and damage claims, the Board has decided that only one schedule will be necessary. It will be referred to as the "CAB Form 239—Report of Freight Loss and Damage Claims." Only the original of this schedule will be required to be submitted instead of having to file the original and one copy as presently required. The new report will show the number and dollar amounts of Claims Received and Claims Paid, the Total Freight Revenue, and a Ratio of Claims Paid to Revenues for domestic and international operations. In connection with the claims received, it should be noted that in cases where the dollar amount of a claim is unspecified, the amount included in the reported total shall be based upon the carrier's reasonable best estimate of the amount of that claim. The requirement that each carrier report its own dollar portion of subrogated interline claims will be incorporated into the final rule.

In connection with the reporting of revenue data by type of operation, international or domestic, the Board noted the comments of the ATA, Continental, Delta, National, Northwest and Trans World Airlines. These respondents expressed concern over the changes in reporting of domestic and international revenues as proposed in EDR–315. According to the proposal, the nature of the shipment, international or domestic, rather than the geographically oriented reporting entities prescribed under Part 241 of the Economic Regulations, would have distinguished between international and domestic revenues. The respondents contended that this would require a parallel system of accounting for freight revenues to be maintained at considerable additional expense.

The Board is inclined to agree that the burdens associated with making the necessary modification exceed, at this time, the benefit to be derived. However, the Board does not believe the solution proposed by the ATA to report only the system data is appropriate. Instead, the Board will continue to require the reporting of domestic and international data, but the Board will accept the revenue reporting methodology used in Part 241 of the Economic Regulations.

Changes in Applicability and Filing Frequency

Since it has been decided that, for the time being, the Board need only monitor the trends in air freight loss and damage claims, it has also been decided to restrict the applicability of Part 239 to the certificated route air carriers and foreign route air carriers.[4] The data provided by this group will be sufficient for the Board to determine any changes in the current trend and at the same time provide significant reporting relief to all categories of respondents.

The Board also believes that semi-annual reporting will be satisfactory. The report covering the first six months of each calendar year will be due in the Board on August 10 and the report covering the second six months of each calendar year will be due on February 10. We have decided not to extend the time interval between the close of the period covered by the report and the due date to sixty days as ATA requested (it is now 40 days). It appears that their request was made in anticipation of a continuance of more burdensome requirements than have been adopted in this final rule. In light of the relief granted by this rule, we do not believe an extension of the filing time interval is warranted.

All carriers and forwarders should remain mindful of the fact that nothing in this rulemaking relieves them from maintaining appropriate claims records. This means that air carriers and forwarders should retain the capability of providing airport and commodity data to law enforcement agencies or any other governmental body which may be in need of it. It should be noted that requested freight rate increases based upon loss experience may stand or fall based on the ability to provide detailed support of this type.

The Board will give prompt attention to requests by the DOT, or any Federal, state, or local law enforcement agency for data when the burden to be imposed is commensurate with the public benefit.

Magnitude of Report Reduction

The annual report reduction from this amendment will be approximately 7,800 schedules. This does not begin to measure the relief of work burden associated with preparing, processing and handling these schedules for both Board and carrier staffs.

Effective Date

This rule is being made effective immediately so as to entirely relieve respondents from filing the old reports for the first quarter of 1977. These reports would otherwise be due in the Board on May 10, 1977. This will provide a substantial measure of immediate relief. The first report under the new regulation would then be due in the Board on August 10, 1977, and it would cover the first six months of this calendar year.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends its Economic Regulations effective April 21, 1977, as follows:

1. Revise Part 239 to read as follows:

Sec.
239.1 Definitions.
239.2 Applicability of part and CAB Form 239 filing requirements.
239.3 Extension of filing time.
239.4 Retention of records.

Authority: Secs. 204, 402, 407, 72 Stat. 743, 757, 766 (49 USC 1324, 1372, 1377).

§ 239.1 Definitions.[5]

Operation, domestic means traffic among the 50 States of the United States and the District of Columbia.

Operations, international means traffic among the 50 States of the United States and the District of Columbia, on the one hand, and all points outside the 50 States and the District of Columbia, on the other hand.

United States as defined in the Federal Aviation Act of 1958, means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

§ 239.2 Applicability of part and CAB Form 239 filing requirements.

(a) This part applies to all certificated route air carriers and foreign route air carriers authorized to serve the United States in scheduled air transportation.

(b) CAB Form 239[5] shall be prepared semi-annually for the periods January 1 through June 30 and July 1 through December 31 of each year. One copy of the form with the certificate executed

[1] In alphabetical order the respondents outside the Federal Government were: the Air Freight Forwarders Association of America; the Air Transport Association of America; American Airlines, Inc.; British Caledonian Airways, Ltd.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Hawaii Air Cargo Shippers Association; Japan Air Lines, Ltd.; National Airlines, Inc.; Northwest Airlines, Inc.; Shippers National Freight Claim Council, Inc.; and Trans World Airlines, Inc.

[2] Executive Order 11836, dated January 27, 1975, makes DOT responsible for collecting and analyzing cargo loss data for all modes of transportation and preparing and publishing periodic reports. Further, the Executive Order urges transportation regulatory agencies to recognize and consider the problem of theft-related cargo losses and, among other things, cooperate with the DOT in developing cargo theft reporting systems and obtaining cargo loss data from the carriers and freight forwarders.

[3] A review of previous communications also provided no insight as to DOT's needs for specific information. This review included communications between DOT and the Board's representative on the Interagency Committee on Transportation Security.

[4] The Hawaii Air Cargo Shippers Association should note that Part 239 does not apply to Cooperative Shippers Associations.

[5] CAB Form 239 may be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

by the officer in charge of the carrier's accounts shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, so as to be received on or before August 10 and February 10 following the end of each of the foregoing periods. If either of the due dates (August 10 or February 10) falls on a Saturday, Sunday, or national holiday, the due date will become effective on the first following working day.

(c) Data reported on Form 239 shall reflect combined scheduled and nonscheduled operations, but shall exclude military contract operations.

(d) For foreign route air carriers, data called for on Form 239 shall relate only to freight traffic from and/or to the United States and claims and revenue data relating thereto.

(e) Dollar amounts reported on Form 239 shall be rounded to the nearest whole number of United States dollars, omitting cents.

(f) Line 1.—Show the number and dollar amounts of claims received by the reporting carrier during the reporting period separated between domestic and international operations. If a dollar amount of a claim received is specified, include that amount in the total reported for columns (2) and (4); if a dollar amount of a claim received is not specified, the reporting carrier shall include an amount in the total reported for columns (2) and (4) based on the carrier's reasonable best estimate of the amount of that claim.

(g) Line 2.—Show the number and dollars amounts of claims paid in whole or in part by the reporting carrier during the reporting period separated between domestic and international operations.

(1) Carriers should report only claims paid which were made by their customers against them. Show only net claims expense paid, and exclude pending subrogations against the reporting carrier, subject to correction at a later date.

(2) Carrier interline claim data. Each carrier participating in an interline movement and sharing in the settlement shall separately report as to its own dollar portion of interline claims. For the purposes of line 2, columns (1) and (3) each interline carrier participating and sharing in the claim settlement shall count each claim on a percentage basis (participant prorate).

	Number of carriers participating in settlement			
	2	3	4	5
Claim-paying carrier	0.50	0.34	0.25	0.20
2d carrier	.50	.33	.25	.20
3d carrier		.33	.25	.20
4th carrier			.25	.20
5th carrier				.20

Note that if carrier A, for example, participated in an interline movement with carrier B, but carrier B bore the entire claim settlement, only carrier B would report the amount paid, as "1.00" claim.

(3) The dollar amounts paid (line 2, columns (2) and (4)) shall reflect only claim payments made pursuant to the carrier's liability under its tariff or other applicable law, and shall exclude payments made purusant to nontariff liability, such as under a shipper's all-risk insurance policy.

(h) Line 3.—Show the gross combined scheduled and nonscheduled air freight revenue received by the reporting carrier during the reporting period separated between domestic and international operations. For certificated route air carriers, these figures should be reported on the same basis as the total of amounts reported for domestic and international operations, respectively, in accounts 3906.2 and 3907.2 (excluding military operations) on Schedule P-3 of CAB Form 41.

(i) Line 4.—Show a percentage carried to two decimal places.

§ 239.3 Extension of filing time.

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Civil Aeronautics Board at least three (3) days before the prescribed due date. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

§ 239.4 Retention of records.

The carrier which concludes disposition of the claim shall maintain a complete file of papers and correspondence relating to each claim. As a minimum, this file shall contain the following: copy of the original claim, a copy of the inspection report, if any, a copy of any and all correspondence distributing or reducing the liability arising from the claim, any and all correspondence subrogating the claim to another carrier or organization or party in the normal course of business. Should any of the above records not be maintained by the carrier upon his premises, the carrier's records shall contain an acknowledgment from the party retaining said records that the papers are in its possession and are available for inspection as if the record were retained by the carrier. Upon disposition of the claim, the complete file shall be maintained in accordance with Part 249 of the Board's regulations in this chapter.

2. Amend CAB Form 239 so that it consists of a single page designated as CAB Form 239, Report of Freight Loss and Damage Claims, attached hereto and incorporated herein.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

CAB Form 239
(4-77)

CIVIL AERONAUTICS BOARD
Washington, D.C. 20428

REPORT OF FREIGHT LOSS AND DAMAGE CLAIMS

(See Instructions on Reverse Side)

Air Carrier _____

Six months ended (*Check appropriate box*) ☐ June 30, 19___ ☐ Dec. 31, 19___

Operations: Total Scheduled and Nonscheduled

Date (Y Y M M)

Carrier Code

Line No.	Item	DOMESTIC Number (1)	DOMESTIC Dollars (2)	INTERNATIONAL Number (3)	INTERNATIONAL Dollars (4)	SYSTEM Number Col. (1) + Col. (3) (5)	SYSTEM Dollars Col. (2) + Col. (4) (6)
1	Total Claims Received						
2	Total Claims Paid						
3	Total Freight Revenue	XXXX		XXXX		XXXX	
4	Ratio Claims Paid to Revenues (Item 2 ÷ Item 3)	XXXX	%	XXXX	%	XXXX	%

I, the undersigned, (Title) _____ of the above-named air carrier certify that the above report has been examined by me and to the best of my knowledge and belief is a true, correct and complete report for the period stated.

Signature: _____

Name (*Please Type or Print*) _____

Date _____

Air Carrier Post Office Address _____

INSTRUCTIONS

1. Each United States certificated route air carrier and foreign route air carrier authorized to serve the United States in scheduled air transportation shall prepare CAB Form 239 semi-annually for the periods January 1 through June 30 and July 1 through December 31 of each year.

2. One copy of the form, with the certificate executed by the officer in charge of the carrier's accounts, shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428 so as to be received on or before August 10 and February 10 following the end of each of the foregoing periods. If either of the due dates (August 10 or February 10) falls on a Saturday, Sunday, or national holiday, the due date will become effective on the first following working day.

3. Data reported on Form 239 shall reflect combined scheduled and nonscheduled operations, but shall exclude military contract operations.

4. For foreign route air carriers, data called for on Form 239 shall relate only to freight traffic from and/or to the United States and claims and revenue data relating thereto.

5. Dollar amounts reported on Form 239 shall be rounded to the nearest whole number of United States dollars, omitting cents.

6. Line 1 - show the number and dollar amounts of claims received by the reporting carrier during the reporting period separated between domestic and international operations. If a dollar amount of a claim received is specified, include that amount in the total reported for columns (2) and (4); if a dollar amount of a claim received is not specified, the reporting carrier shall include an amount in the total reported for columns (2) and (4) based on the carrier's reasonable best estimate of the amount of that claim.

7. Line 2 - show the number and dollar amounts of claims paid by the reporting carrier during the reporting period separated between domestic and international operations.

a. Carriers should report only claims paid which were made by their customers against them. Show only net claims expense paid, and exclude pending subrogations against the reporting carrier, subject to correction at a later date.

b. Carrier interline claim data. Each carrier participating in an interline movement and sharing in the settlement shall separately report as to its own dollar portion of interline claims. For the purposes of line 2, columns (1) and (3) each interline carrier participating and sharing in the claim settlement shall count each claim on a percentage basis (participant prorate).

	Number of Carriers Participating in Settlement			
	2	3	4	5
Claim-paying carrier	.50	.34	.25	.20
2nd carrier	.50	.33	.25	.20
3rd carrier	-	.33	.25	.20
4th carrier	-	-	.25	.20
5th carrier	-	-	-	.20

Note that if carrier A, for example, participated in an interline movement with carrier B, but carrier B bore the entire claim settlement, only carrier B would report the amount paid, as "1.00" claim.

c. The dollar amounts paid (line 2, columns (2) and (4)) shall reflect only claim payments made pursuant to the carrier's liability under its tariff or other applicable law, and shall exclude payments made pursuant to non-tariff liability, such as under a shipper's all-risk insurance policy.

8. Line 3 - show the gross combined scheduled and nonscheduled air freight revenue received by the reporting carrier during the reported period separated between domestic and international operations. For certificated route air carriers, these figures should be reported on the same basis as the total of amounts reported for domestic and international operations, respectively, in accounts 3906.2 and 3907.2 (excluding military operations) on Schedule P-3 of CAB Form 41.

Definitions

Operations, domestic means traffic among the 50 States of the United States and the District of Columbia.

Operations, international means traffic among the 50 States of the United States and the District of Columbia, on the one hand, and all points outside the 50 States and the District of Columbia on the other hand.

United States as defined in the Federal Aviation Act of 1958, means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

[FR Doc.77-12092 Filed 4-28-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. IA-581, 34-13454]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Extension of Temporary Exemption From the Investment Advisers Act for Certain Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Extension of Temporary Rule.

SUMMARY: As a result of the May 1, 1975 elimination of fixed commission rates on securities transactions, certain broker-dealers may have decided to impose separate charges for their investment advisory services. However, doing so might have caused such broker-dealers to lose their exemption from the Investment Advisers Act of 1940. To avoid this result the Commission has, since April 23, 1975, exempted certain broker-dealers from the Investment Advisers Act of 1940. The purpose of this document is to extend the expiration date for the temporary exemption from April 30, 1977 until April 30, 1978.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Michael Berenson, Esq., Office of the Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8056.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission hereby amends Rule 206A-1(T) (17 CFR 275.206A-1(T)) under the Investment Advisers Act of 1940 ("Advisers Act") (15 U.S.C. 80b-1, et seq.), effective the date hereof, to continue until April 30, 1978 the temporary exemption provided thereby for certain registered brokers and dealers. The amendment to Rule 206A-1(T) is adopted pursuant to sections 206A, 211(a) and 211(b) of the Advisers Act (15 U.S.C. 80b-6a, 80b-11(a) and 80b-11(b)).[1]

On April 23, 1975, the Commission published notice (Advisers Act Release No. 455) (40 FR 18424, April 28, 1975) of the adoption of temporary Rule 206A-1(T) effective May 1, 1975 to coincide with the effective date of Rule 19b-3 (17 CFR 240.19b-3) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq.).[2] Rule 206A-1(T) was intended to facilitate brokers and dealers charging separately for research and other investment advice furnished by brokers and dealers to their customers. However, the performance of advisory services for a separate charge clearly would bring such brokers and dealers within the definition of investment adviser in Section 202(a)(11) (15 U.S.C. 80b-2(a)(11)) of the Advisers Act,[3] since the exclusion in Section 202(a)(11)(C) (15 U.S.C. 80b-2(a)(11)(C)) for "any broker or dealer whose performance of such (investment advisory) services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation "therefor" would not be available with respect to the unbundled advisory services. Accordingly, in order to afford brokers and dealers an adequate period of time to develop and test new pricing practices after May 1, 1975, without at the same time having to register under and comply with the Advisers Act, the Commission provided a four-month exemption from the Advisers Act for any broker or dealer registered as such on May 1, 1975 pursuant to Section 15 (15 U.S.C. 78o) of the Exchange Act and who was not then registered with the Commission as an investment adviser (or any successor to such broker or dealer within the meaning of Rule 15b1-3 (17 CFR 240.-15b1-3) under the Exchange Act), subject to two limited exceptions. The Commission intended that the exemptive period also would be utilized by such brokers and dealers "to become familiar with the provisions of that (Advisers) Act and interpretations thereunder and to consider their possible interaction with brokerage practices," and requested "suggestions for further action."[4]

Subsequently, the Commission concluded that additional time was needed to evaluate the potential problems, if any, in applying the Advisers Act to brokers and dealers in the light of business practices evolving in the securities industry. It also concluded that it was not appropriate to exempt from the Advisers Act for an extended period those brokers and dealers who perform investment supervisory services or other investment management services because of the special trust and confidence inherent in the relationships between such brokers and dealers and their advisory clients. Accordingly, Rule 206A-1(T) was amended principally to: (1) Extend the expiration date for the temporary exemption to April 30, 1976; and (2) to make the exemption inapplicable after November 30, 1975 to broker-dealers who provide investment supervisory or investment management services.[5]

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[1] Section 206A of the Advisers Act provides as follows:

The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Sections 211 (a) and (b) of the Advisers Act provide as follows:

(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters."

(b) Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations."

[2] Rule 19b-3 prohibits any national securities exchange from adopting or retaining any rule that requires, or from otherwise requiring, its members to charge fixed rates of commission for transactions executed on, or by the use of the facilities of, such exchange after May 1, 1975 (May 1, 1976 as to rules of an exchange relating to floor brokerage commissions).

[3] Section 202(a)(11) of the Advisers Act defines the term "investment adviser" to mean, with certain limited exclusions:

Any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities."

[4] Investment Advisers Act Release No. 455 (April 23, 1975), 40 FR 18424 (April 28, 1975).

[5] Investment Advisers Act Release No. 471 (August 20, 1975), 40 FR 38157 (August 27, 1975).

The text of Rule 206A-1(T), as then amended, was as follows:

Rule 206A-1(T). Temporary Exemption for Certain Broker-Dealers/Investment Advisers.

(a) Any person who was registered as a broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934 on May 1, 1975, and was not then registered as an investment adviser pursuant to Section 203 of the Investment Advisers Act of 1940 (or any successor, within the meaning of Rule 15b1-3 under the Securities Exchange Act of 1934, to such broker-dealer) shall be temporarily exempt from the provisions of the Act and the rules and regulations thereunder until April 30, 1976: *Provided, however,* That—

(1) This exemption shall not be applicable to any such person (a) whose broker-dealer registration is withdrawn, suspended, cancelled or revoked, or (b) who acts as an investment adviser, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to any investment company registered or required to be registered under that Act; and

(2) This exemption shall not be applicable after November 30, 1975, to any broker-dealer who performs investment supervisory services as defined in Section 202(a)(13) of the Act or investment management services as defined in paragraph (b) of this rule.

(b) For the purposes of this rule, a person performs "investment management services" with respect to any account as to which such person, directly or indirectly, for special compensation or not solely incidental to his business as a broker-dealer,

(1) Is authorized to determine what securities shall be purchased or sold by or for the account; or

(2) Makes decisions as to what securities shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

As of April 1976 the Commission had not observed a significant amount of unbundling of advisory services by broker-dealers and decided to extend the exemptive provisions of Rule 206A-1(T) until April 30, 1977.[6] At that time, the Commission made clear that the exclusion from the exemption in Rule 206A-1(T) for a broker-dealer who performs investment supervisory services or investment management services is applicable only if such services are performed "for special compensation or not solely incidental to his business as a broker-dealer."

The Commission believes that the broker-dealer community is still in the process of developing its response to unfixed commission rates and making decisions as to the wisdom, in terms of the marketplace, of unbundling advisory services. During the twelve-month extension of Rule 206A-1(T), the Commission intends to gather information which will enable it to evaluate the need for, and the economic impact of, applying the dual regulatory schemes of the Advisers Act and the Exchange Act to broker-dealers who charge separately for their advisory services. Prior to May 1, 1978, the Commission intends to reach a final determination of the status of broker-dealers under the Advisers Act by deciding whether Rule 206A-1(T) should (1) be allowed to expire, (2) be promulgated as a permanent rule or (3) be amended and promulgated as a permanent rule.

Accordingly, Rule 206A-1(T) is hereby amended in the following manner: paragraph (a) is amended to change the expiration date of the temporary exemption from April 30, 1977 to April 30, 1978.

The text of Rule 206A-1(T) (§ 275.206A-1(T)), as amended hereby, is set forth below.

§ 275.206A-1(T) Temporary exemption for certain broker-dealers/investment advisers.

(a) Any person who was registered as a broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934 on May 1, 1975, and was not then registered as an investment adviser pursuant to Section 203 of the Investment Advisers Act of 1940 (or any successor, within the meaning of Rule 15b1-3 under the Securities Exchange Act of 1934, to such broker-dealer) shall be temporarily exempt from the provisions of the Act and the rules and regulations thereunder until April 30, 1978. *Provided, however,* That: (1) This exemption shall not be applicable to any such person (i) whose broker-dealer registration is withdrawn, suspended, cancelled or revoked, or (ii) Who acts as an investment adviser, as defined in section 2(a)(20) of the Investment Company Act of 1940, to any investment company registered or required to be registered under that Act; and

(2) This exemption shall not be applicable after November 30, 1975, to any broker-dealer who, for special compensation or not solely incidental to his business as a broker-dealer, performs investment supervisory services as defined in section 202(a)(13) of the Act or investment management services as defined in paragraph (b) of this section.

(b) For the purposes of this rule, a person performs "investment management services" with respect to any account as to which such person, directly or indirectly,

(1) Is authorized to determine what securities shall be purchased or sold by or for the account; or

(2) Makes decisions as to what securities shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

The Commission finds that the adoption of the foregoing amendment to Rule 206A-1(T) without requesting additional comments is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act, since it will continue for an additional year beyond its scheduled expiration and exemption from a statutory requirement for a class of persons registered under and subject to the provisions of the Exchange Act. The Commission further finds, in accordance with the requirements of the Administrative Procedure Act,[7] that notice of the amendment to Rule 206A-1(T) prior to adoption and public procedure thereon is unnecessary, and publication for 30 days prior to the effective date may be omitted, since the amendment continues an exemption from statutory requirements which otherwise would be applicable, and since it is in the public interest to facilitate the continued transition to competitive public commission rates pursuant to Rule 19b-3 under the Exchange Act. Accordingly, the amendment to Rule 206A-1(T) shall become effective on the date hereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1977.

[FR Doc.77-12329 Filed 4-28-77;8:45 am]

[6] Investment Advisers Act Release No. 506 (April 1, 1976), 41 FR 14507 (April 6, 1976).

[7] 5 U.S.C. 551, et seq. (1970), as amended (Supp. IV, 1974).

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 4, 16]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Rights and Benefits Based on Disability; Determination of Disability or Blindness; Additional Medical Criteria for Determinations of Disability for Children Under Age 18

Correction

In FR Doc. 77-7605, appearing at page 14705, in the issue for Wednesday, March 16, 1977, make the following corrections:

1. On page 14712, in the second column, under section 112.00, change the first word in the first line of the fourth paragraph from *"Developmetal"* to read *"Developmental"*.

2. Also on page 14712, in the third column, change the line now reading "13.00 NEOPLASTIC DISEASES, MALIG-", to read, "113.00 NEOPLASTIC DISEASES, MALIG-".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75F-0363]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Resinous and Polymeric Coatings

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: This document amends the regulations for indirect food additives to provide for the use of certain resins as components of coatings for beverage containers intended to contact only alcoholic beverages containing less than 8 percent alcohol. A petition had been filed by Whittaker Coatings and Chemicals proposing safe use of the product.

DATES: Effective April 29, 1977; objections by May 31, 1977.

ADDRESSES: Objections to this regulation may be filed with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brown, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204 (202-472-5690).

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of January 19, 1976 (41 FR 2664) announced that a petition (FAP 5B3076) had been filed by Whittaker Coatings and Chemicals, P.O. Box 825, Colton, CA 92324 proposing that § 175.300 (formerly § 121.2514, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) be amended to provide for the safe use of polyester resins modified with triethylene glycol and epoxy resins modified with benzoic acid and succinic anhydride as components of coatings intended to contact only alcoholic beverages containing less than 8 percent alcohol.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 175.300 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 175 is amended in § 175.300 in paragraph (b)(3)(vii)(c) by alphabetically inserting a new item in the listing of polyhydric alcohols, and in paragraph (b)(3)(viii)(c) by alphabetically inserting two new items in the listing of adjuncts for epoxy resins, to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *
(3) * * *
(vii) * * *
(c) * * *

Triethylene glycol, for use as a component in polyester resins for coatings not exceeding a coating weight of 4 milligrams per square inch and that are intended for contact under conditions of use D, E, F or G described in table 2 of paragraph (d) of this section with alcoholic beverages containing less than 8 percent alcohol.

* * * * *

(viii) * * *
(c) * * *

Benzoic acid, for use as a component in epoxy resins for coatings not exceeding a coating weight of 4 milligrams per square inch and that are intended for contact under conditions of use D, E, F or G described in table 2 of paragraph (d) of this section with alcoholic beverages containing less than 8 percent alcohol.

* * * * *

Succinic anhydride, for use as a component in epoxy resins for coatings not exceeding a coating weight of 4 milligrams per square inch, and that are intended for contact under conditions of use D, E, F or G described in table 2 of paragraph (d) of this section with alcoholic beverages containing less than 8 percent alcohol.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 31, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Four copies of all documents shall be filed and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective April 29, 1977.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: April 22, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-12300 Filed 4-28-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Amprolium, Ethopabate, Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: New animal drug application (NADA 104-424V) filed by the Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036, is approved by the Food and Drug Administration. The NADA proposes safe and effective use of a medicated premix containing amprolium, ethopabate, and bacitracin methylene disalicylate for the manufacture of a finished broiler feed used as an aid in the prevention of coccidiosis, and for growth promotion and feed efficiency.

EFFECTIVE DATE: The approval is effective April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-4913).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is amending Parts 510 and 558 (21 CFR Parts 510, 558) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by alphabetically adding a new sponsor to paragraph (c)(1) and numerically adding a new sponsor to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *
(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Carnation Co., 5045 Wilshire Blvd., Los Angles, CA 90036.	047019
* * * * *	

(2) * * *

Drug listing No.:	*Firm name and address*
* * * * *	
047019	Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.
* * * * *	

2. In Part 558, § 558.58 is amended by adding paragraph (a) and new item (iv) to paragraph (e)(1) to read as follows:

§ 558.58 Amprolium and ethopabate.

(a) *Approvals.* Premix levels of 0.15 percent amprolium, 0.004 percent ethopabate, and 100 g/ton bacitracin (as bacitracin methylene disalicylate) granted to No. 047019 in § 510.600(c) of this chapter, amprolium and ethopabate as provided by No. 000006, bacitracin (as bacitracin methylene disalicylate) as provided by No. 046573.

* * * * *

(e) * * *
(1) * * *

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* * * * *				
(iv) Amprolium 136.2 (0.015 pct) and ethopabate 3.6 (0.0004 pct).	Bacitracin 10..	Broiler chickens; as an aid in the prevention of coccidiosis; growth promotion and feed efficiency.	Feed as sole ration; use as sole source of amprolium; do not feed to laying hens; as bacitracin methylene disalicylate.	047019

Effective date: This amendment becomes effective April 29, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 19, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-11869 Filed 4-28-77;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0129]

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Cryoprecipitated Antihemophilic Factor (Human)

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) issues amendments to permit Cryoprecipitated Antihemophilic Factor (Human) to be manufactured from plasma obtained by plasmapheresis and to reorganize the regulations for consistency, pursuant to a proposal based on (1) data and relevant material in a license application and (2) FDA's ongoing review of standards for biological products.

DATES: Effective April 29, 1977, except that the effective date for labeling requirements is October 26, 1977.

FOR FURTHER INFORMATION CONTACT:

John Singleton, Bureau of Biologics HFB-620, Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20014.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposed, in the FEDERAL REGISTER of September 9, 1975 (40 FR 41799), to amend the biologics regulations to permit the preparation of Cryoprecipitated Antihemophilic Factor (Human) from plasma obtained by plasmapheresis, and to prescribe criteria for donor suitability, collection, and testing of source material to protect the donor and assure the integrity of such source material. Also, as a result of the Commissioner's ongoing review of the existing standards of safety, purity, potency, and efficacy of biological products, he proposed to reorganize the additional standards for Cryoprecipitated Antihemophilic Factor (Human) to be consistent with the organization of other additional standards. The proposal also included substantive changes that reflect new scientific knowledge and experience with the product.

Interested persons were given until November 10, 1975 to comment. Thirteen letters of comment were received. The comments and the Commissioner's responses follow:

1. One comment on proposed § 640.50(a) (21 CFR 640.50(a)) suggested that a more appropriate name is Cryoprecipitated Factor VIII (Human).

Since the terms "Antihemophilic Factor" and "Factor VIII" are synonymous and Cryoprecipitated Antihemophilic Factor (Human) is consistent with the named recognized in the U.S. Pharmacopeia, the Commissioner finds no basis for changing the name and the comment is rejected.

2. One comment on proposed § 640.50 (a) suggested that the definition be expanded to include use for correction of coagulation defects of Von Willebrand's disease and for replacement of fibrinogen in appropriately selected patients.

The Commissioner advises that the regulation does not limit the use of the product only for correction of coagulation defect of hemophilia A. The phrase "which will correct the coagulation defect of hemophilia A" was intended to assure potency adequate to treat hemophilia A, which is the most significant use for the product. The product may be used to correct the coagulation defect of Von Willebrand's disease and for replacement of fibrinogen in appropriately selected patients and for numerous other diseases and syndromes. These uses are identified in the labeling approved by the Director, Bureau of Biologics. Accordingly, the comment is rejected. But to preclude confusion concerning acceptable uses for the product, § 640.50(a) is amended to delete the phrase "which will correct the coagulation defect of hemophilia A."

3. One comment said proposed § 640.50 (b) should make clear that the term "plasma" includes anticoagulant.

The Commissioned concludes that such clarification is unnecessary since § 640.52 (21 CFR 640.52) requires that the product be prepared from whole blood collected as prescribed in § 640.4 (21 CFR 640.4) or by plasmapheresis as prescribed in § 640.64 (21 CFR 640.64). Sections 640.4 and 640.64 require that the source material be collected in an anticoagulant. Accordingly the comment is rejected.

4. Three comments on proposed § 640.51 (21 CFR 640.51) recommended deletion of paragraph (c) since the restriction would eliminate satisfactory donors.

The Commissioner agrees that eliminating all donors who have ever been immunized is not necessary, since some individuals may not have developed significant titers of antibody. Until agreement can be reached by blood banking experts regarding the need to test all Whole Blood (Human) donors for antibodies, it is not logical to require testing for this component.

Accordingly, this requirement has been clarified to eliminate only those donors who may have been immunized with human red cells within 6 months to preclude transmission of hepatitis viruses. Donors who have been immunized with blood group substances need not be eliminated as satisfactory donors. Blood group substances are derived from nonhuman sources and do not carry any hepatitis viruses. Accordingly, the Commissioner is amending § 640.51(c) to delete the phrase "or blood group substances."

5. One comment on proposed § 640.54 (a)(1) and (2) (21 CFR 650.54(a) (1) and (2)) suggested that there is no need to require separate time periods for separation and freezing of the plasma. The comment suggested a total 6-hour period within which the plasma must be separated and frozen.

The Commissioner finds that specific time periods for each process are unnecessary as long as the plasma is completely frozen within 6 hours from the time of collection. Accordingly, the final regulation is amended in § 640.54(a)(1) to delete reference to a 4-hour limit to accomplish separation, and in § 640.54 (a)(2) to require that the plasma shall be frozen solid within 6 hours after blood collection.

6. One comment on proposed § 640.54 suggested that it should be amended to require that the original plasma volume from which the product was manufactured should be not less athan 200 milliliters.

The Commissioner assumes that the reason for the request is that a unit of plasma may be used first as a source of Platelet Concentrate (Human), and the remaining plasma in the unit may be used as the source of Cryoprecipitated Antihemophilic Factor (Human). The amount of Cryoprecipitated Antihemophilic Factor (Human) that may be obtained from a unit of plasma depends, in part, on the volume of source plasma. To assure that there is an adequate amount of Cryoprecipitated Antihemophilic Factor (Human) for clinical use, the Commissioner believes that the volume of plasma from which the product was manufactured should be not less than 200 milliliters. Accordingly, § 640.54 is amended to specify that no less than 200 milliliters of essentially cell-free plasma be obtained.

7. One comment on proposed § 640.54 (a), citing E. R. Burka, et al., *Transfusion* 15: 307 (1975), recommended that the plasma be immersed for 60 minutes in a combination of dry ice and organic solvent at a tetmperature of —70° C or colder to accomplish solid freezing.

The Commissioner finds the requirement to manufacture Cryoprecipitated Antihemophilic Factor (Human) from plasma that has been frozen solid within 6 hours after blood collection adequately assures the safety, purity, potency, and effectiveness of the product. There is no reason to restrict the method of freezing to that suggested in the comment. Accordingly, the comment is rejected.

8. One comment on proposed § 640.54 (a)(3) noted that there is no provision for thawing the plasma for the preparation of the antihemophilic factor.

The Commissioner advises that the phrase "further processing to remove Cryoprecipitated Antihemophilic Factor (Human)" is intended to include thawing of the plasma. For clarification, the paragraph is revised to reference thawing of the plasma after storage and before further processing to remove the Cryoprecipitated Antihemophilic Factor (Human).

9. Four comments on proposed § 640.54 (a)(3) recommended that storage should be at —30° C or colder rather than —18° C, as proposed.

The Commissioner is aware that the product's stability is slightly increased at the colder temperature. But existing data demonstrate adequate stability with —18° C storage. The Commissioner believes that the slight increase in stability obtained with —30° C is outweighed by the consequent burden on processors and

users (hemophiliacs) to purchase additional freezers that can maintain the —30° C storage temperature. Accordingly, the comment is rejected.

10. A comment suggested amending § 640.54 to prescribe (1) the length of time that plasma may be stored before removal of the cryoprecipitate, and (2) the volume of plasma in the cryoprecipitate. The comment provided data (E. R. Burka, et al., Transfusion 15:307–311, 1975) demonstrating that there is no loss of potency in the final product if it is separated after 3 months of storage at —30° C.

Because the FDA proposal upon which this final regulation is based did not address the questions of storage time and volume of plasma in the cryoprecipitate, the Commissioner concludes that it would be inappropriate to prescribe requirements at this time without first proposing these conditions for public comment. If the Commissioner finds that the suggested requirements are needed, they will first be proposed.

11. Four comments on proposed § 640.56 (21 CFR 640.56) said that the proposed potency requirements were statistically unsound, clinically unhelpful, and unrealistic.

The Commissioner believes that the proposal's intent was misunderstood. The proposal was designed to require an average of 40 units of Antihemophilic Factor (Human) per 100 milliliters of plasma rather than a minimum of 40 units. As stated in the preamble of the proposal, evidence obtained from potency tests on inspection samples shows that this level is obtainable since the majority of licensed manufacturers are currently producing a final product with an average potency of 40 units of antihemophilic factor per 100 milliliters of plasma. Thus, the regulation is both sound and realistic and the comments are rejected. As discussed elsewhere in this preamble, the Commissioner has concluded that it would be more meaningful to state the potency in terms of the required amount of antihemophilic factor—80 units—in the final container. Sections 640.54(b)(1) (21 CFR 640.54(b)(1) and 640.56(d)) (21 CFR 640.56(d)) are amended accordingly.

12. Four comments on proposed § 640.56 expressed concern with the proposed requirement for potency testing—four units per month. One comment said that as much information can be obtained from a potency test of four pooled units rather than four individual units. One comment suggested that 10 to 12 units should be tested every 2 months, or per quarter, and averaged. One comment said that the proposed testing should be based on volume of production and that the proposal is unrealistic for a small blood bank. One comment said that each unit should be tested and the potency stated on the label.

The Commissioner recognizes the advantages of pooling the units to be assayed and of assaying more than four units, if indicated. Accordingly, the phrase "at least" is added to § 640.56(a), and § 640.56(c) (redesignated § 640.56 (d)) is revised to reference the average potency level of the containers tested.

The Commissioner is aware that the use of four units per month for these purposes may be considered burdensome for some small blood banks that may only occasionally prepare the product. But periodic monitoring of this kind is essential, and a quality control program is as important for these blood banks as for the larger ones. It is imperative that the personnel be kept familiar with the technique to assure preparation of an acceptable product. Accordingly, the comment is rejected.

The Commissioner concludes that it is not reasonable to test every unit; such a practice will not significantly enhance quality control and the added expense is disproportional to the benefit derived. Accordingly, the comment that the label of each container state its potency is rejected.

13. One comment on proposed § 640.56 suggested that the quality control test be performed at the end of the expiration date of the units rather than each month as proposed.

The Commissioner advises that the quality control test must be conducted each month to ensure that if the collection and processing procedures are inadequate, immediate corrective action will be taken, as required by § 640.56(c) (1) (redesignated § 640.56(d)). If the quality control tests are performed at the end of the expiration date of the product (12 months from the date of collection of source blood), there would be excessive delay in taking corrective action. Accordingly, the comment is rejected.

14. One comment on proposed §§ 640.54(b)(1) and 640.56(c) (redesignated § 640.56(d)) stated that the potency should be described in terms of the number of units of antihemophilic factor per container of Cryoprecipitated Antihemophilic Factor (Human) and that a level of 80 units per container be required. Several comments said that the main concern of the prescribing physician is the minimum potency of the material in the container. Another comment suggested that § 640.56 be changed to establish a permissible failure rate.

The Commissioner agrees that the minimum potency of each container of product is important information that should be available to the prescribing physician. The Commissioner also agrees that the average minimum potency should be 80 units per container since § 640.54 now requires that the plasma shall be separated from the red blood cells to obtain no less than 200 milliliters of essentially cell-free plasma. This level of average minimum potency is consistent with the quality control test level of no less than 40 units of antihemophilic factor derived from 100 milliliters of source material.

The Commissioner believes that the comment suggesting a permissible failure rate misinterpreted the intent of the regulation. The proposed regulation requires an average number of units of antihemophilic factor rather than an absolute minimum, thereby providing for individual results failing to meet the prescribed level.

Accordingly, the Commissioner is amending § 640.54(b)(1) to require that the Cryoprecipitated Antihemophilic Factor (Human) be separated from the plasma by a procedure that has been shown to produce an average of no less than 80 units of antihemophilic factor per final container and is amending § 640.56(c) (redesignated § 640.56(d) to require that if the average potency level of the containers tested is less than 80 units of antihemophilic factor per container, immediate corrective actions must be taken and a record maintained of such action.

To assure that all the necessary information concerning the product is readily available to the prescribing physician, the Commissioner is also amending § 640.57 (21 CFR 640.57) to add a new paragraph (g) to require that the label contain the statement "Average potency is 80 or more units of antihemophilic factor."

15. One comment on proposed § 640.56(b) noted that the time within which test results must be available was specified only for results from testing performed by an outside laboratory; no time was specified for results performed by the blood bank itself. The proposal established a 10-day limit.

The Commissioner agrees that the proposal designated a time applicable only to test results from outside laboratories and is amending § 640.56 in the final regulation to establish a time limit for in-house as well as outside testing results. In addition, on the basis of his consultation with the panel of nongovernment experts on blood, convened as part of the Biologics Efficacy Review established pursuant to 21 CFR 601.25, the Commissioner has decided on his own initiative to extend the time that test results must be available from 10 to 30 days. This is consistent with the timing of quality control testing.

16. The Commissioner is amending § 640.56 by deleting paragraph (c)(2), which had required a manufacturer to advise the Bureau of Biologics if the quality control test results do not meet specifications. Since the regulation requires that immediate corrective action be taken by the manufacturer and a record maintained of such action, the Commissioner concludes that reporting requirements may be unnecessary at this time. Adequate regulatory control will usually be obtained by examination of those records during the annual inspection by FDA; if records show immediate corrections were not taken, appropriate regulatory action will be initiated.

17. Two comments on proposed § 640.57(b) questioned the necessity of including on the label the volume of source blood and plasma and the volume and type of anticoagulant.

Since the regulations now require in § 640.54(a)(1) that no less than 200 milliliters of essentially cell-free plasma be obtained and in § 640.57(g) that the label contain the statement "Average

potency is 80 or more units of antihemophilic factor," the Commissioner concludes that § 640.57(b) is no longer needed. Since the anticoagulants have no effect on the finished product and are present in insignificant amounts, the Commissiner finds it unnecessary to require a label declaration of the volume and type of anticoagulant. Accordingly, § 640.57 is amended in the final regulation by deleting paragraph (b) and sequentially renumbering the remaining paragraphs.

18. Two comments on proposed § 640.57(c) (redesignated § 640.57(b)) said that only the ABO blood group designation is necessary. One of the comments said that the inclusion of Rh type on the label would confuse certain clinicians.

The Commissioner agrees that the ABO group designation is necessary since it has clinical significance. The remaining blood group designations of the source blood were proposed for inclusion on the label primarily because the tests to identify them are routinely performed. But this is not considered essential information. Accordingly, the Commissioner accepts the comments and § 640.57(b) is revised to require only the ABO group designation of the source blood.

19. One comment on § 640.57(d) (redesignated § 640.57(c)) suggested that the donor's surname be required in addition to donor number, since errors are more likely to occur when numbers alone are used and inclusion of the surname would ease cross-checking the hepatitis test history of the donor

The donor number is the identification universally used for whole blood and all components, and it is required throughout the biologics regulations for blood components. Mixups in the use of numbers have not been a recognized problem at reputable establishments. Therefore, the need for the surname has not been shown and the comment is rejected.

20. Two comments on proposed § 640.57(f) (redesignated § 640.57(e)) requested that the type and results of the serological test for syphilis be deleted from the label. One comment suggested the results should be included but that the type of test performed was a matter of record and need not appear on the label. One comment suggested that the regulation use the term "interpretation" or "result" rather than "results", since only nonreactive units can be distributed.

The Commissioner concludes that the label should state that the Cryoprecipitated Antihemophilic Factor (Human) is nonreactive for syphilis, since this is clinically significant information. Accordingly, the Commissioner rejects the comments suggesting deletion of the results of the serological test for syphilis. The Commissioner accepts the suggestion to delete the type of serological test for syphilis since this is of almost no medical significance. The Commissioner agrees with the comment suggesting use of the term "result" rather than "results", and § 640.57(e) of the final regulation is amended accordingly. Consistent with the labeling requirements for other blood products as recently revised in the FEDERAL REGISTER of August 19, 1976 (41 FR 35062), the Commissioner is also amending §§ 640.57(e) and 640.57(f) to provide alternative label statements concerning the tests for syphilis and hepatitis, respectively.

21. Three comments on proposed § 640.57(h) (redesignated § 640.57(g)) said that because of the small volume of plasma remaining with the cryoprecipitated product, the antibody statement is unnecessary.

The Commissioner accepts the comment, and paragraph (h) of § 640.57 is deleted. The subsequent paragraphs are sequentially redesignated.

22. One comment on proposed § 640.57(k) (redesignated § 640.57(j)) suggested that an additional statement be added designating the length of time units could remain at thawing temperature and recommending that the units be removed from the 30° to 37° C temperature while still cold.

The Commissioner agrees that such information is important. The Commissioner concludes, however, that such information should be included in the circular, which is approved by the Director of the Bureau of Biologics and accompanies the product, rather than on the label and licensees should amend their circulars. Accordingly, the comment is rejected.

23. Seven comments requested clarification of proposed § 640.57(l) (redesignated § 640.57(k)). One comment said that the proposed requirement to use the product within 6 hours after thawing should be changed to be consistent with the American Association of Blood Banks use requirements for Single Donor Plasma (Human), Fresh Frozen. One comment submitted data suggesting that there is no change in potency within 24 hours after thawing and said that the proposed 6-hour requirement is unreasonable. The comment also said that the risk of bacterial contamination was minimal within 4 hours after entry into the container and suggested that the time interval for use after entry should be changed to 4 hours to be consistent with Platelet Concentrate (Human) regulations, rather than 2 hours as proposed.

The Commissioner agrees that the wording should be clarified. He also recognizes that existing data show relative stability for longer than 6 hours after thawing. But the 6-hour interval after thawing is adequate to allow for pooling and issuing, and there is little justification for the product to remain thawed for a longer period. Therefore, this comment is rejected. The Commissioner accepts, however, the suggested extension of the time to use the product from entry into the container. Accordingly, § 640.57(k) is amended to require a label statement to use the product as soon as possible but no more than 4 hours after entering or pooling and within 6 hours after thawing.

24. One comment criticized the proposed regulation because it does not address the use of plasma remaining after the removal of the Cryoprecipitated Antihemophilic Factor (Human) and (Human) additional standards should be revised to provide for licensure for this cryo-poor plasma as a source product.

The Commissioner advises that Cryoprecipitated Antihemophilic Factor (Human) must be prepared from a single unit of plasma obtained by whole blood collection or by plasmapheresis. Accordingly, the plasma remaining after the Cryoprecipitated Antihemophilic Factor (Human) is removed is Single Donor Plasma and not Source Plasma (Human). The proposed additional standards for Single Donor Plasma (Human) published in the FEDERAL REGISTER of November 11, 1975 (40 FR 52619), include provisions for the product Single Donor Plasma (Human), antihemophilic factor removed.

Pertinent background data and information on which the Commissioner relies in promulgating this regulation are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Public Health Service Act (section 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 640 is amended in Subpart F by revising §§640.50, 640.51, and 640.52 and adding §§ 640.53, 640.54, 640.55, 640.56, and 640.57, to read as follows:

§ 640.50 Cryoprecipitated Antihemophilic Factor (Human).

(a) *Proper name and definition.* The proper name of this product shall be Cryoprecipitated Antihemophilic Factor (Human). The product is defined as a preparation of antihemophilic factor, which is obtained from a single unit of plasma collected and processed in a closed system.

(b) *Source.* The source material for Cryoprecipitated Antihemophilic Factor (Human) shall be plasma which may be obtained by whole blood collection or by plasmapheresis.

§ 640.51 Suitability of donors.

(a) Whole blood donors shall meet the criteria for suitability prescribed in § 640.3.

(b) Plasmapheresis donors shall meet the criteria for suitability prescribed in § 640.63, excluding the phrase "other than malaria" in paragraph (c)(9) of that section. Informed consent shall be required as prescribed in § 640.61.

(c) Donors shall not be suitable if they are known to have been immunized by injection with human red blood cells within the last 6 months.

§ 640.52 Collection of source material.

(a) Whole blood used as a source of Cryoprecipitated Antihemophilic Factor (Human) shall be collected as prescribed in § 640.4, except that paragraphs (d)(2), (g) and (h) of that section shall not apply. Whole blood from which both Platelet Concentrate (Human) and Cryoprecipitated Antihemophilic Factor (Human) is derived shall be maintained as required under § 640.24 until the platelets are removed.

(b) If plasmapheresis is used, the procedure for collection shall be as prescribed in §§ 640.62, 640.64 (except that paragraph (c)(3) of that section shall not apply), and 640.65.

§ 640.53 Testing the blood.

(a) Blood from which plasma is separated for the preparation of Cryoprecipitated Antihemophilic Factor (Human) shall be tested as prescribed in §§ 610.40 of this chapter and 640.5 (a), (b), and (c).

(b) The tests shall be performed on a sample of blood collected at the time of collecting the source blood, and such sample container shall be labeled with the donor's number before the container is filled.

(c) Manufacturers of Cryoprecipitated Antihemophilic Factor (Human) obtained from plasma collected by plasmapheresis shall have testing and record-keeping responsibilities equivalent to those prescribed in § 640.69 (f) and (g).

§ 640.54 Processing.

(a) *Processing the plasma.* (1) The plasma shall be separated from the red blood cells by centrifugation to obtain no less than 200 milliliters of essentially cell-free plasma.

(2) The plasma shall be frozen solid within 6 hours after blood collection. A combination of dry ice and organic solvent may be used for freezing: *Provided*, That the procedure has been shown not to cause the solvent to penetrate the container or leach plasticizer from the container into the plasma.

(3) Immediately after separation and freezing of the plasma, the plasma shall be stored and maintained at −18° C or colder until thawing of the plasma for further processing to remove the Cryoprecipitated Antihemophilic Factor (Human).

(b) *Processing the final product.* (1) The Cryoprecipitated Antihemophilic Factor (Human) shall be separated from the plasma by a procedure that has been shown to produce an average of no less than 80 units of antihemophilic factor per final container.

(2) No diluent shall be added to the product by the manufacturer prior to freezing.

(3) The final container used for Cryoprecipitated Antihemophilic Factor (Human) shall be colorless and transparent to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under customary conditions of storage and use in such a manner as to have an adverse effect upon the safety, purity, potency and effectiveness of the product. At the time of filling, the final container shall be identified by a number so as to relate it to the donor.

§ 640.55 U.S. Standard preparation.

A U.S. Standard Antihemophilic Factor (Factor VIII) preparation may be obtained from the Bureau of Biologics, Food and Drug Administration, for use in the preparation of a working reference to be employed in a quality control potency test of Cryoprecipitated Antihemophilic Factor (Human).

§ 640.56 Quality control test for potency.

(a) Quality control tests for potency of antihemophilic factor shall be conducted each month on at least four representative containers of Cryoprecipitated Antihemophilic Factor (Human).

(b) The results of each test are received by the establishment licensed for Cryoprecipitated Antihemophilic Factor (Human) within 30 days of the preparation of the cryoprecipitated antihemophilic faotor and are maintained at that establishment so that they may be reviewed by an authorized representative of the Food and Drug Administration.

(c) The quality control test for potency may be performed by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a) and is qualified to perform potency tests for antihemophilic factor. Such arrangements must be approved by the Director, Bureau of Biologics, Food and Drug Administration. Such testing shall not be considered as divided manufacturing, as described in § 610.63 of this chapter, provided the following conditions are met:

(1) The establishment licensed for Cryoprecipitated Antihemophilic Factor (Human) has obtained a written agreement that the testing laboratory will permit an authorized representative of the Food and Drug Administration to inspect its testing procedures and facilities during reasonable business hours.

(2) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

(d) If the average potency level of antihemophilic factor in the containers tested is less than 80 units of antihemophilic factor per container, immediate corrective actions shall be taken and a record maintained of such action.

§ 640.57 Labeling.

In addition to the applicable requirements of § 610.62 of this chapter, and in lieu of the requirements of §§ 610.60 and 610.61 of this chapter, the container label shall bear the following information.

(a) The proper name of the product.

(b) ABO blood group designation of the source blood.

(c) Donor number.

(d) Expiration date.

(e) Type of serologic test for syphilis used and result or the statement "Nonreactive for syphilis by STS".

(f) Type of test for hepatitis B surface antigen used and the result, or the statement "Nonreactive for HB_sAg by FDA required test".

(g) The statement "Average potency is 80 or more units of antihemophilic factor".

(h) Instructions to store the product at −18° C or colder.

(i) A warning against further processing of the product if there is evidence of breakage or thawing.

(j) Instructions to thaw the product at a temperature between 30–37° C.

(k) Instruction to store at room temperature after thawing and use as soon as possible but no more than 4 hours after entering or pooling and within 6 hours after thawing.

(l) Instructions to use a filter in the administration equipment.

(m) A statement to see the instruction circular for directions for use.

(n) The statement "Caution: Federal law prohibits dispensing without prescription".

(o) Name, address, and license number of the manufacturer.

Effective date: This regulation becomes effective April 29, 1977, except requirements for labeling changes shall become effective October 26, 1977.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).)

Dated: April 22, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-12297 Filed 4-28-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

(DNA Instruction 5400.11)

PART 291a—PRIVACY ACT OF 1974

Exemptions

AGENCY: Defense Nuclear Agency.

ACTION: Rulemaking amendment.

SUMMARY: The Defense Nuclear Agency amends their Privacy Act regulation to delegate to the Director, Defense Nuclear Agency, the authority to exempt from disclosure certain information to the public. This provision was previously omitted through oversight. The intended effect of this amendment is to fully implement the requirements of the Privacy Act.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. J. David Woodend (202–325–7591) at the above address.

SUPPLEMENTARY INFORMATION: On November 28, 1975, FR Doc. 75–32008, there was published in the FEDERAL REGISTER (40 FR 55543) a final adoption of rules, effective September 27, 1975, pertaining to the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a) implementation

by the Defense Nuclear Agency concerning procedures and requirements on personal privacy and rights of individuals regarding their personal privacy.

On March 16, 1977, there was published in the FEDERAL REGISTER (42 FR 14738) a notice of a Defense Nuclear Agency proposal to amend these final rules by adding a new paragraph (S 291.a6(b) Specific Exemptions) to the rules which would authorize the Director, Defense Nuclear Agency, the right to create exemptions and to permit any information in the records system which is properly classified to be exempt from the access requirements of the Privacy Act. No written comments, recommendations, or objections have been received and the proposed Rulemaking Amendment is hereby adopted without change.

R. R. MONROE,
Vice Admiral, U.S. Navy,
Director.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 26, 1977.

The following new subparagraph (b) is added after the Note to paragraph (a).

§ 291a.6 Specific exemptions:

* * * * *

(b) Section 5, U.S.C. 552a (3) (j) and (3) (k) authorize an agency head to exempt certain systems of records or parts of certain systems of records from some of the requirements of the act. All systems of records maintained by Defense Nuclear Agency shall be exempt from the requirements of U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(3) (k) (1) to the extent that the system contains any information properly classified under Executive Order 11652, "Classification and Declassification of National Security Information and Material," dated March 8, 1972 (37 FR 10053, May 19, 1972) and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions may contain isolated information which has been properly classified.

[FR Doc.77-12338 Filed 4-28-77;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

[AF Reg. 12-35]

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

Review of Initial Refusals

AGENCY: Department of the Air Force.

ACTION: Final Rule.

SUMMARY: This rule prescribes procedural instructions for processing an individual's request for review of an Air Force official's refusal to amend his or her record. These instructions were developed as a result of Air Force examination of its internal procedures. They are intended to preclude unnecessary delays in processing and ensure fairness and impartiality in the review process.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Major Norma L. K. Mokuau, Air Force Privacy Act Office, Directorate of Administration (HQ USAF/DADMP), Washington, D.C. 20330. The telephone number is 202-767-4545.

SUPPLEMENTARY INFORMATION: On March 18, 1977, the Department of the Air Force published a proposed rule (42 FR 15076) to revise instructions for processing requests for review of initial refusals to amend records. As stated at that time, the intent was to clarify existing procedures and strengthen those directly related to Air Force Privacy Act Board review. Interested persons were invited to participate in the proposed rulemaking change; however, no public comments were received. A few minor language and editorial changes were made to the final rule document. These minor changes do not, however, substantially change the document's contents. Accordingly, the proposed amendment is hereby adopted, as set forth below.

VAN L. CRAWFORD, JR.,
Colonel, U.S. Air Force, Deputy Director of Administration.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

APRIL 26, 1977.

For the stated reasons, the Department of the Air Force amends Title 32 CFR Part 806b by revising § 806b.18 and by revoking and reserving § 806b.22 of the Air Force Privacy Act Program (32 CFR 806b) as follows:

§ 806b.18 Review of initial refusals.

(a) An individual may request a review of the initial refusal in writing from the Office of the Secretary of the Air Force within 45 days of the denial. The request should be addressed to the Director of Administration, Headquarters United States Air Force (HQ USAF/DA), Washington, D.C. 20330, and sent through the initial Denial Authority. The Denial Authority will forward to HQ USAF/DA a complete file consisting of: (1) The request for review; (2) The request for amendment; (3) The initial refusal; (4) A copy of the record or portions involved; and (5) Any records or coordination actions that relate to the initial refusal.

(b) The Directorate of Administration (HQ USAF/DA) will convene the Air Force Privacy Board to review the initial denial. Membership of the Board will consist of a representative from HQ USAF/DA (Chairman), the Office of the Judge Advocate General (HQ USAF/JA), and an Air Staff function not having primary responsibility for the record in question. If the record is the primary responsibility of HQ USAF/DA or HQ USAF/JA, a member from another Air Staff organization will be substituted on the Board. The Chairman may, when deemed appropriate, request the assistance of subject matter experts to advise the Board.

(c) Functions of the Board include: (1) Reviewing requests submitted in accordance with § 806.18(a); and (2) Providing recommendations to the Office of the Vice Chief of Staff of the Air Force.

(d) If the Office of the Vice Chief of Staff of the Air Force determines that the record should be amended, the individual will be advised promptly. Simultaneously, the appropriate Systems Manager will be directed, through the Denial Authority, to amend the records and direct previous recipients to amend their copies (§ 806b.17(b)).

(e) If the Office of the Vice Chief of Staff of the Air Force determines that a denial is appropriate, the request will be forwarded through the Office of the Air Force General Counsel (SAF/GC) to the Office of the Administrative Assistant to the Secretary of the Air Force (SAF/AA) for a final decision.

(f) If "SAF/AA" determines that the record should be amended, the individual will be advised promptly. Simultaneously, the appropriate Systems Manager will be directed, through the Denial Authority, to amend the records and direct previous recipients to amend their copies (§ 806b.17(b)).

(g) If after conducting the review, SAF/AA upholds the Denial Authority's refusal to amend the record, the individual will be notified that:

(1) The amendment request has been refused after review with reasons for refusal.

(2) He or she has a right to file with the Systems Manager, a concise statement containing reasons why he or she disagrees with the Air Force's decision.

(3) The disagreement statement will be a part of the record and will, thus, become available to anyone who subsequently uses the record.

(4) Known prior recipients of the disputed record will be provided a copy of his or her disagreement statement.

(h) A final determination on the individual's request for review of an initial refusal to amend a record must be completed within 30 workdays after receipt by HQ USAF/DA, unless it is determined that a fair and equitable review cannot be completed in that time. If additional time is required, the individual will be informed in writing of the reasons for the delay and of the date when the results of the review may be expected.

(i) The procedure established by this paragraph is, for purposes of Air Force Regulation 40-771, 'Appeal and Grievance Procedures' (not published in FEDERAL REGISTER), a statutory appeal procedure. A request for review of a refusal to amend a personal record may not be processed through the regulatory grievance procedure of "AFR 40-771" or a grievance procedure contained in an agreement negotiated under Executive Order 11491, as amended."

§ 806b.22 [Reserved]

Section 806b.22 is revoked and reserved.

[FR Doc.77-12239 Filed 4-28-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Isle Royale National Park, Michigan; Mammals

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This regulation is intended to protect the wild species of mammals which inhabit this isolated park from the possibility of introduced diseases. Under this restriction, no mammals, including dogs, cats, and other pets, may be brought into the park, with the exception of guide dogs for the blind.

EFFECTIVE DATE: May 31, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Morehead, Superintendent, Isle Royale National Park, P.O. Box 27, Houghton, Michigan 49931, 906-482-3310.

SUPPLEMENTARY INFORMATION: Isle Royale National Park is an isolated island wilderness and this situation has provided a significant degree of protection for the park's wildlife population from the effects of civilization. Perpetuation of this protection is a primary goal of management of the park. The presence of mammals from outside the park environment, particularly those which might be brought as pets, could introduce disease organisms into the wild populations, with serious consequences.

The wild canids of the park, the Eastern Timber Wolf and the Red Fox, are especially susceptible to the introduction of disease. Loss of the wolf population, which provides a natural control over the moose and beaver of the park, would drastically change the environment of the park.

No objections to the proposed rulemaking were received during the 30 day comment period which was provided. Letters approving the amendment were received from the National Parks and Conservation Association, The Wilderness Society, and the Peoria Academy of Science.

Upon internal National Park Service review of the language of the proposed amendment, which referred to "domesticated mammalian pets," it was determined that this term was overly specific to accomplish the intent of the regulation. The concern was raised that the definitions of "domesticated" and "pets" could be open to varying interpretations and might, in some cases, fail to provide clear authority to exclude all mammals. For this reason, the regulation was changed to clearly indicate that all mammals, without qualification, are to be prohibited. Inasmuch as this change is not considered to be a substantive one and is editorial in nature, it is not felt that an additional proposed rulemaking is required.

PREVIOUS PUBLICATIONS

A notice of Proposed Rulemaking was published in the FEDERAL REGISTER of October 21, 1976 (41 FR 46452), proposing a regulation substantially the same as the regulation set forth below.

ORIGINATOR

John M. Morehead, Superintendent, Isle Royale National Park.

In consideration of the foregoing, paragraph (c) of 36 CFR 7.38 is amended to read as follows:

§ 7.38 Isle Royale National Park.

* * * * *

(c) *Mammals.* Dogs, cats, and other mammals may not be brought into or possessed in the park area, except for guide dogs accompanying the blind.

GARY EVERHARDT,
Director,
National Park Service.

[FR Doc.77-12265 Filed 4-28-77;8:45 am]

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Extension of Interim Regulations for the Sale of National Forest Timber, Bidding Procedures

AGENCY: Forest Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule extends interim regulations governing timber sale procedures, including bidding methods, through May 31, 1977, or until superseded by a final rule. Additional time is necessary for review and consideration of public comments on proposed regulations governing the sale of National Forest timber which were published in the FEDERAL REGISTER (42 FR 10806) on February 23, 1977.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

George Leonard or George Roether, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013 (202-447-4051).

Therefore, notice is hereby given that the interim regulations published in the FEDERAL REGISTER (41 FR 48538) on November 4, 1976, are extended, as revised, through May 31, 1977, or until superseded by permanent regulations, whichever occurs first. Bidding procedures published in the FEDERAL REGISTER (42 FR 17875) on April 4, 1977, will be followed during this period of extension.

M. RUPERT CUTLER,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.77-12441 Filed 4-28-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER IX—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Regulation No. 29]

PART 9-1—GENERAL

PART 9-7—CONTRACT CLAUSES

General Policy for the Avoidance of Organizational Conflicts of Interest

APRIL 19, 1977.

AGENCY: Energy Research and Development Administration.

ACTION: Temporary Regulation.

SUMMARY: ERDA is modifying its conflict of interest regulations on technical and management support services contracting. This temporary regulation is being issued as a result of ERDA's experience in contracting for support services and because of its interest in avoiding organizational conflicts of interest.

DATES: Effective date: This regulation is effective on April 29, 1977. Interested persons may submit comments on this regulation on or before June 25, 1977.

ADDRESSES: Send comments to Division of Procurement, Rm. C-167, USERDA, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

Harry M. Tayloe, Division of Procurement, Rm. C-167, USERDA, Washington, DC 20545, 301-353-5526.

SUPPLEMENTARY INFORMATION: This temporary regulation, which modifies ERDA Procurement Regulation Subparts 9-1.54 and 9-7.50, provides additional procedures concerning the avoidance of organizational conflicts of interest, together with a standard solicitation provision and contract clause for use in technical and management support services, including evaluation and study contracts, as defined below.

Comments received will be considered in determining whether changes in the regulation are advisable.

This regulation will remain in effect until it is canceled or until its provisions are incorporated into a permanent ERDA procurement regulation.

a. Subpart 9-1.54 is amended by adding paragraph (c) and (d) in § 9-1.5402 and revising § 9-1.5404 as follows:

Subpart 9–1.54—General Policy for the Avoidance of Organizational Conflicts of Interest

§ 9–1.5402 Scope and applicability.

* * * * *

(c) Notwithstanding any other provision contained in this subpart, the clause set forth in § 9–7.5006–40 shall be included in all contracts for technical and management support services which, for purposes of this subpart, are defined as: advice, assistance, analysis, consultation, evaluation, examination, report, review, study, survey, or similar assistance, including providing assistance in procurements and related activities to support any program or other operations of ERDA.

(d) The following provision shall be included in all solicitations for technical and management support services (as defined in § 9–1.5402(c)). Where a formal solicitation is not used, the provision shall be furnished to the offeror in whatever manner is practical in order that ERDA may receive and evaluate the required information as a condition precedent to award.

Disclosure Statement Regarding Organizational Conflicts of Interest

Pursuant to ERDA–PR § 9–1.54, it is ERDA policy to avoid situations which place an offeror in a position where its judgment may be biased because of any present or planned interest, financial or otherwise, the offeror may have which relates to the work to be performed pursuant to this solicitation, or where the offeror's performance of such work may provide it with an unfair competitive advantage. (As used herein, "offeror" means the proposer or any of its affiliate organizations or proposed subcontractors.) Therefore:

(1) The offeror shall provide a statement which describes in a concise manner all relevant facts concerning any present or planned interest (financial contractual, organizational, or otherwise) relating to the work to be performed hereunder and bearing on whether the offeror has a possible conflict of interest with respect to (a) being able to render impartial, technically sound, and objective assistance or advice, or (b) being given an unfair competitive advantage.

(2) In the absence of any interest referred to above, the offeror shall submit a statement certifying that to its best knowledge and belief no such interest exists.

(3) ERDA will review the statement submitted and may require that additional relevant information be provided by the offeror. The statement and any additional information required of the offeror or otherwise known to ERDA will be used to determine whether an award to the offeror may create a conflict of interest relating to bias or prior contractual restrictions. If such conflict is found to exist, ERDA may (i) disqualify the offeror, (ii) impose appropriate conditions which satisfactorily mitigate or avoid such conflict, or (iii) determine that it is otherwise in the best interests of the Government not to disqualify the offeror.

(4) Failure to provide the statement and any additional information required, or the nondisclosure or misrepresentation of any relevant interest shall result in disqualification under this solicitation or, if discovered after award, may result in termination at no cost to the Government, disqualification under subsequent related contractual efforts, and such other remedial action as may be permitted or provided by law or the resulting contract. The attention of the offeror in complying with this provision is directed to 18 U.S.C. 1001.

* * * * *

§ 9–1.5404 Qualification and evaluation criteria, waiver.

(a) **Failure** on the part of an offeror to submit information pursuant to the disclosure provision set forth in § 9–1.5402 (d) or to accept the Organizational Conflicts of Interest Clause set forth in § 9–7.5006–40 shall disqualify the offeror from further consideration for contract award. However, nothing contained herein shall preclude the offeror because of a potential conflict, from proposing to exclude specific kinds of effort from the statement of work as contained in the solicitation unless the solicitation specifically prohibits such exclusion. Any such exclusion contained in the offeror's proposal shall be considered by the Government as an evaluation factor, and if the Government considers such proposed exclusion to be an essential or integral part of the required work, the offeror's proposal may be considered nonresponsive.

(b) A manager of a field office or the Director of Procurement, or their designee, may authorize the contracting officer to grant the waiver provided for in (e) of the Organizational Conflicts of Interest Clause set forth in § 9–7.5006–40.

b. Subpart 9–7.50 is amended by adding § 9–7.5006–40 as follows:

Subpart 9–7.50—Use of Standard Clauses

§ 9–7.5006 Standard ERDA clauses not included in §§ 9–7.5004 or 9–7.5005.

* * * * *

§ 9–7.5006–40 Organizational conflicts of interest.

The following clause shall be included in all contracts for technical and management support services in accordance with § 9–1.5402(c):

Article—organizational conflicts of interest.—(a) *Purpose.* The primary purpose of this clause is to aid in ensuring that the contractor (1) does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract, and (2) is not biased because of its current or planned interest (financial, contractual, organizational, or otherwise) which relate to the work under this contract.

(b) *Scope.* The restrictions described herein shall apply to performance or participation by the Contractor and any of its affiliate organizations or their successors in interest (hereinafter collectively referred to as the "Contractor") in the activities covered by this clause as a prime contractor, subcontractor, co-sponsor, joint venturer, consultant, or in any similar capacity.

(1) *Advisory, consulting, analytical, evaluation, or study work, including the preparation of statements of work and specifications:* (i) If the Contractor performs advisory, consulting, analytical, evaluation, study, or similar work under this contract, it shall be ineligible thereafter to participate in any capacity in Government contractual efforts (solicited or unsolicited) which stem directly from such work, and the Contractor agrees not to perform similar work for prospective offerors with respect to any such contractual efforts. Furthermore, unless so directed in writing by the Contracting Officer, the Contractor shall not perform any such work under this contract on any of its products or services, or the products or services of another firm for which the Contractor performs similar work. Nothing in this subparagraph shall preclude the Contractor from competing for ERDA management and technical support service follow-on contracts as defined in paragraph (f) below.

(ii) If the Contractor under this contract assists substantially in the preparation of a statement of work or specifications, the Contractor shall be ineligible to perform or participate in any capacity in any contractual effort which is based on such statement of work or specifications. The Contractor shall not incorporate its products or services in such statement of work or specifications unless so directed in writing by the Contracting Officer, in which case the restriction in this subparagraph shall not apply.

(iii) Nothing in this paragraph shall preclude the Contractor from offering or selling its standard commercial items to the Government.

(2) *Access to and use of information:* (i) If the Contractor in the performance of this contract obtains access to information, such as ERDA's plans, policies, reports, studies, financial plans, or data, which has not been released to the public, the Contractor agrees not to (a) use such information for any private purpose unless the information has been released to the public, (b) compete for work for ERDA based on such information for a period of six (6) months after the completion of this contract, or the release of such information to the public, whichever is first, (c) submit an unsolicited proposal to the Government which is based on such information until one (1) year after the release of such information to the public, and (d) release such information without prior written approval by the Contracting Officer.

(ii) In addition, the Contractor agrees that to the extent it receives or is given access to proprietary data or other confidential technical, business, or financial information under this contract, it shall treat such information in accordance with any restrictions imposed on such information.

(iii) The Contractor shall have, subject to patent and security provisions of this contract, the right to use technical data it first produces under this contract for its private purposes provided that, as of the date of such use, all data requirements of this contract have been met.

(c) *Subcontracts.* The Contractor shall include this clause, including this paragraph, in subcontracts of any tier which involve performance of work of the type specified in (b)(1) above or access to information covered in (b)(2) above. The use of this clause in such subcontracts shall be read by substituting the word "subcontractor" for the word "Contractor" wherever the word "Contractor" appears.

(d) *Remedies.* For breach of the above restrictions or for nondisclosure or misrepresentation of any relevant interest required to be disclosed concerning this contract, the Government may at no cost terminate the contract, disqualify the Contractor for subsequent related contractual efforts, and pursue other remedies as may be permitted by law or this contract.

(e) *Waiver.* Any request for waiver under this clause shall be directed in writing to the Contracting Officer and shall include a full description of the requested waiver and the reasons in support thereof. If it is determined to be in the best interest of the Government, the Contracting Officer shall grant such waiver in writing.

(f) *Definition.* The term "management and technical support services" includes any advice, assistance, analysis, consultation, evaluation, examination, report, review, study, survey, or similar assistance, including providing assistance in procurements and related activities, to support any program or other operations of ERDA.

* * * * *

(Sec. 105 of the Energy Reorganization Act of 1974 Pub. L. 93–438.)

M. J. TASHJIAN,
Director of Procurement.

[FR Doc.77–12401 Filed 4–28–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20765; FCC 77–276]

PART 76—CABLE TELEVISION SERVICES

Modification of Certain Technical Standards for Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Certain technical standards and measurement requirements for cable television systems are clarified or modified. The number of measurements required to show proof of performance is modified, for many cable systems. Standards for frequency tolerance, frequency stability, and ratio of visual signal level to aural signal level are modified. The application of standards for signal-to-noise ratio and signal-to-cochannel interference ratio is clarified. Action was required because of certain ambiguities and inequities in the rules. Action intended to correct those ambiguities and inequities.

EFFECTIVE DATE: June 6, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert S. Powers, Research Division, Cable Television Bureau, 202–632–9797.

SUPPLEMENTARY INFORMATION:

Adopted: April 20, 1977.

Released: April 28, 1977.

1. The Commission has before it the Notice of Proposed Rule Making in this proceeding, 41 Fed. Reg. 15717, 58 FCC 2d 1035 (1976), adopted April 1, 1976, and the filings in response to the Notice.[1] This proceeding was initiated by the Commission to clarify provisions in the cable television technical standards which were causing unnecessary burdens or confusion within the cable television industry. The Commission stated in the Notice that a number of modifications of, additions to, and deletions from existing technical standards of the Commission had been postponed pending submission of the final report of the Cable Technical Advisory Committee (CTAC) [16]. Having received the CTAC report the Commission was ready to begin revision of the cable television technical standards, based in part on the recommendations made by CTAC. This proceeding, which is a first step toward revision of these rules, invited comments in the following areas:

(1) Clarification of the scope of application of the technical rules, based on the physical characteristics of the cable system rather than on the number of communities served;

(2) Relaxation of frequency standards in the case of certain broadcast television signals received by means of television broadcast translator stations;

(3) Clarification of the frequency standards for cable television converters by replacing the frequency accuracy requirement by a frequency stability requirement; and

(4) Broadening the applicability of the requirement for a minimum ratio of visual signal level to system noise.

The Commission has now received comments and reply comments in this proceeding and believes that adoption of the proposed rules in the above-mentioned areas, with certain modifications, would be in the public interest for the reasons stated below.

SCOPE OF APPLICATION

2. In the Notice we stated that the then existing definition of a cable television system contained in § 76.5(a) of the Commission's rules did not lend itself to convenient specification of technical standards and testing procedures. Under the existing definition, cable television facilities in each distinct community or municipal entity constituted separate cable television systems, even though only a single headend might be used and the entire cable plant might be commonly owned and operated. We noted that our requirement for measurements at three locations within the cable system placed artificial and unnecessary burdens on a facility serving more than one community. We proposed to apply the technical standards of Subpart K according to the physical characteristics of cable systems rather than according to the number of communities served. To accomplish this, we proposed to describe cable systems in terms of electrically and mechanically continuous closed or shielded transmission paths. Thus, a set of electrically and mechanically connected cables would constitute a single cable system for the purposes of technical standards and measurements, even though multiple communities might be served. Conversely, separate sets of cable not so interconnected would constitute separate cable television systems even though they may be interconnected by radio channels, serve a single community, and be commonly owned. We stated that a radio link clearly is not a "cable" and that testing and maintenance performed on one of the separated cable systems would not necessarily be applicable to the others. The proposed rule change would require fewer measurements in many cases but might require additional measurements in others. In any case, measurements would have a more logical relationship to the physical structure of the cable system.

3. Comments in this area generally concurred with the intent of the proposed rule, with a number of suggested refinements. The Association of Maximum Service Telecasters, Inc., (AMST) stated that measurements should be required on each separate trunk cable as well as on each physically separate set of cables. We agree with AMST that measurements made on one trunk do not necessarily assure acceptable performance on other trunks of the system, and we recognize that the proposed rule does not correspond in all details to plant layout. In a separate action, we do plan to address the feasibility of defining various sub-systems of cable television systems for purposes of applying technical standards, based in part on suggestions of CTAC. Depending on whatever subsequent definitions are adopted, we would then be able to specify in appropriate detail which measurements should be made at what locations. Our intent is eventually to have our measurement requirements correspond very closely to (1) the physical reality of cable television systems as they now exist and may exist in the future, and (2) the measurements a conscientious cable operator would make in any case to assure compatibility, safety, quality of service, and non-interference with over-the-air services. Such correspondence would provide maximum assurance of quality and compatibility with the least possible regulatory burden and thereby serve the overall public interest. In our judgment, the proposed rule is an appropriate step toward this goal.

4. Joint comments filed by sixty-eight cable television system operators (Cable Operators) requested that mechanically separate [2] sets of cables which are interconnected by CARS (Cable Television Relay Service) microwave links should be exempted from the proposed requirements for separate measurements. They suggest that cable systems using CARS links would be "penalized" by having to make separate measurements in those sets of cables which are joined by the CARS links. We feel that requiring separate measurements on mechanical separate sets of cables is a reasonable requirement, since measurements in one set of cables may be unrelated to those in a different set. Accordingly, the rule we are adopting today maintains the re-

[1] See 41 FR 21652.

[16] This committee was created by the Commission to provide advice and recommendations concerning technical standards for carriage of broadcast and cable originated programming, two way communications, and various other cable services. The CTAC Final Report is available from the National Technical Information Center as FCC Report FCC–CTB–75–01, May, 1975.

[2] The terms "mechanically continuous" and "mechanically separate" are used to indicate whether or not there is a continuous cable connection linking two or more sets of cable, as differentiated from radio connections.

quirement that separate measurements be made on each mechanically separate set of cables.

5. In our Notice of Proposed Rulemaking, we proposed to treat each "• • • set of electrically and mechanically continuous closed or shielded transmission paths • • •" as a separate cable television system, for purposes of technical regulation. The purpose was to make our measurement requirements correspond to the actual configuration of the cable transmission paths rather than to political boundaries. However, treating a mechanically separate set of cable transmission paths as an entirely distinct cable television system would be inconsistent with the common understanding of a system as a set of cables, radio links, and possibly other transmission pathways under common ownership and control. Furthermore, treating separated sets of cable paths as separate cable television systems could complicate the definition of the "ratio of visual signal level to system noise" and perhaps also the definition of other technical parameters. The intent of our proposal would better be implemented by defining a cable television system as a single business entity. We also note that since the release of the Notice of Proposed Rulemaking in this proceeding, we have adopted a First Report and Order, FCC 77-205, ____ FCC 2d ____ (1977), in Docket 20561. In the First Report and Order, supra, we adopted a cable television system definition which is consistent both with the intent of that proceeding and with the intended scope of application of technical standards in this proceeding. Therefore there is no longer any need to adopt separate language to clarify the scope of application of the technical standards in this Docket. The only rule change necessary to accomplish our intention in this Docket is replacement of the words "community unit" where they were inserted in Subpart K under Docket 20561 by the words "cable television system" or "system," as appropriate. This is detailed in the attached Appendix. The requirement that separate measurements be made on mechanically separate sets of cables is incorporated into § 76.601(c).

FREQUENCY ACCURACY REQUIREMENTS

6. In our Notice, we stated that § 76.605 (a)(2) of the Rules requires that the visual carrier frequency for Class I signals be maintained 1.25 MHz ±25 kHz above the lower boundary of the cable television channel even though cable television systems may receive signals from television broadcast translator stations which in some cases are not required to have such close frequency control. We proposed to add a note to Section 76.605 (a)(2) to relax the frequency tolerance in the case of signals received from television broadcast translator stations, since the frequency standards for cable television systems were not intended to require the cable operator to make corrections to the frequencies of broadcast signals as received.

7. AMST and the Consumer Electronics Group of the Electronic Industries Association (EIA) both point out that relaxation of the present requirements would be appropriate only if adjacent channels are not used on the cable system. The New York State Commission on Cable Television (New York Cable Commission) and the Office of Cable Television, Department of Public Utilities, State of New Jersey (New Jersey Cable Office), suggest that the inconsistency between translator station tolerances and cable channel tolerances could be resolved by decreasing the tolerance allowed for translators instead of relaxing the tolerance for cable channels.

8. We believe the points raised by the above-mentioned parties have merit. If either an upper adjacent channel or a lower adjacent channel is used, adjacent video carriers should be separated from each other by 6 MHz ±50 kHz for proper rejection of the unwanted aural signal. Accordingly, we are modifying the proposed note to allow the greater tolerance only in the case where adjacent channels are not in use by the cable system. With respect to the proposal of the New York Cable Commission and the New Jersey Cable Office, we do expect to examine the question of frequency tolerances for low power translator stations, but we believe this matter should be dealt with in a separate proceeding. In any event, we are not certain at this time that a tolerance appropriate for low power translators would resolve the inconsistency with the existing cable television frequency tolerance. In the meantime, we shall adopt the relaxed tolerance for cable systems, with the modification mentioned above.

FREQUENCY STABILITY REQUIREMENTS

9. We mentioned in our Notice that under certain conditions a cable operator may have no way to assure that signals delivered to subscribers meet certain frequency specifications given in our Rules. The present § 76.605(a)(2) of our Rules requires that the frequency of the visual carrier at the output of each set-top converter (when they are used in a cable television system) be maintained 1.25 MHz ±250 kHz above the lower frequency boundary of the cable television channel. But set-top converters with manual fine tuning capability may have a tuning range of several megahertz, and the cable operator has no way to assure correct tuning by the subscriber. We stated that in our opinion a frequency stability requirement is more appropriate than an absolute accuracy requirement, where such converters are used, and we proposed to restate the requirement clearly in terms of stability. We also stated that we did not propose to change the tolerance of ±250 kHz, but that comments on that point would be welcomed. We noted that many of today's converters are capable of significantly better stability than our present requirement, especially those with automatic fine tuning capability. We also proposed that the ±250 kHz stability should be maintained for at least four hours after initial tuning.

10. Jerrold Electronics Corporation (Jerrold) suggested that the time period for application of the stability requirement should be three hours rather than the four hours we proposed. Jerrold maintained that three hours was a more typical period for viewing without desiring to retune the television receiver to another channel. Jerrold also requested clarification of the temperature conditions under which the frequency stability requirements were to be imposed, and discussed three possible interpretations of the rule as we proposed it. We agree that a three hour period for stability tests will be adequate, and have modified our proposed rule accordingly. Also we have redrafted the proposed rule to clarify the temperature conditions under which the stability requirements are to be met.

11. Oak Industries, Inc. (Oak) agrees that a stability criterion rather than an absolute frequency tolerance is appropriate for converters, but asks that the time period for the stability specification be one hour instead of the four hours proposed. We are not inclined to lower the time period for the required stability to a time as short as one hour. We feel that cable subscribers are quite justified in expecting from cable television systems signals which are stable for more than an hour. Since the individual subscriber does not generally have a choice of converters, it is not feasible to rely on individual purchasing decisions to balance price and quality. The temperature excursions we specify in our rule are modest, in keeping with temperature variations which can be expected in non-air conditioned homes. We therefore do not expect our rule to add any significant cost burden to converters being manufactured today.

12. The cable operators filing jointly (para. 4, supra) requested that an FCC acceptance or type approval procedure be used to remove the burden of this type of measurement from the cable operator. In this connection, we note that cable operators are not generally equipped for such measurements. The New Jersey Cable Office and the National Cable Television Association (NCTA) urged that we allow manufacturers' specifications as evidence of compliance with the frequency stability requirement. We agree that it would be unduly burdensome to require cable operators to equip themselves for this type of measurement. And, in our judgment, it is unnecessary for this Commission to set up and operate a type acceptance or type approval program for frequency stability in this case. Thus, for new equipment we will accept manufacturers' specifications as evidence of compliance. Generally, we will require no proof of compliance for existing equipment. But we remind all concerned that the cable operator is responsible for taking corrective action in case the requirement is not met in any particular instance.

13. EIA noted that accurate frequency spacing of video carriers on the cable distribution system is still necessary, even though the set-top converter itself may drift as much as 250 kHz. Accurate spacing is necessary, according to EIA, both to permit proper adjacent channel rejection and to prevent having to readjust the fine tuning of the converter or receiver when changing from one channel to another. We agree. We are not, however, incorporating this provision into our rules at this time. We expect that cable operators using converters would follow this practice without the existence of a Commission rule. Furthermore, we are addressing the question of cable channel frequencies in another action. (*Notice of Proposed Rule Making in Docket 21006*, 41 FR 54512 (1976).)

14. EIA also pointed out that a drift of ±250 kHz could require frequent retuning of the converter in the case of some of the newer receivers and anticipated future receivers which use frequency synthesis techniques. Frequency synthesis techniques could eliminate the need for receiver fine tuning and therefore should eliminate fine tuning errors. But these advantages are achieved only if the incoming signal is within a few kilohertz of the frequency to which the receiver is adjusted by the manufacturer or by a technician. EIA concluded that a standard frequency channelling plan is needed, so that receivers may be manufactured to receive directly the midband and superband channels, thereby eliminating the need for converters. Since we are addressing frequency channelling plans in Docket 21006, we are putting aside for the moment these legitimate concerns about the effect of drifting converters on television receivers using frequency synthesis techniques. If a standard frequency plan is adopted for carriage of signals on the cable itself, a subscriber owning a receiver without variable fine tuning would have no need for a set-top converter, provided the receiver could receive the standard midband and superband channels.

15. A comment made by AMST may indicate a misinterpretation of the intent of our proposed stability rule. AMST recommended that the upper limit of the temperature range should be higher than 25° C, since that temperature is often exceeded in homes. We do not intend that the temperature range mentioned in the stability specifications should represent the total operating range of the converter. We expect that the operating range would be much greater than ±5 degrees, although we have not adopted nor do we expect to adopt any rule on the operating temperature range. The rule we are adopting today applies only to the frequency drift which may occur when the converter encounters a change of ±5 degrees (Celsius) in ambient temperature.

APPLICABILITY OF SYSTEM NOISE AND CO-CHANNEL INTERFERENCE STANDARDS

16. The final proposal in the Notice of Proposed Rule Making concerned extended application of existing requirements of § 76.605(a)(9). It was proposed that application of the signal-to-noise ratio standard be extended to cover signals obtained by direct feed from a television broadcast station as well as those signals already specified in § 76.605 (a)(9).

17. There were no objections to this extension. However, the New York Cable Commission pointed out that any signal received at the cable head end with a visual signal to noise ratio of 36 decibels would suffer further noise degradation in the cable system, and therefore 36 decibels should not be allowed at the head end. There was and is no intention of allowing or requiring a 36 decibel ratio at the head end. The proposed requirement, like all other requirements of § 76.605 except § 76.605(a)(12), would apply at the subscriber's location and would relate only to the transmission characteristic of the cable television system and not to the quality of received signals.[3] We have slightly revised the wording in the rules as adopted, hoping to avoid any misinterpretation of our intent.

18. In addition to the standard for signal-to-noise ratio, the existing § 76.605(a)(9) also specifies the applicability of our standard for ratio of visual signal level to any undesired co-channel television signal operating on proper offset assignment. Through an inadvertent omission, our Notice of Proposed Rulemaking failed to clarify that the co-channel interference standard should also be applicable to signals obtained by direct feed. Since direct feed clearly avoids problems of reception in the presence of co-channel signals, application of the co-channel interference standard to direct feed signals is a non-substantive editorial revision of the Commission's Rules and Regulations, imposes no new requirements, and is intended only to relax or clarify existing requirements. Compliance with the prior notice and procedural provisions of the Administrative Procedure Act, 5 U.S.C. 553, would serve no useful purpose and is unnecessary. Therefore, we have corrected this omission in the Appendix to this Order.

19. The New Jersey Cable Office suggested that the Commission should establish a procedural framework by which direct feed could be required for those cases in which a cable operator has exhausted all other economically reasonable means for obtaining a high quality broadcast signal. Believing that it is in the best interest of the public as well as the broadcaster and the cable operator for cable television signals to be of the highest possible quality, we encourage cooperative efforts between cable operators and broadcasters to obtain the best signal possible at the head end, within economic and technical reason. We do not oppose the idea of having guidelines for situations in which direct feed might be required. But we would prefer to consider that matter separately, and only after further information is obtained about the circumstances under which cooperative efforts between broadcasters and cable operators have failed to provide adequate solutions to problems of poor reception at cable headends.

OTHER COMMENTS AND RECOMMENDATIONS

20. NCTA suggested that we drop the requirement to maintain the aural signal level at 13 to 17 decibels below the visual signal level in certain cases. The current requirement is for the purpose of avoiding interference to a signal being carried on a channel adjacent to the channel in question, while providing enough aural signal for proper operation of receivers. NCTA points out that there are cable systems operating with seven or fewer channels, and carrying no signals on adjacent channels. The requirement that the aural signal must be at least 13 decibels lower than the visual signal is unnecessary in that case, and requires otherwise unneeded equipment in order to comply with the rule. In reply comments, EIA agreed with NCTA's reasoning, with the caution that the aural signal still should be at least 7 decibels lower than the visual signal (according to broadcast practice) for proper operation of television receivers. AMST also supported the NCTA suggestion.

21. We agree that the NCTA recommendation and the EIA reply comment have merit, and are therefore acting to adopt the NCTA suggestion as modified. We would, however, caution cable operators that in many cases good engineering practice would suggest that aural carriers should be attenuated somewhat more than 7 decibels below the visual carrier even though adjacent channels are not in use. For example, the visual carrier, the aural carrier, and the color subcarrier can interact with each other through non-linearities in amplifiers and signal processing equipment to produce an interfering signal approximately 920 kHz from the visual carrier. This interference is minimized by lowering the aural carrier level. We also note that a cable system distributing more than seven but less than twelve television signals would have to suppress some of its aural carriers but might, under the new standard, choose to leave some of the aural carriers at the higher level. In spite of these cautions, however, we are willing to leave such judgements up to the cable operator, in those cases where adjacent channels are not used, since we believe that many systems using seven channels or fewer might not justify the additional cost and complexity of equipment required to suppress and control the levels of the aural carriers.

[3] The standard of signal level to system noise is now applied only in the case of signals received by the cable system or delivered to subscribers inside the Grade B contour of the broadcast station. This rule has sometimes been interpreted as implying a standard on the quality of the signal as received at the head end. However, our standard only applies to transmission of the signal once it is under the control of the cable television operator and not to the signal as received.

22. This modification of our aural carrier standard is a non-substantive editorial revision of the Commission's Rules and Regulations, imposes no new requirements, and is intended only to clarify or relax existing requirements. Compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, would serve no useful purpose and is unnecessary. Therefore, we are adopting the limited relaxation without requesting further public comment.

23. Finally, AMST extended its comments to urge adoption of further standards to assure high quality of signals delivered by cable television systems. Reaffirming its comments in other dockets, AMST urged standards for signal to noise ratio at the input to the cable system, for ghosting limits, and for parameters affecting color quality. Our staff is engaged in a general review of cable television technical standards, based in part on the recommendations of our Cable Technical Advisory Committee. We plan to address the suggestions of AMST in a future proceeding. Authority for adoption of the rules set forth below is contained in 47 U.S.C. 151, 152, 301, 302, 303, 307, 308, and 309.

24. Accordingly, *it is ordered*, That effective June 6, 1977, 47 CFR Chapter I, Part 76 is amended as set forth below.

25. *It is further ordered*, That the proceedings in Docket 20765 are terminated.

(Secs. 1, 2, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1081, 1082, 1083, 1084, 1085 (47 U.S.C. 151, 152, 301, 303, 307, 308, 309).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 76.601, paragraph (b) is amended by replacing the words "community unit" by the words "cable television system"; paragraph (d) is amended by replacing the words "community unit" by the word "system"; paragraph (e) is deleted; the Note at the end of the section is amended by replacing the words "system community units" by the words "cable television systems"; and paragraph (c) is revised as follows:

§ 76.601 Performance tests.

* * * * *

(c) The operator of each cable television system shall conduct complete performance tests of that system at least once each calendar year (at intervals not to exceed 14 months) and shall maintain the resulting test data on file at the operator's local business office for at least five (5) years. It shall be made available for inspection by the Commission on request. The performance tests shall be directed at determining the extent to which the system complies with all the technical standards set forth in § 76.605. The tests shall be made on each Class I cable television channel specified pursuant to paragraph (b) of this section, and shall include measurements made at no less than three widely separated points within each mechanically continuous set of cables within the cable television system. Within each mechanically continuous set of cables, at least one measurement point shall be representative of terminals most distant from the system input in terms of cable distance. The measurements may be taken at convenient monitoring points in the cable network: *Provided*, That data shall be included to relate the measured performance to the system performance as would be viewed from a nearby subscriber terminal. A description of instruments and procedure and a statement of the qualifications of the person performing the tests shall be included.

* * * * *

2. In § 76.605, paragraph (a)(4) is amended by replacing the words "community unit" by the words "cable system"; paragraph (a)(12) is amended by replacing the words "community unit" by the words "cable television system"; paragraph (b) is amended by replacing the words "Community units" by the words "Cable television systems"; paragraph (c) is deleted; and paragraphs (a), (a)(2), (a)(6), (a)(9), (a)(9)(i)—(iii) are revised to read as follows:

§ 76.605 Technical standards.

(a) The following requirements apply to the performance of a cable television system as measured at any subscriber terminal with a matched termination, and to each of the Class I cable television channels in the system:

* * * * *

(2) If no frequency converter is supplied to the subscriber the visual carrier frequency shall be maintained 1.25 MHz ±25 kHz above the lower frequency boundary of the cable television channel. If a frequency converter is supplied to the subscriber by the cable television system, the following requirement shall be applied at the interface between the converter and the subscriber's terminal equipment: when the visual carrier at the output of the converter has been tuned to a frequency 1.25 MHz above the lower frequency boundary of a cable television channel with the converter stabilized at an ambient temperature between 20°C and 25°C, the frequency of the visual carrier shall not vary more than ±250 kHz for a period of at least three hours, during which period the ambient temperature may vary ±5°C about the initial ambient temperature.

NOTE.—A relaxed frequency tolerance will be permitted when both of the following conditions are met: (a) the signal is received by means of a television broadcast translator station, and (b) the cable television system carries signals on neither an upper nor a lower channel adjacent in frequency to the channel on which the translator signal is carried. In such cases, the visual carrier frequency shall be maintained 1.25 MHz ±(25+T) kHz above the lower frequency boundary of the cable television channel, where T is the frequency tolerance in kHz allowed the television broadcast translator station pursuant to § 74.761 of this chapter.

* * * * *

(6) The rms voltage of the aural signal shall be maintained between 13 and 17 decibels below the associated visual signal level; except that, if the cable television system carries signals on neither an upper nor a lower channel adjacent to the first channel, the rms voltage of the aural signal shall be maintained between 7 and 17 decibels below the associated visual signal level.

* * * * *

(9) The ratio of visual signal level to system noise, and of visual signal level to any undesired co-channel television signal operating on proper offset assignment, shall not be less than 36 decibels. This requirement is applicable to:

(i) Each signal which is delivered by a cable television system to subscribers within the predicted Grade B contour for that signal, or

(ii) Each signal which is first picked up within its predicted Grade B contour, or

(iii) Each signal which is first received by the cable television system by direct video feed from a television broadcast station.

* * * * *

3. In § 76.609 a new paragraph (i) is added to read as follows:

§ 76.609 Measurements.

* * * * *

(i) Annual measurements of frequency stability of set top converters, when such converters are supplied by the cable television operator, are not required when either of the following indicates that the requirements of § 76.605 (a)(2) are met: (1) manufacturer's specifications based on a representative sample of the converters, or (2) laboratory tests performed by or for the cable television system operator on a representative sample of the converters. Proof of performance tests for frequency stability will not be required for converters ordered from the manufacturer prior to September 6, 1977.

[FR Doc.77-12324 Filed 4-28-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-96]

LICENSING OF BROKERS

Limiting Required Proofs

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This document prescribes new rules, and adopts new procedures, for the licensing of brokers. The rules are intended to make more efficient the current licensing procedures, by limiting the proof required to that of the applicant's fitness. Applications for household goods brokerage authority specifically excluded.

EFFECTIVE DATE: August 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION:

ENTRY CONTROL OF BROKERS

By Notice and Order entered September 11, 1975, the Interstate Commerce Commission on its own motion instituted a rulemaking proceeding (1) for the purposes of investigating the present licensing requirements for brokers of property and passengers, operating in interstate or foreign commerce, and (2) for the possible formulation of legislation which would amend section 211 of the Interstate Commerce Act for subsequent recommendation to Congress. Interested parties were invited to submit their views in writing to the Commission. All authorized brokers of property or passengers operating in interstate or foreign commerce within the United States were made parties to the proceeding. Additionally, oral argument was held before the entire Commission on August 9, 1976. Based upon an analysis of the representations filed by the U.S. Department of Transportation, motor common carriers, travel organizations and agencies, associations, and passenger and property brokers, and an evaluation of economic data and its internal licensing procedure, the Commission has promulgated the rules and regulations set forth below.

These rules eliminate the fee for filing a broker license, (with the exceptions of applications for a household goods broker's license) raise the required amount of bonding to $10,000, and make a general finding that operation by qualified applicants, as brokers, in interstate or foreign commerce, of passengers and property (except household goods), between all points in the United States (including Alaska and Hawaii), will be consistent with the public interest and the national transportation policy. This general finding and issuance of a master license was the basis for a modification of the procedures employed for the licensing of brokers, as indicated in the promulgated rules and regulations set forth below. Generally, the new procedure, because of the general finding, limits the examination of a broker license application to the issue of an applicant's fitness. This will permit the expedited handling of broker applications, and offer greater ease of entry into the broker industry for qualified applicants. Household goods brokerage was excluded from this new procedure, the Commission wishing to maintain the existing agency-carrier relationship in the household goods industry in its present form in order fully to protect the consumer. Applications to be a broker of household goods will be handled under the procedures formerly applicable.

The Commission will accept and consider petitions for reconsideration from any interested person whether or not such person has previously participated in this proceeding.

The rule is issued under the authority of 49 U.S.C. 302, 303, 304, 305, 311, and 320, and 5 U.S.C. 553 and 559.

Issued at Washington, D.C., April 8, 1977.

ROBERT L. OSWALD,
Secretary.

Parts 1002, 1003, and 1043 of Chapter X of Title 49 of the Code of Federal Regulations modified, and supplemented by adding Part 1045A, as set forth below:

PART 1002—FEES

§ 1002.2 [Amended]

(1) 49 CFR 1002.2(d)(9) shall be revised and amended to reflect that an application for a broker license, section 211, will require a fee only for the filing of an application for a household goods broker's license.

PART 1003—LIST OF FORMS

§ 1003.1 [Amended]

(2) 49 CFR 1003.1 shall be revised as follows by limiting the need for an OP-OR-11 form only to cases where the application is for a household goods broker's license:

Applications under section 211 of the Interstate Commerce Act for licenses to operate as brokers of motor-carrier transportation of household goods.

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

(3) 49 CFR 1043.4 shall be revised and amended to read as follows:

§ 1043.4 Brokers.

No person, firm, or corporation shall engage in the business of a broker as defined in Part II, Interstate Commerce Act, and no brokerage license shall be issued to any such person, firm, or corporation nor remain in force unless and until such person, firm, or corporation shall have furnished a bond or other security approved by the Commission, in an amount not less than $10,000, and in such form as will insure the financial responsibility of such broker and the supplying of authorized transportation in accordance with the contracts, agreements, or arrangements therefor.

1045A—BROKER SPECIAL LICENSING PROCEDURE

§ 1045A.1 Procedures.

(a) *Scope of special rules.* These special rules govern the filing and handling of requests for authority to operate as a breaker, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and property (except household goods) pursuant to a general finding made in Ex Parte No. MC-96, *Entry Control of Broker*, 126 M.C.C. 476 (1977), and the master license issued as a result, in paragraph (f) below, authorizing such operations by qualified applicants, between all points in the United States (including Alaska and Hawaii), subject to the terms, definitions, conditions, and restrictions set forth in *Entry Control of Brokers, supra*, and the master license in (f) below.

(b) *Requests for authority.* Individuals desiring to perform brokerage operations pursuant to the master license set forth in paragraph (f) below must file with this Commission, at its offices in Washington, D.C., a sworn and notarized request (which may be in letter form) containing the following information:

(1) The name and address of the individual's representative (which may include the individual in a self-representing role) to whom inquiries may be made.

(2) The designation of the individual's statutory agent for service of process within each of the States in or through which operations are proposed to be conducted (Form BOC-3).

(3) Evidence of the individual's surety bond coverage (Form BMC-84). Individuals already in possession of the $5,000 amount formerly required under 49 CFR 1043.4 shall have 180 days after the effective date of the report in *Entry Control of Brokers, supra*, to comply with the new $10,000 bond requirement, and need only file a copy of BMC-84 reflecting the higher amount. Existing brokers not complying with this provision within the required time period will be issued a show cause order requiring them to show cause why the higher bond amount has not been obtained.

(4) Requests for broker authority must also contain the following information in the subparagraphs below. Requests for passenger broker authority shall include that specified in subparagraph (i), while requests for property broker authority (except household goods) shall include that specified in subparagraph (ii).

(i) Applicants for a passenger broker license shall submit the following information, which may be in letter form; (A) The face of the request shall contain in bold type the words:

SPECIAL PASSENGER BROKER LICENSE PROCEDURE

§ 1045A.1 Procedures.

(B) Applicant shall submit an initial verified statement in support of the request for authority. This statement shall include all of the evidence applicant plans to present in the proceeding. This shall contain applicant's name, the name under which it will be doing business, the present locations of applicant's offices for doing business, including those which it will open coincident with the granting of a license under these regulations, and evidence of applicant's fitness, including evidence as to applicant's good general character (this may also include statements from reputable members of the community as to applicant's good general character), applicant's ability to conduct the proposed operations in a manner satisfactory to patrons (this evidence may in-

clude applicant's past experience in the tour industry, a description of the proposed operation, or any other evidence applicable), applicant's willingness to comply with the pertinent regulatory requirements (this evidence should include a statement that applicant is familiar with the various regulations pertinent to passenger broker operations, and that it is willing to conform to said regulations).

(C) Applicant shall also file complete information as to any affiliation between it and any carrier subject to this Commission's regulations.

(ii) Applicants for a property broker license (except household goods brokers) shall submit the following information, which may be in letter form: (A) The face of the request shall contain in bold type the words:

SPECIAL PROPERTY BROKER LICENSE PROCEDURE

(B) Applicant shall submit an initial verified statement in support of the request for authority. This statement should include all of the evidence applicant plans to present in the proceeding. This should contain applicant's name, the name under which it will be doing business, the present locations of applicant's offices for doing business, including those which it will open coincident with the granting of a license under these regulations, and, evidence of applicant's fitness, including evidence as to applicant's good general character (this may also include statements from reputable members of the community as to applicant's good general character), applicant's ability to conduct the proposed operations in a manner satisfactory to patrons (this evidence may include applicant's past experience in the transportation industry, or any other evidence applicable), applicant's willingness to comply with the pertinent regulatory requirements (this evidence should include a statement that applicant is familiar with the various regulations pertinent to property broker operations, and that it is willing to conform to said regulations).

(C) Applicant shall also file complete information as to any affiliation between it and any carrier subject to this Commission's regulations, and any affiliation between it and any shipper of commodities whose transportation is not exempt from Commission regulations.

(D) Applicant shall also file a verified statement describing the proposed operation, including the commodities and services which will be a part of its broker operation.

(c) *Incomplete applications.* Incomplete applications will be rejected, and returned to applicant's representative, with a designation as to why the application was rejected. Applicant may refile a complete application at any time.

(d) *Existing brokers.* Existing brokers that wish to add to their present authority should indicate in their submittal what authority they now hold.

(e) *Procedures.* Once a complete and properly submitted request for authority has been filed, this Commission will publish a notice in the FEDERAL REGISTER identifying the applicant and the license sought. Any interested person may file a verified statement in opposition within 30 days from the date of publication at the offices of this Commission in Washington, D.C. Inasmuch as a prospective finding has been made to the operation being consistent with the public interest and the national transportation policy, any consideration of a protest will be limited to the only relevant outstanding matter—applicant's fitness. Fitness in a brokerage proceeding involves four things: (1) Good general character, (2) an ability to conduct the proposed operations in an appropriate manner satisfactory to patrons, (3) willingness to comply with the various regulatory requirements, and (4) the ability to obtain the required bond. If a verified statement in opposition is received within the 30-day time period, applicant will be so notified. If an applicant is not otherwise informed by this Commission, it may commence operation within 45 days of the original publication in the FEDERAL REGISTER, under the authority as published in the FEDERAL REGISTER. No individual licenses will be issued. This Commission reserves the right to require that a broker terminate its operations if it is later discovered that the broker's operations do not qualify for the benefits of this precedure.

(f) *Licensing.* No individual licenses will be issued. Copies of the appropriate FEDERAL REGISTER publication will be kept with the master license below at the Offices of the Commission in Washington, D.C.

[FR Doc.77-12370 Filed 4-28-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—HADDOCK, COD, YELLOWTAIL FLOUNDER

Emergency Regulations Repromulgated

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations.

SUMMARY: This rule implements the haddock, cod, and yellowtail flounder regulations published in the FEDERAL REGISTER (42 FR 13998) on March 14, 1977 for an additional 45 days from April 29 to June 12, 1977 inclusive. The emergency described in 42 FR 13998 continues to exist.

EFFECTIVE DATE: April 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Fisheries Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235 (202-634-7454).

SUPPLEMENTARY INFORMATION: On March 14, 1977, the Director, National Marine Fisheries Service published emergency regulations in the FEDERAL REGISTER (42 FR 13998) to implement the fishery management plan concerning haddock, cod, and yellowtail flounder prepared by the New England Fishery Management Council in consultations with the Mid-Atlantic Fishery Management Council. The Secretary has determined that the current regulations should be continued for an additional 45 days as authorized by Section 305(e)(2) of the Fishery Conservation and Management Act of 1976.

Therefore, the regulations adopted on March 5, 1977 are continued in effect for 45 days from 0001 a.m., April 29 to June 12, 1977 inclusive unless sooner amended or terminated by appropriate public notice.

Dated this 26th day of April, 1977 at Washington, D.C.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-12378 Filed 4-28-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Postponement of Effective Date of Customs Regulations Relating to Customs Seals

AGENCY: United States Customs Service, Treasury.

ACTION: Notice of postponement of effective date of regulations.

SUMMARY: This document postpones from April 25, 1977, to August 22, 1977, the effective date of amendments to the Customs Regulations which require the use of high security red in-bond Customs seals on conveyances or compartments in which carload lots of bonded merchandise are transported.

The Customs Service has been advised by representatives of the seal manufacturing industry that orders for the high security seals cannot be filled by that date.

DATE: Effective date postponed to August 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Lee H. Kramer, Attorney, Regulations and Legal Publications Division, United States Customs Service, Washington, D.C. 20229. (202-566-8237).

SUPPLEMENTARY INFORMATION: Pursuant to Treasury Decision 77-30, which was published in the FEDERAL REGISTER on January 24, 1977 (42 FR 4120) §§ 18.4 and 24.13 of the Customs Regulations (19 CFR 18.4, 24.13), were amended to provide that conveyances or compartments in which carload lots of bonded merchandise are transported, shall be sealed with high security red in-bond Customs seals, or if incapable of being so sealed, with red in-bond Customs seals. Although the metal strap seal presently in use will indicate that a conveyance or compartment has been opened, it does not offer any physical protection to the contents of the conveyance or compartment. In laboratory tests and field evaluations, high security seals have been found to be suitable to provide both accountability and physical protection for cargo. High security seals can be very effective in preventing the theft of cargo. The effective date of these amendments was April 25, 1977. However, the Customs Service has been advised by representatives of the seal manufacturing industry that orders for the high security seals cannot be filled by that date. Consequently, many of the carriers of bonded merchandise will be unable to comply with the amended Customs Regulations.

In order to allow adequate time for the manufacture and distribution of high security red in-bond Customs seals, the effective date of amended §§ 18.14 and 24.3 of the Customs Regulations is hereby postponed until August 22, 1977.

VERNON D. ACREE,
Commissioner of Customs.

Approved: April 19, 1977.

JOHN H. HARPER,
Assistant Secretary of the Treasury.

[FR Doc.77-12512 Filed 4-28-77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 90]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 1-7, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202)-447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons continues good this week. Average f.o.b. price was $5.57 per carton the week ended April 23, 1977, compared to $5.56 per carton the previous week. Track and rolling supplies at 115 cars were up 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on April 26, 1977.

§ 910.390 Lemon Regulation 90.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 1, 1977, through May 7, 1977, is established at 265,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 27, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-12559 Filed 4-28-77;11:21 am]

[Lime Reg. 37]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: Lime Regulation 37 prescribes during the period May 1 through June 18, 1977, the following grade and size requirement; Persian type limes Mexican type limes shipped to points outside the production area shall grade at least U.S. No. 2, with no minimum size requirement; Persian type limes shipped to such points shall grade at least U.S. No. 2, Mixed Color, and measure at least 1¾ inches in diameter. Both types of limes shipped to destinations within the production area are exempted from grade requirements, except the minimum juice content requirement.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as provided in this regulation, will tend to effective the declared policy of the act.

(2) The regulation herein specified is based upon an appraisal of the current and prospective crop and market conditions for Florida limes. Fresh shipments for the 1977-78 season are expected to require about 500,000 bushels, as compared with shipments of about 790,000 bushels during the 1976-77 season. Although the January freeze reduced the size of the crop, adequate sup-

plies of acceptable sizes and grades of limes are expected to be available to fill fresh market demands. The imposition of the specified grade and size requirements is necessary to prevent the handling of defective and small limes, which do not provide consumer satisfaction, in order to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information became available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the regulation effective as specified. Shipments of Florida limes are currently being made and the volume is expected to increase seasonally as the season progresses. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after open meetings of the Florida Lime Administrative Committee on April 13 and 15, 1977. The meetings were held to consider recommendations for regulation, after giving due notice of the meetings, and interested persons were afforded an opportunity to submit their views at the meetings. The provisions of this regulation are identical with the aforesaid recommendation of the committee, except for a lower grade for Persian type limes and shorter effective period. Information concerning the provisions and effective time has been provided to handlers of limes. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as specified.

§ 911.339 Lime Regulation 37.

Order. (a) During the period May 1, 1977, through June 18, 1977, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) Limes, except as to color: *Provided*, That true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) Limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss and similar varieties) which do not grade at least U.S. No. 2, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply: *Provided further*, That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¾ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3), not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 26, 1977, to become effective May 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-12292 Filed 4-28-77;8:45 am]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND, IN THE STATE OF NEW YORK

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of cranberries to be marketed from the 1977 crop at 248,604,800 pounds. Such action recognizes the supply situation confronting the cranberry industry and is needed to assure orderly marketing.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: Notice of rulemaking was published in the FEDERAL REGISTER on April 18, 1977 (42 FR 20143) that the Secretary of Agriculture was considering the issuance of a handling regulation designed to promote orderly marketing of cranberries grown in designated States. The proposal was recommended by the Cranberry Marketing Committee. This committee is established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929). This program regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice invited interested persons to file written comments regarding the proposal not later than April 25, 1977. A number of parties filed comments with regard to the proposed regulation. The primary objections were that the proposal (1) may result in some growers having excess allotment while others are short and (2) may favor one State over another. With regard to the first objection, the order provides for the transfer of any unused portion of annual allotment among growers. It also provides for the transfer of cranberries from a grower having a surplus to one needing additional cranberries. This may be accomplished by the committee or by a grower or handler as provided in the marketing order. With regard to the second objection, the grower allotment provisions under the order are applicable to the entire production area, and do not operate in favor of one State or locality to the detriment of another State or locality.

The committee recommended a marketable quantity of 248,604,800 pounds (2,486,048 barrels) of cranberries for the 1977–78 crop year. This quantity represents estimated sales of cranberries from the 1977–78 crop and provides for an adequate carryover into the 1978–79 crop year.

There has been a long term upward trend in the production of cranberries which in the past decade has resulted in crops one million barrels or over two-thirds larger than 10 years ago. Sales of fresh and processed cranberries have failed to keep pace with the upward trend in production. This has resulted in a chronic surplus since the beginning of this decade.

The committee projects a total available supply of 3,001,000 barrels of cranberries during 1977–78. This includes an estimated 1977 carry-in of 689,000 barrels, which is 24 percent larger than in 1976–77. The committee estimates sales at 2,100,000 barrels of cranberries, which is 5 percent larger than in 1976–77.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the views and comments submitted during the notice period, and other available information, it is found that the regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the regulation by mailing the proposal to each cranberry grower of record and by publication of the proposal in the April 18, 1977, FEDERAL REGISTER, (2) as provided in the marketing agreement and order, this regulation applies to cranberries marketed during the 1977–78 season, which requires issuance of grower allotments on or before May 1, 1977, (3) compliance with this regulation will not require any special preparation by handlers which cannot be completed prior to the time handling of the 1977–78 crop of cranberries begins, (4) prompt issuance of this regulation will be beneficial to all interested persons because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such issuance. The regulation is as follows:

§ 929.304 Marketable quantity and allotment percentage during the crop year beginning September 1, 1977.

(a) The marketable quantity during the crop year beginning September 1, 1977, shall be 248,604,800 pounds.

(b) As provided in § 929.49, the allotment percentage shall be 95 percent.

(c) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 27, 1977, to become effective May 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-12454 Filed 4-28-77;8:45 am]

[Lime Reg. 6; Reg. 5 Terminated]

PART 944—FRUITS; LIME REGULATIONS

Minimum Grade Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation lowers the minimum grade requirement applicable to imported Persian "seedless" limes from U.S. Combination, Mixed Color, to U.S. No. 2, Mixed Color grade to coincide with such requirements being made effective on Florida limes. The regulation is required by Federal law.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION:

§ 944.205 Lime regulation 6.

(a) On and after the effective date of this section, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. No. 2, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply;

(3) Such limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1¾ inches in diameter; and

(4) Notwithstanding the provisions of subparagraph (3), not to exceed 10 percent, by count, of limes in any lot of containers may fail to meet the applicable size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of limes which fail to meet such applicable size requirement.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of limes, is required on all imports of limes. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of limes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the limes will be imported:

Port	Office	Advance notice (days)
All Texas points	Leo M. Denbo, 506 S. Nebraska Ave., San Juan, Tex. 78589, phone (512) 787–4091 or Charles E. Parragon, 724 E. Overland, El Paso, Tex. 79901, phone (915) 543–7723.	1
All New York points	Carmine J. Cavallo, Room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone (212) 991–7668, –7669 or Charles D. Reniek, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206, phone (716) 824–1565.	1
All Arizona points	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621, phone (602) 287–2902.	1
All Florida points	Bennie C. Tiner, 1350 N.W. 12th Ave., Rm. 530, Miami, Fla. 33136, phone (305) 324–6116 or Cecil Brantley, 550 3rd Street, N.W., Winter Haven, Fla. 33880, phone (813) 294–3511 or Johnnie L. Corbitt, Unit 46, 3335 North Edgewood Ave., Jacksonville, Fla. 32205, phone (904) 354–5983.	1
All California points	T. A. Trombatore, 784 S. Central Ave., Rm. 266, Los Angeles, Calif. 90021, phone (213) 622–8756.	3
All Louisiana points	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113, phone (504) 589–6741, –6742.	1
All other points	M. A. Castille, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, phone (202) 447–5870.	3

(c) Inspection certificates shall cover only the quantity of limes that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and ceritificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any limes to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this regulation, any importation of limes which, in the aggregate, does not exceed 250 pound, net weight, may be imported without regard to the restrictions specified herein.

(g) No provisions of this section shall supersede the restrictions or prohibitions on limes under the Plant Quarantine Act of 1912.

(h) Nothing contained in this regulation shall be deemed to preclude any importer from reconditioning prior to importation any shipment of limes for the purpose of making it eligible for importation.

(i) The terms used herein relating to grade and diameter shall have the same meaning as when used in the United States Standards for Persian (Tahiti) Limes (7 CFR 51.1000–51.1016). Importation means release from custody of the United States Bureau of Customs.

(j) Lime Regulation 5 (36 FR 10774, 22008; 38 FR 12603; 40 FR 2793; 41 FR 7384, 16548, 54751) is hereby terminated at the effective time hereof.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions as are being made applicable to domestic shipments of limes under Lime Regulation 37 (§ 911.339), which becomes effective May 1, 1977; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: April 26, 1977, to become effective May 1, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-12293 Filed 4-28-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL SERVICE COMMISSION

[5 CFR Part 552]

PROCESSING GARNISHMENT ORDERS ISSUED AGAINST U.S.

Proposed Uniform Procedures for Executive Agencies

Correction

In FR Doc. 77–11066, appearing at page 19882 in the issue of Friday, April 15, 1977, § 552.102(a), lines 3 and 4 should read "dependent establishments, the Postal Service, and the Postal Rate Commission,".

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

CONFORMING AMENDMENTS TO ALLOCATION AND PRICE REGULATIONS TO IMPLEMENT PURCHASE AUTHORITY FOR STRATEGIC PETROLEUM RESERVE

AGENCY: Federal Energy Administration (FEA).

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: FEA requests further comments concerning proposed amendments to the allocation regulations (42 FR 8362, February 10, 1977) that would further modify the FEA domestic crude oil allocation program (the "entitlements" program) with respect to acquisition of crude oil for the Strategic Petroleum Reserve ("SPR").

FEA also requests comments on proposed amendments to the price regulations. Prices charged in sales of crude oil for the SPR would be subject to existing price regulations, with slight modifications. A special provision relating to actual costs of delivery to the Government for the SPR is proposed and comments are requested on whether a special provision for a handling fee is needed.

DATES: Comments by May 6, 1977, 4:30 p.m. Requests to speak by May 3, 1977, 4:30 p.m.

ADDRESS: Comments and requests to speak to: Executive Communications, Room 3309, Federal Energy Administration, Box LV, Washington, D.C. 20461.

Address and time for hearing: May 12, 1977, 9:30 a.m., Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street, NW., Room 2214B, Washington, D.C. 20461. 202–254–5201.
Ed Vilade (Media Relations), 12th and Pennsylvania Avenue, NW., Room 3104, Washington, D.C. 20461. 202–566–9833.
Michael E. Carosella (SPR Program Office), 1726 M Street, NW., Room 200, Washington, D.C. 20461. 202–634–5500.
Doris Dewton (Entitlements Program Office), 2000 M Street, NW., Room 6128H, Washington, D.C. 20461. 202–254–8660.
Laura Kuitunen and Craig Bamberger (Office of General Counsel), 12th and Pennsylvania Avenue, NW., Room 5138, Washington, D.C. 20461. 202–566–9567.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Procedures for SPR acquisitions.
A. Description of first solicitations.
B. Subsequent solicitations.
III. Proposed amendments.
A. Modifications to the allocation regulations concerning application of the costs and sales revenues of entitlements.
B. Modifications to the price regulations.
C. Purchases from foreign persons.
IV. Comments requested.
V. Comment procedures.

I. BACKGROUND

Title I, Part B of the Energy Policy and Conservation Act ("EPCA"), enacted on December 22, 1975, set forth requirements for the Federal Energy Administration ("FEA") to acquire up to one billion barrels of crude oil and refined petroleum products for storage in a Strategic Petroleum Reserve ("SPR"). On December 14, 1976 FEA submitted to Congress an SPR Plan ("Plan") detailing FEA's proposals for designing, constructing, and filling the storage and related facilities of the SPR. The Plan was resubmitted on February 16, 1977 to correct a technical oversight. This Plan, which took effect on April 18, 1977, provides for the storage of 150 million barrels of crude oil by December 22, 1978, 325 million by December 22, 1980, and 500 million by December 22, 1982. To meet these goals, FEA must commence crude oil acquisition activities immediately.

In the SPR Plan, FEA stated its intention to propose use of the authorities granted in the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA"), to allow the Government to obtain the benefits of domestic crude oil price controls for imported crude oil for the SPR to the same extent that refiners receive such benefits under the entitlements program for processing imported crude oil. The Plan also provided that a final choice among several options being considered by FEA, including amendments to the entitlements program, would be made following completion of the review process, including consideration of the requirements of the National Environmental Policy Act of 1969.

As part of the review process, FEA issued a notice of proposed rulemaking on February 5, 1977 to elicit public comments on FEA's current domestic crude oil allocation program (the "entitlements program") as it is proposed to be modified with respect to FEA's proposed procedures for acquisition of crude oil for the SPR. (42 FR 8362, February 10, 1977.) Final amendments to the regulations regarding certain issues addressed in the notice of proposed rulemaking are being issued concurrently with this notice. Other issues have been reserved for further consideration, and comments on any other issues pertaining to the modifications to the entitlements program for sales of domestic crude oil for the SPR are requested in this proceeding.

The purpose of this notice of proposed rulemaking is to set forth proposed conforming amendments to the price regulations concerning prices for sales of crude oil for the SPR to be considered along with possible further changes in the entitlements program.

II. PROCEDURES FOR SPR ACQUISITIONS

A. DESCRIPTION OF FIRST SOLICITATIONS

As described in more detail in the concurrently issued notice adopting amendments to Part 211, the solicitations for the first 10,000,000 barrels of crude oil expected to be issued during the period of April through June 1977 by the Defense Fuel Supply Center, will be limited to imported crude oil and structured as follows. Two million barrels are expected to be procured in one or more purchases for prompt delivery in July, August and possibly September 1977, dependent upon the availability of SPR storage facilities. The balance of 8,000,000 barrels, for deliveries commencing in August or later and continuing throughout 1977, are expected to be acquired separately. It is anticipated that the first solicitation will require the submission of proposals by the end of May, and that initial source selection will be completed by August 1977.

Under the procedures contemplated by the concurrently adopted amendments, payment from the Government of the contract price, less $3 per barrel, would be due upon acceptance of crude oil delivered for the SPR and submission of appropriate documentation. Supplier firms would then have their SPR deliveries of crude oil reflected in the entitlement notice published in the month following acceptance by the Government of the crude oil. The $3 per barrel balance of the purchase price would be paid by the end of

the month following the month in which the related acceptance of a delivery of crude oil for the SPR was made, partly by the Federal Government and partly by issuance of entitlements.

The first solicitations, for the first 10,000,000 barrels, will provide for submission of offers with respect to imported crude oil only (including previously imported crude oil), although subsequent procurement may provide also for sales of domestic crude oil.

It should be noted that certain aspects of the proposed changes to the price regulations will be directly related to the inulations will be directly related to the formulation of offers for these first solicitations. Therefore, firms submitting offers should evaluate the final price rules in formulating their offers.

B. SUBSEQUENT SOLICITATIONS

As noted above, the solicitations for proposals for the acquisition of the first 10,000,000 barrels of crude oil for the SPR will be limited to imported crude oil, principally because the amendments to the entitlements program and to the price regulations that are necessary to facilitate the acquisition of imported crude oil appear to be less complex than those associated with the possible acquisition of domestic crude oil subject to lower tier or upper tier first sale ceiling prices. In subsequent solicitations, however, FEA may request bids or proposals involving domestic as well as imported crude oil. Accordingly, although no decision has been reached on the matter, the proposed amendments to the regulations set forth herein are sufficiently broad to accommodate sales of domestic and imported crude oil for the SPR.

III. PROPOSED AMENDMENTS

Sales of crude oil in the United States are either exempt from FEA price regulations (as "the first sale into U.S. commerce," pursuant to § 212.53(b); as the first sale of crude oil produced and sold from a stripper well property pursuant to § 212.54; or as the first sale of U.S. owned crude oil pursuant to the provisions of the Naval Petroleum Reserves Production Act of 1976 and § 212.55) or are subject to price regulations (Subpart D of Part 212 applies to each first sale of domestic crude oil other than exempt sales and Subpart F or Part 212 applies to each sale of crude oil, other than the first sale, by resellers, reseller-retailers, retailers and refiners).

Although the procurement procedures to be used in the acquisition of crude oil for the SPR may result in sales at less than the maximum prices permitted by the price regulations, the price regulations will nevertheless be applicable to such sales to the same extent as they are applicable to any other sales.

The purpose of the amendments proposed herein is to facilitate the sale of crude oil to the Government for the SPR by segregating, insofar as practicable, the effects of an SPR sale of crude oil from the seller's other FEA-regulated sales.

A. MODIFICATIONS TO THE ALLOCATION REGULATIONS CONCERNING APPLICATION OF THE COSTS AND SALES REVENUES OF ENTITLEMENTS

Section 211.67(m) provides generally that the cost of entitlements purchased or the sales revenues from entitlements sold are to be applied to adjust the cost of crude oil or product in inventory of firms. Inasmuch as entitlements issued in conjunction with sales of crude oil for the SPR serve as partial payment to the seller of that crude oil and are designed to reduce the cost of crude oil to the Government, there does not appear to be any basis for a requirement that the amount of entitlements transactions attributable to sales of crude oil for the SPR be applied by the seller as provided for in § 211.67(m).

Accordingly, § 211.67(m) is proposed to be amended to provide that with respect to entitlements issued (and sold or used to diminish a firm's requirement to purchase entitlements) in connection with a firm's sales for the SPR, or with respect to entitlements required to be purchased in connection with a firm's sales for the SPR, neither the sales revenues from entitlements sold (or the reduction in cost of entitlements purchased), nor the cost of entitlements required to be purchased, are to constitute an adjustment to the cost of crude oil or product in inventory of any firm selling crude oil for the SPR.

It should be noted in this regard that although the amendments to the entitlements program being adopted contemporaneously herewith treat imported crude oil accepted for the SPR as "crude oil runs to stills," such treatment is for purposes of the entitlements program only and, together with the amendments to § 211.67(m) proposed herein, would have no impact on a refiner's cost of crude oil for purposes of the refiner price regulations. This is consistent with the purpose of the refiner price regulations (Subpart E of Part 212), which define the "increased cost of crude oil" which is eligible to be passed through in prices charged for covered products as the "increased cost of crude oil * * * purchased or landed * * * for refining." (§ 212.83(c) (2) (iii) (C), emphasis added.)

B. MODIFICATIONS TO THE PRICE REGULATIONS

A new § 212.95 is proposed to be added to specify the manner in which the price regulations apply to sales of crude oil for the SPR.

As was stated above, the purpose of the amendments proposed herein is to facilitate the sale of crude oil to the Government for the SPR by segregating, insofar as practicable, the effects of an SPR sale of crude oil from the seller's other FEA-regulated sales.

To this end, it is proposed that the maximum lawful price for sales of crude oil to the Government for the SPR be calculated on the basis of a separate price computation for each such sale (as though a separate inventory existed), that entitlements attributable to each such sale be taken into account only with respect to the transaction with the Government with respect to which the entitlements were purchased or sold, and that any unrecovered increased costs attributable to crude oil sold to the Government for the SPR not be available to be applied in determining the maximum allowable price with respect to any other sale.

A special provision is proposed to permit certain additional costs of transporting crude oil to the Government delivery point to be included in the maximum lawful price and comments are requested on whether a special provision is needed to provide for the addition of a specified handling charge for each barrel of crude oil sold.

For each solicitation and acquisition after the first solicitations covering 10,000,000 barrels of imported crude oil, special provisions are also proposed to facilitate sales for the SPR and to minimize transportation costs by permitting sellers having various categories of crude oil available to them (e.g., lower tier crude oil and imported crude oil) to substitute one category of crude oil for another, provided that appropriate adjustments are made.

1. *Price Rule.* The proposed § 212.95 would provide that the net return to sellers in sales of crude oil for the SPR shall not exceed the maximum lawful price, if any, applicable to the crude oil delivered plus actual expenses incurred in delivering the oil to the Government.

FEA is in a separate rulemaking proceeding considering a number of issues relating to the applicability of Subpart F to resales of crude oil generally, and does not intend in the current proceeding to preempt the resolution of any of those issues.

When crude oil is delivered to the Government, it is proposed that sellers will be required to certify the volume and, if applicable, the maximum lawful price under § 212.93 (but would be permitted to treat each lot of oil separately acquired as a separate "product in inventory" whether or not it has historically done so), the volume and the applicable ceiling prices under §§ 212.73 or 212.74, or the volume and that no ceiling price is applicable to a first sale of imported crude oil into U.S. commerce. Thus, the maximum lawful price for sales of crude oil to the Government for the SPR would, if they were first sales of domestic crude oil pursuant to Subpart D, be subject to the existing regulations of that Subpart. However, the present regulations for resales of crude oil pursuant to Subpart F would be modified with respect to sales for the SPR to provide for a separate price computation for each lot of crude oil as though a separate inventory existed.

With respect to lower and upper tier controlled crude oil and crude oil priced under § 212.93, the payments to sellers will be reduced if the net return to the seller (Line (g) in Table I below) exceeds

the ceiling or maximum lawful price for the crude oil, plus actual expenses incurred in making delivery to the Government. No adjustment will be required for uncontrolled oil.

FEA requests comments on how to ascertain the actual costs incurred in making delivery of the crude oil to the Government for the SPR (exclusive of costs that are not already included in the maximum lawful price) and on whether there is a need for any handling fee and, if so, in what amount.

2. *No other Use of Unrecovered Increased Costs Associated With SPR Sales.* The proposed § 212.95 would provide that, with respect to resale for the SPR of crude oil subject to maximum lawful prices computed pursuant to Subpart F or subject to first sale ceiling prices pursuant to Subpart D, if the net return to the seller (excluding actual delivery expenses and the handling fee) is less than the maximum lawful price, the full maximum lawful price is to be deemed recovered; no carry-forward or other application of any unrecovered amounts to sales prices to other customers would be permitted.

3. *Interchangeability of Lower Tier, Upper Tier, and Uncontrolled Oil.* The proposed § 212.95 would provide that—after the initial solicitations for 10,000,000 barrels, which are confined to actual imported oil—when certifying the lower tier, upper tier, or uncontrolled oil status of volumes of crude oil delivered to the Government, as stated in section III.B. above, a firm may, subject to the conditions set forth below, attribute to the SPR oil the ceiling price or other maximum lawful price of any crude oil (whether lower tier, upper tier, or uncontrolled of identical grade and quality actually in inventory at the time delivery is made, regardless of the actual source of the crude oil actually delivered.

If, for example, a seller delivers 35°, .2 percent sulfur crude oil to the SPR that is actually lower tier crude oil but certifies it as imported crude oil (because it has at the time of delivery both lower tier and imported 35°, .2 percent sulfur crude oil in inventory in quantities at least equal to the quantity delivered to the Government), it will receive a higher net return from the sale to the Government than if the crude oil were certified as lower tier, but will be required to certify an equivalent volume of like grade and quality imported crude oil as lower tier crude oil and to deem the cost of such crude oil to be the cost of the lower tier crude oil that was actually furnished to the Government. (*See* Table below comparing cost to the Government and net return to the firm in the two cases. As illustrated in Table I, the net cost to the Government is unaffected.)

If domestic crude oil subject to lower tier or upper tier first sale ceiling prices pursuant to Subpart D or other maximum lawful prices pursuant to Subpart F is made eligible for sale to the Government for the SPR and such sales are subject to the entitlements program, the net return to two firms offering crude oil at the same delivered cost to the Government (in the case of Firm A, lower tier crude oil, and in the case of Firm B, uncontrolled crude oil) is illustrated in the folowing table. As was noted in this regard in the February 5, 1977 notice, all offers are to be stated in terms of a fully delivered price to the Government, with the payment obligation of the Government adjusted downward by the value of an entitlement per barrel of uncontrolled crude oil in the month of delivery.

TABLE 1

	Firm A (old oil)	Firm B (uncontrolled oil)
Cost to Government:		
a. Offer price	$13.25	$13.25
b. Net entitlement value [1]	2.35	2.35
c. Net cost to Government (a.–b.)	10.90	10.90
Net return to firm:		
d. Government payment to firm (c.)	10.90	10.90
e. Value of entitlement received (b.) [1]	2.35	2.35
f. Entitlement purchase required [1]	7.84	
g. Net return to firm (d.+e.–f.)	5.41	13.25

[1] Assumes entitlement value of $7.84 and domestic crude oil supply ratio of 0.3.

As illustrated by the table above, the net return ("g.") to the firm that sells crude oil to the Government for the SPR, after entitlements adjustments, is the appropriate measure for determining whether, in any sales subject to the price regulations, the price is at or below the price permitted by the regulations.

Accordingly, § 212.95 as proposed would specify that the net return to the seller of crude oil for the SPR, including any reduction in costs incurred or any revenues realized in entitlement transactions attributable to such sale, but not including actual costs of delivering the crude oil would be deemed the selling price for purposes of determining whether the price regulations had been complied with. Section 212.95 would further provide that the payment obligation of the Government would be adjusted downward in any sales for the SPR in which the net return to the seller exceeded any applicable price regulations (plus allowable transportation costs).

Comments are specifically requested as to whether this portion of the proposal, regarding interchangeability, is subject to abuse which might result in overcharges to other purchasers by firms subject to Part 212. If this portion of the proposed procedures is subject to potential abuse, comments are requested as to whether the proposal may be modified to eliminate any such potential abuse or whether this portion of the proposal should not be adopted.

C. PURCHASES FROM FOREIGN PERSONS

Foreign firms would be permitted to offer crude oil to the Government. For purposes of resolving interpretive issues arising under § 212.53, it is proposed that the sale by a foreign firm to the Government would be a first sale into U.S. commerce and exempt from Part 212 pursuant to § 212.53(b), and that no sales by domestic firms would be deemed first sales into U.S. commerce.

Comments are requested on whether it is possible to identify sales by domestic firms which should qualify as first sales into U.S. commerce and by what criteria such sales could be readily identified. Such sales should represent incremental crude oil importation that would not have occurred but for the opportunity to sell such crude oil to the Government for the SPR.

IV. COMMENTS REQUESTED

Comments are invited generally as to the practicability and desirability of these procedures.

In this rulemaking proceeding, FEA is also requesting additional comments addressing the proper treatment under the entitlements program of domestic crude oil sold for the SPR. In its concurrently issued final rule providing for entitlement issuances with respect to imported crude oil sold to the Government for the SPR, FEA states that further amendments to the entitlements program that would cover sales of domestic crude oil for the SPR would be adopted in the future so as to be effective for the Government's solicitation of offers of crude oil subsequent to the solicitations for the first 10,000,000 barrels. FEA intends to review the additional comments received during this proceeding in its formulation of these further amendments to the entitlements program.

V. COMMENT PROCEDURES

A. WRITTEN COMMENTS

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice. Comments should be identified on the outside envelope and on the document with the designation "Strategic Petroleum Reserve — Conforming Amendments to Price Regulations." Fifteen copies should be submitted.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. PUBLIC HEARINGS

1. *Request Procedure.* The times and places for the hearings are indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the first day of the hearing.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class

of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., May 4, 1977 and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street NW., Washington, D.C., before 4:30 p.m., e.s.t., on May 9, 1977.

2. *Conduct of the Hearings.* The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., May 5, 1977. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined to be of a nature that requires no evaluation of its economic impact. The Federal Energy Administration has, however, prepared an economic impact evaluation of the February 5 proposed amendments to the provisions of the domestic crude oil allocation program (the "entitlements program") for implementing purchase authority for the SPR.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., April 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 211.67 is amended in paragraph (m) to add a new subparagraph (5) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(m) *Adjustments to crude oil and product costs.*

* * * * *

(5) *Strategic Petroleum Reserve entitlements transactions.* Notwithstanding the other provisions of this § 211.67(m), entitlements issued by the Government to a firm associated with acquisitions from that firm for the Strategic Petroleum Reserve ("SPR") which are sold by that firm (or which diminish the entitlements purchase obligations of that firm) and entitlements which are required to be purchased by a firm because of sales by that firm for the SPR shall not:

(i) Permit or require any adjustment to that firm's cost of crude oil in § 212.83 (c)(2) if it is a refiner;

(ii) Permit or require any adjustment to that firm's cost of product in inventory if it is a reseller or retailer; or

(iii) Permit or require any adjustment to that firm's prices in other first sales of crude oil if it is a producer.

2. A new section 212.95 is added to read as follows:

§ 212.95 Strategic petroleum reserve crude oil pricing.

(a) *Scope.* This section applies to each sale of crude oil to the Government for the Strategic Petroleum Reserve ("SPR").

(b) *Rule.* Crude oil shall be sold to the Government for the SPR at a net return to the seller of not more than any applicable per barrel ceiling price or other maximum lawful price, plus actual expenses incurred in delivering the crude oil to the Government. As used in this section, the term "net return to the seller" means the payment to the seller by the Government for crude oil acquired for the SPR, plus or minus any costs or revenues (including reduced purchase obligations) for the purchase or sale of entitlements that are attributable to such sale of crude oil to the Government for the SPR.

(1) When proposals are submitted and when crude oil is delivered to the Government, bidders and sellers shall certify what volumes of crude oil are lower tier, upper tier, or imported or domestic uncontrolled crude oil and shall certify the ceiling or other maximum lawful price, if any, applicable to the volumes so classified. A bidder or seller certifying the maximum lawful price pursuant to § 212.93 may treat each lot of crude oil separately acquired as a separate "product in inventory" whether or not it has historically done so.

(2) For each solicitation and acquisition of crude oil for the SPR (other than the solicitations and acquisitions pursuant thereto by the Government for the first 10,000,000 barrels of crude oil for the SPR), a seller of crude oil to the Government for the SPR may certify such crude oil as lower tier, upper tier, or uncontrolled crude oil with the ceiling price or other maximum lawful price, if any, applicable to such crude oil so classified, without regard to the actual source of the crude oil thus certified, provided that the seller has an equivalent volume of crude oil of identical grade and quality of the category thus certified in inventory at the time delivery is made, and provided also that such equivalent volume of like grade and quality crude oil in inventory is simultaneously recertified to correspond to the category of the crude oil that was actually furnished to the Government and that the cost to the seller of such equivalent volume of like grade and quality crude oil in inventory is simultaneously deemed to be the cost of the seller of the crude oil actually furnished to the Government.

(3) Payments to sellers shall be reduced if the net return to the seller would otherwise exceed any applicable ceiling price or other maximum lawful price, plus allowable expenses incurred in making delivery to the Government.

(4) Any sale by a foreign firm to the Government for the SPR will be deemed a first sale into U.S. commerce. No sale by a domestic firm will be deemed a first sale into U.S. commerce. A domestic firm is any firm with its principal place of business in the United States.

[FR Doc.77-12257 Filed 4-26-77;10:05 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-323; Docket 30781; Dated: April 22, 1977]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Revision of Accounting and Reporting Requirements for Small Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Board's accounting and reporting requirements by reducing the level of reporting requirements for small certificated air carriers and upgrading the submission of traffic and capacity statistics for supplemental air carriers. The reductions for small certificated carriers would be accomplished by: (1) Revising the current air carrier groupings for reporting purposes and (2) relieving the small carriers within the revised carrier groups of the burden of filing certain CAB Form 41 schedules which reflect air carrier financial and traffic and capacity data. The upgrading of the supplemental carriers' traffic and capacity statistics would be accomplished by placing these carriers on a comparable basis with certificated route air carriers in order to recognize their increasing importance within the overall air transportation industry. This proposal was developed as part of the Board's on-going effort to reduce and improve air carrier reporting wherever possible.

DATES: Comments must be received on or before May 30, 1977.

ADDRESSES: Comments should be sent to Docket 30781, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5270.

SUPPLEMENTARY INFORMATION: In connection with the Board's stated goal of reducing air carrier reporting burden wherever possible, an extensive review of the accounting and reporting requirements imposed on the smaller carriers in the air transportation industry by Part 241 of the Economic Regulations, Uniform System of Accounts and Reports for Certificated Air Carriers (USAR) has been undertaken to identify accounting or reporting requirements for which the benefits to the Board's regulatory programs do not appear commensurate with the burdens imposed. In this regard, it should be noted that the principal benefit of many reports is the measurement of industry trends through data summaries and that the smaller carriers, as a group, make up a relatively small percentage of the industry totals.

While the Boards accounting provisions currently permit relief for small carriers in the scope of accounts which must be maintained, all route air carriers are subject to essentially the same reporting requirements with very little distinction made for carrier size. This observation equally applies to all supplemental air carriers. As a result of this, there are indications, based on late filings and correspondence, that some small carriers have experienced difficulty in meeting the reporting requirements presently imposed upon them. These facts, together with the Board's desire to reduce reporting burden whenever possible and the trend toward the issuance of certificates to new smaller carriers such as Air New England, Munz Northern, Air Midwest, and Rich International have caused us to consider the need for a new data collection system with variations according to the size of carriers.

Our review of the reports currently submitted by smaller air carriers disclosed that a number of the current reports submitted to the Board on a recurrent basis are of questionable regulatory need. The possible elimination of reports for which there is not a clearly defined regulatory need is but one aspect of the development of a small carrier reporting system.

Besides reviewing the CAB Form 41 schedules by weighing the burden imposed against the benefits achieved, the air carrier groupings as presently contained in the USAR were analyzed to ensure that the benefits of the reports reduction program will accrue to all eligible carriers. Additionally, the regulatory need for smaller carriers to submit service segment data to the Board has also been explored. These and other matters will be discussed below.

AIR CARRIER GROUPINGS

Under current regulations, there are three route air carrier groupings and two supplemental air carrier groupings which are based on the size of carrier operations. These carrier groupings were established to relate carrier size to the scope of the system of accounts which must be maintained by individual carriers. These groupings permitted smaller air carriers to maintain accounting systems with a lesser degree of detail and scope of accounts than that required of larger carriers. In the past, we have reviewed the air carrier groupings to ensure that the level of accounting is commensurate with an air carrier's level of operations. This proposal would expand the concept of relating regulatory need to carrier size to include reporting as well as accounting requirements.

With the advent of a reporting system which recognizes variations in carrier size, the need to periodically review the grouping of air carriers becomes even more pronounced. In this regard, we have performed an in-depth review of the current air carrier groupings to identify possible areas of improvement and simplification. In conjunction with this review, an analysis of the Board's current reporting requirements has highlighted three basic levels of reporting which we have identified as necessary in supporting the Board's regulatory functions. In general, the Board maintains an accounting and statistical data base to ensure the timely availability of the information required to support the Board's route, rate, subsidy, and other regulatory activities. With the recent certification of new smaller carriers, it becomes imperative to seek to establish a reporting system which reflects the relative impact such carriers have on the overall air transportation system.

In relating carrier grouping, carrier size, and level of reporting, we feel that the best approach would be to establish three basic air carrier groupings which would reflect the three proposed levels of reporting. The proposed Group I (lowest) level of reporting would reflect a certain basic body of facts which is required from all certificated carriers, irrespective of their level of operations. Group II would consist of those carriers whose level of operations warrants a slightly higher reporting level. The third group of carriers (Group III) would encompass those carriers whose operations have a significant impact on the air transportation industry.

Regarding the placement of individual carriers within specific carrier groups, we are proposing to use total operating revenues as the criterion for the initial assignment of carriers to carrier groups. We have found, through extensive analysis, that total operating revenues provides an easy means of measuring a carrier's size relative to the overall air transportation industry. It also represents a criterion which is both easily computed and understood. In initially establishing the proposed carrier groupings, the following criteria were used:

Air carrier group:	*Total operating revenue range*
I	0 - $10,000,000
II	$10,000,001 - $75,000,000
III	$75,000,001 +

We are also proposing to include these criteria within the body of the regulations as a historical reference point in the assignment of carriers to a specific carrier group.

As proposed, the use of operating revenue criteria would enable carriers of comparable size to be analyzed through the use of a common data base. In addition, this criterion would still maintain a common data base for analyzing industry groups such as the local service carriers and trunk carriers. However, we wish to emphasize that, while we would initially use a carrier's total operating revenues as the sole criterion for placing it within a particular group, the carrier's future operating revenues will not automatically determine its classification. For example, a carrier intially listed as a Group I carrier would not automatically become a Group II carrier as soon as its operating revenues rose above $10,000,000; neither would a carrier initially listed as a Group III carrier automatically become a Group II carrier if its operating revenues fell below $75,000,000;

and, by the same token, neither would a carrier initially listed as a Group II carrier be ineligible for reclassification as a Group I carrier simply because its operating revenues continue to exceed $10,000,000. Periodic reviews of the criteria for establishing carrier groups as well as the classification of individual carriers will be performed to ensure that each carrier's level of reporting is supported by a discernible regulatory need; moreover, when an air carrier feels that it should be placed in another grouping, such carrier may petition the Board at any time for reclassification of its group status.

Applying the foregoing criteria at the present time would result in the following air carrier groupings:

Group I air carriers:
Air Micronesia, Inc.
Air Midwest, Inc.
Aspen Airways, Inc.
Chicago Helicopter Airways, Inc.
Evergreen International Airlines, Inc.
Kodiak-Western Alaska Airlines, Inc.
McCulloch International Airlines, Inc.
Modern Air Transport, Inc.
Munz Northern Airlines, Inc.
New York Airways, Inc.
Reeve Aleutian Airways, Inc.
Rich International Airways, Inc
Wright Air Lines, Inc.

Group II air carriers:
Airlift International, Inc
Air New England, Inc.
Alaska Airlines, Inc.
Aloha Airlines, Inc.
Capitol International Airways, Inc.
Hawaiian Airlines, Inc.
Wien Air Alaska, Inc.

Group III air carriers:
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
The Flying Tiger Line Inc.
Frontier Airlines, Inc.
Hughes Air Corp., d/b/a Hughes Airwest
National Airlines, Inc.
North Central Airlines, Inc.
Northwest Airlines, Inc.
Overseas National Airways, Inc
Ozark Air Lines, Inc.
Pan American World Airways, Inc
Piedmont Aviation, Inc.
Seaboard World Airlines, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
Trans International Airlines, Inc
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.
World Airways, Inc.

CAB Form 41 Schedules

Currently, all certificated route carriers are required to file with the Board essentially the same financial and traffic and capacity data on CAB Form 41 schedules. This fact is applicable to supplemental carriers as well. These schedules are submitted in a recurrent basis pursuant to Part 241 of the Board's Economic Regulations. In keeping with our goal of reducing, improving, and simplifying reporting requirements, the Form 41 schedules are under continuous review by the Board's staff to highlight areas where such reporting changes are possible. The development of a small carrier reporting system is one part of this continuing analysis of reporting burden.

In focusing on small carriers, we have been able to identify a number of schedules where the data collected is either not supported by a specific regulatory need or not supported by benefits which outweigh the burden imposed. As stated earlier, our proposed small carrier reporting system envisions three levels of reporting based on the Group I, Group II, and Group III carrier groupings. This will enable regulatory need and benefits derived to outweigh, to the maximum extent possible, the burden imposed.

In summary, we are proposing the elimination of the following CAB Form 41 schedules:

GROUP I—ROUTE AIR CARRIERS

Schedule No.:	*Schedule Title*
A-1	Status of Accounting Plans Required to be Filed.
B-3	Statement of Changes in Stockholders' Equity.
B-4	Allowance for Uncollectible Accounts; Accounts with Investor Controlled Companies, Other Associated Companies and Nontransport Divisions.
B-13	Summary of Projected Financial Commitments and Related Deposits.
B-44	Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies.
B-46	Long-Term and Short-Term Nontrade Debt.
P-1(a)	Interim Statement of Operations.
P-2(a)	Revenue Market Report.
P-3(a)	Income taxes.
P-4	Transport-Related Revenues and Expenses; Explanation of Extraordinary Items and Cumulative Effect of Accounting Changes on Prior Years; Explanation of Prior Period Adjustments and Dividends Declared.
P-5(a)	Components of Flight Equipment Depreciation.
P-9.1	Distribution of Ground Servicing Expenses by Geographic Location—Group I Air Carriers.
P-11(a)	Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services.
P-11(b)	Charges by Foreign Governments for Airport Facilities and Services.
T-1(b)	Traffic and Capacity Statistics by Class of Service—Scheduled Services.
T-1(c)	Traffic and Capacity Statistics by Class of Service—Nonscheduled Services.
T-6	Report of Civil Aircraft Charters.
T-7	Statistical Market Report.
T-41	Charter and Special Services Revenue Aircraft—Miles Flown Calculation of Limitation of Charter Trips.

GROUP II—ROUTE AIR CARRIERS

Schedule No.:	*Schedule Title*
A-1	Status of Accounting Plans Required to be Filed.
B-44	Summary of Resources Exchanged with Affiliated Group, Members and Other Associated Companies.
B-46	Long-Term and Short-Term Nontrade Debt.
P-1(a)	Interim Statement of Operations.
P-2(a)	Revenue Market Report.
P-3(a)	Income Taxes.
P-5(a)	Components of Flight Equipment Depreciation.
P-11(a)	Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services.
P-11(b)	Charges by Foreign Governments for Airport Facilities and Services.
T-6	Report of Civil Aircraft Charters.
T-7	Statistical Market Report.
T-41	Charter and Special Services Revenue Aircraft-Miles Flown. Calculation of Limitation of Charter Trips.

GROUP I—SUPPLEMENTAL AIR CARRIERS

Schedule No.:	*Schedule Title*
A-1	Status of Accounting Plans Required to be Filed.
B-13	Summary of Projected Financial Commitments and Related Deposits.
B-14	Summary of Property Obtained Under Long-Term Leases
B-44	Summary of Resources Exchanged wiht Affiliated Group Members and Other Associated Companies.
B-46	Long-Term and Short-Term Nontrade Debt.
P-5(a)	Components of Flight Equipment Depreciation.
P-11(a)	Charges by Foreign Governments and Foreign Entitites for En Route Facilities and Services.
P-11(b)	Charges by Foreign Governments for Airport Facilities and Services.
T-3.1	Statement of Traffic and Capacity Statistics.

GROUP II—SUPPLEMENTAL AIR CARRIERS

Schedule No.:	*Schedule Title*
A-1	Status of Accounting Plans Required to be Filed.
B-44	Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies.
B-46	Long-Term and Short-Term Nontrade Debt.
P-4	Transport-Related Revenues and Expenses; Explanation of Extraordinary Items and Cumulative Effect of Accounting Changes on Prior Years; Explanation of Prior Record Adjustments and Dividends Declared.
P-5(a)	Components of Flight Equipment Depreciation
T-3.1	Statement of Traffic and Capacity Statistics.

In addition to the proposed elimination of the reporting requirements for certain CAB Form 41 schedules for specific carrier groupings, we are also proposing to change the reporting requirements for Schedule B-5 "Property and Equipment." Specifically, we are proposing to eliminate data columns 2 through 6 on Schedule B-5. This change would apply to Group I and Group II route air carriers only and would relieve the affected carriers from the burden of reporting on Schedule B-5 quarterly property and equipment cost data relative to additions, retirements, and transfers between property accounts. This change is being proposed based on our re-evaluation of our regulatory needs in light of the level of operations and overall impact on the air transportation industry of the small carriers.

At the same time we are proposing reporting reductions for small route and supplemental air carriers, we are also analyzing our current data base to insure that all the data required for the optimum performance of the Board's regulatory functions is available in a timely manner. Over the past few years, the importance of supplemental air carriers within the air transportation industry has increased steadily with no appreciable increase in reporting burden. An in-depth review, conducted in light of our current data needs, of the overall reporting requirements applicable to supplemental carriers has disclosed a need for updating the informational content of the traffic and capacity statistics filed with the Board on a recurrent basis. The purpose of this update is to reflect the material impact of supplemental carriers on our overall air transportation system; therefore, we are proposing to eliminate Schedule T-3.1 "Statement of Traffic and Capacity Statistics" while at the same time expanding the applicability of the reporting requirements for Schedules T-1(a) "Traffic and Capacity Statistics by Class of Service," T-1(c) "Traffic and Capacity Statistics by Class of Service—Nonscheduled Services," T-2(b) "Traffic, Capacity, Aircraft Operations, and Miscellaneous Statistics by Type of Aircraft," and T-3(c) "Airport Activity Statistics—Nonscheduled Revenue Service" to include submission by supplemental carriers.

It should be noted that the administration of the air carrier subsidy program requires that a basic amount of information be collected from all subsidized carriers for the judicious establishment and monitoring of subsidy rates. The proposed grouping of air carriers would result in the inclusion of certain small subsidized carriers in Groups I and II. These carriers would receive advantages from the reports reductions to the extent possible. However, Group I and Group II carriers which receive subsidy would be required to continue filing certain CAB Form 41 schedules not filed by other carriers in these groups in order to provide the data necessary for establishing and monitoring their applicable subsidy rates. These additional schedules are identified by footnote in the listing of CAB Form 41 schedules contained in the proposed amendment to Section 22 "General Reporting Instructions" of the USAR.

Service-Segment Data

The collection of service segment data has enabled the Board to capitalize on advances in automatic data processing (ADP) technologies and expanded carrier ADP facilities. Submission of this data in ADP media form has enabled us to increase the efficient utilization of the Board's ADP equipment; moreover, we have been able to enhance the statistical analyses of the Board by being able to computerize the processing of service segment data. Thus, we have succeeded in streamlining the reporting of traffic and capacity statistics on the CAB Form 41 T schedules while at the same time improving the data base for regulatory decisionmaking purposes.

Even though the information system for generating, collecting, and processing service-segment data is operating effectively, there is a segment of the air transportation industry which is still experiencing difficulty in submitting the requisite data, notably the small carrier segment of the industry. These carriers do not possess computer facilities of the same degree of sophistication as those maintained by the large route carriers. Because of this, small carriers are required to use significant amounts of computer time to generate the requisite service-segment data. On the other hand, if a carrier does not have available computer storage or an ADP capability at all, they are forced to process the data by leasing computer time at an ADP facility or by manual methods.

Although we have found service-segment data to be invaluable in the regulatory process, we also recognize the significant burden that this imposes on the small route carriers. In performing a searching analysis of the overall regulatory burden imposed on the small carriers, we have found that, taken as a whole, the operating statistics of these carriers do not represent a material portion of the total air transportation industry. While the lack of such data would not generally create a detriment to our monitoring and economic reviews of these carriers for regulatory purposes, service-segment data is utilized by the Board's staff in verifying allocations for the purpose of administering the Board's subsidy program. This use of service-segment data in establishing and monitoring subsidy rates has caused us to conclude that there is a specific regulatory need for the continued submission of service-segment data by small (Group I and Group II) subsidized carriers. Accordingly, we have proposed the elimination of the collection of service-segment data from Group I and Group II route carriers with the exception of those small route air carriers in Groups I and II which are receiving a subsidy.

Other Matters

Currently, the structural framework of the USAR relative to air carrier reporting requirements is divided into two basic sections: route carriers and supplemental carriers. In reviewing the contents of the USAR, it is obvious that a number of the reporting requirements (CAB Form 41 schedules) are required to be filed by both route and supplemental carriers with the same reporting instructions being listed in both sections of the USAR. This duplication creates an undue burden on the regulatory rulemaking process by requiring duplicative effort in processing, reviewing, and commenting on rulemakings. After due consideration, we have tentatively determined that this increased effort is unwarranted. Therefore, we are proposing to eliminate the structural concept in the USAR of having a separate section of reporting requirements for route and supplemental carriers. In combining these two sections into one, the differentiation of reporting requirements between routes and supplementals will still be maintained by referencing the applicability of specific CAB Form 41 schedules in their respective reporting instructions.

Route and supplemental air carriers currently report certain financial and traffic data to the Board broken down by operational entity. For example, route carriers, allocate certain expense and statistical data based on a Domestic, Atlantic Ocean, Pacific Ocean, and Latin America entity concept. This concept means that route carriers shall allocate and report certain data based on those geographic entities in which a carrier conducts operations. Schedules such as P-3, P-4, P-5.1, P-5.2, T-1, T-2, and T-3 are all examples of schedules which require the reporting of financial and statistical data by operating entity.

At the present time, supplemental carriers allocate the data reported on Schedules P-3.1 and T-3.1 between the domestic—48 States, domestic—48 States and Alaska and/or Hawaii, territorial, and international operational reporting entities. With increasing competition between route and supplemental carriers and with the increasing impact which supplementals are having in the air

transportation industry, there is a need for greater comparability of data in analyzing the industry as a whole as well as by component parts. These factors as well as our proposal to expand the reporting of traffic and capacity data by supplemental carriers has caused us to reach the tentative conclusion that there is a need for updating the overall operating entity reporting concept for supplemental carriers. To provide for increased comparability of data and to facilitate data analysis, we are proposing to place supplemental carriers on the same operating entity reporting concept as the route air carriers.

Reporting by aircraft type is another area which we reviewed for a possible significant reduction in reporting burden. Our analysis disclosed that many of the smaller carriers are overly burdened by the current provisions of the USAR which require the allocation of certain expenses and traffic and capacity statistics by aircraft type. As a result of these findings, we have considered various alternative means of maintaining a minimum level of reporting necessary to meet the Board's data requirements. Based on our analyses, we have tentatively determined that if single-engine piston and twin-engine piston fixed-wing aircraft with a gross maximum takeoff weight of 12,500 pounds or less were separately grouped, for reporting purposes, as single aircraft types, we could still maintain a level of reporting sufficient to maintain our minimum data requirements. Therefore, we are proposing to modify the USAR provisions concerning reporting by aircraft type to allow carriers to group all single-engine piston and twin-engine piston fixed-wing aircraft with a gross maximum takeoff weight of 12,500 pounds or less as separate aircraft types for reporting purposes.

PROPOSED RULE

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend the Table of Contents of the Uniform System of Accounts and Reports by revising the section title "General Reporting Provisions—Route Air Carriers" and eliminating the section title "General Reporting Provisions—Supplemental Air Carriers" and eliminating sections 31 through 36, inclusive, to read as follows:

GENERAL REPORTING PROVISIONS

21 Introduction to System of Reports.
22 General Reporting Instructions.
23 Certification and Balance Sheet Elements.
24 Profit and Loss Elements.
25 Traffic and Capacity Elements.
26 General Corporate Elements.

2. Amend Section 04 to read as follows:

Section 04—Air Carrier Groupings and Standard Name Abbreviations

(a) All certificated air carriers are grouped into three basic air carrier groupings based on their level of operations. In order to initially place individual air carriers within a specific carrier group, total operating revenues were used as the criteria for determining each carrier's group classification. The following operating revenue ranges were used to initially establish three air carrier groups.

Carrier group:	Total Operating Revenues
I	0 – $10,000,000
II	$10,000,001 – $75,000,000
III	$75,000,001 +

(b) Both the criteria for establishing air carrier groupings and the assignment of each air carrier to a specific group of carriers shall be reviewed periodically by the Board to assure the maintenance of appropriate standards for the grouping of air carriers. When an air carrier's level of operations surpasses the upper or lower limits of its currently assigned carrier grouping, the carrier is not automatically transferred to a different group and a new level of reporting. When a situation arises where a carrier feels that its currently assigned group is inappropriate, the carrier may petition the Board for reconsideration of its assigned carrier grouping; however, any changes in the herein assigned carrier grouping shall occur only by formal Board action, either on the Board's own initiative or in response to a carrier petition.

(c) Based on the criteria established in paragraph (a) of this section, certificated air carriers are assigned to air carrier groupings as follows:

Name	Abbreviation	Certificate status	Subsidized (yes) or (no)
Group I air carriers:			
Air Micronesia, Inc.	Air Micronesia	Route	No.
Air Midwest, Inc.	Air Midwest	do	Yes.
Aspen Airways, Inc.	Aspen	do	No.
Chicago Helicopter Airways, Inc.	Chicago Helicopter	do	No.
Evergreen International Airlines, Inc.	Evergreen	Supplemental	No.
Kodiak-Western Alaska Airlines, Inc.	Kodiak	Route	Yes.
McCulloch International Airlines, Inc.	McCulloch	Supplemental	No.
Modern Air Transport, Inc.	Modern	do	No.
Munz Northern Airlines, Inc.	Munz	Route	No.
New York Airways, Inc.	N Y Airways	do	No.
Reeve Aleutian Airways, Inc.	Reeve	do	No.
Rich International Airways, Inc.	Rich	Supplemental	No.
Wright Air Lines, Inc.	Wright	Route	No.
Group II air carriers:			
Airlift International, Inc.	Airlift	do	No.
Air New England, Inc.	Air New England	do	Yes.
Alaska Airlines, Inc.	Alaska	do	Yes.
Aloha Airlines, Inc.	Aloha	do	No.
Capitol International Airways, Inc.	Capitol	Supplemental	No.
Hawaiian Airlines, Inc.	Hawaiian	Route	No.
Wien Air Alaska, Inc.	Wien	do	Yes.
Group III air carriers:			
Allegheny Airlines, Inc.	Allegheny	do	No.
American Airlines, Inc.[1]	American	do	No.
Braniff Airways, Inc.[1]	Braniff	do	No.
Continental Air Lines, Inc.[1]	Continental	do	No.
Delta Air Lines, Inc.[1]	Delta	do	No.
Eastern Air Lines, Inc.[1]	Eastern	do	No.
The Flying Tiger Line Inc.	Flying Tiger	do	No.
Frontier Airlines, Inc.	Frontier	do	Yes.
Hughes Air Corp., d.b.a. Hughes Airwest.	Airwest	do	Yes.
National Airlines, Inc.[1]	National	do	No.
North Central Airlines, Inc.	North Central	do	Yes.
Northwest Airlines, Inc.[1]	Northwest	do	No.
Overseas National Airways, Inc.	Overseas	Supplemental	No.
Ozark Air Lines, Inc.	Ozark	Route	Yes.
Pan American World Airways, Inc.	Pan American	do	No.
Piedmont Aviation, Inc.	Piedmont	do	Yes.
Seaboard World Airlines, Inc.	Seaboard	do	No.
Southern Airways, Inc.	Southern	do	Yes.
Texas International Airlines, Inc.	Texas	do	Yes.
Trans International Airlines, Inc.	Trans International	Supplemental	No.
Trans World Airlines, Inc.[1]	Trans World	Route	No.
United Air Lines, Inc.[1]	United	do	No.
Western Air Lines, Inc.[1]	Western	do	No.
World Airways, Inc.	World	Supplemental	No.

[1] Trunk air carriers.

3. Amend Section 1–6 to read in pertinent part as follows:

Sec. 1–6 Accounting entities.

(a) Separate accounting records shall be maintained for each air transport entity for which separate reports to the Civil Aeronautics Board are required to be made by section 21(g) and for each separate corporate or organizational division of the air carrier. * * *

4. Amend Section 1–9 by revising paragraph (e) to read as follows:

Sec. 1–9 Conversion to this system of accounts and reports.

* * * * *

(e) All statements and plans required to be submitted to the Civil Aeronautics Board by this system of accounts and reports shall be filed by January 1, 1957, or with the first report filed hereunder after an air carrier becomes subject to this part. (See section 22(d).)

5. Amend Section 2–1 by revising paragraph (e) to read as follows:

Sec. 2–1 Basis of allocation between entities.

* * * * *

(e) In accordance with the provisions of section 22(d), each air carrier shall file a statement with the Civil Aeronautics Board which details the practices and techniques used in directly assigning and prorating revenues and expenses, or costs, in compliance with the provisions of this section.

6. Amend Section 2–4 by revising paragraph (d) to read as follows:

Sec. 2–4 Accounting period.

* * * * *

(d) Expenditures charged directly or amortized to operations within one accounting year shall not be reversed in a subsequent accounting year and reamortized or charged directly against operations of subsequent years except that retroactive adjustments are permitted where necessary to conform with adjustments required by the Civil Aeronautics Board for ratemaking purposes provided a statement explaining the detailed adjustments is submitted for review by the Civil Aeronautics Board. (See section 22(d).)

7. Amend Section 2–13 by revising the last sentence of paragraph (d) to read as follows:

Sec. 2–13 Establishment of allowances.

* * * * *

(d) * * * Allocation allowances shall not be used in respect to expenditures, the distortionary fluctuations of which spread over a cycle of longer than one year. (See section 22(d).)

8. Amend Section 2–14 by revising paragraph (b) to read in pertinent part as follows:

Sec. 2–14 Depreciation and amortization.

* * * * *

(b) In accordance with the provisions of section 22(d), each air carrier shall file with the Civil Aeronautics Board a statement which shall clearly and completely describe for each classification of property and equipment the methods, service lives, and residual values used for computing depreciation on the different subcatagories of property or equipment included therein. * * *

9. Amend Section 2–19 by revising paragraph (a) to read in pertinent part as follows:

Sec. 2–19 Accounting for pension plans.

(a) In accordance with the provisions of section 22(d), each air carrier which has an employee pension plan or plans shall file with the Director, Bureau of Accounts and Statistics, a standard statement showing with respect to each pension plan covered by the statement, the following information: * * *

10. Amend Section 5–4 by revising paragraph (h) to read in pertinent part as follows:

Sec. 5–4 Property and equipment depreciation and overraul.

* * * * *

(h) In accordance with the provisions of section 22(d), each air carrier shall file with the Civil Aeronautics Board a statement fully describing its plans of accounting for airframe and aircraft engine overhauls. * * *

11. Amend Section 5–5 by revising paragraph (b) to read as follows:

Sec. 5–5 Other assets.

* * * * *

(b) Deferred charges having a definite time incidence shall be amortized over the periods to which they apply. When property acquisition adjustments, developmental and preoperating costs, and other intangibles are capitalized, each air carrier shall file a statement of accounting procedures, setting forth a description of the items capitalized and the monthly rates at which it proposes to amortize such costs. (See section 22(d).)

12. Amend Section 6 "Objective Classification of Balance Sheet Elements" as follows:

A. By revising paragraph (d) of account 1311 to read as follows:

1311 Allowance for obsolescence—spare parts and supplies.

* * * * *

(d) In accordance with the provisions of section 22(d), each air carrier shall file with the Civil Aeronautics Board a statement fully describing its plans of accounting for allowances for obsolescence and deterioration of expendable parts. The required statement shall indicate for each class or type of parts the predetermined level of the inventory against which an allowance is being accrued and shall fully explain the bases of the estimated losses and the rate of allowance accrual.

B. By revising paragraph (b) of account 1510 to read as follows:

1510 Investments in associated companies.

* * * * *

(b) In accordance with the provisions of section 22(d), a statement shall be filed with the Civil Aeronautics Board which fully explains the procedures for accounting for investments in investor controlled and other associated companies, including change in status from associated to investor controlled company, or vice versa.

C. By revising paragraph (c) of account 1870 to read as follows:

1870 Property acquisition adjustment.

* * * * *

(c) When charges are made to this account, each air carrier shall file a statement of accounting procedures with the Civil Aeronautics Board in accordance with section 22(d). The required statement shall include an explanation of the charges and the air carrier's proposed plan for writeoff or amortization.

D. By revising paragraph (c) of account 2120 to read as follows:

2120 Accrued vacation liability.

* * * * *

(c) Each air carrier shall file a statement with the Board fully describing the accounting procedures followed in accruing liability for personnel vacations. This statement shall include such information as (1) bases of accrual; (2) whether the accruals are made pursuant to a labor agreement, individual contract, or a company policy; and (3) whether the accruals cover all employees or certain categories only. (See section 22(d).)

E. By revising paragraph (e) of account 2160 to read as follows:

2160 Air traffic liability.

* * * * *

(e) In accordance with the provisions of section 22(d), a statement shall be filed with the Board which fully explains the accounting methods and bases of clearing to income, both earned revenue and the revenue that is derived from unused or unredeemed transportation sales.

13. Amend Section 10 "Functional Classification—Operating Expenses of Group I Air Carriers" as follows:

A. By revising the last sentence of paragraph (c) of subfunction 5300 to read as follows:

5300 Maintenance burden.

* * * * *

(c) * * * In accordance with the provisions of section 22(d), each air carrier shall file with the Civil Aeronautics Board a statement in which procedures followed in allocating maintenance burden between current transport services, overhauls, capital projects and outside services are fully explained.

B. By revising paragraph (d) of function 7100 to read as follows:

7100 Transport-related expenses.

* * * * *

(d) In accordance with the provisions of section 22(d) each air carrier shall file with the Civil Aeronautics Board a statement of accounting procedures setting forth methods used in assigning or prorating expenses between transport-related services and transport operations.

14. Amend Section 11 "Functional Classification—Operating Expenses of Group II and Group III Air Carriers" as follows:

A. By revising the last sentence of paragraph (c) of subfunction 5300 to read as follows:

5300 Maintenance burden.

* * * * *

(c) * * * In accordance with the provisions of section 22(d), each air carrier shall file with the Civil Aeronautics Board a statement in which procedures followed in allocating maintenance burden between current transport services, overhauls, capital projects and outside services are fully explained.

B. By revising paragraph (d) of function 7100 to read as follows:

7100 Transport-related expenses.

* * * * *

(d) In accordance with the provisions of section 22(d), each air carrier shall file with the Civil Aeronautics Board a statement of accounting procedures setting forth methods used in assigning or prorating expenses between transport-related services and transport operations.

15. Amend Section 14 "Objective Classification—Nonoperating Income and Expense" by revising paragraph (b) of

account 86.0 to read in pertinent part as follows:

86.0 Income from nontransport ventures.

* * * * *

(b) This account shall include revenues and expenses applicable to nonscheduled transport services performed for the defense establishment when and as separate reports for such services are required in accordance with Section 21 "Introduction to System of Reports." * * *

16. Amend Section 19–3 to read as follows:
ports."***

Sec. 19–3 Accessibility and transmittal of data.

Each air carrier shall maintain its prescribed operating statistics in a manner and at such locations as will permit ready availability for examination by representatives of the Board. All Group I subsidized route carriers, Group II subsidized route carriers and all Group III route air carriers shall transmit to the Board on a monthly basis individual flight stage data for scheduled services as prescribed in section 19–5, summarized by flight number, service segment, service class, and aircraft type. Those air carriers required to submit this data shall utilize either magnetic ADP tapes or ADP punched cards for transmitting the prescribed data to the Board. All ADP-oriented records shall be transmitted in accordance with standard practices to be established by the Board's Bureau of Accounts and Statistics. All such data shall be received by the Civil Aeronautics Board at its offices in Washington, D.C., no later than 30 days following the close of the month to which applicable.

17. Amend Section 21 to read in pertinent part as follows:

Section 21—Introduction to System of Reports

(a) Each air carrier subject to the Federal Aviation Act of 1958, as amended, shall file with the Civil Aeronautics Board, monthly, quarterly and annual CAB Form 41 reports of financial and operating statistics as prescribed herein unless waiver is made by the Civil Aeronautics Board.

(b) The system prescribed provides for the submission by each air carrier of five classes of financial and operating statistics, on individual schedules of the CAB Form 41 report, grouped as follows:

A. Certification.
B. Balance sheet elements.
P. Profit and loss elements.
T. Traffic and capacity elements.
G. General corporate elements.

(c) The prescribed system of reports provides that the frequency of reporting shall be monthly for some schedules, quarterly for some and annually for others. It also provides in some areas for the classification of route and supplemental air carriers into Group I, Group II, and Group III, with the form and content differentiated as between groups and by types of certificate.

(d) Each schedule of the prescribed CAB Form 41 report has been assigned a specific code. The prefix alphabetical codes A, B, P, T, and G, respectively, have been employed to denote certification, balance sheet, profit and loss, traffic and capacity, and general corporate elements. The digits immediately following the alphabetical prefix designate the particular schedule.

(e) Upon approval by the Civil Aeronautics Board, the carrier may supply its own computer prepared forms provided each schedule conforms with the size and format of the forms prescribed herein.

(f) A good quality black ribbon shall be used in preparing the original copy of each schedule submitted to the Civil Aeronautics Board. In no event shall photocopy or similar processes be used nor shall any information be typed on the reverse side of copies submitted to the Civil Aeronautics Board.

(g) Four separate air carrier entities shall be established for the purpose of submitting the reports hereinafter prescribed. They are as follows: (1) Domestic operations; (2) operations via the Atlantic Ocean; (3) operations via the Pacific Ocean; and (4) operations within the Latin American areas. With respect to the first classification, the domestic entity shall embrace all operations within the 50 States of the United States and the District of Columbia, and shall also include Canadian transborder operations. The reports to be submitted by each entity shall be comparable to those required of a distinct legal entity whether the reporting entity constitutes such an entity, a semi-autonomous physically separated operating division of the air carrier, or an entity established for reporting purposes only.

The entities for which separate reports shall be made by the different route and supplemental air carriers are set forth below in the lists entitled "Route Air Carrier Reporting Entities" and "Supplemental Air Carrier Reporting Entities."

ROUTE AIR CARRIER REPORTING ENTITIES

Air carriers	*Entities*
Airlift International, Inc.	Domestic, Latin America.
Air Micronesia, Inc.	Pacific.
Air Midwest, Inc.	Domestic.
Air New England, Inc.	Do.
Alaska Airlines, Inc.	Do.
Allegheny Airlines, Inc.	Do.
Aloha Airlines, Inc.	Do.
American Airlines, Inc.	Domestic, Latin America.
Aspen Airways, Inc.	Domestic.
Braniff Airways, Inc.	Domestic, Latin America.
Chicago Helicopter Airways, Inc.	Domestic.
Continental Air Lines, Inc.	Domestic, Pacific.
Delta Air Lines, Inc.	Domestic, Latin America.
Eastern Air Lines, Inc.	Do.
The Flying Tiger Line Inc.	Domestic, Pacific.
Frontier Airlines, Inc.	Domestic.
Hawaiian Airlines, Inc.	Do.
Hughes Air Corp., d.b.a. Hughes Airwest.	Do.
Kodiak-Western Alaska Airlines, Inc.	Do.
Munz Northern Airlines, Inc.	Do.
National Airlines, Inc.	Domestic, Atlantic, Latin America.
New York Airways, Inc.	Domestic.
North Central Airlines, Inc.	Do.
Northwest Airlines, Inc.	Domestic, Pacific.
Ozark Air Lines, Inc.	Domestic.
Pan American World Airways, Inc.	Domestic, Atlantic, Latin America, Pacific.
Piedmont Aviation, Inc.	Domestic.
Reeve Aleutian Airways, Inc.	Atlantic.
Seaboard World Airlines, Inc.	Do.
Southern Airways, Inc.	Domestic.
Texas International Airlines, Inc.	Do.
Trans World Airlines, Inc.	Domestic, Atlantic, Pacific.
United Air Lines, Inc.	Domestic.
Western Air Lines, Inc.	Domestic, Latin America.
Wien Air Alaska, Inc.	Domestic.
Wright Air Lines, Inc.	Do.

SUPPLEMENTAL AIR CARRIER REPORTING ENTITIES

Air Carriers	*Entities*[1]
Capitol International Airways, Inc.	Domestic, International.
Evergreen International Airlines, Inc.	Do.
McCulloch International Airlines, Inc.	Do.
Modern Air Transport, Inc.	Do.
Overseas National Airways, Inc.	Do.
Trans International Airlines, Inc.	International.[2]
Rich International Airways, Inc.	Domestic, International.
World Airways, Inc.	Do.

[1] For reporting purposes, carriers with international authority shall allocate all international operations between the Atlantic, Pacific, and Latin American entities.

[2] Due to limited authority, Rich International shall report all operations as a single operating entity to be labeled "Latin America Entity."

(h) As a general rule separate reports shall be filed for the air carrier and for each associated company, as defined in section 03, which is an air carrier. However, transactions of associated companies in which 100 percent equity control resides in the reporting air carrier shall be consolidated with transactions of the reporting air carrier when such associated companies peform services related to the transport operations of the reporting air carrier almost exclusively and are not engaged in air transportation for their own account.

(i) Generally, route air carriers' nonscheduled services shall be treated as an integral part of the reporting entity to which most closely related without regard to the geographic area in which such nonscheduled services may actually be performed. However, supplementary reports shall be made of nonscheduled services (including services for the Department of Defense) in areas not encompassed by the prescribed reporting entity in any month in which the available ton-miles of such nonscheduled services exceed 5 percent of the available ton-miles of the reporting entity. Such supplemental reports shall continue until waived by the Board upon a showing that such nonscheduled operations will not in the subsequent 12-month period exceed the 5 percent limit. The supplemental reports to be filed each month or calendar quarter, as applicable, shall be comprised of report Schedules P–5, T–1 and T–2. Transport and nontransport revenues pertaining to such separately reported nonscheduled services shall be reflected on Schedule P–2 each quarter with appropriate cross references inserted on Schedules P–3 and P–4, as applicable.

(j) When and as required in the national interest, any route air carrier which performs nonscheduled transport services for the Department of Defense shall, when directed by the Board, make separate reports for such services as if they were conducted by a physically separated transport entity. Such reports shall consist of schedules P–1 through P–9, T–1 and T–2. The letter "D" shall be inserted on such reports, following the schedule number of each P and T schedule. When a carrier has more than one reporting entity, nonscheduled transport and nonscheduled Defense services shall be assigned to the reporting entity to which more closely related.

18. Amend Section 22 "General Reporting Instructions" to read in pertinent part as follows:

Section 22—General Reporting Instructions

(a) One copy of each schedule in the CAB Form 41 report shall be filed with the Civil Aeronautics Board and shall be received on or before the due date indicated for each such schedule in the list titled "Due Dates of Schedules in CAB Form 41 Report."

List of schedules in CAB Form 41 report

Schedule No.	Schedule title	Filing frequency	Applicability by carrier group I	II	III
A	Certification	Quarterly	x	x	x
A–1	Status of accounting plans required to be filed	Annually			(1)
A–2	Controlling person's certification	do	x	x	x
B–1	Balance sheet	Monthly	(1)	(1)	(1)
B–1	do	Quarterly	(-)	(-)	(4)
B–2	General notes to financial statements	Annually	x	x	x
B–3	Statement of changes in stockholders' equity	Quarterly	(2)	(1)	(1)
B–4	Allowance for uncollectible accounts; Accounts with investor controlled companies; Other associated companies; and nontransport divisions.	do	(2)	(1)	(1)
B–5	Property and equipment	do	(1)	(1)	(1)
B–7	Airframes and aircraft engines acquired	do	(4)	(4)	(4)
B–7(a)	Reinvestment of flight equipment capital gains	do	(2)	(2)	(2)
B–7(b)	Flight equipment acquired	Quarterly			(4)
B–8	Property and equipment retired	do	x	x	x
B–8(a)	Flight equipment capital gains invested or deposited for reinvestment in flight equipment.	do	(2)	(1)	(1)
B–10	Unamortized developmental and preoperating costs	Quarterly	x	x	x
B–11	Aging of receivables and payables	Monthly	(2)	(-)	(-)
B–12	Statement of changes in financial position	Quarterly	x	x	x
B–13	Summary of projected financial commitments and related deposits	do	(2)	x	x
B–14	Summary of property obtained under long-term leases	do	x	x	x
B–41	Investments held by, or for the account of, respondent	Annually	x	x	x
B–43	Inventory of airframes and aircraft engines	do	x	x	x
B–44	Summary of resources exchanged with affiliated group members and other associated companies.	do	(2)	(3)	x
B–46	Long-term and short-term nontrade debt	do	(2)	(3)	x
P–1.1	Statement of operations	Quarterly	x		
P–1.2	do	do		x	x
P–1(a)	Interim statement of operations	Monthly			(4)
P–2	Notes to CAB Form 41 report	Quarterly	x	x	x
P–2(a)	Revenue market report	do			(1)
P–3	Transport revenues; Depreciation and amortization; Nonoperating income and expense (net).	do	(1)	(1)	(1)
P–3.1	Transport revenues	do	(2)	(2)	(2)
P–3(a)	Income taxes	do			(1)
P–4	Transport-related revenues and expenses; Explanation of extraordinary items and cumulative effect of accounting changes on prior years; Explanation of prior period adjustments and dividends declared.	do	(1)	(1)	(1)
P–5.1	Aircraft operating expenses: Group I air carriers	do	x		
P–5.2	Aircraft operating expenses: Group II and Group III air carriers	do		x	x
P–5(a)	Components of flight equipment depreciation	do	(2)	(2)	(2)
P–6	Maintenance; Passenger service and general and administrative expense functions: All air carrier groups.	do	x	x	x
P–7	Aircraft and traffic servicing, promotion and sales, and general and administrative expense functions: Group II and Group III air carriers.	do		x	x
P–8	Aircraft and traffic servicing, and promotion and sales expense subfunctions: Group III air carriers.	do			x
P–9.2	Distribution of ground servicing expenses by geographic location: Group II and Group III route air carriers.	do			(1) (1)
P–10	Employment statistics by Labor category	do	(1)	(1)	(1)
P–11(a)	Charges by foreign governments and foreign entities for en route facilities and services.	do			(2) x
P–11(b)	Charges by foreign governments for airport facilities and services	do			(2) x
P–12	Fuel inventories and consumption	Monthly	x	x	x
P–12(a)	Fuel consumption by type of service and specific operational markets	do	x	x	x
P–13	Passenger revenue and traffic data by type of fare: 48 States	do			(7)
T–1(a)	Traffic and capacity statistics by class of service	do	x	x	x
T–1(b)	Traffic and capacity statistics by class of service: Scheduled services	do			(1) (1)
T–1(c)	Traffic and capacity statistics by class of service: Nonscheduled services	do	(2)	x	x
T–2(a)	Traffic, capacity, aircraft operations, and miscellaneous statistics by type of aircraft.	Quarterly	(1)	(1)	(1)
T–2(b)	Traffic, capacity, aircraft operations, and miscellaneous statistics by type of aircraft.	do	x	x	x
T–3(a)	Airport activity statistics: Revenue service	do	(1)	(1)	(1)
T–3(b)	Airport activity statistics: Revenue service	do	(1)	(1)	(1)
T–3(c)	Airport activity statistics: Nonscheduled revenue service	do	x	x	x
T–6	Report of civil aircraft charters	do	(6)	(2)	x
T–7	Statistical market report	Monthly			(4)
T–41	Charter and special services revenue aircraft-miles flown; calculation of limitation of charter trips.				(4a) (1)
G–41	Persons holding more than 5 per centum of respondent's capital stock or capital.	Annually	x	x	x
G–42	Security interests of all officers and directors and compensation paid to principal officers and directors.	do	x	x	x
G–43	Compensation and expenses of persons and firms (other than directors, officers, and employees) earning $20,000 or more during the calendar year.	do	x	x	x
G–44	Corporate and securities data	do	x	x	x

[1] Applicable only to route air carriers.
[2] Applicable only to supplemental air carriers.
[3] Applicable only to subsidized air carriers.
[4] Applicable to all air carriers except local service air carriers.
[4a] In accordance with the provisions of sections 235.4 and 235.5 of Part 235 of this subchapter.
[4b] For the first 9 months and for the 12 months of each calendar year.
[6] Applicable only to local service air carriers.
[7] Applicable only to trunk air carriers.

Due dates of schedules in CAB Form 41 report

Due dates[1]	Schedule No.
Jan. 20	* * *
Jan. 30	B-1,[2] B-11, P-1(a), * * *
Feb. 10[3]	A, B-1,[3a] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2, P-10, P-11(a), P-11(b)
Feb. 20	* * *
Mar. 1	B-1,[2] B-11, P-1(a), * * *
Mar. 20	* * *
Mar. 30	A-2, B-1,[2] B-2,[2] B-11, * * *
Apr. 20	* * *
Apr. 30	B-1,[2] B-11, * * *
May 10	A, B-1,[3a] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2, P-10, P-11(a), P-11(b)
May 20	* * *
May 30	B-1,[2] B-11, P-1(a), * * *
June 20	* * *
June 30	B-1,[2] B-11, P-1(a), * * *
July 20	* * *
July 30	B-1,[2] B-11, P-1(a), * * *
Aug. 10	A, A-1, B-1,[3] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2, P-10, P-11(a), P-11(b)
Aug. 20	* * *
Aug. 30	B-1,[2] B-11, P-1(a), * * *
Sept. 20	* * *
Sept. 30	B-1,[2] B-11, P-1(a), * * *
Oct. 20	* * *
Oct. 30	B-1,[2] B-11, P-1(a), * * *
Nov. 10	A, B-1,[3a] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2, P-10, P-11(a), P-11(b)
Nov. 20	* * *
Nov. 30	B-1,[2] B-11, P-1(a), * * *
Dec. 20	* * *
Dec. 30	B-1,[2] B-11, P-1(a), * * *

[1] Due dates falling on a Saturday, Sunday or national holiday will become effective the first following working day.

[2] Reporting date applicable only to route air carriers.

[3] B and P reporting dates are extended to March 30, if preliminary schedules are filed at the Board by February 10.

[3a] Reporting date applicable only to supplemental air carriers.

(b) Each air carrier shall file the applicable schedules of the CAB Form 41 reports with the Civil Aeronautics Board in accordance with the above instructions, except that the time for filing B and P report schedules for the final quarter of each calendar year may be extended to the following March 30: *Provided*, That preliminary Schedules B-1, P-1(a), P-1.1 or P-1.2, P-3, P-3.1, and P-3(a) are submitted, as applicable, and are received on or before their respective due dates. For the third month of any calendar quarter, Schedule P-1(a) need not be filed: *Provided*, That Schedule P-1.1 or P-1.2 for the quarter is received on the due date prescribed for Schedule P-1(a) rather than the due date prescribed for Schedule P-1.1 or P-1.2. Route air carriers' reports on Schedules B-1 and P-1(a) for each month shall be withheld from public disclosure, subject to the same exceptions as those set forth in section 19-6 until such time as (1) the quarterly financial reports are due, (2) the quarterly financial reports are filed, or (3) information covered by monthly reports is publicly released by the carrier concerned, whichever first occurs. At the request of an air carrier, and upon a showing by such air carriers that public disclosure of its preliminary year-end report would adversely affect its interests and would not be in the public interest, the Board will withhold such preliminary year-end report from public disclosure until such time as (1) the final report is filed, (2) the final report is due, or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

(c) If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Civil Aeronautics Board at least three (3) days before the prescribed due date. If a request is denied the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

(d) Statements of accounting or statistical procedures required to be filed under this system of accounts and reports are recapitulated below. As a general rule these statements or revisions thereof shall be filed prior to the date on which the procedures are to become effective. However, in certain cases where a change in procedure or the initial adoption of a new procedure is necessitated by events or transactions occurring for the first time or by new requirements of professional or regulatory bodies, air carriers are permitted to file new or amended statements within thirty (30) days after the close of the first calendar quarter in which the procedures become effective.

The procedures shall be regarded as accepted unless the carrier is notified of Board objections within ninety (90) days after receipt. These statements shall be filed in triplicate on standard forms AP-1 through AP-15.

(1) Procedures for assigning or prorating profit and loss items between operating entities, as prescribed by section 2-1(e).

(2) Procedures for retroactive adjustments made to conform accounts with mail rate actions, as required by section 2-4(d). (Applicable to route air carriers only.)

(3) [Reserved]

(4) Procedures for establishment of expense allocation allowances, as prescribed by section 2-13(d).

(5) Procedures for depreciation of property and equipment, as prescribed by section 2-14(b).

* * * * *

(9) Procedures for accural of air traffic liability, and the method for determining earned income as prescribed by section 6-2160. In addition, all route air carriers shall file their annual physical verification procedures, including the cutoff date selected by the carrier, as prescribed by section 2-17.

(10) Procedures for assigning or prorating expenses between transport operations and transport-related operations, as prescribed by section 10-7100 or 11-7100.

* * * * *

Section 23 [Amended]

19. Amend Section 23 "Certification and Balance Sheet Elements" as follows:

A. By revising the general heading "Financial—Route Carriers" to read:

FINANCIAL REPORTING REQUIREMENTS

B. By revising paragraph (a) of Schedule A-1 to read as follows:

Schedule A-1—Status of Accounting Plans Required To Be Filed

(a) This schedule shall be filed by all Group III route air carriers.

C. By revising the text for Schedule B-1 to read as follows:

Schedule B-1—Balance Sheet

(a) This schedule shall be filed by each air carrier.

(b) For route air carriers, this schedule shall reflect the balances at the close of business on the last day of each calendar month for all overall or system operations of each air carrier in conformance with the provisions of sections 4, 5, and 6.

(c) For supplemental air carriers, this schedule shall reflect the balances as at the close of business on the last day of each calendar quarter, for the overall operations of each air carrier in conformance with the provisions of sections 4, 5, and 6.

(d) Individual proprietors or partners shall report the aggregate capital contributed by the proprietor or partners in account 2890 Additional Capital Invested.

(e) This scheduled has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission (SEC). (See section 22(k).) Comparative data need not be submitted when this schedule is not used for submission to the SEC. In all instances data for the current period shall be presented in the left column.

D. By revising paragraph (a) of Schedule B-2 to read in pertinent part as follows:

Schedule B-2—General Notes to Financial Statements

(a) This schedule shall be filed annually by all route and supplemental air carriers required * * *

E. By revising paragraph (a) of Schedule B-3 to read as follows:

Schedule B-3—Statement of Changes in Stockholders' Equity

(a) This schedule shall be filed by all Group II and Group III and subsidized Group I air carriers.

F. By revising paragraph (a) of Schedule B-4 to read as follows:

Schedule B-4—Allowance for Uncollectible Accounts; Accounts With Investor Controlled Companies, Other Associated Companies and Nontransport Divisions

(a) This schedule shall be filed by all Group II and Group III and subsidized Group I route air carriers.

G. By revising paragraph (a) of Schedule B-5 to read as follows:

Schedule B-5—Property and Equipment

(a) This schedule shall be filed by all route air carriers; however, the data applicable to columns 2 through 6 need not be filed by Group I and Group II air carriers.

H. By revising paragraph (a) of Schedule B-7 to read as follows:

Schedule B-7—Airframes and Aircraft Engines Acquired

(a) This schedule shall be filed by all air carriers with the exception of local service route air carriers.

I. By revising paragraph (a) of Schedule B-7(a) to read in pertinent part as follows:

Schedule B-7(a)—Reinvestment of Flight Equipment Capital Gains

(a) This schedule shall be filed by each route air carrier which desires * * *

J. By revising Schedule B-8 to read in pertinent part as follows:

Schedule B-8—Property and Equipment Re ired

(a) This schedule shall be filed by all air carriers.

* * * * *

(e) Column 7, "Cost" shall agree in totals for each account with the corresponding cost of property and equipment retired, and, for the Group III route air carriers, as reported in Schedule B-5, column 4, "Retirements."

(f) Column 10, "Realization" shall reflect the proceeds from disposition, including any insurance proceeds.

(g) For route air carriers, column 12, "Gain or Loss" shall, in aggregate for retirements of all property and equipment together with gain or loss on sale of securities, agree with amounts reflected by the air carrier on Schedule P-3 in profit and loss subaccounts 88.5 Capital Gains and Losses—Operating Property and 88.6 Capital Gains and Losses—Other.

* * * * *

K. By revising paragraph (a) of Schedule B-10 to read as follows:

Schedule B-10—Unamortized Developmental and Preoperating Costs

(a) This schedule shall be filed by all air carriers.

L. By adding a new Schedule B-11 to read as follows:

Schedule B-11—Ageing of Receivables and Payables

(a) This schedule shall be filed by all supplemental air carriers.

(b) This schedule shall reflect the balances of receivables and payables as at the close of each month.

(c) Columns 1 and 2 reflect the account number and description of the type of receivable or payable for which report is to be made.

(d) Column 3, "Total Receivables" and "Total Payables," shall reflect the total amount recorded in each account, and shall agree with the amounts reported on the carrier's balance sheet as at the preparation date of this schedule.

(e) Column 4, "Amounts not Overdue," shall reflect receivables or payables which are not overdue.

(f) Columns 5 through 8, "Amounts Overdue," shall reflect receivables or payables which are overdue for periods of 30 days or less, 31 to 60 days, 61 to 90 days, and over 90 days, respectively.

(g) Account 2210, "Long-Term Debt," shall be detailed by class of debt, showing separately amounts held by associated companies and by others, giving the maturity dates and effective interest rates. Describe any significant covenants relative to the debt in footnote.

(h) Items which include claims in litigation or unpaid court judgments shall be footnoted, and such claims and judgments shall be listed by amount and explained at the bottom of the schedule in the space provided therefor.

M. By revising paragraph (a) of Schedule B-12 to read as follows:

Schedule B-12—Statement of Changes in Financial Position

(a) This schedule shall be filed by all air carriers.

N. By revising paragraph (a) of Schedule B-13 to read as follows:

Schedule B-13—Summary of Projected Financial Commitments and Related Deposits

(a) This schedule shall be filed by all Group II and Group III and Group I subsidized air carriers.

O. By revising paragraphs (a), (b), and (d) of Schedule B-14 to read as follows:

Schedule B-14—Summary of Property Obtained Under Long-Term Leases

(a) This schedule shall be filed by all air carriers.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) * * *

(d) Column 3, "Cost" shall reflect the estimated cost to the lessor if stipulated in the lease agreement. If the lessor's cost is not stipulated, it shall be determined based on the cost of comparable owned property or equipment, the market value of comparable property or equipment, or independent appraisals; and such estimates, together with sufficient documentary evidence and factual support, shall be submitted to the Director, Bureau of Accounts and Statistics, for approval.

* * * * *

P. By revising paragraph (a) of Schedule B-41 to read as follows:

Schedule B-41—Investments Held by, or for the Account of, Respondent

(a) This schedule shall be filed by all air carriers.

Q. By revising the text of Schedule B-43 to read in pertinent part as follows:

Schedule B-43—Inventory of Airframes and Aircraft Engines

(a) This schedule shall be filed by all air carriers.

(b) Air carriers shall file a single set of this schedule for the overall corporate or other legal entity comprising the air carrier.

(c) The indicated data shall be reported for each individual airframe, identified by type, model, and design of cabin as to use for passengers exclusively, cargo exclusively, or both passengers and cargo in combination. Data pertaining to aircraft engines shall be reported on a group basis by type or engine and by type of aircraft to which related.

(d) Data in this schedule shall be grouped and subtotaled as between data pertaining to airframes and data pertaining to aircraft engines. Data pertaining to nonoperating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(e) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 13; the cost of improvements thereto shall be listed in columns 8 through 12.

(f) For route air carriers, column 8, "Cost" shall agree in totals for owned and operating airframes and aircraft engines, respectively, with corresponding amounts reflected in accounts 1601 and 1602 in column 7 of Schedule B-5 as at December 31 of the reporting year.

(g) * * *

* * * * *

R. By revising paragraph (a) of Schedule B-44 to read as follows:

Schedule B-44—Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies

(a) This schedule shall be filed by all subsidized Group I, subsidized Group II, and Group III route air carriers.

S. By revising paragraph (a) of Schedule B-46 to read in pertinent part as follows:

Schedule B-46—Long-Term and Short-Term Nontrade Debt

(a) This schedule shall be filed by all subsidized Group I, subsidized Group II, and Group III route air carriers and all persons controlling such air carriers, * * *

20. Amend Section 24 "Profit and Loss Elements" as follows:

A. By revising the text of Schedules P-1.1 and P-1.2 to read as follows:

Schedule P-1.1—Statement of Operations—Group I Air Carriers

Schedule P-1.2—Statement of Operations—Group II and Group III Air Carriers

(a) Schedule P-1.1 shall be filed by each Group I air carrier and Schedule P-1.2 shall be filed by each Group II air carrier and each Group III air carrier.

(b) Air carriers shall file separate statements of operation for each separate operating entity of the air carrier and for the overall or system operations of the air carrier.

(c) Supplemental air carriers shall report data only in the column headed "Quarter." Cumulative "12 Months to Date" and "Year to Date" information is not required from supplemental air carriers but is acceptable if the report is used for submission to the Securities and Exchange Commission as explained in section 22(k).

(d) Data reported on this schedule shall conform with the instructions pertaining to profit and loss classifications within this Uniform System of Accounts and Reports.

(e) Data reported in the "12-Months-to-Date" column shall represent for each individual item the sum of amounts reported in the "Quarter" column for the current and next previous three quarters. Data reported in the year-to-date column shall represent, for the first three quarters of the air carrier's fiscal or calendar year, amounts from the beginning of the carrier's fiscal or calendar year, to the end of the quarter for which the schedule is being submitted. For the fourth quarter of the air carrier's fiscal or calendar year, the year-to-date column should be used for the comparative presentation of data for the prior year.

(f) Earnings per share data shall be filed on a quarterly basis by those air carriers that are required to file such data with the Securities and Exchange Commission.

(g) This schedule has been designed to facilitate the presentation of comparative data for prior periods when used in submissions to the Securities and Exchange Commission. (See section 22(k).)

B. By revising paragraph (a) of Schedule P-1(a) to read as follows:

Schedule P-1—Interim Statement of Operations

(a) This schedule shall be filed by all Group III route air carriers.

C. By revising the title and text of Schedule P-2 to read in pertinent part as follows:

Schedule P-2—Notes to CAB Form 41 Report

(a) This schedule shall be filed by all air carriers.

(b) Air carriers shall file separate sets of this schedule for each separate operating entity and for the overall or system operations of the carrier.

* * * * *

(e) For route air carriers, this schedule shall reflect at the end of each calendar quarter amounts reported in balance sheet accounts 1550 Special Funds and 1685 Equipment Purchase Deposits and Advance Payments representing funds segregated, or on deposit with manufacturers, for the purchase of equipment, including any capitalized interest thereon. (See section 2-10 Capitalization of Interest.)

* * * * *

(g) Each route air carrier shall include on this schedule * * *

(h) Each route air carrier * * *

(i) Route air carriers shall note on this schedule all dividends declared in the current period on stocks of investor controlled companies.

(j) Route air carriers shall report on this schedule on a quarterly basis all revenue from airline employees, officers and directors, or other persons, except for ministers of religion, who are traveling under reduced-rate transportation authorized by section 403(b) of the Federal Aviation Act and Part 223 of the Board's Economic Regulations as well as travel agents, cargo agents and tour conductors traveling at reduced fares (included in account 3919 on Schedule P-1.1 or P-1.2) and related nonrevenue passenger miles (included in item K160 on Schedule T-1(a)) shall be reported in this schedule on a quarterly basis.

(k) Amounts of adjustments resulting from the physical vertification of passenger revenue accounting practices required by section 2-17 shall be reported herein for the quarter in which the adjustment takes place.

(l) Supplemental air carriers shall note on this schedule the balances in subaccounts 87 and 88.2 of profit and loss account 8100 as reported on the P-1 schedules, together with dividends declared in the current period on the stocks of investor controlled companies.

(m) Disclosure presented on Schedule B-2—General Notes to Financial Statements need not be duplicated on Schedule P-2 submitted during the same quarter.

D. By revising paragraph (a) of Schedule P-2(a) to read as follows:

Schedule P-2(a)—Revenue Market Report

(a) This schedule shall be filed by all Group III route air carriers conducting operations set forth in paragraph (c) below.

E. By adding a new Schedule P-3.1 the title and text of which to read as follows:

Schedule P-3.1—Transport Revenues

(a) This schedule shall be filed by all supplemental air carriers.

(b) This schedule shall reflect the distribution of revenues by geographic area. (See section 21(g).)

(c) Revenues reported shall reflect the aggregate revenue from each indicated class of traffic. In the case of military contracts, type of service shall be reported under the appropriate objective account. Abbreviations may be used in reflecting type of service, such as CAM's (Commercial Air Movements), CAF's (Commercial Air Freight Movements), MAC-FC (Military Airlift Command Fixed Contracts), MAC-CC (Military Airlift Command Call Contracts). The type of aircraft shall also be reported for each type of service, e.g., CAM's—DC-4. Type of service would also include maintenance, equipment, modification, personnel training, etc.

(d) The sum of the subdivisions of each objective account reported in this schedule shall agree with the corresponding amounts reported in Schedule P-1—Statement of Operations.

F. By revising paragraph (a) of Schedule P-3(a) to read as follows:

Schedule P-3(a)—Income Taxes

(a) This schedule shall be filed by all Group III route air carriers.

G. By revising the title and paragraph (a) of Schedule P-4 to read as follows:

Schedule P-4—Transport-related Revenues and Expenses, Explanation of Extraordinary Items and Cumulative Effect of Accounting Changes on Prior Years; Explanation of Prior Period Adjustments and Dividends Declared

(a) This schedule shall be filed by all Group II and Group III route air carriers and all Group I subsidized carriers.

H. By revising the text of Schedules P-5.1 and P-5.2 to read in pertinent part as follows:

Schedules P-5.1 and P-5.2—Aircraft Operating Expenses

(a) Schedule P-5.1 shall be filed by all Group I air carriers and Schedule P-5.2 by all Group II and Group III air carriers.

(b) Air carriers shall file separate sets of this schedule for each separate operating entity of the air carrier.

(c) Route air carriers shall file two sets of this schedule each quarter for each operating entity. One set shall reflect the indicated data applicable to the current quarter. The second set shall reflect the indicated data applicable to the 12-month period ended with the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of the set covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of the set covering 12 months-to-date data.

(d) Data applicable to each aircraft type operated by the air carrier shall be reported in separated columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type." However, each air carrier may group on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose, all single-engine piston and twin-engine piston fixed-wing aircraft with a gross maximum takeoff weight of 12,500 pounds or less may be separately grouped and reported as single aircraft types. All other aircraft shall be separately reported as distinct aircraft types as established by the Director, Bureau of Accounts and Statistics. (All route air carrier expenses applicable to the operation on the accounting carrier's routes of aircraft provided by other under aircraft interchange agreements shall be separately reported, in aggregate for all such aircraft, as if for a distinct aircraft type. Those expenses applicable to aircraft of the same type as those owned or operated by the accounting air carrier shall be distributed in summary memo form as items 98.1 and 98.2 to each aircraft type owned or operated by the accounting air carrier.) Aircraft types not generally used in revenue services shall be separately reported. If more than one type of aircraft is involved, a separation of data relating to each type of aircraft shall not be required.

(e) "Aircraft type" refers to models, such as B-707-100, B-707-300, CV-240, DC-6, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

(f) Italized codes and item titles do not constitute accounts or account numbers prescribed for air carrier accounting but shall be used for reporting purposes only.

(g) Item 79.6 Applied Maintenance Burden shall reflect a memorandum allocation by each air carrier of the total expenses included in subfunction 5300 Maintenance Burden between maintenance of flight equipment, by aircraft types, and maintenance of ground property and equipment (exclusive of maintenance equipment and maintenance buildings) in accordance with item (g) of the instructions for Schedule P-6. The amount reported for this item, in aggregate for all aircraft types, shall agree with the amount reported for the same item reflected on Schedule P-6.

(j) The total of function 5100 Flying Operations reported on this schedule shall agree with corresponding amounts reported on Schedule P-1; the total of item 5278 Total Direct Maintenance—Flight Equipment shall agree with the corresponding amount reported in Schedule P-6 and for route air carriers, the total of item 75.6 Total Depreciation—Flight Equipment shall agree with the corresponding amount in Schedule P-3.

I. By revising paragraphs (a) and (d) of Schedule P-5(a) to read as follows:

Schedule P-5(a)—Components of Flight Equipment Depreciation

(a) This schedule shall be filed by all Group III route air carriers and Group I subsidized and Group II subsidized air carriers.

* * * * *

(d) Data applicable to each aircraft type operated by the air carrier shall be reported in separate columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type." However, each aircarrier may group on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose, all single engine piston and twin engine piston fixed-wing aircraft with a gross maximum takeoff weight of 12,500 pounds or less may be separately grouped and reported as single aircraft types. All other aircraft shall be separately reported as distinct aircraft types as established by the Director, Bureau of Accounts and Statistics. Aircraft types not generally used in revenue services shall be separately reported. If more than one type of aircraft is involved, a separation of data relating to each type of aircraft shall not be required.

* * * * *

J. By revising the text of Schedule P-6 to read as follows:

Schedule P-6—Maintenance, Passenger Service and General Services and Administration Expense Functions

(a) This schedule shall be filed by all route and supplemental air carriers.

(b) Route air carriers shall file a separate set of this schedule for each separate operating entity of the air carrier.

(c) Also, route air carriers shall file two sets of this schedule for each operating entity with the Form 41 report filed for the fourth calendar quarter of each calendar year. One set shall me filed for each operating entity for the first three quarters of each calendar year. One of the two sets filed for the fourth quarter of each year shall reflect the indicated data applicable to the 12 months ended December 31. All other sets shall reflect the indicated data applicable to the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of each report covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.

(d) Supplemental air carriers shall file this schedule for quarterly data only. The caption "Operation" at the head of each column is not applicable to supplemental air carriers.

(e) Group I air carriers shall report the indicated data for all except function 5500 Passenger Service.

(f) Group II and Group III air carriers shall report the indicated data for all except function 6900 General Services and Administration.

(g) Item 79.6 Applied Maintenance Burden—Flight Equipment and 79.8 Applied Maintenance Burden—General Ground Property, respectively, shall reflect a memorandum allocation by each air carrier of the total expenses included in subfunction 5300 Maintenance Burden between maintenance of flight equipment (by aircraft types) and maintenance of ground property and equipment (exclusive of maintenance equipment and maintenance buildings for which costs are included in subfunction). Where airframe and aircraft engine overhauls are accounted for on the accrual basis to produce a matching of costs with the operation of aircraft, the allocation of maintenance burden shall give effect to charges and credits to profit and loss account 5272 Flight Equipment Airworthiness Provisions in order to effect an equitable allocation of such maintenance burden costs. In accordance with the provisions of section 22(d), each air carrier shall file with the Civil Aeronautics Board a statement in which the procedures to be followed in allocating maintenance burden are fully explained. At the option of the air carrier standard burden rates may be employed for quarterly allocations of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered as item 79.9 Over or Under Applied Burden.

(h) The sum of the totals of subfunctions 5200 Direct Maintenance and 5300 Maintenance Burden shall agree with the corresponding amount reported in function 5400 Maintenance on schedule P-1. The total of function 6900 General Services and Administration reported in this schedule by Group I air carriers shall agree with the corresponding amount reported on Schedule P-1.

K. By revising the text of Schedule P-7 to read in pertinent part as follows:

Schedule P-7—Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions

(a) This schedule shall be filed by all Group II and Group III air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Route air carriers shall file two sets of this schedule for each operating entity with the Form 41 Report * * *

(d) Supplemental air carriers shall file this schedule for quarterly data only.

(e) Group II air carriers and Group III supplemental carriers shall report the indicated data for all except subfunction 6100 Aircraft Servicing.

(f) Group III route air carriers shall report the indicated data for subfunction 6100 Aircraft Servicing and function 6800 General and Administrative and shall disregard the data indicated for functions 6400 Aircraft and Traffic Servicing and 6700 Promotion and Sales.

(g) For route air carriers, the item "12-months to date" shall reflect the total expenses of each functional expense classification reported on this schedule for the cumulative 12-month period ended with each current quarter for which report is made.

(h) The total of each functional expense classification reported in this schedule shall agree with the corresponding amount reported in Schedule P-1.

L. By deleting the title of Schedule P-9.1 and revising the text of Schedule P-9.2 to read in pertinent part as follows:

Schedule P-9.2—Distribution of Ground Servicing Expenses by Geographic Location—Group II and Group III Route Air Carriers

(a) This schedule shall be filed by all Group II and Group III route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) This schedule shall reflect a distribution of expenses by the geographic locations at which the goods or services to which related are applied. This schedule shall embrace for all air carrier groups direct maintenance, and depreciation expenses applicable to general ground properties recorded in subfunction 5200 Direct Maintenance, exclusive of account 78 Direct Maintenance—Flight Equipment, plus subaccount 75.9 Depreciation—General Ground Property and Expenses recorded in functions or subfunctions of 6400 Aircraft and Traffic Servicing and 6700 Promotion and Sales.

* * * * * *

M. By revising paragraph (a) of Schedule P-10 to read as follows:

Schedule P-10—Employment Statistics by Labor Category

(a) This schedule shall be filed by all Group air carriers.

N. By revising paragraph (a) of Schedule P-11(a) to read as follows:

Schedule P-11(a)—Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services

(a) This schedule shall be filed by all Group III air carriers and Group II supplemental air carriers that are performing international operations.

O. By revising paragraph (a) of Schedule P-11(b) to read as follows:

Schedule P-11(b)—Charges by Foreign Governments for Airport Facilities and Services

(a) This schedule shall be filed by all Group III air carriers and Group II supplemental air carriers that are performing international operations.

P. By revising paragraph (a) of Schedule P-12 to read as follows:

Schedule P-12—Fuel Inventories and Consumption

(a) This schedule shall be filed monthly by air carriers.

Q. By revising paragraph (a) of Schedule P-12(a) to read as follows:

Schedule P-12(a)—Fuel Consumption by Type of Service and Specific Operational Markets

(a) This schedule shall be filed monthly by all air carriers.

21. Amend Section 25 "Traffic and Capacity Elements" as follows:

A. By revising paragraph (b) of the "General Instructions" to read as follows:

(b) Schedules T-1, T-2, and T-3 shall be in a form prescribed by the Board or in the form of approved machine listings. The same information reported in these schedules shall be submitted on magnetic tape or punched cards at the time the schedules are submitted; however, those air carriers not having access to automatic data processing equipment shall utilize conventional documentary mediums of transmitting data to the Board.

B. By revising the title and paragraph (a) of Schedule T-1 to read as follows:

Schedule T-1(a)—Traffic and Capacity Statistics by Class of Service

Schedule T-1(b)—Traffic and Capacity Statistics by Class of Service—Scheduled Services

Schedule T-1(c)—Traffic and Capacity Statistics by Class of Service—Nonscheduled Services

(a) Schedule T-1 shall be filed monthly as follows:

Schedule No.:	Applicability
T-1(a)	All air carriers.
T-1(b)	All Group II and Group III route air carriers.
T-1(c)	All Group II and Group III air carriers; All Group I supplemental air carriers.

C. By revising the title and paragraph (a) of Schedule T-2 to read as follows:

Schedule T-2(a)—Traffic, Capacity, Aircraft Operations and Miscellaneous Statistics by Type of Aircraft

Schedule T-2(b)—Traffic, Capacity, Aircraft Operations and Miscellaneous Statistics by Type of Aircraft

(a) Schedule T-2 shall be filed quarterly as follows:

Schedule No.:	Applicability
T-2(a)	All route air carriers.
T-2(b)	All air carriers.

D. By revising the title and paragraph (a) of Schedule T-3 to read as follows:

Schedule T-3(a)—Airport Activity Statistics—Revenue Service

Schedule T-3(b)—Airport Activity Statistics—Revenue Service

Schedule T-3(c)—Airport Activity Statistics—Nonscheduled Revenue Service

(a) Schedule T-3 shall be filed quarterly as follows:

Schedule No.:	Applicability
T-3(a)	All route air carriers.
T-3(b)	All route air carriers.
T-3(c)	All air carriers.

E. By revising paragraph (a) of Schedule T-6 to read as follows:

Schedule T-6—Report of Civil Aircraft Charters

(a) This schedule shall be filed by all Group III air carriers and by all Group I and Group II supplemental air carriers.

F. By revising paragraph (a) of Schedule T-7 to read as follows:

Schedule T-7—Statistical Market Report

(a) This schedule shall be filed by all Group III route air carriers conducting operations set forth in paragraph (c) below.

G. By revising paragraph (a) of Schedule T-41 to read as follows:

Schedule T-41—Charter and Special Services Revenue Aircraft-Miles Flown; Calculation of Limitation of Charter Trips

(a) This schedule shall be filed by all Group III route air carriers.

22. Amend Section 26 "General Corporate Elements" as follows:

A. By revising paragraph (a) of Schedule G-41 to read as follows:

Schedule G-41—Persons Holding More than 5 Per Centum of Respondent's Capital Stock or Capital

(a) This schedule shall be filed by all air carriers.

B. By revising paragraph (a) of Schedule G-42 to read as follows:

Schedule G-42—Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors

(a) This schedule shall be filed by all route and supplemental air carriers and all persons controlling a route and/or supplemental air carrier.

C. By revising paragraph (a) of Schedule G-43 to read as follows:

Schedule G-43—Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Earning $20,000 or More During the Calendar Year

(a) This schedule shall be filed by all air carriers.

D. By revising the text of Schedule G-44 to read as follows:

Schedule G-44—Corporate and Securities Data

(a) This schedule shall be filed by all air carriers.

(b) The information to be reported on this schedule shall be prepared in accordance with the detailed instructions set forth on the schedule, as follows: (Corporations shall complete all of the following items; partnerships and sole proprietorships are not required to report items 4, 5, and 7.)

(1) The air carrier's exact name at the close of the year. Also, indicate whether the air carrier is a corporation, partnership, or sole proprietorship.

(2) Date of incorporation or other organization.

(3) State or other sovereign power under which incorporated or otherwise organized.

(4) Date of termination of charter.

(5) Date and place of annual meetings.

(6) A complete statement setting forth dates of all consolidations, mergers, reorganizations, changes in name, etc., occurring during the year. If, during the year, an original charter of incorporation or a modification of an existing charter was granted, furnish the name of each Government, State or Territory, and reference to each statute under which such grant was made.

(7) With respect to any options outstanding at the close of the fiscal year to purchase securities of the air carrier from the air carrier, the following information shall be reported:

(i) The amount, with the title of the issue, called for by such options.

(ii) A brief outline of the prices, expiration dates, and other material conditions on which such options may be exercised.

(iii) The name and address of each person holding such options calling for more than 5 percent of the total amount subject to option, and the amount called for by the options of each person.

(iv) For each class of such options not previously reported, state the consideration for the granting thereof.

Sections 31–36 [Amended]

23. Delete Section 31 "Introduction to System of Reports" from the Uniform System of Accounts and Reports.

24. Delete Section 32 "General Reporting Instructions" from the Uniform System of Accounts and Reports.

25. Delete Section 33 "Certification and Balance Sheet Elements" from the Uniform System of Accounts and Reports.

26. Delete Section 34 "Profit and Loss Elements" from the Uniform System of Accounts and Reports.

27. Delete Section 35 "Traffic and Capacity Elements" from the Uniform System of Accounts and Reports.

28. Delete Section 36 "General Corporate Elements" from the Uniform System of Accounts and Reports.

CAB Form 41 [Amended]

29. Amend CAB Form 41 Schedule P-3.1 "Transport Revenues" to reflect the revised reporting entities for supplemental air carriers, as shown in Exhibit A attached hereto and made a part hereof.

REQUEST FOR COMMENTS

Interested persons may take part in this rulemaking by submitting 20 copies of written data, views, or arguments on the subjects discussed. All relevant material received by the dates shown at the beginning of this notice will be considered by the Board before taking final action on the proposed rules.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section, without having to file additional copies.

(Sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 766; 49 U.S.C. 1324, 1377.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

Budget Bureau No. 39-R0032

EXHIBIT A

TRANSPORT REVENUES			Air Carrier _____ Quarter ended _____, 19__		
ACCT NO	ITEM	DOMESTIC	ATLANTIC	PACIFIC	LATIN AMERICA
3900	TRANSPORT REVENUES				
	Individual Sales:				
01	Passenger				
04.2	Freight				
08.3	Excess passenger baggage				
	Charter:				
07.1	Passenger — civilian				
07.1	Passenger — military:				
	_____				
	_____				
	_____				
	_____				
	_____				
07.2	Property — civilian				
07.2	Property — military:				
	_____				
	_____				
	_____				
	_____				
	_____				
	_____				
19.9	Other transport revenues:				
	Civilian				
	Military				
3999	Total transport revenues:				
	Civilian				
	Military				
	Total				

U. S. GOVERNMENT PRINTING OFFICE: 1976-240-848

SCHEDULE P-1.1

CAB Form 41

[FR Doc.77-12199 Filed 4-28-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1401]

SELF-PRESSURIZED CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBON PROPELLANTS

Proposed Labeling and Data Submission Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: In this document the Commission proposes to require manufacturers (including importers) to label aerosol consumer products containing chlorofluorocarbon propellants to state a warning that they contain chlorofluorocarbons that may harm the public health and environment by reducing ozone in the upper atmosphere. The Commission believes this labeling will help reduce unreasonable risks of injury and assist consumers in evaluating the comparative safety of such products. For purposes of enforcing the rule, the Commission also proposes to require manufacturers (including importers) to submit to the Commission information about aerosol products that contain chlorofluorocarbons.

In addition, the Commission is considering proposing in the future a requirement that all aerosol consumer products be labeled to identify the propellants, and requests comment on this concept.

COMMENT DATES: Comments concerning this proposal should be received on or before May 31, 1977.

EFFECTIVE DATES: *See* Supplemental Information, G.

ADDRESS: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Charles M. Jacobson, Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207 (301–492–6400).

SUPPLEMENTARY INFORMATION:

A. Product Definition

The requirements set forth in proposed 16 CFR Part 1401 apply to self-pressurized products containing fully halogenated chlorofluoroalkane (chlorofluorocarbon) propellants, that are consumer products as defined in section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)). These chemical compounds contain no hydrogen and have only carbon-carbon single bonds. They contain only chlorine, fluorine, and carbon. The principal chlorofluorocarbon propellants presently used in products subject to the Commission's jurisdiction are chlorofluorocarbon-11 (CCl_3F, or trichlorofluoromethane), chlorofluorocarbon-12 (CCl_2F_2, or dichlorodifluoromethane), and chlorofluorocarbon-114 ($C_2Cl_2F_4$, or dichlorotetrafluoroethane).

B. Background

Chlorofluorocarbons are widely used as propellants in self-pressurized (aerosol) containers of a variety of products subject to the Commission's jurisdiction. Scientific research in recent years has indicated that chlorofluorocarbons may pose a risk of depletion of the stratospheric ozone. The stratospheric ozone shield is of great importance in protecting life on earth from short wave ultraviolet rays of the sun. The consequences of ozone reduction include a possibility of a significant increase in skin cancer and other effects of unknown magnitude on man, animals, and plants. Chlorofluorocarbon release may also cause climatic change both by reducing stratospheric ozone and by increasing infrared absorption in the atmosphere.

The Commission's formal consideration of the possible depletion of the earth's ozone layer from the release of chlorofluorocarbon propellants began with the receipt of a petition, on November 20, 1974, from the Natural Resources Defense Council. This petition requested a ban on all aerosol products containing certain chlorofluorocarbon compounds based on the allegation that their release into the atmosphere causes depletion of the ozone layer in the stratosphere resulting in an increase of ultraviolet rays from the sun reaching the surface of the earth. It was alleged that this increase in ultraviolet radiation would, among other things, increase the incidence of skin cancer in humans.

In June 1975, a Federal interagency study group known as the "Task Force on Inadvertent Modification of the Stratosphere" (IMOS), having analyzed the problem, issued a report entitled "Fluorocarbons and the Environment." This report recommended Federal regulatory action to eliminate the use of certain fluorocarbons allegedly associated with ozone reduction unless an in-depth scientific study being conducted by the National Academy of Sciences (NAS) were to demonstrate that such action was unnecessary. The Commission, as announced in a Federal Register notice of August 20, 1975 (40 FR 36419), denied the petition because of a lack of sufficient information and the fact that the scientific study being conducted by NAS was scheduled to be completed in 1976.

The NAS study was completed in August 1976 and a report, entitled "Halocarbons: Environmental Effects of Chlorofluorocarbon Release," was issued. This report essentially confirmed the eventual need for regulatory action unless further scientific experimentation and study demonstrated such action to be unnecessary. Thereafter, the Commission, on November 22, 1976, preliminarily found that aerosol consumer products which use certain chlorofluorocarbon propellants present an unreasonable risk of injury to consumers from the destruction of ozone in the stratosphere and that no feasible consumer product safety standard would adequately protect the public. This finding was based upon information contained in two petitions received by the Commission on December 23, 1975 and July 26, 1976 from the Natural Resources Defense Council and others, the IMOS and NAS reports, and other available information. The Commission staff was directed to prepare a draft proposed banning regulation under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057). The Commission, however, recognizing that the Environmental Protection Agency (EPA), under the Toxic Substances Control Act, planned to propose regulatory action with respect to the non-essential uses of certain chlorofluorocarbon propellants by April 26, 1977, stated that if EPA proposed a rule which would render banning action by the Commission unnecessary, the Commission might terminate its proceeding.

C. Response to Petition

On October 14, 1976, the Commission received a petition from the Chemical Specialties Manufacturers Association, Inc. (CSMA) requesting the Commission to require self-pressurized containers of consumer products propelled by chlorofluorocarbon-11 or chlorofluorocarbon-12 to state the presence of either of these ingredients on the label. The petition requested that this be done by an amendment to 16 CFR 1500.130, a regulation issued under the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 et seq.) which relates to the labeling of self-pressurized containers. Since labeling requirements under the FHSA are based upon classification of the product as a habardous substance, and since hazardous substances are products presenting one or more of certain enumerated hazardous substance, and since hazardspheric ozone layer is not included, the Commission, on January 6, 1977, denied the petition under the FHSA.

The Commission did find, however, that a regulation similar to the one requested by CSMA could be issued under section 27(e) of the Consumer Product Safety Act 15 U.S.C. (2076(e)), and that such a regulation would be desirable because of the substantial amount of time required for either a banning action under the Consumer Product Safety Act or a regulation phasing out the nonessential uses of chlorofluorocarbon propellants under the Toxic Substances Control Act. Therefore, for the reasons stated below, the Commission is proposing to issue a regulation which would require manufacturers of aerosol consumer products containing certain chlorofluorocarbon propellants to (1) notify the Commission of the consumer products containing such propellants, (2) notify consumers at the point of purchase, by labeling, that the product contains a chlorofluorocarbon propellant, and (3) include a warning statement on chlorofluorocarbon-containing aerosol consumer products that such compounds may harm the public health and environment by reducing ozone in the upper atmosphere.

D. Grounds for Proposal

Section 27(e) of the Consumer Product Safety Act authorizes the Commis-

sion, by rule, to "require any manufacturer of consumer products to provide to the Commission such performance and technical data related to perfomance and safety as may be required to carry out the purposes of this Act, and to give such notification of such performance and technical data at the time of original purchase to prospective purchasers and to the first purchaser of such product for purposes other than resale, as it determines necessary to carry out the purposes of this Act." As provided in section 2(b) of the Consumer Product Safety Act (15 U.S.C. 2051(b)), two purposes of the act are (1) "to protect the public against unreasonable risks of injury associated with consumer products;" and (2) "to assist consumers in evaluating the comparative safety of consumer products."

Based on the information referred to in section B of this preamble, above, the Commission has made a preliminary finding that aerosol consumer products propelled by certain chlorofluorocarbon propellants present an unreasonable risk of injury to consumers from the destruction of ozone in the stratosphere and the likely significant increase in the incidence of skin cancer in humans. While it is anticipated that the use of chlorofluorocarbons will ultimately be halted, such regulatory action may take one year or longer to become effective. In the meantime, however, labels on the containers of aerosol consumer products propelled by chlorofluorocarbons informing consumers of the presence of the propellant and warning them of the possible hazard of ozone depletion could decrease the sale of such products by allowing consumers to choose between products that contain chlorofluorocarbons and products that are either non-aerosols or that contain another propellant. Thus, by reducing the use of chlorofluorocarbons during this interim period, the amount of ozone ultimately depleted could be reduced.

Since there has previously been no requirement that the propellant contained in self-pressurized products be identified, it is not possible to determine which products contain chlorofluorocarbon propellants. In order for the Commission to determine whether such products are properly labeled, therefore, the regulation proposed below would require manufacturers of self-pressurized consumer products containing chlorofluorocarbons to also submit to the Commission information identifying products containing chlorofluorocarbons. Therefore, the Commission finds that to help protect consumers from the unreasonable risk of injury associated with self-pressurized consumer products containing chlorofluorocarbons, and to assist consumers in evaluating the comparative safety of such products, the rules proposed below are necessary.

E. Environmental Considerations

Based on an assessment of the potential environmental impact of the proposal set forth below the Commission concludes that the environment will not be significantly affected and that an environmental impact statement is not necessary. The environmental assessment is available for review in the Office of the Secretary of the Commission.

F. Other Propellants

This proposal will require the identification by labeling only of the presence in consumer products of chlorofluorocarbon propellants. The Commission, believes, however, that it may be desirable for the protection of the public health and safety, in the event future problems arise concerning other propellants of self-pressurized consumer products, to label all such products with the name of the propellant. While no such regulation is being proposed at this time, the Commission is requesting all interested persons to comment on the merits of such a regulation.

G. Effective Date

The effective date for the regulations proposed below is separated into two parts. The proposed effective date for § 1401.3, which requires manufacturers to submit data to the Commission, is 180 days from the date of issuance of any final rule in the Federal Register. An additional 30 days after the effective date is provided for manufacturers to assemble and submit to the Commission the required data.

The proposed effective date of § 1401.4, which requires labeling, is 180 days from issuance of any final regulation in the Federal Register. The labeling requirement would apply to all self-pressurized consumer products containing chlorofluorocarbons imported or introduced into commerce after the 179th day following publication of any final regulation in the Federal Register.

H. Conclusion and Proposal

On the basis of the information discussed above, the Commission concludes that (1) a requirement for a chlorofluorocarbon identification and warning statement on self-pressurized containers of consumer products containing chlorofluorocarbon propellents, and (2) a requirement for manufacturers of self-pressurized consumer products containing chlorofluorocarbons, to inform the Commission of a certain identification information, are necessary to help protect the public against the unreasonable risks of injury associated with such products and to assist consumers in evaluating the comparative safety of such products.

Therefore, under provisions of the Consumer Product Safety Act (section 27(e), 86 Stat. 1227–29, as amended; 15 U.S.C. 2076(e)), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B the following new Part 1401:

PART 1401—SELF-PRESSURIZED CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS: REQUIREMENTS TO PROVIDE THE COMMISSION WITH PERFORMANCE AND TECHNICAL DATA; REQUIREMENTS TO NOTIFY CONSUMERS AT POINT OF PURCHASE OF PERFORMANCE AND TECHNICAL DATA

Sec.
1401.1 Scope.
1401.2 Purpose.
1401.3 Submission of performance and technical data to the Commission.
1401.4 Providing performance and technical data to purchasers by labeling.

Authority: Sec. 27(e), Pub. L. 92–573, 86 Stat. 1227–29 (15 U.S.C. 2076(e)).

§ 1401.1 Scope.

This part establishes, pursuant to section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)), requirements for manufacturers (including importers) of self-pressurized consumer products containing chlorofluorocarbons to (a) notify by labeling, at the time of original purchase to prospective purchasers and to the first purchaser of such products for purposes other than resale, of certain performance and technical data consisting of identification of chlorofluorocarbon as a propellant and a warning statement, and (b) provide to the Commission certain performance and technical data concerning the identification of self-pressurized consumer products containing chlorofluorocarbons.

For the purposes of this part, the term "chlorofluorocarbon" shall include fully halogenated chlorofluoroalkanes.

§ 1401.2 Purpose.

Chlorofluorocarbons are widely used as propellants in self-pressurized containers of a variety of products subject to the Commission's jurisdiction. Scientific research in recent years has indicated that chlorofluorocarbons may pose a risk of depletion of the stratospheric ozone. The stratospheric ozone shield is of great importance in protecting life on earth from short wave ultraviolet rays of the sun. The consequences of ozone reduction include a possibility of a significant increase in skin cancer and other effects of unknown magnitude on man, animals, and plants. Chlorofluorocarbon release may also cause climatic change both by reducing stratospheric ozone and by increasing infrared absorption in the atmosphere. While various agencies of the federal government have expressed an intent to ultimately ban or phase out the use of cholofluorocarbons as propellants in self-pressurized products, it may require a significant amount of time for such regulatory action to become effective. Therefore, the data submission and notification requirements of this part are intended to serve as an interim measure until chlorofluorocarbon usage has been phased out. The Commission anticipates that the purposes of the Consumer Product Safety Act of helping to protect the public against the unreasonable risk of injury associated with self-pressurized consumer products containing chlorofluorocarbons and assisting consumers in evaluating the comparative safety of such products will be advanced by the requirements of this part by affording consumers the ability to discriminate and choose between products that contain chlorofluorocarbons and products that do not.

§ 1401.3 Submisison of performance and technical data to the Commission.

(a) The following performance and technical data shall be submitted to the Commission by manufacturers (including importers) of self-pressurized consumer products containing a fully halogenated chlorofluoroalkane (chlorofluorocarbon) as a propellant. These requirements shall apply to those products that were imported or first distributed in commerce after the 179th day following publication of any final regulation in the Federal Register.

(1) Identification of specific self-pressurized products by type and brands, including identifying features, such as package size or design, label, or production codes, which contain a fully halogenated chlorofluoroalkane (chlorofluorocarbon) propellant.

(2) A claim for confidentiality, if any, and identification of the material submitted for which confidentiality is claimed, pursuant to the provisions of the Commission's regulations under the Freedom of Information Act (16 CFR Part 1015, 42 FR 10490 (February 22, 1977)).

(b) The data required by this section shall be submitted in writing to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. The data shall be submitted so as to be received by the Commission within 30 days after the effective date of this section or within 30 days after a new product or new size is imported or first distributed in commerce. The data shall also be submitted so as to be received by the Commission within 30 days after each subsequent 6-month period.

§ 1401.4 Providing performance and technical data to purchasers by labeling.

(a) The following performance and technical data shall be provided, as specified, by manufacturers (including importers) to prospective purchasers and to first purchasers, for purposes other than resale, of self-pressurized consumer products containing a fully halogenated chlorofluoroalkane (chlorofluorocarbon) as a propellant that were imported or first distributed in commerce, after 179 days following publication of any final regulation in the Federal Register.

(b) In addition to any other required labeling, products subject to this section shall bear the following identification and warning statement:

"Warning.—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere."

(c) The warning required by paragraph (b) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. This warning shall appear on the immediate container of the consumer product and additionally on any outside container or wrapper in which the product is normally offered for sale at retail. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package.

Interested persons are invited to submit, on or before May 31, 1977, written comments regarding this proposal. Comments received after this date will be considered to the extent practicable. Comments and any accompanying material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may by accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: April 22, 1977.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-12077 Filed 4-28-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33–5823, 34–13457, 35–19995, IC–9730]

FORM AND CONTENT OF FINANCIAL STATEMENTS OF BANK HOLDING COMPANIES AND BANKS

Proposed Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Rules.

SUMMARY: The proposed rules would replace the existing Article 9 of Regulation S–X with a new article which will contain specific requirements as to form and content for consolidated and unconsolidated financial statements of bank holding companies and banks. The proposal of these requirements has been made necessary by the continuing increase in the complexity of the operations of bank holding companies. It is expected that the proposed requirements will result in more informative financial statements for investors in securities of these companies.

COMMENT DATE: Comments on or before: July 1, 1977.

ADDRESS: Comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection. File No. S7–689.

FOR FURTHER INFORMATION CONTACT:

Lawrence J. Bloch, Assistant Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549 (202–755–1182)

SUPPLEMENTAL INFORMATION:

General

The substantial number of bank holding company registrants and the complexity of their operations makes it appropriate to propose amendment of the financial statement requirements in Regulation S–X [17 CFR Part 210] by the addition of a completely revised Article 9 [17 CFR 210.9–01 to 9–05] to be applicable to bank holding companies and banks. These requirements would be applicable to the consolidated and unconsolidated financial statements of bank holding companies. In addition, the requirements would be appropriate for financial statements presented for banks. Existing Article 9 which contains requirements for unconsolidated statements of bank holding companies and requirements for banks by reference to Regulation F of the Board of Governors of the Federal Reserve System [12 CFR 206] will be rescinded at such time as the proposed revision is adopted.

The proposal combines elements of financial reporting requirements of the three Federal bank regulatory agencies and provisions of Regulation S–X applicable to commercial and industrial companies and to all registrants generally. Additionally, the proposal reflects experience gained in examining financial statements of bank holding companies and banks filed with the Commission and discussion of accounting and disclosure problems with registrants, accountants and banking associations.

Generally the proposal is separate and apart from the statistical disclosure requirements of Guides 61 and 3 except for some of the requirements as to foreign activities. A definition of foreign activities is included and is discussed below. Comments are specifically requested on this point.

Principal Features

For many years banks and bank holding companies have issued essentially unclassified financial statements. On the balance sheet, assets and liabilities are listed in what has become a traditional order but the statement does not present classifications corresponding to the current and fixed categories found almost universally on the statements of commercial and industrial enterprises. Similarly, the income statement lists the items of revenue followed by expenses without classification or breakdown to show the interrelationship of specific categories of revenue and costs and expenses. The proposed balance sheet would show earning assets separately from all other assets and deposits and borrowed funds apart from all other liabilities. The income statement proposal calls for a format in which the various components of revenue and expense are

presented in the following order and classification:

Revenue from earning assets
Cost of funds
Net revenue from earning assets before provision for loan losses
Provision for loan losses
Net revenue from earning assets
Other revenue
Other expenses
Income or loss before income tax expense and appropriate other items.

A separate requirement will elicit information concerning foreign activities from companies to which they are material (§ 210.9–04). Although some bank holding companies have included disclosures of foreign activities in their financial statements in the past, there has been no comparability between registrants. It is hoped that, by detailing the areas in which disclosure is to be made and defining the term "foreign activities," uniformity and comparability among registrants will be achieved. Foreign activities are defined to include loans and other revenue producing assets and transactions in which the debtor or customer is domiciled outside the United States. The definition would cover operations located and conducted entirely outside the United States as in the definition of foreign operations in the Financial Accounting Standards Board's Standard No. 14 which is concerned with reporting for segments of a business enterprise. The definition would also include loans made from a location in the United States to a customer located outside the United States. While this latter category is a type of lending transaction not explicitly considered in the FASB's definition, these loans appear to have similar characteristics as those in the FASB's definition. It is not determinable at this time whether bank holding companies would interpret standard No. 14 to include such loans and transactions as falling within the ambit of the FASB standard. Guides 61 and 3 include a requirement for disclosure of foreign operations but leave the determination of which components are foreign operations to the registrant. Therefore, we now believe that the significance of foreign activities to some banks is such that there is a need for a clear definition in order to achieve a degree of uniformity in reporting and to facilitate comparison between registrants.

Specifically, disclosure is proposed concerning loans, allowance for loan losses, balances in foreign banks, deposits, borrowings and revenue and income. These are the only items in the proposed Article 9 which are derived directly from Guides 61 and 3, and in most cases registrants will be able to comply with the requirements for statistical disclosure elsewhere in the annual report or registration statement. No specific format is prescribed for these disclosures which may be made in the form of notes or separate financial statements as may be appropriate. However, by including them as a financial statement requirement, the information will be covered by the accountant's report.

In view of the relative insignificance of securities gains and losses on investment securities, it no longer appears appropriate to continue to report this amount as a separate category at the foot of the income statement immediately preceding net income. The proposal consequently considers such gains or losses as an element of other revenue. This change will have the further effect of eliminating reporting of earnings and earnings per share on the dual basis of income before securities gains or losses and net income, which currently do not vary significantly.

In the period since the revision of Article 9 in 1972, the requirement for schedule disclosure of amounts receivable from underwriters, promoters, directors, officers, employees and holders of securities has been the subject of widely varying interpretations by registrant bank holding companies. The nature and extent of disclosure, consequently, has also differed between companies. Some multi-bank holding company systems argue that it is difficult to accumulate information as to transactions involving persons who are directors of one subsidiary bank with other affiliates of the holding company to which they have no direct connection. Other holding companies can ascertain the information but state that its reporting results in a long detailed schedule which is of very limited value.

The requirement for this disclosure is based on the provision in Schedule A of the Securities Act of 1933 that a balance sheet shall show various items of assets and liabilities "including any loan in excess of $20,000 to any officer, director, stockholder, or person directly or indirectly controlling or controlled by the issuer, or person under direct or indirect common control with the issuer." Although concern over a company's relationships with insiders continues to be important, it appears that under current conditions $20,000 is too low an amount to be of significance. Consequently the proposal would require that indebtedness in excess of $40,000 be reported on a schedule (§ 210.12–05 Schedule V). An exemption is provided for indebtedness related to the purchase of a person's principal residence and for travel and expense advances. When commenting on the proposal it should be kept in mind that it appears that the majority of recent bank failures resulted not so much from mismanagement or weakness in the economy, but rather from insider dealings such as improper and excessive loans to officers, directors, and employees. Hopefully, a requirement for disclosure of these loans will play a part in the reduction of such occurrences in the future.

Other Important Features

Although, as noted above, the proposed article draws heavily from existing financial reporting requirements, it contains a number of features which have not been frequently observed in bank and bank holding company financial statements. The most significant are the classified financial statements and foreign banking operations disclosure. Set forth below are a number of significant features of the proposal:

1. Inasmuch as loans are the most significant asset, they are specified as the first asset caption on the balance sheet (§ 210.9–02–1).

2. In accordance with generally accepted accounting terminology, the caption "Allowance for loan losses" is proposed in place of the technically incorrect "Reserve for loan losses" (§ 210.9–02–3).

3. Disclosure would be required as to the aggregate amount of investment in securities of an issuer which exceeds five percent of stockholders' equity of the bank holding company. In addition, consideration would have to be given to disclosure of risk characteristics as may be appropriate (§ 210.9–02–5). The proposed requirement is derived from the proposal in Securities Act Release No. 5668 (41 FR 4833) which was concerned with concentration of investments in securities of an issuer.

4. Trading account securities are proposed to be carried at market value (§ 210.9–02–6). This would provide for a uniform manner of carrving these securities and is consistent with the nature and manner of operation of a securities trading account.

5. Interest-bearing deposits in other banks are to be reported under the earning assets classification (§ 210.9–02–8), while other cash balances would be excluded from earning assets (§ 210.9–02–10).

6. Disclosures concerning compensating balances and other restrictions on cash deposits applicable to commercial and industrial companies (§ 210.5–02–1) are to be made applicable also to bank holding companies. Arrangements of this nature relate primarily, but not exclusively, to the operations of a holding company and its nonbank subsidiaries (§ 210.9–02–10(d)).

7. Other real estate owned would be reported separately and excluded from the earning assets classification. In addition, there should be disclosure of details of any allowance for losses on real estate owned (§ 210.9–02–13). Costs and expenses related to these properties would be disclosed separately on the income statement (§ 210.9–03–20(b)).

8. At several places in the proposal, provision is made to reflect accounts and activities which are primarily those of the holding company and its nonbank subsidiaries. One such example is the disclosure concerning compensating balances referred to above; others are included in requirements for disclosures concerning short-term debt (§ 210.9–02–21), long-term debt (§ 210.902–22) and investments in affiliates and other persons (§ 210.902–15).

9. Disclosure of interest rates and terms of various categories of short-term borrowings and commitment fees and lines of credit would be required by subsections § 210.9–02–21 (d) and (e). These requirements are applicable both to bank operations and nonbank operations and are adopted from comparable provisions applicable to commercial and industrial companies (§ 210.5–25).

10. Disclosures concerning long-term debt of commercial and industrial companies (§ 210.5–02–29) are extended to bank holding companies by cross reference (§ 210.9–02–22).

11. The portion of retained earnings representing amounts which in the accounts of a subsidiary bank have been capitalized by transfer from undivided profits to surplus should not be classified on the balance sheet as retained earnings unappropriated (§ 210.9–02–30(b)).

12. In accordance with practice which has developed recently, the proposal provides that in the income statement of a parent bank holding company dividends received from unconsolidated subsidiaries should be shown as the first item on the statement. Equity in undistributed earnings of such subsidiaries would be reported at the bottom of the income statement (§ 210.9–03–24(c)).

13. Schedule requirements are proposed which will conform to requirements applicable to other classes of registrants filing in accordance with Regulation S–X (§ 210.9–05).

14. A summary schedule of investment securities similar to a schedule in Regulation F of the Federal Reserve System is proposed (§ 210.12–32).

COMMISSION ACTION: The Commission hereby proposes revision of § 210.5–01, § 210.9–01—09–05, § 210.12–02 and § 210.12–32, Chapter II of Title 17 of the Code of Federal Regulations as indicated below:

1. In § 210.5–01 (a) (7) is revised, (b) is deleted, and (c) is redesignated as (b) as set forth below:

§ 210.5–01 Application of §§ 210.5–01 to 210.5–04.

(a) * * *

(7) Bank holding companies and banks

* * * * *

(b) (Deleted)

(c) (Redesignated as (b))

2. The Subpart entitled "Bank Holding Companies and Banks," containing §§ 210.9–01 through 210.9–05 is revised to read as follows:

Bank Holding Companies and Banks

§ 210.9–01 Application of §§ 210.9–01 to 210.9–05.

(a) *Bank holding companies.*—This article shall be applicable to financial statements filed for bank holding companies and banks.

(b) The requirements of the general rules in §§ 210.1–01—210.1–02, 210.2–01—210.2–05, 210.3–01—210.3–17 and 210.4–01—210.4–08 shall be applicable except where they differ from requirements of § 210.9–01 to 9–05.

§ 210.9–02 Balance sheets.

Except as otherwise permitted by the Commission, the balance sheets filed for persons to whom this article is applicable shall comply with the following provisions (see paragraph (a) of § 210.3–01):

Assets and Other Debits

Earning Assets

1. *Loans.*—(a) State separately each of the following categories of loans which exceeds ten percent of total loans: (1) Real estate loans; (2) loans to financial institutions; (3) loans for purchasing or carrying securities; (4) loans to farmers; (5) commercial and industrial loans; (6) loans to individuals (consumer loans); (7) all other loans of bank subsidiaries; and (8) loans of the holding company and its nonbank subsidiaries. All other loans may be combined in one amount. Under real estate loans include loans secured by buildings under construction, land being developed, residential properties and commercial properties. Include under loans to financial institutions loans to real estate investment trusts, mortgage companies, banks and other financial and depositary institutions. Exclude from loans to farmers, loans secured by real estate owned. Loans attributable to foreign banking operations may be included in the foregoing captions or, if it is impractical to classify such loans in accordance with these categories, a separate caption stating the total amount of such loans may be provided.

(b) Exclude contracts of sale or loans indirectly representing bank premises or other real estate owned. Such amounts shall be included in the appropriate caption below.

(c) Do not deduct bona fide deposits of borrowers accumulated for repayment of loans.

2. *Unearned income.*—The total of unearned discounts, finance charges, and interest included in loans shall be shown separately and deducted from total loans.

3. *Allowance for loan losses.*—(a) The allowance for loan losses shall be shown separately on the face of the statement and deducted from total loans.

(b) For each period for which an income statement is filed furnish in a note a statement of changes in the allowance for loan losses showing balances at beginning and end of the period, provision charged to income, recoveries of amounts charged off and losses charged to the allowance.

4. *Lease financing.*—State the net investment in leases accounted for by the financing method. Summarize in a note the balances of lease payments receivable and estimated residual value reduced by related nonrecourse debt and interest and unearned income.

5. *Investment securities.*—(a) State the aggregate book value of investment securities showing parenthetically or otherwise the aggregate amount on the basis of market quotations or fair value at the balance sheet date. (See § 210.9–02–15.)

(b) State parenthetically or in a note, book value and value on the basis of market quotations or fair value on the basis of market quotations or fair value of securities of (1) the U.S. Treasury; (2) U.S. Government agencies and corporations; (3) states of the U.S. and political subdivisions; (4) other bonds, notes and debentures including obligations of foreign governments and political subdivisions; and (5) corporate stock.

(c) State in a note the basis by which book value is determined. Bond premium shall be amortized and discount shall be accreted.

(d) Include securities pledged, loaned or sold under repurchase agreements. Exclude borrowed securities and securities purchased under resale agreements or similar arrangements.

(e) State in a note the name of issuer, aggregate book value and aggregate amount on the basis of market quotations or fair value of the securities of any issuer for which the aggregate book value exceeds five percent of stockholders' equity of the person. For the purpose of this disclosure, the term "issuer" shall have the meaning given in Section 2(4) of the Securities Act of 1933, except that (1) the United States Government and its agencies shall be considered as one issuer, (2) any State of the United States and its agencies shall be considered as one issuer, (3) a political subdivision of a State of the United States and its agencies shall be considered as one issuer, and (4) a foreign government and its agencies and political subdivisions shall be considered as one issuer. For purposes of determining amounts to be reported, securities guaranteed by or considered liabilities or moral obligations of another entity shall be considered as securities of both the issuer and the guarantor or obligor. Consideration shall be given to disclosure of risk characteristics of the securities of an issuer and of differences in risk characteristics of different issues of securities of an issuer as may be appropriate.

6. *Trading account securities.*—Securities carried in dealer trading accounts that are held principally for resale to customers shall be stated at market value.

7. *Other short-term investments.*—(a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type shall be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, or other terms signifying the same substantive transaction, and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements shall be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

8. *Deposits in other banks, interest bearing*

9. *Total earning assets.*

10. *Cash and due from banks.*

(a) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be included net.

(b) The classification and disclosure required by § 210.5–02–1 shall be given with regard to cash and cash items of the parent bank holding company and all non-bank consolidated subsidiaries.

11. *Property and equipment.*—State separately here, or in a not referred to herein, if practicable, each major class used in the ordinary course of business such as land, building, vaults, office of leasehold improvements and the basis of determing the amounts.

12. *Accumulated depreciation and amortization of property and equipment.*

13. *Other real estate owned.*—(a) Include all real estate owned other than that used in the ordinary course of business. State separately in a note the basis of determining the amounts at which the assets are shown in the balance sheet and the amount included under each basis.

(b) Any reduction in book value resulting from the recognition of fair market value at the time of acquisition of a property shall be

accounted for as a loan loss. (See § 210.9–03–20(b).)

(c) Any allowance for real estate losses shall be shown separately on the face of the statement and deducted from total other real estate owned. For each period for which an income statement is filed, furnish in a note a statement of changes in the allowance for real estate losses showing balances at beginning and end of period, provision charged to income, and losses charged to the allowance.

14. *Customers' acceptance liability.*—(a) State amounts receivable from customers on drafts and bills of exchange that have been accepted by a consolidated subsidiary bank or by other banks for the account of a consolidated subsidiary and that are outstanding—that is, not held by the subsidiary bank, on the reporting date. (If held by the subsidiary bank, they should be reported as "loans".)

15. *Investments in affiliates and other persons.*—State separately amount representing investments in affiliates (including banks) and investments in other persons which are accounted for by the equity method, and state the basis of determining these amounts. Show investments in banks separately from other investments. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

16. *Indebtedness of affiliates and other persons.*—Include under this caption indebtedness of affiliates (including banks) and indebtedness of other persons the investments in which are accounted for by the equity method. Show indebtedness of banks separately from indebtedness of other persons. State separately in the registrant's balance sheet the indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

17. *Other assets.*—(a) State amounts receivable from underwriters, promoters, directors, officers, employees and principal holders (other than affiliates) of equity securities of the person and its affiliates. The amount receivable shall be shown separately on the balance sheet if it exceeds five percent of stockholders' equity. Exclude amounts receivable from such persons for ordinary travel and expense advances and similar items arising in the ordinary course of business.

(b) State separately (1) legally restricted deposits held as compensating balances against long-term borrowing arrangements; (2) excess of cost over assets acquired (net of amortization); (3) other intangible assets (net of amortization); and (4) any other asset which is in excess of five percent of total assets.

18. *Total assets.*

LIABILITIES AND STOCKHOLDERS' EQUITY

LIABILITIES

19. *Deposits.*—State separately (a) demand deposits in domestic bank offices; (b) time and savings deposits in domestic bank offices; and (c) deposits in foreign banking offices.

20. *Bank acceptances outstanding.*—State the aggregate of unmatured drafts and bills of exchange accepted by a subsidiary bank, or by some other bank as its agent (other than those reported in demand deposits), less the amount of such acceptances acquired by the subsidiary bank through discount or purchase and held on the reporting date.

21. *Short-term borrowings.*—(a) State separately amounts payable for (1) Federal funds purchased and securities sold under agreements to repurchase; (2) commercial paper; and (3) other short-term borrowings.

(b) Federal funds purchased and sales of securities under repurchase agreements shall be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

(c) Include as securities sold under agreements to repurchase all transactions of this type regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, or other terms signifying the same substantive transaction, and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(d) The weighted average interest rate and general terms (as well as formal provisions for the extension of the maturity) of each category of borrowed funds reflected on each balance sheet required shall be disclosed along with the maximum amount of borrowings in each category outstanding, at any month-end period for which an end-of-period balance sheet is required. In addition, the approximate average short-term borrowings outstanding during the period and the approximate weighted average interest rate (and a brief description of the means used to compute such averages) for such aggregate short-term borrowings shall be disclosed in the notes to the financial statements.

(e) The amount and terms (including commitment fees and the conditions under which lines may be withdrawn) of unused lines of credit for short-term financing shall be disclosed, if significant, in the notes to the financial statements. The amount of these lines of credit which support a commercial paper borrowing arrangement or similar arrangements shall be separately identified.

22. *Bonds, mortgages and similar debt.* (a) Include bonds, capital notes, debentures, mortgages and similar debt.

(b) State in a note the information required under § 210.5–02–29. (See also § 210.5–02–30.)

(c) State separately in the registrant's balance sheet the indebtedness to affiliates which in the related consolidated balance sheet is (1) eliminated and (11) not eliminated.

(d) State in notes with appropriate explanations (1) the title and amount of each issue of debt of a subsidiary included in (a) above which has not been assumed or guaranteed by registrant; and (11) any liens on bank premises or other real estate owned by a subsidiary bank or its consolidated subsidiaries which have not been assumed by the bank subsidiary or its consolidated subsidiaries.

23. *Total deposits and borrowings.*

24. *Accounts payable and accrued liabilities.* (a) State amounts payable to underwriters, promoters, directors, officers, employees and principal holders (other than affiliates) of equity securities of the person and its affiliates. Exclude amounts included in deposits and amounts payable to such persons for ordinary travel and expense advances and for similar items arising in the ordinary course of business.

(b) State separately (1) income taxes payable; (2) deferred income taxes; (3) any other liability which is in excess of five percent of total liabilities.

25. *Indebtedness to affiliates and other persons.* Include under this caption indebtedness to affiliates (including banks) and indebtedness to other persons the investments in which are accounted for by the equity method. Show indebtedness to banks separately from indebtedness to other persons. State separately in the registrant's balance sheet the indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

26. *Total liabilities.*

27. *Commitments and contingent liabilities.* (a) See § 210.3–16(1).

(b) State in a note the amount of outstanding standby letters of credit. For the purpose of this disclosure "standby letters of credit" shall include every letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of an issuing consolidated subsidiary bank (2) to repay money borrowed by or advanced to or for the account of the account party; (2) to make payment on account of any evidence of indebtedness undertaken by the account party; or (3) to make payment on account of any default by the account party in the performance of an obligation. Do not include standby letters of credit for which the issuing bank has either been paid an amount equal to its liability under the standby letter of credit, or has set aside sufficient funds in a segregated deposit account to cover its maximum liability.

28. *Minority interest in consolidated subsidiaries.*

STOCKHOLDERS' EQUITY

29. *Capital shares.* The classification and disclosure required by § 210.5–02–38 shall be given.

30. *Other stockholders' equity.* (a) The classification and disclosure required by § 210.5–02–39 shall be given.

(b) Exclude from retained earnings, unappropriated, amounts which in the accounts of a subsidiary bank have been transferred from undivided profits to surplus. State in a note the amount of any undistributed earnings of a subsidiary or 50% or less owned bank which cannot be distributed without obtaining approval of a Federal or State regulatory agency (See §210.3–16(h)).

31. *Total stockholders' equity.*

32. *Total liabilities and stockholders' equity.*

§ 210.9–03 Income statements.

(a) Except as otherwise permitted by the Commission, the income statements filed for persons to whom this article is applicable shall comply with the provisions of this rule (see paragraph (a) of § 210.3–01).

REVENUE FROM EARNING ASSETS

1. *Interest and fees on loans.* (a) State interest and fees in the same categories as loans are stated on the balance sheet. (See § 210.9–02–1(a).)

(b) Include interest, fees, and service charges on loans. Include interest on notes, bills, and drafts that have been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose and profits or losses resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(c) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

2. *Lease financing revenue.*

3. *Interest (and dividends if material) on investment securities.* (a) State separately income from (1) U.S. Treasury and other U.S. Government agency and corporation securities; (2) obligations of states and political subdivisions; and (3) other securities.

(b) Include accretion of discount on securities and deduct amortization of premiums on securities.

4. *Trading account revenue.* Include profits and losses, interest and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but do not deduct salaries, commissions and other indirect expenses.

5. *Revenue from temporary investments.* Show separately (a) interest on deposits with other banks, and (b) total gross revenue from Federal funds sold and securities purchased under agreements to resell.

6. *Total revenue from earning assets.*

COST OF FUNDS

7. *Interest on deposits.* Include interest on all deposits. State separately on the income statement or in a note, interest on deposits detailed in the same categories as those by which deposits are stated on the balance sheet. (See § 210.9–02–19(a).)

8. *Interest on borrowed funds.* Include interest on borrowed funds including Federal funds purchased, securities sold under agreements to repurchase, commercial paper and other short-term borrowings.

9. *Interest on long-term debt.* Include interest on bonds, capital notes, debentures and similar debt. Interest on mortgages on bank premises shall be included under caption 19 below.

10. *Total cost of funds.*

11. *Net revenue from earning assets before provision for loan losses.*

12. *Provision for loan losses.*

13. *Net revenue from earning assets.*

OTHER REVENUE

14. *Income from fiduciary activities.* Include commissions and fees for services performed in any authorized fiduciary capacity.

15. *Service charges, commissions and fees.* Include income from services to or for customers such as service charges on deposit accounts, other service charges, collection and exchange charges, commissions on securities underwritings, securities brokerage income and similar items.

16. *Gains or losses on investment securities.* State in a note, the method followed in determining the cost of investments sold, e.g., "average cost," "first-in, first-out," or "identified certificate." Gains or losses on the person's own equity securities shall not be included under this caption.

17. *Other income.* State separately any item of other income which is in excess of ten percent of net income.

OTHER EXPENSE

18. *Salaries and employee benefits.*

19. *Occupancy expense.* Report in one amount the cost of occupancy of bank office premises reduced by rental income from premises leased to others.

20. *Other operating expenses.* (a) Include all operating expenses not included in a caption above.

(b) State separately in one amount the cost of operation of other real estate owned reduced by rental or other related income. Include adjustments of book value subsequent to acquisition, provisions for real estate losses, and gains or loss on disposition of assets.

(c) State separately any amount which is in excess of ten percent of net income.

21. *Income or loss before income tax expense and appropriate items below.*

22. *Income tax expense.* (See § 210.3–16(o).)

23. *Minority interest in income of consolidated subsidiaries.*

24. *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons, less applicable tax.* (a) State separately for bank subsidiaries and for nonbank subsidiaries (1) dividends received from such persons, and (2) equity in undistributed income. Disclose, parenthetically or otherwise, the tax applicable to each item reported.

(b) The amounts to be reported shall exclude equity in extraordinary items.

(c) In the income statement of a bank holding company (unconsolidated), dividends received from unconsolidated subsidiaries shall be shown as the first item on the statement.

25. *Income or loss before extraordinary items.*

26. *Extraordinary items, less applicable tax.* State separately (a) extraordinary items of the person and (b) equity in extraordinary items of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 23. Indicate the nature of any material items and disclose parenthetically or otherwise the tax applicable to each.

27. *Cumulative effects of changes in accounting principles.* State separately (a) changes of the person and (b) equity in changes of (1) unconsolidated subsidiaries and (2) 50 percent or less owned persons for which the equity in earnings was reported under caption 24. Indicate the nature of any material items and disclose parenthetically or otherwise the tax applicable to each.

28. *Net income or loss.* (See § 210.9–02–30(a).)

29. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form.

§ 210.9–04 Foreign activities.

(a) *General requirement.* Separate disclosure concerning foreign activities (banking and nonbanking) as specified in paragraph (c), (d), (e), (f), (g) and (h) of this section shall be made if during each of the two most recent fiscal years (1) revenue associated with foreign activities exceeded ten percent of total revenue or (2) income (loss) before taxes associated with foreign activities exceeded ten percent of income (loss) before income tax expense, or assets associated with foreign activities exceeded ten percent of total assets as reported in the related financial statements.

(b) *Definitions.* As used in this article the following terms shall have the meanings indicated:

(1) *Foreign activities.* The term "foreign activities" includes loans and other revenue producing assets and transactions in which the debtor or customer, whether an affiliated or unaffiliated person, is domiciled outside the United States.

(2) *Revenue.* The term " revenue" includes the total of amounts reported at § 210.9–03–7, 15, 16, and 17.

(c) *Loans.* (1) State separately each of the following categories of loans which exceeds ten percent of total loans related to foreign activities (i) real estate loans, (ii) loans to banks and other finanical institutions, (iii) commercial and industrial loans, (iv) loans to individuals (consumer loans), (v) loans to governments and official organizations, and (vi) other loans.

(2) State also the amount of loans made from affiliated enterprises located outside the United States to unaffiliated persons within the United States which are not included in the amounts reported as foreign activities.

(d) *Allowance for loan losses.* For each period for which an income statement is filed, furnish in a note a statement of changes in the allowance for loan losses applicable to loans related to foreign activities showing balances at beginning and end of the period, provision charged to income, recoveries of amounts charged off and losses charged to the allowance.

(e) *Balance and deposits in banks located outside the United States.* Show separately (1) interest bearing deposits and balances, and (2) all other balances.

(f) *Deposit liabilities.* State separately deposits of (1) banks in foreign countries (including balances of foreign branches of other United States banks), (2) deposits of foreign governments and official organizations, and (3) other foreign deposits.

(g) *Other borrowings.* State separately (1) bank acceptances outstanding, (2) borrowed funds, (3) bounds, mortgages and similar debt, and (4) other liabilities related to foreign activities corresponding to the amounts reported on the balance sheet of § 210.9–02–20, 21, 22, 24 and 25.

(h) *Revenue and income (loss) before taxes.* For each period for which an income statement is filed state the amount of revenue, expenses and income (loss) before taxes associated with foreign activities. Information may be presented in the form of the income statement in § 210.9–03. State in a note the nature of significant estimates and assumptions made in allocating revenue and expenses to foreign activities.

§ 210.9–05 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form:

(1) The schedules specified below in this section as Schedules I, VI, VII, VIII, IX, X, and XI shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed for each person or group, provided that any such schedule (other than Schedules I and IX) may be omitted if both of the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes in any issue of securities of the registrant or any significant subsidiary in excess of 5 percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule IX, Capital shares, may also be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) All other schedules specified below in the rule as Schedules II, III, IV, V, and XII shall be filed for each period for which an income statement is required to be filed for each person or group.

(b) When information is required in schedules for both the registrant and the registrant and its subsidiaries consolidated it may be presented in the form of a single schedule, provided that items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Schedule I.—Investment securities. The schedule prescribed by § 210.12–32 shall be filed in support of caption 5 of a balance sheet.

Schedule II.—Investments in, equity in earnings of, and dividends received from affiliates (including banks) and other persons. The schedule prescribed by § 210.12–04 shall be filed in support of caption 15 of each balance sheet. This schedule may be omitted if (1) neither the sum of captions 15 and 16 in the related balance sheet nor the amount of caption 25 in such balance sheet exceeds 10 percent of stockholders' equity as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule III.—Indebtedness of affiliates (including banks) and other persons. The schedule prescribed by § 210.12–05 shall be filed in support of caption 16 of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule VII. This schedule may be omitted if (1) neither the sum of captions 15 and 16 in the related balance sheet nor the amount of caption 25 in such balance sheet exceeds 10 percent of stockholders equity as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule IV.—Valuation and qualifying accounts and reserves. The schedule prescribed by § 210.12–13 shall be filed in support of valuation and qualifying accounts and reserves included in each balance sheet excluding the allowances for loan losses and real estate losses.

Schedule V.—Amounts receivable from underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates. The schedule prescribed by § 210.12–03 shall be filed with respect to each person among the underwriters, promoters, directors, officers, employees and principal holders (other than affiliates) of equity securities of the person and its affiliates, for whom an aggregate indebtedness of more than $40,000 is owed or, at any time during the period for which related income statements are required to be filed, was owed. For the purpose of this schedule it shall not be necessary to disclose amounts receivable from any such person for either (1) a loan made for the purchase of their principal place of residence made in the ordinary course of business that (i) was made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features, or (2) ordinary travel and expense advances and similar items arising in the ordinary course of business.

Schedule VI.—Bonds, mortgages, and similar debt. The schedule prescribed by § 210.12–10 shall be filed in support of caption 22 of a balance sheet.

Schedule VII.—Indebtedness to affiliates (including banks) and other persons. The schedule prescribed by § 210.12–11 shall be filed in support of caption 25 of each balance sheet; however, the required information may be omitted if (1) neither the sum of captions 15 and 16 in the related balance sheet nor the amount of caption 25 in such balance sheet exceeds 10 percent of stockholders' equity as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule VIII.—Guarantees of securities of other issuers. The schedule prescribed by § 210.12–12 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is filed.

Schedule IX.—Capital shares. The schedule prescribed by § 210.12–14 shall be filed in support of caption 30 of a balance sheet.

Schedule X.—Warrants or rights. The schedule prescribed by § 210.12–15 shall be filed with respect to warrants or rights granted by the person for which the statement is filed to subscribe for or purchase securities to be issued by such person.

Schedule XI.—Other securities. If there are any classes of securities not included in Schedules VI, VIII, IX, or X, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances, having a maturity at the time of issuance of not exceeding 1 year.

Schedule XII.—Supplementary income statement information. The schedule prescribed by § 210.12–16 may be omitted for each income statement in which operating revenues (the aggregate of § 210.9–03–6, 14, 15 and 16) were not of significant amount. This schedule may also be omitted if the information required by column B and instructions 3 and 4 thereof is furnished in the income statement or in a note thereto.

§ 210.12–02 **Marketable securities—other security investments.**

* * * * *

1(b) (Deleted)

* * * * *

3. Instruction 1(b) to the table in § 210.12–02 is deleted.

4. Section 210.12–32 is added under a new subpart as set out below:

INVESTMENT SECURITIES FOR BANK HOLDING COMPANIES AND BANKS

§ 210.12–32 **Investment securities.**

	Total Investment Securities	
Col. A	Col. B	Col. C
Type and maturity grouping.	Amount at which shown in the balance sheet.[1]	Value based on market quotations or fair value at balance sheet date.[1][2]

[1] Col. B shall be totaled to correspond to the respective balance sheet caption.
[2] State the basis of determining amounts in col. C.
[3] Col. C shall be totaled.

1. U.S. Treasury securities: (a) Within 1 year; (b) after 1 year through 5 years; (c) after 5 years through 10 years; and (d) after 10 years. Total U.S. Treasury securities.

2. Securities of U.S. Government agencies and corporations: (a) Within 1 year; (b) after 1 year through 5 years; (c) after 5 years through 10 years; and (d) after 10 years. Total securities of U.S. Government agencies and corporations.

3. Obligations of states of the U.S. and political subdivisions:[1] (a) Within 1 year; (b) after 1 year through 5 years; (c) after 5 years through 10 years; and (d) after 10 years. Total obligation of states and political subdivisions.

4. Other bonds, notes and debentures:[2] (a) Within 1 year; (b) after 1 year through 5 years; (c) after 5 years through 10 years; and (d) after 10 years. Total other bonds, notes and debentures.

5. Corporate stock.

* * * * *

[1] Include obligations of the States or the United States, their political subdivisions, agencies and instrumentalities and obligations of territorial and insular possessions. Do not include obligations of foreign states.

[2] Include securities of the Federal Reserve Bank, and foreign governments and political subdivisions thereof. State separately any significant amount and securities of any bank included hereunder indicating the number of shares or units or principal amount of bonds or notes.

These amendments are proposed to be adopted pursuant to authority in Secs. 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Secs. 12, 13, 15(d), and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; Secs. 5(b), 14, and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; and Secs. 8, 30, 31(c) and 38(a) [15 U.S.C. 80a–8, 80a–29, 80a–30(c), 80a–37(a)] of the Investment Company Act of 1940.

Pursuant to Sec. 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and is not aware, at this time, of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 21, 1977.

[FR Doc.77–12312 Filed 4–28–77;8:45 am]

[17 CFR Parts 230, 239]

[Release No. 33–5822; File No. S7–688]

PRIVATE PLACEMENT EXEMPTIVE RULE

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendment of rule and adoption of related form.

SUMMARY: The Commission proposes to amend Rule 146 (17 CFR 230.146) under the Securities Act of 1933 ("Act") (15 U.S.C. 77a, et seq.) to require issuers to file reports of offerings made in reliance upon the rule. This amendment is proposed in light of apparent abuses of the rule, and to provide the Commission, investors and other interested persons basic information concerning the use of the rule. In this connection, reference is made to the Commission's recent request for information from the public on the operation of rule 146.

DATE: Comments must be received on or before June 30, 1977.

ADDRESSES: Comments should be addressed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All such communications should refer to File No. S7–688 and will be available for public inspection in Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Thomas D. Hamill, Division of Enforcement, Securities and Exchange Commission, Washington, D.C. 20549, 202–376–8131.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today invited public comment on a proposed amendment to rule 146 (17 CFR 230.146) which would require issuers to file reports of offerings made in reliance upon the rule. Rule 146 relates to section 4(2) of the Act (15 U.S.C. 77d (2)), which exempts from the Act's registration provisions any transaction by an issuer not involving a public offering. Essentially, the rule is designed, consistent with the public interest and the protection of investors, to provide objective standards for determining when offers or sales of securities by an issuer do not involve a public offering within the meaning of section 4(2).

At the time rule 146 was adopted,[1] the Commission indicated that although it was not imposing a filing or notification requirement in connection with the rule, it would reexamine the need for such a requirement after it had gained experience with the rule. The release further stated that if the Commission's experience indicated that a requirement of that nature was appropriate for the protection of investors and in the public interest, it would propose changes in the rule to institute such a requirement.

Although the Commission's experience with Rule 146 has been limited due to the absence of a notification requirement, the Commission has become aware that the rule apparently has been abused on several occasions by various issuers. In this regard, there appear to have been numerous instances in which issuers have made offerings of securities ostensibly in reliance upon rule 146, although they have failed to comply with all of the requirements of the rule. These abuses seem to have occurred most frequently in connection with offerings of interests in oil and gas partnerships.

In light of the foregoing, the Commission deems it appropriate to propose the amendment to Rule 146 discussed herein. This action is being taken in conjunction with the Commission's recent request for information from the public on the operation of Rule 146.[2] All of these actions are intended to foster the Commission's current evaluation of the utility of rule 146.

The amendment proposed herein would require issuers to file reports with the Commission containing certain information about offerings made by such issuers in reliance upon Rule 146. Such reports would be filed on proposed Form 146, the text (not the final format) of which is set forth at the end of this release. However, no report would be required for offerings the proceeds of which total, cumulatively, less than $50,000 during any twelve month period.

Under the proposed amendment, two reports would generally be necessary in connection with each offering subject to the notice requirement. The first would be filed within 10 days after the first sale of securities in the offering. This report would serve the purpose of providing both the Commission and interested members of the public with current information about the offering. The second report would be required to be filed within 10 days after the termination of the offering. This second report would have the effect of indicating any unexpected changes which may have occurred in the offering between the date of initiation and the date of completion and of providing information which may have been unavailable at the time of the first sale of securities. However, the second report would not be necessary in those instances in which the offering is completed within ten days after it is commenced, and the issuer has included in its initial report all of the information which would have been contained in the second report. In addition, for any offering which continues for a period greater than one year, the issuer must file a report annually within ten days after each anniversary date of the first sale of securities in the offering for so long as the offering continues.

In consideration of the foregoing, it is proposed to amend 17 CFR Chapter II as follows:

1. By amending § 230.146 by adding new paragraph (l) to read as follows:

§ 230.146 **Transactions by an issuer deemed not to involve any public offering.**

* * * * *

(l) *Report of offering.* The issuer shall file five copies of a report on Form 146 with the Commission at its principal office in Washington, D.C. within 10 days after the first sale of securities in any offering effected in reliance on this rule, within 10 days after termination of any such offering and, for any offering which continues for a period greater than one year, annually within 10 days after each anniversary date of the first sale of securities in any such offering for so long as such offering continues. No report need be filed for any offering or offerings in reliance on Rule 146 the proceeds of which total, cumulatively, less than $50,000 during any twelve month period.

2. By amending Part 239 by adding a new § 146 to read as follows:

§ 239.146 **Form 146, report by issuer of sales of securities pursuant to § 230.146 of this chapter.**

Five copies of this form shall be filed within 10 days after the first sale of securities in any offering of securities effected in reliance upon rule 146 (§ 230.146 of this chapter), within 10 days after termination of any such offering and, for any offering which continues for a period greater than one year, annually within 10 days after each anniversary date of the first sale of securities in any such offering for so long as such offering continues. Only one such report need be filed in connection with an offering if the last sale thereof occurs within ten calendar days after the first sale, and the issuer has included in its initial report all of the information which would have been contained in the second report. No report need be filed for any offering or offerings in reliance on rule 146 the proceeds of which total, cumulatively, less than $50,000 during any twelve month period.

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C.

Form 146.—Report of offering made in reliance upon rule 146

1. (a) Name, address and telephone number (including area code) of the issuer of the securities offered and sold:

(b) Form of organization (check one) __Corporation __Partnership __Unincorporated Association __Other (Specify)

(c) Type of business (check one) __ Oil Gas __Real Estate __Other (specify)

(d) Name (in full), address and telephone number of chief executive officer (if corporation), general partner (if partnership), promoter or controlling person (if unincorporated association), or controlling person (if other);

Instruction: If the general partner, promoter or controlling person is not a natural person, provide similar information for a natural person having primary responsibility for the affairs of the issuer.

(e) Issuer's state of incorporation or jurisdiction of organization and the date of such incorporation or organization;

[1] Release No. 33–5487 (April 23, 1974) (39 FR 15266).

[2] Release No. 33–5779 (December 6, 1976) (41 FR 53808).

(f) Issuer's IRS identification number;
(g) Issuer's SEC file number, if any;
(h) Issuer's CUSIP number, if any.

2. (a) Title of the class of securities sold in this offering in reliance upon Rule 146;
(b) Total number of shares or other units of securities sold to date in this offering and the aggregate dollar amount of such sales;
(c) Total number of shares or other units to be offered in the future in this offering and the aggregate dollar amount of such securities;
(d) Price per share (or other unit of securities) sold to date.

As to any securities sold other than for cash or partly for cash and partly for other consideration, state the nature of the transaction and the source and aggregate amount of consideration received or to be received by the issuer

3. (a) Total number of persons to whom securities were sold in the offering pursuant to subsection (g)(1) of Rule 146 and the date and amount of each sale;
(b) Total number of persons to whom securities were sold but who are excluded from Item 3(a) by virtue of subparagraph (g)(2) of Rule 146.

4. (a) List all offerings in reliance upon Rule 146 made by the issuer (other than the offering reported on this form) during the twelve months immediately preceding the date of this form. Indicate the date on which each offering was commenced, the date each was concluded and the aggregate dollar amount of the securities sold in each offering;
(b) Give the date of sale and the amount of all securities of the same or similar class as those of the offering reported on this form sold by the issuer during the twelve month period immediately preceding such offering. If the securities were not registered with the Commission, indicate the section of the Act or the rule of the Commission under which exemption from registration was claimed and state briefly the facts relied upon to make the exemption available. If the securities were registered, indicate the file number assigned by the Commission to the registration statement.

5. State the names and addresses of all offeree representatives involved in the offering reported on this form. State the source and amount of compensation received or to be received by each.

6. State the names and addresses of all brokers, finders and other persons (other than employees of the issuer not specially compensated in connection with the offering) acting on behalf of the issuer in connection with the offering reported on this form, indicating the capacity in which they acted. State the source and amount of compensation received or to be received by each.

7. (a) State the names and addresses of all underwriters, organizers, promoters and sponsors of the offering reported on this form, indicating the capacity in which they acted. State the source and amount of compensation received or to be received by each in connection with the offering.

(b) For each person named in response to Item 7(a), furnish the following information with respect to each offering under Rule 146 in which that person participated during the twelve months immediately preceding the date of this form: name of the issuer; title of the class of securities sold; dates on which sales were made by the person; total dollar amount of securities sold by the person; and the aggregate dollar amount raised by the issuer in the offering.

Pursuant to the requirements of Rule 146 under the Securities Act of 1933, the issuer has duly caused this report to be signed on its behalf by the undersigned officer or person acting in a similar capacity.

Date of Report _____

Issuer _____

Signature of Issuer's Representative _____

Instruction. Print the name and title of the signing representative under his signature. At least one copy of the report shall be manually signed. Any copies not manually signed shall bear typed or printed signatures.

Attention: Intentional misstatements or omissions of facts constitute Federal criminal violations (See 18 U.S.C. 1001).

(Secs. 4(2), 19(a), 48 Stat. 77, 85; secs. 203, 209, 48 Stat. 906, 908; sec. 12, 78 Stat. 580; 15 U.S.C. 77d(2), 77s(a)).

Authority: The foregoing proposed actions are being taken pursuant to the Securities Act of 1933, particularly sections 4(2) and 19(a).

All interested persons are invited to submit their views and comments on the proposed amendment and form.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 18, 1977.

[FR Doc.77-12313 Filed 4-28-77;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

[20 CFR Part 702]

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Administration and Procedure

AGENCY: Employment Standards Administration, Labor.

ACTION: Extension of comment period on proposed rulemaking.

SUMMARY: This document extends the comment period on proposed amendments to regulations concerning the Longshoremen's and Harbor Workers' Compensation Act, because of requests received from numerous members of the public.

DATE: Comments will be received until on or before May 16, 1977.

ADDRESSES: Comments should be addressed to: George M. Lilly, Counsel for Longshore Programs, Office of the Solicitor, New DOL Building, Suite N-2716, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

George M. Lilly, 202-523-7651.

SUPPLEMENTARY INFORMATION: The time for receipt of comments on FEDERAL REGISTER document (FR Doc. 77-7463), published in the March 15, 1977 issue at 42 FR 14284, which amends Part 702 of Title 20 is extended as stated above. The substance of the proposal in the above mentioned document is not changed.

Signed at Washington, D.C. this 20th day of April 1977.

DONALD ELISBURG,
Assistant Secretary for Employment Standards.

[FR Doc.77-12024 Filed 4-28-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 109]

[Docket No. 77N-0080]

POLYCHLORINATED BIPHENYLS (PCB'S)

Unavoidable Contaminants in Food and Food Packaging Materials; Reduction of Temporary Tolerances

Correction

In FR Doc. 77-9432 appearing at page 17487 in the issue for Friday, April 1, 1977, in the third column on page 17489, 16 lines from the top, insert the word "origin" after "animal".

[21 CFR Part 342]

[Docket No. 76N-0482]

OVER-THE-COUNTER-DRUGS

Establishment of a Monograph for OTC Topical Antibiotic Products

Correction

In FR Doc. 77-9170 appearing at page 17641 in the issue for Friday, April 1, 1977, make the following corrections:

(1) On page 17652, in the first column, third full paragraph, in the 6th line, "lowest concentration" should have read "lowest blood concentration". In the 12th line, "toxic levels" should have read "toxic blood levels".

(2) On page 17660, in the first column, 2nd full paragraph, in the 3rd line "0.5 mg/c" should have read "0.5 mg/cc".

(3) On page 17670, third column, paragraph "(3)" the 5th line now reading "* * * age form, and not less than 15 mg, * * *" should have read "* * * age form, not less than 30 mg of oxytetracycline per gm of finished ointment dosage form, and not less than 15 mg. * * *".

(4) On page 17680, first column, 4th full paragraph, in the 4th line "1050-1953" should have read "1050-1053", and in the 6th line "U.S." should have read "U.S.C.".

(5) Also on page 17680, in the table of contents listing in the middle column, "342.40" should have read "342.30".

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

[29 CFR Part 2200]

RULES OF PROCEDURE

Elimination of Complaint and Answer

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes changes in the Rules of Procedure of the Occupational Safety and Health Review Commission. It intends to eliminate the requirement for the filing of a complaint and answer in Commission proceedings. The proposed new rule will eliminate unnecessary paperwork, simplify the prehearing process, and shorten the time it takes to obtain a hearing before an administrative law judge.

DATES: Comments must be received on or before June 28, 1977.

ADDRESSES: All communications should be addressed to: Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Paul R. Wallace, Counsel to the Commission, 202-634-7970.

SUPPLEMENTARY INFORMATION: On June 29, 1976, there was published in the FEDERAL REGISTER (41 FR 26707), as an advanced notice of proposed rulemaking, a complete revision of the Rules of Procedure of the Occupational Safety and Health Review Commission, published in Part 2200 of this title. Included in that publication was a list of further changes in the existing rules which were suggested by the Counsel to the Commission. At an earlier date, February 6, 1974, a document was published in the FEDERAL REGISTER (39 FR 4674) proposing a new addition to the existing rules designed to simplify the hearing procedures in those cases which did not involve complicated issues of law.

The Commission has held a number of meetings over the past several months to consider the matters stated in its June 29, 1976, advanced notice of proposed rulemaking and the numerous comments which were filed in response thereto. This series of meetings has now been suspended in view of the fact that there will be a vacancy in the membership of the Commission for an uncertain period of time beginning on April 28, 1977, and a wholesale revision of these rules could not be completed prior to that date. The Commission will resume this consideration after that vacancy has been filled. The Commission has decided, however, to propose at this time a change in Section 33 of the Rules (29 CFR 2200.33) in order to eliminate unnecessary paperwork, simplify the pre-hearing process, and shorten the time it takes to obtain a hearing before an administrative law judge. It is also believed that the elimination of burdensome and technical pleading requirements would prove beneficial to the large number of respondents appearing pro se.

The proposed new Rule 33 would replace existing Rule 33 which presently requires the filing of complaints and answers in all cases initiated by an employer notice of contest. The proposed new rule would be a partial adoption of the changes proposed in 39 FR 4674 and would implement one of the suggestions made by the Counsel to the Commission as part of the document published in 41 FR 26707.

The comments made in response to the notice of the proposed adoption of rules for informal procedure published in 39 FR 4674 generally favored the elimination of written complaints and answers. The comments made in response to the June 29, 1976, suggestions of the Counsel to the Commission (41 FR 26707) to eliminate these pleadings were generally unfavorable. All such comments have been considered prior to the decision to propose this new rule.

The objections to the elimination of complaints and answers which were received by the Commission focused on the absence of any method of narrowing the issues for trial if these pleadings were eliminated. These objections are meritorious because adversary proceedings cannot be conducted in an orderly and expeditious manner unless there is a method for ascertaining in advance of trial the issues which are in dispute. Consequently, the new Rule 33 would provide that no pleadings would be necessary in those cases where the only issues in dispute between the parties involve the facts of the violation and the amount of proposed penalties. The Commission's experience to date is that such cases constitute the majority of all proceedings. The proposal would further provide that, in those cases where the parties wish to raise any additional issues, they shall, within 10 days of their receipt of notice of docketing of the case, specify such issues in writing. Issues thus joined would be set forth in a preliminary order by the administrative law judge assigned to hear the case. If the parties differed as to the issues in dispute, exceptions could be filed with, and appropriate orders would be issued by, the assigned judge.

The Commission believes that the proposal would have the effect of simplifying the prehearing process in the majority of cases, yet provide for a pretrial narrowing of the issues in all cases. Where neither party notified the Commission within the time allotted that it planned to raise additional issues, the trial would be confined to a hearing on the facts of the alleged violation and the amount of proposed penalty. Where the parties, within the time permitted, state their intent to raise additional issues, the proposal would permit those issues to be raised. Consequently, the issues in dispute would be joined prior to hearing.

Interested persons are invited to submit such written data, views, or arguments as they may desire. All communications should be addressed to: Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, NW., Washington, D.C. 20006. All communications received on or before June 28, 1977, will be considered before action is taken on the proposal. The proposals may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date, in the office of the Executive Secretary. Telephone inquiries concerning any matters on the proposal may be made to the Counsel to the Commission, Paul Wallace, 202-634-7970, or the Executive Secretary 202-634-7950.

In consideration of the foregoing, and under the authority of section 12(g), Pub. L. 91-596 (29 U.S.C. 661(f)), it is proposed to amend 29 CFR 2200.33 to make it read as follows:

§ 2200.33 Employer contests.

(a) Upon receipt of the notice of contest and accompanying documents as specified in Rule 32, the Commission, by its Executive Secretary, shall notify the parties of the docketing of the case and shall request that the parties advise him whether they wish to raise any issues other than (1) whether the facts established the alleged violations, and (2) whether the amount of the proposed penalty is appropriate.

(b) The parties shall, within 10 days of receipt of the request of the Executive Secretary under Rule 33(a), respond in writing thereto by stating with particularity any other issues or affirmative defenses they wish to raise. No such response is necessary if a party does not wish to raise additional issues or defenses.

(c) Except for good cause shown, any other issues or affirmative defenses will be deemed waived unless raised in accordance with paragraph (b) of this section.

(d) As soon as practicable after a case is assigned to a judge, he will issue a preliminary order setting forth the issues to be tried. The parties can file exceptions to this order within 10 days after receipt thereof.

(Sec. 12(b), Pub. L. 91-596 (29 U.S.C. 661(f)).)

Issued in Washington, D.C., on April 26, 1977.

For the Commission.

WILLIAM S. MCLAUGHLIN,
Executive Secretary.

[FR Doc.77-12337 Filed 4-28-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

[32 CFR Part 701]

[SECNAVINST 5211.5A]

PRIVACY ACT OF 1974

Proposed Additional Exemption

AGENCY: Department of the Navy, DOD.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would add an exemption to the Department of the Navy Privacy Act rules for records compiled by the Bureau of Medicine and Surgery that pertain to the discovery and reporting of incidents of child abuse and neglect. Exemptions are needed in order to encourage persons having knowledge of abusive or neglectful acts toward children to report such information, and to protect such sources from embarrassment or recriminations, as well as to protect their right to privacy.

COMMENT DATE: Comments must be received on or before May 31, 1977.

ADDRESSES: Send comments to:

Director, Naval Records Management Division, Office of the Chief of Naval Operations (OP–09B1), Department of the Navy, Washington, DC 20350.

COMMENTS RECEIVED: Will be available for public inspection at:

Office of the Judge Advocate General, Department of the Navy, Law Library, Room 2527, Navy Annex (Federal Office Building No. 2), Southgate Road and Columbia Pike, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. W. M. Kincaid, Deputy Director, Naval Records Management and Administration Services Division, (OP–O9B1B), Washington, DC 20350, 202–697–2311.

SUPPLEMENTARY INFORMATION: On November 17, 1976, there was published in the FEDERAL REGISTER (41 FR 50661) the final adopted rules (32 CFR 701, Subparts F and G) of the Department of the Navy for implementation of the Privacy Act of 1974 (5 U.S.C. 552a). An amendment to those rules was subsequently published in the FEDERAL REGISTER of February 16, 1977 (42 FR 9382). Pursuant to 5 U.S.C. 552a(k), the Secretary of the Navy proposes to amend Subpart G of Part 701 of 32 CFR (41 FR 50661), entitled "Privacy Act Exemptions," by adding a new subparagraph (m) entitled "Bureau of Medicine and Surgery" to § 701.123 which would exempt portions of a Navy system of records identified as N0001810, entitled "Child Advocacy Program Files."

Interested persons are invited to participate in the formulation of this proposed rule by submitting written data, views or arguments. Oral presentations are not desired. All written material received on or before May 31, 1977 will be considered prior to formal adoption of this rule.

It is therefore proposed to establish in Subpart G of Part 701 of 32 CFR, a new subparagraph (m) to § 701.123 as follows:

§ 701.123 **Exemptions for specific Navy record systems.**

* * * * *

(m) Bureau of Medicine and Surgery.

(1) ID—N0001810.

SY S/NAME: Child Advocacy Program Files.

Exemption: Portions of this system of records are exempt from the following subsections of 5 U.S.C. 552a: (c)(3) and (d).

AUTHORITY: 5 U.S.C. § 552a(k)(2) and (5).

REASONS: Exemptions are needed in order to encourage persons having knowledge of abusive or neglectful acts toward children to report such information, and to protect such sources from embarrassment or recriminations, as well as to protect their right to privacy. It is essential that the identities of all individuals who furnish information under an express promise of confidentiality be protected. Additionally, granting individuals access to information relating to criminal and civil law enforcement, as well as the release of certain disclosure accountings, could interfere with ongoing investigations and the orderly administration of justice, in that it could result in the concealment, alteration, destruction, or fabrication of information; could hamper the identification of offenders or alleged offenders and the disposition of charges; and could jeopardize the safety and well being of parents and their children.

Dated: APRIL 26, 1977.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

MAURICE W. ROCHE,
Director, Correspondence and Directives (OASD) (Comptroller).

[FR Doc.77–12340 Filed 4–28–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 251]

LAND USES

Rights-of-Way For Electric Power Transmission Lines

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Forest Service is proposing to amend its regulations relating to the issuance of rights-of-way for electric transmission lines crossing Forest Service land. The Government has received complaints about delays in the processing of applications for rights-of-way for transmission lines, and the purpose of this amendment is to expedite the processing of applications.

DATES: Comments must be received on or before May 31, 1977.

ADDRESSES: Send comments to:

USDA, Forest Service
Engineering Staff
P.O. Box 2417
Washington, D.C. 20013

Copies of comments will be available for public inspection during regular business hours (8:15 a.m. to 4:45 p.m.) at the following location:

USDA, Forest Service
Engineering Staff
Room 1108, Rosslyn Plaza E
1621 North Kent Street
Arlington, Virginia

FOR FURTHER INFORMATION, CONTACT:

Harry Coorsh, 703–235–8084

SUPPLEMENTARY INFORMATION: It is proposed to amend 36 CFR Part 251 relating to the issuance of rights-of-way for electric transmission lines crossing Forest Service lands. It is proposed that the voltage relating to the wheeling stipulation be increased from 33 kV to 66 kV. Under the proposed rule change, the wheeling stipulation would be required for electric transmission facilities rated 66 kV and above.

The Department of the Interior is proposing a similar amendment in Title 43 for lands under its jurisdiction.

The regulations in 36 CFR Part 251 govern the granting of rights-of-way for transmission lines over National Forest and other lands under the jurisdiction of the Secretary of Agriculture. These regulations require that grantees of rights-of-way for electric transmission lines permit a Department of the Interior power marketing agency to use surplus transmission capacity in powerlines rated 33 kV and above. This requirement is commonly referred to as the wheeling stipulation. The wheeling stipulation is for the purpose of facilitating the transmission of electric power and energy, by and at the expense of the United States, by utilizing capacity in an electric transmission line in excess of capacity needed by the holder of a right-of-way from the United States.

It has been determined that requiring the wheeling stipulation for transmission lines at levels below 66 kV is of little value to the Federal power marketing program. The burden on the power marketing agencies in processing applications for rights-of-way for transmission lines below 66 kV is unnecessary. No significant effect on the Federal power marketing program is anticipated because the capacity of transmission lines rated at 33 kV up to 66 kV is relatively small. Transmission lines at these voltages are now used primarily as subtransmission and, in some areas, for distribution service. These lower voltages are not generally suited for bulk power transmission by the Department of the Interior's power marketing agencies.

An environmental assessment of the proposed rule change has been made, and it is concluded that there will be no significant impact on the environment.

It has been determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A–107.

§ 251.52 [Amended]

Accordingly, it is proposed to amend 36 CFR Part 251 by deleting the number "33" and inserting in its place the number "66" in paragraphs (b) and (d) of § 251.52.

BOB BERGLAND,
Secretary.

APRIL 8, 1977.

[FR Doc.77–12411 Filed 4–28–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 720–7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Ventura County Air Pollution Control Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the Ventura County Air Pollution Control District Rules and Regulations which were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were received on December 13, 1972, July 25, 1973, July 19, 1974, October 23, 1974, November 3, 1975, April 21, 1976 and November 10, 1976. Regulations concerning Emergency Episodes, New Source Review, Vapor Recovery, and Stack Monitoring are not being considered in this notice, and will be the topic of separate FEDERAL REGISTER notices.

DATES: Comments may be submitted up to May 31, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco CA 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Attn: David Souten, San Francisco CA 94111, 415–556–7288.

SUPPLEMENTARY INFORMATION: The December 13, 1972, July 25, 1973, July 19, 1974, October 23, 1974, November 3, 1975, April 21, 1976 and November 10, 1976 submittals contained revisions to the following rules:

Rule 2, Definitions
Rule 3, Advisory Committee
Rule 4, Rules Supplemental
Rule 31, Public Disclosure of Data
Rule 32, Upset Conditions, Breakdown or Scheduled Maintenance
Rule 36, Circumvention
Rule 37, Source Recordkeeping and Reporting
Rule 40, Permit Fees
Rule 41, Hearing Board Fees
Rule 42, Schedule of Fees
Rule 43, Technical Reports
Rule 56, Open Fires
Rule 57, Combustion Contaminants—Specific
Rule 59, Oxides of Nitrogen Emissions
Rule 60, New Non-Mobile Equipment
Rule 65, Gasoline Specifications
Rule 66, Organic Solvents
Rule 72, New Source Performance Standards
Rule 73, National Emission Standards for Hazardous Air Pollutants
Rule 101, Sampling and Testing Procedures
Rule 104, Arrest Authority
Rule 110, Hearing Board—General
Rule 112, Contents of Petitions
Rule 113, Petitions for Variances
Rule 114, Appeal from Denial, Suspension or Conditional Approval
Rule 115, Petitions for Abatement Orders or Revocation of Permits
Rule 116, Failure to Comply with Rules
Rule 117, Answers
Rule 118, Dismissal of Petition
Rule 119, Place of Hearing
Rule 120, Notice of Hearing
Rule 121, Evidence
Rule 122, Official Notice
Rule 123, Decision
Rule 124, Abatement Order
Rule 125, Findings
Rule 126, Effective Date of Decision
Rule 127, Lack of Permit
Rule 128, Compensation — Hearing Board Members
Rule 129, Burden of Proof
Rule 200, Public Records
Rule 201, District's Request for Information
Rule 202, Inspection of Public Records—Disclosure Policy
Rule 203, Inspection of Public Records—Disclosure Procedures
Rule 204, Trade Secrets

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Relevant comments received on or before May 31, 1977 will be considered.

Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Ventura County Air Pollution Control District, 625 E. Santa Clara Street, Ventura, CA 93001.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

(Sec. 110 of the Clean Air Act as amended (42 U.S.C. 1857c–5).)

Dated: April 19, 1977.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77–12254 Filed 4–28–77;8:45 am]

[40 CFR Part 52]

[FRL 720–6]

REDESIGNATION OF NORTHERN CHEYENNE INDIAN RESERVATION FOR PREVENTION OF SIGNIFICANT DETERIORATION

Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this action is to propose for public comment approval of the request by the Northern Cheyenne Tribal Council to redesignate the Northern Cheyenne Indian Reservation in Montana to Class I under EPA's regulations for Prevention of Significant Deterioration (PSD). On March 7, 1977, after public hearing, the Northern Cheyenne submitted to EPA a proposal to reclassify the entire Northern Cheyenne Reservation to Class I. If the request is approved, the reservation would be designed as Class I for purposes of implementing the PSD regulation. Class I applies to areas in which practically any change in air quality levels would be considered significant.

DATES: Comments must be received on or before May 31, 1977. Proposed effective: If approved, the redesignation will be effective immediately.

ADDRESSES: Comments should be sent to: Louis W. Johnson, Chief, Planning and Operations Section, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295 (303–837–3711).

Copies of the analysis are available at:

U.S. Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80295.
U.S. Environmental Protection Agency, Re-329, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Louis W. Johnson, Chief, Planning and Operations Section (303–837–3711).

SUPPLEMENTARY INFORMATION: On December 5, 1974 (39 FR 42510), EPA promulgated regulations for the prevention of significant deterioration. The intent of these regulations is to prevent deterioration of existing air quality. The regulations provide, inter alia, for three classifications applicable to all lands in the United States, except those counties that pervasively exceed any national ambient air quality standard for sulfur oxides or suspended particulates. Associated with each classification are increments which represent the increase in air pollutant concentration that would be considered significant. Class I applies to areas in which practically any change in air quality would be considered significant; Class II applies to areas in which deterioration normally accompanying moderate well-controlled growth would be considered insignificant; and Class III applies to those areas in which deterioration up to the national standards would be considered insignificant. Under the regulation, all areas of the country were designated Class II initially, with provisions allowing states, Federal Land Managers, and Indian governing bodies to reclassify any area to accommodate the social, economic, and environmental needs and desires of the public.

The regulation is implemented through a preconstruction review pro-

gram affecting nineteen categories of major sources. Such sources cannot receive permission to construct if their emissions, together with emission changes since January 1, 1975, would violate the applicable increment.

On May 3, 1976, the Northern Cheyenne Tribal Council passed a resolution to redesignate the Northern Cheyenne Indian Reservation to Class I. The Tribal Council notified EPA and others of its intent in July, 1976, and made an analysis of the redesignation available to the public on December 14, 1976. Following a public hearing in Lame Deer, Montana, on January 17, 1977, the Tribe responded to all comments and formally submitted the request to EPA on March 7, 1977.

The EPA regulation for prevention of significant deterioration sets forth a number of procedural requirements and review criteria which must be met by any redesignation request if it is to be approved. The following is a brief discussion of these requirements and the actions taken by the Northern Cheyenne Tribal Council to meet them.

PUBLIC HEARING AND RATIONALE

Section 52.21(c)(3) requires that at least one public hearing be held in the area affected and that a discussion of the reasons for the proposed action be available for public inspection at least 30 days prior to the public hearing. The Tribal Council held a public hearing in Lame Deer, Montana, on January 17, 1977, and accepted comments submitted on or before January 31, 1977. The redesignation report prepared prior to the public hearing cited the following as reasons for their proposed action:

1. A desire to preserve the lifestyle of the reservation and the existing culture without disruption caused by further air quality deterioration.

2. Adverse effects on human health caused by further degradation of air quality. The report cites the existing high rate of respiratory illness among residents of the reservation.

3. Impacts of further air quality degradation on the growth of vegetation, especially the ponderosa pine forests.

4. Potential impacts on visibility of further air quality degradation.

NOTIFICATION OF AFFECTED PARTIES

Section 52.21(c)(3) further requires that states which may be affected by the proposed redesignation be notified at least 30 days prior to the hearing. In July and August, 1976, the Northern Cheyenne Tribal Council notified all government offices that might be affected by the proposed redesignation, including numerous federal agencies, the Governor of Montana, the Montana Department of Health and Environmental Sciences, and the Governor of Wyoming.

REQUIRED CONSIDERATIONS

The regulation requires that the proposed redesignation be based upon the record of the public hearing including consideration of growth, social, economic and environmental effects and the impact on national or regional interests. There were 43 verbal and written statements regarding the proposed redesignation. The majority of the statements supported the redesignation. Many provide specific support for the social, health, and economic arguments favoring measures to minimize air quality deterioration as much as possible. There were also a number of comments presented after the hearing expressing concerns of the impact of the proposed redesignation on energy development in areas surrounding the reservation. The analysis presented by the Tribal Council responds to each of the comments presented during and following the hearing.

There were two major issues related to the impact of the redesignation upon utilization of energy resources. First, there were several comments expressing concerns of the impacts on coal mining in the areas surrounding the reservation. As discussed above, the PSD regulation is implemented through a program of preconstruction review of major new sources that fall into one of nineteen source categories. Since coal mining is not one of the nineteen source categories requiring preconstruction review, and hence would not require a PSD construction permit, redesignation of the Northern Cheyenne Reservation would not directly affect mining either on the reservation or in areas adjacent to the reservation.

The second issue is related to the actual use of the energy resources in areas adjacent to the reservation. This is a legitimate concern and it is likely that coal-fired power plants and coal conversion facilities would be impacted at least to the extent that their impact on the Class I increment would affect decisions on siting and pollution control equipment.

The analysis submitted with the request predicts the impacts of several energy utilization scenarios on air quality levels on the reservation, and indicates that facilities located near the reservation would violate the Class I increment within reservation borders.

CONSULTATION

The regulation requires that where an Indian governing body proposes reclassification, such proposal be made following consultation with the State in which the reservation is located and with elected leadership of sub-State governments in the area proposed for redesignation. This requirement has been met by the Northern Cheyenne. They have coordinated their efforts with the Montana Department of Health and Environmental Sciences and received assistance from that Department in predicting the impact of the various energy development scenarios on air quality levels on the reservation. Additionally, the July and August notifications went to sub-State governments and requested them to provide information pertaining to the redesignation.

INTERIOR APPROVAL

The final requirement is that, for Indian lands held in trust, the approval of the Secretary of Interior must be given. On March 21, 1977, EPA received a letter from the Bureau of Indian Affairs in Lame Deer, Montana, who, representing the Secretary of the Interior, gave the Department's endorsement of the Tribal resolution. There may be some question as to whether that letter satisfies the procedural requirement stated above. EPA is seeking further clarification before reaching a final decision.

The regulation provides that EPA would approve a redesignation request unless the Administrator determines that: (i) The procedural requirements have not been met, or (ii) the Indian governing body has arbitrarily or capriciously disregarded the relevant considerations required. EPA's preliminary judgment is that, with the possible single exception discussed above, the Northern Cheyenne Tribal Council has complied with all of the requirements of the regulation, have not acted arbitrarily or capriciously in their action, and have properly considered regional and national interests.

Interested parties are invited to comment on the proposal with respect to the two review criteria discussed above. All comments received on or before (30 days following publication) will be accepted for consideration.

AUTHORITY: Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: April 20, 1977.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.77-12319 Filed 4-28-77;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control, Pima County Rules and Regulations, State of Arizona

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Through this notice EPA proposes to approve the Air Quality Maintenance Area (AQMA) Analysis and Plan entitled "AQMA Analysis for Photochemical Oxidants and Plan for Attainment and Maintenance of the Oxidant Standard in Pima County, Arizona". This AQMA analysis and plan was prepared by the Pima County Air Quality Control District and submitted by the State of Arizona to EPA as a revision to the State Implementation Plan (SIP) on January 10, 1977. The plan provides for the attainment of the oxidant standard and for maintenance of that standard through 1995.

COMMENT DATE: May 31, 1977.

ADDRESSES: Send comments to:

Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch (A-4), EPA Region IX, 100 California Street, San Francisco, CA 94111.

AVAILABILITY OF DOCUMENTS: Copies of the AQMA analysis and plan, the EPA Evaluation Report, and this FEDERAL REGISTER notice are available for public inspection during normal business hours at the EPA Region IX Library at the above address and at the following locations:

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.
Arizona Department of Health Services, Bureau of Air Pollution Control, 1740 West Adams Street, Phoenix, Arizona 85007.
Pima County Health Department, Air Quality Control District, 151 West Congress Street, Tucson, Arizona 85701.

FOR FURTHER INFORMATION CONTACT:

Richard Hennecke (415) 556-7720.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 9, 1973 (38 FR 6279) EPA disapproved the Arizona SIP with respect to maintenance of the National Ambient Air Quality Standard (NAAQS). Following this action, the State identified metropolitan Tucson as an AQMA. This designation is based on an analysis which indicates that the NAAQS for photochemical oxidants in the Tucson area will not be maintained by the present SIP throughout the period 1975 through 1985. On September 9, 1975 EPA formally designated Tucson as an AQMA for photochemical oxidants and on July 12, 1976 formally requested that the State submit an AQMA analysis and plan as a SIP revision by December 1, 1976. This Air Quality Maintenance Plan must provide for the attainment of the NAAQS and also provide for the maintenance of the NAAQS through 1995.

On October 21, 1976 the Pima County Air Quality Control District submitted to the Arizona Department of Health Services an AQMA analysis and plan as a proposed SIP revision. The State held a public hearig on he proposed SIP revision November 23, 1976 in Tucson. Testimony presented at that hearing is available for inspection at the Bureau of Air Quality Control, Division of Environmental Health Services in Phoenix. The AQMA was subsequently adopted by the State as a SIP revision and submitted to EPA on January 10, 1977.

DISCUSSION OF ACTION

The proposed SIP revision consists of an AQMA analysis and AQMA plan for photochemical oxidants. The AQMA analysis extends from the base year 1973 through the year 2000. The AQMA plan is comprised of four control measures:

1. Vehicular Inspection and Maintenance;
2. Computerized Traffic Signal System;
3. Mass Transit Improvements; and
4. Carpooling.

All of the above measures have been implemented, and in conjunction with the Federal vehicle emission standards, are projected to attain the NAAQS in 1982 and to maintain the NAAQS through 1998. Maintenance of the NAAQS after that date may require additional controls such as vapor recovery on fuel handling and storage facilities.

The AQMA plan also contains a procedure for monitoring the effectiveness of each of the adopted control measures on an annual basis to ensure that the necessary reduction in hydrocarbon emissions in fact does occur.

Adoption of the AQMA analysis and plan was in conformance with the procedural requirements of 40 CFR 51.4 for a thirty-day notice by prominent advertisement of the public hearing on the proposed analysis and plan, that the proposed analysis and plan were made available for public inspection, and that the appropriate Federal, State, and local agencies were notified at least thirty days prior to the hearing.

EPA has reviewed the analysis and plan for their consistency with the requirements of the Clean Air Act and 40 CFR Part 51, particularly Subpart D, Maintenance of National Ambient Air Quality Standards, and has determined that the analysis and plan do not conflict with those requirements. Therefore, the Regional Administrator proposes approval of the AQMA analysis and plan as submitted.

AUTHORITY

Section 110, Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: April 19, 1977.

PAUL DE FALCO, Jr.
Regional Administrator.

[FR Doc.77-12321 Filed 4-28-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 168]

GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS: PROCEDURES FOR THE LIMITATION, SUSPENSION, OR TERMINATION OF INSTITUTIONAL ELIGIBILITY FOR PROGRAMS UNDER TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

Proposed Rulemaking

Correction

In FR Doc. 10127, appearing at page 18743, in the issue for Friday, April 8, 1977, on page 18747, change the third line of § 168.83(b) which now reads, "instatement of its eligibility before the," to read as follows: "instatement. The request must be in."

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Chapter II]

PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

AGENCY: Maritime Administration, DOC.

ACTION: Proposed rulemaking.

SUMMARY: The Maritime Administration proposes to prescribe regulations to be published in Subchapter C of 46 CFR Chapter II, concerning the eligibility and other requirements for the carriage of oil from its source in Alaska in the domestic trade of the United States by vessels which were built with construction-differential subsidy (CDS).

DATES: Comments must be received on or before May 13, 1977.

ADDRESS: Send comments to the Secretary, Maritime Administration, Washington, D.C. 20230. All comments will be made available for public inspection during normal business hours in Room 3099-B, Department of Commerce.

FOR FURTHER INFORMATION CONTACT:

James S. Dawson, Jr., Secretary, Maritime Administration, Washington, D.C., 20230. 202-377-2188.

SUPPLEMENTARY INFORMATION: It is anticipated that within one month after completion of the Trans Alaska Pipeline, scheduled for June 1977, oil from the North Slope of Alaska will have begun flowing through the pipeline, and will be available for shipment by water in the domestic trade of the United States. Under section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 833) merchandise may be carried in such trade, either directly or via a foreign port, only on vessels built in the United States and owned by persons who are citizens of the United States. However, if any such vessel has been constructed with CDS assistance pursuant to Title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1294), "to be used in the foreign commerce of the United States," the written consent of the Secretary of Commerce is required for temporary employment of that vessel in the domestic trade (not to exceed six months in any year). The purpose of these proposed regulations is to prescribe rules of eligibility for participation by CDS vessels in the carriage of Alaskan oil in the United States domestic trade, with the primary consideration by the Assistant Secretary of Commerce for Maritime Affairs being that the vessel requirements for such carriage of Alaskan oil are satisfied after utilization of suitable available unsubsidized vessels.

[1] PART ____—PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Sec.
____.1 Purpose.
____.2 Definitions.
____.3 Applications.
____.4 Approval.
____.5 Extent of participation.
____.6 CDS repayment, ODS termination.

[1] Part 250 or 252 requested.

AUTHORITY: Part ____ is issued pursuant to Sections 204(b) and 506, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b) and 1156), Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973)

§ ____.1 Purpose.

This part prescribes regulations implementing section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156), with respect only to the conditions for approval of participation by vessels built with CDS, pursuant to authority of Title V of that Act, in the carriage of oil from Alaska in the domestic trade of the United States.

§ ____.2 Definitions.

For the purpose of this part—

(a) "Act" means th Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1294)

(b) "CDS" means construction-differential subsidy, as provided for in Title V of the Act.

(c) "Competitor" means any owner or operator of an American-flag vessel, that has been built or is being constructed without CDS, and is eligible for operation in the domestic trade, pursuant to section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883).

(d) "Assistant Secretary" means the Assistant Secretary of Commerce for Martime Affairs, or his authorized representative to whom is duly delegated the authority, from time to time, to perform the functions of the Assistant Secretary.

§ ____.3 Applications.

The owner or bareboat charterer of a tank vessel built with CDS may make application to the Assistant Secretary for permission to carry oil from Alaska in the domestic trade of the United States. A separate application shall be required with respect to each vessel for which the applicant seeks approval for such carriage of Alaskan oil, and shall disclose the following information:

(a) The name and description of the vessel and the MA/MSB contract numbers relating to CDS;

(b) The number of voyages and length of time the vessel would operate in the trade; and

(c) A statement that, to the applicant's knowledge, suitable vessels owned or operated by a competitor would not be available for the prospective voyage or voyages.

§ ____.4 Approval.

(a) *Time limits, protest procedure.* The Assistant Secretary shall publish in the FEDERAL REGISTER notice of receipt of each application. The Assistant Secretary shall consider a protest of an application by a competitor, if the protest is in writing, states facts which show cause why the Assistant Secretary should deny the application, and is received by the Assistant Secretary within five days after the date of publication in the FEDERAL REGISTER of the application notice. The Assistant Secretary shall make a determination with respect to each application within five working days after expiration of the notice period.

(b) *Requisite findings.* The primary consideration of the Assistant Secretary in approving an application shall be to satisfy the vessel requirements for the carriage of Alaskan oil in the domestic trade of the United States, after utilization of suitable available unsubsidized vessels. An application will ordinarily be granted in the case of physical unavailability of suitable vessels of competitors within the time reasonably required to assure the orderly shipment of Alaskan oil. The Assistant Secretary shall approve an application made under this Part only after determining:

(1) The grant of the application would not be unduly prejudicial to competitors and is consistent with the purposes and policies of the Act; or

(2) That the reasons for granting the application outweigh any adverse impact on competitors.

(c) *Actions.* The Assistant Secretary's determinations shall include or be accompanied by a concise statement of the reasons for the action taken.

§ ____.5 Extent of participation.

Pursuant to section 506 of the Act, the Assistant Secretary shall not approve an application where the result would be to allow a vessel of the applicant to participate in the trade for a period exceeding six months in any consecutive 12-month period commencing with the entry date of the applicant's vessel for the carriage of Alaskan oil in the domestic trade of the United States.

§ ____.6 CDS repayment; ODS termination.

Pursuant to section 506 of the Act, the owner of each vessel subject to the provisions of this Part 250 shall pay to the Secretary an amount which bears the same proportion to the CDS paid by the Secretary of Commerce as the temporary period of operation in the trade bears to the entire economic life of the vessel. No operating-differential subsidy shall be paid for the operation of such vessel for such temporary period.

AUTHORITY: Part ____ is issued pursuant to sections 204(b) and 506, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b) and 1156), Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by P.L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

By order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

Dated: April 22, 1977.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.77-12270 Filed 4-28-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21211; RM-2715]

FM BROADCAST STATIONS IN KNOXVILLE, CLINTON, SWEETWATER, AND CLEVELAND, TENNESSEE

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making and Order to Show Cause.

SUMMARY: Notice of Proposed Rule Making and Order to Show Cause to assign FM Channel 282 to Knoxville, Tennessee, as that community's fourth commercial FM assignment. The assignment complies with the Commission's population criteria which provides for four to six FM channels for communities of over 100,000, and would requre substitution of one unused and two occupied channels in order to meet spacing requirements. Comments are sought on reimbursement for channel changes and the possible preclusion of future assignments to La Follette, Tennessee.

COMMENT DATES: Comments are to be filed on or before June 6, 1977, and reply comments on or before June 27, 1977.

ADDRESSES: Send Comments to Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: April 21, 1977.

Released: April 28, 1977.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Knoxville, Clinton, Sweetwater, and Cleveland, Tennessee) by the Chief, Broadcast Bureau:

1. The Commission has been petitioned by James F. Stair, II and Hillery K. Duckett, II, to assign FM Channel 282 to Knoxville, Tennessee (1970 pop. 174,587), as that community's fourth commercial FM assignment. The requested assignment would require substitution of one unused and two occupied channels in order to meet the Commission's separation requirements. The required changes are Channel 237A for vacant Channel 252A at Cleveland, Tennessee; Channel 252A for 237A (WDEH-FM) at Sweetwater, Tennessee; and Channel 237A for 285A (WYSH-FM) at Clinton, Tennessee. The petition is opposed by Multimedia, Inc. ("Multimedia"), licensee of WBIR, WBIR-FM, and WBIR-TV, of Knoxville; South Central Broadcasting Corporation ("South Central"), licensee of WEZK(FM), at Knoxville; and Clinton Broadcasters, Inc. ("Clinton") licensee of WYSH and WYSH-FM, Clinton, Tennessee. Two applications for a construction permit on vacant Channel 252A at Cleveland have been accepted for filing by the Commission: Thomason Broadcasting, Inc., File No. BPH-10093; and Bradley Enterprises, Inc., File No. BPH-10346. The cut-off date for filing competing applications for this channel has passed.

2. In support of the proposal, petitioners state that Knoxville, the seat of Knox County (1970 pop. 276,293), is the metropolitan hub of East Tennessee and a leading trade and manufacturing center of the South. It is near the Great Smoky Mountains National Park and surrounded by five lakes. The main campus of the University of Tennessee and headquarters of the Tennessee Valley Authority are located in Knoxville. Petitioners detail other social, economic, and historical information, stating that Knoxville is endowed with industry, finance, transportation, education, cultural activities, print and visual media, but lacks sufficient FM broadcast radio services.

3. Petitioners tell us that Knoxville is served by two daily newspapers and several weekly publications. Three commercial and one noncommercial television stations are currently licensed to Knoxville, and a cable TV system is now under construction. The city has nine AM radio stations, three commercial Class C FM stations, and two noncommercial educational FM stations. Of the three FM stations, one is affiliated with a Knoxville television station, one with a television and AM station, and the third with an AM station. Petitioners also point to the fact that only one of these FM stations is locally owned.

4. Petitioners show that Knoxville's 1970 Census population of 174,587 is a 57% increase over its 1960 population. A 1975 estimate places the population at 184,400 and the 1985 population at 194,445. Petitioners direct our attention to the Commission's 1962 population criteria for the assignment of FM channels, set forth in paragraph 4 of the Further Notice of Proposed Rule Making, Docket No. 14185, FCC 62-867, and incorporated by reference in paragraph 25 of the Third Report, Memorandum Opinion and Order, 23 R.R. 1859, 1871 (1963). Those criteria specify that a city with a population of 100,000 or over may be allotted four to six FM channels. Petitioners also point to dictum in Greenville, Kentucky (Report and Order), Docket 19074, FCC 72-46 (1972), in which the Commission recognized at n. 12 that Knoxville is entitled to more than its present three commercial FM channels on the basis of the population criteria.

5. Petitioners propose to add Channel 282, which would require the change of three other assignments and state their intent to promptly apply for the channel if assigned, and to construct a station if authorized. Two potential transmitter sites are mentioned by petitioners, but one would not meet the Commission's minimum separation requirements contained in § 73.207 of the Rules because it would be short-spaced to adjacent Channel 285A at Waynesville, North Carolina. See also § 73.208(a)(4). Petitioners state that this site is the preferable one due to coverage and accessibility and ask for a waiver of the spacing rule on the basis of terrain shielding by mountains separating Knoxville and Waynesville.

6. The Commission has decided to adhere, essentially without exception, to its FM separation requirements, finding that the benefits from individual waivers would not outweigh the costs of disrupting a coherent nationwide assignment plan. Portland, Tennessee, 35 F.C.C. 2d 601 (1972). Nothing offered here provides the basis for concluding that this case warrants exceptional treatment. Therefore, petitioners' preference for the sport-spaced site cannot be controlling, especially since there would be no first or second new service provided by this proposal. However, the second proposed site, on Comb Ridge, complies with the minimum separation requirements of § 73.207 and the minimum field intensity requirements of § 73.315 of the FCC rules. Therefore, petitioners have made the transmitter site availability showing of § 73.208(a)(4). Petitioners state that there would be some shadowing in Knoxville from the short-spaced site, but no statement is made regarding the Comb Ridge site. We would expect petitioners to submit in comments a pictorial showing of the Knoxville area so that it would be possible to determine if it would be subject to shadowing.

7. Preclusion of future assignments by this proposal would affect Channel 282 only in a small area in the vicinity of Comb Ridge, and Channel 285A in a larger area which includes the community of La Follette, Tennessee (1970 pop. 6,902, 1960 pop. 6,204). La Follette is assigned Channel 288A, but that channel is used in Oneida, Tennessee, which is almost 25 miles away. A Commission study indicates that no other channels are available for La Follette without changing other assignments. High among the Commission's priorities in FM channel assignments is the provision of first local broadcast service to small communities. Therefore we are very much concerned that the proposed fourth FM service to Knoxville may preclude La Follette from obtaining its first local FM service in the future. We shall therefore give consideration to comments and any solutions put forth which address the La Follette preclusion issue.

8. Opposition comments, filed by Multimedia, Inc. ("Multimedia"), licensee of WBIR, WBIR-FM and WBIR-TV, Knoxville, contend that a Channel 282 signal at Knoxville would interact with the existing educational Channel 220 signal of Station WUOT to produce a harmonic frequency falling in the visual band of TV Channel 10, assigned to Multimedia's station WBIR-TV. Multimedia asserts that serious interference would result to the reception of WBIR-TV's signal which is not susceptible to technical correction. Petitioners counter that four other possible combinations are now present in the Knoxville area from existing stations that would create a harmonic in the Channel 10 TV band, one of which is Multimedia's Station WBIR-FM (Channel 278) and WUOT (Channel 220). Multimedia does not address the existence of interference from the present operations, and without this information, it is not possible to conclude that there is a likelihood of future problems.

9. South Central Broadcasting Corporation ("South Central"), licensee of WEZK(FM), Knoxville, Tennessee, raises several objections to the proposed assignments. South Central argues that Knoxville is adequately provided with aural services, including those from Class C FM stations at Oak Ridge and Sevierville, Tennessee, which provide coverage of Knoxville. South Central attacks petitioners' engineering showing because it is based upon a superseded FM propagation chart (deleted from the Commission's rules August 1, 1975, see § 73.333), and upon an assumption of circular coverage area in the mountainous terrain of the Knoxville area. Finally, South Central argues that the reguired disruption by channel substitutions is not justified by the less than maximum facility likely at the undeveloped Comb Ridge site. Petitioners respond that stations in adjacent communities are not substitutes for local service, that Knoxville's population justifies an additional assignment, and that while the Comb Ridge site has no adequate access road or electrical power source at this time, it is nonetheless usable.

10. We agree with petitioners that service from stations in other cities is not a substitute for the service which would be provided by an additional Knoxville station. Use of the correct chart shows that such a station would be able to provide the required signal level to Knoxville as required by our rules, and since we have already determined that no first or second service would be provided from Comb Ridge, the contour location is otherwise not of decisional significance here. We require only that petitioners make a showing of an available transmitter site which meets our separation requirements. Petitioners have made such a showing with regard to the Comb Ridge site.

11. Clinton Broadcasters, Inc. ("Clinton"), licensee of WYSH and WYSH-FM, Clinton, Tennessee, submitted an untimely response on August 20, 1976. Responses to the petition were due July 29, 1976, and replies August 13, 1976. (§ 1.405, FCC Rules.) Clinton gives no explanation for the late filing and petitioners have moved that it not be considered in this proceeding. The thrust of Clinton's filing is that it is opposed to the change from Channel 285A to 237A for its FM station that would be required by the proposal. Clinton states that it has just completed a major change in its FM operations by increasing tower height and transmitter power, that the resulting increase in coverage area has been widely publicized, and that a frequency change would be disruptive and confusing to its listeners. Clinton also contends that slight interference may be

caused to a Channel 237A station at Clinton from the second adjacent Channel 235 at Greenville, Tennessee (WOFM), even though there would be no short-spacing. Clinton's comments are not crucial to our consideration of the petitioners' proposal at this preliminary stage of the proceeding. Clinton will have ample time to present its arguments to the Commission during the comment and reply comment periods following issuance of a Notice of Proposed Rule Making.

12. Accordingly, we find that all of the objections necessary to consider have been answered sufficiently to remove any obstacle to our consideration of petitioners' proposal in rule making. The question still to be resolved is whether the public benefit in providing Knoxville with a new FM service, a step which is consistent with our population criteria, is warranted under the facts of this case. In particular, we refer to the preclusion at La Follette and the proposed channel substitutions at Clinton and Sweetwater where reimbursement for frequency changes would be expected from the grantee of any new FM assignment authorized at Knoxville.

13. Therefore, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as follows for the below named communities:

City	Channel No.	
	Present	Proposed
Knoxville, Tenn.	248, 278, 299	248, 278, 282, 299
Clinton, Tenn.	285A	237A
Sweetwater, Tenn.	237A	252A
Cleveland, Tenn.	252A	[1] 237A

[1] Applicants for channel 252A would be required to amend their applications to specify the new channel if channel 237A is substituted at Cleveland.

14. It is ordered, That, pursuant to section 316 of the Communications Act of 1934, as amended, Sweetwater Radio, Inc., licensee of Radio Station WDEH–FM, Sweetwater, Tennessee, shall show cause why its license for Station WDEH–FM (Channel 237A) should not be modified to specify operation on Channel 252A in lieu of Channel 237A at Sweetwater, Tennessee.

15. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WDEH–FM may, not later than June 6, 1977, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Sweetwater Radio, Inc. may not later than June 6, 1977, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Sweetwater Radio, Inc. to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Sweetwater Radio, Inc. is deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes referred to in paragraph 13 above are found to be in the public interest.

16. It is further ordered, That, pursuant to Section 316 of the Communications Act of 1934, as amended, Clinton Broadcasters, Inc., licensee of Radio Station WYSH–FM, Clinton, Tennessee, shall show cause why its license for Station WYSH–FM (Channel 285A), should not be modified to specify operation on Channel 237A in lieu of Channel 285A at Clinton, Tennessee.

17. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station WYSH–FM may, not later than June 6, 1977, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Clinton Broadcasters, Inc. may, not later than June 6, 1977, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Clinton Broadcasters, Inc. to furnish additional information, designate the matter for hearing, or issue without further proceedings an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Clinton Broadcasters, Inc. is deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes referred to in paragraph 13 above are found to be in the public interest.

18. *It is further ordered*, That, the Secretary of the Commission shall send a copy of this Order by certified mail, return receipt requested, to Sweetwater Radio, Inc., Radio Station WDEH–FM, c/o R. L. Sherlin, North Main Street, Sweetwater, Tennessee, 37874; and Clinton Broadcasters, Inc., Radio Station WSYSH–FM, c/o George R. Gueryin, P.O. Box 70, Morristown, Tennessee, 37814, the parties to whom the Orders to Show Cause are directed.

19. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

20. Interested parties may file comments on or before June 6, 1977, and reply comments on or before June 27, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and § 0.281(b)(6) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.77-12334 Filed 4-28-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 285]

ATLANTIC TUNA FISHERIES

Bluefin Tuna Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: National Oceanic and Atmospheric Administration amends its regulations on fishing for Atlantic bluefin tuna based on the recommendation of the Commission for the Conservation of Atlantic Tunas (ICCAT). The amendments are needed because additional fishing effort for Atlantic bluefin tuna has increased the risk of exceeding the annual quotas for these fish. The intended effect of these amendments is to ensure that fishing mortality of Atlantic bluefin tuna is limited to 1975 levels.

DATES: Hearing: May 16, 1977, 9:00 a.m.; submit comments on or before May 27, 1977.

ADDRESS: Hearing: The Holiday Inn, Peabody, Massachusetts; Send comments to: Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

FOR FURTHER INFORMATION CONTACT:
Mr. William G. Gordon, 617/281–3600 ext. 200 at the above address.

SUPPLEMENTARY INFORMATION: Since the time the recommendations concerning Atlantic bluefin tuna went into effect on August 10, 1975, significant progress has been made by ICCAT members in adopting measures implementing the recommendations of the Commission. In countries where domestic procedures for promulgating regulations implementing the recommendations have not been completed, the recommendations have been observed on a voluntary basis.

In order to more effectively implement the Commission's recommendations several changes in the Atlantic bluefin tuna regulations are being proposed. Because of numerous editorial changes the entire Subpart B of the Atlantic bluefin tuna regulations are reprinted, including all of the several proposed changes.

The major changes are as follows:

1. Provisions that these regulations are effective until amended or repealed (§ 285.10).

2. Opening of the season for taking giant tuna, those weighing in excess of 300 pounds round weight, by purse seine on September 1 (§ 285.12).

3. Provisions establishing a special scientific and tagging quota for Atlantic bluefin tuna weighing between 115 and 300 pounds round weight (§ 285.13).

4. Provisions that vessel certificates issued for 1977 will remain valid until returned to the Regional Director or until the vessel otherwise leaves the fishery or changes ownership (§ 285.20).

5. Provisions prohibiting the catching and releasing of tuna without tagging the tuna with tags obtained from the NMFS (§ 285.21).

6. Provisions to allocate the purse seine quotas on a vessel basis (§ 285.16).

7. Provisions restricting the kind of purse seine net allowed in the fishery (§ 285.15).

8. Provisions requiring a port inspection of purse seine vessels by a particular date and in a particular place (§ 285.16) and requiring purse seine vessel inspection prior to offloading (§ 285.18).

9. Provisions requiring that purse seine vessels reports be made to the Regional Director when the vessel has achieved its assigned quota (§ 285.18).

10. Numerous editorial changes have been made for the purpose of improving readability and understanding of the regulations.

Issued in Washington, D.C. April 22, 1977

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

Sec.
285.10 Effective period of regulations.
285.11 Authorized fishing.
285.12 Open and closed seasons.
285.13 Quotas.
285.14 Incidental catch.
285.15 Gear restrictions.
285.16 Purse seine vessel allocations.
285.17 General restrictions.
285.18 Reporting requirements.
285.19 Presumptions.
285.20 Certification.
285.21 Tag and release permits.

AUTHORITY: Atlantic Tuna Conventions Act of 1975, Pub. L. 94–70, 16 U.S.C. 971–971h.

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

§ 285.10 Effective period of regulations.

These regulations shall remain in force until superseded, amended, or otherwise suspended.

§ 285.11 Authorized fishing.

Fishing for Atlantic bluefin tuna that weigh between 14 pounds and 115 pounds round weight or in excess of 300 pounds round weight, by persons or fishing vessels subject to the jurisdiction of the United States, is authorized in the regulatory area only during open seasons. Fishing for Atlantic bluefin tuna that weigh less than 14 pounds round weight or in excess of 115 pounds round weight, but less than 300 pounds round weight, by persons or fishing vessels subject to the jurisdiction of the United States is not authorized at any time in the regulatory area except, however, as provided for in § 285.13 of this Subpart B. However, Atlantic bluefin tuna that weigh less than 14 pounds or in excess of 115 pounds round weight, but less than 300 pounds round weight, may be taken incidentally in the course of fishing in the regulatory area by persons or fishing vessels subject to the jurisdiction of the United States but only in the manner and in the numbers or weights, as the case may be, as set forth in § 285.14.

§ 285.12 Open and closed seasons.

(a) The seasons for the taking of Atlantic bluefin tuna shall be closed when the Director or his representative announces such closing through direct or indirect communication with participants in the fishery or by announcement in the FEDERAL REGISTER.

(b) The season for taking Atlantic bluefin tuna weighing in excess of 300 pounds round weight, by purse seining, shall begin on September 1.

(c) The season for taking Atlantic bluefin tuna weighing between 14 and 115 pounds round weight, by purse seining, shall begin on the date such vessel allocations have been made pursuant to § 285.16.

(d) The season for taking Atlantic bluefin tuna, other than as specified in paragraphs (b) and (c) of this section shall commence on January 1.

§ 285.13 Quotas.

(a) Purse seining:

(1) The total annual seine quota for Atlantic bluefin tuna that weigh between 14 pounds round weight and 115 pounds round weight is 1,000 short tons. Of this total annual quota of 1,000 short tons, 800 short tons may be taken during the open season and 200 short tons are reserved to be taken at any time during the year incidental to the conduct of a scientific bluefin tuna tagging project. Such tagging efforts shall be conducted under the direct supervision of the Center Director Southeast Fisheries Center (SEFC), National Marine Fisheries Service (NMFS), Miami, Florida, or his representative and shall involve no more than four (4) purse seine vessels and associated crews to be selected by the Center Director or his representative.

(2) A special scientific quota not to exceed 25 short tons of Atlantic bluefin tuna is established for the purposes of obtaining age, sex, and other scientific research data, and for the tagging of Atlantic bluefin tuna weighing between 115 and 300 pounds round weight. Such research activity shall be conducted under the direct supervision of the Center Director, Southeast Fisheries Center, NMFS, or his representative.

(3) The total annual seine quota for Atlantic bluefin tuna that weigh in excess of 300 pounds round weight is 180 short tons.

(b) Fishing by other than purse seining:

(1) The total annual quota of Atlantic bluefin tuna which weigh in excess of 300 pounds round weight is 2,000 tuna. Each vessel fishing for Atlantic bluefin tuna with gear other than a purse seine may land no more than one (1) Atlantic bluefin tuna weighing over 300 pounds round weight each day through August 13. After August 13 no more than seven such tuna may be landed in any week, Sunday through Saturday, until the quota has been reached.

(i) Of this total annual quota of 2,000 Atlantic bluefin tuna, no more than 1,850 tuna may be taken north and east of a line drawn from a point on the southern coast of Massachusetts extending south through Gay Head Light, Massachusetts, into the Atlantic Ocean and no more than 150 tuna may be taken from waters west of said line, including the waters of Narragansett Bay.

(ii) Of this 1,850 Atlantic bluefin tuna allocation, 100 such tuna may be reserved for a scientific research program designed to identify the distribution and abundance of Atlantic bluefin tuna in the Northwest Atlantic. Such research shall be conducted in close cooperation with the Center Director, SEFC, but under the direct supervision of the Northeast Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts, or his representative and shall take place at his discretion.

(2) In lieu of an annual quota, a daily bag limit of four (4) Atlantic bluefin tuna per person is authorized for persons who fish for Atlantic bluefin tuna which weigh between 14 pounds round weight and 115 pounds round weight.

(c) When the quota for a particular class of Atlantic bluefin tuna has been reached, the Director shall, in accordance with § 285.12 close the season for Atlantic bluefin tuna of that class, provided, however, that anglers may continue a tag and release program pursuant to § 285.21.

§ 285.14 Incidental catch.

(a) Purse seine vessels fishing for Atlantic bluefin tuna weighing more than 300 pounds round weight may take incidentally, during any trip, Atlantic bluefin tuna weighing less than 300 pounds round weight, provided that the amount of such tuna taken shall not exceed 3 percent, by weight, of the total amount of Atlantic bluefin tuna onboard the vessel. Purse seine vessels fishing for Atlantic bluefin tuna weighing more than 14 pounds round weight but less than 115 pounds round weight may take incidentally, during any trip, Atlantic bluefin tuna outside said weight class, provided that the amount of such tuna taken shall not exceed 3 percent, by weight, of the total amount of Atlantic bluefin tuna onboard the vessel.

(b) Persons angling for Atlantic bluefin tuna, which weigh between 14 pounds round weight and 115 pounds round weight, may include in their daily bag limit one Atlantic bluefin tuna less than 14 pounds round weight and one Atlantic bluefin tuna greater than 115 pounds round weight, but less than 300 pounds round weight, provided, however, that in no case may the daily bag limit of 4 Atlantic bluefin tuna, as specified in § 285.13(b)(2), be exceeded.

(c) Persons or fishing vessels subject to the jurisdiction of the United States fishing principally for species of fish other than Atlantic bluefin tuna, except operators of traps, may take, during any trip, Atlantic bluefin tuna, provided that the amount of Atlantic bluefin tuna taken does not exceed 1 percent, by weight, of all other fish onboard the vessel and provided further, that such vessels have been issued an Atlantic bluefin tuna certificate pursuant to this subpart. Operators of traps may retain Atlantic bluefin tuna taken incidentally in these operations, provided that said tuna do not exceed 2 percent, by weight, of the total amount of all other fish species taken within the preceding 30-day period.

(d) All Atlantic bluefin tuna taken incidentally shall be included in the appropriate quotas set forth in § 285.13.

§ 285.15 Gear Restrictions.

It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to engage in a directed fishery for Atlantic bluefin tuna with nets, other than a trap net, if such net has a mesh size larger than 4.5 inches in the main body and 8 inches in the selvedge (stretched when wet), or has less than 30 count thread anywhere in the net.

§ 285.16 Purse seine vessel allocations.

(a) Each purse seine vessel, certified under § 285.20, shall receive a specific allocation of Atlantic bluefin tuna, for each weight class of tuna. Each such vessel allocation shall be determined by prorating the quota, on an equal basis, among all of the purse seine vessels certified under § 285.20. Such vessel allocations shall be determined separately for each weight class for which a purse seine quota has been established under § 285.13.

(b) In order to receive an allocation, all applications for a certificate to fish for Atlantic bluefin tuna must be received no later than June 15. Any application received after June 15 will not be considered for an allocation. All allocations will be assigned by June 22, except as provided for in paragraphs (c) and (d) of this section.

(c) Purse seine vessels that have been assigned an allocation of Atlantic bluefin tuna weighing between 14 and 115 pounds round weight, pursuant to this section, must enter the port of Norfolk, Virginia, or New Bedford, Massachusetts, to be inspected by an Agent of the NMFS, prior to entering the fishery. It shall be considered that any such vessel which has not been inspected prior to July 1 does not intend to utilize its assigned vessel allocation, and such allocation shall be reassigned on an equal basis, to those vessels satisfying the inspection requirements of this Subsection. Such reallocation will be made and assigned by July 5.

(d) Purse seine vessels that have been assigned an allocation of Atlantic bluefin tuna weighing in excess of 300 pounds round weight pursuant to this section must enter the port of New Bedford, Massachusetts, prior to September 1 to be inspected by an agent of the NMFS. It shall be considered that any such vessel which has not been inspected prior to September 1 does not intend to utilize its assigned vessel allocation and such allocation shall be reassigned, on an equal basis, to the remaining certified vessels. Such reallocation will be made and assigned no later than September 5.

(e) It shall be unlawful for any purse seine vessel to catch and retain more than its assigned allocation for each weight class.

(f) All vessels entering one of the ports, specified in paragraph (c) and (d) of this section, for the purpose of inspection by a NMFS agent, shall notify the Regional Director at least 48 hours prior to arrival in such port.

§ 285.17 General restrictions.

(a) It shall be unlawful for any person, master or operator of any fishing vessel subject to the jurisdiction of the United States to land any Atlantic bluefin tuna in other than the whole round form.

(b) It shall be unlawful for any person to submit an application for a vessel certificate, under § 285.20, unless such vessel is capable of travelling to and from the fishing ground under its own power, and is capable of landing Atlantic bluefin tuna with no assistance from other vessels.

(c) It shall be unlawful for any person, master, or operator, of any vessel subject to the jurisdiction of the U.S. to fail to release immediately, with a minimum of injury, any Atlantic bluefin tuna which will not be retained or to have in possession any Atlantic bluefin tuna which will not be retained. It shall be presumed that any Atlantic bluefin tuna in possession which is not tagged will not be retained.

(d) It shall be unlawful for any person to knowingly purchase, or have in possession, any Atlantic bluefin tuna taken in violation of this Subpart.

§ 285.18 Reporting requirements.

(a) Reports and records required by this section should be sent to:

Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

All tags, forms, and logbooks referred to in this section 285.18 may be obtained by writing to the same address.

(b) It shall be unlawful for any person, master or operator of any fishing vessel subject to the jurisdiction of the United States that takes an Atlantic bluefin tuna in excess of 300 pounds round weight to have in possession such fish without having affixed, at the time of taking, through the narrowest part of the fish just forward of the tail, an individually numbered tag furnished by the National Marine Fisheries Service.

(c) It shall be unlawful for any person to remove the tag affixed to the tuna in paragraph (b) until the fish is either cut into portions for sale or is exported from the United States. Such tag may be removed from tuna packed whole or headed and eviscerated for export, but, in such cases, the tag must be attached to the container holding the fish until it is shipped from the United States.

(d) It shall be unlawful for any dealer to fail to maintain and forward on a weekly basis, on forms available from the National Marine Fisheries Service, a complete record of their commercial activity involving all Atlantic bluefin tuna handled during the reporting period. Such record shall include numbers of fish, disposition (names, addresses and, where applicable, country of destination), source (names, addresses and, where applicable, country of origin), tag numbers (where applicable), round weight (by individual fish for those over 300 pounds), and any other information requested by the Regional Director.

(e) It shall be unlawful for an owner or master of any vessel certified under § 285.20 and fishing for Atlantic bluefin tuna that weigh in excess of 300 pounds round weight, to fail to maintain an accurate record of operations in a logbook provided by the National Marine Fisheries Service, which contains duplicate logsheets. One of the duplicate logsheets is to be returned to the Regional Director at the end of each month during the season. Such record shall show, for each week that the vessel was engaged in fishing for Atlantic bluefin tuna the date, number and weight of Atlantic bluefin tuna landed, type of gear used, area fished, tag numbers used, and the amount of time fished. In the case of purse seine vessels, the record shall show the information for each set made rather than for each week.

(f) It shall be unlawful for an owner or master of any vessel certified under § 285.20, and taking Atlantic bluefin tuna under the provisions of § 285.13(b)(1), to fail to report each taking immediately upon returning to port, by completing and returning one of the cards provided for this purpose in the logbook. Each report shall show the Atlantic bluefish tuna vessel certificate number, the tag number affixed to the fish under § 285.18(b), the date landed, the port where landed, the round weight in pounds, gear used and area where caught.

(g) It shall be unlawful for the owner of a purse seine vessel, certified under § 285.20, or the owner's designated representative, to fail to notify the Regional Director when such vessel has landed the allocation assigned to it under § 285.16. Such notification shall be made by calling 617-281-3600, extension 200, between the hours of 8:00 a.m. and 4:30 p.m. on the first business day following the taking of the assigned allocation and the report shall include the name and telephone number of the person calling, the name of the vessel and its Atlantic bluefin tuna vessel certificate number, the estimated cumulative round weight of Atlantic bluefin tuna on board such vessel, the intended disposition of the tuna, and any other related information requested by the Regional Director.

(h) It shall be unlawful for any person, master or owner of any purse seine vessel certified under § 285.20, to off-load any Atlantic bluefin tuna taken pursuant to this subpart without first arranging to have the vessel inspected by an agent of the NMFS. Arrangements for such inspection shall be made at least 24 hours prior to off-loading, by calling 617-281-3600, extension 252.

§ 285.19 Presumptions.

For purposes of this Part, there shall be a rebuttable presumption that Atlantic bluefin tuna which are of the following lengths, when measured in a straight line from the tip of the nose to the fork of the tail, weigh the amount noted in association with the length: 27 inches (68 cm)—14 pounds (6.4 kg); 56 inches (142 cm)—115 pounds (53.3 kg); 75 inches (191 cm)—300 pounds (136.4 kg).

For any Atlantic bluefin tuna which is less than or in excess of the lengths set forth herein, there shall be a rebuttable presumption that such Atlantic bluefin tuna correspondingly weigh less than or in excess of, as the case may be, the appropriate associated weights.

§ 285.20 Certification.

(a) The owner of any vessel which fishes for Atlantic bluefin tuna weighing in excess of 300 pounds round weight within the regulatory area must obtain a certificate.

(b) The owner of any vessel which fishes with a purse seine for Atlantic bluefin tuna weighing between 14 and 115 pounds round weight within the regulatory area must obtain a certificate.

(c) All applications for a certificate to fish for Atlantic bluefin tuna by purse seine must be received by the Regional Director by June 15.

(d) To be eligible for a certificate, a fishing vessel must be properly documented under the laws of the United States, or registered under State law.

(e) Certificates may be obtained on submission of an application form, obtainable from the National Marine Fisheries Service, specifying the name(s) and address(es) of the vessel owner(s), the name of the vessel, official number(s), type of fishing gear to be used, capacity (if commercial), and home port of the vessel. The form shall be submitted to the Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts, 01930, who shall issue the required certificate without fee. The certificate will remain in effect until the vessel is destroyed, sold, or transferred to another owner, returned, or revoked pursuant to Subsection (f) of this section, provided however, that owners of purse seine vessels, certified under this section, must comply with the provisions of § 285.16 each year.

(f) It shall be unlawful to fail to carry such certificate at all times on board the vessel for which it was issued. The certificate shall be subject to inspection at reasonable times by authorized officials.

(g) Certificates issued under this Section may be revoked by the Regional Director for violations of the provisions of this Subpart B. Revocation will be in accordance with the hearing procedures referenced in § 285.6 of this part.

(h) It shall be unlawful for any vessel, required to have a certificate pursuant to paragraphs (a) and (b) of this section to fish for Atlantic bluefin tuna without a valid certificate.

§ 285.21 Tag and release permits.

(a) It shall be unlawful for any angler to catch and release Atlantic bluefin tuna weighing over 300 round weight, without first tagging such tuna with tags supplied by the National Marine Fisheries Service.

Such catching, tagging, and releasing must be conducted from a vessel which has applied for, and been issued, a tag and release permit pursuant to paragraph (b) of this section.

(b) Owners of vessels certified under § 285.20 who also desire to obtain a tag and release permit for their vessel should submit their application in writing to the Center Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami Florida, 33149, who will issue the permit along with appropriate tags and detailed instructions for the tagging procedure. Such application must include the name of the vessel, official Coast Guard and/or State number(s), names of the owner and master, and the general area(s) in which the tag and release activity will be carried out.

(c) It shall be unlawful for any person to tag and release Atlantic bluefin tuna without having obtained a tag and release permit pursuant to this section, and a certificate pursuant to § 285.20.

[FR Doc.77-12400 Filed 4-28-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Ch. I]

[FHWA Docket No. 77-7]

METRICATION OF THE NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES

Advance Notice of Proposed Rulemaking

Correction

In FR Doc. 77-12044, appearing in the issue of Wednesday, April 27, 1977, on page 21487, the following changes should be made in the timetable appearing in the first column on page 21488: In "I" the date now reading "Sept. 30, 1978," should read "Sept. 30, 1980." In "J" the date now reading "Sept. 30, 1978" should read "Sept. 30, 1982." The corrected portion of the table will read as set out below.

RECOMMENDED TIMETABLE FOR PLANNING CONVERSION OF U.S. TRAFFIC SIGNS TO THE METRIC (SI) SYSTEM

		Completion
.	. . . . .	
I.	Warning and regulatory signs.	Sept. 30, 1980.
J.	Guide signs, mileposts and other advisory signs.	Sept. 30, 1982.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

AMENDED NOTICE OF MEETING

The meeting notice for the subject meeting to be held on May 4–5, 1977 (published April 20, 1977, Volume 42, No. 76, 20481) is revised as detailed below. This revision involves the change in meeting room for Wednesday, May 4, and the change in scheduling items in the order they appear on the agenda.

The meeting will begin on Wednesday, May 4, at 9 a.m., in Room 2008 of the New Executive Office Building, 17th and H Streets, NW., Washington, D.C., reconvening on Thursday, May 5, 1977, 9 a.m., in the Cash Room, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. (use Pennsylvania Avenue entrance only).

A summary of the meeting agenda follows:

I. Consideration of Proposed Demolition of Lockefield Gardens, Indianapolis, Indiana, a Property Determined Eligible for the National Register of Historic Places.

A. Report of the Department of Housing and Urban Development.

B. Report of the Indiana State Historic Preservation Officer.

C. Statements of State and Local Officials.

D. Other Statements.

E. Report of the Executive Director.

F. Deliberation by the Council.

II. Consideration of the Report of the Task Force on Gettysburg.

III. Report by the Economic Development Administration, Department of Commerce, Concerning Reauthorization of the Emergency Local Public Works Program.

IV. Report by the Director, Office of Intergovernmental Programs and Planning, Concerning Recent Activities Under the Public Buildings Cooperative Use Act.

V. Report of the Chairman.

VI. Report of the Executive Director.

VII. Other Business.

VIII. Report of the Task Force on Organization of Federal Historic Preservation Programs.

A. Statements of State and Local Officials and Private Organizations and Individuals.

B. Deliberation by the Council.

IX. Consideration of Proposed Construction of Interstate 83 in Baltimore, Maryland (Continued from February 2–3, 1977, Council meeting).

A. Report of Federal Highway Administration/Interstate Division for Baltimore City.

B. Report of the Maryland State Historic Preservation Officer.

C. Report of the Executive Director.

D. Deliberation by the Council.

ROBERT R. GARVEY, Jr.,
Executive Director.

APRIL 21, 1977.

[FR Doc.77-12278 Filed 4-28-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt 4]

NONFAT DRY MILK—BUTTER—CHEDDAR CHEESE

Sales of Certain Commodities; Monthly Sales List (Period July 1, 1976 Through May 31, 1977)

The CCC Monthly Sales List for the period July 1, 1976 through May 31, 1977, published at 41 FR 29198, as amended, is further amended as follows:

1. Section 27 entitled "Nonfat Dry Milk—Unrestricted Use Sales" is deleted.

2. Section 27 is added which reads as follows:

27. NONFAT DRY MILK—UNRESTRICTED USE SALES (INSTORE-CARLOT QUANTITIES)

Market price, but not less than 74.8 cents per pound for U.S. Extra Grade spray process in 50 pound bags. Sales are made under Announcement PV-DS-2. In addition, from time to time CCC will issue an invitation for competitive offers under Announcement PV-DS-1 to buy from CCC nonfat dry milk which is 20 months old or older and/or has a moisture content of 4.2 percent but not more than 5.0 percent.

3. Section 28 is added which reads as follows:

28. BUTTER-UNRESTRICTED USE SALES (INSTORE-CARLOT QUANTITIES)

Market price, but not less than 10 cents per pound over CCC's purchase price at each location for U.S. Grade A or higher in 60 to 68-pound blocks. Sales are made under Announcement PV-DS-2.

4. Section 29 is added which reads as follows:

CHEDDAR CHEESE-UNRESTRICTED USE SALES (INSTORE-CARLOT QUANTITIES)

Market price, but not less than $1.07¾ per pound for U.S. Grade A or higher in 40 pound blocks. Sales are made under Announcement PV-DS-2.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective Date: Item 1 4:45 p.m. (EST) March 21, 1977. Items 2, 3 and 4 2:30 p.m. (EST) March 31, 1977.

Signed at Washington, D.C. on April 21, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-12294 Filed 4-28-77;8:45 am]

Forest Service

OREGON BUTTE PLANNING UNIT LAND MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Oregon Butte Planning Unit, USDA-FS-R6-FES (Adm)-76-12.

The environmental statement concerns a proposed land management plan to various resource uses and activities.

The final environmental statement was transmitted to CEQ on April 22, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.
USDA, Forest Service, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801.
USDA, Forest Service, Umatilla National Forest, Pomeroy Ranger District, Pomeroy, Washington 99347.
USDA, Forest Service, Umatilla National Forest, Walla Walla Ranger District, 1415 W. Rose, Walla Walla, Washington 97362.

A limited number of single copies are available upon request to Forest Supervisor Herb Rudolph, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programing and Budgeting.

APRIL 22, 1977.

[FR Doc.77-12279 Filed 4-28-77;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON POULTRY HEALTH

Meeting

A meeting of the Advisory Committee on Poultry Health will be held at 9 a.m. on May 12 and 13, 1977, in Room 643A, Federal Building, 6505 Belcrest Road, Hyattsville, Md.

The functions of the committee include: advising the Secretary of Agriculture on outbreaks of avian diseases; studying and recommending extension of new and existing research; assisting in planning and disseminating information; recommending plans for eradication and control of avian diseases; and assisting in attaining the necessary cooperation from all segments of the poultry industry.

The purpose of this meeting is to hear recommendations formulated by the Fowl Plague, Mycoplasmosis and Area Quarantine Subcommittees for dealing with outbreaks of disease caused by these agents, and to further discuss program progress, problems and recommended actions in assisting the United States Department of Agriculture in program direction and effectiveness.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, Washington, D.C. 20250. Area Code 202-447-3668.

Dated: April 25, 1977.

JOHN W. WALKER,
Executive Secretary.

[FR Doc.77-12241 Filed 4-28-77;8:45 am]

OFFICE OF THE INSPECTOR GENERAL

Reestablishment of Office

Notice is hereby given that effective March 23, 1977, the Office of the Inspector General was reestablished in the Department of Agriculture. The office is headed by an Inspector General who will report to the Secretary.

The office is assigned the following functions:

(1) To direct or control audit and investigation activities within the Department, including the formulation of audit and investigative policies and procedures regarding Department programs and operations, and analyze and coordinate program-related audit and investigation activities performed by other Departmental agencies; and

(2) To provide for physical protection of the Secretary and promulgate policies and procedures for security of Department facilities.

The delegations of authority appearing in 7 CFR Part 2 will be amended to reflect the above assignment.

Done at Washington, D.C., this 26th day of April, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-12369 Filed 4-28-77;8:45 am]

Office of the Secretary

[Docket No. N-77-746]

FEDERAL ASSISTANCE TO DROUGHT STRICKEN AREAS AND RELATED DETERMINATIONS

Memorandum of Agreement

CROSS REFERENCE: For a document issued jointly by the Housing and Urban Development Department, the Agriculture Department, and the other members of the Interagency Drought Emergency Coordinating Committee of 1977 regarding the above entitled matters, see FR Doc. 77-12528 in the notices section of this issue.

Rural Electrification Administration

CHUGACH ELECTRIC ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a request for financing from Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501. The statement covers a 67.8 MW simple cycle combustion turbine generating unit at Beluga, Alaska, two 32.2 MW steam turbine units at Beluga along with waste heat boilers, an 18 MW gas turbine at Bernice Lake, a double circuit 230 kV line between Reed and the Chugach University Station, a 230 kV line between Point MacKenzie and Mule Creek, a 230 kV underwater cable across Knik Arm, a 230 kV line from Six Mile Creek to Junction, reinsulation of 138 kV transmission line to 230 kV between Point MacKenzie and Teeland, reinsulation of two parallel lines 44 miles long from 138 kV to 230 kV between Beluga and Point MacKenzie, removal of 26.5 miles of 115 kV line belonging to the Alaska Power Administration, and associated substations and switching facilities.

Interested persons are invited to submit comments which may be helpful in preparing the Environmental Impact Statement. Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Chugach Electric Association, Inc., whose address was given above. Additional information may be obtained at Chugach's office during regular business hours.

Dated at Washington, D.C., this 25th day of April, 1977.

JOSEPH VELLONE,
Acting Administrator.

[FR Doc.77-12240 Filed 4-28-77;8:45 am]

CIVIL AERONAUTICS BOARD

DALLAS/FORT WORTH-WESTERN MEXICO ROUTE PROCEEDING

[Docket 29790]

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 17, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served January 3, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 25, 1977.

WILLIAM J. MADDEN,
Administrative Law Judge.

[FR Doc.77-12400 Filed 4-28-77;8:45 am]

[Docket 29160; Order 77-4-108]

INVESTIGATION OF THE LOCAL SERVICE CLASS SUBSIDY RATE

Class Rate VIII

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of April 1977.

Sections IV and VII of the Rate Formula in Order 76-11-12,[1] as finalized by Order 76-12-159,[2] require that a review of the local service carriers' subsidy-eligible and subsidy-inelegible services be performed each March and September based on 12-month periods ending those dates. The second review will be based on financial results for the 12 months ended March 31, 1977. An information report, "Distribution of Reported Services and Financial Data to Selected Categories," is required to be filed with the Board no later than 45 days following the close of the review period. Attachment A to Order 76-10-137[3] sets forth the substantive requirements of the report.

Several technical adjustments were made to Tables II-C, III-C and IV to correct typographical errors in Order 76-10-137. In addition, we have added the standard weight of the B-727-100 aircraft type to the list on page 3 of Table IV to reflect Piedmont's use of that aircraft type.

As in past reviews, the Board has updated the revenue formulas found in Table V of Attachment A, so that the formulas for beyond-traffic yields reflect the current values for average hop, average haul, and the regression equations. These changes will enable beyond yields to the formulated on the same fare basis as local yields. The average hop and average haul are based on data for the year ended December 31, 1976, the fare/distance regression equations use the fares in effect 45 days prior to the close of the review period, and the dilution factors are based on data for the quarter ended December 31, 1976.

[1] Adopted November 4, 1976.
[2] Adopted December 30, 1976.
[3] Adopted October 29, 1976.

Accordingly, *it is ordered*, That:

1. The attached revised Table II-C, page 1 of Table III-C, pages 2 and 3 of Table IV, and pages 5, 6, and 7 of Table V of Attachment A be and they hereby are substituted for Table II-C, page 1 of Table III-C, pages 2 and 3 of Table IV, and pages 5, 6, and 7 of Table V, respectively, of Attachment A to Order 76-10-137;

2. This order shall become effective on the seventh calendar day after service hereof, unless prior to that date exceptions and supporting reasons shall have been filed with the Board by parties to this proceeding. If exceptions and supporting reasons are filed by any of the parties within the time prescribed above, the effective date of this order shall be stayed pending disposition of the exceptions; and

3. This order will be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

Attachment A

TABLE II-C.—*Revised*

Carrier name—Financial data by city-pair and total service for the twelve months ended _____ Certificate-eligible nonhub scheduled services,—V-Z (city-pair, example)

	Type	Type	Total
City pair V-Z (A-D) miles;			
Transport revenues:			
Passenger			
U.S. Mail			
Foreign mail			
Security charge			
Express			
Freight			
Excess baggage			
Charter and special			
Transport, related			
Other			
Total			
Operating expenses:			
Direct expenses:			
Flying operations and direct maintenance			
For departures			
For plane miles			
For revenue hours flown			
Rental expense			
Subtotal			
Reconciliation adjustment			
Total flying operations and direct maintenance			
Depreciation, flight			
Total direct expense			
Indirect expenses:			
Direct maintenance and burden, ground			
Passenger service			
Aircraft servicing and administration			
Traffic servicing and administration			
Incremental security costs			
Promotion and sales			
General and administrative			
Depreciation, ground equipment			
Amortization			
Transport, related			
Total indirect expenses			
Total operating expenses			
Operating breakeven need			
Return [1]			
Total need (before tax)			

[1] Return per revenue aircraft hour flown (Table III-C) times revenue aircraft hours flown (Table I-C).

Attachment A

TABLE III-C.—*Revised*

Carrier name—Computation of average investment, return, and taxes—Certificate-eligible nonhub services for the twelve months ended _____

	Type	Type	Type	Total
Adjusted average system investment: [1]				
Debt				
Equity				
Revenue aircraft hours flown, system				
Adjusted average system investment per R.A.H. flown: [2]				
Debt	XXX.XXXX	XXX.XXXX	XXX.XXXX	
Equity	XXX.XXXX	XXX.XXXX	XXX.XXXX	
Nonhub rev. aircraft hours flown				
Average nonhub investment as allocated: [3]				
Debt				
Equity				
Total				
Adjustment [4]				
Adjusted average nonhub investment:				
Debt				
Equity				
Total				
Differentiated return on investment:				
Debt at 7.25 pct				
Equity at 20 pct				
Total				
Differentiated rate of return, percent [5]				XX.XX
Recognized return [6]				
Return per hour, nonhub services [7]	XX.XXXX	XX.XXXX	XX.XXXX	

Local Service Carriers Explanatory Notes

[1] Computed by formula; see table V.
[2] Local Service Air Carriers' Unit Costs, year ended _____.
[3] For aircraft types which have no stop and plane-mile rates available in the Local Service Air Carriers' Unit Costs book, the rate is derived by dividing Account 7098.9 Total Aircraft Operating Expenses less Account 7075.6 Total Depreciation-Flight Equipment and Account 5147 Rentals, Flight Equipment by revenue aircraft hours (for the particular aircraft).
[4] A factor (upward or downward) which when applied to the sum of the products from the unit rates shown in items (1), (2) and (4) under Direct expenses will yield an amount by equipment type, equal to Account 7098.9 Total aircraft operating expenses less Account 7075.6 Total depreciation, Flight Equipment of Schedule P-5.2 Aircraft operating expenses for the particular aircraft.
[5] Sum of all 5200 accounts on Schedule P-6, except Account 5278 Direct maintenance, Flight equipment plus Account 5379.8 Applied maintenance burden-general ground property.
[6] Account

$$6100+\left(\text{Account } 6300\times\frac{\text{Account } 6100}{\text{Account } 6100+\text{Account } 6200 \text{ less } 6252}\right)$$

Account [7]

$$6200 \text{ less } 6252+\left(\text{Account } 6300\times\frac{\text{Account } 6200 \text{ less } 6252}{\text{Account } 6100+\text{Account } 6200 \text{ less } 6252}\right)$$

[8] Direct assignment to charter operations.
[9] Revenues are to be allocated on the basis of system revenues.
[10] Weighted departures are used as the basis for allocation; see page 3 of this Table for standard weights used.
[11] Total system cargo tons enplaned plus passenger tons enplaned at 200 lbs. per enplaned passenger. Computed amount should reconcile with the total shown for system operations in Table II.
[12] Sum of accounts, 3901, 3906.1, 3906.2, 3906.3, and 3907.
[13] All other cash costs or sum of accounts 5100, 5400, 5500, 6400 and 6700.
[14] Security charges and incremental security costs should be allocated to scheduled services only, unless the carrier has a charter tariff on file with the Board which specifically includes security charges.
[15] Expenses are to be allocated on the basis of system expenses.

Attachment A

TABLE IV.—*Revised, page 3 of 3*

Local service carriers—Standard aircraft weights—by equipment type for computing weighted revenue aircraft departures performed [1]

Aircraft type	Standard weight [2]
B-727-200	145.5
B-727-100	80.0
DC-9-50	60.5
B-737-200	77.8
DC-9-30	49.0
DC-9-10	41.4
CV-580	27.5
YS-11	27.0
CV-600	24.0
M-404	23.5
FH-227	22.0
F-27	21.0
DHC-6	6.0

[1] From Exhibit BC-3701 (page 1 of 1) of the direct exhibits of the Bureau of Economics, volume 1, base year 1969 for the Domestic Passenger Fare Investigation, Phase 7—Fare Level (Docket 21866-7), Aug. 25, 1970, unless otherwise noted.
[2] Maximum gross takeoff weight in tons.
[3] From Jane's All the World's Aircraft, 1974-75.

Attachment A

TABLE V.—*Revised page 5 of 11*

Local service carriers—Dilution factors, hop-haul relationships formulas for beyond traffic yields [1]

	All traffic, by flight stage length (hop)
I. Average passenger haul:	
Frontier	X_1=hop plus 227—(.16368 * hop).
Hughes Airwest	X_1=hop plus 167—(.13758 * hop).
North Central	X_1=hop plus 108—(.10832 * hop).
Ozark	X_1=hop plus 143—(.12322 * hop).
Piedmont	X_1=hop plus 169—(.21619 * hop).
Southern	X_1=hop plus 144—(.13047 * hop).
Texas International	X_1=hop plus 147—(.10327 * hop).
	Beyond traffic, by flight stage length (hop)
II. Average passenger haul:	
	$X_2=\frac{(X_1 * \text{Total passengers})-\text{Local RPM's}}{\text{Beyond passengers}}$

[1] Based on fares in effect as of Feb. 15, 1977.

Attachment A

TABLE V.—*Revised page 6 of 11*

Local service carriers—Dilution factors, hop-haul relationships formulas for beyond traffic yields [1]

	Per revenue passenger-mile, beyond traffic (undiluted)
3. Yield:	
Frontier	$\frac{22.97+(0.07679 * X_3)}{X_3}$
Hughes Airwest	$\frac{21.10+(0.07569 * X_3)}{X_3}$
North Central	$\frac{21.41+(0.08371 * X_3)}{X_3}$
Ozark	$\frac{24.28+(0.07463 * X_3)}{X_3}$
Piedmont	$\frac{20.29+(0.08162 * X_3)}{X_3}$
Southern	$\frac{24.33+(0.06926 * X_3)}{X_3}$
Texas International	$\frac{25.13+(0.06965 * X_3)}{X_3}$

[1] Based on fares in effect as of Feb. 15, 1977.

Attachment A

TABLE V.—*Revised page 7 of 11*

Local service carriers—Dilution factors, hop-haul relationships formulas for beyond traffic yields

4. Dilution factors (percent) [1]	Percent
Carrier	
Frontier	12
Hughes Airwest	15
North Central	16
Ozark	19
Piedmont	21
Southern	20
Texas International	22

[1] Based on revenue and traffic data for the quarter ended Dec. 31, 1976.

[FR Doc.77-12090 Filed 4-28-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Health Policy, Office of the Secretary.

UNITED STATES CIVIL SERVICE,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-12155 Filed 4-28-77;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc 77-12156 Filed 4-28-77;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc 77-12153 Filed 4-28-77;8:45 am]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Under Secretary (Transition Planning), Office of the Under Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-12154 Filed 4-28-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DUTY-FREE ENTRY OF SCIENTIFIC ARTICLES

Applications

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 19, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00191. Applicant: State University of New York, Upstate Medical Center, 766 Irving Avenue Syracuse, N.Y. 13210. Article: Electron Microscope, Model Elmiskop 102 and accessories. Manufacturer: Siemens A. G., West Germany. Intended use of article: The article is intended to be used in a large number research programs including the following:

1. Studies of the secondary structure of RNA from a variety of bacteriophages and tumor viruses,

2. Studies of the arrangement of subunits of malic enzyme and fatty acid synthetase, and

3. Examination of chicken embryo fibroblasts infected with a variety of RNA tumor viruses in order to trace replication of the virus and transformation of cells.

The objectives of the investigations are to trace the roles of nucleic acid structure in regulation of replication and translation and the role of enzyme structure in enzymatic activity. The article will also be used in the course Microbiology 619M—Electron Microscope Techniques in which students are taught operation of the transmission electron microscope, specimen preparation procedures, photographic procedures. Application received by Commissioner of Customs: April 4, 1977.

Docket Number: 77-00192. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: Goniometer stage assembly and scanning attachments for EM 300. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The articles are accessories to an existing electron microscope which allows the electron microscope to be used to analyze suitably prepared thin sections of biological samples for a large aray of chemical elements. Some of the tissue and cells to be studied are bone (cells and matrix), avian oviduct mucosa, intestinal mucosa, and enamel organ. Experiments will be conducted to obtain an accurate description of the pathway of several physiologically important elements during their translocation across cells, to identify the cellular sites of localization of these elements and to ascertain quantitatively and qualitatively the changes in the subcellular distribution of their elements in certain pathological conditions. In addition, the article will be used for educational purposes in the courses: Biophysics 585—to develop an understanding of the structure and function of cells by observing them at the ultrastructural level and to learn how to prepare and interpret electron microscopes and Biophysics 600—in which students perform research for a graduate degree. Application received by Commissioner of Customs: April 4, 1977.

Docket Number: 77-00193. Applicant: University of Rochester, Dept. of Biology, Rochester, N. Y. 14627. Article: Ultrasonic Disintegrator, Model PG 100 and accessories. Manufacturer: Johns Scientific, Canada. Intended use of article: The article will be used for separating cells from each other and for breaking open cells in order to isolate various cellular constituents. Aplication received by Commissioner of Customs: April 5, 1977.

Docket Number: 77-00194. Applicant: The University of Texas System Cancer Center, 6723 Bertner Avenue, Houston, Tex. 77030. Article: Impulscytophotometer, Model ICP-11. Manufacturer: Phywe Co., West Germany. Intended use of Article: The article is intended to be used for high speed analysis of intracellular compounds by means of fluorescence. The material to be studied will be cultured human cells and biopsy material from patients with malignant diseases. The article will serve as a tool to assess the effect of physical and chemical agents on cell cycle progression of both cultured cells and human tumors in vivo. The objectives of such studies are to define the mechanism of action of new anti-tumor agents at the cellular level, to correlate cytokinetic with cytocidal effects, to utilize data on cell cycle progression as a potential predictor for in vivo tumor response, to develop combination chemo- and immunotherapy protocols for patients with malignancies based on information provided in such studies. Application received by Commissioner of Customs: April 5, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Material.)

RICHARD M. SEPPA,
Director, Special Import Programs Divisions.

[FR Doc.77-12113 Filed 4-28-77;8:45 am]

[Docket No. N-77-746]

FEDERAL ASSISTANCE TO DROUGHT STRICKEN AREAS AND RELATED DETERMINATIONS

Memorandum of Agreement

CROSS REFERENCE: For a document issued jointly by the Housing and Urban Development Department, the Commerce Department, and the other members of the Interagency Drought Emergency Coordinating Committee of 1977 regarding the above entitled matter, see FR Doc. 77-12528 in the notices section of this issue.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 29, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On March 2, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 12079) of proposed addition to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1977:

Class 6515

Case, Ear Plug (SH) 6515-00-299-8287 (for 80% of Government's requirements).

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.77-12336 Filed 4-28-77;8:45 am]

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 29, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On November 19, 1976 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (41 FR 51054) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1977:

Class 8405

Cover, Service Cap, Blue (IB) 8405-00 965-1548

C. W. FLETCHER,
Executive Director.

[FR Doc.77-12333 Filed 4-28-77;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

New Entrant Announcement for Virgin Islands

Correction

In FR Doc. 77-12113, appearing on page 21506 in the issue for Wednesday, April 27, 1977, in the first paragraph, the second sentence should read as follows:

"On April 19, 1977, the Departments issued a joint notice which will be published in the FEDERAL REGISTER allocating watch quotas for calendar year 1977 among producers located in the Virgin Islands."

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from April 18 through April 22, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (June 13, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Ozark National Forest Timber Plan, Arkansas, April 22: The proposed action is the implementation of a 10-year Management Plan for the Ozark National Forest in northwest Arkansas. An estimated 9,140 acres will be site prepared and reforested annually, with the possibility of an additional 2,360 acres being reforested annually. Other annual proposed actions consist of 6,000 acres of noncommercial thinning in hardwood poletimber stands, 2,000 acres of precommercial thinning in young pine stands and 5,500 acres of release treatment (mostly in young pine stands). Shifts in wildlife populations will occur. (ELR Order No. 70505.)

DeSoto National Forest Timber Plan, several counties in Mississippi, April 22: Proposed is the implementation of a new 10-year Timber Management Plan for the DeSoto National Forest. The Forest contains 501,391 acres of National Forest land in Jones, Wayne, Greene, Forrest, Perry, Pearl River, Stone, George, Harrison, and Jackson Counties, Mississippi. An estimated 4431 acres will be site prepared and reforested annually. This plan will replace the current timber management plans which expire September 30, 1977. (ELR Order No. 70507.)

Final

Deer Island Unit Plan, Gallatin National Forest, Alaska, April 22: Proposed is a land management plan for the 9,100-acre Deer Island Management Unit, Tongass N.F., on Ernest Sound, Alaska. The plan calls for construction of 6.5 miles of access road and initiation of timber harvest within 8,090 acres of forest containing an estimated 200 million board feet of timber. For the 5-year period of 1977 through 1981, 11 million board feet of timber is to be harvested, followed by a rotating harvesting period averaging from 90 to 120 years. The conversion of old-growth stands to second growth stands will modify the wildlife habitat, and the area will no longer be suitable for Wilderness classification. Comments made by: USDA EPA, HUD, DOI, DOC, State agencies, and concerned citizens. (ELR Order No. 70500.)

Willamette National Forest, Land Use and Timber Management, Oregon, and several counties in Washington, April 21: Proposed is the implementation of a multiple land use plan for the Willamette National Forest in Clackamas, Douglas, Jefferson, Lane, Linn, and Marion Counties, Oregon. The plan consists of five unit plans and also revises the Ten-Year Timber Management Plan. Over all, about 61 percent (1,025,608 acres) of Willamette National Forest is available for intensive timber management. Harvesting activity will result in soil disturbance and erosion. Comments made by: EPA, DOC, DOI, HUD, USDA, COE, State and local agencies, and concerned citizens. (ELR Order No. 70496.)

Wenatchee National Forest Off-Road Vehicle Policy, Chelan, Kittitas, and Yakima Counties, Wash., April 21: Proposed is the development of regulations governing the use of off-road vehicles (ORV) on the Wenatchee National Forest, Washington State. Five alternatives of off road vehicle management have been developed as a result of recommended plan would permit motor vehicle use on 991.5 miles of trail on the Forest. Cross country travel would be discouraged and 44,716 acres would be closed during the summer, as well as 9,310 during the winter. The major effect of the plan would be the reduction of environmental impacts and user conflicts. Comments made by: USDA, EPA, State and local agencies, and concerned citizens (ELR Order No. 70491.)

SOIL CONSERVATION SERVICE

Draft

Kickapoo Nations Watershed Project, Oklahoma and Lincoln counties, Okla., April 21: Proposed is the implementation of the Kickapoo Nations Watershed Plan in Oklahoma and Lincoln Counties, Oklahoma. The project provides for flood prevention, municipal water supply, and recreation. The works of improvement include land treatment supplemented by 19 floodwater retarding structures, on flood water retarding-municipal water and recreation structure, and recreational facilities. Construction related impacts will result. (ELR Order No. 70493.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-2186.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Final

Commercial Troll and Recreat'l Salmon Fisheries, FMP, Washington, Oregon, and California, April 21: The proposed action is to adopt and implement a fishery management plan for commercial troll and recreational salmon fisheries off the coasts of Washington, Oregon, and California. The plan recommends significantly more restrictive ocean salmon fishery regulations during 1977 for waters off the Washington coast and Columbia River mouth. For Oregon and California ocean waters south of Tillamook Head, a regulatory pattern similar to that of 1976 is recommended for continuance during 1977. Comments made by: DOT, STAT, EPA, State and regional agencies, and concerned citizens. (ELR Order No. 70495.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Col. Charles Sell, Chief, Environmental Office, Department of the Army, Room 1E673, Pentagon Chief of Staff, Washington, D.C. 20310, 202-694-4269.

Draft

Ft. Stewart Complex, Mission Change, several counties, Ga., April 20: Proposed is the changing of the mission at the Fort Stewart/Hunter Army Airfield Complex to include the permanent stationing of the 24th Infantry Division (—). Activation of units of the 24th Infantry Division (—) was initiated at the Fort Stewart Complex in Fiscal Year 1975 and is scheduled to be completed in Fiscal Year 1977. The 24th Infantry Division (—) will have approximately 12,000 troops and 2,000 vehicles. This action will particularly affect Bryan, Chatham, Evans, Long, Liberty, and Tattnall Counties in Georgia. (ELR Order No. 70486.)

Rocky Mt. Arsenal, Pilot Containment Operations, Adams County, Colo., April 22: The proposed action is the construction and operation of a pilot system for contaminated ground-water containment at Rocky Mountain Arsenal, Colorado. The proposed system consists of a ground-water collection subsystem, a water purification subsystem, and a ground-water recharge subsystem. This will be the first step taken toward compliance with Cease and Desist Orders issued by the State of Colorado against Rocky Mountain Arsenal. Alternatives to the action include no action and delayed action. (ELR Order No. 70511.)

U.S. ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

Marysville Lake Project, Yuba River, Yuba, Sutter, and Nevada Counties, Calif., April 21: Proposed is the construction of the Marysville Lake Project at the Parks Bar site, California. The project would include two main dams and an afterbay dam. A 420-foot high concrete gravity dam with earth abutments would be located on the Yuba River, and a 360-foot earthfill dam would be located on Dry Creek. The main initial power installation would consist of one 450 MW conventional turbine and two 450 MW pump turbines, for a total of 1,350 MW. The project would provide power, water conservation, flood control, recreation, and fishery enhancement. (ELR Order No. 70490.)

Manteo (Shallowbag) Bay Project, Dare County, N.C., April 22: The proposed action involves deepening the ocean bar channel, the Manteo-Oregon Inlet Channel from the inlet to the side channel to Wanchese and the side channel to Wanchese, enlarging and deepening the basin at Wanchese, and maintaining old House Channel. In addition, Oregon Inlet will be stabilized with a dual jetty system including means for sand transfer to the downdrift beach, and bottom protection for the Bonner Bridge across Oregon Inlet. Dredging activities are to be accomplished primarily by hydraulic pipeline dredge. (Wilmington District.) (ELR Order No. 70506.)

Final

George's R. Maintenance Dredging, Thomaston, Maine, April 22: The proposed action calls for maintenance dredging on George's River along the entire project length, restoring the channel to a depth of 10 feet mean low water, to accommodate present navigational needs. Approximately 11,000 cubic yards of material will be removed by hydraulic dredge. Adverse effects include the killing of immobile and slow moving biota in the immediate area to be dredged. Disturbance of the estuary bottom and suspension of sediments will also result. (New England Division.) Comments made by: DOC, EPA, DOI, State agencies, and concerned citizens. (ELR Order No. 70508.)

Wanchese Harbor Development Project, Dare County, N.C., April 22: Proposed is the enlargement and deepening of the existing boat basin at Wanchese Harbor, North Carolina. The project consists of excavating and disposing of an estimated 332,000 cubic yards of material with a hydraulic pipeline dredge and placing it in a 35.88-acre diked disposal area. The enlargement will result in the loss of 50 acres of primarily irregularly-flooded marsh, loss of terrestial and bottom fauna, and localized increases in turbidity levels. (Wilmington District.) Comments made by: EPA, USDA, HUD, DOC, DOI, USCG, HEW, State and local agencies, and concerned citizens. (ELR Order No. 70510.)

NAVY

Contact: Mr. Ed Johnson, Department of the Navy, Room 4B466, Pentagon, Washington, D.C. 20350, 202-697-3639.

Draft

USN Petrol Reserve No. 1, Crude Oil Transport, several counties in California, April 21: This statement discusses three different transport alternatives for construction of a new conveyance system to move 200,000 B/D of crude oil from Naval Petroleum Reserve No. 1 in Tupman, California. These alternatives consist of: (1) the Elk Hills/Coalinga Conveyance System, (2) the Elk Hills/Port Hueneme Conveyance System, and, (3) the Elk Hills/Coalinga Conveyance System. The

three systems are discussed at length in separate volumes, and it is anticipated that a decision on which route (or routes) to be constructed will be made prior to September 1, 1977. (ELR Order No. 70497.)

ENVIRONMENTAL PROTECTION AGENCY

Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

N. Monterey County Facilities Plan, Monterey County, Calif., April 22: The proposed Facilities Plan is designed to improve water quality by improving wastewater treatment service to residents in the southern Monterey Bay-lower Salinas Valley region of Monterey County, California. The major objective of the project is to eliminate public health hazards and water quality problems being caused by existing wastewater discharges to Monterey Bay, the Salinas River, Tembladero Slough, and Elkhorn Slough. In addition, the plan seeks to supply the additional wastewater treatment capacity needed to accommodate anticipated growth in the area. (Region IX.) (ELR Order No. 70499.)

Upper Eagle Valley and Vail Wastewater Plan, Eagle County, Colo., April 18: Proposed is a 201 Wastewater Facilities Plan for the Upper Eagle Valley and Vail Region, Colorado. The plan has two component parts, one for 1985 and one for 1995. This statement relates to funding of the 1985 plan, which involves the following actions: upgrade of the Vail Treatment Plant and provision of flow equalization; enlargement of the Vail plant from 1.5 to 3.0 mgd capacity; upgrade of the Avon Plant (UEVSD); enlargement of the Avon Plant (UEVSD) from 1.65 to 3.5 mgd capacity; and replacement of interceptors. Construction impacts include minor disturbance and/or destruction of vegetation and wildlife. (Region VIII.) (ELR Order No. 70480.)

FEDERAL ENERGY ADMINISTRATION

Contract: Mr. Robert Stern, Director, Office of Environmental Impact, Federal Energy Administration, New Post Office Building, Room 7119, 12th and Pennsylvania Avenue, NW, Washington, D.C. 20461, 202-566-9760.

Supplement

West Hackberry Salt Dome—SPR (S-1), Cameron County, La., April 22: This statement supplements a final EIS filed with CEQ in January, 1977. Since the FEIS was published, the availability of the Sun Terminal in Nederland, Texas, and the Amoco Barge Dock on the SE branch of the Alkali Ditch has prompted a reevaluation of the proposed oil distribution system. The system assessed in this supplement involves construction of a temporary surface pipeline from the site (at the West Hackberry salt dome) to the Amoco dock and use of the dock for interim fill, and construction of a permanent buried pipeline from the site to the Sun Terminal. (ELR Order No. 70509.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Carmelitos Housing Complex, Los Angeles County, Calif., April 21: Proposed is the redevelopment of the Carmelitos Housing Complex in Long Beach, California. Plans call for demolition of the 716 residention units and reconstruction of 500 subsidized rental units and 160 privately financed and owned single family residences. The project will reduce opportunities for subsidized housing in the area and will require some off-site relocation of tenants. (ELR Order No. 70492).

The Oaks at Glenwood, Middlesex County, N.J., April 18: Proposed is the issuance of FHA mortgage insurance purusant to Section 221d4 of the U.S. Housing and Urban Development Act of 1965 for the development of a 1224 unit garden apartment development, to include on-site recreation facilities and parking for 2065 automobiles, located in Madison Township. Adverse effects include degradation of air and water quality. Thirty percent clearance of existing vegetation in the project area will result, with subsequent partial replacement by landscaping. (ELR Order No. 70482.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

1977 OCS Sale No. 45, Gulf of Mexico, Texas and Louisiana, April 19: Proposed is the leasing of 120 tracts comprising 235,875 hectares (582,856 acres) located offshore Texas and Louisiana in water depths ranging from 4 m to 183 m and a distance from shore from 5 km to 293 km. If implemented, this sale is tentatively scheduled to be held in December, 1977. All tracts offered pose some degree of pollution risk to the environment. This risk potential is related to adverse effects on the environment and other resource uses which may result from accidental or chronic oil spillage. (ELR Order No. 70485.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-443-6965.

Final

Tyrone Energy Park Unit 1, Dunn County, Wis., April 21: Proposed is the issuance of a construction permit to the Northern States Power Company for the construction of Tyrone Energy Park located in Dunn County, Wisconsin. The plant will employ a pressurized-water reactor to produce a warranted output of 3411 MWt. A steam turbine generator will use this heat to provide 1194 MWe (net) of electrical power capacity. The exhaust steam will be cooled by a flow of water in a closed-cycle system incorporating mechanical-draft wet cooling towers using makeup water from the Chippewa River. Adverse effects include displacement of 55 residents. Comments made by: AHP, USDA, COE, DOC, HEW, ERDA, DOI, EPA, State and local agencies, and concerned groups and persons. (ELR Order No. 70498.)

Supplement

Skagit Nuclear Power Project (S-2), Skagit County, Wash., April 21: This statement supplements a final EIS filed with CEQ in May, 1975. The proposed action is the issuance of construction permits to the Puget Sound Power and Light Company, Pacific Power and Light Company, Washington Water Power Company, and the Portland General Electric Company for the construction of Skagit Nuclear Power Project units 1 and 2. The purpose of the supplement is to identify and evaluate the potential effects of the proposed action on those values for which the Skagit River was named as a study river in the Wild and Scenic Rivers Act. (ELR Order No. 70494.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Civil SST Aircraft, Noise Regulations and Type Certification, April 18: Proposed are noise regulation and type certification alternatives for Civil Supersonic Transport Aircraft. The considered actions include: (1) promulgation of a noise type certification rule applicable to current and/or future supersonic aircraft, (2) promulgation of operational regulations applicable to supersonic aircraft, (3) issuance or nonissuance of a U.S. type certificate for the Concorde SST, (4) granting or denying of operations specifications amendment requests concerning supersonic aircraft, (5) promulgation of airport noise regulations, and (6) no Federal action. (ELR Order No. 70481.)

Final

Reedley Municipal Airport, California, Fresno and Tulare Counties, Calif., April 22: The proposed action includes the establishment of a new municipal airport on a site now partially occupied by the Great Western Airport. It is proposed to develop a Basic Utility Airport—Stage I, primarily intended to serve as a low-activity, rural facility for small piston aircraft. Adverse impacts include the decrease of existing vegetation on the project site. The recommended site also has disadvantage of being adjacent to the Great Western Elementary School. Comments made by: DOT, EPA, DOI, USDA, DOC. (ELR Order No. 70504.)

Wm. B. Hartsfield Atlanta International Airport, Georgia, April 20: Proposed is the construction of a new central air passenger terminal complex at William B. Hartsfield Atlanta International Airport, in Atlanta, Georgia. The new facilities will be located between the existing 3 east-west parallel runways and will include aircraft parking area, taxiways, terminal buildings, and access roadways. Although a temporary increase in stream sedimentation will occur, no major environmental impacts are expected to result from the project. Comments made by: DOT, EPA, DOI, HEW, HUD, State and local agencies, and concerned citizens. (ELR Order No. 70484.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

S. Santa Fe Drive, Florida-Church, Arapahoe and Denver Counties, Colo., April 22: The proposed project consists of the widening of South Santa Fe Drive to a six lane arterial for approximately 5.5 miles. The project would begin at Florida Avenue in the City and County of Denver and terminate at Church Street in Arapohoe County. A left turn lane would be provided throughout the length of the project and sidewalks, curb, and gutter would be provided for a majority of its length. Adverse effects include the displacement of 372 housing units. A 4(f) statement is included concerning Overland Park. (Region 8.) (ELR Order No. 70502.)

Final

State Road 5 (U.S. 1), Broward County, Fla., April 19: The statement considers three alternatives for ungrading a 2.3 mile segment of SR 5 between Dania Beach Boulevard in Bania, and SE 32nd Street in Fort Lauderdale. An unspecified number of families and businesse will be displaced. (Region 6.) Comments made by: EPA, DOI, HUD, HEW, (ELR Order No. 70483.)

I-15W Raft River-Rockland Junction, Cassia and Power Counties, Idaho, April 22: The proposed project is the upgrading to 4 lanes of I-15W from the Raft River Inter-

change in Cassia County to the Rockland Junction about 2 miles southwest of American Falls in Power County. Total length of the project is 21 miles. Construction would require displacement of two utility pipelines. A 4(f) statement is included for two situations: (1) frontage road and stock trail and construction of an Interstate Safety Rest Area on former BLM lands currently patented to the Idaho Department of Parks and Recreation, and (2) historic sites (Oregon Trail). The preferred alternative requires great amounts of cut and fill to establish a new corridor. Comments made by: USDA, EPA, AHP, COE, HUD, DOI, State and local agencies, and concerned citizens. (ELR Order No. 70503.)

Ky. 461, Pulaski and Rockcastle Counties, Ky., April 21: The statement concerns a proposed highway improvement project for Ky. 461 beginning at the end of the Ky. 461 connector under construction in Pulaski County and ending at the junction with U.S. 25 near the Renfro Valley I-75 inter-change, a distance of 3.9 miles. Displacements of businesses, homes, and farm buildings vary with alternatives. Comments made by: EPA, DOI, USDA, State agencies, and concerned citizens. (ELR order No. 70489.)

State Route 36, Rock Creek to Johnson City, Unicoi, Carter, and Washington Counties, Tenn., April 22: The proposed project is an improvement of State Route 36 between Rock Creek north of Erwin to south of Johnson City, Tennessee. This project extends approximately 12.0 miles through three counties, and is proposed to provide four traffic-carrying lanes throughout the entire length of the project. Adverse effects include some inevitable soil erosion and siltation of streams as a result of construction. A total of 161 families and one business will be displaced. Comments made by: HUD, DOI, USDA, TVA, HEW, EPA. (ELR Order No. 70501.)

U.S. 2, Chittenden County, Chittenden County, Vt., April 21: Proposed is the reconstruction of Route U.S. 2 in the Towns of Milton and Colchester, Vermont. The project commences at a point on U.S. 2 in the Town of Milton, approximately 1.2 miles north of Milton-Colchester Town Line, and extends southeasterly approximately 3.2 miles to a point on U.S. 2 in the Town of Colchester at the intersection of U.S. 2 with Route I-89. Project plans include replacement of the present bridge over the Lamoille River with a new structure. Adverse effects include acquisition of 50-odd acres presently in private ownership, and the displacement of eight families. Comments made by: EPA, DOI, COE, USCG, USDA, HEW, DOC, HUD, State groups, and concerned citizens. (ELR Order No. 70488.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Supplement

Metro A Route, Shady Grove (8-2), Montgomery County, Md., April 20: The supplement discusses the following changes to the plan for Metro Route A: elimination of the terminal station and service and inspection facility at Rockville, Maryland; extension of Route 1 to Shady Grove, Maryland (2.66 miles of at-grade track); and, addition of terminal station and service and inspection yard at Shady Grove, Maryland. A permanent adverse impact will be the transformation from a rural to an industrial landscape which will involve clearing, regrading, building, and paving on a 70-acre tract in the headwaters of Crabbs Branch. (ELR Order No. 70467.)

NICHOLAS C. YOST,
General Counsel.

[FR Doc.77-12335 Filed 4-26-77;8:45 am]

ENVIRONMENTAL IMPACT STATEMENT REFORM

Public Hearing

The Council on Environmental Quality will hold public hearings on how best to reform the implementation of the National Environmental Policy Act (NEPA), with special emphasis on the environmental impact statement process. The hearings will be held June 6-8, 1977, in Washington, D.C., at Room 2008, New Executive Office Building (located on 17th Street NW., between Pennsylvania Avenue and H Street).

BACKGROUND

The Council on Environmental Quality is responsible for the Administration of the environmental impact statement process throughout the Federal Government. The present Guidelines (last revised in 1973) are found in Title 40 of the Code of Federal Regulations at part 1500. It is the intention of the Council to revise the Guidelines so as to reduce paperwork and concentrate on improving decision making. We wish to streamline the process without sacrificing the protection of the public's environment.

PROBLEM AREAS

We invite all interested persons to assist us in this effort. Any ideas you have we will welcome. Without limiting in any way suggestions you have, the following are problem areas which we wish to consider:

1. *Concentrating on real issues instead of paper production.* How to concentrate less on paperwork and more on substance in implementing NEPA. Include discussions of how to focus on real alternatives and on mitigation measures that offer decision makers real choices and less on bulky accumulations of background data. Make impact statements more useful.

2. *Streamlining the process.* How can project planning and the impact statement process be integrated to save time. How can statements by covering whole programs reduce the scope of needed coverage in subsequent site specific statements.

3. *Eliminating conflicts and duplication.* What can be done to reduce conflict between agencies as to which is to take the lead. How can duplication be eliminated when there are both federal and state impact statement requirements.

4. *Other problems.* Other problem areas include impartial preparation, application to legislative proposals, insuring that mitigation is carried out, the consideration of economic and social factors, and environmental impacts outside the United States caused by federal agency action.

FORMAT

The hearings will be structured as follows:

June 6: 10:00 a.m.-12:00 noon—Review of impartial studies of NEPA implementation. 1:30 p.m.-4:30 p.m.—Environmental and conservation groups.

June 7: 9:30 a.m.-11:00 a.m.—State and local governments. 11:00 a.m.-12:30 p.m.—Labor. 1:30 p.m.-4:30 p.m.—Business.

June 8: 10:00 a.m.-12:00 noon—Scientific and technical. 1:30 p.m.-4:30 p.m.—Other members of the public.

It is the Council's intention to request that members of the various groupings so coordinate their testimony as to make a coherent whole and that those who testify in each half-day period insure time at the end of that half day for questions from the Council. Without limiting everybody's ability to testify at some time the Council will ask certain spokesmen to take the lead with respect to each organizational grouping. Depending on the number of people wishing to testify, we may ask that the lengths of oral presentations be limited. We welcome written presentations, whether or not people also testify. If possible, send us written statements by May 27, 1977, to allow their distribution to panel members. In any case, the hearing record will close June 15, 1977. Address all correspondence to Environmental Impact Statement Reform, Council on Environmental Quality, Executive Office of the President, 722 Jackson Place NW., Washington, D.C. 20006. If you have questions contact Nick Yost, Acting General Counsel at 202-382-6173.

Thank you for helping us.

CHARLES WARREN,
Chairman.

[FR Doc.77-12465 Filed 4-28-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 21, 1977.

The meeting of the USAF Scientific Advisory Board Tactical Panel sheduled for April 28, 1977, as published in the FEDERAL REGISTER April 11, 1977, Volume 42, 19173, File FR DOC. 77-10612, has been cancelled. This meeting has not been rescheduled.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-12384 Filed 4-28-77;8:45 am]

Department of the Navy

BOARD OF ADVISORS TO THE PRESIDENT, NAVAL WAR COLLEGE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Board of Advisors to the President, Naval War College will meet on May 21, 1977, in Room 210 Conolly Hall, at the Naval War College, Coaster's Harbor Island, Newport, Rhode Island. The meeting will commence at 8 a.m.

The purpose of the meeting is to elicit the advice of the Board on educational, doctrinal, and research policies and programs of the Naval War College.

For further information concerning the meeting, contact Commander W. R. Pettyjohn, USN, Executive Assistant to the Dean of Academics, Naval War College, Newport, RI 02840, telephone number 401-841-3589.

Dated: April 22, 1977.

J. S. JENKINS,
Captain, JAGC, U.S. Navy Assistant Judge Advocate General (Civil Law).

[FR Doc.77-12282 Filed 4-28-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL, 720-4, OPP-30130]

AGBIO CHEM, INC.

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

AgBioChem, Inc., 3 Fleetwood Court, Orinda CA 94563, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product GALLTROL-A (EPA File Symbol 40230-R), containing 1.7×10^{9} Colony forming units/plate of the active ingredient Agrobacterium radiobacter which has not been included in any previously registered pesticide products. The application received from AgBioChem, Inc., proposes that the product be classified for general use on seeds and plants susceptible to crown gall infection.

Notice of receipt of this application is made in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.) and does not indicate a decision by the Agency on the application. Any interested person is invited to submit written comments on this application to the Federal Register Section, Technical Services Division (DH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before May 31, 1977, and should bear a notation indicating the EPA Symbol 40230-R. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application should be directed to Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone at 202-426-2454.

Notice of approval or denial of this application to register GALLTROL-A will be announced in the FEDERAL REGISTER. The label furnished by AgBioChem, Inc., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 21, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-12263 Filed 4-28-77;8:45 am]

[FRL 720-3; OPP-6603]

KERR-McGEE CHEMICAL CORP.

Voluntary Cancellation of Registrations of Pesticide Products Containing Copper Acetoarsenite

On March 7, 1977, Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73125, requested that the Environmental Protection Agency (EPA) cancel its registrations for FASCO PARISGREEN AEROGRAM-5 (EPA Reg. No. 2342-502) and FASCO PARISGREEN GRANULAR-7½ (EPA Reg. No. 2343-525), which contain the active ingredient copper acetoarsenite.

Both products are formulated end-use products, Available 1976 production information indicates that these two products have not been recently formulated for sale by Kerr-McGee. Cancellation of these two products would leave 9 registrations in effect (2 technical grade registrations and 7 formulated product registrations, one of which is a State registration).

Copper acetoarsenite is used in controlling mosquitoes, antifouling organisms, and termites. Alternative pesticides are currently registered for these uses. Malathion and termphos are registered for mosquito control; copper oxide, tributyltin fluoride, copper (metallic), and copper hydroxide for antifouling organism control; and sodium arsenite, pentachlorophenol ethylene dibromide for aerial termite control.

Cancellation of the registrations for these two products shall be effective May 31, 1977, unless the registrant, or an interested person with the concurrence of the registrant, requests that the registrations be continued in effect.

Further formulation of these two products after May 31, 1977 is prohibited. The Agency has determined, however, that the distribution, sale, and use of stocks of these products existing on the date this notice is signed would not be inconsistent with the purpose of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.), and would not have an unreasonable adverse effect on the environment. Therefore, pursuant to section 6(a)(1) of FIFRA, the distribution, sale, and use of these products by persons other than the registrant named in this notice shall be permitted after the effective date of cancellation: *Provided* That these products are used in a manner consistent with labeling approved by EPA.

Requests concurred in by the registrant that the registrations of these products be continued, and any comments concerning this action, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Any such submissions should bear a notation indicating both the subject and the OPP document control number (OPP-66031). Any comments or other documents filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 22, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-12264 Filed 4-28-77;8:45 am]

[FRL 720-5TPP6G1727/; 100]

CONREL, AN ALBANY INTERNATIONAL CO.

Extension of a Temporary Exemption From Requirement of a Tolerance; (Z,Z)-7,11-Hexadecadienyl-ol Acetate and (Z,E)-7,11-Hexadecadienyl-ol Acetate

On September 23, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 41746) that in response to a pesticide petition (PP6G1727) submitted to the Agency by Conrel, An Albany International Co., 735 Providence Hwy., Norwood MA 02602, a temporary exemption from the requirement of a tolerance was established for residues of the insecticide (Z,Z)-hexadecadienyl acetate and (Z,E)-7,11-hexadecadienyl acetate in or on cottonseed when used as a pheramone to disrupt mating in the pink bollworm.

This temporary exemption is scheduled to expire April 16, 1977. Conrel has requested a one-year extension of this temporary exemption both to permit continued testing to obtained additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 (a) et seq.)

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary exemption will protect the public health. Therefore, the temporary exemption is extended on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Conrel must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee

of the EPA or the Food and Drug Administration.

This temporary exemption expires April 16, 1978. Residues remaining in or on cottonseed after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption. This temporary exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: April 21, 1977.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc 77-12262 Filed 4-28-77;8:45 am]

[FR 722-1]

NORTH MONTEREY COUNTY FACILITIES PLAN

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) on the North Monterey County Facilities Plan, California.

This program would provide additional waste treatment capacity at a consolidated regional facility to handle the expected growth in the North Monterey County area. The project would provide an acceptable method for the disposal of the treated wastewater resulting from the regional facility.

To receive additional public comments, the Environmental Protection Agency, Region 9, will hold an open public hearing in the DEIS on May 18, 1977 at 7:30 p.m. at the Monterey City Library, Conference Room, 625 Pacific, Monterey, Californna. All interested persons are invited to express their views at this hearing. To ensure the accuracy of the record, oral statements should be accompanied by a written statement. Oral statements should summarize extensive written materials to allow time for all interested persons to be heard.

The DEIS was transmitted to the Council on Environmental Quality on April 22, 1977. In accordance with CEQ's notice of availability, comments are due on June 6, 1977. Copies of the DEIS are available for review and comment from: Project Officer, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111, telephone (415) 556-3458.

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region IX Library, 100 California Street, San Francisco, California
County Public Library, 26 Central Avenue, Salinas, California
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.
East Salinas Branch Library, 1207 East Market, Salinas, California

Information copies of the DEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036. Please reference ELR No. 70499.

Copies of the DEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: April 25, 1977.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.77-12418 Filed 4-28-77;8:45 am]

[FRL 722-2]

UPPER EAGLE VALLEY AND VAIL WASTEWATER FACILITIES PLAN

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Upper Eagle Valley and Vail Wastewater Facilities Plan, Colorado.

The 201 Facilities Plan provides for upgrading the Vail treatment plant and enlarging it from 1.5 to 3.0 mgd capacity, upgrading the Avon treatment plant and enlarging it from 1.65 to 3.5 mgd capacity, and replacing interceptors in the service area.

The DEIS was transmitted to the Council on Environmental Quality (CEQ) on April 18, 1977. Copies of the DEIS are available for review and comment from: Project Officer, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203 (telephone: (303-837-4831 or FTS 327-4831).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region VIII Library, 1st Floor, 1860 Lincoln Street, Denver, Colorado
Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C.

Information copies of the DEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036. Please reference ELR No. 70480.

Copies of the DEIS have been sent to various Federal, State, and local agencies and interested individuals as outlined in the CEQ Guidelines.

Dated: April 26, 1977.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.77-12419 Filed 4-28-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 855]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 25, 1977.

By the Chief, Common Carrier Bureau:

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commmsion's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21143-CD-P-77 Charles L. Slocum (KGI-770), C.P. to change antenna system operating on 152.18 MHz at Loc. No. 1: 2.5 miles South of Corry Legislative Route 25076, Corry, Pennsylvania.

21144-CD-P-(4)-77 Charles L. Slocum (new), C.P. for a new station to operate on 454.050 MHz, Base and 72.70 MHz, Control at Loc. No. 1: 2.5 Miles South of Corry Legislative Route 25096, Corry, Pa.; 454.350 MHz at Loc. No. 2: 115 So. Carver Street, Warren, Pa.; and 454.150 MHz, Base at Loc. No. 3: 2 miles West of Pleasantville Legislative Route 60050, Pleasantville Pennsylvania.

21145-CD-AL-77 Lawrence J. Hradek d.b.a. Cuyahoga County Communications Company Consent to Assignment of License from Lawrence J. Hradek d.b.a. Cuyahoga County Communications Company, assignor to Cuyahoga County Communications Company, assignee. Station: KLF508, Cleveland, Ohio.

21146-CD-P-77 Airsignal International of Philadelphia, Pennsylvania, Inc. (KWU-287), C.P. for additional Standby facilities to operate on 152.24 MHz at Loc. No. 1: 12 South 12th Street, Philadelphia, Pennsylvania.

21147-CD-P-77 Airsignal International of Philadelphia, Pennsylvania, Inc. (KGC-596), C.P. for additional standby facilities to operate on 152.12 MHz located at 12 South 12th Street, Philadelphia, Pennsylvania.

21148-CD-AL-77 Jersey Information Center, Inc., consent to assignment of license from Jersey Information Center, Inc., assignor to Alstar Communications, Inc., assignee. Station: KWH306, Salem, New Jersey.

21149-CD-MP-(2)-77 Sigma Communications Corp. (KCC484), C.P. to change antenna system and replace transmitter operating on 454.150 and 454.175 MHz and also relocate 454.175 MHz from Loc. No. 1 to Loc. No. 2: John Tom Hill, Glastonbury, Connecticut.

21150-CD-P-77 DPS, Inc. t/a Zip-Call (KCB890), C.P. for additional facilities to operate on 43.58 MHz at a new Loc. No. 18: Rt. 63, NW of Amity Road, Bethany, Connecticut.

21151-CD-P-77 Mobile Radio System of Ventura, Inc. (KSV976), C.P. for additional facilities to operate on 158.70 MHz at a new Loc. No. 2: at Red Mountain, approximately 6.0 miles NW of Ventura, California.

21152-CD-P-77 Industrial Communications System, Inc. (KMD990), C.P. for additional facilities to operate on 454.150 MHz at a new Loc. No. 5: 4 miles north of Barstow, California.

21153-CD-ML-77 Reservation Telephone Cooperative (KRM990), modification of license to change frequency from 152.60 MHz to 152.81 MHz located 6 miles E. and 1.5 miles S. of Roseglen, North Dakota.

21154-CD-P-(3)-77 Commercial Communications, Inc. (new), C.P. for a new station to operate on 454.300 MHz, Base and 72.26 MHz, Repeater at Loc. 1: Hogsback Ridge, 8 miles NW of LaBarge, Wyoming; and for 75.66 MHz, Control at Loc. No. 2: 824 Walnut Street, Rock Springs, Wyoming.

21154-CD-TC-77 Walnut Hill Telephone Company, consent to transfer of control from J. D. Garrett, Jr. and Helen Jane Garrett (joint tenants), transferors to J. D. Garrett, Jr. and Helen Jane Garrett (individual tenants), transferees. Station: KLB-682, Lewisville, Arkansas.

21156-CD-R-77 Joplin Mobilfone Service, Inc. (KAH672) renewal of license expiring June 17, 1977. Term: June 17, 1977 to April 1, 1979.

21157-CD-P-(2)-77 Peninsula Radio Secretarial Service, Inc. (KMA608), C.P. for additional facilities to operate on 2113.6 MHz, Control at Loc. No. 1: 135 South B Street, San Mateo, California; and for additional Repeater facilities to operate on 2168.6 MHz at Loc. No. 3: 14721 Van Avenue, San Leandro, California.

21158-CD-AL-77 Sidney C. and Shirley J Childers d.b.a. Communications Equipment and Service Co., consent to assignment of license from Sidney C. and Shirley J. Childers d.b.a. Communications Equipment & Service Co., assignor to Communications Equipment and Service, Inc., assignee. Station: KQZ768, Fairbanks, Alaska.

21159-CD-P-(3)-77 Ram Broadcasting of Ohio, Inc. (KWU474), C.P. to relocate facilities, change antenna system and replace transmitter operating on 454.025, 454.200 and 454.350 MHz located at The B. F. Keith Building, 1621 Euclid Avenue, Cleveland, Ohio.

21160-CD-P-77 Mobilfone Service, Inc (KWU483), C.P. to change antenna system operating on 158.70 MHz located on Orchard Street and Highway No. 36, Rosenberg Texas.

21161-CD-P-77 James W. Corn d.b.a. Omnicom (new), C.P. for a new station to operate on 152.06 MHz to be located at 106 South 2nd Street, Hamilton, Montana.

21162-CD-P-77 Radio Relay Corp., Ohio (KQC877), C.P. for additional facilities to operate on 35.58 MHz at a new Loc. No. 6: Delhi Pike and Neeb Rd., Cincinnati, Ohio.

21163-CD-AL-77 Sidney C. and Shirley J. Childers d.b.a. Communications Equipment & Service Co., consent to assignment of license from Sidney C. and Shirley J. Childers d.b.a. Communications Equipment & Service Co., assignor to Communications Equipment and Service, Inc., assignee. Station: KWA832, Fairbanks, Alaska.

21164-CD-AL-(3)-77 Western California Telephone Company, consent to assignment of license from Western California Telephone Company, assignor to General Telephone Company of California, assignee. Stations: KMM654, Los Gatos, Calif.; KMM655, Morgan Hill, Calif.; and KMM-656 Nevato, California.

21165-CD-P-77 Mobile Radio Systems Ltd (KSJ824), C.P. to change antenna system and replace transmitter operating on 152.18 MHz located at 1704 E. Jackson Street, Springfield, Illinois.

21166-CD-P-(2)-77 Amcom, Inc. (new) C.P. for a new station to operate on 2129.6 MHz, Control at Loc. No. 1: 1701 E. Market Street, Jeffersonville, Indiana; and 2179.6 MHz, Control at Loc. No. 2: State Road 11, Lanesville, Indiana.

CORRECTION

21115-CD-MP-(2)-77 Radio Paging, Inc. (KLF613). This application was inadvertently entered on PN No. 854, dated 4-18-77. It is for a minor modification and should be considered minor under Sec. 21.23(c)(3)(iv) and 21.27(c)(1) of the Rules.

MAJOR AMENDMENT

21560-CD-P-76 Midstate Telephone Company, Stanley, North Dakota (new). Amend base frequency 152.81 MHz to read 152.69 MHz. All other particulars are to remain the same as reported on PN No. 798, dated March 22, 1976.

RURAL RADIO

60256-CR-P-77 RCA Alaska Communications, Inc. (WGG21), C.P. to change class of station from Rural Subscriber to Central Office; relocate facilities, change antenna system and replace transmitters; and change frequencies from 157.95 and 158.01 MHz to 152.72 and 152.54 MHz located on east coast of St. Michael Is. in Norton Sound, 43 mi SW of Unalakleet, Alaska.

60258-CR-P-77 RCA Alaska Communications, Inc. (WGG28), C.P. to change class of station from Rural Subscriber to Central Office; relocate facilities, change antenna system and replace transmitters; and change frequencies from 157.95 and 158.01 MHz to 152.57 and 152.66 MHz located at Village on point of land on east bank of Golovin Lagoon, 69 miles east of Nome, Alaska.

60259-CR-P-77 RCA Alaska Communications, Inc. (new), C.P. for a new Subscriber station to operate on 157.83 MHz to be located at Village on East bank of Fish River, 60 miles ENE of Nome, Alaska.

60260-CR-P-77 RCA Alaska Communications, Inc. (WGG22), C.P. to relocated facilities, change antenna system and replace transmitter; and change frequencies from 157.95 and 158.01 MHz to 157.98 and 157.80 MHz located on NW coast of St. Michael Island, 8.23 miles NW of St. Michael, Alaska.

60261-CR-AL-77 Sidney C. and Shirley J Childers d/b/a Communications Equipment and Service Co. Consent to Assignment of License from Sidney C. and Shirley J. Childers d/b/a Communications Equipment and Service Co., assignor to Communications Equipment and Service, Inc., assignee. Station: KWX60, Temp-Fixed.

60262-CR-AL-77 Sidney C. and Shirley J Childers d/b/a Communications Equipment and Service Co. Consent to Assignment of License from Sidney C. and Shirley J. Childers d/b/a Communications Equipment and Service Co., assignor to Communications Equipment and Service, Inc., assignee. Station: WSN45, Manley Hot Springs, Alaska.

60263-CR-AL-77 Sidney C. and Shirley J Childers d/b/a Communications Equipment and Service Co. Consent to Assignment of License from Sidney C. and Shirley J. Childers d/b/a Communications Equipment and Service Co., assignor to Communications Equipment and Service, Inc., assignee. Station: WSN46, Chatinika, Alaska

60264-CR-AL-77 Sidney C. and Shirley J Childers d/b/a Communications Equipment and Service Co. Consent to Assignment of License from Sidney C. and Shirley J. Childers d/b/a Communications Equipment and Service Co., assignor to Communications Equipment and Service, Inc., assignee. Station: WSM50, New Minton, Alaska.

60265-CR-P-77 Continental Telephone Company of California (new) C.P. for a new Central office station to operate on 152.54 MHz to be located at Chama C.O., 1 mile south of Chama, New Mexico.

60266-CR-P-77 Continental Telephone Company of California (new) C.P. for a new Rural Subscriber station to operate on 157.80 MHz to be located at Lobo Lodge, on State Route 17, 5 miles North of Chama, New Mexico.

RURAL RADIO

60267-CR-P/L-77 McClellanville Telephone Company (new), C.P. for a new Rural Subscriber station to operate on 158.07 MHz to be located 5.6 miles SSE of Awendaw, South Carolina.

60268-CR-P/L-77 McClellanville Telephone Company (new), C.P. for a new Rural Subscriber station to operate on 158.07 MHz to be located 6.1 miles NNE of Awendaw, South Carolina.

60269-CR-AL-77 Western California Telephone Company, Consent to Assignment of License from Western California Telephone Company, assignor to General Telephone Company of California, assignee. Station: KVT58, Temporary-Fixed.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

50012-CG-P-77 The Offshore Telephone Company (new) C.P. for a new station to operate on 491.100 MHz to be located 90 miles south of Franklin, Block 313A, Gulf of Mexico.

50013–CG–P–77 The Offshore Telephone Company (new) C.P. for a new station to operate on 488.100 MHz to be located 76 miles south of Franklin, Block 66C, Gulf of Mexico.

POINT TO POINT MICROWAVE RADIO SERVICE

2106–CF–P–77 Pacific Northwest Bell Telephone Company (KPZ39), 216 I Street, Aberdeen, Washington, Lat. 46°58'38" N., Long. 123°49'04" W., C.P. to replace transmitter on frequency 11445H MHz toward Aberdeen, Washington.

2109–CF–P–77 Same (KTF27), PT Brown Avenue 80° N of Coho Ocean Shores, Washington, Lat. 47°00'26" N., Long. 124°09'34" W., C.P. to replace transmitter on frequency 10995H MHz toward Aberdeen, Washington.

2115–CF–P–77 American Telephone and Telegraph Company (KAA70), 909 High Street, Des Moines, Iowa, Lat. 41°35'17" N., Long. 93°37'46" W., C.P. to add frequency 3730V MHz toward Ames, Iowa.

3116–CF–P–77 Same (KAS42), 6 miles SW of Ames, Iowa, Lat. 41°57'07" N., Long. 93°40'40" W., C.P. to add frequencies 3770V MHz toward Des Moines, and 3770H MHz toward Boone, Iowa.

2117–CF–P–77 Same (KAR86), 3.2 miles E of Holden, Missouri, Lat. 38°42'26" N., Long. 93°55'20" W., C.P. to add frequency 4190.0H MHz toward Windsor, Missouri.

2118–CF–P–77 Same (KBT55), 0.8 miles W of Deepwater, Missouri, Lat. 38°15'38" N., Long. 93°47'47"., C.P. to add frequency 4190.0H MHz toward Windsor, Missouri.

2119–CF–P–77 Same (KAJ76), 3.7 miles N of Windsor, Missouri, Lat. 38°35'43" N., Long. 93°31'26" W., C.P. to add frequencies 4198.0H MHz toward Holden, 4198H MHz toward Deepwater and 4198V MHz toward Cole Camp.

2120–CF–P–77 Same (KAJ77), 7.5 miles SE of Cole Camp, Missouri, Lat. 38°23'11" N., Long. 93°06'29" W., C.P. to add frequencies 4190V MHz toward Windsor, and 4190H MHz toward Barnett, Missouri.

2121–CF–P–77 Same (KAJ60), 0.8 miles SSE of Barnett, Missouri, Lat. 38°22'01" N., Long. 92°40'04" W., C.P. to add frequencies 4198H MHz toward Cole Camp, and 4198H MHz toward Brinktown, Missouri.

2122–CF–P–77 Same (KAK80), 0.9 mile N of Brinktown, Missouri, Lat. 38°08'17" N., Long. 92°04'52" W., C.P. to add frequencies 4190H MHz toward Barnett, and 4190H MHz toward Rosati, Missouri.

2123–CF–P–77 Same (KAL52), 1.5 miles NE of Rosati, Missouri, Lat. 38°02'24" N., Long. 91°30'53" W., C.P. to add frequencies 4198H MHz toward Brinktown, and 4198H MHz toward Richwoods, Missouri.

2124–CF–P–77 Same (KAL75), 4.2 miles SW of Richwoods, Missouri, Lat. 38°06'56" N., Long 90°53'37" W., C.P. to add frequency 4190H MHz toward Rosati, and to add a new point of communication on frequency 2114.6H MHz toward Hillsboro on azimuth 53.8 degrees.

2125–CF–P–77 American Telephone and Telegraph Company (KAQ78), 6.5 miles NNE of Hillsboro, Missouri, Lat. 38°19'32" N., Long. 90°31'42" W., C.P. to add frequency 4190V MHz toward Shirley, and to add a new point of communication on frequency 2164.6H MHz toward Richwoods on azimuth 234.0 degrees.

2126–CF–P–77 Same (KBD39), 5.6 miles NNW of Shirley, Missouri, lat. 37°58'53" N., Long. 90°58'41" W., C.P. to add frequencies 4198V MHz toward Hillsboro, and 4198V MHz toward Cherryville.

2128–CF–P–77 Same (KBD37), 0.7 miles S of Lenox, Missouri, Lat. 37°38'31" N., Long. 91°45'45" W., C.P. to add frequency 4198H MHz toward Cherryville.

2146–CF–P–77 Illinois Bell Telephone Company (KSN65), 211 North Church Street Rockford, Illinois, Lat. 42°16'23" N., Long. 89°05'39" W., C.P. to add frequency 6271.4H MHz toward Monroe Cent, Illinois.

2147–CF–P–77 Same (KSN56), 0.8 miles NE of Monroe Cent, Illinois, Lat. 42°06'07" N., Long. 88°59'03" W., C.P. to add frequencies 6019.3H MHz toward DeKalb, 6019.3H MHz toward Rockford and to change polarization from vertical to horizontal on frequencies 6137.9 6078.6 from horizontal to vertical on 6108.3 5989.7 MHz toward Rockford, Illinois.

2148–CF–P–77 Same (KSN57), 1500 S 7th Strtet, DeKalb, Illinois, Lat. 41°54'45" N., Long. 88°44'50" W., C.P. to add frequency 6271.4H MHz toward Monroe Cent, and to change polarization on frequencies from vertical to horizontal 6390.0 6330.7 from horizontal to vertical 6360.3 6241.7 MHz toward Monroe Cent, Illinois.

2169–CF–P–77 The Mountain States Telephone and Telegraph Company (KPT31), 121 3rd Ave. E. of Twin Falls, Idaho, Lat. 42°33'25" N., Long. 114°28'0" W., C.P. to replace transmitters on frequencies 11445.-0H 11685.0V MHz toward Jerome Jct., Idaho.

2170–CF–P–77 Same (KPV32), Jerome Jct. 4.5 miles E of Jerome, Idaho, Lat. 42°44'02" N., Long. 114°25'05" W., C.P. to replace transmitters on frequencies 10715H 10955V MHz toward Kinzie BT and 10755V 10995H MHz toward Twin Falls, Idaho.

2171–CF–P–77 (KPV32), Kinzie BT 11.0 miles NNE of Shoshone, Idaho, Lat. 43°05' 37" N., Long. 114°22'10" W., C.P. to add a new point of communication on frequencies 11265H 11465V MHz toward Shoshone, on azimuth 189.9 degrees and replace transmitter on frequencies 11445V 11685H MHz toward Mount Baldy, and 11405V 11645H MHz toward Jerome Jct., Idaho.

2172–CF–P–77 (Same (new), 110. East A Street Shoshone, Idaho, Lat. 42°56'06" N., Long. 114°24'25" W., C.P. for a new station on frequencies 10855H 11055H MHz toward Kinzie BT on azimuth 9.8 degrees.

2173–CF–P–77 Same (KPV35), Mount Baldy 2.0 miles SW of Ketchum, Idaho, Lat. 43°39'40" N., Long. 114°24'07" W., C.P. to replace transmitters on frequencies 10775H 10995V MHz toward Kinzie BT.

2174–CF–P–77 South Central Bell Telephone Company (KYC49) 2.3 miles SE of Fern Creek Kentucky, Lat. 38°07'32" N., Long. 85°34'44" W., C.P. to move and replace antenna on frequencies 6123.1V 10955V MHz toward Louisville, 5945.2V 10755H MHz toward E Bardstown and 6152.8H MHz toward Bishop LN, Kentucky.

2175–CF–P–77 Same (KZS27), E Bardstown 4.1 miles E of Bardstown, Lat. 37°50'32" N., Long. 85°24'22" W., C.P. to move antenna on frequencies 6197.2V 11685 H MHz toward Fern Creek, Kentucky.

2176–CF–P–77 The Mountain State Telephone and Telegraph Company (KFA22), Lookout PT 14 miles E of Glenwood Springs Colorado Lat. 39°32'35" N., Long. 107°17'50" W., C.P. to change polarization from vertical to horizontal on frequencies 10855 11175 MHz toward Rifle Jc. PR and from passive reflector to Rifle Jct.

2095–CF–R–77 Southern Pacific Communication Company (KFM85), San Antonio. Yard, Texas. Renewal of Radio Station License expired February 1, 1976. Term: 2/1/76 to 2/1/81.

2096–CF–R–77 Same (KFM86), San Antonio Depot, Texas. Renewal of Radio Station License expired February 1, 1976. Term: 2/1/76 to 2/1/81.

POINT TO POINT MICROWAVE RADIO SERVICE:

2099–CF–R–77 Southwestern Bell Telephone Company (WAH 622), temporary fixed-developmental within the territory of the grantee. Received license renewal for above named station.

2100–CF–R–77 General Telephone Company of Florida (WHU 40), temporary fixed-developmental within the territory of the grantee. Received license renewal for the above named station.

2141–CF–P–77 New England Microwave, Inc. (WBA 963), 3 miles North of Killingworth, Connecticut, Lat. 41°23'45" N., Long. 72°33'31" W., Construction permit to add 6330.7V, 6212.0V, 6390.0V and 6419.6H MHz toward East Hampton, Connecticut, via power split, on azimuth 5.8 degrees.

2144–CF–P–77 Video Service Company (New) 2.6 miles East of Palomar Mtn., California, Lat. 33°18'32" N., Long. 116°50'38" W. Construction permit for new station—10735.0V, 10895.0V, 10975.0V and 11135.0V MHz toward Mt. Whitney, California, on azimuth 232.6 degrees.

2145–CF–P–77 Video Service Company (new) 3.5 miles West of Escondido, California, Lat. 33°06'32" N., Long. 117°09'16" W. Construction permit for new station—11305.0V, 11385.0V, 11545.0V and 11625.0V MHz toward Cowles Mtn., California, on azimuth 160.7 degrees.

2177–CF–P–77 New England Telephone and Telegraph Company (KCL 82), 295 Worthington Street, Springfield, Massachusetts, Lat. 42°06'18" N., Long. 72°35'80" W. Construction permit to add 11155V MHz toward WWLP–TV, Massachusetts, on 256.4 degrees.

[FR Doc.77–12322 Filed 4–28–77;8:45 am]

[Report No. 1041]

ACTIONS IN RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration

APRIL 25, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20548	Secs. 73.35, 73.240, and 73.636	Amendment of § 73.35, 73.240, and 73.636 of the Commission's rules relating to multiple ownership of standard, FM, and television broadcast stations. Filed by Robert M. Booth, Jr., attorney for Town and Country Radio, Inc.	Apr. 20, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed on or before May 16, 1977. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–12323 Filed 4–28–77;8:45 am]

[Docket No. 21132; File No. BPH–9728; Docket No. 21133; File No. BPH–9862]

JAMES C. SLIGER AND CUMBERLAND BROADCASTING CORP.

Application for Construction Permit

Adopted: April 15, 1977.

Released: April 26, 1977.

In re Applications of James C. Sliger, Athens, Tennessee, requests: 101.7 MHz, Channel 269A; 1.2 kW (H & V); 440 feet (H & V); Cumberland Broadcasting Corporation, Athens, Tennessee, requests: 101.7 MHz, Channel 269A; 3 kW (H & V); 300 feet (H & V), for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications of James C. Sliger (Sliger), and Cumberland Broadcasting Corporation (Cumberland), for a construction permit for a new FM broadcast station at Athens, Tennessee.

2. Cumberland's ascertainment of community needs and problems consists of three separate showings: (1) A survey conducted in connection with Cumberland's application for assignment of license of standard broadcast station WLAR, Athens, Tennessee; (2) a survey included in the instant application; and (3) additional survey information included in an amendment to the instant application filed February 1, 1977. The first and third survey efforts were conducted in a manner conforming to the requirements of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 560 (1971); the second was not, however, and must therefore be rejected. Thus, while Cumberland included in its second survey effort interviews with seventeen community leaders allegedly conducted by Thomas Arterburn "who is currently General Manager of WLAR(AM) and will hold the same position with respect to the proposed FM station", the applicant subsequently informed the Commission that "* * * Mr. Arterburn may not have made the interviews which he purported to make * * *." At the same time, the applicant did not identify the person who had conducted the interviews in question, and its failure thereby to establish that these interviews were conducted by a principal, management-level employee, or prospective management-level employee (Question and Answer 11(a) of the Primer) requires us to ignore the interviews in evaluating the applicant's ascertainment showing. Voice of Dixie, Inc., 45 FCC 2d 1027 (1974), recon. den. 47 FCC 2d 526 (1974). The survey of the general public included in the second survey and also allegedly conducted by Mr. Arterburn must be rejected on the same basis. (Question and Answer 11(b) of the Primer).

3. A review of the applicant's two acceptable ascertainment showings reveals that Cumberland has failed to comply with the requirements of the Primer, supra, in that Cumberland has failed to survey leaders of all significant population groupings set forth in its demographic study. See Voice of Dixie, supra. Specifically, Cumberland's list of community leaders consulted either as incorporated, or as amended, includes no interviews with labor leaders, no interviews with leaders of civic or women's organizations, and no interviews with leaders of civic or women's organizations, and no interviews with leaders of or for the elderly.

4. Because Sliger proposes independent programming while Cumberland proposes to duplicate some of the programming of its commonly owned AM station, WLAR, evidence regarding program duplication will be admissable under the standard comparative issue. Such evidence shall be limited to a showing of the benefits and detriments to be derived from the duplicated programming which would offset its inherent inefficiency. Jones F. Sudbury, 8 FCC 2d 360 (1967).

5. Except as indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding*, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the efforts of Cumberland Broadcasting Corporation to ascertain the community problems of Athens, Tennessee, whether the applicant interviewed labor leaders, leaders of civic and women's organizations, and leaders of organizations of or for the elderly.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's Rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issue specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77–12325 Filed 4–28–77;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 77–10; Agreements 10072 and 10072–1]

CRUISE LINE INTERNATIONAL ASSOCIATION

Order of Investigation and Hearing

Agreements Nos. 10072 and 10072–1 were filed for approval by Cruise Line International Association (CLIA) pursuant to section 15 of the Shipping Act, 1916.[1] Agreement No. 10072 was noticed in the FEDERAL REGISTER on November 5, 1975. Agreement No. 10072 provides for a conference of passenger lines engaged in the marketing of the cruise and passenger liner industry in North America. CLIA seeks Commission approval to meet, discuss matters of common interest and develop and agree on activities designed to promote and market the concept of shipboard holidays on voyages in which a marketing effort is made in North America. In addition, Agreement 10072 seeks Commission authority to represent its member lines in dealings with industry conferences or associations, governmental agencies and to represent its member lines in matters relating to the qualifications and appointment of travel agents.

Agreement No. 10072–1, known as "Administrative Rules," was subsequently filed by CLIA in order to implement Agreement No. 10072 and was noticed in the FEDERAL REGISTER on January 6, 1976. Article A of Agreement No. 10072–1 concerns the internal administration of the Conference, and Article E concerns rules governing travel agents.

Comments regarding approval of these Agreements were filed on behalf of the Antitrust Division of the Department of Justice. In addition, comments and protests were filed by three travel associations: the American Automobile Association, Inc. (AAA), the Association of Retail Travel Agents (ARTA) and the Americna Society of Travel Agents, Inc. (ASTA).

The comments filed by the Department of Justice set forth its standing and interest in the subject matter of the Agreements. The Department of Justice asserts the entire process of joint regulation of the travel industry—from the appointment of agents, to setting the agents' commissions, to the power to terminate the agents' appointment—would be a per se violation of the antitrust laws as constituting a group boycott in violation of Section 1 of the Sherman Act (see *Fashion Originators' Guild v. Federal Trade Commission*, 312 U.S. 457 (1941); *Associated Press v. United States*, 326 U.S. 1 (1945); *Klor's v. Broadway Hale Stores*, 359 U.S. 207 (1959); *Radiant Burners, Inc. v. Peoples Gas Light and Coke Co.*, 364 U.S. 656 (1961)) and horizontal price-fixing in violation of Section 1 of the

[1] CLIA filed the "Administrative Rules" for information purposes, however, since these Rules impose requirements and conditions upon travel agents that may be found to be subject to section 15, the Commission is of the opinion that Agreement No. 10072–1 should be considered for approval under section 15, Shipping Act, 1916.

Sherman Act (see *Federal Trade Commission v. Cement Institute*, 333 U.S. 683 (1948); *Sugar Institute v. United States*, 297 U.S. 553 (1936); and *National Macaroni Mfrs. Ass'n v. Federal Trade Commission*, 345 F.2d 421 (7th Cir. 1965)). Therefore, under *FMC v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968), the proponents will have the burden of coming forward with evidence to demonstrate that the approval of these Agreements shown to be per se violative of the antitrust laws is nevertheless in the public interest.

The Department of Justice also suggests that less anticompetitive alternatives to the proposed Agreements be examined, i.e., eliminating that aspect of the Agreement which provides for the setting of travel agent commissions by the Association.

The comments by AAA, ARTA and ASTA address over 40 objections to provisions of the Agreements. The principal comments include the following:

1. Agreement No. 10072 authorizes CLIA to collectively set commission levels for travel agents, and Agreement No. 10072–1 establishes specific maximum levels to be paid to appointed travel agents;

2. Agreement No. 10072 provides that only qualified and appointed travel agents may receive remuneration, however, CLIA has commented that such provision is not to preclude remuneration to entities other than appointed travel agents;

3. Agreement No. 10072–1 establishes a $100 annual agency fee to be collected from each travel agent;

4. Agreement No. 10072 provides for consultation and cooperation with other conferences and organizations, but does not provide for third party participation at the meetings by the travel agents;

5. The Agreements provide for all appointed travel agents to be bonded by a bonding company selected by, or acceptable to, the Association, and

6. Agreement No. 10072 provides that amendments to the Agreement may be made provided at least all member lines, less one, agree.

These comments, together with the other largely procedural comments and objections, raise issues of serious anticompetitive restraints which may interfere with the policies of the antitrust laws. The travel agency associations and the Department of Justice assert that CLIA has failed to justify approval of the Agreements under the standards set forth by the Commission and the Courts.

The above comments and protests appear to raise legitimate issues with regard to Agreements Nos. 10072 and 10072–1. Therefore, the Commission is of the opinion that Agreements Nos. 10072 and 10072–1 should be made the subject of a public hearing and investigation to determine whether these Agreements should be approved, disapproved, or modified under the standards set by Section 15 of the Shipping Act, 1916.

Now, therefore, it is ordered, That the Commission commence an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agrements Nos. 10072 and 10072–1 should be approved, disapproved, or modified, pursuant to section 15 of the Shipping Act, 1916;

It is further ordered, That in the event there is any modification of these Agreements, such modification shall be filed with the Commission, and shall be made subject to this investigation for approval, disapproval or modification under the standards of section 15 of the Shipping Act, 1916;

It is further ordered, That the Cruise Line International Association and its member lines are hereby named as Proponents in this proceeding;

It is further ordered, That the American Automobile Association, Inc., the Association of Retail Travel Agents, the American Society of Travel Agents, Inc. and the Department of Justice are hereby named as Protestants in this proceeding;

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined an announced by the Presiding Administrative Law Judge, but in any event, the hearing shall commence no later than October 26, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That a copy of this Order be forthwith served upon Proponents and Protestants herein, and upon the Commission's Bureau of Hearing Counsel, and be published in the FEDERAL REGISTER, and that the Proponents, Protestants and Hearing Counsel be duly served with notice of time and place of hearing;

It is further ordered, That any person (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately, and petition for leave to intervene in accordance with Rule 5(l) of the Commission's Rules of Practice and Procedure (46 CFR 502.72), with a notice to the Commission's Bureau of Hearing Counsel and other parties to this proceeding;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be mailed directly to all of the parties of record.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc 77-12395 Filed 4-28-77;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Jamco International Inc., 1314 Texas Avenue, Houston, TX 77002, officers: David A. Mulherin, President, James L. Johnston, Secretary/Treasurer.

Unlimited Cargo Service Co. (Francisco Gonzalez, dba), 1311 Pizarro, Coral Gables, FL 33134.

Cartwright International Van Lines, Inc., 11901 Cartwright Avenue, Grandview, MO 64030, officers: Michael Cartwright, President, Thomas Cartwright, Secretary, Wm. F. Gremmels, Executive Vice President, Guy Bolen, Treasurer, Jack Spencer, Vice President.

Wilson Maritime, Inc., Eleven Broadway, Suite 802, New York, NY 10004, officers: William Cheng, President, Sanford Chao, Vice President.

Italyork Shipping, Inc., 422 Adams Street, Hoboken, NJ 07030, officer: Nicolo' De Bari, Owner.

HEG International Freight Forwarders, Inc., 1441 Cleveland Road, Glendale, CA 91202, officers: Irene A. Molina, President/Treasurer, Gene C. Sue, Vice President/Secretary, Constantine Manukian, Vice President.

Holders' Overseas Shipping and Crating Services, Corp., 360 Sumner Avenue, Brooklyn, NY 11221, officers: Madeline Holder, President/Treasurer, Almous Holder, Vice President, Peter Clark, Secretary.

F. Carlos Maldana, 5534 Armour Drive, Houston, TX 77020.

Steeb Marine Services, Inc., 2000 Pacific Building, Seattle, WA 98104, officers: Dean Sanders, President, Sam S. Watanabe, Executive Vice President, Dale Bouray, Vice President, Gary A. Twite, Assistant Vice President, Kari T. Perttu, Assistant Vice President.

Transport Industries, Inc., The World Trade Center/Baltimore, Suite 1334, Baltimore, MD 21202, officers: Rolf Graage, President, Dorothy Buschmann, Vice President, France K. Graage, Secretary/Treasurer.

Gulf Forwarding Company, Inc., 1255 Caillavet Street, P.O. Box 468, Biloxi, MS 39533, officers: Gary Gollott, President, Tommy Gollott, Director, Tyrone Gollott, Vice President, Mark Snodgrass, Director, Margaret Snodgrass, Secretary/Treasurer, Ida Gollott, Director, Houston Gollott, Director.

Alpha Shipping Company (Caesar A. Catti, dba), 43-10 21st Street, Long Island City, NY 11101.

T & T International Freight Forwarders Inc., 7465 N.W. 8th Street, Miami, FL 33126, officers: Reinaldo Torrente, Vice President/Secretary, Nora Torrente, Treasurer, Jose A Torrente, President.

By the Federal Maritime Commission.

Dated: April 26, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-12396 Filed 4-28-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-18799, et al.]

CITIES SERVICE GAS CO., ET AL.

Filing of Pipeline Refund Reports and Refund Plans

APRIL 22, 1977.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Power Commission 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 12, 1977. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

Company	Date of filing	Type of filing	Docket No.
Cities Service Gas Co.	Feb. 18, 1977	Report	G-18799, et al.
Consolidated Gas Supply Corp.	Mar. 22, 1977	Plan	R166-211.
Do.	Apr. 12, 1977	(1)	R166-211.
Florida Gas Transmission Co.	Feb. 14, 1977	Report	RP75-1, et al.
Mid Louisiana Gas Co.	Aug. 13, 1976	Plan	AR67-1.
Do.	Mar. 8, 1977	Report	AR67-1.
Mississippi River Transmission Corp.	Apr. 6, 1977	do.	RP76-77.
Natural Gas Pipeline Co. of America	Mar. 21, 1977	do.	RP74-96.
Do.	do.	do.	RP73-110.
Northern Natural Gas Co.	Feb. 11, 1977	Plan	R-478.
Northwest Pipeline Corp.	Feb. 4, 1977	do.[2]	R-478.
Southern Natural Gas Co.	Mar. 21, 1977	Report	RP75-84.
Southwest Gas Corp.	Mar. 25, 1977	do.	RP72-121.
Texas Eastern Transmission Corp.	Apr. 11, 1977	Plan	AR61-2, et al.
West Texas Gathering Co.	Feb. 28, 1977	Report	R-478.
Do.	Mar. 28, 1977	Plan	R-478.
Do.	Feb. 17, 1977	Report	R-478.
South Georgia Natural Gas Co.	Apr. 4, 1977	do.	RP73-49.

[1] Supersedes report filed on Mar. 22, 1977, supra.
[2] Revision to plans originally filed on Jan. 23, 1977.

[FR Doc.77-12229 Filed 4-26-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

National Archives and Records Services

ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Archives Advisory Council shown below will meet at the time and place indicated. Anyone interested in attending, or who wishes additional information, should contact the person shown below. Publication of this notice was delayed because of recent changes in the organization and structure of the Council.

NATIONAL ARCHIVES ADVISORY COUNCIL

Meeting dates: May 12–14, 1977; May 12, 7:30 p.m.–10 p.m.; May 13, 9 a.m.–4:15 p.m.; May 14, 9 a.m.–adjournment.

Place: Room 410, National Archives and Records Service, 8th and Pennsylvania Avenue NW., Washington, D.C. 20408.

Agenda: Presidential libraries, Privacy Law, computerized records systems, machine readable records, cartographic archives, and the report of the Public Documents Commission.

For further information contact: R. Michael McReynolds, General Services Administration (NS), Washington, D.C. 20408, 202-523-3013.

Issued in Washington, D.C. on April 27, 1977.

JOHN J. LANDERS,
Acting Archivist of the United States.

[FR Doc.77-12479 Filed 4-28-77;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 10, May 13, 1977, from 8:30 a.m. to 4:00 p.m., Room 1033, Regional Headquarters Building, GSA Center, Auburn, Washington. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed fire sprinkler installation, USDI-BPA Building, Portland, Oregon; fire sprinkler installation, space alterations and HVAC modification, Courthouse (New), Portland, Oregon; and HVAC modifications and fire sprinkler installation, Federal Building, U.S. Post Office and Courthouse, Juneau, Alaska.

The meeting will be open to the public.

Dated: April 22, 1977.

DAVID L. HEAD,
Regional Administrator.

[FR Doc.77-12588 Filed 4-28-77;12:19 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0503]

HALOCARBONS IN HUMAN FOOD, DRUGS, BIOLOGICAL PRODUCTS, COSMETICS, ANIMAL FEED, ANIMAL DRUGS, MEDICAL DEVICES, AND PACKAGING FOR THESE PRODUCTS

Request for Information

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice is requesting information about the health hazards associated with direct exposure to halocarbons and the use of halocarbons in products regulated by FDA.

DATES: Comments by October 26, 1977.

ADDRESSES: Information to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ted Herman, Compliance Regulations Policy Staff (HFC–10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In this document the term "halocarbons" means carbon compounds fully or partially substituted with halogens; i.e., the compound consists only of atoms of carbon and halogen or carbon, halogen, and hydrogen. The Commissioner is interested in information about possible health hazards to the immediate user associated with direct exposure to halocarbons used as direct or indirect ingredients, including residues from use in manufacturing or in packaging in FDA-regulated products.

This request for information is not concerned with the impact on the public health and the environment that results from depletion to stratospheric ozone and other atmospheric effects, as a consequence of the release into the atmosphere of halocarbons used in FDA regulated products. That phenomenon was the subject of a notice published in the FEDERAL REGISTER of November 26, 1976 (41 FR 52070). That notice also requested information about uses of halocarbons, but it did not request information specifically about indirect uses of halocarbons, the amount of indirect ingredients that might be found in finished products, and the methods for determining concentrations of indirect ingredients in finished products. Thus, although some information about uses of halocarbons was requested in the November 26 notice, FDA requests that interested persons also submit all the information requested in this notice, because more specific information on these uses is needed.

In the FEDERAL REGISTER of April 9, 1976 (41 FR 15026), the FDA proposed to prohibit the continued use of chloroform as an ingredient in human drug and cosmetic products because of a National Cancer Institute report that chloroform induces cancer in animals. In a companion notice published in the same issue of the FEDERAL REGISTER (41 FR 15029), FDA proposed to prohibit the use of chloroform in human food. Those proposals noted that chloroform was used as an active ingredient in drugs, as an ingredient in cosmetics, and as a component of food packaging. The drug and cosmetic final regulations were published in the FEDERAL REGISTER of June 29, 1976 (41 FR 26842).

The comments responding to the proposal to prohibit chloroform in drugs and cosmetics indicated that chloroform could become a component of a drug either directly as an added ingredient (direct ingredient) or indirectly as an incidental ingredient (indirect ingredient). The presence of chloroform as an indirect ingredient in a drug can result from its use as a solvent, an extractant, or a starting material in the manufacture of ingredients used in finished drug products or from migration to the finished product from packaging material in which it may be used. Some of the comments stated that the total removal of the small quantities of chloroform which may be present as indirect ingredients is technically impracticable.

The drug and cosmetic final regulations prohibiting chloroform as a direct ingredient did not prohibit the presence of residual chloroform in drugs and cosmetics if it is an indirect ingredient. As the Commissioner explained in the preamble to the final regulations (41 FR 26842), further information is needed before any final decision can be made about the regulation of chloroform as an indirect ingredient of drugs and cosmetics.

The National Cancer Institute (NCI) is in the process of testing various chemicals, including several halocarbons, to determine whether they are carcinogenic. The following halocarbons, as defined in this notice, are being studied by the NCI:

1,2-Dibromoethane
1,1-Dichloroethane
1,2-Dichloroethane
Hexachloroethane
1,1,2,2-Tetrachloroethane
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Tetrachloroethylene
Triiodomethane
1,2-Dibromo-3-chloropropane
3-Chloropropene
Chlorobenzene
o-Dichlorobenzene
p-Dichlorobenzene
1,1-Dichloroethylene
Methylene chloride
Pentachloroethane
Perchloroethylene
Benzylchloride
cis, 1,2-Dichloroethylene
trans, 1,2-Dichloroethylene

It is possible that some of these as well as other halocarbons may be shown to be carcinogens. The Commissioner is therefore interested in the uses of the above-named halocarbons and all other halocarbons (as defined) that may be present in human food, drugs, biological products, cosmetics, animal feed, animal drugs, medical devices, and packaging for these products. He is particularly interested in information about halocarbons that might occur as impurities in or by-products of the ingredients used in the manufacture of FDA-regulated products.

The Commissioner does not, at this time, have sufficient information about the products that contain halocarbons as direct and indirect ingredients or those halocarbons that are used as starting materials, solvents, or extractants in making finished products regulated by FDA. He also lacks adequate information about the extent to which residual amounts of halocarbons are present in finished products because of migration from packaging to finished products regulated by FDA. The Commissioner believes that many halocarbons are widely used in the manufacture of products regulated by FDA. He therefore is seeking technical data and other information about all halocarbons that could be present in FDA-regulated products to assist him in the determination of the health hazard, if it is determined that other halocarbons induce cancer. Accordingly, the Commissioner has listed several items about which he needs more information, and he requests that interested persons respond with relevant information.

The Commissioner desires to receive from any interested persons information with respect to the following matters about the use of chloroform and other halocarbons in human food, drugs, biological products, cosmetics, animal feed, animal drugs, medical devices, and packaging for these products:

1. Direct ingredients. The names of products containing halocarbons as a direct ingredient and the names and concentrations of the halocarbons present in these products.

2. *Indirect ingredients*. a. The names of any ingredients used in FDA-regulated products in which halocarbons are used as solvents, extractants, and starting materials.

b. The names of any products containing halocarbons as an indirect ingredient (including solvents, extractants and starting materials).

c. The names of the halocarbons present in these products as indirect ingredients (including solvents, extractants, and starting materials).

d. The concentration of halocarbons as indirect ingredients in finished FDA-regulated products.

3. *Packages*. An identification of types of packages or packaging materials, including adhesives, for FDA-regulated products in which halocarbons are used at any stage of manufacture. The response should identify the product for which the package or packaging material is used and the residual amount of halocarbons present in the finished products as a result of migration from the package or packaging material.

4. *Methods*. A statement of how the concentration of halocarbons as indirect ingredients, including packaging residues, in these products was determined, or estimated in responding to items 1, 2.d, and 3 above, and the methods of analysis used in detecting and verifying the concentrations of halocarbons in these products.

5. *Substitutes*. a. The names of chemicals that could be used as substitutes for halocarbons in FDA-regulated products in which halocarbons are a direct or indirect ingredient.

b. The feasibility of replacing products now containing halocarbons as direct or indirect ingredients with products that would not contain halocarbons.

c. The feasibility of removing halocarbons from products that contain them as indirect ingredients.

6. *Adverse effects*. a. Information on the carcinogenic effects of halocarbons obtained from toxicological studies not published in the scientific literature.

b. Information on other effects of halocarbons obtained from toxicological studies not published in the scientific literature.

Interested persons are requested to submit relevant information by October 26, 1977 to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857. All submissions should be identified with the Hearing Clerk's docket number found in brackets in the heading of this notice. Received information may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 25, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-12230 Filed 4-28-77;8:45 a.m.]

[Docket No. 76N-0154; DESI 8867]

ORAL RESERPINE DOSAGE FORMS OF GREATER THAN 1 MILLIGRAM STRENGTH

Withdrawal of Approval of Pertinent Parts of New Drug Applications

AGENCY: Food and Drug Administration, HEW.

ACTION: Notice.

SUMMARY: This notice withdraws approval of pertinent parts of new drug applications for oral reserpine dosage forms of greater than 1 milligram strength on basis of safety.

DATES: Withdrawal is effective on May 9, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be directed to:

Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

William R. Durbin, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857. 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34806), the Director of the Bureau of Drugs proposed to withdraw approval of the oral reserpine drug products listed below, which contain more than 1 milligram of reserpine per dosage unit. He announced his conclusion that, although reserpine is effective for use in hypertension and for psychiatric disorders, in potencies of greater than 1 milligram there is lack of evidence of safety for those uses. In view of this, and the availability of reserpine products in potencies of 0.1 milligram to 1 milligram as well as other products used for the same indications which have a wider margin of safety, the Director concluded that the benefit-to-risk considerations associated with oral dosage forms containing more than 1 milligram of reserpine did not justify their continued marketing. No person requested a hearing.

NDA 9–115; Serpasil tablets; 2 and 4 mg; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.
NDA 9–347; Reserpoid tablets; 4 mg; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 490002.
NDA 9–357; Rau-Sed tablets; 2 and 4 mg; E. R. Squibb, & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.
NDA 9–376; Sandril tablets; 5 mg; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.
NDA 9–391; Serpanray tablets; 2, 3, 4, and 5 mg; Panray, Division of Ormont Drugs & Chemicals, Inc., P.O. Box 150, Englewood, NJ 07631.
NDA 9–572; Reserpine tablets; 2, 3, 4, and 5 mg; Keith-Victor Pharmacal Co., 2503 S. Hanley Rd., St. Louis, MO 63114.
NDA 9–573; Reserpine tablets; 2, 3, 4, and 5 mg; U.S.V. Pharmaceutical Corp., 1 Scarsdale Rd., Tuckahoe, NY 10707.
NDA 9–591; Reserpine tablets and capsules; 2, 3, 4, and 5 mg; Pfizer Laboratories, Division of Charles Pfizer & Co., Inc., 253 E. 42d St., NY 10017.
NDA 9–596; Raulen tablets; 2 and 4 mg; Lemmon Pharmacal Co., Sellersville, PA 18060.
NDA 9–623; Reserpine tablets; 4 mg; American Pharmaceutical Co., P.O. Box 448, Passaic, NJ 07055.
NDA 9–627; Reserpine tablets; 2, 3, 4, and 5 mg; Richlyn Laboratories, 3725 Castor Ave., Philadelphia, PA 19124.
NDA 9–771; Reserpine Alkaloid tablets; 2 mg; Invenex Pharmaceuticals, 2303 Schuetz Rd., St. Louis, MO 63141.
NDA 9–826; Anquil tablets; 4 and 5 mg; Dumas-Wilson Co., Division Mallinckrodt Inc., 2d and Mallinckrodt Sts., St. Louis, MO 63147.
NDA 9–882; R–E–S tablets; 2 mg; Cole Pharmacal Co., Inc., P.O. Box 14404, St. Louis, MO 63178.
NDA 10–045; Vio-Serpine tablets, 2 and 4 mg; Rowell Laboratories, Inc., Baudette, MN 56623.

Those parts of the above new drug applications providing for reserpine in potencies of 1 milligram or less are not affected by this notice.

NDA 9–629; Ketchum Laboratories, Inc., 26 Edison St., Amityville, NY 11701; formerly Success Chemical Co., was listed in error in the August 17, 1976 notice as approval of the products had already been withdrawn on July 24, 1970 (35 FR 11929).

All identical, related, and similar drug products, as defined in 21 CFR 310.6, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice. Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs. Neither the holders of the applications nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), finds that new evidence, not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available when the applications were approved, reveals that the drug products are not show to be safe for use under the conditions of use upon the basis of which the applications were approved.

Therefore, pursuant to the foregoing finding, approval of those parts of the new drug applications providing for the drug products listed above and all amendments and supplements applying thereto is withdrawn effective May 19, 1977.

Shipment in interstate commerce of the above listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: April 19, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-12301 Filed 4-28-77;8:45 am]

[Docket No. 77N–0147]

PHENFORMIN

Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of public hearing.

SUMMARY: The Commissioner of Food and Drugs announces that a public hearing will be held on May 13, 1977 to receive information and views from interested persons on the issue of whether phenformin, as currently labeled, constitutes such a serious hazard that in light of the delay anticipated in the administrative proceedings to withdraw approval of the new drug applications for the compound, the Secretary of Health, Education, and Welfare should be advised by the Food and Drug Administration (FDA) to invoke the "imminent hazard" clause of section 505(e) of the Federal Food, Drug, and Cosmetic Act (the act) to remove the drug from the market immediately.

DATES: The public hearing will be held on May 13, 1977 at 9 a.m. A written notice of participation must be filed by May 10, 1977.

ADDRESSES: Written notice of participation should be sent to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Julian A. Santangelo, Bureau of Drugs (HFD–130), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3490.

SUPPLEMENTARY INFORMATION: On April 22, 1977, the Secretary of Health, Education, and Welfare received a petition from the Health Research Group, Washington, D.C., that he immediately suspend approval of the new drug applications for phenformin under section 505(e) of the act on the grounds that the continued marketing of this drug represents an imminent hazard to the public health. The petitioner cited as the reasons for this request the fact that phenformin can produce a fatal reaction known as lactic acidosis in some patients, that the number of cases of lactic acidosis reported to FDA has continued to increase in the past 6 months, and that continued use of the drug will result in additional deaths and therefore constitutes an imminent hazard.

The Secretary has asked FDA to advise him promptly on the action it feels should be taken in response to the petition. The Commissioner has, in turn, decided to solicit public comment on whether the imminent hazard provision of the law can and properly should be invoked in this case before preparing his advice to the Secretary. A decision to invoke this provision of the law would result in immediate withdrawal of the drug from the market, with resultant impact on the diabetic patients now taking the drug, their physicians, and the involved manufacturers. The Commissioner believes that these and other interested parties should have an opportunity to comment to the agency on the petition, before a final recommendation to the Secretary is framed. Accordingly, a public hearing will be held on an expedited basis before the Director of the Bureau of Drugs to provide an opportunity for such comment. The Commissioner emphasizes that the sole issue for the hearing is whether to recommend to the Secretary that he invoke in this case the imminent hazard provision of section 505(e) of the act.

I. Phenformin is an oral hypoglycemic drug used in the treatment of patients

with non-insulin dependent adult-onset diabetes. It was first approved for marketing in the United States in March 1959. Reports suggesting that phenformin might be associated with lactic acidosis, a potentially fatal complication, began to appear in the early 1960's. A precautionary statement was added to the labeling of the drug in 1964 and physicians were advised not to use the drug in patients with significant kidney impairment and in certain cardiovascular diseases that could result in severe or sustained hypotension. In 1971 this precaution was revised to give additional emphasis to the association between phenformin and the occurrence of lactic acidosis.

In January 1973 the Bureau of Drugs reviewed the subject for the first time with its Endocrinology and Metabolism Advisory Committee. At this time about 4 million retail prescriptions per year were being dispensed, representing about 20 percent of oral hypoglycemic use. The total number of cases of lactic acidosis in FDA files was 74. Although several members of the Advisory Committee stated that their personal impression was that phenformin probably was responsible for inducing lactic acidosis in some instances, all agreed that available data did not establish drug etiology in the absence of other predisposing factors such as myocardial infarction or renal disease. Additional predisposing factors appeared to be alcohol consumption and cardiovascular collapse. The Committee concluded that for the remaining patients there was an adequate benefit/risk ratio to justify continued marketing of phenformin.

The labeling for the drug was further revised in 1974 to include an expanded discussion of lactic acidosis in the new warning section of the package insert. This warning was placed in a box at the beginning of the labeling in May 1976.

Because of a further accumulation of case reports of lactic acidosis in association with phenformin therapy, the subject was re-presented to the Endocrinology and Metabolism Advisory Committee in October 1976. At this time FDA had a total of 190 cases in its files. In 1976 about 3.5 million retail prescriptions were being dispensed, a decline from a peak of 4.7 million in 1974.

The Advisory Committee concluded there was by then a clear and unequivocal association between the use of phenformin and lactic acidosis, and noted that although the mechanism by which phenformin induces lactic acidosis was unclear, there was sufficient evidence of a causal relationship between phenformin and lactic acidosis.

The Committee unanimously recommended removal of the drug from the market. The reason for this recommendation was that phenformin carries a risk of lactic acidosis, a potentially lethal adverse reaction, and in most patients offers no compensating benefit sufficient to justify that risk. The Committee also stated, however, that in a small population, the benefits from the use of phenformin outweighed the risks, but concluded that the use of the drug could not practicably be confined to this population. They therefore recommended that, for the good of the public, the drug should be removed from the market.

The Bureau of Drugs reviewed this recommendation and the approaches to its implementation. To clarify the question of phenformin use by a limited patient population, the bureau staff asked the Advisory Committee to define a population in which the benefits outweigh the risks. Responses received from Committee members in January and February 1977 revealed that they could not specifically define such a population.

In January 1977 the labeling for phenformin was further revised to state that the drug is indicated only for symptomatic diabetics unresponsive to diet (previously the indications for use had included symptomatic and asymptomatic diabetics) and in whom sulfonylureas were ineffective or in whom insulin could not be used. The maximum daily dose recommended in the labeling was reduced by one-half because of evidence of a dose-response effect on blood lactate levels. A "Dear Doctor" letter was sent by the manufacturers to practicing physicians, and medical journal advertisements described the new restricted indications for use. Thus, phenformin, as currently labeled, is clearly regarded, even by its manufacturers, as a "last resort" drug in symptomatic diabetics who do not have various underlying risk factors that appear to be associated most commonly with lactic acidosis.

The Food and Drug Administration regarded this revised labeling merely as an interim measure until procedures could be instituted to remove phenformin from the market altogether. This position of the agency was affirmed in two recent speeches by the FDA Associate Director for New Drug Evaluation.

After reviewing the most recent statements of the members of the Advisory Committee, the Bureau of Drugs began drafting a notice of opportunity for hearing (NOH) on a proposal to withdraw approval of the new drug applications for phenformin. The planned date for publication of this was, and remains, early May 1977.

II. Under the procedures prescribed by law for determining whether the approval of the NDA's for a drug should be withdrawn, continued marketing of the drug is ordinarily permitted pending completion of the administrative process. See section 505 of the act and 21 CFR 314.200. That process provides for notification to the holders of the NDA's and to other interested parties of the grounds upon which FDA relies in proposing to withdraw approval of the NDA's and offers an opportunity for a formal evidentiary hearing. The NDA holders may then request a hearing on the proposed withdrawal of approval of their NDA's and submit the data, information, and analysis upon which they rely to justify a hearing. The agency must then review the submissions and either grant or deny the request for hearing. If a hearing request is granted, more time is needed for preparing and conducting the hearing before the agency's administrative law judge. The Commissioner must then review the entire administrative record before making a final determination whether approval of the NDA should be withdrawn. In addition, after FDA has rendered a final decision on the matter, judicial review may be sought. Accordingly, the withdrawal of approval of an NDA may require considerable time, if contested, and the current law contemplates that marketing of a drug that is the subject of such an action may, under ordinary circumstances, be continued pending a final determination.

Section 505(e) of the act governs the criteria and procedures for withdrawal of a new drug application. In lieu of the normal process outlined above, that section provides the following alternative: "[I]f the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the public health, he may suspend the approval of such [new drug] application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection * * *". This special authority is vested solely in the Secretary and is not delegable to any official of FDA. The agency and the Department of Health, Education, and Welfare (HEW) have historically followed a literal reading of this provision, construing the words "imminent hazard to the public health" to connote an impending severe harm to the general public—one that is very likely to occur, to occur without delay and to affect significant numbers of persons (21 CFR 2.5, formerly § 3.73, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)). Under this interpretation, it is questionable whether phenformin constitutes an "imminent hazard" inasmuch as lactic acidosis is an uncommon event that has been associated with use of the drug since its introduction into the marketplace 18 years ago.

In recent years, however, this interpretation of the "imminent hazard" standard has been questioned within and without HEW. The United States Court of Appeals for the District of Columbia has given a broader construction to the same phrase as it appears in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(c)). See *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 465 F.2d 528 (D.C. Cir. 1972); *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 510 F.2d 1292 (D.C. Cir. 1975); and *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, Nos. 75–2259, 76–1181, 76–1245 and 76–1247 (D.C. Cir. Nov. 10, 1976) (Slip Opinion). Under these decisions, "imminent hazard to the public health" is not restricted to "a concept of crisis", but also includes a "substantial likelihood that serious harm will be experienced during the year or two required in any realistic projection of the administrative process" (465 F.2d at 540; 510 F.2d 1297; and Slip Opinion at 10). Furthermore, the existence and the degree of harm need not be incontrovertible; it is sufficient that the agency's findings regarding the nature of the risks be supported by respectable scientific authority (465 F.2d at 537; 510 F.2d at 1298; and Slip Opinion at 10). The cases also suggest that the public health benefits (or the lack of any) from continued availability of the product, and the availability of feasible alternative mechanisms that might permit continued use with minimal risks, may be considered in determining the imminency of the hazard (465 F.2d at 538 and 540; and Slip Opinion at 22–25). Although these precepts were set forth in the context of a different statute, the "imminent hazard" standard of the pesticide law was taken from the similar language of the act, and FDA has been considering their applicability to section 505(e) of the act.

III. The Commissioner has not reached any conclusions regarding the advice that FDA should provide the Secretary on whether phenformin should be deemed to be an "imminent hazard". Factors suggested by the court decisions above that may justify invocation of the imminent hazard authority and some of the relevant considerations to these include:

1. The substantial likelihood that lactic acidosis resulting from use of phenformin will continue to occur, notwithstanding the interim revisions in the labeling implemented in January 1977. The current labeling for phenformin restricts use of the drug to a very small patient population with none of the underlying risk factors that have been linked with phenformin-associated lactic acidosis. Nevertheless, lactic acidosis can still occur in patients without these risk factors, although the incidence would be expected to be much lower. Although use of phenformin has been declining since 1974, it continues at a substantial level and the impact of the 1977 labeling changes, including a probable decrease in the number of patients exposed to the drug, cannot be assessed for several more months. It is possible that the risk from lactic acidosis may be minimized to such an extent by the new labeling that it would not constitute a hazard requiring immediate withdrawal of the drug from the market. One of the members of the Endocrinology and Metabolism Advisory Committee, who had previously advised FDA to remove phenformin from the market, wrote to FDA in February 1977 to suggest that perhaps FDA should not proceed to withdraw phenformin from the market until it had an opportunity to observe, over a period of a few months, the consquences of the new restrictive labeling. It should be noted, however, that a monitoring system sufficient to identify each case of lactic acidosis is not in place, could not be developed in a reasonable time, and probably would not identify all instances of lactic acidosis.

2. The absence of any significant health need for phenformin. Neither the Endocrinology and Metabolism Advisory Committee of FDA nor the medical staff within the agency has been able to identify specifically a patient population in which the risks of lactic acidosis are outweighed by the benefits.

3. The realistic possibility that withdrawal of the NDA's for phenformin pursuant to the usual administrative procedures, a process already begun with FDA some months ago, will take many months and perhaps years. It is quite likely that one or more of the manufacturers of phenformin will contest any proceedings to withdraw approval of the drug. Furthermore, there may be a difference of opinion among experts on the scientific issues relating to phenformin and whether there is a patient population in which the benefits outweigh the risks when certain safeguards are instituted. On a disputed question of safety, FDA's use of the summary judgment procedure to deny any request for a hearing (21 CFR 314.200(g)) might not be available, so that a full evidentiary hearing would probably be required.

This list of factors obviously is not exhaustive. The purpose of the hearing announced in this notice is to invite public comment on these and other factors and to gather advice from all interested persons as to which factors and what information should be considered by FDA in advising the Secretary on a response to the April 22 petition. The public hearing will not include a discussion of lactic acidosis per se. Questions over the causal relationship between phenformin and lactic acidosis, the influence of predisposing factors, and other scientific issues will be considered in the context of the responses to the NOH. The issue for this public hearing is whether phenformin, as currently labeled, constitutes such a hazard that, in light of the delay that may be anticipated in the administrative proceedings to withdraw approval of the new drug applications for phenformin, the Secretary should invoke the "imminent hazard" clause of the act to remove the drug from the market immediately. Materials relating to this issue, including those referred to in this notice, will be put on public display in the office of the Hearing Clerk, FDA.

The hearing will be held on May 13, 1977 in Conference Rm. 3A, Third Floor, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. The hearing will begin at 9 a.m. The presiding officer will be J. Richard Crout, M.D., Director of the Bureau of Drugs.

A written notice of participation must be filed pursuant to 21 CFR 12.45 (formerly 21 CFR 2.131 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857 not later than May 10, 1977. The envelope containing the notice of participation should be prominently marked "Phenformin Hearing." The notice of participation itself must contain the Hearing Clerk Docket No. 77N–0147, the name, address, and telephone number of the person desiring to make a statement, along with any business affiliation, a summary of the scope of the presentation, and the approximate amount of time being requested for the presentation. A schedule for the hearing will be mailed to each person who files a notice of participation; the schedule will also be available from the FDA Hearing Clerk. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations.

In the event that the responses to this notice of hearing are so numerous that insufficient time is available to accommodate the full amount of time requested in the notices of participation received, FDA will allocate the available time among the persons making the oral presentations to be used as they wish. Formal written statements (preferably in quadruplicate) may be presented to the presiding officer on May 13 for inclusion in the administrative record.

The hearing will be open to the public. Any interested person who files a written notice of participation may be heard with respect to matters relevant to the issue under consideration.

Dated: April 27, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-12426 Filed 4-28-77;12:00 pm]

[Docket No. 77N-0145]

X-OTAG PLUS TABLETS (ORPHENADRINE CITRATE WITH ACETAMINOPHEN) AND ORPHENGESIC TABLETS (ORPHENADRINE CITRATE WITH ASPIRIN, PHENACETIN, AND CAFFEINE)

Opportunity for a Hearing on Proposal to Refuse Approval of New Drug Applications

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Director of the Bureau of Drugs proposes to refuse approval of abbreviated new drug applications for X-Otag Plus (orphenadrine citrate 50 milligrams in combination with acetaminophen 325 milligrams) Tablets (ANDA 85–445) by Cord Laboratories, Inc./Tutag Pharmaceuticals, Inc. ("Tutag") 2599 W. Midway Blvd., Broomfield, CO 80020, and for Orphengesic (orphenadrine citrate 25 milligrams in combination with aspirin 225 milligrams, phenacetin 160 milligrams, and caffeine 30 milligrams) Tablets (ANDA 85–682) by Inwood Laboratories ("Inwood") 300 Prospect St., Inwood, NY 11696, on the following grounds: (1) That (a) neither application contains any reports of investigations or adequate tests, by all methods reasonably applicable, to show whether or not X-Otag Plus or Orphengesic is safe for use under the conditions prescribed, recommended,

or suggested in the proposed labeling thereof, (b) upon the basis of the information submitted as part of each application, FDA has insufficient information to determine whether either drug is safe for use under such conditions, and (c) evaluated on the basis of the information submitted as part of the application and other public information before FDA with respect to each drug, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under such conditions; and (2) that X-Otag Plus and Orphengesic are new drugs as defined in section 201(p) of the Federal Food, Drug, and Cosmetic Act (the "act") and information relating to their safety and effectiveness must be contained in a new drug application in order to be approved under section 505 of the act (21 U.S.C. 355). This notice does not apply to another pending new drug application (NDA 18-015) for X-Otag Plus submitted by Tutag.

DATES: Any request for a hearing must be submitted on or before May 31, 1977. In support of any such request, all data and information relied upon to justify a hearing and any other comments from interested persons must be submitted on or before June 28, 1977.

ADDRESSES: Requests, supporting data and information, and other comments shall be summitted, with FDA Docket No. 77N-0145 clearly indicated in the filings, to the FDA Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION:

BACKGROUND

As required by the Drug Amendments of 1962, FDA is engaged in a Drug Efficacy Study Implementation (DESI) program under which each drug covered by a new drug application (NDA) that was approved by FDA on the basis of safety between 1938 and 1962 is reviewed to determine whether substantial evidence exists to demonstrate that the drug is effective for its labeled indications. As reviews are completed, notices are published in the FEDERAL REGISTER announcing the agency's conclusions on the effectiveness of the drugs reviewed.

In the FEDERAL REGISTER of March 11, 1974 (39 FR 9487) FDA published DESI Notice 6566 stating that Norflex Tablets containing 100 milligrams of orphenadrine citrate as a single active ingredient and marketed by Riker Laboratories, Inc., is effective "as an adjunct to rest, physical therapy, and other measures for the relief of discomfort associated with acute, painful musculo-skeletal conditions." The DESI notice also stated that Norflex Tablets is regarded as a "new drug" as defined in section 201(p) of the act, and that "a new drug application is required from any person marketing such drug without approval." Finally, referring to a prior general announcement by FDA published in the FEDERAL REGISTER of July 14, 1970 (35 FR 11273), DESI Notice 6566 advised that "marketing of such drugs may be continued * * * [by] any person who does not hold an approved or effective new drug application, [upon] the submission of an abbreviated new drug application" (ANDA) within 60 days of the notice (i.e., by May 10, 1974). The July 14, 1970 announcement also permitted manufacturers to commence marketing upon the filing of an NDA or ANDA.

On September 22, 1975, FDA published in the FEDERAL REGISTER a general notice (40 FR 43531) that in effect revoked those portions of the July 14, 1970 announcement that were inconsistent with the District Court's order in *Hoffmann-LaRoche, Inc.* v. *Weinberger*, 425 F. Supp. 890 (D.D.C., 1975), reprinted in the September 22, 1975 notice. That order expressly forbade FDA "from implementation of its policy permitting the introduction into interstate commerce without an approved new drug application of prescription drugs which the FDA has previously declared to be new drugs * * *." This order, and the September 22, 1975 notice, thus revoked any "permission" from FDA for a new supplier of a drug listed in DESI Notice 6566 to commence marketing upon submission of an NDA or ANDA but prior to the approval of an NDA or ANDA.

ACTIONS RELATING TO X-OTAG PLUS

Sometime in September 1975, Tutag commenced marketing of X-Otag Plus. After becoming aware of Tutag's activities, and consistent with the enforcement program described in the agency's Compliance Policy Guide No. 76-127 regarding "Marketed New Drugs without Approved NDA's or ANDA's" (41 FR 41770, September 23, 1976), FDA issued a regulatory letter to Tutag stating the agency's conclusion that X-Otag Plus is a "new drug" under section 201(p) of the act and that it was being marketed in violation of section 505(a) of the act. The letter, dated October 7, 1976, requested that Tutag take prompt action to discontinue marketing of X-Otag Plus in order to avoid enforcement action being initiated by FDA.

On October 26, 1976, Tutag submitted an ANDA (assigned number ANDA 85-445 by FDA) for X-Otag Plus, but did not discontinue marketing the product. This form of a new drug application does not contain preclinical or clinical studies demonstrating the safety or effectiveness of the drug product. 21 CFR 314.1(f). The proposed labeling for X-Otag Plus contained the following statement of indications: "[A]s an adjunct to rest, physical therapy, and other measures for the relief of discomfort associated with acute, painful musculo-skeletal conditions." Tutag indicated that it believed that DESI Notice 6566 authorized use of an ANDA rather than an NDA for a product containing orphenadrine citrate. On November 19, 1976, Tutag was advised by FDA that an ANDA was not an acceptable form of application for a combination product containing orphenadrine citrate and acetaminophen. By a letter dated December 16, 1976, counsel for Tutag requested the opinion of the Office of Chief Counsel of FDA on the legal correctness of this interpretation of DESI Notice 6566. On February 16, 1977, after reviewing the matter, the Associate Chief Counsel for Drugs, FDA, affirmed the legality of the refusal to accept an ANDA for X-Otag Plus. In a letter dated February 25, 1977, Tutag requested that ANDA 85-445 be filed over protest in accordance with 21 CFR 314.110(d). Under that regulation, FDA is required to reevaluate the application and within 60 days the agency must either approve the application or give written notice of an opportunity for a hearing on the question whether the application is approvable. This notice is provided pursuant to that requirement.

Three other proceedings are related to the X-Otag Plus matter, although none directly affects the conclusions reached below. First, on February 24, 1977, Tutag filed a complaint for declaratory and injunctive relief in the United States District Court for the District of Colorado. *Tutag Pharmaceuticals, Inc.* v. *United States of America*, et al., Civil Action No. 77-F-220 (1977). Tutag requested that the court find either that X-Otag Plus had not properly been classified as a "new drug" by FDA or that the refusal by FDA to process an ANDA for X-Otag Plus was unlawful; Tutag further requested that the court enjoin all regulatory actions against X-Otag Plus both immediately and permanently. By an order dated March 31, 1977, the District Court found that it lacked jurisdiction to issue either the injunctive relief requested or the declaratory judgment sought. Referring to the Supreme Court decisions in *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973), and *CIBA Corp.* v. *Weinberger*, 412 U.S. 640 (1973), the order stated that "A court lacks the jurisdiction, as well as the expertise, to decide issues involving determinations of scientific facts, in the absence of a final decision by the FDA. The final, reviewable decision of the FDA on these issues should contain full findings of fact. We cannot usurp the intended function of this administrative agency * * *." The court dismissed Tutag's complaint. Although Tutag did not raise the issue whether X-Otag Plus is a "new drug" in its request to file ANDA 85-445 over protest, the Director of the Bureau of Drugs takes note that the issue is one which should be addressed in the "final, reviewable decision of the FDA" on this application.

In a second proceeding, begun March 7, 1977, FDA initiated an action for forfeiture of X-Otag Plus in the United States District Court for the District of Colorado. *United States* v. *An Article of Drug * * * "X-Otag Plus"*, Civil Action No. 77-F-248 (1977). The purpose of this action was to terminate marketing of the product until a new drug application for it had been approved by FDA. A seizure was executed on March 8. No judicial determination has yet been made in this matter.

The third proceeding related to this product commenced on March 31, 1977, when Tutag submitted a "full" NDA for X-Otag Plus. In making this submission, Tutag expressly indicated that it did not concede that X-Otag is a "new drug." The agency is separately processing this NDA and it is not covered by this notice.

ACTIONS RELATING TO ORPHENGESIC

Inwood submitted an ANDA (assigned number ANDA 85-682 by FDA) for Orphengesic on February 25, 1977. The proposed labeling contained the following statement of indications: "Orphenadrine citrate is indicated as an adjunct to rest, physical therapy, and other measures for the relief of discomfort associated with acute painful musculoskeletal conditions." On March 10, 1977, FDA advised Inwood that an ANDA was not an acceptable form of application for a combination product containing orphenadrine citrate and aspirin, phenacetin, and caffeine (APC). On March 24, 1977, Inwood requested that ANDA 85-682 be filed over protest in accordance with 21 CFR 314.110(d). This notice of opportunity for a hearing is provided pursuant to that regulation. Inwood, in its request, asserted that none of the active ingredients is a "new drug," that orphenadrine citrate was declared to be safe and effective in DESI 6566, that the combination of APC is widely used, that the addition of APC to orphenadrine citrate raises no significant question of safety or effectiveness, that FDA approved an identical combination product in 1964, that the combination is generally recognized by experts as safe and effective, and that Orphengesic is identical, similar, or related to, and cannot be reasonably distinguished from, orphenadrine citrate identified in DESI Notice 6566. Neither the ANDA nor the Inwood request contains any documentation to support these contentions. Although Inwood does not directly argue it, the Director of the Bureau of Drugs construes several of these claims to be an assertion that Orphengesic is not a "new drug."

Inwood had begun marketing Orphengisic prior to March 1977. On March 4, 1977, FDA sent a regulatory letter requesting that marketing be discontinued, and on March 18, Inwood notified FDA that it would do so.

FACTS RELATING TO STATUS OF X-OTAG PLUS AND ORPHENGESIC AS NEW DRUGS

X-Otag Plus is a combination of two active drug ingredients: orphenadrine citrate 50 milligrams and acetaminophen 325 milligrams.

Orphengesic is a combination of four active drug ingredients: orphenadrine citrate 25 milligrams, aspirin 225 milligrams, phenacetin 160 milligrams, and caffein 30 milligrams (APC).

Orphenadrine citrate was first marketed in the United States as a drug for human use in 1959. It has always been sold on prescription only. Prior to marketing, a new drug application was submitted to FDA and allowed to become effective under the then applicable statutory standards. Subsequently, as discussed earlier, orphenadrine citrate was reviewed in the DESI program and, in DESI Notice 6566 published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9487), it was found to be an effective "new drug" for the indications now used by Norflex Tablets (quoted above). Since that time, no interested person has petitioned FDA or otherwise sought to initiate an administrative review of the new drug status of orphenadrine citrate. No significant volume of published literature or other indicators of scientific opinion have come to the attention of FDA to suggest that, among qualified experts, orphenadrine citrate is now generally recognized as safe and effective for the indications set forth in DESI Notice 6566 or for any other indications. Orphenadrine citrate has been treated as a "new drug" by FDA from 1959 through the date of this notice. The Director finds, however, that a final determination whether orphnadrine citrate is still a "new drug" is not necessary for a determination of the new drug status of X-Otag Plus and Orphengesic because the new drug status of a combination drug product is not necessarily dependent upon the new drug status of any of its active ingredients.

Similarly, it is not necessary to determine at this time the new drug status of acetaminophen or APC. The Director notes, however, that acetaminophen was first marketed in the United States in the early 1950's after an NDA was submitted to FDA and allowed to become effective under the then applicable statutory standards. It was also subject to the DESI review. (See DESI Notice 6499 published in the FEDERAL REGISTER on April 20, 1972 (37 FR 7820)). The Director also notes that both acetaminophen and APC are now being evaluated as part of the comprehensive review of over-the-counter (OTC) drug products for human use for the purpose of classifying them either as being generally recognized as safe and effective and not misbranded (and also not "new drugs") or as being "new drugs." See 21 CFR Part 330. No tentative or final decisions have been reached by the Commissioner as a result of this review regarding the current new drug status of either acetaminophen or APC for their labeled indications. This review generally does not, however, include those drug products that contain acetaminophen or APC with other ingredients that are restricted to dispensing on prescription only. Thus, combinations of acetaminophen or APC with orphenadrine citrate are not being reviewed in the OTC review with regard to their new drug status for their labeled indications.

The combination of orphenadrine citrate and APC was first marketed in the United States in 1964, when one product, under the trade name Norgesic, was introduced. It contains orphenadrine citrate 25 milligrams, aspirin 225 milligrams, phenacetin 160 milligrams, and caffeine 30 milligrams and is indicated for symptomatic relief of mild to moderate pain of acute musculo-skeletal disorders. Its manufacturer, Riker Laboratories, Inc., first submitted and had approved, under the statutory standards in effect after the Drug Amendments of 1962, an NDA containing preclinical and clinical data relating to safety and effectiveness. Since 1964, until the Inwood ANDA for Orhphengesic, no other manufacturer has sought FDA permission to market that combination product. The Inwood ANDA neither contains nor cites any publications or other statement of expert opinion that the combination is generally recognized as safe and effective, and refers to no scientific data to support the claim that combining APC with orphenadrine citrate does not raise any significant question of safety and effectiveness. No other information has come to the attention of FDA to indicate, nor is the Director otherwise aware, that a combination of orphenadrine citrate and APC is generally recognized as safe and effective for the conditions set forth in the proposed labeling for Orphengesic.

The combination of orphenadrine citrate and acetaminophen was apparently marketed in the United States for the first time in 1975 (by Tutag). No information is available on the volume of sales since commercial distribution began. No new drug application was ever filed with or approved by FDA for such a combination. The Tutag ANDA represents one of the first submissions to FDA regarding this combination; it contains no information regarding either the safety or effectiveness of the combination or the general recognition by experts of the safety or effectiveness of the combination. The ANDA did contain a bibliography regarding the active ingredients and a combination of orphenadrine citrate and acetaminophen in different proportions than X-Otag Plus. Pursuant to 21 CFR 314.1(c)(2), item 12.e, a bibliography is not acceptable. Full reprints are required. (The Tutag NDA 18-015 submitted on March 31, 1977 (not the subject of this notice) does, however, contain articles in the published literature that Tutag asserts establish the safety and effectiveness of the product. Unfortunately, FDA cannot undertake an evaluation of these articles concurrently with the required reevaluation of the ANDA within the deadline mandated by 21 CFR 314.110(d). The Director notes, however that in the NDA submitted on March 31, 1977, Tutag did not claim that these articles either constituted evidence of the general recognition of safety and effectiveness of X-Otag Plus or established that X-Otag Plus was not a new drug.) No other information has come to the attention of FDA to indicate, nor is the Director otherwise aware, that a combination of orphenadrine citrate 50 milligrams and acetaminophen 325 milligrams is generally recognized as safe and effective for the conditions of use set

forth in the proposed labeling for X-Otag Plus.

ANALYSIS AND CONCLUSIONS ON THE STATUS OF X-OTAG PLUS AND ORPHENGESIC AS NEW DRUGS

Section 201(p) of the act defines a "new drug" as any drug for human use "the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof," or any drug for human use "the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions." Section 201(p)(1) of the act exempts from the defintion of "new drug," through a "grandfather clause," a drug marketed in 1938 and subject to the Food and Drugs Act of 1906. Section 107(c) of the Drug Amendments of 1962 further exempts certain new drugs from the effectiveness standards of section 201(p).

The Food and Drug Administration has consistently asserted that the "newness" of a drug product arises from many factors. First, and most obvious, is whether the individual chemical entities contained in the product are "new drugs." 21 CFR 310.3(h)(1). As noted above, orphenadrine citrate and acetaminophen have both been treated by FDA as "new drugs" for many years, and neither has yet been formally determined by FDA to be generally recognized as safe and effective and no longer to be a "new drug."

Second, even if the individual drug substances were not new, the new combination of them could create a "new drug." 21 CFR 310.3(h)(2). Past experience of FDA has established that combining two or more active ingredients, each of which by itself is safe and effective for a particular indication, may result in a product which is less safe, less effective, or both. For this reason, FDA has determined that the combination of two or more drugs, even ones that individually are generally recognized as safe and effective, cannot create a combination drug that is always and immediately recognizable as safe and effective. The agency, therefore, has required separate NDA's for new combinations containing evidence demonstrating the safety and effectiveness of the combination product. In addition, FDA has established a policy regarding fixed combination drugs that requires each component to make a contribution to the claimed effects and the dosage of each to be such that the combination is safe and effective for a significant patient population requiring the concurrent therapy. See 21 CFR 300.50 and 314.1(c)(2), item 12.c.

Section 201(p)(2) of the act provides a further condition to "not new drug" status for a drug that becomes generally recognized by experts as safe and effective; it also requires that the drug be used to a material extent or for a material time. This has generally been measured by the duration and volume of commercial marketing in the United States.

Based on the facts set forth above, the Director of the Bureau of Drugs finds that X-Otag Plus is a "new drug" as defined in section 201(p) of the act, on the grounds that the combination of orphenadrine citrate and acetaminophen is not generally recognized as safe and effective and has not been used to a material extent or for a material time. On the same basis, the Director also finds that Orphengesic is a "new drug" as defined in section 201(p) of the act, on the grounds that the combination of orphenadrine citrate and APC is not generally recognized as safe and effective.

It is the longstanding position of FDA that any person claiming an exemption from the new drug provisions of the act has the burden of establishing that exemption. See, e.g., *United States* v. *Allan Drug Corp.*, 357 F. 2d 713 (10th Cir. 1966), cert. den. 385 U.S. 899 (1966). Assertions that X-Otag Plus or Orphengesic are not "new drugs," without any supporting evidence, do not create a presumption against new drug status. Tutag and Inwood, as noted earlier, did not submit or refer to any materials that demonstrate that either product is generally recognized, by experts qualified by training and experience, as safe and effective for the conditions set forth in its labeling. Neither manufacturer claimed that its product had been used to a material extent or for a material time. Neither asserted that its product was exempted by the grandfather clause in section 201(p)(1) of the act; Inwood, however, asserted that each active ingredient in Orphengesic is an old drug, having been introduced in the 19th century; Inwood offered no evidence to support this assertion and did not suggest that the combination of all four ingredients was also exempt (i.e., that 21 CFR 310.3(h)(2) is invalid). The Director therefore finds that neither Tutag nor Inwood has established that its product is not a "new drug."

Although not explicit, Inwood's request to file over protest suggests that the action of FDA in 1964 in approving the NDA for Norgesic may constitute general recognition of the safety and effectiveness of a combination of orphenadrine citrate and APC. If such an argument is being made, the Director rejects it. It is settled in the case law interpreting sections 505 and 201(p) of the act that the agency's finding that a drug is safe and effective under section 505 is not the same as, and is quite distinct from, general recognition of safety and effectiveness. See, e.g., *Durovic* v. *Richardson*, 479 F. 2d 242 (7th Cir. 1973), cert. den. 414 U.S. 944 (1973); *Bentex Pharmaceuticals, Inc* v. *Richardson*, 463 F. 2d 363 (4th Cir. 1972), rev'd on other grounds sub nom. *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973); *United States* v. *An Article of Drug . . . Fuerestrol*, 415 F. 2d 390 (5th Cir. 1969); *AMP, Inc.* v. *Gardner*, 389 F. 2d 825 (2d Cir. 1968), cert. den. sub. nom. *AMP, Inc.* v. *Cohen*, 393 U.S. 825 (1968); *Weinberger* v. *Hynson, Westcott & Dunning*, 412 U.S. 609 (1973). The Food and Drug Administration has previously determined that general recognition of safety and effectiveness will ordinarily be based upon published studies which have been available for peer scientific review and criticism; this may be corroborated by unpublished studies and other data. See, e.g., 21 CFR 330.10(a)(4)(i) and (ii); and *United States* v. *An Article of Drug* * * * *"Mykocert"*, 345 F. Supp. 371 (E.D. Ill. 1972) and the cases cited therein.

QUESTION OF APPROPRIATE APPLICATION FOR APPROVAL OF X-OTAG PLUS OR ORPHENGESIC UNDER SECTION 505

Both Tutag and Inwood contend that FDA has announced that preclinical and clinical data establishing the safety and effectiveness of orphenadrine citrate in combination with other active ingredients is not necessary and that an ANDA, rather than an NDA, is an acceptable form of application to meet the requirements of section 505 of the act. Their argument can be stated as follows: DESI Notice 6566 stated that FDA was "prepared to approve abbreviated new drug applications for products fulfilling the conditions of the Notice"; that the only relevant conditions were that orphenadrine citrate products be in tablet form suitable for oral administration and that labeling comply with the terms of the Notice and the requirements of the act; and that the Notice concluded that "All identical, related, or similar drug products, not the subject of an approved new drug application . . . are subject to the Notice," referring to the regulation now codified in 21 CFR 310.6. The regulation elaborates on the applicability of DESI notices and defines an "identical, related, or similar drug" to include "other brands, potencies, dosage forms, salts, and esters of the same drug moiety" and specifically states that a "combination drug product containing an identical, related, or similar drug is also subject to the conclusions contained in the notice." Besides these general statements, Tutag refers to a letter sent by FDA to Riker Laboratories in July 1970, just after FDA called for data to establish the effectiveness of orphenadrine citrate (which had been initially classified as "possibly effective" in the DESI review). This letter stated that Norgesic was considered similar to the orphenadrine citrate products identified in the call for data. Thus, Tutag concludes, FDA has expressly concluded that orphenadrine citrate in combination with an analgesic is an "identical, related, or similar drug" covered by DESI 6566.

X-OTAG PLUS AND ORPHENGESIC AS "IDENTICAL, RELATED, OR SIMILAR DRUGS"

The Director of the Bureau of Drugs believes that this argument is founded on a misinterpretation of 21 CFR 310.6 and a misunderstanding of the nature and purpose of the ANDA.

Section 310.6 was promulgated by FDA in light of experience gathered in the DESI program. As explained in paragraph (a) of the section:

> The specific products listed in these [DESI] notices include only those that were introduced into the market through the new-drug procedures from 1938–62 and were submitted for review by the National Academy of Sciences-National Research Council (NAS-NRC), Drug Efficacy Study Group. Many products which are identical to, related to, or similar to the products listed in these notices have been marketed under different names or by different firms during the same perior or since 1962 without going through the new-drug procedures or the Academy review. Even though these products are not listed in the notices, they are covered by the new drug applications reviewed and thus are subject to these notices. All persons with an interest in a product that is identical, related, or similar to a drug listed in a drug efficacy notice or a notice of opportunity for a hearing will be given the same opportunity as the applicant to submit data and information, to request a hearing, and to participate in any hearing. It is not feasible for the Food and Drug Administration to list all products which are covered by an NDA and thus subject to each notice. However, it is essential that the efficacy conclusions be applied to all identical, related, and similar drug products to which those conclusions are reasonably applicable.

The Director notes that the concept of "identical, related, or similar drug products" was expressed in terms of giving interested persons "the same opportunity as the applicant to submit data and information, to request a hearing, and to participate in any hearing"; that is, to participate in the process of classifying their products as "effective" or "ineffective." The last sentence quoted from 21 CFR 310.6(a) emphasizes that the scope of the phrase "identical, related, or similar" depends on the extent to which conclusions that a reviewed drug is effective or ineffective may be applied to other nonreviewed drugs. Paragraph (b) expands on this to say:

> Where experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs could conclude that the findings in a drug efficacy notice or notice of opportunity for hearing concerning effectiveness are applicable to an identical, related, or similar drug product, such product is affected by the notice.

These statements create the possibility for a nonsymmetrical application of the concept in the area of combination drugs. Specifically, a finding that one ingredient was ineffective as a single entity in treating a particular condition would generally mean that a combination containing that ingredient would also be ineffective for treating the same condition. Under 21 CFR 300.50, in a fixed combination drug, each component must make a contribution to the claimed effect; and an ineffective component obviously could not do this. At the same time, a finding that one ingredient was effective as a single entity in treating a particular condition does not necessarily mean that any combination containing that ingredient would also be effective for that condition. Only if each of the other active ingredients were also effective and, when in combination, every component made the requisite contribution (and, in addition, if the dosage of each component were such that the combination were safe and effective for a significant patient population requiring the concurrent therapy) would the combination also be deemed effective.

This lack of symmetry explains the 1970 letter from FDA to Riker Laboratories, Inc., regarding Norgesic. At the time the letter was sent, the effectiveness of orphenadrine citrate as a single entity was in question. A conclusion of ineffectiveness on the single entity would have caused FDA to withdraw approval of the NDA for the combination product. Therefore, to give Riker Laboratories notice of its opportunity to submit data and information regarding the combination, to request a hearing on the combination, if appropriate, and to participate in any hearing, FDA sent the letter, a copy of which has been placed on display with the Hearing Clerk.

The Director does not believe that this letter constitutes a finding under § 310.6(b) that experts would conclude that a finding that orphenadrine citrate was effective (as opposed to ineffective) is applicable to a combination of orphenadrine citrate and APC. That conclusion could only be reached after orphenadrine citrate was found effective (a finding only made 4 years after the 1970 letter) and after application of the requirements of § 300.50. The Food and Drug Administration has at no time since DESI Notice 6566 was published in 1974 concluded that it provides that orphenadrine citrate in combination with an analgesic is effective for the same indications as the single entity. The Director is not aware that any other experts have reached a conclusion and neither Tutag nor Inwood has cited any. (Inwood's assertions that a combination creates no significant safety or effectiveness question and that "there is no meaningful scientific, practical, or legal basis" for concluding that the combination is not covered by the effectiveness conclusion on the single entity under DESI Notice 6566 are unsubstantiated by any data or information. Such assertions cannot substitute for the expert opinion referred to in § 310.6(b).)

Finally, the Director notes that § 310.6(b) expressly invites any person who so desires to request an opinion from FDA on the applicability of a DESI notice to a particular product. The Food and Drug Administration has no record that either Tutag or Inwood requested such an opinion regarding their respective products either before commencing marketing or before submitting the ANDA's subject to this notice. The Director further notes that the firms' reliance on the interpolation of § 310.6(b) into DESI Notice 6566 is not supported by their conduct. If we ignore the effect of FDA actions on September 22, 1975, in response to the court order in the *Hoffmann-LaRoche* case (discussed earlier), DESI Notice 6566 and the July 14, 1970 policy regarding such notices authorized marketing of identical, related, or similar drugs to commence upon submission of and NDA or ANDA; both Tutag and Inwood failed to fulfill this requirement. This suggests, but does not prove, that neither firm believed that its product was subject to the requirements of DESI Notice 6566.

The Director concludes that X-Otag Plus and Orphengesic have not been found to be safe and effective for the indications contained in their proposed labeling, under the standards of 21 CFR 300.50, because of the finding in DESI Notice 6566 that orphenadrine citrate is effective for the same indications. Therefore, he finds that DESI Notice 6566 does not authorize the submission of ANDA's for such combination products.

USE OF ABBREVIATED NEW DRUG APPLICATIONS BY FDA

The history of the new drug provisions of the act and the agency's implementation of them, including introduction of the ANDA, is described in detail in the preamble to a notice of proposed rulemaking published in the FEDERAL REGISTER on June 20, 1975 (40 FR 26142). The Director will not reiterate that history here. He believes, however that several points bear emphasizing. First, an ANDA is a new drug application; it represents a form of application in which certain information normally part of an NDA is not required because it is not essential to the agency's reaching a decision on the approvability of the drug product under section 505 of the act. This information requirement is waived because the agency already has sufficient publicly available data and information in its files to make appropriate conclusions on those elements of the drug approval decision. (Information contained in other approved NDA's may or may not be public. See 21 CFR 314.14. If not public, it may be relied upon by a second applicant only with the express permission of the first applicant. 21 CFR 314.11.) Generally, the information allowed to be omitted relates to preclinical and clinical studies regarding the safety and effectiveness of the active ingredients. As the Commissioner stated in the June 20, 1975 notice:

> [A]n abbreviated NDA is appropriate only for those drugs which from a generic standpoint, are generally recognized as safe and effective when they are properly labeled and manufactured. The submission of an abbreviated NDA has thus been required only to assure the quality of drug products and their proper labeling and manufacture, not to show the basic safety and effectiveness of the generic chemical entity involved. (40 FR 26147).

The purpose of an ANDA is to provide a means to eliminate unnecessary animal and human experimentation, to reduce the burdens on manufacturers in attempting to market duplicates of established drugs, and to ease the workload of FDA in reviewing and processing applications.

Second, in order for FDA to waive such requirements, it must affirmatively conclude that it has sufficient public infor-

mation to make the requisite conclusions. Because the ANDA is an exception to the general rule requiring a complete NDA, the decision to allow use of an ANDA must be consciously and prospectively made by the agency. (See 21 CFR 314.1(a): "If the drug * * * is one for which an abbreviated new drug application has been *found* by the Food and Drug Administration to be sufficient. * * *" (emphasis added).) These decisions are formal and are officially issued, generally by a notice in the FEDERAL REGISTER but on rare occasions by other public notice. These decisions cannot extend to products for which little or no public information is available and which were not considered by FDA in making the ANDA decision. The products covered by this notice illustrate why this is so. One has never been marketed in the United States and the other has had limited use in American medical practice. Neither was identified in DESI Notice 6566 and neither was reviewed to determine whether it met the standards of § 300.50. Other examples of unforeseen variations in drugs reviewed in the DESI program have also recently been uncovered in the process of implementing the court order in the *Hoffman-LaRoche* case (discussed earlier), including sustained release formulations and substantial increases in the strength of the drug. Clearly, it is contrary to the public interest, as well as the language of sections 201(p) and 505 of the act and implementing regulations cited above, for FDA to waive any information essential to determine the approvability of such a drug without even being aware that such a drug may potentially be, or actually is being, marketed.

Third, the choice between NDA (including a supplemental NDA) and ANDA is not an "either-or" option. For many years, the agency has imposed on applicants using either application process a variety of requirements depending on the nature of the drug product, the types of information publicly available regarding the drug, and similar factors. Thus, some NDA's require chronic animal toxicology testing, and others do not; some ANDA's require detailed manufacturing data, and others do not; some NDA's and ANDA's require bioavailability data, and others do not. As noted, the most common distinction between the NDA and the ANDA relates to requirements for preclinical and clinical data. But this distinction should not blur the close similarity on most matters. To repeat, both the traditional "full" NDA and the most "abbreviated" ANDA are merely types of applications described in section 505 of the act.

Fourth, the fact that FDA does not waive any of the requirements of an NDA for a particular product does not necessarily mean that an applicant must conduct its own preclinical and clinical studies regarding safety or effectiveness. The applicant may be able to include in its applications published articles and other publicly available data and information that provide an adequate basis for the agency's making the evaluation and approvability decision required under section 505. An NDA can be approved on such a submission. (The Director again notes that Tutag has submitted this type of material as part of NDA 18–015, but that the agency has not been able to review it in conjunction with preparation of this notice. This notice does not apply to NDA 18–015.)

The Director finds that use of an ANDA for either X-Otag Plus or Orphengesic would be inconsistent with the purposes of the ANDA form of application, has not been authorized by FDA, and would not fulfill the requirements of section 505 of the act regarding the requisite basis of approval for these products. Because of this, the Director further finds that Tutag and Inwood each must submit an application in the form described in 21 CFR 314.1(c) containing reports of investigations and adequate tests, by all means reasonably applicable, to show whether or not the respective products are safe for use under the conditions in the proposed labeling and containing substantial evidence, based upon adequate and well-controlled investigations, that the respective products will have the effect they purport or are represented to have in the proposed labeling.

LACK OF INFORMATION IN APPLICATIONS FOR X-OTAG PLUS AND ORPHENGESIC

The Director finds that the ANDA for X-Otag Plus and the ANDA for Orphengesic lack any reports of preclinical or clinical investigations on orphenadrine citrate in combination with acetaminophen or APC, respectively. Because each application totally lacks safety and effectiveness data, the information contained therein has not been evaluated to determine whether it satisfies the other requirements of the act and new drug regulations. If, as a result of this notice, a hearing is requested and it is determined that a hearing will be ordered, the Bureau of Drugs will then review the other parts of application and raise any remaining issues in the notice of hearing.

NOTICE OF OPPORTUNITY FOR HEARING

Therefore, notice is given to Tutag, Inwood, and all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(d) of the act and 21 CFR 300.50 refusing to approve ANDA 85–445 and ANDA 85–682 on the following grounds: (1) That (a) neither application contains any reports of investigations or adequate tests by all methods reasonably applicable, to show whether or not X-Otag Plus or Orphengesic is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, (b) upon basis of the information submitted as part of each application, FDA has insufficient information to determine whether either drug is safe for use under such conditions, and (c) evaluated on the basis of the information submitted as part of the application and other public information before FDA with respect to each drug, there is a lack of substantial evidence that either drug will have the effect it purports or is represented to have under such conditions; and (2) that X-Otag Plus and Orphengesic are new drugs as defined in section 201(p) of the act and information relating to the safety and effectiveness of X-Otag Plus and Orphengesic must be contained in a new drug application in order to be approved under section 505 of the act. This notice does not apply to another pending new drug application (NDA 18–015) for X-Otag Plus submitted by Tutag.

If either Tutag or Inwood elects to avail itself of the opportunity for hearing pursuant to section 505(d) of the act and 21 CFR 314.200, it must file with the Hearing Clerk, Food and Drug Administration, (1) written notice of appearance and request for hearing by May 31, 1977, and (2) the data, information, and analyses on which it relies to justify a hearing, as specified in § 314.200, by June 28, 1977. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant to file a timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election not to avail himself of the opportunity for a hearing, and the Director of the Bureau of Drugs will summarily enter a final order refusing to approve the application.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the refusal to approve the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Office of the Hearing Clerk (address given above) between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505,52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in

the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: April 26, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-12425 Filed 4-27-77;9:54 am]

[Docket No. 77G-0120]

WESTERN DAIRY PRODUCTS; PARTIALLY HYDROLYZED PROTEIN

Withdrawal of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the withdrawal without prejudice of a petition requesting affirmation of GRAS status of partially hydrolyzed protein.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204 (202-472-4750).

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1785–1786 (21 U.S.C. 348(b))), the following notice is issued: Western Dairy Products, Division of Chelsea Industries, Inc., 118 World Trade Center, San Francisco, CA 94111, has withdrawn without prejudice its petition (GRASP 3G0012) proposing affirmation that partially hydrolyzed protein for use as a nutrient supplement in breakfast cereals, beverages, puddings and snacks is generally recognized as safe (GRAS); notice of filing was published in the FEDERAL REGISTER of May 2, 1973 (38 FR 10829).

Dated: April 20, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77-12017 Filed 4-28-77;8:45 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE; VARIOUS ADVISORY COMMITTEES

Open Meetings

Pursuant to Pub L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of Committee: President's Cancer Panel.
Dates: June 7, 1977; 9:30 a.m., adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Time: Open for the entire meeting.
Agenda: To hear reports of the President's Cancer Panel and the Director, National Cancer Program, NCI.
Executive Secretary: Dr. Richard A. Tjalma; Address: Building 31A, Room 11A46, National Institutes of Health, phone 301-496-5854.
Name of Committee: Virus Cancer Program Advisory Committee.
Dates: June 16–17, 1977; 9:30 a.m., adjournment.
Place: Building 37, Room 1B04, National Institutes of Health.
Time: Open for the entire meeting.
Agenda: Discussion of the overall direction of the Virus Cancer Program.
Executive Secretary: Dr. D. M. Howell; Address: Building 37, Room 1A01, National Institutes of Health, phone 301-496-6927.
Name of Committee: Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens.
Date: June 22, 1977; 8:30 a.m., adjournment.
Place: Building 31, Conference Room 10, National Institutes of Health.
Time: Open for the entire meeting.
Agenda: To consider chemicals for bioassay.
Executive Secretary: Dr. James M. Sontag; Address: Building 31A, Room 3A16, National Institutes of Health, phone 301-496-5106.
Name of Committee: Experimental Design Subgroup of the Clearinghouse on Environmental Carcinogens.
Date: June 23, 1977; 8:30 a.m., adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Time: Open for the entire meeting.
Agenda: To discuss experimental designs for bioassay.
Executive Secretary: Dr. James M. Sontag; Address: Building 31A, Room 3A16, National Institutes of Health, Phone 301-496-5106.

Dated: April 22, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-12274 Filed 4-28-77;8:45 am]

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, June 13, 14 and 15, 1977, Building 18, Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina. This meeting will be open to the public from 9 a.m. to 4 p.m. on June 13 and 14, and from 9 a.m. to 1 p.m. on June 15, 1977, for the purpose of discussing recent developments in the Institute's budget, personnel, permanent facilities, and scientific programs and plans of the Laboratory of Environmental Mutagenesis Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6) Title 5 U.S Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 4 p.m. to adjournment on June 13 and 14, 1977, for the evaluation of the programs of the Laboratory of Environmental Mutagenesis, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. James R. Fouts, Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 549–8411, extension 3205, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

APRIL 22, 1977.

[FR Doc.77-12275 Filed 4-28-77;8:45 am]

NATIONAL DIABETES ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Diabetes Advisory Board on June 17, 1977, (times below), in Conference Room 4137, in the North Building of Health, Education and Welfare, at 330 Independence Avenue, Southwest, Washington, D.C.

In addition, the below listed subcommittees of the Board will have meetings from 9:00 a.m.–5:00 p.m. on June 16, Building 31, National Institutes of Health, Bethesda, Maryland: The Board Staffing and Budget Subcommittee will meet in Room 9A52B; the Board Structure and Organization Subcommittee will meet in Room 9A51; the Diabetes Program Budget Subcommittee will meet in Room 2A51.

The entire advisory board meeting, which will be open to tre public from 9:00 a.m.–5:00 p.m., is being held to discuss the organization and staffing, and to continue its review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. The subcommittee meetings will be open to the public 9:00 a.m.–5:00 p.m. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Bufiding 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: April 22, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-12276 Filed 4-28-77;8:45 am]

Office of Education

COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

Closing Date for Receipt of New and Non-Competing Continuation Applications Fiscal Year 1977

Notice is hereby given that pursuant to the authority contained in section 106 of Title I of the Higher Education Act of 1965 (20 U.S.C. 1005a), applications for new and non-competing continuation awards are being accepted from institutions of higher education for special community service and continuing education project grants.

Applications for new awards for funding in fiscal year 1977 must be received by the U.S. Office of Education Application Control Center on or before June 1, 1977. In order to be assured of consideration for funding from Fiscal Year 1977 appropriations, applications for non-competing continuations should be received by the U.S. Office of Education Application Control Center on or before June 1, 1977.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Attention: 13:557. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 27, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications for new awards will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Bureau of Postsecondary Education, Division of Training and Facilities, Community Service and Continuing Education Program, Room 3717, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Estimated distribution of program funds.* The Community Service and Continuing Education Program does not have an appropriation amount for FY 1977. Under the Continuing Resolution now in effect, there would be $1,212,500 available for Special Projects. The program expects to award approximately ten or eleven new projects and six non-competing continuations at an average of $75,000.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulation (45 CFR Part 100a) and the Community Service and Continuing Education regulations published in the FEDERAL REGISTER on March 17, 1975 (40 FR 12080; 45 CFR 173, Subpart C). In addition, a notice of proposed rulemaking setting forth proposed priorities for new awards was published in the FEDERAL REGISTER of April 4, 1977, 42 FR 17889. Applicants are advised to follow the requirements and standards published in the proposed regulation. If the final regulation contains new or inconsistent requirements, the closing date will be extended to allow applicants who have submitted applications based on the proposed regulation to revise their application.

(Catalog of Federal Domestic Assistance Number 13.557; University Community Service-Special Projects)

Dated: April 12, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-12414 Filed 4-28-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Meeting

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda on forthcoming meetings of the National Advisory Council on Ethnic Heritage Studies. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1.10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Meetings May 19, 20, 1977, 9:00 am to 5 pm.

ADDRESS: China Institute in America, 125 E. 65th Street, New York, New York 10021.

FOR FURTHER INFORMATION CONTACT:

Dr. William H. Martin, Chief Ethnic Heritage Studies Branch, Office of Education, 7th and D Streets, S.W., ROB # 3, Room 3919, Washington, D.C. 20202, Telephone (202) 245-9506.

The National Advisory Council on Ethnic Heritage Studies is established under Section 906(a) of the Elementary and Secondary Act of 1965 as added by Section 504(a) of the Education Amendments of 1972, Pub. L. 92-318 (20 U.S.C. 900a-4).

The Council is directed to:

(1) Advise the Secretary, the Assistant Secretary for Education, and the Commissioner of Education on the implementation of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

(2) Perform specific functions as follows:

a. Make recommendations to the Commissioner, the Assistant Secretary, and the Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development.

b. Suggest innovations or program changes as the program evolves and develops toward improving ethnic heritage studies.

c. Suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required substantial intercultural curriculum materials development.

d. Provide such administrative and legislative proposals as may be appropriate.

e. Not later than March 31 of each year, submit to the Congress a report of its activities, findings, and recommendations.

The meetings will open to the public beginning at 9:00 a.m. and ending at 5:00 p.m. each day. The meetings will be held at China Institute in America, 125 E. 65th Street, New York, N.Y. 10021.

The proposed agenda includes:

(1) Swearing-in of New Members
(2) Action on previous meeting minutes
(3) Sub-Committee meetings
(4) Reports from Sub-Committees
(5) Discussion with respect to public liaison and the program
(6) Discussion of Annual Report
(7) Public Testimony
(8) Site visits as time permits

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the office of the Ethnic Heritage Studies Branch, Office of Education, Room 3919, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on April 26, 1977.

WILLIAM H. MARTIN,
Chief Ethnic Heritage Studies Branch.

[FR Doc.77-12283 Filed 4-28-77;8:45 am]

Office of the Secretary

PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM

Designation of Health Specialties and Stipend Amount

Section 225 of the Public Health Service Act (42 U.S.C. 234) directs the Secretary of Health, Education, and Welfare to establish the Public Health and National Health Service Corps Scholarship Training Program to obtain physicians, dentists, nurses, and other health-related specialists for the National Health Service Corps and other units of the Public Health Service. Regulations implementing this authority were published on May 22, 1974 (42 CFR Part 62). Section 62.6 of these regulations provides that the Secretary will from time to time designate and publish in the FEDERAL REGISTER those health-related specialties for which the Service has need and for which such scholarship support will be available, as well as the amount of the scholarship stipend. Pursuant to § 62.6, physicians were designated in the FEDERAL REGISTER of July 1, 1974 (39 FR 24259), dentists were designated in the FEDERAL REGISTER of July 27, 1976 (41 FR 31219), and nurses were designated in the FEDERAL REGISTER of February 25, 1977 (42 FR 11051).

Notice is hereby given that public health nurses, clincial nurses midwives, nurse practitioners, public health nutritionists, medical social workers, speech pathologists, and audiologists also are designated as health specialists for which scholarship support is available under the Public Health and National Health Service Corps Scholarship Training Program. Further, the gross stipend amount to be paid to scholarship recipients in the designated disciplines is $6,750 for any 12-month period of scholarship award.

Dated: April 25, 1977.

JAMES F. DICKSON,
Acting Asistant Secretary for Health.

[FR Doc.77-12397 Filed 4-28-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL ASSISTANCE TO DROUGHT STRICKEN AREAS AND RELATED DETERMINATIONS

Federal Disaster Assistance Administration

[Docket No. N-77-7461]

Memorandum of Agreement

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This notice sets forth a Memorandum of Agreement regarding Federal assistance to drought stricken areas, and related determinations, which was signed by the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Commerce, and the Administrator, Small Business Administration. These four officials comprise the Interagency Drought Emergency Coordinating Committee of 1977. That Committee has directed the publication of this Agreement to advise the public of a common procedure for designating Emergency Drought Impact Areas.

DATE: Date of Execution, April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7845).

SUPPLEMENTARY INFORMATION: On March 23, 1977, the President sent to the Congress a message containing proposals designed to mitigate some of the effects of the severe drought which is affecting portions of the United States. This message contained legislative recommendations and identified administrative and regulatory changes to the authorities of the Departments of Agriculture, Commerce, and Interior, and the Small Business Administration, needed to provide assistance to the drought-affected areas. The heads of each of these agencies has or will have independent authority to designate drought emergency impact areas. Section 6 of Public Law 95-18, the first of the legislative proposals to become effective, directs the Secretary of the Interior to coordinate "with emergency and disaster relief operations conducted by other Federal and State agencies" and "consult with the heads of such other Federal and State agencies as he deems necessary." By Memorandum of Agreement dated April 25, 1977, the Secretaries of Agriculture, Commerce, and Interior, and the Administrator of the Small Business Administration have formed an Interagency Drought Emergency Coordinating Committee and have agreed to a common procedure for the designation of Emergency Drought Impact Areas in order to eliminate the need for individual requests to each agency for drought assistance. As a matter of convenience, the Committee will designate an entire State when only a few counties within the State remain undesignated. The designation of a county or an entire State as an Emergency Drought Impact Area does not confer entitlement to drought assistance. Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

The Committee has directed that the text of the Memorandum of Agreement be submitted for the public record. It reads as follows:

MEMORANDUM OF AGREEMENT

I. *Purpose.* To establish an interagency committee with the authority to designate areas eligible for Federal assistance as a result of drought.

II. *Authority.* (a) Each of the signatories of this memorandum, referred to as Principals, has or will have independent designation authorities contained in one or more laws.

(b) An Interagency Drought Emergency Coordinating Committee of 1977 is established by the concurrence of the Principals in this memorandum.

(c) This Committee will consist of one representative designated by each of the Principals. These representatives will be delegated the authority vested in the Principal to designate areas eligible for drought assistance.

(d) The Committee will be chaired by the representatives of the Secretary of Agriculture.

(e) The Administrator, Federal Disaster Assistance Administration, or his designee will act as Secretary to the Committee.

III. *Designation of eligible areas.* (a) All requests for designation as an Emergency Drought Impact Area (EDIA) will be referred to the Committee. If all members of the Committee agree on the designation of an area eligible for assistance from their agency the Secretary shall record this designation and have it published in the FEDERAL REGISTER. In the event of objection by any Committee member to the designation, the Committee will forward the request for designation to the Principals for their independent action.

(b) When the Committee has granted designation to an area, it will so advise the concerned Principals who will approve the designation and direct their agencies to provide available assistance.

IV. *Procedures.* (a) The Governor of a State may request designation as an Emergency Drought Impact Area of all or part of his State. Each request shall explain the need for Federal Emergency Assistance. Requests shall be addressed to the Committee in care of the Administrator, Federal Disaster Assistance Administration. The Committee shall act on each request in accord with paragraph III.

(b) The resources of each Principal shall be available to assist the Committee in obtaining additional information regarding any request if the Committee believes such information to be necessary for proper action on the request.

(c) If any request for designation as an Emergency Drought Impact Area is denied the requestor will be advised of the reasons and of any other Federal assistance that might be available to the area concerned.

V. *Public notice.* (a) Public Notice of designated Emergency Drought Impact Areas will be published in the FEDERAL REGISTER.

(b) Publication will be arranged by the Secretary of the Committee.

CECIL D. ANDRUS,
Secretary of the Interior.

A. VERNON WEAVER,
Administer,
Small Business Administration

BOB BERGLAND,
Secretary of Agriculture.

JUANITA M. KREPS,
Secretary of Commerce

APRIL 25, 1977.

On April 25, 1977, the Committee designated an initial list of Emergency Drought Impact Areas which includes all those areas previously designated for drought assistance by the Federal Disaster Assistance Administration, the

Farmers Home Administration, and the Small Business Administration, and all areas in which Bureau of Reclamation projects are located. Under the authority granted to me as Secretary to the Committee by the Memorandum of Agreement, I am providing that list for the public record as follows:

ARIZONA

Apache	Mohave
Cochise	Navajo
Coconino	Pinal
Gila	Santa Cruz
Graham	Yavapai
Greenlee	

ARKANSAS

Ashley	Logan
Baxter	Madison
Benton	Marion
Boone	Mississippi
Carroll	Monroe
Chicot	Montgomery
Clark	Newton
Clay	Perry
Cleburne	Phillips
Conway	Poinsett
Craighead	Polk
Crawford	Pope
Crittenden	Prairie
Cross	Randolph
Faulkner	Scott
Franklin	Searcy
Fulton	Sebastian
Garland	Sharp
Greene	St. Francis
Independence	Stone
Izard	Union
Jackson	Van Buren
Johnson	Washington
Lafayette	White
Lawrence	Woodruff
Lee	Yell

CALIFORNIA

Entire state designated.

COLORADO

Adams	Kit Carson
Alamosa	Lake
Arapahoe	La Plata
Archuleta	Las Animas
Baca	Lincoln
Bent	Logan
Boulder	Mesa
Chaffee	Montezuma
Cheyenne	Montrose
Conejos	Morgan
Costilla	Otero
Crowley	Phillips
Custer	Prowers
Delta	Pueblo
Dolores	Rio Grande
Douglas	Saguache
Elbert	San Miguel
El Paso	Sedgwick
Fremont	Teller
Garfield	Washington
Gunnison	Weld
Huerfano	Yuma
Kiowa	

IDAHO

Ada	Clark
Adams	Custer
Bannock	Elmore
Bear Lake	Franklin
Bingham	Fremont
Blaine	Gem
Boise	Gooding
Bonneville	Jefferson
Butte	Jerome
Camas	Kootenai
Canyon	Lemhi
Caribou	Lewis
Cassia	Lincoln

IDAHO—Continued

Madison	Power
Minidoka	Teton
Nez Perce	Twin Falls
Oneida	Valley
Owyhee	Washington
Payette	

ILLINOIS

Adams	Lawrence
Bond	Lee
Boone	Macoupin
Brown	Madison
Bureau	Marion
Calhoun	Mason
Carroll	McDonough
Cass	McHenry
Christian	Menard
Clay	Monroe
Clinton	Montgomery
Crawford	Morgan
Cumberland	Ogle
De Kalb	Perry
Effingham	Pike
Fayette	Randolph
Fulton	Sangamon
Greene	Schuyler
Hancock	Scott
Jasper	Shelby
Jefferson	St. Clair
Jersey	Stephenson
Jo Davis	Wabash
Kendall	Washington
Lake	Whiteside
La Salle	Winnebago

IOWA

Adair	Humboldt
Adams	Ida
Allamakee	Jackson
Audubon	Jones
Benton	Kossuth
Black Hawk	Linn
Boone	Lucas
Bremer	Lyon
Buchanan	Madison
Buena Vista	Mills
Butler	Mitchell
Calhoun	Monona
Carroll	Montgomery
Cass	Muscatine
Cedar	O'Brien
Cerro Gordo	Osceola
Cherokee	Page
Chickasaw	Palo Alto
Clarke	Plymouth
Clay	Pocahontas
Clayton	Pottawattamie
Crawford	Ringold
Dallas	Sac
Decatur	Scott
Delaware	Shelby
Dickinson	Sioux
Dubuque	Taylor
Emmet	Union
Fayette	Warren
Floyd	Wayne
Franklin	Webster
Fremont	Winnebago
Greene	Winneshiek
Guthrie	Woodbury
Hancock	Worth
Harrison	Wright
Howard	

KANSAS

Atchison	Meade
Chase	Miami
Cowley	Morris
Douglas	Norton
Franklin	Osage
Greeley	Osborne
Hamilton	Phillips
Jewell	Rooks
Kearny	Smith
Leavenworth	Sumner
Lyon	Wyandotte

MICHIGAN

Alcona	Isabella
Alger	Kent
Allegan	Leelanau
Alpena	Lenawee
Antrim	Luce
Arenac	Mackinac
Baraga	Marquette
Bay	Mecosta
Branch	Menominee
Charlevoix	Missaukee
Cheboygan	Monroe
Clinton	Montmorency
Delta	Muskegon
Dickinson	Ontonagon
Emmet	Otsego
Gogebic	Ottawa
Grand Traverse	Presque Isle
Houghton	Saginaw
Ingham	Schoolcraft
Iron	Shiawassee

MINNESOTA

Entire state designated.

MISSOURI

Entire state designated.

MONTANA

Entire state designated.

NEBRASKA

Entire state designated.

NEVADA

Entire state designated.

NEW MEXICO

Colfax	Roosevelt
De Baca	Santa Fe
Dona Ana	Sandoval
Eddy	San Juan
Harding	Sierra
Los Alamos	Taos
Quay	Union
Rio Arriba	

NORTH DAKOTA

Entire state designated.

OKLAHOMA

Entire state designated.

OREGON

Baker	Lake
Benton	Lane
Clackamas	Linn
Clatsop	Malheur
Columbia	Marion
Crook	Morrow
Deschutes	Multnomah
Douglas	Polk
Gilliam	Sherman
Grant	Umatilla
Harney	Union
Hood River	Wallowa
Jackson	Wasco
Jefferson	Washington
Josephine	Wheeler
Klamath	Yamhill

SOUTH DAKOTA

Entire state designated.

TEXAS

Armstrong	Hansford
Bailey	Hartley
Bee	Hemphill
Briscoe	Hockley
Carson	Hutchenson
Cochran	Lamb
Comanche	La Salle
Dallam	Lipscomb
Deaf Smith	Live Oak
Frio	Moore
Hamilton	Ochiltree

TEXAS—CONTINUED

Oldham	Terry
Potter	Travis
Randall	Williamson
Roberts	Wilson
Sherman	Young

UTAH

Entire state designated.

WASHINGTON

Adams	Kittitas
Asotin	Klickitat
Benton	Lincoln
Chelan	Mason
Clark	Okanogan
Columbia	Pend Oreille
Douglas	San Juan
Ferry	Spokane
Franklin	Stevens
Garfield	Walla Walla
Grant	Whitman
Island	Yakima
Kitsap	

WISCONSIN

Entire state designated.

WYOMING

Entire state designated.

Issued at Washington, D.C., April 27, 1977.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-12528 Filed 4-28-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BEN PARKER CO.

Withdrawal, in Part, of Airport Lease Application

Notice is hereby given that Ben Parker Company has withdrawn its airport lease application on the following lands:

MDM, NEVADA

T. 15 N., R. 20 E.,
Sec. 1; Lot 1 of the NE¼, E½ of lot 2 of the NE¼, E½ of lots 1 and 2 of NW¼.
T. 16 N., R. 20 E.,
Sec. 36; SE¼SW¼.
T. 15 N., R. 21 E.,
Sec. 6, W½ of lots 1 and 2 of the NW¼.
T. 16 N., R. 21 E.,
Sec. 31; Lots 3 and 4.

Therefore, at 10:00 a.m. on May 25, 1977, the lands will be relieved of the segregation effect of the application.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc. 77-12287 Filed 4-28-77; 8:45 am]

[Group 655]

COLORADO

Filing of Plat of Survey

APRIL 22, 1977.

1. Plat of survey of the following described lands accepted March 29, 1977, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective June 20, 1977.

NEW MEXICO PRINCIPAL MERIDIAN

T. 43 N., R. 8 W. (Unsurveyed),
Survey of Tract 40.

2. This survey was performed at the request of the U.S. Forest Service to accommodate Forest Exchange Application Colorado 24565. The tract is within the Uncompahgre National Forest.

3. All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

ALVAH Q. WHITLEDGE,
Acting Chief, Public Affairs.

[FR Doc.77-12284 Filed 4-28-77;8:45 am]

[N-16653]

NEVADA

Airport Lease Application

APRIL 21, 1977.

Notice is hereby given that pursuant to the Act of May 24, 1928, (49 U.S.C. 211-214), Desert Paradise, Inc. has applied for an airport lease on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 10 S., R. 62 E.,
Sec. 36, E½SE¼, SE¼NE¼.
T. 11 S., R. 62 E.,
Sec. 1, Lot 1.

The purpose of this notice is to inform the public that the filing of this application segregated the described public lands from all other forms of appropriation under the public land laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the Las Vegas District Manager, Bureau of Land Management, 4765 Vegas Drive, Las Vegas, Nevada 89108.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.77-12285 Filed 4-28-77;8:45 am]

[N-16650, N-16657]

NEVADA

Airport Lease Applications

APRIL 21, 1977.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Agricultural Aviation Services has applied for airport leases on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 38 N., R. 36 E.,
Sec. 12, E½E½E½.
T. 39 N., R. 39 E.,
Sec. 20, W½W½W½.

The purpose of this notice is to inform the public that the filing of this application segregated the decribed public lands from all other forms of appropriation under the public land laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the Winnemucca District Manager, Bureau of Land Management, 705 East Fourth Street, Winnemucca, Nevada 89445.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc 77-12286 Filed 4-28-77;8:45 am]

OUTER CONTINENTAL SHELF (OCS) ENVIRONMENTAL STUDIES ADVISORY COMMITTEE

Notice and Topical Program for Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Outer Continental Shelf Environmental Studies Advisory Committee will meet 9:30 a.m. to 4:00 p.m., May 17, and 9:30 a.m. to 4:00 p.m. (or completion of business), May 18, in the Napoleon Room of the Fontainebleau Hotel, New Orleans, Louisiana.

The meeting will deal with the following principal subjects:

Status of OCS leasing program
Environmental data needs of the OCS decision maker.
Evaluation of OCS data collection activities in the South Atlantic.
Southern California five-year development plan.
Status of overall OCS environmental program.
Oil spill contingency plans.
Hazard analysis procedures.

The meeting of this Committee is open to the public. Approximately 50 visitors can be accommodated on a first-come first-served basis. Written statements concerning the subjects of discussion are welcome.

Visitors who expect to attend should make this known, not later than May 10 to the Committee Chairman:

James R. Balsley, Assistant Director—Land Resources, U.S. Geological Survey, c/o Katie L. Garner, Room 7345, Interior Building, 18th and C Streets NW., Washington, D.C. 20240, Phone 202-343-3888.

Dated: April 26, 1977.

GEORGE L. TUOCOTT,
Acting Director Bureau of Land Management.

Dated: April 27, 1977.

JAMES J. FLANNERY,
Acting Assistant Secretary of the Interior.

[FR Doc.77-12446 Filed 4-28-77;8:45 am]

National Park Service

LANDMARK SERVICES, INC.

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat.

969; 16 U.S.C. 20), public notice is hereby given that on May 31, 1977, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate the renewal of a concession contract with Landmark Services, Inc., authorizing it to continue to provide concession facilities and services for the public in the Mall area, District of Columbia; Arlington National Cemetery; to the grounds of the United States Capitol; to the John F. Kennedy Center for the Performing Arts; to the National Visitor Center; and to such other Federal areas within Washington, D.C., and its environs for a period of ten (10) years from January 1, 1978, through December 31, 1987.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, 1100 Ohio Drive SW., Washington, D.C.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1977, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of this contract. This Act, in effect, grants Landmark Services, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if the offer of Landmark Services, Inc., is substantially equal to others received. The Secretary is required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted by May 31, 1977.

Dated: April 25, 1977.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc. 77-12211 Filed 4-28-77; 8:45 am]

Office of the Secretary

[Docket No. N-77-746]

FEDERAL ASSISTANCE TO DROUGHT STRICKEN AREAS AND RELATED DETERMINATIONS

Memorandum of Agreement

CROSS REFERENCE: For a document issued jointly by the Housing and Urban Development Department, the Interior Department, and the other members of the Interagency Drought Emergency Coordinating Committee of 1977 regarding the above entitled matter, see FR Doc. 77-12528 in the notices section of this issue.

National Park Service

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 A.M. on Monday, May 23, 1977, 26 Federal Plaza, Room 305A, New York, New York. The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The members of the Commission are:

Marian Heiskell, Chairman, New York, New York
Archibald S. Alexander, Bernardsville, New Jersey
John F. Haggerty, Forest Hills, New York
Orin Lehman, New York, New York
Gordon N. Litwin, Little Silver, New Jersey
Terrence D. Moore, Newark, New Jersey
Sheldon Pollack, New York, New York
Barbara Reach, New York, New York
Richard J. Sullivan, Hobroken, New Jersey
Nathaniel Washington, Newark, New Jersey
Joseph B. Williams, Brooklyn, New York

The matters to be discussed at this meeting include.

1. Transportation Sub-committee Report
2. Presentation on Nominations for National Register
3. Report on Proposed Summer Activities
4. Progress Report on Park Interpretive Plan

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any members of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact the Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York, 11234, Area Code (212) 252-9150.

Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: April 22, 1977.

HERBERT OLSEN,
Acting Superintendent.

[FR Doc.77-12331 Filed 4-28-77; 8:45 am]

MIDWEST REGIONAL ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held May 23, 1977, beginning at 8:30 a.m. (CDT) and ending May 25, 1977, at approximately 2:30 (CDT). The meeting will be held in two segments, the first in the vicinity of Bayefield and Apostle Islands National Lakeshore, Wisconsin; and the second in the vicinity of St. Croix Falls and St. Croix National Scenic Riverway, Wisconsin. The exact meeting times and locations are given below.

The committee was established pursuant to Public Law 91-383 to provide for free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from the public on programs and problems pertinent to the Midwest Region of the National Park Service.

The members of the Advisory Committee are as follows:

Honorable Robert W. Berrey III (Chairman)
Mr. Wallace C. Dayton
Mr. John J. Franke, Jr.
Mr. Fred D. Hartley
Mr. William L. Lieber
Mr. Erwin D. Sias

On Monday, May 23, the Committee will visit parts of Appostle Islands National Lakeshore and at 3:00 p.m. (CDT) will meet in the conference room of the Bayfield Inn, First Street and Rittenhouse Avenue, Bayfield, Wisconsin. The principal topic to be discussed will be the proposed mainland developments at Appostle Islands National Lakeshore. On Tuesday, May 24 and Wednesday, May 25, the Committee will tour portions of St. Croix National Scenic Riverway. Tuesday, May 24 at 7:30 p.m. (CDT), the Committee will meet at the Dallas House Supper Club, intersection of Wisconsin Highway 35 and U.S. 8 in St. Croix Falls, Wisconsin. The agenda includes discussion of a proposed Great Plains National Park and a report on the operation of the St. Croix Management Commission.

The meetings are open to the public. It is expected that in addition to the Committee and staff about 25 persons will be able to attend at Bayfield and 70 persons at St. Croix Falls. Any member of the public may file with the Committee a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Executive Assistant to the Regional Director, Midwest Regional Office at area code 402, 221-3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: April 21, 1977.

MERRILL D. BEAL,
Regional Director, Midwest Region.

[FR Doc.77-12332 Filed 4-28-77; 8:45 am]

Office of the Secretary

CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 9, 1977.

Dated: March 8, 1977.

CLIFTON F. ROGERS.

[FR Doc.77-12388 Filed 4-28-77; 8:45 am]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 20, 1977.

Dated: March 29, 1977.

E. F. TIMME.

[FR Doc.77-12392 Filed 4-28-77; 8:45 am]

EDWARD R. COWLES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) Fast Buck Associates (investment club), liquidated and discontinued December 31, 1976.
(4) No change.

This statement is made as of April 4, 1977.

Dated: April 4, 1977.

EDWARD R. COWLES.

[FR Doc.77-12381 Filed 4-28-77; 8:45 am]

FREDERICK W. HOEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Sold 95 shares of Boston Edison Co. common stock.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 4, 1977.

Dated: March 30, 1977.

FREDERICK W. HOEY.

[FR Doc.77-12383 Filed 4-28-77; 8:45 am]

GREGORY P. PREKEGES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 30, 1977.

Dated: March 9, 1977.

GREGORY P. PREKEGES.

[FR Doc.77-12387 Filed 4-28-77; 8:45 am]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 3, 1977.

Dated: March 25, 1977.

JOHN H. KLINE.

[FR Doc.77-12384 Filed 4-28-77; 8:45 am]

JOHN V. SALO

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Increase in holdings by 123 shares of Public Service Company of New Hampshire, common stock.
(3) No change.
(4) No change.

This statement is made as of April 4, 1977.

Dated: March 30, 1977.

JOHN V. SALO.

[FR Doc.77-12389 Filed 4-28-77; 8:45 am]

JULIAN R. HAYDEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 30, 1977.

Dated: March 4, 1977.

JULIAN R. HAYDEN.

[FR Doc.77-12382 Filed 4-28-77; 8:45 am]

MERRILL S. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 7, 1977.

Dated: March 25, 1977.

MERRILL S. SCHULTZ.

[FR Doc.77-12390 Filed 4-28-77; 8:45 am]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 15, 1977.

Dated: March 31, 1977.

STANLEY M. SWANSON.

[FR Doc.77-12391 Filed 4-28-77; 8:45 am]

THOMAS C. NICHOLS, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 7, 1977.

Dated: March 25, 1977.

THOMAS C. NICHOLS, JR.

[FR Doc 77-12386 Filed 4-28-77;8:45 am]

WALTER A. MELLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Add WECO Development Corp., delete Southland Financial Corp.
(3) No change.
(4) No change.

This statement is made as of April 7, 1977.

Dated: March 28, 1977.

WALTER A. MELLER.

[FR Doc 77-12385 Filed 4-28-77;8:45 am]

Office of the Secretary

JULIUS BLEIWEIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of April 7, 1977.

Dated: March 28, 1977.

JULIUS BLEIWEIS.

[FR Doc.77-12379 Filed 4-28-77;8:45 am]

VON C. BRADFORD

Statement o/ Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of April 7, 1977.

Dated: March 24, 1977.

VON C. BRADFORD.

[FR Doc.77-12379 Filed 4-28-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-166]

CERTAIN PARTS FOR SELF-PROPELLED BITUMINOUS PAVING EQUIPMENT FROM CANADA

Correction of Notice of Investigation and Hearing

Having received advice from the Department of the Treasury on April 7, 1977, that parts for self-propelled bituminous paving equipment from Canada are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on April 19, 1977, instituted investigation No. AA1921-166 in lieu of investigation No. AA1921-165 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held at 10:00 a.m. on Wednesday, May 4, 1977. The hearing will be held in court room 2503 of the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois. All parties shall there and then have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(d)), shall be filed with the Secretary of the Commission, in writing, not later than noon Friday, April 29, 1977.

By order of the Commission.
Issued: April 22, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-12288 Filed 4-28-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Proposed 1977 Aggregate Production Quota for Phenmetrazine

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

On September 29, 1976, a notice of the proposed aggregate production quotas for Schedules I and II controlled substances for 1977 was published in the FEDERAL REGISTER (41 FR 42965). All interested parties were invited to comment or object to the proposed aggregate production quotas on or before October 29, 1976. This announcement proposed that the aggregate production quota for phenmetrazine for 1977 be established at 2,216,000 grams (expressed as anhydrous base).

The law firm of Arnold and Porter of Washington, D.C. representing Western Fher Laboratories of Puerto Rico (the bulk manufacturer of phenmetrazine), Ciba-Geigy Corporation (the manufacturer of dosage forms of phenmetrazine —trade name Preludin) and Boehringer Ingelheim, Ltd. (the primary distributor of Preludin in the United States), submitted comments and a request for hearing relative to the proposed aggregate production quota for phenmetrazine. These comments stated that the proposed quota for phenmetrazine was substantially below the quotas established for this substance for the past three years and far below the quota requested by Western Fher of 6,529,000 grams.

To provide for the on-going manufacture and needs of the United States while consideration was being given to this matter, DEA established an interim 1977 aggregate production quota for this substance of 2,126,000 grams (41 FR 49873-74).

DEA has conducted an in-depth review of data submitted by Arnold and Porter in support of its contention that the proposed aggregate production quota for phenmetrazine was insufficient as well as a review of other data sources providing information relative to distribution patterns, and the widespread serious abuse (non-medical utilization) of phenmetrazine.

The Administrator is obliged to consider many factors, all enumerated within the statute, when establishing quotas pursuant to 21 U.S.C. 826. One factor to be considered by the Administrator, a factor which is not expressly enumerated within 21 U.S.C. 826, but the validity of which may be reasonably inferred within the section's overall statutory context, especially in view of the Controlled Substances Act's legislative history and the Congressional findings and declarations set forth in 21 U.S.C. 801, is the Administrator's continuing duty to exercise such reasonable measures which, within his discretion, are appropriate to protect the health, safety and general welfare of the American people from the demonstrably damaging effects of the diversion of licitly manufactured controlled substances into the illicit traffic.

This duty of the Administrator to use all reasonable means to protect the public health and welfare becomes especially important when dealing with a controlled substance which is subject to broad scale diversion, such as phenmetrazine. This is because the mechanism of supply reduction, through the imposition of reasonable yet conservative quota restrictions is more likely to reduce the absolute amount of phenmetrazine diverted into illicit channels than any other regulatory control or law enforcement technique available to DEA. Likewise, quota restrictions are more likely to reduce the amount diverted than any practices or procedures employed by the manufacturer and distributor of phenmetrazine, since the record demonstrates that these companies are either unable or unwilling to prevent the illegal diversion of their product.

This is due, at least in part, to the fact that much phenmetrazine is diverted into the illicit market under color of lawful, legitimate transactions. Forged prescriptions for phenmetrazine and prescriptions for phenmetrazine issued by a physician for other than a legitimate medical purpose are two of the ways for licit phenmetrazine to enter the illicit traffic.

Despite DEA's concerted law enforcement efforts and strict regulatory controls with reference to phenmetrazine over the last two calendar years, the tide of diversion of this controlled substance remains unchecked. And it remains significant that for the past four calendar years, the sales of phenmetrazine by Boehringer Ingelheim to legitimate wholesalers have consistently exceeded the estimated amounts of phenmetrazine dispensed by drug stores pursuant to prescriptions (Preludin is overwhelmingly sold by retail pharmacies). Since the amounts represented by these disparities could only have gone into 1) inventory build-up of the wholesaler-retailer level or 2) the illicit market for phenmetrazine, and since information supplied by Boehringer Ingelheim indicates that present wholesale-retail inventories of Preludin are not excessive, it is reasonable to conclude that some additional amount of phenmetrazine within the licit distribution system has been diverted at some point.

In any case, the present situation of continued, chronic and widespread diversion of phenmetrazine requires the Administrator of DEA to continue all reasonable means to reduce the availability of this controlled substance within the illicit market. The present abuse problems associated with phenmetrazine were described with specificity by then Acting Deputy Administrator of DEA, Frederick A. Rody, Jr., in a statement delivered November 19, 1976 before the Subcommittee on Monopoly of the U.S. Senate's Committee on Small Business:

> Phenmetrazine (Preludin) has become a serious problem as a street drug in areas of the United States ranging from Pennsylvania in the east to Nebraska in the west. Pockets of heavy abuse appear in Texas. The District of Columbia and surrounding states have been particularly hard hit. In the District, for example, we find Preludin trafficked under the street name "Bam" at $10.00 for a single 75 mg. dosage unit. Since Preludin is water-soluable it is frequently injected intravenously and used in conjunction with heroin.
>
> The United States Attorney for the District of Columbia has focused public attention on the Preludin problem here by highly successful criminal and civil cases involving physicians and pharmacies. Continuing investigations by DEA indcate the existence of sophisticated criminal enterprises employing prescriptions obtained from doctors and forged prescriptions to build street supplies. Thefts from pharmacies also play a part in supplying the illicit traffic in Preludin.

As noted previously, DEA's efforts to control and decrease the abuse of this controlled substance have not been limited merely to more aggressive criminal law enforcement activities. DEA has vigorously applied its regulatory control functions to attacking this problem. As mentioned by Mr. Rody in his testimony before the Subcommittee on Monopoly, DEA's past measures in this effort to limit diversion have met with some resistance on part of the manufacturers and distributor of phenmetrazine:

> In 1975, Western Fher Laboratories, manufacturers of the basic ingredient in Preludin, Ciba-Geigy Corporation, the sole manufacturer of Preludin in dosage form, and Boehringer Ingelheim Limited, the sole distributors of Preludin to wholesalers, petitioned DEA for an increase in the 1975 manufacturing and procurement quotas for Preludin previously set by DEA. That petition was rejected by DEA and it was again rejected by an Administrative Law Judge following a lengthy hearing demanded by the companies. This resulted in an appeal by the companies to the United States Court of Appeals for the First Circuit which, on January 28, 1976, issued a final rejection. In a unanimous opinion the court found in part that, "DEA had the obligation when it found substantial evidence of broad scale diversion to achieve a more Spartan pipeline, even though this might cause inconveniences to manufacturer and distributor."

In that opinion, the First Circuit noted with approval the concerns of Congress over the diversion problem as it related to licitly manufactured products:

> In hearings preceding enactment of the Controlled Substances Act, Congress had been informed by John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs (DEA's predecessor), that as much as 50 percent of such drugs as amphetamines and barbiturates were diverted into illicit channels, and that between 75 and 90 percent of what appeared in the illicit market had been legitimately produced. Hearings before the House Subcommittee on Public Health and Safety, Committee on Interstate and Foreign Commerce, No. 91-46 (Part 2, 1970), H.R. 11701 and H.R. 13743, pp. 704-5.
>
> The approach of the new legislation was "designed to prevent an oversupply of such substances, which creates the potential for diversion". Statement of John Ingersoll. Hearings before the Committee on the Judiciary, U.S. Senate (91st Cong. 1969) p. 243. *Western Fher Laboratories* v. *Levi*, 529 F2d 325, 330-31 n. 13, (1st Cir. 1976).

Thus, within the context of this situation, DEA cannot propose an increase in the production quota for phenmetrazine which will provide for any additional amount of phenmetrazine to be used for the purpose of manufacturing additional dosage forms of phenmetrazine during 1977.

However, DEA recognizes that the previously proposed aggregate production quota is insufficient to meet the United States' needs for reserve stocks of phenmetrazine, in bulk, during 1977. Therefore, in this notice, DEA re-proposes an aggregate production quota for phenmetrazine for 1977 which will permit the bulk manufacturer of phenmetrazine, Western Fher Laboratories, to produce additional raw chemical for inventory purposes.

Based upon consideration of the above factors, the Administrator of the Drug Enforcement Administration hereby proposes that the aggregate production quota for 1977 for phenmetrazine expressed in grams in terms of base, be established as follows:

Basic Class	*Re-Proposed 1977 Aggregate Production Quota*
Phenmetrazine	2,900,000 grams

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on any portion of this proposal. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by May 31, 1977. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that the comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing.

Dated: April 25, 1977.

PETER B. BENSINGER,
Administrator
Drug Enforcement Administration.

[FR Doc.77-12317 Filed 4-28-77;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

APRIL 25, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated,

of such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

South Dakota Legal Services in Mission, South Dakota to serve the counties of Bennett, Fall River, Jackson, Shannon and Washabaugh Counties, South Dakota and the Indian population of Cherry, Dawes and Sheridan Counties, Nebraska.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado.

THOMAS EHRLICH,
President.

[FR Doc.77-12408 Filed 4-28-77;8:45 am]

BOARD OF DIRECTORS

Meeting

The next meeting of the Board of Directors of the Legal Services Corporation will be held on May 13-14, 1977 in Window Rock, Arizona.

The Board's Committees on Appropriations and Audit, Regulations, and Provision of Legal Services will meet on Friday morning at 9:00 a.m. at the offices of DXIA-People's Legal Services, Inc. and at the Window Rock Motor Inn.

The Board will meet at the Window Rock Civic Center at 2:00 p.m. on Friday and again at 9:00 a.m. on Saturday. The agenda will include discussion of Native American legal services programs and reports by the Board's committees and by the President.

The meetings are open to the public.

THOMAS EHRLICH,
President.

[FR Doc.77-12403 Filed 4-28-77;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

[Commissioner's Administrative Order No. 28]

DEPUTY COMMISSIONER OFFICE OF DATA ANALYSIS, ET AL.

Authority to Take Adverse Actions, Redelegation from Commissioner to Other Bureau Officials

1. *Purpose.* The purpose of the Order is to redelegate the authority and responsibility for taking adverse actions.

2. *Background and References.* Part 752 of the Federal Personnel Manual defines adverse actions and describes agency procedures and responsibilities. Secretary's Order 2-75, dated March 17, 1975, delegates authority and assigns responsibility to approve personnel actions, including adverse actions, to the Commissioner of Labor Statistics.

3. *Redelegation of Authority and Assignment of Responsibility.* Authority and responsibility to take adverse actions under Subpart C of Part 752 of the Federal Personnel Manual (suspensions of 30 days or less) is hereby redelegated to the following officials for actions within the areas they manage:

A. Deputy Commissioner, Office of Data Analysis;

B. Deputy Commissioner, Office of Statistical Operations and Processing;

C. Associate Commissioner, Office of Publications;

D. Associate Commissioner, Office of Administrative Management.

4. Effective Date: This Order is effective on March 1, 1977.

Signed at Washington, D.C., this 22nd day of April 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77-12353 Filed 4-28-77;8:45 am]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Employment and Training Administration Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 25th day of April 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending Apr. 22, 1977

Name of applicant	Location of enterprise	Principal product or activity
Mauro Industries, Inc.	Claremont, N.H.	Manufacture of wood household furniture.
Upper Connecticut Valley Hospital.	Colebrook, N.H.	General health services.
Virginia Automotive Industries, Ltd.	Charlottesville, Va.	Automobile engine analyzers, exhaust gas analyzer, and marine engine analyzer.
Gateway Inn	Hunting, W. Va.	Room rentals, restaurant and lounge.
Standard Building Systems	Frederick County, Md.	Manufacture and market open web steel joists and trusses.
Airway Industries, Inc.	Ellwood City, Pa.	Manufacture of luggage and attaché cases.
The Manbeck Bread Co.	Hagerstown, Md.	Production of bread and roll products.
Cheaha Poultry, Inc.	Piedmont, Ala.	Production of broiler chickens, hatching eggs, and heavy fowl.
Bailey Lumber Co., Inc.	Centre, Ala.	Building construction and retail sale of building materials.
Freeway Mobile Home Park	Elgin, S.C.	Low cost housing.
Scenic View Convalescent Center.	Baldwin, Ga.	Health care for aging and disabled persons.
Garland Wayne Koonts	Holly Hill, S.C.	Radio broadcasting service.
Franklin Grading Co., e.	Franklin, N.C.	Crushing of stone for commercial use.
McSweeney's Mill & Mine Service	South Point, Ohio.	Manufacture of pneumatic drill rods and augers.
Golden Fertilizer, Inc.	Golden, Ill.	Retail and application of fertilizer, chemicals, and lime.
FMC Corp.	Rice, Minn.	Manufacture of general industrial machinery.
Billy R. & N. Kathern Inmon	Greenwich, Ohio.	Sales and service of new Ford Motor products and used cars.
Citation Manufacturing Co., Inc.	Siloam Springs, Ark.	Manufacture of industrial cleaning chemicals.
Pine Forest Plastics, Inc.	Henderson, Tex.	Manufacture of plastic pipes.
Morgan Enterprises, Inc.	Fort Morgan, Colo.	Motel and restaurant.
DeLorean Motor Co.	Sedgewick County, Kans.	Manufacture of sports cars.
Applied Industries, Inc. (tenant of Pasquotank County).	Elizabeth City, N.C.	Manufacture of fluid system aircraft components.
Graniteville Co. (tenant of town of Williston).	Williston, S.C.	Manufacture and finish of woven textile products.

[FR Doc.77-12302 Filed 4-28-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS, EMERGENCY UNEMPLOYMENT COMPENSATION

Ending of Federal Supplemental Benefit Period in Hawaii

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Hawaii effective April 30, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Hawaii on February 23, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State Hawaii has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on April 9, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Hawaii for the week ending on April 9, 1977, and that the Federal Supplemental Benefit Period in that State terminates on April 30, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Hawaii Department of Labor and Industrial Relations of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Hawaii should contact the nearest Employment Service Local Office of the Hawaii Department of Labor and Industrial Relations in their locality.

Signed at Washington, D.C., on April 26, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-12354 Filed 4-28-77;8:45 am]

Office of the Secretary

[TA-W-1297]

ARMCO STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1297: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 15, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel plate, wide flange structural beams, H-piling, pipe, standard structurals, and small merchant shapes at the Houston, Texas plant of Armco Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53081). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel Corporation, its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Houston, Texas plant increased 4 percent in 1974, decreased 11 percent in 1975, then decreased 19 percent in 1976 compared to the previous year. Company figures for 1976 included estimated figures for the month of December.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased 5 percent in quantity and 41 percent in value in 1974 compared to 1973, decreased 23 percent in quantity and 8 percent in value in 1975, then decreased 30 percent in quantity and value in 1976 compared to the previous year.

Production decreased 2 percent in quantity and increased 28 percent in value in 1974 then decreased ten percent in quantity in 1975 and increased 15 percent in value in 1975.

Production decreased 30 percent in quantity and decreased 28 percent in value in 1976 compared to the previous year.

INCREASED IMPORTS

Imports of carbon steel plate increased both absolutely and relative to domestic shipments in 1972 compared to 1971, decreased both absolutely and relatively in 1973 compared to 1972, then increased both absolutely and relatively in 1974 compared to 1973. These imports decluded 20 percent in 1975 compared to 1974, then increased 2 percent in the first nine months of 1976 compared to the like period in 1975. The ratio of imports to domestic shipments increased from 18.8 percent in 1974 to 19.4 percent in 1975, then increased from 18.7 percent in the first nine months of 1975 to 24.8 percent in the like period in 1976.

Imports of carbon steel structural shapes increased both absolutely and relative to domestic shipments in 1972 compared to 1971, then decreased both absolutely and relatively each year from 1973 through 1975 compared to the previous year. These imports decreased 30 percent in 1975 compared to 1974 then increased 45 percent in the first nine months of 1976 compared to the like period in 1975. The ratio of imports to domestic shipments decreased from 19.7 percent in 1974 to 19.5 percent in 1975, then increased from 18.7 percent in the first nine months of 1975 to 34.3 percent in the like period in 1976.

Imports of carbon steel pipe and tubing decreased absolutely but increased relative to domestic shipments in 1972 compared to 1971, decreased both absolutely and relatively in 1973 compared to 1972, then increased both absolutely and relatively in 1974 compared to 1973.

These imports decreased 13 percent in 1975 compared to 1974, then increased 12 percent in the first nine months of 1976 compared to the like period in 1975. The ratio of imports to domestic shipments increased from 21.5 percent in 1974 to 22.8 percent in 1975, then increased from 20.5 percent in the first nine months of 1975 to 34.0 percent in the like period in 1976.

Imports of carbon steel bar-size light shapes increased absolutely but decreased relative to domestic shipments in 1972 compared to 1971, decreased both absolutely and relatively in 1973 compared to 1972, then increased both absolutely and relatively in 1974 compared to 1973. These imports decreased 68 percent in 1975 compared to 1974, then decreased 37 percent in the first nine months of 1976 compared to the like period in 1975. The ratio of imports to domestic shipments decreased from 53.1 percent in 1974 to 22.7 percent in 1975, then decreased from 27.3 percent in the first nine months of 1975 to 15.2 percent in the like period in 1976.

CONTRIBUTED IMPORTANTLY

Some customers who were surveyed stated that they had switched purchases of steel from Armco Steel Corporation to imports. Other customers who do not purchase imported steel stated that they had bought less from Armco because these customers had lost sales to competitors who do purchase imported steel.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel plates, structural shapes and pipe produced at the Houston, Texas plant of Armco Steel Corporation contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Houston, Texas plant of Armco Steel Corporation who became totally or partially separated from employment on or after October 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12355 Filed 4-28-77;8:45 am]

[TA-W-1544]

ARTVOGUE OF CALIFORNIA

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1544: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 4, 1977 in response to a worker petition received on that date which was filed by the workers and former workers producing men's cut and sewn sport shirts at Artvogue of California, San Francisco, California.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3366). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Artvogue of California, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision therof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or producion. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at Artvogue of California, San Francisco, California began to decline in the second quarter of 1976. Employment declined 4.7 percent in the last two quarters of 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Artvogue of California declined 33 percent in quantity and 27 percent in value in 1976 compared to 1975. Sales at Artvogue declined 29 percent in quantity and 24 percent in value in 1976 compared to 1975.

INCREASED IMPORTS

Imports of men's and boy's woven sport shirts decreased from 63,310 thousand units in 1971 to 49,375 thousand units in 1974. Imports increased to 61,008 thousand units in 1975 and continued to increase to 79,820 thousand units in 1976.

Imports increased relative to domestic production and consumption from 31.6 percent and 25.0 percent, respectively, in 1974, to 41.0 percent and 30.2 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Customers of Artvogue of California indicated they have reduced purchases of men's sport shirts from Artvogue and have increased purchases of imported men's sport shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sport shirts produced by Artvogue of California, San Francisco, California contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at Artvogue of California, San Francisco, California who became totally or partially separated from employment on or after April 7, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc 77-12356 Filed 4-28-77;8:45 am]

[TA-W-1234]

BETHLEHEM STEEL CORP.

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1234: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 8, 1976 in response to a worker petition received on November 8, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing structural steel shapes and reinforcing bars at the South San Francisco, California plant of Bethlehem Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met in relation to structural steel shapes. The investigation also revealed that without regard to whether any of the other criteria has been met, criterion (4) was not met in relation to reinforcing steel bars; and criterion (3) was not met for hot rolled carbon bars.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Production workers are used interchangeably between structural shapes and hot rolled carbon bars. Employment of these production workers declined 35.8 percent in 1975 compared to 1974 and decreased 34.9 percent in the first nine months of 1976 compared to the same period in 1975.

Employment of production workers in the reinforcing bars department increased 8.7 percent in 1975 compared to 1974 and declined 20.0 percent in the first nine months of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of structural shapes, in units, declined 51.4 percent in 1975 compared to 1974 and decreased 48.4 percent in the first nine months of 1976 compared to the same period in 1975. Production in units, of structural shapes declined 46.3 percent in 1975 compared to 1974 and 49.6 percent in the first nine months of 1976 compared to the same period in 1975.

Sales of steel bars including reinforcing bars, in units, declined 29.3 percent in 1975 compared to 1974 and decreased 23.2 percent in the first nine months of 1976 compared to the same period in 1975. Production of steel bars, in units, declined 33.7 percent in 1975 compared to 1974 and 39.3 percent in the first nine months of 1976 compared to the same period in 1975.

INCREASED IMPORT

Imports of carbon steel structural shapes declined each year from 1.614 thousand short tons in 1972 to 804.9 thousand short tons in 1975 and increased from 629,100 short tons in the first nine months of 1975 to 909,800 short tons in the same period in 1976.

Imports of concrete reinforcing bars declined from 477,500 net tons in 1974 to 141,900 net tons in 1975 and increased from 121,300 net tons in the first nine months of 1975 to 143,400 net tons in the same period in 1976.

Imports of hot rolled carbon steel bars declined each year from 804,100 short tons in 1972, to 423,100 short tons in 1975 and declined from 378,900 short tons in the first nine months of 1975 to 233,600 short tons in the same period in 1976.

CONTRIBUTED IMPORTANTLY

A representative sample of the plant's customers indicated that customers increased this purchases of imported structural shapes while decreasing their purchases of this product from the South San Francisco plant.

A representative sample of the plant's customers for reinforcing bars indicated

that nearly all did not purchase imported reinforcing bars. One customer accounting for less than four percent of Bethlehem's total sales in 1975 purchased imports in 1975. This customer decreased purchases of re-bars in the first nine months of 1976 both from the subject firm and from foreign sources while increasing purchases from other domestic sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with structural steel shapes produced at the South San Francisco, California plant of Bethlehem Steel Corporation contributed importantly to the total or partial separations of the workers engaged in the production of such product at that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of structural steel shapes at the South San Francisco, California plant of Bethlehem Steel Corporation, who became totally or partially separated from employment on or after October 27, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

It is further concluded that increases of imports like or directly competitive with hot rolled carbon bars and reinforcing carbon steel bars produced at the South San Francisco, California plant of the Bethlehem Steel Corporation did not contribute importantly to the total or partial separations of the workers engaged in the production of such products. Therefore, workers engaged in the production of hot rolled carbon bars and reinforcing steel bars are not eligible to apply for adjustment assistance.

Signed at Washington, D.C. this 18th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12357 Filed 4-28-77;8:45 am]

(TA-W-1381)

C-E GLASS, INC.

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1381: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 7, 1976 in response to worker petitions received on that date which were filed by the International Association of Machinist and Aerospace Workers and the United Glass and Ceramic Workers of North America on behalf of workers and former workers producing rolled figured glass and polished wire glass at the St. Louis, Missouri plant of C-E Glass, Incorporated, Pennsauken, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of C-E Glass, Inc., its customers, the U.S. Department of Commerce, the U. S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met with respect to polished wire glass. The investigation further revealed that criteria (2) and (4) were not met with respect to rolled figured glass.

SIGNIFICANT TOTAL PARTIAL SEPARATIONS

Average hourly employment of workers engaged in the production of polished wire glass declined 53.0 percent in 1976 compared to 1975. Production related employment was terminated throughout the second half of 1976; some workers continue to work in inventory reduction operations.

Average hourly employment of workers engaged in the production of rolled figured glass was unchanged in 1976 compared to 1975. Average quarterly employment in the third and fourth quarters of 1976 was 13.6 percent and 10.6 percent lower, respectively, than levels for the same quarter in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Sales of polished wire glass decreased 17.8 percent in quantity from 1974 to 1975 and decreased 40.3 percent in 1976 compared to 1975.

The quantity of finished wire glass produced by C-E Glass increased 2.9 percent from 1974 to 1975 and declined 60.4 percent in the first seven months of 1976 compared to the same period in 1975. All production of finished polished wire glass was terminated in August 1976.

Sales of rolled figured glass manufactured at the St. Louis plant decreased 11.8 percent by quantity from 1974 to 1975 and increased 41.7 percent in 1976 compared to 1975.

The quantity of rolled figured glass produced at the St. Louis plant declined 17.3 percent from 1974 to 1975 and increased 54.9 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of rolled and wired glass, which includes both polished wire and rolled figured glass, increased from 20.7 million square feet in 1971 to 29.4 million square feet in 1972, an increase of 42.0 percent. Imports declined each year from 1972 through 1975 and then increased from 18.4 million square feet in 1975 to 21.9 million square feet in 1976, an increase of 19.0 percent.

CONTRIBUTED IMPORTANTLY

Retail sales of polished wire glass and rolled figured glass manufactured at the St. Louis plant declined in 1975 compared to 1974 as the result of declines in demand by the domestic construction industry. In 1976, conditions in the construction industry improved and there was a corresponding increase in sales and production of rolled figured glass. Facing mounting competition from imported wire glass, in July 1976 C-E Glass began importing finished polished wire glass. The St. Louis plant's wire glass operation was permanently phased out beginning in August 1976. C-E Glass now imports all the polished wire glass it sells.

Although production of rolled figured glass and related employment increased in 1976 compared to 1975, the equipment used to manufacture rolled figured glass was also used to manufacture rough $\frac{3}{8}$ inch thick wire glass. Production of rough $\frac{3}{8}$ inch thick wire glass accounted for approximately one-quarter of total glass output on that equipment. All rough $\frac{3}{8}$ inch thick wire glass was later processed into the polished wire glass made at the St. Louis plant. All separations of workers engaged in employment related to the production of rolled figured glass in the second half of 1976 were due to the termination of polished wire glass output.

Customers representing approximately 45 percent of C-E Glass' total polished wire glass sales indicated that they had decreased their purchases from the firm in 1976 in order to purchase imported polished wire glass.

Customers purchasing rolled figured glass from the St. Louis plant indicated that they did not purchase imports of that type of glass and that they had increased their purchases from the plant in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with polished wire glass produced at the St. Louis, Missouri plant of C-E Glass, Incorporated contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certifications:

All workers engaged in employment related to the production of polished wire glass at the St. Louis, Missouri plant of C-E Glass, Incorporated who became totally or partially separated from employment on or after January 1, 1976, and all workers engaged in employment related to the production of rough $\frac{3}{4}$-inch thick wire glass who became totally or partially separated on or after July 1, 1976 and before January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers engaged in employment related to production of rough $\frac{3}{8}$-inch thick wire glass who were separated from such employment before July 1, 1976 and after December 31, 1976 are denied eligibility.

I further conclude that increases of imports like or directly competitive with rolled figured glass produced at the St. Louis, Missouri plant of C-E Glass, Inc., did not contribute importantly to the total or partial separations of the workers engaged in the production of such product at that plant.

Signed at Washington, D.C., this 13th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 77-12358 Filed 4-28-77;8:45 am]

[TA-W-1313]

COPPER RANGE CO., NORTHERN HARDWOODS DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1313: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing furniture components at the Houghton, Michigan plant of Copper Range Company, Northern Hardwoods Division.

The Notice of Investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54554). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Copper Range Company, Northern Hardwoods Division, the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (2) and (4) have not been met.

The Northern Hardwoods Division of the Copper Range Company operates the Houghton, Michigan plant. The plant produces furniture components, institutional shelving and cutting boards. Furniture components accounted for approximately 84 percent of total production in 1976. Institutional shelving and cutting boards each accounted for eight percent of total production in 1976. Production workers are used interchangeably on all products.

Total production increased 54.1 and 73.3 percent in quantity and value respectively in the fourth quarter of 1975 compared to the same quarter in 1974. Total production in quantity and value increased 26.6 and 31.6 percent respectively in the first eleven months of 1976 compared the same period in 1975.

Total sales increased 51.1 and 46.5 percent in quantity and value respectively in the fourth quarter of 1975 compared to the same quarter in 1974. Total sales in quantity and value increased 22.6 and 29.0 percent respectively in the first eleven months of 1976 compared to the same period in 1975.

None of the customers of the Northern Hardwoods Division surveyed reported any purchases of imported furniture components, shelving or cutting boards.

After careful consideration of the facts obtained in the investigation, I conclude that total sales and production of furniture components, institutional shelving and cutting boards at the Houghton, Michigan plant of the Northern Hardwoods Division of the Copper Range Company have not declined as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12359 Filed 4-28-77;8:45 am]

[TA-W-1184]

JACK L. INSELMAN & CO.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1184: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing children's coats at Jack L. Inselman and Company, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48811). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jack L. Inselman and Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production;

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers remained constant in 1975 compared to 1974 before declining 22.0 percent in the first four months of 1976 compared to the same period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales equal production. Sales decreased 1.1 percent in 1975 compared to 1974, and further declined 23.0 percent in the first four months of 1976 compared to the same period of 1975.

Production of children's coats ceased on April 30, 1976.

INCREASED IMPORTS

Imports of women's, misses' and children's coats increased from 1,441,000 dozens in 1971 to 1,807,000 dozens in 1973. Imports then decreased in 1974 to 1,478,000 dozens, before increasing again to 1,517,000 dozens in 1975 an increase of 2.6 percent in 1975 compared to 1974. Imports also increased in the first three quarters of 1976 compared to the same period of 1975, from 1,109,000 dozens to 1,680,000 dozens—an increase of 51.5 percent.

CONTRIBUTED IMPORTANTLY

Several customers of Jack L. Inselman and Company decreased purchases from the subject firm in 1975 compared to 1974 and in the first four months of 1976 compared to the same period of 1975, and increased purchases of imported products like or directly competitive with children's coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with children's coats produced at Jack L. Inselman and Company, Philadelphia, Pennsylvania, contributed importantly to the total or partial separations of the workers of that Company. In accordance with the provisions of the Act, I make the following certification:

All workers at Jack L. Inselman and Company, Philadelphia, Pennsylvania, who became totally or partially separated on or after January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974

Signed at Washington, D.C., this 18th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc 77-12360 Filed 4-28-77;8:45 am]

[TA-W-1528]

JUDSON STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1528: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 28, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bars at the Emeryville, California plant of the Judson Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Judson Steel Corporation its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (2) has not been met.

The Judson Steel Corporation, Emeryville, California produces concrete reinforcing bars (rebars) from scrap metal.

Production of concrete reinforcing bars by the Emeryville plant increased in quantity and value 49.1 and 62.6 percent respectively in the last quarter of 1975 compared to the last quarter of 1974. Rebar production further increased in quantity and value 20.9 and 22.5 percent respectively in 1976 compared to 1975.

In the final quarter of 1975, sales of rebars increased in both quantity and value 72.1 and 89.2 percent respectively, compared to the same quarter in 1974. Compared to 1975, sales of rebars increased in quantity and value in 1976 33.4 and 7.9 percent respectively

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of concrete reinforcing bars at Judson Steel Corporation, Emeryville, California, have not decreased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc 77-12361 Filed 4-28-77;8:45 am]

[TA-W-1409]

KENTUCKY ELECTRIC STEEL CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1409: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing hot and cold rolled carbon steel bars and carbon steel bar-sized light structural shapes at the Ashland, Kentucky plant of the Kentucky Electric Steel Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kentucky Electric Steel Company, the U.S. Department of Commerce, the United Steelworkers of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

The Ashland, Kentucky plant of the Kentucky Electric Steel Company produces hot and cold rolled carbon steel bars and carbon steel bar-sized light structural shapes which are used in various fabrication operations.

Evidence developed by the Department's investigation reveals that imports of hot and cold rolled carbon steel bars have decreased absolutely and relative to domestic production from 1973 through September 1976. Imports of carbon steel bar-sized light structural shapes have decreased absolutely and relative to domestic production from 1975 through September, 1976, the latest date of published aggregate import statistics.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with hot and cold rolled carbon steel bars and carbon steel bar-sized light structural shapes produced at the Ashland, Kentucky plant of the Kentucky Electric Steel Company have not increased as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12362 Filed 4-28-77;8:45 am]

[TA-W-1530]

LIGGETT SPRING & AXLE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1530: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers formerly producing leaf springs and axles at Liggett Spring & Axel Company, Monongahela, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3375. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Liggett Spring & Axle Company, its customers, the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed, with respect to Liggett workers producing leaf springs, that although the first three criteria have been met, the fourth criterion has not been met. The investigation further revealed, with respect to Liggett workers producing axles, that the third criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at Liggett declined 25.0 percent from 1974 to 1975 and fell 86.5 percent from 1975 to 1976. Average hourly employment declined in every quarter of 1976 compared to the same quarters in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Liggett's production of leaf springs declined 28.3 percent in quantity from 1974 to 1975 and fell 92.8 percent in quantity from 1975 to 1976. Production of axles declined 52.9 percent in quantity from 1974 to 1975 and fell 35.5 percent in quantity from 1975 to 1976. Production of both leaf springs and axles declined in every quarter of 1976 compared to the same quarters in 1975.

INCREASED IMPORTS

Imports of leaf springs, like or directly competitive with leaf springs manufactured by Liggett, increased in value from 1972 to 1974, declined from 1974 to 1975 and then increased from 1975 to 1976. The ratios of imports to domestic production and consumption rose each year from 1972 to 1976.

Imports of axles, like or directly competitive with axles produced by Liggett, are not separately identifiable in the official trade statistics. However, a survey of industry sources indicates that there are no significant imports of axles.

CONTRIBUTED IMPORTANTLY

The only involuntary separations that occurred at Liggett during the period from November 1975 through December 1976 occurred in January 1976 when more than 90 percent of all hourly workers were laid off as a result of a fire on January 14, 1976 that destroyed Liggett's leaf spring operations. From February 1976 through December 1976, average hourly employment at Liggett rose gradually but remained at relatively low levels.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of leaf springs, like or directly competitive with leaf springs produced at Liggett Spring & Axle Company, did not contribute importantly to the total or partial separation of workers producing such articles at the firm.

I further conclude that imports of axles, like or directly competitive with axles produced at Liggett Spring & Axle Company, have not been imported in increased quantities, either actual or relative to domestic production, as required under Section 222(3) of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12363 Filed, 4-28-77;8:45 am]

[TA-W-1453]

PHILADELPHIA COKE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1453: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing coke at the Philadelphia Coke Company, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1537). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Philadelphia Coke Company, the United Steelworkers of America, U.S. Department of Commerce publications, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals that imports of metallurgical coke have decreased ab-

solutely and relative to domestic production from 1974 through 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of metallurgical coke like or directly competitive with coke produced at the Philadelphia Coke Company, Inc., Philadelphia, Pennsylvania have not increased as required in section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C. this 18th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc 77-12364 Filed 4-28-77;8:45 am]

[TA-W-1474]

STANDARD STEEL, A DIVISION OF TITANIUM METALS CORP. OF AMERICA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1474: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 20, 1976 in response to a worker petition received on December 20, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing railroad wheels, axles, and rings at the Burnham, Pennsylvania plant of the Standard Steel Division of the Titanium Metals Corporation of America.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1539). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Standard Steel Division of the Titanium Metals Corporation of America.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (2) has not been met.

The Burnham, Pennsylvania plant of Standard Steel produces railroad wheels, axles, and rings.

Evidence developed in the Department's investigation reveals that sales of railroad wheels declined 1.9 percent by quantity in 1975 compared to 1974 and then increased 6.0 percent in 1976 compared to 1975.

Sales of axles declined 6.7 percent by quantity in 1975 compared to 1974 and then increased 8.3 percent in 1976 compared to 1975.

Sales of rings declined 8.1 percent by quantity in 1975 compared to 1974 and then increased 3.9 percent in 1976 compared to 1975.

Company officials stated that inventories are minimal and that production is almost equal to sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that neither sales nor production of railroad wheels, axles, or rings at the Burnham, Pennsylvania plant of the Standard Steel Division of the Titanium Metals Corporation of America have decreased absolutely as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc 77-12365 Filed 4-28-77;8:45 am]

[TA-W-1338]

STOCKHAM VALVES & FITTINGS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1338: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers producing valves, non-malleable cast iron pipe fittings, and malleable cast iron pipe fittings at the Birmingham, Alabama plant of Stockham Valves and Fittings, Inc.

The notice of investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55609). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the United Steelworkers of America, Stockham Valves and Fittings, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

With respect to valves and malleable cast iron pipe fittings, without regard to whether any other criteria have been met, criterion (1) has not been met. With respect to nonmalleable cast iron pipe fittings, without regard to whether any other criteria have been met, criterion (3) has not been met.

The evidence developed in the Department's investigation reveals that Stockham Valves and Fittings, Incorporated manufactures three products: valves, nonmalleable cast iron pipe fittings and malleable cast iron pipe fittings. The company operates only one plant located in Birmingham, Alabama.

Employees are separately identifiable by product line at the Birmingham plant. All of the workers at the Birmingham plant are engaged in employment related to the production of one of the three products described above.

Both company and union officials stated that no involuntary separations occurred among hourly employees engaged in valve production from November 1, 1975, one year prior to the signature date of the petition, to the present.

Company records revealed that no layoffs occurred among hourly employees engaged in the production of malleable cast iron pipe fittings from November 1, 1975, one year prior to the signature date of the petition, to the present. Pursuant to the requirements of 29 CFR 90.2, "partial separation" means, that the worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof.

Evidence developed in the Department's investigation revealed that among employees engaged in the production of malleable cast iron pipe fittings the average weekly hours per worker were not reduced to 80 percent or less of the workers' average weekly hours from November 1, 1975, one year prior to the signature date of the petition, to the present.

The investigation also revealed that imports of non-malleable cast iron pipe fittings have been declining and are of negligible quantities compared to U.S. production during the period 1971 through the first 3 quarters of 1976. Imports increased from 11.4 million pounds in 1971 to 14.2 million pounds in 1972, then decreased to 4.9 million pounds in 1973. Imports decreased to 3.3 million pounds in 1974 then increased to 4.5 million pounds in 1975. In the first 3 quarters of 1976 imports decreased 44.1 percent compared to the like period in 1975, from 3.4 million pounds to 1.9 million pounds.

The ratio of imports to domestic production of non-malleable cast iron pipe fittings increased from .74 percent in 1971 to 1.0 percent in 1972. In 1973 the import to production ratio declined to .36 percent, then declined to .28 percent in 1974. In 1975, the ratio increased to .56 percent. The ratio declined from .56 percent in the first 9 months of 1975 to .29 percent in the first 9 months of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of workers engaged in employment related to the production of valves and malleable cast iron pipe fittings at the Birmingham, Alabama plant of Stockham Valves and Fittings, Incorporated have not become totally or partially separated as required by Section 222 of the Trade Act of 1974.

I further conclude that articles like or directly competitive with the non-malleable cast iron pipe fittings produced at the Birmingham, Alabama plant of Stockham Valves and Fittings, Incorporated are not being imported in increased quantities, either actual or relative to domestic production, as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-12366 Filed 4-28-77;8:45 am]

[TA-W-1285]

SUPERB GLOVE CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1285: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 16, 1976 in response to a worker petition received on November 16, 1976 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing leather dress gloves at the Johnstown, New York plant of Superb Glove Corporation, a division of Crescendoe Gloves, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1977 (41 FR 53096). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Superb Glove Corporation, its customers, the National Association of Glove Manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment declined 18.1 percent from 1974 to 1975 and 11.8 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The value of total sales decreased 18.0 percent from 1974 to 1975 and increased 1.9 percent in 1976 compared to 1975.

Production at the Johnstown plant declined 24.4 percent from 1974 to 1975 and declined 13.5 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of dress gloves and mittens increased from 3,685 thousand dozen pairs in the first nine months of 1975 to 4,506 thousand dozen pairs in the first nine months of 1976. The ratio of imports to domestic production increased from 238.8 percent in 1974 to 257.1 percent in 1975 and increased from 307.1 percent the first nine months of 1975 to 317.5 percent in the first nine months of 1976.

Customers of Superb state that most domestic distributors of gloves from whom they purchase have increased the amount of imported gloves they handle. Superb itself has increased the amount of imported gloves sold under its own label. Imports of gloves by Superb increased by 35.9 percent from 1974 to 1975 and increased by 9.3 percent from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with gloves produced at Superb Glove Corporation, Johnstown, New York contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the Act I make the following certification:

All hourly and salaried workers at the Johnstown, New York plant of Superb Glove Corporation who became totally or partially separated on or after November 1, 1975 are eligible to apply for adjustment under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc 77-12367 Filed 4-28-77;8:45 am]

[TA-W-1250]

TERRACE FOOTWEAR, INC.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on March 11, 1976, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Terrace Footwear, Inc., So. Norwalk, Connecticut (TA-W-1250). The notice of certification was published in the FEDERAL REGISTER March 22, 1977 (42 FR 15481).

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of six additional workers who were engaged in employment related to the production of women's footwear and should have been included in the original certification as eligible to apply for adjustment assistance even if separated after the termination date. The six workers were omitted from the original certification because they were retained to complete shut down operations.

CONCLUSION

Based on additional evidence, a review of the entire record, and in accordance with the provisions of the Act, I have determined that the original certification is hereby revised as follows:

All workers at Terrace Footwear, Inc., So Norwalk, Connecticut who became totally or partially separated from employment on or after July 1, 1976 and on or before October 30, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974, except that the following identified employees of Terrace Footwear, Inc. shall be eligible to apply for adjust-

ment assistance even if they become totally or partially separated after October 20, 1976.

1. Genevieve Cuneo, 17 Josmar RD, So. Norwalk, Conn.
2. Oscar Greenberg, 20 Friendly Dr., Norwalk, Conn.
3. Jeffrey Waldron, 400 N. Main St., Ansonia, Conn.
4. Preston Fryr, 408A Washington Village, So. Norwalk, Conn.
5. Angel Morales, 16 Pine St., So. Norwalk, Conn.
6. Charles Nastro, 432 Rowayton Ave., So. Norwalk, Conn.

Signed at Washington, D.C. this 14th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc 77-12368 Filed 4-28-77;8:45 am]

AGGRESSIVE MFG., ET AL.

Investigations regarding certifications of eligibility to apply for worker adjustment assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of April 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aggressive Mfg., Inc. (ILGWU).	Hammonton, N.J.	Apr. 7, 1977	Mar. 18, 1977	TA-W-1,968	Ladies' coats.
Central Slipper Co., Inc. (UBWA).	Wilkes-Barre, Pa.	Apr. 6, 1977	Apr. 4, 1977	TA-W-1,969	Ladies' fabric casual slippers and children's basketball sneakers.
H. W. Gossard Co. (ILGWU).	Troy, Mo	Apr. 11, 1977	Mar. 14, 1977	TA-W-1,970	Night gowns and robes.
Jacobson Mfg. Co., Inc. (UAW).	Kenilworth, N.J.	Apr. 7, 1977	Apr. 1, 1977	TA-W-1,971	Nuts and washers.
Knapp King-Size Corp. (workers).	New Bedford, Mass.	do	Apr. 4, 1977	TA-W-1,972	Men's and ladies' shoes.
Phoenix Footwear (company).	Secaucus, N.J.	do	do	TA-W-1,973	Ladies' casual shoes and bedroom slippers.

[FR Doc.77-12193 Filed 4-28-77;8:45 am]

APOLLO DYEING & FINISHING CO. ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of April 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Apollo Dyeing & Finishing Co. (Machine Printers & Engravers Association).	Paterson, N.J.	Apr. 18, 1977	Apr. 11, 1977	TA-W-1,964	Textile prints on fabrics for men's, women's, and children's wear.
Chippewa Shoe Co. United Shoe Workers of America).	Chippewa Falls, Wis.	do	Apr. 4, 1977	TA-W-1,985	Men's work and sport shoes.
Conaway Winter, Inc. (boot and shoe workers union).	Willow Springs, Mo.	do	Apr. 11, 1977	TA-W-1,986	Infants' shoes.
Daco Manufacturing, Inc. (company).	New Bedford, Mass.	do	Apr. 15, 1977	TA-W-1,987	Men's and boys' trousers.
A. E. Nettleton Co. (United Shoe Workers of America).	Syracuse, N.Y.	do	Apr. 11, 1977	TA-W-1,988	Men's shoes.
Webster Enterprises, Inc. (company).	Cleveland, Ohio.	do	Apr. 12, 1977	TA-W-1,989	Infants' squeeze toys.

[FR Doc.77-12196 Filed 4-28-77;8:45 am]

CREINER & BROMBERG, INC., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assisstance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, Buerau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of April, 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Creiner & Brumberg, Inc. (workers).	New York, N.Y.	Apr. 11, 1977	Apr. 7, 1977	TA-W-1,974	Wholesale distributor of ladies' handbags.
Ellwood City Forge Corp. (workers).	Ellwood City, Pa.	do	do	TA-W-1,975	Open die steel forgings and multiple throw crankshafts.
Kennebec River Pulp & Paper, Inc. (IAM).	Madison, Maine	do	Apr. 6, 1977	TA-W-1,976	Paper for paper back covers and books.
S. Klein Die Cutting, Inc. (ILGWU).	New York, N.Y.	do	Mar. 21, 1977	TA-W-1,977	Cutting and dying of corsets and brassieres.
National Footwear Corp. (workers).	Epping, N.H.	do	Apr. 6, 1977	TA-W-1,978	Children's shoes.
Totsy Manufacturing Co. (workers).	Fitchburg, Mass	do	Apr. 4, 1977	TA-W-1,979	Sewing of doll clothes.

[FR Doc.77-12194 Filed 4-28-77;8:45 am]

MALDEN RENTAL SERVICE, INC., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1977.

Interested persons are invited to submit written comments regarding the sub-

ject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1977.

The petitions filed in this care are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of April, 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Malden Rental Service, Inc. (workers).	Malden, Mass...	Apr. 12, 1977	Apr. 7, 1977	TA-W-1,980	Transportation of prod ucts made by the Converse Rubber Co.
Miller Abattoir Co. (company).	North Bergen, N.J.	Apr. 13, 1977	Apr. 4, 1977	TA-W-1,981	Slaughtered and dressed lambs.
NL Industries, Titanium Pigment Division (OCAW).	Sayreville, N.J	Apr. 11, 1977	Mar. 28, 1977	TA-W-1,982	Pure titanium dioxide pigment.
White Pine School District (Michigan Education Association).	White Pine, Mich		Apr. 5, 1977	TA-W-1,983	Teaching grade school and high school.

[FR Doc.77-12195 Filed 4-26-77;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

RESEARCH GRANTS PANEL

Meeting

APRIL 22, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on June 30, 1977.

The purpose of the meeting is to review General Research applications in the field of Literature and the Fine Arts submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b (c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street. N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-11259 Filed 4-28-77;8:45 am]

RESEARCH GRANTS PANEL

Meeting

APRIL 22, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on June 13, 1977.

The purpose of the meeting is to review General Research applications in the field of Social Sciences submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-12260 Filed 4-28-77;8:45 am]

RESEARCH GRANTS PANEL

Meeting

APRIL 22, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 am. to 5:30 pm. on May 25, 1977.

The purpose of the meeting is to review General Research applications in the field of History submitted to the National Endowment for the Humanities for projects beginning after October 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b (c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-12261 Filed 4-28-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ELOLOGICAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Ecological Sciences.

Date and time: May 17 and 18, 1977—8:30 a.m. to 5:00 p.m. each day.

Place: Room 336, National Science Foundation, 1800 G Street NW., Washington, D.C 20550.

Type of meeting: Closed.

Contact person: Dr. Peter W. Frank, Program Director, Ecology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7324.

Purpose of panel: To provide advice and recommendations concerning support for research in ecology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-12406 Filed 4-28-77;8:45 am]

ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS, SUBPANEL ON THE DEVELOPMENT IN SCIENCE EDUCATION PROGRAM (DISE)

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on the Development in Science Education Program (DISE) of the Advisory Panel for Science Education Projects.

Date and time: May 15 through June 4, 1977, 8:30 a.m. to 5 p.m.

Place: Holiday Inn, Chevy Chase, Maryland.

Type of meeting: Closed.

Contact person: Dr. John L. Snyder, Program Director, DISE, Room w-618, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7910.

Purpose of panel: To provide advice and recommendations concerning support for research in the DISE program.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c) Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 26, 1977.

[FR Doc.77-12405 Filed 4-28-77;8:45 am]

ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS. SUBPANEL FOR THE MINORITY CENTERS FOR GRADUATE EDUCATION (MCGE)

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel for the Minority Centers for Graduate Education (MCGE) of the Advisory Panel for Science Education Projects.

Date and time: May 16, 1977, 8:30 a.m. to 5 p.m., May 17, 1977, 8:30 a.m. to 5 p.m.

Place: Sheraton Park Hotel, 2660 Woodley Road, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Shirley M. McBay, Program Director, MCGE, Room W-450, National Science Foundation, Washington, D.C. 20550, Telephone 202-282-7760.

Purpose of panel: To provide advice and recommendations concerning support for research in the MCGE Program.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 26, 1977.

[FR Doc.77-12404 Filed 4-28-77;8:45 am]

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next and final meeting of the 1976-1977 season of the Federal Scientific and Technical Information Managers will be held on Wednesday, May 11, 1977, from 9:30 a.m. to 12 noon, in the Conference Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C. The theme of this meeting will be:

Improving Access to Federal Technical Information and Data: Is Creating a Federal Network for the Purpose Feasible:

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

The meetings are designed solely for the benefit of Federal employees and officers and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should notify Mr. Andrew A. Aines, Division of Science Information, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550, telephone: (202) 632-5836.

ANDREW A. AINES,
Senior Staff Associate, Division of Science Information.

APRIL 21, 1977.

[FR Doc.77-12407 Filed 4-28-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 25, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

National Commission on the Observance of International Women's Year Nomination Form (Washington, D.C.), on occasion, delegates national conference, Caywood, D. P., 395-3443.

Nomination Form (Nevada), on occasion, delegates national conference, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Employment and Training Administration, apple harvest plan, ETA-7-158, annually, growers who anticipate a need for temporary agriculture workers, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Designation of Beneficiary and Optional Settlement, VA29-336, on occasion, insured, Warren Topelius, 395-5872.

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service:
Questionnaire to identify farmer cooperative enterprises, FCS-13, on occasion, farmer cooperatives, Gaylord Worden, 395-4730.
Annual Survey of Farmer Cooperatives—Regional and Local, FCS-14b, annually, farmer cooperatives, Gaylord Worden, 395-4730.

DEPARTMENT OF DEFENSE

Department of the Army (excluding Defense Civil Preparedness Agency) Army Advertising Awareness and Attitude Survey, single time, parents of nonprior service males age 17-21, Maria Gonzalez, National Security Division, 395-6132.

EXTENSIONS

TENNESSEE VALLEY AUTHORITY

Salary Survey, TVA 5322, annually, employers, Strasser, A., 395-5867.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, request for Work Schedule—Grading or Inspection (poultry, eggs, rabbits), PY-100, PY-100-1, on occasion, poultry, egg, egg products processors, Marsha Traynham, 395-4529.

Soil Conservation Service:
Flood damage Survey—Transportation and Utilities, SCS-WS-4, on occasion, Government agencies, Lowry, R. L., 395-3772.

Flood Damage Survey—Residential Properties, SCS–WS–2, on occasion, individuals, Lowry, R. L., 395–3772.
Flood Damage Survey—Cropland Drainage, SCS–WS–6, on occasion, farms, Lowry, R. L., 395–3772.
Flood Damage Survey—Agricultural Land, SCS–WS–1, on occasion, property affected by floods, Lowry, R. L., 395–3772.
Flood Damage Survey—Commercial and and Industrial Properties, SCS–WS–3, on occasion, property affected by floods, Lowry, R. L., 395–3772.
Flood Damage Survey—Irrigated Land, SCS–WS–5, on occasion, property affected by floods, Lowry, R. L., 395–3772.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:
Departure Information Card, I–438, on occasion, individuals, Marsha Traynham, 395–4529.
Application for Nonresident Alien-Canadian Border Crossing Cards, I–175, on occasion, Canadian Border Crossers, Marsha Traynham, 395–4529.
Supplement to Application To File Petition for Naturalization, (Seamen), N–400B, on occasion, individuals, Marsha Traynham, 395–4529
Application to Correct Certificate of Naturalization, N–458, on occasion, correct certificate of naturalization, Marsha Traynham, 395–4529.
Application for a Certificate of Naturalization or Repatriation, N–580, on occasion, certification of naturalization or repatriation, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–12467 Filed 4–28–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 22, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202–395–4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:
1977 Census of Manufacturers: Report from Penal Institutions, MC–D4, single time, State and Federal Penal Institutions, Peterson, M. O., 395–5631
1977 Census of Governments Survey of Government Employment, E–1 through E–7, E–6A, single time, State and Local Governments, Ellett, C. A., Strasser, A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, data for interrogatory: Amniocentesis, single time, scientists with PHS grants in amniocentesis, Richard Eisinger, 395–6140.

REVISIONS

ACTION

Peace Corps Volunteers: Background Information Form, PC 5, on occasion, Peace Corps Volunteers, Tracey Cole, 395–5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Pretest of 1978 Health Interview Survey Questionnaire NCHS 1014, other (see SF–83), samples of households in two locations, Richard Eisinger, 395–6140.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.12468 Filed 4–28–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 21, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Bidders Mailing List Application Code Sheet, GSA 3038, on occasion, firms wishing to receive copies of solicitations, Caywood, D. F., 395–3433.

ENVIRONMENTAL PROTECTION AGENCY

Recreational Water Quality and Health Questionnaire, on occasion, users of two swimming beaches, Richard Eisinger, Ellett, C. A., 395–6140.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Barley Variety Surveys, annually, Barley Growers, Gaylord Worden, 395–4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Survey of State Education Provisions for Gifted and Talented, OE9064, single time, State education agencies, Kathy Wallman, 395–6140.
National Needs Assessment for Media and Materials for the Handicapped, OE 9059–1, single time, SEA's LEA's teachers and special education supervisors, Human Resources Division, Kathy Wallman, 395–3532.
A Study of The State of Bilingual Materials Development and the Transition of Materials to the Classroom, OE–515–1, single time, book publishers and LEA administrators, Kathy Wallman, 395–6140.
A Survey of Viewership of Television Series Sponsored by ESAA Legislation, OE–522–1, single time, teachers, principals, students, and parents, Human Resources Division, Raynsford, R., 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Section 8, Existing Housing Allowances for Tenant Furnished Utilities and Other Services, HUD–52667, on occasion, Section 8, applicants and PHAS with section 8 programs, Housing, Veterans, and Labor Division, 395–3532.
Policy Development and Research, Solar Water Heating Questionnaire, single time, households in 8 demonstration sites, Larry Haber, 395–5631.

REVISIONS

DEPARTMENT OF THE TREASURY

Bureau of Customs, Protest, CF 19, on occasion, brokers and importers, Tracey Cole, 395–5870.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Financial Status and Performance Reports—Follow Through Program, OE 376, semiannually, SEA's colleges, and universities, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–12469 Filed 4–28–77;8:45 am]

SECURITIES AND EXCHANGE CMMISSION

[File No. 7–4919—7–4922]

AMERICAN GREETINGS CORP., ET AL.

Extension of Time for Comment

APRIL 15, 1977.

In the matter of application of the Philadelphia Stock Exchange, for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

On March 9, 1977 the Commission gave notice of an application filed by the Philadelphia Stock Exchange ("PHLX") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 (the "Act") and Rule 12f–1 thereunder. (Securities Exchange Act of 1934 Release No. 13361 (March 11, 1977), 42 FR 16009 (March 24, 1977)). PHLX has applied for unlisted trading privileges in the securities of the companies as set forth below, which securities are registered with the Commission pursuant to Section 12 of the Act or which would be required to be so registered except for the exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of Section 12.

American Greetings Corporation: Class A Common Stock, $1.00 par value; File No. 7–4919.
Combined Insurance Company of America: Common Stock, $1.00 par value; File No. 7–4920.
Kearney & Trecker Corporation: Common Stock, $2.00 par value; File No. 7–4921.
Pennzoil Offshore Gas Operators Incorporated: Class B Common Stock, $1.00 par value; File No. 7–4922.

The initial time for filing comments on these applications expires April 15, 1977. The Commission has received requests from interested persons asking that the time for comment be extended one month so that they would have sufficient time to comment on the issues raised by this matter. The Commission notes that these applications are the first to be considered by it under section 12(f)(1)(C) and finds that, because of the complexity of the issues involved, an extension of the time for comment in this matter will facilitate comment and thereby assist the Commission in its determinations. Accordingly, the Commission hereby extends the comment period in this matter to May 13, 1977.

Upon receipt of a request on or before May 13, 1977 from any interested person the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which the party is interested, the nature of the party's interest in making the request, and the position which the party proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications or amendments thereto by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–12311 Filed 4–28–77;8:45 am]

[Release No. 34–13440; File No. SR–Amex–77–6]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94–29, 16 (June 4, 1975), notice is hereby given that on April 4, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Amex proposes to amend its Rule 152 to permit a member or member organization which acts as principal in executing a customer's order to obtain the customer's acceptance of the trade promptly after execution of the order, rather than requiring prior consent in all cases, as is presently provided by the rule.

The proposed rule change would also delete a provision in Rule 152 which referred to charging, with the customer's consent, of an amount equal to the commission which would be charged if the transaction were executed on an agency basis.

The proposed rule change would not modify other provisions of Rule 152 which require a member to attempt to obtain a better price on the floor for his customer's agency order before filling that order as principal.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

Under existing Rule 152, a member or member organization is permitted, as principal, to take or supply the securities named in an agency order accepted from a customer only if the customer has given his consent prior to the execution of the trade. As a practical matter, requiring the customer's consent prior to the execution of the trade creates a severe logistical problem in many instances. There are occasions when a firm may buy or sell securities for its own account, or for the accounts of principals of the firm, at prices which could afford a customer a more favorable execution than holding the customer's order and executing it as agent. However, if for some reason the customer cannot be reached to obtain his or her consent, then under the present language of the Rule the firm may not execute the trade as principal.

Rule 152 as proposed to be amended would permit a member or member organization to trade as principal with a customer in those situations where the customer receives a favorable execution and is promptly notified by the member so that he or she can determine whether or not to accept the trade. (The provision for obtaining prior consent would also be retained to cover those instances where the customer is contacted prior to execution of the trade.) To safeguard the interests of customers, other provisions in the Rule specifically require the member to test the market before executing an agency order as principal.

In cases where a member organization deals with his customer as principal after having accepted an agency order, the member is presently required by Rule 152 to obtain the customer's agreement to pay a commission equal to the commission that would be charged for a similar transaction if executed on an agency basis. Since fixed commissions are no longer permissible, the Amex has proposed to amend Rule 152 to leave the question of the charging of commissions strictly to the member and the customer.

The amendments to Rule 152 permitting a member who acts as principal in executing a customer's order to obtain the customer's acceptance of the trade after execution of the order are proposed pursuant to the provisions of section 6(b)(5) of the Act which mandate that the rules of an Exchange be designed to facilitate transactions in securities.

The amendments to Rule 152 deleting the requirement that a member obtain his customer's agreement to pay a commission equal to the commission that would be charged for a similar transaction if executed on an agency basis is proposed to effect compliance with SEC Rule 19b–3.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before June 3, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 20, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 13, 1977.

[FR Doc.77–12309 Filed 4–28–77;8:45 am]

[Release No. 19987; 70–5895]

GEORGIA POWER CO.

Proposed Issuance and Sale of Pollution Control Bonds Secured by Collateral Bonds; Exception From Competitive Bidding

APRIL 15, 1977.

In the matter of Georgia Power Company, 270 Peachtree Street NW., Atlanta, Georgia 30302.

Notice is hereby given that Georgia Power Company ("Georgia"), a wholly-owned electric utility subsidiary of The Southern Company, a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration and the post-effective amendment for a complete statement of the proposed transaction.

On October 22, 1976, this Commission issued an order in this matter (HCAR No. 19728) authorizing Georgia to enter into installment sales agreements ("Installment Sales Agreements") with Putnam, Appling, Heard and Coweta Counties, Georgia ("Counties") for the construction of pollution facilities ("Projects") financed by sales of pollution control revenue bonds ("Revenue Bonds") and industrial development revenue bonds ("Small Issue Bonds") by the Counties. The Installment Sales Agreements between Georgia and Appling and Heard Counties were consummated pursuant to a supplemental order of this Commission dated November 1, 1976 (HCAR No. 19740), jurisdiction being reserved with respect to the semi-annual installment payment obligations to be undertaken by Georgia pursuant to the Installment Sales Agreements with Putnam and Coweta Counties. Recent amendments to the Development Authorities Law of the State of Georgia permit direct loans by Development Authorities and Georgia now proposes to restructure its proposed transactions with Putnam and Coweta Counties so as to take advantage of the amendments to the Georgia statute.

Georgia proposes to enter into loan agreements ("Loan Agreements") with the Development Authorities of Putnam and Coweta Counties which will provide for the issuance by the Authorities of Revenue Bonds and Small Issue Bonds in maximum aggregate principal amounts of $25,000,000 by Putnam County and $15,000,000 by Coweta County. The Loan Agreements will be substantially in the form of the Installment Sales Agreements Georgia has entered into with the Development Authorities of Appling and Heard Counties. Such Loan Agreements will be entered into with respect to both the Revenue Bonds and Small Issue Bonds to be sold by each County. The Loan Agreements will provide that each Authority will loan to Georgia the proceeds of its sales of Revenue Bonds and Small Issue Bonds and that Georgia will issue nonnegotiable promissory notes ("Notes") to evidence the loans and Georgia's obligation to repay the loans, including interest thereon, in an amount sufficient (together with other moneys held by the Trustee under the Indenture for that purpose) to pay the principal of, premium, if any, and interest on the Authority's Bonds as the same become due and payable. There will be no disposition or acquisition of the Project pursuant to these arrangements nor will the Project serve as collateral. The Indenture under which each Authority's Bonds will be issued and Georgia's Supplemental Indenture under which Georgia's Collateral Bonds will be issued to secure its obligations under the Notes will be in substantially the same form as those used in connection with the Installment Sale Agreements.

The Loan Agreements will obligate Georgia to pay the fees and charges of the Trustee. Such Agreements will also provide that Georgia may at any time, so long as it is not in default thereunder, prepay the Notes, including interest thereon, in whole or in part, such payments to be sufficient to redeem or purchase outstanding Revenue Bonds in the Manner and to the extent provided in the indentures. The Indentures will provide that the Revenue Bonds will be redeemable (a) at any time on or after 10 years from the date of issuance, in whole or in part, at the option of Georgia, initially with a premium of 3 percent of the principal amount and declining by ½ of 1 percent thereafter and (b) in whole, at the option of Georgia, in certain other situations. The Revenue Bonds will mature in 30 years and such bonds will be entitled to the benefit of mandatory redemption sinking funds calculated to retire not less than 25 percent of the aggregate principal amount of the issues prior to maturity.

In order to obtain the benefit of a rating for the Revenue Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under its Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as supplemented and amended ("Mortgage"), which rating Georgia has been advised may be thus attained, Georgia proposes to obtain the authentication of certain series of such first mortgage bonds ("Collateral Bonds") under the Mortgage, as proposed to be supplemented by a further supplemental indenture to be dated as of the first day of the month in which the Collateral Bonds are to be authenticated and delivered. To secure its obligations under the Agreements, Georgia proposes to deliver to the Trustee to be held as collateral the Collateral Bonds in principal amount equal to the principal amount of the Revenue Bonds to be issued by the Authorities. The Collateral Bonds will bear interest at a rate equal to the interest rate per annum to be borne by the Revenue Bonds, will mature on the maturity date of such bonds and will be nontransferable by the Trustee. The supplemental indenture will provide, however, that the obligation of Georgia to make payments with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Loan Agreements sufficient to meet payments when due in respect of the Revenue Bonds. The supplemental indenture will provide that upon acceleration by the Trustee of the principal amount of all outstanding Revenue Bonds under the Indentures, the Trustee may demand the mandatory redemption of the Collateral Bonds then held by it as collateral at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption.

The supplemental indentures will also provide that, upon the option redemption of the Revenue Bonds, in whole or in part, at any time after they have been outstanding for 10 years, an equal principal amount of the Collateral Bonds will be redeemed at an initial premium of 3 percent declining by ½ percent every year. Because interest accrues in respect of the Collateral Bonds until satisfied by payments under the Loan Agreements, "annual interest charges" in respect of the Collateral Bonds will be included in computing the "interest earnings requirement" restricting the amount of first mortgage bonds which may be issued and sold to the public in relation to Georgia's net earnings. The Collateral Bonds will be issued on the basis of unfunded net property additions.

The indentures will provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the Revenue Bonds, or upon direction to the Trustee by Georgia to so apply funds available therefor, or upon delivery of outstanding Revenue Bonds to the Trustee by or for the account of Georgia, the Trustee will be obligated to deliver to Georgia or for the account of Georgia the Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

It is contemplated that the Revenue Bonds will be sold by the Authorities pursuant to arrangements with one or more underwriters. In accordance with the laws of the State of Georgia, the interest rate to be borne by the Revenue Bonds will be fixed by the Authorities. Georgia will not be party to the underwriting arrangements for the Revenue Bonds. Bond counsel are to issue an opinion that interest on the Revenue Bonds will be exempt from Federal income taxation. Georgia has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds, to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

A portion of the revenue bonds to be issued by each Authority may be issued as a separate but contemporaneous issue of revenue bonds (the "Small Issue Bonds") whose tax exempt status depends upon section 103(c)(6) of the Internal Revenue Code of 1954, as amended (relating to small issues involving the acquisition, construction, reconstruction or improvement of and or property of a character subject to the allowance for depreciation), rather than upon section 103(c)(4)(F) (relating to providing air or water pollution control facilities) of such Code.

The maximum principal amount of the Small Issue Bonds of any Authority is $1,000,000 and, if any Small Issue Bonds of an Authority are issued, the maximum principal amount will be issued. To the extent the Authorities issue Small Issue Bonds, the amount of Revenue Bonds issued by the Authorities will be reduced so that the aggregate of the Revenue Bonds and Small Issue Bonds to be issued will not exceed the amounts set forth above. Separate Loan Agreements and indentures will be provided in respect of the Small Issue Bonds which will be substantially similar to the Agreements and Indentures relating to the Revenue Bonds (aside from provisions relating to the kinds of facilities which may be financed thereby). The obligations of Georgia under the separate Loan Agreements relating to such series of Small Issue Bonds would be secured by a separate series of Georgia's first mortgage bonds issued under the Mortgage upon terms substantially similar to the Collateral Bonds relating to the Revenue Bonds. Georgia will grant the Authorities, in connection with their Small Issue Bonds, liens on certain property of Georgia other than the Projects financed by either the Revenue Bonds or the Small Issue Bonds. Each such lien will be subordinate to the lien of the Mortgage and will be assigned by the Authorities to the Trustee. The liens will be created by means of Deeds to Secure Debt. The Small Issue Bonds would be marketed contemporaneously with the Revenue Bonds.

A statement of the fees and expenses to be incurred by Georgia in connection with the proposed issuance of the Notes will be filed by amendment. The proposed transactions are subject to the jurisdiction of the Georgia Public Service Commission. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Georgia states further that the competitive bidding requirements of Rule 50 in respect of the issuance of the Collateral Bonds are inappropriate under the circumstances described herein, inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Georgia's obligations to the Authorities and no public offering of the Collateral Bonds is to be made.

Notice is further given that any interested person may, not later than May 9, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12303 Filed 4-28-77;8:45 am]

[File No. 1-5073]

HARMON INTERNATIONAL INDUSTRIES, INC.

Application to Withdraw from Listing and Registration

APRIL 19, 1977.

In the matter of Harmon International Industries, Inc. Common stock, $1.00 par value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

This security has become listed and registered on the New York Stock Exchange, Inc., and the Company has concluded that the expenses of maintaining the listing of the common stock on both exchanges outweigh any benefits that might be derived therefrom.

The American Stock Exchange, Inc. has not objected to this application.

Any interested person may, on or before May 11, 1977, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12304 Filed 4-28-77;8:45 am]

[Release No. 9730; 812-4105]

LIFE INSURANCE COMPANY OF NORTH AMERICA AND LIFE INSURANCE COMPANY OF NORTH AMERICA, SEPARATE ACCOUNT A

Application for Order Approving Offers of Exchange and Order of Exemption

APRIL 21, 1977.

In the matter of Life Insurance Company of North America and Life Insurance Company of North America, Separate Account A, 1600 Arch Street, Philadelphia, Pennsylvania 19101.

Notice is hereby given that Life Insurance Company of North America ("LINA"), a stock life insurance company organized under the laws of the State of Pennsylvania, and Life Insurance Company of North America Separate Account A ("Separate Account"), a separate account of LINA registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, (hereinafter referred to as "Applicants"), filed an application on March 10, 1977 and amendments thereto on April 4 and April 14, 1977 pursuant to section 11 of the Act for an order approving certain offers of exchange and pursuant to section 6(c) of the Act for an order granting an exemption from section 27(a)(3) of the Act. LINA is the Depositor and Sponsor of Separate Account. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Separate Account was established by LINA pursuant to the laws of the State of Pennsylvania in connection with the issuance of group and individual variable annuity contracts ("Contracts") to certain persons who qualify for tax-deferred benefits under sections 401, 403(a), 403(b) and 408 of the Internal Revenue Code of 1954 ("Code"), as amended. Applicants also offer the Contracts under deferred compensation and other retirement plans for persons who may not qualify for similar tax treatment.

Net purchase payments under Contracts currently issued, including the Group Variable Annuity Contract which is the subject of the Application, are allocated to one of six divisions of the Separate Account and are invested in shares of Decatur Income Fund, Inc., National Investors Corporation, Oppenheimer Fund, Inc., Trustees Equity Fund, Inc., Dreyfus Third Century Fund, Inc., or Qualified Dividend Portfolio, Inc. (collectively called "Fund(s)"), which are open-end, diversified management investment companies registered under the

Act. Contractowners or Participants may also allocate a portion of their net purchase payments to the LINA fixed accumulation account to provide for fixed annuity payments.

Applicants' Group Variable Annuity Contract ("Group Contract") contemplates that periodic payments will be made on behalf of each Participant until the date when his or her annuity payments are to commence. The normal charge for sales and administrative expenses deducted from each payment is 6%, of which 4% is for sales expenses. Premium taxes are also deducted wherever applicable.

Applicants represent that occasionally payments are received under existing Group Contracts or its Group Contracts are newly purchased with amounts which have previously been accumulated under existing retirement plans. These "transfer payments" are received either in a lump sum or in periodic installments during a period not exceeding one year. Except in the case of a payment made under a retirement plan qualifying under section 403(b) of the Code, transfer payments will be in minimum amounts of $5,000. Section 403(b) transfer payments may be less but will be made under the circumstances set forth below. Where transfer payments are to be made, Applicants propose to issue their Group Contract and accept the transfer payment under an existing Group Contract, at a reduced charge of 2.5% of the transfer payment. Such reduction will only be available where the transfer payment arises from the transfer of accumulations under: (a) a Plan qualifying under section 401 or 403(a) of the Code provided that the Plan has been in effect for at least one year; (b) a Plan meeting the requirements of section 403(b) of the Code provided that no Participant account transfer under an existing plan will be accepted unless the Participant has been in the plan for at least one year; and (c) an existing deferred compensation plan where the plan has been in effect for at least one year. The reduction will only be available under the above situations where the Contractowner will be making continuing contributions on behalf of persons who became participants under the Group Contract. Of the 2.5% charge proposed, Applicants will apply 2% for sales expenses. The normal charge of 6% for sales and administrative expenses will be applicable to all regular purchase payments subsequent to the transfer payment. Required deductions for state premium taxes will also be made, if applicable.

Applicants represent that the reduction to a 2.5% charge on transfer payments would give recognition to the economies of scale involved in administering a larger aggregate purchase. Applicants represent further that the sales charge reduction on transfer payments may serve the best interest of persons who are currently Participants in an existing retirement plan. The reduction, Applicants asset, would permit them to appropriately compensate personnel engaged in the sale of the Contracts in such situations and would give recognition to the continuing nature of the Applicants' and salesmen's responsibilities under the Group Contract. Applicants believe that it is appropriate to assess the normal Contract charge of 6% on payments subsequent to the transfer payment since administrative and sales costs will be the same as are incurred under its normal continuing contribution Group Contracts.

Applicants represent further that the transfer and reinvestment of assets under the Group Contract will not cause adverse tax consequences to the existing retirement plan or its Participants if done in a proper and timely manner. Applicants represent also that the transfer itself should not cause the plan to terminate or result in the establishment of a new plan. In this connection, Applicants will provide Contract-owners with appropriate disclosure regarding possible tax ramifications involved in a transfer payment and LINA will administratively attempt to assure that adverse tax consequences will not result to the plan or its Participants involved in the transfer.

SECTION 27(a)(3)

Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of, or underwriter for such company, may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Applicants assert that if the proposed sales charge reduction on transfer purchases under their Group Contracts is instituted, the proportionate amount deducted for sales and administrative expenses from subsequent periodic purchase payments under Group Contracts issued in connection with the same plan would exceed the proportionate amount deducted from the transferred amount, thereby violating section 27(a)(3) unless exemptive relief is obtained.

Applicants believe that section 27(a)(3) was intended to apply to periodic payment plans of the conventional front-end load type under which the total sales charge assessment could otherwise equal, or exceed, 9% of the total purchase payments to be made. Under no circumstances will the total sales charges to be made on these Group Contracts equal, or exceed, 9%. The proposed reduction on transfer payments does not involve any of the complex sales charge schedules which section 27(a)(3) was enacted to curb. The proposed transfer charges will be described in Applicants' prospectus describing their Group Contracts and are not unduly complex in their application. Applicants believe that Section 27(a)(3) was not intended to apply to the transfer situations of the type described herein and that granting the requested relief cannot result in excessive charges to Owners or to Participants under the Group Contracts.

SECTION 6(c)

Section 6(c) of the Act authorizes the Commission by order upon application to exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provisions of the Act and rules thereunder if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

SECTION 22(d)

Applicants assert that the proposed sales charge variations are permitted within the purview of Rule 22d-3 under section 22(d) of the Act in that the economies contemplated therein will be present in their transfer proposal. Accordingly, no exemption from the provisions of section 22(d) of the Act is believed to be necessary to enable Applicants to offer their Group Contract at the reduced sales charge under circumstances which will be described in their Group Variable Annuity Prospectuses.

SECTION 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or principal underwriter for such company to make, or cause to be made, an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants represent that, under certain circumstances, the transfer purchases under their Group Contracts would be made with amounts which have previously been invested in the shares of a registered, open-end investment company. Applicants state this could result in a determination that an offer has been made to the holder of a security of another open-end investment company to exchange his security for Applicants' Group Contract within the contemplation of section 11(a) of the Act. Applicants represent that, where the transfer purchase is made with the proceeds from a liquidation of open-end investment company shares, they will not, in any way, be involved in such transaction. Any such liquidation would take place by the Contractowner or Participant unilaterally without Applicants' participation. Further, Applicants will, under no circumstances, accept the securities of any other issuer as payment under its Contract nor will it assist in or otherwise process the liquidation of such securities.

Applicants assert that it is appropriate for the Commission to approve their transfer proposal not only for the reasons stated above, but also because the transfer purchases under Applicants' Group Contracts will, in most circumstances, involve a sale to a sophisticated employer applicant who will agree to install the Group Contract or make transfers under an existing Contract only after meaningful study of the product and LINA. Because of this and the administrative procedures which Applicant follows when underwriting a transfer purchase, Applicants assert that it is highly unlikely that an unsuitable transaction will take place. The disclosures which Applicant will make include a caution about the possible additional charges which may be incurred in making the transfer purchases. Further, Applicants will monitor transfer sales to assure that no improper replacement activity takes place which could be detrimental to Owners or Participants when transfer payments are made. When issuing a Group Contract in connection with a transfer payment, Applicants will comply with all state insurance laws which may be applicable to the transaction.

Notice is further given that any interested person may, not later than May 16, 1977 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 16, 1977, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12305 Filed 4-28-77;8:45 am]

[Release No. 13450; SR-MSE-77-3]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

APRIL 18, 1977.

On February 23, 1977, the Midwest Stock Exchange, Incorporated ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend Rule 9 of Article XVII by (1) inserting in subsection (a) a requirement that certain off-floor principal transactions in securities admitted to dealing on the MSE be transacted only with a third market maker or non-member block positioner; (2) eliminating from subsection (b) restrictions pertaining to the protection of limit orders in connection with the execution of off-floor agency transactions in securities admitted to dealing on the MSE; and (3) by inserting in subsection (b) the Exchange's continued prohibition against "in house" agency crosses. Additionally, the MSE proposed to delete Rule 6 of Article XXII which relates to off-floor transactions in securities traded on the MSE.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13333, (March 4, 1977)) and by publication in the FEDERAL REGISTER (42 FR 13882 (March 14, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on February 23, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12310 Filed 4-28-77;8:45 am]

[Release No. 13456; File Nos. SR-NSCC-77-1 and SR-NSCC-77-2]

NATIONAL SECURITIES CLEARING CORP.

Order Approving Rule Changes Submitted by the National Securities Clearing Corp.

APRIL 21, 1977.

In the matter of National Securities Clearing Corporation, Two Broadway, New York, N.Y. 10005.

On February 22, 1977, the National Securities Clearing Corporation ("NSCC") submitted, pursuant to rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), proposed rule changes providing for the settlement of American Stock Exchange, Inc. ("Amex") transactions in listed debt securities through NSCC's Stock Clearing Corporation Division ("SCC Division") rather than through NSCC's American Stock Exchange Clearing Corporation Division ("ASECC Division"). NSCC also submitted on the same date proposed rule changes amending the definition and function of a Special Representative.

In accordance with section 19(b) of the Act and rule 19b-4 thereunder, the rule changes were published in the FEDERAL REGISTER (42 FR 13172, 13174, March 9, 1977), and the public was invited to submit comments until March 30, 1977. Notice of the filings and an invitation for comments also appeared in Securities Exchange Act Release Nos. 13308 and 13318, February 28, 1977. Four letters of comment were received. Three of these letters were received within the comment period from Bradford National Clearing Corporation, Bradford Securities Processing Services, Inc. ("BSPS") and TAD Depository Corporation. A fourth comment letter from BSPS was received after the expiration of the comment period. At the staff's request, NSCC granted the Commission a one week extension of the time provided in rule 19b-4 for consideration of the rule changes in order to permit Commission consideration of the second BSPS letter.

The first submission would amend section 1 of rule 3 of the SCC Division of NSCC to add to its list of cleared securities all debt securities listed on the Amex. The purpose of this change is to permit the inclusion of transactions in Amex listed debt securites in the SCC Division interfaces with Midwest Clearing Corporation, Pacific Clearing Corporation and Stock Clearing Corporation of Philadelphia.

Pursuant to its second submission, NSCC proposes to amend rule 7, section 10 and rule 39 of the SCC Division Rules of NSCC to expand the class of persons who may become "Special Representatives" under the SCC Division rules to include any registered clearing agency and any member of the SCC Division. The clearing agency or member would be required to apply to NSCC for Special Representative status and would be required to designate those members and non-participants for which it will act.

A Special Representative would be permitted to submit data regarding transactions other than odd-lot transactions when acting for a member or a non-participant. A Special Representative acting for a member could submit trade data for both sides of a transaction between two members and thereby bind both members to the trade in the same manner as two clearing members are bound when a compared trade is confirmed by them. Each member would be responsible to the SCC Division for the performance of the member's side of trades submitted on its behalf, and any objection by either member to the Special

Representative's submission would be resolved between the member and the Special Representative. A Special Representative acting for a non-participant could submit trade data for both sides of a transaction between the Special Representative and the non-participant if the non-participant were a participant in a registered clearing agency which, through participation in the SCC Division's Regional Interface Operation ("RIO"), had an interface with the SCC Division. Under the SCC Division's Rules, the Special Representative would be responsible to NSCC for the performance of both sides of any trade submitted on behalf of a non-participant by the Representative and not accepted by the interfacing clearing agency.

The four comment letters raise a number of objections to the proposed rule changes and three of the letters request that the Commission institute proceedings to disapprove the proposed rule changes. First, the commentors state that both submissions are inconsistent with the order granting NSCC registration as a clearing agency.[1] Specifically, the commentors allege that the proposed rule changes are an attempt by NSCC to evade "The Free Interface Condition" to that order which requires NSCC to establish interfaces and appropriate links with other registered clearing agencies prior to consolidating into a single processing operation the three discrete operations inherited by NSCC from its three predecessor clearing corporations. Second, the commentors express concern that the proposed rule changes will adversely affect competition among registered clearing agencies in view of the present restrictions regarding clearance and settlement of trades executed on the floor of the Amex and the New York Stock Exchange, Inc. ("NYSE"). Third, BSPS request that the SCC Special Representative proposal be amended so that an SCC member can determine whether, by acting as a Representative, he would be performing clearing agency functions within the meaning of section 3(a)(23) of the Act and therefore be required to register as a clearing agency. Fourth, BSPS suggests that by submitting trade data to SCC for non-participants a Special Representative could subvert the purpose of section 17A(b)(3)(B) of the Act which enumerates those entities which must be granted access by a registered clearing agency. Finally, BSPS raises a question concerning the obligations to NSCC of a non-participant for whom a trade is submitted to the SCC Division by a Special Representative.

The Commission has reviewed the proposed rule changes and the comment letters received and has determined that the proposed rules are consistent with the order granting NSCC's registration as a clearing agency and with the purposes of the Act. Both proposed rule changes are designed to implement "The Free Interface Condition" to the order. The first submission would add transactions in Amex-listed debt securities to the transactions in NYSE- and Amex-listed equity securities and NYSE-listed debt securities which currently may be cleared through clearing agencies participating in the SCC Division's RIO interfaces. The second submission would enable a non-participant in NSCC who participates in a clearing agency interfaced with the SCC Division through RIO to clear and settle, through the interface, transactions in any security eligible for clearance through the SCC Division. Instead of restricting competition among registered clearing agencies, the proposed rule change would allow broker-dealers a wider choice in clearance and settlement.

Although Article XII of the NYSE Constitution, other NYSE rules and comparable Amex provisions arguably restrict the clearance and settlement of NYSE and Amex listed transactions to the SCC and ASECC Divisions of NSCC, on their face those provisions permit parties to NYSE and Amex transactions to make alternative clearance and settlement arrangements. By facilitating the use of alternative clearing and settlement arrangements, we believe the proposed rule changes would, in effect, break the link betwen NYSE and Amex trading and SCC and ASECC Division clearing and settlement which has existed historically due to the unavailability of viable alternative arrangements. Moreover, each of the NYSE and Amex provisions containing restrictions has been identified by the Commission, pursuant to section 31(b) of the Securities Acts Amendments of 1975 (the "1975 Amendments"), as possibly inconsistent with the Act.[2]

The Commission has determined that the SECC proposals need not be clarified to enable an SCC member to determine whether his activities as a Special Representative require registration as a clearing agency. Any question which may arise concerning the need for a SCC member acting as a Special Representative to register as a clearing agency can be resolved on a case by case basis at the time they arise and need not be resolved generally in connection with the Commission's review of the proposed rule changes.[3]

An entity for which a Special Representative submits trades would not, without more, be a participant in NSCC within the meaning of the Act.[4] Accordingly, the Commission does not believe it is necessary to consider whether, under the SCC Division Rules, a Special Representative could submit trades for entities not enumerated under section 17A(b)(3)(B) of the Act as persons who may participate in registered clearing agencies.

Finally, the staff has reviewed the commentor's question regarding the obligations of a non-participant for a trade submitted to the SCC Division by a Special Representative on the non-participant's behalf. The proposed rule provides that if the registered clearing agency of which the non-participant is a member does not accept responsibility for the obligations of the non-participant reflected in the transaction data, the Special Representative will be responsible for the transaction. Also, operation of the clearing fund and mark-to-the-market[5] provisions of the SCC Division Rules[6] would provide the same protection for transactions submitted by a Special Representative as for any other transactions submitted to SCC's CNS system. To eliminate any question concerning the Special Representative's liability, NSCC has deleted a reference in the proposed rule changes which unintentionally gave the appearance of establishing an obligation to NSCC by a nonparticipant for trades submitted on his behalf by a Special Representative.[7]

The Commission has reviewed the NSCC submissions and finds that they are consistent with the order granting NSCC registration as a clearing agency and with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

[1] Securities Exchange Act Release No. 13163, January 13, 1977.

[2] Section 31(b) of the 1975 Amendments provides a statutory mechanism for the Commission to review the rules of national securities exchanges and registered securities associations for compliance with the Act. On December 1, 1976, pursuant to section 31(b), the Commission mailed letters to, among others, the Amex and the NYSE specifying provisions of their rules which appeared not to be in compliance with the Act. Securities Exchange Act Release No. 13027 (December 1, 1976) 41 FR 53557 (December 7, 1976.) While the Commission recognizes that not all steps necessary to implement the 1975 Amendments can be taken simultaneously, the Commission expects that any amendments necessary to bring the Amex and NYSE rules into conformity with the securities processing provisions of the Act will be made before NSCC satisfies the conditions contained in the order and combines its three currently discrete processing operations.

[3] For example, under the Act, and unless the Commission by rule provides otherwise, the term "clearing agency" does not include a broker or dealer who would be deemed to be a clearing agency solely by reason of functions performed by him as part of his customary brokerage and dealing activities.

[4] Section 3(a)(24) of the Act in pertinent part provides "('participant') does not include a person whose only use of a clearing agency is (A) through another person who is a participant . . ."

[5] A "mark-to-the-market" payment is the amount required by a clearing system from any party to a trade guaranteed by the system who becomes a potential net obligor of the system because the market price of the securities involved in the clearing transactions moves away from the contract price for the clearing transactions.

[6] SCC Division Rules 4 and 13, respectively.

[7] Letter dated April 15, 1977.

It is therefore ordered, pursuant to section 19(b)(2) of the Act. That the proposed rule changes contained in File Nos. SR–NSCC–77–1 and SR–NCSS–77–2 be, and hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–12306 Filed 4–28–77;8:45 am]

[File No. 1–6008]

PRECISION POLYMERS, INC., CAPITAL STOCK, $.05 PAR VALUE

Application to Withdraw from Listing and Registration

APRIL 19, 1977.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Since October 21, 1976 trading in this security has been suspended on the Exchange because the Company had filed a petition under Chapter XI of the Federal Bankruptcy Act. The Company believes that continued listing will serve no purpose during the pendency of the Chapter XI proceedings, and the Exchange has not objected to this application.

Any interested person may, on or before May 11, 1977 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–12307 Filed 4–28–77;8:45 am]

[Release No. 9726; 812–4114]

SCUDDER MANAGED MUNICIPAL BONDS

Filing of Application for Supplemental Order of Exemption

APRIL 20, 1977.

Notice is hereby given that Scudder Managed Municipal Bonds ("Applicant"), 175 Federal Street, Boston, Massachusetts 02110, an open-end diversified management company registered under the Investment Company Act of 1940 ("Act"), filed an application on February 22, 1977, and an amendment thereto on March 31, 1977 pursuant to section 6(c) of the Act for a supplemental order declaring that Mrs. Hester L. Sargent, a Trustee of Applicant, shall not be deemed an "interested person" of Applicant or its investment adviser or principal underwriter within the meaning of section 2(a)(19) of the Act by reason of her position as a director of Boston Safe Deposit and Trust Company ("Boston Safe"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

On May 10, 1976, the Commission issued an order (Investment Company Act Release No. 9284) pursuant to section 6(c) of the Act granting an exemption from section 2(a)(19) of the Act to the effect that Mrs. Sargent, along with other individuals named in the application to which the order referred (the "Original Application"), shall not be deemed to be "interested persons" of the registered investment companies which were the applicants to the Original Application. The Applicant was organized after the issuance of such order. This application relates to substantially the same situation as did the Original Application.

Mrs. Sargent's principal occupation is President of the Board of Governors of New England Medical Center Hospital. She is a Director of New England Telephone & Telegraph Company, and Trustee of Tufts University and Boston Symphony Orchestra. Mrs. Sargent also serves as a director of Boston Safe and as a Trustee of the Applicant.

Boston Safe is a long established trust company engaged primarily in investment management and other trust company, fiduciary and related banking services, 99 percent of whose stock is owned by The Boston Company, Inc. The Boston Company, Inc. is a holding company whose subsidiaries are engaged in providing resources management services. The Boston Company Financial Strategies, Inc. ("Strategies") is a wholly-owned subsidiary of The Boston Company, Inc. Strategies currently provides financial planning and asset management services for its clients and is registered under the Investment Advisers Act of 1940. Subsequent to the date of the Original Application, Strategies formed a subsidiary, TBCFS, Inc., which has registered with Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). As contemplated by the Original Application, TBCFS, Inc.'s business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures.

Sections 2(a)(19)(A)(v) and (B)(v) of the Act define an "interested person" of an investment company, an investment adviser of an investment company, or a principal underwriter for an investmet company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. An "affiliated person" under section 2(a)(3) of the Act includes any person directly or indirectly controlling, controlled by or under common control with, such other person.

The application states that while there is a statutory presumption in section 2(a)(9) of the Act that a natural person is not a controlled person, that presumption may be rebutted by evidence and a contrary determination made by Commission order that a director of one subsidiary may be determined to be under common control with another subsidiary. The application further states that under such an interpretation, Mrs. Sargent would be deemed to be an interested person of Applicant and of its investment adviser and principal underwriter. The application also states that while the Applicant does not necessarily agree with such an interpretation, it has deemed it advisable to clarify the status of Mrs. Sargent by applying for exercise of the Commission's exemptive authority under section 6(c) of the Act.

The Applicant believes that the relationship of Mrs. Sargent with Boston Safe, Strategies and TBCFS, Inc. will not impair her independence in acting on Applicant's behalf.

Mrs. Sargent is not a director or officer of TBCFS, Inc. and therefore has no authority or responsibility for management of the operations of TBCFS, Inc. The application states that because of the special nature of the type of investments which TBCFS, Inc. is involved with, Applicant could not legally purchase or sell such investments from or through TBCFS, Inc. because of investment restrictions, and Applicant does not intend to make any such investments. Moreover, Applicant has undertaken in the application not to transact any business with TBCFS, Inc.

Applicant asserts that Mrs. Sargent is a person of recognized integrity, judgment, independence, and competence in the investment company industry. Applicant is also of the opinion that Mrs. Sargent is in fact a disinterested trustee and that it is in the best interests of Applicant that she be permitted to serve as such.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than May 16, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall

order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above.

Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 77-12308 Filed 4-28-77;8:45 am]

[File No. 500-1]

BENGAL OIL & GAS CORP.

Suspension of Trading

APRIL 19, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Bengal Oil & Gas Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:00 a.m. (EST) on April 19, 1977 through April 28, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-12326 Filed 4-28-77;8:45 am]

[Release No. 9725; 812-4099]

NARRAGANSETT CAPITAL CORP., ET AL.

Filing of Application for Order

APRIL 18, 1977.

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), 40 Westminster Street, Providence, Rhode Island 02903, registered under the Investment Company Act of 1940 (the "Act") as a non-diversified, closed-end management investment company, and licensed as a small business investment company under the Small Business Investment Act of 1958, Amtel, Inc. ("Amtel"), 40 Westminster Street, Providence, Rhode Island 02903, and Mr. A. T. Yu, Mr. Anthony Palladino, and Mr. Charles H. Ricker, Jr. (the "Executive Stockholders", referred to collectively with Narragansett and Amtel as the "Applicants"), % Orba Corporation, One Gothic Plaza, Fairfield, New Jersey 07006, filed an application on March 1, 1977, and amendments thereto on April 11, 1977, and April 15, 1977, for an order of the Commission (1) pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder to permit a proposed purchase by Amtel of 50 percent of the outstanding Class A Common Stock of Orba Corporation ("Orba") from Narragansett and 30 percent of such outstanding stock from the Executive Stockholders, and (2) pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act that proposed purchase from Narragansett. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Amtel, a publicly held corporation having a net worth of $45 million, is a diversified company engaged in process engineering and construction, petroleum marketing, and the manufacture and sale of industrial and consumer products. The application states that Narragansett holds 439,350 shares, or 9.4 percent, of the outstanding common stock of Amtel; that Royal Little, a director of Narragansett, is Chairman of the Board of Directors of Amtel and owns, directly or indirectly, 38,768 shares of such common stock; and that the officers and directors of Narragansett collectively own, directly or indirectly, 48,685 shares of such common stock. The application also states that Narragansett and Amtel have one other common director, Mr. Raymond J. Armstrong.

Applicants submit that Orba was organized in 1972 to engage in business as engineers in material handling systems on a worldwide basis for such bulk products as coal, copper, ore and chemicals. They state that Narragansett made an original investment of $725,000 in Orba, of which $600,000 was represented by subordinated debt and $125,000 was represented by 12,500 shares, or 50 percent of the outstanding Class A common stock of Orba, and that the balance of such outstanding common stock was acquired by the Executive Stockholders, who were the founders of Orba and presently serve as its directors, officers and employees. According to the application, Orba offered a new concept and a new approach to bulk material handling; it determined to offer total bulk material handling and transportation services, incorporating consultation and design, engineering and construction, financing, and facility operations. The application states that while operationally the Orba concept rapidly proved successful it became clear that the scale upon which its operations depended for cost-saving advantages created substantial capital demands, in excess of what Orba could itself generate, and that a financial reverse of a major French contract supplier of machinery for Orba stretched Orba's financial resources to the limit. Applicants allege that these two factors, together with a decline in the demand for Orba's services resulting from the cut-back in capital spending programs in the industry which it serves, made it necessary for Orba, in the fall of 1976, to seek refinancing with Narragansett as well as with Industrial National Bank of Rhode Island ("INB"). The application states that on December 8, 1976, Matran, a wholly owned subsidiary of Orba, entered into a "Loan Agreement" with INB for a $703,125 loan to Matran, and Narragansett exchanged its original $600,000 subordinated loan to Orba for two new subordinated Notes to Matran, for $775,000 (with an additional commitment for $125,000) and $35,076 (representing accrued but unpaid interest on old indebtedness) respectively, both Notes being guaranteed by Orba and both being subordinated to the INB indebtedness. The application states that at December 31, 1976, Orba had a net capital deficiency of $965,000 and had suffered losses for the seven month period ending on that date of $199,000. The application further states that Orba has suffered losses in four of its last five fiscal years.

According to the application, Orba's Board of Directors was persuaded that, to continue to operate successfully, Orba must have substantial capital resources available to it, but Narragansett's Board of Directors felt that Narragansett could not commit to Orba, only one of its portfolio companies, the further capital resources which might be needed. Applicants state, however, that the Executive Stockholders suggested that Amtel, a large company with sales in 1975 in excess of $349 million, a net worth of over $45 million, current assets of $117 million and annual income of $6 million, had financial resources that were on the scale required by Orba and might provide a solution to this problem.

Applicants submit that, at recent meetings of the Boards of Directors of Amtel and Narragansett, the Board of each company approved the acquisition by Amtel of 80 percent of the outstanding Class A common stock of Orba from Narragansett and the Executive Stockholders pursuant to a Stock Purchase Agreement (the "Agreement"), subject in each case to the order of the Commission requested herein and, in Amtel's case, to a favorable vote of its shareholders.

The Agreement provides that Amtel will purchase 80 percent, or 20,000 of the 25,000 outstanding shares of Class A common stock of Orba (the "Sold Shares"), and enter into certain commitments described below with respect to the 5,000 outstanding shares (the "Retained Shares"). It is proposed that Narragansett will sell all of the 12,500 shares owned by it, and that the Executive Stockholders will each sell 2,500 of the approximately 4,167 shares owned by them, for a purchase price in each case of $40.00 per share payable in cash at the closing of the transaction (the "Closing"), which is to take place not later than May 31, 1977. Applicants allege that this will result in aggregate cash proceeds to Narragansett of $500,000, and will terminate Narragansett's interest in Orba except for subordinated notes of Matran, in the face amount of of 5 percent over prime per annum, but of 5 percent over price per annum, but not less than 12 percent nor more than 15 percent. Applicants further allege that each of the Executive Stockholders will realize cash proceeds of $100,000, and each will continue to hold approximately 6¾ percent of the outstanding shares of Orba, subject to the rights and restrictions described in the Agreement.

The Agreement provides that the Retained Shares are subject to certain rights and restrictions, many of which relate, in the case of a future sale of Orba shares, to a "Formula Price" per share of Orba, computed as follows: $40 (the cash price per share for the Sold Shares), plus or minus 65 percent of the cumulative net amount of all consolidated net profit or loss (as defined in the Agreement) of Orba per share from the Closing to the date of such sale arising from long term gain or loss from the disposition of capital assets and 50 percent of the remaining portion of such consolidated net profit or loss. The application summarizes the provisions of the Agreement relating to the Retained Stock as follows: (1) Amtel has a right of first refusal on all Retained Shares (except for transfers to executors or family trusts) at the lower of (i) the price to the proposed purchaser, or (ii) the Formula Price; (2) Amtel cannot sell the Sold Shares or the business of Orba until January 1, 1980. In addition, if Orba has a cumulative consolidated net loss over a 24-month period commencing on or after January 1, 1978, Amtel can purchase the Retained Shares at the Formula Price, without any premium, terminate the employment contracts of the Executive Stockholders, and dispose of the stock or assets of Orba, subject, however, to a right of first refusal on the part of the Executive Stockholders. In the case of any other contemplated disposition of Orba, Amtel must call the Retained Shares at the price specified in (3) below; (3) at any time after December 31, 1979, Amtel has a call on any or all of the Retained Shares at percentages of the Formula Price, ranging from 112 percent in 1980 to 100 percent in 1986 and thereafter; (4) if the employment of any Executive Stockholder is terminated for a violation of his employment agreement, Amtel has a call on his Retained Shares at the lower of the Formula Price or $40 per share plus simple interest at the rate of 6 percent; (5) if the employment of any Executive Stockholder is terminated without violation of his employment agreement, including termination for death or total disability, Amtel has an obligation to buy his Retained Shares, and he has an obligation to sell them, at the Formula Price.

The application also states that so long as the Executive Stockholders continue to hold Retained Shares, they are entitled to certain powers and rights of veto including that, without the consent of a majority of the surviving Executive Stockholders, Orba cannot issue any stock, options, warrants or convertible securities. The application further states that the Agreement also requires, as a condition of closing, that each of the Executive Stockholders enter into employment contracts for a period ending December 31, 1979.

Applicants further represent that among the conditions of closing is the condition that INB and Narragansett shall have amended the terms of the aforementioned loan agreements with Matran dated December 8, 1976, so that, inter alia, INB and Narragansett will no longer have security interests in properties of Orba and Matran, and that Amtel, in order to induce INB and Narragansett to do so, shall have executed certain "Comfort Letters," relating to an expression of Amtel's intention, without obligation to do so, to advance sufficient funds to Matran to enable it to make payments under the loan agreements. The application also states, however, that if the Matran loans are not refinanced by the Closing in the manner indicated, it is anticipated that the parties may waive this condition of closing, and that Amtel may thereafter cause the prepayment in full of the entire principal amount of the INB and Narragansett loans under the December 8, 1976 Loan Agreements, in order to avoid the substantial interest charges to which such parties are entitled under such loan agreements.

Section 2(a)(3) of the Act includes, within the definition of "affiliated person" of another person, (1) any person controlled by such other person; (2) any person five per centum or more of whose outstanding voting securities are owned by such other person; and (3) any employee, officer or director of such other person. Section 2(a)(9) of the Act provides, in part, that any person owning more than 25 per centum of the voting securities of a company shall be presumed to control such company. Accordingly, it appears from the foregoing that (1) Amtel is an affiliated person of Narragansett, (2) Orba is an affiliated person of, and presumed to be controlled by, Narragansett, and (3) the Executive Stockholders are affiliated persons of an affiliated person (Orba) of Narragansett.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company knowingly to purchase from such registered company, or from any company controlled by such registered company, any security or other property, except securities of which the seller is the issuer. Section 17(b) of the Act generally provides that, upon application, the Commission shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants accordingly request an order of the Commission (1) pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting the proposed purchase by Amtel, from Narragansett and the Executive Stockholders, of 80 percent, collectively, of the outstanding Class A common stock of Orba, and (2) pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the proposed purchase by Amtel from Narragansett of 50 percent of such outstanding common stock.

Applicants assert that the $800,000 consideration proposed to be paid by Amtel for 80 percent of the outstanding equity of Orba was determined in arm's-length negotiations between Harvey J. Sarles, Chairman of the Executive Committee and Chief Executive Officer of Narragansett, acting on behalf of Narragansett and its shareholders, Jerome Ottmar, as President and Chief Executive Officer of Amtel, acting on behalf of Amtel, and the Executive Stockholders, acting on their own behalf. In addition, Applicants assert that the two common directors of Amtel and Narragansett did not participate in the vote of Amtel's Board approving the Agreement.

Applicants further assert that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair for the following reasons: (1) a present contract for management and operation of the Superior Coal Transshipment Terminal in Superior, Wisconsin, has, in Applicants' estimation, a minimum after-tax present value to Orba of at least $871,000; (2) Amtel's management believes that the "energy crisis" may lead to an increase of emphasis on coal as an energy source, resulting in a significant increase in the need for coal handling facilities such as

are designed and operated by Orba; (3) on March 4, 1977, Georgia Power Company chose Orba to operate its new coal transloader terminal on the Tennessee River at Pride, Alabama, pursuant to which arrangement the planned commitment for 1977–1982 has an after-tax present value to Orba, Applicants assert, of approximately $770,000; (4) Applicants assert that Orba's operations will complement the operations of Amtel's engineering and construction subsidiaries and divisions; (5) Applicants allege that Amtel has the financial resources to finance Orba's working capital requirements and that Amtel will benefit from Orba's ability to utilize its net operating loss carryforward of approximately $2,800,000; (5) Amtel's management believes that Orba and its personnel have, in the brief period of Orba's existence, gained a wide reputation for excellent performance and technical expertise, in the engineering of material handling systems and that Orba is pursuing opportunities to design, engineer, and build additional transshipment facilities which may generate significant revenues and profits; (6) Applicants represent that Orba has developed certain proprietary shiploading and materials handling systems which, Amtel's management believes have an excellent potential for generating future revenues; and (7) Applicants state that Orba's budgeted statement of operations for the year ended December 31, 1977, shows profitable operations by the last quarter of 1977.

Applicants assert that the participation of Narragansett in the proposed transaction will not be on a basis less advantageous than that of other participants. However, they concede that, since only 60 percent of Orba's Class A common stock held by the Executive Stockholders is to be bought by Amtel at the Closing, while 100 percent of the common stock held by Narragansett is to be so bought, those two classes of stockholders are participating on a different basis. They concede that Narragansett may also be viewed as participating on a different basis in that the Agreement provides that Narragansett amend the terms of its loan agreement with Matran, and its guaranty agreements with Nrba, so that Narragansett may be viewed as giving and receiving "consideration" in connection with the agreement, apart from the cash price of $40 per share of Orba, which is different from the "consideration" given and received by the Executive Stockholders apart from their $40 per share of Orba.

Applicants state that the purpose to have the Executive Stockholders continue to retain 20 percent of the equity of Orba was suggested by the President of Amtel and not by either Narragansett or the Executive Stockholders; they assert that the purpose of this arrangement is to provide additional incentive to the individuals who will be continuing to operate Orba after acquisition of its control by Amtel. Applicants further submit that, although the Executive Stockholders may in the future realize a price difference from $40 per share for the Retained Shares, in that instance the basic price from which the Formula Price is computed is $40 per share, and the extent to which the Executive Stockholders would therefore realize more or less than $40 per share in the future is a direct reflection of their success or failure in running Orba's business after the Closing. Applicants also submit that the Executive Stockholders are committing their individual futures to the Orba business, while Narragansett, originally the larger investor, is realizing somewhat more cash from the present sale from the Executive Stockholders, but still has a considerable investment at stake in the form of subordinated loans.

Applicants submit that the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching. Applicants further represent that the proposed transaction is consistent with Narragansett's investment policy and the purposes of the Act and that the participation by Narragansett in such transaction is not on a basis less advantageous than that of other participants.

Notice is further given that any interested person may, not later than May 6, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at their respective addresses as set forth above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–12327 Filed 4–28–77;8:45 am]

[Rel. No. 19990; 70–6007]

NEW ENGLAND ELECTRIC SYSTEM

Proposed Issue and Sale of Unsecured Note to Insurance Company

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 9(a) of the Act and Rules 42 and 50 (a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to issue its note ("Note") for cash in the principal amount of $27,500,000 to John Hancock Mutual Life Insurance Company ("Hancock"). The Note will be issued pursuant to an agreement ("Agreement") between NEES and Hancock, will mature ten years from date of issue, and will bear interest at the rate of 8⅝ percent per annum from the date of issue to maturity. The Agreement will provide for an annual sinking fund of $2,000,000 beginning at the end of the second year. The Note will be issued on May 31, 1977, and may not be refunded by NEES during the first five years from the proceeds of borrowings at a lower effective interest cost to NEES or with a weighted average life to maturity less than that remaining on the Note at the time of refunding. Subject to this requirement the Note may be prepaid by NEES at any time upon payment of a premium in an amount equal to a decreasing percentage of the principal amount. The Agreement will also contain covenants regarding, among other things, additional indebtedness of NEES, funds from which dividends may be paid, retention by NEES of the common stock of its principal subsidiaries, and retention by such subsidiaries of their properties.

Proceeds from the issue and sale of the Note will be applied to pay at maturity $27,500,000 aggregate principal amount of NEES Debentures, 3¼ percent series, due June 1, 1977. The Indenture concerning said Debenture requires NEES to deposit funds for such payment with the trustee one day prior to maturity date.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with proposed transaction are estimated at $37,000, including legal fees of $20,000, and certain services to be performed at cost by New England Power Service Company (an affiliate of NEES), which services are estimated at $15,000.

Notice is further given that any interested person may, not later than May 16, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by

mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–12328 Filed 4–28–77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–5109]

SC OPPORTUNITIES, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that SC Opportunities (licensee), 1112 7th Avenue, Monroe, Wisconsin 53566 was licensed by the Small Business Administration on January 16, 1976, to operate as a small business investment company pursuant to the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

On March 31, 1977, the licensee provided financing to SCO Columbia, Inc. (SCOC), a small business concern. SCOC is a Delaware corporation, operating a Swiss Colony franchise store in Columbia, Maryland. SCOC is an associate of the licensee since SCOC was owned by SC America, Inc. (SCA), a Wisconsin corporation. Mr. Ray Kubly, Mr. Robert Soderholm and Mr. Michael Kubly, all stockholders of the licensee own more than 10 percent of the stock of SCA. 50.1 percent of the stock of SCOC was sold to Mr. David A. Babler, and 49.9 percent of the stock was sold to the licensee.

The licensee provided financing in the amount of $11,200.00 on March 31, 1977, in the form of a note bearing interest at 9.5 percent annually, and purchased 499 shares of Class A voting stock of SCOC. The voting stock has a par value of $10/share.

The transaction falls within the purview of Section 107.1004 of the regulations because the financing was used to acquire property from an associate of the licensee.

Notice is hereby given that any person may submit to SBA written comments, on or before May 16, 1977, on this financing. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in newspapers of general circulation in Columbia, Maryland.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: April 21, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77–12289 Filed 4–28–77;8:45 am]

[Declaration of Disaster Loan Area No. 1312; Amdt. 1]

VIRGINIA

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 20695), is amended in accordance with the President's declaration of April 7, 1977, to include Giles County, Virginia. The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above named county and adjacent counties within the State, and is extending the filing date for physical damage until the close of business on June 13, 1977, and for economic injury until the close of business on January 16, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 22, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–12291 Filed 4–28–77;8:45 am]

[Declaration of Disaster Loan Area No. 1313; Amdt. 1]

WEST VIRGINIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 20695) is amended in accordance with the President's declaration of April 7, 1977, to include Mercer County, West Virginia. The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above named county, and adjacent counties within the State, and is extending the filing date for physical damage until the close of business on June 13, 1977, and for economic injury until the close of business on January 12, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 19, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–12290 Filed 4–28–77;8:45 am]

[Docket No. N–77–746]

FEDERAL ASSISTANCE TO DROUGHT STRICKEN AREAS AND RELATED DETERMINATIONS

Memorandum of Agreement

CROSS REFERENCE: For a document issued jointly by the Housing and Urban Development Department, the Small Business Administration, and the other members of the Interagency Drought Emergency Coordinating Committee of 1977 regarding the above entitled matter, see FR Doc. 77–12528 in the notices section of this issue.

DEPARTMENT OF STATE

[PUBLIC NOTICE 540]

HARMONIZATION TALKS

Open Meeting

There will be a meeting to report the results of exploratory talks held April 1 with the representatives of the Committee on Harmonization (CCH) of the Conference of European Posts and Telecommunication Administrations (CEPT).

This meeting will be held at 10:00 a.m. on Friday, May 13, 1977, in Room 1912, Department of State, 2201 C Street NW., Washington, D.C. Interested members of the public are invited to attend the meeting.

Admittance will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to May 10, 1977, those who plan to attend the meeting inform the Office of International Communications Policy, Department of State, telephone 202–632–3405, of their intention. All non-Government attendees must use the C Street entrance to the building.

Dated: April 26, 1977.

JOHN J. O'NEILL, Jr.,
Director, Office of International Communications Policy.

[FR Doc.77–12428 Filed 4–28–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

INTERAGENCY STUDY OF POST-1980 GOALS FOR COMMERCIAL MOTOR VEHICLES

Extension of Time for Public Input

The FEDERAL REGISTER of January 31, 1977 (42 FR 5775), reported on the status of the draft "Interagency Study of Post-1980 Goals for Commercial Motor Vehicles" and requested further public comment for the preparation of a second draft of the study. Comments were requested (in three copies if possible) prior to the close of business, April 29, 1977.

A number of requests to extend the comment period beyond April 29 have been received. In response to those requests the comment period is hereby extended to the close of business on May 31, 1977. To the extent possible, consistent with the schedule for revising the draft study, late comments will also be considered.

All comments should reference the "Interagency Study of Post-1980 Goals for Commercial Motor Vehicles" and should be sent to: Mr. W. H. Close, Manager, Voluntary Truck and Bus Fuel Economy Program, TST-50, U.S. Department of Transportation, Washington, D.C. 20590.

Issued in Washington, D.C. on April 26, 1977.

W. H. CLOSE,
Manager, Voluntary Truck and Bus Fuel Economy Program.

[FR Doc. 77-12399 Filed 4-28-77;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-12]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of Section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 CFR Sec. 922 (Loan Procedure), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976 ConRail filed a Borrowing Application pursuant to subsection 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000.00. On July 29, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $8,182,352.21.

No November 18, 1976 ConRail filed a Borrowing Application pursuant to subsection 211(h) of the Act requesting, among other things, new borrowings of $143,804,396.39 and a request for amendment of § 3.01 of the Loan Agreement to increase the Maximum Borrowing to $203,143,749.60. This application included the certification and exhibits required by the Loan Procedures. On December 6, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $11,251,396.39.

On February 1, 1977, ConRail filed a Borrowing Application pursuant to section 211(h) of the Act requesting, among other things, new borrowings of $107,761,877.76. This application included the certification and exhibits required by the Loan Procedures. On February 17, 1977 the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $107,761,877.76.

On March 16, 1977 ConRail filed a Borrowing Application pursuant to section 211(h) of the Act requesting new borrowings of $25,333,400.00. This application included the certification and exhibits required by the Loan Procedures. On March 31, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $25,333,400.00.

On April 25, 1977 ConRail filed a Borrowing Application pursuant to section 211(h) of the Act requesting new borrowings of $7,825,000.00. ConRail states that it will apply $7,675,000.00 of the new borrowings to the payment of certain non-employee related obligations of the Erie Lackawanna Railroad Company and $150,000.00 of the new borrowings to the payment of certain pre-conveyance employee obligations of the Central Railroad of New Jersey.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20595, on or before May 9, 1977, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 26th day of April, 1977.

EDWIN RECTOR,
Assistant Secretary, United States Railway Association.

[FR Doc.77-12393 Filed 4-28-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 379]

ASSIGNMENT OF HEARINGS

APRIL 26, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponesments of hearings in which they are interested.

MC 142602 Sub 1, Containerized Moving Service, Inc. now assigned May 4, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C. is postponed indefinitely.
MC 112801 Sub 191, Transport Service Co. now being assigned May 4, 1977 (1 day) at Chicago, Illinois and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.
MC 118431 (Sub.-No. 23), Denver Southwest Express, Inc., application dismissed.
MC 117604 Sub 11, Meadors Freight Lines, Inc. now assigned June 6, 1977 at Atlanta, Georgia is postponed until September 12, 1977 (2 weeks) at Atlanta, Georgia in a hearing room to be later designated.
MC 142664 (Sub-2), Import Dealers Service Corporation, now being assigned July 12, 1977 (2 days) at Los Angeles, California, in a hearing room to be later designated.
MC 139967 (Sub-1), SPS Transport Co., now being assigned July 14, 1977 (2 days) at Los Angeles, California, in a hearing room to be later designated.
MC 16682 (Sub-88), Mural Transport, Inc., now being assigned July 18, 1977 (1 day) at San Francisco, California, in a hearing room to be later designated.
MC 141804 (Sub-43), Western Express, Division of Interstate Rental, Inc., now being assigned July 19, 1977 (1 day) at San Francisco, California, in a hearing room to be later designated.
MC 124211 (Sub-280), Hilt Truck Line, Inc., now being assigned July 20, 1977 (3 days) at San Francisco, California, in a hearing room to be later designated.
MC 134592 (Sub-9), Herb Moore & Hazel Moore, d/b/a H & H Trucking Co., now being assigned July 25, 1977 (1 week) at San Francisco, California, in a hearing room to be later designated.
MC-F-12411, Noel Transfer, Inc.—Control—Dakota Express, Inc., now assigned May 2, 1977, at Chicago, Ill. is postponed to May 3, 1977 (4 days), in Room 349, 230 South Dearborn St., Chicago, Ill.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12376 Filed 4-28-77;8:45 am]

[Notice No. 160]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77096. By application filed April 15, 1977, INTERNATIONAL TRAILER TRANSPORT, INC., 796 Frelinghuysen Avenue, P.O. Box 4067, Newark, NJ 07112, seeks temporary authority to transfer a portion of the operating rights of SKYWAY, INC., 310 Central Avenue, P.O. Box 360, South Kearny, NJ 07203, under section 210a(b). The transfer to INTERNATIONAL TRAILER TRANSPORT, INC., of a portion of the operating rights of SKYWAY, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12375 Filed 4-28-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 26, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before May 16, 1977.

FSA No. 43355—*Acetaldehyde to Points in West Virginia.* Filed by Southwestern Freight Bureau, Agent, (No. B-670), for interested rail carriers. Rates on acetaldehyde, in tank-car loads, as described in the application, from Bayport, Freeport, Texas, also Plaquemine, Louisiana, to Charleston, Institute, and South Charleston, West Virginia.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Southwestern Freight Bureau, Agent, tariff 12-K, I.C.C. No. 5272. Rates are published to become effective on June 1, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12374 Filed 4-28-77;8:45 am]

[AB 138 (SDM)]

McCLOUD RIVER RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations §1121.22, that the McCloud River Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB-138 (SDM). The maps reproduced here in black and white are reasonable reproductions of that sys-

tem map and the Commission on April 21, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-138 (SDM).

ROBERT L. OSWALD,
Secretary.

[AB 138 (SDM)]

MCCLOUD RIVER RAILROAD COMPANY

LINE DESCRIPTION OF SYSTEM DIAGRAM MAP

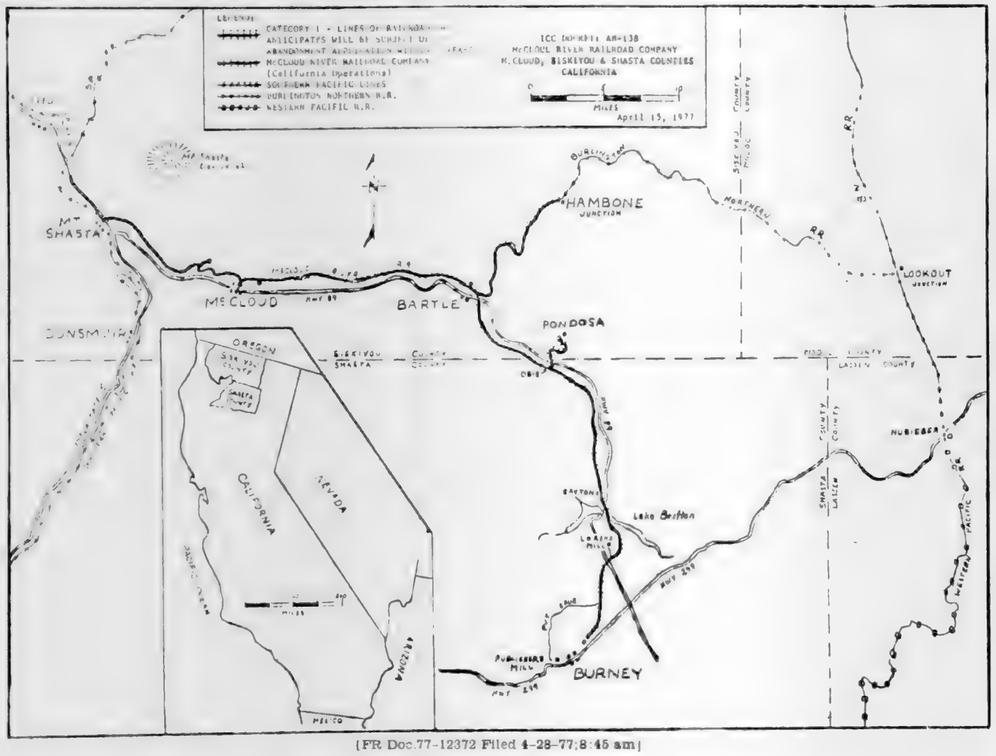
(a) The line of railroad of McCloud River Railroad listed in Category 1 is designated as its Pondosa Branch Line and is 5 miles in length.

(b) The line is located in the State of California.

(c) The line is located partially in the County of Siskiyou and partially in the County of Shasta.

(d) Mileposts delineating the line are Milepost B-31 (Station Obie) to Milepost P-35 (Station Pondosa).

(e) There are no agency or terminal stations located on the Pondosa Branch Line, however, the nearest agency station is located at 325 Main Street, McCloud, California.



[FR Doc.77-12372 Filed 4-28-77;8:45 am]

[Notice No. 159]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 31, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76937, filed April 18, 1977. Transferee: David H. Murphy, doing business as TULLOS VAN & STORAGE, 666 Redwood Avenue, Seaside, California 93955. Transferor: Troy M. Tullos, doing business as Tullos Van & Storage, 666 Redwood Avenue, Seaside, California 93955. Applicant's representative: David H. Murphy, 666 Redwood Avenue, Seaside, California 93955. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-129065 (Sub-No. 1), issued October 9, 1969, as follows: Used household goods between points in Santa Cruz and Monterey Counties, Calif.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77040, filed March 18, 1977. Transferee: GEORGE DAVIS TRUCKING, INC., 2482 South Neel Street, Rapid City, S. Dak. 57701. Transferor: George F. Davis, Jr., doing business as George Davis Trucking Company, 2467 East 39th Street, Rapid City, S. Dakota 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dakota 57701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits No. MC-127551 Sub-1, and Sub-2 and Sub-5, issued November 2, 1966, January 29, 1968, and January 29, 1969 respectively, as follows: *Meats, meat products, and meat by-products, dairy products,* and *articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., to points in Boyd, Brown, Cherry, Dawes, Holt, Keya Paha, Rock, Sheridan, and Sioux Counties, Nebr., with no transportation for compensation on return except as otherwise authorized. From Sioux Falls, S. Dak., to points in Weston, Crook, Campbell, Johnson, and Sheridan Counties, Wyo., with no transportation for compensation on return except as otherwise authorized. From Rapid City, S. Dak., to points in Weston, Crook, Campbell, Johnson, and Sheridan Counties, Wyo., with no transportation for compensation on return except as otherwise authorized.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77047 filed March 24, 1977. Transferee: VAN DYKE TRUCK LINES OF OREGON, INC., 150 South River Street, Seattle, Washington 98108. Transferor: V. Van Dyke, doing business as Van Dyke Truck Lines, 150 South River Street, Seattle, Washington 98108. Applicants' representative: V. Van Dyke, Address—same as transferee. Authority sought for purchase by transferor of the operating rights of transferor, as set forth in Certificate No. MC-114730, issued September 5, 1972, as follows: *Commodities,* the transportation of which, by reason of size or weight, requires the use of special equipment, and *related machinery parts, equipment and supplies* when the transportation thereof is incidential to the transportation of commodities, which by reason of size or weight, requires the use of special equipment, Between points in Douglas County, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Mendocino and Plumas Counties, Calif., except no service is authorized to or from points in that part of California on Interstate Highway 5 (formerly U.S. Highway 99); *Heavy machinery,* and *other commodities,* the transportation of which by reason of size or weight, requires the use of special equipment, and *related machinery parts and equipment* when their transportation is incidental to the transportation of heavy machinery and other commodities, which by reason of size or weight requires the use of special equipment, Between points in Lane County, Oreg., on the one hand, and, on the other, points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, Shasta and Lassen Counties, Calif., except no service is authorized to or from points in that part of California on Interstate Highway 5 (formerly U.S. Highway 99).

Transferee presently holds no authority from this Commission but is affiliated with Van Champ Horse Van Service, Inc., an authorized motor carrier operating under MC-119426 (Sub-No. 1) and MC-119426 (Sub-No. 8). Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77049 filed March 24, 1977. Transferee: RONALD L. CLOUTIER, INC., 211 Windwood Road, Porstmouth, Rhode Island, 02871. Transferor: O. Cloutier & Sons, Inc., 137 Crawford St., Fall River, Massachusetts. Applicants' representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Massachusetts, 02645. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit Nos. MC-29848 and MC-29848 (Sub-No. 3), issued April 11, 1961 and July 21, 1975, respectively as follows: *Such commodities* as are dealt in by wholesale lumber companies, From Portsmouth, R.I., to points in Rhode Island, points in Massachusetts (except those in Berkshire County, Mass.), and points in that part of Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 8 to Shelton, Conn., and thence along Connecticut Highway 110 to Stratford, Conn.: RESTRICTION: The operations are limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in Section 203(a) of the Interstate Commerce Act), who operate wholesale lumber companies, the business of which is the manufacture and sale of lumber products, for the transportation of the commodities indicated and in the manner specified; *Lumber,* From Portsmouth, R.I., to points in Berkshire County, Mass., and points in New Hampshire and Maine; From Port Newark, N.J., to Portsmouth, R.I.; *Lumber* and *forest products,* From Portsmouth, R.I., to Boston, Mass., Hartford, Conn., Syracuse, and Buffalo, N.Y., Port Newark, Port Elizabeth, and Camden, N.J., Philadelphia, and Pittsburgh, Pa., and points in Vermont (except Hancock); From Woburn, Mass., Hartford, Conn., points in that part of the New York, N.Y., Commercial Zone as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 2033(b)(8) of the Interstate Commerce Act (the "exempt zone"), Irvington, New Windsor, and Farmingdale, N.Y., Port Newark, Camden, and Freehold, N.J., and Pittsburgh, Ridgeway, and Philadelphia, Pa., to points in Connecticut, Massachusetts and Rhole Island; From Boston, Mass., Syracuse and Buffalo, N.Y., Port Elizabeth, N.J., and points in Vermont (except Hancock), to the facilities of Weyerhaeuser Company located in Connecticut, Massachusetts, and Rhode Island: RESTRICTION: The operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Weyerhaeuser Company.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77054 filed March 25, 1977. Transferee: CARL SCHAEFER JR. TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, Ohio, 45427. Transferor: J-Truck Line, Inc., Springfield, Illinois, 62702. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio, 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-118780 issued September 16, 1974, as follows: *Agricultural machinery and implements,* From Coldwater, Ohio, to points in that part of Illinois south of Mercer, Knox and Peoria Counties and on, south and west of a line beginning at Peoria and extending southeasterly along U.S. Highway 150 to Bloomington, thence along Illinois Highway 9 to Paxton, thence southerly along U.S. Highway 45 to Stonefort, as the eastern boundary of Williamson County, thence along the eastern boundary of Williamson and Johnson Counties, thence along the southern boundary of Johnson County to the eastern boundary of Pulaski County and thence along the eastern boundary of Pulaski County to the Ohio River, southern boundary of Illinois, including points in Mercer and Knox Counties; *Agricultural machinery and agricultural implements,* From Coldwater, Ohio, to points in Clarke, Crawford, Edgar, Edwards, Gallatin, Hamilton, Jasper, Lawrence, Pope, Richland and Wabash Counties, Ill., and those east of, but not on, U.S. Highway 45, in Clay, Coles, Cumberland, Douglas, Effingham, Saline, Wayne, and White Counties, Ill.; *Animal and poultry feed,* From Clinton and Cedar Rapids, Iowa, to points in DeWitt, Logan, Macon and Sangamon Counties, Ill., *Animal and poultry feed ingredients,* From points in

DeWitt, Logan, Macon and Sangamon Counties, Ill., to points in Racine County, Wis.: *Concentrates and Minerals* used in the mixing of animal and poultry feed and calf meal, From points in Racine County, Wis., to points in DeWitt, Logan, Macon and Sangamon Counties, Ill.; *Baled straw*, From points in Logan and Sangamon Counties, Ill., to Terre Haute, Ind.; *Brick, tile and clay products*, From points in Clay, Vigo, Parke and Vermillion Counties, Ind., to points in DeWitt, Logan, Macon and Sangamon Counties, Ill.; *Building materials*, From points in Indiana and Missouri to points in Logan County, Ill.; *Grain*, From points in Logan County, Ill., to points in Missouri; *Fence posts*, From points in Missouri to points in Logan County, Ill.; *Harvester combines*, From La Porte, Ind., and Des Moines, Iowa, to points in that part of Illinois within a described boundary; *Livestock*, From points in Missouri to points in Illinois.

Transferee is presently authorized to operate as a common carrier under Certificate No. MC–87476 and subs thereunder. Application has not been filed for temporary authority under section 210a (b).

No. MC–FC–77055, filed March 29, 1977. Transferee: ASSOCIATED TOWING, INC., 5715 W. Maryland Ave., Phoenix, Arizona, 85301. Transferor: Gasoline Alley 25 Hour Towing, Inc., 1700 S. 19th Ave., Phoenix, Arizona, 85009. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, Arizona, 85014. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 116305 issued February 8, 1973, as follows: *Wrecked and disabled vehicles*, by use of wrecker equipment only, Between Phoenix, Ariz., on the one hand, and, on the other, points in California, New Mexico, Utah, and Nevada. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77059, filed March 31, 1977. Transferee: MODERN TRANSPORTATION SERVICES, INC., 8192 Newington Rd., Newington, Va. 22122. Transferor: Haulmark Transfer, Inc., P.O. Box 343, Stenerson Lane, Cockeysville, Maryland 21030. Applicant's representative: Joan Pascavage, 8192 Newington Rd., Newington, Va. 22122. F. V. Schmidt, P.O. Box 343, Stenerson Lane, Cockeysville, Md., 21030. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 127579, issued June 24, 1968, as follows: *Household goods* as defined by the Commission. Between Baltimore, Maryland, on the one, and, on the other, Philadelphia, Pennsylvania; New York, New York; and Washington, D.C. Also between points in the District of Columbia, St. Marys, Charles, Calvert, Prince Georges, and Anne Arundel Counties, Maryland. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77063, filed April 1, 1977. Transferee: CARMEN W. SACCO, doing business as SACCO'S TRUCKING, 76 Turner Ave., Pittsfield, Mass. 01201. Transferor: Carmella P. Sacco (Virginia B. Sacco, Administratrix), doing business as Sacco's Trucking, 76 Turner Ave., Pittsfield, Mass. 01201. Applicant's representative: Carmen W. Sacco, 76 Turner Ave., Pittsfield, Mass. 01201. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 95147, issued July 14, 1970, as follows: Household goods, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, and Connecticut, and between Pittsfield, Mass., on the one hand, and, on the other, points in New York. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77065, filed April 5, 1977. Transferee: JOSEPH BUCCIERO CONTRACTING, INC., 185 Third Street, Troy, N.Y. 12180. Transferor: Lester M. Gundrum, an individual, doing business as, P & E BUEHLER TRUCKING, 15 Smith Ave., Troy, N.Y. 12180. Applicant's representative: Leslie M. Apple, attorney at law, 90 State St., Albany, N.Y. 12207. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 115059 and, Certificate of Registration, No. MC 115059 Sub–2, each issued December 9, 1969, as follows: General commodities, with exceptions between Cherryplain, N.Y., and Albany, N.Y., serving all intermediate points: From Cherryplain over New York Highway 22 to Petersburg, N.Y., thence over New York Highway 2 to Troy, N.Y., and thence over New York Highway 32 to Albany, and return over the same route. From Cherryplain over New York Highway 22 to Stephentown, N.Y., thence over New York Highway 43 to West Sand Lake, N.Y., thence over New York Highway 150 to Troy, N.Y., and thence over New York Highway 32 to Albany, and return over the same route. Also General Commodities, as defined in section 800.1 of Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York; between the hamlet of Cherryplain (Rensselaer County) N.Y. and the City of Albany, N.Y., as follows: From the hamlet of Cherryplain via N.Y. 22 to Petersburg; thence via N.Y. 2 to Troy; thence via bridge to N.Y. 32; thence via N.Y. 32 to Albany, and returning in the reverse direction via such routes; from the hamlet of Cherryplain via N.Y. 22 to Stephentown; thence via N.Y. 43 to Albany, and returning in the reverse direction via such routes; between the city of Troy, N.Y. and the hamlet of Averill Park (Rensselaer County), N.Y. via N.Y. 66, and returning via the same route; with service to, from and between all intermediate points on each of the above routes and the following off-route points: Garfield, Poestenkill, Lebanon Springs, North Petersburg. B. *Cut Piece Goods, in Shipper's Containers*: From the city of Troy, N.Y. to the village of Cobleskill (Schoharie County), N.Y. C. *Children's Dresses, in Shipper's Containers*: From the village of Cobleskill (Schoharie County), N.Y. to the city of Troy, N.Y. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC–FC–77066, filed April 4, 1977. Transferee: EXPRESSWAYS, INC., N. 10505 Juanita Rd., Spokane, Washington 99218. Transferor: Spirit of 76 Overland Express, Inc., 4520 Evard Rd., Ft. Wayne, Ind. 46801. Applicant's representative: George R. LaBissoniere, attorney at law, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 139381, issued November 26, 1974, and corrected January 8, 1975, as follows: Irregular routes: *General commodities* (except commodities in bulk, foodstuffs, and classes A and B explosives), with restrictions. From the facilities of Essex International, Inc., in Michigan, Ohio, Indiana, and Illinois, to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–77067, filed April 4, 1977. Transferee: BRASIER TRUCKING, INC., 860 North Kenosha, Tulsa, Okla. 74106. Transferor: Joe R. Brasier, doing business as, Joe R. Brasier Trucking Contractor, 860 North Kenosha, Tulsa, Okla. 74106. Applicant's represntative: Dean Williamson, attorney at law, 280 National Foundation Life Building, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permit No. MC 102300, issued June 14, 1965, as follows: Such materials as are used in or are incidental to the construction, operation, and maintenance of telephone lines, between points in Oklahoma. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–12371 Filed 4–28–77;8:45 am]

[Notice No. 55]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 25, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 115495 (Sub-No. 34TA), filed April 11, 1977. Applicant: UNITED PARCEL SERVICE, INC., 300 N. 2nd Street, St. Charles, Ill. 60174. Applicant's representative: S. Harrison Kahn, 733 Investment Bldg., 1511 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, for 180 days, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming, points in Pennsylvania, West Virginia and Virginia, within 10 miles of the Pennsylvania-Ohio, the West Virginia-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee or the Virginia-North Carolina State lines;

(1) Restricted against the transportation of traffic originating at and destined to points in Texas, Oklahoma, and Kansas, that part of Nebraska on, south, and within 10 miles north of a line beginning at the Nebraska–Colorado state line and extending along U.S. Highway 138 to junction with U.S. Highway 30, and thence along U.S. Highway 30 to the Nebraska-Iowa state line, Fort Smith, Fayetteville and points in Benton, Carroll, and Boone counties, Arkansas, and those points in Arkansas on and west of U.S. Highway 71, points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Charlton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, LaClede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Claire, Caline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Missouri.

(2) Restricted against the transportation of traffic originating at Memphis, Tenn., and points in its commercial zone, as defined by the Commission and destined to points in Arkansas. (3) Restricted against the transportation of traffic originating at points in Arkansas and destined to Memphis, Tenn., and points in its commercial zone, as defined by the Commission. (4) Restricted against the transportation of traffic between Memphis, Tenn., on the one hand, and, on the other, points in that part of Mississippi north of U.S. Highway 80. (5) Restricted against the movement of traffic between Denver, Colorado, on the one hand, and, on the other, piints in Kansas and those in that part of Nebraska on and south, and within 10 miles north of a line beginning at the Nebraska-Iowa state line and extending along U.S. Highway 138 to junction U.S. Highway 30 to the Nebraska-Iowa state line. (6) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (7) No service shall be provided in the transportation of packages or articles weighing in the aggregate 100 pounds or less or more than 300 pounds from one consignor at one location to one consignee at one location on any one day.

The following areas are also subject to the additional restrictions shown, as well as to the restrictions set forth above:

(1) A. Between points in Minnesota, Kentucky, Michigan (except that part of Michigan bounded by a line beginning at Detroit and extending north along the Michigan State line to Port Huron, thence westerly along Michigan Highway 21 to Davison, thence northerly along Michigan Highway 15 to Bay City, thence westerly along U.S. Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to Mount Pleasant, thence southerly along U.S. Highway 27 to junction U.S. Business Route 27, thence southerly along U.S. Business Route 27 to Alma, thence easterly along U.S. Business Route 27 to junction U.S. Highway 27, thence along U.S. Highway 27 to Ola, thence westerly along Michigan Highway 57 to the eastern boundary of Kent County, thence along the eastern and northern boundaries of Kent County to the northern boundary of Muskegon County, thence along the northern and eastern boundaries of Muskegon County, including all of Kent and Muskegon Counties, to Lake Michigan, thence southerly along the Michigan State line to the Indiana-Michigan State line, thence easterly along the Indiana-Michigan State line to the Michigan-Ohio State line, thence easterly along the Michigan-Ohio State line to Lake Erie, and thence northerly along the Michigan State line to Detroit, and except all points on the described highways and those on the described county lines which do not coincide with State lines), points in Wisconsin (except that part of Wisconsin bounded by a line beginning at the Illinois-Wisconsin State line at Lake Michigan and extending northerly along the shore of Lake Michigan to and including Two Rivers, thence northerly along Wisconsin Highway 147 to junction U.S. Highway 141, thence northerly along U.S. Highway 141 to and including Green Bay, thence southerly along U.S. Highway 41 to the northern boundary of Fond du Lac County, thence westerly and southerly along the northern and western boundaries of Fond du Lac County to the northern boundary of Dodge County, thence westerly and southerly along the northern and western boundaries of Dodge County to junction U.S. Highway 151, thence southwesterly along U.S. Highway 151 to the northern boundary of Dane County,

Thence along the northern, western, and southern boundaries of Dane County to the western boundary of Rock County, thence southerly along the western boundary of Rock County to the Wisconsin-Illinois State line, and thence easterly along the Wisconsin-Illinois State line to Lake Michigan and except all points, on the described highways and those on the described county lines which do not coincide with State lines), points in Missouri (except that part of Missouri bounded by a line beginning at St. Louis and extending northwesterly along the Mississippi River to Hannibal, Mo., thence northerly along Missouri Highway 168 to junction combined U.S. Highways 24 and 61, thence southerly along combined U.S. Highways 24 and 61 to junction U.S. Highway 36, thence easterly along U.S. Highway 36 to junction U.S. Highway 61, thence southerly along U.S. Highway 61 to junction Missouri Highway 19, thence southwesterly and southerly along Missouri Highway 19 to junction U.S. Highway 54, thence westerly along U.S. Highway 54, to junction Missouri Highway 22, thence westerly along Missouri Highway 22 to junction U.S. Highway 63, thence northerly along U.S.

Highway 63 to junction U.S. Highway 24, thence westerly along U.S. Highway 24 to junction Missouri Highway 3, thence southerly along Missouri Highway 3 to junction Missouri Highway 240, thence southerly along Missouri Highway 240 to the Missouri River, thence southeasterly along the Missouri River to Jefferson City, thence southeasterly along U.S. Highway 63 to Rolla, thence easterly along U.S. Highway 63 to junction U.S. Highway 66, thence easterly along U.S. Highway 66 to junction Missouri Highway 68, thence southerly along Missouri Highway 68 to junction Missouri 8, thence easterly along Missouri Highway 8 to junction Missouri Highway 21, thence southerly along Missouri Highway 21 to junction Missouri Highway 72, thence southeasterly along Missouri Highway 72 to the Mississippi River, thence northwesterly along the Mississippi River to the point of beginning, and except all points on the described highways, and points in Iowa (except Davenport, Clinton, and Dubuque, Iowa) Grand Forks and Fargo, N. Dak., Omaha, Nebr., Kansas City, Kans., and points in West Virginia and Virginia within 10 miles of the Kentucky-West Virginia and Kentucky-Virginia State lines.

B. Between points in Minnesota, Kentucky, those portions of Michigan, Wisconsin, Missouri and Iowa described immediately above, Grand Forks and Fargo, N. Dak., Omaha, Nebra., Kansas City, Kans., and points in West Virginia and Virginia within 10 miles of the Kentucky, West Virginia and Kentucky-Virginia State lines, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, that part of Michigan bounded by a line beginning at Detroit and extending north along the Michigan State line to Port Huron, thence westerly along Michigan Highway 21 to Davison, thence northerly along Michigan Highway 15 to Bay City, thence westerly along U.S. Highway 10 to junction Michigan Highway 20, thence along Michigan Highway 20 to Mount Pleasant, thence southerly along U.S. Highway 27 to junction U.S. Business Route 27, thence southerly along U.S. Business Route 27 to Alma, thence easterly along U.S. Business Route 27 to junction U.S. Highway 27, thence along U.S. Highway 27 to Ola, thence westerly along Michigan Highway 57 to the eastern boundary of Kent County, thence along the eastern and northern boundaries of Kent County to the northern boundary of Muskegon County, thence along the northern and eastern boundaries of Muskegon County (including all of Kent and Muskegon Counties) to Lake Michigan, thence southerly along the Michigan State line to the Indiana-Michigan State line, thence easterly along the Indiana-Michigan State line to the Michigan-Ohio State line, thence easterly along the Michigan-Ohio State line to Lake Erie, and thence northerly along the Michigan State line to Detroit, that part of Wisconsin bounded by a line beginning at the Illinois-Wisconsin State line at Lake Michigan and extending northerly along the shore of Lake Michigan to and including Two Rivers, thence northerly along Wisconsin Highway 147 to junction U.S. Highway 141, thence northerly along U.S. Highway 141 to and including Green Bay, thence southerly along U.S. Highway 41 to the northern boundary of Fond du Lac County, thence westerly and southerly along the northern and western boundaries of Fond du Lac County to the northern boundary of Dodge County, thence westerly and southerly along the northern and western boundaries of Dodge County to junction U.S. Highway 151, thence southwesterly along U.S. Highway 151 to the northern boundary of Dane County, thence along the northern, western, and southern boundaries of Dane County to the western boundary of Rock County, thence southerly along the western boundary of Rock County to the Wisconsin-Illinois State line, and

Thence easterly along the Wisconsin-Illinois State line to Lake Michigan, that part of Missouri bounded by a line beginning at St. Louis and extending northwesterly along the Mississippi River to Hannibal, Mo., thence northerly along Missouri Highway 168 to junction combined U.S. Highways 24 and 61, thence southerly along U.S. Highways 24 and 61 to junction U.S. Highway 36, thence easterly along U.S. Highway 36 to junction U.S. Highway 61, thence southerly along U.S. Highway 61 to junction Missouri Highway 19, thence southwesterly and southerly along Missouri Highway 19 to junction U.S. Highway 54, thence westerly along U.S. Highway 54 to junction Missouri Highway 22, thence westerly along Missouri Highway 22 to junction U.S. Highway 63, thence northerly along U.S. Highway 63 to junction U.S. Highway 24, thence westerly along U.S. Highway 24 to junction Missouri Highway 3, thence southerly along Missouri Highway 3 to junction Missouri Highway 240, thence southerly along Missouri Highway 240 to the Missouri River, thence southeasterly along the Missouri River to Jefferson City, thence southeasterly along U.S. Highway 63 to Rolla, thence easterly along U.S. Highway 63 to junction U.S. Highway 66, thence easterly along U.S. Highway 66 to junction Missouri Highway 68, thence southerly along Missouri Highway 68 to junction Missouri Highway 8, thence easterly along Missouri Highway 8 to junction Missouri Highway 21, thence southerly along Missouri Highway 21 to junction Missouri Highway 72, thence southeasterly along Missouri Highway 72 to the Mississippi River, thence northwesterly along the Mississippi River to the point of beginning, and Davenport, Clinton, and Dubuque, Iowa, including all points on the described highways and those on the described county lines which do not coincide with State lines.

Restrictions: No service shall be rendered between department stores, specialty shops, and retail stores or the branches or warehouses of such stores, or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. No service shall be provided in the transportation of motion picture film, material, equipment, concession and supplies between motion picture distributors and suppliers, on the one hand, and, on the other, motion picture theaters and television stations. No service shall be rendered in the transportation of shipments received from or to be delivered to any other motor carrier for movement to or from any points beyond those specifically granted herein. No delivery service shall be provided to the premises of persons who or which have entered into contracts with applicant or with its affiliates, and are served by them pursuant to permits issued by the Commission.

(2) Between points in California, Oregon, Washington, and those parts of Idaho and Nevada within the areas described as follows: (1) that part of Idaho north and west of a line beginning at a point on the Washington-Idaho State line near Lewiston, Idaho, thence extending southeasterly along U.S. Highway 95 to Grangeville, Idaho, thence northeasterly along Idaho Highway 13 to junction Idaho Highway 9, thence along Idaho Highway 9 to eastern boundary of Nez Perce County, Idaho, thence northerly along the eastern boundaries of Nez Perce, Latah, Benewah, and Kootenai Counties, Idaho, to U.S. Highway 10, thence easterly along U.S. Highway 10 to the Idaho-Montana State line, thence northerly along the Idaho-Montana State line to the United States-Canada Boundary line; (2) that part of Idaho bounded by a line beginning at the Oregon-Idaho State line, thence extending easterly along U.S. Highway 30–N to Weiser, Idaho, thence southerly along U.S. Highway 95 to junction Idaho Highway 52, thence easterly along Idaho Highway 52 to Horse Shoe Bend, Idaho, thence southerly along Idaho Highway Highway 15 to Boise, Idaho, thence westerly along U.S. Highway 30 to Nampa, Idaho, thence westerly along Idaho Highway 72 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the Oregon-Idaho State line, and thence northerly along the Oregon-Idaho State line to the point of beginning; (3) that part of Nevada bounded by a line beginning at a point on the California-Nevada State line, near Verdi, Nev., thence extending easterly along U.S. Highway 40 (Interstate Highway 80) to junction Alternate U.S. Highway 95, thence easterly along Alternate U.S. Highway 95 through Hazen, Nev., to junction U.S. Highway 50, thence westerly along U.S. Highway 50 to Carson City, Nev., thence southerly along U.S. Highway 395 to the California-Nevada State line, and thence northerly along the California-Nevada State line to the point of beginning; and (4) that part of Nevada bounded by a line beginning at a point on the California-Nevada State line, thence extending northerly along U.S. Highway 91 (Interstate Highway 15) to Las Vegas, Nev., thence southeasterly along U.S. Highway 93 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the California-Nevada State line, and thence northwesterly along the California-Nevada State line to the point of beginning, and Fallon and Boulder City, Nev., including all points on the described highways and those on the described county lines which do not coincide with State lines.

Restrictions: No service shall be rendered in the transportation of shipments under through routes or joint rates with other common carriers of property by motor vehicle. No service shall be rendered for the account of a freight forwarder holding a permit issued under Part IV of the Interstate Commerce Act.

(3) (A) Between points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

(B) Between points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, Grand Forks and Fargo, N. Dak., Omaha, Nebr., and Kansas City, Kans.

(C) Between points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Grand Forks and Fargo, N. Dak., Omaha, Nebr., and Kansas City, Kans., on the one hand, and, on the other, points in Pennsylvania, West Virginia, and Virginia within 10 miles of the Pennsylvania-Ohio, the West Virginia-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee, or the Virginia-North Carolina State lines.

Restrictions: (1) No service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores; or between department stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. (2) No service shall be provided in the transportation of motion picture films, materials, supplies, and equipment, used or useful in a motion picture theater, between motion picture distributors and suppliers, on the one hand, and, on the other, motion picture theaters. (3) No delivery service shall be provided to the premises of persons who or which have entered into contracts with carrier or its affiliates and are served by them pursuant to permits issued by the Commission. (4) Between points in North Dakota, South Dakota, Nebraska (except those points on, south, and within 10 miles north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to junction U.S. Highway 30 and thence along U.S. Highway 30 to the Nebraska-Iowa State line), Arkansas (except Fort Smith, Fayetteville, points in Benton, Carroll, and Boone Counties and those points on and west of U.S. Highway 71), Louisiana and Mississippi. (a) between points in North Dakota (except Fargo and Grand Forks), South Dakota, Nebraska (except those points in Benton, Carroll, and Boone Counties and those points on and west of U.S. Highway 71); (c) between Memphis, Tenn., on the one hand, and, on the other, points in North Dakota, South Dakota, Louisiana, that part of Mississippi south of U.S. Highway 80, and Nebraska (except those points on, south, and within 10 miles north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to junction U.S. Highway 30 and thence along U.S. Highway 30 to the Nebraska-Iowa State line).

Restrictions: A. Said service is restricted against the transportation of traffic originating at Memphis, Tenn., and points in its commercial zone, as defined by the Commission and destined to points in Arkansas.

B. Said service is restricted against the transportation of traffic originating at points in Arkansas and destined to Memphis, Tenn., and points in its commercial zone, as defined by the Commission.

C. Said service is restricted against the transportation of perishable commodities, motion picture films between motion picture distributors and motion picture theaters, and commodities having a prior or subsequent movement by air, water, or rail (other than trailer-on flatcar service).

D. No service shall be rendered between department stores, specialty shops, retail stores, and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores.

E. No delivery service shall be provided to the premises of persons who or which have entered into contracts with carrier or its affiliates and are served by them pursuant to permits issued by the Commission.

(5) Between points in Montana, Idaho, Nevada, Utah, Arizona, Washington, Oregon, and California. Between points in Montana, Idaho, Nevada, Utah, Arizona, Washington, Oregon, and California, on the one hand, and, on the other, points in Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Illinois, Tennessee, and Mississippi.

Restrictions: A. No service shall be rendered between department stores, specialty shops, retail shops, and the branches or warehouses of such stores, or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores.

B. No delivery service shall be provided to the premises of persons who or which have entered into contracts with applicant or its affiliates and are served by them pursuant to permits issued by the Commission.

(6) Between points in Colorado, New Mexico, and Wyoming, on the one hand, and, on the other, points in Kansas, Nebraska, Oklahoma, South Dakota, and Texas.

Restrictions: A. Restricted against the movement of traffic between Denver, Colo., on the one hand, and, on the other, points in Kansas and those in that part of Nebraska on and south, and within 10 miles north, of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to junction U.S. Highway 30, and thence along U.S. Highway 30 to the Nebraska-Iowa State line.

B. Restricted against the transportation of perishable commodities, motion picture film moving between motion picture distributors and motion picture theaters, and traffic having a prior or subsequent movement by air at Denver, Colo.

C. No service shall be rendered between department stores, speciality shops, retail shops, and the branches or warehouses of such stores; or between department stores, speciality shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores.

D. No delivery service shall be provided to the premises of persons who or which have entered into contracts with carrier or its affiliates and are served by them pursuant to permits issued by the Commission.

(7) Between points in California, Oregon, Washington, and points in those parts of Idaho and Nevada within the areas described as follows: A. That part of Idaho north and west of a line beginning at a point on the Washington-Idaho State Boundary line near Lewiston, Idaho, and extending southeasterly along U.S. Highway 95 to Grangeville, Idaho, thence northeasterly along Idaho Highway 13 to intersection Idaho Highway 9, thence along Idaho Highway 9 to the eastern boundary of Nez Perce County, Idaho, thence northerly along the eastern boundaries of Nez Perce, Latha, Benewah, and Kootenai Counties, Idaho, to U.S. Highway 10, thence easterly along U.S. Highway 10 to the Idaho-Montana State Boundary line, thence northerly along the Idaho-Montana State Boundary line to the International Boundary line between the United States and Canada.

(B) That part of Idaho bounded by a line beginning at the Oregon-Idaho State Boundary line, and extending easterly along U.S. Highway 30–N to Weiser, Idaho, thence southerly along U.S. Highway 95 to intersection Idaho Highway 52, thence easterly along Idaho Highway 52 to Horse Shoe Bend, Idaho, thence southerly along Idaho Highway 15, to Boise, Idaho, thence westerly along U.S. Highway 30 to Nampa, Idaho, thence westerly along U.S. Highway 72 to intersection U.S. Highway 95, thence southerly along U.S. Highway 95 to the Oregon-Idaho State Boundary line, to the point of beginning.

(C) That part of Nevada bounded by a line beginning at a point on the California-Nevada State Boundary line, near Verdi, Nev., and extending easterly along U.S. Highway 40 (Interstate Highway 80) to intersection Alternate U.S. Highway 95, thence easterly along Alternate U.S. Highway 95 through Hazen, Nev., to intersection U.S. Highway 50, thence westerly along U.S. Highway 395 to the California-Nevada State Boundary line to the point of beginning.

(D) That part of Nevada bounded by a line beginning at a point on the California-Nevada State Boundary line, and extending northerly along U.S. Highway 91 (Interstate Highway 15) to Las Vegas, Nev., thence southeasterly along U.S. Highway 93 to intersection U.S Highway 95, thence southerly along U.S. Highway 95 to the California-Nevada State Boundary line, and thence northwesterly along the California-Nevada State Boundary line to the points of beginning and Fallon and Boulder City, Nev., and all points on the above-described highways, and those points on the above-described county boundary lines which do not coincide with State Boundary lines, on the one hand, and, on the other, (1) Phoenix, Ariz., and points within 25 miles of the United States Post Office located at Phoenix; (2) Tucson, Ariz., and points within 15 miles of the United States Post Office located at Tucson; (3) Yuma and Somerton, Ariz.; points located on and within two miles of U.S. Highways 66 and 89, and Arizona Highway 84, 87, and 187, between Flagstaff and Nogales, Ariz., through Prescott, Wickenburg, Phoenix, Mesa, Coolidge, Tucson and Casa Grande, Ariz.; (5) points located on Arizona Highway 187 between Florence and Coolidge, Ariz., (6) points located on U.S. Highways 60, 70 and 80 between Buckeye and Globe, Ariz.; through Florence Junction, Ariz., and (7) points located on U.S. Highway 80 between Tucson and Douglas, Ariz., with service authorized at all points in any city or town (including the commercial zone thereof, as defined by the Commission), any part of which lies within the above described Arizona areas.

Restrictions: A. No service shall be rendered in the transportation of shipments under through routes or joint rates with other common carriers of property by motor vehicle.

B. No service shall be rendered for the account of a freight forwarder holding a permit issued under Part IV of the Interstate Commerce Act.

C. In connection with the areas described in (D), above, no service shall be rendered in the transportation of any package or article received from or to be delivered to any other motor carrier for movement to or from any points beyond those specifically granted.

D. No service shall be provided in the transportation of commodities requiring temperature control.

(8) Between points in Colorado, New Mexico, and Wyoming, on the one hand, and, on the other, Fort Smith, Fayetteville and points in Benton, Carroll and Boone Counties, Ark., and those points in that part of Arkansas on and west of U.S. Highway 71, and points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo.

Restrictions: A. No service shall be provided in the transportation of motion picture film, material, equipment, concession and supplies between motion picture distributors and suppliers, on the one hand, and, on the other, motion picture theaters and television stations;

B. No service shall be rendered in the transportation of shipments received from or to be delivered to any other motor carrier for movement to or from any points beyond those specifically granted herein.

C. No service shall be rendered in the transportation of perishable commodities, and commodities having a prior or subsequent movement by air, water, or rail (rather than trailer-on-flatcar service).

D. No service shall be rendered between department stores, specialty shops, retail shops, and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores.

E. No delivery service shall be provided to the premises of persons who or which have entered into contracts with carrier or its affiliates and are served by them pursuant to permits issued by the Commission.

Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Applicant intends to interline with its affiliate, United Parcel Service, Inc. (a New York corporation), at points in Pennsylvania, West Virginia and Virginia, within ten miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee and the Virginia-North Carolina State lines.

The sole effect of this requested temporary authority will be to increase basis, the present 100 pound aggregate daily restriction in applicant's present certificates to 300 pounds. No other additional authority is sought, and all other restrictions will remain in effect. Supporting shipper: There are 800 statements of support to this application, which may be examined at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 116200 (Sub-No. 12TA), filed April 7, 1977. Applicant: UNITED PARCEL SERVICE, INC., 643 West 43rd Street, New York, N.Y. 10036. Applicant's representative: S. Harrison Kahn, 1511 K Street NW., Washington, D.C., 20005. Authority sought to operate as a common carrier, by motor vehicle, for 180 days, over irregular routes, transporting: *General Commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.

RESTRICTIONS: A. No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment.

B. No service shall be provided in the transportation of packages or articles weighing in the aggregate 100 pounds or less or more than 300 pounds from one consignor at one location to one consignee at one location on any one day.

C. No delivery shall be provided to the premises of persons who or which have entered into contracts with carrier or its affiliates and are served by them pursuant to permits issued by this Commission.

D. No service shall be rendered between department stores, specialty shops and retail stores or the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores.

The following areas are also subject to the additional restrictions shown, as well as to the restrictions set forth above: 1. Between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa., points in that part of Vermont on and south of Vermont highway 9, points in that part of New Hampshire on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, Maine, including points on the highway boundary lines in Maine, New Hampshire, and Vermont.

Restrictions: A. No service shall be rendered in the transportation of moving picture and sound reproduction film, apparatus, mechanisms, installations, accessories, premiums, tickets, and complete film set-ups between motion picture distributors and motion picture theaters or television stations.

B. No service shall be rendered in the transportation of magazines, newspapers, and newspaper cuts and mats, from magazine and newspaper distributor, newsstand operators or printers.

(2) A. Between points in that part of Vermont lying north of Vermont Highway 9, those in that part of New Hampshire lying north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and points in that part of Maine lying north of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, Maine.

B. Between points in that part of Vermont lying north of Vermont Highway 9, those in that part of New Hampshire lying north of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, and points in that part of Maine lying north of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, Maine, on the one hand, and on the other, points in Clinton, Essex, Warren, Washington, Saratoga, Schenectady, Rensselaer, Albany, Greene, and Columbia Counties, N.Y., points in Massachusetts, those in that part of Vermont lying on and south of Vermont Highway 9, points in that part of New Hampshire lying on and south of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to Concord, N.H., and thence along U.S. Highway 202 to the New Hampshire-Maine State line, points in that part of Maine lying on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to junction Maine Turnpike, thence along Maine Turnpike to junction U.S. Highway 202, thence north along U.S. Highway 202 to Augusta, Maine, and thence south along Maine Highway 27 to Boothbay Harbor, Maine, including points on the highway boundary lines in Maine, New Hampshire, and Vermont.

Restriction: No service shall be rendered between banks or any branches, facility, or offices thereof. Applicant intends to interline with its affiliate, United Parcel Service, Inc. (an Ohio corporation), at points in Pennsylvania, West Virginia, and Virginia, within ten miles of the Pennsylvania-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee and the Virginia-North Carolina State lines. The sole effect of this requested temporary authority will be to increase, on a temporary basis, the present 100 pound aggregate daily restriction in applicant's present certificates to 300 pounds. No other additional authority is sought, and all other restrictions will remain in effect. Supporting shippers: There are 906 statements of support to this application, which may be examined at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12373 Filed 4-28-77;8:45 am]

[Notice No. 16]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

APRIL 29, 1977.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 99214 (Sub-No. 6), filed April 27, 1977. Applicant: PATTERSON TRUCK LINE, INC., 600 Roosevelt Street, Houma, Louisiana 70360. Applicant's representative: Richard P. Kissinger and Richard J. Bara, Steele Park 330, 50 South Steele Street, Denver, Colorado 80209. Authority sought to operate as a common carrier by motor vehicle, over irregular routes transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *and machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) earth drilling machinery and equipment, and machinery equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells. Between points in Connecticut, Delaware Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Virginia, Alabama, Texas, Louisiana, Mississippi, Arkansas, and Oklahoma.

NOTE.—Applicant requests that this application be considered with similar applications in MC 19227 (Sub-No 232), Leonard Bros. Trucking Co., Inc., et. al., scheduled for hearing commencing May 9, 1977 in Houston, Texas.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-12530 Filed 4-28-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

DATE AND TIME: May 3, 1977; 4:30 p.m.

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Closed to the public.

MATTER TO BE CONSIDERED:

Review of Los Angeles School Desegregation Report.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-288-77 Filed 4-27-77;2:06 pm]

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 a.m., May 2, 1977.

PLACE: 8th Floor Conference Room, 2033 K St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Executive session of CFTC.

CONTACT PERSON FOR MORE INFORMATION:

The Secretariat, 254-6314.

[S-282-77 Filed 4-26-77;4:09 pm]

3

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, May 3, 1977.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

(1) *Litigation Authorization; General Counsel Recommendations.* Closed to the public under Section 1612.13(a) of the Commission's regulations.

(2) *Decision in Charge No. TIN3-0838. A* proposed decision, first discussed at the meeting of April 5, 1977, will be further considered by the Commission.

(3) *Proposed Procurement; Job Evaluation Analysis.* A recommendation will be presented to the Commission that a request for proposals be issued to potential contractors to analyze job factors involved in a group of charges of discrimination filed by female employees against one employer.

CONTACT PERSON FOR MORE INFORMATION:

Executive Officer, Office of the Executive Secretariat. Marie D. Wilson, at 202-634-6748.

[S-285-77 Filed 4-27-77;11:19 am]

4

AGENCY HOLDING MEETING: Federal Power Commission.

TIME AND DATE: May 3, 1977, 2:00 p.m.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(Agenda.) NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7590TH MEETING—MAY 3, 1977; REGULAR MEETING—PART I (2:00 p.m.)

P-1—Docket No. E-8650, Columbus and Southern Ohio Electric Company.
P-2—Docket Nos. E-8641, E-8476, E-8251, E-8169, New England Power Company.
P-3—Docket Nos. E-7631 and E-7633, *City of Cleveland, Ohio* v. *Cleveland Electric Illuminating Company* and Docket No. E-7713, City of Cleveland, Ohio.
P-4—Docket No. E-8218, Consolidated Edison Company of New York, Inc. Orange & Rockland Utilities, Inc.
P-5—Docket No. E-9571, Potomac Edison Company.
P-6—Project No. 2754, City of Keene, New Hampshire.

POWER AGENDA, 7590TH MEETING—MAY 3, 1977; REGULAR MEETING—PART II

CP-1—Docket No. ER77-253, Central Illinois Light Company.
CP-2—Docket No. ER77-282, El Paso Electric Company.
CP-3—Docket Nos. ER77-239 and ER77-291, Indiana & Michigan Electric Company, Consumers Power Company, Detroit Edison Company.
CP-4—Docket No. ER77-224, Indianapolis Power & Light Company, Southern Indiana Gas & Electric Company.
CP-5—Docket No. ER77-281, Ohio Power Company.
CP-6—Docket No. ER77-260, Southern California Edison Company.
CP-7—Docket No. ER77-285, Tucson Gas & Electric Company.
CP-8—Docket Nos. ER77-258 and ER77-262, Indiana & Michigan Electric Company.
CP-9—Docket No. ER77-137, Union Electric Company.
CP-10—Docket No. DA-1117-California, Bureau of Land Management.
CP-11—Project No. 2283, Central Maine Power Company.
CP-12—Project No. 1899, Pennsylvania Electric Company.
CP-13—Project No. 2106, Pacific Gas and Electric Company.
CP-14—Project No. 943, Public Utility District No. 1 of Chelan County, Washington.
CP-15—Project No. 2459, West Penn Power Company.

MISCELLANEOUS AGENDA, 7590TH MEETING—MAY 3, 1977; REGULAR MEETING—PART II

CM-1—Mississippi Power & Light Company.
CM-2—1975 Edition of Statistics of Publicly Owned Electric Utilities in the United States.

KENNETH F. PLUMB,
Secretary.

[S-277-77 Filed 4-26-77;3:36 pm]

5

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, May 4, 1977, at 10:00 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. The Board's building renovation project.
2. A proposed office furniture design for the Renovation Program. This matter was originally considered at a meeting on April 15, 1977.
3. Possible amendments to Section 23A of the Federal Reserve Act to be submitted to the House and Senate Banking Committees.
4. Proposed purchase of computer mainframe components for Birmingham, Jacksonville, and Nashville Federal Reserve Bank Branches.
5. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b (c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System.

Dated: April 26, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-286-77 Filed 4-27-77;8:45 am]

6

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., May 11, 1977.

PLACE: Hearing room, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Cast-iron cookware (Inv. TA-201-21)—votes and approval of report.
5. Petitions and complaints:
   (a) Golf balls (Docket No. 443);
   (b) Machine tools (Docket No. 444).
6. Further consideration of the report on Balance of Payments.
7. Congressional contacts—see letter dated April 12, 1977, from Senator Ribicoff and memorandum dated April 19, 1977, from Commissioner Bedell.
8. Items left over from previous agenda.
9. Reorganization.

Portions closed to the public:

Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-281-77 Filed 4-26-77;4:09 pm]

7

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

NOTICE OF REGULAR MEETING

(Ex Parte 333)

The Interstate Commerce Commission will hold a partially open and a partially closed regular meeting on Tuesday, May 3, 1977, at 9:30 a.m., at the Commission's offices located at the northwest corner of 12th Street and Constitution Avenue NW., Washington, D.C. (The room number will be posted in the main foyer on the morning of such meeting.)

The open portion of the meeting will consider the following agenda:

1. Trans-Alaska Pipeline System.

The closed portion will include two agenda items. Voting to close item 1 were Chairman O'Neal, Vice Chairman Clapp and Commissioners Murphy, Brown, Stafford, Hardin, Gresham and Christian. Voting against closing item 1 was Commissioner MacFarland. Those voting to close item 1 did so because the matter to be considered was deemed to be within the scope of 5 U.S.C. 552b(c) (9) and (10). Item 2 was closed by unanimous vote of the same numbers because the matter was deemed to be within the scope of 5 U.S.C. 552b(c) (5), (7), (9) and (10).

The agenda items to be considered at closed session are:

1. Matters directly related to the conduct of the anticipated proceeding involving tariffs for the Trans-Alaska Pipeline System; and

2. Matters concerning the Bureau of Investigations and Enforcement's implementation of the Commission's revised compliance program.

The Commission's General Counsel has issued his certificate to the effect that item 1 above may be closed within the meaning of 5 U.S.C. 552b(c) (9) and (10). John A. Grady, Director, Bureau of Accounts, Deputy Director Janice M. Rosenak, Section of Rates, Office of Proceedings, and J. Richard Berman, Chief, Section of Audit, Bureau of Accounts, will be in attendance.

The Commission's General Counsel has also issued his certificate to the effect that item 2 above may be closed within the meaning of 5 U.S.C. 552b(c) (5), (7), (9) and (10). Mr. Shannon, Director, Bureau of Investigations and Enforcement, will be in attendance.

Requests for further information should be directed to Edgar B. Hamilton, Jr., the Commission's Acting Public Information Office, whose telephone number is 202-275-7252.

ROBERT L. OSWALD,
Secretary.

[S-280-77 Filed 4-26-77;4:09 pm]

8

AGENCY HOLDING MEETING: United States Parole Commission—National Commissioners (the three Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Thursday, May 5, 1977; 9:30 a.m.

PLACE: Room 338 Federal Home Loan Bank Board Building, 320 First Street, NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552b(c)(10) and 28 C.F.R. 16.205(b)(1).

MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst 202-724-3094.

[S-274-77 Filed 4-26-77;2:36 pm]

9

AGENCY HOLDING THE MEETING: Postal Rate Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Wednesday, April 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1 p.m., April 25, 1977.

STATUS: Closed.

CHANGES IN THE MEETING: Meeting time is changed to 9:30 a.m., Tuesday, April 26, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone 202-254-5614.

[S-279-77 Filed 4-26-77;4:00 pm]

10

AGENCY HOLDING THE MEETING: President's Council on Environmental Quality.

TIME AND DATE: (1) May 16-17, 1977, Anchorage Westward Hotel, Anchorage, Alaska, 9 a.m.

(2) May 23-24, 1977, Auditorium, General Services Administration Building, 18th and F Sts., NW., Washington, D.C., 9 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: Environmental Impacts of Alaska Natural Gas Transportation System Alternatives (See FEDERAL REGISTER notice, April 1, 1977).

CONTACT PERSON FOR MORE INFORMATION:

Bernice Steinhardt, 202-382-7061.

[S-278-77 Filed 4-26-77;3:36 pm]

11

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 3, 1977 in Room 825, 500 North Capitol Street, Washington, D.C. All meetings will begin at 10 a.m. unless otherwise stated:

Closed meetings will be held on Tuesday, May 3, 1977, Wednesday, May 4, 1977, and Thursday, May 5, 1977.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission or his designee, has certified, that in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9)A and (10) and 17 C.F.R. 200.402 (a) (4) (8) (9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 3, 1977 will be:

1. Formal Orders of Investigation.
2. Settlement of injunctive actions.
3. Institution of Administrative Proceedings.
4. Settlement of Administrative Proceedings.
5. Other litigation matters.
6. Referral of investigative files to Federal, State or Self Regulatory authorities.
7. Freedom of Information Act appeals.
8. Application for re-entry to the securities industry by disqualified person.

The subject matter of the closed meeting scheduled for Wednesday, May 4, 1977 will be:

1. Institution of injunctive actions.
2. Institution of Administrative Proceedings.
3. Simultaneous institution and settlement of injunctive actions and/or administrative proceedings.
4. Other litigation matters.
5. Freedom of Information Act appeals.
6. Rules involving enforcement and Commission litigation.
7. Opinions regarding options trading proposals.

The subject matter of the closed meeting scheduled for Thursday, May 5, 1977 will be Alternative Courses of Action with Respect to Off-Board Trading Restrictions of National Securities Exchanges.

Open Meeting, Thursday, May 5, 1977 at 2:30 p.m. 1. Request for approval of application of Willard G. Berge asking that he be permitted to be employed as a registered representative of a registered broker-dealer, in a non-supervisory, non-proprietory capacity, with adequate supervision.

2. Request for approval of the application of John P. Devine, asking that he be permitted to exercise certain supervisory responsibilities in connection with his employment.

3. Recommendation that comments be conveyed to the House Committee on Government Operations on H.R. 3222, a bill to amend the Defense Production Act of 1950, inter alia, to prohibit any government contracting officer during his employment from accepting any compensation from any government contractor; to bar, for two years following government employment, receipt of compensation from any contractor who received and funds under and procurement contract handled by the officer; prohibiting, during employment, stock ownership or other financial holding in any contractor affected by action taken by the contracting officer; and barring the granting of any prohibited compensation to the contracting officer.

4. Recommendation that comments be conveyed to the House Committee on Interstate and Foreign Commerce on H.R. 3518, a bill to establish bipartisan board with fifteen members, to submit to the President lists of nominees to regulatory agencies, including the Securities and Exchange Commission. It would prohibit persons from being appointed who, in the preceding three years have had any substantial connection with the industry regulated. The bill would also prohibit reappointments and would bar a former agency member from representing any person before the agency or accepting any employment in the regulated industry for two years.

5. Recommendation that the Commission authorize transmission to the House Judiciary Committee of a letter of comment on H.R. 495, a bill to impose Congressional oversight over, and potential review, of any administrative rule, the violation of which subjects the person in violation to a criminal penalty.

6. Recommendation that staff member Ted Freedman of the Denver Regional Office be authorized to submit a written statement and testify, if requested, in proceedings of the Colorado Bar Admissions Committee.

7. Recommendation that the Commission waive copying fees for recent Freedom of Information Act requests and responses, requested by Professor Koch in connection with a planned article on the Freedom of Information Act.

8. Recommendation that the Commission affirm the action of the duty officer denying the Freedom of Information Act Appeal of W. B. Shellhorn.

9. Recommendation that the Commission affirm in part the FOIA Officer's denial of Mr. Norman F. Dacey's request for access to certain interagency memoranda (5 U.S.C. 552(b)(5)), but grant Mr. Dacey access to several portions of the memoranda which contain factual information.

10. Application of Axe-Houghton Income Fund, Inc. and others for order exempting applicants from certain provisions of Section 22(d) of the Investment Company Act of 1940.

11. Application of Nomura Capital Fund of Japan, Inc. for exemption respecting proposed purchases of common stock in certain public offerings in Japan.

12. Recommendation that the Commission authorize a letter to the National Association of Securities Dealers, Inc. regarding the association's report on its inspection of contractual plan sponsors.

13. Recommendation that the Commission send a letter of response to Congressman Harley O. Staggers relating to H.R. 2105, legislation to amend the Investment Advisers Act of 1940.

14. Recommendation that the Commission declare effective the joint industry plan governing the consolidated transaction reporting system.

Dated: April 26, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-287-77 Filed 4-27-77;11:45 am]

federal register

FRIDAY, APRIL 29, 1977

PART II



FEDERAL ENERGY ADMINISTRATION

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intent to Issue Prohibition Orders to Certain Powerplants

FEDERAL ENERGY ADMINISTRATION

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Intention To Issue Prohibition Orders to Certain Powerplants

The Federal Energy Administration (FEA) hereby gives notice of its intention to issue Prohibition Orders, pursuant to the authorities granted it by section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended (ESECA), and Chapter 10, Code of Federal Regulations (10 CFR), Parts 303 and 305 to the following powerplants:

Docket No.	Owner	Generating station	Unit No.	Location
OFU-075	New England Electric System/New England Power Co.	Brayton Point	1	Somerset, Mass.
OFU-076	do	do	2	Do.
OFU-077	do	do	3	Do.
OFU-078	do	Salem Harbor	1	Salem, Mass.
OFU-079	do	do	2	Do.
OFU-080	do	do	3	Do.
OFU-081	Eastern Utilities Associates/Montaup Electric Co.	Somerset	8	Somerset, Mass.
OFU-085	Northeast Utilities/Holyoke Water Power Co.	Mount Tom	1	Holyoke, Mass.
OFU-092	Northeast Utilities/Hartford Electric Light Co.	Middletown	1	Middletown, Conn.
OFU-093	do	do	2	Do.
OFU-094	do	do	3	Do.
OFU-095	Northeast Utilities Connecticut Light & Power Co.	Norwalk Harbor	1	Norwalk, Conn.
OFU-096	do	do	2	Do.
OFU-099	United Illuminating Co	Bridgeport Harbor	1	Bridgeport, Conn.
OFU-100	do	do	2	Do.
OFU-101	do	do	3	Do.

FEA hereby also gives notice of the opportunity for oral and written presentation of data, views, and arguments by interested persons regarding these proposed Prohibition Orders.

The proposed orders would prohibit the above-named powerplants from burning natural gas or petroleum products as their primary energy source.

Prior to issuance of a Prohibition Order to a powerplant, section 2(a) of ESECA and 10 CFR 303.36(b) and 305.3 (b) require that FEA find that the powerplant had the capability and necessary plant equipment to burn coal as of June 22, 1974. A Prohibition Order may not be issued unless FEA can find that the prohibition of the utilization of natural gas or petroleum products as a primary energy source is practicable and consistent with the purposes of ESECA, that coal and coal transportation facilities will be available during the period the Prohibition Order will be in effect, and that the prohibition will not impair the reliability of service in the area served by the powerplant. FEA's proposed findings, as well as its proposed conclusions and rationale with respect to these findings, for each powerplant are set out in the Appendix to this notice. These findings, conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The findings, conclusions and rationale will be included, with any amendments, for each Prohibition Order that is issued.

Upon completion of the proceedings described in this notice, FEA may determine to issue Prohibition Orders to some or all of the above-named powerplants. These Prohibition Orders will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with Section 119(d)(1)(B) of the Clean Air Act, that the powerplant is able to burn coal and to comply with all applicable air pollution control requirements without a compliance date extension under Section 119 (c) of such Act, or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to Section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the powerplant will be able to comply with all applicable air pollution control requirements of Section 119 of that Act, and (2) FEA has considered the environmental impact of the order, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected powerplant with a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the Prohibition Order will be effective will be stated in the Notice of Effectiveness.

10 CFR 305.9 requires that, prior to issuance of a Notice of Effectiveness to a powerplant, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result in either (1) issuance of a declaration that the Prohibition Order will not, if made effective by issuance of a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment, or (2) the preparation by FEA of an environmental impact statement covering significant site-specific impacts that are likely to result from the Prohibition Order and that have not been adequately addressed in the Final Environmental Statement (FES 75-1, dated April 25, 1975) or in other official documents made publicly available. If FEA prepares an environmental impact statement covering significant site-specific impacts resulting from a Prohibition Order, the statement shall be prepared and published for comment in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement. With respect to comments regarding any impact on air quality that might result from a proposed Prohibition Order, however, it should be recognized that ESECA has assigned to EPA the primary responsibility for analyzing the effect of any such order on the Nation's air quality and for determining the applicable air pollution control requirements that apply to the powerplant that has been issued an order. It is expected that, in almost every case, a powerplant to which a Prohibition Order is issued will be eligible to apply to EPA for a compliance date extension. In connection with that application, EPA must also provide an opportunity for written comment and oral presentation of data, views, and arguments by interested persons. Enclosed with the Notice of Effectiveness may be a compliance reporting schedule to insure that the powerplant will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source on the effective date specified in the Notice of Effectiveness.

Public comment on the proposals to issue Prohibition Orders to the powerplants listed above is invited in the form of written and oral presentation of data, views, and arguments. Comments should relate to individual docket numbers and should make clear to which docket number the individual comment is addressed.

Comments should address (1) the adequacy and validity of each of the proposed findings and the conclusions and rationale in support of these findings, (2) the environmental impact of the issuance of a Prohibition Order, including any site-specific environmental impacts, and (3) any other aspects or impacts of the proposed Prohibition Order believed to be relevant.

Pursuant to 10 CFR 303.173 (c) and (d), FEA hereby announces that a public hearing to receive oral presentation of data, views, and arguments of interested persons in the proposed Prohibition Orders will be held beginning at 9:00 a.m. on May 10–12, 1977, at the Park Plaza Hotel, Room 436, Park Square, Boston, Massachusetts 02142. Any person who has an interest in the subject of the hearing or who is a representative of a group or class of persons which has an interest in the subject of the hearing may make a written request, or a verbal request if confirmed in writing, for an opportunity to make an oral presentation. That request should be directed to Richard Meister, FEA Region 1, 150 Causeway Street, Boston, Massachusetts 02114, 617-223-3701. The request should be received before 4:30 p.m., Tuesday, May 3, 1977. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate representative of the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through May 9, 1977. Speakers will be contacted by an FEA representative before 4:30 p.m., Thursday, May 5, 1977, and should submit ten (10) copies of their oral presentation if possible, unless such presentation is less than five (5) pages, in which case only one copy is required, to Robert Mitchell, Regional Administrator, Federal Energy Administration, 150 Causeway Street, Room 700, Boston, Massachusetts 02114, before 4:30 p.m., Monday, May 9, 1977.

Detailed technical data, views, and arguments should be contained in a written submission in support of the oral presentation. The oral presentation itself should be a summary of those written comments.

While FEA will endeavor to provide adequate opportunity to all who desire to speak, FEA reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited on the basis of the number of persons requesting to be heard. The FEA will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views, and arguments.

An FEA official will be designated to preside at the hearing which will not be a judicial or evidentiary hearing. During oral presentations only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask the questions, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by the FEA and made available for inspection and copying at the public reading room located in Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and the FEA Regional Office, Library, 7th Floor, 150 Causeway Street, Boston, Massachusetts 02114, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, and arguments with respect to these proposed Prohibition Orders to Executive Communication, Box MC, Federal Energy Administration, Federal Building, Room 3309, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments and other documents submitted to FEA Executive Communications should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for the _____ Powerplant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., Monday, May 30, 1977, all oral presentations, and all other relevant information submitted to or available to FEA will be considered by FEA prior to issuance of a Prohibition Order.

Any information or data considered to be confidential by the person furnishing it must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing Section 2 (a) and (b) of ESCEA (10 CFR Parts 303 and 305) are available from the following FEA Regional Offices:

REGION, ADDRESS, AND PHONE

I—Robert Mitchell, Regional Administrator, 150 Causeway Street, Room 700, Boston, Massachusetts 02113, 617-223-3701.
II—Alfred Kleinfeld, Regional Administrator, 26 Federal Plaza, Room 3206, New York, New York 10007, 212-264-1021.
III—J. A. LaSala, Regional Administrator, 1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102, 215-597-3390.
IV—Donald Allen, Regional Administrator, 1655 Peachtree Street NE.—8th Floor, Atlanta, Georgia 30309, 404-526-2837.
V—N. Allen Anderson, Regional Administrator, Federal Office Building, 175 West Jackson Blvd., Room A-333, Chicago, Illinois 60604, 312-353-0540.
VI—Delbert Fowler, Regional Administrator, Post Office Box 35228, 2626 West Mockingbird Lane, Dallas, Texas 75235, 214-749-7345.
VII—Neil Adams, Regional Administrator, 1150 Grand Avenue, Kansas City, Missouri 64106, 816-374-2061.
VIII—Dudley Faver, Regional Administrator, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226, 303-234-2420.
IX—William Arntz, Regional Administrator, 111 Pine Street, San Francisco, California 94111, 415-556-7216.
X—Jack B. Robertson, Regional Administrator, 1992 Federal Building, 915 Second Avenue, Seattle, Washington 98174, 206-442-7280.

Any questions regarding this notice should be directed to the FEA National Office as follows: Federal Energy Administration, Code OCU (Prohibition Order: _____ Powerplant), Washington, D.C. 20461, 202-566-7941.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 94-385; E.O. 11790 (39 FR 23185).)

Issued in Washington, D.C., April 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplants named below. Supporting rationale and conclusions are also set forth

Docket No.	Owner	Generating station	Unit No.	Location
OFU-075	New England Electric System/New England Power Co.	Brayton Point	1	Somerset, Mass.
OFU-076			2	
OFU-077			3	

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

New England Electric Power Company, a wholly owned subsidiary of New England Electric System shall be referred to as the "utility" and as "NEPCO".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplants Number 1, 2 and 3 at Brayton Point Generating Station (Brayton Point 1, 2 and 3) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. New England Electric System, in information filed with FEA dated April 11, 1975, indicated that each powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information New England Electric System filed with FEA dated April 11, 1975, and other information available to FEA, the following plant equipment or facilities at Brayton Point 1, 2 and 3 would have to be acquired or refurbished in order for these powerplants to burn coal as their primary energy source:

1. Coal handling equipment.
2. Pulverizers, burners and boilers.
3. Ash handling equipment.

C. FEA proposes to find that on June 22, 1974, Brayton Point 1, 2 and 3 had all other

significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Brayton Point 1, 2 and 3 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Brayton Point 1, 2 and 3 will be operated at a 72 percent capacity factor (this represents a weighted average of each powerplant's projected capacity factor), have a remaining useful life of 26 years (as of the date of this NOI), are expected to have at least 20 years remaining useful life after conversion of the powerplants, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1 *Costs associated with burning coal.*

a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Brayton Point 1, 2 and 3 are estimated to be approximately $76,275,000, which assumes that electrostatic precipitators will be required at a cost of $44,144,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate is based on a PEDCo-Environmental Specialists, Inc., report entitled Evaluation of The Coal Conversion Potential For The Brayton Point Plant, March 29, 1977 (hereafter "PEDCo Report".)

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $12,365,000 per year including $8,870,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCo. Report.

c. *Fuel costs.* (i) Based on information supplied by Platt's Oilgram Price Service, January 11, 1977, the price of petroleum products available to Brayton Point 1, 2 and 3 is approximately $2.16 per million BTU's for oil. This represents $13.39 per barrel of oil, assuming 6.2 million BTU's per barrel.

(ii) Based on information supplied by NUS Corporation and the Center for Energy Policy, Inc., the price of coal available to Brayton Point 1, 2 and 3 is approximately $1.37 per million BTU's. This represents $35.07 per ton of coal, assuming 25.6 million BTU's per ton.

(iii) FEA estimates that the burning of coal by these powerplants will result in the reduction of approximately $0.79 per million BTU's, or $52,361,000 per year in fuel costs. This estimate is based on fuel consumption presuming Brayton Point 1, 2 and 3 are operated at a weighted average 72 percent capacity factor and with an average heat rate of 9,045 BTU's per kilowatt hour.

d. *Total annual costs associated with conversion.* As a result of the conversion of Brayton Point 1, 2 and 3, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $29,040,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Brayton Point 1, 2 and 3 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately $16,675,000 (this represents amortized cost over the 20 years remaining useful life of these powerplants after conversion, and it is based on a fixed charge rate of $21.95 of the total initial capital investment of $76,275,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $12,365,000 (these figures are derived from the fiaures in paragraphs A.1. a., and b.), but will experience an annual fuel cost savings of approximately $52,361,000. (See paragraph A.1.c.) Considering the fuel cost savings, the total annual cost of operating Brayton Point 1, 2 and 3 should be reduced by $23,321,000.

Since all increased costs of conversion will be offset by the decrease in fuel costs," it is estimated that there will be an overall net decrease in the cost of producing electricity at Brayton Point 1, 2 and 3. The costs to the utility resulting from a Prohibition Order ultimately will be recovered in rates.

The use of coal at Brayton Point 1, 2 and 3 will result in an estimated annual equivalent savings of 10,690,000 barrels of oil that otherwise would be used in providing steam for electric power generation.

FEA proposes to find that, since the increased annual capital investment costs and operating and maintenance costs at the powerplants are offset by the current fuel cost differential between oil and coal burning at these powerplants, and potential future increases in the fuel cost differential in favor of coal, the additional costs associated with burning coal are reasonable.

3. *Financial capabilities of New England Electric System.*—a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Brayton Point 1, 2 and 3 would be economically feasible. FEA's analysis took into consideration $116,272,000 additional capital investment costs required for New England Electric System to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to New England Electric System powerplants. FEA related these additional capital investment costs to New England Electric System's estimate of its 1977–79 construction budget of $769 million, the total capitalization of New England Electric System of $1.4 billion, and the 20 years remaining useful life after conversion of Brayton Point 1, 2 and 3.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financing relationship which exists between New England Electric System and its subsidiaries, and their combined financial capabilities to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $42,540,000. This also represents the total estimated annual incremental increase in revenue requirements of the subsidiaries of New England Electric Systems. (FEA also took into consideration revenue requirements of the subsidiaries of New England Electric Systems resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to New England Electric Systems powerplants.) This estimate of $42,540,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled "Computer Methodology For Coal Conversion Cost Reasonableness Determination," August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled "Identfication Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal," October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $40,129,000, which assumed a predicted effect on New England Systems' financial statement and represents revenue required to offset any potential loss in New England Electric Systems' net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $42,540,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting aggregate value of fuel cost savings of approximately $62,383,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of the affected subsidiaries of New England Electric Systems should decrease by approximately $19,843,000.

4. *Consumer impact.* New England Power Company, a wholly-owned subsidiary of New England Electric System, is the owner and operator of the Brayton Point Generating Station and the relevant entity for considering the consumer impact of compliance with a Prohibition Order to Brayton Point 1, 2 and 3.

The potential initial impact of a Prohibition Order to Brayton Point 1, 2 and 3, is a net decrease in revenues required from NEPCO consumers of approximately $0.0015 per kilowatt hour of electricity sold by NEPCO. This estimate is based on FEA's analysis of the Ultrasystems Computer Model.

The actual amount of the decrease will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which New England Electric System selects to finance the increased costs associated with burning coal as a primary energy source at Brayton Point 1, 2 and 3, the extent to which the cost decrease is spread among NEPCO customers, the regulations or policies of the regulatory agencies with jurisdiction over NEPCO regarding inclusion of such cost decreases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Brayton Point 1, 2 and 3 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Brayton Point 1, 2 and 3 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) (hereafter "BOM Survey")). Within these recoverable reserves approximately 200 billion tons contain 1% or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total national coal planned production for 1985 already meets over 99 percent of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	Production potential (million tons)
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,038.7
1985	1,029.6

The figures shown above are derived from FEA's "Coal Mine Expansion Study" (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, "Availability of Potential Coal Supply Through 1985 by Quality Characteristics," August 1976 (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	Production (million tons)
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976 (hereafter "Coal Conversion Study")):

	Units 1 and 2	Unit 3
Btu's per pound	12,100 minimum	12,500 minimum.
Moisture	15 percent maximum	15 percent maximum.
Ash	20 percent maximum	20 percent maximum.
Volatile	15 percent minimum	15 percent minimum.
Ash softening (temperature)	2,200 (°F) minimum	2,200 (°F) minimum.
Sulfur	0.8 percent (approximate)	0.8 percent (approximate)

b. *Characteristic coal demand from these powerplants.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	Demand (thousand tons)
1982 and thereafter	2,589

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Brayton Point 1, 2 and 3 in a nationwide market as follows:

Year:	Production (thousand tons)
1977	8,072
1978	14,799
1979	27,186
1980	30,120
1981	35,075
1982	36,966
1983	39,440
1984	46,768

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outsanding Prohibition Orders issued to date under Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above is:

Year:	Demand (thousand tons)
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	26,800
1983	26,800
1984	26,800

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality charactertistics available for use at these power plants. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for these powerplants.* FEA's "Coal Conversion Study" has determined that pulverized-coal dry bottom boilers, of the type used at Brayton Point 1, 2 and 3, will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Brayton Point 1, 2 and 3 (in a probable regional supply/demand relationship related to the location of these powerplants) from Bureau of Mines Districts 1 through 8, and 13 as follows:

Year:	Production (thousand tons)
1977	7,727
1978	13,920
1979	25,369
1980	28,022
1981	32,547
1982	34,294
1983	36,578
1984	43,250

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines Districts 1 through 8 and 13 expected to result from this NOI, from all other No-

tices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	2,369
1978	4,449
1979	5,811
1980	10,351
1981	11,905
1982	19,503
1983	19,503
1984	19,503

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand for coal from BOM Districts 1 and 8 through 13 with a 0.61–1.0 percent sulfur content (which includes the 0.8 percent maximum sulfur content described in paragraph A.3.a. above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) percent sulfur 0.61 to 1.0
1977	1,247
1978	2,767
1979	3,854
1980	7,100
1981	8,172
1982	12,331
1983	12,331
1984	12,331

The regional planned production of coal as stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 1 through 8 and 13 uncommitted coal production that meets the requirements of Brayton Point 1, 2 and 3 as described in paragraph A.3.a. above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for these powerplants will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from Bureau of Mines Districts 1 through 8 and 13. FEA observes, however, that these powerplants could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplants and coal supply.* Based on an FEA study, "Utility Analysis of Coal Transportation Availability," November 1976, (hereafter "Transportation Availability Study"), coal for Brayton Point 1, 2 and 3 would probably come from Bureau of Mines (BOM) District 8 for both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to these powerplants, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as an alternate route. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipmen.* A primary route for coal delivery for Brayton Point 1, 2 and 3 would originate on the Norfolk & Western (N&W) railroad which can carry the coal to Norfolk, Virginia. Ocean barges towed by Express Marine or Red Star Towing and Transportation could transport the coal from N&W's Lambert's Point Piers 5 or 6 to the plant. The total rail distance is approximately 400 miles, with a sea leg of about 500 miles.

One alternate route from BOM District 8 would involve originating coal on the N&W to Hagerstown, Maryland, and taking it from there through New York and Providence, Rhode Island, to Brayton Point on Consolidated Railroad Corporation (Conrail).

The primary route from the alternate source of supply also would be to originate coal from BOM District 8 on the N&W to Norfolk and barge the coal via the ocean to the plant.

3. *Originating trunk carrier.* The N&W, the expected originating carrier of coal for Brayton Point 1, 2 and 3 has approximately 54,000 hopper cars with an estimated average capacity of 85 tons. Using an average number of deliveries of 20 per year per 85-ton car, the N&W may need as many as 1500 additional cars to handle the increased demand from Brayton Point 1, 2 and 3. This estimate assumes that the railroad would neither have excess originating capacity nor use cars from other carriers in the originating vicinity.

Only about 2 percent of the hopper fleet is in heavy bad order and retirement rates through 1985 are expected to average approximately 1,200 cars/year. The N&W indicated that it is willing to acquire any needed capacity involved in shipment to Brayton Point 1, 2 and 3 and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the powerplants prepare to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The N&W indicated that transportation facilities at those mine sites within BOM District 8 served by the N&W are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* Coal can be barged to Brayton Point 1, 2 and 3 from the N&W Lambert's Point piers in Norfolk, Virginia by Red Star or by Express Marine. Coal would be shipped in ocean-going barges, which can be accommodated by the docking facilities at these powerplants. According to Express Marine, such barges (23,000 ton ocean going) are not presently available, but could be borrowed from the Gulf of Mexico area or constructed given a 2 to 3 year lead time and a long term barging commitment.

New England Electric Systems indicated that coal unloading facility improvements and refurbishments are necessary.

It is expected that these repairs can be accomplished prior to the expected date for coal burning. There are no other obstacles to delivery of coal to Brayton Point 1, 2 and 3.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery over the primary route to Brayton Point 1, 2 and 3 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as their primary energy source will not impair the reliability of service in the area served by the affected powerplants.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Brayton Point 1, 2 and 3 will not impair the reliability of service in the area served by these powerplants. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Brayton Point Station is owned by NEPCO, which is owned by New England Electric System, which is a member of the New England Power Exchange (NEPEX), which is within the geographical area of the New England Subregion of the Northeast Power Coordinating Council (NPCC) regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means NEPEX.

3. The gross capacity as of September 1976, of all dispatching system powerplants was 20,841 MW. (See line 1, attachment 1.)

4. Proposed changes up to the period in which Brayton Point 1, 2 and 3 may implement a Prohibition Order will result in the gross capacities indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Potter 2	Oil	Add	+95	January 1977.
Wyman 4	Oil	Add	+600	December 1978.
Seabrook 1	Nuclear	Add	+1,150	June 1981.
Stony Brook 1	Oil	Add	+270	November 1981.
Millstone Point 3	Nuclear	Add	+1,150	May 1982.
Pilgrim 2	do	Add	+1,180	October 1982.
Stony Brook 2	Oil	Add	+120	November 1982.
Totals:				*Added*
Mar. 1 to Apr. 30, 1982				+2,11[1]
July 1 to Aug. 31, 1982				+3,285
Sept. 1 to Oct. 31, 1982				+4,445
Nov. 1 to Dec. 31, 1982				+4,565

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dattd October 25, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, as well as the New England Power Exchange Conversion Schedule (attachment 2 to this NOI), gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Brayton Point 1, 2 and 3. The New England Power Exchange Conversion Schedule is FEA's estimate of the outage times for all the powerplants in NEPEX that are currently beginning considered for Prohibition Orders. The schedule assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. Forecasts of peak loads for the dispatching system during the period in which Brayton 1, 2 and 3 would implement a Prohibition Order are as indicated on line 8 of attachment 1.

2. The forecast peak loads have been compared with loads in previous similar periods. The annual peak load growth rate for these forecasts is 5.5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the periods in which Brayton Point 1, 2 and 3 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months for each powerplant is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplants may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, these projected outages are most likely to occur during the year 1982. The potential loss of capacity from an outage of Brayton Point 1, 2 and 3 would be approximately 261 MW for 1 or 2 and 640 MW for 3 (line 7, attachment 1). The potential loss of capacity from a combined outage of Brayton Point 1, 2 and 3 would be approximately 1,162 MW. This represents the maximum potential loss due to outages at these powerplants, but it is expected that Brayton Point 1, 2 and 3 will be implementing a Prohibition Order at different times. This maximum potential loss of 1,162 MW is included in the total outages indicated on line 6 of attachment 1. (The assumed conversion period specified on attachments 1 and 2 is shown for the purpose of illustration only.)

3. Maximum projected outages within the dispatching system include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders, if the attached New England Power Exchange Conversion Schedule is followed. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing these net dependable capacities to the forecast peak loads shown on line 8, attachment 1 indicates that the reserve capacities shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of these reserve capacities to the forecast peak loads shown on line 8 of attachment 1 results in reserve margins as indicated on line 11 of attachment 1 (as contrasted with reserve margins as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers these to be marginally acceptable reserve margins taking into consideration the geographical location of Brayton Point 1, 2 and 3.

5. At the completion of the conversion there will be a net 5.14 MW derating of Brayton Point 1, 2 and 3 as a result of using coal as their primary energy source.

6. Existing transmission system interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Brayton Point 1, 2 and 3, are as presently forecast during the time required to implement a Prohibition Order by Brayton Point 1, 2 and 3, there will be no impairment of reliability of service within the meaning of ESECA in the area served by NEPCO or in the dispatching system as a result of the Order.

Attachment 1

New England power exchange reliability data; Brayton point

		Assumed conversion periods (megawatt capacity)			
		1982, Mar. 1–Apr. 30	1982, July 1–Aug. 31	1982, Sept. 1–Oct. 31	1982, Nov. 1 Dec. 31
1	Gross capacity of NEPEX as of Sept. 1, 1976	20,841	20,841	20,841	20,84
2	Added capacity	2,115	3,265	4,445	4,56
3	Gross capacity	22,956	24,106	25,286	25,40
4	Scheduled outages for maintenance	2,101	687	3,603	1,310
5	Projected outages due to prohibition orders	915	925	1,598	803
6	Maximum projected outages due to maintenance and prohibition orders (lines 4 and 5)	3,016	1,612	5,201	2,113
7	Unit outage	261	261	640	640
8	Peak load	15,680	18,533	17,162	20,192
9	Net dependable capacity	19,940	22,494	20,085	23,286
10	Reserve capacity	4,256	3,961	2,923	3,101
11	Reserve margin percent (maintenance and prohibition orders)	27.14	21.37	17.03	15.36
12	Reserve margin percent (maintenance only)	32.97	26.36	26.34	19.33

Attachment 2

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast utilities	Mount Tom	1	March to April 1982.
Do	Middletown	1	March to April 1982.
Do	do	2	May to June 1982.
Do	do	3	July to September 1982.
Do	Norwalk Harbor	1	March to August 1982.
Do	do	2	September to February 1983.
The United Illuminating Co	Bridgeport Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.
Eastern Utilities Associates	Somerset	8	March to April 1982.
New England Electric System	Brayton Point	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	October to November 1982.
Do	Salem Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplant named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU–084	Eastern Utilities Associates/Montaup Electric Co.	Somerset	8	Somerset, Mass.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

Montaup Electric Company, a wholly owned subsidiary of Eastern Utilities Associates, shall be referred to as the "utility" and as "Montaup."

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplant Number 8 at Somerset Generating Station (Somerset 8) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Montaup, in information filed with FEA dated April 10, 1975, indicated that the powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information Montaup filed with FEA dated April 10, 1975, and other information available to FEA, the following plant equipment or facilities at Somerset 8 would have to be acquired or refurbished in order for this powerplant to burn coal as its primary energy source:

1. Yard work.
2. Chimney and ductwork.
3. Waste treatment system.

C. FEA proposes to find that on June 22, 1974, Somerset 8 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Somerset 8 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Somerset 8 will be operated at a 42 percent capacity factor, has a remaining useful life of 18 years (as of the date of this NOI), is expected to have at least 13 years remaining useful life after conversion of the powerplant, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.*— 1. *Costs associated with burning coal.* a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Somerset 8 are estimated to be approximately $6,993,000 which assumes that an electrostatic precipitator will be required at a cost of $5,914,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate is based on a PEDCo-Environmental Specialists, Inc. report entitled "Evaluation Of The Coal Conversion Potential For The Somerset Plant," March 23, 1977 (hereafter "PEDCo. Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $1,969,000 per year including $1,226,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PTDCo. Report.

c. *Fuel costs.* (i) Based on information supplied by Montaup, the price of petroleum products available to Somerset 8 is approximately $2.18 per million BTU's for oil. This represents $13.49 per barrel of oil, assuming 6.19 million BTU's per barrel.

(ii) Based on information supplied by NUS Corporation, the price of coal available to Somerset 8 is approximately $1.37 per million BTU's. This represents $35.07 per ton of coal, assuming 25.6 million BTU's per ton.

(iii) FEA estimates that the burning of coal by this powerplant will result in the reduction of approximately $0.81 per million BTU's or $3,918,000 per year in fuel costs. This estimate is based on fuel consumption presuming Somerset 8 is operated at a 42 percent capacity factor and with an average heat rate of 10,700 BTU's per kilowatt hour.

d. *Total annual costs associated with conversion.* As a result of the conversion of Somerset 8, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $3,647,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Somerset 8 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately $1,678,000 (this represents an amortized cost over the 13 years remaining useful life of the powerplant after conversion, and is based on a fixed charge rate of 24.0% of the total initial capital investment of $6,993,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $1,969,000 (these figures are derived from the figures in paragraph A.1. a. and b.), but will experience an annual fuel cost savings of approximately $3,918,000. (See paragraph A.1.c.) Considering the fuel cost savings, the total annual cost of operating Somerset 8 should be reduced by $271,000.

Since all increased costs of conversion will be offset by the decrease in fuel costs, it is estimated that there will be an overall net decrease in the cost of producing electricity at Somerset 8. The costs to the utility resulting from a Prohibition Order ultimately will be recovered in rates.

The use of coal at Somerset 8 will result in an estimated annual equivalent savings of 782,000 barrels of oil that otherwise would be used in providing steam for electric power generation.

FEA proposes to find that, since the increased annual capital investment costs and operating and maintenance costs at the powerplant are offset by the current fuel cost differential between oil and coal burning at this powerplant, and potential future increases in the fuel cost differential in favor of coal, the additional costs associated with burning coal are reasonable.

3. *Financial capabilities of Eastern Utilities Associates.*—a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Somerset 8 would be economically feasible. FEA's analysis took into consideration the $6,993,000 additional capital investment required for Eastern Utilities Associates to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Eastern Utilities Associates powerplants. FEA related these additional capital investment costs to the utility's estimate of its 1977–79 construction budget of $61.9 million, the total capitalization of Eastern Utilities Associates of $165 million, and the 13 years remaining useful life after conversion of Somerset 8.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financing relationship which exists between Eastern Utilities Associates and its subsidiaries, and their combined financial capabilities to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $3,647,000. This also represents the total estimated annual incremental increase in revenue requirements of the subsidiary (Montaup) of Eastern Utilities Associates. (FEA also took into consideration revenue requirements of the subsidiaries of Eastern Utilities Associates resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Eastern Utilities Associates powerplants.) This estimate of $3,647,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Identification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $3,682,000, which assumed a predicted effect on Eastern Utilities Associates' financial statement and represents revenues required to offset any potential loss in Eastern Utilities Associates' net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $3,647,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting value of fuel cost savings of approximately $3,918,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of the affected subsidiary of Eastern Utilities Associates (Montaup) should decrease by approximately $271,000.

4. *Consumer Impact.* Montaup, a wholly-owned subsidiary of Eastern Utilities Associates, is the owner and operator of the Somerset Generating Station and the relevant entity for considering the consumer impact of compliance with a Prohibition Order to Somerset 8.

The potential initial impact of a Prohibition Order to Somerset 8 is a net decrease in revenues required from Montaup consumers of approximately $0.000075 per kilowatt hour of electricity sold by Montaup. This estimate is based on FEA's analysis of the Ultrasystems Computer Model. The actual amount of the decrease will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which Eastern Utilities Associates selects to finance the increased costs associated with burning coal as a primary energy source at Somerset 8, the extent to which the cost decrease is spread among Montaup customers, the regulations or policies of the regulatory agencies with jurisdiction over Montaup regarding inclusion of such cost decreases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Somerset 8 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Somerset 8 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation will be available to this powerplant during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) (hereafter "BOM Survey")). Within these recoverable reserves approximately 200 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production for 1985, already meets 99% of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	Production potential (million tons)
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	Production (million tons)
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA of prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (*FEA 1976 National Energy Outlook*):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976, (hereafter "Coal Conversion Study")):

Year:	Demand (million tons)
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	26.8
1983	26.8
1984	26.8
1985	26.8

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Somerset 8. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For these companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for this powerplant.* FEA's "Coal Conversion Study" has determined that a pulverized-coal dry bottom boiler, of the type used at Somerset 8, will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb.	[1] 12,500
Moisture (percent)	[2] 15
Ash (percent)	[2] 20
Volatile (percent)	[1] 15
Ash softening (temp.) (°F)	[1] 2,200
Sulfur (approx.) (percent)	[2] 0.8

[1] Minimum.
[2] Maximum.

b. *Characteristic coal demand from this powerplant.* The potential demand for coal, of the type described above, which would result from this NOI is established to be as follows:

Year:	Demand (thousand tons)
1982 and thereafter	189

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Somerset 8 in a nationwide market as follows:

Year:	Production (thousand tons)
1977	8,072
1978	14,799
1979	27,186
1980	30,120
1981	35,075
1982	36,966
1983	39,440
1984	46,768

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	Demand (thousand tons)
1977	4,506
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	26,800
1983	26,800
1984	26,800

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Somerset 8 (in a probable regional supply/demand relationship related to the location of this powerplant) from Bureau of Mines Dinstricts 1 through 8 and 13 as follows:

Year:	Production (thousand tons)
1977	7,727
1978	13,920
1979	25,869
1980	28,022
1981	32,547
1982	34,294
1983	36,576
1984	43,250

1. Regional ESECA prohibition order demand for coal, regardless of characteristic. The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines Districts 1 through 8 and 13 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons)*
1977	2,369
1978	4,449
1979	5,811
1980	10,351
1981	11,905
1982	19,503
1983	19,503
1984	19,503

g. Regional ESECA prohibition order demand for coal by sulfur characteristic. The potential regional demand within BOM Districts 1 through 8 and 13 for coal with a 0.61–1.0% sulfur content (which includes the 0.8% maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons) percent sulfur 0.61 to 1.0*
1977	1,247
1978	2,767
1979	3,854
1980	7,100
1981	8,172
1982	12,331
1983	12,331
1984	12,331

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. State or local laws. FEA has found no State or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. Conclusion. FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 1 through 8 and 13 uncommitted coal production that meets the requirements of Somerset 8 as described in paragraph A.3.a. above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Somerset 8 will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from Bureau of Mines Districts 1 through 8 and 13. FEA observes, however, that the powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal Transportation.*—1. *Location of powerplant and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study") coal for Somerset 8 would probably come from Bureau of Mines (BOM) District 8 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to the powerplant, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. *Routes of coal shipment.* A primary route for coal delivery for Somerset 8 would originate on the Norfolk & Western (NW) Railroad which can carry the coal to Norfolk, Virginia. Ocean barges towed by Express Marine on Red Star Towing and Transportation could transport the coal from N&W Lambert's Point Piers 5 or 6 to the powerplant. The total rail distance is approximately 400 miles, with a sea leg of about 500 miles.

One alternate route from BOM District 8 would involve originating coal on the N&W to Hagerstown, Maryland, and taking it on Conrail through New York City and Providence, Rhode Island, to Somerset, Massachusetts.

Another alternate route from the alternate supply area would originate coal from BOM District 8 (West Virginia) to Norfolk, Virginia, on N&W and transport the coal by ocean barge to the plant.

3. *Originating trunk carrier.* The N&W, the expected originating carrier of coal for Somerset 8 has approximately 54,000 hopper cars with an estimated average capacity of 85 tons. Using an average number of deliveries of 20 per year per 85-ton car, the N&W may need as many as 110 additional cars to handle the increased demand from Somerset 8. This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity.

Only about 2 percent of the hopper fleet is in heavy bad order and retirement rates through 1985 are expected to average approximately 1,200 cars/year.

The N&W indicated that it is willing to acquire any needed capacity involved in shipment to Somerset 8 and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utility prepares to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under Section 2(a) of ESECA.

The N&W indicated that transportation facilities at those mine sites within BOM District 8 served by the N&W are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* Coal for Somerset 8 would be brought by ocean-going barge from the N&W Lambert's Point piers in Norfolk, Virginia. Express Marine and Red Star Towing and Transportation have expressed willingness to transport the coal to the powerplant. Existing barge capacity would be available from the Gulf of Mexico area; however, new barges may have to be built. Given sufficient lead time (2 to 3 years) and a long-term coal shipping commitment, the barge companies would be willing to have the necessary equipment constructed.

The 36-foot depth of the channel at the powerplant is sufficient to allow delivery by ocean-going barges. Somerset 8 has two coal unloading towers which are in good condition and, when taken together, are capable of unloading 500 tons of coal per hour.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery over the primary route to Somerset 8 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Somerset 8 will not impair the reliability of service in the area served by the powerplant. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Somerset Generating Station is owned by Montaup, which is owned by Eastern Utilities Associates, which is a member of the New England Power Exchange (NEPEX), which is within the geographical area of the New England Subregion of the Northeast Power Coordinating Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed findings means NEPEX.

3. The gross capacity as of September 1976, of all dispatching system powerplants was 20,841 MW. (See line 1, attachment 1.)

4. Proposed changes up to the period in which Somerset 8 may implement a Prohibition Order will result in the gross capacity indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Potter 2	Oil	Add	+95	January 1977.
Wyman 4	Oil	Add	+600	December 1978.
Seabrook 1	Nuclear	Add	+1,150	June 1981.
Stony Brook 1	Oil	Add	+270	November 1981.
				Added
Total: Mar. 1 to Apr. 30 period				+2,115

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dated October 25, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, as well as the New England Power Exchange Conversion Schedule (attachment 2 to this NOI), gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Somerset 8. The New England Power Exchange Conversion Schedule is FEA's estimate of the outage times for all the powerplants in NEPEX that are currently being considered for Prohibition Orders. The schedule assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. Forecasts of peak loads for the dispatching system during the period in which Somerset 8 would implement the Prohibition Order are as indicated on line 8 of attachment 1.

2. The forecast peak loads have been compared with loads in previous similar periods. The annual peak load growth rate for these forecasts is 5.5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the periods in which Somerset 8 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months for the powerplant is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplant may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, this projected outage is most likely to occur during the year 1982. The potential loss of capacity from an outage of Somerset 8 would be approximately 122 MW, (line 7, attachment 1), which is included in the total outages indicated on line 6 in attachment 1. (This assumed conversion period specified on attachments 1 and 2 is shown for the purpose of illustration only.)

3. Maximum projected outages within the dispatching system, include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders, if the attached New England Power Exchange Conversion Schedule is followed. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparison of this net dependable capacity to the forecast peak load shown on line 8, attachment 1 indicates that the reserve capacity shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of this reserve capacity to the forecast peak load shown on line 8 of attachment 1 results in a reserve margin as indicated on line 11 of attachment 1 (as contrasted with a reserve margin as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers this to be an acceptable reserve margin taking into consideration the geographical location of Somerset 8.

5. At the completion of the conversion there will be a net 0.6 MW derating of Somerset 8 as a result of using coal as its primary energy source.

6. Existing transmission system interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Somerset 8 are as presently forecast during the time required to implement a Prohibition Order by Somerset 8, there will be no impairment of reliability of service within the meaning of ESECA in the area served by Montaup or in the dispatching system as a result of the Order.

Attachment 1

New England power exchange reliability data—Somerset

	Assumed conversion period Mar. 1–Apr. 30, 1982	Megawatt capacity
1	Gross capacity of NEPEX as of Sept. 1, 1976	20,841
2	Added capacity	2,115
3	Gross capacity	22,956
4	Scheduled outages for maintenance	2,101
5	Projected outages due to prohibition orders	915
6	Maximum projected outages due to maintenance and prohibition orders (line 4 and line 5)	3,016
7	Unit outage	122
8	Peak load	15,684
9	Net dependable capacity	19,940
10	Reserve capacity	4,256
11	Reserve margin percent (maintenance and prohibition orders)	27.14
12	Reserve margin percent (maintenance only)	32.97

Attachment 2

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast Utilities	Mt. Tom	1	March to April 1982
Do	Middletown	1	March to April 1982
Do	do	2	May to June 1982
Do	do	3	July to September 1982
Do	Norwalk Harbor	1	March to August 1982
Do	do	2	September to February 1983
The United Illuminating Co	Bridgeport Harbor	1	March to April 1982
Do	do	2	July to August 1982
Do	do	3	September to October 1982
Eastern Utilities Associates	Somerset	8	March to April 1982
New England Electric System	Brayton Point	1	March to April 1982
Do	do	2	July to August 1982
Do	do	3	October to November 1982
Do	Salem Harbor	1	March to April 1982
Do	do	2	July to August 1982
Do	do	3	September to October 1982

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplants named below. Supporting rationale and conclusions are also set forth

Docket No.	Owner	Generating station	Unit No.	Location
OFU–078	New England Electric System/New England Power Co.	Salem Harbor	1	Salem, Mass.
OFU–079			2	
OFU–080			3	

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

New England Power Company, a wholly-owned subsidiary of New England Electric System shall be referred to as the "utility" and as "NEPCO".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplants Number 1, Number 2 and Number 3 at Salem Harbor Generating Station (Salem Harbor 1, 2 and 3) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. New England Electric System, in information filed with FEA dated April 11, 1975, indicated that each powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information New England Electric filed with FEA dated April 11, 1975, and other information available to FEA, the following plant equipment or facilities at Salem Harbor 1, 2 and 3 would have to be acquired or refurbished in order for these powerplants to burn coal as their primary energy source:

1. Coal handling equipment.

2. Pulverizers, burners and boilers.

3. Ash handling equipment.

C. FEA proposes to find that on June 22, 1974, Salem Harbor 1, 2 and 3 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Salem Harbor 1, 2 and 3 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Salem Harbor 1, 2 and 3 will be operated at a 49 percent capacity factor (this represents a weighted average of each powerplant's projected capacity factor), have a remaining useful life of 20 years (as of the date of this NOI), are expected to have at least 15 years remaining useful life after conversion of the powerplants, and on the facts and interpretations stated below:

A. *The burning of coal is practicable*—1. *Costs associated with burning coal.* a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Salem Harbor 1, 2, and 3 are estimated to be approximately $39,997,000 which assumes that electrostatic precipitators will be required at a cost of $19,813,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate is based on a PEDCo-Environmental Specialists, Inc., report entitled Evaluation Of The Coal Conversion Potential Of The Salem Harbor Generating Station, March 28, 1977 (hereafter "PEDCo. Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $3,813,000 per year including $3,301,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCo. Report.

c. *Fuel costs.* (i) Based on information supplied in Platts Oilgram Price Service, dated January 11, 1977, the price of petroleum products available to Salem Harbor 1, 2 and 3 is approximately $2.16 per million Btu's for oil. This represents $13.41 per barrel of oil, assuming 6.2 million Btu's per barrel.

(ii) Based on information supplied by NUS Corporation and Center for Energy Policy Inc. the price of coal available to Salem Harbor 1, 2 and 3 is approximately $1.37 per million Btu's. This represents $35.07 per ton of coal, assuming 25.6 million Btu's per ton.

(iii) FEA estimates that the burning of coal by these powerplants will result in the reduction of approximately $0.79 per million Btu's, or $10,022,000 per year in fuel costs. This estimate is based on fuel consumption presuming Salem Harbor 1, 2 and 3 are operated at a weighted average 49 percent capacity factor and with an average heat rate of 9,790 Btu's per kilowatt hour.

d. *Total annual costs associated with conversion.* As a result of the conversion of Salem Harbor 1, 2 and 3, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $13,500,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Salem Harbor 1, 2 and 3 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately $9,687,000 (this represents an amortized cost over the 15 years remaining useful life of these powerplants after conversion, and is based on a fixed charge rate of 24.2% of the total initial capital investment of $39,997,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $3,813,000 (these figures are derived from the figures in paragraphs A.1. a., and b.), but will experience an annual fuel cost savings of approximately $10,022,000. (See paragraph A.1.c) The estimated net annual increase in cost of producing electricity at Salem Harbor 1, 2 and 3 after conversion will be $3,478,000.

Increased costs for conversion will be mitigated by the decrease in fuel costs. The net result, however, will be an increase in the cost of producing electricity at Salem Harbor 1, 2 and 3. The costs to the utility resulting from the Prohibition Order ultimately will be recovered in rates.

The use of coal at Salem Harbor 1, 2 and 3 will result in an estimated annual equivalent savings of 2,046,000 barrels of oil that otherwise would be used in providing steam for electric power generation. The cost of conversion per barrel of oil saved is estimated to be $1.70.

Although conversion to the burning of coal would be expected to increase the cost of producing electricity at Salem Harbor 1, 2 and 3, FEA proposes to find that such increased cost, per barrel of oil saved, is not unreasonable. This determination is based on consideration of the substantial savings of oil that will result from this conversion. The determination that the costs of converting are not unreasonable is further supported by consideration of such costs in relation to the expected 15 years remaining useful life of the powerplants after conversion, the size and resources of New England Electric System as examined in the following analysis of financial capability, the nature of the expected operations of these powerplants, and potential future increases in the fuel cost differential in favor of coal.

3. *Financial capabilities of New England Electric System.*—a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Salem Harbor 1, 2 and 3 would be economically feasible. FEA's analysis took into consideration the $116,272,000 additional capital investment costs required for New England Electric System to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to New England Electric System powerplants. FEA related these additional capital investment costs to New England Electric System's estimate of its 1977–79 construction budget of $769 million, the total capitalization of New England Electric System of $1.4 billion, and the 15 years remaining useful life after conversion of Salem Harbor 1, 2 and 3.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financial relationship which exists between New England Electric System and its subsidiaries, and their combined financial capabilities to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $42,540,000. This also represents the total estimated annual incremental increase in revenue requirements of the subsidiaries of New England Electric Systems. (FEA also took into consideration revenue requirements of the subsidiaries of New England Electric Systems resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to New England Electric Systems powerplants.) This estimate of $42,540,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Identification of Possible Financial Effects of Converting Certain Electric Generating Facilities To The Use of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $40,129,000 which assumed a predicted effect on New England Electric System's financial statement and represents revenues required to offset any potential loss in New England Electric System's net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $42,540,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting aggregate value of fuel cost savings of approximately $62,383,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of the affected subsidiaries of New England Electric Systems should decrease by approximately $19,843,000.

4. *Consumer impact.* NEPCO, a wholly-owned subsidiary of New England Electric System is the owner and operator of the Salem Harbor Generating Station and the relevant entity for considering the consumer impact of compliance with a Prohibition Order to Salem Harbor 1, 2 and 3.

The potential initial impact of a Prohibition Order to Salem Harbor 1, 2 and 3 is a net increase in revenues required from NEPCO consumers of approximately $0.00065 per kilowatt hour of electricity sold by NEPCO. This estimate is based on FEA's analysis of the Ultrasystems Computer Model.

The actual amount of the increase will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which New England Electric System selects to finance the increased costs associated with burning coal as a primary energy source at Salem Harbor 1, 2 and 3, the extent to which the cost increase is spread among NEPCO customers, the regulations or policies of the regulatory agencies with jurisdiction over NEPCO regarding inclusion of such cost increases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Salem Harbor 1, 2 and 3 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the

essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Salem Harbor 1, 2 and 3 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) (hereafter "BOM Survey")). Within these recoverable reserves approximately 200 billion tons contain 1% or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99% of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	*Production potential (million tons)*
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980.

The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study") indicates current plans for nationwide production of uncommitted coal as follows:

Year:	*Production (million tons)*
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	*Demand (million tons)*
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976, (hereafter "Coal Conversion Study")):

Year:	*Demand (million tons)*
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	26.8
1983	26.8
1984	26.8

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Salem Harbor 1, 2 and 3. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for these powerplants.* FEA's "Coal Conversion Study" has determined that pulverized-coal dry bottom boilers of the type used at Salem Harbor 1, 2 and 3 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb.	[1] 12,500
Moisture (percent)	[2] 15
Ash (percent)	[2] 20
Volatile (percent)	[1] 15
Ash softening temp. (°F)	[1] 2,200
Sulfur (approx) (percent)	[2] 0.8

[1] Minimum.
[2] Maximum.

b. *Characteristic coal demand from these powerplants.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	*Demand (thousand tons)*
1982 and thereafter	496

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Salem Harbor 1, 2 and 3 in a nationwide market as follows:

Year:	*Production (thousand tons)*
1977	8,072
1978	14,799
1979	27,186
1980	30,120
1981	35,075
1982	36,966
1983	39,440
1984	46,768

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	*Demand (thousand tons)*
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	26,800
1983	26,800
1984	26,800

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Salem Harbor 1, 2 and 3 (in a probable regional supply demand relationship related to the location of these powerplants) from Bureau of Mines Districts 1 through 8 and 13 as follows:

Year:	*Production (thousand tons)*
1977	7,727
1978	13,920
1979	25,369
1980	28,022
1981	32,547
1982	34,294
1983	36,578
1984	43,250

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines District 1 through 8 and 13 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons)*
1977	2,369
1978	4,449
1979	5,811
1980	10,351
1981	11,905

Year:	Demand (thousand tons)
1982	19,503
1983	19,503
1984	19,503

E. Regional ESECA prohibition order demand for coal sulfur characteristic. The potential regional demand within BOM Districts 1 through 8 and 13 for coal with a 0.61–1.0 percent sulphur content (which includes the 0.8 percent maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) Percent sulfur 0.61 to 1.0
1977	1,237
1978	2,767
1979	3,854
1980	7,100
1981	8,172
1982	12,331
1983	12,331
1984	12,331

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristics.

4. State or local laws. FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. Conclusion. FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 1 through 8 and 13 uncommitted coal production that meets the requirements of Salem Harbor 1, 2 and 3 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Salem Harbor 1, 2 and 3 will probably be bought from producers according to regional supply/demand relationships related to the powerplants' locations from Bureau of Mines Districts 1 through 8 and 13. FEA observes, however, that these powerplants could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. Coal transportation.—*1. Location of powerplants and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976 (hereafter "Transportation Availability Study"), coal for Salem Harbor 1, 2 and 3 would probably come from Bureau of Mines (BOM) District 8 as the primary source of supply and from District 13 as the alternate source of supply. While these supply areas are the nearest available potential sources able to supply complying coal to these powerplants, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. Route of coal shipment. A primary route for coal delivery for Salem Harbor 1, 2 and 3 would originate on the Norfolk & Western (N&W) Railroad to Norfolk, Virginia. Ocean barges towed by Express Marine or Red Star Towing and Transportation could transport the coal from N&W's Lambert's Point Piers 5 or 6 to the plant. The total rail distance is approximately 400 miles, with a marine leg of about 650 miles.

One alternate route from BOM District 8 would involve originating coal on the N&W via Hagerstown, Maryland, taking Conrail through New York City to Boston, Massachusetts, and to Salem Harbor 1, 2 and 3 via the Boston and Maine Corporation Railroad.

Another alternate route from the alternate supply would be to originate coal from BOM District 13 to Bristol, Virginia, via Southern Railway, on to Norfolk, Virginia, via N&W, and then by ocean barge to Salem, Massachusetts.

3. Originating trunk carrier. The N&W, the expected originating carrier of coal for Salem Harbor 1, 2 and 3, has approximately 54,000 hopper cars with an estimated average capacity of 85 tons. Using an average number of deliveries of 20 per year per 85-ton car, the N&W may need as many as 290 additional cars to handle the increased demand from Salem Harbor 1, 2 and 3.

This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity.

Only about 2 percent of the hopper fleet is in heavy bad order and retirement rates through 1985 are expected to average approximately 1,200/year. The N&W indicated that it is willing to acquire any needed capacity involved in shipment to Salem Harbor 1, 2 and 3 and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utility prepares to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The N&W indicated that transportation facilities at those mine sites within BOM District 8 are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. Destination carrier and powerplant facilities. Coal for Salem Harbor 1, 2 and 3 would be barged by Express Marine or Red Star Towing and Transportation to the powerplants from the N&W Lambert's Point Piers in Norfolk, Virginia. Ocean-going barge of 23,000 tons would be used. Existing barge capacity would be available from the Gulf of Mexico areas; however, new barges may have to be built. Barge companies are willing to build the necessary equipment, given a 2 to 3 year lead time and a long-term coal shipping commitment.

Salem Harbor 1, 2 and 3 has sufficient docking space to accommodate inland barges. New England Electric System has indicated that the bulkhead and wharf would need improvements and repairing. It is expected that these repairs can be accomplished prior to the effective date for coal burning.

There are no other obstacles to the delivery of coal to Salem Harbor 1, 2 and 3.

5. Conclusion. Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery over the primary route to Salem Harbor 1, 2 and 3 presently exist and alternate routes are available.

IV. The prohibition of the burning of natural gas or petroleum products as their primary energy source will not impair the reliability of service in the area served by the affected powerplants. Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Salem Harbor 1, 2 and 3 will not impair the reliability of service in the area served by these powerplants. This proposed finding is based on the facts and interpretations stated below:

A. Description of the dispatching system.

1. The Salem Harbor Generating Station is owned by NEPCO, which is owned by New England Electric System, which is a member of the New England Power Exchange (NEPEX), which is within the geographical area of the New England Subregion of the Northeast Power Coordinating Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means NEPEX.

3. The gross capacity as of September 1976, of all dispatching system powerplants was 20,841 MW. (See line 1, attachment 1.)

4. Proposed changes up to the period in which Salem Harbor 1, 2 and 3 may implement a Prohibition Order will result in the gross capacities indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Potter 2	Oil	Add	+95	January 1977.
Wyman 4	Oil	Add	+600	December 1978.
Seabrook 1	Nuclear	Add	+1,150	June 1981.
Stony Brook 1	Oil	Add	+270	Novembe 1981.
Millstone Point 3	Nuclear	Add	+1,150	May 1982.
Pilgrim 2	do	Add	+1,180	October 1982.
				Added
Totals:				
Mar. 1 to Apr. 30, 1982				+2,115
July 1 to Aug. 31, 1982				+3,265
Sept. 1 to Oct. 31, 1982				+4,445

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dated October 25, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, as well as the New England Power Exchange Conversion Schedule (attachment 2 to this NOI), gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Salem Harbor 1, 2 and 3. The New England Power Exchange Conversion Schedule is FEA's estimate of the outage times for all the powerplants in NEPEX that are currently being considered for Prohibition Orders. The schedule assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. Forecast peak loads for the dispatching system. 1. Forecasts of peak loads for the dispatching system during the period in which Salem Harbor 1, 2 and 3 would implement a Prohibition Order are as indicated on line 8 of attachment 1.

2. The forecast peak loads have been compared with loads in previous similar periods. The annual peak load growth rate for these forecasts is 5.5 percent.

C. Maximum projected outages for the dispatching system. 1. Scheduled outages, for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the periods in which Salem Harbor 1, 2 and 3 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months for each powerplant is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplants may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, these projected outages are most likely to occur during the year 1982. The potential loss of capacity from an outage of either Salem Harbor 1, 2 or 3 would be approximately 82 MW, for 1 or 2, and 156 MW for 3 (line 7 attachment 1) which is included in the total outages indicated on line 6 of attachment 1. It is expected that Salem Harbor 1, 2 and 3 will be implementing a Prohibition Order at different times.

3. Maximum projected outages within the dispatching system include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders, if the attached New England Power Exchange Conversion Schedule is followed. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. Net dependable capacity for the dispatching system. 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing these net dependable capacities to the forecast peak loads shown on line 8, attachment 1 indicates that the reserve capacities shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of these reserve capacities to the forecast peak loads shown on line 8 of attachment 1 results in reserve margins as indicated on line 11 of attachment 1 (as contrasted with reserve margins as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers these to be acceptable reserve margins taking into consideration the geographical location of Salem Harbor 1, 2 and 3.

5. At the completion of the conversion there will be a net 1.68 NW derating of Salem Harbor 1, 2 and 3 as a result of using coal as their primary energy source.

6. Existing transmission system interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. Conclusion. If dispatching system conditions, including any scheduled outage oy Salem Harbor 1, 2 and 3, are as presently forecast during the time required to implement a Prohibition Order by Salem Harbor 1, 2 and 3, there will be no impairment of reliability of service within the meaning of ESECA in the area served by NEPCO or in the dispatching system as a result of the Order.

Attachment 1

New England power exchange reliability data—Salem Harbor

		Assumed conversion periods megawatt capacity		
		1982 Mar. 1–Apr. 30	1982, July 1–Aug. 31	1982, Sept. 1–Oct. 31
1	Gross capacity of NEPEX as of Sept. 1, 1976	20,841	20,841	20,841
2	Added capacity	2,115	3,265	4,445
3	Gross capacity	22,956	24,106	25,286
4	Scheduled outages for maintenance	2,101	967	3,603
5	Projected outages due to prohibition orders	965	1,039	1,598
6	Maximum projected outages due to maintenance and and prohibition orders (line 4 plus line 5)	3,066	1,726	5,201
7	Unit outage	82	82	156
8	Peak load	15,884	18,533	17,162
9	Net dependable capacity	19,890	22,380	20,085
10	Reserve capacity	4,006	3,847	2,923
11	Reserve margin percent (maintenance and prohibition orders)	26.82	20.76	17.03
12	Reserve margin percent (maintenance only)	32.97	26.36	26.34

Attachment 2

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast Utilities	Mt. Tom	1	March to April 1982.
Do	West Springfield	2	Do.
Do	do	3	July to August 1982.
Do	Middletown	1	March to April 1982.
Do	do	2	May to June 1982.
Do	do	3	July to September 1982.
Do	Norwalk Harbor	1	March to August 1982.
Do	do	2	September to February 1983.
The United Illuminating Co	Bridgeport Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.
Eastern Utilities Associates	Somerset	8	March to April 1982.
New England Electric System	Brayton Point	1	Do.
Do	do	2	July to August 1982.
Do	do	3	October to November 1982.
Do	Salem Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.

C. Maximum projected outages for the dispatching system. 1. Scheduled outages, for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the periods in which Salem Harbor 1, 2 and 3 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months for each powerplant is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplants may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, these projected outages are most likely to occur during the year 1982. The potential loss of capacity from an outage of either Salem Harbor 1, 2 or 3 would be approximately 82 MW, for 1 or 2, and 156 MW for 3 (line 7 attachment 1). The potential loss of capacity from a combined outage of Salem Harbor 1, 2 and 3 would be approximately 320 MW. This represents the maximum potential loss due to outages at these powerplants, but it is expected that Salem Harbor 1, 2 and 3 will be implementing a Prohibition Order at different times. This maximum potential loss of 320 MW is included in the total outages indicated on line 6 of attachment 1. (The assumed conversion period specified on attachment 1 and 2 is shown for purpose of illustration only.)

3. Maximum projected outages within the dispatching system include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders, if the attached New England Power Exchange Conversion Schedule is followed.

Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing these net dependable capacities to the forecast peak loads shown on line 8, attachment 1 indicates that the reserve capacities shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of these reserve capacities to the forecast peak loads shown on line 8 of attachment 1 results in reserve margins as indicated on line 11 of attachment 1 (as contrasted with reserve margins as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers these to be acceptable reserve margins taking into consideration the geographical location of Salem Harbor 1, 2 and 3.

5. At the completion of the conversion there will be a net 1.68 MW derating of Salem Harbor 1, 2 and 3 as a result of using coal as their primary energy source.

6. Existing transmission system interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Salem Harbor 1, 2 and 3, are as presently forecast during the time required to implement a Prohibition Order by Salem Harbor 1, 2 and 3, there will be no impairment of reliability of service within the meaning of ESECA in the area served by NEPCO or in the dispatching system as a result of the Order.

Attachment 1

New England power exchange reliability data—Salem Harbor

		Assumed conversion periods (megawatt capacity)		
		1982, Mar. 1–Apr. 30	1982, July 1–Aug. 31	1982, Sept. 1–Oct. 31
1	Gross Capacity of NEPEX as of 9/1/76	20,841	20,841	20,841
2	Added capacity	2,115	3,365	4,445
3	Gross capacity	22,956	24,106	25,286
4	Scheduled outages for maintenance	2,101	687	3,603
5	Projected outages due to prohibition orders	915	925	1,598
6	Maximum projected outages due to maintenance and prohibition orders (line 4 plus line 5)	3,016	1,612	5,201
7	Unit outage	82	82	158
8	Peak load	15,684	18,593	17,162
9	Net dependable capacity	19,940	22,494	20,085
10	Reserve capacity	4,256	3,961	2,923
11	Reserve margin percent (maintenance and prohibition orders)	27.14	21.37	17.03
12	Reserve margin percent (maintenance only)	32.97	26.36	26.34

Attachment 2

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast Utilities	Mt. Tom	1	March to April 1982.
Do	Middleton	1	March to April 1982.
Do	do	2	May to June 1982.
Do	do	3	July to September 1982.
Do	Norwalk Harbor	1	March to August 1982.
Do	do	2	September to February 1983.
The United Illuminating Co	Bridgeport Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.
Eastern Utilities Associates	Somerset	8	March to April 1982. [a]
New England Electric System	Brayton Point	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	October to November 1982.
Do	Salem Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplant named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU-065	Northeast Utilities/Holyoke Water Power Co.	Mount Tom	1	Holyoke, Mass.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intension (NOI) to Issue a Prohibition Order.

Holyoke Water Power Co., a wholly-owned subsidiary of Northeast Utilities, shall be referred to as the "utility" and as "HWPCO".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplant Number 1 at Mt. Tom Generating Station (Mt. Tom 1) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Northeast Utilities in information filed with FEA dated April 11, 1975, indicated that this powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information Northeast Utilities filed with FEA dated April 11, 1975, and other information available to FEA, the following plant equipment or facilities at Mt. Tom 1 would have to be acquired or refurbished in order for this powerplant to burn coal as its primary energy source:

1. Coal handling equipment
2. Pulverizer, burners and boilers
3. Ash handling equipment

C. FEA proposes to find that on June 22, 1974, Mt. Tom 1 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the quipment and facilities listed in paragraph B. above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Mt. Tom 1 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Mt. Tom 1 will be operated at an 81 percent capacity factor, has a remaining useful life of 20 years (as of the date of this NOI), is expected to have at least 15 years remaining useful life after conversion of the powerplants and on the facts and interpretations stated below.

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.*

a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Mt. Tom 1 is estimated to be approximately $13,621,000, which assumes that an electrostatic precipitator will be required at a cost of $7,268,000 to comply with the air pollution requirements of the Clean Air Act. This estimate is based on a PEDCo-Environmental Specialists Inc. report entitled Evaluation Of The Coal Conversion Potential For The Mt. Tom Plant, March 17, 1977, (hereafter "PEDCo. Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $754,000 per year including $467,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCo. Report.

c. *Fuel costs.* (i) Based on information supplied by Northeast Utilities, the price of petroleum products available to Mt. Tom 1 powerplant is approximately $2.29 per million BTU's for oil. This represents $14.29 per barrel of oil, assuming 6.24 million BTU's per barrel.

(ii) Based on information supplied by NUS Corporation and the Center for Energy Policy, Inc., the price of coal available to the Mt. Tom 1 powerplant is approximately $1.37 per million BTU's. This represents $35.07 per ton of coal, assuming 25.6 million BTU's per ton.

(iii) FEA estimates that the burning of coal by this powerplant will result in the reduction of approximately $0.92 cents per million BTU's, or $9,512,000 per year in fuel costs. This estimate is based on fuel consumption presuming Mt. Tom 1 is operated at an 81 percent capacity factor with an average heat rate of 9,912 per BTU's per kilowatt hour.

d. *Total annual costs associated with conversion.* As a result of the conversion of Mt. Tom 1, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $4,071,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Mt. Tom 1 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately $3,3317,000 (this represents an amortized cost over the 15 years remaining useful life of this powerplant after conversion, and is based on a fixed charge rate of 24.4% of the total initial capital investment of $13,-621,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $754,000 (these figures are derived from the figures in paragraphs A.1.a., and b.), but will experience an annual fuel cost savings of approximately $9,512,000. (See paragraph A.1.c.). Considering the fuel cost savings, the total annual cost of operating Mt. Tom 1 should be reduced by $5,441,000.

Since all increased costs of conversion will be offset by the decrease in fuel costs, it is estimated that there will be an overall net decrease in the cost of producing electricity at Mt. Tom 1. The costs to the utility resulting from a Prohibition Order ultimately will be recovered in rates.

The use of coal at Mt. Tom 1 will result in estimated annual equivalent savings of 1,657,000 barrels of oil that otherwise would be used in providing steam for electric power generation.

FEA proposes to find that, since the increased annual capital investment costs and operating and maintenance costs at the powerplant are offset by the current fuel cost differential between oil and coal burning at this powerplant, and potential future increases in the fuel cost differential in favor of coal, the additional costs associated with burning coal are reasonable.

3. *Financial capabilities of Northeast Utilities.*—a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Mt. Tom 1 would be economically feasible. FEA's analysis took into consideration the $116,975,000 additional capital investment costs required for Northeast Utilities to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2(a) and (c) of ESECA to Northeast Utilities powerplants. FEA related these additional capital investment costs to Northeast Utilities' estimate of its 1977–79 construction budget of $565 million, the total capitalization of Northeast Utilities of $2.3 billion, and the 15 years remaining useful life after conversion of Mt. Tom 1.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financing relations which exists between Northeast Utilities and its subsidiaries, and their combined financial capabilities to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $55,807,000. This also represents the total estimated annual incremental increase in revenue requirements of the subsidiaries of Northeast Utilities. (FEA also took into consideration revenue requirements of the subsidiaries of Northeast Utilities resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Northeast Utilities powerplants.) This estimate of $55,807,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based a Price Waterhouse and Co. report entitled Identification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $47,-053,000, which assumed a predicted effect on Northeast Utilities' financial statement and represents revenues required to offset any potential loss in Northeast Utilities' net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $55,807,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting aggregate value of fuel cost savings of approximately $61,900,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of the affected subsidiaries of Northeast Utilities should decrease by approximately $6,097,000.

4. *Consumer impact.* The HWPCO, a wholly-owned subsidiary of Northeast Utilities, is the owner and operator of the Mt. Tom generating station and the relevant entity for considering the consumer impact of compliance with a Prohibition Order to Mt. Tom 1.

The potential initial impact of a Prohibition Order to Mt. Tom 1 is a net decrease in revenues required from HWPCO consumers of approximately $0.00381 per kilowatt hour of electricity sold by HWPCO.

This estimate is based on FEA's analysis of the Ultrasystems Computer Model. The actual amount of the decrease will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which Northeast Utilities selects to finance the increased costs associated with burning coal as a primary energy source at Mt. Tom 1, the extent to which the cost decrease is spread among HWPCO customers, the regulations or policies of the regulatory agencies with jurisdiction over HWPCO regarding inclusion of such cost decreases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Mt. Tom 1 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Mt. Tom 1 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to this powerplant during the period until December 31, 1984.*—A. *Coal availability.*

1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable, (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 200 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnage of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99 percent of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable

to produce coal nationally in at least the following quantities:

Year:	Production potential (million tons)
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to understimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976 (hereafter (Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	Production (Million tons)
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	489.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	Demand (Million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976, [hereafter "Coal Conversion Study"]):

Year:	Demand (million tons)
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	26.8
1983	26.8
1984	26.8

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at this Mt. Tom 1. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committeed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for this powerplant.* FEA's "Coal Conversion Study" has determined that a pulverized-coal dry bottom boiler of the type used at Mt. Tom 1, will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb	[1] 12,100
Moisture (percent)	[2] 15
Ash (percent)	[2] 20
Volatile (percent)	[1] 15
Ash softening (temp.) (°F)	[1] 2,200
Sulfur (approx.) (percent)	[2] 0.8

[1] Minimum.
[2] Maximum.

b. *Characteristic coal demand from this powerplant.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	Demand (thousand tons)
1982 and thereafter	404

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Mt. Tom 1 in a nationwide market as follows:

Year:	Production (thousand tons)
1977	8,289
1978	15,806
1979	30,825
1980	36,478
1981	44,688
1982	47,439
1983	51,500
1984	59,679

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under Section 2(a) of ESECA. National ESECA prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	Demand (thousand tons)
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	26,800
1983	26,800
1984	26,800

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Mt. Tom 1 (in a probable regional supply/demand relationship related to the location of this powerplant) from Bureau Mines Districts 1 through 8 and 13 as follows:

Year:	Production (thousand tons)
1977	7,917
1978	14,859
1980	32,217
1981	38,463
1982	41,059
1983	44,915
1984	52,387

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines District 1 through 8 and 13 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	2,369
1978	4,449
1979	5,811
1980	10,351
1981	11,905
1982	19,503
1983	19,503
1984	19,503

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand within BOM Districts 1 through 8 and 13 for coal with a 0.61–1.0% sulfur content (which includes the 0.8% maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) percent sulfur 0.61 to 1.0
1977	1,247
1978	2,767
1979	3,854
1980	7,100
1981	8,172
1982	12,331
1983	12,331
1984	12,331

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.e., above, far exceeds this potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 1 through 8 and 13, uncommitted coal production that meets the requirements of Mt. Tom 1 as described in paragraph A.3.a. above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Mt. Tom 1 will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from Bureau of Mines Districts 1 through 8 and 13. FEA observes, however, that the powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal Transportation.* 1. *Location of plant and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Mt. Tom 1 would probably come from Bureau of Mines (BOM) District 8 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to this powerplant, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* A primary route for coal delivery for Mt. Tom 1 would originate in BOM District 8 on the Norfolk & Western (N&W) railroad via Hagerstown, Maryland, taking Consolidated Railroad Corporation (Conrail) to Binghamton, New York, the Delaware & Hudson (D&H) railroad to Albany, New York, Conrail to Springfield, Massachusetts, and the Boston and Maine (B&M) to Holyoke, Massachusetts. The total rail distance is approximately 850 miles.

One alternate route from BOM District 8 would involve originating coal on the N&W to Kenova, West Virginia, taking the Chessie System Inc. (Chesapeake & Ohio) to Charlottesville, Virginia, the Southern Railroad to Washington, D.C., the Chessie System Inc. (Baltimore & Ohio) to Baltimore, Maryland, Conrail to Springfield, Massachusetts via New York City, Pautucket and Framingham and the Boston and Maine (B&M) to Holyoke, Massachusetts.

Another alternate supply area within BOM District 8 would use the primary route described above.

3. *Originating trunk carrier.* The N&W, the expected originating carrier of coal for Mt. Tom 1, has approximately 54,000 hopper cars with an estimated average capacity of 85 tons. Using an average number of deliveries of 20 per year per 85-ton car, the N&W may need as many as 240 additional cars to handle the increased demand from Mt. Tom 1. This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity.

Only about 2 percent of the hopper fleet is in heavy bad order and retirement rates through 1985 are expected to average approximately 1,200 cars/year. The N&W indicated that it is willing to acquire any needed capacity involved in shipment to Mt. Tom 1 and that it would modify its expansion plans given demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utilities prepare to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The N&W indicated that transportation facilities at mine sites within BOM District 8 served by the N&W are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* The primary and alternate destination carrier for Mt. Tom 1 is the Boston and Maine (B&M) Corporation. This company's jurisdiction includes tracks to Mt. Tom 1. The powerplant burned coal received via the B&M as recently as 1974, and this rail carrier indicated that the tracks and coal unloading facilities are in place and adequate to handle the anticipated demand.

The utility has indicated that track and switcher overhaul is necessary. Also required would be reconditioning of coal car unloading and thawing facilities and furnishing an operator control cab inside the car shakeout structure. It is expected that these repairs can be accomplished prior to the effective date for coal burning.

There are no other obstacles to the delivery of coal to Mt. Tom 1.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery over the primary route to Mt. Tom 1 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohition Order to Mt. Tom 1 will not impair the reliability of service in the area served by the powerplant. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Mt. Tom Generating Station is owned by HWPCO, which is owned by Northeast Utilities, which is a member of the New England Power Exchange (NEPEX), which is within the geographical area of the New England Subregion of the Northeast Power Coordinating Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means NEPEX.

3. The gross capacity as of September 1976, of all dispatching system powerplants was 20,841 MW. (See line 1, attachment 1.)

4. Proposed changes up to the period in which Mt. Tom 1 may implement a Prohibition Order will result in the gross capacity indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Potter 2	Oil	Add	+95	January 1977.
Wyman 4	Oil	Add	+600	December 1978.
Seabrook 1	Nuclear	Add	+1,150	June 1981.
Stony Brook 1	Oil	Add	+270	November 1981.
			Added	
Totals: Mar. 1 to Apr. 30, 1982			+2,115	

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dated October 25, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, as well as the New England Power Exchange Conversion Schedule (attachment 2 to this NOI), gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Mt. Tom 1. The New England Power Exchange Conversion Schedule is FEA's estimate of the outage times for all the powerplants in NEPEX that are currently being considered for Prohibition Orders. The schedule assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. Forecasts of peak loads for the dispatching system during the period in which Mt. Tom 1 would implement a Prohibition Order is as indicated on line 8 of attachment 1.

2. The forecast peak loads have been compared with loads in previous similar periods. The annual peak load growth rate for these forecasts is 5.5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within dispatching system during the period in which Mt. Tom 1 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months for each powerplant is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplant may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, this projected outage is most likely to occur during the year 1982. The potential loss of capacity from an outage of Mt. Tom 1 would be approximately 136 MW, (line 7 of attachment 1), which is included in the total outages indicated on line 6 of attachment 1. (The assumed conversion period specified on attachments 1 and 2 is shown for the purpose of illustration only.)

3. Maximum projected outages within the dispatching system, include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders if the attached New England Power Exchange Conversion Schedule is followed. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparison of the net dependable capacity to the forecast peak load shown on line 8, attachment 1 indicates that the reserve capacity shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of this reserve capacity to the forecast peak load shown on line 8 of attachment 1 results in a reserve margin as indicated on line 11 of attachment 1 (as contrasted with a reserve margin as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers these to be acceptable reserve margins taking into consideration the geographical location of Mt. Tom 1.

5. At the completion of the conversion there will be a net 1.0 MW derating of Mt. Tom 1 as a result of using coal as its primary energy source.

6. Existing transmission system interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Mt. Tom 1, are as presently forecast during the time required to implement a Prohibition Order by Mt. Tom 1 there will be no impairment of reliability of service within the meaning of ESECA in the area served by HWPCO or in the dispatching system as a result of the Order.

Attachment 1

New England power exchange reliability data Mt. Tom

	Assumed conversion periods, Mar. 1-Apr. 30, 1982	Megawatt capacity
1	Gross capacity of NEPEX as of Sept. 1, 1976	20,841
2	Added capacity	2,115
3	Gross capacity	22,956
4	Schedule outage for maintenance	2,101
5	Projected outages due to prohibition orders	915
6	Maximum projected outages due to maintenance and prohibition orders) (line 4 and 5)	3,016
7	Unit outage	136
8	Peak load	15,644
9	Net dependable capacity	19,940
10	Reserve capacity	4,256
11	Reserve margin percent (maintenance and prohibition orders)	27.14
12	Reserve margin percent (maintenance only)	32.97

Attachment 2

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast Utilities	Mt. Tom	1	March to April 1982.
Do	Middletown	1	March to April 1982.
Do	do	2	May to June 1982.
Do	do	3	July to September 1982.
Do	Norwalk Harbor	1	March to August 1982.
Do	do	2	September to February 1983.
The United Illuminating Company	Bridgeport Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.
Eastern Utilities Associates	Somerset	8	March to April 1982.
New England Electric System	Brayton Point	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	October to November 1982.
Do	Salem Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplants named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU-092	Northeast Utilities/Hartford Electric Light Co.	Middletown	1	Middletown, Conn.
OFU-093			2	
OFU-094			3	

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

Hartford Electric Light Co., a wholly-owned subsidiary of Northeast Utilities, shall be referred to as the "utility" and as "HELCO".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplants Number 1, Number 2, and Number 3 at Middletown Generating Station (Middletown 1, 2 and 3) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Northeast Utilities in information filed with FEA dated April 11, 1975, indicated that each powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information Northeast Utilities filed with FEA dated April 11, 1975, and other information available to FEA, the following plant equipment or facilities at Middletown 1, 2 and 3 would have to be acquired or refurbished in order for these powerplants to burn coal as their primary energy source:

1. Coal handling equipment
2. Pulverizers, burners and boilers
3. Ash handling equipment

C. FEA proposes to find that on June 22, 1974, Middletown 1, 2 and 3 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Middletown 1, 2 and 3 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Middletown 1, 2 and 3 will be operated at a 71 percent capacity factor (this represents a weighted average of each powerplant's projected capacity factor), have a remaining useful life of 20 years (as of the date of this NOI), are expected to have at least 15 years remaining useful life after conversion of the powerplants, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.* a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Middletown 1, 2 and 3 are estimated to be approximately $63,498,000, which assumes that flue gas desulfurization equipment and electrostatic precipitators will be required at a cost of $47,000,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate is based on a PEDCo-Environmental Specialists, Inc. report entitled Evaluation Of The Coal Conversion Potential For The Middletown Generating station, March 1977 (hereafter "PEDCo. Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $14,436,000 per year including $13,905,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCo. Report.

c. *Fuel costs.* (i) Based on information supplied by Northeast Utilities, the price of petroleum products available to Middletown 1, 2 and 3 is approximately $2.34 per million BTU's for oil. This represents $14.32 per barrel of oil, assuming 6.1 million BTU's per barrel.

(ii) Based on information supplied by the Federal Power Commission and Consolidated Railroad Corporation the price of coal available to Middletown 1, 2 and 3 is approximately $1.31 per million BTU's. This represents $32.01 per ton of coal, assuming 24.4 million BTU's per ton.

(iii) FEA estimates that the burning of coal by these powerplants will result in the reduction of approximately $1.03 per million BTU's, or $29,579,000 per year in fuel costs. This estimate is based on fuel consumption presuming Middletown 1, 2 and 3 are operated at a weighted average 71 percent capacity factor and with an average heat rate of 11,091 BTU's per kilowatt hour.

d. *Total annual costs associated with conversion.* As a result of the conversion of Middletown 1, 2 and 3, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $30,144,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Middletown 1, 2 and 3 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately $15,708,000 (this represents an amortized cost over the 15 years remaining useful life of these powerplants after conversion, and is based on a fixed charge rate of 24.7% of the total initial capital investment of $63,498,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $14,436,000 (these figures are derived from the figures in paragraphs A.1.a., and b.), but will experience an annual fuel cost savings of approximately $29,579,000. (See paragraphs A.1.c.) The estimated net annual increase in cost of producing electricity at Middletown 1, 2 and 3 after conversion will be $566,000.

Increased costs for conversion will be mitigated by the decrease in fuel costs. The net result, however, will be an increase in the cost of producing electricity at Middletown 1, 2 and 3. The costs to the utility resulting from a Prohibition Order ultimately will be recovered in rates.

The use of coal at Middletown 1, 2 and 3 will result in an estimated annual equivalent savings of 4,693,000 barrels of oil that otherwise would be used in providing steam for electric power generation. The cost of conversion per barrel of oil saved is estimated to be $0.12.

Although conversion to the burning of coal would be expected to increase the cost of producing electricity at Middletown 1, 2 and 3, FEA proposes to find that such increased cost, per barrel of oil saved, is not unreasonable. This determination is based on consideration of the substantial savings of oil that will result from this conversion. The determination that the costs of converting are not unreasonable is further supported by consideration of such costs in relation to the expected 15 years remaining useful life of the powerplants after conversion, the size and resources of Northeast Utilities as examined in the following analysis of financial capability, the nature of the expected operations of these powerplants, and potential future increases in the fuel cost differential in favor of coal.

3. *Financial capabilities of Northeast Utilities.*—a. *Recovery of capital investment.* FEA proposes find that compliance with a Prohibition Order to Middletown 1, 2 and 3 would be economically feasible. FEA's analysis took into consideration the $116,975,000 additional capital investment required for Northeast Utilities to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Northeast Utilities powerplants. FEA related these additional capital investment costs to Northeast Utilities' estimate of its 1977–79 construction budget of $565 million, the total capitalization of Northeast Utilities of $2.3 billion, and the 15 years remaining useful life after conversion of Middletown 1, 2 and 3.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financing relationship which exists between Northeast Utilities and its subsidiaries, and their combined financial capabilities to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $55,807,000. This also represents the total estimated annual incremental increase in revenue requirements of the subsidiaries of Northeast Utilities. (FEA also took into consideration revenue requirements of the subsidiaries of Northeast Utilities resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Northeast Utilities powerplants.) This estimate of $55,807,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Identification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $47,053,000, which assumed a predicted effect on Northeast Utilities' financial statement and represents revenues required to offset any potential loss in Northeast Utilities' net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $55,807,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting aggregate value of fuel cost savings of approximately $61,900,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of the affected subsidiaries of Northeast Utilities should decrease by approximately $6,097,000.

4. *Consumer impact.* The HELCO, a wholly-owned subsidiary of Northeast Utilities, is the owner and operator of the Middletown Generating Station and the relevant entity for considering the consumer impact of compliance with a Prohibition Order to Middletown 1, 2 and 3.

The potential initial impact of a Prohibition Order to Middletown 1, 2 and 3 is a net increase in revenues required from HELCO consumers of approximately $0.00011 per kilowatt hour of electricity sold by HELCO. This estimate is based on FEA's analysis of the Ultrasystems Computer Model.

The actual amount of the increase will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which Northeast Utilities selects to finance the increased costs associated with burning coal as a primary energy source at Middletown 1, 2 and 3, the extent to which the cost increase is spread among HELCO customers the regulations or policies of the regulatory agencies with jurisdiction over HELCO regarding inclusion of such cost increases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibtion Order to Middletown 1, 2 and 3 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Middletown 1, 2 and 3 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 200 billion tons contain 1% or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99% of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	*Potential production (million tons)*
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	Production (million tons)
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976, (hereafter "Coal Conversion Study")):

Year:	Demand (million tons)
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	26.8
1983	26.8
1984	26.8

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Middletown 1, 2 and 3. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for these powerplants.* FEA's "Coal Conversion Study" has determined that pulverized-coal, wet bottom and cyclone boilers of the type used at Middletown 1, 2 and 3 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

	Units 1 and 2	Unit 3
Btu's per pound	11,500 minimum	12,000 minimum.
Moisture	15 pct maximum	15 pct maximum.
Ash	20 pct maximum	18 pct maximum.
Volatile	15 pct minimum	15 pct minimum.
Ash softening temperature	2,300 (° F) maximum	2,300 (° F) maximum.
Sulfur	2.7 pct maximum (approximate)	2.7 pct maximum (approximate).

b. *Characteristic coal demand from these powerplants.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	Demand (thousand tons)
1982 and thereafter	1,175

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Middletown 1, 2 and 3 in a nationwide market as follows:

Year:	Production (thousand tons)
1977	17,595
1978	44,749
1979	97,431
1980	113,720
1981	137,139
1982	144,492
1983	154,118
1984	187,596

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	Demand (thousand tons)
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	26,800
1983	26,800
1984	26,800

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Middletown 1, 2 and 3 (in a probable regional supply/demand relationship related to the location of these powerplants) from Bureau of Mines Districts 1 through 8 and 13 as follows:

Year:	Production (thousand tons)
1977	13,627
1978	34,656
1979	75,580
1980	87,625
1981	104,620
1982	110,318
1983	117,770
1984	143,696

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines District 1 through 8 and 13 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. The potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Years:	Demand (thousand tons)
1977	2,369
1978	4,449
1979	5,811
1980	10,351
1981	11,905
1982	19,503
1983	19,503
1984	19,503

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand for coal from BOM Districts 1 through 8 and 13 with a 2.21–2.71% sulfur content (which includes the 2.7% maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Years:	Demand (thousand tons) percent sulfur 2.21 to 2.71
1977	0
1978	0
1979	26
1980	78
1981	78
1982	3,421
1983	3,421
1984	3,421

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 1 through 8 and 13 uncommitted coal production that meets the requirements of Middletown 1, 2 and 3 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Middletown 1, 2 and 3 will probably be bought from producers according to regional supply/demand relationships related to the powerplants' locations from Bureau of Mines Districts 1 through 8 and 13. FEA observes, however, that these powerplants could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania November 7 1975.)

B. Coal transportation—1. Location of powerplants and coal supply. Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study") coal for Middletown 1, 2 and 3 would probably come from Bureau of Mines (BOM) District 3 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to these powerplants, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* A primary route for coal delivery for Middletown 1, 2 and 3 would originate on the Chessie System, Inc. (Baltimore & Ohio) to Baltimore, MD., then take Consolidated Railroad Corporation (Conrail) to Middletown, Connecticut, via New York City, and New Haven, Connecticut. The total rail distance is approximately 600 miles.

One alternate route from BOM District 3 would involve originating on the Chessie (B&O) to Morgantown, West Virginia, and taking Conrail to Middletown, 1, 2 and 3 via Allentown, Pennsylvania, Newark, New Jersey and New Haven, Connecticut.

Another alternate route from an alternate supply source would be to originate coal from BOM District 3 to Hagerstown, Maryland, and take Conrail to Middletown 1, 2 and 3 via Harrisburg, Pennsylvania, New York City and New Haven, Connecticut.

3. *Originating trunk carrier.* The Chessie (B&O), the expected originating carrier of coal for Middletown 1, 2 and 3, has approximately 21,000 hopper cars with an estimated average capacity of 75 tons. Using an average number of deliveries of 20 per year per 75-ton car, the B&O may need as many as 780 additional cars to handle the increased demand from Middletown 1, 2 and 3. This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity.

The B&O indicated that it is willing to acquire any needed capacity involved in shipment to Middletown 1, 2 and 3, and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utilities prepare to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. This study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The Chessie (B&O) indicated that transportation facilities at those mine sites within BOM District 3 served by the Chessie (B&O) are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* Conrail is the destination carrier for Middletown 1, 2 and 3. Conrail's 9,000 foot railroad spur into these powerplants requires considerable repair before it can reliably be used to supply coal. While the powerplants were burning coal as a result of the oil embargo, several hopper cars delivering coal to the powerplants derailed and fell into the Connecticut River.

The Pouchkeepsie Bridge, which would ordinarily be used for rail shipment of coal to these powerplants is in serious disrepair and there are no plans for its reconstruction. Therefore, coal would have to be routed around the bridge. This does not present a major obstacle. The Middletown Generating Station is equipped with a shaker-type unloader which is adequate to handle the projected coal shipments. It may need some minor repair before it can be used, since it has not been in routine use for several years. The utility also anticipates the need to recondition coal car unloading and thawing facilities, including an operator control cab inside the car shakeout structure. The company will also have to do some repair work on its locomotives, and replace some units. It is expected that these repairs can be accomplished prior to the effective date for coal burning.

There are no other obstacles to the delivery of coal to Middletown 1, 2, and 3.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no major constraints to coal delivery over the primary route to Middletown 1, 2 and 3 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as their primary energy source will not impair the reliability of service in the area served by the affected powerplants.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Middletown 1, 2 and 3 will not impair the reliability of service in the area served by these powerplants. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.*

1. The Middletown Station is owned by HELCO, which is owned by Northeast Utilities, which is a member of the New England Power Exchange (NEPEX), which is within the geographical area of the New England Subregion of the Northeast Power Coordinating Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means NEPEX.

3. The gross capacity as of September 1976, of all dispatching system powerplants was 20,841 MW. (See line 1, attachment 1.)

4. Proposed changes up to the period in which Middletown 1, 2 and 3 would implement a Prohibition Order will result in the gross capacities indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Potter 2	Oil	Add	+95	January 1977.
Wyman 4	Oil	Add	+600	December 1978
Seabrook 1	Nuclear	Add	+1,150	June 1981.
Stony Brook 1	Oil	Add	+270	November 1981
Millstone Point 3	Nuclear	Add	+1,150	May 1982.
Pilgrim 2	do	Add	+1,180	October 1982.

Totals:	Added
Mar. 1 to Apr. 30, 1982	+2,115
May 1 to June 30, 1982	+3,265
July 1 to Aug. 31, 1982	+3,265
Sept. 1 to Oct. 31, 1982	+4,445

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dated October 25, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, as well as the New England Power Exchange Conversion Schedule (attachment 2 to this NOI), gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Middletown 1, 2, and 3. The New England Power Exchange Conversion Schedule is FEA's estimate of the outage times for all the powerplants in NEPEX that are currently being considered for Prohibition Orders. The schedule assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. Forecasts of peak loads for the dispatching system during the period in which Middletown 1, 2, and 3 would implement a Prohibition Order are as indicated on line 8 of attachment 1.

2. The forecast peak loads have been compared with loads in previous similar periods. The annual peak load growth rate for these forecasts is 5.5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the periods in which Middletown 1, 2 and 3 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months each for Middletown 1 and 2, and 3 months for Middletown 3 is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplants may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, these projected outages are most likely to occur during the year 1982. The potential loss of capacity from an outage of Middletown 1, 2 or 3 would be approximately 69 MW, 114 MW and 239 MW (line 7, attachment 1) respectively. The potential loss of capacity from a combined outage of Middletown 1, 2 and 3 would be approximately 422 MW. This represents the maximum potential loss due to outages at these powerplants, but it is expected that Middletown 1, 2 and 3 will be implementing a Prohibition Order at different times. This maximum potential loss of 422 MW is included in the total outages indicated on line 6 of attachment 1. (The assumed conversion period specified on attachments 1 and 2 is shown for the purpose of illustration only.)

3. Maximum projected outages within the dispatching system, include normal sched-

uled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders, if the attached New England Power Exchange Conversion Schedule is followed. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing these net dependable capacities to the forecast peak loads shown on line 8, attachment 1 indicates that the reserve capacities shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of these reserve capacities to the forecast peak loads shown on line 8 of attachment 1 results in reserve margins as indicated on line 11 of attachment 1 (as contrasted with reserve margins as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers these to be marginally acceptable reserve margins taking into consideration the geographical location of Middletown 1, 2 and 3.

5. At the completion of the conversion there will be a net 12 MW derating of Middletown 1, 2, and 3 as a result of using coal as their primary energy source.

6. Existing transmission system interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Middletown 1, 2 and 3, are as presently forecast during the time required to implement a Prohibition Order by Middletown 1, 2 and 3, there will be no impairment of reliability of service within the meaning of ESECA in the area served by HELCO or in the dispatching system as a result of the Order.

ATTACHMENT 1

New England power exchange reliability data—Middletown

		Assumed conversion periods (megawatt capacity)			
		1982, Mar. 1–Apr. 30	1982, May 1–June 30	1982, July 1–Aug. 31	1982, Sept. 1–Sept. 30
1	Gross capacity of NEPEX as of Sept. 1, 1976	20,841	20,841	20,841	20,841
2	Added capacity	2,115	3,265	3,265	4,445
3	Gross capacity	22,956	24,106	24,106	25,286
4	Scheduled outages for maintenance	2,101	2,348	697	3,603
5	Projected outages due to prohibition orders	915	277	935	1,598
6	Maximum projected outages due to maintenance and prohibition orders (4 plus 5)	3,016	2,625	1,612	5,201
		69	114	289	289
7	Unit outage	15,684	18,533	18,533	17,162
8	Peak load	19,940	21,481	22,494	20,085
9	Net dependable capacity	4,256	2,948	3,961	2,923
10	Reserve capacity				
11	Reserve margin percent (maintenance and prohibition orders)	27.14	15.91	21.37	17.03
12	Reserve margin percent (maintenance only)	32.97	17.40	26.36	26.34

Attachment 2

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast Utilities	Mt. Tom	1	March to April 1982.
	Middletown	1	March to April 1982.
Do	do	2	May to June 1982.
Do	do	3	July to September 1982.
Do	Norwalk Harbor	1	March to August 1982.
Do	do	2	September to February 1983.
The United Illuminating Co	Bridgeport Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.
Eastern Utilities Associates	Somerset	8	March to April 1982.
New England Electric System	Brayton Point	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	October to November 1982.
Do	Salem Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplants named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU-095 OFU-096	Northeast Utilities/Connecticut Light & Power Co.	Norwalk Harbor	1 2	Norwalk, Conn.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

Connecticut Light and Power Co., a wholly-owned subsidiary of Northeast Utilities, shall be referred to as the "utility" and as "CL&P".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplants Number 1 and Number 2 at Norwalk Harbor Generating Station (Norwalk Harbor 1 and 2) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Northeast Utilities, in information filed with FEA dated April 11, 1975, indicated that each powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information Northeast Utilities filed with FEA dated April 11, 1975, and other information available to FEA, the following plant equipment or facilities at Norwalk Harbor 1 and 2 would have to be acquired or refurbished in order for these powerplants to burn coal as their primary energy source:

1. Coal handing equipment
2. Pulverizer, burners and boilers
3. Ash handling equipment

C. FEA proposes to find that on June 22, 1974, Norwalk Harbor 1 and 2 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in Paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Norwalk Harbor 1 and 2 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Norwalk Harbor 1 and 2 will be operated at a 77 percent capacity factor (this represents a weighted average of each powerplant's projected capacity factor), have a remaining useful life of 20 years (as of the date of this NOI), are expected to have at least 15 years remaining useful life after conversion of the powerplants, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.*

a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Norwalk Harbor 1 and 2 are estimated to be approximately $39,856,000 which assumes that flue gas desulfurization equipment and electrostatic precipitators will be required at a cost of $30,335,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate is based on a PEDCo-Environmental Specialists, Inc. report entitled Evaluation Of The Coal Conversion Potential For The Norwalk Harbor Plant, March 22, 1977 (hereafter "PEDCo. Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $11,934,000 per year including $11,381,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCo. Report.

c. *Fuel costs.* (i) Based on information supplied by Northeast Utilities, the price of petroleum products available to Norwalk Harbor 1 and 2 is approximately $2.35 per million BTU's for oil. This represents $14.36 per barrel of oil, assuming 6.1 million BTU's per barrel.

(ii) Based on information supplied by the Federal Power Commission and Consolidated Railroad Corp., the price of coal available to Norwalk Harbor 1 and 2 is approximately $1.32 per million BTU's. This represents $30.85 per ton of coal, assuming 24.4 million BTU's per ton.

(iii) FEA estimates that the burning coal by these powerplants will result in the reduction of approximately $1.04 per million BTU's, or $22,814,000 per year in fuel costs. This estimate is based on fuel consumption presuming Norwalk Harbor 1 and 2 are operated at a weighted average 77 percent capacity factor and with an average heat rate of 10,100 BTU's per kilowatt hours.

d. *Total annual costs associated with conversion.* As a result of the conversion of Norwalk Harbor 1 and 2, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $21,592,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Norwalk Harbor 1 and 2 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately $9,658,000 (this represents an amortized cost over the 15 years remaining useful life of these powerplants after conversion, and is based on a fixed charge rate of 24.2% of the total initial capital investment of $39,856,000) and annual operating and maintenance costs, exclusive of fuel costs, of approximately $11,934,000 (these figures are derived from the figures in paragraphs A.1.a., and b.), but will experience an annual fuel cost savings of approximately $22,814,000. (See paragraph A.1.c.). Considering the fuel cost savings, the total annual cost of operating Norwalk Harbor 1 and 2 should be reduced by $1,222,000.

Since all increased costs of conversion will be offset by the decrease in fuel costs, it is estimated that there will be an overall net decrease in the cost of producing electricity at Norwalk Harbor 1 and 2. The costs to the utility resulting from a Prohibition Order ultimately will be recovered in rates.

The use of coal at Norwalk Harbor 1 and 2 will result in an estimated annual equivalent savings of 3,590,000 barrels of oil that otherwise would be used in providing steam for electric power generation.

FEA proposes to find that, since the increased annual capital investment costs and operating and maintenance costs at the powerplants are offset by the current fuel cost differential between oil and coal burning at these powerplants, and potential future increases in the fuel cost differential in favor of coal, the additional costs associated with burning coal are reasonable.

3. *Financial capabilities of Northeast Utilities.*—a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Norwalk Harbor 1 and 2 would be economically feasible. FEA's analysis took into consideration the $116,975,000 additional capital investment costs required for Northeast Utilities to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Northeast Utilities powerplants. FEA related these additional capital investment costs to Northeast Utilities' estimate of its 1977–79 construction budget of $565 million, the total capitalization of Northeast Utilities of $2.3 billion, and the 15 years remaining useful life after conversion of Norwalk Harbor 1 and 2.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financing relationship which exists between Northeast Utilities and its subsidiaries, and their combined financial capabilities to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $55,807,000. This also represents the total estimated annual incremental increase in revenue requirements of the subsidiaries of Northeast Utilities. (FEA also took into consideration revenue requirements of the subsidiaries of Northeast Utilities resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Northeast Utilities powerplants.) This estimate of $55,807,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Costs Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Indentification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $47,053,000, which assumed a predicted effect on Northeast Utilities' financial statement and represents revenues required to offset any potential loss in Northeast Utilities' net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $55,807,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting aggregate value of fuel cost savings of approximately $61,900,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of the affected subsidiaries of Northeast Utilities should decrease by approximately $6,097,000.

4. *Consumer impact.* The CL&P, a wholly-owned subsidy of Northeast Utilities, is the owner and operator of the Norwalk Harbor Generating Station and the relevant entity for considering the consumer impact of compliance with a Prohibition Order to Norwalk Harbor 1 and 2.

The potential initial impact of a Prohibition Order to Norwalk Harbor 1 and 2 is a net decrease in revenues required from CL&P consumers of approximately $0.00013 per kilowatt hour of electricity sold by CL&P. This estimate is based on FEA's analysis of the Ultrasystems Computer Model. The actual amount of the decrease will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which Northeast Utilities selects to finance the increased costs associated with burning coal as a primary energy source at Norwalk Harbor 1 and 2, the extent to which the cost decrease is spread among CL&P customers, the regulations or policies of the regulatory agencies with jurisdiction over CL&P regarding inclusion of such cost decreases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Norwalk Harbor 1 and 2 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Norwalk Harbor 1 and 2 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable. (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) hereafter "BOM Survey"). Within these recoverable reserves approximately 200 billion tons contain 1% or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that

extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99% of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	Production potential (million tons)
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	Production (million tons)
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows; (FEA 1976 National Energy Outlook):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows; (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August, 1976, hereafter "Coal Conversion Study"):

Year:	Demand (million tons)
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	26.8
1983	26.8
1984	26.8

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Norwalk Harbor 1 and 2. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for these powerplants.* FEA's "Coal Conversion Study" has determined that pulverized-coal dry bottom boilers, of the type used at Norwalk Harbor 1 and 2 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

Btu's/lb	11,500
Moisture (percent)	[1] 15
Ash (percent)	[1] 20
Volatile (percent)	[2] 15
Ash softening (temp.) (°F)	[2] 2,200
Sulfur (approx.) (percent)	[1] 2.7

[1] Maximum.
[2] Minimum.

b. *Characteristic coal demand from these powerplants.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	Demand (thousand tons)
1982 and thereafter	898

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Norwalk Harbor 1 and 2 in a nationwide market as follows:

Year:	Production (thousand tons)
1977	31,209
1978	67,757
1979	133,523
1980	158,405
1981	188,439
1982	198,960
1983	213,044
1984	254,205

d. *National ESECA prohibition order demand for coal regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	Demand (thousand tons)
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	26,800
1983	26,800
1984	26,800

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Norwalk Harbor 1 and 2 (in a probable regional supply/demand relationship related to the location of these powerplants) from Bureau of Mines Districts 1 through 8 and 13 as follows:

Year:	Production (thousand tons)
1977	24,221
1978	49,982
1979	95,809
1980	110,977
1981	130,841
1982	138,447
1983	148,705
1984	176,569

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines Districts 1 through 8 and 13 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	2,369
1978	4,449
1979	5,811
1980	10,351
1981	11,905
1982	19,503
1983	19,503
1984	19,503

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand within BOM Districts 1 through 8 and 13 for coal with a 2.21–2.71 percent sulfur content (which includes the 2.7 percent maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) percent sulfur 2.21 to 2.71
1977	0
1978	0
1979	26
1980	78
1981	78
1982	3,421
1983	3,421
1984	3,421

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 1 through 8 and 13 uncommitted coal production that meets the requirements of Norwalk Harbor 1 and 2 as described in paragraph A.3.a. above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Norwalk Harbor 1 and 2 will probably be bought from producers according to regional supply/demand relationships related to the powerplants' locations from Bureau of Mines Districts 1 through 8 and 13. FEA observes, however, that these powerplants could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal Transportation.*—1. Location of *powerplants and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Norwalk Harbor 1 and 2 would probably come from Bureau of Mines (BOM) District 8 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to these powerplants, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as an alternate route. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* A primary route for coal delivery for Norwalk Harbor 1 and 2 would originate on the Chessie System, Inc. (Baltimore & Ohio) to Baltimore, Md., then take Consolidated Railroad Corporation (Conrail) to Port Reading, New York, and use inland barges (operated by Express Marine or Red Star Towing and Transportation) to Norwalk, Connecticut. The total rail distance is approximately 400 miles, with a marine leg of about 70 miles.

One alternate route from BOM District 8 would involve originating coal on the Chessie (B&O) to Baltimore, Md. and taking Conrail to Norwalk, Connecticut.

Another alternate supply area within District 8 would use the primary route described above.

3. *Originating trunk carrier.* The Chessie (B&O), the expected originating carrier of coal for Norwalk Harbor 1 and 2, has approximately 21,000 hopper cars with an estimated average capacity of 75 tons. Using an average number of deliveries of 20 per year per 75-ton car, the B&O may need as many as 600 additional cars to handle the increased demand from Norwalk Harbor 1 and 2. This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity. The B&O indicated that it is willing to acquire any needed capacity involved in shipment to Norwalk Harbor 1 and 2 and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utilities prepare to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The B&O indicated that transportation facilities at those mine sites within BOM District 8 are in satisfactory operating conditions and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* Delivery of coal to Norwalk Harbor 1 and 2 would be accomplished by inland barges, carrying coal from Port Reading, New York. Express Marine and Red Star Towing and Transportation have expressed willingness to transport the projected amount of coal. Existing available barge capacity is sufficient to supply these powerplants. However, if other powerplants in this area create additional demand for barges, new capacity will have to be built. The barge companies are willing to do the necessary construction, given sufficient lead time and a long term barging commitment.

Docking facilities at Norwalk Harbor 1 and 2 are adequate to permit delivery of coal by inland barge. Since the draft in the channel to the powerplants is only 11 feet, barges can only come in at high tide. Furthermore, due to local regulations, coal unloading can only proceed at certain times of the day. Neither of these factors is expected to present a significant obstacle to barge delivery of coal to the powerplants. Norwalk Harbor 1 and 2 are equipped with a bucket type unloader capable of handling the projected load. The unloader may require some minor repair before being put to use, since it has not been in routine use for several years. It is expected that these repairs can be accomplished prior to the effective date for coal burning.

There are no other obstacles to the delivery of coal to Norwalk Harbor 1 and 2.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery over the primary route to Norwalk Harbor 1 and 2 presently exist, and an alternate route is available.

IV. *The prohibition of the burning of natural gas or petroleum products as their primary energy source will not impair the reliability of service in the area served by the affected powerplants.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Norwalk Harbor 1 and 2 will not impair the reliability of service in the area served by these powerplants. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Norwalk Harbor Generating Station is owned by CL&P, which is owned by Northeast Utilities, which is a member of the New England Power Exchange (NEPEX), which is within the geographical area of the New England Subregion of the Northeast Power Coordinating Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means NEPEX.

3. The gross capacity as of September 1976, of all dispatching system powerplants was 20,841 MW. (See line 1, attachment 1.)

4. Proposed changes up to the period in which Norwalk Harbor 1 and 2 may implement a Prohibition Order will result in the gross capacities indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Potter 2	Oil	Add	+95	January 1977.
Wyman 4	Oil	Add	+800	December 1978.
Seabrook 1	Nuclear	Add	+1,150	June 1981.
Stony Brook 1	Oil	Add	+270	November 1981.
Millstone Point 3	Nuclear	Add	+1,150	May 1982.
Pilgrim 2	do	Add	+1,180	October 1982.
Stony Brook 2	Oil	Add	+120	November 1982

Totals:	Added
Mar. 1 to Apr. 30, 1982	+2,115
May 1 to June 30, 1982	+3,265
July 1 to Aug. 31, 1982	+3,265
Sept. 1 to Oct. 31, 1982	+4,445
Nov. 1 to Dec. 31, 1982	+4,565
Jan. 1 to Feb. 28, 1983	+4,565

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dated October 25, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, as well as the New England Power Exchange Conversion Schedule (attachment 2 to this NOI), gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Norwalk Harbor 1 and 2. The New England Power Exchange Conversion Schedule is FEA's estimate of the outage times for all the powerplants in NEPEX that are currently being considered for Prohibition Orders. The schedule assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. Forecasts of peak loads for the dispatching system during the period in which Norwalk Harbor 1 and 2 would implement a Prohibition Order are as indicated on line 8 of attachment 1.

2. The forecast peak loads have been compared with loads in previous similar periods. The annual peak-load growth rate for these forecasts is 5.5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the periods in which Norwalk Harbor 1 and 2 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 6 months for each powerplant is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplants may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, these projected outages are most likely to occur during the year 1982. The potential loss of capacity from an outage of either Norwalk Harbor 1 or 2 would be approximately 163 MW (line 7, attachment 1). The potential loss of capacity from a combined outage of Norwalk Harbor 1 and 2 would be approximately 326 MW (line 7 of attachment 1). This represents the maximum potential loss due to outages at these powerplants, but it is expected that Norwalk Harbor 1 and 2 will be implementing a Prohibition Order at different times. This maximum potential loss of 326 NW is included in the total outages indicated on line 6 of attachment 1. (The assumed conversion periods specified on attachment 1 are shown for the purpose of illustration only.)

3. Maximum projected outages within the dispatching system, include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders, if the attached New England Power Exchange Conversion Schedule is followed. Maximum projected outages are exnected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing these net dependable capacities to the forecast peak loads shown on line 8, attachment 1 indicates that the reserve capacities shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of these reserve capacities to the forecast peak loads shown on line 8 of attachment 1 results in reserve margins as indicated on line 11 of attachment 1 (as contrasted with reserve margins as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers these to be marginally acceptable reserve margins taking into consideration the geographical location of Norwalk Harbor 1 and 2.

5. At the completion of the conversion there will be a net 10.3 NW derating or Norwalk Harbor 1 and 2 as a result of using coal as their primary energy source.

6. Existing transmission system interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Norwalk Harbor 1 and 2, are as presently forecast during the time required to implement a Prohibition Order by Norwalk Harbor 1 and 2, there will be no impairment of reliability of service within the meaning of ESECA in the area served by CL&P or in the dispatching system as a result of the Order.

Attachment 1

New England power exchange reliability data—Norwalk Harbor

		Assumed conversion periods (megawatt capacity)					
		1982, Mar. 1–Apr. 30	1982, May 1–June 30	1982, July 1–Aug. 31	1982, Sept. 1–Oct. 31	1982, Nov. 1–Dec. 31	1983, Nov. 1–Feb. 28
1	Gross capacity of NEPEX as of Sept. 1, 1976	20,841	20,841	20,841	20,841	20,841	20,841
2	Added capacity	2,115	3,265	3,265	4,445	4,565	4,565
3	Gross capacity	22,956	24,106	24,106	25,286	25,406	25,406
4	Scheduled outages for maintenance	2,101	2,348	687	3,603	1,310	361
5	Projected outages due to prohibition orders	915	277	925	1,598	803	163
6	Maximum projected outages due to maintenance and prohibition orders (line 4 plus line 5)	3,016	2,625	1,612	5,201	2,113	1,509
7	Unit outage	163	163	163	163	163	163
8	Peak load	15,684	18,533	18,533	17,162	20,192	20,192
9	Net dependable capacity	19,940	21,481	22,494	20,085	23,293	23,697
10	Reserve capacity	4,256	2,948	3,961	2,923	3,101	3,705
11	Reserve margin percent (maintenance and prohibition orders)	27.14	15.91	21.37	17.03	15.36	18.35
12	Reserve margin percent (maintenance only)	22.97	17.40	26.36	26.34	19.33	19.1

Attachment 2

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast Utilities	Mt. Tom	1	March to April 1982.
Do	Middletown	1	March to April 1982.
Do	do	2	May to June 1982.
Do	do	3	July to September 1982.
Do	Norwalk Harbor	1	March to August 1982.
Do	do	2	September to February 1983.
The United Illuminating Co	Bridgeport Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.
Eastern Utilities Associates	Somerset	8	March to April 1982.
New England Electric System	Brayton Point	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	October to November 1982.
Do	Salem Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplants named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU-099 OFU-100 OFU-101	United Illuminating Co	Bridgeport Harbor	1 2 3	Bridgeport, Conn.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

United Illuminating Company shall be referred to as the "utility" and as "United Illuminating".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplants Numbers 1, 2 and 3 at Bridgeport Harbor Generating Station (Bridgeport Harbor 1, 2 and 3) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. United Illuminating, in information filed with FEA dated July 10, 1975, indicated that each powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information United Illuminating filed with FEA dated July 10, 1975, and other information available to FEA, the following plant equipment or facilities at Bridgeport Harbor 1, 2 and 3 would have to be acquired or refurbished in order for these powerplants to burn coal as their primary energy source:

1. Coal handling equipment.
2. Pulverizers, burners and boilers.
3. Ash handling equipment.

C. FEA proposes to find that on June 22, 1974, Bridgeport Harbor 1, 2 and 3 had all oter significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in Paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Bridgeport Harbor 1, 2 and 3 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Bridgeport Harbor 1, 2 and 3 will be operated at a 55 percent capacity factor, (this represents a weighted average of each powerplant's projected capacity factor), have an average remaining useful life of 24 years (as of the date of this NOI), are expected to have at least 19 years remaining useful life after conversion of the powerplants, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.*

a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Bridgeport Harbor 1, 2 and 3 are estimated to be approximately $62,643,000, which assumes that flue gas desulfization equipment (venturi scrubbers included) will be required at a cost of $58,192,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate, is based on a PEDCo-Environmental Specialists, Inc. report entitled Evaluation Of The Coal Conversion Potential Of The Bridgeport Harbor Plant, March 25, 1977, (hereafter "PEDCo. Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $21,861,000 per year including $21,239,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCo. Report.

c. *Fuel costs.* (i) Based on information supplied by United Illuminating, the price of petroleum products available to Bridgeport Harbor 1, 2 and 3 is aproximately $2.26 per million BTU's for oil. This represents $14.01 per barrel of oil, assuming 6.2 million BTU's per barrel.

(ii) Based on information supplied by the Federal Power Commission and Consolidated Railroad Corp. the price of coal available to Bridgeport Harbor 1, 2 and 3 is approximately $1.31 per million BTU's. This represents $32.01 per ton of coal, assuming 24.4 million BTU's per ton.

(iii) FEA estimates that the burning of coal by these powerplants will result in the reduction of approximately 95 cents per million BTU's, or $29,481,000 per year in fuel costs. This estimate is based on fuel consumption presuming Bridgeport Harbor 1, 2 and 3 are operated at a weighted average 55 percent capacity factor and with an average heat rate of 10,017 BTU's per kilowatt hour.

d. *Total annual cost associated with conversion.* As a result of the conversion of Bridgeport Harbor 1, 2 and 3, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $37,720,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Bridgeport Harbor 1, 2 and 3 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs of approximately $15,859,000 (this represents an amortized cost over the 19 years remaining useful life of these powerplants after conversion, and is based on a fixed charge rate of 25.3% of the total initial capital investment of $62,643,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $21,861,000 (these figures are derived from the figures in paragraphs A.1.a., and b.), but will experience an annual fuel cost savings of approximately $29,481,000. (See paragraph A.1.c.). The estimated net annual increase in cost of producing electricity at Bridgeport Harbor 1, 2 and 3 after conversion will be $8,239,000.

Increased costs for conversion will be mitigated by the decrease in fuel costs. The net result, however, will be an increase in the cost of producing electricity at Bridgeport Harbor 1, 2 and 3. The costs to the utility resulting from a Prohibition Order ultimately will be recovered in rates.

Th use of coal at Bridgeport Harbor 1, 2 and 3 will result in an estimated annual equivalent savings of 5,043,000 barrels of oil that otherwise would be used in providing steam for electric power generation. The cost of conversion per barrel of oil saved is estimated to be $1.63.

Although conversion to the burning of coal would be expected to increase the cost of producing electricity at Bridgeport Harbor 1, 2 and 3, FEA proposes to find that such increased cost, per barrel of oil saved, is not unreasonable. This determination is based on consideration of the substantial savings of oil that will result from this conversion. The determination that the costs of converting are not unreasonable is further supported by consideration of such costs in relation to the expected 19 years remaining useful life of the powerplants after conversion, the size and resources of United Illuminating as examined in the following analysis of financial capability, the nature of the expected operations of these powerplants, and potential future increases in the fuel cost differential in favor of coal.

3. *Financial capabilities of United Illuminating.*—a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Bridgeport Harbor 1, 2 and 3 would be economically feasible. FEA's analysis took into consideration the $62,643,000 additional capital investment costs required for United Illuminating to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to United Illuminating powerplants. FEA related these additional capital investment costs to United Illuminating's estimate of its 1977–79 construction budget of $235 million, the total capitalization of United Illuminating of $412 million, and the 19 years remaining useful life after conversion of Bridgeport Harbor 1, 2 and 3.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financial capabilities of the utility to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $37,720,000. This also represents the total estimated annual incremental increase in revenue requirements of the utility (FEA also took into consideration revenue requirements of the utility resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to United Illuminating powerplants.) This estimate of $37,720,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Identification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $38,433,000, which assumed a predicted effect on the utility's financial statement and represents revenues required to offset any potential loss in United Illuminating's net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $37,720,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting value of fuel cost savings of approximately $29,481,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of the utility should increase by approximately $8,239,000.

4. *Consumer Impact.* The potential initial impact of a Prohibition Order to Bridgeport Harbor 1, 2 and 3 is a net increase in revenues required from United Illuminating consumers of approximately $0.0019 per kilowatt hour of electricity sold by United Illuminating. This estimate is based on FEA's analysis of the Ultrasystems Computer Model. The actual amount of the increase will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which United Illuminating selects to finance the increased costs associated with burning coal as a primary energy source at Bridgeport Harbor 1, 2 and 3, the extent to which the cost increase is spread among United Illuminating customers, the regulations or policies of the regulatory agencies with jurisdiction over United Illuminating regarding inclusion of such cost increases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Bridgeport Harbor 1, 2 and 3 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Pro-

hibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Bridgeport Harbor 1, 2 and 3 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.*—A. *Coal availability.*

1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines date show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recover able (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) (hereafter "BOM Survey")). Within these recoverable reserves approximately 200 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99 percent of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	Production potential (million tons)
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study") indicates current plans for nationwide production of uncommitted coal as follows:

Year:	Production (million tons)
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976 (hereafter "Coal Conversion Study")):

Year:	Demand (million tons)
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	26.8
1983	26.8
1984	26.8

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at these powerplants. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated thir uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for these powerplants.* FEA's "Coal Conversion Study" has determined that cyclone and pulverized-coal dry bottom boilers of the type used at Bridgeport Harbor 1, 2 and 3, will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements.

	Units 1 and 2	Unit 3
Btu's per pound	12,000 minimum	11,700 minimum.
Moisture	15 pct maximum	15 pct maximum.
Ash	18 pct maximum	20 pct maximum.
Volatile	15 pct minimum	15 pct minimum.
Ash softening temperature	2,300 (°F) maximum	2,200 (°F) minimum.
Sulfur	2.7 pct maximum (approximate)	2.7 pct maximum (approximate).

b. *Characteristic coal demand from these powerplants.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year	Demand (1,000 tons) Units 1 and 2	Unit 3
1982 and thereafter	498	772

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Bridgeport Harbor 1, 2 and 3 in a nationwide market as follows:

Year	Production (1,000 tons) Units 1 and 2	Unit 3
1977	17,595	29,757
1978	44,749	64,064
1979	97,431	125,895
1980	113,720	148,591
1981	137,139	176,825
1982	144,402	186,738
1983	154,118	200,028
1984	187,596	238,426

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	Demand (thousand tons)
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	26,800
1983	26,800
1984	26,800

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Bridgeport Harbor 1, 2 and 3 in a probable regional supply/demand relationship related to the location of these powerplants from Bureau of Mines Districts 1 through 13 as follows:

Year	Production (1,000 tons) Units 1 and 2	Unit 3
1977	13,627	24,204
1978	34,656	40,941
1979	75,580	95,725
1980	87,625	109,880
1981	104,620	129,725
1982	110,318	137,324
1983	117,770	147,573
1984	143,096	175,406

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines Districts 1 through 8 and 13 expected to result from this NOI from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	2,369
1978	4,449
1979	5,811
1980	10,351
1981	11,905
1982	19,503
1983	19,503
1984	19,503

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand within BOM Districts 1 through 8 and 13 for coal with a 2.21–2.71 percent sulfur content (which includes the 2.7 percent maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) percent sulfur 2.21 to 2.71
1977	0
1978	0
1979	26
1980	78
1981	78
1982	3,421
1983	3,421
1984	3,421

The regional planned production of coal, stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 1 through 8 and 13 uncommitted coal production that meets the requirements of Bridgeport Harbor 1, 2 and 3 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Bridgeport Harbor 1, 2 and 3 will probably be bought from producers according to regional supply/demand relationships related to the powerplants' locations from Bureau of Mines Districts 1 through 8 and 13. FEA observes, however, that these powerplants could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplants and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter after "Transportation Availability Study"), coal for Bridgeport Harbor 1, 2 and 3 would probably come from Bureau of Mines (BOM) District 8 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to these powerplants, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* A primary route for coal delivery for Bridgeport Harbor 1, 2 and 3 would originate on the Chessie System Inc. (Baltimore & Ohio) from District 8 to Baltimore, Maryland, taking Consolidated Railroad Corporation (Conrail) New York, New York, and ship the coal from Port Reading to Bridgeport Harbor 1, 2 and 3 via inland barges using Express Marine or Red Star Towing and Transportation. The total rail distance is approximately 400 miles, with a marine leg of about 60 miles.

One alternate route from BOM District 8 would involve originating coal on the Chessie (B&O) to Baltimore, Maryland, and taking Conrail to Bridgeport, Connecticut.

Another alternate route from an alternate supply area would be to originate coal from BOM District 8 to Kenova, West Virginia, on Chessie (C&O) to Baltimore, Maryland, on the B&O and by inland barge to Bridgeport, Connecticut.

3. *Originating trunk carrier.* The Chessie (B&O), the expected originating carrier of coal for Bridgeport H rbor 1, 2 and 3, has approximately 21,000 hopper cars with an estimated average capacity of 75 tons. Using an average number of deliveries of 20 per year per 75-ton car, the B&O may need as many as 850 additional cers to handle the increased demand from the Bridgeport Harbor 1, 2 and 3. This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity.

The B&O indicated that it is willing to acquire any needed capacity involved in shipment to the Bridgeport Harbor facility and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carying capacity could be expanded as quickly as the utility prepares to burn coal.

FEA's "Transportation Availability Study" concluded that, for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal.

The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The B&O indicated that transportation facilities at those mine sites within BOM District 8 are in satisfactory operating condition and loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* Coal would be delivered to Bridgeport Harbor 1, 2 and 3 from Port Reading, New York, by inland barge. Red Star Towing and Transportation and Express Marine have expressed willingness to provide the necessary services. Although existing barge capacity is sufficient to handle the load imposed by Bridgeport Harbor 1, 2 and 3, if all potential Prohibition candidates studied were ordered to convert, some new barges would have to be built. The barge companies are willing to undertake the necessary construction, given a long enough lead time and a long-term barging commitment.

Bridgeport Harbor 1, 2 and 3 have facilities to receive coal by either barge or rail. In the past coal was received by rail, coming in on a New Haven Railroad (Conrail) spur, and being unloaded by a shaker unloader. According to the utility, however, coal bought in the future would probably come in by barge. The docking facilities are adequate to receive inland barges. A continuous bucket unloader was installed in 1968 and was never used. This unloading system will be capable of handling the projected load, although it will require some repair work to be brought to a satisfactory operating condition. It is expected that these repairs can be accomplished prior to the effective date for coal burning.

There are no other obstacles to the delivery of coal to Bridgeport Harbor 1, 2 and 3.

5. *Conclusion.* Coal transportation facilities will be available for the period of Prohibition Order is expected to be in effect since no significant constraints to coal delivery over the primary route to Bridgeport Harbor 1, 2 and 3 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as their primary energy source will not impair the reliability of service in the area served by the affected powerplants.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Bridgeport Harbor 1, 2 and 3 will not impair the reliability of service in the area served by these powerplants. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Bridgeport Harbor Station is owned by United Illuminating Company, which is a member of the New England Power Exchange (NEPEX), which is within the geographical area of the New England Subregion of the Northeast Power Coordinating Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means NEPEX.

3. The gross capacity as of September 1976, of all dispatching system powerplants was 20,841 MW. (See line 1, attachment 1.)

4. Proposed changes, up to the period in which Bridgeport Harbor 1, 2 and 3 would implement a Prohibition Order will result in the gross capacities indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Potter 2	Oil	Add	+95	January 1977.
Wyman 4	Oil	Add	+600	December 1978.
Seabrook 1	Nuclear	Add	+1,150	June 1981.
Stony Brook 1	Oil	Add	+270	November 1981.
Millstone Point 3	Nuclear	Add	+1,150	May 1982.
Pilgrim 2	do	Add	+1,180	October 1982.

	Added
Totals:	
Mar. 1 to Apr. 30, 1982	+2,115
July 1 to Aug. 31, 1982	+3,265
Sept. 1 to Oct. 31, 1982	+4,445

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dated October 25, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, as well as the New England Power Exchange Conversion Schedule (attachment 2 to this NOI), gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Bridgeport Harbor 1, 2 and 3. The New England Power Exchange Conversion Schedule is FEA's estimate of the outage times for all the powerplants in NEPEX that are currently being considered for Prohibition Orders. The schedule assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. Forecasts of peak loads for the dispatching system during the period in which Bridgeport Harbor 1, 2 and 3 would implement a Prohibition Order are as indicated on line 8 of attachment 1.

2. The forecast peak loads have been compared with loads in previous similar periods. The annual peak load growth rate for these forecasts is 5.5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the periods in which Bridgeport Harbor 1, 2 and 3 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months for each powerplant is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplants may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, these projected outages are most likely to occur during the year 1982. The potential loss of capacity from an outage of Bridgeport Harbor 1, 2 and 3 would be approximately 82 MW, 180 MW, and 400 MW respectively (line 7 attachment 1). The potential loss of capacity from a combined outage of Bridgeport Harbor 1, 2 and 3 would be approximately 662 MW. This represents the maximum potential loss due to outages at these powerplants, but it is expected that Bridgeport Harbor 1, 2 and 3 will be implementing a Prohibition Order at different times. This maximum potential loss of 662 MW is included in the total outages indicated on line 6 of attachment 1. (The assumed conversion period specified on attachments 1 and 2 is shown for purpose of illustration only.)

3. Maximum projected outages within the dispatching system include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders, if the attached New England Power Exchange Conversion Schedule is followed. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity of the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing these net dependable capacities to the forecast peak loads shown on line 8 of attachment 1 indicates that the reserve capacities shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of these reserve capacities to the forecast peak loads shown on line 8 of attachment 1 results in reserve margins as indicated on line 11 of attachment 1 (as contrasted with reserve margins as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers these to be acceptable reserve margins taking into consideration the geographical location of Bridgeport Harbor 1, 2 and 3.

5. At the completion of the conversion, there will be a net 19.5 MW derating of Bridgeport Harbor 1, 2 and 3 as a result of using coal as their primary energy source.

6. Existing transmission interconnections may transfer an additional 1,925 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any schedule outage by Bridgeport Harbor 1, 2 and 3, are as presently forecast during the time required to implement a Prohibition Order by Bridgeport Harbor 1, 2 and 3, there will be no impairment of reliability of service within the meaning of ESECA in the area served by United Illuminating or in the dispatching system as a result of the Order.

New England power exchange reliability data—Bridgeport Harbor

		Assumed conversion periods (megawatt capacity)		
		1982 Mar. 1–Apr. 40	1982 July 1–Aug. 31	1982 Sept. 1–Oct. 31
1	Gross capacity of NEPEX as of Sept. 1, 1976	20,841	20,841	20,841
2	Added capacity	2,115	3,265	4,445
3	Gross capacity	22,956	24,106	25,286
4	Scheduled outages for maintenance	2,101	687	3,603
5	Projected outages due to prohibition orders	915	925	1,598
6	Maximum projected outages due to maintenance and prohibition orders (line 4 plus 5)	3,016	1,612	5,201
7	Unit outage	82	180	400
8	Peak load	15,684	18,533	17,162
9	Net dependable capacity	19,941	22,494	20,085
10	Reserve capacity	4,265	3,961	2,923
11	Reserve margin percent (maintenance and prohibition orders)	27.14	21.37	17.03
12	Reserve margin percent (maintenance only)	32.97	26.36	26.34

New England power exchange conversion schedule

NEPEX member	Station	Unit	Assumed conversion dates
Northeast Utilities	Mt. Tom	1	March to April 1982.
Do	Middletown	1	Do.
Do	do	2	May to June 1982.
Do	do	3	July to September 1982.
Do	Norwalk Harbor	1	March to August 1982.
Do	do	2	September to February 1983.
The United Illuminating Co	Bridgeport Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.
Eastern Utilities Associates	Somerset	8	March to April 1982.
New England Electric System	Brayton Point	1	Do.
Do	do	2	July to August 1982.
Do	do	3	October to November 1982.
Do	Salem Harbor	1	March to April 1982.
Do	do	2	July to August 1982.
Do	do	3	September to October 1982.

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ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention to Issue Prohibition Orders to Certain Powerplants

The Federal Energy Administration (FEA) hereby gives notice of its intention to issue Prohibition Orders, pursuant to the authorities granted it by section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended (ESECA), and Chapter 10, Code of Federal Regulations (10 CFR), Parts 303 and 305 to the following powerplants:

Docket No.	Owner	Generating station	Powerplant No.	Location
OFU-154	Corn Belt Power Cooperative	Wisdom	1	Spencer, Iowa.
OFU-155	Independence Power & Light Department.	Blue Valley	3	Independence, Mo.
OFU-156	St. Joseph Light & Power Co	Lake Rd	5	St. Joseph, Mo.
OFU-157	do	do	6	Do.
OFU-159	Fremont Department of Utilities	Lon D. Wright	7	Fremont, Nebr.

FEA hereby also gives notice of the opportunity for oral and written presentation of data, views, and arguments by interested persons regarded these proposed Prohibition Orders.

The proposed orders would prohibit the above-named powerplants from burning natural gas or petroleum products as their primary energy source.

Prior to issuance of a Prohibition Order to a powerplant, section 2(a) of ESECA and 10 CFR 303.36(b) and 305.3 (b) require that FEA find the powerplant had the capability and necessary plant equipment to burn coal as of June 22, 1974. A Prohibition Order may not be issued unless FEA can find that the prohibition of the utilization of natural gas or petroleum products as a primary energy source is practicable and consistent with the purposes of ESECA, that coal and coal transportation facilities will be available during the period the Prohibition Order will be in effect, and that the prohibition will not impair the reliability of service in the area served by the powerplant. FEA's proposed findings, as well as its proposed conclusions and rationale with respect to these findings, for each powerplant are set out in the Appendix to this notice. These findings, conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The findings, conclusions and rationale will be included, with any amendments, for each Prohibition Order that is issued.

Upon completion of the proceedings described in this notice, FEA may determine to issue Prohibition Orders to some or all of the above-named powerplants. These Prohibition Orders will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant is able to burn coal and to comply with all applicable air pollution control requirements without a compliance date extension under section 119(c) of such Act, or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the powerplant will be able to comply with all applicable air pollution control requirements of section 119 of that Act; and (2) FEA has considered the environmental impact of the order, pursuant to 10 CFR 208.3(a)(4) and 305.9 and has served the affected powerplant with a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the Prohibition Order will be effective will be stated in the Notice of Effectiveness.

10 CFR 305.9 requires that, prior to the issuance of a Notice of Effectiveness to a powerplant, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result in either (1) issuance of a declaration that the Prohibition Order will not, if made effective by a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment; or (2) the preparation by FEA of an environmental impact statement covering significant site-specific impacts that are likely to result from the Prohibition Order and that have not been adequately addressed in the Final Environmental Statement (FES 75–1, dated April 25, 1975) or in other official documents made publicly available. If FEA prepares an environmental impact statement covering significant site-specific impacts resulting from a Prohibition Order, the statement shall be prepared and published for comment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement. With respect to comments regarding any impact on air quality that might result from a proposed Prohibition Order, however, it should be recognized that ESECA has assigned to EPA the primary responsibility for analyzing the effect of any such order on the Nation's air quality and for determining the applicable air pollution control requirements that apply to the powerplant that has been issued an order. It is expected that, in almost every case, a powerplant to which a Prohibition Order is issued will be eligible to apply to EPA for a compliance date extension. In connection with that application, EPA must provide an opportunity for written comment and oral presentation of data, views and arguments by interested persons. Enclosed with the Notice of Effectiveness may be a compliance reporting schedule to insure that the powerplant will be able to comply with

the prohibition of the burning of natural gas or petroleum products as a primary energy source on the effective date specified in the Notice of Effectiveness.

Public comment on the proposal to issue Prohibitive Orders to the powerplants listed above is invited in the form of written and oral presentation of data, views, and arguments. Comments should relate to the individual docket numbers and should make clear to which docket number the individual comment is addressed.

Comments should address (1) the adequacy and validity of each of the proposed findings and the conclusions and rationale in support of these findings; (2) the environmental impact of the issuance of a Prohibition Order, including any site-specific environmental impacts; and (3) any other aspects or impacts of the proposed Prohibition Order believed to be relevant.

Pursuant to 10 CFR 303.173 (c) and (d), FEA hereby announces that a public hearing to receive oral presentation of data, views and arguments of interested persons will be held beginning at 9 a.m. on May 10 and 11, 1977, in Room 114, Federal Building, 601 E. 12th Street, Kansas City, Missouri 64106. Any person who has an interest in the subject of the hear. , or who is a representative of a group or class of persons which has an interest on the subject of the hearing may make a written request, or a verbal request if confirmed in writing, for an opportunity to make an oral presentation. That request should be directed to Wilbur Jenny, FEA Region VII, 1150 Grand Avenue, Kansas City, Missouri 64106, 816–374–3116. The request should be received before 4:30 p.m., Tuesday, May 3, 1977. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate representative of the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through May 9, 1977. Speakers will be contacted by an FEA representative before 4:30 p.m., Thursday, May 5, 1977 and should submit ten (10) copies of their oral presentation, if possible, unless such presentation is less than five (5) pages, in which case only one copy is required, to Neil Adams, Regional Administrator, Federal Energy Administration, 1150 Grand Ave., Kansas City, Missouri 64106, before 4:30 p.m., Monday, May 9, 1977.

Detailed technical data, views and arguments should be contained in a written submission in support of the oral presentation. The oral presentation itself should be a summary of those written comments.

While FEA will endeavor to provide adequate opportunity to all who desire to speak, FEA reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited on the basis of the number of persons requesting to be heard. The FEA will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views and arguments.

An FEA official will be designated to preside at the hearing which will not be a judicial or evidentiary hearing. During oral presentations only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask questions, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by the FEA and made available for inspection and copying at the public reading room located in Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and the FEA Regional Office, Library, 1150 Grand Avenue, Kansas City, Missouri 64106, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to these proposed Prohibition Orders to Executive Communications, Federal Energy Administration, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Comments and other documents submitted to FEA Executive Communications should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for the _____ Powerplant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., Monday, May 30, 1977, all oral presentations, and all other relevant information submitted to or otherwise available to FEA will be considered by FEA prior to issuance of a Prohibition Order.

Any information or data considered to be confidential by the person furnishing it must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing section 2 (a) and (b) of ESECA (10 CFR Parts 303 and 305) are available from the following FEA Regional Offices:

REGION, ADDRESS AND PHONE

I—Robert Mitchell, Regional Administrator, 150 Causeway Street, Room 700, Boston, Massachusetts 02114, 617–223–3701.
II—Alfred Kleinfield, Regional Administrator, 26 Federal Plaza, Room 3206, New York, New York 10007, 212–264–1021.
III—J. A. LaSala, Regional Administrator, 1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102, 215–597–3390.
IV—Donald Allen, Regional Administrator, 1655 Peachtree Street, NE., 8th Floor, Atlanta 30309, 404–526–2837.
V—N. Allen Andersen, Regional Administrator, Federal Office Building, 175 West Jackson Blvd., Room A–333, Chicago, Illinois 60604, 312–353–0540.
VI—Delbert Fowler, Regional Administrator, Post Office Box 35228, 2626 West Mockingbird Lane, Dallas, Texas 75235, 214–749–7345.
VII—Neil Adams, Regional Administrator, 1150 Grand Avenue, Kansas City, Missouri 64106, 816–374–2061.
VIII—Dudley Faver, Regional Administrator, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226, 303–234–2420.
IX—William Arntz, Regional Administrator, 111 Pine Street, San Francisco, California 94111, 415–556–7216.
X—Jack B. Robertson, Regional Administrator, 1992 Federal Building, 915 Second Avenue, Seattle, Washington 98174, 206–442–7280.

Any questions regarding this notice should be directed to the FEA National Office as follows: Federal Energy Administration, Code OFU (Prohibition Order: Powerplant), Washington, D.C. 20461, 202–566–7941.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), as amended by Pub. L. 94–163; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 94–385; E.O. 11790 (39 FR 23185).)

Issued in Washington, D.C., April 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplant named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU–154	Corn Belt Power Cooperative	Wisdom	1	Spencer, Iowa.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to issue a Prohibition Order.

Corn Belt Power Cooperative shall be referred to as the "utility" and as "Corn Belt".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplant Number 1 at the Wisdom Generating Station (Wisdom 1) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Corn Belt, in information filed with FEA dated July 8, 1975, indicated that this powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Wisdom 1 is presently burning coal as its primary energy source. Therefore, FEA proposes to find that Wisdom 1 has the necessary plant equipment and facilities associated with the burning of coal.

C. Within the meaning of ESECA and the regulations promulgated pursuant thereto, this powerplant had the capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Wisdom 1 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.* a. *Capital investment costs.* Since Wisdom 1 is currently burning coal as its primary energy source, FEA proposes to find that Wisdom 1 has acquired or modified the equipment and facilities necessary for the burning of coal as its primary energy source, and such actions were not undertaken as a result of (or in contemplation of) the issuance of a Prohibition Order. These acquisitions or modifications either include or should include those necessary for compliance with the requirements of the Clean Air Act.

b. *Annual operating and maintenance costs.* FEA proposes to find that there are no apparent significant increases in operating and maintenance costs that would result from the continued burning of coal by Wisdom 1.

c. *Fuel costs.* The alternate fuel which could be used by Wisdom 1 is natural gas. However, based on information obtained from the Federal Power Commission and from Corn Belt, FEA has determined that Wisdom 1 should continue to experience a substantial curtailment of any future supply of natural gas. FEA, therefore, proposes to find that Wisdom 1 will continue to burn coal as its primary energy source with no increase in fuel costs as a result of a Prohibition Order.

d. *Total annual costs.* FEA proposes to find that there will be no annual increase in costs incurred, at Wisdom 1, as a result of an order which prohibits the burning of natural gas or petroleum products.

2. *Reasonableness of costs.* Considering the fact that FEA has determined that Wisdom 1 should continue to experience curtailment of its alternate fuel, natural gas, as well as the fact that the utility has acquired or modified such equipment and facilities as are necessary in order to burn coal as its primary energy source, FEA proposes to find that the cost of burning coal in lieu of natural gas or petroleum products is reasonable.

3. *Financial capability of Corn Belt Power Cooperative.* FEA assumes that any capital investment costs associated with the acquisitions and modifications necessary for the burning of coal at Wisdom 1 are identified in the utility's current and prospective budgetary plans. FEA proposes to find that the decision by the utility to acquire or modify such equipment and facilities in order to burn coal as a primary energy source at Wisdom 1 was based on an analysis of the financial capability of utility to assume such capital investment costs as well as any additional operating maintenance costs associated with the burning of coal that the utility has concluded that the burning of coal in lieu of petroleum products or natural gas is economically feasible.

4. *Consumer impact.* FEA proposes to find that the issuance of a Prohibition Order to Wisdom 1 should have no material effect on Corn Belt consumers since there will be no significant change in the cost of producing electricity at Wisdom 1 as a result of the continued burning of coal at this powerplant.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Wisdom 1 will discourage the use of natural gas or petroleum products and encourage the continued use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Wisdom 1 would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to this powerplant during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines (BOM) data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 200 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99% of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	*Production potential (million tons)*
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976 (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	*Production (million tons)*
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,404

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2 (a) of ESECA is as follows (Coal Availability and Demand: Round I and Round II Coal Conversion Candidates, August 1976, hereafter "Coal Conversion Study"):

Year:	Demand (million tons)
1977	5.4
1978	10.0
1979	13.0
1980	18.0
1981	20.2
1982	41.4
1983	41.4
1984	41.4

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Wisdom 1. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for this powerplant.* FEA's "Coal Conversion Study" has determined that a pulverized-coal dry bottom boiler, of the type used at Wisdom 1, is able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU'S/b.	[1] 8,300
Moisture (percent)	[2] 15
Ash (percent)	[2] 20
Volatile (percent)	[1] 15
Ash softening temp. (°F)	[1] 2,200
Sulfur (approx.) (percent)	[2] 2,2

[1] Minimum.
[2] Maximum.

b. *Characteristic demand from this powerplant.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	Demand (thousand tons)
1979 and thereafter	94

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Wisdom 1 in a nationwide market as follows:

Year:	Production (thousand tons)
1977	24,139
1978	46,733
1979	92,055
1980	113,447
1981	134,286
1982	141,194
1983	150,591
1984	175,497

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	Demand (thousand tons)
1977	5,400
1978	10,000
1979	13,000
1980	18,000
1981	20,200
1982	41,400
1983	41,400
1984	41,400

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Wisdom 1 (in a probable regional supply/demand relationship related to the location of this powerplant) from BOM Districts 7 through 20 and 22 as follows:

Year:	Production (thousand tons)
1977	19,491
1978	36,155
1979	68,158
1980	83,700
1981	99,069
1982	104,369
1983	111,665
1984	129,204

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e, above, exceeds the potential demand for coal regardless of characteristic from BOM Districts 7 through 20 and 22 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	4,229
1978	8,270
1979	10,917
1980	14,659
1981	16,383
1982	18,735
1983	18,735
1984	18,735

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand from BOM Districts 7 through 20 and 22 for coal with a 1.81–2.20% sulfur content (which includes the 2.2% maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) percent sulfur 1.81 to 2.20
1977	992
1978	1,955
1979	2,695
1990	2,695
1981	2,695
1982	4,296
1983	4,296
1984	4,296

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 7 through 20 and 22 uncommitted coal production that meets the requirements of Wisdom 1 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Wisdom 1 will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from BOM Districts 7 through 20 and 22. FEA observes, however, that this powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Easterns Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplant and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Wisdom 1 would probably come from BOM District 19 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to these powerplants, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as an alternate route. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* The primary route for coal delivery to the Widsom plant would originate on the Union Pacific (UP) Railroad to Council Bluffs, Iowa. Coal is delivered from Council Bluffs to Spencer, Iowa on the Chicago, Milwaukee, St. Paul and Pacific (CMSP&P) via Herndon, Iowa. The total distance is approximately 800 miles.

An alternate route from the primary supply would involve originating on UP to Omaha. Coal would be carried to Sheldon, Iowa by Chicago and North Western (C&NW), and from there to the plant via CMSP&P.

3. *Originating trunk carrier.* The UP, the originator of coal for Widsom 1, has approximately 7,000 hopper cars with an estimated average capacity of 85 tons. Using an average number of deliveries of 20 per year per 85-ton car, the UP may need as many as 60 additional cars to handle the demand from Widsom 1. This estimate assumes that the railroad will neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity. The UP indicated that it is willing to acquire any needed capacity involved in shipment to the Widsom facility and that it will modify its expansion plans with demand conditions.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under Section 2(a) of ESECA.

The UP indicated that transportation facilities at those mine sites within BOM District 19 are in satisfactory operating conditions and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and power plant facilities.* The primary and alternate destination carrier for Wisdom 1 is the Chicago, Milwaukee, St. Paul, and Pacific (CMSP&P) Railroad. This company's jurisdiction includes tracks to the plant, and coal is presently being delivered to the plant. The plant has coal unloading facilities, and these are adequate to handle the additional indicated demand through 1985. No construction or refurbishment of these facilities is underway or planned.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery to Wisdom 1 presently exist, and an alternate route is available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission and Corn Belt, FEA purposes to find that the issuance of a Prohibition Order to Wisdom 1 will not impair the reliability of service in the area served by the powerplant since there will be no outage as a result of a Prohibition Order to Wisdom 1.

Corn Belt has advised FEA that Wisdom 1 was designed to burn natural gas or coal and is currently burning coal. There will, therefore, be no impairment of reliability of service within the meaning of ESECA in the area served by Corn Belt as a result of a Prohibition Order.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplant named below. Supporting rational and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU-155	Independence Power & Light Department.	Blue Valley	3	Independence, Mo.

These findings, which are now proposed by FEA, are based on information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to issue a Prohibition Order.

Independence Power & Light Department shall be referred to as the "utility" and as "IPLD".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplant Number 3 at the Blue Valley Generating Station (Blue Valley 3) had the capability and necesary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. IPLD, in information filed with FEA dated July 9, 1975, indicated that this powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Blue Valley 3 is presently burning coal as its primary energy source. Therefore, FEA proposes to find that Blue Valley 3 has the necessary plant equipment and facilities associated with the burning of coal.

C. Within the meaning of ESECA and the regulations promulgated pursuant thereto this powerplant had the capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Blue Valley 3 in lieu of petroleum products or nautral gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Blue Valley 3 will be operated at a 55 percent capacity factor, has a remaining useful life of 24 years (as of the date of this NOI), is expected to have at least 21 years remaining useful life after conversion of the powerplant, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.*—a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Blue Valley 3 are estimated to be approximately $3,046,000 which assumes that an electrostatic precipitator will be required at a cost of $3,046,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate was supplied by the utility.

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $164,000 per year for the operation and maintenance of air pollution control equipment. This estimate is based on a PEDCo-Environmental Specialists, Inc. report entitled Coal Conversion Cost Reasonableness Analysis For The Blue Valley Plants, March 5, 1977, (hereafter "PEDCo. Report").

c. *Fuel costs.* (i) Based on information supplied by IPLD the price of natural gas available to Blue Valley 3 is approximately $1.05 per million Btu's. This represents $1.05 per MCF of natural gas, assuming 1 million Btu's per MCF.

(ii) Based on information supplied by the Federal Power Commission the price of coal available to Blue Valley 3 is approximately $1.10 per million BTU's. This represents $25.52 per ton of coal, assuming 23.3 million Btu's per ton.

(iii) FEA estimates that the continued burning of coal by this powerplant will result in an increase of approximately $0.05 per million Btu's or $32,377 per year in fuel costs. This estimate is based on fuel consumption presuming Blue Valley is operated with a 55 percent capacity factor and with an average heat rate of 11,200 Btu's per kilowatt hour.

(iv) Based on information supplied by IPLD, FEA has determined that Blue Valley 3 is presently burning coal and should continue to experience a substantial curtail-

ment of any future supply of its alternate fuel, natural gas. FEA, therefore, proposes to find that Blue Valley 3 can continue to burn coal as its primary energy source with a minimal increase in fuel costs as a result of a Prohibition Order.

d. *Total annual costs associated with conversion.* As a result of the conversion of Blue Valley 3 there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $492,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Blue Valley 3 is reasonable. Financial impacts of the conversion will be felt by the utility and by the consumer.

As a result of conversion, the utility will incur additional annual capital investment costs, including financing costs, of approximately $328,000 (this represents an amortized cost over the 21 years remaining useful life of this powerplant after conversion, and is based on a fixed charge rate of 10.8% of the total initial capital investment of $3,046,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $164,000 (these figures are derived from the figures in paragraphs A.1.a., and b.), but will experience an annual increase in fuel costs of approximately $32,000. (See paragraph A.1.c.) The estimated net annual increase of cost of producing electricity at Blue Valley 3 after conversion will be $524,000.

Increased costs for conversion will be mitigated by the decrease in fuel costs. The net result, however, will be an increase in the cost of producing electricity at Blue Valley 3. The cost to the utility resulting from a Prohibition Order ultimately will be recovered in rates.

The use of coal at Blue Valley 3 will result in an estimated annual equivalent savings of 648,000 MCF of natural gas that otherwise would be used in providing steam for electric power generation. The cost of conversion per MCF of natural gas saved is estimated to be $0.81.

Although conversion to the burning of coal would be expected to increase the cost of producing electricity at Blue Valley 3, FEA proposes to find that such increased cost, per MCF of natural gas saved, is not unreasonable. This determination is based on consideration of the substantial savings of natural gas that will result from this conversion. This determination also takes into account the fact that FEA has determined that Blue Valley 3 should continue to experience curtailment of its alternate fuel, natural gas. The determination that the costs of converting are not unreasonable is further supported by consideration of such costs in relation to the expected 21 years remaining useful life of the powerplant after conversion, the size and resources of the utility as examined in the following analysis of financial capability, the nature of the expected operations of this powerplant, and potential future increases in the fuel cost differential in favor of coal.

3. *Financial capabilities of Independence Power and Light Department.*—a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Blue Valley 3 would be economically feasible. FEA's analysis took into consideration the $3,046,000 additional capital investment required for IPLD to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2(a) and (c) of ESECA to IPLD powerplants.

FEA related these additional capital investment costs to IPLD's net property and plant of $45.8 million, the utility's estimate of its 1977–79 construction budget of $19 million, the total capitalization of the utility of $63 million, and the 21 years remaining useful life after conversion of Blue Valley 3. FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financial capabilities of IPLD to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to natural gas attributable to compliance with this NOI would be $492,000. This also represents the total estimated annual incremental increase in revenue requirements of the utility.

(FEA also took into consideration revenue requirements of the utility resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2(a) and (c) of ESECA to IPLD powerplants.) This estimate of $492,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystems Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Identification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $388,000 which assumed a predicted effect on IPLD's financial statement and represents revenues required to offset any potential loss in net income as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs, exclusive of fuel costs, of $492,000 associated with conversion ultimately will be recovered in rates. However, due to the annual increase in fuel costs of approximately $32,000 attributable to compliance with this NOI, the total annual revenue requirements of IPLD should increase by appproximately $524,000. FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financial capabilities of the utility to assume such costs.

4. *Consumer impact.* The potential initial impact of a Prohibition Order to Blue Valley 3 is a net increase in revenues required from IPLD consumers of approximately $0.00096 per kilowatt hour of electricity sold by IPLD. This estimate is based on FEA's analysis of the Ultrasystems Computer Model. The actual amount of the increase will depend on the actual amount of the investment necessary to comply with a Prohibition order, the methods which IPLD selects to finance the increased costs associated with burning coal as a primary energy source at Blue Valley 3, the extent to which the cost increase is spread among IPLD's consumers, the regulations or policies of the regulatory agencies with jurisdiction over IPLD regarding inclusion of such cost increases in consumer rates, the actual amount of the fuel cost differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Blue Valley 3 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Blue Valley 3 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to this powerplant during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines (BOM) data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975)—hereafter "BOM Survey"). Within these recoverable reserves approximately 200 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production, already meets 99 percent of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	*Production potential (million tons)*
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	*Production (million tons)*
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	*Demand (million tons)*
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Order issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976, (hereafter "Coal Conversion Study"):

Year:	*Demand (million tons)*
1977	5.4
1978	10.0
1979	13.0
1980	18.0
1981	20.2
1982	41.4
1983	41.4
1984	41.4

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Blue Valley 3. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for this powerplant.* FEA's "Coal Conversion Study" has determined that a pulverized-coal wet bottom boiler, of the type used at Blue Valley 3 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb.	[1] 10,300
Moisture (percent)	[2] 15
Ash (percent)	[2] 20
Volatile (percent)	[1] 15
Ash softening temperature (°F)	[1] 10,300
Sulfur (approximately) (percent)	[2] 6.0

[1] Minimum.
[2] Maximum.

b. *Characteristic coal demand from this powerplant.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	*Demand (thousand tons)*
1980 and thereafter	152

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a, above, is uncommitted to a specific buyer and will be potentially available to Blue Valley 3 in a nationwide market as follows:

Year:	*Production (thousand tons)*
1977	15,511
1978	30,521
1979	56,681
1980	69,131
1981	81,867
1982	86,452
1983	92,821
1984	107,352

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under the authority of Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	*Demand (thousand tons)*
1977	5,400
1978	10,000
1979	13,000
1980	18,000
1981	20,200
1982	41,400
1983	41,400
1984	41,400

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Blue Valley 3 (in a probable regional supply/demand relationship related to the location of this powerplant) from BOM Districts 7 through 20 and 22 as follows:

Year:	*Production (thousand tons)*
1977	15,004
1978	29,231
1979	53,016
1980	61,052
1981	71,658
1982	76,033
1983	82,124
1984	95,690

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from BOM Districts 7 through 20 and 22 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons)*
1977	2,898
1978	5,340
1979	7,111
1980	12,016
1981	13,644
1982	33,485
1983	33,485
1984	33,485

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand within BOM Districts 7 through 20 and 22 for coal with a 1.41–6.01 percent sulfur content (which includes the 6.0 percent maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons) percent sulfur 1.41 to 6.01*
1977	1,143
1978	1,766
1979	1,957
1980	2,880
1981	3,362
1982	3,458
1983	3,458
1984	3,458

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential BSECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 7 through 20 and 22 uncommitted coal production that meets the requirements of Blue Valley 3 as described in paragraph A.3.a. above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2 (a) of ESECA.

Coal for Blue Valley 3 will probably be bought from producers according to regional supply/demand relationships related to the

powerplant's location from Bureau of Mines Districts 7 through 20 and 22. FEA observes, however, that the powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplant and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Blue Valley 3 would probably come from BOM District 20 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to these powerplants, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as an alternate route. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* The primary route for coal delivery to the Blue Valley plant would originate at Salina, Utah on the Denver & Rio Grande Western (D&RGW) Railroad to Pueblo, Colorado (coal is trucked from the mine to the originating point at Salina, Utah). Union Pacific would carry the coal from Pueblo, Colorado to Kansas City, Missouri, where it would be received by the Missouri Pacific and delivered to the plant. The total distance is approximately 550 miles.

An alternate route from the primary supply area would involve originating on the D&RGW from Salina, Utah to Pueblo, Colorado. The Missouri Pacific would then carry the coal to the plant via Kansas City, Mo.

3. *Originating trunk carrier.* The D&RGW, the originator of coal for Blue Valley 3 has approximately 2,500 hopper cars with an estimated average capacity of 90 tons. Using an average number of deliveries of 20 per year per 90-ton car, the D&RGW may need as many as 90 additional cars to handle the demand from Blue Valley 3. This assumes that the railroad would neither have existing excess originating capacity nor obtain cars from other carriers in the originating vicinity. The D&RGW indicated that it is willing to acquire any needed capacity involved in shipment to the Blue Valley facility and that it will modify its expansion plans with demand conditions.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive Orders under Section 2(a) of ESECA.

The D&RGW indicated that transportation facilities at those mine sites within BOM District 20 served by D&RGW are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and power plant facilities.* The primary and alternate destination carrier for Blue Valley 3 is the Missouri Pacific (MP). This company's jurisdiction includes tracks to the plant, and coal deliveries are presently being made on a regular basis by MP. The plant currently has coal unloading facilities.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery to Blue Valley 3 presently exist, and an alternate route is available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Blue Valley 3 will not impair the reliability of service in the area served by the powerplant. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Blue Valley Generating Station is owned by Independence Power and Light Department (IPLD), which is within the geographical area of the Southwest Power Pool regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means the IPLD.

3. The gross capacity, as of September 1, 1976, of all dispatching system powerplants was 285 MW (See line 1, attachment 1.)

4. Proposed changes up to the period in which Blue Valley 3 would implement a Prohibition Order will result in the gross capacity indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Iatan 1	Coal	Add	+726	April 1980.
Totals		Added	+726	

NOTE.—See line 2, attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E–2 dated October 1, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated effective date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Blue Valley 3. FEA assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. A forecast of the peak load for the dispatching system during the period in which Blue Valley 3 would implement a Prohibition Order is as indicated on line 8 of attachment 1.

2. The forecast peak load has been compared with the peak load in a previous similar period. The annual peak load growth rate for these forecasts is 5.4 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the period in which Blue Valley 3 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months is estimated to be required to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplant may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, this projected outage is most likely to occur during the year 1977. The potential loss of capacity from an outage of Blue Valley 3 would be approximately 60 MW (line 7 of attachment 1) which is included in the total outages indicated on line of attachment 1. (The assumed conversion period specified on attachment 1 is shown for the purpose of illustration only.)

3. Maximum projected outages within the dispatching system include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity for the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. A comparison of this net dependable capacity to the forecast peak load shown on line 8 of attachment 1 indicates that the reserve capacity shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of this reserve capacity to the forecast peak load shown on line 8 of attachement 1 results in a reserve margin as indicated on line 11 of attachment 1 (as contrasted with a reserve margin as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers this to be an acceptable reserve margin taking into consideration the geographical location of Blue Valley 3.

5. At the completion of the conversion there will be a net 0.23 MW derating of Blue Valley 3 as a result of using coal as its primary energy source.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Blue Valley 3, are as presently forecast during the time required to implement a Prohibition Order by Blue Valley 3, there will be no impairment of reliability of service within the meaning of ESECA in the area served by IPLD or in the dispatching system as a result of the Order.

ATTACHMENT 1

CITY POWER AND LIGHT RELIABILITY DATA—BLUE VALLEY

	Assumed conversion period June 1–July 31, 1980 (megawatt capacity)
1. Gross capacity as of September 1, 1976	285
2. Added capacity	726
3. Gross capacity	1,011
4. Scheduled outages for maintenance	60
5. Projected outages due to prohibition orders	60
6. Maximum projected outages, due to maintenance and prohibition orders (line 4 plus line 5)	120
7. Unit outage	60
8. Peak load summer 1980	330
9. Net dependable capacity	201
10. Reserve capacity	561
11. Reserve margin percent (maintenance and prohibition orders)	170
12 Reserve margin percent (maintenance only)	188

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplants named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU-156	St. Joseph Light & Power Co.	Lake Rd.	5	St. Joseph, Mo.
OFU-157			6	

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

St. Joseph Light & Power Company shall be referred to as the "utility" and as "SJLPC".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplants Number 5 and Number 6 at the Lake Road Generating Station (Lake Road 5 and 6) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. SJLPC in information filed with FEA dated July 10, 1975, indicated that each powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Lake Road 5 and 6 are presently burning coal as their primary energy source. Therefore, FEA proposed to find that Lake Road 5 and 6 have the necessary plant equipment and facilities associated with the burning of coal.

C. Within the meaning of ESECA and the regulations promulgated pursuant thereto, these powerplants had the capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Lake Road 5 and 6 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.*

a. *Capital investment costs.* Since Lake Road 5 and 6 are currently burning coal as their primary energy source, FEA proposes to find that Lake Road 5 and 6 have acquired or modified the equipment and facilities necessary for the burning of coal as their primary energy source, and such actions were not undertaken as a result of (or in contemplation of) the issuance of a Prohibition Order. These acquisitions or modifications either include or should include those necessary for compliance with the requirements of the Clean Air Act.

b. *Annual operating and maintenance costs.* FEA proposes to find that there are no apparent significant increases in operating and maintenance costs that would result from the continued burning of coal by Lake Road 5 and 6.

c. *Fuel costs.* The alternate fuel which could be used by Lake Road 5 and 6 is natural gas. However, based on information obtained from the Federal Power Commission and from SJLPC, FEA has determined that Lake Road 5 and 6 should continue to experience a substantial curtailment of any future supply of natural gas. FEA, therefore, proposes to find that Lake Road 5 and 6 will continue to burn coal as their primary energy source with no increase in fuel costs as a result of a Prohibition Order.

d. *Total annual costs.* FEA proposes to find that there will be no annual increase in costs incurred, at Lake Road 5 and 6, as a result of an order which prohibits the burning of natural gas or petroleum products.

2. *Reasonableness of costs.* Considering the fact that FEA has determined that Lake Road 5 and 6 should continue to experience curtailment of their alternate fuel, natural gas, as well as the fact that the utility has acquired or modified such equipment and facilities as are necessary in order to burn coal as their primary energy source, FEA proposes to find that the cost of burning of coal in lieu of natural gas or petroleum products is reasonable.

3. *Financial capability of St. Joseph Light & Power Company.* FEA assumes that any capital investment costs associated with the acquisitions and modifications necessary for the burning of coal at Lake Road 5 and 6 are identified in the utility's current and prospective budgetary plans. FEA proposes to find that the decision by the utility to acquire or modify such equipment and facilities in order to burn coal as a primary energy source at Lake Road 5 and 6 was based on an analysis of the financial capability of the utility to assume such capital investment costs as well as any additional operating and maintenance costs associated with the use of coal.

FEA, therefore, proposes to find that the utility has concluded that the burning of coal in lieu of petroleum products or natural gas is economically feasible.

4. *Consumer impact.* FEA proposes to find that the issuance of a Prohibition Order to Lake Road 5 and 6 should have no material effect on SJLPC consumers since there will be no significant change in the cost of producing electricity at Lake Road 5 and 6 as a result of the continued burning of coal at these powerplants.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Lake Road 5 and 6 will discourage the use of natural gas or petroleum products and encourage the continued use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for these powerplants to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Lake Road 5 and 6 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to these powerplants during the period until December 31, 1984.*—A. *Coal availability.*

1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines (BOM) data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 200 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through

1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99% of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	Production potential (million tons)
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976 (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows

Year:	Production (million tons)
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	Demand (million tons)
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and Round II Coal Conversion Candidates, August 1976, hereafter "Coal Conversion Study"):

Year:	Demand (million tons)
1977	5.4
1978	10.0
1979	13.0
1980	18.0
1981	20.2
1982	41.4
1983	41.4
1984	41.4

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Lake Road 5 and 6. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for these powerplants.* FEA's "Coal Conversion Study" has determined that pulverized-coal dry bottom and cyclone boilers, of the type used as Lake Road 5 and 6, are able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

	Unit 5	Unit 6
Btu's per pound	10,200 minimum	10,100 minimum.
Moisture	15 pct maximum	15 pct maximum.
Ash	20 pct maximum	18 pct maximum.
Volatile	15 pct maximum	15 pct minimum.
Ash softening temperature	2,200 (°F) minimum	2,300 (°F) maximum.
Sulfur	1.1 pct maximum (approximate)	1.1 pct maximum (approximate);

b. *Characteristic coal demand from these powerplants.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	Demand (thousand tons)
1982 and thereafter	861

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Lake Road 5 and 6 in a nationwide market as follows:

Year:	Production (thousand tons) Unit 5	Unit 6
1977	18,529	9,594
1978	35,196	21,992
1979	65,842	48,784
1980	81,773	59,008
1981	97,346	72,329
1982	102,537	75,917
1983	109,793	80,619
1984	127,475	96,967

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	Demand (thousand tons)
1977	5,400
1978	10,000
1979	13,000
1980	18,000
1981	20,200
1982	41,400
1983	41,400
1984	41,400

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Lake Road 5 and 6 (in a probable regional supply/demand relationship related to the location of these powerplants) from BOM Districts 7 through 20 and 22 as follows:

Year	Production (1,000 tons) Unit 5	Unit 6
1977	16,551	7,901
1978	30,602	17,683
1979	56,253	39,380
1980	70,399	47,219
1981	83,666	57,934
1982	88,149	60,814
1983	94,425	64,590
1984	108,900	77,712

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from BOM Districts 7 through 20 and 22 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons)
1977	4,229
1978	8,270
1979	10,917
1980	14,659
1981	16,383
1982	18,735
1983	18,735
1984	18,735

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand from BOM Districts 7 through 20 and 22 for coal with a 1.01–1.40% sulfur content (which includes the 1.1% maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	Demand (thousand tons) percent sulfur 1.01 to 1.40
1977	1,482
1978	2,741
1979	3,152
1980	3,283
1981	3,283
1982	3,607
1983	3,607
1984	3,607

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 7 through 20 and 22 uncommitted coal production that meets the requirements of Lake Road 5 and 6 as described in paragraph A.3.a., above.

FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Lake Road 5 and 6 will probably be bought from producers according to regional supply/demand relationships related to the powerplants' locations from BOM Districts 7 through 20 and 22. FEA observes, however, that these powerplants could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal Transportation*—1. *Location of powerplants and coal supply.* Based on an FEA study, Utility Analysis of Coal Transporation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Lake Road 5 and 6 would probably come from BOM District 19 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to these powerplants, complying coal can transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as an alternate route. These route were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* The primary route for coal delivery to the Lake Road plant would originate coal on the Union Pacific Railroad (U.P.) to Council Bluffs, Iowa. Burlington Northern would then deliver the coal to the plant in St. Joseph, Missouri. The total distance is approximately 750 miles.

An alternate route from the primary supply area would involve originating on UP through Cheyenne, Wyo., Denver, Colo., and Limon, Colo. to Kansas City, Mo. Delivery to the plant from Kansas City would be made by Burlington Northern.

3. *Originating trunk carrier.* The UP, the originator of coal for Lake Road 5 and 6 has approximately 7,000 hopper cars with an estimated average capacity of 85 tons. Using an average number of deliveries of 20 per year per 85-ton car, the UP may need as many as 200 additional cars to handle the demand from Lake Road 5 and 6. This estimate assumes that the railroad will neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity. The UP indicated that it is willing to acquire any needed capacity involved in shipment to the Lake Road facility and that it will modify its expansion plans with demand conditions.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The UP indicated that transportation facilities at those mine sites within BOM District 19 are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* The primary and alternate destination carriers for Lake Road 5 and 6 are the Burlington Northern (BN) or Missouri Pacific (MP). Both the MP's and BN's jurisdiction includes tracks to the plants and the MP is presently delivering coal to the plants. These powerplants presently burn coal. All coal delivery facilities are adequate for the demand anticipated through 1985, and no equipment constraints exist at the plant.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery to Lake Road 5 and 6 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum porducts as their primary energy source will not impair the reliability of service in the area served by the affected powerplants.* Based on an analysis of the information submitted to FEA by the Federal Power Commission and St. Joseph Light & Power Co., FEA proposes to find that the issuance of a Prohibition Order to Lake Road 5 and 6 will not impair the reliability of service in the area served by these powerplants since there will be no outage as a result of a Prohibition Order to Lake Road 5 and 6.

SJLPC has advised FEA that Lake Road 5 and 6 were designed to burn natural gas or coal and are currently burning coal. There will therefore be no impairment of reliability of service within the meaning of ESCEA in the area served by SJLPC as a result of a Prohibition Order.

Appendix

Proposed findings and rationale for notice of intention to issue a prohibition order

ESECA and the FEA regulations require FEA to make certain findings before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with respect to the powerplant named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
OFU-159	Fremont Department of Utilities	Lon D. Wright Memorial	7	Fremont, Nebr.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

Fremont Department of Utilities shall be referred to as the "utility" and as "Fremont".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplant Number 7 at the Lon D. Wright Memorial Generating Station (Wright 7) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Fremont, in information filed with FEA dated July 10, 1975, indicated that this powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Wright 7 is presently burning coal as its primary energy source. Therefore, FEA proposes to find that Wright 7 has the necessary plant equipment and facilities associated with the burning of coal.

C. Within the meaning of ESECA and the regulations promulgated pursuant thereto, this powerplant had the capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Wright 7 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based on the facts and interpreations stated below:

A. *The buring of coal is practicable.*—1. *Costs associated with burning coal.*

a. *Capital investment costs.* Since Wright 7 is currently burning coal as its primary energy source, FEA proposes to find that Wright 7 has acquired or modified the equipment and facilities necessary for the burning of coal as its primary energy source, and such actions were not undertaken as a result of (or in contemplation of) the issuance of a Prohibition Order. These acquisitions or modifications either include or should include those necessary for compliance with the requirements of the Clean Air Act.

b. *Annual operating and maintenance costs.* FEA proposes to find that there are no apparent significant increases in operating and maintenance costs that would result from the continued burning of coal by Wright 7.

c. *Fuel costs.* The alternate fuel which could be used by Wright 7 is natural gas. However, based on information obtained from the Federal Power Commission and from Fremont, FEA has determined that Wright 7 should continue to experience a substantial curtailment of any future supply of natural gas. FEA, therefore, proposes to find that Wright 7 will continue to burn coal as its primary energy source with no increase in fuel costs as a result of a Prohibition Order.

d. *Total annual costs.* FEA proposes to find that there will be no annual increase in costs incurred, at Wright 7, as a result of

an order which prohibits the burning of natural gas or petroleum products.

2. *Reasonableness of costs.* Considering the fact that FEA has determined that Wright 7 should continue to experience a curtailment of its alternate fuel, natural gas, as well as the fact that the utility has acquired or modified such equipment and facilities as are necessary in order to burn coal as its primary energy source, FEA proposes to find that the cost of burning coal in lieu of natural gas or petroleum products is reasonable.

3. *Financial capability of Fremont Department of Utilities.* FEA assumes that any capital investment costs associated with the acquisitions and modifications necessary for the burning of coal at Wright 7 are identified in the utility's current and prospective budgetary plans. FEA proposes to find that the decision by the utility to acquire or modify such equipment and facilities in order to burn coal as a primary energy source at Wright 7 was based on an analysis of the financial capability of the utility to assume such capital investment costs as well as any additional operating and maintenance costs associated with the burning of coal.

FEA, therefore, proposes to find that the utility has concluded that the burning of coal in lieu of petroleum products or natural gas is economically feasible.

4. *Consumer impact.* FEA proposes to find that the issuance of a Prohibition Order to Wright 7 should have no material effect on Fremont consumers since there will be no significant change in the cost of producing electricity at Wright 7 as a result of the continued burning of coal at this powerplant.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Wright 7 will discourage the use of natural gas or petroleum products and encourage the continued use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Wright 7 would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to this powerplant during the period until December 31, 1984.*—A. *Coal availability.* 1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines (BOM) data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves, approximately 200 billions tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal prdoucing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansion plans that extend that far into the future; however, the projected total national coal production for 1985 already meets 99 percent of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	*Production potential (million tons)*
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	980.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An FEA study, Availability of Potential Coal Supply Through 1985, by Quality Characteristics, August 1976 (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	*Production (million tons)*
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	*Demand (million tons)*
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and Round II Coal Conversion Candidates, August 1976 (hereafter "Coal Conversion Study")):

Year:	*Demand (million tons)*
1977	5.4
1978	10.0
1979	13.0
1980	18.0
1981	20.2
1982	41.4
1983	41.4
1984	41.4

d. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Wright 7. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which is not now committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for this powerplant.* FEA's "Coal Conversion Study" has determined that a pulverized-coal wet bottom boiler, of the type used at Wright 7, is able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU's a/lb	[1] 9,900
Moisture (percent)	[2] 15
Ash (percent)	[2] 20
Volatile (percent)	[2] 15
Ash softening temp. (°F)	[1] 2,300
Sulfur (approximately) (percent)	[2] 1.3

[1] Minimum.
[2] Maximum.

b. *Characteristic coal demand from this powerplant.* The potential demand for coal, of the type described above, which would result from this NOI is estimated to be as follows:

Year:	*Demand (thousand tons)*
1982 and thereafter	927

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Wright 7 in a nationwide market as follows:

Year:	*Production (thousand tons)*
1977	9,594
1978	21,993
1979	48,786
1980	59,010
1981	72,382
1982	75,920
1983	80,622
1984	96,971

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under the authority of Section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is:

Year:	*Demand (thousand tons)*
1977	5,400
1978	10,000
1979	13,000
1980	18,000
1981	20,200
1982	41,400
1983	41,400
1984	41,400

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Wright 7 (in a probable regional supply/demand relationship related to the location of this powerplant) from BOM Districts 7 through 20 and 22 as follows:

Year:	*Production (thousand tons)*
1977	7,901
1978	17,684
1979	39,832
1980	47,221
1981	57,937
1982	60,817
1983	64,593
1984	77,716

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from BOM Districts 7 through 20 and 22 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons)*
1977	4,229
1978	8,270
1979	10,917
1980	14,659
1981	16,383
1982	18,735
1983	18,735
1984	18,735

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand from BOM Districts 7 through 20 and 22 for coal with a 1.01–1.40 percent sulfur content (which includes the 1.3 percent maximum sulfur content as described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons) Sulfur 1.01 to 1.4*
1977	1,482
1978	2,741
1979	3,152
1980	3,283
1981	3,283
1982	3,607
1983	3,607
1984	3,607

The regional planned production of coal, stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds the potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines Districts 7 through 20 and 22 uncommitted coal production that meets the requirements of Wright 7 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA. Coal for Wright 7 will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from BOM Districts 7 through 20 and 22. FEA observes, however, that this powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Mid-western and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplants and coal supply.* Based on an FEA study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Wright 7 would probably come from Bureau of Mines (BOM) District 19 as both the primary and alternate source of supply. While this supply area is the nearest available potential source able to supply complying coal to this powerplant, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as an alternate route. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* The primary route for coal delivery to the Wright 7 would originate coal on the Union Pacific (UP) to Fremont, Nebraska. The coal would be delivered to the plant by the Chicago and North Western (C&NW). The total distance is approximately 700 miles.

An alternate route from the primary supply area would involve originating on the UP to Brush, Colo. The Burlington Northern (BN) would bring the coal to Fremont. C&NW would make the final delivery.

3. *Originating trunk carrier.* The UP, the originator of coal for Wright 7, has approximately 7,000 hopper cars with an estimated average capacity of 85 tons. Using an average number of deliveries of 20 per year per 85-ton, the UP may need as many as 40 additional cars to handle the demand from Wright 7. This assumes that the railroad will neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity. The UP indicated that it is willing to acquire any needed capacity involved in shipment to the Wright 7 and that it will modify its expansion plans with demand conditions.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

The UP indicated that transportation facilities at those mine sites within BOM District 19 are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate or intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* The Chicago and North Western is the destination carrier for the Wright 7. The C&NW owns the railroad siding into the plant. At present the C&NW delivers coal to Wright 7. The plant has adequate unloading equipment to handle the coal deliveries. This equipment is presently in operating condition, and is being used to unload coal.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no significant constraints to coal delivery to Wright 7 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission and Fremont, FEA proposes to find that the issuance of a Prohibition Order to Wright 7 will not impair the reliability of service in the area served by the powerplant since there will be no outage as a result of a Prohibition Order to Wright 7.

The Fremont Department of Utilities has advised FEA that Wright 7 was designed to burn gas and coal and is currently burning coal. There will therefore be no impairment of reliability of service within the meaning of ESECA in the area served by Wright 7 as a result of a Prohibition Order.

[FR Doc.77-12160 Filed 4-28-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention To Issue Prohibition Orders to Certain Powerplants

The Federal Energy Administration (FEA) hereby gives notice of its intention to issue a Prohibition Order, pursuant to the authorities granted it by Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended (ESECA), and Chapter 10, Code of Federal Regulations (10 CFR), Parts 303 and 305 to the following powerplant:

Docket No.	Owner	Generating station	Unit No.	Location
OFU-139	Philadelphia Electric Co.	Cromby	2	Phoenixville, Pa.

FEA hereby also gives notice of the opportunity for oral and written presentation of data, views, and arguments by interested persons regarding this proposed Prohibition Order.

The proposed order would prohibit the above-named powerplant from burning natural gas or petroleum products as its primary energy source.

Prior to issuance of a Prohibition Order to a powerplant, section 2(a) of ESECA and 10 CFR 303.36(b) and 305.3 (b) require that FEA find that the powerplant had the capability and necessary plant equipment to burn coal as of June 22, 1974. A Prohibition Order may not be issued unless FEA can find that the prohibition of the utilization of natural gas or petroleum products as a primary energy source is practicable and consistent with the purposes of ESECA, that coal and coal transportation facilities will be available during the period the Prohibition Order will be in effect, and that the prohibition will not impair the reliability of service in the area served by the powerplant. FEA's proposed findings, as well as its proposed conclusions and rationale with respect to these findings, for each powerplant are set out in the Appendix to this notice. These findings, conclusions and rationale may be amended as a result of comments received by FEA pursuant to this notice and other information available to FEA. The findings, conclusions and rationale will be included, with any amendments, for each Prohibition Order that is issued.

Upon completion of the proceedings described in this notice, FEA may determine to issue a Prohibition Order to the above-named powerplant. This Phohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant is able to burn coal and to comply with all applicable air pollution control requirements without a compliance date extension under section 119(c) of such Act, or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to section 119(d)(1)(B) of the Clean Air Act, is the earliest date that the powerplant will be able to comply with all applicable air pollution control requirements of section 119 of that Act, and (2) FEA has considered the environmental impact of the order, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected powerplant with a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the Prohibition Order will be effective will be stated in the Notice of Effectiveness.

10 CFR 305.9 requires that, prior to the issuance of a Notice of Effectiveness to a powerplant, FEA shall perform an analysis of the Environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result in either (1) issuance of a declaration that the Prohibition Order will not, if made effective by issuance of a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment, or (2) the preparation by FEA of an environmental impact statement covering significant site-specific impacts that are likely to result from the Prohibition Order and that have not been adequately addressed in the Final Environmental Statement (FES 75-1, dated April 25, 1975) or in other official documents made publicly available.

If FEA prepares an environmental impact statement covering significant site-specific impacts resulting from a Prohibition Order, the statement shall be prepared and published for comment in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement. With respect to comments regarding any impact on air quality that might result from a proposed Prohibition Order, however, it should be recognized that ESECA has assigned to EPA the primary responsibility for analyzing the effect of any such order on the Nation's air quality and for determining the applicable air pollution control requirements that apply to the powerplant that has been issued an order. It is expected that, in almost every case, a powerplant to which a Prohibition Order is issued will be eligible to apply to EPA for a compliance date extension. In connection with that application, EPA must provide an opportunity for written comment and oral presentation of data, views and arguments by interested persons. Enclosed with the Notice of Effectiveness may be a compliance reporting schedule to insure that the powerplant will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source on the effective date specified in the Notice of Effectiveness.

Public comment on the proposal to issue a Prohibition Order to the powerplant listed above is invited in the form of written and oral presentation of data, views and arguments.

Comments should address (1) the adequacy and validity of each of the proposed findings and the conclusions and rationale in support of these findings, (2) the environmental impact of the issuance of a Prohibition Order, including any site-specific environmental impacts, and (3) any other aspects of impacts of the proposed Prohibition Order believed to be relevant.

Pursuant to 10 CFR 303.173 (c) and (d), FEA hereby announces that a public hearing to receive oral presentation of data, views and arguments of interested persons will be held beginning at 9:00 a.m. on May 10, 1977, in Conference Room 11B, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. Any person who has an interest in the subject of the hearing or who is a representative of a group or class of persons which has an interest in the subject of the hearing may make a written request or a verbal request if confirmed in writing, for an opportunity to make an oral presentation. That request should be directed to Ed Gray, FEA Region III, Room 1001, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, (215) 597-3607. The request should be received before 4:30 p.m., Tuesday, May 3, 1977. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate representative of the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through May 9, 1977. Speakers will be contacted by an FEA representative before 4:30 p.m., Thursday, May 5, 1977, and should submit ten (10) copies of their oral presentation, if possible, unless such presentation is less than five (5) pages, in which case only one copy is required, to Ed Gray, Federal Energy Administration, Room 1001, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, before 4:30 p.m., Monday, May 9, 1977.

Detailed technical data, views, and arguments should be contained in a written submission in support of the oral presentation. The oral presentation itself should be a summary of those written comments.

While FEA will endeavor to provide adequate opportunity to all who desire to speak, FEA reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited on the basis of the number of persons requesting to be heard. The FEA will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views, and arguments.

An FEA official will be designated to preside at the hearing which will not be a judicial or evidentiary hearing. During oral presentations only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask questions, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by the FEA and made available for inspection and copying at the public reading room located in Room 2107, Federal Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, and the FEA Regional Office, Room 1001, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, or arguments with respect to this proposed Prohibition Order to Executive Communications, Box MC, Federal Energy Administration, Federal Building, Room 3309, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Comments and other documents submitted to FEA Executive Communications should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for the Cromby Powerplant." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., Monday, May 30, 1977, all oral presentations, and all other relevant information submitted to or otherwise available to FEA will be considered by FEA prior to issuance of a Prohibition Order.

Any information or data considered to be confidential by the person furnishing it must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing section 2(a) and (b) of ESECA (10 CFR Parts 303 and 305) are available from the following FEA Regional Offices:

REGION, ADDRESS AND PHONE

I. Robert Mitchell, Regional Administrator, 150 Causeway Street, Room 700, Boston, Massachusetts 02113—617-223-3701.
II. Alfred Kleinfeld, Regional Administrator, 26 Federal Plaza, Room 3206, New York, New York 10007—212-264-1021.
III. J.A. LaSala, Regional Administrator, 1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102—215-597-3390.
IV. Donald Allen, Regional Administrator, 1655 Peachtree Street, N.E., 8th Floor, Atlanta, Georgia 30309—404-526-2837.
V. N. Allen Andersen, Regional Administrator, Federal Office Building, 175 West Jackson Blvd., Room A-333, Chicago, Illinois 60604—312-353-0540.
VI. Delbert Fowler, Regional Administrator, Post Office Box 35228, 2626 W. Mockingbird Lane, Dallas, Texas 75235—214-749-7845.
VII. Neil Adams, Regional Administrator, 1150 Grand Avenue, Kansas City, Missouri 64106—816-374-2061.
VIII. Dudley Faver, Regional Administrator, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226—303-234-2420.
IX. William Arntz, Regional Administrator, 111 Pine Street, San Francisco, California 94111—415-556-7216.
X. Jack B. Robertson, Regional Administrator, 1992 Federal Building, 915 Second Avenue, Seattle, Washington 98174—206-442-7280.

Any questions regarding this Notice should be directed to the FEA National Office as follows: Federal Energy Administration, Code GCU (Prohibition Order: Cromby Powerplant), Washington, D.C. 20461, 202-566-7941.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*), as amended by Pub. L. 94-385; E.O. 11790 (39 FR 23185).)

Issued in Washington, D.C., April 25, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the FEA regulations require FEA to make certain findings and to consider certain factors before issuing a Prohibition Order to a powerplant. FEA's proposed findings are set out below with repect to the powerplant named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Generating station	Unit No.	Location
0FU-130	Philadelphia Electric Co.	Cromby	2	Phoenixville, Pa.

These findings, which are now proposed by FEA, are based on the information that has been provided to and developed by FEA prior to the issuance of this Notice of Intention (NOI) to Issue a Prohibition Order.

Philadelphia Electric Company shall be referred to as the "utility" and as "Philadelphia Electric".

I. *Capability and necessary plant equipment to burn coal.* FEA proposes to find that on June 22, 1974, Powerplant Number 2 at the Cromby Generating Station (Cromby 2) had the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Philadelphia Electric in information filed with FEA dated July 10, 1975, indicated that the powerplant had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, the powerplant may not have been burning coal as its primary energy source.

B. Based on information Philadelphia Electric filed with FEA dated July 10, 1975, and other information available to FEA, the following plant equipment or facilities at Cromby 2 would have to be acquired or refurbished in order for this powerplant to burn coal as its primary energy source: (1) Coal burners and mills, (2) ash handling system, (3) superheater tube shields, and (4) combustion controls.

C. FEA proposes to find that on June 22, 1974, Cromby 2 had all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the equipment and facilities listed in paragraph B, above, do not individually or in combination constitute a lack of capability and necessary plant equipment to burn coal as of June 22, 1974.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.* FEA proposes to find that the burning of coal at Cromby 2 in lieu of petroleum products or natural gas is practicable and consistent with the purposes of ESECA. This finding is based upon the presumption that Cromby 2 will be operated at a 64 percent capacity factor, has a remaining useful life of 14 years (as of the date of this NOI), is expected to have at least 9 years remaining useful life after conversion of the powerplant, and on the facts and interpretations stated below:

A. *The burning of coal is practicable.*—1. *Costs associated with burning coal.*

a. *Capital investment costs.* The total initial capital investment costs, exclusive of financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Cromby 2 are estimated to be approximately $20,326,000, which assumes that flue gas desulfurization equipment (including venturi scrubber) will be required at a cost of $20,342,000 to comply with the air pollution control requirements of the Clean Air Act. This estimate is based on a PEDCo-Environmental Specialists, Inc. report entitled Coal Conversion Cost Reasonableness Analysis for the Cromby 2 Plant, Feb. 25, 1977 (hereafter "PEDCo. Report").

b. *Annual operating and maintenance costs.* The increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal is estimated to be approximately $10,284,000 per year including $8,657,000 for operation and maintenance of air pollution control equipment. This estimate is based on the PEDCO. Report.

c. *Fuel costs.* (i) Based on information supplied by Philadelphia Electric, the price of petroleum products available to Cromby 2 is approximately $2.45 per million Btu's for oil. This represents $14.60 per barrel of oil, assuming 5.96 million Btu's per barrel.

(ii) Based on information supplied by PEDCo-Environmental Specialists, Inc. the price of coal available to Cromby 2 is approximately $1.08 per million Btu's. This represents $26.78 per ton of coal, assuming 24.8 million Btu's per ton.

(iii) FEA estimates that the burning of coal by this powerplant will result in a reduction of approximately $1.37 per million Btu's, or $15,021,000 per year in fuel costs. This estimate is based on fuel consumption presuming Cromby 2 is operated at a 64 percent capacity factor and with an average heat rate of 9,789 Btu's per kilowatt hour.

d. *Total annual costs associated with conversion.* As a result of the conversion of Cromby 2, there will be an estimated total annual increase in costs incurred, exclusive of fuel costs, of approximately $16,184,000.

2. *Reasonableness of costs of conversion.* The foregoing analysis of the costs of conversion provides the basis for deciding whether the conversion of Cromby 2 is reasonable. Financial impacts of the conversion

will be felt by the utility and by the consumer.

As a result of conversion, the utility will incure additional annual capital investment costs, including financing costs, of approximately $5,900,000 (this represents an amortized cost over the 9 years remaining useful life of this powerplant after conversion, and is based on a fixed charge rate of 28.9% of the total initial capital investment of $20,396,000) and additional annual operating and maintenance costs, exclusive of fuel costs, of approximately $10,284,000 (these figures are derived from the figures in paragraphs A.1. a., and b.), but will experience an annual fuel cost savings of approximately $15,021,000. (See paragraphs A.1.c.) The estimated net annual increase in cost of producing electricity at Cromby 2 after conversion will be $1,163,000.

Increased costs for conversion will be mitigated by the decrease in fuel costs. The net result, however, will be in an increase in the cost of producing electricity at Cromby 2. The costs to the utility resulting from this Prohibition Order ultimately will be recovered in rates.

The use of coal at Cromby 2 will result in an estimated annual equivalent savings of 1,844,000 barrels of oil that otherwise would be used in providing steam for electric power generation. The cost of conversion per barrel of oil saved is estimated to be $0.63.

Although conversion to the burning of coal would be expected to increase the cost of producing electricity at Cromby 2, FEA proposes to find that such increased cost, per barrel of oil saved, is not unreasonable. This determination is based on consideration of the substantial savings of oil that will result from this conversion. The determination that the costs of converting are not unreasonable is further supported by consideration of such costs in relation to the expected 9 years remaining useful life of the powerplant after conversion, the size and resources of Philadelphia Electric as examined in the following analysis of financial capability, the nature of the expected operations of this powerplant, and potential future increases in the fuel cost differential in favor of coal.

3. *Financial capabilities of Philadelphia Electric.* a. *Recovery of capital investment.* FEA proposes to find that compliance with a Prohibition Order to Cromby 2 would be economically feasible. FEA's analysis took into consideration the $20,396,000 additional capital investment required for Philadelphia Electric to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other Notices of Intention, to date, if any, to issue prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Philadelphia Electric powerplants. FEA related these additional capital investment costs to Philadelphia Electric's estimate of its 1977–79 construction budget of $2 billion, the total capitalization of Philadelphia Electric of $3.5 billion, and the 9 years remaining useful life after conversion of Cromby 2.

FEA does not consider the effect of this added capital investment cost to represent an unreasonable burden given the financial capabilities of the utility to assume such costs.

b. *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration would be $16,184,000. This also represents the total estimated annual incremental increase in revenue requirements of Philadelphia Electric. (FEA also took into consideration revenue requirements of Philadelphia Electric resulting from compliance with all other Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all outstanding Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to Philadelphia Electric powerplants.) This estimate of $16,184,000 in revenue requirements is based on an investment oriented analysis described in an Ultrasystems Inc. report entitled Computer Methodology For Coal Conversion Cost Reasonableness Determination, August 1976, (hereafter "Ultrasystems Computer Model"). The estimate includes an incremental rate of return on retained earnings which are invested.

(For comparison with the Ultrasystem Computer Model results, FEA performed a financial analysis based on a Price Waterhouse and Co. report entitled Identification Of Possible Financial Effects Of Converting Certain Electric Generating Facilities To The Use Of Coal, October 1976. This analysis estimated the total annual incremental increase in revenue requirements to be $16,320,000, which assumed a predicted effect on Philadelphia Electric's financial statement and represents revenues required to offset any potential loss in Philadelphia Electric's net earnings per share as reported for Fiscal Year ending 1975.)

The total estimated annual increase in costs of $16,184,000 associated with conversion ultimately will be recovered in rates. However, due to the potential offsetting value of fuel cost savings of approximately $15,021,000 attributable to compliance with this NOI and all other NOI's currently under consideration, the net annual revenue requirements of Philadelphia Electric should increase by approximately $1,163,000.

4. *Consumer Impact.* The potential initial impact of a Prohibition Order to Cromby 2 is a net increase in revenues required from Philadelphia Electric consumers of approximately $0.00046 per kilowatt hour of electricity sold by Philadelphia Electric. This estimate is based on FEA's analysis of the Ultrasystems Computer Model.

The actual amount of the increase will depend on the actual amount of the investment necessary to comply with a Prohibition Order, the methods which Philadelphia Electric selects to finance the increased cost associated with burning coal as a primary energy source at Cromby 2, the extent to which the cost increase is spread among Philadelphia Electric consumers, the regulations or policies of the regulatory agencies with jurisdiction over Philadelphia Electric regarding inclusion of such cost increases in consumer rates, the actual amount of the fuel differential, and other factors.

B. *Consistency with the purposes of ESECA.* Because the issuance of a Prohibition Order to Cromby 2 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, FEA proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which FEA is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this powerplant to comply with the Clean Air Act and other applicable environmental protection requirements, FEA proposes to conclude that a Prohibition Order to Cromby 2 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to this powerplant during the period until December 31, 1984.*

A. *Coal availability.*—1. *National coal reserves.* United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable, (Demonstrated Coal Reserve Base of the United States, by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 200 billion tons contain 1% or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, FEA has examined several studies, referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnages of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980, plans for new production are not yet fully developed because few coal producers have firm expansions plans that extend that far into the future; however, the projected total planned national coal production for 1985 already meets 99 percent of the total U.S. demand expected in 1985. With time, more potential mine developments will become firm plans, thus increasing the planned production.

a. *National coal production.* It is conservatively estimated that it will be practicable to produce coal nationally in at least the following quantities:

Year:	*Production potential (million tons)*
1977	732.3
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential.

An EPA study, Availability of Potential Coal Supply Through 1985 by Quality Characteristics, August 1976, (hereafter "Availability Study"), indicates current plans for nationwide production of uncommitted coal as follows:

Year:	*Production (million tons)*
1977	48.4
1978	122.2
1979	237.1
1980	287.3
1981	344.0
1982	363.9
1983	390.1
1984	469.5
1985	544.9

b. *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from FEA action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

Year:	*Demand (million tons)*
1977	698
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

c. *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA is as follows (Coal Availability and Demand: Round I and II Coal Conversion Candidates, August 1976 (hereafter "Coal Conversion Study")):

Year:	*Demand (million tons)*
1977	4.5
1978	9.1
1979	12.0
1980	17.0
1981	19.2
1982	27.6
1983	27.6
1984	27.6

3. *Characteristic coal, production and demand.* FEA's "Availability Study" identifies coal of specific quality characteristics available for use at Cromby 2. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which was not committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

a. *Characteristic coal requirements for this powerplant.* FEA's "Coal Conversion Study" has determined that a pulverized-coal, dry bottom boiler of the type used at Cromby 2 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

BTU's/lb	[1] 13,100
Moisture (percent)	[2] 15
Ash (percent)	[2] 19
Volatile (percent)	[1] 15
Ash softening temperature (°F)	[1] 2,200
Sulfur (approximate) (percent)	[2] 2.7

[1] Minimum.
[2] Maximum.

b. *Characteristic coal demand from this powerplant.* The potential demand for coal of the type described above, which would result from this NOI is estimated to be as follows:

Year:	*Demand (thousand tons)*
1982 and thereafter	443

c. *National planned production, characteristic coal.* The FEA "Coal Conversion Study" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to Cromby 2 in a nationwide market as follows:

Year:	*Production (thousand tons)*
1977	18,258
1978	26,667
1979	50,263
1980	58,353
1981	69,045
1982	72,867
1983	77,854
1984	94,105

d. *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. National ESECA Prohibition Order demand as stated in paragraph A.2.c., above is:

Year:	*Demand (thousand tons)*
1977	4,500
1978	9,100
1979	12,000
1980	17,000
1981	19,200
1982	27,600
1983	27,600
1984	27,600

e. *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Cromby 2 (in a probable regional supply/demand relationship related to the location of this powerplant) from Bureau of Mines Districts 1 through 15 as follows:

Year:	*Production (thousand tons)*
1977	13,258
1978	26,667
1979	50,263
1980	58,353
1981	69,045
1982	72,867
1983	77,854
1984	94,105

f. *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.a., above, exceeds the potential demand for coal regardless of characteristic from Bureau of Mines Districts 1 through 15 expected to result from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA. This potential regional demand is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons)*
1977	2,877
1978	5,256
1979	7,027
1980	11,932
1981	14,138
1982	22,179
1983	22,179
1984	22,179

g. *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand for coal from BOM Districts 1 through 15 with a 2.21–2.71 percent sulfur content (which includes the 2.7 percent maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of section 2(a) of ESECA is estimated in FEA's "Coal Conversion Study" as follows:

Year:	*Demand (thousand tons) percent sulfur 2.21 to 2.71*
1977	508
1978	807
1979	1,242
1980	1,563
1981	1,733
1982	5,519
1983	5,519
1984	5,519

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds this potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* FEA has found no state or local laws or policies limiting the extraction of utilization of coal that would adversely affect these production figures, and none have been brought to FEA's attention.

5. *Conclusion.* FEA's "Availability Study" has identified nationally and in Bureau of Mines District 1 through 15 uncommitted coal production that meets the requirements of Cromby 2 as described in paragraph A.3.a., above. FEA proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other Notices of Intention to issue Prohibition Orders to date and from all outstanding Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for Cromby 2 will probably be bought from producers according to regional supply/demand relationships related to the powerplant's location from Bureau of Mines Districts 1 through 15. FEA observes, however, that this powerplant could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975.)

B. *Coal transportation.*—1. *Location of powerplant and coal supply.* Based on an FEA Study, Utility Analysis of Coal Transportation Availability, November 1976, (hereafter "Transportation Availability Study"), coal for Cromby 2 would probably come from Bureau of Mines (BOM) District 1 as the primary source of supply and from District 8 as the alternate source of supply. While these supply areas are the nearest available sources able to supply complying coal to the powerplant, complying coal can be transferred by rail from other identified sources within the United States. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.* A primary route for coal delivery for Cromby 2 would originate on Consolidated Railroad Corporation (Conrail), and be delivered to the plant via Coalpert, Harrisburg, and Lancaster, Pennsylvania. The total rail distance is approximately 200 miles.

One alternate route from BOM District 1 would involve originating and delivering coal by Conrail, via Reading, Williamsport, and Reading, Pennsylvania.

Another alternate route from an alternate supply would be to originate coal from BOM District 8 to Hagerstown, Maryland, on the Norfolk and Western (N&W) Railroad. Conrail would deliver the coal from Hagerstown, Maryland to the powerplant.

3. *Originating trunk carrier.* Conrail, the expected originating carrier of coal from Cromby 2, has approximately 52,000 hopper cars with an estimated average capacity of 80 tons. Using an average number of deliveries of 10 per year per 80-ton car, Conrail may need as many as 550 additional cars to handle the increased demand from Cromby 2. This estimate assumes that the railroad would neither have excess originating capacity nor obtain cars from other carriers in the originating vicinity.

Conrail indicated that it is willing to acquire any needed capacity involved in shipment to Cromby 2 and that it would modify its expansion plans with demand conditions. The railroad also indicated that its carrying capacity could be expanded as quickly as the utility prepares to burn coal.

FEA's "Transportation Availability Study" concluded that for all potential Prohibition Order candidates studied, there would be no major constraints in transporting coal. The study examined existing rail transportation car capacity, water transportation capacity, including unloading docks, where applicable, and took into account projections made by all carriers to meet the anticipated demand for all types of transportation facilities assuming all powerplants studied were to receive orders under section 2(a) of ESECA.

Conrail indicated that transportation facilities at those mine sites within BOM District 1, served by Conrail are in satisfactory operating condition and that loading facilities could handle the required coal volumes.

FEA has not found nor has it been informed of any apparent constraints to carrying coal for any alternate of intermediate carriers should they be used.

4. *Destination carrier and powerplant facilities.* The primary and alternate destination carrier for Cromby 2 is Conrail. Conrail jurisdiction includes spur tracks to the plant, which are reported by the utility to be in good condition. Car dumpers are in place and operable for unloading coal.

Philadelphia Electric has indicated that all coal receiving facilities serving Cromby 2 are adequate to handle the projected demand through 1985.

There are no other obstacles to the delivery of coal to Cromby 2.

5. *Conclusion.* Coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect since no major constraints to coal delivery over the primary route to the Cromby 2 presently exist, and alternate routes are available.

IV. *The prohibition of the burning of natural gas or petroleum products as its primary energy source will not impair the reliability of service in the area served by the affected powerplant.* Based on an analysis of the information submitted to FEA by the Federal Power Commission, and after consultation with the Federal Power Commission, FEA proposes to find that the issuance of a Prohibition Order to Cromby 2 will not impair the reliability of service in the area served by the powerplant. This proposed finding is based on the facts and interpretations stated below:

A. *Description of the dispatching system.* 1. The Cromby Station is owned by Philadelphia Electric, which is a member of the Pennsylvania/New Jersey/Maryland (PJM) power pool, which is within the geographical area of the Mid-Atlantic Area Council regional electric reliability council.

2. The term "dispatching system" as used in the proposed finding means the PJM.

3. The gross capacity, as of September 1976, of all dispatching system powerplants was 44,543 MW. (See line 7, attachment 1)

4. Proposed changes up to the period in which Philadelphia Electric would implement a Prohibition Order will result in the gross capacity indicated on line 3 of attachment 1 because of the following changes in the dispatching system listed in Table 1:

TABLE 1

Powerplant designation	Fuel	Type of change	Capacity change (megawatt)	Effective date
Salem 1	Nuclear	Add	+1,090	December 1976.
Martin Creek 4	Oil	Add	+850	January 1977.
Calvert Cliffs 2	Nuclear	Add	+900	March 1977.
Crawford 3	Coal	Retired	−42	Do.
Crawford 4	do	do	−5	Do.
Gould St. 1	Oil	do	−33	April 1977.
Gould St. 2	Oil	do	−33	Do.
Easton 21	Oil	Add	+6.25	May 1977.
Easton 22	Oil	Add	+6.25	Do.
Easton 3	Oil	Retired	−.7	Do.
Gilbert 8	Oil	Add	+130	Do
Homer City 3	Coal	Add	+693	October 1977.
Three Mile Island 2	Nuclear	Add	+927	May 1978.
Crawford 1	Oil	Retired	−33	June 1978.
Crawford 2	Oil	do	−33	Do.
Salem 2	Nuclear	Add	+1,115	May 1979.
Indian River 4	Coal	Add	+445.5	Do.
Brandon Shores 1	Oil	Add	+610	February 1980.
Chalk Point 4	Oil	Add	+801	May 1980.
Susquehanna 1	Nuclear	Add	+1,050	November 1980
Easton 4	Oil	Retired	−.7	May 1981.
Westport 1	Oil	do	−25	January 1982.
Westport 13	Oil	do	−20	Do.
Westport 14	Oil	do	−20	Do.
Brandon Shores 2	Oil	Add	+610	February 1982.
Totals; 1982 Spring load period:				
Added				+9034
Retired				−245
Net change				+8789

NOTE.—See line 2 attachment 1.

5. The proposed changes in Table 1, above, are based on the best information available to FEA and the Federal Power Commission (FPC Form 12E-2 dated October 29, 1976) at the time this NOI is issued. FEA has taken into consideration the possibility that the proposed changes may not be completed by the indicated date, but has determined that in such event, with minor modifications to the projected schedule of changes contained in Table 1, gross capacity in the dispatching system would not be significantly affected during the period required for conversion of Cromby 2. FEA assumes outages for conversion at those times that are optimally suited, in terms of forecast peak load periods, to maintain reliability of service.

B. *Forecast peak loads for the dispatching system.* 1. A forecasts of peak the load for the dispatching system during the period in which Cromby 2 would implement a Prohibition Order is as indicated on line 8 of attachment 1.

2. The forecast peak load has been compared with the load peak in a previous similar period. The annual peak load growth rate for these forecasts is 5 percent.

C. *Maximum projected outages for the dispatching system.* 1. Scheduled outages for normal maintenance, including other powerplants implementing Prohibition Orders and nuclear plant refueling within the dispatching system during the period in which Cromby 2 may be implementing a Prohibition Order, may result in some loss of capacity which is expected to be as indicated on line 4 of attachment 1.

2. A projected outage of 2 months is estimated to be required for the powerplant to make modifications, installations, or other physical adjustments required by a Prohibition Order should it become effective. The powerplant may be less than fully dependable during the period of on-line testing and adjustment following such modifications. This period is not expected to exceed 30 days. To take advantage of the maximum reserve capacity, the projected outage is most likely to occur during 1982. The potential loss of capacity from an outage of Cromby 2 would be approximately 220 MW, (line 7, attachment 1) which is included in the total outages indicated on line 6 of attachment 1. The assumed conversion period specified on attachment 1 is shown for the purpose of illustration only.

3. Maximum projected outages within the dispatching system include normal scheduled maintenance for all powerplants (line 4 of attachment 1) and outages due to conversion (line 5 of attachment 1) for those powerplants to be implementing Prohibition Orders. Maximum projected outages are expected to be as indicated on line 6 of attachment 1, thereby reducing the gross capacity and resulting in a net dependable capacity for the dispatching system.

D. *Net dependable capacity for the dispatching system.* 1. Based on the foregoing information, the net dependable capacity for the dispatching system at the expected time of implementation of a Prohibition Order would be as indicated on line 9 of attachment 1.

2. Comparing the net dependable capacity to the forecast peak load shown on line 8 of attachment 1 indicates that the reserve capacity shown on line 10 of attachment 1 would exist for the dispatching system.

3. Comparison of this reserve capacity to the forecast peak load shown on line 8 of attachment 1 results in a reserve margin as indicated on line 11 of attachment 1 (as contrasted with a reserve margin as indicated on line 12 of attachment 1 if no units were removed from service due to Prohibition Orders).

4. The Federal Power Commission considers this to be an acceptable reserve margin taking into consideration the geographical location of Cromby 2.

5. At the completion of the conversion, there will be a net 5.4 MW derating of Cromby 2 as a result of using coal as its primary energy source.

6. Existing transmission system interconnections may transfer an additional 9,260 MW into the dispatching system. This capacity may provide an additional resource of electric power during the implementation period and will enhance the reliability of service.

E. *Conclusion.* If dispatching system conditions, including any scheduled outage by Cromby 2, are as presently forecast during the time required to implement a Prohibition Order by Cromby 2 there will be no impairment of reliability of service within the meaning of ESECA in the area served by Philadelphia Electric or in the dispatching system as a result of the Order.

ATTACHMENT 1

PJM RELIABILITY DATA CROMBY

ASSUMED CONVERSION PERIOD MARCH 1 TO JUNE 30, 1982

	Megawat capacity
1. Gross capacity of PJM as of September 1, 1976	44,543
2. Added capacity	8,789
3. Gross capacity	53,332
4. Scheduled outages for maintenance	10,132
5. Projected outages due to prohibition orders	468
6. Maximum projected outages, due to maintenance and prohibition orders (line 4 and line 5)	10,600
7. Unit outage	220
8. Peak load spring 1982	32,923
9. Net dependable capacity	42,732
10. Reserve capacity	9,809
11. Reserve margin percent (maintenance and prohibition orders)	29.79
12. Reserve margin percent (maintenance only)	31.22

[FR Doc.77-12161 Filed 4-28-77;8:45 am]

federal register

FRIDAY, APRIL 29, 1977

PART III



OFFICE OF THE FEDERAL REGISTER

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FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material;
January–March, 1977

OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January–March 1977

AGENCY: Office of the Federal Register, NARS, GSA.

ACTION: Notice of availability of indexes.

SUMMARY: This notice contains information submitted by agencies to the Office of the Federal Register for the first quarter of 1977 on indexes that the agencies are required to publish and make available under the Freedom of Information Act. This notice is compiled and published to notify the public of the availability of these indexes for sale or public inspection or both.

FOR FURTHER INFORMATION CONTACT:

Doris O'Keefe, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408 (202–523–5230).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Certain amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first quarter of 1977 in order to notify the public of the availability of these indexes for sale and/or public inspection.

FRED J. EMERY,
Director, Office of the Federal Register.

APRIL 29, 1977.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Current listing of all administrative staff manuals.	Director, Data Systems Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013. No charge.	Director, Data Systems Division, ASCS USDA, P.O. Box 2415, Washington, D.C. 20013.
Do	Marketing quota. Review committee determinations; 1970 to date; listing by crop-year of all decisions made on marketing quota appeals.	do	Do.
Do	Board of contract appeals decisions; 1970 to date; listing of all decisions on appeals affecting ASCS and or CCC.	do	Do.
Do	CCC Board dockets; 1969 to date; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	do	Do.
Do	ASCS program appeals; 1970 to date; chronological listing of all appeals handled by ASCS program appeals staff.	do	Do.
Department of Agriculture, Rural Electrification Administration.	Index of current REA publications: Electric Program, as of Apr. 6, 1976, with supplement thereto updating the index to Mar. 31, 1977. An alphabetic and numerical index of REA electric program bulletins, staff instructions, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250. No charge.	Director, Information Service Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250.
Do	Index of current REA publications: Telephone as of Mar. 5, 1976, with supplement thereto updating the index to Mar. 31, 1977. An alphabetic and numerical index of REA telephone program bulletins, staff instructions, contract forms, specifications, sections of the Telephone Engineering and Construction and Telephone Operations manuals, and the rules and regulations of the Rural Telephone Bank.	do	Do.
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0-9). Aug. 6, 1976. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation. Shelf stock. $2.76 per copy; reproduced copies, $5.50 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	DADF at nearest Air Force installation.
Do	Guide to indexes, catalogs, and lists of departmental publications (AFR 0-1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Numerical index of standard publications and recurring periodicals (AFR 0-2). Mar. 4, 1977. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	DADF at nearest Air Force installation. Shelf stock. $2.75 per copy; reproduced copies $5.75; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Miscellaneous Air Force and other Government agency publications (AFR 0-16). Sept. 10, 1976. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.08 per copy; reproduced copies, $2.10 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Publications Numbering Systems (AFR 5-4). February 15, 1974. Contains subject series and description guide and alphabetical list of subjects.	DADF at nearest Air Force installation. Shelf stock $2.15 per copy, reproduced copies $2.45 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Disposition of Air Force documentation (AFM 12-50). Oct. 1, 1969. Pt. 2 consists of decision logic tables which provide for disposition of documentation created or accumulated by all Air Force activities. Attachment 3 is an index to the tables, arranged alphabetically by title of the record.	DADF at nearest Air Force installation. Shelf stock will not be used. Pt. 2 is voluminous, therefore, only tables pertaining to requested records will be reproduced. $2. for 1st 6 pages, plus $0.05 for each additional page. Checks payable to: AFO (name of base furnishing copies).	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Defense, Department of the Army, TAGCEN, Army Publications Directorate.	DA pamphlet 310-1: Index of administrative publications (regulations, circulars, pamphlets, posters, general orders, joint chiefs of staff publications.) Basic dated May 1975, with/change 1, Aug. 25, 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $4.30. Payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do	DA pamphlet 310-2: Index of blank forms, December 1976.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-3: Index of doctrinal, training, and organizational publications (field manuals, reserve officer's training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables and trajectory charts, tables of distribution and allowances). Basic dated May 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.55. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-4: Index of technical manuals, technical bulletins, supply manuals (types 7, 8, and 9), supply bulletins, and lubrication orders. Basic dated November 1974, with change 3, October 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $8.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-6: Index of supply catalogs and supply manuals. Basic dated July 1976, with change 2, Dec. 30, 1976.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310-7: Index of Equipment Modification Work Orders, June 1976.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Department of Defense, Department of the Navy.	Directives Issuance System Consolidated Subject Index of Unclassified Instructions (NAVPUBNOTE 5215). Published quarterly. Lists instructions issued by Washington headquarters organizations to addressees outside their headquarters.	Commanding Officer, Naval Publications and Forms Center, Philadelphia, Pa. 19120. Price: $5 per issue. Make check payable to the Treasurer of the United States.	Navy Department Library, 2d floor of building 220 at the Washington Navy Yard, U.S. Naval Station, 9th and M Sts. NW., Washington, D.C. Also available at nearest Navy or Marine Corps activity.
Do	Marine Corps Directives System Quarterly Checklist of Directives (MARCORPS Bulletin 5215).	Commandant of the Marine Corps (code HQSP), Navy Department, Washington, D.C. 20380. Price: minimum of $2 plus $0.01 per page over 6 when stock is available and $0.05 per page when not available and must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and Headquarters Marine Corps, room 1135 of the Navy Arlington Annex (Federal Office Bldg. No. 21), Southgate Rd. and Columbia Pike, Arlington, Va. Also at nearest Marine Corps activity.
Do	Indexes to Navy and Marine Corps directives issued by naval activities and of less than departmentwide or general applicability.	Local Navy and Marine activity. Price: minimum of $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced.	Local Navy and Marine Corps issuing activity.
Do	Marine Corps' Stock List (SL-1-3): Quarterly index of publications authorized and stocked by the U.S. Marine Corps (FASMC).	Commandant of the Marine Corps (code HQSP), Navy Department, Washington, D.C. 20380. Price: $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Headquarters, U.S. Marine Corps, Room 1135 of the Navy Arlington Annex (Federal Office Bldg., No. 21), Southgate Rd. and Columbia Pike, Arlington, Va. 20380. Also at Marine Corps field activities and Navy Department Library (see above).
Do	Standard Subject Identification Codes (SECNAVINST 5210.11A). Lists standard subject (numerical) codes used for categorizing and identifying naval documents, including directives, blank forms, reports (control symbols), and other records and filing systems.	Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120. Price: minimum of $2, plus $0.01 per page over 6 when stock is available and $0.05 when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and at all naval shore activities.
Do	NAVFAC Documentation Index (NAVFAC P-340): A Keyword Out of Context (KWOC) index of unclassified instructions, publications, forms, and reports sponsored by the Naval Facilities Engineering Command (NAVFAC).	Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa. 19120. Price: $5. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and at Naval Facilities Engineering Command headquarters and field activities.
Do	Indexes to certain other technical publications and manuals of sponsoring system command or other headquarters organizations.	Director, Navy Publications and Printing Service Management Office, Washington Navy Yard, U.S. Naval Station, Washington, D.C. 20374. Price: $2 minimum plus $0.01 per page over 6 if printed stock is available and $0.05 per page when not available and pages must be reproduced. Make check payable to the Treasurer of the United States.	Navy Publications and Printing Service Management Office, building 157, Washington Navy Yard, 9th and M Sts. SE., Washington, D.C.
Do	Index to Navy Procurement Directives	Chief of Naval Material (MAT-05), Navy Department, Washington, D.C. 20350. Price: $2 minimum, plus $0.01 per page over 6 when stock is available and $0.05 per page when not available and copies must be reproduced. Make check payable to the Treasurer of the United States.	Navy Department Library (see above) and Navy procurement activities.
Defense Civil Preparedness Agency.	Publications catalog, MP-20: A listing of publications and other printed matter on the U.S. Civil Defense program available to the public. Contains a brief resume of each one and provides information on where to obtain.	U.S. Army Publications Center, Civil Preparedness Branch, 2800 Eastern Blvd. (Middle River), Baltimore, Md. 21220. No charge.	DCPA Headquarters, Room 1D511, Pentagon Bldg., Washington, D.C. 20301 or DCPA regional offices as shown at app. C, pt. 1813, ch. XVIII, title 32, CFR.
Do	DCPA manual 5450.2: Index of DCPA instructions and manuals, a listing, both numerical and subjective, of the Agency instructions announcing policy, outlining programs, and prescribing internal operating procedures.	do	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Defense Communications Agency.	1. DCA circulars and notices: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA circulars and notices. Those circulars, notices, and changes published during the period July 1–Dec. 31, 1976, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those publications which have been canceled or replaced since July 1, 1976, by a publication of a different number. Publications superseded by a revised issue bearing the same number are not included. Enclosure 2 is an alphabetical listing of current DCA circulars. Enclosure 3 is an alphabetical listing of current DCA Notices. 2. DCA instructions: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA instructions. Those instructions and changes published during the period Apr. 1 to Sept. 30, 1976, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those instructions which have been canceled or replaced by an instruction of a different number since Apr. 1, 1976. Enclosure 2 is an alphabetical listing of current DCA instructions.	Defense Communications Agency, Washington, D.C. 20305. No charge.	Defense Communications Agency, 8th St. and South Courthouse Rd., Arlington, Va. 22204.
Defense Nuclear Agency	Index to administrative publications, May 10, 1976, with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, R. & D., logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptrollership, budgeting, appropriations accounting and control, auditing, and reports control.	Defense Nuclear Agency, Attention: PAO, Washington, D.C. 20305. $1 by xeroxing, $0.35 by printing run. Payable to: Treasurer of the United States.	
Do.	Government reports index: Biweekly, annual cumulation. Description: Indexes DNA and other Government-sponsored research and development reports prepared by Federal agencies or their contractors.	National Technical Information Service, Springfield, Va. 22161. $125 annual subscription rate. Payable to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20305.
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	Index of Armed Forces Radiobiology Research Institute (AFRRI) instructions, Nov. 10, 1975, with changes. Description: Listing of all AFRRI instructions in force.	Director, Armed Forces Radiobiology Research Institute, Attention: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20014. 9 pages at $0.05 per page ($0.45). Checks payable to Treasurer of the United States.	
Defense Nuclear Agency, field command.	FCDNA instruction 5025.8J. Apr. 30, 1976 with changes. Description: Current index to field command instructions.	Field Command, Defense Nuclear Agency, Attention: Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	
Defense Nuclear Agency, field command (FCDNA).	FCDNA instruction 5030.1D; Oct. 31, 1975. Description: Current index to FCDNA agreements, memoranda of understanding, and interservice agreements.	do.	
Defense Nuclear Agency, field command, Johnston Atoll (FCJ).	FCJ instruction 5025.8D; Jan. 22, 1975 with changes. Description: Current index to FCJ instructions.	do.	
Defense Supply Agency, Defense General Supply Center.	Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, letters, supplements, procedures, and clause manual.	Commander, Defense General Supply Center, attention of DGSC-B, Richmond, Va. Reproduced copies $2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va. 23297.
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Administrative Guidelines Manual. Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Supervisor, Public Records and Documents Center (HFC–18), Room 4–62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do.	Bureau of Foods Staff Manual Guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $10. Checks payable to Food and Drug Administration.	Do.
Do.	Bureau of Drugs staff manual guide. Primarily concerned with the preparation of and review of documents within the Bureau of Drugs.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $21.50. Checks payable to Food and Drug Administration.	Do.
Do.	Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry. Over 3,000 pages.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. (Suggest before ordering, to request transmittal checklist to ascertain programs needed.) Checks payable to Food and Drug Administration.	Do.
Do.	Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do.	Field management directives. Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do.	Do.
Do.	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurances possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $131.95. Checks payable to Food and Drug Administration.	Do.
Do.	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authorities, objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do.	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.
Do.	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $65. Checks payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC–18) 5600 Fishers Lane, Rockville, Md. 20852. $5.20. Payable to Food and Drug Administration.	Supervisor, Public Records and Documents Center (HFC–18) Room 4–62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do.	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $17.50. Checks payable to Food and Drug Administration.	Do.
Do.	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do.	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $35. Checks payable to Food and Drug Administration.	Do.
Do.	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, $60; Vol. II, $60; Vol. III, $30. Checks payable to Food and Drug Administration.	Do.
Do.	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $28.50. Checks payable to Food and Drug Administration.	Do.
Do.	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $20. Checks payable to Food and Drug Administration.	Do.
Do.	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $5.90. Payable to Food and Drug Administration.	Do.
Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act index: from July 4, 1967–July 31, 1976, includes items in the following categories: (1) administrative manuals and memorandum, (2) animal resources and programs, (3) audio-visuals policy and criteria, (4) clinical center operations, (5) contracts policy and guides, (6) employee and committee member handbooks and manuals, (7) grants policy and guides, (8) library resources and guidelines, (9) minority programs, (10) patient policy, (11) research centers guides, (12) safety guides and permits, and (13) site visit formats.	In addition to copies of the NIH FOIA index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds $5. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301) 496–4461.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Health, Education, and Welfare, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration.	The ADAMHA Freedom of Information Act Index is comprised of various ADAMHA component program guidelines, announcements, handbook listings, policy supplements, instructions, and manual materials. The index is divided to reflect the various ADAMHA components, namely the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, the National Institute of Mental Health, including Saint Elizabeths Hospital and the Office of the Administrator.	Copies of the ADAMHA Freedom of Information Act index are maintained by the HEW, FOI Officer, Room 5360, HEW North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201. ADAMHA will also make copies available if requests are forwarded to: Director, OCPA, ADAMHA, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852. Fees are 10¢ per page with the charge being made if the total amount exceeds $5 and are payable to Treasurer of the United States.	Director, Office of Communications and Public Affairs, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	A written description of the general preventive medicine residency program, dated Apr. 29, 1976. Residency assignments, qualifications, appointments, and supervision, as outlined in this document.	Center for Disease Control, Attention: Assistant Director for Operations, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Assistant Director for Operations, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Memorandum dated July 7, 1975. Subject: Medical care, resource personnel. This is the written procedure for handling telephone calls regarding the medical care of certain individuals.	Center for Disease Control, Attention: Director, Office of Biosafety, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Biosafety, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Memorandum dated Apr. 27, 1976. Subject: Hot line, 633-5313. This is the written procedure for handling reports of damage to packages of infectious materials.	do	Do.
Do	Staff publications booklet. An annual bibliographical listing of contributions made by the CDC staff to medical and scientific literature during the previous year.	Center for Disease Control, Attention: Director, Office of Information, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Information, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Minutes of meetings and annual reports of following public advisory committees: Coal Mine Health Research Advisory Committee, Safety and Occupational Health Study Section, Immunization Practices Advisory Committee, Medical Laboratory Services Advisory Committee.	Center for Disease Control, Attention: Director, Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Morbidity and mortality weekly reports. In addition to providing informational morbidity and mortality data on diseases, these reports prescribe policies and interpret policies relative to prevention of diseases as well as health requirements that are covered by regulations.	Center for Disease Control, Attention: Director, Bureau of Epidemiology, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Epidemiology, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Annual report to Congress regarding smoking and health.	Center for Disease Control, Attention: Director, Bureau of Health Education, Atlanta, Ga., 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Health Education, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	"Current Items". This publication from the Bureau of Laboratories is directed generally to heads of State or local laboratories. The publication includes technical procedures and informational data.	Center for Disease Control, Attention: Director, Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE. Atlanta, Ga. 30333.
Do	National Institute for Occupational Safety and Health (NIOSH) policy memorandum, dated Sept. 11, 1974, on trade secret information.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20852. No charge for 1 copy.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20852.
Do	"NIOSH Policy Letter", dated Nov. 5, 1973, regarding reimbursement to an employer for financial loss (production time; pay) incurred as a result of a NIOSH research project.	do	Do.
Do	The President's report on occupational safety and health, annual report for 1974. This report covers programs of the Department of Labor; Department of Health, Education, and Welfare; and the Occupational Safety and Health Review Commission for calendar year 1974. It contains results of the 1st full year of occupational injury and illness survey.	do	Do.
Do	The Federal coal mine health program in 1973. This is a report of health activities under the Federal Coal Mine Health and Safety Act of 1969.	do	Do.
Do	The Division of Training, National Institute for Occupational Safety and Health, Center for Disease Control, announcement of courses that are available to the public. HEW publication No. (NIOSH) 75-170.	do	Do.
Do	The National Institute for Occupational Safety and Health current intelligence bulletin. This current bulletin alerts members of the occupational health community, government, labor, and industry to new information on potential occupational health hazards.	do	Do.
Do	Proposed interim program guidelines for venereal disease control, dated March 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Venereal disease review criteria, dated Dec. 10, 1971.	do	Do.
Do	Recommended treatment-schedules for syphilis, dated 1976.	do	Do.
Do	Gonorrhea, CDC recommended treatment schedules, dated 1974.	do	Do.
Do	Commentary on national strategies to control gonorrhea, dated July 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Program guidelines for the influenza immunization project grants, dated Apr. 14, 1976.	do	Do.
Do	Community-wide influenza campaign, achieving public response.	do	Do.
Do	Influenza immunization operations workbook, dated May 1976.	do	Do.
Do	Supplemental guidelines on informed consent for influenza immunization project grants, dated June 21, 1976.	do	Do.
Do	Guidelines for assessing immunity levels, dated November 1973.	do	Do.

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Do	Immunization Against Disease, 1972 handbook.	do	Do.
Do	Public Health Service recommendations for Counting Reported Tuberculosis Cases, dated January 1977.	do	Do.
Do	Preventive therapy of tuberculosis infection, dated February 1975.	do	Do.
Do	Memorandum dated Nov. 7, 1975, regarding duration of preventive therapy with isoniazid.	do	Do.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Guidelines for prevention of TB transmission in hospitals, dated September 1974.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Recommendations for health department supervision of tuberculosis patients—MMWR, dated Feb. 23, 1974.	do	Do.
Do	Equipment and procedures for erythrocyte protoporphyrin (EP) analysis as a screening method for pediatric lead poisoning, dated Feb. 3, 1975.	do	Do.
Do	Urban rat survey—guidelines for classroom use and field training of inspectors who serve in community rodent control programs, dated March 1974.	do	Do.
Do	Urban rat control project grants program guidelines for applicants, dated 1975.	do	Do.
Do	Guidelines for grant applications. Childhood lead poisoning control, dated Mar. 14, 1974.	do	Do.
Do	Policy statement—laboratories performing blood lead determination for community programs receiving lead-based paint poisoning grant funds, dated 1972.	do	Do.
Do	Increased lead absorption and lead poisoning in young children. A statement by the Center for Disease Control, dated March 1975.	do	Do.
Do	Policy and procedures for shipping and lending federally owned X R F analyzers, Mar. 26, 1973.	do	Do.
Do	The "Training Bulletin," which is published every 18 mo. This document lists each of the headquarters, field, or home-study courses that are available through the auspices of CDC during that time period. Specific information is presented that identifies prerequisites for attendance and describes the nature of each course.	Center for Disease Control Attention: Director, Bureau of Training, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Training, 1600 Clifton Rd. NE., Atlanta, Ga. 30333
Do	Final denials, revocations, suspensions and limitations of licenses, and letters of exemptions to laboratories subject to the Clinical Laboratories Improvement Act of 1967.	Center for Disease Control, Attention: Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. Facilities Engineering and Construction Manual, ch. CDC: 3-335, dated May 1, 1972. This issuance provides rules and regulations covering CDC buildings and grounds. It applies to CDC employees and also to visitors, solicitors, etc.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-57, dated Nov. 13, 1970. This issuance provides policy and procedures to CDC employees for claims including those against CDC or against CDC employees as a result of their official duties.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-1, dated Sept. 30, 1970. This issuance provides policy and procedures for conferences including those cosponsored by CDC and an organization other than a Federal agency.	do	Do.
Do	Administrative issuance. Manual Guide—ADP Systems No. CDC-1, dated Apr. 22, 1971. This issuance specifies the type of information for CDC organizations to furnish CDC computer systems office for determination as to whether a contract should be entered into with an outside source to perform the ADP services or whether the work can be performed within the Center.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 74-9, dated June 20, 1974. This issuance specifies rates for the Center to pay for blood.	do	Do.
Do	Administrative issuance. Procurement Manual Subpart CDC: 3-75.3, dated May 12, 1972. This issuance specifies CDC delegations of authority for publication of advertisements, notices, or proposals.	do	Do.
Do	Administrative issuance. Manual Guide—Printing Management No. CDC-6, dated Nov. 5, 1969. This issuance provides CDC policies and procedures for procurement of CDC authored articles which are to be published in private journals and briefly mentions publishers' services, e.g., setting of type, sending proofs, etc.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administrative Issuance No. 406, dated Sept. 3, 1974. This issuance describes contents and documentation needed for research and technical services contract requests for NIOSH.	do	Do.
Do	Administrative issuance. Procurement Manual Subpart CDC: 3-3.6, dated Sept. 21, 1970. This issuance prescribes CDC policies and procedures for small purchases particularly through use of imprest funds, and briefly mentions vendors' role.	do	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. CDC General Memorandum No. 76–8, dated Sept. 22, 1976. This issuance provides instructions to CDC employees for obtaining typewriter repair service and lists individual companies under contract to make repairs.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. CDC General Memorandum No. 74–1, dated Jan. 16, 1974. This issuance specifies CDC policies and procedures on unauthorized commitments and for obtaining approval for such commitments.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC–52, dated Mar. 12, 1973. This issuance provides policies and procedures for handling public inquiries to CDC during nonwork hours.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC–18, dated Mar. 6, 1969. This issuance provides CDC policies and procedures for obtaining clearance of CDC authored manuscripts, publications, etc., and includes policy on responding to requests from the press, etc.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 72–3, dated Feb. 9, 1972. This issuance provides policies and general guidelines to CDC employees on giving assurances of confidentiality in obtaining information from the public.	do	Do.
Do	Administrative issuance. Manual Guide—Personal Property Management No. CDC–2, dated Apr. 17, 1969. This issuance provides CDC policies and procedures for producing, maintaining, shipping, and storing exhibits and includes procedures for production o exhibits by commercial contractors.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management No. CDC–19, dated Mar. 18, 1974. This issuance provides policy to CDC employees for distribution of cultures of microbial agents and of vectors to non-CDC persons.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management No. CDC–2, dated Dec. 15, 1975. This issuance provides policy on the need for and use of hazard warning signs that applies to CDC employees and also to visitors.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management No. CDC–3, dated June 18, 1973. This issuance provides policies on and procedures for handling compressed gases in cylinders. It applies to CDC employees and also certain policies and procedures apply to vendors.	do	Do.
Do	Administrative issuance. Personnel Guides for Supervisors, chapter IV, CDC Guide 7–2, dated Mar. 12, 1963, but still current. This issuance provides CDC policies and procedures for handling complaints on employee indebtedness.	do	Do.
Do	Administrative issuances. Manual Guide—General Administration No. CDC–5, dated Apr. 8, 1971 and National Institute for Occupational Safety and Health Administrative Issuance No. 2, dated Mar. 4, 1974. These issuances provide policies and procedures for making CDC and NIOSH facilities available to guest researchers.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC–61, dated Apr. 26, 1973. This issuance provides CDC policies and procedures for providing to students work experiences which relate to the CDC mission and to the educational objectives of the students.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health unnumbered memorandum, dated Mar. 4, 1974. This issuance provides NIOSH policy on loan of property to non-Federal persons or institutions.	do	Do.
Do	Administrative issuances. Manual Guide—General Administration No. CDC–11, dated June 8, 1973 and National Institute for Occupational Safety and Health policy memorandum, dated June 25, 1973. These issuances provide policies and procedures for the protection of the individuals who are participating or involved in research investigations of the Center and of NIOSH, respectively.	do	Do.
Do	Administrative issuance. Manual Guide—Travel CDC–10, dated Dec. 26, 1972. This issuance provides CDC policy and procedures for employees renting automobiles for official travel and mentions services provided by the car rental contractors and the conditions of the contracts.	do	Do.
Do	Administrative issuances. Manual Guide—Travel No. CDC–2 dated Jan. 14, 1974 and Correspondence Manual Chapter 10–40, dated Oct. 1, 1974. These issuances provide instructions to CDC employees for making reservations on common carriers and for picking up the tickets. They list the airlines and their telephone numbers.	do	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. Manual Guide—General Administration No. CDC–68, Privacy Act, dated Nov. 23, 1976. This issuance provides to CDC employees guidance on carrying out requirements of the act.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. CDC general memorandum No. 75–10, Freedom of Information Act, dated July 25, 1975. This issuance provides general information to CDC employees on major provisions of the act, procedures for responding to requests for information under the act, and brief data to the CDC employees on the Privacy Act.	do	Do.
Do	Administrative issuance. CDC general memorandum No. 75–2, civil defense, dated April 2, 1975. This issuance provides information on the civil defense capacity and equipment of the CDC facilities in the Atlanta area that are officially designated to be used as public shelter areas under the national fallout shelter program.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandums, parking at Clifton Rd. facilities, dated July 14, 1975 and Jan. 20, 1976. These issuances provide policy for CDC employees and visitors parking at the Clifton Rd. facilities, Center for Disease Control.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandum, directory of licensed day-care facilities in the Metropolitan Atlanta area, dated Mar. 15, 1976. This issuance provides a listing of these facilities.	do	Do.
Do	Administrative issuance. CDC unnumbered memorandum, injury compensation, dated Sept. 15, 1975. This issuance provides procedures for CDC employees to follow to document on-the-job traumatic injuries, including submission of reports from attending physicians.	do	Do.
Do	Administrative issuance. Manual guide—general administration No. CDC–8, soliciting, vending, and displaying or distributing commercial advertising within CDC, dated Apr. 23, 1975. This issuance provides policy for soliciting, vending, and commercially advertising on property occupied by CDC.	do	Do.
Do	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1–2, commercial employment offices, dated Jan. 7, 1976. This issuance provides policy on using commercial employment offices for recruiting personnel.	do	Do.
Do	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1–9, dated Feb. 26, 1976. This issuance provides policies, responsibilities, and procedures for the selective placement program for handicapped employees and disabled veterans.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administration, issuance No. 6, dated Apr. 15, 1976. This issuance provides policies and procedures for keeping interested governmental, labor, and management groups informed on the initiation and progress of NIOSH field studies.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administration. ssuance No. 5, dated Oct. 30, 1975. This issuance provides procedures for maintenance of minutes of NIOSH meetings with representatives of nongovernmental groups.	do	Do.
Do	Recommendations of the Public Health Service Advisory Committee on Immunization Practices, such as: BCG vaccines, cholera vaccine, diphtheria and tetanus toxoids and pertussis vaccine, immune serum globulin for protection against viral hepatitis, perspectives on the control of viral hepatitis, type B, influenza vaccine, measles vaccine, meningococcal polysaccharide vaccines, mumps vaccine, plague vaccine, poliomyelitis vaccines, rabies, Rh immune globulin, Rocky Mountain spotted fever vaccine, rubella vaccine, smallpox vaccine, typhoid vaccine, typhus vaccine, yellow fever vaccine.	Center for Disease Control, Attention: Director, General Services Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, General Services Office 1600 Clifton Rd., NE., Atlanta, Ga. 30333.
Department of Health, Education, and Welfare, Public Health Service, Health Resources Administration (HEW/PHS/HRA).	Health Resources Administration index of policy documents as required by Public Law 90–23 (Freedom of Information). July 1, 1973, to Oct. 1, 1976. The HRA FOIA index is a listing of the following HRA documents: HRA policy, information, and instruction memoranda; supplements and circulars to the Federal personnel and HEW staff manuals; Federal regulations; delegations of authority; organization and functions statements; programmatic circulars, memoranda, instructions, notices, guides, guidelines, and operating manuals used by HRA components.	Associate Administrator, Office of Communications, Health Resources Administration, Room 10A–31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10c per page with the charge being made if the total amount exceeds 15. Check payable to DHEW-Health Resources Administration.	Associate Administrator, Office of Communications, Health Resources Administration Room 10A–31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, (301) 443–1620

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Department of Health, Education, and Welfare, Public Health Service, Health Services Administration (HEW/PHS/HSA).	**HSA Freedom of Information Act (FOIA) Index: March 1975 to March 1977. The HSA FOIA index is a compilation of supplements to the departmental manual system,** program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of Mar. 31, 1977. The respective bureau level indexes are listed as follows: OA—OFFICE OF THE ADMINISTRATOR OCPA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1977-81; OM/OCO—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to DHEW manuals; OM/OFS—policy decisions and opinion. BMS—BUREAU OF MEDICAL SERVICES Division of Hospitals and Clinics Operations Manual; BMS supplements to DHEW manuals; Manual of Operations for PHS Health Unit, DFEH, BMS; CHAMPUS circulars; Contract Physician's Guide; Division of Hospitals and Clinics circular memoranda. IHS—INDIAN HEALTH SERVICES IHS circulars; IHS supplements to DHEW manuals; IHS Operations Manual; General Counsel opinions. BCHS—BUREAU OF COMMUNITY HEALTH SERVICES BCHS administrative guide system; BCHS Operations Manual. BQA—BUREAU OF QUALITY ASSURANCE BQA transmittal system; BQA Procedures Manual; PSRO Program Manual; PSRO Financial Management and Accounting Systems Manual; PSRO Contracts Management Manual; PSRO Management Information System (PMIS) Federal Reports Manual (FRM) medical care evaluation studies; PMIS—FRM—cost reporting; PMIS—FRM—concurrent review reporting; PSRO Hospital Discharge Data Set (PHDDS) Training Manual.	**Office of Communications and Public Affairs, DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md. 20857. Checks payable to** DHEW/Public Health Service. **Mail to** HSA Collection Officer, DHEW/PHS/HSA, Room 16-35, 5600 Fishers Lane, Rockville, Md. 20857. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	**Office of Communications and Public Affairs DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md.**
HEW/PHS/Office of Administrative Management.	Index to the PHS Manual for financial evaluation of Public Health Service awards, continuous from July 1, 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page, with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	A guide to institutional cost sharing agreements for research grants and contracts, supported by the Department of Health, Education, and Welfare, continuous from July 1974.	Copies may be obtained from Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. No charge.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	PHS procurement regulations; policies and procedures which implement and supplement the DHEW procurement regulations and the Federal procurement regulations, continuous from May 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees as prescribed in 45 CFR 5.61 are 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Copies available: ASC Forms and Publications Services Center, OAM/PHS, 12100 Parklawn Dr., Rockville, Md. 20857. Additional information: Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	PHS grants policy statement; comprehensive policy document for use by PHS grantees, continuous from July 1974.	GPO, 90 cents, Superintendent of Documents (Stock No. 1720-00055).	Superintendent of Documents, GPO, Washington, D.C. 20407.
Do	Index to PHS supplements to HEW Grants Administration Staff Manual; supplementation and implementations to HEW manual; continuous from January 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857. Fees are prescribed in 45 CFR 5.61, as 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, PHS.	Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20857.
Do	Tables of contents to PHS supplementation of HEW staff manuals containing authorities, policies, and procedures in the following areas: Emergency, forms management, general administration, organization, ADP systems management, records management, safety management, security, facilities engineering and construction, and procurement.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17-81, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees as described in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service, Office of the Assistant Secretary for Health.	Director, Division of Directives and Authorities Management, OOMS/OAM/PHS, Room 17-81 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to PHS Commissioned Corps Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Chief, Employment Operations Branch, CPOD/OPM/OAM/PHS, Room 4A-18, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to PHS supplementation of the Federal Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Director, Office of Personnel Management, OAM/PHS, Room 18A-55, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.
Do	Table of contents to Parklawn guidelines: a series of internal operating guides providing operating instructions and procedures of a continuing nature for occupants of the Parklawn Bldg., Rockville, Md., with regard to operations of the Administrative Services Center, Office of Administrative Management. Guidelines include such subjects as procedures for operation and use of official conference rooms; apportionment and assignment of parking spaces; official hours; and conservation of paper in copying, duplicating, and printing, Parklawn Bldg.	Executive Officer, Administrative Services Center, OAM/PHS, room 5-77, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. Fees, as prescribed in 45 CFR 5.61, are 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to Department of Health, Education, and Welfare, Public Health Service, Office of the Assistant Secretary for Health.	**Executive Officer, Administrative Services Center, OAM/PHS, Room 5-77 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.**

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of the Interior, Bureau of Reclamation.	Reclamation Instructions Index—Apr. 1, 1974: Subject listing of current instructions pertaining to Bureau of Reclamation organization and delegations of authority, policy and procedures, and detailed instructions on limited technical subjects.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. No charge.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. Phone: 303-234-2081.
	Guidelines—Task Force Report on Water Marketing Index.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240. No charge.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240.
Department of Transportation, Federal Highway Administration.	Opinions and final orders of the Federal Highway Administration in regard to the regulation of toll bridges- 1968-76; 1 page listing of opinions and final orders regarding regulation of toll bridges; issued by the Federal Highway Administrator, which identifies the case and the date issued.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. No charge.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590.
Do	Cease and desist and driver disqualification final orders by the Federal Highway Administrator; 1968-76; 7-page listing of cease and desist and driver disqualification final orders of the Federal Highway Administrator; items listed are identified by case docket number, name of carrier, and date notice of investigation was mailed.	do	Do.
Do	Cross reference index of current Federal Highway Administration directives as of Mar. 31, 1977. The index is alphabetical by subject. Within each subject applicable Federal Highway Administration orders, notices, and manuals are identified (in some cases manuals may be also identified by the applicable volume or other subordinate breakdown). The index is computerized and updated quarterly.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. Shelf stock, $10.44 per copy; reproduced copies, $8.00 per copy; shelf stock will be used while it lasts. Checks payable to: The Treasury of the United States.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590; Federal Highway Administration Regional Offices. (For location see 49 CFR pt. 7); Federal Highway Administration Division Offices. (For location see 49 CFR pt. 7.)
Department of the Treasury, Customs Service.	CSA (Customs Simplification Act) Index (revised) index to letters and letters relating to Customs Simplification Act, from 1956 forward.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $1.75. Checks payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229.
	Synopsis of Decisions on the Duty Assessment Process, 1972; administrative and court decisions and rulings concerning duty assessment process.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $3. Checks payable to: U.S. Customs Service.	Do.
	Customs Forms Catalog; Customs and other agency forms currently available from the Customs Service, July 1975.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Shelf stock, $2.50; reproduced copies $6.50. Shelf stock will be used while supply lasts. Checks payable to: U.S. Customs Service. Also, available at District Offices of the Customs Service.	Do.
	KWIC (Key Word in Context) Index, June 1975; current Customs Service circular letters.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: $1. Checks payable to: U.S. Customs Service.	Do.
Do	Legal Keyword Precedent Directory. The directory is a listing by selected keywords of all classification rulings issued since early 1975 that affect a substantial volume of imports or transactions or are otherwise of general interest or importance and of all published classification rulings issued since Aug. 31, 1963, including classification decisions of the Customs Courts, Treasury Decisions, and classification rulings circulated within the Customs Service by the Customs Information Exchange and the Office of Regulations and Rulings. The directory also contains limited information on decisions and rulings pertaining to entry, value, drawback, marking, country of origin, and vessel repairs. The Legal Keyword Precedent Directory is maintained on microfiche and is continually updated.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: Duplicate microfiche are available at a cost of $0.15 each and are available only in sets; a set presently contains 26 microfiche. Payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229 and at regional offices of the Customs Service.
Department of the Treasury, Office of the Secretary.	Index of Selected Records; July 1967 to March 1977; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220, $1.50, Treasury of the United States.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
(U.S.) Arms Control and Disarmament Agency.	Index to notices, instructions, regulations, and other ACDA records.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451. No charge.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451.
Civil Service Commission (CSC).	Index to Civil Service Commission information. Period covered: February 1975 to February 1977. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Distribution Unit, Room B-431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of additions and deletions to the procurement list. August 1971-March 1977.	Order from: Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 N. 14th St., Suite 610, Arlington, Va. 22201. Price: 10¢ per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped. Attention: Freedom of Information Officer.
Consumer Product Safety Commission.	Index: Final Opinions and Orders; Statements of Policy and Interpretations; Administrative and Staff Manual and Instructions.	Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; No charge.	Office of the Secretary, Consumer Product Safety Commission, 1750 K St. NW., Washington, D.C. 20207.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Council on Environmental Quality	*Memoranda to the heads of all Federal agencies:*		
Do	(i) CEQ memo to heads of agency on revised guidelines, Apr. 23, 1971.	Available from CEQ	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl., NW., Washington, D.C. 20006; (202) 382-7965.
Do	(ii) CEQ memo to agency NEPA liaison on agency NEPA procedures May 14, 1971.	do	Do.
Do	(iii) CEQ memo to agency NEPA liaison on inclusion of cost-benefit analyses, May 24, 1971.	do	Do.
Do	(iv) CEQ memo to agency NEPA liaison on *Calvert Cliffs* decision, July 30, 1971.	do	Do.
Do	(v) CEQ memo to agency NEPA liaison on extension of deadline on NEPA procedures, Aug. 5, 1971.	do	Do.
Do	(vi) CEQ memo to heads of agencies on agency NEPA procedures, Sept. 23, 1971.	do	Do.
Do	(vii) CEQ memo to heads of agencies on agency NEPA procedures, Nov. 2, 1971.	do	Do.
Do	(viii) CEQ memo to agency NEPA liaison on outline of issues in agency NEPA procedures Dec. 3, 1971.	do	Do.
Do	(ix) CEQ memo to agency NEPA liaison on extracts from leading NEPA court decisions, Dec. 3, 1971.	do	Do.
Do	(x) CEQ memo to agency NEPA liaison on cumulative list of environmental impact statements, Dec. 23, 1971.	do	Do.
Do	(xi) Revised CEQ guidelines on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act, Apr. 23, 1971.	do	Do.
Do	(xii) Recommendations for improving agency NEPA procedures, May 16, 1972.	do	Do.
Do	(xiii) Revision of agency procedures for preparation of environmental impact statements, Aug. 2, 1972.	do	Do.
Do	(xiv) NTIS and the public availability of environmental impact statements under NEPA, Mar. 1, 1974, 102 Monitor vol. 4, No. 2, March 1974, p. 23.	do	Do.
Do	(xv) Council advisory memorandum #1 on delegation by Federal agencies of responsibility for preparation of EIS's. 102 Monitor.	do	Do.
Do	(xvi) CEQ publications list, Apr. 30, 1976	do	Council on Environmental Quality, Attention: Freedom of Information Officer, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-1415.
Do	(xvii) CEQ memo to heads of agencies on SCRAP decision Nov. 26, 1975.	do	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-7965.
Do	(xviii) CEQ memo to heads of agencies on environmental impact statements Feb. 10, 1976.	do	Do.
Do	(xix) CEQ position paper "Pollution Control and Employment" February 1976.	do	Council on Environmental Quality, Attention: Dr. E. H. Clark, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-6162.
Do	(xx) CEQ memo to heads of agencies on prime agricultural lands Aug. 30, 1976.	do	Council on Environmental Quality, Attention: General Counsel, 722 Jackson Pl. NW., Washington, D.C. 20006 (202) 382-7965.
Do	(xxi) CEQ memo to heads of agencies on NEPA Supreme Court decisions Sept. 16, 1976.	do	Do.
Do	(xxii) CEQ memo to heads of agencies on NEPA requirement to projects abroad.	do	Do.
Do	(A) Memorandum of implementation of the agreement between the United States and the U.S.S.R. on cooperation in the field of environmental protection, May 1972, 102 Monitor vol. 2, No. 9, October 1972.	Available by Ordering Cited Copy of the 102 Monitor from GPO.	Council on Environmental Quality, General Counsel's Office, 722 Jackson Place NW., Washington, D.C. 20006 (202) 382-7965.
Do	(B) 20 questions and answers explaining NEPA Sec. 102, environmental impact statement process, 102 Monitor, vol. 1, No. 10, November 1971, p. 1.	do	Do.
Do	(C) Coal surface mining and reclamation study, 102 Monitor, vol. 3, No. 2, March 1973 p. 62.	do	Do.
Do	(D) Economic impact of environmental programs, 102 Monitor vol. 4, No. 10, November 1974, p. 3.	do	Do.
Do	(E) Environmental programs and employment, 102 Monitor vol. 5, No. 4, May 1975.	do	Do.
Do	(F) Council advisory memorandum (memo on) 102 Monitor, vol. 5, No. 3, April 1975.	do	Do.
Do	(G) Council advisory memorandum #2 on application of NEPA to enforcement of the antitrust laws by the FTC, 102 Monitor, vol. 5, No. 2, March 1975, p. 13.	do	Do.
Do	(H) CEQ memo to heads of agencies on the Safe Drinking Water Act of 1974, Nov. 19, 1976.	Available from CEQ	Do.
Energy Research and Development Administration.	ERDA headquarters reports: Cumulative index issued monthly starting Jan. 1 1975. Includes report number, corporate author, and subject indexes. Includes reports prepared by individual headquarters authors, task forces and study groups, and environmental statements covering ERDA programs and facilities.	ERDA Library and Public Document Room, Washington, D.C. 20545. Copies made available at $0.06 per page. Payable to: Energy Research and Development Administration.	ERDA Library and Public Document Room; Room 1223, 20 Massachusetts Ave. NW., Washington, D.C. 20545.
Do	ERDA manual table of contents: Covers directives; procurement instructions and regulations; and property management regulations, instructions, and bulletins. A cumulative table of contents is issued semi-annually listing ERDA issuances and those AEC issuances still in effect.	do	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
ERDA, Office of t Counsel.	ERDA waiver determinations. Lists of waiver requests on which a final determination was made during 1975 and 1976. Includes determination numbers of advance waivers and identified inventions, and names of firms or inventors.	do	Do.
ERDA, Board of Contract Appeals (BCA).	Decisions and orders for the periods Jan. 19, 1975 to December 1975 and December 1976, including indexes.	do	Do.
Do	Atomic Energy Commission Reports; Oct. 1956-Jan. 1975, Vols. 1-8: Contains the BCA decisions and orders and indexes.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.	Do.
Equal Employment Opportunity Commission.	Index to Commission Decisions Unpublished	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. Price: 25¢. Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. 20506.
Do	Index to Commission Decisions, Published		Librarian or district office addresses at 29 C.F.R. 1610.4.
Do	Index to Equal Employment Opportunity Commission Orders.	See above,. Price: 15¢; Payable to: U.S. Treasurer.	Do.
Do	Index to Compliance Manual (Table of Contents).	See above. Price: $2. Payable to: U.S. Treasurer.	Do.
Do	Index to General Counsel Manual (Table of Contents).	See above. Price: 45¢; Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St. NW, Washington, D.C. 20506.
Farm Credit Administration.	Index of FCA Information Materials; Jan. 1-Mar. 31, 1977; (1) Publications (those available in supply); (2) news releases—(single copies available free of charge) issued since Jan. 1, 1972; (3) biographies of FCA officials; (4) speeches by FCA officials; (5) FCA regulations and clarification letters; (6) research reports; (7) FCA administrative and Personnel Handbook; (8) Directory of the FCA and Farm Credit Districts; (9) Monthly statistics on farm credit bank lending (list of tables); (10) FCA orders; and (11) FCA organization charts.	Information Division, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578. No charge.	Mr. Roland W. Olson, Assistant Director of Information, Farm Credit Administration, Washington, D.C. 20578.
Federal Reserve System, Board of Governors.	Card index to Board actions of the type that are made available to the public under the Freedom of Information Act from July 4, 1967 to date.		May be inspected in Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C Sts. NW.
Do	Microfilm copies of above index covering period July 4, 1967 to Dec. 31, 1976. Subsequent years to be microfilmed.	Order from Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Checks payable to Board of Governors of the Federal Reserve System. $13.25 a roll.	Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C Sts. NW., (202) 452-3684.
Do	Hard copy bound index for:		
	1967	do[1]	Do.
	1968-73	do[1]	Do.
	Copies for additional years in preparation.		
Do	Individual copy of the card index	Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Charge not to exceed the direct cost of duplication.	Do.
Do	Weekly index published and distributed to the public providing identifying information as to any matter issued, adopted or promulgated by the Board from the first week in January 1975 to date (H.2 release).	Publications Services, Division of Administrative Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (Mailing list maintained; no charge for current copies.)	Do.
Federal Trade Commission (FTC).	Final orders and opinions (duplicated pages of Index): Bound volumes of decisions July 1967, to June 1976.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $5-17 each.	Public Reference Branch, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.
Do	Advisory opinions (duplicated pages of Index): Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $2.25 each.	Do.
Do	Final orders and opinions: Supplemental Index, July 1973 to March 1977	Public Reference Branch, FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580. $0.10 per page.	Do.
Do	Enforcement statement, July 1967 to March 1977.	do	Do.
Do	Trade regulation rules, July 1967 to March 1977.	do	Do.
Do	Manuals—operating administrative	do	Do.
Do	Freedom of Information Act, access requests and responses, March 1973-March 1977.	do	Do.
Do	Closing letters, investigatory material, March 1974-March 1977.	do	Do.
Do	Motions to quash, investigational subpoenas, June 1962-March 1977.	do	Do.
Do	Motions to quash, 6(b) Orders and Orders requiring access, November 1975-March 1977.	do	Do.
Do	Clearance requests, January 1969-March 1977	do	Do.
Do	Commissioners' outside contacts, April 1974-March 1977.	do	Do.
Do	Staff opinion letters, May 1962-March 1977	do	Do.
Do	Freedom of Information Act operating guidelines. December 1976-March 1977.	do	Do.

See footnotes at end of table.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
General Services Administration (GSA).	GSA Freedom of Information Act index; July 4, 1967 through Mar. 31, 1977. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (AV), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1033, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.
Do	Brochure: Falcon Dam and powerplant	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545. No charge.	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545.
Do	Water Bulletins: Containing data for 1 yr, covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, sources of river flow, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas—for years 1931 through 1974.	Principal Engineer, Water Operations, U.S. Section, IBWC, room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902. Price: $3 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC, Room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902.
Do	Water Bulletins: Containing data for 1 yr covering flow of Colorado River and other western boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1973.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above). Price: $2 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above).
Marine Mammal Commission.	Marine Mammal Commission Recommendations; calendar years 1974-76; list of recommendations made to Federal departments and agencies pursuant to 16 U.S.C. sec. 1402(a), arranged in chronological order, and listing the agency addressed and the subject matter of the recommendation.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006; no charge.	Executive Director, Marine Mammal Commission, 1625 I St. NW., Washington, D.C. 20006.
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Mar. 31, 1977. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do	Reviewer/panelist, alphabetical listing for the period of Oct. 1, 1975 to Sept. 30, 1976. Listing contains name, State, and institution of individuals who have reviewed proposals for the National Science Foundation for the period indicated above.	do	Do.
Do	Index of Office of the Director staff memoranda (O/D) in effect, as of Mar. 31, 1977. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do	Do.
Do	Numerical index of NSF important notices in effect as of Mar. 31, 1977. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.	do	Do.
Do	Reference file of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do	Do.
Do	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management; and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do	Publications of the National Science Foundation. An index by topical classification, as of November 1976, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special studies publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 76-43.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGFP) Room 531, 1800 G St. NW., Washington, D.C. 20550.
National Science Foundation (NSF).	NSF guide to programs. A composite listing of summary information about NSF support programs, as of September 1976. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 76-33.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; or Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 038-000-00294-5. Unit price: $1.35.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGFP) Room 531, 1800 G St. NW., Washington, D.C. 20550.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 to Mar. 31, 1977. Chronological listing (by date of service) of decisions after hearings on appeal involving airman or air safety certificates. Safety enforcement decisions, May 18, 1967 to Mar. 31, 1977. Alphabetical and numerical listings of EA and EM final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard. NTSB directives checklist as of Jan. 3, 1977. Numerical listing (by NTSB order No.) of staff operations directives.	Copies of indexes and checklist may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester.) do	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806-B. Do.
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to Mar. 31, 1977. Keyword index of OMB bulletins.	Office of Management and Budget. No fee	Velma N. Baldwin, Assistant to the Director for Administration.
Do	Office of Management and Budget circulars Index, 1948 to Mar. 31, 1977. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	do	Do.
Do	Index to Office of Management and Budget manual. All those sections currently in effect through Mar. 31, 1977. Arranged by keywords in the titles.	do	Do.
Do	Rescinded Office of Management and Budget circulars, through Mar. 31, 1977. Arranged by number, date, subject, rescission date, and circular replacement (if any).	do	Do.
Do	Listing of Federal management circulars transferred from General Services Administration. Arranged by number, subject, and date.	do	Do.
Pension Benefit Guaranty Corporation, Office of the General Counsel.	Index to Pension Benefit Guaranty Corp. Opinion Manual; Sept. 2, 1974 to Mar. 31, 1977; interpretive letters addressing the provisions of title IV of the Employee Retirement Income Security Act—plan termination insurance program.	The Office of Communications, Pension Benefit Guaranty Corp., Room 7100, 2020 K St. NW., Washington, D.C. 20006; Charge $0.10 per page; Payable to The Pension Benefit Guaranty Corp.	The Office of Communications, Attention: Mr. William Fitzgerald, (202) 254-4817, 2020 K St. NW., Washington, D.C. 20006.
Postal Rate Commission	Postal Rate Commission Index, from 1971 to Mar. 31, 1977; Opinions and Recommended Decisions, Advisory Opinions and Orders having a precedential value.	Information Officer of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C. 20268.
Postal Service	USPS Public Index, July 4, 1967—Mar. 31, 1977. List of USPS Directives and Publications; Index of Final Legal Opinions, Orders; Current Information Services Price List.	USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260. Section I—List of USPS Directives and Publications ..... $1 Section II—Index of Final Legal Opinions and Orders ..... $9 Complete Index ..... $10 Checks payable to U.S. Postal Service.	General Manager, Library Division, USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.
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[1] $5. a copy.
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[FR Doc.77-12177 Filed 4-28-77;8:45 am]

federal register

FRIDAY, APRIL 29, 1977

PART IV



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

CERTAIN FLUOROCARBON (CHLOROFLUOROCARBON) PROPELLANTS IN SELF-PRESSURIZED CONTAINERS

Warning Statement Requirement

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0459]

CERTAIN FLUOROCARBON (CHLOROFLUOROCARBON) PROPELLANTS IN SELF-PRESSURIZED CONTAINERS

Warning Statement Requirement

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This final rule requires a package label warning statement on foods, over-the-counter (OTC) human drugs, animal food, animal drugs, cosmetics, and nonrestricted medical devices in self-pressurized containers propelled by certain fluorocarbons, specifically, fully halogenated chlorofluoroalkanes (chlorofluorocarbons). This warning is established to alert the consumer that chlorofluorocarbons may harm the public health and environment by reducing stratospheric ozone. This warning will not be required on products specified in the regulation in which the use of a chlorofluorocarbon propellant is essential.

EFFECTIVE DATE: All finished products initially introduced into interstate commerce on or after October 31, 1977 shall comply with this regulation.

FOR FURTHER INFORMATION CONTACT:

Buzz L. Hoffmann, Deputy Director, Environmental Impact Staff (HFS-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4502.

RELATED ACTIONS: 1. The Consumer Product Safety Commission (hereafter referred to as the "Safety Commission") has published elsewhere in this issue of the FEDERAL REGISTER a proposed rule to require a warning, similar to the one established by this rule, on all products containing chlorofluorocarbon propellants that are subject to the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) (CPSA) (Ref. 18).

2. The Food and Drug Administration (FDA) will publish shortly in the FEDERAL REGISTER a proposed rule that would prohibit the use of chlorofluorocarbon propellants in all products subject to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.) (FFDCA), except for specified essential uses. In the same issue of the FEDERAL REGISTER, the Environmental Protection Agency (EPA) will propose a rule that would restrict nonessential propellant uses of chlorofluorocarbons under the Toxic Substance Control Act (15 U.S.C. 2601 et seq.) (TSCA).

SUPPLEMENTARY INFORMATION: The warning established by this rule was proposed in the FEDERAL REGISTER of November 26, 1976 (41 FR 52071). In a notice of intent published in that same issue of the FEDERAL REGISTER (41 FR 52070), the Commissioner stated his intention to phase out nonessential uses of at least chlorofluorocarbons in products subject to the FFDCA. No change has been made in the text of the warning as proposed, but minor revisions have been made in the final regulation. Under these revisions, propellant uses of chlorofluorocarbons are subjected to the regulation, animal food is expressly subject to the regulation, the form of the animal drug regulation is changed, the minimum type size requirement of 1/16 inch is applicable to all products subject to the regulation, and additional drug and device products have been determined to be essential and are exempted from the regulation. The reasons for the changes are discussed below.

APPLICABILITY OF REGULATION

The final regulation contains a provision limiting the applicability of the regulation to the use of chlorofluorocarbons in whole or in part as a propellant to expel other liquid or solid contents under pressure. The propellant uses of chlorofluorocarbons are the easiest uses to judge in terms of essentiality because the use involves simply a means of product delivery. Alternative product delivery systems for almost all products have long existed. The propellant uses are also by far the major uses of chlorofluorocarbons in FDA-regulated products. The nonpropellant uses of chlorofluorocarbons involve various functions, and more analyses of the alternatives are necessary before restricting these uses.

Better Federal coordination is promoted by limiting regulatory action at this time to propellant uses of chlorofluorocarbons. At this time, EPA intends to restrict only propellant uses of chlorofluorocarbons; around June 1978, EPA intends to issue a proposal relating to nonpropellant uses (Ref. 19). FDA has coordinated, and will continue to coordinate, its regulatory action with regard to chlorofluorocarbons with the other Federal agencies having regulatory responsibilities. Accordingly, FDA will proceed with a proposal to prohibit nonessential nonpropellant uses of chlorofluorocarbons after appropriate consultation with other agencies.

The Food and Drug Administration's definition of "propellant" in the final rule and in the phaseout proposal is similar to the definition of "aerosol propellant" that EPA plans to use in its proposed rule. Under the definition, a chlorofluorocarbon is not considered a propellant if the pressurized container contains only chlorofluorocarbons or only gases.

Because only propellant uses are being regulated at this time, the warning and proposed phaseout will not apply to pressurized cylinders of chlorofluorocarbons and ethylene oxide used for sterilization purposes, or to cylinders used simply to transport chlorofluorocarbons for industrial uses, as in the case of cylinders transporting liquid food freezant. Also not covered by the present action are FDA-regulated products containing only chlorofluorocarbons in which the chlorofluorocarbon is the active ingredient.

The warning and proposed phaseout are also not applicable to the use of chlorofluorocarbons as a stabilizer in food toppings and spreads, even though the chlorofluorocarbon has an incidental propellant effect. The data submitted in response to the notice of intent indicate that in these products the chlorofluorocarbon is used in small amounts, usually less than 1 percent of the product, to stabilize the food after dispensing and to prevent waste. The phaseout of this will be considered with the nonpropellant uses.

Generally, the warning is applicable whenever a chlorofluorocarbon is used in whole or in part as a propellant, even though the chlorofluorocarbon has another function, or the product contains another propellant or has a barrier pack to prevent release of the propellant during use. A chlorofluorocarbon propellant could be considered to serve several functions in many instances simply because of its general characteristics, e.g., as a fire retardant, or coolant. If the existence of a dual function generally exempted products from the regulations, the scope would be reduced and the purpose of reducing nonessential product delivery uses would be diluted. Accordingly, the regulation is expressly applicable whenever a chlorofluorocarbon is used in whole or in part as a propellant. The only exceptions are stated in the regulation and, as already discussed, in these products the chlorofluorocarbon has a distinct nonpropellant purpose not generally found in products. These uses of chlorofluorocarbons will be phased out, if not found to be essential, when action is taken later with respect to all the nonpropellant uses of chlorofluorocarbons.

The final regulation is also revised to delete the term "volatile." Chlorofluorocarbon propellants are or become gases after release and pose similar risks of ozone depletion. As used in the proposal, the term "volatile" was intended to be simply descriptive and not to limit the scope of the regulation. Thus, the deletion of this term should have no effect.

COMMENTS ON PROPOSAL

One hundred and sixty-two comments were received in response to the proposal to require the warning established by this rule. One hundred and thirty-three comments endorsed the Commissioner's decision to initiate regulatory action to phase out chlorofluorocarbons, with 79 of these comments expressly endorsing the requirement for a warning. Fifteen comments opposed the initiation of any regulatory action, 13 of which expressed opposition to the warning requirement. Fourteen comments were concerned with exceptions for specific categories of products, or with alternative products, and expressed no clear views for or against regulatory action. The Commissioner's discussion of the comments received and his response to them are set forth below.

All comments received within a week of the close of the comment period have been analyzed and counted with the timely comments. Some comments were

received even later. The final procedural regulations governing FDA rulemaking procedures have only recently been published (see the FEDERAL REGISTER of January 25, 1977 (42 FR 4680) and subsequent recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), and the Commissioner has exercised some leniency in accepting late comments. The comments received more than a week late have been screened, and none presented any new matter significantly different from the issues raised in the timely comments. Their numbers have not been calculated, however, in the description below of the comments received.

To give a comprehensive and orderly discussion of the scientific issues, all the comments raising scientific questions are discussed below irrespective of whether they were submitted in response to the proposal to require the warning (Docket No. 76N-0459) or in response to the notice of intent (Docket No. 76N-0460). Furthermore, the Commissioner has discussed some late comments raising scientific issues because of his continuing efforts to monitor new scientific developments. Similarly, to permit an orderly discussion, all comments relating to the essentiality of products subject to the warning requirement are discussed below irrespective of the docket to which the responses were submitted.

Because the proposed warning was the first step in the overall regulatory action being taken, the Commissioner included in the docket for the warning proposal all comments that related to the general need for regulatory action as well as those that bore the designated docket number. A few comments submitted specifically in response to the notice of intent discussed issues that bore on the warning proposal. The Commissioner recognizes that some persons may have been confused about the proper docket to which they should have submitted their comments. Accordingly, the Commissioner has reviewed the comments in the docket for the notice of intent and, if a comment was timely and dealt expressly with the proposed warning, he has discussed the comment below to the extent pertinent to the warning. Some comments included in the docket for the warning requirement raised issues that related solely to the intended phaseout, and these issues will be discussed in the preamble to the proposed phaseout.

LEGAL ISSUES: STATUTORY AUTHORITY

1. Three comments asserted that the Commissioner lacked statutory authority to require the proposed warning either for cosmetics or for all products. One of the comments argued that section 201(n) of the FFDCA (21 U.S.C. 321(n)) does not authorize the Commissioner to require affirmative disclosures in cosmetic labeling, and that it allows the Commissioner to take account of material omissions in labeling only in the case of express claims made in the labeling. The comments also argued that the Commissioner could require warnings under section 201(n) of the FFDCA only with respect to a "serious hazard" and risks to the immediate user of the product under customary conditions of use, but not risks to the health of other persons who may be indirectly injured as a result of the use of the product. All three comments protested that the Commissioner does not have any authority, either under the FFDCA or under the National Environmental Policy Act (NEPA), to regulate environmental damage caused by products subject to the FFDCA. Another comment stated that FDA has statutory authority, comparable to that of EPA and the Safety Commission, to regulate environmental and health risks posed by products within FDA's jurisdiction.

The Commissioner rejects the comments that he lacks statutory authority to issue this regulation. The Commissioner has relied for the warning requirement not only on section 201(n) of the FFDCA but also on the adulteration and misbranding provisions of the FFDCA, and on NEPA, and has discussed in the preamble to the proposed rule the basis for reliance on these provisions. He agrees that the FFDCA authorizes warnings and affirmative disclosures only with respect to serious hazards but, as more fully described below, unlike the comments, the Commissioner believes that the hazard to which this warning is directed is a serious one. Every product subject to the FFDCA, including a cosmetic, makes an implied claim of safety. Accordingly, section 201(n) of the FFDCA requires an affirmative disclosure of any serious hazard the product poses. The Commissioner has previously explained (see the FEDERAL REGISTER of March 3, 1975 (40 FR 8912)) his basis for believing that section 201(n) of the FFDCA requires affirmative disclosures about safety risks.

The health risks against which the act is directed are not limited solely to risks to the immediate user. Some sections of the FFDCA, such as section 601(c), expressly refer to risks that may render the product "injurious to health," a phrase that Congress used in the same sense as the term "injurious to users" found in other provisions such as section 601(a). This indicates that Congress used both terms in a broad sense reflecting a general concern for all health risks found in products subject to the FFDCA. Risks to the health of the immediate user under the intended conditions of use are most frequently the focus of regulatory concern. The FFDCA provides authority, however, to protect the public against other risks. The Commissioner has, for example, required warnings about the risk of death from intentional misuse of products, and risks of explosion from improper storage or disposal of self-pressurized containers, a risk which affects other persons besides the intended user, e.g., 21 CFR 101.17 (formerly 1.13 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), 369.21, and 740.11. The Commissioner's authority to issue those regulations has been upheld in an initial challenge (*Cosmetic, Toiletry and Fragrance Assn v. Schmidt*, 400 Supp. 57 (D.D.C. 1976), appeal pending). The failure to warn householders of substantial risks of injury or illness, such as flammability risks, posed by foods, drugs, and cosmetics may make the product misbranded (16 CFR 1500.81).

The usual condition of use of self-pressurized containers involves a release of chlorofluorocarbons into the atmosphere. Thus, the risks from chlorofluorocarbon release is a hazard associated with customary use of the products.

Recent congressional action reflects a recognition that FDA has authority to regulate unreasonable risks to health or the environment which are directly or indirectly caused by foods, food additives, drugs, cosmetics, and devices. Congress exempted these products from the recently enacted TSCA. By creating the exemption, Congress did not intend to leave any gaps in the regulatory authority to deal with risks posed by chemicals. As stated by the House Committee, in H. Rept. 94-1341, 94th Cong., 2d Sess., page 10 (1976): "The intent of the committee in excluding these items is to exclude from coverage under the bill items which may be regulated under the Federal Food, Drug, and Cosmetic Act. By adopting the definitions given the items by the Act the Committee has made the exclusion of these items from the bill coextensive with the authority to regulate them under the Federal Food, Drug, and Cosmetic Act." In view of Congress' concern with preventing unreasonable direct and indirect health and environmental risks posed by chemicals, Congress would not have created the exemption if it did not accept as the appropriate interpretation of the FFDCA that FDA can regulate these risks when posed by foods, food additives, drugs, cosmetics, and devices.

Furthermore, industry representatives have argued that the States do not have authority to require warnings about environmental and other risks posed by products containing chlorofluorocarbons, in part, because State authority is preempted by FDA's statutory authority to require cautionary labeling. One trade association brought to the attention of a State agency FDA's notice in the FEDERAL REGISTER of July 16, 1975 (40 FR 29914), relating to ozone depletion risks from fluorocarbons, with the comment that "It is clear that the Federal Government not only has jurisdiction over aerosol products, but also is actively exercising that jurisdiction * * *" (Ref. 20). The preemption argument is premised on the existence of statutory authority in FDA to require cautionary labeling with respect to all types of risks posed by products subject to the FFDCA. Thus, at least until FDA initiated this action, many segments of the affected industry have apparently accepted that FDA's authority reaches the risks from ozone depletion posed by the use of chlorofluorocarbons in products subject to the FFDCA.

LEGAL ISSUES: NEED FOR UNIFORM FEDERAL APPROACH

2. One comment contended that the warning was discriminatory, and therefore illegal under the Administrative Procedure Act (5 U.S.C. 706(2)(A)), because FDA did not have a "uniform approach" for regulating the aerosol products under its jurisdiction that was "consistent" with the approach of the other Federal agencies regulating aerosol products containing chlorofluorocarbons. According to the comment, EPA has been asked by FDA and the Safety Commission to be the lead agency in developing a uniform regulatory approach, and EPA has considerable experience and expertise in environmental matters. Therefore, FDA should withdraw the proposed warning and coordinate its actions with EPA in phasing out uses of chlorofluorocarbons. The comment further stated that FDA's proposed warning was inconsistent with the statement required by EPA on pesticides, and that FDA's proposal was developed "apparently" without consultation with EPA. It was also argued that Congress endorsed a postponement of any proposals for regulatory action until January 1978, as evidence by the provisions authorizing EPA to issue regulations in 1978 governing substances that affect the stratosphere, as found in bills to amend the Clean Air Act that passed each House in the last session of Congress. Other comments also criticized FDA for acting differently from EPA, but did not assert that FDA action was illegal simply because it was different from EPA's approach.

The Commissioner believes that coordination among Federal agencies is appropriate and has pursued coordination actively on this matter. Already in the record, as reference 17, is a letter from the then Commissioner to the Council on Environmental Quality (hereafter referred to as "the Council") in which the then Commissioner stated his intention to initiate a phaseout of the use of chlorofluorocarbons in products subject to the FFDCA. He suggested that the Council coordinate Federal regulatory activity through the Interagency Task Force on Inadvertent Modification of the Stratosphere (IMOS Task Force) and that the Council designate EPA as lead agency to coordinate the environmental impact statement. As a result, the Council held meetings with the affected Federal regulatory agencies (Ref. 21). All the agencies agreed to cooperate in preparing the necessary documents relating to the environmental impact of the action being taken, with EPA taking the lead in coordinating the preparation of these documents. EPA has coordinated this effort through the working group responsible for developing the EPA phaseout proposal. FDA personnel have participated in the meetings of the working group which is chaired by EPA. The working group has also served to keep each agency informed of the steps of the other agencies in preparing for the phaseout.

A commitment to coordination, however, does not mean that all agencies will act identically, or that any one agency has the lead responsibility to determine the approach that should be taken by all. The aim of coordination is to explore the possibilities of taking similar action, and to understand the reasons for a different approach if one agency believes it advisable. The Commissioner rejects the argument that the approach of FDA is illegal merely because it is not identical with the approach adopted by another agency. Each agency has the responsibility for administering a distinct statute, and its actions apply to different types of industries and uses. Thus, the particular regulatory situation an agency deals with may warrant different treatment. In addition, judgments may differ on matters of policy. Each agency has the ultimate responsibility to be sure that it has acted appropriately under its particular act.

The Environmental Protection Agency and FDA plan to propose essentially parallel and complementary phaseout actions. The proposals differ in matters of form, but that difference is largely attributable to the differences in terminology and structure of the statutes and existing regulations each administers. The Safety Commission has preliminary found that the use of certain chlorofluorocarbon propellants present an unreasonable risk of injury and has instructed its staff to prepare a draft notice proposing to declare products subject to the CPSA containing the propellants to be banned hazardous products (Ref. 22). The Safety Commission also stated that if EPA proposes a rule under TSCA which renders action by the Safety Commission unnecessary the Safety Commission may terminate its proceeding.

The Federal agencies have differed to some extent in their approach to a labeling requirement about the presence of chlorofluorocarbon propellants. All three agencies have recognized the suitability of imposing some type of labeling requirement, but they have differed in their approach to the text and the applicability of the requirement, in part because of reasons of policy, and in part because of differences in the type of products they regulate.

The Safety Commission has published elsewhere in this issue of the FEDERAL REGISTER a proposed rule that would require a warning on all the aerosol products containing chlorofluorocarbons it regulates. The text of the warning proposed by the Safety Commission will be similar to the one required by FDA in this regulation.

The Environmental Protection Agency has also required labeling but only in the form of a descriptive statement on pesticides that "This product contains chlorofluorocarbon 11 (or 12)." EPA has not required a warning on pesticides, or any labeling on any other products it regulates. The Food and Drug Administration informed the Council, EPA, and the Safety Commission in early October that FDA intended to propose a warning statement as the first step in a phaseout program. The Environmental Protection Agency subsequently issued its notice providing for labeling on pesticides but not a warning. The Food and Drug Administration considered the text of the EPA labeling notice before it issued its proposed regulation; FDA decided that a warning requirement was more appropriate. In the Commissioner's judgment, consumers may not understand the significance of a presence of a chlorofluorocarbon in a product, and the hazard posed, from a statement that simply states that the product contains a chlorofluorocarbon. Some consumers may assume the statement is made to indicate an especially valuable ingredient, and they may interpret the statement as a reason for purchasing the product. Thus, on policy grounds, FDA adheres to the view that a warning statement should be required.

The Environmental Protection Agency has made only pesticides subject to its labeling requirement. Many of the other uses of chlorofluorocarbons regulated by EPA are industrial ones, and labeling on the immediate container of industrial products may have less impact on purchases.

The Commissioner also points out that most nonessential uses of chlorofluorocarbon propellants occur in products subject to FDA's jurisdiction. Eighty percent of the releases of chlorofluorocarbons from self-pressurized containers in the U.S. has been from FDA-regulated products. Thus, the Commissioner believes he has a special responsibility to ensure that action is taken promptly to reduce the risk from these nonessential uses under FDA's jurisdiction. The establishment of the warning requirement, provided for in this document, helps to meet that responsibility.

The Commissioner rejects the argument that FDA should not act because of the timetable for regulatory action found in unenacted bills to amend the Clean Air Act in the last session of Congress. The bills were not enacted and, like all bills, they are not the authoritative expression of congressional intent. Furthermore, the bill reported by the Conference would have allowed EPA to act before 1978 if the Administrator found that regulation was necessary to prevent an effect that might reasonably have been anticipated to endanger the public health or welfare (Ref. 23). Furthermore, the bills did not repeal FDA's existing authority, and the Conference Report indicates that there was no intention to supersede or preempt the authority other Federal agencies might have with respect to the same or similar hazards presented by products within their jurisdiction.

LEGAL ISSUES: INSUFFICIENT BENEFIT AND NEED FOR ENVIRONMENTAL IMPACT STATEMENT

3. Three comments stated that the Commissioner's warning proposal was irrational because it provided too speculative and small a benefit, even under FDA's estimates, to justify the requirement or to warrant the cost of relabeling. Furthermore, the comments argued that the warning would have even less effect on ozone reduction and on health than assumed by FDA. Alternatively, the comments argued, if the proposed warning would have sufficient impact to be justified, any final regulation mandating a warning would be unlawful under NEPA and FDA's environmental regulations in 21 CFR Part 25 (formerly 21 CFR Part 6, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) unless accompanied by a comprehensive final environmental impact statement.

The Commissioner has discussed below in more detail the reasons why some comments did not view the warning as having a sufficient benefit to be rational. He concludes that, notwithstanding the continued uncertainty about the precise degree of ozone depletion, and the exact extent of adverse health and environmental consequences that may occur, the risk of harm is substantial and is sufficient to warrant taking regulatory action at this time to reduce nonessential uses of chlorofluorocarbons. The requirement is a rational first step in the program to reduce and phase out nonessential uses of chlorofluorocarbons. It can be implemented relatively quickly, and it should discourage nonessential users temporarily. While the warning is in effect, FDA can proceed with the consideration of a phaseout action based upon a comprehensive consideration of the full environmental and inflation impact of a phaseout, coordination of the action with other Federal agencies, and examination of any new information or research developed in this period.

Several comments stated that the remarks of the Commissioner in the preamble to the proposed regulation, referring to the limited and temporary nature of the warning, revealed that the Commissioner recognized that the warning would have no appreciable benefit. The comments misconstrued the Commissioner's views. The Commissioner believes the warning is beneficial and useful as an interim measure. The warning should reduce use of chlorofluorocarbons to some extent, facilitate informed consumer choice, and promote a reasonable transition to a phaseout of nonessential uses.

The remarks of the Commissioner quoted in the comments were made to explain why a separate environmental impact statement need not be prepared for the warning requirement. Important though the warning is, in comparison with the proposed phaseout, the impact of the warning is not significant. The warning will have less effect because it is temporary and it will not ban manufacture or use of any products. It is not possible to know the extent to which the warning itself will reduce use. The effect of the warning, whatever its degree, will be subsumed within the overall regulatory action being taken. This warning is the initial step of the total phaseout action. The environmental effect of the overall action has been evaluated comprehensively in connection with the phaseout of nonessential propellant uses of chlorofluorocarbons in FDA-regulated products which FDA will propose shortly. The draft environmental impact statement relating to the phaseout will be publicly available within a short period. Thus, the Commissioner continues to believe that a separate environmental impact statement for the warning need not be prepared and completed before a final rule requiring a warning is issued.

At the meetings held by the Council to coordinate Federal agency action with respect to fluorocarbons (Ref. 21), FDA described its intent to require a warning as an initial step, propose a phaseout later, and prepare an environmental impact statement only for the phaseout. The Council representatives concurred in the position that a separate environmental impact statement is not necessary for the warning requirement.

The Commissioner notes that he has prepared an environmental impact analysis report and an environmental assessment report on the effects of a warning. The warning is being required for environmental and health reasons. The preamble to the proposed rule discusses the reasons in detail, and this document responds to the comments received from the public on the preamble. Thus, in substance, the Commissioner has already stated the environmental impacts of a warning and the public has had an opportunity to comment. If anyone believes that the overall phaseout action, or the warning which is a part of that action, has an adverse environmental effect that has not been considered, they may comment on the phaseout proposal and the draft environmental impact statement. The Commissioner will monitor comments received, and will act promptly if the comments indicate the need for any changes.

Lastly, the Commissioner points out the time period during which the warning is to be in effect is uncertain. In response to comments, as discussed below, he has extended the effective date for including the warning in the labeling. In the phaseout proposal, he has established the tentative target dates for the phaseout. These dates may be extended, however, in response to comments or to achieve suitable coordination with EPA's actions to phaseout nonessential aerosol propellant uses. Thus, the warning could be in effect for less than 2 years, but it is also possible that the duration of the warning could be longer. The Commissioner views the warning as rational, notwithstanding its temporary duration, because the warning can be implemented promptly and can continue until the phaseout regulation becomes effective.

SCIENCE-RELATED COMMENTS

ESTIMATES OF OZONE DEPLETION AND NEED FOR FURTHER RESEARCH

4. Five comments were received regarding the uncertainties in the predictions of stratospheric ozone depletion resulting from chlorofluorocarbon releases. Some of the comments characterized the risks of ozone depletion and adverse consequences from chlorofluorocarbon release as a "speculative possibility" because of the remaining scientific uncertainties. The comments urged that any regulatory action be delayed at least 2 years, until research was completed to explore the scientific uncertainties. All the comments referred to the report (Ref. 8) on "Halocarbons: Environmental Effects of Chlorofluoromethane Release"[1] of the Committee on Impacts of Stratospheric Change of the National Academy of Sciences (NAS Committee) and criticized the Commissioner for not following the NAS Committee's recommendation that regulatory action be delayed for up to 2 years to permit further research. The uncertainties mentioned in these comments included photochemical reaction coefficients and atmospheric transport rates, the nature and amount of "minor species" in the atmosphere, the processes which may control their abundance, the limitations in the representation of atmospheric dynamics by one-dimensional models, speculation about other possible sources of ozone, discovery of new "sinks," such as hydrochlorofluorocarbon 21, which might lower ozone depletion levels, and the existence of chemical and feedback processes not included in the NAS model. One comment submitted late listed several research projects sponsored by an industry association to resolve uncertainties.

The Commissioner is aware that there are uncertainties, but he stated in the preamble to the proposed rule the reasons why he believed action was warranted at this time despite the existence of some uncertainties and the recommendation for further research by the NAS Committee. The best available information still indicates that chlorofluorocarbon release will affect stratospheric ozone to some extent. The principal uncertainty relates simply to the amount of ozone that will be depleted. The NAS Committee found in its report that selective regulation of chlorofluorocarbon 11 and 12 is "almost certain" to be necessary. The Commissioner believes, based on his continued monitoring of the scientific research, that the NAS estimate of ultimate reduction of stratospheric ozone on the order of 7 percent still has general support among the scientific community as the best estimate based on currently available information.

Further research as recommended by the NAS Committee might serve to establish that the ozone depletion level is around 2 percent. The NAS Committee believed that the consequences of a 2 percent reduction are tolerable, but the Commissioner disagrees, as already

[1] The NAS Committee report and the companion report of the NAS Panel on Atmospheric Chemistry, "Halocarbons: Effects on Stratospheric Ozone" (Ref. 9) have recently been published by NAS and are on sale through the National Academy of Sciences, Printing and Publication Office, 2101 Constitution Ave. NW., Washington, DC 20418. The NAS Committee report is $6.25 (Order No. 2529), and the NAS Panel report is $10.25 (Order No. 2532).

stated in the preamble to the proposal. Thus, further research to establish only that the ozone depletion rate is as low as 2 percent would not provide any justification for delaying regulatory action. A delay in protecting the public is not warranted simply to know the precise degree of unjustified risk to which the public might be exposed.

The further research referred to by NAS and in the comments might also uncover inadequacies in the current estimates or explore unidentified factors that might further neutralize the effect of chlorofluorocarbons and even reduce the estimate of ozone depletion significantly below 1 percent. The NAS Committee recommended waiting for further knowledge to reduce these uncertainties, but it recommended against waiting longer than 2 years before making a decision to regulate. The NAS Committee chairman has testified that he doubts that the NAS Committee would be uncomfortable with the actions so far proposed by the regulatory agencies (Ref. 24). He also indicated that "(w)ithout the (National Aeronautical and Space Administration (NASA)) program directed to stratospheric research the Committee could not have honestly stated that it expected important gains in knowledge over the next two years" (Ref. 24).

NASA has released a preliminary report updating the scientific assessments about chlorofluorocarbons 11 and 12 which was based on workshops conducted by the Goddard Space Flight Center (Ref. 25). The preliminary report states that there is "little doubt" that ozone in the stratosphere will be destroyed by the release of chlorofluorocarbons 11 and 12 and concludes, on the basis of the known information, that the ultimate ozone reduction will be between "5 and 9 percent" if release continues at 1975 production rates. A final report from NASA is expected to be released in September 1977.

The Commissioner recognizes that there are still uncertainties about the estimates made in the NAS reports and the preliminary NASA report. Some of the areas of uncertainty were specifically addressed in the comments on the proposed rule and have been discussed in more detail below. Ongoing and new research could change the best current estimates of ozone depletion attributable to chlorofluorocarbon emissions. Continued research to resolve the remaining scientific uncertainties is desirable, and the Commissioner will continue to monitor the scientific developments and will consider any comments on these matters submitted in response to the proposed phaseout. As he has already indicated, he will revoke the warning requirement if further research shows it is warranted. But precisely because the research is probing into new areas, it is not possible to predict whether and how the research will change current estimates or how long it would take to confirm whatever initial results the research produces. As stated by one of the scientists for DuPont in congressional testimony, "The major surprises are • • • likely to come in the area of unknown chemistry on which one cannot really speculate. The current government and industry research programs should greatly reduce the possibility of surprises of this kind within the next year or two" (Ref. 26).

The fact remains that the best information currently available indicates that chlorofluorocarbon release poses risks that have unacceptable consequences. In view of the nonessentiality of propellant uses of chlorofluorocarbons, the Commissioner does not believe it warranted to delay a warning requirement to await the results of further research because of the "possibility of surprises" that might change the assessment that chlorofluorocarbons pose an unacceptable risk. As one of the comments supporting the Commissioner's action phrased it, in referring to the requests for time to do further research: "By all means perform your study, but do it in a smaller laboratory. Too many people live in this one."

5. A comment disputed the statements in a letter from F. S. Rowland, cited in the preamble to the proposed warning (Ref. 14), that on the basis of scientific developments, ozone depletion from chlorofluorocarbon release could be estimated as roughly 13 to 16 percent. The comment contained statements criticizing the Commissioner for including the letter, and the higher ozone depletion estimates it contained, as part of the basis for issuing the proposed rule.

The letter was cited as one of several recent developments that suggested that the ozone depletion figures might be even higher than the 7.5-percent figure estimated by NAS. The Commissioner believes it was a relevant report and the citation of it permitted the scientific community and the public to comment on it. However, the comments received indicate that the methods at arriving at higher estimates made in the letter are disputed. Accordingly, the Commissioner is taking this action on the basis that the best current estimate of the amount of ozone depletion that will result from continued chlorofluorocarbon release is a range with a median on the order of 7 percent.

MINOR SPECIES AND POSSIBLE "SINKS" FOR CHLOROFLUOROCARBON

6. Several comments referred to the significant effect chlorine nitrate could have on the calculations of ultimate ozone depletion resulting from emissions of chlorofluorocarbons 11 and 12. The inclusion of chlorine nitrate in some computer models measurably reduces the predicted impact of these chlorofluorocarbons on stratospheric ozone.

The preliminary NASA update (Ref. 25) did not use the pressure dependencies for the rate of formation of chlorine nitrate assumed by the NAS Panel and recommended a rate independent of pressure. While this change taken alone would reduce the NAS ultimate ozone depletion estimate by a factor of 2, it has not significantly altered the overall estimate of the amount of ozone depletion in the preliminary NASA update. Furthermore, Professor Gutowsky, head of the NAS Panel on Atmospheric Chemistry, has stated (Ref. 27) that, as far as he had been able to ascertain, the constants recommended by the NASA staff were not intended to be a "complete, definitive reevaluation of the kinetics data" and that the near-maximum constants used for chlorine-nitrate "are not in accord with some of the experimental data."

7. A comment suggested the possibility of an additional stratospheric sink for chlorine radicals, that of hydroxyl chloride. According to the comment, catalytically active chlorine oxides may react with water in the stratosphere to form hydroxyl chloride which will not react readily with ozone.

The Commissioner notes that even if this intermediate compound were formed, it would be much less effective than chlorine nitrate in preventing ozone destruction for two reasons. First, it would not tie up catalytically active nitrogen oxides in addition to catalytically active chlorine, as chlorine nitrate does. In addition, hydroxyl chloride is likely to be more rapidly photodissociated (Ref. 25). Thus, the hydroxyl chloride sink would not appear likely to have a major impact on estimates of ozone depletion, but any further research on this possibility will be monitored by the Commissioner.

8. Three comments discussed the possibility of tropospheric degradation of chlorofluorocarbon 11 to hydrochlorofluorocarbon 21. This claim was based on two independent measurements in the troposphere at levels approximating 10 parts per trillion (ppt). Based on production figures, DuPont could only account for enough hydrochlorofluorocarbon 21 to give a fraction of a ppt in the troposphere. The hypothesis was advanced that the higher levels might be a result of the breakdown of chlorofluorocarbon 11. If so, this would significantly reduce the tropospheric lifetime of chlorofluorocarbon 11. Should a similar conversion of chlorofluorocarbon 12 to hydrochlorofluorocarbon 22 exist, ozone depletion estimates might be lowered by a factor of 3. The comments noted that Professor Gutowsky (Ref. 27) stated that the detection of hydrochlorofluorocarbon 21 in the atmosphere is "an important finding, the details and implications of which should be checked out promptly and thoroughly."

The Commissioner agrees that further research on this hypothesis would be useful. Until these estimates are confirmed, however, they must be viewed with caution. The high level detected might be a result of instrument contamination, and this possibility is currently being considered by the investigators involved. In fact, one of the researchers recently confirmed that his reported measurements were actually the result of instrumental contamination and that he could find no detectible levels of hydrochlorofluorocarbon 21 in the troposphere (Ref. 28).

9. One comment indicated that the reaction of chlorofluorocarbons with stratospheric ions could represent a possible tropospheric sink. A separate comment and supporting scientific paper concluded, however, that, "At this point atmospheric ion chemistry does not seem to represent a significant tropospheric sink for any of the halocarbon compounds."

The Commissioner concludes that further study is necessary before ion-molecule reactions are considered to be a significant factor in estimates of ozone depletion resulting from chlorofluorocarbon emissions.

TROPOSPHERIC LIFETIMES

10. An unpublished scientific paper was submitted which indicates that chlorofluorocarbons 13, 113, 114, and 115 (all fully halogenated chlorofluoroalkanes like chlorofluorocarbons 11 and 12) have long tropospheric lifetimes and thus if released into the troposphere would be transported into the stratosphere where they would be photolyzed, releasing catalytically active chlorine, in the manner described for chlorofluorocarbons 11 and 12 (Ref. 29).

This paper supports the Commissioner's view that the release of any fully halogenated chlorofluoroalkane poses a threat to stratospheric ozone similar to those documented for chlorofluorocarbons 11 and 12. Thus, the paper provides additional support for the action being taken in this regulation which is applicable to all chlorofluorocarbons.

11. Several papers were submited reporting data on the reaction rates of chlorofluorocarbons and hydrochlorofluorocarbons with the hydroxyl radical (Ref. 30). The faster this reaction rate the more likely the compound is broken down in the troposphere, thus preventing the transport of chlorine into the stratosphere where it could catalytically destroy ozone.

These papers show that chlorofluorocarbons react least rapidly of all halocarbons tested with hydroxyl radical and thus would pose the greatest risk to stratospheric ozone.

STRATOSPHERIC OZONE AND ULTRAVIOLET RADIATION MEASUREMENTS

12. One comment questioned the theory that chlorofluorocarbons may deplete stratospheric ozone because no decrease in ozone has been measured. According to the comment, numerous records show that global ozone has tended to increase over most of the period since 1950, in the fashion predicted by the known cycles of ozone concentrations, and the record appears ample to reveal any contrary trend of detectable magnitude.

The staff of the National Oceanic and Atmospheric Administration (NOAA) confirms that there has been an upward trend in ozone concentrations in the period from 1962 to 1970 (Ref. 31), but a gradual lowering trend has occurred since 1970. Before 1962, the data are too sparse to make any scientifically sound judgment on trends in ozone concentration. If chlorofluorocarbons have depleted stratospheric ozone at a rate that would ultimately reach 7 percent, the present deviation from natural ozone trends would only be in the order of 1 percent (Ref. 4). NOAA estimates that with today's monitoring limitations, one would have to measure changes of 2 to 3 percent to conclude that global ozone levels had deviated from natural trends (Ref. 31). The limitations on human ability to determine changes in global ozone levels depend less on the sensitivity of the method, since existing methods can detect close to 1 percent deviation, than on the uneven distribution of sampling sites throughout the world. Ozone changes over North America and Europe, where most of the monitoring stations are located, may not be representative of ozone changes over the rest of the world. Therefore, even with data showing no detectable changes in stratospheric ozone today, one could not conclude that predicted reductions in global ozone resulting from past chlorofluorocarbon emissions have not occurred.

13. One comment noted that chlorofluorocarbon release is a current concern, even though it has not yet caused measurable ozone depletion, because a decrease could not be detected until further harm is irreversible. The comment suggested, though, that with better and more numerous tracking stations to monitor ozone depletion levels, small decreases in ozone could be detected in time to keep the maximum ozone decrease to only 2.3 percent if uses are ceased immediately upon detection of the decrease.

As noted above, the difficulties in setting up tracking stations are considerable. Moreover, the Commissioner considers the consequences of ozone depletion at the ultimate rate of 2 percent to be intolerable. The detection and identification of an actual ozone reduction if the ultimate depletion rate were 2 percent would take a considerable number of years and require careful calibrations (Ref. 9 at 15–16). The Commissioner will consider any comments submitted on the proposed phaseout relative to the feasibility of more monitoring stations, but will not delay regulatory action to await further exploration of this possibility.

14. One comment stated that a report from the Smithsonian Institution indicated that there has been no increase in the amount of ultraviolet radiation that is hitting the earth, based on studies over the last 5 years.

A communication from the Radiation Biology Laboratory of the Smithsonian Institution indicates that the comment has misinterpreted the data published by the Smithsonian (Ref. 32). The Smithsonian data measurements were of the total ultraviolet radiation band, i.e., all radiation of a wavelength of less than 400 nanometers. The region affected by fluorocarbons is the band of biologically active ultraviolet radiation (UVB) that lies below 320 nanometers, which constitutes only about 2 percent of the total band. The communication from the Smithsonian Institution explained that since UVB is "so much smaller" than the total ultraviolet radiation band "it would be extremely difficult if not impossible to determine any ozone changes or UVB • • • changes using the larger band."

IMPACT OF WARNING OF NONMELANOMA SKIN CANCER INCIDENCE

15. Two comments stated that FDA should focus greater attention on the overall problem of skin cancer rather than on the small contribution of chlorofluorocarbons to this disease. Furthermore, the comments suggested that changes in lifestyle have made such a great contribution to the increased incidence of skin cancer that the risks from chlorofluorocarbon release are trivial in comparison, or at least that the consequences of a further release during the 2-year period that the warning would be in effect are trivial. The argument was made that moving south could result in similar untraviolet radiation exposures as would a 2-year delay in the cessation of U.S. chlorofluorocarbon releases. Following this line of reasoning, the comments stated, would lead to the absurd suggestion that we should warn people about the hazards of moving south, put warning labels on bathing suits and the like.

The comment is similar to some points raised earlier in a letter to FDA (Ref. 33). The writer urged, in particular, that greater emphasis be put on use of more effective sun-screen agents in sunburn preventatives and similar lotions. FDA responded (Ref. 34) that:

> We agree that the increase in incidence of skin cancer resulting from chlorofluorocarbon releases into the atmosphere will only be a part of the total increase in incidence of such cancers (chlorofluorocarbon releases in 1950 are only now beginning to result in observed cancers). We agree that attempts should be made to prevent all cases of skin cancer (all cancers for that matter). For those adverse health effects associated with natural background exposures to ultraviolet radiation, we advocate good public education and information programs so that people are made aware of these associations and can themselves decide the best method of prevention (avoidance, clothing, sun screens, etc.).

The Commissioner recognizes that changes in lifestyle have contributed significantly to the increased incidence of skin cancer. People should be educated about the accompanying hazards of increased exposure to the sun, but these educational efforts should not be made to appear ridiculous, as in the case of warnings on bathing suits. The Commissioner believes in contrast that the warning on aerosols containing chlorofluorocarbons will be taken seriously by the public, and it may lead to an increased general awareness of the risks from exposure to ultraviolet radiation. It also allows the consumer to make an informed-cost versus benefit choice between, on the one hand, health and environmental risks, and, on the other hand, convenience or other satisfactions from the product.

In any event, changes in lifestyle are difficult to achieve, no matter what educational or other efforts are undertaken. Thus, the risks from increase in ultraviolet radiation should, in the Commis-

sioner's judgment, be assessed in relationship to the existing rates of skin cancer, on the assumption that the preference for light dress in summer weather and increased exposure to sunlight will continue. On that basis, the estimates made in the preamble to the proposed rule about the increased incidence of skin cancer that would result from increased ultraviolet radiation continue to be valid, as discussed further below. Those risks should not be discounted in the expectation that people will change their lifestyle. Furthermore, many people might value the opportunity to be directly in the sunshine more highly than whatever benefits are conveyed by self-pressurized containers with chlorofluorocarbons.

The Commissioner rejects the argument that he should ignore the risks of skin cancer from chlorofluorocarbon emissions because the contribution of other factors to the incidents caused is also large. The incidents that may result from chlorofluorocarbon emissions are significant, and it is within the Commissioner's authority and ability to do something to reduce this part of the risk. Most of the factors contributing to this risk are beyond the Commissioner's regulatory authority. But he has authority to examine the effectiveness of sun screens in sunburn preventatives and other sun preparations. The Commissioner agrees with the point that increased attention needs to be given to effective sun screens. The OTC drug review will examine sunburn lotions and other sun preparations, and the Commissioner intends to weigh the concerns expressed about the effectiveness of sun screens in reviewing these products.

16. One comment questioned the statement in FDA's response to the letter, referred to in the previous comment, that "chlorofluorocarbon releases in 1950 are only now beginning to result in observed cancers."

The statement should have indicated that chlorofluorocarbon releases may result in skin cancer, that no actual cases attributable to this cause have yet been identified, and that, because of the latency period of cancer, cases resulting from chlorofluorocarbon emissions in 1950 are likely to be discernible only beginning now.

17. One comment used DuPont's present best estimate of ozone depletion of 3.7 percent to recalculate FDA's estimate in the preamble to the proposed rule of the number of cases of nonmelanoma skin cancer which might be prevented by imposing a warning label requirement. Use of the DuPont estimate would, of course, lower the number of cases of nonmelanoma skin cancer which would be prevented by imposing a warning label requirement, for it would lower the projected number of cases of skin cancer to be expected.

The Commissioner believes that most current estimates of ozone depletion are still generally around 7 percent rather than the 3.7-percent level estimate by DuPont, which is among the lowest estimates currently being made. Furthermore, the Commissioner regards a 3.7-percent ozone depletion level as posing unacceptable risks. In addition, some recent scientific developments indicate that the original FDA estimate may be conservative.

Based on the report of the IMOS Task Force, the NAS Panel report, and an earlier NAS study (Refs. 4, 9, and 10), FDA used a 1:2 overall amplification rate to calculate the relationship between ozone depletion and the incidence of nonmelanoma skin cancer in making the estimates set forth in the preamble to the proposed rule. A study by Fears (Ref. 35) reports that a 20-percent increase in UVB would result in an increase in cases of nonmelanoma skin cancer from about 35 percent in northern latitudes of the United States, e.g., North Dakota, to about 70 percent in southern latitudes, e.g., Florida. According to these researchers, the relationship between ozone depletion and the increased incidence of nonmelanoma skin cancer is in the order of 1:3.5 to 1:7 in the continental United States. Dr. Alex Green has stated that the approach in the Fears study and in a study conducted by him and his associates gives a biological amplification factor, which is one element in determining the overall amplification factor, that is "substantially greater than the unit factor given in the IMOS report" (Ref. 36).

An overall amplification factor considerably greater than 1:2 has been reported by Rundel and Nachtwey using a model described in Appendix A of the FDA draft environmental impact statement for the proposed phaseout (Ref. 37).

Using the modifications in the skin cancer data reported above, the FDA estimate of numbers of new cases of nonmelanoma skin cancer which might be prevented by not delaying 2 years to initiate regulation and which might be reduced by the warning label requirement would be revised upward, rather than downward as suggested by the comment, by at least a factor of 2. Revised estimates, based on the recent developments, of the number of cases that might be affected by a 2-year delay in regulatory action have been included in the draft environmental impact statement relating to the proposed phaseout. Additional studies to determine more definitely the biological amplification of UVB to incidences of nonmelanoma skin cancer are desirable, and a study of this matter is being initiated by the National Cancer Institute.

18. A related comment suggested that the FDA calculation of the amount of nonmelanoma skin cancer that might occur if regulatory action were delayed was in error because not all of the 300,000 annual cases of nonmelanoma skin cancer are necessarily associated with DUV exposure.

Other factors in addition to solar UVB radiation are known to contribute to nonmelanoma skin cancer, among them ionizing radiation from x-ray sources or radioactive materials, polycyclic aromatic hydrocarbons and chronic irritations and burns. Perhaps 10 to 20 percent of nonmelanoma skin cancer occurs on parts of the body not ordinarily exposed to sunlight, thus indicating that other factors play a role. The extent to which these other factors contribute to nonmelanoma three kinds of evidence—latitude these factors appear to be relatively less important than UVB radiation. The NAS Committee has stated that, "For nonmelanoma three kinds of evidence— latitude dependence, body location, and occupational differences—all combine to point closely to the exposure to the sun as a prime cause and to increased incidence as a quite certain consequence of increased [UVB]" (Ref. 8).

IMPACT OF WARNING ON MELANOMA SKIN CANCER INCIDENCE

19. One comment noted that FDA had not made any claim that the incidence of melanoma skin cancer would be affected by the warning label requirement or the proposed phaseout.

Solar ultraviolet radiation may not be as important a contributing factor to melanoma skin cancer as it is for nonmelanoma skin cancer. Melanoma skin cancer occurs with some frequency on parts of the body not exposed to sunlight. Because of these greater uncertainties, FDA did not make an estimate in the preamble to the proposed rule of the number of increased cases of melanoma that might occur if regulatory action is postponed for 2 years. The Commissioner continues to rely on the NAS Committee assessment that malignant melanoma "may well be related to exposures to solar ultraviolet radiation. The relationship which this Committee believes to be likely but yet not completely proven, is not a simple one" (Ref. 8 at 13). A recent report indicates that the incidence of melanoma is increasing (Ref. 38).

NONHUMAN BIOLOGICAL EFFECTS

20. Two comments questioned the potential impact of chlorofluorocarbon releases on plant and animal life. The statement was made that plants and animals are able to tolerate the natural 11-year cycle of variations in the ozone level which are about 7 percent. Another comment urged an immediate ban because of the importance of the ozone layer in protecting the earth from ultraviolet radiation which allows life to form.

The Commissioner notes that NOAA estimates that the variation in the natural 11-year cycle is closer to 5 percent than the 7 percent referred to in the comments (Ref. 31). No data were submitted in the comments to show that these cyclic variations in ozone are not at least in part responsible for well-known cyclic changes, such as those in the distribution of species, reproduction or photosynthesis rates, and migration or behavioral patterns. Thus, perhaps natural fluctuations of ozone do affect plants and animals. Moreover, the existing cyclic variations have resulted in a constant UVB exposure over time. The increase in UVB predicted to result from chlorofluorocarbon emissions would be a

long-term cumulative increase, and it is this kind of exposure which concerns biological scientists. The sensitivity of specific plants and animals to UVB is likely to depend upon many factors, e.g., effectiveness of DNA (Deoxyribonucleic acid) repair mechanisms, avoidance responses, lifespans, and reproductive rates. Plants sensitive to UVB are likely to be the most vulnerable organisms in terrestrial ecosystems because they cannot readily avoid exposure. Depressed rates of photosynthesis and growth are among observed plant responses to high levels of ultraviolet radiation in the vicinity of 300 nanometers (Ref. 39). The broader view of the possible biological impact of cumulative increases of UVB hitting the earth includes the potential impact to ecosystems containing ultraviolet-sensitive plant and/or animal species. Due to the paucity of research in this area, however, UVB effects on ecosystems are uncertain to a considerable degree; the fact remains that, in the judgment of the NAS Committee, the UVB effect on plants and animals are a "strong concern" and a "matter of urgency" for long-term research (Ref. 8). The Commissioner concludes that these risks should be taken into account along with the other risks in judging the need for regulatory action, but they do not warrant an immediate ban without observing the regular procedures for preparing an environmental impact statement and proposing a phaseout.

21. The comment was made that, "Other things equal, there is no plant that cannot be transplanted 150 miles nearer the equator and survive." The comment believed that this indicated a UVB-increase comparable to a move of this distance would have no effect.

Survival of plants is not the only relevant consideration. For example, a reduction in crop yield, particularly agricultural crops, is of considerable significance. The Commissioner concurs with the NAS Committee that additional research is necessary to better understand the effects of UVB on plants and animals.

EFFECTS ON CLIMATE

22. Some comments characterized as merely speculative the possibility that chlorofluorocarbon releases could affect the climate either through ozone depletion or infrared absorption in the troposphere, and they objected to the Commissioner's inclusion of this risk as a basis for the action being taken. The comments also cited Professor Gutowsky's congressional testimony (Ref. 27) that:

> Finally, I am a bit troubled by the inclusion at this time of possible climatic effects of (chlorofluorocarbons) as a reason for their regulation. All environmental changes introduced by man are not necessarily bad * * *.
>
> (A) global warming produced by the greenhouse effect of (chlorofluorocarbons) might extend the growing season further north in Canada and the Soviet Union. Furthermore, the natural trends in global climate span periods ranging from centuries to many thousands of years, and there is some evidence that the natural trend is changing from a warming to a cooling cycle.

Many uncertainties exist about the climate effects. The NAS Committee also recommended further research on these effects as a "matter of urgency" and it recognized that some scientists would emphasize the "possible critical importance of even small effects on climate" and would urge, on this basis, immediate decision to regulate spray can uses. The Commissioner believes the critical importance of climatic effects warrants their being taken into account in assessing regulatory action, notwithstanding the gaps in knowledge about climate. Since regulatory action is justified because of the other risks from chlorofluorocarbons, the Commissioner need not decide now if the climatic risks alone would warrant the initiation of a phaseout or some other type of regulatory action.

The Commissioner rejects the suggestion that chlorofluorocarbon releases should be continued because the releases might have a beneficial climatic effect. We know too little about global weather patterns and long-range climatic cycles at this point to attempt to alter climate and weather on this scale deliberately.

23. One comment said that there was no inherent time delay between chlorofluorocarbon emissions and resulting climate changes. The comment asserted that no climatic changes had occurred recently which could be attributable to chlorofluorocarbons and that any alterations in climate which might occur could rapidly be reversed by decreasing chlorofluorocarbon release at the time such changes were observed.

The basic premise of this comment appears to be incorrect, since the magnitude of the possible climatic effects from chlorofluorocarbon emissions is not known, and since the NAS Committee report indicates that there could be a considerable delay between chlorofluorocarbon release and the cessation of whatever climatic effects it caused. The report stated that if chlorofluorocarbons 11 and 12 releases were to continue at a constant rate, "the amount of direct climatic effect would also flatten out, approaching a steady state, again reaching half of this value in about 50 years. The increase of infrared absorption and emission would similarly reach half of this ultimate value in about 50 years. Resulting climatic effects might be further delayed because of slowness in response in the climatic mechanism" (Ref. 8).

24. Some comments noted that volcanic emissions and other sources of intermittent releases of chlorine have not resulted in climatic alterations.

Again, it must be emphasized that it is the gradual long-term accumulations of chlorine in the troposphere and stratosphere, rather than natural cyclic or intermittent events resulting in ozone reduction, which pose the greatest threats to man directly and through impacts on plants, animals, and climate.

OTHER SCIENCE-RELATED COMMENTS

25. A comment mentioned the formation of chlorine ions in the ionosphere, a region of the atmosphere above the stratosphere, which could affect electron concentrations at this high altitude and lead to changes in global high frequency communication links, since high frequency radio waves are absorbed by electrons in the ionosphere.

This observation indicates that chlorofluorocarbon release could have additional undesirable consequences, but at present this possibility is only speculative. Certainly, further research on the matter would be desirable.

26. One comment questioned the theory underlying the proposed rule because ozone is created by ultraviolet radiation and any ozone destroyed would allow play for more ultraviolet radiation to create additional ozone. Furthermore, ozone exists as a pollutant at the surface of the earth, and, since it is lighter than fluorocarbons, it is more likely than fluorocarbons to rise to the stratosphere to replenish the supply of ozone. The comment hypothesized that an "Upper Air Commission" had misread research results which show that ozone destroys fluorocarbons, not the reverse.

Ozone in the stratosphere is indeed constantly formed by ultraviolet radiation, but, the currently known information indicates that the stratospheric ozone would be destroyed by chlorofluorocarbons faster than it could be replenished by the action of ultraviolet radiation. The other theories advanced in this comment do not have general scientific support. The stability of chlorofluorocarbons, in contrast to ozone, enables them to survive in the troposphere and rise over time to the stratosphere, where, in a catalytic reaction, they can break down the ozone found there. The Commissioner is unaware of any "Upper Air Commission" and finds no basis for accepting the theory advanced in the comment that there has been a mixup in research results.

COMMENTS ON THE TEXT OF AND NEED FOR THE WARNING

27. A few comments objected to the use of the term "warning" in the proposed labeling statement and the identification of the type of risk posed by chlorofluorocarbons. Some urged that, at the most, there be a labeling statement that the product contains a chlorofluorocarbon, or that chlorofluorocarbons "may affect the upper atmosphere." The comments viewed these statements as sufficient to meet the thrust of the NAS Committee's recommendation that "informative labeling" about the presence of chlorofluorocarbons be included on products. In addition, the Commissioner's action in a notice published in the FEDERAL REGISTER of November 26, 1976 (41 FR 52078) proposing to change the nomenclature for cosmetic ingredient labeling, under 21 CFR 701.3, from a propellant designation to a chlorofluorocarbon designation was claimed to be sufficient to inform consumers about chlorofluorocarbons.

A separate label statement that simply states that a product contains a particular ingredient does not inform the con-

sumer of the risks associated with the ingredient, and of the reason for singling out the ingredient for mention. The statement could even be misconstrued as a claim that the presence of a chlorofluorocarbon enhances the value or desirability of the product. A statement that chlorofluorocarbons may affect the upper atmosphere does not apprise the consumer of the terrestrial consequences of the atmospheric effects which are the real cause for concern. Ingredient labeling, even with improved nomenclature, is not sufficient since all consumers may not recognize the ingredient of concern by name or be aware of the risks posed. Furthermore, an ingredient statement does not purport to be a warning.

In addition, a listing of inactive ingredients need not appear on products that are only drugs. Products that are cosmetics, or both cosmetics and drugs, would have to include the new nomenclature for chlorofluorocarbon propellants in the ingredient statement in accordance with a delayed effective date as established in the final rule. No cutoff can be established under the Fair Packaging and Labeling Act (15 U.S.C. 1454 et seq.) pursuant to which cosmetic ingredient labeling has been required, for initial introduction into interstate commerce, thus making the timing of the use of the new nomenclature more uncertain.

The NAS Committee recommended "informative labeling" as "an aid to consumer self-restraint * * * and to consumer preparation for possible later regulation." The Commissioner believes that a warning statement is likely to achieve these purposes more effectively than would a simple change in nomenclature in the statement of ingredients or a descriptive statement that the product contained certain ingredients. Accordingly, the Commissioner concludes that a warning statement is appropriate.

28. A comment suggested that the warning refer specifically to the risk of an increased incidence of skin cancer as a result of the effect of chlorofluorocarbons on the environment.

The suggested revision of the proposed text is not being made. The public is, understandably, exceptionally alarmed by risks of cancer. A reference to a cancer risk on the label should be accompanied by a careful explanation which may require a lengthy text. Furthermore, a reference specifically to cancer, even though stated to be an environmental effect, could without further explanation lead some consumers to believe the risk is greater for the individual user of the product, an implication that is not as likely with the reference to the "public health" in the warning established by this regulation. The public may be concerned about the past uses of self-pressurized containers and the consequences to the health of the immediate user. The brief warning established by this regulation informs the public of the general nature of the consequences of chlorofluorocarbon without alarming the public unwarrantedly about past individual exposures.

29. One comment urged a uniform Federal approach to labeling requirements because it might discourage a proliferation of diverse State labeling requirements about chlorofluorocarbon risks. It would be difficult for manufacturers to comply with diverse State labeling requirements in view of the national distribution of many products. Another comment urges prompt Federal regulatory action on aerosols containing chlorofluorocarbons to avoid a "crazy-quilt" of State laws requiring warnings and/or banning products that may be incongruent.

The Commissioner believes the comments have considerable merit. The Food and Drug Administration strongly encourages uniformity in the labeling requirements of State agencies and the Federal government. The issuance of the FDA warning may be accepted by State governments as adequate to satisfy their concerns. Thus, the interest in uniform labeling requirements provides additional grounds for issuing this regulation.

The Commissioner does not object to State laws or regulations prohibiting the use of chlorofluorocarbons in foods, drugs, devices and cosmetics or establishing an earlier date for the phaseout of the use of chlorofluorocarbons in these products within a State than the dates proposed by the Commissioner. State laws or regulations prohibiting use of chlorofluorocarbons are not in conflict with FDA's general objective of phasing out nonessential uses of chlorofluorocarbons, and these provisions do not pose the same risk of consumer confusion and disruption that may be presented by diverse label warning requirements. States may, however, find it unnecessary to take separate action to prohibit use of chlorofluorocarbons because of the action being taken by FDA.

The Food and Drug Administration agrees that uniformity among Federal labeling requirements is also desirable. As already discussed, however, FDA believes that a warning requirement is necessary rather than a descriptive statement of contents like the one EPA has established for pesticides. Federal labeling requirements apply to different products, and variations among Federal requirements do not increase the burdens on any individual manufacturer. Thus, there is not as great a need for uniformity among Federal requirements as there is between Federal and State requirements. Furthermore, since FDA regulates most of the uses of chlorofluorocarbons in self-pressurized containers, the establishment of a similar approach by FDA and the Safety Commission for the warning requirement may be sufficient to reduce the possibility of diverse State warning requirements with respect to chlorofluorocarbons.

30. Some comments asked that the proposed warning be required even on self-pressurized containers used for essential products containing chlorofluorocarbons. They thought the presence of the warning would give the manufacturer a continuing incentive to find alternatives to the use of chlorofluorocarbons.

The warning has not been required for products in which the presence of the warning might discourage consumers from using products that are essential. The Commissioner agrees that alternatives to the use of chlorofluorocarbons should be sought even for uses that are essential. Whenever alternatives become technically feasible, FDA will reconsider the regulations in effect governing the use of chlorofluorocarbons and all exemptions for essential uses. Furthermore, interested persons may request reconsideration of the exemptions at any time if they become aware of technically feasible alternatives.

31. Some comments suggested that the warning should indicate other risks posed by use of self-pressurized containers, including the risk of death from intentional misuse. One comment suggested that aerosols bear crossbones on the labeling to alert consumers to a risk of death from "irreversible heart action" after breathing fluorocarbons. The comment attributed several deaths of young people to this cause.

The risk of breathing fluorocarbons referred to in the comments appears to be the risk from intentional misuse of self-pressurized containers with hydrocarbon and halocarbon propellants. The FDA has already taken action with respect to this hazard and has required containers with these propellants to bear a warning about the risk of death from intentional misuse, e.g., 21 CFR 740.11.

32. Two comments urged that the warning advise use in a well-ventilated room and caution against use of self-pressurized containers containing chlorofluorocarbons by persons with chronic lung or heart disease. Another comment urged a ban because inhalation of chlorofluorocarbons may cause direct adverse physiological reactions for asthmatics and people who become sensitized.

The comments were directed at issues that are distinct from the concerns that prompted the proposed warning; therefore, those persons commenting should file a citizen's petition to propose a new rule to cover the hazards addressed in the comments, and the petition should include any data or studies they rely on to show that chlorofluorocarbons pose the risks described. The Commissioner points out that he discussed in detail in the document published in the FEDERAL REGISTER of March 3, 1975 (40 FR 8912) the evidence of various risks from aerosols to the immediate users. He gave his basis for concluding that the need for certain other warnings about cardiac toxicity and adverse effects on the pulmonary system had not been sufficiently demonstrated at that time.

33. Three comments argued that no warning should be required with respect to the risks from chlorofluorocarbons because it would dilute the effectiveness of other warnings that are required on products to alert consumers to more imminent hazards.

The Commissioner rejects the comments. The consumer should be alerted to all the serious hazards posed by a product. While the impact of warnings might be reduced if numerous statements were included, the Commissioner concludes that the warnings on self-pressurized containers are not so numerous as to make the dilution effect an overriding concern at this time.

34. A number of the comments urging a phaseout came from school children. Some expressed concern that the adverse consequences of present uses would occur in the future and would affect them and future generations more than it would affect the adults who use the products now.

The Commissioner recognizes the fact that the ill effects of chlorofluorocarbons may fall more on future generations than on the present generation of users. This confirms the need to proceed with a mandatory phaseout rather than rely completely on voluntary self-restraint coupled with a warning.

HAZARDS FROM ALTERNATIVES

35. In one comment a beautician reported that in her personal experience as a beautician, alternative propellants and product delivery systems used for cosmetics in lieu of chlorofluorocarbons caused eye irritations and other adverse effects. The comment urged FDA to check on the safety of the alternatives and to consider whether the alternative products posed worse hazards than chlorofluorocarbons. The comment asked whether companies have a responsibility to test cosmetics for safety before marketing them. Several other comments expressed concern about the flammability of alternative hydrocarbon propellants.

The Commissioner recognizes that it is possible that alternative products may also pose hazards of various types. The present action relates only to the adverse effects of chlorofluorocarbons upon stratospheric ozone, and the potential physiologic hazards from other products are not within the scope of this regulation. It is the Commissioner's position that manufacturers should substantiate the safety of all their products before marketing, and under 21 CFR 740.10, cosmetic manufacturers are required to warn consumers if they have failed to perform testing to substantiate the safety of products. Furthermore, products must bear warnings necessary or appropriate to prevent a health hazard that may be associated with the product (21 CFR 740.1). If the adverse reactions associated with a product are unreasonable, in number or severity, FDA will take regulatory action. Citizens may petition FDA to take regulatory action with respect to any risk posed by regulated products. It would not be appropriate, however, to leave an unsafe product on the market, because the possible risks of alternatives were not yet fully known and might also be unacceptable. Instead, no unsafe products should be marketed. The Food and Drug Administration endeavors to ensure the safety of all cosmetics and products it regulates; FDA resources are limited, however, and in some instances, including with respect to cosmetics, FDA's statutory authority needs strengthening. Within these constraints, FDA will continue to act to ensure the safety of all the products subject to the FFDCA.

PLACEMENT AND SMALL CONTAINERS

36. Many comments urged the Commissioner to ensure that the warning was prominent by requiring it to appear on the front of the package, rather than on the back, and in type size at least ¼ inch in height. One comment pointed out that no minimum type size requirement exists for warnings on animal drugs.

The Commissioner agrees that the warning should be prominent, but he believes that the proposed requirement is adequate to ensure this result. The warning must be conspicuous at the time of purchase, and ordinarily this requirement could not be satisfied by putting the warning only on the back. The warning need not necessarily appear on the front of the package. For example, it may appear on the top of the cap, on a hang tag, or another place conspicuous at the time of purchase. A minimum 1/16-inch type size is required under the general regulations applicable to certain required labeling on foods and cosmetics, and warnings on OTC drugs in self-pressurized containers (21 CFR 101.15(d) (formerly 21 CFR 1.9(d), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), 369.21, and 740.10). If this warning were required to be in a larger minimum type size, it would distract attention from other equally important warnings and information. The minimum type size requirements were fixed with regard to the small size of some containers and the various types of labeling information that is required to appear on packages.

In considering these comments, the Commissioner carefully reviewed the size and placement requirements in the proposal, and noted that, in the case of medical devices and animal drugs, no general minimum type size requirements now exist. Accordingly, he has amended the proposed regulation to make these products subject to the same minimum 1/16-inch type size requirement applicable to other products to which the regulation applies.

37. Two comments requested an exemption for "miniature" self-pressurized containers with 1 ounce or less of contents because of the length of the warning and the difficulties in fitting the warning into the space available on small containers.

The Commissioner anticipated the label space constraints inherent in small packages of self-pressurized containers and specified in the proposed rules that "the warning may appear on a firmly affixed tag, tape, cord, or sticker or similar overlabeling attached to the package." Although these alternatives involve additional expense, it is clear that they are practical means of labeling small self-pressurized containers.

38. A comment urged the Commissioner to require the proposed warning on both the immediate container and the labeling visible at the time of purchase.

The Commissioner adequately discussed in the preamble to the proposed rule his reasons for believing that a warning at the time of purchase would be sufficient. The comment provided no new information to alter the Commissioner's analysis.

GENERAL EXCEPTIONS FROM WARNINGS

39. Some comments expressed support for the Commissioner's decision not to make the warning applicable to prescription drugs and urged a similar exemption from the phaseout regulation.

The Commissioner accepts the comments with respect to the warning, but he is proposing to make the phaseout applicable to prescription drugs unless the use of chlorofluorocarbons in them is essential, as discussed further in the phaseout proposal.

40. One comment suggested that an exemption should be provided for medical uses, irrespective of their essentiality, because as a group the total amount of chlorofluorocarbons used for this purpose was small and would not pose a substantial risk. Other comments suggested that small packages of aerosol products, e.g., those having less than 1 ounce capacity, be exempted from the proposed warning statement requirement and the proposal to phase out nonessential uses of chlorofluorocarbons because the amount of chlorofluorocarbons released in the atmosphere by small aerosol packages amounts to only a fraction of 1 percent of the total amount of chlorofluorocarbons released.

The comments are not accepted. Various minor uses of chlorofluorocarbons may appear to present a minimal risk when considered individually but when cumulated the total becomes significant. Moreover, it would be inequitable to exempt a few uses on this basis apart from the essentiality of the use. The whole class of nonessential uses should be treated the same.

ESSENTIAL USES: GENERAL COMMENTS

41. A number of comments were addressed to the criteria for determining which products are essential and should not be phased out or required to bear a warning. It was suggested that the rule relating to the warning requirement contain a procedure for petitioning to have products exempted from the warning, and that the obligation to include a warning in labeling be stayed at least for OTC drug uses while such petitions were pending.

The final rule establishing the warning requirement indicates the products which are exempt as essential products. No special procedure has been included for obtaining additional exemptions from the warning requirement. The Commissioner has considered all the requests for exemptions received in response to the proposal and has discussed below his disposition of them. Persons who believe additional exemptions are warranted may file a citizen's petition under 21 CFR 10.30 (formerly 21 CFR 2.7, prior to recodification published in

the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), to amend the regulation. A stay of the regulations will not be granted absent an extraordinary showing that it is warranted. If a stay were routinely granted with the filing of a petition, numerous unwarranted requests might be made merely to obtain the benefit of the stay.

The phaseout proposal indicates that a product will be considered essential only if there is no technically feasible alternative to the use of the chlorofluorocarbon in the product, the product provides a substantial health benefit, environmental benefit, or other public benefit that would not otherwise be obtainable, and the use does not involve a significant release of chlorofluorocarbons into the atmosphere or the release is justified by the benefit. The same criteria guided essentiality determinations with respect to the warning. A procedure for requesting determinations that a product is essential has been included in the phaseout proposal. It is appropriate to include such a procedure in the phaseout regulation, even though it is not in the warning regulation, because of the indefinite long-term effect of the prohibition and the possibility that new products providing life-saving or other essential benefits may be developed. The criteria for essentiality are similar for both the phaseout and the warning. The Commissioner notes, though, that there is less reason to regard products as exempt from the warning, since the warning does not prevent marketing or use of products.

42. One comment criticized the Commissioner's criteria for essentiality, insofar as they applied to the warning and the phaseout, since they did not recognize that a product may be essential because it "confers unique benefits because of its aerosol form." In addition, several comments criticized the Commissioner's determination that most products in self-pressurized containers are nonessential, and mentioned the consumer preference for self-pressurized containers, exactness of dose, and longevity of storage as factors showing essentiality.

The Commissioner believes the essentiality criteria provide for an appropriate recognition of all factors that may make a product essential. A self-pressurized container could be considered essential if the form conveys a substantial benefit not obtainable from alternate means of delivery. The Commissioner still finds that almost all uses of chlorofluorocarbons as propellants in FDA-regulated products are not essential, but serve principally as conveniences. Counterparts to self-pressurized containers exist that perform essentially the same function. The application of the essentiality criteria to specified products raised in the comments is discussed below.

43. Several comments requested that all OTC drug manufacturers using chlorofluorocarbon propellants in their drug products be permitted to continue marketing such products without the necessity of a warning statement until the chlorofluorocarbon ban becomes effective. It was asserted that all OTC drugs in self-pressurized containers confer a benefit which far outweighs the relative risk of environmental harm, especially since the use of chlorofluorocarbons in OTC drug products constitutes such a small percentage of chlorofluorocarbon propellant use. In addition, these comments emphasized the essential part that OTC drugs play in our health-care system. Alternatively, the same comments suggested that all OTC "medicines" containing chlorofluorocarbons that confer a health benefit or that provide more than consumer convenience be exempt from the warning statement. Another comment supported an exemption for medical products in which the dose delivered is significant.

As stated in the preamble to the proposed warning statement, the warning is being proposed for virtually all uses of chlorofluorocarbons in self-pressurized containers because most uses are, in the Commissioner's judgment, not essential. Therefore, the Commissioner cannot accept the suggestion to exclude all OTC drugs from the warning statement because it is obvious that not all chlorofluorocarbon uses in OTC drugs are essential. Antiperspirants, for example, are OTC drugs because of their effect on the structure and function of the body, and a self-pressurized package is not essential for these products. In fact, even the comments acknowledge in their alternative suggestion that the use of a self-pressurized container for some OTC drugs provides merely a convenience and not a health benefit.

The fact that the use of chlorofluorocarbon propellants in OTC "medicines" is estimated by the comments to be small—about 3 percent—of the total amount of chlorofluorocarbon propellants used in FDA-regulated products is not the only criterion to be used in determining whether or not the warning statement should appear on OTC drugs. In addition to the amount of chlorofluorocarbons used, the issues of feasible alternatives to the use of chlorofluorocarbons and the benefit, if any, derived from the use of the chlorofluorocarbons must be considered. If the dose delivered is significant, and other systems cannot provide an equivalent control of the dose, this would be an important factor in establishing that a specific product is essential. If suitable alternatives exist, however, or if there is no significant benefit derived from the use of the chlorofluorocarbon, the warning statement is appropriate despite the fact that the amount of chlorofluorocarbon used in the product is quite small.

Likewise, the inclusion of the warning statement on certain OTC drugs does not imply that these OTC drugs are not an essential part of our health system. It merely means that the use of chlorofluorocarbons in the product containing the warning is nonessential, i.e., that other suitable means of product delivery exist and the products themselves, in a self-pressurized container, serve only as a convenience, providing no special benefits that outweigh the risks posed.

Furthermore, the distinction between OTC drug products that are "medicines" and those that are not, is a distinction suggested by the comments, whose meaning is uncertain. The amount of chlorofluorocarbons in the "medicines" category depends upon the meaning to be given to the term. If a product were to be considered a "medicine," and therefore exempt from the warning and phaseout merely because it made a therapeutic claim, it could lead to a proliferation of questionable claims.

The Commissioner concludes that an OTC drug product should be exempt from the warning statement only if it is determined by FDA that the use of a chlorofluorocarbon propellant in the specific product is essential.

Each comment received requesting an exemption for a specific OTC drug product or class of OTC drug products from the warning statement or the phaseout has been considered and discussed below in determining what OTC drug products should be exempt from the warning statement. The Commissioner has also discussed below comments on the notice of intent that bore on the essentiality of prescription drugs, even though prescription drugs are not subject to the warning, if the essentiality issue for the prescription drug was similar to that for an OTC drug.

ESSENTIAL USES: SPECIFIC PRODUCTS

44. In addition to several comments requesting that all OTC drug products be exempted from the warning statement, many other comments requested that one or more specific OTC drug products, or classes of OTC drug products, be exempted from the warning statement. Many of these same comments also requested that a specific product or class of products, be exempted from the phaseout regulations. Some of the types of drug products covered by these comments include: topical analgesics, sunburn remedies, topical antimicrobial agents, insect bite products, topical antifungal agents, surgical spray dressings, and topical anti-inflammatory agents. The comments argued that the benefits of the products for human health far outweigh the problem of ozone depletion. Many of the comments stressed the unavailability of suitable replacements for the chlorofluorocarbon propellants, the small amount of these propellants used in drug products, and the efficient, nontraumatizing mode of application afforded by aerosols. Some of the comments also pointed out that the possibility of secondary infections, present when an ointment or lotion had to be applied with the fingers, would be greatly reduced.

With respect to many of the products identified in the comments, the Commissioner believes that having the drug in a self-pressurized container is a convenience to the user. For example, it is recognized that using a self-pressurized container is not as messy as applying an ointment or cream. The fact that the drug is available in other delivery forms

indicates, however, that the aerosol dosage form is not necessary for the drug to achieve its desired effect. Even the aerosol drug products used to treat skin infections are available in other dosage forms. Thus, it would appear that manufacturers have not considered the possibility of secondary skin infections to be of such a concern to preclude their marketing of these other dosage forms.

The active ingredients of many of the drug products for which an exemption was requested are currently being sold in other forms, such as ointment, lotions, creams, and powders. Thus, it appears that other forms of product delivery exist. Further, it would seem that for some of these products where the actual amount of active ingredient delivered is not critical, an alternative propellant or a mechanical pump could be used in place of the chlorofluorocarbon. Accordingly, the Commissioner concludes that the essentiality of their use has not been established.

45. Several comments requested that drugs in self-pressurized containers intended for inhalation in the treatment of bronchial asthma be declared essential and thus exempt from both the warning requirement and the proposed phaseout regulations. The products mentioned in the comments were either steroid-containing products or OTC and prescription adrenergic bronchodilator drug products. One comment requested that "all metered-dose medicinal aerosols for inhalation therapy" be exempted from the phaseout regulations. Another comment requested that metered-dose steroid aerosol products intended for application to the nasal mucosa be exempted. One comment urged that the exemption in the proposed rule for drugs intended for "bronchial asthma attacks" be broadened to include a prophylactic inhalant used to prevent asthmatic attacks.

Justifications included in these comments for the continued use of chlorofluorocarbons in products for inhalation centered around several different facts. The first fact was that, unlike other commercially available propellants, the chlorofluorocarbons maintain a constant internal canister pressure throughout the shelf life of the product. As a result, a self-pressurized container containing a chlorofluorocarbon can deliver a potent therapeutic drug in precisely metered doses, with the last dose containing the same quantity of drug as the first dose. Further, these drugs, because of their chlorofluorocarbon propellant, provide a uniform distribution of the therapeutic agent in small particle size to hard-to-reach mucous membranes. Application of these therapeutic agents in this manner achieves the therapeutic objective with lower doses of medication than do systemic doses. Another factor cited in support of these products is that other forms of the product do not produce the same clinical effect.

The Commissioner recognizes the importance of chlorofluorocarbons in providing effective metered doses for use in inhalation therapy of certain diseases and, in general, accepts these comments. He does not, however, believe that an exemption should be worded as broadly as "all metered-dose medicinal aerosols for inhalation therapy." Such a broad exemption would cover products even if another suitable form of product delivery exists for the treatment of the particular disease for which the drug is recommended. The Commissioner believes, therefore, that the proposed exemptions should not be in broad terms but should assure that only essential uses of self-pressurized containers with chlorofluorocarbon propellants are exempted.

Based on the comments received, the Commissioner is proposing that the following metered-dose drug products for inhalation be considered essential: (1) Metered-dose steroid products for nasal inhalation, (2) metered-dose steroid products for oral inhalation for treatment of bronchial asthma, and (3) metered-dose adrenergic bronchodilators for oral inhalation for treatment of bronchial asthma. The first two types of metered-dose aerosols are all prescription drugs. Some products in the third category are OTC products, while others are prescription products, depending upon the active ingredient. The Commissioner is exempting all these products from the proposed phaseout. The warning requirement does not apply to prescription drugs. As proposed, the warning requirement exempted OTC drugs intended for direct inhalation for treatment of bronchial asthma attacks. However, to be more specific, the Commissioner now believes that this class of products should be identified as metered-dose adrenergic bronchodilators for inhalation. The regulation has been revised accordingly.

The prophylactic inhalant to prevent asthma attacks referred to in one of the comments is a prescription drug which would not be subject to the warning requirement. The Commissioner agrees the use is essential and it is covered by an exemption in the proposed phaseout regulation for metered-dose steroid drugs for inhalation.

46. One comment requested that the proposed warning statement exemption for OTC drugs be broadened to include "metered-dose aerosols for medicinal therapy." The comment neither identified any specific product covered by such a phrase nor did it indicate if such products were OTC or prescription products. The comment did, however, refer to the successful use of a metered-dose aerosol drug product containing a decongestant as a substitute for a plastic squeeze bottle. By using the metered-dose aerosol product, the comment indicated that the possibility of contaminating the contents of the squeeze bottle through mucous and associated bacteria being drawn back into the container would be eliminated.

The Commissioner recognizes the essentiality of metered-dose aerosols for delivering certain drugs. As stated above, OTC metered-dose adrenergic bronchodilators for inhalation have been exempted from the warning statement. The Commissioner concludes, however, that not every OTC drug in a metered-dose aerosol would necessarily constitute an essential use of chlorofluorocarbons. Some of these products could be in a metered-dose aerosol form merely for convenience purposes. Therefore, the comment as submitted is not accepted. It is noted, however, that, in addition to being used for OTC drug products, metered-dose aerosols are also used for prescription drugs, and as already discussed, several types are considered to be essential and are exempt from the proposed phaseout.

With respect to the alleged advantage of a self-pressurized container over a squeeze bottle for nasal application, the Commissioner is not aware of any contamination problems associated with squeeze bottles, possibly because most of the nasal sprays in squeeze bottles contain a bacterial preservative. However, if such contamination of nasal sprays in squeeze bottles is presently a problem, comments should be submitted on this issue on the proposed rule to phaseout chlorofluorocarbon propellant uses. Therefore, the comment as submitted is not accepted.

47. Three comments requested that OTC contraceptive vaginal foams be exempt from the phaseout regulations and/or from the warning statement. These comments indicated that the chlorofluorocarbon propellants are currently the only available propellants that achieve foams of proper consistency and stability. It was stated that the foam drug products are dependent upon two characteristics to achieve their contraceptive effect: one the active spermicidal agent, and the other the physical barrier provided to the cervical os due to the consistency of the foam. In addition, it was emphasized that contraceptive foam products are an essential form of birth control for a segment of the population, and the use results in very little release of chlorofluorocarbons to the atmosphere since these products contain 10 percent or less of chlorofluorocarbons.

The Commissioner agrees that contraceptive vaginal foams should be exempted from the proposed phaseout regulations. While other contraceptive methods exist, the contraceptive vaginal foams provide a method, available over the counter, that is found acceptable by a small select population of females. No satisfactory substitute propellant has been found to date according to the submissions, and there is the risk of reduced effectiveness or safety of the product through use of the wrong propellant. In the absence of another suitable delivery system for applying these spermicidal agents, the Commissioner concludes that in view of the benefit of the contraceptive vaginal foams that would not be obtainable without the chlorofluorocarbons and the small amount of propellant used, these products should be exempt from the proposed phaseout regulations and from the warning statement required on nonessential uses of chlorofluorocarbons.

48. Two comments urged the Commissioner to determine that cytology fixa-

tives, medical adhesive sprays and removers, pre-tape sprays and surgical lubricants are essential and that their health benefits far outweigh the ozone depletion risks. One comment indicated that the only available alternative propellants that would function properly in the cytology fixative and other sprays were flammable and introduce a usage hazard in hospital, clinic, and laboratory environments.

The cytology fixative spray results in a superior tissue preparation, especially in the preparation of Pap smears. The Commissioner concludes that this use should be regarded as essential, and it has been exempted from the warning and the proposed phaseout. The comments did not provide sufficient information however, to establish that any of the other devices discussed in these comments are essential. The use of a self-pressurized container to apply medical adhesives, lubricants, and other substances appears to be a convenience and alternative means of application are possible, e.g., liquid adhesives for topical application. Accordingly, these uses of chlorofluorocarbon propellants will be subject to the warning requirements, and are proposed to be phased out, but the Commissioner will consider further information submitted in response to the phaseout proposal that relates to whether these uses are essential.

49. One comment declared that certain personal hygiene aerosol products, including foot powder spray and foot and shoe cooling sprays, are "important in terms of personal comfort, antiperspirant and deodorizing activity for feet." Continuing to market these products was reported as essential to the company's economic well being.

The Commissioner does not disagree with the contention that the personal hygiene products named may be important to some persons for comfort, but alternate delivery systems are available for these products, e.g., powders. No alternatives may exist that provide the equivalent coolant effect, but this effect is a temporary convenience, and interrelated with the propellant use.

50. One comment inquired about the applicability of the warning requirement to prescription animal drugs, and another comment urged that prescription drugs considered essential for human use be deemed essential as animal drugs as well.

The Commissioner intends to make the regulation applicable to all animal drugs. Essentiality requires an examination of alternatives and the benefits of use of products and these factors may vary with the circumstances. No specific information was submitted to show that any particular animal drugs in self-pressurized containers with chlorofluorocarbon propellants were essential, and accordingly, no exceptions have been made for animal drugs. Any person who believes a use is essential should submit comments in response to the proposed phaseout showing why the particular use is believed to be essential under the criteria stated in the proposal.

TIMING OF REGULATORY ACTION; EFFECTIVE DATE

51. Several comments specifically supported the Commissioner's decision to initiate regulatory action at this time without waiting for up to 2 years, as recommended by the NAS Committee, for additional research. As already discussed, other comments urged a delay to await further research. Still other comments expressed a strong preference for immediate regulatory action, with several comments expressly endorsing an immediate ban on use of chlorofluorocarbons. Some comments, favoring an immediate ban, disagreed with the proposal to require a warning on the grounds that a warning would be futile and/or delay a ban.

The Commissioner disagrees with the comments to the extent they urged immediate action without observance of the usual notice-and-comment procedures for issuing rules. Observance of these procedures is consistent with the IMOS Task Force recommendation that agencies initiate regulatory action at present so that thorough and thoughtful action could be given to the action. Furthermore, an immediate ban would not have permitted preparation of a draft environmental impact statement for the phaseout, and coordination of the ban with other Federal agencies. The Commissioner also believes that a reasonable period for a phaseout should be permitted; accordingly, he has not proposed an immediate ban. In the Commissioner's judgment, the warning will be helpful in reducing uses on an interim basis, and it will become effective shortly.

52. A few comments urged that regulatory action be delayed until alternative hydrochlorofluorocarbon propellants are available, or it is definitely known that they are unsafe and would not be marketed in the future for personal care products. They viewed hydrocarbon propellants as undesirable in terms of product performance, consumer preference and the increased risks of flammability. Rather than have aerosol fillers cease to make aerosol products or switch to hydrocarbons, only to switch again at extra cost to hydrochlorofluorocarbons if they became available, FDA was urged to wait "a little more time" for the completion of toxicological testing on hydrochlorofluorocarbon propellants that could be used as substitutes for chlorofluorocarbon propellants. A comment stated without explanation that more information on the toxicity of hydrochlorofluorocarbons would be available within 90 days.

DuPont, a leading producer of hydrochlorofluorocarbons, has reported (Ref. 40) that adverse toxicological findings were found for certain hydrochlorofluorocarbons in initial screening tests for mutagenicity and/or teratogenicity. As a result, long-term inhalation studies were planned and "in all likelihood" the company will not offer certain hydrochlorofluorocarbons for use in personal products until "approximately January 1, 1980." Information was also submitted to show that hydrochlorofluorocarbons do not pose a significant risk of causing ozone depletion or other adverse environmental effects.

A delay to await the availability of alternative hydrochlorofluorocarbon propellants is likely to involve a considerable delay well into 1980, with no assurance that the alternatives would be found to be safe and available. Alternative product delivery systems, such as pumps and nonspray products, already exist for most products in self-pressurized containers using chlorofluorocarbons. Accordingly, the Commissioner concludes that a delay to await further testing of hydrochlorofluorocarbons that may possibly be used as substitutes is not warranted.

53. One comment from an industry association reported that the use of chlorofluorocarbon propellants in self-pressurized containers is declining and that today two-thirds of all aerosols on the market use other propellants. The comment suggested that this decline in use warranted postponement of all regulatory action.

The Commissioner believes that the decline in the use of chlorofluorocarbon propellants is a welcome development. Other reports indicate that there has been a decline in the use of chlorofluorocarbon propellants (Ref. 41). The Commissioner also recognizes that alternative product delivery means are being extensively promoted and as a result, the use of chlorofluorocarbon propellants may decline further. The switch to alternatives by manufacturers may be in anticipation of the issuance of the final rule requiring the warning and the effect a warning will have on consumer purchases. If the Commissioner indicated he would withhold all regulatory action for a considerable period, the decline may cease. Thus, the present decline is not a justification for postponing all action.

The decline in use of chlorofluorocarbon propellants is, however, a development which is relevant in establishing an effective date for the warning requirement. Under the proposed regulation, the warning would have been required on products initially introduced into interstate commerce 30 days after the final rule was issued. This time span was short, and it was recognized that it would necessitate costly overlabeling, and perhaps some distribution difficulties, but it was believed necessary to require fast implementation of the warning requirements so that consumers could become aware of the risk and, through their purchasing decisions, reduce the use of chlorofluorocarbon propellants. At the time the regulation was proposed, it was not possible to foresee the extent to which industry would promote alternative product delivery means, apparently in anticipation of the potential consumer reaction to the warning.

The Commissioner believes that his basic aim of reducing nonessential uses of chlorofluorocarbon propellants is being achieved even before the final rule requiring a warning becomes effective. Accordingly, it is possible, consistent with the overall aim of reducing use, to extend the time for complying with the warning requirement. By extending the effective date, the warning can be implemented

with a lesser amount of costly overlabeling, and with less potential for disruption in distribution, as discussed further below. The establishment of a final rule requiring a warning with a fixed effective date in the relatively near future, will maintain the incentive manufacturers have to develop and promote alternative delivery systems in anticipation of the consumer reaction to the warning. Thus, despite the extended time to comply with the warning, the warning requirement can still be expected to achieve its basic purpose of reducing use in the interim, pending a phaseout.

54. A number of comments strenuously objected to the Commissioner's proposal to require the warning on all products labeled or initially introduced into interstate commerce on or after 30 days from the issuance of a final rule requiring a warning. The effective date was viewed as especially onerous to the extent it would have required additional labeling on fully labeled products in inventory. Some comments asserted that the effect of the proposed 30-day effective date was to deprive companies of their right to comment since the only way to comply with the requirement, if retained, would be to order complying labels even before a final rule was adopted.

The comments also urged that the warning be required only on new permanent labeling ordered after the effective date, and that no requirement be imposed that would necessitate the use of stickers. Stickers were described as impractical because of poor adhesives and expense.

In support of these views, a trade association submitted a survey of its members of the cost of and time needed for compliance with the requirement for warning labeling. The time to label existing inventory with stickers or other overlabeling was estimated to be between 5 and 31 weeks, with most companies requiring more than 11 weeks. The direct cost was estimated at between 6 and 8 million dollars, and it was reported that many companies would have to suspend shipments for a month or more resulting in lost sales. The time estimates were made in relation to "ideal conditions." If all companies were placing rush orders at the same time, the time would be greater, and might even double. Another comment considered anything less than 6 months to sticker existing inventory to be "impossible."

The direct cost of labeling new production with stickers was estimated to be nearly $3 million. The trade association estimated that between 4 and 15 weeks would be needed for companies to be prepared to apply stickers to new production, with most companies being ready in 11 weeks. It was reported that some companies would have especially severe difficulties in complying because they did not have machines on hand to apply overlabeling.

The survey also included estimates of the time needed to include the warning in a permanent labeling change. The total time for processing a permanent labeling change under ideal conditions from art work through initial shipment of a newly labeled product in interstate commerce was estimated as varying from 6 weeks to over 45 weeks, with two-thirds of the companies needing about 6 months. It was noted that the length of time between production and interstate shipment was long in some instances because some manufacturers produce a year's supply at a time and inventory it for shipment.

The comments urged several different schedules for putting the warning requirement into effect, with most supporting a 30-day effective date for ordering labeling, 6 months for labeling products, and 12 months for initial introduction into interstate commerce. It was noted that an early effective date would have a relatively greater impact on smaller companies.

The Commissioner is persuaded that the 30-day effective date would impose unusual practical difficulties particularly with respect to stocks of fully labeled containers on hand. Accordingly, he has changed the effective date provision to minimize the need to overlabel existing inventory. The warning will be required on all products initially introduced into interstate commerce 6 months after the date of publication of this final rule. Most companies can complete a permanent labeling change within 6 months according to the industry survey.

Use of some stickers or other overlabeling may nonetheless still be necessary for some companies. This will particularly affect products, for which a large supply is produced at a single time, to achieve economies of scale, with shipments being made throughout a later period. The entire existing inventory does not, however, have to be overlabeled before the effective date. The companies need only relabel the amount about to be introduced into interstate commerce. The comments did not indicate how much time was needed to meet current distribution requirements and maintain distribution on a continuing basis. The Commissioner believes 6 months should be reasonably adequate for this purpose.

Setting the effective date earlier than 6 months might increase the impact on products with heavier sales in the Christmas season which are ordinarily shipped into interstate commerce several weeks in advance. An earlier date would, though, necessitate increased use of stickers and other overlabeling on these products as well as on many other products that do not have this type of seasonal pattern.

The Commissioner rejects the suggestion that a 12-month effective date for compliance be established for products initially introduced into interstate commerce. The establishment of an effective date for initial introduction into interstate commerce is important to prevent stockpiling of noncomplying products by manufacturers for delayed shipment. While a 1-year effective date would virtually eliminate the need for any overlabeling, it would delay inordinately the appearance of the warning on all newly shipped products. This could reduce the incentive manufacturers presently have to develop alternative products. If the effective date were set at the maximum period the slowest company needed to implement permanent labeling changes, it would delay the warning a considerable time and long past the time most producers would need to include the warning in labeling. Accordingly, the effective date has been set at 6 months since by this date many companies can include the warning in permanent labeling, with no need to overlabel, and those companies who cannot complete a permanent change within 6 months should be able to overlabel their remaining inventory without inordinate difficulty.

The Safety Commission staff has also attempted to minimize the need for overlabeling in developing its recommendations for an effective date for the warning labeling that the Safety Commission proposes to require (Ref. 42).

Initial introduction into interstate commerce of a finished product for purposes of this regulation means the first shipment of the product into interstate commerce by the firm marketing the product. There must be both physical movement in interstate commerce, and passage of title to the product. Thus, mere shipment of a product across State lines from a contract filler to the manufacturer of the product would not constitute initial introduction into interstate commerce. All products initially introduced into interstate commerce before the effective date may continue to be distributed and sold even though they do not bear the warning statement. A finished product is a product which has been completely manufactured, packaged, and labeled.

55. One comment criticized the warning proposal because the time schedule for comments did not allow time for comments on a study being done by International Research and Technology Corporation and Policy Models, Inc., (IRT Study) under contract with EPA, on the economic impact of a phaseout of chlorofluorocarbons propellants. The Commissioner also received two requests that additional time be allowed for the submission of comments on the draft Policy Models, Inc., study. The Commissioner extended the time for submission of comments to the docket for the notice of intent on the draft report done for EPA. One of the associations requesting the extension subsequently submitted a late comment to the docket for the proposed warning stating that "we reserve the right" to submit comments to FDA on the final report assessing the economic impact of a phaseout.

The Food and Drug Administration has prepared an inflation impact statement of the phaseout of chlorofluorocarbon propellants being proposed by FDA. The statement was developed, in large part, on the basis of the data reported in the IRT Study. Comments may be submitted on the FDA inflation impact statement to the docket for the proposed phaseout. In developing its phaseout proposal, FDA considered the comments on the draft IRT Study sub-

mitted in response to the grant of an extension of time to comment. The Commissioner notes that the submissions emphasized the economic impact reported in the IRT Study and the many uncertainties facing the aerosol industry about the safety and feasibility of potential substitute propellants. This information essentially duplicates the timely comments submitted on the warning proposal, which have been discussed above in this document.

The Food and Drug Administration prepared an inflation impact assessment for the warning requirement at the time of the proposal, and considered the relevant comments submitted. Furthermore, the phaseout action being proposed by FDA will subsume whatever inflation impact the warning will have in reducing use of chlorofluorocarbon propellants. The agency's inflation impact statement for the proposed phaseout evaluates the impact comprehensively for the overall action being taken. Thus, the Commissioner concludes that with respect to the warning he has adequately fulfilled his obligations under Executive Order No. 11821, OMB Circular A-107 and HEW guidelines to consider the inflation impact of regulatory actions.

MISCELLANEOUS COMMENTS

56. A few comments urged action to prevent advertising of products containing chlorofluorocarbons.

The Commissioner has no jurisdiction over advertising, except for advertising for prescription drugs, products that are not subject to the warning requirement. He points out that when use is prohibited, advertising to promote the products can be expected to cease.

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 301, 402, 403, 501, 502, 505, 507, 512, 601, 602, 701(a), 52 Stat. 1041–1043 as amended, 1046–1048 as amended, 1049, 1051–1053 as amended, 1054–1055, 57 Stat. 463 as amended, 82 Stat. 343–351 (21 U.S.C. 321(n)), 331, 342, 343, 351, 352, 355, 357, 360b, 361, 362, and 371(a))) and the National Environmental Policy Act of 1969 (sec. 102(2), 83 Stat. 853 (42 U.S.C. 4332)), and under authority delegated to the Commissioner (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER A—GENERAL

PART 101—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. By adding new paragraph (c) to § 101.17 to read as follows:

§ 101.17 Food labeling warning statements.

* * * * *

(c) *Self-pressurized containers with a chlorofluorocarbon propellant.* (1) In addition to the warning required by paragraphs (a) and (b) of this section, the label on each package of a food in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

(2) The warning required by paragraph (c)(1) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. The warning shall comply in all other respects with § 101.2, e.g., type-size requirements.

(3) The warning required by paragraph (c)(1) of this section is applicable only to self-pressurized containers that use chlorofluorocarbons in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant, but the warning is not applicable to the use of chlorofluorocarbon as a stabilizer in food toppings and spreads.

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 369—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Subpart B—Warning and Caution Statements for Drugs

2. By adding to § 369.21 the following new paragraphs at the end of the listing for Drugs in Dispensers Pressurized by Gaseous Propellants to read as follows:

§ 369.21 Drugs: warning and caution statements required by regulations.

* * * * *

DRUGS IN DISPENSERS PRESSURIZED BY GASEOUS PROPELLANTS

* * * * *

In addition to the above warnings, the label on each package of a drug in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing the ozone in the upper atmosphere.

This required warning for self-pressurized containers that contain a fully halogenated chlorofluorocarbon shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package.

The warning for self-pressurized containers that contain a fully halogenated chlorofluorocarbon is not required and should not be used for metered-dose adrenergic bronchodilators for oral inhalation and contraceptive vaginal foams.

The warning is required only on self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

* * * * *

PART 501—ANIMAL FOOD LABELING

Subpart A—General Provisions

3. By adding to § 501.17 new paragraph (c) to read as follows:

§ 501.17 Animal food labeling warning statements.

* * * * *

(c) *Self-pressurized containers with a chlorofluorocarbon propellant.* (1) in addition to the warning required by paragraphs (a) and (b) of this section, the label on each package of a food in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing the ozone in the upper atmosphere.

(2) The warning required by paragraph (c)(1) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. The warning shall comply in all other respects with § 501.2, e.g., type-size requirements.

(3) The warning required by paragraph (c)(1) of this section is applicable only to self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

PART 505—INTERPRETIVE STATEMENTS RE: WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

Subpart B—Required Warning and Caution Statements

4. By adding to § 505.10 the following new listing for Dispensers Pressurized by Gaseous Propellants for Drugs, to read as follows:

§ 505.10 Animal drug warning and caution statements required by regulations.

* * * * *

DISPENSERS PRESSURIZED BY GASEOUS PROPELLANTS FOR DRUGS

The label on each package of a drug in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

This required warning for self-pressurized containers that contain a fully halogenated chlorofluorocarbon shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. The warning shall appear prominently and conspicuously as compared to other words, statements, designs, or devices and in bold type on contrasting background, but in no case may the letters be less than 1/16 inch in height.

The warning is required only on a self-pressurized container that uses a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

* * * * *

SUBCHAPTER G—COSMETICS

PART 740—COSMETIC PRODUCT WARNING STATEMENTS

Subpart B—Warning Statements

5. By adding to § 740.11 new paragraph (c) to read as follows:

§ 740.11 Cosmetics in self-pressurized containers.

* * * * *

(c)(1) In addition to the warnings required by paragraphs (a)(1) and (b)(1) of this section, the label on each package of a cosmetic in a self-pressurized

container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

(2) The warning required by paragraph (c)(1) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, or sticker or similar overlabeling attached to the package. The warning shall comply in all other respects with § 740.2, e.g., type-size requirements.

(3) The warning required by paragraph (c)(1) of this section is applicable only to self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

SUBCHAPTER H—MEDICAL DEVICES

PART 801—LABELING

Subpart H—Special Requirements for Specific Devices

5. By adding to Part 801 new § 801.425 to read as follows:

§ 801.425 Nonrestricted devices in self-pressurized containers with chlorofluorocarbon propellants.

(a) The label on each package of a nonrestricted device in a self-pressurized container in which the propellant consists in whole or in part of a fully halogenated chlorofluoroalkane (chlorofluorocarbon) shall bear the following warning:

Warning—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

(b) The warning required by paragraph (a) of this section shall appear on an appropriate panel with such prominence and conspicuousness as to render it likely to be read and understood by ordinary individuals under normal conditions of purchase. The warning may appear on a firmly affixed tag, tape, card, sticker or similar overlabeling attached to the package. The warning shall appear prominently and conspicuously as compared to other words, statements, designs, or devices and in bold type on contrasting background, but in no case may the letter be less than ⅛ inch in height.

(c) The warning in paragraph (a) of this section is not required and should not be used for products intended for metered-dose adrenergic bronchodilators for oral inhalation, and for cytology fixative uses.

(d) The warning required by paragraph (a) of this section is applicable only to self-pressurized containers that use a chlorofluorocarbon in whole or in part as a propellant to expel from the container liquid or solid material different from the propellant.

Effective date: These regulations shall be effective October 31, 1977 for finished products initially introduced into interstate commerce on or after that date.

(Secs. 201(n), 301, 402, 403, 501, 502, 505, 507, 512, 601, 602, 701(a), 52 Stat. 1041–1043 as amended, 1046–1048 as amended, 1049, 1051–1053 as amended, 1054–1055, 57 Stat. 463 as amended, 82 Stat. 343–351 (21 U.S.C. 321(n), 331, 342, 343, 351, 352, 355, 357, 360b, 361, 362, and 371(a)); sec. 101(2), 83 Stat. 853 (42 U.S.C. 4332).)

Dated: April 25, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-12210 Filed 4-26-77;8:45 am]

federal register

FRIDAY, APRIL 29, 1977

PART V



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PART 920—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS

Revised Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final Rule.

SUMMARY: These final regulations amend existing program development grant regulations to define procedures by which Coastal States can meet the new planning requirements and the requirements for preliminary approval contained in the 1976 amendments to the Coastal Zone Management Act of 1972.

EFFECTIVE DATE: May 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Carol Sondheimer, Chief Program Planning, State Programs Division, Office of Coastal Zone Management, 202–634–1672.

SUPPLEMENTARY INFORMATION: Pub. L. 94–370, signed on July 26, 1976, amended the Coastal Zone Management Act of 1972, as amended, (16 U.S.C. 1451, et seq.), hereinafter referred to as the "Act." As a result of amendments made to section 305 of the Act it is necessary to issue these regulations on the new subsections 305(b) (7), (8) and (9) and new subsection 305(d), to insure that coastal States understand the new requirements for development and subsequent approval of coastal management programs.

On December 6, 1976, the National Oceanic and Atmospheric Administration (NOAA) published proposed amendments (41 FR 53418) to existing Part 920 regulations which cover requirements for the development of coastal zone management programs, pursuant to section 305 of the Act. The proposed amendments contained guidance to coastal States as to the requirements for meeting a new planning element on shorefront access and protection (subsection 305(b)(7) of the Act), a new planning element on energy facility (subsection 305(b)(8)), and a new planning element on shoreline erosion (subsection 305(b)(9)). The proposed regulations also detailed the requirements for preliminary approval (subsection 305(d)).

Written comments were requested by February 7, 1977. As of that date, substantive comments had been received from twenty-seven reviewers. Twelve reviewers addressed the shorefront access planning requirement. Twenty-one commented on the energy facility planning process, nine on the shoreline erosion planning element, and eleven on the preliminary approval process. These comments have been considered in preparing these final regulations. Major comments and NOAA responses are discussed below.

DISCUSSION OF MAJOR COMMENTS AND NOAA RESPONSE

SHOREFRONT ACCESS PLANNING

(a) *Definition of "Beach":* Two commentators felt the term "beach" was not defined sufficiently. One of these commentators felt that the term should be expanded to include dunes. The other felt the regulations should define "beach." Conversely, one commentator felt that defining "beach" in terms of physical and public characteristics was too complex and that the regulations emphasized unnecessarily the process of defining the term.

NOAA Response: NOAA feels that a definition of beach should not be part of these regulations as the physical characteristics of a beach vary widely among different geographic regions. The danger of providing a definition is in overlooking certain types of areas, or of limiting a State's ability to take a more comprehensive or creative approach than that provided for in the regulations. NOAA has revised § 920.17(b)(6) to permit States to define beach in terms of either physical or public characteristics. NOAA has added the word "dunes" to § 920.17(b)(6) as a physical characteristic to be considered in defining beaches. It is not the intent of these regulations to emphasize the process of defining the term "beach" at the expense of developing a process for identifying and responding to shorefront access and protection needs. Accordingly, the discussion of defining the term "beach" has been de-emphasized by shifting that discussion to § 920.17(b)(6), instead of retaining that discussions as § 920.17(b)(1) as it appeared in the proposed regulations.

(b) *Definition of "Public":* Three reviewers had comments addressed to what should be considered "public" beach and other "public" shorefront areas. One commentator felt that NOAA regulations should mandate the definition of "public." Another commentator did not support the concept of "public" being considered in terms of other than public ownership, particularly as no examples were provided of what was meant by "other demonstrated public interest." Conversely, a third commentator recommended that States use a definition of "public" as comprehensive as existing State law allows.

NOAA Response: NOAA does not feel it appropriate to define, and thereby possibly to limit, the term "public," given variations among State laws. NOAA accepts the recommendation that States use as comprehensive a definition of "public" as existing State laws allow. This has been incorporated into § 920.17(b)(6) as a minimum requirement.

NOAA believes that ownership is not the sole determinant of a beach or shorefront area being "public." Examples of "other demonstrated public interest" include, but are not limited to, easements, leases, licenses or traditional and habitual usage. These examples have been added to § 920.17(b)(6).

(c) *Definition of "other public coastal areas":* One commentator asked whether the planning process for other public coastal areas could be applied to areas inland from the shoreline but within the coastal zone. Another commentator requested discussion of what constitutes other public coastal areas and recommended inclusion of barrier islands, wetlands, bluffs, wildlife refuges and urban waterfronts.

NOAA Response: NOAA feels that the appropriate emphasis for the subsection 305(b)(7) planning process is on shorefront public coastal areas. Other public areas inland from the shoreline but in the coastal zone can be addressed under other aspects of the basic program development, in particular the requirements having to do with geographic areas of particular concern. Similarly, while § 920.17(b)(5) now includes wetlands, bluffs, etc., as examples of other public coastal areas, it is anticipated that preservation requirements for these types of areas will already have been addressed as part of basic program development, especially in addressing the requirements for areas for preservation and/or restoration. Accordingly, it is anticipated that the primary focus under this specific planning requirement will be on the need for increased access to other public coastal areas, except in the case of islands which may not have been considered for preservation or access purposes as part of previous basic program development.

(d) *Definition of "Access":* Three commentators expressed approval of the concept of "access" contained in the proposed regulations. One of these commentators was concerned, however, that "access" not be read to encourage excessive construction of highways or parking facilities. A fourth commentator suggested that recognition be given to the need for access by public transportation, especially for urban areas. This same reviewer felt the term "lateral access" was sufficiently explained. Another reviewer questioned whether a broader interpretation was intended for "access" under subsection 305(b)(7) of the Act than that intended for subsection 315(2) of the Act.

NOAA Response: NOAA does not feel that the discussion of physical access encourages construction of highways or parking facilities. If anything, the emphasis is on small scale, public access ways and transport. It should be further noted that the language of subsection 315(2) of the Act restricts the use of those funds to acquisition of lands or interest in lands and therefore can not be used for highway construction. In response to the comment that attention should be given to access needs of urban residents, language recommending this as a special consideration has been added to § 920.17(b)(2). "Lateral access" is intended to refer to areas above mean high tide, or the ordinary high water mark in the Great Lakes, which could be considered as a means for increasing

access to the shorefront only where a State does not have a reasonable amount of public shorefront areas above mean high tide or the ordinary high water mark. Finally, NOAA believes the term "access" was intended to be interpreted more broadly for planning purposes under subsection 305(b)(7) of the Act than for acquisition purposes under subsection 315(2). NOAA believes that a coastal management program, which is developed pursuant to section 305 of the Act, may consist of more than those elements which are specifically fundable pursuant to other sections of the Act.

(e) *Comments on "Development of State Policies":* One commentator indicated that requiring "development" of state policies for access and/or protection does not take into account that existing State policies may be adequate. Conversely, another commentator suggested the proposed regulations did not provide adequate recognition for the possibility of States having to adopt additional authorities for access or preservation purposes.

NOAA Response: In response to both comments, § 920.17(a)(3) has been changed to refer to "articulation of State policies . . ."

(f) *General Comments on the Planning Process Requirements:* One commentator misinterpreted the intent of the requirements as not permitting use of section 305 funds for developing a planning process for protecting and/or providing access to other public coastal areas. This is, in fact, one of the purposes of this new section 305 planning requirement. The same commentator misunderstood that the general planning process (beyond defining the term "beach") does in fact apply to other public coastal areas as well as public beaches.

Another reviewer did not realize that the planning process required by a new subsection 305(b)(7) of the Act is a part of basic, overall coastal program development. As such, this element is subject to all the requirements for program approval as part of the overall program. Finally, one commentator was concerned that provisions for providing access not be read to apply to private individuals. There is nothing in these regulations that can be read to require private individuals to provide access. However, the matter of how best to provide additional shoreline access, if there is a need for such access, is a matter that will be decided by States in the development of their management programs. Thus, there also is nothing in these regulations to preclude States from requiring private individuals to provide shorefront access if that is an appropriate technique for assuring such access, and if State constitutions and laws do not prohibit such a requirement.

(g) *Miscellaneous Comments:* One commentator suggested that reference to "mean high tide" be expanded to read "or the ordinary high water mark in the Great Lakes." This suggestion has been accepted and is reflected in § 920.17(b)(3) and (b)(6).

(h) *Comments beyond the Scope:* A number of comments were received which are beyond the scope of this specific planning requirement. These include:

(1) Comments addressed primarily to requirements of subsection 315(2) of the Act. These comments will be addressed at the time regulations for subsection 315(2) are promulgated;

(2) Comments suggesting any major Federal actions resulting from this planning process would be subject to the National Environmental Policy Act of 1969 (NEPA, Pub. L. 91–190, as amended).

ENERGY FACILITY PLANNING PROCESS

(a) *Definition of "Energy Facilities":* Three commentators objected to the definition of energy facilities (taken from the definition in subsection 304(5) of the Act) as being too broad. Conversely, three commentators recommended broadening the definition of energy facilities or, at least, leaving the State the option of including more than those facilities listed in subsection 304(5). Two commentators recommended that the emphasis in the planning process be on new (as contrasted to existing) facilities.

NOAA Response: Given the fact that "energy facilities" are defined in the Act in subsection 304(5), NOAA does not feel justified in adopting a less comprehensive definition of the term. Further, since the definition in subsection 304(5) uses the phrase "includes at a minimum, but is not limited to," NOAA does feel justified in leaving an option for the State to adopt a more comprehensive definition of energy facilities to be included in the planning process. This option and examples of additional energy facilities or activities that are not included in the subsection 304(d) definition but could be included for planning purposes are now contained in § 920.18(b)(2). Finally, it is anticipated that the primary focus of the planning process will be on new and expanded energy facilities, given the language of the Act which speaks to "anticipating" impacts. This focus on new and expanded facilities represents a minimum requirement. The option again is left to the States to focus also on existing facilities.

(b) *Definition of "Significantly Affect":* Four commentators objected to the definition of "significantly affect" (within the context of NEPA) as being either too broad or too unworkable. One commentator supported the definition of "significantly affect" within the context of NEPA.

NOAA Response: Section 920.18(b)(2) now includes a minimum definition of "significantly affect" in terms of substantial or potentially substantial changes in land, air, water, minerals, flora, fauna, noise, and objects of historic, cultural, archaeological or aesthetic significance in the coastal zone. States still have the option of using the NEPA definition of "significantly affect" if they prefer.

(c) *Relationship of subsection 305(b)(8)/Planning Requirement to subsection 306(c)(8)/Consideration of the National Interest Requirement:* Five commentators suggested that this planning process should be tied more closely to the national interest requirements of subsection 306(c)(8) of the Act. In effect, these commentators suggested that provision of energy is in the national interest, and therefore that the subsection 305(b)(8) planning process should be interpreted as requiring coastal management programs to provide for the siting of energy facilities. Several of these commentators suggested specific language changes to various paragraphs of § 920.18. In contrast, one commentator suggested a stronger emphasis on the goal of not locating energy facilities in the coastal zone that could be located elsewhere with a lesser impact on the environment.

NOAA Response: While there is a relationship between the energy facility planning process called for in subsection 305(b)(8) of the Act and the national interest requirements of subsection 306(c)(8), there is also a relationship between this planning process and all other section 306 requirements. Further, there is nothing in subsections 305(b)(8) and 306(c)(8) that can be read to require State management programs to provide sites for energy facilities within the coastal zone. Subsection 306(c)(8) requires only that States provide for "adequate consideration of the national interest involved in planning for, and in siting of facilities (including energy facilities * * *) which are necessary to meet requirements which are other than local in nature." (Emphasis added). Pursuant to the related subsection 306(e)(2) requirement of the Act, a State must demonstrate only that there are not arbitrary restrictions on or exclusions of uses of regional benefit (which can include uses of national interest) by local governments. This does not mean, however, that a coastal management program must make site designations for such uses. Finally, and perhaps most importantly, the commentators have overlooked the point that energy production and transport are not the only national interests to be considered and incorporated into a management program. The essence of coastal zone management, in general, and this planning requirement, in particular, is to develop and implement a process for considering and trading off various, often competing national interests. In response to comments, a new § 920.18(b)(1) has been added which (i) gives greater mention to national energy needs while, at the same time, putting these needs in the context of balancing various other national interests, and (ii) speaks to the issue of a specific siting requirement and provides some acceptable alternatives for meeting the subsection 305(b)(8) planning process requirements.

(d) *Definition of "Impacts":* Four commentators suggested changes as to what should be included for consideration as an "impact." Two commentators suggested that the impact required to be analyzed for the Coastal Energy Im-

pact Program (CEIP, section 308 of the Act) also be required for the subsection 305(b)(8) planning process.

NOAA Response: Most of the suggested changes, such as considering wetlands, dunes and beaches, increased storm erosion, and population changes, already are contained in § 920.18(b)(4). With respect to mandating consideration of CEIP required impacts for the subsection 305(b)(8) planning process, NOAA does not feel this is appropriate as not all states may participate in the CEIP program and other impacts may be more appropriate for consideration in those cases. Section 920.18(b)(4), however, does encourage those States that anticipate a large involvement in CEIP to design their planning process to include those impacts that will be required for consideration under CEIP.

(e) *General comments on the Planning Process Requirements:* (i) Two reviewers provided general comments having to do with (1) providing more detailed guidance in the regulations as to the planning process required, (2) building on basic program development requirements, and (3) emphasizing requirements for State control over energy facilities in or affecting the coastal zone.

(ii) One commentator suggested the planning requirements be expanded to require an identification of State and local authorities and responsibilities with respect to energy facility planning.

(iii) One commentator suggested that State and local agencies involved in facilities planning for coastal areas must be part of the coastal zone management program, and that the planning undertaken by these agencies must be consistent with the criteria and standards of the coastal zone management program.

(iv) Two commentators suggested an additional planning requirement for criteria by which the suitability and capability of particular coastal sites for different energy facilities can be judged.

(v) One commentator suggested an additional requirement for procedures and criteria to identify areas qualifying as areas of unavoidable recreational or environmental loss due to coastal energy activity.

(vi) Two commentators suggested adding specific reference to coordination requirements with the Energy Policy and Conservation Act of 1975 and the Energy Conservation and Production Act of 1976. Another commentator made the general recommendation that reference to full coordination with, and participation by, Federal agencies be highlighted.

NOAA Response: With respect to the first (i) set of comments, NOAA feels that its responsibility extends to providing the minimum outcomes expected as a result of the planning process. In this vein, NOAA does not feel it necessary or appropriate to specify the detailed process by which States arrive at the desired outcomes. The planning process required by the new subsection 305(b)(8) of the Act is part of basic, overall program development. Accordingly, NOAA does not feel it is necessary to incorporate specific consultation or authorities requirements into this section of the regulations as this planning element is subject, in any case, to all section 306 requirements as part of the overall management programs. In response to the comment recommending greater emphasis on the need for assuring that energy facilities or their impacts are managed in compliance with a States management program, § 920.18(a)(4) has been revised to require "conformity of siting programs, where they exist, with the coastal zone management program."

With respect to the second (ii) set of comments, § 920.18(b)(5) includes a requirements for States to list relevant constitutional provisions, legislative enactments, regulations, and judicial decisions that relate specifically to anticipating and managing energy facilities and/or impacts.

With respect to the third (iii) comment, NOAA believes § 920.18(a)(4), as revised, addresses adequately the concerns of the commentator.

With respect to the fourth (iv) set of comments, NOAA has revised § 920.18(a)(2) to require a procedure for assessing the suitability of sites for energy facilities. This assessment procedure can be developed as part of the requirements of § 920.12 or as a separate suitability assessment procedure.

With respect to the fifth (v) comment, NOAA regards the identification of areas of environmental or recreational loss to be tied directly to the Coastal Energy Impact Program (section 308 of the Act). Funds are provided out of that program for such identification. Accordingly, such identification need not be a part of the subsection 305(b)(8) planning requirement.

Finally, with respect to the sixth (vi) set of comments, NOAA does not feel it necessary or appropriate to make reference to coordination with specific Federal legislation for two reasons. One, NOAA is concerned that listing only those Acts recommended by commentators will overlook other pieces of equally relevant legislation that then should be mentioned. Second, NOAA feels that coordination requirements are covered adequately by the 15 CFR Part 923 consultation and coordination requirements.

SHORELINE EROSION PLANNING PROCESS

(a) *Relationship to Federal Insurance Administration (FIA) Program:* Three commentators recommended a more specific reference be made to the FIA program, particularly to the mapped flood hazard areas, and to the erosion prone areas which will be mapped in the future.

NOAA Response: More specific reference to the FIA program has been added to § 920.19(b)(2).

(b) *Structural v. Non-Structural Control Techniques:* Three commentators were concerned that the draft regulations appeared to overemphasize structural controls at the expense of nonstructural management techniques.

NOAA Response: It is not the intent of these regulations to imply that structural controls are preferred over non-structural management techniques. Neither is it the intent of these regulations to imply that an appropriate State response to erosion necessarily requires controls (of a structural or non-structural nature). In some locations along a State's coastline, it may be appropriate, given certain conditions and considerations, to articulate a policy of noncontrol. Section 920.19(a)(2) and (3) and (b)(2) has been revised to reflect the above statements.

(c) *General comments on the Planning Process Requirements:* (i) One commentator suggested that identification of causes of erosion be a required element of the planning process.

(ii) One commentator suggested two additional planning requirements: (1) Development of a procedure for continuing review of shoreline conditions to detect changes due to erosion, and (2) identification of legal and financial means available to implement erosion mitigation or restoration measures.

(iii) Another commentator suggested the following additional requirements: (1) Identification of appropriate controls based on assessment of economic, social and environmental costs, assessment of capital and maintenance costs, and identification of benefits and their duration, and (2) designation of areas requiring control as geographic areas of particular concern.

(iv) Another commentator suggested the erosion planning element be coordinated with EPA 208 water quality management programs.

NOAA Response: While NOAA agrees that identifying causes of erosion may be useful in determining appropriate responses. NOAA is equally concerned that States not get involved in long, drawn-out and highly technical investigations of such causes when it is rather obvious that an area is eroding and a decision on how to respond to that fact is necessary.

With respect to the second (ii) comment, NOAA does not feel development of a procedure for assessment of shoreline changes needs to be a mandatory requirement. Again, NOAA is concerned about overly long involvement in planning and technical studies at the expense of management. The second suggestion—for identifying means of implementing control or restoration measures—is addressed in a new § 920.19(a)(6).

With respect to the third (iii) set of comments, NOAA feels the specific factors used to determine appropriate erosion control responses is best left to each State. However, NOAA does think the considerations suggested by the commentator are valid and States may well want to take these factors into account. With regard to the commentator's second suggestion that erosion control areas must be designated as geographic areas of particular concern, NOAA has provided for such designation, in § 920.19(a)(4), if appropriate. In some cases, erosion control may be more appropriately handled through use controls pursuant to § 920.12 rather than through specific area designations pursuant to § 920.13.

Finally, with respect to the fourth (iv) comment, NOAA does not feel it necessary or appropriate to reference coordination with specific Federal legislation

for the same reasons cited in response to similar comments on the Energy Facility planning requirements.

Miscellaneous Comments: One commentator asked whether the planning process could be applied broadly to estuaries, rivers, streams or lakes anywhere in the coastal zone.

NOAA response: NOAA feels the appropriate emphasis for the subsection 305(b)(9) planning process is on shoreline and estuarine erosion. Other areas of erosion can be addressed under other aspects of basic program development, if the State considers these other areas critical coastal management issues.

Comments beyond the Scope: A number of comments were received which are beyond the scope of this particular planning requirement:

(1) Questions concerning eligible and ineligible restoration funding items pursuant to section 306 of the Act; and

(2) Comments that coordination requirements, pursuant to section 306, and consistency requirements, pursuant to section 307, be included as part of the erosion planning requirements.

PRELIMINARY APPROVAL

(a) *Purpose of Preliminary Approval:* Three commentators questioned whether the primary purpose of preliminary approval should be to allow for initial implementation of selected aspects of a State's management program as opposed to allowing the State additional time to complete its program for section 306 approval purposes.

NOAA Response: NOAA agrees that the emphasis of the legislative history indicates that the primary purpose of preliminary approval should be to allow additional time to complete a management program which is acceptable in its overall design and description. Subsection 305(a)(2) of the Act provides for selective implementation as another purpose of preliminary approval. Sections 920.40 (b) and (c) have been revised accordingly.

(b) *Content of Legislation:* Two reviewers commented on the requirement in subsection 920.42(b)(1) that legislation contain the substantive as well as the procedural aspects of a State's coastal management program in order to qualify for preliminary approval. One of these commentators suggested a State should be able to qualify for preliminary approval if the substantive section 305 elements of the program have been determined by the designated State agency and the legislation provides procedures for implementation of these elements within a specified timeframe.

NOAA Response: The discussion of legislative content has been dropped given the requirement that all subsection 305(b)(1)–(6) requirements must be completed at the time of a subsection 305(d) submission.

(c) *EIA/EIS Requirements:* One commentator felt the Environmental Impact Assessment (EIA) required with a subsection 305(d) submission should address only those parts of a management program to be implemented as a result of preliminary approval. Another commentator expressed concern that a case-by-case assessment by NOAA to determine if an Environmental Impact Statement (EIS) would be required prior to preliminary approval would create potential funding hardships and uncertainties for applicants.

NOAA Response: NOAA feels it appropriate to require an EIA on the whole program at the time a document is submitted for preliminary approval as it will allow for a case-by-case determination as to the necessity of preparing an EIS. The EIA submitted at this time should satisfy the EIA requirements which apply to a section 306 submission. With respect to the uncertainties created by a case-by-case EIS determination, one of the purposes of consultation with the Associate Administrator, six months in advance of the desired approval date, is to determine whether an EIS will be necessary. This should allow a State sufficient time to plan and budget accordingly.

(d) *Review/Approval Procedures:* (i) Four commentators indicated that Federal review of subsection 305(d) programs should precede preliminary approval. All these commentators also suggested an EIA or EIS accompany the review document. Conversely one commentator felt Federal review should not be a necessary part of preliminary approval as Federal involvement should be presumed as it is required as part of the program development process.

(ii) Four commentators requested details as to the timing and nature of consultation with the Associate Administrator called for in § 920.43(a).

NOAA Response: With respect to the first (i) set of comments, NOAA agrees that Federal review and comment should be an integral part of program development and assumes consultation will occur naturally as a State moves towards submission of a subsection 305(d) program. However, to assure further that consultation with Federal agencies occurs prior to submission of a subsection 305(d) document, this requirement has been made explicit in § 920.42(b)(4)(ii). Further, in those cases where NOAA determines that an EIS is appropriate prior to approving a subsection 305(d) submission, both the program document and the EIS will be distributed to Federal and other reviewers, according to the normal EIS review procedures. In those cases where the EIS is more appropriately prepared prior to approving a section 306 submission, the subsection 305(d) program document which includes an EIA will be distributed to Federal agencies so that their comments can be incorporated prior to the section 306 submission. In any case, States will be required to devote a portion of their subsection 305(d) grant to resolving serious deficiencies identified by Federal agencies who have reviewed the subsection 305(d) program submission. Section 920.43(b) has been revised and a new § 920.43(c) has been added to reflect this discussion.

With respect to the second (ii) set of comments, § 920.43 (a) has been revised to indicate the nature, purpose and timing of consultation with the Associate Administrator.

(e) *Relationship of Subsection 305(d)/Preliminary Approval to Section 306 Approval:* (i) One commentator was concerned that there is no assurance that preliminary approval would not serve as an uncoordinated extension under which funds would continue to be invested in programs that would never meet the section 306 program approval requirements. This commentator suggested the regulations specifically indicate the type of deficiencies that can be funded pursuant to subsection 305(d) of the Act.

(ii) Another reviewer suggested that it be made explicit that transition from preliminary to full approval is not automatic.

NOAA Response: NOAA is satisfied that the regulations will prevent uncoordinated extensions of time for unending program development efforts. This is because the regulations require (1) that the design and description of the program as submitted for preliminary approval satisfy the requirements for full approval, and (2) that the submission specify the time necessary to resolve any deficiencies. Finally, subsection 305(d) money is authorized only through fiscal year 1979 and the regulations stipulate that subsection 305(d) grants will not be made after that time. With respect to the type of activities that can be funded to remedy deficiencies, guidance already is contained in § 920.42(b)(3). The preamble to the proposed regulations indicated that transition from preliminary to full approval was not automatic. Similar language has been added to section 920.40(e) of the final regulations.

(f) *Eligible Costs:* One commentator suggested updating of coastal programs should be an eligible subsection 305(d) cost if such updating would be an allowable cost for a section 306 program.

NOAA Response: NOAA has added this into the regulations as § 920.42(b)(3)(iv).

(g) *Miscellaneous Comments:* One commentator requested clarification as to why § 920.42(b)(2) refers to "consultation with the Secretary" while all other sections in Subpart E refer to consultation with the Associate Administrator.

NOAA Response: The reference in § 920.42(b)(2) to the Secretary is a direct quote from the Act. Since Secretarial responsibilities under this section of the Act have been delegated, reference is made to the Associate Administrator whenever a direct quote from the Act is not involved.

(h) *Comments beyond the Scope:* A number of comments were received which are beyond the scope of this particular subpart:

(1) Questions regarding NOAA's ability to make preliminary approvals without clear standards for approval pursuant to section 306 of the Act;

(2) Recommendations that the Part 920 regulations be amended to provide procedures for reviewing program prog-

ress at the completion of each subsection 305(c) program development grant.

OTHER CHANGES

In addition to the changes made in response to comments on the proposed regulations, NOAA has made a number of minor changes to other parts of existing regulations in 15 CFR Part 920. The majority of these changes are for purposes of updating references or for clarifying phrases or sections that have been subject to questioning since the issuance of the regulations in 15 CFR Part 920 on November 29, 1973. A discussion of section-by-section changes follows:

SUBPART A

(a) *Section 920.1: Policy and Objectives.* (i) Establishing criteria for making preliminary approvals is added as one of the general purposes for issuing regulations in 15 CFR Part 920.

(ii) The need for States to identify issues and problems and to articulate specific goals, objectives, policies, standards, guidelines and/or regulations to address these issues is emphasized.

(b) *Section 920.2: Definitions.* (i) "Islands" have been added to the definition of coastal zone as a result of the 1976 amendments to the Act.

(ii) Reference to the U.S. Assistant Attorney General's opinion on excluded Federal lands has been added to the definition of the term "coastal zone."

(iii) The term "Secretary" has been revised to note delegations of authority to the Administrator of NOAA and to the Associate Administrator for Coastal Zone Management.

(iv) A definition of the term "Associate Administrator" has been added.

SUBPART B

(a) *Section 920.10: General.* Information has been added to paragraph (b) to explain the effect of the new planning requirements on States seeking section 306 approval prior to or after October 1, 1978.

(b) *Section 920.12: Land and Water Uses Subject to the Management Program.* (i) Because of confusion over the meaning of "permissible uses," that term has been dropped.

(ii) Reference to "indices" for determining environmental and economic impacts has been changed to "criteria."

(iii) Reference to subsection 306(c)(8) in paragraph (b)(2) has been updated to reflect the amended language of that section of the Act.

(c) *Section 920.13: Geographic Areas of Particular Concern.* In response to numerous inquiries, this section has been revised to indicate that designation may be site-specific or generic. Further guidance on the requirements of this section will be contained in proposed revisions to the regulations in 15 CFR Part 923. These proposed revisions will be published shortly.

(d) *Section 920.14: Means of Exerting State Control.* A statement has been added regarding the interrelationship of this section with subsections 305(b)(7), 306(d) and 306(e) of the Act.

(e) *Section 920.15: Designation of Priority Use Guidelines.* (i) Because of confusion about the meaning of "particular areas" in subsection 305(b)(5) of the Act, the regulations clarify that these words are meant to apply the priority use requirement to geographic areas of particular concern. This is the minimum requirement; States have the option of developing coastwide priority use guidelines.

(ii) Section 920.15(b)(2) has been added to describe the purpose of providing guidelines on uses of lowest priority.

(f) *Section 920.16: Organizational Structure.* A statement has been added regarding the interrelationship of this section with subsections 306(c)(1), (2), (5) and (6) of the Act.

SUBPART C

(a) *Section 920.20: General.* This section has been substantially rewritten in light of the recent addition of section 310 of the Act which provides for a separate program of assistance related to national and State coastal management issues.

(b) *Section 920.21: Approaches to Research Activities.* This section has been dropped as the listing of Federal research agencies was outdated and incomplete.

SUBPART F

(a) *Section 920.50: General.* (i) Reference to the Secretary has been changed to the Associate Administrator, based on duly executed delegations of authority.

(ii) The maximum Federal share of the grant has been changed to "eighty per cent" in accord with the provisions of the 1976 amendments.

(b) *Section 920.51: Administration of the Program.* Reference to the Office of Coastal Environment has been dropped and OCZM has been substituted. OCZM's mailing address has been updated.

(c) *Section 920.52: State Responsibility.* (i) Sex-related terminology has been removed. (ii) A new paragraph (d) has been added to clarify the designated State agency's fiscal responsibility for all expenditures made under the grant.

(d) *Section 920.53: Allocation.* Reference to Part IV, OMB Circular A-95 is clarified to indicate that those provisions apply to any areawide or regional agency with planning responsibilities for any portion of a State's designated coastal planning area.

(e) *Section 920.54: Geographic Segmentation.* This section has been rewritten to indicate that that portion of a State's coastal zone not awarded segment approval remains eligible for section 305 grants.

(f) *Section 920.55: Application for the Initial Grant.* Reference to "Form CD-292" has been dropped. Reference is now made to "Form SF-424."

(g) *Section 920.59: Application for Third and Fourth Year Grants.* (i) This section has been expanded to cover application requirements for fourth year grants, which now are authorized as a result of the 1976 amendments.

(ii) A new paragraph (a)(1) has been added requiring third and fourth year grant applications to contain a description of the anticipated design and content of management programs.

(h) *Section 920.60: Application for Three New Planning Elements.* Paragraph (b) has been revised to indicate that States with approved management programs prior to October 1, 1978 may apply for their section 306 administrative funds and section 305 new planning element funds using a single application form.

(i) *Section 920.61: Applications for Preliminary Approval Grants.* Reference to "Form CD-292" has been dropped. Reference is now made to "Form SF-424."

GENERAL BACKGROUND ON PART 920

The guidelines contained in this Part are for grants made pursuant to section 305 to develop a coastal zone management program that will meet the requirements for program approval of section 306 of the Act. These guidelines are to insure that management programs developed by participating States will meet the requirements for program approval. These latter requirements are contained in 15 CFR Part 923. The requirements contained in 15 CFR Part 920 are incorporated into and expanded upon in 15 CFR Part 923. Accordingly, the two sets of regulations should be read together to assure State coastal management programs will be developed in such a way as to meet the approval criteria of section 306. Where there are differences in the Part 920 and Part 923 regulations, the Part 923 requirements control.

In general terms, section 305 requires a management program to include (1) the boundaries of a State's coastal zone, (2) a definition of land and water uses that have direct and significant impacts on coastal waters and thereby are subject to the terms of the management program, (3) criteria for and designation of geographic areas within the coastal zone which are of particular concern to the State, (4) guidelines for priorities of uses within geographic areas of particular concern, including specifically those uses of lowest priority, (5) an identification of the means by which the State, together with other governmental entities, if appropriate, shall exert control over land and water uses subject to the management program, (6) a description of the organizational structure and intergovernmental arrangements sufficient to develop and maintain an effective and coordinated management process, (7) a planning process for the protection of and access to public beaches, including a definition of the term "beach," and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value, (8) a planning process that, at a minimum, provides for the anticipation and management of impacts from energy facilities likely to locate in, or which may significantly affect, the State's coastal zone, and (9) a planning process for assessing the effects of shoreline erosion and evaluating methods to mitigate the impact of such erosion and/or to restore areas adversely affected by such erosion.

Basic to this whole process is an identification of the issues and problems that confront or will confront a State's coastal zone and, relatedly, an articulation of specific goals, objectives, policies, standards, guidelines and/or regulations to address these issues.

States may have up to four years of program development grants, pursuant to subsection 305(c) of the Act, to develop approvable coastal management programs, if the Associate Administrator for Coastal Zone Management determines at the completion of each grant that satisfactory progress is being made towards program approval. A State may submit a management program for preliminary approval, pursuant to subsection 305(d) of the Act, at any point in the program development process when the State's program is sufficiently well developed and described to allow the Associate Administrator to make a determination that the program would be fully approvable when submitted for section 306 approval.

Following consideration of comments received and other relevant information, there are adopted below revised final regulations describing the procedures for applying for program development grants pursuant to section 305 of the Act.

Dated: April 25, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

For the sake of clarity and ease of reference, the entire 15 CFR Part 920 is reprinted below. New additions made final as a result of issuance of these regulations are §§ 920.17, 920.18, 920.19, Subpart E, and §§ 920.60 and 920.61. Accordingly, 15 CFR Part 920 is revised as follows:

Subpart A—General

Sec.
920.1 Policy and objectives.
920.2 Definitions.
920.3 Applicability of air and water pollution control requirements.

Subpart B—Content of Management Programs

920.10 General.
920.11 Boundaries of the costal zone.
920.12 Land and water uses subject to the management program.
920.13 Geographic areas of particular concern.
920.14 Means of exerting State control over land and water uses.
920.15 Designation of priority use guidelines.
920.16 Organizational structure to implement the management program.
920.17 Shorefront access planning.
920.18 Energy facility planning.
920.19 Shoreline erosion/mitigation planning.

Subpart C—Research and Technical Support

920.20 General.

Subpart D—Public Participation

920.30 General.
920.31 Public hearings.
920.32 Additional means of public participation.

Subpart E—Preliminary Approval

Sec.
920.40 General.
920.41 Eligibility for consideration.
920.42 Approval criteria.
920.43 Review/approval procedures.

Subpart F—Applications for Development Grants

920.50 General.
920.51 Administration of the program.
920.52 State responsibility.
920.53 Allocation.
920.54 Geographic segmentation.
920.55 Application for initial grant.
920.56 Approval of applications.
920.57 Amendments.
920.58 Application for second year grants.
920.59 Application for third and fourth year grants.
920.60 Application for three new planning elements.
920.61 Applications for preliminary approval.

AUTHORITY: (Sec. 305, Coastal Zone Management Act of 1972, Pub. L. 92-583, 86 Stat. 1280, as amended by Pub. L. 94-370, 90 Stat. 1013).

Subpart A—General

§ 920.1 Policy and objectives.

(a) This part establishes guidelines on the procedures to be utilized by coastal States to obtain program development grants pursuant to section 305 of the Act, sets forth policies for the development of coastal zone management programs, and sets forth criteria for preliminary approval of State management programs.

(b) Coastal management programs developed by participating States shall comply with that policy of the Act which requires States to give full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development. As a result of consideration of these values and needs, States will identify issues and problems that confront or will confront their coastal zone and, relatedly, will articulate specific goals, objectives, policies, standards, guidelines and/or regulations to address these issues within the context provided by these regulations.

(c) *Comment.* Statutory Citation, section 303:

> The Congress finds and declares that it is the national policy * * * (t)o encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve the wise use of land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development.

§ 920.2 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) The term "Act" means the Coastal Zone Management Act of 1972, as amended.

(b) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, beaches, and islands. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the 3 mile limit of the U.S. territorial sea. The zone extends inland from the shoreline only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. By letter of August 10, 1976 the Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, has advised that, in his opinion, the above clause excludes all lands owned by the United States from the definition of the coastal zone. This exclusion does not apply, however, to lands which are leased or otherwise used by the United States in a capacity other than ownership or trusteeship.

(c) The term "coastal waters" means (1) those waters adjacent to the shorelines, which contain a measurable quantity or percentage of seawater, including but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries; and (2) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes.

(d) The term "coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) The term "estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the seawater is measurably diluted with freshwater derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(f) The term "Secretary" means the Secretary of Commerce or his/her designee, including especially the Associate Administrator for Coastal Zone Management based on duly executed delegations of authority from the Secretary to the Administrator of NOAA, by Amendment 5 of the Department of Commerce Organizational Order 25-5A, dated October 13, 1976; and from the Administrator to the Associate Administrator for Coastal Zone Management by NOAA Circular 76-82, effective October 13, 1976.

(g) The term "management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other permanent media of communication, prepared and adopted by the State in accordance with the

provisions of these guidelines, setting forth objectives, policies, laws, standards and/or regulations to guide and regulate public and private uses of lands and waters in the coastal zone.

(h) The term "water use" means activities which are conducted in or on the water within the coastal zone.

(i) The term "land use" means activities which are conducted in or on the shorelands within the coastal zone.

(j) The term "Associate Administrator" means the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

§ 920.3 Applicability of air and water pollution control requirements.

Notwithstanding any other provisions of this part, nothing in this part shall in any way affect any requirement (a) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (b) established by the Federal Government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to these guidelines and shall be the water pollution control and air pollution control requirements applicable to such program.

Subpart B—Content of Management Programs

§ 920.10 General.

(a) These guidelines for section 305 of the Act have been structured to parallel the language and sequence of requirements of the Act. This has been done to facilitate reference to the Act. It is not required that this sequence be followed in developing the management program and in carrying out the specific tasks contained therein. It is anticipated and acceptable that the approach taken for development of programs will vary. These guidelines should not be interpreted as limiting State approaches or the content of their program development grant applications.

(b) Subsection 305(b) requires the inclusion of nine elements in the development of State coastal zone management programs. These minimum requirements are set forth below with accompanying commentary that is designed to guide State response to these key provisions of the program development effort. Prior to October 1, 1978, States may seek approval for their management programs (pursuant to section 306) even if three of these elements—those relating to the planning processes for shorefront access, energy facilities, and shoreline erosion/mitigation—are not yet completed. However, such States must be able to fulfill these requirements by October 1, 1978 and submit same by that date for review and approval, as amendments to their programs. Programs submitted after October 1, 1978 must include all nine elements in order to be approved pursuant to section 306.

(c) It is anticipated that an environmental impact statement will be prepared and circulated on a State's management program prior to its approval by the Associate Administrator, in accordance with the terms of the National Environmental Policy Act of 1969, as amended. The Associate Administrator will prepare and circulate an environmental impact statement on the basis of an environmental impact assessment and other relevant data prepared and submitted by the individual States.

§ 920.11 Boundaries of the coastal zone.

(a) *Requirement.* In order to fulfill the requirement of subsection 305(b)(1) of the Act, States must identify the boundaries of the coastal zone subject to the management program.

(b) *Comment.* Statutory Citation, Subsection 305(b)(1):

The management program for each coastal State shall include * * * (a)n identification of the boundaries of the coastal zone subject to the management program.

(1) The definition of the coastal zone in the Act recognizes that no single geographic definition will satisfy the management needs of all coastal States because designation of the coastal zone for management purposes must take into account diverse natural, institutional, and legal characteristics. Determination by a State of the extent of its coastal zone landward from the shoreline presents a very important conceptual and operational issue for State study, analysis, and decision. The following factors should be considered:

(i) In order to develop an orderly and effective management program, States may wish to delineate initially a planning area which generally is larger than, and encompasses, the area ultimately identified as the coastal zone. Such a two-step procedure would enable a State to undertake planning studies and policy development for a relatively broad region aimed at a later determination of the smaller coastal zone where specific land and water use controls, regulations, and active management activities will be applied. Analysis of demographic, economic, developmental, and biophysical factors which will largely determine State management activities in coastal waters and the landward and seaward areas and uses affecting them, are likely to be based upon data, programs, and institutional boundaries (such as counties or areawide agencies) that encompass geographic areas larger than the coastal zone designation. Specific coastal zone programming and regulation must take into account current developmental, political, and administrative realities, as well as biophysical processes, that may be external to the restricted zone eventually selected for direct management control.

(ii) The coastal zone management boundary extends inland only "to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." However, States are encouraged to take early and continuing account of existing Federal and State land/water use and resource planning programs. Examples of some related statewide policies and programs which will affect and should be considered in making determinations under the Act include: energy policy, siting of power plants and other major water-dependent facilities, surface and subsurface mineral extraction controls, and overall land and water conservation policies.

(iii) Lands which are owned by or are held in trust by the Federal Government, its officers or agents are excluded from the coastal zone. However, subsection 307(c) of the Act requires Federal agencies conducting or supporting activities which directly affect the coastal zone to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs. Accordingly, this requirement extends to activities on excluded Federal lands when such activities directly affect a State's coastal zone.

§ 920.12 Land and water uses subject to the management program.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(2) of the Act, States must identify land and water uses which have direct and significant impacts on coastal waters. Uses so identified are subject to the terms of the management program. Further, to meet the requirements of this subsection, States must define those uses which will be permitted in various areas of the coastal zone, and/or the process by which such determinations of permissability will be made.

(b) *Comment.* Statutory Citation, Subsection 305(b)(2):

The management program for each coastal state shall include * * * (a) definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

(1) In determining uses to be subject to the management program, States should develop criteria for determining impacts—beneficial, benign, tolerable, adverse—as a first step in determining those uses which require management. Some of the factors involved in this determination include location, magnitude, the nature of an impact upon existing natural or man-made environments, economic, commercial, and other "triggering" impacts, and land and water uses of regional benefit. In responding to this requirement, therefore, the following general types of study and evaluation should be undertaken, utilizing existing data where possible:

(i) Determining criteria and measures to assess the impacts of existing, projected, or proposed uses or classes of uses on the identified coastal environments;

(ii) Categorizing the nature, location, scope, and conflicts of current and anticipated coastal land and water uses or classes of uses;

(iii) A continuing compilation, verification, and assessment of the general characteristics, values, and interrelationships within coastal land and water environments.

(2) In establishing permitted uses, States must be cognizant of the requirement in subsection 306(c)(8) of the Act that the management program must

provide "for adequate consideration of the national interest involved in planning for, and the siting of, facilities (including energy facilities in, or which significantly affect, such states' coastal zone) which are necessary to meet requirements which are other than local in nature." States must have sufficient processes for providing such consideration.

§ 920.13 Geographic areas of particular concern.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(3) of the Act, geographic areas of particular concern to the State must be inventoried. Designation may be site specific or generic (e.g. all wetlands, all wildlife refuges, etc.).

(b) *Comment.* Statutory Citation, Subsection 305(b)(3):

The management program for each coastal state shall include * * * (a)n inventory and designation of areas of particular concern within the coastal zone.

(1) The analysis of a State's coastal zone required by § 920.12 should provide the basic data and criteria necessary to identify geographic areas of particular concern. Such areas are likely to encompass not only the more-often cited areas of significant natural value or importance, but also: (a) transitional or intensely developed areas where reclamation, restoration, public access and other actions are especially needed, and (b) those areas especially suited for intensive use or development. In addition, immediacy of need should be a major consideration in determining particular concern. While the States will vary in their perceptions of what areas are of particular concern, criteria derived from assessing the following representative factors will assist in these designations:

(i) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(ii) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(iii) Areas of substantial recreational value and/or opportunity;

(iv) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(v) Areas of unique geologic or topographic significance to industrial or commercial development;

(vi) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(vii) Areas needed to protect, maintain or replenish coastal lands or resources, including such areas as coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

(3) This inventory and designation of geographic areas of particular concern will be of assistance in meeting the requirements of subsection 306(c)(9) of the Act that the management program "make provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values."

§ 920.14 Means of exerting State control over land and water uses.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(4) of the Act, States must identify the means by which they will exert control over land and water uses subject to the management program. This identification must include a listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions.

(b) *Comment. Statutory Citation, Subsection 305(b)(4):*

The management program for each coastal State shall include * * * (a)n identification of the means by which the State proposes to exert control over the land uses and water uses referred to in paragraph (2), including a listing of relevant constitutional provisions, laws, regulations and judicial decisions.

(1) The requirements of subsection 305(b)(4) should be read in close conjunction with the provisions of subsections 306(c)(7), (d) and (e) of the Act, the requirements for which are contained in Part 923 of this chapter.

(2) A fundamental purpose of this legislation is to broaden the perspective by which decisions affecting the coastal zone are made to incorporate a statewide view. Subsection 306(e) provides three methods—or a combination of these—by which a State may control land and water uses subject to the management program. Subsection 306(e) of the Act provides:

(1) Prior to granting approval, the Secretary shall also find that the program provides:

(A) For any one or a combination of the following general techniques for control of land water uses within the coastal zone;

(B) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(C) Direct State land and water use planning and regulation; or

(D) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(3) It is for States to determine the appropriate role of local governments in administering its coastal zone program. The Act recognizes that local governments are closest to those who will be most affected by a management program, and that local governments can make useful contributions to the development of a program. Subsections 306(c)(1) and (2) require that: local governments and other interested public and private parties must have an opportunity for full participation in the development of the management program; the State has coordinated with local, areawide, and interstate plans; and the State has established an effective mechanism for continuing consultation and coordination with local governments and other units to insure their full participation in carrying out the management program.

(4) Some of the issues to be addressed in identifying the means by which a State will propose to exert its control include:

(i) Whether existing State powers and authority are sufficient to exert one—or a combination—of the three alternative means of control specified in subsection 306(e);

(ii) What specific modifications or strengthened mandates would be needed to qualify the State under subsections 306(d) and (e); and

(iii) Whether a shared State-local or State-regional consolidated regulatory system should be established.

(5) It is important that the States determine at an early stage whether legislation is needed, and identify the elements of that legislation to meet the requirements in subsections 306(d) and (e). These subsections require that the State, acting through its chosen agency or agencies, including local governments, area-wide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power:

(i) To administer land and water use regulations; control development in order to insure compliance with the management program; and to resolve conflicts among competing uses; and

(ii) To acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means, where necessary to achieve conformance with the management program. The required listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions will, of course, be one foundation for analyzing and making decisions concerning the above issues and alternatives. In order to undertake the kinds of work outlined above, however, it will be necessary to go beyond a mere listing by preparing an assessment of current laws, needed executive or legislative initiatives and, where required, to prepare the elements of any legislative program needed to establish a comprehensive and enforceable management program.

§ 920.15 Designation of priority use guidelines.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(5) of the Act, States must develop broad guidelines on priorities of uses within geographic areas of particular concern, including guidelines regarding those uses of lowest priority. States may also develop such broad priority use guidelines for the entire coastal zone.

(b) *Comment. Statutory Citation, Subsection 305(b)(5):*

The management program for each coastal state shall include * * * (b) road guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(1) This requirement should be read in conjunction with the requirements of § 920.13 and should build upon States' findings and conclusions reached concerning geographic areas of particular concern. Priority guidelines will serve three essential purposes:

(i) To provide a basis for management in geographic areas of particular concern;

(ii) to provide the State and local governments, areawide and regional agencies, and citizens with a common reference point for resolving conflicts, and

(iii) to articulate the nature of the State's interest, be it preservation, conservation, and/or development, in geographic areas of particular concern.

(2) One of the purposes in providing guidelines regarding uses of lowest priority is to guide resolution of conflicts when two or more uses are competing for the same area. Where States are concerned about prohibiting or strictly controlling particular uses or types of uses, such uses should not be included as uses of lowest priority but should be restricted or prohibited. The requirements of this section are separate from and not a substitute for the requirements for resolving conflicts contained in subsection 306(d)(1) of the Act. Guidance for meeting the subsection 306(d)(1) requirements is contained in Part 923 of this chapter.

§ 920.16 Organizational structure to implement the management program.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(6) of the Act, States must describe the organizational structure that will be used to implement the management program. This description must include a discussion of those State and other agencies that will have responsibility for administering the authorities required in section 920.14, and the relationship of these entities to the State management agency designated pursuant to subsection 306(c)(5) of the Act.

(b) *Comment.* Statutory Citation, sections 305(b)(6):

The management program for each coastal State shall include * * * (a) description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(1) The requirements of this section should be read in conjunction with subsections 306(c)(1), (2), (5) and (6) of the Act, the requirements of which are contained in Part 923 of this chapter.

(2) Based on policies, management approaches, technical data, priorities and existing or potential powers and authorities developed by the State in response to the requirements of §§ 920.11 through 920.15, the critical issues of organizational structure, administrative responsibilities and institutional arrangements must be resolved. While a detailed institutional structure for achieving the Act's objectives cannot be specified in advance of development of the management program, the agency designated, or to be designated, by the Governor to receive and administer management grants should have:

(i) Authority to monitor the activities of all State, local, areawide/regional or other entities in the coastal zone; and

(ii) Appropriate access to the Governor.

(3) States should strengthen cooperative mechanisms for State-Federal consultation in key areas of mutual concern, particularly where Federal activities affect the coastal zone. Subsection 306(e)(2) requires that the management program provide for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

§ 920.17 Shorefront access planning.

(a) *Requirement.* In order to fulfill the requirements of subsection 305(b)(7) of the Act, the management program must include a planning process that can identify public shorefront areas appropriate for increased access and/or protection. This process must include:

(1) a procedure for assessing public areas requiring access or protection;

(2) a definition of the term "beach" and an identification of public areas that meet that definition;

(3) articulation of State policies pertaining to shorefront access and/or protection;

(4) a method for designation of shorefront areas as areas of particular concern (either as a class or as specific sites) for protection and/or access purposes, if appropriate;

(5) a mechanism for continuing refinement and implementation of necessary management techniques, if appropriate; and

(6) an identification of funding programs and other techniques that can be used to meet management needs.

(b) *Comment.* Statutory Citation, Subsection 305(b)(7):

The management program for each coastal state shall include * * * (a) definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

(1) The requirements of this section should be read in conjunction with subsection 305(b)(3) of the Act, dealing with geographic areas of particular concern, the requirements for which are contained in § 920.13 and § 923.13 of this chapter. In developing a procedure for identifying access and/or protection requirements for public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value, States should make use of the analyses and considerations of statewide concern developed to meet the requirements of § 920.13. It is also recommended that information contained in completed State Comprehensive Outdoor Recreation Plans be considered. If islands have not been included in the areas considered under § 920.13, then their preservation needs should be considered under this subsection. Preservation should be considered broadly, in terms of ecological, environmental, recreational, historical, esthetic or cultural values.

(2) In developing a procedure for identifying access and/or protection needs, States should take into account (a) the supply of existing public facilities and areas, (b) the anticipated demand for future use of these facilities, and (c) the capability/suitability of existing areas to support increased access. Based on these and other considerations, as appropriate, the State's planning process shall include a description of appropriate types of access and/or protection, taking into account governmental and public preferences, resource capabilities and priorities.

(3) In determining access requirements, States should consider both physical and visual access. The emphasis, however, should be on the provision of increased physical access. Special attention should be given to recreational needs of urban residents for increased shorefront access. Physical access may include, but need not be limited to, footpaths, bikepaths, boardwalks, jitneys, rickshaws, parking facilities, ferry services and other public transport. To the extent that the provision of perpendicular access to public shorefront areas is insufficient to meet the purposes intended by this subsection, it is appropriate for States to consider lateral access. What this means is that where a State does not have a reasonable amount of public shorefront area above mean high tide or above the ordinary high water mark in the Great Lakes, then provision of perpendicular access may not serve a sufficient range of purposes in terms of increasing or enhancing the publics' ability to get to and to enjoy shorefront amenities. In such cases, consideration of the need for areas above mean high tide, or the ordinary high water mark in the Great Lakes, is appropriate. Visual access may involve, but need not be limited to, viewpoints, setback lines, building height restrictions, and light requirements.

(4) As part of this general planning process, States should develop a procedure which will allow for the eventual identification of specific areas for which provision of access through acquisition will be appropriate during program implementation. In conjunction with developing this procedure, States shall identify local, State or Federal sources for accomplishing particular access proposals. Particular attention should be given to coordination of management objectives with funding programs pursuant to subsection 315(2) of the Act, and pursuant to the Land and Water Conservation Fund (16 U.S.C. 460 et seq.) and other statutes as may be appropriate. It should be noted that the access referred to in this subsection is broader than the types of access that may be acquired using subsection 315(2) funds which is limited to the acquisition of lands or interests in lands for purposes of providing access to public shorefront and/or for the preservation of islands.

(5) In determining the needs for protection of public coastal areas, States should consider such factors as (a) environmental, esthetic or ecological preservation (including protection from overuse and mitigation of erosion or natural hazards), (b) protection for public use benefits (including recreational, historic or cultural uses), (c) preservation of islands, and (d) such other protection as may be necessary to insure the maintenance of environmental, recreational, historic, esthetic, ecological or cultural values of existing public shorefront attractions. Existing public shorefront attractions may be broadly construed to include, but need not be limited to: public recreation areas, scenic natural areas, threatened or endangered floral or faunal habitat, wetlands, bluffs, historic, cultural or archaeological artifacts, and urban waterfronts.

(6) The purpose of defining the term "beach" is to aid in the identification of those existing public beach areas requiring further access and/or protection as a part of the State's management program. States should define "beach" in terms of characteristic physical elements (e.g., submerged lands, tidelands, foreshore, dry sand area, line of vegetation, dunes) or in terms of public characteristics (e.g., local, State or Federal ownership, or other demonstrated public interest such as easements, leases, licenses, or traditional and habitual usage). At a minimum, the definition of what constitutes a public beach shall be as broad as that allowed under existing State law or constitutional provisions. States should take into account special features such as composition (e.g., non-sand beaches), location (e.g., urban or riverine beaches), origin (e.g., manmade beaches) and fragility (e.g., areas of shifting dunes). Where access may be complicated by questions of ownership and use of the foreshore or dry sand beach, States are encouraged to define beach in terms of its component parts, especially at the mean high tide line, or the ordinary high water mark in the Great Lakes. Finally, in defining the term "beach," States shall provide a rationale explaining the relationship between the definition developed and access and protection needs.

§ 920.18 Energy facility planning.

(a) *Requirement.* In order to fulfill the requirements contained in subsection 305(b)(8) of the Act, the management program must include a planning process that can anticipate and manage the impacts from energy facilities in or significantly affecting the State's coastal zone. This process must include:

(1) An identification of energy facilities which are likely to locate in, or which may significantly affect, the coastal zone;

(2) A procedure for assessing the suitability of sites for such facilities;

(3) Articulation of State policies and other techniques for the management of energy facilities and/or their impacts;

(4) A mechanism for coordination and/or cooperative working arrangements, as appropriate, between the State coastal planning or management agency and other relevant State, Federal, and local agencies involved in energy facility planning and/or siting, including conformity of siting programs, where they exist, with the coastal zone management program; and

(5) An identification of legal and other techniques that can be used to meet management needs.

(b) *Comment.* Statutory Citation, Subsection 305(b)(8):

The management program for each coastal State shall include * * * (a) planning process for energy facilities likely to locate in, or which may significantly affect the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities.

(1) In meeting these requirements, there are a number of approaches a State might use. The State could designate/reserve specific sites in or near the coastal zone for particular types of energy facilities. Alternately, the State could develop performance standards or other regulations that particular types of energy facilities would have to meet irrespective of their coastal zone location. Under this approach, no sites would be specifically reserved, but neither would any be specifically excluded. A third option, a variant of the second, would combine a performance standard approach with specific exclusions of all or particular types of facilities in selected coastal zone locations. These exclusions/restrictions could be based on: the anticipated adverse environmental impacts in particular locations due to sensitivity of particular resources (e.g., exclusion due to thermal pollution of nuclear power plants in particular wetlands which are especially productive fish spawning/nursery grounds); the safety problems associated with the operation of specific facilities in particular locations (e.g., exclusion of LNG terminals in densely populated areas because of safety problems, e.g., requirement for oil transfer by off-shore pipeline rather than on-shore tanker unloading); State policy determinations that certain types of energy facilities are not coastal dependent (e.g., requirement for petrochemical processing plants to be located inland from the coastal zone). There are numerous variations and mixes of the above approaches that can be used in developing an acceptable energy facility planning process and associated coastal zone management program policies. For example, a State could reserve sites for a number of specific types of energy facilities (e.g., electric power plants, deep-water terminals), restrict or exclude others from the coastal zone (e.g., nuclear power plants), and require still other types of facilities to meet certain performance criteria (e.g., pipeline siting, drilling techniques). Whatever approach is taken, it is critical to tie the outcome of the planning process to what may sometimes be two conflicting considerations: resource preservation/conservation and the need for energy production and transportation. This latter consideration may involve being responsive to not only the needs of energy users in the coastal zone but also the energy needs in the State, region and the Nation. At the same time, other facilities and uses of regional benefit and national interest, such as recreation areas, commercial fishery facilities, and animal habitat protection must be provided for in the coastal zone. The relative importance of energy facilities in the coastal zone should reflect the importance of these other interests as well as the availability of energy resources and potential sites in—or outside of—the coastal zone. Essentially, a balancing of national interests between resource preservation and conservation, on the one hand, and energy needs, on the other hand, must be achieved in order to avoid arbitrary restrictions or exclusions of either interest. Particularly in determining greater than local and coastal zone energy needs, consideration must be given to (1) national and other projections of energy needs, (2) assessments of the best mix of energy sources (e.g., coal v. gas v. oil) to meet these needs and (3) techniques for reducing demands for energy (e.g., impact of energy conservation measures). Further, determination of whether the coastal zone or resources therein are required to serve greater than local needs should be based, in part, on consultation with relevant Federal agencies.

(2) The purpose of identifying energy facilities which may significantly affect the coastal zone is to assure the consideration of these facilities as land or water uses having a direct and significant impact on coastal waters and subject to the management program. In determining which energy facilities may significantly affect the coastal zone, States must consider, at a minimum, those facilities listed in subsection 304(5) of the Act. These facilities include any equipment or facility which will be used or expanded primarily (a) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of any energy resource, or (b) for the manufacture, production, or assembly of equipment, machinery, products or devices which are involved in any activity described in (a). Accordingly, this includes, at a minimum, but is not limited to (i) electric generating power plants, (ii) petroleum refineries and associated facilities, (iii) gasification plants, (iv) facilities used for the transportation, conversion, treatment, transfer or storage of liquefied natural gas, (v) uranium enrichment or nuclear fuel processing fa-

cilities, (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases and refining complexes, (vii) facilities, including deepwater ports, for the transfer of petroleum, (viii) pipelines and transmission facilities, and (ix) terminals which are associated with the foregoing. States have the option of expanding this list for planning and management purposes to include any related or secondary energy activities, which a State feels may significantly affect its coastal zone.

(3) At a minimum, "significantly affect" shall be defined in terms of substantial or potentially substantial changes in coastal zone resources which could be affected by a proposed energy facility. These include changes in land, air, water, minerals, flora, fauna, noise, and objects of historic, cultural, archeological or aesthetic significance. States have the option of using a more expansive definition of "significantly affect" which could include any or all of the concepts in the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended). These concepts include the following:

(i) Effects which are noteworthy in an overall, cumulative way, considering the impacts of a given energy facility and related facilities, either existing or contemplated;

(ii) Effects which may be positive, negative or both;

(iii) Effects which may come about or increase in magnitude because of the particular location of an energy facility; and

(iv) Effects which cover a broad range of environmental, social and economic impacts.

(4) In developing a procedure for assessing the suitability or sites for energy facilities, it will be important to create a planning process that takes adequate account of all the potential changes noted in paragraph (d)(3) of this section, as well as any other economic, social or environmental indices the State chooses to consider as significant effects. This procedure must also include a capability to evaluate alternative sites and to determine if a potential site is appropriate given these assessments.

(5) States, particularly those which anticipate a large involvement in the Coastal Energy Impact Program (CEIP, Section 308 of the Act, Part 931 of this chapter) should design their planning process to include those impacts from energy facilities that will be considered under the CEIP.

(6) In developing State policies and other techniques for the management of energy facilities and/or their impacts (through siting programs, performance standards or other approaches suggested in (1) above), State coastal planning or management agencies are encouraged to develop these policies and management techniques in consultation and cooperation with other State, local and Federal agencies. General consultation requirements for program development, of which this consultation should be considered a part, are discussed more fully in Part 923 of this chapter. Depending on the approach taken to energy facilities management, this consultation and coordination should include, but need not be limited, to procedures for: (1) Assessing need/demand projections; (2) allocating these needs among coastal and inland locations; (3) identifying potential coastal impacts; and (4) determining site suitability of alternative locations for particular facilities. The actual analysis of particular sites for suitability may be accomplished using planning funds authorized under subsection 308(c) of the Act. The nature of State policies and management techniques that will be articulated as part of the overall management program will vary, depending on (1) the approach taken to planning and management of energy facilities and/or their impacts, (2) the extent and type of energy facility siting procedures and/or impact management techniques already existing in a particular State, and (3) existing Federal and local authorities. Accordingly, as part of meeting requirements in § 920.14, States must include, as part of their listing of relevant constitutional provisions, laws, regulations, judicial decisions and other appropriate official documents or actions, those items specifically relating to planning for, anticipating and managing energy facilities and/or impacts, including licensing or permitting procedures.

(7) In assuring the coordination of relevant agencies involved in energy facility planning, States should give particular attention to State and Federal agencies already involved in various aspects of energy planning. At a minimum, where interstate plans exists, as referred to in subsection 306(c)(8) of the Act, these plans should be taken into consideration. Cooperative arrangements, whenever possible, should extend to use of energy data, projections, estimates of facility needs, and policies that have been developed by others. Sources for such information include State and Federal energy agencies, energy industries, and State utility commissions.

§ 920.19 Shoreline erosion/mitigation planning.

(a) *Requirement.* In order to fulfill the requirements contained in subsection 305(b)(9), the management program must include a planning process that can assess the effects of shoreline erosion, and can evaluate management policies and techniques for addressing shoreline erosion. Evaluation can include assessment of ways to mitigate, control or restore areas adversely affected by erosion. This process must include:

(1) A method for assessing the effects of shoreline erosion;

(2) Procedures for handling erosion effects, including non-structural procedures;

(3) Articulation of State policies pertaining to erosion, including policies regarding preferences for non-structural or structural controls and/or no controls;

(4) A method for designation of areas for erosion control, mitigation and/or restoration as areas of particular concern or areas for preservation/restoration; if appropriate;

(5) A mechanism for continuing refinement and implementation of necessary management policies and techniques, if appropriate; and

(6) An identification of funding programs and other techniques that can be used to meet management needs.

(b) *Comment.* Statutory Citation, Subsection 305(b)(9):

> The management program for each coastal state shall include * * * (a) planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

(1) In developing a method for assessing the effects of shoreline erosion, States should consider loss of land along the shoreline or along estuarine banks, whether this loss is caused by actions of man or by natural forces, and whether these actions are regularly occurring, cyclical, or one-time events. In assessing the effects of erosion, States should consider the cause of these effects (e.g., man-made v. natural forces), examine the major effects of erosion and make some judgments as to their relative as well as collective importance. The purpose of such assessment will be to determine how, if at all, states will want to handle erosion control, mitigation and/or restoration. States may want to include effects of accretion as part of this assessment procedure.

(2) In developing policies and management techniques for dealing with effects of erosion, States will want to consider, as appropriate, non-structural and structural options as well as the possibility of allowing erosion/accretion to continue to occur. It is not the intent of these planning requirements to imply that an appropriate State response to erosion necessarily requires control (either of a structural or non-structural nature). In some locations along a State's coast, it may be appropriate to articulate a policy of non-control, given the cause of erosion, the configuration of the coastline, the adverse impacts that may result from control techniques, etc. An example of where a policy of non-control may be appropriate is along barrier islands where there is substantial natural erosion due to littoral drift. In cases where State policy is not to control erosion, either in selected locations or along the entire coastline, the rationale for such policy should be stated explicitly. In evaluating ways to control/lessen erosion impacts either through non-structural or structural management techniques, States should take into account such considerations as shoreline configuration, extent of the problem, costs of alternative solutions, and incorporation of existing management techniques. States also should take particular account of the National Flood Insurance Program (24 CFR 1909 et seq.), and regulations of the Federal

Insurance Administration on flood-related erosion-prone areas (24 CFR 910.5).

(3) In developing a procedure, if appropriate, for designating areas for restoration, pursuant to section 923.16 of this chapter, States may consider complete re-establishment of the pre-erosion shoreline or other more limited rebuilding of an eroded area. Both natural and developed areas may be considered for restoration purposes. Due to restrictions on the use of section 306 funds with respect to construction and acquisition projects, not all means of restoration proposed by States may be eligible for section 306 funding, or funding under other sections of the Act. Despite this restriction on the use of section 306 funds, States should not feel restricted as to the means restoration proposed as part of the management program and should give particular attention to coordination of shoreline erosion management objectives with funding programs pursuant to the U.S. Army Corps of Engineers Beach Erosion Control Program (33 U.S.C. 426 et seq.) and the Hurricane Protection Program (33 U.S.C. 701 et seq.) and other statutes as may be appropriate.

Subpart C—Research and Technical Support

§ 920.20 General.

(a) States should try to distinguish between research and technical studies that are appropriately funded pursuant to subsection 310(b) which is a program of grants to States to support research, study and training activities designed to improve State capability to develop and/or administer coastal zone management programs. It should be pointed out that the primary emphasis of the coastal zone management program is to create the mechanism for States to exert appropriate control over land and water uses and to begin the management process, not to engage in long-term research projects. While it may be difficult sometimes to distinguish the most appropriate section of the Act to provide funds, a general guideline is that those research, study or technical support activities which are essential to meeting the criteria for program approval should be funded pursuant to section 305 of the Act. Those activities which enhance or improve a State's ability to meet the criteria for approval should be funded pursuant to subsection 310(b) (Part 933 of this chapter). Moreover, it is anticipated that research and studies funded pursuant to subsection 310(b) will be more technical in nature and/or more geographically specific than those activities typically funded pursuant to section 305. Applications for management program development grants which contain substantial research elements will be carefully reviewed to assure that these elements are essential to the successful development of a State's management program; are an integral part of a comprehensive review of existing information relating to the management program; and are not more appropriately funded under the State research and technical assistance program pursuant to subsection 310(b).

(b) In developing their management programs, States should endeavor to use existing information and research sources to the extent applicable and available rather than undertaking unnecessary independent research or information gathering as part of program development. In this respect, OCZM ordinarily should be contacted to ascertain what information and assistance it can provide.

(c) A substantial number of sources for technical information exist within Federal agencies, in universities, in State and Federal laboratories and research centers, and in the private sector. OCZM will endeavor to serve as a general clearinghouse for specialized information, and will issue pertinent publications on technical support available from NOAA and other Federal sources. In addition, as part of the National Research and Technical Assistance Program authorized by subsection 310(a) of the Act (Part 933 of this chapter), OCZM intends to identify unresolved coastal research problems of national and regional scope, and will seek to facilitate their solutions.

Subpart D—Public Participation

§ 920.30 General.

Public participation is an essential element of development and administration of a coastal management program. Through citizen involvement in the development of a management program, public needs and aspirations can be reflected in use decisions for the coastal zone, and public support for the management program can be generated. Participating States, therefore, should seek to obtain extensive public participation in the development and administration of a coastal management program.

§ 920.31 Public hearings.

(a) *Requirement.* In order to meet the requirements of subsection 306(c)(3) and section 311 of the Act with respect to public hearings, States shall:

(1) Hold at least two public hearings, at least one of which will be on the total coastal management program;

(2) Provide a minimum of 30 days public notice of hearing dates and locations; and

(3) Make available, at the time of public notice, all agency materials pertinent to the hearings.

(b) *Comment.* Statutory Citation, Subsection 306(c)(3):

> Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that * * * (t)he state has held public hearings in the development of the management program.

(c) *Comment.* Statutory Citation, Section 311:

> All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

(1) Notification of public hearings should provide the public the longest period of notice practical, but in no event should notice be less than the 30 day statutory minimum. Announcement of the hearings should be through media designed to inform the public—not merely to provide "technical notice." Therefore, in addition to any publication of legal notice as required by State law, reasonably informative news releases should be made available to the news media in the affected communities.

(2) At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, the agenda for the hearings, and other data, must be made available to the public for review and study in the locale where the hearings are to be conducted.

(3) Hearings on the total management program do not have to be held per se on the document submitted to the Associate Administrator for section 306 approval. However, such hearing(s) must cover the substance and content of the proposed management program in such a manner that the general public, and particularly affected parties, have a reasonable opportunity to understand the impacts of the management program.

(4) Hearings should be held in those geographic areas which would be most affected by the issues under consideration at the hearing (e.g., establishment of priority uses for a given geographic area). Hearings on the total management program should be held in places within the State where all citizens of the State may have an opportunity to comment.

(5) In many cases, the population of the coastal zone fluctuates significantly with the seasons of the year. Efforts should be made to insure that hearings are held when those populations most likely to be affected are present.

(6) A verbatim transcript of the hearings need not be prepared but a comprehensive summary should be made available to the public within 45 days after the conclusion of the hearings. A copy of these summaries shall accompany the management program when it is submitted to the Associate Administrator for approval.

§ 920.32 Additional means of public participation.

(a) Formal public hearings may not provide an adequate opportunity for information exchange. To insure that the public is heard during the development of the program, efforts should be made to encourage discussion in various forums and to take other steps to insure that the public can participate in the process in a meaningful manner. The following are suggested to accommodate increased public participation:

(1) Establish arrangements for exchanging information, data, and reports among State and local government

agencies, citizen groups, special interest groups, and the public at large;

(2) Provide opportunity for participation by relevant Federal agencies, State agencies, local organizations, port authorities and other interested parties, both public and private;

(3) Develop mechanisms, in addition to public hearings, to allow citizens and the public at large to effectively participate in the coastal zone program. The following are examples that might be used:

(i) Citizen involvement in the development of goals and objectives,

(ii) Establishment of a Citizen Advisory Committee, and

(iii) Establishment of processes to review component elements of the management program by selected citizen groups and the general public.

Subpart E—Preliminary Approval

§ 920.40 General.

(a) This section establishes criteria to be employed in receiving, reviewing and providing preliminary approval of State coastal management programs, and for awarding grants pursuant to subsection 305(d) of the Act.

(b) The basic purpose of preliminary approval is to allow a State additional time to implement fully a coastal management program which, in its design and description, meets the requirements of section 306 of the Act. In granting preliminary approval, recognition is given to the need to include, in a subsection 305(d) work program, those deficiencies precluding section 306 approval, the specifics for remedying those deficiencies, and a timetable within which this is to occur.

(c) Another objective is to provide funding to support initial implementation of selected elements of a State's coastal management program, provided that the overall design and description of the program meets the section 306 requirements. For selected elements to be initially implemented, necessary section 306 legal authorities and administrative capabilities must be in place.

(d) A third objective is to provide a State with additional time to resolve problems, uncovered during Federal and/or DEIS review of a program submitted for section 306 approval, when such problems would preclude full approval.

(e) The following are examples of situations under which States may apply for preliminary approval:

(1) A State may be able to describe the legislative authority it needs in order to meet the requirements under section 306 to have an approvable program, and to draft a bill carrying this out, but not be able to enact same within the time period pursuant to subsection 305(c). This could be because the legislature meets only every two years, or because the process is too complicated to accomplish in a matter of months.

(2) A State program may call on local units of government to prepare their own coastal plans in accordance with State guidelines. However, one or even two years may be required for these units to carry out their work. Under this example, it should be noted that, depending on the nature of the State-local relationships and existing legal authorities, this activity also can be accomplished as part of a State's subsection 305(c) program development grant and/or as part of a section 306 program administrative grant.

(3) A State may need to reorganize within the Executive branch before a program can gain approval and funding under section 306.

(4) A State may be encountering problems resolving differences with one or a number of Federal agencies with respect to specific aspects of its coastal management program.

(f) Preliminary approval is not seen as a necessary continuum from section 305 to section 306 status. States may move directly from subsection 305(c) (program development) grants to section 306 (program implementation) grants. Progression from subsection 305(c) status to subsection 305(d) (preliminary approval) status is not automatic, nor is progression from preliminary approval status to section 306 status automatic. Application for preliminary approval requires consultation with the Associate Administrator to insure that the State meets the eligibility conditions and approval criteria.

(g) Preliminary approval is meant to apply to a fully described coastal management program for a State's entire coastal zone. Accordingly, segments are not eligible for approval pursuant to this subsection but shall continue to be considered under provisions of section 306 of the Act and related requirements of Part 923 of this chapter dealing specifically with segmentation.

§ 920.41 Eligibility for consideration.

(a) *Requirement.* In order to be eligible for consideration for preliminary approval, pursuant to subsection 305(d), a State must be in one of the following situations:

(1) After all subsection 305(c) program development grants have been expended and the State can describe a program that meets the basic approval criteria but there are still aspects of the program which must be instituted before section 306 approval can be given; or

(2) At any time during section 305 program development when a State has elements of its coastal management program to implement and meets the basic approval requirement (that the overall program as described would be approvable when fully implemented); or

(3) During the course of section 306 review, problems are uncovered that preclude section 306 approval but do not preclude preliminary approval.

§ 920.42 Approval criteria.

(a) *Requirement.* For a State's coastal management program to receive preliminary approval pursuant to subsection 305(d)(2) of the Act, the State must demonstrate that:

(1) The management program fulfills the requirements of section 305(b) of the Act and implementing regulations;

(2) Deficiencies that prohibit achievement of section 306 program approval are identified, after consultation with the Associate Administrator, and the means and timetable for remedying these deficiencies are specified;

(3) The purposes for which the subsection 305(d) grant are to be used are specified;

(4) Adequate steps have been or are being taken to meet the requirements under section 306 or 307 of the Act, which involve Federal officials or agencies;

(5) The program as described and proposed for implementation would be fully approvable when submitted for section 306 approval; and

(6) For those elements to be implemented under subsection 305(d), the necessary legal authorities and organizational structures are adequate and in place.

(b) *Comment.* (1) Pursuant to subsection 305(d)(2)(A) of the Act, "(a) coastal state is eligible to receive grants under this subsection if it has * * * (d)eveloped a management program which * * * (i) is in compliance with rules and regulations promulgated to carry out subsection (b), but (ii) has not yet been approved by the Secretary under section 306." The rules and regulations referred to above are contained in the original Part 920 published on November 29, 1973, and incorporated into Part 923 of this chapter which was published on January 9, 1975. Where there are differences in these sets of regulations, the Part 923 requirements should be held to be controlling. In order to satisfy this paragraph, all the requirements of subsection 305(b)(1)–(6) of the Act shall be completed in accordance with the provisions and procedures set forth in corresponding regulations of Part 923 of this chapter.

(2) Pursuant to paragraph 305(d)(2)(B) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (s)pecifically identified, after consultation with the Secretary, any deficiency in such program which makes it ineligible for approval * * * (p)ursuant to section 306, and has established a reasonable time schedule during which it can remedy any such deficiency." The only deficiencies that a State may remedy after preliminary approval are those that relate to implementing capability. In other words, an acceptable subsection 305(d) program can be deficient only in its lack of having translated fully described but pending implementing actions into accomplished fact. Deficiencies bearing on the adequacy of program design, description, or implementation strategy cannot be addressed as part of a subsection 305(d) program but rather should continue to be addressed as part of the basic subsection 305(c) program development process. To meet the requirements of subsection 305(d)(2)(B) of the Act, States should describe the nature of the deficiency, the reason for it, and the specific means and timetable by which the deficiency shall be overcome. The schedule for remedying deficiencies should be sufficiently long to be realistic, given the nature and number of deficiencies and the particulars of a State's situation. At the same time it should be sufficiently tight to insure an enhanced and expeditious State effort. In no case shall the timetable for remedying section 306 deficiencies extend beyond fiscal year 1979.

(3) Pursuant to subsection 305(d)(2)(C) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (s)pecified the purposes for which grants shall be used."

(i) In specifying the purposes for which grants shall be used, States are advised that the following represent allowable subsection 305(d) costs:

(A) Resolving section 306 deficiencies;

(B) Meeting the new planning requirements of subsections 305(b)(7), (8) and (9);

(C) Implementing those portions of a State's coastal management program for which sufficient authorities and organizational structures are in place; and

(D) Updating coastal management programs if this updating would be an allowable cost after section 306 approval.

(ii) Examples of fundable items to remedy section 306 deficiencies include, but are not limited to:

(A) Pass-throughs to local or regional units of government to develop master programs and/or local ordinances conforming to State guidelines;

(B) Efforts necessary to enact or refine needed legislation;

(C) Federal coordination efforts, including establishment of procedures for determining Federal consistency once a costal management program is fully approved under section 306; and

(D) Negotiation of memoranda of understanding and instituting other arrangements for interactions among State agencies.

(iii) Examples of fundable items to meet the new planning requirements include:

(A) Development of a shorefront access and protection planning process;

(B) Development of an energy facility planning process; and

(C) Development of a shoreline erosion/mitigation planning process.

(iv) Examples of fundable items to initiate implementation of selected aspects of a State's coastal management program include, but are not limited to:

(A) Personnel or equipment necessary to administer approved permit and other authorities;

(B) Signs, publications, etc., relative to approved management practices;

(C) General maintenance/resource mangement activities; and

(D) Personnel for establishing consistency procedures.

(v) Example of fundable items for updating the management program include, but are not limited to:

(A) Site-specific studies on appropriate management techniques for areas for preservation/restoration;

(B) Opinion surveys to determine public understanding/acceptance of various elements of the management program;

(C) Studies of ways to improve intergovernmental coordination techniques approved as part of the management program.

(4) Pursuant to subsection 305(d)(2)(D) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (t)aken or is taking adequate steps to meet any requirement under section 306 or 307 which involves any Federal official or agency." For purposes of this paragraph, the particular sections of 306 and 307 are:

(i) Subsection 306(a)(1)—identification of excluded Federal lands;

(ii) Subsection 306(c)(1)—opportunity for full participation by relevant Federal agencies. This shall include advising Federal agencies (especially at the regional level) of the State's intent to apply for preliminary approval;

(iii) Subsection 306(c)(8)—adequate consideration of the national interest involved in planning for, and in the siting of, facilities necessary to meet requirements which are other than local in nature;

(iv) Subsection 307(c)—development of procedures for certifying Federal consistency with respect to Federal activities or development projects, and with respect to activities subject to Federal licenses or permits;

(v) Subsection 307(d)—development of procedures for certifying Federal consistency with respect to Federal assistance to State and local governments; and

(vi) Subsection 307(h)(1)—participation in mediation procedures, if appropriate.

(5) Pursuant to subsection 305(d)(2)(E) of the Act, "(a) coastal State is eligible to receive grants under this subsection if it has * * * (c)omplied with any other requirement which the Secretary, by rules and regulations, prescribes as being necessary and appropriate to carry out the purposes of this subsection." By virtue of these rules and regulations, the following are prescribed as necessary and appropriate for States to complete in order to merit preliminary approval under this paragraph:

(i) A description of the overall management program of sufficient detail and addressing all necessary section 306 findings to allow a determination that, when implemented, these elements will constitute an approvable section 306 management program.

(ii) For those aspects to be implemented under subsection 305(d), a demonstration that the legal authorities and organizational capability necessary for implementation exist at time of preliminary approval.

(iii) An Environmental Impact Assessment (EIA) on the over-all management program proposed for eventual implementation, with particular emphasis on those elements, if any, which will be funded for implementation purposes pursuant to subsection 305(d).

Submission of the EIA will enable NOAA to make a case-by-case determination as to the necessity of issuing an Environmental Impact Statement (EIS) prior to preliminary approval. In those cases where NOAA determines that an EIS is appropriate prior to approving a section 3305(d) submission, both the program document and the EIS will be distributed to Federal and other reviewers, according to normal EIS review procedures. In those cases where the EIS is more appropriately prepared prior to approving the section 306 submission, the section 305(d) program document which includes the EIA, will be distributed, to Federal agencies so that their comments can be addressed prior to the section 306 submission.

§ 920.43 Review/approval procedures.

(a) States interested in preliminary approval should consult with the Associate Administrator well in advance of the point at which they would like to receive such approval. As a general rule, such consultatioon should begin six months before approval is desired. The purpose of this consultation is to determine:

(1) If the program will be sufficiently developed, designed and described to warrant consideration for preliminary approval at the time desired;

(2) If there are any elements of the State's management program eligible for implementation funding as part of preliminary approval;

(3) The content and detail of the EIA which must accompany the State's preliminary approval submission; and

(4) If an EIS will be necessary prior to granting preliminary approval.

If the Associate Administrator indicates that the program appears to meet the subsection 305(d) approval criteria, and if a determination is made that an EIS will not be necessary prior to preliminary approval, States should plan on submitting the subsection 305(d) program document, including an EIA, two to three months prior to the desired date of approval. If the Associate Administrator determines an EIS will be necessary prior to granting preliminary approval, States should plan on submitting the program document, including the EIA, shortly after this determination is made. The subsection 305(d) program document should follow the general format recommended by OCZM for section 306 submissions plus such additional information as is required by sections 920.42(b)(2) and (b)(3) with respect to describing deficiencies, timetable for remedying, and purposes for which the grant will be used. The application for grant funds and the accompanying work program is a separate document that may be submitted in conjunction with or subsequent to submission of the subsection 305(d) program document. The requirements for the grant application are contained in Subpart F, section 920.61.

(b) Upon submission by a State of a subsection 305(d) program document, the Associate Administrator shall review the document for compliance with the approval criteria contained in section 920.42. At his/her discretion, the Associate Administrator may consult with

relevant Federal agencies regarding the proposed management program and deficiencies thereof. If a State meets the approval criteria, the Associate Administrator may award a subsection 305(d) grant and will issue a set of findings with respect to deficiencies and the timetable for their resolution.

(c) Copies of the subsection 305(d) program document and the Associate Administrator's findings of deficiencies will be distributed to relevant Federal agencies. This will provide Federal agencies with any early opportunity to review and comment on the proposed management program and EIA prior to a formal section 306 submission. To insure consideration of deficiencies identified by Federal agencies, as a result of consultation and review of a State's subsection 305(d) program document, during the subsection 305(d) grant award period, a State is required to include a work item in its subsection 305(d) grant application specifically devoted to addressing Federal comments on the proposed management program.

(d) If a State applies for preliminary approval after formal section 306 program review has begun, preliminary approval will be issued at that point in the section 306 review process when the formal Federal agency review and corresponding DEIS review reveal problems that preclude full program approval and implementation but do not preclude preliminary approval. States will be required to take into consideration those items raised by the Federal agency/DEIS reviews as part of the subsection 305(d) work program.

Subpart F—Applications for Development Grants

§ 920.50 General.

(a) The primary purpose of development grants made under section 305 of the Act is to assist a State in developing a comprehensive coastal management program that can be approved by the Associate Administrator. The purpose of these guidelines is to define the procedures by which grantees apply for and administer grants under the Act. These guidelines shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual" which contains procedures and guidelines for the administration of program development grants. The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office, and the Department of Commerce. In addition to specific policy requirements of these agencies, the Manual includes recommended policies and procedures for a grantee to use in submitting a grant application. Inclusion of recommended policies and procedures for grantees does not limit their choice in selecting those most useful and applicable to local requirements and conditions. Grants given to the State must be expended for the development of a management program that meets the requirements of the Act. Grants shall not exceed eighty per cent of the total cost of the development programs. Federal funds received from other sources cannot be used to match OCZM grants. No more than four annual program development grants pursuant to subsection 305(c) can be awarded to a State.

(b) *Comment.* Statutory Citation, Subsection 305(c):

> The Secretary may make a grant annually to any coastal State for the purposes described in subsection (a)(1) if such state reasonably demonstrates to the satisfaction of the Secretary that such grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed 80 per centum of such state's cost for such purposes in any one year. No coastal state is eligible to receive more than four grants pursuant to this subsection. After the initial grant is made to any coastal state pursuant to this subsection, no subsequent grant shall be made to such state pursuant to this subsection unless the Secretary finds that such state is satisfactory developing its management program.

§ 920.51 Administration of the program.

The Congress assigned the responsibility for the administration of the Coastal Zone Management Act of 1972, as amended, to the Secretary of Commerce, who has designated the National Oceanic and Atmospheric Administration as the agency in the Department of Commerce to manage the program. NOAA has established the Office of Coastal Zone Management for this purpose. Requests for information on grant applications and the applications themselves should be directed to:

> Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235.

§ 920.52 State responsibility.

(a) Applications for initial development grants must be submitted by the Governor of a coastal state or her/his designee.

(b) The application shall designate a single State official, agency or entity to receive development grants and have responsibility for the development of the State's coastal zone management program. The designee need not necessarily be that agency designated by the Governor under the provisions of subsection 306(c)(5) of the Act as the single agency to receive and administer the grants for implementing the management program.

(c) One State application will cover all program development activities, whether carried out by State agencies, areawide/regional agencies, local governments, regional or interstate entities.

(d) The designated State entity will be fiscally responsible for all expenditures made under the grant, including expenditures by sub-contractors.

§ 920.53 Allocation.

(a) Subsection 305(g) allows a State to allocate a portion of its development grant to sub-State or multi-State entities. If the State intends to allocate a portion of its grant, the application shall set forth the manner in which a State plans to allocate any portion of its grant to sub-State units, multi-State units, or any other authorized entity. Requests for allocation will not be approved unless it is clearly demonstrated that the work to be accomplished as the result of such allocations is integrated into the State's program development effort.

(b) Areawide/Regional agencies. Should the State wish to allocate a portion of its program development grant to an areawide/regional agency under the provisions of subsection 305(g) of the Act, and in the absence of State law to the contrary, preference shall be given to those agencies recognized or designated as areawide/regional comprehensive planning and development agencies under the provisions of Office of Management and Budget Circular No. A-95, under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or Title IV of the Intergovernmental Cooperation Act of 1968. The provisions of part IV, OMB Circular No. A-95 dealing with the "Coordination of Planning in Multijurisdictional Areas" apply to all areawide or regional agencies that have jurisdiction for any portion or all of the designated planning area.

(c) Local government. Should the State desire to allocate a portion of its program development grant to a local government under the provisions of subsection 305(g) of the Act, units of general-purpose local government are preferred over special-purpose units of local government, as provided in section 402 of the Intergovernmental Cooperation Act of 1968.

§ 920.54 Geographic segmentation.

When a State has a program for a geographical segment of its coastal zone approved pursuant to subsection 306(h) of the Act, that portion of a State's program not awarded segment approval will continue to be eligible for section 305 program development grants, subject to all the administrative requirements of this subpart.

§ 920.55 Application for initial grant.

(a) The Form SF-424, Preapplication for Federal Assistance, required only for the initial grant, should be submitted 120 days prior to the beginning date of the requested grant. The preapplication shall include documentation, signed by the Governor, designating the State office, agency or entity to apply for and administer the grant.

(b) All applications are subject to the provisions of OMB Circular A-95 (revised). The Form SF-424, Preapplication for Federal Assistance, will be transmitted to the appropriate clearinghouses at the time it is submitted to the Office of Coastal Zone Management (OCZM). If the application is determined to be

statewide or broader in nature, a statement to the effect shall be attached to the Preapplication form submitted to OCZM. Such a determination does not preclude the State clearinghouse from involving areawide clearinghouses in the review. In any event, whether the application is considered to be Statewide or not, the Preapplication form shall include an attachment indicating the date copies of the Preapplication form were transmitted to the State clearinghouse and, if applicable, the identity of the areawide clearinghouse(s) receiving copies of the Preapplication form and the date(s) transmitted. The Preapplication form may be used to meet the project notification and review requirement of OMB Circular A-95 with the concurrence of the appropriate clearinghouses. In the absence of such concurrence, the project notification and review procedures established by State and areawide clearinghouses should be implemented simultaneously with the distribution of the Preapplication form.

(c) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms cost and grant project pertain to both the Federal grant and the matching share. Allowability of costs will be determined in accordance with the provisions of FMC 74-4: Cost Principles Applicable to Grants and Contracts with State and Local Governments.

(d) The Form SF-424, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with A-95 requirements including the resolution of any problems raised by the proposed project. The OCZM will not accept applications substantially deficient in adherence to A-95 requirements.

(e) In Part IV, Program Narrative, of the Form SF-424, the applicant should respond to the following requirements. Applicants are urged to be clear and brief:

(1) Summarize the State's past and current activities in its coastal zone and describe the current status of coastal management and related activities.

(2) Discuss and rank by general order of importance the major coastal zone related problems and issues facing the State.

(3) Identify the goals the State expects to achieve by development of its coastal zone management program, and the objectives it has set to meet those goals.

(4) Describe the overall program design for developing the management program. This should be an outline of the State's plan of action, identifying the work to be accomplished for developing an approvable management program. Briefly and generally describe how the overall program design is intended to meet the requirements set forth in Subpart B of these regulations. In developing the overall program design the applicant should also give early consideration to the more specific requirements for approval of a management program as set forth in Part 923 of this chapter. The program design should specifically include:

(i) An identification of existing information and sources of information;

(ii) A projection as to additional information that must be required;

(iii) A description of methods to insure public participation;

(iv) A description of the intergovernmental process by which the State intends to involve various levels of government in the development of the management program;

(v) A mechanism for coordination with agencies administering excluded Federal lands;

(vi) A tentative approximation of the boundaries of the State's coastal zone;

(vii) Identification of any other Federal and State planning, programming or activity which may have a significant impact on the State's coastal zone. Such planning, programming or activities includes work accomplished or to be undertaken by any Federal, State, areawide, local, regional or interstate agencies, regardless of source of funding. Additionally, the application shall reflect, and the coastal zone management as it is developed will provide, methods to integrate Federally assisted programs.

(5) Set forth a work program describing the work to be accomplished during the grant period. The work program should be consistent with the phasing of the overall program design and should include:

(i) A precise description of each major task to be undertaken, how it will be accomplished and who will do it.

(ii) For each task, identify any "Other Entities," as defined in the "Manual," that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of the subcontract grant for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s).

(iii) For each task indicate the estimated total cost. Also indicate the estimated total months of effort, if any, allocated to the task from the applicant's staff.

(iv) For each task indicate the percent estimated to be completed during the grant period.

(6) The sum of all task costs in subparagraph (5) of this paragraph should equal the total estimated grant project cost.

(7) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff that will be assigned to the grant project. Also indicate the number assigned full time and the number assigned less than full time in the two categories. Additionally, indicate the number of new positions created in the two categories, as a result of the grant project.

(f) States may elect to utilize only two annual grants in developing a management program. In such cases the overall program design must encompass the requirements set forth in §§ 920.55, 920.58 and 920.59 within a two year time frame. States should consult with the Associate Administrator early in the design stage of such programs for advice and guidance relative to meeting all requirements.

§ 920.56 Approval of applications.

(a) The application for a development grant of any coastal State which complies with the policies and requirements of the Act and these guidelines shall be approved by the Associate Administrator, assuming available funding.

(b) Should an application be found deficient, the Associate Administrator will notify the applicant in writing, setting forth in detail the manner in which the application fails to conform to the requirements of the Act or these regulations. Conferences may be held on these matters. Corrections or adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The Associate Administrator may, upon finding of extenuating circumstances relating to applications for assistance, waive appropriate administrative requirements contained in this subpart.

§ 920.57 Amendments.

Amendments to an approved application must be submitted to, and approved by, the Associate Administrator prior to initiation of the contemplated change. Requests for substantial changes should be discussed with the Associate Administrator well in advance. While all amendments to the grant must be approved in writing by the NOAA Grants Officer, approval may be presumed for minor amendments if the grantee has not been notified of objections within 30 working days of date of postmark of the request.

§ 920.58 Application for second year grants.

(a) Second year development grant applications will follow the procedures set forth in § 920.55 (a), (b), (d), (e) (4), (5), (6) and (7) with the exception that the preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 920.55(b) will be followed. In any event, the A-95 project notification and review procedures established by State and areawide clearinghouses should be followed. Additionally, the program design (section 920.55(e)(4)) shall be updated to:

(1) Describe how the past year's work and products contributed to accomplishing the overall program design and to meeting the requirements set forth in § 920.55(e). Clearly establish and identify the relationship between the tasks set out in the overall program design and the criteria established for management program approval as set forth in Part 923 of this chapter.

(2) Examine and assess the need, if any, to modify the overall program de-

sign or the program development goals and objectives or both in view of the above or of any emerging opportunities or problems.

(b) In evaluating whether a State is making satisfactory progress in the development of a management program to determine eligibility for the second year grant, the Associate Administrator will consider among other things:

(1) The progress made towards meeting management program goals and objectives;

(2) The progress demonstrated in completing the first year work program;

(3) The relationship identified between the program design and meeting the criteria required for preliminary or final approval of a coastal zone management program.

(4) The effectiveness of mechanisms for insuring public participation and consultation with affected Federal, State, regional and local agencies.

(c) If the overall program design provides for developing a management program in two years, the application for a second year grant should be prepared in accordance with § 920.59.

§ 920.59 Application for third and fourth year grants.

(a) Third and fourth year development grant applications will follow the procedures set forth in § 920.55 (a), (b), (d), (e) (4), (5), (6) and (7) except that the preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 920.55(b) will be followed. In any event, the A–95 project notification and review procedures established by State and areawide clearinghouses should be followed. Additionally, the program design (Section 920.55(e)(4)) shall be updated to:

(1) Describe the anticipated design and content of the management program, including the goals and objectives of the program; the major issues the program will address; and the policies and management techniques that will be proposed to address these issues.

(2) Describe how the past year's work and products contributed to the accomplishment to the overall program design and specifically to meeting the criteria established for approval of a coastal zone management program as set forth in Part 923 of this chapter.

(3) Examine and assess the need, if any, to modify the overall program design or the management program development goals and objectives or both in view of the above or of any emerging opportunities or problems.

(4) Indicate when the State will submit a management program to the Associate Administrator for review and final approval pursuant to section 306 or will submit a management program for preliminary approval pursuant to subsection 305(d) of the Act.

(b) In evaluating whether a State is making satisfactory progress towards completion of a management program to determine eligibility for a third or fourth year grant, the Associate Administrator will consider, among other things:

(1) The progress made toward meeting management program goals and objectives;

(2) The progress demonstrated in completing the past year's work program:

(3) The cumulative progress towards meeting the criteria required for preliminary or final approval of a coastal zone management program;

(4) The applicability of the proposed work program to the achievement of all criteria required for final approval of a coastal zone management program; and

(5) The effectiveness of mechanisms for insuring public participation and consultation with affected Federal, State, regional and local agencies.

§ 920.60 Application for three new planning elements.

(a) For those States receiving program development grants up to October 1, 1979 pursuant to subsections 305(c) or 305(d), the work program and funding request for the subsection 305(b) (7), (8) and (9) planning elements should be developed as part of the overall work program and grant application pursuant to the procedures contained in section 920.55 for subsection 305(c) grants or pursuant to § 920.61 for subsection 305 (d) grants.

(b) For States that have an approved management program or will have an approved management program by October 1, 1978, those States may receive program development grants for the express purpose only of fulfilling the subsection 305(b) (7), (8) and (9) requirements prior to October 1, 1978. States with program approved prior to or by October 1, 1978, must fulfill these three requirements by that date. States with program implementation grants which also wish to receive the program development grants for the specified purpose and within the specified time limit may make application for section 305 planning funds and section 306 implementation funds using a single application form. The work tasks and costs associated with the new planning elements must be clearly and separately identified. States should consult with the Associated Administrator for detailed guidance on the preparation and content of a combined application. Alternatively, States may make two separate applications—one following the requirements set forth in section 920.55 for section 305 new planning element funds and one following the application requirements in Part 923 of this chapter for section 306 administrative grants.

(c) *Comment.* Statutory Citation, Subsection 305(h):

Whenever the Secretary approves the management program of any coastal State under section 306, such State thereafter (1) shall not be eligible for grants under this section except that such State may receive grants under subsection (c) in order to comply with the requirements of paragraphs (7), (8) and (9) of subsection (b) * * *.

§ 920.61 Applications for preliminary approval.

(a) The primary purposes of preliminary approval grants are to assist a State in insuring ultimate implementation of a fully developed program design and to provide for initial implementation of approved management elements. Additionally, subsection 305(d) funding may be used to meet the requirements of subsection 305(b) (7), (8) and (9). The purpose of these guidelines is to define the procedures by which grantees apply for and administer grants under the Act. The guidelines contained herein shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual." The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office, and the Department of Commerce.

(b) Grants shall not exceed eighty percent of the total cost of subsection 305(d) programs. Federal funds received from other sources cannot be used to match grants under subsection 305(d) of the Act.

(c) No subsection 305(d) grant will be made after September 30, 1979.

(d) All applications are subject to the provisions of OMB Circular A–95 (revised).

(e) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms "cost" and "grant project" pertain to both the Federal grant and the matching share. The allowability of costs will be determined in accordance with the provisions of FMC 74–4: Cost Principles Applicable to Grants and Contracts with State and Local Governments, and with the guidance contained in section 920.42(b)(3).

(f) The Form SF–424, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with A–95 requirements including the resolution of any problems raised by the proposed project. The Associate Administrator will not accept applications substantially deficient in adherence to A–95 requirements.

(g) In Part IV, Program Narrative of the Form SF 424, the applicant should respond to the following requirements:

(1) Set forth a work program describing the activities to be undertaken during the grant period. This work program shall include:

(i) A precise description of each major task to be undertaken to resolve section 306 deficiencies, and a specific timetable for remedying these deficiencies;

(ii) A precise description of implementation activities for approved management components, including a demonstration that these implementation funds will not be applied outside the approved coastal management boundaries;

(iii) A precise description of any other tasks necessary for and allowable under subsection 305(d);

(iv) For each task, identify any "Other Entities," as defined in the "Manual," that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of the subcontract for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s); and

(v) For each task, indicate the estimated total cost. Also, indicate the estimated total months of effort, if any, allocated to the task from the applicant's staff.

(2) The sum of all task costs in the above paragraph should equal the total estimated grant project cost.

(3) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff that will be assigned to the grant project. Also indicate the number assigned full time and the number assigned less than full time in the two categories. Additionally, indicate the number of new positions created in the two categories as a result of the grant project.

[FR Doc.77–12280 Filed 4–28–77;8:45 am]

federal register

FRIDAY, APRIL 29, 1977

PART VI

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

NORTH PENN EMPLOYEES' SAVINGS PLAN AND PENCO SAVINGS AND PROFIT SHARING PLAN

Exemption From Prohibitions

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

[Prohibited Transaction Exemption No. 77–5]

Exemption Relating to a Transaction Involving North Penn Employees' Savings Plan (Application No. D–150) and the Penco Savings and Profit Sharing Plan (Application No. D–381)

Notice is hereby given of the granting of exemption under the authority of section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code) and section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) relating to the exchange of certain assets between a disqualified person and party in interest and the North Penn Employees' Savings Plan (North Penn Plan) and the Penco Savings and Profit Sharing Plan (Penco Plan).

Background. On December 21, 1976, notice was published in the FEDERAL REGISTER (41 FR 55664) of the pendency of an exemption from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, and from the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Act. The pending exemption was requested in applications filed by the trustee of the North Penn Plan and the trustees of the Penco Plan. The notice set forth a summary of the facts and representations contained in the applications and referred interested persons to the applications for a complete statement of the facts and representations. The notice also invited interested persons to submit comments on the requested exemption to the Internal Revenue Service (the Service). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to the exemption.

The applications have been available for public inspection at the Service and at the Department of Labor (the Department in Washington. No public comments have been received, nor have any requests for a public hearing. Based upon the applications, the Service and the Department have decided to grant the requested exemption for the transaction described in such applications.

The Administrative Committees of the North Penn Plan and the Penco Plan sent letters by first class mail on December 30, 1976, to all Plan participants to be affected by the transaction, informing them of the pending applications before the Service and the Department. The letters included copies of the notice of pendency as published in the FEDERAL REGISTER, and the recipients of the letters were informed of their right to comment on the pending exemption.

General Information. 1. The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

2. The exemption contained herein does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code or section 406(b)(3) of the Act; and

3. This exemption is supplemental to, and not in derogation of, any other provisions of the Code and the Act, including statutory or administrative exemptions and transitional rules. Further, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or administrative exemption or a transitional rule.

Exemption. Pursuant to section 4975(c)(2) of the Code and section 408(a) of the Act and the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722 and ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the facts and representations contained in the applications for exemption submitted by the applicants, the Service and the Department find that it is administratively feasible, in the interests of the Plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of Plans to grant, and hereby grant, an exemption effective this date so that the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code and the restrictions of section 406(a), 406(b) (1) and (2), and 407(a) of the Act shall not apply to the exchange by the North Penn and Penco Plans of North Penn stock for cash and notes of Penn Fuel System, pursuant to the terms, conditions and representations set forth in the applications.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transaction when consummated pursuant to the exemption.

Signed at Washington, D.C., this 21st day of April, 1977.

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

J. VERNON BALLARD,
Acting Administrator, for Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.77–12258 Filed 4–28–77;8:45 am]

federal register

FRIDAY, APRIL 29, 1977

PART VII

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

ON-SITE CONSULTATION AGREEMENTS

Proposed Revision to Regulation

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR 1908]

ON-SITE CONSULTATION AGREEMENTS

Proposed Revision to Regulation

AGENCY: Occupational Safety and Health Administration, DOL.

ACTION: Proposed revision.

SUMMARY: The proposed revisions to the regulation would increase the level of Federal funding for contracts with States for onsite consultation activities from the present fifty percent to ninety percent. In addition, the proposed revisions would expand eligibility for the program to include States with approved State plans under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Federal OSH Act). This action would permit every State to enter into such contracts. The proposed revisions would set out new requirements for monitoring State performance under the contract, further describe the State's obligation to publicize the availability of the program, and prescribe new requirements for the qualification of consultants. The proposal would also clarify and simplify the existing regulation.

DATES: Comments must be received on or before May 31, 1977.

ADDRESSES: Public comments should be sent to: Docket Officer, Docket C–01, Room S–6212, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

William J. Higgins, Chief, Division of Voluntary Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210 (202) 634–4923.

SUPPLEMENTARY INFORMATION: The present regulation, to which these changes are proposed, was designed to encourage States without approved 18(b) plans to participate in a program to provide on-site consultation services to employers. States with approved 18(b) plans can already provide these services under their plans and twenty-two approved plan States now have such a program. However, in the two years that the regulation has been in effect only twelve of the remaining States have chosen to participate. The Labor-HEW Appropriation Act for fiscal year 1977 provided specific funds for the purpose of providing on-site consultation services to employers, and the Appropriations Committee Report on the Act (Senate Report No. 91–997), states that the Committee believes that States have been deterred from entering into on-site consultation contracts because such contracts were funded at the fifty percent level. This funding level was established by the Occupational Safety and Health Administration to place States without approved 18(b) plans (the only States presently eligible for the contract program) on an equal basis with States with approved plans, because the Federal share of funding for State plan programs is limited by section 23(g) of the Federal OSH Act to fifty percent. The Committee instructed the Department of Labor to raise the funding level for on-site consultation contracts to a level that would ensure fuller State participation in the program.

Proposed New Funding Level

As a result of Departmental study, it was determined that raising the level of Federal funding to ninety percent would best achieve the direction of Congress and encourage additional States to enter the program, while still requiring some financial commitment on the State's part. It is anticipated, however, that certain States will not participate in an on-site consultation program regardless of the percentage of Federal funding. These States either have legal constraints which prevent their participation, or have indicated a policy or philosophy against it.

Effect of New Funding Level on States With Approved 18(b) Plans

As pointed out above, many States with approved 18(b) plans include on-site consultation as a part of voluntary compliance programs under their plans. Since these State plan programs are limited to fifty percent funding by section 23(g) of the Federal OSH Act, the availability of ninety percent funding to States providing identical services would be inequitable. Therefore, in order to encourage States to maintain their plans and also provide on-site consultation services, the proposal would extend the eligibility for the program to all States, including States with approved 18(b) plans.

Although most plan States currently include on-site consultation as a part of their overall safety and health program, there is no requirement that they provide such services.

States with approved plans are required only to provide a program at least as effective as the Federal and it has been the Department's position (see 40 FR 21937, May 20, 1975) that on-site consultation would not be provided under the Federal OSH Act without mandatory citation for violations observed. Therefore, since there is no general Federal on-site program, States are not required to have such a program in their plans in order to be at least as effective. Thus, a State currently providing on-site consultation could amend its plan to eliminate on-site consultation through the change procedure provided in 29 CFR Part 1953. It should be emphasized however, that States with approved 18(b) plans must, under 29 CFR 1902.4(c)(2)(xiii), continue to maintain a voluntary compliance program as least as effective as the Federal program because these State programs, although they have in the past included on-site consultation, have other employer and employee training and education functions which must be preserved. Finally, because of the probability of administrative, monitoring, and practical difficulties, the proposed regulation would permit only one vehicle for Federally funded on-site consultation, in a State. Thus, a State must choose which program, if any, it wishes to enter.

Applicable Standards

Consultants, during on-site visits, would place primary emphasis upon identification of all hazards present at the workplace. In the subsequent written report, the consultant would refer to whichever occupational safety and health standard applies to the specific employer. In a non-plan State, the Federal standards would be referenced. In a plan State where a hazard is covered by a State standard for which that State has exclusive enforcement authority, the State standard would be referenced, if both a State and Federal standard apply, both would be used. If, however, the hazard is not covered by State standards, which might occur if the State plan did not cover an issue, such as maritime, the applicable Federal standard should be used. In States with public employee only plans (42 FR 12429, 29 CFR 1956), all references would be to Federal standards.

Proposed Limit on the Number of Consultants

Section 1908.6(a) of the proposal would establish a more specific ceiling upon the number of consultants States would be permitted to employ under the contracts. Due to budgetary limitations and in the interest of fairness and uniformity, a new standard is proposed. Under the standard, a State would be permitted to employ one consultant for every four compliance officers (both Federal and State) in the State. The number of State compliance officers would be the number provided under that State's most recent 23(g) grant if the State has an approved plan, while the number of Federal compliance officers would be the number of positions currently allocated for the State.

In recognition of the fact that this limitation may be exceeded by the current level of consultants in some approved plan States and States with existing 7(c)(1) contracts, the proposal would allow current levels of consultants to be maintained if those consultants meet the qualifications requirements in § 1908.6(b). However, positions in excess of the allowable level in these States may not be filled when they become vacant.

Proposed Consultant Qualifications

Under § 1908.6(b) of the proposal, new requirements would be established for consultants funded under the program. These are more specific than those in the present regulation, and include both educational and experience requirements. It is apparent that a uniformly qualified and experienced cadre of consultants is absolutely essential for an effective program. This is dictated in part by experience, including past difficulties in the establishment of uniform criteria under the present program. Therefore, the proposal would establish objective and uniform requirements for consultants on a nationwide basis.

It was recognized, however, that consultants presently operating under on-site programs in States with approved plans and current 7(c)(1) contracts may not meet these new requirements. Therefore, the regulation would allow the Regional Administrator provisionally to accept consultants currently employed in such States, and any new consultants, if there is a reasonable expectation that they can meet the requirements within two years.

New Monitoring Requirements

Under § 1908.7 of the proposal, States under contract would be required to establish an effective internal monitoring system, and would be required to prepare quarterly reports and submit various other documents and reports to the Occupational Safety and Health Administration. The monitoring would include performance evaluation of every consultant semi-annually, and would require actual on-the-job evaluation. These procedures, although extensive, were considered to be necessary and the most feasible.

The proposed requirement that the States themselves conduct monitoring was felt necessary because in most cases Federal OSHA could not conduct on-the-job evaluations of consultation activity without taking appropriate enforcement action against the employer involved.

New Requirements for Promotion of the Program

Section 1908.4(a)(2) of the proposal describes the State's obligation to publicize the availability of the on-site consultation program. This would add no new substantive requirements, but would greatly expand the provision in the present regulation and describe in detail the possible methods a State could use to publicize its program.

New Health Hazards Testing

Section 1908.4(d)(5)(iii) of the proposal would amend the present regulation to extend the consultant's responsibility with regard to health hazards which may be present in the workplace. Under the proposal, the consultant would, to the extent of his ability, identify all health hazards present, and conduct such sampling, testing and subsequent analyses as may be necessary.

Provisions Which Were Not Changed

Several provisions of the existing regulation were not changed, except for minor modifications in wording and rearrangement. Among these were the requirement for separation between consultation and enforcement, which was amended to take into account the existence of State enforcement authority in States with approved plans; the priority for smaller businesses and hazardous workplaces; and employee participation with the permission of the employer. It has been suggested, however, that employee participation in an on-site consultation visit should be an absolute right similar to the right of employees to participate in the walkaround in an enforcement inspection. Among other things, this would allow an employee to point out possible hazards which the consultant might otherwise miss, and also serve to notify employees of the existence of various hazards. Therefore, public comment is specifically invited on the issue of employee participation.

Minor Changes

The proposal completely reorganizes the present regulation. This was considered to be necessary in order to make the provisions more concise and easier to understand. Much of the reorganization takes the form of rearrangement of the existing sections to reflect a more logical order, but many sections have been shortened, and repetitive provisions have been eliminated entirely. Some language changes were also necessary in order to make provisions applicable to States with approved 18(b) plans and recognize the enforcement responsibility of those States. Because of the minor nature of most of these changes, the following list has been prepared in order to relate the existing regulation to the proposal.

The existing § 1908.1 would remain § 1908.1 but with the text shortened to avoid detailed restatement of the regulations themselves;

Section 1908.2 would remain § 1908.2, except that "ARD" is now "RA", "CSHO" is now "compliance officer", "OSHA" is redefined, and definitions for "Employer" and "On-site consultation" are added;

Existing § 1908.3 would become § 1908.3 with the restriction against 18(b) eligibility removed, the restriction against dual federally-funded consultation activity by a State added, and the reimbursement formula stated;

Existing § 1908.4 would be deleted;

Existing § 1908.4(a) would become § 1908.6(b)(1), with additional requirements added as § 1908.6(b)(2);

Existing §1908.4(b) would become § 1908.6(c), written more as a general requirement than as administrative operating detail; arrangements for training costs are now in § 1908.3(b);

Existing § 1908.4(c) would become § 1908.6(a), with new criteria for this determination;

Existing § 1908.4(d) would become §1908.5, rewritten to further clarify these requirements;

Existing § 1908.4(d)(1) would become § 1908.5(a), with reference to case file monitoring placed in § 1908.7(b);

Existing § 1908.4(d)(2) would become § 1908.5(c);

Existing § 1908.4(d)(3) and (4) would become § 1908.5(d), rewritten to more clearly reflect actual practice;

Existing § 1908.4(d)(5) would be contained in § 1908.7(a) and § 1908.7(b);

Existing § 1908.5 would become § 1908.8;

Existing § 1908.5(a) would become § 1908.8(a);

Existing § 1908.5(b) would become § 1908.8(b);

Existing § 1908.5(c) would become § 1908.8(c) except that specific requirements for agreement wording are being deleted; and the new language would require that agreements conform to this regulation and further OSHA program directives, and specifically address key areas of concern;

Existing § 1908.5(c)(1) is deleted;

Existing § 1908.5(c)(2) would be contained in § 1908.4(c) and § 1908.4(d);

Existing § 1908.5(c)(3) would be § 1908.4(a);

Existing § 1908.5(c)(4) would be deleted because it is included in § 1908.6(b);

Existing § 1908.5(c)(5) would be deleted, because it is included in § 1908.6(c);

Existing § 1908.5(c)(6) would be included in § 1908.4(b), § 1908.4(d)(2);

Existing § 1908.5(c)(6)(i) would be deleted because it would be included in § 1908.5(d) and § 1908.4(d)(b);

Existing § 1908.5(c)(6)(ii) would be deleted;

Existing § 1908.5(c)(6)(iii) would be deleted;

Existing §§ 1908.5(c)(6)(iv), (v) and (vi) would be included in §§ 1908.4(d)(1), (4) and (6);

Existing § 1908.5(c)(6)(vii) would be contained in §§ 1908.4(d)(4), (5)(iii), and (6);

Existing § 1908.5(c)(6)(viii) would be contained in §1908.4(d)(4)(ii);

Existing § 1908.5(c)(6)(ix) would be contained in § 1908.4(d)(4)(iii) and § 1908.4(d)(6);

Existing § 1908.5(c)(7) would become § 1908.5(b);

Existing § 1908.5(c)(8) would become § 1908.4(d)(4)(v);

Existing § 1908.5(c)(9) would become § 1908.4(d)(3);

Existing § 1908.5(c)(10) would become § 1908.5(a);

Existing § 1908.5(c)(11) would become § 1908.8(c)(4);

Existing § 1908.5(d) would become § 1908.8(d);

Existing § 1908.6 would become § 1908.8(e);

Existing § 1908.7 would become § 1908.8(f); and

Existing § 1908.8 would become § 1908.9.

Part 1908 is proposed to be amended as follows:

PART 1908—ON-SITE CONSULTATION AGREEMENTS

Sec.
1908.1 Purpose and scope.
1908.2 Definitions.
1908.3 Eligibility and funding.
1908.4 General provisions.
1908.5 Relationship to enforcement.
1908.6 Consultant specifications.
1908.7 Monitoring and evaluation.
1908.8 Agreements.
1908.9 Exclusions.

§ 1908.1 Purpose and scope.

This part contains requirements for all agreements made with States under sections 7(c)(1) and 21(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.) for the purpose of using State personnel to perform on-site

consultation. The objective of on-site consultation is to help employers achieve a higher level of safe and healthful working conditions for their employees, preferably through voluntary compliance activity undertaken prior to any inspection performed pursuant to the Act. A State signing an agreement under this part agrees to provide on-site consultation for employers requesting the service and to offer advice and technical assistance to each requesting employer on job-related safety and health hazards. During the visit itself, the State consultant will identify specific hazards in the employer's workplace, assess employee exposure and risk, and suggest basic approaches to control or elimination of those hazards.

§ 1908.2 Definitions.

As used in this part:

"Act" means the Federal Occupational Safety and Health Act of 1970.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health.

"Compliance officer" means a Federal or State compliance safety and health officer.

"Employer" means a person engaged in a business, who has employees, but does not include the United States, or any State or political sub-division of a State.

"On-site consultation" means all activities related to the conduct of an on-site consultative visit.

"OSHA" means the Federal Occupational Safety and Health Administration or the State agency responsible under an approved plan under section 18(b) of the Act for the enforcement of occupational safety and health standards in that State.

"State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

"RA" means the Regional Administrator for Occupational Safety and Health of the Region in which the State concerned is located, or his designee.

§ 1908.3 Eligibility and funding.

(a) *State eligibility.* (1) Any State may enter into an agreement with the Assistant Secretary to perform on-site consultation for employers.

(2) A State having an approved Section 18(b) plan is eligible to participate in the program if that plan does not include federally-funded on-site consultation to employers.

(b) *Reimbursement.* The Federal government will reimburse 90 percent of the costs incurred under an agreement entered into pursuant to this part. Approved training and specified out-of-State travel will be fully reimbursed.

§ 1980.4 General provisions.

(a) *Encouraging Requests.* (1) *State responsibility.* The State shall be responsible for encouraging employers to request on-site consultative visits, and shall publicize the availability of on-site consultation and the scope of the service which will be provided. The Secretary may also engage in activities to publicize and promote the program.

(2) *Promotional methods.* The State may use methods such as the following to inform employers of the availability of on-site consultation and to encourage requests:

(i) Paid newspaper advertisements;

(ii) Newspaper, magazine and trade publication articles;

(iii) Special direct mailings or telephone solicitations to establishments, based on workers' compensation data or other appropriate listings;

(iv) Participation at employer conferences and seminars;

(v) Solicitation of support from State business and labor organizations and leaders, and public officials;

(vi) Preparation and dissemination of publications, descriptive materials, etc., on on-site consultation services;

(vii) Free public service announcements on radio and television.

(b) *Employer requests.* An on-site consultative visit will be provided only at the request of the employer, and shall not result from any right of entry under State law. States are not authorized to make an unscheduled appearance at an employer's workplace for the purpose conducting an on-site consultative visit.

(c) *Scheduling priority.* Priority shall be given to requests from smaller businesses, based upon their number of employees, and to the hazardous nature of the workplace.

(d) *Conduct of a visit.* (1) *Preparation.* An onsite consultative visit shall be made only after appropriate preparation by the consultant. Prior to the visit, the consultant shall become familiar with as many factors concerning the establishment's operations as possible. The consultant shall review all applicable codes and standards and assure that he has the necessary technical equipment and that the equipment works properly.

(2) *Structured format.* An onsite consultative visit shall follow a structured format, which will consist of an opening conference, a walkthrough the workplace, and a closing conference, followed by a written report to the employer.

(3) *Employee participation.* With the express permission of the employer, employees or their representatives, or members of a workplace joint safety and health committee, may participate in the onsite consultative visit. Consultants shall specifically discuss this matter with the employer during the opening conference, and encourage the employer to allow employee participation.

(4) *Employer notification.* The employer may be required by the consultant to take appropriate action to protect employees in certain circumstances described below in § 1908.4(d)(6). At the opening conference, the consultant shall specifically advise the employer of these requirements.

(5) *Scope.* (i) Activity during the on-site consultative visit will be focused primarily on those specific working conditions, hazards or situations identified by the employer when the request was made. As a rule, the smaller the employer's business, the less specific the request must be.

(ii) The consultant shall advise the employer as to the employer's obligations and responsibilities under applicable Federal or State law and implementing regulations.

(iii) To the extent of their capability and training, State consultants shall identify any safety or health hazards which may be present in the workplace and may conduct such sampling and testing, with subsequent analyses, as may be necessary to confirm the existence of any health hazard.

(iv) State consultants may offer advice and technical assistance to employers during and after the on-site consultative visit on the elimination or control of safety and health hazards present in the workplace. Such advice and assistance shall not include engineering services or the provision of engineering design solutions. Descriptive materials may be provided on approaches, means, techniques, etc., commonly utilized for the elimination or control of such hazards, but should be limited generally to basic information indicating the possibility of a solution and describing the general form such a solution would take. The consultants shall also advise the employers of additional sources of assistance, if known.

(v) For any hazard present in the workplace, the consultant shall indicate to the employer whether a compliance officer would probably issue a citation for that situation in the event of a subsequent OSHA inspection. The consultant will also indicate whether in his judgment, such a violation would be classified as a "serious" or "other-than-serious" violation of applicable Federal or State statutes, regulations or standards, based on criteria contained in the current OSHA Field Operations Manual.

(vi) The consultant shall preserve the confidentiality of information obtained as the result of an on-site consultative visit which might reveal a trade secret of the employer.

(6) *Employer obligations.* (i) If an imminent danger is disclosed during a visit, the consultant shall immediately notify the employer and shall request the immediate elimination of the imminent danger. If the employer fails immediately to eliminate an imminent danger, the consultant shall immediately notify the affected employees and notify the employer that the appropriate OSHA enforcement authority is being advised.

(ii) If a serious violation, as described in the current OSHA Field Operations Manual (with the exception of the element of employer knowledge, which shall not be considered), is disclosed as a result of a consultative visit, the consultant shall immediately notify the employer of such violation and shall afford the employer a reasonable time to eliminate such violation. If the consultant is not satisfied through a further consultative visit, documentary evidence, or otherwise that such elimination has taken place, the consultant shall notify the employer that the appropriate OSHA enforcement authority is being advised.

(iii) A specific plan to eliminate or control conditions described in § 1908.4(d)(5)(i) and (ii) which are disclosed during a visit shall be developed by the consultant and the employer. To insure that appropriate action is being taken, the consultant shall monitor the employer's progress, through such means as follow-up visits or employer reports.

(7) *Written report.* A written report shall be prepared for each visit and sent to the employer. The report shall conform to a format specified by the Assistant Secretary. The report shall identify specific hazards; shall describe their nature, including reference to applicable standards or codes; shall list them in terms of their seriousness; and, to the extent possible, shall include suggested means or approaches to their elimination or control. Additional sources of assistance shall also be indicated, if known. The report shall also include references to the completion dates for the situations described in § 1908.4(d)(5).

§ 1908.5 Relationship to enforcement.

(a) *Independence.* On-site consultation activity by a State shall be conducted independently of any Federal or State OSHA enforcement activity. The consultation activity shall have its own separate management staff. Its management and field personnel shall not engage in any enforcement activity. The identity of employers requesting or receiving on-site consultation, as well as the file of the consultant's visit, shall not be forwarded to OSHA for use in any compliance activities.

(b) *Mandatory referrals.* (1) Consultants shall not communicate with OSHA enforcement authorities, except under the following circumstances:

(i) Where an employer fails to take immediate action on an imminent danger situation as described in § 1908.4(d)(6)(i), the consultant shall immediately notify the appropriate OSHA enforcement authority, and provide the necessary information;

(ii) Where an employer fails to take appropriate action on a serious violation as described in § 1908.4(d)(6)(ii), the consultant shall immediately notify the appropriate OSHA enforcement authority, and provide the necessary information.

(2) The consultants shall follow such procedures for these notifications as are established by the Assistant Secretary.

(c) *Workplace priorities.* Accident investigations, response to complaints, imminent danger investigations, or followup inspections by OSHA enforcement personnel shall not be delayed by an on-site consultative visit in progress. However, an on-site consultative visit already in progress will delay an initial compliance inspection until after the visit has been completed. A request for an on-site consultative visit will not delay compliance inspections under any circumstances.

(d) *Inspections.* In the event of a subsequent Federal or State OSHA inspection of an employer who has had an on-site consultative visit:

(1) The opinions, suggestions, advice and interpretations of the consultant shall not be binding on the compliance officer and will not affect the regular conduct of the inspection, or preclude the finding of alleged violations or the proposing of penalties. The compliance officer shall not be bound by the consultant's failure to have identified specific hazards. The fact that the employer took advantage of the on-site consultation service shall not operate as a defense to any enforcement action.

(2) The employer is not required to either inform the compliance officer of the prior on-site consultative visit, or provide a copy of the consultant's written report to the compliance officer.

§ 1908.6 Consultant specifications.

(a) *Number.* (1) For the period of two years from the effective date of this revision, the number of consultants under an agreement shall not exceed 25 percent of the number of State and Federal compliance officers present within the State. The number of compliance officers present shall be the number of allocated Federal positions for that State and, if the State has an approved 18(b) plan, the number of positions provided in the State's 23(g) grant. (For example, if the total number of compliance officers in the State were 14, the maximum allowable number of consultants would be 4.) This limitation will be evaluated on the basis of program performance, demand for services and resources available, and may be adjusted by the Assistant Secretary.

(2) As an exception to the limitation in § 1908.6(a)(1), a State with a current agreement or an approved section 18(b) plan may be allowed that number of consultants currently employed by the State under the agreement or plan for the purposes of providing on-site consultation to employers. However, the maximum allowable number of consultants will also be determined, and the State will be required to reduce their staff to that number through attrition of current employees. This exception does not allow for the replacement of employees who are in excess of the maximum allowable number, and does not affect the qualification requirements in § 1908.6(b).

(b) *Qualifications.* (1) Consultants shall meet the requirements for State employment in the occupational safety and health field. They also shall have adequate education and experience to satisfy the RA, after interview, that they meet the qualification requirements set out in § 1908.6(b)(2) and that they have the ability to perform satisfactorily pursuant to the agreement. All consultants shall be selected in accordance with the provisions of Executive Order 11246 of September 24, 1965, as amended, entitled "Equal Employment Opportunity."

(2) Minimum qualification requirements shall include: (i) General requirements. Consultants shall demonstrate the following: the ability to identify hazards; the ability to assess employee exposure and risk; knowledge of OSHA standards; knowledge of abatement procedures; knowledge of workplace safety and health program requirements; and the ability to effectively communicate, both orally and in writing.

(ii) Specific requirements for safety consultants. Consultants must have completed four years of college with a degree in industrial management, industrial technology, industrial engineering, physical science, or a closely related curriculum, and have a total of two years (or its equivalent) of professional safety experience in industry or government; or, two years of community college or technical institution with a degree in industrial management, industrial engineering technology, or a closely related curriculum, and a total of four years (or its equivalent) of professional safety experience in industry or government; or a high school education with a total of six years (or its equivalent) of full-time occupational safety-related professional level experience, preferably in a variety of industries.

(iii) Specific requirements for industrial hygienists. Consultants must have completed four years of college with a degree in industrial hygiene, industrial health engineering, chemistry, or related biological sciences. Special studies and training in industrial hygiene are desirable. Additionally, consultants shall also have a total of two years experience (or its equivalent) in industrial hygiene work which provided the ability to recognize the environmental factors and stresses associated with work operations and to understand their effect on humans; the ability to evaluate, on the basis of experience and with the aid of measurement techniques, the magnitude of these stresses in terms of their ability to impair human health; and the ability to prescribe methods to eliminate or control such stresses.

(3) All consultants currently employed by the State under an existing agreement or an approved Section 18(b) plan for the purpose of providing on-site consultation to employers may be provisionally accepted by the RA provided that the consultant meets the general requirements in § 1908.6(b)(2)(i) and there is a reasonable expectation that the consultant, if provisionally accepted, will be able to meet the specific requirements in § 1908.6(b)(2)(ii) or (iii) within two years from the effective date of these revisions.

(4) Proposed new consultants in all States may also be provisionally accepted by the RA provided that each consultant meets the criteria described in § 1908.6(b)(3).

(c) *Training.* As necessary, the Assistant Secretary will specify training requirements for consultants. Expenses for training which is required by the Assistant Secretary or approved by the RA will be reimbursed in full by the Federal government.

§ 1908.7 Monitoring and evaluation.

(a) *RA responsibility.* A State's performance under the agreement will be regularly monitored and evaluated by the RA, who may direct changes as a

result of such evaluations or to foster conformance with consultation policy as enunciated by the Assistant Secretary. All aspects of the agreement with the State will be continually monitored and evaluated as part of an organized regional plan for such activity.

(b) *State performance.* The RA or his designee will periodically meet with State project officials, preferably in their offices, to assess project status and to seek resolution to any operating problems. An appropriate sample quantity of State files on individual on-site consultative visits will also be audited. Special attention will be given to determine whether the requirements of § 1908.5(6) are being followed. A written report of these periodic reviews will be forwarded by the RA to the State.

(c) *Consultant performance* (1) *State activity.* The State shall establish and maintain an organized consultant performance monitoring system under the agreement:

(i) The system shall be established within the initial 60 days of the contract period. Design and operation of the system shall conform to all requirements as may be established by the Assistant Secretary. Actual operation of the system shall require the prior approval of the system by the RA.

(ii) A performance evaluation of each individual State consultant performing on-site consultation for employers shall be prepared annually. All aspects of a consultant's performance shall be reviewed at that time. Recommendation for remedial action shall be made and acted upon if required. The annual evaluation report shall remain a confidential State personnel record and may be timed to coincide with routine and regular personnel procedures.

(ii) Performance of individual consultants shall be measured in terms of their ability to identify hazards in the workplaces which they have visited, their ability to determine employee exposure and risk, and in particular their ability to properly handle those situations described in § 1908.5(b); their knowledge and application of applicable Federal or State statutes, regulations or standards, their knowledge and application of appropriate abatement techniques and approaches, and their ability to effectively communicate their findings to employers.

(iv) Accompanied visits to observe consultants during on-site consultation visits shall be conducted at least semi-annually for each consultant, and a written report shall be prepared. A copy of the report shall be provided to the consultant. All accompanied visits shall be conducted only with the expressed permission and cooperation of the employer who requested the visit.

(v) The State will report quarterly on system operations, including copies of accompanied visit reports (purged of employer identification) completed that quarter.

(2) *Federal activity.* State consultant performance monitoring activity as set out in § 1908.7(c)(1) does not preclude Federal monitoring activity in States with approved Section 18(b) plans where the workplace observation and evaluation of individual State consultants may also be performed by the RA.

(d) *State reporting.* For Federal monitoring and evaluation purposes, the State shall assemble, compile and submit such factual and statistical data as may be required by the Assistant Secretary, according to reasonable formats, frequency, etc., as may also be required. The State shall prepare and submit to the RA any narrative reports, including copies of written reports to employers (but purged of all employer identification), as may be required by the Assistant Secretary for these purposes.

§ 1908.8 Agreements.

(a) *Who may make agreements.* The Assistant Secretary may make an agreement under this part with the Governor of a State or with any State agency designated for that purpose by the Governor.

(b) *Negotiations.* (1) Instructions for negotiations may be obtained through the RA who will negotiate for the Assistant Secretary and make final recommendations on each agreement to the Assistant Secretary.

(2) States with approved Section 18(b) plans may initiate negotiations in anticipation of the removal of Federally-funded on-site consultation services to employers from the plan, and may request also that the effective date of the agreement coincide with the date of the removal from the plan. Renegotiation of existing agreements funded under this part shall be initiated within 30 days of the effective date of this regulation.

(c) *Contents of agreements.* (1) Any agreement and subsequent modifications shall be in writing and signed by both parties.

(2) Each agreement shall provide that the State will conform its operations under the agreement to:

(i) the requirements contained in this Part 1908;

(ii) all related directives subsequently issued by the Assistant Secretary implementing this regulation.

(3) Each agreement shall contain an explicit written commitment for each major lettered paragraph in §§ 1908.4, 1908.5, 1908.6 and 1908.7, with particular emphasis placed on the following elements:

(i) Consultation management structure separate from enforcement;

(ii) Consultant numerical limitation and safety and health objective;

(iii) Recruitment of qualified professionals;

(iv) Advertisement of consultation services;

(v) Provisions of written reports to employers;

(vi) Monitoring and evaluation procedures.

(4) Each agreement shall also include a budget of the State's anticipated expenditures under the agreement, in such detail and format as may be required by the Assistant Secretary.

(d) *Location of sample agreement.* A sample agreement is available for inspection at the following locations:

(1) Office of Consultation Programs; (Division of Voluntary Programs) OSHA, Room 149, 2100 M Street NW., Washington, D.C.

(2) All Regional Offices of the Occupational Safety and Health Administration of the U.S. Department of Labor.

(e) *Action upon requests.* The State will be notified within a reasonable time of any decision concerning its request for an agreement. If a request is denied, the State will be informed in writing of the reasons therefor. If an agreement is negotiated, the initial funding will specify the period for which that agreement is contemplated. Additional funds may be added at a later time provided the activity is satisfactorily carried out and appropriations are available. The State may also be required to amend the agreement for continued support.

(f) *Termination.* Either party may terminate an agreement under this part upon 30 days written notice to the other party.

§ 1908.9 Exclusions.

An agreement under this part will not restrict in any manner the authority and responsibility of the Assistant Secretary under sections 8, 9, 10, 13, and 17 of the Act, or any corresponding State authority.

Signed at Washington, D.C. this 21st day of April, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-12413 Filed 4-28-77;8:45 am]

federal register

FRIDAY, APRIL 29, 1977

PART VIII



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DECISIONS

Alabama	AL77–1064

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:		
	AL77–1007	Jan. 28, 1977.
Arizona:		
	AZ76–5109	Nov. 26, 1976.
Florida:		
	FL77–1015; FL77–1021	Feb. 18, 1977.
	FL77–1023; FL77–1024	Feb. 25, 1977.
	FL77–1028	Mar. 18, 1977.
	FL77–1034; FL77–1043	Apr. 1, 1977.
	FL77–1044	Mar. 1, 1977.
Hawaii:		
	HI77–5030	Mar. 4, 1977.
Illinois:		
	IL77–5038	Apr. 8, 1977.
Indiana:		
	IL77–5038	Do.
Kansas:		
	KS77–4079; KS77–4080	Do.
Michigan:		
	IL77–5038	Do.
Minnesota:		
	MS77–1030; MS77–1032; MS77–1033.	Mar. 25, 1977.
Missouri:		
	MO77–4051	Mar. 4, 1977.
Nevada:		
	NV77–5012	Feb. 11, 1977.
	NV77–5022; NV77–5031	Mar. 18, 1977.
New Mexico:		
	NM77–4074	Apr. 8, 1977.
New York:		
	IL77–5038	Do.
Ohio:		
	IL77–5038	Do.
Oklahoma:		
	OK76–4160	Oct. 1, 1976.
	OK77–4056	Mar. 4, 1977.
	OK77–4062; OK77–4063	Mar. 11, 1977.
	OK77–4065; OK77–4066	Mar. 18, 1977.
Pennsylvania:		
	IL77–5038	Apr. 8, 1977.
	PA76–3177	June 11, 1976.
	PA76–3271	Nov. 5, 1976.
	PA77–3016; PA77–3023	Jan. 28, 1977.
	PA77–3026	Feb. 4, 1977.
	PA77–3030; PA77–3033	Feb. 18, 1977.
	PA77–3034	Apr. 15, 1977.
Texas:		
	TX77–4008	Jan. 2, 1977.
Washington:		
	WA77–5032	Apr. 1, 1977.
Wisconsin:		
	IL77–5038	Apr. 8, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:		
	FL76–1135 (FL77–1049)	Nov. 26, 1976.
Nevada:		
	NV77–5037 (NV77–5146)	Apr. 15, 1977.
New York:		
	NY76–3277 (NY77–3000)	Nov. 19, 1976.
Oklahoma:		
	OK76–4136 (OK77–4087)	Do.
	OK76–4189 (OK77–4088)	Nov. 26, 1976.
West Virginia:		
	WV77–5024 (WV77–5051)	Feb. 18, 1977.

CANCELLATIONS OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decisions Nos. AZ77–5024, Navajo and Hopi Indian Reservations in Apache, Coconino, and Navajo Counties, Ariz., and NM77–5025, Navajo Indian Reservation in San Juan and McKinley Counties, N. Mex., are hereby withdrawn from the FEDERAL REGISTER. Agencies with residential construction projects pending in these Counties should utilize the project determination procedure by submitting Form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. AZ77–5024 and NM77–5025 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected. Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. NV77–5146 which supersedes NV77–5037 does not apply to Highway Construction in Douglas County, Nev. Agencies with highway construction projects pending in this County should utilize the project determination procedure by submitting Form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. NV77–5087 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected. Section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. TX76–4162 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 23d day of April 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

COUNTIES: Cullman, Jackson, Limestone, and Morgan

DATE: Date of Publication

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

STATE: Alabama	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO.: AZ77-1048					
Bricklayers	7.20				
Carpenters	5.10				
Dry wall finishers	5.25				
Dry wall hangers	5.25				
Cement masons	5.00				
Electricians	4.668				
Insulators	4.65				
Laborers	3.00				
Painters, brush	4.53				
Plumbers & pipefitters	5.13				
Sheet metal workers	4.00				
Truck drivers	3.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.50				
Bulldozer	3.50				
Grader	3.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1007 - Mod. # 2 (42 FR-5619 - January 28, 1977) Jefferson and Shelby Counties, Alabama.					
Change:					
Painters:					
Brush (Commercial)	8.65		.60		
Spray, Structural steel	9.15		.60		
Paperhangers	8.80		.60		
DECISION NO. AZ76-5109 - Mod. #5 (40 FR 52189 - November 26,1976) Statewide, Arizona					
Change:					
Boilermakers	$ 13.175	$ .775	$ 1.00	$ .50	$ .02
Roofers(Tucson Area):					
Asbestos; Shinglers; Tile and Waterproofing:					
Zone A (0-44 miles from Tucson)	8.97	.845	.20		.03
Zone B (Over 44 miles from Tucson)	10.72	.845	.20		.03
Sprinkler Fitters	12.29	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # FL77-1015 - Mod. # 2 (42 FR-10224 - February 18, 1977) Broward County, Florida					
Change:					
Asbestos workers	11.15	.50	.65		.04
Roofers	8.45	.45	.20	.85	
Add:					
Lathers	9.40	.40	.20		.04
Decision # FL77-1021 - Mod. # 3 (42 FR-10227 - February 18, 1977) Duval County, Florida					
Change:					
Bricklayers:					
Bricklayers	8.92	.45	.50		.05+.01
Blocklayers	8.92	.45	.50		.05+.01
Stonemasons	8.92	.45	.50		.05+.01
Carpenters:					
Carpenters	8.92	.52	.50		.05
Piledrivers	8.92	.52	.50		.05
Acoustical & drywall	8.92	.52	.50		.05
Soft floor layers	8.47	.52	.50		.05
Cement masons	7.61	.45	.40		.01
Ironworkers	8.95	.55	.85		.02
Laborers:					
Laborers	5.32	.20	.20		
Mechanical tool, power buggy, pipelayers & gunnite workers	5.39	.20	.20		
POWER EQUIPMENT OPERATORS:					
Groups I	9.48	.50	.35		.05
Groups II	8.30	.50	.35		.05
Groups III	7.32	.50	.35		.05
Groups IV	6.21	.50	.35		.05
Add:					
Millwrights	9.23	.52	.50		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # FL77-1023 - Mod. # 4 (42 FR-11191 - February 25, 1977) Brevard & Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melebar Radar Site, Florida.					
Change:					
Bricklayers:					
Bricklayers	7.56	.40	.25		
Blocklayers	7.56	.40	.25		
Plasterers	7.56	.40	.25		
Terrazzo workers	7.56	.40	.25		
Tile setters	7.56	.40	.25		
Cement masons	7.41	.40	.25		
Masonary cutting or grinding machine operator	7.71	.40	.25		
POWER EQUIPMENT OPERATORS:					
Groups I	9.40	.50	.35		.05
Groups II	8.80	.50	.35		.05
Groups III	8.30	.50	.35		.05
Groups IV	7.90	.50	.35		.05
Groups V	7.20	.50	.35		.05
Decision # FL77-1024 - Mod. # 2 (42 FR-11193 - February 25, 1977) Orange County, Florida					
Change:					
Power Equipment Operators:					
Groups I	9.48	.50	.35		.05
Groups II	8.30	.50	.35		.05
Groups III	7.32	.50	.35		.05
Groups IV	6.21	.50	.35		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # FL77-1028 - Mod. # 2 (42 FR-15262 - March 18, 1977) Alachua County, Florida					
Change:					
Bricklayers	7.65	.30	.30		.02
Carpenters:					
Carpenters	8.92	.52	.50		.05
Accoustical workers	8.92	.52	.50		.05
Millwrights	9.23	.52	.50		.05
Piledrivermen	8.92	.52	.50		.05
Ironworkers, structural, & ornamental	8.95	.55	.85		.02
Soft floor layers	8.47	.52	.50		.05
Stonemasons	7.65	.30	.30		.02
POWER EQUIPMENT OPERATORS:					
Groups I	9.48	.50	.35		.05
Groups II	8.30	.50	.35		.05
Groups III	7.32	.50	.35		.05
Groups IV	6.21	.50	.35		.05
Decision # FL77-1034 - Mod. # 1 (42 FR-17761 - April 1, 1977) Martin & Palm Beach Counties, Florida.					
Change:					
Carpenters & soft floor layers	8.90	.55	.70		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # 77FL-1043 Mod. # 1 (42 FR-17762 - April 1, 1977) Pinellas County, Florida					
Change:					
Carpenters:					
Piledrivermen	9.00	.55	.70		.08
Plumbers & Steamfitters	10.38	.55	.95		.08
Stonemasons	9.20	.45	.50		.09+.01
Omit:					
Electricians:					
Electricians	10.20	5%	7%+1%		3/4 of 1%
Cable splicer	10.45	5%	7%+1%		3/4 of 1%
Add:					
Electricians:					
Commercial	8.20	5%	7%+1%		3/4 of 1%
Industrial	10.20	5%	7%+1%		3/4 of 1%
Decision # FL77-1044 - Mod. # 1 (42 FR-17764 - March 1, 1977) Volusia County (except Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Station), Florida					
Change:					
Laborers:					
Laborers	5.30	.20	.10		
Air tool operators	5.45	.20	.10		
Mason tenders	5.45	.20	.10		
Mortar mixers	5.45	.20	.10		
Pipelayers (concrete & clay)	5.45	.20	.10		
Plasterers' tenders	5.45	.20	.10		
Roofers	7.40	.35	.25		.15
Kettlemen	5.95	.35	.25		.15
Roofers' helpers	5.30	.35	.25		.15
Tile & Terrazzo workers	8.55	.35	.20		.10
POWER EQUIPMENT OPERATORS:					
Groups I	9.48	.50	.35		.05
Groups II	8.30	.50	.35		.05
Groups III	7.32	.50	.35		.05
Groups IV	6.21	.50	.35		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL77-5038 - Mod. #1 (42 FR 18802 - April 8, 1977) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin					
CHANGE:					
Floating Equipment: (Clamshell, Dragline and Marine Construction)					
Engineers and Operators	$14.00	f		d & e	
Equipment Operators	12.60	f		d & e	
Firemen	11.90	f		d & e	
Oilers	10.50	f		d & e	

FOOTNOTES:

d. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day.
e. 1/2 day vacation for each full 12 days employment in one calendar year.
f. $1.65 per hour in fringe benefits (excluding vacation payments).

PAID HOLIDAYS (Where Applicable):

A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #HI77-5030 - Mod. #3 (42 FR 12579 - March 4, 1977) Statewide Hawaii					
Change:					
Elevator Constructors	$12.15	.545	.35	3% + a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	3% + a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Roofers	9.80	.85	.75	.25	.10
Sprinkler Fitters	11.51	.65	.95		.08
Truck Drivers:					
Flatbed	7.93	.90	2.20	.75	.15
Dump, 8 yds. and under; Water truck (up to and including 2000 gals.)	8.20	.90	2.20	.75	.15
Water truck (over 2000 gals.)	8.51	.90	2.20	.75	.15
Tandem, Semi-trailer or Semi-dump	9.16	.90	2.20	.75	.15
Slip-in or pup	9.48	.90	2.20	.75	.15
End dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor, trailer (hauling equipment)	9.59	.90	2.20	.75	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS77-4079 - Mod. #1 (42 FR 18803 - April 8, 1977) Shawnee County, Kansas					
Change:					
Tile setters	$9.00				
Power Equipment Operators (Building Construction):					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.70	.50	1.00	.75	.10
Group 3:					
(a)	8.65	.50	1.00	.75	.10
(b)	8.90	.50	1.00	.75	.10
Group 4:					
(a)	8.10	.50	1.00	.75	.10
(b)	8.35	.50	1.00	.75	.10
Group 5	10.60	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	11.10	.50	1.00	.75	.10
Group 9	12.10	.50	1.00	.75	.10
Power Equipment Operators (Site Preparation & Grading):					
Group 1	8.35	.50	1.00	.75	.10
Group 2	8.10	.50	1.00	.75	.10
Group 3	7.85	.50	1.00	.75	.10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1.00	.75	.10
Group 6	8.60	.50	1.00	.75	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KS77-4080 - Mod. #1 (42 FR 18806 - April 8, 1977) Shawnee County, Kansas					
Change:					
Tile setters	$9.00				
Power Equipment Operators (Building Construction):					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.70	.50	1.00	.75	.10
Group 3:					
(a)	8.65	.50	1.00	.75	.10
(b)	8.90	.50	1.00	.75	.10
Group 4:					
(a)	8.10	.50	1.00	.75	.10
(b)	8.35	.50	1.00	.75	.10
Group 5	10.60	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	11.10	.50	1.00	.75	.10
Group 9	12.10	.50	1.00	.75	.10
Power Equipment Operators (Site Preparation & Grading):					
Group 1	8.35	.50	1.00	.75	.10
Group 2	8.10	.50	1.00	.75	.10
Group 3	7.85	.50	1.00	.75	.10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1.00	.75	.10
Group 6	8.60	.50	1.00	.75	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # MS77-1030 - Mod. # 2 (42 FR-16356 - March 25, 1977) Hancock, Harrison, Jackson, & Pearl River Counties, Mississippi.					
Change:					
Electricians:					
Electricians	9.40	5%	1%+.20		1/8 of 1%
Cable splicer	9.65	5%	1%+.20		1/8 of 1%
Sprinkler Fitters	10.35	.65	.85		.08
Decision # MS77-1032 - Mod. # 1 (42 FR-16359 - March 25, 1977) Hinds County, Mississippi.					
Change:					
Glaziers	7.10				.01
Lather	8.25				.01
Sprinkler fitters	10.35	.65	.85		.08
Decision # MS77-1033 - Mod. # 1 (42 FR-16361 - March 25, 1977) Warren County, Mississippi.					
Change:					
Glaziers	7.10				.01
Lathers	8.25				.01
Add:					
Sprinkler fitters	10.35	.85	.85		.08
DECISION #MO77-4051 - Mod. #2 (42 FR 12618 - March 4, 1977) Description of Work and Locations: Heavy and Highway Construction, Missouri					
Change:					
Ironworkers					
Zone 7	$9.10	.45	.65		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV77-5012 - Mod. #2 (42 FR 8947 - February 11, 1977) Nevada Test Site including the Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Sprinkler Fitters	$15.05	.65	.95		.08
DECISION #NV77-5022 - Mod. #2 (42 FR 15273 - March 18, 1977) Clark County (excluding the Nevada Test Site), Nevada					
Change:					
Lathers	$10.00	.60	$1.00	$1.00	.06
Sprinkler Fitters	15.05	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV77-5031 - Mod. #2 (42 FR 15278 - March 18, 1977) Washoe County, Nevada					
Change:					
Carpenters:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Residential carpenter	$7.44	.70	$1.16	$1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Residential carpenter	8.04	.70	1.16	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Residential carpenter	8.24	.70	1.16	1.00	.05
Zone 4: Area over 40 road miles from the above communities:					
Residential carpenter	8.94	.70	1.16	1.00	.05

MODIFICATIONS P. 13

DECISION #NV77-5031 (Cont'd):
Change (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drywall Installers:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities – Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains on the east or west side of Washoe Valley; also the area of Stead Air Force Base	$9.60	.70	$1.16	$1.10	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	10.20	.70	1.16	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.40	.70	1.16	1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.10	.70	1.16	1.00	.05
Electricians:					
Washoe County excluding Lake Tahoe Area:					
Electricians; Technicians	12.33	.67	1% + .77		08
Cable Splicers	13.56	.67	1% + .77		.08
Lake Tahoe Area:					
Electricians; Tenhnicians	13.33	.67	1% + .77		.06
Cable Splicers	14.56	.67	1% + .77		.08
Sprinkler Fitters	15.05	.65	.95		.08

DECISION NO. NM77-4074 - Mod. #2
(42 FR 18825 - April 8, 1977)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SPRINKLER FITTERS	$11.26	.65	.95		.08

MODIFICATIONS P. 14

DECISION NO. OK77-4056 - Mod. #1
(42 FR 12663 - March 4, 1977)
Comanche County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SPRINKLER FITTERS	$11.15	.65	.95		.08

Description of work to read "Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

DECISION NO. OK76-4160 - Mod. #3
(41 FR 43629 - October 1, 1976)
Garfield County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SPRINKLER FITTERS	$11.15	.65	.95		.08

Description of work to read "Building Construction (but does not include single family homes and garden type apartments up to and including four stories)

MODIFICATIONS P. 15

DECISION NO. OK77-4062 - Mod. #2
(42 FR 13787 - March 11, 1977)
Muskogee, Adair and Cherokee Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SPRINKLER FITTERS	$11.15	.65	.95		.08

Description of work to read "Building construction (but does not include single family homes and garden type apartments up to and including 4 stories), and heavy construction within the City of Muskogee.

DECISION NO. OK77-4063 - Mod. #3
(42 FR 13790 - March 11, 1977)
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole, and Pottawatomie Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SPRINKLER FITTERS	$11.15	.65	.95		.08

Description of work to read "Building Construction (but does not include include single family homes and garden type apartments up to and including 4 stories)

MODIFICATIONS P. 16

DECISION NO. OK77-4065 - Mod. #2
(42 FR 15287 - March 18, 1977)
McIntosh County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SPRINKLER FITTERS	$11.15	.65	.95		.08

Description of work to read "Building construct.. (but does not include single family homes and garden type apartments up to and including 4 stories)"

DECISION NO. OK77-4066 - Mod. #1
(42 FR 15289 - March 18, 1977)
Pittsburg County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SPRINKLER FITTERS	$11.15	.65	.95		.08

Description of work to read "Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories)

DECISION #PA76 -3177 - Mod. # 5 (41 FR 23916 - June 11, 1976) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Roofers:					
Composition	$9.29	.45	.30		
DECISION #PA76-3271 - Mod. # 4 (41 FR 48993 - November 5, 1976) Luzerne County, Pennsylvania					
Change:					
Electricians					
Remainder of County	10.94	.30	1%+.75		.03
DECISION #PA77-3026 - Mod. #3 (42 FR 7066 - February 4, 1977) Lancaster County, Pennsylvania					
Change:					
Line Construction					
Linemen & Cable Splicers	10.83	.40	1%		3/4%
Groundman	6.46	.40	1%		3/4%
Winch truck operator	7.55	.40	1%		3/4%
DECISION PA77-3033 - Mod. # 1 (42 FR 10268 - February 18, 1977) Northampton County, Pennsylvania					
Change:					
Line Construction					
Lineman	11.78	.40	1%		3/8%
Cable splicer	11.78	.40	1%		3/8%
Groundman	7.03	.40	1%		3/8%
Winch truck operator	8.22	.40	1%		3/8%

DECISION #PA77-3023 - Mod. # 2 (42 FR 5640 - January 28, 1977) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr Tr.
Change:					
Power Equipment Operator:					
Zone 1					
Class -1	$10.63	.65	.80		.09
Class 2	10.37	.65	.80		.09
Class 3	8.01	.65	.80		.09
Class 4	7.56	.65	.80		.09
Class 5	7.41	.65	.80		.09
Zone 2					
Class 1	10.34	.65	.80		.09
Class 2	10.06	.65	.80		.09
Class 3	7.72	.65	.80		.09
Class 4	7.23	.65	.80		.09
Class 5	7.12	.65	.80		.09

DECISION NO. PA77-3023

AREA COVERED BY POWER EQUIPMENT OPERATOR ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland
ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

CLASSIFICATION DEFINITION FOR ALL ZONES

CLASS 1 - Autograder (C. M. I. & similar), backfiller, backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams), central mix plant, cooling plant, concrete paving mixer, concrete pump (self-propelled), cranes, cranes (boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + .25), cranes (boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + $.50), cranes (boom or mast over 200 ft. inclusive of jib + $.75), cranes (tower-stationary-climbing tower cranes), derrick, derrick boat, dozer (D-6 & over), dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice), elevating grader, franki pile machine, gradall (remote controle or otherwise), grader (power-fine grade), helicopter (1500 lb. or over lift), helicopter (under 1500 lb. lift), hilift (4 cy. & over), hoist 2 drums or more (in one unit), hydraulic boom truck (with pivotal cab) (single motor-pitman or similar), kocal, lead mechanic, locomotive (std. gauge), metro-chip harvester or similar, mix mobile, mix mobile (with self loading attachment), mulching machine (tunnel), pile driver machine, pipe extrusion machine, pressplitter drill (self contained), refrigeration plant (soil stabilization), rough terrian crane (25 ton & over), rough termin crane (under 25 ton), scrapers, shovel-power, slip form paver (C. M. I. and similar), trenching machine (30,000 lbs. and over), trenching machine (under 30,000 lb.), tunnel machine (mark XXI jarva or similar), whirley

DECISION NO. PA77-3023

CLASSIFICATION DEFINITION FOR ALL ZONES (CONT'D)

CLASS 2 - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing), (180° swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C. M. I. and similar), concrete finishing machine and spreader, concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Penn drill), dozer (under D-6), force feed loader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), hilift (under 4 cy.), hydraulic boom truck (non-pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow gauge), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), over-head crane, roller - power-asphalt, rose carrier, side boom or tractor mounted boom, stone cursher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator

CLASS 3 - Broom Finisher (C.M.I. or similar), Compactors/Rollers (Static or Vibratory) (Self-propelled), Curb Builder, Minor Equipment Operator (Two to three units), Multi-head Tie Tamper, Pavement Breaker (Self-propelled or ridden), Soil Stabilizer Machine, Tire Repairman (As per Agreement with Teamsters), Tractor (Snaking & Hauling), Well Driller & Horizontal and Winch or "A" Frame Truck (When hoisting & Lowering)

CLASS 4 - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (Ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (Ridden or self-propelled), Form Line Machine, Generator, Grout Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator, Light Plant, Mulching Machine, Personnel Boar (powered), Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (power Driven), Subgrader, Tie Puller, Tugger and Welding Machine (Gas or Diesel)

CLASS 5 - Deck Hand, Farm Tractor, Fireman or Boiler, Mechanic's Helper, Oiler, Power Room, Side Delivery Shoulder Spreader (Attachment)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3034 - Mod. # 1 (42 FR 20100 - April 15, 1977) Schuylkill County, Pennsylvania					
Change:					
Electricians					
Remainder of County	$11.20	.30	1%+.20		.05
Ironworkers	11.35	.84	1.21		.02
DECISION #PA77-3016 - Mod. # 3 (42 FR 5632 - January 28, 1977) Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania					
Change:					
Electricians					
Zone 3					
Commercial	12.34	4.4%	1%+3.5%		1/2 of 1%
DECISION NO. PA77-3030 - Mod. # 1 (42 FR 10266 - February 18, 1977) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania					
Change:					
Electricians	9.91	.45	3%+.31		1/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4008 - Mod. #1 (42 FR 5644 - January 28, 1977) Statewide (excluding Dallas-Fort Worth Regional Airport), Texas					
Change Area Covered By Various Zones to Read as Follows:					
Zone 15 - Brazoria, Fort Bend, Galveston*, Harris*, Matagorda, Montgomery, Waller & Wharton Cos.					
DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) & Highway Construction, Incidental Shore Work & Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to & including 4 stories).					
*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island, work performed on the site of water or sewage treatment facilities in Galveston County & Heavy Construction (including Incidental Shore Work) in Harris County					

DECISION NO. WA77-5032 - Mod. #2 (42 FR 17789 - April 1, 1977) Statewide, Washington

Change:

POWER EQUIPMENT OPERATORS (Area 1)
(All Counties and portions of Counties East of the 120th Meridian)

Group No.	Zone 1	Zone 2	Zone 3
1	$8.70	$9.20	$9.65
2	9.00	9.50	9.95
3	9.55	10.05	10.50
4	9.70	10.20	10.65
5	9.85	10.35	10.80
6	10.10	10.60	11.05
7	10.35	10.85	11.30

FRINGE BENEFITS: $ .80 H&W $ .90 Pen. $ .03 App. Tr.

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho

*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities, except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only

*ZONE 3: Over a 45 mile radius from the center of the above named Cities except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Leon
DECISION NUMBER: FL77-1049 DATE: Date of Publication
Supersedeas Decision No.: FL76-1135 dated November 26, 1976 in 41 FR-52234
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.51	.45	.55		.04
Boilermakers	9.50	.75	1.00		.02
Bricklayers:					
Blocklayers	7.55	.30	.30		.08+.02
Bricklayers	7.55	.30	.30		.08+.02
Stone masons	7.55	.30	.30		.08+.02
Cement masons	7.05	.30	.30		.08+.02
Marble masons	7.05	.30	.30		.08+.02
Terrazzo workers	7.05	.30	.30		.08+.02
Tile setters	7.05	.30	.30		.08+.02
Carpenters:					
Carpenters	6.85	.20			.03
Soft floor layers	6.85	.20			.03
Electricians	9.35		1%		0.5%
Elevator constructors	9.315	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.00		.20		.01
Ironworkers	8.95	.55	.85		.02
Laborers:					
Laborers	4.25	.20			
Concrete cutters, Grouters; Gunnite workers; Mason tenders; Mechanical tool operators; Mortar mixers; Pipelayers; Plasterer tender; Power buggy operators	4.40	.20			
Lathers	7.15				.05
Linemen	8.52	.30	1%		0.5%
Painters:					
Brush	5.95	.35	.40		.06
Spray	6.20	.35	.40		.06
Plasterers	7.05	.30	.30		.08+.02
Plumbers	8.95	.30	.25		.05
Roofers:					
Roofers	8.35	.25	.20		.02
Kettlemen	5.85	.25	.20		.02
Helpers	4.80	.25	.20		.02
Sprinkler fitters	10.16	.60	.90		.10
Steamfitters	8.95	.50	.50		.08
Welders - rate for craft.					

FL77-1049 - (Cont'd) Page 2

PAID HOLIDAYS: (WHERE APPLICABLE) :
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate for employee who has worked in business less than 5 years.

FL77-1049 - (Cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.48	.50	.35		.05
GROUP II	8.30	.50	.35		.05
GROUP III	7.32	.50	.35		.05
GROUP IV	6.21	.50	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P.or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scraper: front end loaders, (over 4 cy. cap.,)., side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile),high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used shoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propolled rollers, wellpoint pump, asohalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl , 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump,compresser & combustion type welding machine

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (excluding the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

DECISION NUMBER: NV77-5146

DATE: Date of Publication

Supersedes Decision No. NV77-5037 dated April 15, 1977, in 42 FR

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$ 12.11	.85	$ 1.10		
Elko, Eureka, White Pine Cos.	10.56	.52	1.17		
Remaining Counties	13.06	.90	1.02		
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	11.37	.70	.60		.06
Remaining Counties and Nye County (north of Hwy. #6):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60		.01
BRICK TENDERS:					
Clark, Esmeralda, Lincoln, Nye Counties	8.47	.51	1.25	1.00	
Remaining Counties:					
Zone A: 0-35 miles from Courthouse in Reno, Nevada	9.25	.50	.90		.05
Zone B 35-75 miles from Courthouse in Reno, Nevada	10.15	.50	.90		.05

DECISION NO. NV77-5146 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS:					
Clark, Esmeralda County (South of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$ 10.46	.55	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	10.61	.55	.90	1.00	.10
Piledrivermen	10.66	.55	.90	1.00	.10
Millwrights	11.06	.55	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities described above:					
Carpenters	10.96	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors;					
Power Saw Operators	11.11	.55	.90	1.00	.10
Piledrivermen	11.16	.55	.90	1.00	.10
Millwrights	11.56	.55	.90	1.00	.10

DECISION NO. NV77-5146 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:					
Carpenters	$ 11.21	.55	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power					
Saw Operators	11.36	.55	.90	1.00	.10
Piledrivermen	11.41	.55	.90	1.00	.10
Millwrights	11.81	.55	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	12.46	.55	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	12.61	.55	.90	1.00	.10
Piledrivermen	12.66	.55	.90	1.00	.10
Millwrights	13.06	.55	.90	1.00	.10
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Carpenters	9.35	.70	1.16	1.00	.05
Floor Layers; Patent Scaffold Erectors; Power					
Saw Operators	9.50	.70	1.16	1.00	.05
Piledrivermen	9.55	.70	1.16	1.00	.05
Millwrights	9.95	.70	1.16	1.00	.05

DECISION NO. NV77-5146 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1:					
Carpenters	$ 9.95	.70	$ 1.16	$1.00	.05
Floor Layers; Patent Scaffold Erectors; Power					
Saw Operators	10.10	.70	1.16	1.00	.05
Piledrivermen	10.15	.70	1.16	1.00	.05
Millwrights	10.55	.70	1.16	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1:					
Carpenters	10.15	.70	1.16	1.00	.05
Floor Layers; Patent Scaffold Erectors; Power					
Saw Operators	10.30	.70	1.16	1.00	.05
Piledrivermen	10.35	.70	1.16	1.00	.05
Millwrights	10.75	.70	1.16	1.00	.05
Zone 4: Area over 40 road miles from the communities in Zone 1:					
Carpenters	10.85	.70	1.16	1.00	.05
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	11.00	.70	1.16	1.00	.05
Piledrivermen	11.05	.70	1.16	1.00	.05
Millwrights	11.45	.70	1.16	1.00	.05
CEMENT MASONS:					
Clark, Lincoln, Nye Counties:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine and Color Work	9.15	1.00	.40	2.00	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Lake Tahoe Area:					
Cement Masons	$ 10.60	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	10.85	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.10	.65	.75	1.00	.03
Remaining Counties:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	9.15	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	9.40	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.65	.65	.75	1.00	.03
Zone 2 - Highway Construction:					
Area outside of Zone 1:					
Cement Masons	10.40	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.65	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.90	.65	.75	1.00	.03
Zone 2 - Nonhighway Construction:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement Masons	9.90	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.15	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.40	.65	.75	1.00	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
2-B: Area over 50 miles to the center of the jobsite:					
Cement Masons	$ 11.15	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	11.40	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.65	.65	.75	1.00	.03
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda County (South of Hwy. #6), Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:	9.60	.70	1.16	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1	10.20	.70	1.16	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1	10.40	.70	1.16	1.00	.05
Zone 4: Area over 40 road miles from the communities in Zone 1	11.10	.70	1.16	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line)					
Electricians; Technicians	$ 13.81	.73	10%+.40		.08
Cable Splicers	14.14	.73	10%+.40		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	12.33	.67	10%+.77		.08
Cable Splicers	13.56	.67	10%+.77		.08
Lake Tahoe Area:					
Electricians; Technicians	13.33	.67	10%+.77		.08
Cable Splicers	14.56	.67	10%+.77		.08
ELEVATOR CONSTRUCTORS:					
Nevada west of 118° longitude	13.49	.545	.35	3%+a	.02
Nevada east of 118° longitude and south of 39° North latitude	12.95	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.63	.35	.40		.05
Remaining Counties	10.495	.43	1.20	.84+.43	
IRONWORKERS:					
Elko, Eureka, White Pine Counties:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	10.10	.55	1.00		.04
Remaining Counties:					
Fence Erector	10.41	1.14	1.86	1.20	.04
Ornamental; Reinforcing; Structural	11.30	1.14	1.86	1.20	.04
LATHERS:					
Clark, Esmeralda, Lincoln, Nye Counties	10.00	.60	1.00	1.00	.06
Remaining Counties	10.86	.56	.20		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORKERS:					
Clark, Lincoln, Nye County (South half)					
Line Equipment Operator	$ 13.73	.73	1%		.35
Cable Splicers	5%overJr	.73	1%		.35
Lake Tahoe Area:					
Lineman	13.33	.67	10%+.77		.08
Line Equipment Operator	12.10	.67	10%+.77		.08
Groundman	10.25	.67	10%+.77		.08
Cable Splicer	14.56	.67	10%+.77		.08
Remaining Counties (excluding Lake Tahoe Area):					
Lineman	12.33	.67	10%+.77		.08
Line Equipment Operator	11.10	.67	10%+.77		.08
Groundman	9.25	.67	10%+.77		.08
Cable Splicers	13.56	.67	10%+.77		.08
MARBLE MASONS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.37	.70	.60		.06
PAINTERS:					
Clark, Esmeralda, Lincoln, Nye Counties					
Brush; Roller	11.55	.75	.35		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	11.90	.75	.35		.06
Buffing Steel; Sandblasters; Structural Steel	12.35	.75	.35		.06
Steeplejack	13.15	.75	.35		.06
Remaining Counties including Lake Tahoe Area:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	11.20	.70	.75		
PLASTERERS:					
Clark, Lincoln, Nye Counties	9.98	1.00	.40	1.20	.08
Remaining Counties	10.52	.65	1.00		.03
PLASTERER TENDERS:					
Statewide except Clark, Esmeralda, Lincoln, Nye County (South of Hwy. #6)					
Plasterer Tenders serving Plasterers	10.05	.50	.90		
Plasterer Tenders working on any type of gun	10.65	.50	.90		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	$ 11.05	$ 1.05	$ 1.90	$1.85	.08
Remaining Counties and Nye County (north half)	10.84	.73	.80	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	10.84	.73	.80	1.95	.10
ROOFERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	12.75	.65			
Remaining Counties and Nye County (north half)	9.75	.50	.35		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln, Nye County (South half), White Pine Counties	11.43	.93	1.60	1.00	.07
Remaining Counties and Nye County (north half)	9.80	.94	1.83	.98	.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.52	.40			.15
Remaining Counties including Lake Tahoe Area	10.80	.70	.20	2.4a	.08
SPRINKLER FITTERS	15.05	.65	.95		.08
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.37	.7[illegible]	.60		.[illegible]6
Remaining Counties and Nye County (north half):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.6[illegible]		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.0[illegible]	.50	.6[illegible]		.01

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$ 7.63	.51	$ 1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	

LABORERS
Clark Esmeralda, Lincoln, Nye Counties

Group 1: Debris Handler; Dry packing of concrete and filling of form-bolt holes; Dumpman; Gas and oil pipeline laborers; Demolition Laborers; General or construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape gardener and nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic tank digger and installer (lead man); Tank scaler and cleaner

Group 8: Cesspool digger and installer

Group 9: Concrete curer-impervious membrane and oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap stonepaver; Sandblaster (pot tender)

LABORERS (Cont'd)
Clark, Esmeralda, Lincoln, Nye Counties

Group 10: Asphalt Ironer, raker, spreader; Buggymobile; Cement dumper (on 1 yard or larger mixers and handling bulk concrete); Cement grinding machine operator; Concrete re cutter; Concrete saw man, excluding tractor type; Gas and oil pipeline wrapper, pot tender and form man; Tree climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic, gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or pavement breaker

Group 13: Laying of all non-metallic pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and oil pipeline wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (core, diamond or wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS*:					
Remaining Counties:					
Building Construction:					
Zone 1: Area within 5 road miles of the following communites - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	$ 8.00	.50	.90		.10
Group 2	8.10	.50	.90		.10
Group 3	8.25	.50	.90		.10
Group 4	8.50	.50	.90		.10
Group 5	8.80	.50	.90		.10
Group 6-A	8.80	.50	.90		.10
Group 6-B	8.50	.50	.90		.10
Group 6-C	8.15	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.60	.50	.90		.10
Group 2	8.70	.50	.90		.10
Group 3	8.85	.50	.90		.10
Group 4	9.10	.50	.90		.10
Group 5	9.40	.50	.90		.10
Group 6-A	9.40	.50	.90		.10
Group 6-B	9.10	.50	.90		.10
Group 6-C	8.75	.50	.90		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Remaining Counties (Cont'd)					
Building Construction (Cont'd)					
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	$ 8.80	.50	.90		.10
Group 2	8.90	.50	.90		.10
Group 3	9.05	.50	.90		.10
Group 4	9.30	.50	.90		.10
Group 5	9.60	.50	.90		.10
Group 6-A	9.60	.50	.90		.10
Group 6-B	9.30	.50	.90		.10
Group 6-C	8.95	.50	.90		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:					
Group 1	9.50	.50	.90		.10
Group 2	9.60	.50	.90		.10
Group 3	9.75	.50	.90		.10
Group 4	10.00	.50	.90		.10
Group 5	10.30	.50	.90		.10
Group 6-A	10.30	.50	.90		.10
Group 6-B	10.00	.50	.90		.10
Group 6-C	9.65	.50	.90		.10
Heavy and Highway Construction:					
Area 1:					
Group 1	8.00	.50	.90		.10
Group 2	8.10	.50	.90		.10
Group 3	8.25	.50	.90		.10
Group 4	8.50	.50	.90		.10
Group 5	8.80	.50	.90		.10
Group 6-A	8.80	.50	.90		.10
Group 6-B	8.50	.50	.90		.10
Group 6-C	8.15	.50	.90		.10
Area 2:					
Group 1	9.15	.50	.90		.10
Group 2	9.25	.50	.90		.10
Group 3	9.40	.50	.90		.10
Group 4	9.65	.50	.90		.10
Group 5	9.95	.50	.90		.10
Group 6-A	9.95	.50	.90		.10
Group 6-B	9.65	.50	.90		.10
Group 6-C	9.30	.50	.90		.10

*LABORERS - Area Definition - See "Area Definition" following TRUCK DRIVERS

LABORERS (Cont'd)
Remaining Counties

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler

Group 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad trackmen (bu[illegible]ders); Sloper; Semi-skilled wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 3/2 yd.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding. Vibrators; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, mix spade; Massic worker (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric), Post driver; Riprap-stonepaver and rock slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

Group 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units; High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt rakers

Group 5: Blasters and powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 7: Reboundman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Clark, Esmeralda, Lincoln, Nye Countims:					
Group 1	$ 9.75	.95	$ 2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator operator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator operator (inside); Equipment greaser (rack); Ford Ferguson (with dragcype attachments); Helicopter radioman (ground); Power concrete curing machine; Power concrete saw; Power driven jumbo form setter; Ross carrier; Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds.); Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yards and up to and including 1½ yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types).

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); BRL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast in place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yards and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1½ yards, up to and including 6½ yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and wheel type over 6½ yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (Over 100 tons); Hoist Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50¢ per hour additional)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yards); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

POWER EQUIPMENT OPERATORS* (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:	AREA 1	AREA 2				
Group 1	$ 8.75	$ 9.90	$ 1.12	$ 2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

*POWER EQUIPMENT OPERATORS - Area Definition - See "Area Definition" following TRUCK DRIVERS.

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), Switchman, tar pot fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper multiple-purpose; Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Pull Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, curb and/or curb gutter machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roiler (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small rubber-tired Tractors; Self-propelled Tape Machine

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to water-liners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy-duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn Scraper; Tractor mounted compressor drill combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunite); Lull Hi-Lift (20 ft. or over); Mucking Machine; Tractor with boom (D6 or larger); Track Laying type Earth Moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar) Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (reclaim station); Single engine Scraper (over 35 cu. yds.); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with Sloping attachments (JEFFCO or similar)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, Self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single engine rubber-tired earth-moving machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth Moving Equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION Remaining Counties					
Group 1	$ 9.22	$1.12	$2.23	.92	.20
Group 2	9.61	1.12	2.23	.92	.20
Group 3	10.61	1.12	2.23	.92	.20
Group 4	10.75	1.12	2.23	.92	.20
Group 4-A	11.04	1.12	2.23	.92	.20
Group 5	11.52	1.12	2.23	.92	.20
Group 6	11.93	1.12	2.23	.92	.20
Group 6-A	12.50	1.12	2.23	.92	.20
Group 7	13.48	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION
Remaining Counties

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel-driven (100 K.W. or over); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (Structural Steel or Tank Erection only)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman-welder

Group 5: Boom Truck or Dual purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.); Single Drum Hoist; Tugger Hoist

Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of Helicopter

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: PILEDRIVING Remaining Counties					
Group 1	$ 8.78	$1.12	$2.23	.92	.20
Group 1-A	9.11	1.12	2.23	.92	.20
Group 1-B	9.26	1.12	2.23	.92	.20
Group 2-A	9.89	1.12	2.23	.92	.20
Group 2-B	10.10	1.12	2.23	.92	.20
Group 3	10.40	1.12	2.23	.92	.20
Group 3-A	10.79	1.12	2.23	.92	.20
Group 4	11.34	1.12	2.23	.92	.20
Group 5	11.48	1.12	2.23	.92	.20
Group 6	12.50	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of pile-driving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons); Truck Crane Operator (up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler, or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing pile-driving work)

Group 6: Cranes (over 125 tons)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS Clark, Esmeralda, Lincoln, Nye Counties					
Group 1	$ 9.35	.40	.65		
Group 2	9.46	.40	.65		
Group 3	9.51	.40	.65		
Group 4	9.67	.40	.65		
Group 5	9.85	.40	.65		
Group 6	10.35	.40	.65		

TRUCK DRIVERS
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gals.); Pickups; Service; Repairman Helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster Equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gals.); Truck Driver working on gas and oil pipeline (including Winch truck and all sizes of trucks); Truck Greaser and Fireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds.); Warehouse Clerk

Group 4: Dump Trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and Fuel Trucks (4000 gals. but less than 6000 gals.); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gals. and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

TRUCK DRIVERS* Remaining Counties	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
DUMP (single or multiple units including semi, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 9.20	$ 10.35	.51	.65		.05
4 yds. and under 8 yds.	9.40	10.55	.51	.65		.05
8 yds. and under 18 yds.	9.60	10.75	.51	.65		.05
18 yds. and under 35 yd.	9.75	10.90	.51	.65		.05
35 yds. and under 60 yds.	10.00	11.15	.51	.65		.05
60 yds. and under 75 yds.	10.15	11.30	.51	.65		.05
75 yds. and under 100 yds.	10.30	11.45	.51	.65		.05
100 yards and over	10.45	11.60	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	9.60	10.75	.51	.65		.05
8 yards and including 12 yards	9.70	10.85	.51	.65		.05
Over 12 yards	9.90	11.05	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	9.40	10.55	.51	.65		.05
2,500 gallons and over	9.60	10.75	.51	.65		.05
DW 20 and 21 and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank or other misc. trailers (except as defined under dump trucks)	9.85	11.00	.51	.65		.05

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
FLATRACK; Industrial Lift with Mechanical Tailgate:						
Single unit 2 axle	$ 9.40	$ 10.55	.51	.65		.05
Single unit 3 axle	9.50	10.65	.51	.65		.05
BUS AND MANHAUL DRIVERS, Single Unit; Pickup:						
Up to 18,000 pounds	9.25	10.40	.51	.65		.05
18,000 pounds and over	9.35	10.50	.51	.65		.05
WINCH TRUCK, A-FRAME:						
Under 18,000 pounds	9.35	10.50	.51	.65		.05
18,000 pounds and over	9.45	10.60	.51	.65		.05
HEAVY DUTY TRANSPORT (High-bed); Heavy Duty Trans-port (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.75	10.90	.51	.65		.05
BOOTMAN, Combination; Boot-man and road oiler	9.65	10.80	.51	.65		.05
ROAD OIL TRUCK OR BOOTMEN; Fuel driver; Fuel man and Fuel island man	9.35	10.50	.51	.65		.05
HELICOPTER PILOT (when transporting men or material)	10.15	11.30	.51	.65		.05
LIFT JITNEYS And FORK LIFTS	9.45	10.60	.51	.65		.05
WAREHOUSE CLERK	9.30	10.45	.51	.65		.05
TIRE REPAIRMAN	9.60	10.75	.51	.65		.05
TRUCK REPAIRMAN	9.90	11.05	.51	.65		.05

*TRUCK DRIVERS - Area Definition - See "Area Definition" following this page.

AREA DEFINITIONS
Remaining Counties
LABORERS
Heavy and Highway Construction
POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
TRUCK DRIVERS

AREA 1: All of northern Nevada within the following lines:
Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence easterly to the N.E. corner to township 22N, range 22E;
Thence southerly to the N.E. corner of township 20N, range 22E;
Thence easterly to the N.W. corner of township 20N, range 26E;
Thence northerly to the N.W. corner of township 22N, range 26E;
Thence easterly to the N.W. corner of township 22N, range 29E;
Thence northerly to the N.W. corner of township 30N, range 29E;
Thence easterly to the N.E. corner of township 30N, range 33E;
Thence southerly to the S.E. corner of township 24N, range 33E;
Thence westerly to the S.E. corner of township 24N, range 31E;
Thence southerly to the S.E. corner of township 16N, range 31E;
Thence westerly to the S.E. corner of township 16N, range 30E;
Thence southerly to the S.E. corner of township 15N, range 30E;
Thence westerly to the S.E. corner of township 15N, range 27E;
Thence southerly to the S.E. corner of township 14N, range 27E;
Thence westerly to the S.E. corner of township 14N, range 23E;
Thence southerly to the S.E. corner of township 13N, range 23E;
Thence westerly to the S.E. corner of township 13N, range 22E;
Thence southerly to the N.E. corner of township 10N, range 22E;
Thence easterly to the N.E. corner of township 10N, range 23E;
Thence southerly along the easterly line of range 23E to the intersection of the California-Nevada border;
Thence north-westerly, then northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of northern Nevada included within the following line:
Commencing at the S.W. corner of township 37N, range 52E;
Thence easterly to the S.E. corner of township 37N, range 52E;
Thence northerly to the N.E. corner of township 37N, range 52E;
Thence easterly to the N.W. corner of township 37N, range 58E;
Thence southerly to the S.W. corner of township 37N, range 58E;
Thence easterly to the S.E. corner of township 37N, range 58E;
Thence southerly tp the N.E. corner of township 31N, range 58E;
Thence westerly to the N.W. corner of township 31N, range 58E;
Thence southerly to the S.W. corner of township 31N, range 58E;
Thence westerly to the S.E. corner of township 31N, range 52E;
Thence northerly to the N.E. corner of township 31N, range 52E;
Thence westerly to the S.E. corner of township 32N, range 51E;
Thence northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

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SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: ALBANY, RENSSELAER, SARATOGA, SCHENECTADY

DECISION NO.: NY77-3000

DATE: DATE OF PUBLICATION

Supersedes Decision No. NY76-3277 dated November 19, 1976 in 41 FR 51342

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.82	.63	.28		.02
BOILERMAKERS	11.50	.75	10%		.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, POINTERS AND CAULKERS	10.49	.70	.35		.01
BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, POINTERS AND CAULKERS: (Rehabilitation work on residential structures over 4 stories defined to include all work, including demolition, repair and alteration on any existing structure which is intended for predominately residential use)	7.59	.70	.35		.01
CARPENTERS, BUILDING Saratoga County: Twps. of Day, Hadley, Edinburg, Corinth and Moreau					
Carpenters and soft floor layers	9.35	.50	.50	g	.005
Millwrights	9.60	.50	.50	g	.005
Piledrivermen	9.50	.50	.50	g	.005
CARPENTERS, BUILDING Albany County, Rensselaer County, Schenectady County, Saratoga County: Remainder of County					
Carpenters and soft floor layers	9.70	.70	.70		.02
Millwrights	10.20	.70	.70		.02
Piledrivermen	10.92	1.25	1.73	.71	.02
CARPENTERS: (Rehabilitation work on residential structures over 4 stories, defined to include all work, including demolition, repair and alteration on any existing structure which is intended for predominatly residential use)	6.90	.70	.70		.02

DECISION NO. NY77-3000	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, HEAVY AND HIGHWAY	9.32	.70	.70	h	.02
CEMENT MASONS, HEAVY AND HIGHWAY	9.15	.70	.35		
ELECTRICIANS: Saratoga County: Ganseveen, Mt. McGregor, Schuylerville, Victory Mills, Wayville, Stillwater,					
Mechanicville and Waterford	11.00	.70	1%+.60	g	.05
Remainder of County	10.60	.70	1%+.95	g	.05
Albany County: Electricians Cohoes and Watervliet	11.00	.70	1%+.60	g	.05
Remainder of County	11.35	.45	1%+.50	a	
Rensselaer County: Electricians Schodack, Rensselaer, E. Greenbrush, Stephentown and Nassau	11.35	.45	1%+.50	a	
Remainder of County	11.00	.70	1%+.60	g	.05
Schenectady County: Electricians	10.60	.70	1%+.95	g	.03
ELEVATOR CONSTRUCTORS	10.62	.545	.35	3%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS	7.43	.545	.35	3%+b+c	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	5.31				
GLAZIERS	8.49	.40	.25		.01
IRONWORKERS: STRUCTURAL, REINFORCING AND ORNAMENTAL	10.10	.69	.85		.04
LEAD BURNERS	10.75	.40	.25	d	.01
LATHERS	9.56	.70	.30		.01
LINE CONSTRUCTION:					
Lineman	11.10	.65	1%+.60	e	4%
Cable splicer	12.21	.65	1%+.60	e	4%
Groundman digging machine operator	9.99	.65	1%+.60	e	4%
Groundman mobile equipment operator	8.88	.65	1%+.60	e	4%
Groundman truck driver	8.325	.65	1%+.60	e	4%
Groundman dynamite man and mechanic	8.88	.65	1%+.60	e	4%
PAINTERS: Albany County, Rensselaer County and Schenectady County					
Brush	8.92		.35		.02
Structural steel & bridge	9.67		.35		.02
Swing scaffold, bosun chair, water towers, flagpoles and window jacks	9.42		.35		.02
Spray	10.02		.35		.02

DECISION NO. NY77-3000	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: Saratoga County Twps. of Clifton Park, Half Moon, Malta, Charlton, Galway, Milton & West Milton					
Brush	8.92		.35		.02
Structural steel & bridge	9.67		.35		.02
Spray	10.02		.35		.02
Swing scaffold, bosun chair, water towers, flagpoles and window jacks	9.42		.35		.02
PAINTERS: Saratoga County twps. of Day, Hadley, Corinth, Moreau, Gansevoort and Mt. McGregor					
Brush	8.04	.25	.20		
Structural steel, swing scaffold and bridge	8.37	.25	.20		
Spray and sandblasting	8.59	.25	.20		
PAINTERS: Remainder of County:					
Commercial work	7.25				
Swing scaffold, bosun chair, water towers, flagpoles and window jacks	7.75				
MARBLE SETTERS, TERRAZZO WORKERS, AND TILE SETTERS:					
Saratoga County: Twps. of Ballston, Charlton, Clifton Park	9.35	.70	.35		
Remainder of County	10.49	.70	.35		
PLUMBERS, STEAMFITTERS, AIR CONDITIONING AND REFRIGERATION: Albany County, Except Watervliet to the Latham Shopping Center, Westerly to stop #16 Albany - Schenectady road; Saratoga County: Cohoes area; Rensselaer County:					
Southern half of county	10.30	.70	.92	i	.05
PLUMBER AND STEAMFITTERS Albany:					
City of Latham	10.30	.60	1.00		.04
PLUMBERS AND STEAMFITTERS City of Green Island, Watervliet	10.30	.60	1.00		.04

DECISION NO. NY77-3000	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS AND STEAMFITTERS Saratoga County:					
Twps of Stillwater and Halfmoon	10.30	.60	1.00		.04
Twps of Galway, Milton, Charlton, Clifton Park and Atomatic projects at West Milton and Malta	10.50	.65	.90		.10
Remainder of County	9.50	2.01	1.52	1.14	.10
Schenectady County	10.50	.65	.90		.10
PLUMBERS AND STEAMFITTERS: Northern Rensselaer County: Cities of Green Island and Watervliet Albany County: twps of Latham Saratoga County: twps of Halfmoon and Stillwater	10.30	.60	1.00		.04
Southern Reneselaer County: Remainder of County Albany County: except cities of Watervliet to the Latham Shopping Center, Westerly to Stop #16 Albany-Schenectady Rd. Saratoga County: Cohoes Area	10.30	.70	.98	i	.05
ROOFERS	10.10	.77	.40		.02
SHEET METAL WORKERS	10.37	3%+.80	.67		.05
SPRINKLER FITTERS	11.86	.65	.95		.08
TRUCK DRIVERS, BUILDING: Straignt, winch, transit mix on job site, road oilers, dump, panel, pick-up, water and fuel trucks on site (including nozzle)	8.70	.70	.59	f	.02
Euclids or similar equipment	8.95	.70	.59	f	.02
Lowboy or lowboy trailers	8.85	.70	.59	f	.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY77-3000

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

a. Holiday: E, provided the employee works the day after the holiday, 3 hrs. before X-Mas Eve and New Years Eve.

b. Holidays: A thru F.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A thru F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 30 full days during the 90 days prior to the holiday, and the regularly scheduled work days immediately preceeding and following the holiday.

e. Holidays: A thru F; Washington's Birthday, Election Day for the president of the United States and Election of Governor of New York (provided the employee works the day before and the day after the holiday).

f. One week vacation after one year's work; 2 weeks after 5 years work.

g. Holiday: Thanksgiving Day provided employee reports for work the day after the holiday.

h. Holidays: Labor Day and 4th of July.

i. Employer contributes $4.00 per day to a Vacation Fund.

DECISION NO. NY77-3000

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Schenectady, Saratoga County; Twps of Day, Hadley, Edinburg, Corinth, Moreay, South Glen Falls, Providence, Greenfield, Wilton, Northumberland, Galway, Milton, Saratoga Springs, Charlton, Ballston, Malta & Clifton Park					
LABORERS: (Rehabilitation work only for garden type apartments over 4 stories)					
GROUP I	6.07	.70	.85		.07
GROUP II	6.185	.70	.85		.07
GROUP III	6.20	.70	.85		.07
GROUP IV	6.24	.70	.85		.07
GROUP V	6.27	.70	.85		.07
GROUP VI	6.2575	.70	.85		.07
GROUP VII	6.43	.70	.85		.07
LABORERS, BUILDING:					
GROUP I	8.65	.70	.85		.07
GROUP II	8.80	.70	.85		.07
GROUP III	8.825	.70	.85		.07
GROUP IV	8.875	.70	.85		.07
GROUP V	8.925	.70	.85		.07
GROUP VI	8.90	.70	.85		.07
GROUP VII	9.125	.70	.85		.07

DECISION NO. NY77-3000

LABORERS DEFINITION (REHABILITATION WORK ONLY FOR GARDEN TYPE APARTMENTS OVER 4 STORIES)

GROUP I
Laborers

GROUP II
Pipelayers (2 man team) mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, all air or gas driven tools, hod carriers, power driven buggies

GROUP III
Form setter (curb)

GROUP IV
Wagon drill operator

GROUP V
Acetylene burners

GROUP VI
Demolition

GROUP VII
Blasters

LABORERS DEFINITION (BUILDING CONSTRUCTION)

GROUP I
Laborers

GROUP II
Pipelayers (2 man team), Mortar mixers (hand or machine), jackhammer operator, well pointing, concrete vibrators, power driver buggies

GROUP III
Form setter (curb)

DECISION NO. NY77-3000

LABORERS DEFINITION (BUILDING CONSTRUCTION) CONT'D

GROUP IV
Wagon drill operator

GROUP V
Acetylene burners

GROUP VI
Demolition

GROUP VII
Blasters

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Albany, Rensselaer, Saratoga (Remainder of County)					
LABORERS: (Rehabilitation work only for garden type apartments over 4 stories)					
GROUP I	6.02	.70	.90		.07
GROUP II	6.1325	.70	.90		.07
GROUP III	6.15	.70	.90		.07
GROUP IV	6.19	.70	.90		.07
GROUP V	6.22	.70	.90		.07
GROUP VI	6.2075	.70	.90		.07
GROUP VII	6.38	.70	.90		.07
LABORERS, BUILDING:					
GROUP I	8.60	.70	.90		.07
GROUP II	8.75	.70	.90		.07
GROUP III	8.775	.70	.90		.07
GROUP IV	8.825	.70	.90		.07
GROUP V	8.875	.70	.90		.07
GROUP VI	8.85	.70	.90		.07
GROUP VII	9.075	.70	.90		.07

DECISION NO. NY77-3000

LABORERS DEFINITIONS (REHABILITATION WORK ON RESIDENTIAL STRUCTURES OVER 4 STORIES, DEFINED TO INCLUDE ALL WORK, INCLUDING DEMOLITION, REPAIR AND ALTERATION ON ANY EXISTING STRUCTURE WHICH IS INTENDED FOR PREDOMINATLY RESIDENTIAL USE)

GROUP I
Laborers

GROUP II
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer operator, well pointing, all or gas driven tools, concrete vibrators, power driven buggies

GROUP III
Form setters (curb)

GROUP IV
Wagon drill operator

GROUP V
Acetylene burners

GROUP VI
Demolition

GROUP VII
Blasters

LABORERS DEFINITION (BUILDING CONSTRUCTION)

GROUP I
Laborers

GROUP II
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer operator, well pointing, all air or gas driven tools concrete vibrators, power driven buggies

GROUP III
Form setters (curb)

DECISION NO. NY77-3000

LABORERS DEINITIONS (BUILDING CONSTRUCTION) CONT'D

GROUP IV
Wagon drill operator

GROUP V
Acelytene burners

GROUP VI
Demolition

GROUP VII
Blasters

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Saratoga (Remainder of County), Rensselaer and Schenectady					
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION:					
GROUP I	7.84	.70	.85	a	.05
GROUP II	8.04	.70	.85	a	.05
GROUP III	8.24	.70	.85	a	.05
GROUP IV	8.44	.70	.85	a	.05

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I
Laborers and driller helpers

GROUP II
Concrete aggregate bin, mortar mixer, hand or machine vibratoe gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper pipelayers

GROUP III
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator

GROUP IV
Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C. Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

DECISION NO. NY77-3000	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
Albany County, Saratoga County: twps of Day, Hadley, Edenbug, Corinth, Moreau, S. Glen Falls, Providence, Greenfield, Wilton Northumberland, Galway, Milton, Saratoga Springs, Charlton, Bellston, Malta, Clifton Park					
CLASS A	7.64	.80	.95	a	.05
CLASS B	7.84	.80	.95	a	.05
CLASS C	8.04	.80	.95	a	.05
CLASS D	8.24	.80	.95	a	.05

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D
Blasters, form setters, stone or granite curb setters

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

DECISION NO. NY77-3000	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION: Albany County, Rensselaer County, Saratoga County and Schenectady County					
GROUP I	9.99	.85	.60	a	.10
GROUP II	10.06	.85	.60	a	.10
GROUP III	10.17	.85	.60	a	.10
GROUP IV	10.36	.85	.60	a	.10
GROUP V	10.69	.85	.60	a	.10
GROUP VI	10.84	.85	.60	a	.10
GROUP VII	11.02	.85	.60	a	.10

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

GROUP I
Oilers

GROUP II
Firemen and heavy duty greasers, all boilers and steam generators

GROUP III
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP IV
Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, buildozers, road rollers, form fine graders, power brooms and sweepers

GROUP V
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

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POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION CONT'D

GROUP VI
LeTourneau graders or scrapers, trenching machines, push cart

GROUP VII
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-belt-crete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Albany County: Excluding the City of Albany, Rensselaer County Excluding the City of Troy, Saratoga County: Entire County, Schenectady County: Excluding the City of Schenectady					
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY CONSTRUCTION:					
GROUP I	10.15	.90	.60	a	.15
GROUP II	9.82	.90	.60	a	.15
GROUP III	9.10	.90	.60	a	.15
GROUP IV	8.27	.90	.60	a	.15

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I
Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over) head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel, cableway, caisson auger, central mix concrete plant (automated)

GROUP II
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrig-eration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III
A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 Ft.), gunite machine, Hammers (hydraulic-self-propelled), post hole digger and post driver,power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with tower acces-sories, vibratory compactor, vibro tamp, well point

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP IV
Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination) concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet-(concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cities of Albany, Troy and Schenectady					
POWER EQUIPMENT OPERATORS, HEAVY AND HIGHWAY CONSTRUCTION:					
GROUP I	10.05	1.00	.60	a	.15
GROUP II	9.72	1.00	.60	a	.15
GROUP III	9.00	1.00	.60	a	.15
GROUP IV	8.17	1.00	.60	a	.15

Cities of Albany, Troy and Schenectady

HEAVY AND HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I
Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over) head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel, cableway, caisson auger, central mix concrete plant (automated)

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP II
Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrig-eration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III
A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver,power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with tower acces-sories, vibratory compactor, vibro tamp, well point

GROUP IV
Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination) concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet-(concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

DECISION NO. NY77-3000

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS 1	8.04	.65	.70	a	
CLASS 2	8.09	.65	.70	a	
CLASS 3	8.14	.65	.70	a	
CLASS 4	8.29	.65	.70	a	
CLASS 5	8.44	.65	.70	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment where not self loaded, and straddle (ross) carrier

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not elf loaded

DECISION NO. NY77-3000

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTIES: Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers

DECISION NO.: OK77-4087 DATE: Date of Publication
Supersedes Decision No. OK76-4186 dated November 19, 1976 in 41 FR 51359.
DESCRIPTION OF WORK: Building Construction, (but does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-Stonemasons:					
Tulsa, Delaware, Ottawa, Craig and Rogers Counties	9.74	.30	.40	.33	.06
Mayes County	9.36	.45	.40		.04
CARPENTERS:					
Area I	8.78	.35	.65		.05
Area II	8.12	.33	.30		
MILLWRIGHTS-Piledrivermen:					
Area I	9.08	.35	.65		.05
Area II	8.37	.33	.30		

CARPENTERS-MILLWRIGHTS-PILEDRIVERMEN AREA DEFINITIONS
AREA I - Tulsa, Creek, Craig, Rogers and Mayes Counties.
AREA II - Delaware and Ottawa Counties.

CEMENT MASONS:					
Cement masons	9.28		.40		.06
Power tool operator	9.53		.40		.06
ELECTRICIANS:					
Electricians	9.65	.46	1%+.40	.30	.07
Cable splicers	9.90	.46	1%+.40	.30	.07
ELEVATOR CONSTRUCTORS	9.66	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPER	70%JR	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPER (Probationary 6 months)	50%JR				
GLAZIERS:					
Area I	8.42	.40	.30		.01
Area II	8.05			.25	

GLAZIERS AREA DEFINITIONS
AREA I - Tulsa, Creek, Mayes, and Roger Counties.
AREA II - Craig, Delaware and Ottawa Counties

IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group I	6.90	.25	.30		
Group II	7.20	.25	.30		
Group III	7.30	.25	.30		
Group IV	7.75	.25	.30		

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LABORERS CLASSIFICATION DEFINITIONS

Group I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures; cleaning when the man is directly tenders; and common laborers.

Group II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers work; concrete grader.

GROUP III - Wagon drill operator
GROUP IV - Powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 8.65		.30		.01
LINE CONSTRUCTION:					
Linemen	9.35		1%		1/2%
Cable splicers	9.91		1%		1/2%
Hole digger operator	8.49		1%		1/2%
Heavy Equipment operator (Pole or Cat Equivalent)	8.49		1%		1/2%
Jack Hammerman	7.00		1%		1/2%
Line truck driver (winch op.)	7.68		1%		1/2%
Powderman	8.49		1%		1/2%
Groundman	6.24		1%		1/2%
Truck driver (flat bed ton and half and under)	6.66		1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Craig, Ottawa and Delaware Counties):					
Brush, roller, tapers, paperhangers	$ 7.92		.30		
Spray, steamclean, snadblast, and pot tenders	8.295		.30		
PAINTERS (Tulsa, Creek, Rogers and Mayes Counties):					
Brush	8.55		.25	.85	.02
Highwork and stage	8.95		.25	.85	.02
Spray and sandblasting	8.95		.25	.85	.02
Hot or bituminous	9.85		.25	.85	.02
Sheetrock handtools	8.55		.25	.85	.02
Sheetrock power tools	8.90		.25	.85	.02
Hazardous work	10.75		.25	.85	.02
PIPEFITTERS	10.47	.45	.55		.08
PLASTERERS	9.15				.01
PLUMBERS	10.57	.35	.55		.08
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VP	8.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (booms 30' and over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook and overhead monorail, whirley, panel board batch plant operator, piledriver engineer, draglines, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10,15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type.
GROUP VI - Locomotive engineer, boring machine, tug boat, mixer-18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, tele-cat and similar equipment, generator plant engineer diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines.
ENGINEER FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.
GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	8.40	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SOFT FLOOR LAYERS	7.71		.25	.70+b	.03
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS' & Tile Layers helper	7.70				
TERRAZZO WORKERS' Helpers floor machine operator	7.80				
TERRAZZO WORKERS' Helpers base machine operator	8.00				
TILE LAYERS	9.29		.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (DELAWARE COUNTY)					
Group I	$7.55				
Group II	7.65				
Group III	7.75				
Group IV	7.70				
Group V	7.85				

DELAWARE COUNTY - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Pick-up 1½ tons, or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tourner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready mix concrete trucks up to but not including 5 yards
GROUP V - Ready mix concrete trucks 5 yards and over

TRUCK DRIVERS: (TULSA, CREEK, CRAIG, OTTAWA, MAYES AND ROGERS COUNTIES)							
Group I	7.68						
Group II	7.73						
Group III	7.83						
Group IV	7.83						
Group V	7.83						

TULSA, CREEK, CRAIG, OTTAWA, MAYES AND ROGERS COUNTIES - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group I - Truck drivers, including pick-up, 1½ tons or 2½ yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.
Group II - 3 tons or 4 yards up to but not including 4 tons or 6 yards.
Group III - 5 tons or 6 yards and over including heavy equipment.
Group IV - Ready mix concrete truck
Group V - Tractor-trailer and similar equipment

FOOTNOTES:
a - 1st 6 mos. none; 6 mos. to 5 yrs. - 2%; over 5 years - 4% of basic hourly rate.
b - Paid Holidays - A through F
PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Wagoner
DECISION NO.: OK77-4088 DATE: Date of Publication
Supersedes Decision No. OK76-4189 dated November 26, 1976 in 41 FR 52278.
DESCRIPTION OF WORK: Building Construction, (but does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	9.36	.45	.40		.04
CARPENTERS:					
Carpenters	8.25	.35	.55		.06
Millwrights-Piledrivermen	8.75	.35	.55		.06
CEMENT MASONS:					
Zone I - That portion of Wagoner county on a diagonal line from the northeast corner of Okmulgee to the Southeast corner of Mayes	9.28		.40		.10
Zone II - Remainder of Wagoner Co.	8.55				
ELECTRICIANS:					
Zone I					
Electricians	9.73	.60	1%		1/2%
Cable splicers	10.03	.60	1%		1/2%
Zone II					
Electricians	10.13	.60	1%		1/2%
Cable splicers	10.43	.60	1%		1/2%
Zone III					
Electricians	9.65	.46	1%+.40	.30	.07
Cable splicers	9.90	.46	1%+.40	.30	.07
GLAZIERS	8.42	.40	.30		.01
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group I - Construction laborers	8.10	.25	.30		
Group II - Mason tenders, mortar mixers, sewer drain; tile layers; machine tool operators	8.40	.25	.30		
Group III - Powdermen (make-up) wagon drill operator	6.60	.25	.30		

ELECTRICIANS - CABLE SPLICERS ZONE DEFINITIONS

Blue Mount, Coweta, Gatesville, Shannon, Tullahassee, Porter and Stone Bluff Townships.
Zone I - A 20 mile radius from the Post Office in Muskogee
Zone II - That area outside zone I
Zone III - Adams, Creek, Lone Star and Shahan Townships Only

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$ 9.35		1%		1/2%
Cable splicers	9.91		1%		1/2%
Hole digger operator	8.49		1%		1/2%
Heavy equipment operator for pole cat equivalent)	8.49		1%		1/2%
Line truck driver (winch operator)	7.[illegible]		1%		1/2%
Jack hammerman	7.0[illegible]		1%		1/2%
Powderman	8.49		1%		1/2%
Groundman	6.24		1%		1/2%
Truck driver (flat bed, ton and half and under)	6.66		1%		1/2%
PAINTERS:					
Brush and roller	7.45		.40	.20	.07
Highwork and stage	7.85		.40	.20	.07
Sandblasting	8.10		.40	.20	.07
Spray painting	8.10		.40	.20	.07
Hot or bituminous	8.75		.40	.20	.07
Hazardous work	9.65		.40	.20	.07
Sheetrock power tools	7.80		.40	.20	.07
PLUMBERS-Steamfitters	10.60	.40	.80		.15
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.45	.50		.12
Group II	9.85	.45	.50		.12
Group III	9.60	.45	.50		.12
Group IV	9.35	.45	.50		.12
Group V	9.10	.45	.50		.12
Group VI	9.85	.45	.50		.12
Group VII	8.45	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. of more (as rates by mfg.), sideboom (booms 30' and over(, guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook and overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clam-shell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fordson tractor or like equipment with h[illegible] or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21, & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6 air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pumps, battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operating engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continuous belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on larg whirleys when and if required, operator for rotary drilling machines when operated from console or machines

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS

GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 8.80	.45	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS:					
Group I	8.03				
Group II	8.13				
Group III	8.23				
Group IV	8.18				
Group V	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITION

Group I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
Group II
3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers.
GROUP IV
Ready-mix concrete trucks up to but not including 3 yards
GROUP V
Ready-mix concrete trucks 3 yards and over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: West Virginia
COUNTY: Statewide
DECISION NO.: WV77-3051
DATE: Date of Publication
Supersedes Decision No. WV77-3024, dated February 18, 1977, in 42 FR 10272.
DESCRIPTION OF WORK: Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS & STONEMASONS:					
AREA 1	$ 9.92	.65	.75		
AREA 2	9.45	.50	.50	a + .53	.03
AREA 3	9.63	.60	6%		.02
AREA 4	9.93	.50	.25		.02
AREA 5	11.04	.30	.30		
AREA 6	9.65	.60			
AREA 7	9.79		.40		
AREA 8	8.70				

AREAS COVERED BY BRICKLAYERS & STONEMASONS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Putnam, Raleigh & Summers Counties.
AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 3 - Marshall, Ohio, Tyler & Wetzel Counties.
AREA 4 - Brooke & Hancock Counties.
AREA 5 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
AREA 7 - Berkeley, Hampshire, Jefferson, Mineral & Morgan Counties.
AREA 8 - McDowell, Mercer, Monroe & Wyoming Counties

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:						
AREA 1	$ 8.80	8.63	.35	.35		.02
AREA 2	8.70	8.53	.35	.35		.02

Carpenters working inside tunnel shall receive an additional 25¢ per hour.

AREAS COVERED BY CARPENTERS

AREA 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Heavy Construction	$ 9.27	.25			
Highway Construction	9.09	.25			
ELECTRICIANS:					
AREA 1					
Wiremen	11.35	.50	1% + .07	.02	.04
Cable splicers	12.46	.50	1% + .07	.02	.04
AREA 2					
Contracts $15,000 or less:					
Wiremen	7.05	.50	1% + .12	.77	.06
Cable splicers	7.35	.50	1% + .12	.77	.06
Contracts over $15,000:					
Wiremen	9.95	.50	1% + .12	.77	.06
Cable splicers	10.25	.50	1% + .12	.77	.06
AREA 3					
Wiremen	9.10	.50	1% + .53	1.17	.03
Cable splicers	10.01	.50	1% + .53	1.17	.03
AREA 4					
Wiremen	9.90	.50	1% + .32	1.02	.04
Cable splicers	10.15	.50	1% + .32	1.02	.04

ELECTRICIANS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 5					
Wiremen	$12.00	6%	7%	8%	½ of 1%
Cable splicers	12.40	6%	7%	8%	½ of 1%
AREA 6					
Contracts under $12,000:					
Wiremen	5.50	.50	1% + 1.02	1.27	.02
Contracts $12,000 or more:					
Wiremen	8.85	.50	1% + 1.02	1.27	.02
Cable splicers	9.00	.50	1% + 1.02	1.27	.02
AREA 7					
Wiremen	9.75	.50	1% + 1.02	1.02	.04
Cable splicers	10.00	.50	1% + 1.02	1.02	.04
AREA 8					
Wiremen	10.37	.50	1% + .47	1.02	.04
Cable splicers	10.89	.50	1% + .47	1.02	.04
AREA 9					
Wiremen	10.82	.50	1% + .47	1.02	.04
Cable splicers	11.36	.50	1% + .47	1.02	.04
AREA 10					
Wiremen	10.57	.50	1% + .47	1.02	.04
Cable splicers	11.10	.50	1% + .47	1.02	.04
AREA 11					
Wiremen	10.15	.50	1% + .25		1%
AREA 12					
Wiremen	10.35	.50	1% + .25		1%
AREA 13					
Wiremen	10.55	.50	1% + .25		1%
*AREA 14					
Wiremen	8.51	.30	1%		½ of 1%
Cable splicers	8.91	.30	1%		½ of 1%

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 15					
Contracts $15,000 or less:					
Wiremen	$ 7.35	.50	1% + .12	.77	.06
Cable splicers	7.65	.50	1% + .12	.77	.06
Contracts over $15,000:					
Wiremen	10.25	.50	1% + .12	.77	.06
Cable splicers	10.55	.50	1% + .12	.77	.06
AREA 16					
Contracts $15,000 or less:					
Wiremen	7.55	.50	1% + .12	.77	.06
Cable splicers	7.85	.50	1% + .12	.77	.06
Contracts over $15,000:					
Wiremen	10.45	.50	1% + .12	.77	.06
Cable splicers	10.75	.50	1% + .12	.77	.06
AREA 17					
Contracts under $30,000:					
Wiremen	6.25	.50	1%		3/4 of 1%
Contracts $30,000 or more:					
Wiremen	9.65	.50	1%		3/4 of 1%

AREAS COVERED BY ELECTRICIANS

AREA 1 - Boone, Braxton, Calhoun, Clay, Fayette (Falls & Kanawha Townships only), Gilmer, Kanawha, Nicholas, Putnam, Raleigh (Clear Fork & Marsh Fork Townships only), Roane & Webster Counties.
AREA 2 - Raleigh (remainder of county) County.
AREA 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
AREA 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.
AREA 5 - Brooke (except Buffalo Twp) & Hancock Counties.
AREA 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
AREA 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
AREA 8 - Cabell & Wayne Counties.
AREA 9 - Logan, Mason & Mingo Counties.
AREA 10 - Lincoln County.
AREA 11 - Mineral County.
AREA 12 - Berkeley, Hampshire & Morgan Counties.
AREA 13 - Grant County.
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.
AREA 15 - Fayette (remainder of county) County.
AREA 16 - Summers & Wyoming Counties.
AREA 17 - Hardy, Jefferson & Pendleton Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
IRONWORKERS:					
AREA 1	$10.42	.75	.85		.05
AREA 2	10.63	.60	.75		.03
AREA 3	10.17	.75	.85		.01
AREA 4					
Zone 1 - 10 miles from Union Hall	10.26	.65	.70		.01
Zone 2 - 10 to 15 miles from Union Hall	10.41	.65	.70		.01
Zone 3 - 15 to 20 miles from Union Hall	10.51	.65	.70		.01
Zone 4 - 20 to 25 miles from Union Hall	10.61	.65	.70		.01
AREA 5	9.84	.60	.90		
AREA 6	9.55	.60	.65		.03

AREAS COVERED BY IRONWORKERS

AREA 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties.
AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
AREA 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties.
AREA 4 - Cabell, Mingo & Wayne Counties.
AREA 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties.
AREA 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

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	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr
LABORERS:						
GROUP 1	$ 8.48	$ 8.32	.35	.35		.03
GROUP 2	8.07	7.92	.35	.35		.03
GROUP 3	7.75	7.58	.35	.35		.05
GROUP 4	7.44	7.28	.35	.35		.03
GROUP 5	7.19	6.98	.35	.35		.03
GROUP 6	6.69	6.51	.35	.35		.03

All classifications who are required to work in open vehicle drawn manholes and manholes that are 6' or more in depth shall receive 15¢ per hour above their regular rate of pay.

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner.
GROUP 2 - Powderman, Mucker-Chucker.
GROUP 3 - Caison bttom man, Pipe Layer (including Laser Beam Set-up), Form setter (road), Drill Operator and Inside Laborer.
GROUP 4 - Airtool Operator, Vibrator Man, Whacker, Chainsaw Operator, Mortarman, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Heler, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Bullfloat Man, Pavement Reinforcing Placer, Handyman, Signal Man, Asphalt Raker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Blower Man.
GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer, Flagman.
GROUP 6 - Watchman

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
AREA 1					
Linemen & operators (all mechanized equipment)	$10.48	.45	1% + .42	1.02	½ of 1%
Cable splicers	11.53	.45	1% + .42	1.02	½ of 1%
Groundmen	8.38	.45	1% + .42	1.02	½ of 1%
AREA 2					
Linemen & operators (all mechanized equipment)	10.00	.45	1% + .12	.77	½ of 1%
Cable splicers	10.30	.45	1% + .12	.77	½ of 1%
Groundmen	8.00	.45	1% + .12	.77	½ of 1%
AREA 3					
Linemen & operators (all mechanized equipment)	9.80	.45	1% +1.02	1.02	½ of 1%
Cable splicers	10.78	.45	1% +1.02	1.02	½ of 1%
Groundmen	7.84	.45	1% +1.02	1.02	½ of 1%
AREA 4					
Linemen & operators (all mechanized equipment)	9.10	.50	1% + .53	1.17	½ of 1%
Cable splicers	10.01	.50	1% + .53	1.17	½ of 1%
Groundmen	7.28	.50	1% + .53	1.17	½ of 1%
AREA 5					
Linemen & operators (all mechanized equipment)	9.90	.50	1% + .32	1.02	½ of 1%
Cable splicers	10.15	.50	1% + .32	1.02	½ of 1%
Groundmen	7.92	.50	1% + .32	1.02	½ of 1%
AREA 6					
Linemen & operators (all mechanized equipment)	10.80	5%	6%	8%	½ of 1%
Cable splicers	11.20	5%	6%	8%	½ of 1%
Groundmen	7.02	5%	6%	8%	½ of 1%
AREA 7					
Linemen & operators (all mechanized equipment)	9.40	.50	1% +1.02	1.27	½ of 1%
Cable splicers	10.34	.50	1% +1.02	1.27	½ of 1%
Groundmen	7.52	.50	1% +1.02	1.27	½ of 1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
LINE CONSTRUCTION (CONT'D):					
AREA 8					
Linemen	$ 10.15	.50	1% + .25		½ of 1%
Equipment operators	9.64	.50	1% + .25		½ of 1%
Truck drivers, groundmen	6.60	.50	1% + .25		½ of 1%
AREA 9					
Linemen	10.35	.50	1% + .25		½ of 1%
Equipment operators	9.84	.50	1% + .25		½ of 1%
Truck drivers, groundmen	6.80	.50	1% + .25		½ of 1%
AREA 10					
Linemen	10.55	.50	1% + .25		½ of 1%
Equipment operators	10.04	.50	1% + .25		½ of 1%
Truck drivers, groundmen	7.00	.50	1% + .25		½ of 1%
AREA 11					
Linemen, cable splicers & equipment operators	12.11	.45	1%		½ of 1%
Truck with winch, pole or steel handling	7.43	.45	1%		½ of 1%
Groundmen	7.17	.45	1%		½ of 1%
AREA 12					
Linemen & operators (all mechanized equipment)	10.30	.45	1% + .12	.77	½ of 1%
Cable splicers	10.60	.45	1% + .12	.77	½ of 1%
Groundmen	8.24	.45	1% + .12	.77	½ of 1%
AREA 13					
Linemen & operators (all mechanized equipment)	10.50	.45	1% + .12	.77	½ of 1%
Cable splicers	10.80	.45	1% + .12	.77	½ of 1%
Groundmen	8.40	.45	1% + .12	.77	½ of 1%
AREA 14					
Linemen	8.66	.35	1%		½ of 1%
Cable splicers	9.06	.35	1%		½ of 1%
Equipment operators	7.45	.35	1%		½ of 1%
Trucks with earth boring auger	6.06	.35	1%		½ of 1%
Trucks with winch, groundmen	4.76	.35	1%		½ of 1%

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AREAS COVERED BY LINE CONSTRUCTION

AREA 1 - Boone, Braxton, Cabell, Calhoun, Clay, Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Roane, Wayne & Webster Counties.
AREA 2 - Raleigh County.
AREA 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
AREA 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
AREA 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties.
AREA 6 - Brooke (except Buffalo Twp.) & Hancock Counties.
AREA 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
AREA 8 - Mineral County.
AREA 9 - Berkeley, Hampshire & Morgan Counties.
AREA 10 - Grant County.
AREA 11 - Hardy, Jefferson & Pendleton Counties.
AREA 12 - Fayette County.
AREA 13 - Summers & Wyoming Counties.
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
AREA 1					
Painters -					
An area within 50 miles of Huntington, W.V.	$ 7.42	.30	.35		.02
An area 50 miles and beyond of Huntington, W.V.	8.67	.30	.35		.02
Structural Steel -					
An area within 50 miles of Huntington, W.V.	8.53	.30	.35		.02
An area 50 miles and beyond of Huntington, W.V.	9.77	.30	.35		.02
Bridge & Hazardous Work (includes towers, smoke stacks, flag poles & tanks)					
An area within 50 miles of Huntington, W.V.	9.24	.30	.35		.02
An area 50 miles and beyond of Huntington, W.V.	10.49	.30	.35		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Appr. Tr.
AREA 2					
Brush-roller	$ 8.50				
Liming machine work, power cleaning tools	$ 9.00				
Spray, sandblasting, mittens, structural steel, materials emitting toxic vapors	10.00				
Height Clause: An additional $ 1.00 per hour per 100' over the appropriate scale.					
AREA 3					
Painters	8.40	.50	.20	.30	
Structural steel after erection	9.25	.50	.20	.30	
Bridge painting	9.15	.50	.20	.30	
Spray painters	9.40	.50	.20	.30	
Towers, tanks & stacks	9.65	.50	.20	.30	
Repaint industrial & structural steel	8.50	.50	.20	.30	
Sand blasters	10.25	.50	.20	.30	
Swing & boatswain chair	8.75	.50	.20	.30	
AREA 4					
New Construction:					
Brush	9.16		.30		.01
Roller	9.42		.30		.01
Spray & Blast, Pot-Men	10.18		.30		.01
Repaint Work					
Brush	7.74		.30		.01
Roller	8.02		.30		.01
Spray-Pot-Men	10.18		.30		.01
Bridge					
Brush	9.86		.30		.01
Roller	10.11		.30		.01
Spray, Blast, Glove	10.86		.30		.01
Open structural steel	9.51		.30		.01
Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high	10.11		.30		.01

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	NEW	REPAINT	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
PAINTERS:						
AREA 5						
Brush	$ 8.14	$ 7.32				
Air Compressor Operator	8.14	7.32				
Roller, Spray, Dipping & Mitten Work	8.46	7.68				
Water blasters, Steam jenny nozzle men, swinging scaffold & Boatswain chair, window belt & window jack work	8.99	8.43				
Brush painters on bridges needle beam, cable work power tool work, brush & flame cleaning	9.37	8.86				
Sand blaster	9.70	9.12				
All stacks, vent pipes, flag poles, in excess of 30' high, all towers, water towers, elevated tanks, electrical switch yards, transformer banks, television towers	10.65	10.25				
Spray painter or sandblaster on bridges needle beam cable work	9.70	9.12				

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PAINTERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 6					
Brush & roller	$ 6.42	.50			.01
Glove	6.67	.50			.01
Spray & sandblast	7.42	.50			.01
Heavy Construction:					
Glove & roller	7.75	.50			.01
Structural steel, locks & dams brush	7.50	.50			.01
Spray & sandblast	8.50	.50			.01
Towers & tanks over 35'	8.74	.50			.01
Railroad & Highway Bridges:					
Brush	7.74	.50			.01
Glove & roller	7.99	.50			.01
Spray & sandblast	8.74	.50			.01
AREA 7					
Brush & roller	6.20	.50	.40		
Spray	7.20	.50	.40		
AREA 8					
Light Work					
Brush, rollers, sign painting	9.10		.25		
Brush & rollers (toxic materials)	9.60		.25		
Spray, sandblasting & use of flame burning & power tools	10.10		.25		
Spray (toxic materials)	10.60		.25		
Heavy & Hazardous Work:					
Brush & sign painting	10.10		.25		
Brush (toxic materials)	10.60		.25		
Spray, rollers, sandblasting, & use of flame burning & power tools	11.10		.25		
Spray & roller (toxic materials)	11.60		.25		

AREAS COVERED BY PAINTERS

AREA 1 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
AREA 2 - Monongalia & Preston Counties.
AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 4 - Calhoun, Jackson, Pleasants, Ritchie, Roa , Tyler, Wirt & Wood Counties.
AREA 5 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.
AREA 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
AREA 7 - Brooke (remainder of county), & Hancock Counties.
AREA 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN - HEAVY CONSTRUCTION:					
AREA 1	$ 9.98	.35	.35		.02
AREA 2	9.88	.35	.35		.02
AREA 3	10.60	5%	10%		1%

AREAS COVERED BY PILEDRIVERMEN
HEAVY CONSTRUCTION

AREA 1 - Cabell, Harrison, Jackson, Kanawha, Lewis, Marion, Mason, Pleasants, Preston, Putnam, Tyler, Wayne & Wood Counties.
AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.
AREA 3 - Brooke, Hancock, Marshall, Monongalia, Ohio & Wetzel Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
PILEDRIVERMEN - HIGHWAY CONSTRUCTION:					
AREA 1	$ 8.95	.35	.35		.02
AREA 2	8.85	.35	.35		.02

AREAS COVERED BY PILEDRIVERMEN
HIGHWAY CONSTRUCTION

AREA 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
AREA 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
AREA 1	$ 9.69	.40	7%	10%	.05
AREA 2	10.46	.50	7%	8%	.05
AREA 3	9.65	.45	.55	10%	.04
AREA 4	9.90	.45	.55	10%	.04
AREA 5	10.23	.40	.50		
AREA 6					
Plumbers	9.78	.45	.30		.05
Steamfitters	9.82	.45	.15		.05
AREA 7					
Zone 1 - within 8 mile radius of Cabell Co. Courthouse	10.58	.50	1.00		.02
Zone 2 - 8 to 15 miles from the Courthouse	10.78	.50	1.00		.02
Zone 3 - 15 to 25 miles from the Courthouse	10.98	.50	1.00		.02
Zone 4 - Over 25 miles from the Courthouse	11.23	.50	1.00		.02

PLUMBERS & PIPEFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 8					
Contracts $75,000 or less	$ 7.55	.45	.40		.09
Contracts over $75,000	9.62	.45	.40		.09
AREA 9	10.15	.45	.55	10%	.04
AREA 10	10.40	.45	.55	10%	.04
AREA 11	7.82	.60	.80	d	

AREAS COVERED BY PLUMBERS & PIPEFITTERS

AREA 1 - Brooke (sduth of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
AREA 2 - Brooke (remainder of county), & Hancock Counties.
AREA 3 - Harrison, Marion & Monongalia Counties.
AREA 4 - Barbour, Doddridge, Lewis, Taylor & Upshur Counties.
AREA 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Ritchie, Roane (northern portion to but not including the Town of Spencer), Tyler, Wirt & Wood Counties.
AREA 6 - Boone (northeast portion including the Towns of Madison & Whitesville), Braxton (southern portion up to but not including the Town of Sutton), Clay, Fayette, Greenbrier, Jackson (remainder of county), Kanawha, Nicholas, Pocahontas, Putnam, Roane (remainder of county), Summers & Webster (southern portion up to but not including the Town of Webster Springs) Counties.
AREA 7 - Boone (remainder of county), Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
AREA 8 - McDowell, Mercer, Monroe, Raleigh & Wyoming Counties.
AREA 9 - Braxton (remainder of county), Gilmer, Randolph, Tucker & Webster (remainder of county) Counties.
AREA 10 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.
AREA 11 - Berkeley, Jefferson & Morgan Counties.

	HEAVY	HIGHWAY	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:						
GROUP 1	$ 9.63	$ 9.49	.45	.55		.04
GROUP 2	8.83	8.66	.45	.55		.04
GROUP 3	8.09	7.92	.45	.55		.04
GROUP 4	7.85	7.68	.45	.55		.04
GROUP 5	7.52	7.35	.45	.55		.04
GROUP 6	7.20	7.03	.45	.55		.04
GROUP 7	8.41	8.25	.45	.55		.04

All classifications performing tunneling and all other underground work shall receive an additional 25c per hour.

CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

GROUP 1 - Equipment with booms of 150 and/or capacity of 3 yards and over, or 50 tons or over, front end loader with capacity of 4 yards and over, capacities to be based on manufacturer's specifications. transloader.
GROUP 2 - Cable way, crane, derrick (2 drums or more) derrick boat, dragline, dredge, gradall, hoist (2 drums or more) mechanic (heavy), mixer plant (2 or more mixers including batch control), paver (dual drums), pile driver, shovel, side boom tractor, cone drill, operator trencher (20" or over), truck crane, back hoe, hi-lift (1½ cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard guage locomotive, tug boat, concrete pump, controlled fine grade machine.
GROUP 3 - Bulldozer, derrick (single drum), hi-lift (under 1½ cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier, "A" frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, and horizontal road boring machine.
GROUP 4 - Concrete mixer (single drum), one cubic yard or over fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self-propelled power concrete spreader, sub-grader, power form handling equipment, burlap and curing machine, concrete finishing machine, form grader, bull float, portable concrete saw, roller and compactor, bar and joint installing machine.
GROUP 5 - High pressure fireman and tireman.
GROUP 6 - Air compressor, concrete mixer (under 1 cubic yard), conveyor-belt or bucket, light plant, narrow guage locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor, joint sealer and pump.
GROUP 7 - Group 6 operating up to 5 pieces of utility equipment.

DECISION NO. WV77-3051

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:						
GROUP 1	$ 7.37	$ 7.16	b	c		
GROUP 2	7.52	7.38	b	c		
GROUP 3	7.77	7.56	b	c		
GROUP 4	8.12	7.91	b	c		
GROUP 5	8.13	7.99	b	c		
GROUP 6	8.37	8.16	b	c		
GROUP 7	8.58	8.31	b	c		
GROUP 8	8.60	8.39	b	c		

All classifications performing tunneling and all other underground work shall receive an additional 25c per hour.

CLASSIFICATION DEFINITIONS TRUCK DRIVERS

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up.
GROUP 2 - Single axle trucks used as dump, supply, fuel, water, van, flatbody, monorail, distributor, (other than bituminous distributors), and including towed single units-material checkers, material receivers, Team 4-Up, greasers, tiremen and mechanic helpers (trucks).
GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van flatbody, monrail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, off highway near dump - to 22 tons-agitator or mixer trucks (up to and including 5 c.y.).
GROUP 4 - Rubber tired tractors (towing or pushing).
GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.), off highway near dump - 23 tons to 40 tons - mucker trucker.
GROUP 6 - Agitator or mixer trucks (over 20 c.y.), off highway near dump 40 tons to 75 tons.
GROUP 7 - "A" frame operator.
GROUP 8 - Mechanics (truck), off highway near dump - over 75 tons.

FOOTNOTES:

a. Paid Holiday - Christmas Day.

b. Employers contribute $58.50 per month per employee employed 30 days or more.

c. Employers contribute $60.67 per month per employee employed 30 days or more.

d. Paid Holidays - New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; & Christmas Day.

[FR Doc.77-12080 Filed 4-28-77;8:45 am]

federal register

FRIDAY, APRIL 29, 1977
PART IX



DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Additional System of Records

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given that the Department of Agriculture, in accordance with 5 U.S.C. 552a(e) (4) and (11), intends to adopt the notice of an additional system of records set forth below. Although the Privacy Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of this notice.

Interested persons may submit written comments on this notice to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before May 31, 1977. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Ave., S.W.

This additional notice will be adopted without further publication as set forth below thirty days after the date of its publication in the Federal Register (May 31, 1977) unless modified by a subsequent notice to incorporate comments received from the public.

USDA/FCIC-5

System name: Rejected Applications, USDA/FCIC

System location: Regional Offices located in: Fresno, California; Indianapolis, Indiana; Des Moines, Iowa; Manhattan, Kansas; St. Paul, Minnesota; Jackson, Mississippi; Billings, Montana; Lincoln, Nebraska; Raleigh, North Carolina; Bismarck, North Dakota; Columbia, South Carolina; Nashville, Tennessee; College Station, Texas; and Spokane, Washington. Also individual offices for the county of the Federal Crop Insurance Corporation. The address of each field office may be obtained from the local telephone directory under the "United States Government, Department of Agriculture, Federal Crop Insurance Corporation."

Categories of individuals covered by the system: Producers whose applications for insurance have been rejected.

Categories of records in the system: System consists of the rejected application, related materials and correspondence received between the applicant and Federal Crop Insurance Corporation offices.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in the county and regional offices involved.

Retrievability: Records are indexed by individual names and crop years.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during non-duty hours.

Retention and disposal: Records are normally retained for 3 years following the crop year in which the file was prepared. Records for disposal are delivered to custodial services for disposal as waste paper.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the office for the county. The addresses of the individual office for the county may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A request for information pertaining to an individual should contain (1) individual's name and address, (2) state(s), and county(ies) where farm(s) is located and (3) crop year in which application for insurance was rejected.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in this system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from prospective insureds and employees of the Federal Crop Insurance Corporation.

Dated: April 21, 1977

John C. White,
Deputy Secretary.

[FR Doc.77-11941 Filed 4-28-77;8:45 am]



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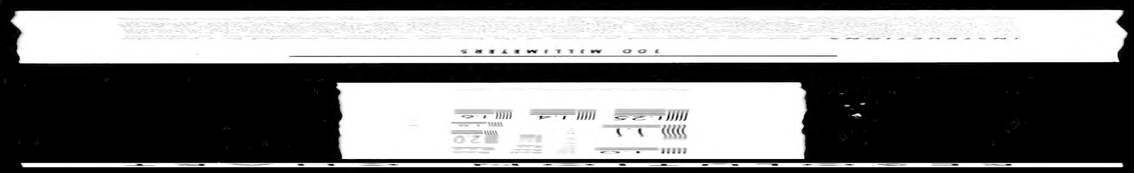
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